

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:** 43D 197616-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:**  
GREGORY D MADDOX  
8355 US HWY 212  
ROBERTS, MT 59070  
  
JANET M MADDOX  
8355 US HWY 212  
ROBERTS, MT 59070

**Priority Date:** JUNE 30, 1890  
**Enforceable Priority Date:** JUNE 30, 1890

**Type of Historical Right:** USE

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

**Maximum Flow Rate:** 4.88 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:** 77.00

**Source Name:** ROCK 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		NESENE	29	5S	21E	CARBON

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** DITCH

**Ditch Name:** BERNHARDT DITCH NO. 1

2		NWNWSE	29	5S	21E	CARBON
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**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** DITCH

**Ditch Name:** BERNHARDT DITCH NO. 2

3		SWNWSE	29	5S	21E	CARBON
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**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** DITCH

**Ditch Name:** BERNHARDT DITCH NO. 3

**Period of Use:** APRIL 1 to OCTOBER 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	19.00		SWSW	21	5S	21E	CARBON
2	11.00		W2NWNW	28	5S	21E	CARBON
3	2.00		SENWSW	21	5S	21E	CARBON
4	45.00		NE	29	5S	21E	CARBON
<b>Total:</b>	77.00						

**Geocodes/Valid:** 10-0534-21-3-03-01-0000 - Y 10-0534-28-2-01-01-0000 - Y  
10-0534-28-2-01-06-0000 - Y 10-0534-29-1-01-01-0000 - Y  
10-0534-29-1-03-01-0000 - Y

**Remarks:**

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 10/01/90: PERIOD OF USE, FLOW RATE.  
STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

**Remarks:**

NOTICE OF WATER RIGHT TRANSFER RECEIVED 05/09/95.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/27/96.

OWNERSHIP OF WATER RIGHT CHANGED BY ORDER OF THE WATER COURT DURING ADJUDICATION OF THE TEMPORARY PRELIMINARY DECREE.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 144459 RECEIVED 08/03/2015.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

A FIELD INVESTIGATION CONDUCTED ON 09/14/90 FOUND REMNANTS OF A DITCH SERVING THE CLAIMED PLACE OF USE. TOTAL HISTORICALLY IRRIGATED ACRES AND LAST YEAR OF OPERATION WERE NOT DETERMINABLE. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

USDA AERIAL PHOTOGRAPH NO. 279-8, DATED 10/03/80, APPEARS TO INDICATE 64.20 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE CARBON COUNTY WATER RESOURCES SURVEY (1946) APPEARS TO INDICATE 30.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON ROCK CREEK WITH A PRIORITY DATE PREDATING CASE NO. 275, CARBON COUNTY.

AT THE TIME OF THE CLAIMED PRIORITY DATE, IT APPEARS THAT THE PLACE OF USE WAS PART OF AN INDIAN RESERVATION.

THE CLAIMED PRIORITY DATE DIFFERS FROM THE EARLIEST DATE IN THE DOCUMENTATION SUBMITTED WITH THE CLAIM. THE CLAIMED PRIORITY DATE CANNOT BE SUBSTANTIATED.