

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:** 76LJ 148677-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** CLINTON P GROSSWILER  
1175 FARM TO MARKET RD  
KALISPELL, MT 59901  
  
GROSSWILER DAIRY INC  
PO BOX 952  
KALISPELL, MT 59903  
  
W W E E LLC  
690 N MERIDIAN RD #103  
KALISPELL, MT 59901  
  
STRICKLAND, FRANK R & MICHELLE D TRUST  
272 STILLWATER RD  
KALISPELL, MT 59901  
  
MARK A WILSON  
250 STILLWATER RD  
KALISPELL, MT 59901  
  
RENELL J WILSON  
250 STILLWATER RD  
KALISPELL, MT 59901  
  
AUTREY TRUST  
1348 QUARTER HORSE LN  
KALISPELL, MT 59901  
  
DANIEL M SPANGLER  
698 11TH ST SE  
SIDNEY, MT 59270  
  
SUSAN R SPANGLER  
698 11TH ST SE  
SIDNEY, MT 59270  
  
OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

**Priority Date:** MARCH 16, 1951  
**Enforceable Priority Date:** MARCH 16, 1951

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION  
**Irrigation Type:** SPRINKLER

**Maximum Flow Rate:** 1.78 CFS  
PRIMARILY A DIRECT FLOW SYSTEM; FLOW RATE RETAINED.

**Maximum Volume:** PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 240.00

**Source Name:** BOWSER SPRING CREEK  
**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWNW	2		28N	22W	FLATHEAD

**Period of Diversion:** APRIL 15 TO OCTOBER 15

**Diversion Means:** DAM  
PUMP USED AS AN ADDITIONAL MEANS OF DIVERSION.

**Reservoir:** ON STREAM **Reservoir Name** UNNAMED  
**Govt Lot** **Qtr** **Sec** **Sec** **Twp** **Rge** **County**  
SWSWNW 2 28N 22W FLATHEAD

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 11.00 FEET  
**Depth:** 8.00 FEET  
**Surface Area:** 2.50 ACRES  
**Current Capacity:** 8.00 ACRE-FEET

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

**Period of Use:** APRIL 15 to OCTOBER 15

**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	40.00		SENE	2	28N	22W	FLATHEAD
2	40.00		SENW	2	28N	22W	FLATHEAD
3	40.00		SWNW	2	28N	22W	FLATHEAD
4	40.00		NESE	2	28N	22W	FLATHEAD
5	40.00		NESW	2	28N	22W	FLATHEAD
6	40.00		NWSW	2	28N	22W	FLATHEAD
<b>Total:</b>	240.00						

**Geocodes/Valid:** 07-3965-02-1-01-01-0000 - Y      07-3965-02-1-01-03-0000 - Y  
07-3965-02-1-01-05-0000 - Y      07-3965-02-1-02-01-0000 - Y  
07-3965-02-2-01-50-0000 - Y      07-3965-02-2-02-01-0000 - Y  
07-3965-02-3-01-01-0000 - Y      07-3965-02-3-01-10-0000 - Y  
07-3965-02-4-03-02-0000 - Y      07-3965-02-4-03-06-0000 - Y  
07-3965-02-4-03-10-0000 - Y      07-3965-02-4-03-32-0000 - Y  
07-3965-02-4-03-42-0000 - Y      07-3965-02-4-03-52-0000 - Y  
07-3965-02-4-03-62-0000 - Y      07-3965-02-4-04-01-0000 - Y  
07-3965-02-4-04-40-0000 - Y      07-3965-02-4-04-50-0000 - Y  
07-3965-02-4-04-60-0000 - Y      07-3965-02-4-04-70-0000 - 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.

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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.

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**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 60712 RECEIVED 07/17/2008.  
OWNERSHIP UPDATE TYPE 608 # 60710 RECEIVED 07/17/2008.  
OWNERSHIP UPDATE TYPE 608 # 60713 RECEIVED 07/17/2008.  
OWNERSHIP UPDATE TYPE DOR # 89263 RECEIVED 06/03/2010.  
OWNERSHIP UPDATE TYPE DOR # 89122 RECEIVED 12/17/2010.  
OWNERSHIP UPDATE TYPE DOR # 141235 RECEIVED 03/27/2015.  
OWNERSHIP UPDATE TYPE DOR # 134301 RECEIVED 08/24/2015.  
OWNERSHIP UPDATE TYPE DOR # 138737 RECEIVED 02/01/2016.

AN AMENDMENT WAS SUBMITTED ON 12/23/2009 REQUESTING TO AMEND THE PLACE OF USE, MAXIMUM ACRES . THE AMENDMENT HAS NOT BEEN IMPLEMENTED AS IT HAS NOT BEEN SIGNED BY ALL OWNERS OF DNRC RECORD.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 76LJ 9985-00, 76LJ 148677-00.

FLATHEAD COUNTY RECORDS AS OF 04/20/2008 SHOWS PLACE OF USE IS OWNED BY 17 DIFFERENT OWNERS, SEE CLAIM FILE FOR DETAILS.

**Remarks:**

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

THE FLATHEAD COUNTY WATER RESOURCES SURVEY ( 1965 ) APPEARS TO INDICATE 175.5 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 979-191 , DATED 09/23/1979 , APPEARS TO INDICATE 163.1 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED APPROPRIATION ON BOWSER SPRING CREEK WITH A PRIORITY DATE POSTDATING CASE NO. 9749, FLATHEAD COUNTY.