

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:** 411 90072-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** COLIN W MISENAR  
7247 BELMONT DR  
MARYSVILLE, MT 59640-9501  
SANDRA A MISENAR  
7247 BELMONT DR  
MARYSVILLE, MT 59640-9501  
BARNABAS BASE CAMP  
202 W MADISON AVE  
BELGRADE, MT 59714-3905  
OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

**Priority Date:** MARCH 13, 1876  
**Enforceable Priority Date:** MARCH 13, 1876

**Type of Historical Right:** FILED

**Purpose (use):** MINING  
PLACER MINING

**Maximum Flow Rate:** 5.00 CFS

**Maximum Volume:** THIS WATER RIGHT IS LIMITED TO THE VOLUME OF WATER HISTORICALLY USED FOR MINING PURPOSES.

**Source Name:** OTTAWA GULCH  
**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		NWNW	1	11N	6W	LEWIS AND CLARK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE

2		W2	2	11N	6W	LEWIS AND CLARK
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE

3		SENE	3	11N	6W	LEWIS AND CLARK
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE

4		NESE	3	11N	6W	LEWIS AND CLARK
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE

5		SWSW	36	12N	6W	LEWIS AND CLARK
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE

**Period of Use:** JANUARY 1 to DECEMBER 31

**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			NWNW	1	11N	6W	LEWIS AND CLARK
2			W2	2	11N	6W	LEWIS AND CLARK
3			SENE	3	11N	6W	LEWIS AND CLARK
4			NESE	3	11N	6W	LEWIS AND CLARK
5			SWSW	36	12N	6W	LEWIS AND CLARK

**Geocodes/Valid:** 05-1992-01-2-01-15-0000 - Y      05-1992-02-2-01-01-0000 - Y  
05-1992-02-3-01-09-0000 - Y

**Remarks:**

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

POINTS OF DIVERSION AND PLACES OF USE ARE CONTAINED WITHIN THE FOLLOWING DESCRIBED MINERAL PATENTS FOR EACH SECTION:

PATENT #	SEC	TWP	RGE	COUNTY
3142	01, 02	11N	06W	LEWIS AND CLARK
3142	36	12N	06W	LEWIS AND CLARK
12807	02, 03	11N	06W	LEWIS AND CLARK

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 15511 RECEIVED 06/17/2004.

OWNERSHIP UPDATE TYPE DOR # 125261 RECEIVED 11/05/2008.

OWNERSHIP UPDATE TYPE DOR # 127011 RECEIVED 11/20/2014.

THE CLAIMED FLOW RATE EXCEEDS THE ESTIMATED AVERAGE ANNUAL FLOW OF THE SOURCE (.15 CFS).

THE TIMELY FILED OBJECTION OF DEPARTMENT OF FISH, WILDLIFE AND PARKS WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE PLACE OF USE AND POINT 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.

THE CLAIMED PERIOD OF USE IS IN QUESTION. USE OF THIS WATER MAY NOT BE FEASIBLE DURING WINTER MONTHS.

DNRC EXAMINATION WAS UNABLE TO CONFIRM THE USE OF THIS WATER RIGHT FOR THE TEN CONSECUTIVE YEARS PRIOR TO JULY 1, 1973.

THE USE OF THIS WATER APPEARS TO BE LARGELY NON-CONSUMPTIVE.