

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:** 41A 190518-00 STATEMENT OF CLAIM  
**Version:** 2 -- POST DECREE

**Version Status:** DISMISSED

**Owners:** USA (DEPT OF INTERIOR FISH & WILDLIFE SERVICE)  
DENVER FEDERAL CENTER  
PO BOX 25486, MS #60189  
DENVER, CO 80225-0486

**Priority Date:** APRIL 20, 1905

**Enforceable Priority Date:** APRIL 20, 1905

**Type of Historical Right:** FILED

**Purpose (use):** FISH AND WILDLIFE  
RED ROCK LAKES NATIONAL WILDLIFE REFUGE

**Maximum Flow Rate:** 1.00 CFS

**Maximum Volume:** 100.00 AC-FT

**Source Name:** HACKETT CREEK

**Source Type:** SURFACE WATER

ALSO KNOWN AS PICNIC CREEK

**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		N2SENW	6	14S	1E	BEAVERHEAD

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

**Diversion Means:** DAM

2		NWNENW	8	14S	1E	BEAVERHEAD
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** HEADGATE

**Reservoir:** ON STREAM **Reservoir Name** WIDGEON POND

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
N2SENW		6	14S	1E	BEAVERHEAD

**Diversion to Reservoir:** DIVERSION # 2

**Dam Height:** 12.00 FEET

**Surface Area:** 85.00 ACRES

**Current Capacity:** 238.00 ACRE-FEET

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY THE DNRC.

**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			SWSW	31	13S	1E	BEAVERHEAD
2			S2	34	13S	1W	BEAVERHEAD
3			SWSW	5	14S	1E	BEAVERHEAD
4			N2SE	6	14S	1E	BEAVERHEAD
5			W2W2	6	14S	1E	BEAVERHEAD
6			SE	8	14S	1E	BEAVERHEAD
7			W2	8	14S	1E	BEAVERHEAD
8			NENE	2	14S	1W	BEAVERHEAD
9				3	14S	1W	BEAVERHEAD

**Remarks:**

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

WHENEVER THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE COMBINED TO SUPPLY WATER FOR THE CLAIMED PURPOSE, EACH IS LIMITED TO THE HISTORICAL FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL OF THE VOLUME OF THESE WATER RIGHTS SHALL NOT

**Remarks:**

EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE. W190514-00, W190515-00, W190516-00, W190517-00, W190518-00.

THIS CLAIM WAS DISMISSED PURSUANT TO ARTICLE V(B)(1) OF THE UNITED STATES FISH AND WILDLIFE SERVICE, RED ROCK LAKES-MONTANA COMPACT.

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THERE IS A QUESTION AS TO THE VALIDITY OF THIS CLAIMED RIGHT. IN THE MATTER OF THE DEARBORN DRAINAGE AREA, 234 MONT. 343 (1988) (THE BEAN LAKE CASE) THE MONTANA SUPREME COURT STATED: "IT IS CLEAR THEREFORE THAT UNDER MONTANA LAW BEFORE 1973, NO APPROPRIATION RIGHT WAS RECOGNIZED FOR RECREATION, FISH AND WILDLIFE, EXCEPT THROUGH A MURPHY RIGHT STATUTE."

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THE CLAIMED VOLUME WAS NOT EXAMINED AS NO VOLUME GUIDELINES FOR THIS PURPOSE HAVE BEEN ESTABLISHED BY THE CLAIM EXAMINATION RULES.  
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