

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 215869-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE  
**Late Claim:** B

**Owners:** MLIC ASSET HOLDINGS LLC  
MAIL TO: METLIFE AG INVESTMENTS  
10801 MASTIN ST, STE 930  
OVERLAND PARK, KS 66210-1677  
  
H BRUCE MACLAY  
17015 OLD HWY 93 S  
FLORENCE, MT 59833  
  
CORY A MACLAY  
371 NW 50TH ST  
SEATTLE, WA 98107-3522  
  
WILLIAM H MACLAY  
371 NW 50TH ST  
SEATTLE, WA 98107-3522

**Priority Date:** SEPTEMBER 7, 1891

**Enforceable Priority Date:** JUNE 30, 1973

CLAIM FILED LATE 07/02/96 . 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:** FILED

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

**Maximum Flow Rate:** 2.50 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:** 912.00

**Source Name:** MAPLE CREEK  
**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SES	WNE 28	11N	20W	MISSOULA

**Period of Diversion:** APRIL 1 TO NOVEMBER 4

**Diversion Means:** HEADGATE

2		NES	WNW 27	11N	20W	MISSOULA
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**Period of Diversion:** APRIL 1 TO NOVEMBER 4

**Diversion Means:** DITCH

**Ditch Name:** SCHMITZ DITCH

3		NWS	ENW 27	11N	20W	MISSOULA
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**Period of Diversion:** APRIL 1 TO NOVEMBER 4

**Diversion Means:** DITCH

**Ditch Name:** UPPER MACLAY DITCH

4		NWS	WNW 27	11N	20W	MISSOULA
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**Period of Diversion:** APRIL 1 TO NOVEMBER 4

**Diversion Means:** HEADGATE

WATER DIVERTED FROM MAPLE CREEK IS CONVEYED TO MCCLAIN CREEK WHICH IS USED AS A NATURAL CARRIER TO CONVEY WATER TO THE PLACE OF USE.

DITCH NAME FOR DIVERSION NO. 3 IS: UPPER MACLAY DITCH

ID                      Govt Lot                      Qtr Sec                      Sec                      Twp                      Rge                      County  
DITCH NAME FOR DIVERSION NO. 2 IS: SCHMITZ DITCH

Period of Use:                      APRIL 1 to NOVEMBER 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	33.00		NWSW	14	11N	20W	MISSOULA
2	36.00		NESW	14	11N	20W	MISSOULA
3	38.00		SWSW	14	11N	20W	MISSOULA
4	33.00		SESW	14	11N	20W	MISSOULA
5	24.00		NWSE	15	11N	20W	MISSOULA
6	36.00		NESE	15	11N	20W	MISSOULA
7	35.00		SESE	15	11N	20W	MISSOULA
8	30.00		SWSE	15	11N	20W	MISSOULA
9	1.00		SENE	15	11N	20W	MISSOULA
10	13.00		SESW	15	11N	20W	MISSOULA
11	36.00		NESE	21	11N	20W	MISSOULA
12	23.00		SESE	21	11N	20W	MISSOULA
13	38.00		SESE	22	11N	20W	MISSOULA
14	38.00		SWSE	22	11N	20W	MISSOULA
15	33.00		NWSE	22	11N	20W	MISSOULA
16	30.00		NESE	22	11N	20W	MISSOULA
17	85.00		SW	22	11N	20W	MISSOULA
18	2.00		SESE	22	11N	20W	MISSOULA
19	15.00		SWNE	22	11N	20W	MISSOULA
20	38.00		NENE	22	11N	20W	MISSOULA
21	22.00		NWNE	22	11N	20W	MISSOULA
22	35.00		SENE	22	11N	20W	MISSOULA
23	40.00		NWNW	23	11N	20W	MISSOULA
24	34.00		NENW	23	11N	20W	MISSOULA
25	8.00		N2SE	23	11N	20W	MISSOULA
26	27.00		SWNW	23	11N	20W	MISSOULA
27	36.00		NWNE	27	11N	20W	MISSOULA
28	33.00		SWNE	27	11N	20W	MISSOULA
29	27.00		SENE	27	11N	20W	MISSOULA
30	10.00		NENW	27	11N	20W	MISSOULA
31	20.00		E2SW	27	11N	20W	MISSOULA
32	3.00		NENE	28	11N	20W	MISSOULA
<b>Total:</b>	<b>912.00</b>						

<u>Geocodes/Valid:</u>		
	04-1975-14-3-01-01-0000 - Y	04-1975-14-3-01-05-0000 - Y
	04-1975-14-3-01-06-0000 - Y	04-1975-14-3-01-08-0000 - Y
	04-1975-14-3-01-10-0000 - Y	04-1975-14-3-01-12-0000 - Y
	04-1975-14-3-01-14-0000 - Y	04-1975-14-3-01-16-0000 - Y
	04-1975-15-3-01-01-0000 - Y	04-1975-15-4-01-01-0000 - Y
	04-1975-15-4-01-02-0000 - Y	04-1975-15-4-01-03-0000 - Y
	04-1975-15-4-01-04-0000 - Y	04-1975-15-4-01-05-0000 - Y
	04-1975-15-4-01-06-0000 - Y	04-1975-15-4-01-11-0000 - Y
	04-1975-21-1-01-01-0000 - Y	04-1975-21-1-01-03-0000 - Y
	04-1975-22-1-01-01-0000 - Y	04-1975-22-1-01-02-0000 - Y
	04-1975-22-1-01-03-0000 - Y	04-1975-22-1-01-04-0000 - Y
	04-1975-22-1-01-05-0000 - Y	04-1975-27-2-01-01-0000 - Y
	04-1975-27-2-01-02-0000 - Y	04-1975-27-2-01-04-0000 - Y
	04-1975-27-2-01-05-0000 - Y	04-1975-27-2-01-06-0000 - Y
	04-1975-27-2-01-07-0000 - Y	04-1975-27-2-01-08-0000 - Y
	04-1975-27-2-01-18-0000 - Y	04-1975-28-1-01-01-0000 - Y

**Remarks:**

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

CLAIM RECEIVED BY MAIL, POSTMARKED 07/01/96.

**OWNERSHIP UPDATE RECEIVED**

**Remarks:**

OWNERSHIP UPDATE TYPE DOR # 137689 RECEIVED 01/22/2010.

OWNERSHIP UPDATE TYPE DOR # 108838 RECEIVED 02/27/2013.

OWNERSHIP UPDATE TYPE DOR # 137673 RECEIVED 10/19/2015.

THIS CLAIM APPEARS TO BE A DUPLICATE OF CLAIM O163389-00. CLAIM O163389-00 WAS WITHDRAWN FROM THE ADJUDICATION PROCESS PRIOR TO THE 76HB DECREE.

CLAIM WAS NOT INCLUDED IN THE BASIN 76HB TEMPORARY PRELIMINARY DECREE ISSUED 09/16/92.

CLAIM FILED LATE 07/02/96 . 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.

ACCORDING TO INFORMATION IN THE CLAIM FILE, AN EXPANSION IN THE NUMBER OF IRRIGATED ACRES HAS TAKEN PLACE. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.