

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 151177-00 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:**

RONNIE R MITCHELL  
PO BOX 17946  
MISSOULA, MT 59808

BOBBIE V HECK  
PO BOX 2043  
HAMILTON, MT 59840

JOHN D GREEF  
179 EASTSIDE HWY  
HAMILTON, MT 59840

RIO LOCATELLI  
165 MOUNTAIN GOAT RD  
HAMILTON, MT 59840

BATTISTA LOCATELLI  
165 MOUNTAIN GOAT RD  
HAMILTON, MT 59840

DORIS E LOCATELLI  
165 MOUNTAIN GOAT RD  
HAMILTON, MT 59840

JOHN MALINE  
41186 LORIENT CT  
MURRIETA, CA 92562

KATHY MALINE  
41186 LORIENT CT  
MURRIETA, CA 92562

ADA V HOSTETLER  
232 CEDAR CREEK RD  
PLAINS, MT 59859-9242

SAMUEL R HOSTETLER  
809 CUFF LN  
HAMILTON, MT 59840

GLENDA DZIURA  
165 MOUNTAIN GOAT RD  
HAMILTON, MT 59840

HORST DZIURA  
165 MOUNTAIN GOAT RD  
HAMILTON, MT 59840

LYNDON C LAMBORN  
2109 LEANING PINE TRAIL  
HAMILTON, MT 59840

RONALD C CURDY  
PO BOX 455  
HAMILTON, MT 59840

BRINKIS FAMILY 2010 REVOCABLE TRUST  
% BRINKIS JULIUS L & LYNETTE TRUSTEES  
25031 BUCKBOARD LN  
LAGUNA HILLS, CA 92653-5720

MARIO LOCATELLI  
165 MOUNTAIN GOAT RD  
HAMILTON, MT 59840

XAVIER PASTOR  
708 LITTLE SLEEPING CHILD  
HAMILTON, MT 59840

MARIA I LOPEZ  
708 LITTLE SLEEPING CHILD  
HAMILTON, MT 59840

JANA C BUTLER  
5345 DIVIDE VIEW RD  
HELENA, MT 59602-9050

RAYMOND C BUTLER  
5345 DIVIDE VIEW RD  
HELENA, MT 59602-9050

MARK E DAVIDSON  
1794 LITTLE SLEEPING CHILD RD  
HAMILTON, MT 59840-8963

ROBIN D DAVIDSON  
1794 LITTLE SLEEPING CHILD RD  
HAMILTON, MT 59840-8963

JEFFREY ALTHOUSE  
2559 PARK VIEW DR  
EUGENE, OR 97408

CAITLIN WOODYARD  
2559 PARK VIEW DR  
EUGENE, OR 97408

MICHAEL WOOD  
PO BOX 1439  
HAMILTON, MT 59840-1439

ADAWN WOOD  
PO BOX 1439  
HAMILTON, MT 59840-1439

**Priority Date:** NOVEMBER 18, 1933

**Enforceable Priority Date:** NOVEMBER 18, 1933

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

**Maximum Volume:** 600.00 AC-FT

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 140.00

**Source Name:** LITTLE SLEEPING CHILD 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		SWNESE	8	4N	20W	RAVALLI

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

**Diversion Means:** DAM

2- SECONDARY		SWSWSW	5	4N	20W	RAVALLI
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**Period of Diversion:** APRIL 1 TO OCTOBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** ANDERSON DITCH

3- SECONDARY	7	S2E2N2	6	4N	20W	RAVALLI
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**Period of Diversion:** APRIL 1 TO OCTOBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** ANDERSON-FISHER DITCH

4- SECONDARY	12	N2E2S2	6	4N	20W	RAVALLI
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**Period of Diversion:** APRIL 1 TO OCTOBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** ANDERSON DITCH

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
5- SECONDARY		SWSWNE	8	4N	20W	RAVALLI

**Period of Diversion:** APRIL 1 TO OCTOBER 1  
**Diversion Means:** HEADGATE  
**Ditch Name:** ANDERSON DITCH

6- SECONDARY		SWNESW	8	4N	20W	RAVALLI
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**Period of Diversion:** APRIL 1 TO OCTOBER 1  
**Diversion Means:** HEADGATE

WATER STORED UNDER THIS RIGHT IS RELEASED FROM UPPER RESERVOIR AND IS DIVERTED FROM LITTLE SLEEPING CHILD CREEK AT THE FOLLOWING SECONDARY POINTS OF DIVERSION: SWNESW, SWSWNE SEC 8 TWP 04N RGE 20W, SWSWSW SEC 5 TWP 04N RGE 20W, AND GOVT LOTS 7 AND 12 SEC 6 TWP 04N RGE 20W, RAVALLI COUNTY.

