

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:** 41H 210902-00 STATEMENT OF CLAIM  
**Version:** 2 -- POST DECREE

**Version Status:** ACTIVE

**Owners:** MIDDLE CREEK DITCH CO  
% KEVIN HAGGERTY  
PO BOX 2  
BOZEMAN, MT 59715

**Priority Date:** DECEMBER 31, 1871

**Enforceable Priority Date:** DECEMBER 31, 1871

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Maximum Flow Rate:** 2.50 CFS

COMBINED FLOW RATE FOR CLAIM NOS. 119959-00, 119960-00, 119961-00, 119962-00, 119963-00, 119964-00, 119965-00, 119966-00, 119967-00, 119968-00, 119969-00, 119970-00, 119971-00, 119972-00, 119973-00, 119974-00, 119975-00, 119976-00, 119977-00, 119978-00, 210899-00, 210900-00, 210901-00, 210902-00, 210903-00 AND 210904-00 IS LIMITED TO THE HISTORIC CAPACITY OF THE DIVERSION STRUCTURES AND CONVEYANCE SYSTEM.

**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:** 6,178.00

**Source Name:** HYALITE 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		NWSESW	3	3S	5E	GALLATIN

**Period of Diversion:** APRIL 1 TO OCTOBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** MIDDLE CREEK DITCH

2		NWNWNE	23	3S	5E	GALLATIN
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**Period of Diversion:** APRIL 1 TO OCTOBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** FLANDERS MILLPOND DITCH

3		SWSESW	14	3S	5E	GALLATIN
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**Period of Diversion:** APRIL 1 TO OCTOBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** HOY DITCH

4		NENESW	14	3S	5E	GALLATIN
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**Period of Diversion:** APRIL 1 TO OCTOBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** HODGEMAN DITCH

5		SESWNE	29	2S	5E	GALLATIN
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**Period of Diversion:** APRIL 1 TO OCTOBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** MARSHALL DITCH

