

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: 41C 196907-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

HOWARD LEMM
204 HUMBUG
BUTTE, MT 59701

LINDA L KATHMAN
62900 DESCHUTES RD
BEND, OR 97701-9687

LISA BARBAGALLO
550 RIVER HILLS COURT
SIMI VALLEY, CA 93065

MARY DAVIS
70487 EVERGREEN LN
PENDLETON, OR 97801

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

Priority Date: DECEMBER 26, 1876

Enforceable Priority Date: DECEMBER 26, 1876

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 3.00 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 83.00

Source Name: GOODRICH GULCH

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		NWNWNE	29	3S	5W	MADISON

Period of Diversion: APRIL 1 TO SEPTEMBER 30

Diversion Means: DITCH

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	20.00		NENW	29	3S	5W	MADISON
2	25.00		SWNW	29	3S	5W	MADISON
3	20.00		SENE	29	3S	5W	MADISON
4	18.00		NWNE	29	3S	5W	MADISON
Total:	83.00						

Geocodes/Valid: 25-0688-29-1-01-01-0000 - Y 25-0688-29-1-01-10-0000 - Y
25-0688-29-2-01-01-0000 - Y 25-0688-29-4-01-01-0000 - 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.

196906-00 196907-00

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

Remarks:

ONE.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/12/89.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/09/86.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 03/04/96.

THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE ADDRESSED AT THE OBJECTION STAGE. IT APPEARS THAT 0.0 ACRES ARE ACTUALLY IRRIGATED AND PROBLEMS COULD EXIST WITH FLOW RATE AND VOLUME. TO ASSURE THE ORDERLY ADMINISTRATION OF WATER RIGHTS, THE WATER COURTS WILL SET A HEARING TO DETERMINE THESE ISSUES IF NO OBJECTIONS ARE MADE.