

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 90393-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: WILLIAM MICHAEL APPEGATE
85 APPEGATE LN
DEER LODGE, MT 59722-9554

SUN UP VENTURES LLC
PO BOX 311
DEER LODGE, MT 59722-0311

ANTHONY C COLTER
642 DEER HAVEN DR
DEER LODGE, MT 59722

PATTI COLTER
642 DEER HAVEN DR
DEER LODGE, MT 59722-9462

TROY J MCQUEARY
458 DEER HAVEN DR
DEER LODGE, MT 59722-9418

RIKKI MCQUEARY
458 DEER HAVEN DR
DEER LODGE, MT 59722

TRANSFER PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT WILL BE SPLIT INTO SEPARATE OWNERSHIPS AFTER FINAL DECREE.

OWNER W. J. & SHARON APPEGATE RETAINED. CONTRACT FOR DEED INTEREST.

Priority Date: MARCH 3, 1906

Enforceable Priority Date: MARCH 3, 1906

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 25.37 CFS

Maximum Volume:

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 643.00

Source Name: COTTONWOOD 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		NESENE	1	7N	9W	POWELL

Period of Diversion: MARCH 15 TO JULY 19

Diversion Means: HEADGATE

Ditch Name: APPEGATE NO 3

2		NWSENW	1	7N	9W	POWELL
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Period of Diversion: MARCH 15 TO JULY 19

Diversion Means: HEADGATE

Ditch Name: APPEGATE NO 2

3		NWNWNE	2	7N	9W	POWELL
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Period of Diversion: MARCH 15 TO JULY 19

Diversion Means: HEADGATE

Ditch Name: APPEGATE NO 1

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
4		SWNWSW	9	7N	8W	POWELL

Period of Diversion: MARCH 15 TO JULY 19

Diversion Means: HEADGATE

Ditch Name: COWAN DITCH

Period of Use: MARCH 15 to JULY 19

THE ACTUAL HISTORICAL PERIOD OF USE FOR THIS WATER RIGHT IS FROM MARCH 15 TO JULY 15. COMPUTER PROGRAM LIMITATIONS DO NOT ALLOW THE CORRECT PERIOD OF USE TO BE PRINTED ABOVE.

THIS RIGHT IS LIMITED TO HIGH OR FLOOD WATERS OF COTTONWOOD CREEK.

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	140.00		N2N2	1	7N	9W	POWELL
2	15.00		N2SEW	1	7N	9W	POWELL
3	35.00		N2SWNE	1	7N	9W	POWELL
4	5.00		NWSENE	1	7N	9W	POWELL
5	20.00		N2NE	2	7N	9W	POWELL
6	66.00		N2N2	2	7N	9W	POWELL
7	24.00		SWNW	2	7N	9W	POWELL
8	24.00		NWSW	2	7N	9W	POWELL
9	157.00		NE	3	7N	9W	POWELL
10	61.00		E2NW	3	7N	9W	POWELL
11	96.00		NE	12	7N	9W	POWELL
Total:	643.00						

Geocodes/Valid:	28-1578-01-1-01-01-0000 - Y	28-1578-01-1-01-10-0000 - Y
	28-1578-01-1-01-20-0000 - Y	28-1578-01-1-01-30-0000 - Y
	28-1578-01-1-01-40-0000 - Y	28-1578-01-1-01-50-0000 - Y
	28-1578-01-2-01-05-0000 - Y	28-1578-01-2-01-10-0000 - Y
	28-1578-01-2-01-20-0000 - Y	28-1578-01-2-01-30-0000 - Y
	28-1578-01-2-01-40-0000 - Y	28-1578-01-2-01-50-0000 - Y
	28-1578-02-1-01-01-0000 - Y	28-1578-03-1-01-01-0000 - Y
	28-1578-12-1-01-01-0000 - 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.

90393-00 90394-00 90409-00 90410-00 90411-00 90412-00 90413-00
90414-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

90393-00 90409-00

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

OWNERSHIP TRANSFER DOCUMENTATION PROVIDED TO DNRC REPRESENT THAT WILLIAM JOE APPELATE TRANSFERRED REAL PROPERTY WITHOUT RESERVATION TO WILLIAM MICHAEL APPELATE IN TRUST FOR SHELBY MAY APPELATE, WILLIAM CLAY APPELATE AND JUDD MICHAEL APPELATE, MINORS AT THE TIME OF THE TRANSFER. ORIGINAL DOCUMENTS WERE RECORDED IN THE OFFICE OF THE POWELL COUNTY CLERK AND RECORDER ON DECEMBER 31, 2012.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/09/98.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 05/01/00.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 125277 RECEIVED 07/07/2008.

OWNERSHIP UPDATE TYPE DOR # 92375 RECEIVED 12/29/2010.

OWNERSHIP UPDATE TYPE DOR # 109584 RECEIVED 12/31/2012.

Remarks:

THE TIMELY FILED OBJECTION TO THIS CLAIM WAS AMENDED TO INCLUDE POINT OF DIVERSION. BECAUSE THIS ELEMENT WAS NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THIS CHANGE MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE ADDRESSED AT THE OBJECTION STAGE. IT APPEARS THAT 124.0 ACRES ARE ACTUALLY IRRIGATED.