

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:** 76H 150787-00 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Version Status:** ACTIVE

**Owners:**

BONNIE L DREW  
12755 MILL CREEK ROAD  
LOLO, MT 59847-9403

WILLIAM E DREW  
535 WHITE BIRCH LN  
KALISPELL, MT 59901

TUPPER FOREST  
% MIKE HALLIGAN, ATTORNEY  
269 WEST FRONT ST  
MISSOULA, MT 59802

T & E INVESTMENTS INC  
% STEVE RUTHERFORD  
619 SW HIGGINS SUITE R  
MISSOULA, MT 59803

WILLIAM A ALSBROOKS  
PO BOX 151  
LOLO, MT 59847

BRIDGETT VOLKMANN  
14469 NEIL DR  
LOLO, MT 59847

BRYAN VOLKMANN  
14469 NEIL DR  
LOLO, MT 59847

MERT LEESE  
14700 NEIL DR  
LOLO, MT 59847

SAMUEL R KINSINGER  
15275 THAYER RD  
LOLO, MT 59847

EDWIN JAKUBOWSKI, JR  
15470 THAYER RD  
LOLO, MT 59847

KIM JAKUBOWSKI  
15470 THAYER RD  
LOLO, MT 59847

ERICKA I TRUSTY  
35305 S EDS CREEK  
ALBERTON, MT 59820

RONALD V STEWART  
14549 NEIL DR  
LOLO, MT 59847

GENE SANDERS  
PO BOX 1064  
LOLO, MT 59847

LARRY W HAMILTON  
PO BOX 412  
LOLO, MT 59847

CHERYL HAMILTON  
PO BOX 412  
LOLO, MT 59847

LINDA M FREE  
4314 RAINBOW DR  
MISSOULA, MT 59803-1043

MICHAEL H FREE  
4314 RAINBOW DR  
MISSOULA, MT 59803-1043

EUGENE WHITAKER, JR  
LOLO CREEK RD  
PO BOX 514  
LOLO, MT 59847

EUGENE W WHITAKER  
LOLO CREEK RD  
PO BOX 514  
LOLO, MT 59847

CAREN C STEWART  
14549 NEIL DR  
LOLO, MT 59847

LOWELL L TRUSTY  
35305 EDS CREEK RD  
ALBERTON, MT 59820-9467

PHIL CASCIO JR  
CASCIO STORAGE & WAREHOUSE, INC  
PO BOX 4938  
GREENVILLE, MS 38704-4938

JUDD L KOWALSKI  
105 NW CHERRY HILL LOOP  
OAK HARBOR, WA 98277-3807

JOYNER FAMILY TRUST  
14999 NEIL DR  
LOLO, MT 59847

DIANE TIDWELL  
14950 NEIL DR  
LOLO, MT 59847

DEBBIE L MCLEISH  
14850 NEIL DR  
LOLO, MT 59847

GERALD E MCLEISH  
14850 NEIL DR  
LOLO, MT 59847

VICTOR RICHMOND  
15465 THAYER RD  
LOLO, MT 59847

DAN SLOAN  
12655 MILL CREEK RD  
LOLO, MT 59847

DUSTIN W ROGERS  
14750 NEIL DR  
LOLO, MT 59847

JESSICA L ANIELLO  
14750 NEIL DR  
LOLO, MT 59847

SHANNON ST ONGE  
712 MISSY'S WAY  
MISSOULA, MT 59801

PHILLIP B THRASHER  
15000 NEIL DR  
LOLO, MT 59847

JANET L THRASHER  
15000 NEIL DR  
LOLO, MT 59847

MCNEAL, KENNETH L & KRISTI A REVOC LIVING TRUST  
MCNEAL KENNETH L & KRISTI A TRUSTEES  
3169 WRENWOOD AVE  
CLOVIS, CA 93619

CHRISTINA R BEHAR  
14799 NEIL DR  
LOLO, MT 59847

EUGENE R BEHAR  
14799 NEIL DR  
LOLO, MT 59847

TERALEE L HAMILTON  
14899 NEIL DR  
LOLO, MT 59847

CHAD SCHAEFFER  
14899 NEIL DR  
LOLO, MT 59847

CARMEN K SEBASTIAN  
12820 MILL CREEK RD  
LOLO, MT 59847

JOHN B SEBASTIAN  
12820 MILL CREEK RD  
LOLO, MT 59847

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

**Priority Date:** JUNE 1, 1886

**Enforceable Priority Date:** JUNE 1, 1886

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 1.00 CFS

CONCLUSION OF LAW X OF THE DECREE IN CAUSE 12336, MISSOULA COUNTY STATES: THAT THE AMOUNTS OF THE APPROPRIATIONS OF EACH AND ALL PARTIES AS HEREIN FOUND ARE AND ARE TO BE COMPUTED ON THE STREAM AT OR NEAR THE POINT OF DIVERSION OF THE DITCH OF EACH IN THE CASE OF ALL PARTIES USING DIRECTLY FROM THE STREAMS BY MEANS OF THEIR OWN DITCHES. AS TO ALL DITCHES WHERE TWO OR MORE PARTIES DIVERT THEIR WATER FROM THE STREAM IN THE SAME DITCH, JOINTLY OR IN GROUPS, THE AMOUNT TO EACH SHALL BE MEASURED AT THE HEAD OF EACH OF HIS OR HER LATERAL DITCH OR DITCHES AS THE AMOUNT EACH ARE ENTITLED TO, LESS THEIR PROPORTIONATE SHARE OF THE LOSS, IF ANY, IN CONVEYING THE WATERS FROM THE STREAM TO THE HEAD OF THEIR LATERAL OR LATERALS.

