

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 6104-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners:
NATE R NELSON
980 THREE MILE DR
KALISPELL, MT 59901

KELSEY A NELSON
980 THREE MILE DR
KALISPELL, MT 59901

DUANE K NELSON
880 THREE MILE DR
KALISPELL, MT 59901

NANCY K NELSON
880 THREE MILE DR
KALISPELL, MT 59901

Priority Date: MARCH 24, 1959
Enforceable Priority Date: MARCH 24, 1959

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER

Maximum Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Maximum Volume: 300.00 AC-FT
Climatic Area: 3 - MODERATE

Maximum Acres: 120.00

Source Name: SMITH SPRING 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		S2NENE	10	28N	22W	FLATHEAD

Period of Diversion: APRIL 15 TO OCTOBER 31

Diversion Means: DAM
PUMP IS SECONDARY MEANS OF DIVERSION.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	S2NENE	10	28N	22W	FLATHEAD

Diversion to Reservoir: DIVERSION # 1

Depth: 10.00 FEET

Surface Area: 4.50 ACRES

Current Capacity: 18.00 ACRE-FEET

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

Period of Use: APRIL 15 to OCTOBER 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	40.00		NWNE	10	28N	22W	FLATHEAD
2	40.00		SENE	10	28N	22W	FLATHEAD
3	40.00		SWNE	10	28N	22W	FLATHEAD
Total:	120.00						

Geocodes/Valid: 07-3965-10-1-01-01-0000 - Y 07-3965-10-1-01-05-0000 - Y
07-3965-10-1-01-10-0000 - Y 07-3965-10-1-01-16-0000 - Y
07-3965-10-1-01-20-0000 - Y 07-3965-10-1-01-30-0000 - Y

07-3965-10-1-01-50-0000 - 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.

6102-00 6103-00 6104-00

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 63774 RECEIVED 10/30/2008.

OWNERSHIP UPDATE TYPE DOR # 85669 RECEIVED 09/23/2009.

OWNERSHIP UPDATE TYPE DOR # 98787 RECEIVED 01/01/2012.

OWNERSHIP UPDATE TYPE DOR # 103291 RECEIVED 04/04/2012.

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 16.7 TIMES THE CAPACITY OF THE RESERVOIR.