

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 151266-00 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:**

R NEIL MILLER  
221 CARTWRIGHT WAY  
HAMILTON, MT 59840-9107

FLOYD L BETHKE  
140 SLEEPING CHILD DR  
HAMILTON, MT 59840-9749

JUDY KAY BETHKE  
140 SLEEPING CHILD DR  
HAMILTON, MT 59840-9749

CAROL L NORTHCOTT  
184 SLEEPING CHILD DR  
HAMILTON, MT 59840-9749

W IAN NORTHCOTT  
184 SLEEPING CHILD DR  
HAMILTON, MT 59840-9749

JIM G LORANGER  
154 SLEEPING CHILD DR  
HAMILTON, MT 59840-9749

SHELLY LORANGER  
154 SLEEPING CHILD DR  
HAMILTON, MT 59840-9749

CRISTINA FAES  
134 SLEEPING CHILD CT  
HAMILTON, MT 59840-9789

SUE C EVANS  
1509 SLEEPING CHILD RD  
HAMILTON, MT 59840-9775

CHRIS G EVANS  
1509 SLEEPING CHILD RD  
HAMILTON, MT 59840-9775

JULIO FAES  
134 SLEEPING CHILD CT  
HAMILTON, MT 59840-9789

YAMARONE FAMILY TRUST  
YAMARONE CHARLES A JR & CATHERINE M TRUSTEES  
3925 BURRITT WAY  
LA CRESCENTA, CA 91214-9107

JAMES B SHUTTLEWORTH  
\*\*\*DECEASED\*\*\*  
143 SLEEPING CHILD DR  
HAMILTON, MT 59840-9749

ESTELLE L SHUTTLEWORTH  
143 SLEEPING CHILD DR  
HAMILTON, MT 59840-9749

LARRY B MASON  
198 SLEEPING CHILD DR  
HAMILTON, MT 59840-9749

PEGGY S MASON  
198 SLEEPING CHILD DR  
HAMILTON, MT 59840-9749

DIANE S HOWE  
122 SLEEPING CHILD DR  
HAMILTON, MT 59840-9749

HERBERT E HOWE  
122 SLEEPING CHILD DR  
HAMILTON, MT 59840-9749

WARREN H GILLESPIE  
168 SLEEPING CHILD DR  
HAMILTON, MT 59840-9749

MICHELE R GILLESPIE  
168 SLEEPING CHILD DR  
HAMILTON, MT 59840-9749

JAK A EVANS  
1653 LITTLE SLEEPING CHILD RD  
HAMILTON, MT 59840-8943

JAY L DUCE  
1374 OLD DARBY RD  
HAMILTON, MT 59840-9743

STACIE DUCE  
1374 OLD DARBY RD  
HAMILTON, MT 59840-9743

JON N KOTT  
22892 INDIANOLA RD NE  
POULSBO, WA 98370-7706

KEITH A WEST  
167 SLEEPING CHILD DR  
HAMILTON, MT 59840-9749

DAVID A GARTEN  
125 SLEEPING CHILD CT  
HAMILTON, MT 59840-9789

BARBARA J GARTEN  
125 SLEEPING CHILD CT  
HAMILTON, MT 59840-9789

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

**Priority Date:** AUGUST 15, 1880

**Enforceable Priority Date:** AUGUST 15, 1880

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Maximum Flow Rate:** 4.47 CFS

THE FLOW RATE OF THIS CLAIM HAS BEEN REDUCED TO 17 GPM PER ACRE. THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

**Maximum Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 118.00

**Source Name:** SLEEPING CHILD 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>Twp</u>	<u>Rge</u>	<u>County</u>
1		SES	WNE 32	5N	20W	RAVALLI

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

**Diversion Means:** HEADGATE

**Ditch Name:** NORTH RATCLIFF DITCH

**Period of Use:** APRIL 1 to NOVEMBER 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	8.00		S2	SENW 30	5N	20W	RAVALLI
2	30.00			SWNW 30	5N	20W	RAVALLI
3	30.00			NWSE 30	5N	20W	RAVALLI
4	38.00			NESW 30	5N	20W	RAVALLI
5	7.00		E2	NWSW 30	5N	20W	RAVALLI
6	5.00		N2	SESW 30	5N	20W	RAVALLI

**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>
<b>Total:</b>	118.00						
<b>Geocodes/Valid:</b>		13-1367-30-2-01-01-0000 - Y				13-1367-30-2-01-02-0000 - Y	
		13-1367-30-2-01-03-0000 - Y				13-1367-30-2-01-04-0000 - Y	
		13-1367-30-2-01-05-0000 - Y				13-1367-30-2-01-06-0000 - Y	
		13-1367-30-4-01-03-0000 - Y				13-1367-30-4-01-04-0000 - Y	
		13-1367-30-4-01-06-0000 - Y				13-1367-30-4-01-07-0000 - Y	
		13-1367-30-4-01-08-0000 - Y				13-1367-30-4-01-09-0000 - Y	
		13-1367-30-4-01-10-0000 - Y				13-1367-30-4-01-11-0000 - Y	
		13-1367-30-4-01-12-0000 - Y				13-1367-30-4-01-13-0000 - Y	
		13-1367-30-4-01-14-0000 - Y				13-1367-30-4-01-15-0000 - Y	
		13-1367-30-4-01-16-0000 - Y				13-1367-30-4-01-19-0000 - Y	
		13-1367-30-4-01-27-0000 - 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.

23830-00 105024-00 107997-00 151266-00 151267-00 151732-00 30072779  
30072785

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

- NOTICE OF WATER RIGHT TRANSFER RECEIVED 05/24/91.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 03/26/91.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/04/91.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/25/90.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/19/91.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/28/90.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/14/86.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/22/91.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/07/92.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 05/24/93.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/05/95.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 05/12/98.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/28/98.
- WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/13/00.
- WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/19/00.

**OWNERSHIP UPDATE RECEIVED**

- OWNERSHIP UPDATE TYPE 608 # 524 RECEIVED 10/26/2001.
- OWNERSHIP UPDATE TYPE 608 # 6280 RECEIVED 01/06/2003.
- OWNERSHIP UPDATE TYPE 608 # 9863 RECEIVED 08/01/2003.
- OWNERSHIP UPDATE TYPE 608 # 11317 RECEIVED 10/24/2003.
- OWNERSHIP UPDATE TYPE 608 # 37825 RECEIVED 05/25/2006.
- OWNERSHIP UPDATE TYPE 608 # 44403 RECEIVED 02/13/2007.
- OWNERSHIP UPDATE TYPE 608 # 49343 RECEIVED 09/24/2007.
- OWNERSHIP UPDATE TYPE 608 # 59958 RECEIVED 06/18/2008.
- OWNERSHIP UPDATE TYPE DOR # 82541 RECEIVED 07/13/2009.
- OWNERSHIP UPDATE TYPE DOR # 92397 RECEIVED 02/03/2010.
- OWNERSHIP UPDATE TYPE DOR # 91048 RECEIVED 01/24/2011.
- OWNERSHIP UPDATE TYPE DOR # 93497 RECEIVED 03/29/2011.
- OWNERSHIP UPDATE TYPE DOR # 113177 RECEIVED 08/12/2013.

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

**Remarks:**

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 09/19/2013, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY PHYLLIS V. GIAMO.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 09/19/2013, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY THE JACK EVANS FAMILY LIMITED PARTNERSHIP.

USDA AERIAL PHOTOGRAPH NO(S). 179-114 , DATED 08/02/1979 , APPEARS TO INDICATE 102.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). CNR-2P-23 , DATED 08/01/1955 , APPEARS TO INDICATE 103.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.