

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:

41D 40058-00 STATEMENT OF CLAIM

Version:

2 -- POST DECREE

Version Status:

ACTIVE

Owners:

RHODES LAND & CATTLE LLC  
327 E HELENA ST  
DILLON, MT 59725-2614

JODI BURK  
304 SUGARLOAF MTN RD  
GLEN, MT 59732-8410

CLINTON BURK  
304 SUGARLOAF MTN RD  
GLEN, MT 59732-8410

JUSTIN RHODES  
327 E HELENA ST  
DILLON, MT 59725-2614

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

Priority Date:

OCTOBER 28, 1901

Enforceable Priority Date:

OCTOBER 28, 1901

Type of Historical Right:

DECREED

Purpose (use):

IRRIGATION

Irrigation Type:

SPRINKLER/FLOOD

Maximum Flow Rate:

NO FLOW RATE HAS BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Maximum Volume:

141.98 AC-FT

Climatic Area:

4 - MODERATELY LOW

Maximum Acres:

200.00

Source Name:

UNNAMED TRIBUTARY OF ROCK CREEK

Source Type:

SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr	Sec	Twp	Rge	County
1		NENESE	4	4S	10W	BEAVERHEAD

Period of Diversion:

JANUARY 1 TO DECEMBER 31

Diversion Means:

DAM

WATER DIVERTED FROM LAKE AGNES IS CONVEYED TO ROCK CREEK WHICH IS USED AS A NATURAL CARRIER TO A SECONDARY POINT OF DIVERSION IN THE SENWSW SEC 32 TWP 3S RGE 9W BEAVERHEAD COUNTY.

Reservoir:

ON STREAM

Reservoir Name

LAKE AGNES

Govt Lot	Qtr	Sec	Twp	Rge	County
	NENESE	4	4S	10W	BEAVERHEAD

Diversion to Reservoir:

DIVERSION # 1

Dam Height:

13.00 FEET

Surface Area:

114.00 ACRES

Current Capacity:

1,860.00 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

RESERVOIR DATA WAS OBTAINED FROM THE DAM SAFETY SECTION OF THE WATER RESOURCES DIVISION, DNRC

Period of Use:

JULY 1 to SEPTEMBER 30

Place of Use:

ID	Acres	Govt Lot	Qtr	Sec	Twp	Rge	County
1	8.00		NENW	4	4S	9W	BEAVERHEAD
2	16.00		NWNW	4	4S	9W	BEAVERHEAD
3	36.00		SENW	4	4S	9W	BEAVERHEAD

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>
4	35.00		SWNW	4	4S	9W	BEAVERHEAD
5	14.00		NESE	4	4S	9W	BEAVERHEAD
6	25.00		NWSE	4	4S	9W	BEAVERHEAD
7	6.00		SESE	4	4S	9W	BEAVERHEAD
8	30.00		NESW	4	4S	9W	BEAVERHEAD
9	18.00		NENE	5	4S	9W	BEAVERHEAD
10	12.00		SENE	5	4S	9W	BEAVERHEAD
Total:	200.00						
Geocodes/Valid:		18-0588-04-2-01-01-0000 - Y			18-0588-04-2-01-02-0000 - Y		
		18-0588-05-1-01-01-0000 - 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.

40057-00      40058-00      40060-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 11/09/1994: MAXIMUM ACRES, PLACE OF USE.

THE VOLUME WAS AMENDED BY THE CLAIMANT ON 11/29/1994.

THE 08/01/1990 WAS AMENDED BY THE CLAIMANT ON.

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 01/08/1993.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 07/07/1999.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 32970 RECEIVED 02/02/2006.

OWNERSHIP UPDATE TYPE 608 # 48331 RECEIVED 08/10/2007.

OWNERSHIP UPDATE TYPE 608 # 77637 RECEIVED 03/16/2010.

OWNERSHIP UPDATE TYPE DOR # 109318 RECEIVED 04/11/2013.

OWNERSHIP UPDATE TYPE DOR # 113711 RECEIVED 04/17/2013.

OWNERSHIP UPDATE TYPE DOR # 113707 RECEIVED 04/17/2013.