

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:** 76H 151085-00 STATEMENT OF CLAIM  
**Version:** 2 -- POST DECREE  
**Version Status:** ACTIVE

**Owners:** H BRUCE MACLAY  
17015 OLD HWY 93 S  
FLORENCE, MT 59833  
  
MLIC ASSET HOLDINGS LLC  
MAIL TO: METLIFE AG INVESTMENTS  
10801 MASTIN ST, STE 930  
OVERLAND PARK, KS 66210-1677

**Priority Date:** JUNE 1, 1893  
**Enforceable Priority Date:** JUNE 1, 1893

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION  
**Irrigation Type:** SPRINKLER/FLOOD

**Maximum Flow Rate:** 1.88 CFS

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

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 827.00

**Source Name:** MCCLAIN 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   |                 | SESWNE         | 21         | 11N        | 20W        | MISSOULA      |
| <b>Period of Diversion:</b> MARCH 1 TO NOVEMBER 4 |                 |                |            |            |            |               |
| <b>Diversion Means:</b> HEADGATE                  |                 |                |            |            |            |               |
| 2   |                 | NESWNE         | 21         | 11N        | 20W        | MISSOULA      |
| <b>Period of Diversion:</b> MARCH 1 TO NOVEMBER 4 |                 |                |            |            |            |               |
| <b>Diversion Means:</b> HEADGATE                  |                 |                |            |            |            |               |
| 3   |                 | NWSWNW         | 22         | 11N        | 20W        | MISSOULA      |
| <b>Period of Diversion:</b> MARCH 1 TO NOVEMBER 4 |                 |                |            |            |            |               |
| <b>Diversion Means:</b> HEADGATE                  |                 |                |            |            |            |               |
| 4   |                 | SWSENW         | 22         | 11N        | 20W        | MISSOULA      |
| <b>Period of Diversion:</b> MARCH 1 TO NOVEMBER 4 |                 |                |            |            |            |               |
| <b>Diversion Means:</b> DITCH                     |                 |                |            |            |            |               |
| <b>Ditch Name:</b> SCHMITZ DITCH                  |                 |                |            |            |            |               |
| 5   |                 | SWSWNE         | 22         | 11N        | 20W        | MISSOULA      |
| <b>Period of Diversion:</b> MARCH 1 TO NOVEMBER 4 |                 |                |            |            |            |               |
| <b>Diversion Means:</b> DITCH                     |                 |                |            |            |            |               |
| <b>Ditch Name:</b> UPPER MACLAY DITCH             |                 |                |            |            |            |               |
| 6   |                 | SWSENE         | 22         | 11N        | 20W        | MISSOULA      |
| <b>Period of Diversion:</b> MARCH 1 TO NOVEMBER 4 |                 |                |            |            |            |               |
| <b>Diversion Means:</b> HEADGATE                  |                 |                |            |            |            |               |
| 7   |                 | NWNESE         | 22         | 11N        | 20W        | MISSOULA      |
| <b>Period of Diversion:</b> MARCH 1 TO NOVEMBER 4 |                 |                |            |            |            |               |
| <b>Diversion Means:</b> HEADGATE                  |                 |                |            |            |            |               |
| 8   |                 | SWSWNW         | 23         | 11N        | 20W        | MISSOULA      |
| <b>Period of Diversion:</b> MARCH 1 TO NOVEMBER 4 |                 |                |            |            |            |               |
| <b>Diversion Means:</b> HEADGATE                  |                 |                |            |            |            |               |

|           |                 |                |            |            |            |               |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
| 9         |                 | SWSNW          | 23         | 11N        | 20W        | MISSOULA      |

