

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 148678-00 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

MICHAEL L TIKKA
294 STILLWATER RD
KALISPELL, MT 59901

SHARON A TIKKA
294 STILLWATER RD
KALISPELL, MT 59901

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

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

Priority Date: MAY 7, 1910

Enforceable Priority Date: MAY 7, 1910

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: 320.00

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 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

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	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	160.00		NE	2	28N	22W	FLATHEAD
2	160.00		NW	2	28N	22W	FLATHEAD
Total:	320.00						

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 07-3965-02-1-01-07-0000 - Y
07-3965-02-1-02-01-0000 - Y 07-3965-02-1-02-89-0000 - Y
07-3965-02-2-01-01-0000 - Y 07-3965-02-2-01-50-0000 - Y
07-3965-02-2-02-01-0000 - 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.

148677-00 148678-00 148679-00

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 60488 RECEIVED 07/14/2008.
OWNERSHIP UPDATE TYPE 608 # 60710 RECEIVED 07/17/2008.
OWNERSHIP UPDATE TYPE 608 # 60713 RECEIVED 07/17/2008.
OWNERSHIP UPDATE TYPE 608 # 60712 RECEIVED 07/17/2008.
OWNERSHIP UPDATE TYPE DOR # 89263 RECEIVED 06/03/2010.
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.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 01/20/2016, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY CEBULLA AND TRIPP.

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.

USDA AERIAL PHOTOGRAPH NO(S). 979-191 , DATED 09/23/1979 , APPEARS TO INDICATE 290.02 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 PREDATING CASE NO. 9749, FLATHEAD COUNTY.