**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:** 107.80

**Source Name:** MILL 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		SWNWNE	3	11N	21W	MISSOULA

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

**Diversion Means:** HEADGATE

**Ditch Name:** THAYER DITCH

DITCH NAME: THAYER DITCH

**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	40.00		E2SE	34	12N	21W	MISSOULA
2	67.80		SW	35	12N	21W	MISSOULA
<b>Total:</b>	107.80						

**Geocodes/Valid:** 04-2091-34-4-01-02-0000 - Y      04-2091-34-4-01-03-0000 - Y  
04-2091-34-4-01-04-0000 - Y      04-2091-34-4-01-05-0000 - Y  
04-2091-34-4-01-06-0000 - Y      04-2091-34-4-01-07-0000 - Y

04-2091-34-4-02-01-0000 - Y	04-2091-34-4-02-03-0000 - Y
04-2091-35-3-02-06-0000 - Y	04-2091-35-3-02-07-0000 - Y
04-2091-35-3-02-08-0000 - Y	04-2091-35-3-02-10-0000 - Y
04-2091-35-3-02-12-0000 - Y	04-2091-35-3-03-01-0000 - Y
04-2091-35-3-03-02-0000 - Y	04-2091-35-3-03-03-0000 - Y
04-2091-35-3-03-04-0000 - Y	04-2091-35-3-04-04-0000 - Y
04-2091-35-3-04-05-0000 - Y	04-2091-35-3-04-06-0000 - Y
04-2091-35-3-05-02-0000 - Y	04-2091-35-3-05-03-0000 - Y
04-2091-35-3-06-01-0000 - Y	04-2091-35-3-06-02-0000 - Y
04-2091-35-3-06-03-0000 - Y	04-2091-35-3-06-04-0000 - Y
04-2091-35-3-06-05-0000 - Y	04-2091-35-3-06-06-0000 - Y
04-2091-35-3-06-07-0000 - Y	04-2091-35-3-06-08-0000 - Y
04-2091-35-3-06-09-0000 - Y	04-2091-35-3-07-01-0000 - Y
04-2091-35-3-07-02-0000 - Y	04-2091-35-3-07-03-0000 - Y
04-2091-35-3-07-04-0000 - Y	04-2091-35-3-07-05-0000 - Y
04-2091-35-3-07-06-0000 - Y	04-2091-35-3-07-07-0000 - Y
04-2091-35-3-07-08-0000 - Y	04-2091-35-3-07-09-0000 - Y
04-2091-35-3-07-10-0000 - Y	04-2091-35-3-07-11-0000 - Y

---

**Remarks:**

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

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES. W004112-00, W133487-00, W133511-00, W150787-00, W151515-00, W151699-00.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/09/94.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 06/22/01.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/06/87.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/22/99.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 02/18/99.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 4605 RECEIVED 09/12/2002.

OWNERSHIP UPDATE TYPE 608 # 6389 RECEIVED 01/02/2003.

OWNERSHIP UPDATE TYPE 608 # 8080 RECEIVED 04/11/2003.

OWNERSHIP UPDATE TYPE 608 # 8551 RECEIVED 05/06/2003.

OWNERSHIP UPDATE TYPE 608 # 13039 RECEIVED 03/08/2004.

OWNERSHIP UPDATE TYPE 608 # 14606 RECEIVED 06/02/2004.

OWNERSHIP UPDATE TYPE 608 # 19228 RECEIVED 02/04/2005.

OWNERSHIP UPDATE TYPE 608 # 27989 RECEIVED 12/30/2005.

OWNERSHIP UPDATE TYPE DOR # 82271 RECEIVED 07/28/2009.

OWNERSHIP UPDATE TYPE DOR # 105221 RECEIVED 04/11/2012.

OWNERSHIP UPDATE TYPE DOR # 101318 RECEIVED 06/27/2012.

OWNERSHIP UPDATE TYPE DOR # 115096 RECEIVED 07/16/2013.

OWNERSHIP UPDATE TYPE DOR # 115097 RECEIVED 07/16/2013.

OWNERSHIP UPDATE TYPE DOR # 117260 RECEIVED 01/09/2014.

OWNERSHIP UPDATE TYPE DOR # 119347 RECEIVED 03/31/2014.

OWNERSHIP UPDATE TYPE 608 # 120725 RECEIVED 05/13/2014.

OWNERSHIP UPDATE TYPE DOR # 122797 RECEIVED 07/25/2014.

OWNERSHIP UPDATE TYPE DOR # 136285 RECEIVED 02/18/2015.

OWNERSHIP UPDATE TYPE DOR # 130534 RECEIVED 03/24/2015.

OWNERSHIP UPDATE TYPE DOR # 133517 RECEIVED 06/23/2015.

OWNERSHIP UPDATE TYPE DOR # 132917 RECEIVED 07/17/2015.

OWNERSHIP UPDATE TYPE DOR # 136160 RECEIVED 09/22/2015.