**Period of Diversion:** MARCH 1 TO NOVEMBER 4

**Diversion Means:** DITCH

**Ditch Name:** LOWER MACLAY DITCH

DITCH NAME FOR DIVERSION NO. 4 IS: SCHMITZ DITCH

DITCH NAME FOR DIVERSION NO. 9 IS: LOWER MACLAY DITCH

DITCH NAME FOR DIVERSION NO. 5 IS: UPPER MACLAY DITCH

**Period of Use:** MARCH 1 to NOVEMBER 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             | 33.00        |                 | NWSW           | 14         | 11N        | 20W        | MISSOULA      |
| 2             | 36.00        |                 | NESW           | 14         | 11N        | 20W        | MISSOULA      |
| 3             | 38.00        |                 | SWSW           | 14         | 11N        | 20W        | MISSOULA      |
| 4             | 33.00        |                 | SESW           | 14         | 11N        | 20W        | MISSOULA      |
| 5             | 24.00        |                 | NWSE           | 15         | 11N        | 20W        | MISSOULA      |
| 6             | 36.00        |                 | NESE           | 15         | 11N        | 20W        | MISSOULA      |
| 7             | 35.00        |                 | SESE           | 15         | 11N        | 20W        | MISSOULA      |
| 8             | 30.00        |                 | SWSE           | 15         | 11N        | 20W        | MISSOULA      |
| 9             | 1.00         |                 | SENESE         | 15         | 11N        | 20W        | MISSOULA      |
| 10            | 13.00        |                 | SESW           | 15         | 11N        | 20W        | MISSOULA      |
| 11            | 19.00        |                 | S2SENE         | 21         | 11N        | 20W        | MISSOULA      |
| 12            | 36.00        |                 | NESE           | 21         | 11N        | 20W        | MISSOULA      |
| 13            | 23.00        |                 | SESE           | 21         | 11N        | 20W        | MISSOULA      |
| 14            | 19.00        |                 | SWSW           | 22         | 11N        | 20W        | MISSOULA      |
| 15            | 20.00        |                 | NWSW           | 22         | 11N        | 20W        | MISSOULA      |
| 16            | 14.00        |                 | NESW           | 22         | 11N        | 20W        | MISSOULA      |
| 17            | 1.00         |                 | NWSESW         | 22         | 11N        | 20W        | MISSOULA      |
| 18            | 19.00        |                 | S2SWNW         | 22         | 11N        | 20W        | MISSOULA      |
| 19            | 9.00         |                 | N2SWNW         | 22         | 11N        | 20W        | MISSOULA      |
| 20            | 10.00        |                 | S2SENE         | 22         | 11N        | 20W        | MISSOULA      |
| 21            | 15.00        |                 | SWNE           | 22         | 11N        | 20W        | MISSOULA      |
| 22            | 15.00        |                 | W2NWSE         | 22         | 11N        | 20W        | MISSOULA      |
| 23            | 18.00        |                 | E2NWSE         | 22         | 11N        | 20W        | MISSOULA      |
| 24            | 38.00        |                 | SESE           | 22         | 11N        | 20W        | MISSOULA      |
| 25            | 38.00        |                 | SWSE           | 22         | 11N        | 20W        | MISSOULA      |
| 26            | 30.00        |                 | NESE           | 22         | 11N        | 20W        | MISSOULA      |
| 27            | 23.00        |                 | NWNE           | 22         | 11N        | 20W        | MISSOULA      |
| 28            | 38.00        |                 | NENE           | 22         | 11N        | 20W        | MISSOULA      |
| 29            | 16.00        |                 | W2SESE         | 22         | 11N        | 20W        | MISSOULA      |
| 30            | 19.00        |                 | E2SENE         | 22         | 11N        | 20W        | MISSOULA      |
| 31            | 40.00        |                 | NWNW           | 23         | 11N        | 20W        | MISSOULA      |
| 32            | 34.00        |                 | NENW           | 23         | 11N        | 20W        | MISSOULA      |
| 33            | 8.00         |                 | N2SENE         | 23         | 11N        | 20W        | MISSOULA      |
| 34            | 15.00        |                 | S2SENE         | 23         | 11N        | 20W        | MISSOULA      |
| 35            | 31.00        |                 | SWNW           | 23         | 11N        | 20W        | MISSOULA      |
| <b>Total:</b> | 827.00       |                 |                |            |            |            |               |

|                        |                             |                             |
|------------------------|-----------------------------|-----------------------------|
| <b>Geocodes/Valid:</b> | 04-1975-14-3-01-08-0000 - Y | 04-1975-14-3-01-10-0000 - Y |
|                        | 04-1975-14-3-01-12-0000 - Y | 04-1975-14-3-01-14-0000 - Y |
|                        | 04-1975-14-3-01-16-0000 - Y | 04-1975-15-3-01-01-0000 - Y |
|                        | 04-1975-15-4-01-01-0000 - Y | 04-1975-15-4-01-02-0000 - Y |
|                        | 04-1975-15-4-01-03-0000 - Y | 04-1975-15-4-01-04-0000 - Y |
|                        | 04-1975-15-4-01-05-0000 - Y | 04-1975-15-4-01-06-0000 - Y |
|                        | 04-1975-15-4-01-11-0000 - Y | 04-1975-21-1-01-01-0000 - Y |
|                        | 04-1975-21-1-01-03-0000 - Y | 04-1975-22-1-01-01-0000 - Y |
|                        | 04-1975-22-1-01-02-0000 - Y | 04-1975-22-1-01-03-0000 - Y |
|                        | 04-1975-22-1-01-04-0000 - Y | 04-1975-22-1-01-05-0000 - Y |

**Remarks:**

**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.

|           |           |           |           |           |           |           |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 151082-00 | 151084-00 | 151085-00 | 151086-00 | 151087-00 | 151088-00 | 151089-00 |
| 151090-00 | 151091-00 | 151092-00 | 151093-00 | 151094-00 | 151095-00 | 151096-00 |
| 151098-00 | 151099-00 | 151100-00 | 163387-00 | 163390-00 |           |           |

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|           |           |           |           |           |           |           |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 151082-00 | 151084-00 | 151085-00 | 151086-00 | 151087-00 | 151088-00 | 151089-00 |
| 151090-00 | 151091-00 | 151092-00 | 151093-00 | 151094-00 | 151095-00 | 151096-00 |
| 151098-00 | 151099-00 | 151100-00 | 163387-00 | 163390-00 |           |           |

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.

151085-00      151104-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 02/07/90: POINT OF DIVERSION, MAXIMUM ACRES, PLACE OF USE.

THE FOLLOWING CLAIMS ARE SUBJECT TO THE TERMS OF A STIPULATION FILED WITH THE MONTANA WATER COURT ON AUGUST 11, 1999. THIS STIPULATION LIMITS THE NUMBER OF ACRES THAT CAN BE IRRIGATED BY EACH CLAIM THROUGH THE NINE CLAIMED POINTS OF DIVERSION. SEE THE CLAIM FILE OR WATER COURT CASE 76HB-22 FOR MORE INFORMATION: W151082-00, W151084-00, W151085-00, W151086-00, W151087-00, W151088-00, W151089-00, W151090-00, W151091-00, AND W151092-00.

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

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 108838 RECEIVED 02/27/2013.

OWNERSHIP UPDATE TYPE DOR # 137673 RECEIVED 10/19/2015.