

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 148790-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** ROSETTA F NESS  
436 1ST AVE W  
KALISPELL, MT 59901  
  
MILDRED A ONEIL  
436 1ST AVE W  
KALISPELL, MT 59901

**Priority Date:** JULY 11, 1895  
**Enforceable Priority Date:** JULY 11, 1895

**Type of Historical Right:** FILED

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

**Maximum Flow Rate:** 125.66 GPM

**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:** 10.00

**Source Name:** ASHLEY 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         |                 | NENWNW         | 21         | 28N        | 22W        | FLATHEAD      |

**Period of Diversion:** APRIL 1 TO OCTOBER 15

**Diversion Means:** HEADGATE

WATER DIVERTED FROM ASHLEY CREEK IS CONVEYED TO SMITH SPRING CREEK WHICH IS USED AS A NATURAL CARRIER TO CONVEY WATER TO THE PLACE OF USE.

**Period of Use:** APRIL 1 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         | 10.00        |                 | E2SESE         | 11         | 28N        | 22W        | FLATHEAD      |

**Total:** 10.00

**Geocodes/Valid:** 07-3965-11-4-01-01-0000 - Y      07-3965-11-4-01-02-0000 - Y

**Remarks:**

WATER RIGHTS 76LJ 148789-00, 76LJ 148790-00, 76LJ 147001-00, 76LJ 147000-00, AND 76LJ 30109238 ARE ASSOCIATED BECAUSE THEY SHARE THE SAME PLACE OF USE.

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

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

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 04/01/2009, THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY LARRY MOTES LIVING TRUST & RONALD L BUROW.

THE FLATHEAD COUNTY WATER RESOURCES SURVEY ( 1965 ) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 979-191 , DATED 09/23/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THIS CLAIMED WATER RIGHT MAY BE QUESTIONABLE. THE RIGHT APPEARS TO HAVE LAST BEEN USED IN 1979.