

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 91340-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: CHERYL D NICHOLAS
1017 WILLOW RD
DEER LODGE, MT 59722

LEO A NICHOLAS
1017 WILLOW RD
DEER LODGE, MT 59722

BRAD ANDERSON FARM LP
1017 WILLOW ROAD
DEER LODGE, MT 59722

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

Priority Date: JUNE 10, 1957
Enforceable Priority Date: JUNE 10, 1957

Type of Historical Right: DECREED

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

Maximum Flow Rate: 17.50 CFS
Maximum Volume: 4,845.00 AC-FT
Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 570.00

Source Name: RACETRACK 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		SESWSE	16	6N	10W	POWELL

Period of Diversion: MARCH 1 TO NOVEMBER 30
Diversion Means: HEADGATE
Ditch Name: CEMENT DITCH

2		SWSESW	16	6N	10W	POWELL
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Period of Diversion: MARCH 1 TO NOVEMBER 30
Diversion Means: HEADGATE
Ditch Name: UPPER DITCH NO. 21

Period of Use: MARCH 1 to NOVEMBER 30

DECREE 4036 BECK V. KELLEY, DATED NOVEMBER 18, 1957 STATES THE FOLLOWING CONCERNING THE HIGH WATER CLAIMS: "IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT THE USE OF SAID WATERS HEREIN GRANTED TO PLAINTIFFS SHALL BE MADE ONLY DURING THOSE TIMES OF THE IRRIGATION SEASON WHEN THERE IS SUFFICIENT WATER IN RACE TRACK CREEK TO SUPPLY AND FILL ALL PRIOR WATER RIGHTS."

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	110.00		SW	14	6N	10W	POWELL
2	38.00		SESE	15	6N	10W	POWELL
3	40.00		NWNE	22	6N	10W	POWELL
4	71.00		N2NW	22	6N	10W	POWELL
5	311.00		W2	23	6N	10W	POWELL
Total:	570.00						

Geocodes/Valid: 28-1481-14-3-01-01-0000 - Y 28-1481-15-4-01-01-0000 - Y
30-1480-22-2-01-01-0000 - Y 30-1480-23-2-01-01-0001 - Y
30-1480-23-3-01-01-0000 - 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.

91337-00 91338-00 91339-00 91340-00 96667-00 214588-00

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 139049 RECEIVED 09/09/2015.