

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: 41F 132243-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: BAR MZ RANCH, LLC
PO BOX 33
VIRGINIA CITY, MT 59755

Priority Date: MAY 24, 1960
Enforceable Priority Date: MAY 24, 1960

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 1.15 CFS
Maximum Volume: 133.20 AC-FT
Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 122.80

Source Name: BRADLEY CREEK
Source Type: SURFACE WATER

Source Name: BURNT 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		NWNESE	27	3S	1W	MADISON

Period of Diversion: MAY 1 TO SEPTEMBER 4
Source Name: BRADLEY CREEK
Diversion Means: HEADGATE

2		SWSENE	27	3S	1W	MADISON
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Period of Diversion: MAY 1 TO SEPTEMBER 4
Source Name: BURNT CREEK
Diversion Means: HEADGATE

3		NWSENE	27	3S	1W	MADISON
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Period of Diversion: MAY 1 TO SEPTEMBER 4
Source Name: BURNT CREEK
Diversion Means: HEADGATE

4		NENESE	34	3S	1W	MADISON
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Period of Diversion: MAY 1 TO SEPTEMBER 4
Source Name: BURNT CREEK
Diversion Means: HEADGATE

5		SWNWSW	35	3S	1W	MADISON
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Period of Diversion: MAY 1 TO SEPTEMBER 4
Source Name: BURNT CREEK
Diversion Means: HEADGATE

6		E2SWNE	36	3S	1W	MADISON
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Period of Diversion: MAY 1 TO SEPTEMBER 4
Source Name: BURNT CREEK
Diversion Means: HEADGATE

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	E2SWNE	36	3S	1W	MADISON

Diversion to Reservoir: DIVERSION # 1

Period of Use: MAY 1 to SEPTEMBER 4

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	30.60		NENE	34	3S	1W	MADISON
2	15.20		SENE	34	3S	1W	MADISON
3	6.00		SESESE	27	3S	1W	MADISON
4	24.00		W2W2SW	26	3S	1W	MADISON
5	4.00		NWNESE	27	3S	1W	MADISON
6	3.00		E2SWNE	27	3S	1W	MADISON
7	15.00		W2SENE	27	3S	1W	MADISON
8	25.00		NENE	27	3S	1W	MADISON
Total:	122.80						

Geocodes/Valid: 25-0692-26-3-02-01-0000 - Y 25-0692-27-3-01-01-0000 - Y
 25-0692-34-1-01-01-0000 - 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.

132237-00 132238-00 132239-00 132240-00 132241-00 132242-00 132243-00

AS SPECIFIED IN FINDING OF FACT XVIII AND CONCLUSION OF LAW XI IN CASE NO. 1122, FIFTH JUDICIAL DISTRICT, STATE OF MONTANA, FILED MAY 3, 1912 IT IS NOTED "THAT THE DEFENDENT BESSIE R. HADZOR, IS ENTITLED TO STORE AND COLLECT AND RESERVOIR THE SAID WATERS, SO APPROPRIATED BY HER, IN HER RESERVOIRS AS SET OUT IN FINDING NO. "18" OF THE FINDINGS OF FACT, AND SHE IS ENTITLED TO USE THE SAID WATER IN ONE OR MORE HEADS AND THROUGH ANY OR ALL THE DITCHES ON HER SAID LANDS, SO LONG AS THE USE IN SUCH MANNER DOES NOT INTERFERE WITH THE PRIOR RIGHTS OF THE INTERVENOR, ALEXANDER NORRIS, TO THE USE OF THE WATERS OF BRADLEY CREEK, AS HEREIN FIXED."

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/22/98.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 149627 RECEIVED 07/01/2015.

THE TIMELY FILED OBJECTION OF STEVE JACKSON WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE POINT OF DIVERSION AND MEANS OF DIVERSION. BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

WHEN THIS CLAIM WAS ORIGINALLY DECREED, THE PERIOD OF DIVERSION WAS NOT INCLUDED AS AN ELEMENT OF THE CLAIM. IN 2008, THE PERIOD OF DIVERSION ELEMENT WAS ADDED TO ALL CLAIM ABSTRACTS. IT IS NOT CERTAIN IF THE PERIOD OF DIVERSION DATES ADDED TO THIS CLAIM ACCURATELY REFLECT THE HISTORICAL PERIOD OF DIVERSION. MORE INFORMATION IS REQUIRED.