**Reservoir:** ON STREAM      **Reservoir Name** UPPER RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNESE	8	4N	20W	RAVALLI

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 31.00 FEET  
**Depth:** 29.60 FEET  
**Surface Area:** 6.00 ACRES  
**Current Capacity:** 71.04 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

**Period of Use:** APRIL 1 to OCTOBER 1

**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	25.00		S2SW	5	4N	20W	RAVALLI
2	18.00	7	NE	6	4N	20W	RAVALLI
3	5.00	8	NE	6	4N	20W	RAVALLI
4	1.00	11	NE	6	4N	20W	RAVALLI
5	18.00	12	NE	6	4N	20W	RAVALLI
6	18.00		NESE	6	4N	20W	RAVALLI
7	20.00		SWNE	8	4N	20W	RAVALLI
8	15.00		N2NW	8	4N	20W	RAVALLI
9	10.00		W2NESE	8	4N	20W	RAVALLI
10	10.00		NWSE	8	4N	20W	RAVALLI
<b>Total:</b>	140.00						

**Geocodes/Valid:**

13-1274-05-1-01-03-0000 - Y	13-1274-05-1-01-05-0000 - Y
13-1274-06-1-01-03-0000 - Y	13-1274-06-1-01-04-0000 - Y
13-1274-06-1-01-14-0000 - Y	13-1274-06-1-01-19-0000 - Y
13-1274-06-1-01-20-0000 - Y	13-1274-06-1-01-21-0000 - Y
13-1274-06-1-01-24-0000 - Y	13-1274-06-4-01-01-0000 - Y
13-1274-08-1-01-02-0000 - Y	13-1274-08-1-01-04-0000 - Y
13-1274-08-1-01-09-0000 - Y	13-1274-08-1-01-10-0000 - Y
13-1274-08-1-01-12-0000 - Y	13-1274-08-1-01-13-0000 - Y
13-1274-08-1-01-23-0000 - Y	13-1274-08-1-01-24-0000 - Y
13-1274-08-1-01-25-0000 - 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.

151174-00 151175-00 151176-00 151177-00

THE PLACE OF USE WAS AMENDED BY THE CLAIMANT ON 01/21/1997.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 03/07/1997.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/07/1997.

**Remarks:**

WATER RIGHT OWNERSHIP UPDATE RECEIVED 09/26/2000.  
WATER RIGHT OWNERSHIP UPDATE RECEIVED 03/18/1996.  
WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/06/2001.  
WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/14/1997.  
WATER RIGHT OWNERSHIP UPDATE RECEIVED 01/21/1997.  
WATER RIGHT OWNERSHIP UPDATE RECEIVED 07/26/1996.  
WATER RIGHT OWNERSHIP UPDATE RECEIVED 06/23/1997.  
WATER RIGHT OWNERSHIP UPDATE RECEIVED 01/21/1997.  
WATER RIGHT OWNERSHIP UPDATE RECEIVED 09/05/1997.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 15334 RECEIVED 07/12/2004.  
OWNERSHIP UPDATE TYPE 608 # 16689 RECEIVED 09/21/2004.  
OWNERSHIP UPDATE TYPE 608 # 23133 RECEIVED 07/22/2005.  
OWNERSHIP UPDATE TYPE 608 # 41770 RECEIVED 09/20/2006.  
OWNERSHIP UPDATE TYPE DOR # 81536 RECEIVED 09/30/2008.  
OWNERSHIP UPDATE TYPE DOR # 90999 RECEIVED 06/24/2010.  
OWNERSHIP UPDATE TYPE DOR # 124323 RECEIVED 07/11/2014.  
OWNERSHIP UPDATE TYPE DOR # 136397 RECEIVED 11/17/2015.  
OWNERSHIP UPDATE TYPE DOR # 142002 RECEIVED 05/11/2016.  
OWNERSHIP UPDATE TYPE DOR # 144774 RECEIVED 07/18/2016.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 10/04/2013, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY 20 POSSIBLE OWNERS. SEE CLAIM FILE.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 107975-00, 110555-00, 151175-00, 151176-00, 151177-00.

THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OF THE PLACE OF USE APPEARS TO BE ON FEDERAL LAND.

USDA AERIAL PHOTOGRAPH NO(S). 179-114 , DATED 08/02/1979 , APPEARS TO INDICATE 49.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). CNR-2P-101 , DATED 08/01/1955 , APPEARS TO INDICATE 48.50 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

PART OF THE CLAIMED PLACE OF USE DOES NOT APPEAR TO BE IRRIGATED BY WATER FROM THE CLAIMED SOURCE.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON LITTLE SLEEPING CHILD CREEK WITH A PRIORITY DATE POSTDATING CASE NO. 866, RAVALLI COUNTY.

THE PRIORITY DATE MAY BE QUESTIONABLE. THE AFFIDAVIT STATES THE RESERVOIR WAS COMPLETED IN 1927.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 8.45 TIMES THE CAPACITY OF THE RESERVOIR.

VOLUME MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.