

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:** 43B 194819-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** EDWARD D MANION JR  
2455 EAST RIVER RD  
LIVINGSTON, MT 59047  
  
JACQUELINE S HAGER  
229 EVERGREEN DR  
PLANO, TX 75075  
  
FREDERICK H HAGER  
229 EVERGREEN DR  
PLANO, TX 75075  
  
CHARLES R JAMISON JR  
2457 E RIVER RD  
LIVINGSTON, MT 59047-9142  
  
DONALD GIMBEL  
PO BOX 1317  
LIVINGSTON, MT 59047  
  
ROLLER LIVING TRUST  
% 2439 E RIVER RD  
LIVINGSTON, MT 59047

TRANSFER PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT WILL BE SPLIT INTO SEPARATE OWNERSHIPS AFTER FINAL DECREE.

**Priority Date:** APRIL 2, 1883  
**Enforceable Priority Date:** APRIL 2, 1883

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION  
**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 1.58 CFS  
THE TOTAL EQUIVALENT FLOW RATE IS 63.27 MI.

THE FLOW RATE FOR TRACT 1A IS 54.30 GPM (4.84 MI). THE FLOW RATE FOR TRACT 1B IS 82.70 GPM (7.37 MI). THE FLOW RATE FOR TRACT 2 IS 139.14 GPM (15.29 MI). THE FLOW RATE FOR TRACT 20 IS 210.95 GPM (18.79 MI). THE FLOW RATE FOR TRACT 21 IS 188.51 GPM (16.98 MI).

**Maximum Volume:**  
**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 34.01

**Source Name:** PINE 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		NESW	12	4S	9E	PARK

**Period of Diversion:** APRIL 1 TO NOVEMBER 4  
**Diversion Means:** HEADGATE  
**Subdivision:** VALLEY VIEW ACRES  
**Ditch Name:** SMITH-WIGGINS DITCH  
DITCH NAME: SMITH-WIGGINS DITCH

**Period of Use:** APRIL 1 to NOVEMBER 4

**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	0.70		SE	SENE	11	4S	9E PARK
	<b>Subdivision:</b>	VALLEY VIEW ACRES TRACT/LOT 1A					
2	1.90		NENE	SENE	11	4S	9E PARK
	<b>Subdivision:</b>	VALLEY VIEW ACRES TRACT/LOT 1A					
3	0.90		N2NE	SENE	11	4S	9E PARK
	<b>Subdivision:</b>	VALLEY VIEW ACRES TRACT/LOT 1B					
4	3.06		S2SE	SENE	11	4S	9E PARK
	<b>Subdivision:</b>	VALLEY VIEW ACRES TRACT/LOT 1B					
5	0.60		NWNE	SENE	11	4S	9E PARK
	<b>Subdivision:</b>	VALLEY VIEW ACRES TRACT/LOT 2					
6	7.62		SWS	SENE	11	4S	9E PARK
	<b>Subdivision:</b>	VALLEY VIEW ACRES TRACT/LOT 2					
7	10.10		N2NE	SENE	11	4S	9E PARK
	<b>Subdivision:</b>	VALLEY VIEW ACRES TRACT/LOT 20					
8	9.13		S2NE	SENE	11	4S	9E PARK
	<b>Subdivision:</b>	VALLEY VIEW ACRES TRACT/LOT 21					
<b>Total:</b>	34.01						

PLACE OF USE IS LOCATED IN TRACTS 1A, 1B, 2, 20 AND 21 OF CERTIFICATE OF SURVEY NOS. 7, 14, AND 41.

**Geocodes/Valid:** 49-0607-11-1-01-06-0000 - Y      49-0607-11-1-01-07-0000 - Y  
49-0607-11-4-01-01-0000 - Y      49-0607-11-4-01-20-0000 - 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.

194818-00    194819-00

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

- NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/01/85.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/01/89.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/11/90.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/26/85.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/08/85.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/08/98.

**OWNERSHIP UPDATE RECEIVED**

- OWNERSHIP UPDATE TYPE 608 # 17539 RECEIVED 10/22/2004.
- OWNERSHIP UPDATE TYPE 608 # 45043 RECEIVED 03/21/2007.
- OWNERSHIP UPDATE TYPE 608 # 60101 RECEIVED 06/27/2008.
- OWNERSHIP UPDATE TYPE DOR # 99787 RECEIVED 04/20/2011.
- OWNERSHIP UPDATE TYPE DOR # 99786 RECEIVED 05/01/2011.
- OWNERSHIP UPDATE TYPE DOR # 118775 RECEIVED 11/23/2013.

THE TIMELY FILED OBJECTION OF VALLEY VIEW ESTATES WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE MAXIMUM ACRES AND POINT OF DIVERSION. BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAYBE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.