

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:** 76GJ 114391-00 STATEMENT OF CLAIM

**Version:** 2 -- REEXAMINED

**Version Status:** ACTIVE

**Owners:**

LONE MOOSE RESERVE CO  
PO BOX 953  
LIVINGSTON, MT 59047

JOHN M BARBARA  
PO BOX 215  
PHILIPSBURG, MT 59858

SANDRA-LEAH BARBARA  
PO BOX 215  
PHILIPSBURG, MT 59858

D & R OF RUMSEY LLC  
% DANIEL J & ROBERTA KENNEALLY, OWNERS  
4000 HILLSIDE DR  
BUTTE, MT 59701

SPERRY, RAY T & MARIAN C FAMILY REVOCABLE TRUST  
RAY T & MARIAN C SPERRY, CO TRUSTEES  
8918 GOLD DUST TRAIL  
BOZEMAN, MT 59715

DANIEL J KENNEALLY  
4000 HILLSIDE DR  
BUTTE, MT 59701-6652

ROBERTA KENNEALLY  
4000 HILLSIDE DR  
BUTTE, MT 59701-6652

**Priority Date:** DECEMBER 31, 1867

**Enforceable Priority Date:** DECEMBER 31, 1867

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Maximum Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Maximum Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** FRED BURR CREEK

**Source Type:** SURFACE WATER

**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		S2N2	8	6N	13W	GRANITE

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

**Diversion Means:** UNKNOWN

2		N2NW	9	6N	13W	GRANITE
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

**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			S2N2	8	6N	13W	GRANITE
2			N2NW	9	6N	13W	GRANITE

<b>Geocodes/Valid:</b>	46-1476-07-4-01-01-0000 - Y	46-1476-08-1-01-01-MINE - Y
	46-1476-08-1-01-02-MINE - Y	46-1476-08-1-01-04-MINE - Y
	46-1476-08-1-01-05-MINE - Y	46-1476-08-1-01-10-0000 - Y
	46-1476-08-1-01-13-MINE - Y	46-1476-08-2-03-01-0000 - Y
	46-1476-08-2-03-01-MINE - Y	46-1476-08-2-04-01-0000 - Y
	46-1476-08-4-02-01-0000 - Y	46-1476-09-1-01-01-MINE - Y
	46-1476-09-1-01-03-MINE - Y	46-1476-09-1-01-05-MINE - Y

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**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

114391-00 114392-00

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 10/13/93.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 96575 RECEIVED 10/07/2010.

OWNERSHIP UPDATE TYPE DOR # 98719 RECEIVED 08/15/2011.

OWNERSHIP UPDATE TYPE DOR # 135216 RECEIVED 06/09/2014.

OWNERSHIP UPDATE TYPE DOR # 123884 RECEIVED 08/24/2014.

OWNERSHIP UPDATE TYPE DOR # 133426 RECEIVED 07/21/2015.

OWNERSHIP UPDATE TYPE DOR # 135003 RECEIVED 09/10/2015.

THE CLAIMED MEANS OF DIVERSION CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON FRED BURR CREEK WITH A PRIORITY DATE PREDATES CASE NO. 702, GRANITE COUNTY.