

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 148679-00 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

TRILLIUM LLC
PO BOX 7667
KALISPELL, MT 59904

LOUISIANA LAND & LIVESTOCK, LLC
% JEROME T BROUSSARD
PO BOX 595
WHITEFISH, MT 59937

W W E LLC
690 N MERIDIAN RD #103
KALISPELL, MT 59901

Priority Date: MAY 1, 1889
Enforceable Priority Date: MAY 1, 1889

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 15.00 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 280.00

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

2			SESENE	3	28N	22W	FLATHEAD
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Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

PUMP IS SECONDARY MEANS OF DIVERSION.

Reservoir: ON STREAM **Reservoir Name** UNNAMED

<u>Govt Lot</u>	<u>Qtr</u>	<u>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 Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	160.00		NW	2	28N	22W	FLATHEAD
2	40.00	1	NENE	3	28N	22W	FLATHEAD
3	40.00		SENE	3	28N	22W	FLATHEAD
4	40.00		NESE	3	28N	22W	FLATHEAD
Total:	280.00						

Geocodes/Valid: 07-3965-02-2-01-01-0000 - Y 07-3965-02-2-01-50-0000 - Y
07-3965-02-2-02-01-0000 - Y 07-3965-03-1-01-02-0000 - Y
07-3965-03-1-01-15-0000 - Y 07-3965-03-4-01-01-0000 - 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.

148677-00 148678-00 148679-00

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 89263 RECEIVED 06/03/2010.
OWNERSHIP UPDATE TYPE DOR # 131344 RECEIVED 06/18/2010.
OWNERSHIP UPDATE TYPE 641 # 71667 RECEIVED 06/22/2010.
OWNERSHIP UPDATE TYPE DOR # 125049 RECEIVED 09/30/2014.
OWNERSHIP UPDATE TYPE 608 # 146729 RECEIVED 09/02/2016.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

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 222.34 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 229.38 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.