

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 35644-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

JAMES J BILLMAYER
2191 3RD AVE E
KALISPELL, MT 59901

BENJAMIN KIMBLE
924 SOUTH VIEW LN
KALISPELL, MT 59901

BETH E KIMBLE
924 SOUTH VIEW LN
KALISPELL, MT 59901

VICKI D BILLMAYER
2191 3RD AVE E
KALISPELL, MT 59901

CLAYPOOL PROPERTIES LLC
4805 DIANA DR
GREAT FALLS, MT 59405

SC PROPERTIES LLC
PO BOX 8627
KALISPELL, MT 59904

DONALD D COLLINS
PO BOX 7041
KALISPELL, MT 59904

PENELOPE S COLLINS
PO BOX 7041
KALISPELL, MT 59904

ASHLEY VISTA LAND LLC
PO BOX 7041
KALISPELL, MT 59904

LAURA M WHITE
957 SOUTHVIEW LN
KALISPELL, MT 59901

ROBERT J WHITE
957 SOUTHVIEW LN
KALISPELL, MT 59901

ADAM R SHILLING
500 S MERIDIAN RD
KALISPELL, MT 59901

ALISHA N SHILLING
500 S MERIDIAN RD
KALISPELL, MT 59901

Priority Date: JULY 14, 1890

Enforceable Priority Date: JULY 14, 1890

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER

Maximum Flow Rate: 7.27 CFS

THE FLOW RATE OF THIS CLAIM HAS BEEN REDUCED TO 17 GPM PER ACRE.
THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

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: 192.00

Source Name: ASHLEY 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		NESENE	14	28N	22W	FLATHEAD

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: PUMP

Period of Use: MAY 1 to NOVEMBER 1

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	35.00		NWNW	13	28N	22W	FLATHEAD
2	7.00		SENE	13	28N	22W	FLATHEAD
3	35.00		SWNW	13	28N	22W	FLATHEAD
4	80.00		N2NE	14	28N	22W	FLATHEAD
5	20.00		SENE	14	28N	22W	FLATHEAD
6	15.00		SWNE	14	28N	22W	FLATHEAD

Total: 192.00

<u>Geocodes/Valid:</u>		
	07-3965-13-2-01-01-0000 - Y	07-3965-13-2-01-10-0000 - Y
	07-3965-13-2-01-15-0000 - Y	07-3965-13-2-01-17-0000 - Y
	07-3965-13-2-01-23-0000 - Y	07-3965-13-2-01-25-0000 - Y
	07-3965-13-2-01-30-0000 - Y	07-3965-13-2-01-40-0000 - Y
	07-3965-13-2-01-50-0000 - Y	07-3965-13-2-01-60-0000 - Y
	07-3965-14-1-01-10-0000 - Y	07-3965-14-1-01-45-0000 - Y
	07-3965-14-1-01-50-0000 - Y	07-3965-14-1-01-55-0000 - Y
	07-3965-14-4-02-01-0000 - Y	

Remarks:

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

OWNERSHIP SPLIT BY DEED AND BY LAND OWNERSHIP RECORDS. CLAYPOOL 176.25 ACRES AND BILLMAYER 15.75 ACRES ON 04/19/2007 SPLIT

OWNERSHIP UPDATE RECEIVED

- OWNERSHIP UPDATE TYPE 608 # 19181 RECEIVED 02/07/2005.
- OWNERSHIP UPDATE TYPE 608 # 45589 RECEIVED 04/19/2007.
- OWNERSHIP UPDATE TYPE DOR # 111101 RECEIVED 02/22/2013.
- OWNERSHIP UPDATE TYPE DOR # 117822 RECEIVED 10/15/2013.
- OWNERSHIP UPDATE TYPE DOR # 117821 RECEIVED 12/17/2013.
- OWNERSHIP UPDATE TYPE DOR # 140641 RECEIVED 10/16/2015.
- OWNERSHIP UPDATE TYPE DOR # 146998 RECEIVED 04/15/2016.
- OWNERSHIP UPDATE TYPE DOR # 147813 RECEIVED 06/15/2016.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 09/26/2013, THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY CLAYPOOL PROPERTIES LLC & THE LOT OWNERS OF BIG SKY VIEW ESTATES & THE ASHLEY TRAIL SUBDIVISIONS.

THE CLAIMED PERIOD OF USE EXCEEDS THE USUAL GROWING SEASON FOR THIS CLIMATIC AREA WHICH IS APRIL 15 TO OCTOBER 15.

THE FLATHEAD COUNTY WATER RESOURCES SURVEY FIELD NOTES 5/1964 APPEAR TO INDICATE 159 ACRES IRRIGATED BY WATER DIVERTED FROM ASHLEY CREEK.