

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 152052-00 STATEMENT OF CLAIM
Version: 2 -- CHANGE AUTHORIZATION
Version Status: ACTIVE

THIS AUTHORIZATION IS LIMITED TO THE AMOUNT OF THE HISTORIC USE RECOGNIZED BY THE DEPARTMENT IN THIS PROCEEDING AS SUBJECT TO CHANGE, AND WILL THEREAFTER NOT EXCEED THAT AMOUNT. IF THE HISTORIC USE IS REDUCED UNDER ADJUDICATION PROCEEDINGS PURSUANT TO TITLE 85, CHAPTER 2, PART 2, MCA, THIS AUTHORIZATION WILL BE LIMITED TO A LESSER AMOUNT.

Owners: EUGENE H TINGLE
45 BLACK BEAR LANE
NEW BERN, NC 28560-5978

MARION N TINGLE
PO BOX 423
GRANTSBORO, NC 28529-0423

RENFRO FAMILY TRUST
RENFRO, RICHARD E & SHARON M TRUSTEES
783 DRY GULCH RD
STEVENSVILLE, MT 59870-6044

KAY S CASSENS
653 CAMP THREE LANE
CORVALLIS, MT 59828-9645

DAVIS, DANIEL J REVOCABLE LIVING TRUST
8129 ZITOLA TERRACE
PLAYA DEL REY, CA 90293

Priority Date: MARCH 6, 1908
Enforceable Priority Date: MARCH 6, 1908

Purpose (use): IRRIGATION
FISH AND WILDLIFE
RECREATION

Irrigation Type: FURROW/FLOOD

Maximum Flow Rate: 1.50 CFS

Maximum Volume: 540.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 98.00

Source Name: SPOONER 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		SWSENE	35	8N	20W	RAVALLI

Period of Diversion: APRIL 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWSENE	35	8N	20W	RAVALLI

Diversion to Reservoir: DIVERSION # 1

Depth: 15.00 FEET

Surface Area: 0.14 ACRES

Current Capacity: 1.03 ACRE-FEET

Period of Use: APRIL 1 to SEPTEMBER 30

Purpose (Use): IRRIGATION

Period of Use: APRIL 1 to SEPTEMBER 30

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		SENE	34	8N	20W	RAVALLI
2	20.00		SWNW	35	8N	20W	RAVALLI
3	20.00		SENW	35	8N	20W	RAVALLI
4	10.00		NWSW	35	8N	20W	RAVALLI
5	20.00		NESW	35	8N	20W	RAVALLI
6	1.00		SWSWNE	35	8N	20W	RAVALLI
7	2.00		NWNWSE	35	8N	20W	RAVALLI
Total:	98.00						

Purpose (Use): FISH AND WILDLIFE

Period of Use:

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			SWSENE	35	8N	20W	RAVALLI

Purpose (Use): RECREATION

Period of Use:

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			SWSENE	35	8N	20W	RAVALLI

Geocodes/Valid:		
	13-1666-34-1-01-07-0000 - Y	13-1666-35-1-01-01-0000 - Y
	13-1666-35-1-01-04-0000 - Y	13-1666-35-1-01-09-0000 - Y
	13-1666-35-1-01-11-0000 - Y	13-1666-35-3-01-02-0000 - Y
	13-1666-35-3-01-03-0000 - Y	13-1666-35-4-01-02-0000 - Y

Remarks:

THIS RIGHT IS SUBJECT TO ALL PRIOR INDIAN RESERVED WATER RIGHTS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN THE SOURCE OF SUPPLY. IT IS THE TRIBE'S POSITION THAT THE EXERCISE OF JUNIOR WATER RIGHTS EITHER WITHIN OR OUTSIDE OF THE EXTERIOR BOUNDARIES OF THE FLATHEAD INDIAN RESERVATION MAY AFFECT THE RESERVED WATER RIGHTS OF THE TRIBE WITHIN THE EXTERIOR BOUNDARIES OF THE RESERVATION. IT IS THE TRIBE'S POSITION THAT ECONOMIC INVESTMENTS MADE IN RELIANCE UPON THIS RIGHT DO NOT CREATE IN THE APPROPRIATOR ANY EQUITY OR VESTED RIGHT AGAINST THE TRIBES. THE APPROPRIATOR IS HEREBY NOTIFIED THAT ANY FINANCIAL OUTLAY OR WORK INVESTED IN A PROJECT PURSUANT TO THIS RIGHT IS AT APPROPRIATOR'S RISK. THE ISSUANCE OF THIS RIGHT DOES NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. IT DOES NOT MAKE THE DEPARTMENT LIABLE FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. NOR IS THE DEPARTMENT LIABLE FOR ANY LOSS TO THE APPROPRIATOR CAUSED BY THE EXERCISE OF SENIOR RESERVED WATER RIGHTS. THE STATE OF MONTANA'S JURISDICTION TO ISSUE WATER RIGHTS WITHIN THE EXTERIOR BOUNDARIES OF THE FLATHEAD RESERVATION HAS BEEN CHALLENGED BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN CAUSE NO. CV 92-54-M-CCL (UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA, MISSOULA DIVISION - FILED MAY 15, 1992) WHICH CASE IS CURRENTLY PENDING. ANY WATER RIGHT ISSUED BY THE STATE IN THE ABSENCE OF JURISDICTION TO ISSUE THE WATER RIGHT IS VOID.

OWNERSHIP UPDATE RECEIVED

- OWNERSHIP UPDATE TYPE 608 # 23395 RECEIVED 07/29/2005.
- OWNERSHIP UPDATE TYPE 608 # 24875 RECEIVED 09/01/2005.
- OWNERSHIP UPDATE TYPE 608 # 30552 RECEIVED 01/25/2006.
- OWNERSHIP UPDATE TYPE DOR # 102915 RECEIVED 07/10/2008.
- OWNERSHIP UPDATE TYPE 641 # 68754 RECEIVED 01/26/2009.
- OWNERSHIP UPDATE TYPE DOR # 143796 RECEIVED 04/29/2016.