

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 151093-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Version Status: ACTIVE

Owners: H BRUCE MACLAY
17015 OLD HWY 93 S
FLORENCE, MT 59833

MLIC ASSET HOLDINGS LLC
MAIL TO: METLIFE AG INVESTMENTS
10801 MASTIN ST, STE 930
OVERLAND PARK, KS 66210-1677

WILLIAM H MACLAY
371 NW 50TH ST
SEATTLE, WA 98107-3522

CORY A MACLAY
371 NW 50TH ST
SEATTLE, WA 98107-3522

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

Priority Date: APRIL 1, 1886

Enforceable Priority Date: APRIL 1, 1886

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 7.80 CFS

CONCLUSION OF LAW X OF THE DECREE IN CAUSE 12336, MISSOULA COUNTY STATES: THAT THE AMOUNTS OF THE APPROPRIATIONS OF EACH AND ALL PARTIES AS HEREIN FOUND ARE AND ARE TO BE COMPUTED ON THE STREAM AT OR NEAR THE POINT OF DIVERSION OF THE DITCH OF EACH IN THE CASE OF ALL PARTIES USING DIRECTLY FROM THE STREAMS BY MEANS OF THEIR OWN DITCHES. AS TO ALL DITCHES WHERE TWO OR MORE PARTIES DIVERT THEIR WATER FROM THE STREAM IN THE SAME DITCH, JOINTLY OR IN GROUPS, THE AMOUNT TO EACH SHALL BE MEASURED AT THE HEAD OF EACH OF HIS OR HER LATERAL DITCH OR DITCHES AS THE AMOUNT EACH ARE ENTITLED TO, LESS THEIR PROPORTIONATE SHARE OF THE LOSS, IF ANY, IN CONVEYING THE WATERS FROM THE STREAM TO THE HEAD OF THEIR LATERAL OR LATERALS.

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: 302.00

Source Name: LOLO 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		NESENE	6	11N	20W	MISSOULA

Period of Diversion: APRIL 1 TO NOVEMBER 4

Diversion Means: HEADGATE

Ditch Name: MACLAY-LOLO DITCH

DITCH NAME: MACLAY LOLO DITCH

Period of Use: APRIL 1 to NOVEMBER 4

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	138.28		SW	14	11N	20W	MISSOULA
2	65.00		S2NE	14	11N	20W	MISSOULA
3	83.00		SE	14	11N	20W	MISSOULA
4	1.72		NENESE	15	11N	20W	MISSOULA

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>
5	14.00		N2NW	23	11N	20W	MISSOULA
Total:	302.00						

<u>Geocodes/Valid:</u>		
	04-1975-14-1-01-02-0000 - Y	04-1975-14-3-01-01-0000 - Y
	04-1975-14-3-01-05-0000 - Y	04-1975-14-3-01-06-0000 - Y
	04-1975-14-3-01-08-0000 - Y	04-1975-14-3-01-10-0000 - Y
	04-1975-14-3-01-12-0000 - Y	04-1975-14-3-01-14-0000 - Y
	04-1975-14-3-01-16-0000 - Y	04-1975-14-4-01-01-0000 - 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.

151082-00	151084-00	151085-00	151086-00	151087-00	151088-00	151089-00
151090-00	151091-00	151092-00	151093-00	151094-00	151095-00	151096-00
151098-00	151099-00	151100-00	163387-00	163390-00		

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.

151093-00	151120-00
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THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 02/07/90: MAXIMUM ACRES, PLACE OF USE, FLOW RATE.

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 92707 RECEIVED 01/22/2010.
OWNERSHIP UPDATE TYPE DOR # 108838 RECEIVED 02/27/2013.
OWNERSHIP UPDATE TYPE DOR # 137673 RECEIVED 10/19/2015.