

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 211171-00 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** MEI-694, LLC  
84 LORENSEN LN  
DRUMMOND, MT 59832

CHARLEY J MOODY  
PO BOX 1705  
HAMILTON, MT 59840

FRANCES A MOODY  
PO BOX 1705  
HAMILTON, MT 59840

**Priority Date:** MAY 1, 1876

**Enforceable Priority Date:** MAY 1, 1876

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 2.08 CFS

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

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 174.00

**Source Name:** SKALKAHO 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		NENENW	7	5N	20W	RAVALLI

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

**Diversion Means:** HEADGATE

**Ditch Name:** REPUBLICAN DITCH

2- SECONDARY		NWSWSE	6	5N	20W	RAVALLI
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**Period of Diversion:** MAY 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

WATER FROM REPUBLICAN DITCH IS CONVEYED THROUGH AN UNNAMED DITCH TO THE PLACE OF USE.

THE POINT OF DIVERSION FOR THIS CLAIM IS NENENW SEC 7 T5N R20W THE POINT WHERE THE REPUBLICAN DITCH INTERSECTS SKALKAHO CREEK. THIS CLAIM IS PART OF THE SKALKAHO CREEK AND BITTERROOT RIVER WATER EXCHANGE. WATER FROM THE BITTERROOT RIVER IS EXCHANGED FOR WATER FROM SKALKAHO CREEK THAT IS DIVERTED INTO THE SKALKAHO HI LINE (SWSWNE SEC 30 T5N R19W) AND WARD DITCHES (SWSESW SEC 15 T5N R20W). THE EXCHANGED WATER RELATIONSHIP IS DESCRIBED IN - RE THE PETITION FOR ORGANIZATION AND ESTABLISHMENT OF AN IRRIGATION DISTRICT IN RAVALLI COUNTY, TO BE KNOWN AS DALY DITCHES IRRIGATION DISTRICT, FOURTH JUDICIAL DISTRICT IN AND FOR THE COUNTY OF RAVALLI, CAUSE NO. DV-82-95, AND 209 MONT. 218 (1984).

**Period of Use:** MAY 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	15.00		E2NE	1	5N	21W	RAVALLI
2	65.00		S2NE	1	5N	21W	RAVALLI
3	30.00		SEW	1	5N	21W	RAVALLI
4	18.00		S2NESE	1	5N	21W	RAVALLI
5	38.00		NWSE	1	5N	21W	RAVALLI
6	8.00		NESESE	1	5N	21W	RAVALLI

**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>
<b>Total:</b>	174.00						
<b>Geocodes/Valid:</b>		13-1366-01-1-01-08-0000 - Y				13-1366-01-1-01-17-0000 - Y	
		13-1366-01-1-01-19-0000 - Y				13-1366-01-1-01-21-0000 - 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.

107842-00 211171-00

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.

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

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 107842-00.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 41407 RECEIVED 09/11/2006.

OWNERSHIP UPDATE TYPE 608 # 101898 RECEIVED 07/27/2012.

OWNERSHIP UPDATE TYPE DOR # 139817 RECEIVED 02/23/2016.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 83.07 MINER'S INCHES DECREED IN CASE NO. 2149, RAVALLI COUNTY. 7307-00, 10187-00, 99850-00, 107841-00, 211171-00, 211172-00.

THE RAVALLI COUNTY WATER RESOURCES SURVEY ( 1958 ) APPEARS TO INDICATE 88.26 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 179-116 , DATED 08/02/1979 , APPEARS TO INDICATE 76.14 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.