

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 88059-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** BRACY LIVING TRUST  
1470 TERESITA DR  
SAN JOSE, CA 95129-4939  
  
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:** FEBRUARY 21, 1903

**Enforceable Priority Date:** FEBRUARY 21, 1903

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 394.94 GPM

**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:** 48.00

**Source Name:** LONG GULCH

**Source Type:** SURFACE WATER

ALSO KNOWN AS WARM 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		SWSE	30	8S	9W	BEAVERHEAD

**Period of Diversion:** MARCH 1 TO DECEMBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** DINGLEY DITCH

2		SWNWSE	30	8S	9W	BEAVERHEAD
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**Period of Diversion:** MARCH 1 TO DECEMBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** BIRKENBUEL DITCH

**Period of Use:** MARCH 1 to DECEMBER 1

**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	12.00		NESE	19	8S	9W	BEAVERHEAD
2	1.00		SESE	19	8S	9W	BEAVERHEAD
3	14.00		W2SE	19	8S	9W	BEAVERHEAD
4	4.00		SWNW	30	8S	9W	BEAVERHEAD
5	17.00		NESW	30	8S	9W	BEAVERHEAD
<b>Total:</b>	48.00						

**Geocodes/Valid:** 18-0240-19-1-02-01-0000 - Y      18-0240-19-4-01-01-0000 - Y  
18-0240-19-4-03-01-0000 - Y      18-0240-30-3-01-01-0000 - Y

**Remarks:**

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

88059-00      210657-00

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 10/17/1996.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 4/21/2003.

**OWNERSHIP UPDATE RECEIVED**

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

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

OWNERSHIP UPDATE TYPE DOR # 106048 RECEIVED 09/23/2009.

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.

AN AMENDMENT WAS SUBMITTED ON 09/09/1996 REQUESTING TO AMEND THE PLACE OF USE AND MAXIMUM ACRES . THE AMENDMENT HAS NOT BEEN IMPLEMENTED AS IT HAS NOT BEEN SIGNED BY ALL OWNERS OF DNRC RECORD.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 35 MINER'S INCHES DECREED IN CASE NO. 1258, BEAVERHEAD COUNTY. 41B 88059-00, 41B 210657-00.

THE CLAIMED PERIOD OF USE EXCEEDS THE USUAL GROWING SEASON FOR THIS CLIMATIC AREA WHICH IS APRIL 20 TO OCTOBER 10.

USDA AERIAL PHOTOGRAPH NO(S). 879-18 , DATED 09/18/1979 , APPEARS TO INDICATE 27.50 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 27.50 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.