

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: 76M 151517-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners:
PENNIE, ELEDA E TRUST
% PENNIE ELEDA E TRUSTEE
PO BOX 186
FRENCHTOWN, MT 59834-0186

GILBERT R JOHNSTON
PO BOX 16450
MISSOULA, MT 59808-6450

JUDITH A JOHNSTON
PO BOX 16450
MISSOULA, MT 59808

NANCY B O NEILL
16386 TWIN PONDS LN
PO BOX 973
FRENCHTOWN, MT 59834-0973

WILLIAM L O NEILL JR
16386 TWIN PONDS LN
PO BOX 973
FRENCHTOWN, MT 59834-0973

O NEILL FAMILY TRUST
O NEILL WILLIAM L JR & NANCY B TRUSTEES
PO BOX 973
FRENCHTOWN, MT 59834-0973

JEFFREY S STEWART
PO BOX 616
FRENCHTOWN, MT 59834

JULIE L STEWART
PO BOX 616
FRENCHTOWN, MT 59834

Priority Date: JUNE 15, 1968
Enforceable Priority Date: JUNE 15, 1968

Type of Historical Right: USE

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate:

Maximum Volume:

THIS USE MAY CONSUME SOME WATER, BUT UNTIL THAT AMOUNT IS QUANTIFIED, IT IS PRESUMED THAT THE USE IS NON-CONSUMPTIVE.

Source Name: UNNAMED TRIBUTARY OF ROMAN 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		NESE	28	15N	21W	MISSOULA

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIT

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESE	28	15N	21W	MISSOULA

Diversion to Reservoir: DIVERSION # 1

Period of Use: JANUARY 1 to DECEMBER 31

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			NESE	28	15N	21W	MISSOULA

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>
Geocodes/Valid:							
		04-2428-28-2-01-07-0000	-	Y		04-2428-28-2-01-09-0000	- Y
		04-2428-28-2-01-11-0000	-	Y		04-2428-28-2-03-01-0000	- Y
		04-2428-28-2-03-03-0000	-	Y		04-2428-28-2-03-05-0000	- Y
		04-2428-28-2-03-07-0000	-	Y		04-2428-28-2-03-09-0000	- Y
		04-2428-28-2-03-11-0000	-	Y		04-2428-28-2-03-13-0000	- Y
		04-2428-28-2-03-15-0000	-	Y		04-2428-28-2-03-17-0000	- Y
		04-2428-28-2-03-19-0000	-	Y		04-2428-28-2-04-13-0000	- Y
		04-2428-28-2-04-15-0000	-	Y		04-2428-28-2-04-17-0000	- Y
		04-2428-28-2-04-19-0000	-	Y			

Remarks:

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/13/89.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/24/89.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 82234 RECEIVED 02/18/2009.

OWNERSHIP UPDATE TYPE DOR # 82240 RECEIVED 03/04/2009.

OWNERSHIP UPDATE TYPE DOR # 92841 RECEIVED 07/27/2009.

OWNERSHIP UPDATE TYPE DOR # 124612 RECEIVED 06/17/2014.

OWNERSHIP UPDATE TYPE DOR # 132344 RECEIVED 12/26/2014.

OWNERSHIP UPDATE TYPE DOR # 138561 RECEIVED 10/20/2015.

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THERE IS A QUESTION AS TO THE VALIDITY OF THIS CLAIMED RIGHT. IN THE MATTER OF THE DEARBORN DRAINAGE AREA, 234 MONT. 343 (1988) (THE BEAN LAKE CASE) THE MONTANA SUPREME COURT STATED: "IT IS CLEAR THEREFORE THAT UNDER MONTANA LAW BEFORE 1973, NO APPROPRIATION RIGHT WAS RECOGNIZED FOR RECREATION, FISH AND WILDLIFE, EXCEPT THROUGH A MURPHY RIGHT STATUTE."
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