

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:** 76LJ 211081-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE  
**Late Claim:** B

**Owners:** BEVERLY A RASMUSSEN  
210 RHODES DRAW  
KALISPELL, MT 59901  
DENNIS E RASMUSSEN  
210 RHODES DRAW  
KALISPELL, MT 59901

**Priority Date:** MAY 13, 1963

**Enforceable Priority Date:** JUNE 30, 1973

CLAIM FILED LATE 09/04/1984 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** SPRINKLER

**Maximum Flow Rate:** 3.41 CFS

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

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 100.00

**Source Name:** BIG LOST 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		NENENW	19	29N	22W	FLATHEAD

**Period of Diversion:** MAY 1 TO SEPTEMBER 30

**Diversion Means:** HEADGATE

2		SWSWNE	29	29N	22W	FLATHEAD
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**Period of Diversion:** MAY 1 TO SEPTEMBER 30

**Diversion Means:** PUMP

**Period of Use:** MAY 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		W2NWNE	29	29N	22W	FLATHEAD
2	40.00		SWNE	29	29N	22W	FLATHEAD
3	40.00		NENW	29	29N	22W	FLATHEAD

**Total:** 100.00

**Geocodes/Valid:** 07-4077-29-1-01-45-0000 - Y

07-4077-29-1-02-01-0000 - 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.

100441-00 100442-00 211081-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 05/20/1986: POINT OF DIVERSION, MEANS OF DIVERSION, PLACE OF USE, VOLUME.

THE FLOW RATE WAS AMENDED BY THE CLAIMANT ON 03/13/2003.

**Remarks:**

APPLICATION TO CHANGE RECEIVED 05/02/1986 FOR CHANGE IN PLACE OF STORAGE AND PURPOSE OF USE.

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

AN AMENDMENT WAS SUBMITTED 05/20/1986 TO AMEND THE POINT OF DIVERSION, MEANS OF DIVERSION, PLACE OF USE, AND VOLUME . THE AMENDMENT SUBSTANTIALLY CHANGES THE ORIGINALLY FILED STATEMENT OF CLAIM.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THE CLAIMS FOLLOWING THIS STATEMENT USE THE SAME FILED APPROPRIATION TO DOCUMENT THE RIGHT. THE COMBINED FLOW RATE FOR THIS GROUP OF CLAIMS EXCEEDS THE TOTAL OF THE ORIGINAL APPROPRIATION. 76LJ-100441-00 AND 76LJ-211081-00.

CLAIM FILED LATE 09/04/1984 . IN ADDITION TO BEING SUBORDINATE TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW, THIS RIGHT MAY ALSO BE SUBORDINATE TO CERTAIN PERMITS AND RESERVATIONS OF WATER. SEE SECTION 85-2-221 MCA.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 76LJ-W-100441-00, 76LJ-W-100442-00, 76LJ-B-211081-00.

THE FLATHEAD COUNTY WATER RESOURCES SURVEY ( 1965 ) APPEARS TO INDICATE 84.74 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 1279-86 , DATED 07/22/1980 , APPEARS TO INDICATE 86.13 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE CLAIMED SOURCE FOR POINT OF DIVERSION #2, (ADDED BY AMENDMENT), MAY BE QUESTIONABLE. BASED ON AVAILABLE DATA, THE SOURCE MAY BE GROUNDWATER.