

STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

# GENERAL ABSTRACT

**Water Right Number:** 41B 88335-00 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** HUNTLEY, RALPH & SON INC  
PO BOX 115  
WISDOM, MT 59761-0115

BRACY LIVING TRUST  
1470 TERESITA DR  
SAN JOSE, CA 95129-4939

HUNTLEY LAND LLC  
PO BOX 115  
WISDOM, MT 59761-0115

EDWIN R MCDEVITT III  
1600 GROVE AVENUE  
JENKINTOWN, PA 19046

MARYANNE J MCDEVITT  
1600 GROVE AVENUE  
JENKINTOWN, PA 19046

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

**Priority Date:** OCTOBER 31, 1911

**Enforceable Priority Date:** OCTOBER 31, 1911

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Maximum Flow Rate:** 2.46 CFS

THE FLOW RATE OF THIS CLAIM HAS BEEN REDUCED TO 17 GPM PER ACRE. THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

**Maximum Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 65.00

**Source Name:** SPRING, UNNAMED TRIBUTARY OF LONG GULCH

**Source Type:** SURFACE WATER

ALSO KNOWN AS WARM SPRINGS

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSNW	30	8S	9W	BEAVERHEAD

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** DINGLEY DITCH

2		SWNWSE	30	8S	9W	BEAVERHEAD
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** BIRKENBUEL DITCH

**Period of Use:** JANUARY 1 to DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	5.00		SENWSE	19	8S	9W	BEAVERHEAD
2	10.00		SWSE	19	8S	9W	BEAVERHEAD
3	15.00		SWNW	30	8S	9W	BEAVERHEAD
4	5.00		SWNWSE	30	8S	9W	BEAVERHEAD
5	10.00		NESW	30	8S	9W	BEAVERHEAD

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
6	20.00		NWSW	30	8S	9W	BEAVERHEAD
<b>Total:</b>	65.00						

**Geocodes/Valid:** 18-0240-19-4-03-01-0000 - Y 18-0240-30-3-01-01-0000 - Y  
18-0240-30-4-01-01-0000 - Y

**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

88332-00 88333-00 88335-00 210654-00 210656-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 12/15/1983: SOURCE, POINT OF DIVERSION, PLACE OF USE, FLOW RATE, VOLUME, TYPE OF RIGHT, PRIORITY DATE.

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 10/28/1996: POINT OF DIVERSION, PLACE OF USE, PURPOSE, FLOW RATE, PRIORITY DATE.

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/21/2003.

NOTICE OF UNDIVIDED INTEREST, WATER RIGHT OWNERSHIP UPDATE RECEIVED 10/03/2000.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 8717 RECEIVED 04/21/2003.

OWNERSHIP UPDATE TYPE 608 # 36252 RECEIVED 04/21/2006.

OWNERSHIP UPDATE TYPE 608 # 65468 RECEIVED 11/24/2008.

OWNERSHIP UPDATE TYPE DOR # 83758 RECEIVED 10/15/2009.

OWNERSHIP UPDATE TYPE 608 # 83759 RECEIVED 12/21/2009.

OWNERSHIP UPDATE TYPE DOR # 129493 RECEIVED 11/11/2014.

OWNERSHIP UPDATE TYPE DOR # 138103 RECEIVED 12/18/2015.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

IT APPEARS AS THOUGH THE PLACE OF USE IS OWNED BY PARTIES OTHER THAN THE CLAIMANTS, ACCORDING TO MONTANA CADASTRAL DATA (9/9/2008). SEE CLAIM FILE FOR MORE INFORMATION.

IT APPEARS THAT THIS WATER RIGHT MAY HAVE BEEN SEVERED BASED ON OWNERSHIP UPDATE INFORMATION AND CADASTRAL DATA.

THE CLAIMED PERIOD OF USE EXCEEDS THE USUAL PERIOD OF USE FOR THE CLAIMED PURPOSE WHICH IS APRIL 20 TO OCTOBER 10.

USDA AERIAL PHOTOGRAPH NO(S). 879-18 , DATED 09/18/1979 , APPEARS TO INDICATE 18.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). CXM-3FF-69 , DATED 08/01/1965 , APPEARS TO INDICATE 23.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE COMBINED CLAIMED FLOW RATE FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS 68.76 GPM PER ACRE. THE FLOW RATE GUIDELINE FOR INDIVIDUAL CLAIMS IS 17 GPM PER ACRE.