

**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 108042-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:**  
PETER J DALLASERRA  
392 BROWNS GULCH RD  
BUTTE, MT 59701-9630  
  
R BAR N RANCH LLC  
1644 GREENHOUSE RD  
DEER LODGE, MT 59722-8733  
  
MODESTY CREEK STOCK RANCH LLC  
4874 YELLOWSTONE TRAIL  
DEER LODGE, MT 59722-9606

**Priority Date:** OCTOBER 31, 1869

**Enforceable Priority Date:** OCTOBER 31, 1869

CASE NO. 1982, DEER LODGE COUNTY, DECREES RIGHT OF FIFTH USE.

**Type of Historical Right:** DECREED

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

**Maximum Flow Rate:** 10.50 CFS

**Maximum Volume:**  
**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 945.00

**Source Name:** LOST 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		SWSWNW	12	5N	10W	DEER LODGE

**Period of Diversion:** APRIL 15 TO OCTOBER 19

**Diversion Means:** PUMP/HEADGATE W/DITCH OR PIPELINE

**Period of Use:** APRIL 15 to OCTOBER 19

**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	40.00		SENE	19	6N	9W	DEER LODGE
2	25.00		E2SWNE	19	6N	9W	DEER LODGE
3	160.00		SE	19	6N	9W	DEER LODGE
4	60.00		E2SW	19	6N	9W	DEER LODGE
5	5.00		NESWSW	19	6N	9W	DEER LODGE
6	16.00		W2SENE	20	6N	9W	DEER LODGE
7	4.00		W2NESW	20	6N	9W	DEER LODGE
8	110.00		W2W2	20	6N	9W	DEER LODGE
9	2.00		NENWNW	29	6N	9W	DEER LODGE
10	33.00		W2W2NW	29	6N	9W	DEER LODGE
11	160.00		NE	30	6N	9W	DEER LODGE
12	80.00		E2NW	30	6N	9W	DEER LODGE
13	250.00		S2	25	6N	10W	DEER LODGE
<b>Total:</b>	<b>945.00</b>						

**Geocodes/Valid:**

30-1480-25-3-01-01-0000 - Y	30-1480-25-4-01-01-0000 - Y
30-1482-19-1-04-01-0000 - Y	30-1482-19-3-02-01-0000 - Y
30-1482-19-4-01-01-0000 - Y	30-1482-19-4-04-01-0000 - Y
30-1482-20-2-01-02-0000 - Y	30-1482-20-3-02-01-0000 - Y
30-1482-20-3-03-01-0000 - Y	30-1482-29-2-02-01-0000 - Y
30-1482-29-2-02-03-0000 - Y	30-1482-30-1-01-01-0000 - Y
30-1482-30-1-01-03-0000 - Y	30-1482-30-3-01-01-0000 - 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.

108042-00 108043-00 108044-00 108050-00 108051-00

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 10/12/93. BUXBAUM (2.5 CFS) TO DONALD BECK (2.0 CFS) - SPLIT

WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/23/2002. BUXBAUM TO DALLASERRA (100% OF BUXBAUM'S PORTION OF 2.5 CFS)

WATER RIGHT OWNERSHIP UPDATE RECEIVED 09/27/2007. OWNERSHIP UPDATE ID #50024. MODESTY CREEK STOCK RANCH LLC RECEIVED ALL OF DONALD W BECK'S PORTION - 100%. ONLY PORTION NOW REMAINING IS PETER DELLASERRA'S PORTION.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/06/89. FRANK DAVIES (9.5 CFS) TO DONALD BECK (1.0 CFS) - SPLIT

NOTICE OF WATER RIGHT TRANSFER RECEIVED 1/22/93. DAVIES/JACOBSON (4.5) TO DAN DAVIES (5 CFS) - SPLIT

NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/08/92. DAN DAVIES TO WILLIAM AND MARY KELLOGG - 100%

NOTICE OF WATER RIGHT TRANSFER RECEIVED 1/22/93. WILLIAM AND MARY KELLOGG (3.33 CFS) TO DONALD BECK (1.66 CFS) - SPLIT

NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/24/93. WILLIAM AND MARY KELLOGG (1.66 CFS) TO DONALD BECK (1.66 CFS) - SPLIT

NOTICE OF WATER RIGHT TRANSFER RECEIVED 10/12/93. JACOBSON (4.5 CFS) TO DOUGLAS BUXBAUM - 100%

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 3511 RECEIVED 04/23/2002.

OWNERSHIP UPDATE TYPE 608 # 50024 RECEIVED 09/27/2007.

OWNERSHIP UPDATE TYPE DOR # 90737 RECEIVED 05/19/2011.

THIS CLAIM AND THE CLAIM NUMBERS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THESE CLAIMS, HOWEVER, SHALL NOT EXCEED THE 420 MINER'S INCHES AS DECREED IN CASE NO.1982 IN DEER LODGE COUNTY. THE COURT, AT THIS TIME, MAKES NO DETERMINATION OF CORRECT PREDECESSORS IN INTEREST OR THE CORRECT DIVISION OF THIS WATER AMONG CLAIMANTS. W040506-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT CLAIM OVERLAPPING PLACES OF USE. THE WATER COURT DECREES THIS RIGHT AND MAKES ALL CLAIMS A MATTER OF RECORD. W090446-00, W090447-00, W090448-00, W090451-00, W090452-00, W090467-00, W090483-00, W090545-00, W090453-00, W090454-00, W090479-00, W108042-00.