

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:** 41F 132239-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** BAR MZ RANCH, LLC  
PO BOX 33  
VIRGINIA CITY, MT 59755

**Priority Date:** APRIL 1, 1890  
**Enforceable Priority Date:** APRIL 1, 1890

**Type of Historical Right:** DECREED

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

**Maximum Flow Rate:** 58.30 GPM  
**Maximum Volume:** 25.00 AC-FT  
**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 5.00

**Source Name:** BURNT 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		NW	27	3S	1W	MADISON
<b>Period of Diversion:</b> MAY 20 TO SEPTEMBER 4						
<b>Diversion Means:</b> HEADGATE						
2		SW	27	3S	1W	MADISON
<b>Period of Diversion:</b> MAY 20 TO SEPTEMBER 4						
<b>Diversion Means:</b> HEADGATE						
3		NW	27	3S	1W	MADISON
<b>Period of Diversion:</b> MAY 20 TO SEPTEMBER 4						
<b>Diversion Means:</b> HEADGATE						
4		NE	34	3S	1W	MADISON
<b>Period of Diversion:</b> MAY 20 TO SEPTEMBER 4						
<b>Diversion Means:</b> HEADGATE						
5		SW	35	3S	1W	MADISON
<b>Period of Diversion:</b> MAY 20 TO SEPTEMBER 4						
<b>Diversion Means:</b> HEADGATE						
6		E2	36	3S	1W	MADISON
<b>Period of Diversion:</b> MAY 20 TO SEPTEMBER 4						
<b>Diversion Means:</b> HEADGATE						

**Reservoir:** OFF STREAM  
**Govt Lot** **Qtr** **Sec** **Twp** **Rge** **County**  
SWSWNE 36 3S 1W MADISON  
**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** MAY 20 to SEPTEMBER 4

**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		NE	27	3S	1W	MADISON
<b>Total:</b>	5.00						

**Geocodes/Valid:** 25-0692-27-1-01-01-0000 - Y

**Remarks:**

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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.

132237-00 132238-00 132239-00 132240-00 132241-00 132242-00 132243-00

AS SPECIFIED IN FINDING OF FACT XVIII AND CONCLUSION OF LAW XI IN CASE NO. 1122, FIFTH JUDICIAL DISTRICT, STATE OF MONTANA, FILED MAY 3, 1912 IT IS NOTED "THAT THE DEFENDENT BESSIE R. HADZOR, IS ENTITLED TO STORE AND COLLECT AND RESERVOIR THE SAID WATERS, SO APPROPRIATED BY HER, IN HER RESERVOIRS AS SET OUT IN FINDING NO. "18" OF THE FINDINGS OF FACT, AND SHE IS ENTITLED TO USE THE SAID WATER IN ONE OR MORE HEADS AND THROUGH ANY OR ALL THE DITCHES ON HER SAID LANDS, SO LONG AS THE USE IN SUCH MANNER DOES NOT INTERFERE WITH THE PRIOR RIGHTS OF THE INTERVENOR, ALEXANDER NORRIS, TO THE USE OF THE WATERS OF BRADLEY CREEK, AS HEREIN FIXED."

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/22/98.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 149627 RECEIVED 07/01/2015.

THE TIMELY FILED OBJECTION OF STEVE JACKSON WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE POINT OF DIVERSION AND MEANS OF DIVERSION. BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

WHEN THIS CLAIM WAS ORIGINALLY DECREED, THE PERIOD OF DIVERSION WAS NOT INCLUDED AS AN ELEMENT OF THE CLAIM. IN 2008, THE PERIOD OF DIVERSION ELEMENT WAS ADDED TO ALL CLAIM ABSTRACTS. IT IS NOT CERTAIN IF THE PERIOD OF DIVERSION DATES ADDED TO THIS CLAIM ACCURATELY REFLECT THE HISTORICAL PERIOD OF DIVERSION. MORE INFORMATION IS REQUIRED.