#### 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: 40EJ 152908-00 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Version Status: ACTIVE** 

Owners: NINE BAR SIX INC

53641 US HWY 191 S ZORTMAN, MT 59546-9609

Priority Date: MARCH 20, 1916

Enforceable Priority Date: MARCH 20, 1916

Type of Historical Right: FILED

Purpose (use): STOCH

Maximum Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS

ONSTREAM RESERVOIR. 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: C K 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 23N 25E PHILLIPS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2 W2 6 23N 26E PHILLIPS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3 W2NE 7 23N 26E PHILLIPS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

4 NENW 7 23N 26E PHILLIPS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

5 S2SE 17 23N 26E PHILLIPS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

6 SENW 21 23N 26E PHILLIPS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

7 W2NW 21 23N 26E PHILLIPS

Period of Diversion: JANUARY 1 TO DECEMBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

8 NWSE 21 23N 26E PHILLIPS

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

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

9 S2SE 21 23N 26E PHILLIPS

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

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

Rge County ID **Govt Lot Qtr Sec** 26E **PHILLIPS** 23N Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: LIVESTOCK DIRECT FROM SOURCE **SWSW** 26E PHILLIPS Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: LIVESTOCK DIRECT FROM SOURCE **SWNE** 27 23N 26E PHILLIPS Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: LIVESTOCK DIRECT FROM SOURCE 26E PHILLIPS 13 NWNW 27 23N Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: LIVESTOCK DIRECT FROM SOURCE 14 S2NW 27 23N 26E PHILLIPS Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: LIVESTOCK DIRECT FROM SOURCE 15 N2SE 27 23N 26E PHILLIPS Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: LIVESTOCK DIRECT FROM SOURCE **SESE** 23N 26E PHILLIPS Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: LIVESTOCK DIRECT FROM SOURCE **NENE** 28 23N 26E PHILLIPS Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: LIVESTOCK DIRECT FROM SOURCE S2NE 35 23N 26E PHILLIPS Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: LIVESTOCK DIRECT FROM SOURCE N2NW 35 23N 26E PHILLIPS Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: LIVESTOCK DIRECT FROM SOURCE **SENW** 23N 26E PHILLIPS Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: LIVESTOCK DIRECT FROM SOURCE N2SE 26E PHILLIPS Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: LIVESTOCK DIRECT FROM SOURCE **SWSWSW** 24N 25E PHILLIPS Period of Diversion: JANUARY 1 TO DECEMBER 31 **Diversion Means:** LIVESTOCK DIRECT FROM SOURCE **SWNF** 24N 25E PHILLIPS 26 Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: LIVESTOCK DIRECT FROM SOURCE 24 SE 26 24N 25E PHILLIPS Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: LIVESTOCK DIRECT FROM SOURCE 25 E2SE 26 24N 25E PHILLIPS Period of Diversion: JANUARY 1 TO DECEMBER 31 **Diversion Means:** DAM 36 25E PHILLIPS 26 NW 24N Period of Diversion: JANUARY 1 TO DECEMBER 31 **Diversion Means:** DAM

Sec

Twp

<u>ID</u> <u>Govt Lot</u> <u>Qtr Sec</u> <u>Sec</u> <u>Twp</u> <u>Rge</u> <u>County</u> 27 NW 36 24N 25E PHILLIPS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Reservoir: ON STREAM Reservoir Name HENSEN RESERVOIR

Govt Lot Qtr Sec Sec Twp Rge County
E2SE 26 24N 25E PHILLIPS

**Diversion to Reservoir:** DIVERSION # 25

Dam Height:12.00 FEETDepth:10.00 FEETSurface Area:4.50 ACRESCurrent Capacity:18.00 ACRE-FEET

Reservoir: ON STREAM Reservoir Name LAZY J-D NO. 2

 $\begin{array}{c|cccc} \underline{Govt\ Lot} & \underline{Qtr\ Sec} & \underline{Sec} & \underline{Twp} & \underline{Rge} & \underline{County} \\ & NW & 36 & 24N & 25E & PHILLIPS \end{array}$ 

Diversion to Reservoir: DIVERSION # 26

Dam Height:15.00 FEETDepth:13.00 FEETSurface Area:32.00 ACRES

**Current Capacity:** 166.40 ACRE-FEET

THE DAM EXTENDS INTO THE NESENE SEC 35 TWP 24N RGE 25E PHILLIPS

11-3518-36-2-01-01-0000 - Y

COUNTY.

THE CAPACITY HAS BEEN ESTIMATED BY DNRC.

Period of Use: JANUARY 1 to DECEMBER 31

## Place of Use:

Frace of Us				_		_		
<u>ID</u>	<u>Acres</u>	Govt Lot	<b>Qtr Sec</b>	<u>Sec</u>	Twp	Rge	County	
1				1	23N	25E	PHILLIPS	
2			W2	6	23N	26E	PHILLIPS	
3			W2NE	7	23N	26E	PHILLIPS	
4			NENW	7	23N	26E	PHILLIPS	
5			S2SE	17	23N	26E	PHILLIPS	
6			SENW	21	23N	26E	PHILLIPS	
7			W2NW	21	23N	26E	PHILLIPS	
8			NWSE	21	23N	26E	PHILLIPS	
9			S2SE	21	23N	26E	PHILLIPS	
10			NESW	21	23N	26E	PHILLIPS	
11			SWSW	26	23N	26E	PHILLIPS	
12			SWNE	27	23N	26E	PHILLIPS	
13			NWNW	27	23N	26E	PHILLIPS	
14			S2NW	27	23N	26E	PHILLIPS	
15			N2SE	27	23N	26E	PHILLIPS	
16			SESE	27	23N	26E	PHILLIPS	
17			NENE	28	23N	26E	PHILLIPS	
18			S2NE	35	23N	26E	PHILLIPS	
19			N2NW	35	23N	26E	PHILLIPS	
20			SENW	35	23N	26E	PHILLIPS	
21			N2SE	35	23N	26E	PHILLIPS	
22			SWSWSW	25	24N	25E	PHILLIPS	
23			SWNE	26	24N	25E	PHILLIPS	
24			SE	26	24N	25E	PHILLIPS	
25			E2SE	26	24N	25E	PHILLIPS	
26			NW	36	24N	25E	PHILLIPS	
27			NW	36	24N	25E	PHILLIPS	
Geocodes/Valid:		11-3407-01-4-01-01-0000 - Y 11-3408-07-1-01-02-0000 - Y				11-3408-06-3-01-01-0000 - Y		
						11-3408-17-4-01-01-0000 - Y		
		11-3408-21-2-01-01-0000 - Y				11-3408-26-3-01-01-0000 - Y		
		11-3408-27-2-01-01-0000 - Y				11-3408-28-1-01-01-0000 - Y		
		11-3408-35-2-01-01-0000 - Y				11-3518-25-3-01-01-0000 - Y		

11-3518-26-4-01-01-0000 - Y

### Remarks:

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/01/93.

AN AMENDMENT WAS SUBMITTED 01/30/2014 TO AMEND THE SOURCE, POINT OF DIVERSION, MEANS OF DIVERSION, PLACE OF USE, FLOW RATE, VOLUME . THE AMENDMENT SUBSTANTIALLY CHANGES THE ORIGINALLY FILED STATEMENT OF CLAIM.

THIS CLAIM APPEARS TO BE CLAIMING THREE SEPARATE SOURCES OF WATER. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.