

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 152056-00 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):** STOCK  
FISH AND WILDLIFE  
RECREATION

**Maximum Flow Rate:**

**Maximum Volume:** 4.20 AC-FT

**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:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** MULTIPLE

**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:** JANUARY 1 to DECEMBER 31

**Purpose (Use):** STOCK

**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			SENE	34	8N	20W	RAVALLI
2			S2N2	35	8N	20W	RAVALLI

**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	

**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.