

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: 76G 215551-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE
Late Claim: B

Owners: MONTANA, STATE OF BOARD OF LAND COMMISSIONERS
TRUST LAND MANAGEMENT DIVISION
PO BOX 201601
HELENA, MT 59620-1601

Priority Date:

Enforceable Priority Date: JUNE 30, 1973

CLAIM FILED LATE 06/28/96 . 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): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 3.75 CFS

Maximum Volume:
Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 100.00

Source Name: SPRING, UNNAMED TRIBUTARY OF MODESTY CREEK
Source Type: SURFACE WATER

ALSO KNOWN AS MODESTY SPRINGS

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		S2NW	36	6N	10W	DEER LODGE

Period of Diversion: APRIL 1 TO OCTOBER 4
Diversion Means: HEADGATE

Period of Use: APRIL 1 to OCTOBER 4

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	100.00		N2	36	6N	10W	POWELL
Total:	100.00						

Remarks:

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

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

CLAIM WAS NOT INCLUDED IN THE BASIN 76G TEMPORARY PRELIMINARY DECREE ISSUED 05/17/85.

CLAIM FILED LATE 06/28/96 . 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.

THE DEER LODGE COUNTY WATER RESOURCES SURVEY (1955) APPEARS TO INDICATE 50.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 178-234 DATED 08/10/79 APPEARS TO INDICATE 58.75 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE POINT OF DIVERSION LEGAL LAND DESCRIPTION COULD NOT BE REFINED FROM INFORMATION IN THE CLAIM FILE.

THE TYPE OF HISTORICAL RIGHT MAY BE QUESTIONABLE. DOCUMENTATION SUBMITTED WITH THE CLAIM INDICATES A USE AND RESERVED RIGHT.

NO PRIORITY DATE WAS CLAIMED.

Remarks:

MODESTY CREEK IS DECREED IN CASE NOS. 734 AND 5048, DEER LODGE COUNTY. AS THIS CLAIM HAS NO PRIORITY DATE AND THE TYPE OF HISTORICAL RIGHT IS QUESTIONABLE, CLAIMED WATER RIGHT BASED ON THIS DECREE MAY BE ADVERSELY AFFECTED.