

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: 43D 125735-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

ROBERT H FOGLESONG
550 AVENUE E
POWELL, WY 82435

MARY T FOGLESONG
550 AVENUE E
POWELL, WY 82435

MARGUERITE A JALINK
M/T WILLIAM J SPEAR
BILLINGS, MT 59102-0567

VIRGINIA K SCHUSTER
3100 W MACDONALD
BILLINGS, MT 59102-0552

9-G LAND AND CATTLE CO LLC
C/O ROBERT & MARY FOGLESONG
884 TIMBER CREEK DR
COLUMBUS, MS 39702-8033

STEFAN FILKIN
207 TAYLOR HILL RD
RED LODGE, MT 59068

ROSE FILKIN
207 TAYLOR HILL RD
RED LODGE, MT 59068

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

Priority Date: JULY 7, 1896

Enforceable Priority Date: JULY 7, 1896

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 2.00 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: 210.00

Source Name: ROCK 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		SEWN E	2	7S	20E	CARBON

Period of Diversion: APRIL 15 TO OCTOBER 4

Diversion Means: HEADGATE

Ditch Name: CONSOLIDATED DITCH

DITCH NAME: CONSOLIDATED DITCH

Period of Use: APRIL 15 to OCTOBER 4

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	80.00		W2SE	22	6S	20E	CARBON
2	80.00		E2SW	22	6S	20E	CARBON
3	20.00		E2NWSW	22	6S	20E	CARBON
4	20.00		E2SWSW	22	6S	20E	CARBON
5	10.00		W2SWSW	22	6S	20E	CARBON

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>
Total:	210.00						
Geocodes/Valid:		10-0446-22-4-01-01-0000 - Y				10-0446-22-4-01-05-0000 - Y	
		10-0446-22-4-01-06-0000 - Y				10-0446-22-4-01-07-0000 - Y	
		10-0446-22-4-01-08-0000 - Y				10-0446-22-4-01-09-0000 - Y	
		10-0446-22-4-01-10-0000 - Y				10-0446-22-4-01-11-0000 - Y	
		10-0446-22-4-01-12-0000 - 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.

125735-00 206809-00

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/30/90.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/09/93.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/30/94.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/27/95.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/27/95.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/15/97.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/10/98.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 14526 RECEIVED 01/05/2004.

OWNERSHIP UPDATE TYPE 608 # 38547 RECEIVED 04/10/2006.

OWNERSHIP UPDATE TYPE 608 # 64909 RECEIVED 09/25/2007.

USDA AERIAL PHOTOGRAPH NO. 179-57, DATED 09/26/80, APPEARS TO INDICATE 196.30 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE CARBON COUNTY WATER RESOURCES SURVEY (1966) APPEARS TO INDICATE 176.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE CARBON COUNTY WATER RESOURCES SURVEY (1946) APPEARS TO INDICATE 179.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.