**Period of Use:** APRIL 1 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		SWNW	24	2S	5E	GALLATIN
2	40.00		NWSW	24	2S	5E	GALLATIN
3	120.00		NE	27	2S	5E	GALLATIN
4	40.00		SESE	23	2S	5E	GALLATIN
5	80.00		S2NE	22	2S	5E	GALLATIN
6	5.00		NWSW	12	2S	5E	GALLATIN
7	40.00		SWSW	25	2S	5E	GALLATIN
8	80.00		W2NE	24	2S	5E	GALLATIN
9	40.00		SENE	24	2S	5E	GALLATIN
10	80.00		S2NW	19	2S	6E	GALLATIN
11	160.00		SW	19	2S	6E	GALLATIN
12	80.00		E2NE	24	2S	5E	GALLATIN
13	10.00		W2SWSW	12	2S	5E	GALLATIN
14	160.00		NW	14	2S	5E	GALLATIN
15	120.00		NE	14	2S	5E	GALLATIN
16	160.00		SE	14	2S	5E	GALLATIN
17	83.00		NW	11	3S	5E	GALLATIN
18	160.00		NW	26	2S	5E	GALLATIN
19	80.00		W2SE	26	2S	5E	GALLATIN
20	24.00		SWNE	23	2S	5E	GALLATIN
21	10.00		SWNE	29	2S	5E	GALLATIN
22	130.00		SE	35	2S	5E	GALLATIN
23	80.00		N2NE	23	2S	5E	GALLATIN
24	40.00		SENE	23	2S	5E	GALLATIN
25	40.00		NWSE	23	2S	5E	GALLATIN
26	40.00		SWSW	13	2S	5E	GALLATIN
27	20.00		S2SESW	13	2S	5E	GALLATIN
28	80.00		N2NW	24	2S	5E	GALLATIN
29	80.00		S2SW	24	2S	5E	GALLATIN
30	40.00		N2N2NW	25	2S	5E	GALLATIN
31	80.00		S2NE	22	2S	5E	GALLATIN
32	80.00		N2NE	22	2S	5E	GALLATIN
33	80.00		S2SE	15	2S	5E	GALLATIN
34	40.00		NESW	24	2S	5E	GALLATIN
35	36.00		W2SE	24	2S	5E	GALLATIN
36	20.00		W2NWSW	25	2S	5E	GALLATIN
37	40.00		NW	35	2S	5E	GALLATIN
38	20.00		NWNE	35	2S	5E	GALLATIN
39	80.00		E2NW	22	2S	5E	GALLATIN
40	40.00		NENE	4	3S	5E	GALLATIN
41	200.00		W2	27	2S	5E	GALLATIN
42	160.00		NE	26	2S	5E	GALLATIN
43	160.00		SE	27	2S	5E	GALLATIN
44	160.00		SW	26	2S	5E	GALLATIN
45	40.00		SWNW	23	2S	5E	GALLATIN
46	80.00		W2SW	23	2S	5E	GALLATIN
47	320.00		W2	34	2S	5E	GALLATIN
48	320.00		E2	34	2S	5E	GALLATIN
49	120.00		NW	25	2S	5E	GALLATIN
50	40.00		NENE	35	2S	5E	GALLATIN
51	40.00		SENE	23	2S	5E	GALLATIN
52	40.00		SESW	23	2S	5E	GALLATIN
53	40.00		NWSE	23	2S	5E	GALLATIN
54	40.00		SWSE	23	2S	5E	GALLATIN
55	17.00		NESE	23	2S	5E	GALLATIN
56	160.00		SE	22	2S	5E	GALLATIN
57	20.00		SWSW	19	2S	6E	GALLATIN
58	80.00		E2SE	24	2S	5E	GALLATIN
59	20.00		W2NW	30	2S	6E	GALLATIN
60	80.00		E2NE	25	2S	5E	GALLATIN
61	80.00		E2SE	26	2S	5E	GALLATIN
62	160.00		NE	12	3S	5E	GALLATIN
63	80.00		W2NW	12	3S	5E	GALLATIN
64	160.00		SW	1	3S	5E	GALLATIN
65	80.00		S2NE	11	3S	5E	GALLATIN
66	80.00		N2NE	11	3S	5E	GALLATIN
67	160.00		SE	2	3S	5E	GALLATIN
68	40.00		SESW	2	3S	5E	GALLATIN

**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>
69	80.00		N2SW	2	3S	5E	GALLATIN
70	12.00		SWNE	29	2S	5E	GALLATIN
71	40.00		SWSW	2	3S	5E	GALLATIN
72	14.00		NENE	2	3S	5E	GALLATIN
73	83.00		NE	2	3S	5E	GALLATIN
74	75.00		W2NE	25	2S	5E	GALLATIN
75	19.00		SESE	13	2S	5E	GALLATIN
76	16.00		SWSE	13	2S	5E	GALLATIN
77	21.00		NWSE	13	2S	5E	GALLATIN
78	15.00		NESE	13	2S	5E	GALLATIN
79	6.00		SENE	13	2S	5E	GALLATIN
80	19.00		SWNE	13	2S	5E	GALLATIN
81	22.00		NWNE	13	2S	5E	GALLATIN
82	5.00		NENE	13	2S	5E	GALLATIN
83	23.00		SENE	13	2S	5E	GALLATIN
84	28.00		SWNW	13	2S	5E	GALLATIN
85	25.00		NWNW	13	2S	5E	GALLATIN
86	20.00		NENW	13	2S	5E	GALLATIN
<b>Total:</b>	6,178.00						

**Geocodes/Valid:** -- NO VALID GEOCODES --

**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.

119959-00	119960-00	119961-00	119962-00	119963-00	119964-00	119965-00
119966-00	119967-00	119968-00	119969-00	119970-00	119971-00	119972-00
119973-00	119974-00	119975-00	119976-00	119977-00	119978-00	210899-00
210900-00	210901-00	210902-00	210903-00	210904-00		

THE MAXIMUM ACRES, PLACE OF USE WERE AMENDED BY THE CLAIMANT IN 2007 PURSUANT TO SECTION 85-2-233(6), MCA.

THE COMPLETE SET OF DOCUMENTATION, MAPS AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. Z119958-00.

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