

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: 41B 210654-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: BRACY LIVING TRUST
1470 TERESITA DR
SAN JOSE, CA 95129-4939

HUNTLEY, RALPH & SON INC
PO BOX 115
WISDOM, MT 59761-0115

HUNTLEY LAND LLC
PO BOX 115
WISDOM, MT 59761-0115

EDWIN R MCDEVITT III
1600 GROVE AVENUE
JENKINTOWN, PA 19046

MARYANNE J MCDEVITT
1600 GROVE AVENUE
JENKINTOWN, PA 19046

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

Priority Date: AUGUST 2, 1880
Enforceable Priority Date: AUGUST 2, 1880

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 2.00 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 65.00

Source Name: SPRING, UNNAMED TRIBUTARY OF LONG GULCH
Source Type: SURFACE WATER

SOURCE IS COMPOSED OF 10 UNDEVELOPED SPRINGS WITHIN THE POINT OF DIVERSION LEGAL LAND DESCRIPTION.

ALSO KNOWN AS WARM SPRINGS

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		S	30	8S	9W	BEAVERHEAD

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: DINGLEY DITCH

2		S	30	8S	9W	BEAVERHEAD
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: BIRKENBUEL DITCH

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	5.00		S	19	8S	9W	BEAVERHEAD
2	10.00		S	19	8S	9W	BEAVERHEAD
3	15.00		S	30	8S	9W	BEAVERHEAD
4	5.00		S	30	8S	9W	BEAVERHEAD
5	10.00		N	30	8S	9W	BEAVERHEAD

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
6	20.00		NWSW	30	8S	9W	BEAVERHEAD
Total:	65.00						

Geocodes/Valid: 18-0240-19-4-03-01-0000 - Y 18-0240-30-3-01-01-0000 - Y
18-0240-30-4-01-01-0000 - 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.

88332-00 88333-00 88335-00 210654-00 210656-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 10/28/1996: POINT OF DIVERSION, PLACE OF USE, FLOW RATE, PRIORITY DATE, PURPOSE.

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

THIS IMPLIED CLAIM WAS CREATED BASED ON INFORMATION IN CLAIM NO. 88336-00 , PRIOR TO WATER COURT AUTHORIZATION BEING REQUIRED.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/21/2003.

NOTICE OF UNDIVIDED INTEREST, WATER RIGHT OWNERSHIP UPDATE RECEIVED 10/03/2000.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 8717 RECEIVED 04/21/2003.

OWNERSHIP UPDATE TYPE 608 # 36252 RECEIVED 04/21/2006.

OWNERSHIP UPDATE TYPE 608 # 65468 RECEIVED 11/24/2008.

OWNERSHIP UPDATE TYPE DOR # 83758 RECEIVED 10/15/2009.

OWNERSHIP UPDATE TYPE 608 # 83759 RECEIVED 12/21/2009.

OWNERSHIP UPDATE TYPE DOR # 129493 RECEIVED 11/11/2014.

OWNERSHIP UPDATE TYPE DOR # 138103 RECEIVED 12/18/2015.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
IT APPEARS AS THOUGH THE PLACE OF USE IS OWNED BY PARTIES OTHER THAN THE CLAIMANTS, ACCORDING TO MONTANA CADASTRAL DATA (09/09/2008). SEE CLAIM FILE FOR MORE INFORMATION.
IT APPEARS THAT THIS WATER RIGHT MAY HAVE BEEN SEVERED BASED ON OWNERSHIP UPDATE INFORMATION AND CADASTRAL DATA.
THE CLAIMED PERIOD OF USE EXCEEDS THE USUAL GROWING SEASON FOR THIS CLIMATIC AREA WHICH IS APRIL 20 TO OCTOBER 14.
USDA AERIAL PHOTOGRAPH NO(S). 879-18 , DATED 09/18/1979 , APPEARS TO INDICATE 18.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
AERIAL PHOTOGRAPH NO(S). CXM-3FF-69 , DATED 08/01/1965 , APPEARS TO INDICATE 23.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED RIGHT ON WARM SPRINGS CREEK WITH A PRIORITY DATE PREDATING CASE NO. 807, BEAVERHEAD COUNTY.
THE COMBINED CLAIMED FLOW RATE FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS 68.76 GPM PER ACRE. THE FLOW RATE GUIDELINE FOR INDIVIDUAL CLAIMS IS 17 GPM PER ACRE.