

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 30426-00 STATEMENT OF CLAIM
Version: 2 -- REEXAMINED

Version Status: ACTIVE

Owners: MARION L WICKBERG
2815 OLD FORT RD APT 311
MISSOULA, MT 59804-7409

Priority Date: DECEMBER 31, 1871

Enforceable Priority Date: DECEMBER 31, 1871

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 3.75 CFS

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

Climatic Area: 5 - LOW

Maximum Acres: 120.00

Source Name: FROST 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		SWNESW	25	7N	14W	GRANITE

Period of Diversion: MAY 15 TO SEPTEMBER 1

Diversion Means: HEADGATE

Ditch Name: WALKUP - WICKBERG - VIETOR NO. 1 DITCH

Period of Use: MAY 15 to SEPTEMBER 1

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	40.00		SWSE	26	7N	14W	GRANITE
2	40.00		NWSE	26	7N	14W	GRANITE
3	40.00		NESE	26	7N	14W	GRANITE
Total:	120.00						

Geocodes/Valid: 46-1573-26-1-01-01-0000 - Y 46-1573-26-4-01-02-0000 - Y
46-1573-26-4-02-02-0000 - Y 46-1573-26-4-10-20-0000 - 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.

30424-00 30425-00 30426-00

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.

30426-00 146805-00

THIS WATER RIGHT IS SUBJECT TO ALL THE RESERVATIONS, CONDITIONS, RESTRICTIONS, AND EXCEPTIONS CONTAINED IN THE DEED DATED JUNE 12, 1909 FROM THE GRANITE BI-METALLIC CONSOLIDATED MINING CO TO REX LIVESTOCK CO AND RECORDED IN BOOK 13 OF DEEDS, D.597 IN THE RECORDS OF GRANITE COUNTY. THIS DEED RESERVES CERTAIN USES TO THE GRANITE BI-METALLIC CONSOLIDATED MINING CO AND ITS SUCCESSORS.

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

Remarks:

DITCH NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED RIGHT ON FROST CREEK WITH A PRIORITY DATE PREDATING CASE NO. 446, GRANITE COUNTY.