

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: 76H 105055-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Version Status: ACTIVE

Owners:

SAM W FOSS
PO BOX 1975
HAMILTON, MT 59840-1975

SPENCER, NICHOLAS J & CAROL WHETSTONE TRUST 1995
805 S 4TH ST
HAMILTON, MT 59840

DANIEL L ROTH LISBERGER
PO BOX 2135
HAMILTON, MT 59840

CHERYL D ROTH LISBERGER
PO BOX 2135
HAMILTON, MT 59840

JOHN L MAC GILLIVRAY
305 N GOLD CREEK LOOP
HAMILTON, MT 59840-9730

CHRISTEN L MAC GILLIVRAY
305 N GOLD CREEK LOOP
HAMILTON, MT 59840-9730

KIOWA OLIVER
231 N GOLD CREEK RD
HAMILTON, MT 59840

JEFFREY L OLIVER
231 GOLD CREEK RD
HAMILTON, MT 59840

AMY Z BROTHERS
21 LA RANCHERIA
CARMEL VALLEY, CA 93924

JEFF E BROTHERS
21 LA RANCERIA
CARMEL VALLEY, CA 93924

FOSS, SAM & CAROLE FAMILY REVOCABLE LIVING TRUST
FOSS SAMUEL W SR TRUSTEE
PO BOX 1975
HAMILTON, MT 59840-1975

SAM W FOSS JR
PO BOX 1975
HAMILTON, MT 59840-1975

* OWNERSHIP OF WATER RIGHT CHANGED BY ORDER OF THE WATER COURT DURING ADJUDICATION OF THE PRELIMINARY DECREE.

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

OWNER FOSS, SAM & CAROLE FAMILY REVOCABLE LIVING TRUST RETAINED. CONTRACT FOR DEED INTEREST.

OWNER SAM W FOSS RETAINED. CONTRACT FOR DEED INTEREST.

Priority Date: JUNE 15, 1883

Enforceable Priority Date: JUNE 15, 1883

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 3.25 CFS

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 2 - MODERATELY HIGH
Maximum Acres: 226.89
Source Name: GOLD 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		NESWNE	28	5N	21W	RAVALLI

Period of Diversion: APRIL 1 TO OCTOBER 19

Diversion Means: HEADGATE

Ditch Name: FAYE 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	100.50		SW	23	5N	21W	RAVALLI
2	33.00		W2SE	23	5N	21W	RAVALLI
3	18.14		E2SENW	23	5N	21W	RAVALLI
4	17.14		E2SWNW	23	5N	21W	RAVALLI
5	18.50		W2SENW	23	5N	21W	RAVALLI
6	18.44		W2SWNW	23	5N	21W	RAVALLI
7	21.17		SWNE	23	5N	21W	RAVALLI

Total: 226.89

Geocodes/Valid:		
	13-1366-23-2-01-01-0000 - Y	13-1366-23-2-01-04-0000 - Y
	13-1366-23-2-01-10-0000 - Y	13-1366-23-2-01-11-0000 - Y
	13-1366-23-2-01-12-0000 - Y	13-1366-23-2-01-13-0000 - Y
	13-1366-23-2-01-14-0000 - Y	13-1366-23-2-01-15-0000 - Y
	13-1366-23-2-01-16-0000 - Y	13-1366-23-2-01-17-0000 - Y
	13-1366-23-2-01-18-0000 - Y	13-1366-23-2-01-19-0000 - Y
	13-1366-23-2-01-20-0000 - Y	13-1366-23-2-01-21-0000 - Y
	13-1366-23-2-01-22-0000 - Y	13-1366-23-2-01-23-0000 - 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.

105036-00	105037-00	105038-00	105039-00	105040-00	105041-00	105042-00
105043-00	105044-00	105045-00	105046-00	105047-00	105048-00	105049-00
105051-00	105052-00	105053-00	105054-00	105055-00	105056-00	105057-00
125062-00	30043197	30043198	30043202	30043203		

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.

105034-00 105055-00

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

THE IMPLIED CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM. 30043202, 30043203.

APPLICATION TO CHANGE RECEIVED 10/03/91, TERMINATED 04/06/93. SEE T085790-00.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/08/90.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/12/91.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 6948 RECEIVED 01/28/2003.

OWNERSHIP UPDATE TYPE 608 # 9323 RECEIVED 06/12/2003.

OWNERSHIP UPDATE TYPE 608 # 12282 RECEIVED 01/09/2004.

OWNERSHIP UPDATE TYPE 608 # 45619 RECEIVED 04/23/2007.

OWNERSHIP UPDATE TYPE 608 # 51797 RECEIVED 12/05/2007.

Remarks:

OWNERSHIP UPDATE TYPE 608 # 52838 RECEIVED 12/31/2007.

OWNERSHIP UPDATE TYPE DOR # 123411 RECEIVED 05/27/2014.

OWNERSHIP UPDATE TYPE DOR # 132515 RECEIVED 04/08/2015.

OWNERSHIP UPDATE TYPE DOR # 136696 RECEIVED 09/28/2015.