

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: 76K 214744-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE
Late Claim: B

Owners: JONATHAN M GOODSON
1003 ELDEN WAY
BEVERLY HILLS, CA 90210

Priority Date: AUGUST 4, 1961

Enforceable Priority Date: JUNE 30, 1973

CLAIM FILED LATE 03/27/95 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

Type of Historical Right: USE

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate:

Maximum Volume: 1,448.00 AC-FT

Source Name: UNNAMED TRIBUTARY OF BEAR CREEK

Source Type: SURFACE WATER

THIS WATER RIGHT ALSO INCLUDES GROUNDWATER FROM A DEVELOPED SPRING IN THE NWNESW SEC 25 TWP 27N RGE 19W FLATHEAD COUNTY.

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		NWNESW	25	27N	19W	FLATHEAD

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNESW	25	27N	19W	FLATHEAD

Diversion to Reservoir: DIVERSION # 1

Surface Area: 1.82 ACRES

Current Capacity: 4.40 ACRE-FEET

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			NWNESW	25	27N	19W	FLATHEAD

Geocodes/Valid: 07-3836-25-1-01-80-0000 - Y

Remarks:

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

CLAIM WAS NOT INCLUDED IN THE BASIN 76K TEMPORARY PRELIMINARY DECREE ISSUED 08/09/84.
 CLAIM FILED LATE 03/27/95 . IN ADDITION TO BEING SUBORDINATE TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW, THIS RIGHT MAY ALSO BE SUBORDINATE TO CERTAIN PERMITS AND RESERVATIONS OF WATER. SEE SECTION 85-2-221 MCA.
 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 USE OF THIS WATER APPEARS TO BE LARGELY NON-CONSUMPTIVE.