

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 147458-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: TONI GRAGG
4659 TATE AVE N
SALEM, OR 97303

SCOTT GRAGG
4659 TATE AVE N
SALEM, OR 97303

STANLEY L SWARTZ
291 LOST HORSE RD
HAMILTON, MT 59840

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

Priority Date: JUNE 15, 1864
Enforceable Priority Date: JUNE 15, 1864

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 1.63 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 151.00

Source Name: SOUTH SWAMP 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		SWSENE	36	9N	20W	RAVALLI

Period of Diversion: APRIL 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: CRONIN DITCH (HEADGATE 116)

2		SESENW	36	9N	20W	RAVALLI
---	--	--------	----	----	-----	---------

Period of Diversion: APRIL 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: BROWN-CRONIN-LOGAN DITCH (HEADGATE 117)

3		NENESE	36	9N	20W	RAVALLI
---	--	--------	----	----	-----	---------

Period of Diversion: APRIL 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: LANCASTER DITCH

4		NENESE	36	9N	20W	RAVALLI
---	--	--------	----	----	-----	---------

Period of Diversion: APRIL 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: LONGBOTTOM DITCH (HEADGATE 114)

5		SWNESE	36	9N	20W	RAVALLI
---	--	--------	----	----	-----	---------

Period of Diversion: APRIL 1 TO OCTOBER 31
Diversion Means: HEADGATE

Period of Use: APRIL 1 to OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	15.00		SENE	36	9N	20W	RAVALLI
2	26.00		SWNE	36	9N	20W	RAVALLI
3	28.00		SENE	36	9N	20W	RAVALLI
4	41.00		NWSE	36	9N	20W	RAVALLI
5	41.00		NESW	36	9N	20W	RAVALLI
Total:	151.00						

Geocodes/Valid: 13-1764-36-2-01-03-0000 - Y 13-1764-36-2-01-05-0000 - Y
 13-1764-36-2-01-13-0000 - Y 13-1764-36-2-01-14-0000 - Y
 13-1764-36-2-01-15-0000 - 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.

147454-00 147455-00 147456-00 147457-00 147458-00 147459-00 147460-00
 147461-00 147463-00 147464-00

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.

147458-00 147459-00 147465-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 02/09/2000: MAXIMUM ACRES AND PLACE OF USE.

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 12/26/2014: POINT OF DIVERSION, PLACE OF USE, MAXIMUM ACRES, FLOW RATE.

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 02/09/2000.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 65.2 MINER'S INCHES DECREED IN CASE NO. 556, RAVALLI COUNTY. 147458-00, 147459-00.

THIS CLAIM APPEARS TO DUPLICATE CLAIM NO. 76H-147459-00 WHICH IS ALSO BASED ON THE 2ND DECREED RIGHT ON SOUTH SWAMP CREEK IN AMENDED CASE NO. 556, RAVALLI COUNTY.

THE PRIORITY DATE MAY BE QUESTIONABLE. THE PLACE OF USE DESCRIBED IN CASE NO. 556 , RAVALLI COUNTY, IS INCONSISTENT WITH THE CLAIMED PLACE OF USE.