

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 208840-00 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:**

OHANA PROPERTIES LLC  
2924 MILLENNIUM  
BILLINGS, MT 59102-7474

JOSEPH M SINGER  
142 PROSPECT DR  
MILES CITY, MT 59301

ERICA SHUSTER  
387 GROVE CREEK RD  
BELFRY, MT 59008

LLOYD A SHUSTER  
387 GROVE CREEK RD  
BELFRY, MT 59008

KATHY J ANDERSEN  
3910 ROCK SPRINGS DR  
KINGWOOD, TX 77345-1244

RHONDA MAZEIKA  
5373 FIRESIDE LN  
MILTON, FL 32583-9459

MATTHEW J MAZEIKA  
5373 FIRESIDE LN  
MILTON, FL 32583-9459

AMY B GLODDE  
1625 SAINT FRANCIS COURT  
BENICIA, CA 94510

DAVID W BUSH  
26 CIRCLE S LN  
BELFRY, MT 59008

GARY L SCHULTZ  
5226 GOLDEN HOLLOW  
BILLINGS, MT 59101

WILLIAM J DAVEY  
53 DENVERS WAY  
BELFRY, MT 59008

KAAREN ROBBINS  
429 GROVE CREEK RD  
BELFRY, MT 59008

2004 BM TRUST  
SCHOUTEN, MARK W & JENNIFER L CO TRUSTEES  
23601 N 84TH PL  
SCOTTSDALE, AZ 85255

VICTORIA C FAEO  
PO BOX 188  
BELFRY, MT 59008

DEBORAH W COLLINS  
PO BOX 65  
TETONIA, ID 83452

STEWART J COLLINS  
PO BOX 65  
TETONIA, ID 83452

CYNTHIA A PARSON  
72 MARANATHA DR  
MARYSVILLE, PA 17053

WAYNE D PARSON  
72 MARANATHA DR  
MARYSVILLE, PA 17053

LAZARO A PINA  
6652 SW 91ST AVE  
MIAMI, FL 33173

JULISSA V PINA  
6652 SW 91ST AVE  
MIAMI, FL 33173

RONALD K HARTMAN JR  
43 CIRCLE S LN  
BELFRY, MT 59008

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

**Priority Date:** APRIL 15, 1900

**Enforceable Priority Date:** APRIL 15, 1900

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Maximum Flow Rate:**

NO FLOW RATE HAS BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVIOR.

**Maximum Volume:** 106.60 AC-FT

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 271.00

**Source Name:** GROVE 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		SWNENW	33	8S	21E	CARBON
<b>Period of Diversion:</b> APRIL 15 TO OCTOBER 19						
<b>Diversion Means:</b> DAM						
2		SESESW	28	8S	21E	CARBON
<b>Period of Diversion:</b> APRIL 15 TO OCTOBER 19						
<b>Diversion Means:</b> DAM						
3		NENENW	32	8S	21E	CARBON
<b>Period of Diversion:</b> APRIL 15 TO OCTOBER 19						
<b>Diversion Means:</b> DITCH						
4		SESESW	29	8S	21E	CARBON
<b>Period of Diversion:</b> APRIL 15 TO OCTOBER 19						
<b>Diversion Means:</b> DITCH						
5		W2SWSE	29	8S	21E	CARBON
<b>Period of Diversion:</b> APRIL 15 TO OCTOBER 19						
<b>Diversion Means:</b> DITCH						
6		SWNWSE	29	8S	21E	CARBON
<b>Period of Diversion:</b> APRIL 15 TO OCTOBER 19						
<b>Diversion Means:</b> DITCH						

**Reservoir:** ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
E2NWNW		33	8S	21E	CARBON

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 10.00 FEET

**Surface Area:** 5.60 ACRES

**Current Capacity:** 49.30 ACRE-FEET

**Reservoir:** ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
SESESW		28	8S	21E	CARBON

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 10.00 FEET  
**Surface Area:** 1.00 ACRES  
**Current Capacity:** 4.00 ACRE-FEET

**Reservoir:** OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESENW	34	8S	21E	CARBON

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 10.00 FEET  
**Surface Area:** 1.50 ACRES  
**Current Capacity:** 6.00 ACRE-FEET

**Period of Use:** APRIL 15 to OCTOBER 19

THE ACTUAL HISTORICAL PERIOD OF USE FOR THIS WATER RIGHT IS FROM APRIL 15 TO OCTOBER 15. COMPUTER PROGRAM LIMITATIONS DO NOT ALLOW THE CORRECT PERIOD OF USE TO BE PRINTED ABOVE.

**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	30.00		SWNW	5	9S	22E	CARBON
2	16.00		SENE	6	9S	22E	CARBON
3	23.00		NESE	6	9S	22E	CARBON
4	12.00		NWSE	6	9S	22E	CARBON
5	4.00		N2SENE	6	9S	22E	CARBON
6	11.00		S2NENE	2	9S	21E	CARBON
7	17.00		NWNE	2	9S	21E	CARBON
8	17.00		NENW	2	9S	21E	CARBON
9	20.00		NWNW	2	9S	21E	CARBON
10	5.00		NENENE	3	9S	21E	CARBON
11	3.00		W2SWSE	24	8S	21E	CARBON
12	14.00		SESW	34	8S	21E	CARBON
13	15.00		NESW	34	8S	21E	CARBON
14	25.00		NWSW	34	8S	21E	CARBON
15	5.00		S2SWNW	34	8S	21E	CARBON
16	9.00		NESE	34	8S	21E	CARBON
17	5.00		SENE	34	8S	21E	CARBON
18	15.00		SWNE	34	8S	21E	CARBON
19	7.00		NWNE	34	8S	21E	CARBON
20	18.00		NENW	34	8S	21E	CARBON
<b>Total:</b>	271.00						

<b>Geocodes/Valid:</b>		
	10-0188-02-1-01-01-0000 - Y	10-0188-02-1-01-04-0000 - Y
	10-0188-02-1-02-01-0000 - Y	10-0188-02-1-02-04-0000 - Y
	10-0188-02-2-01-01-0000 - Y	10-0188-02-2-01-04-0000 - Y
	10-0188-02-2-02-01-0000 - Y	10-0188-02-2-02-04-0000 - Y
	10-0188-03-1-01-02-0000 - Y	10-0189-05-2-03-02-0000 - Y
	10-0189-05-2-03-04-0000 - Y	10-0189-06-1-04-01-0000 - Y
	10-0189-06-1-04-04-0000 - Y	10-0189-06-4-01-01-0000 - Y
	10-0189-06-4-01-04-0000 - Y	10-0189-06-4-02-01-0000 - Y
	10-0189-06-4-02-04-0000 - Y	10-0273-33-1-02-01-0000 - Y
	10-0273-34-3-01-01-0000 - Y	10-0273-34-3-01-19-0000 - Y
	10-0273-34-3-01-20-0000 - 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.

208836-00 208837-00 208838-00 208840-00

**Remarks:**

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.

208840-00      208843-00

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/22/90.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/14/94.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 11460 RECEIVED 07/10/2003.

OWNERSHIP UPDATE TYPE 608 # 20641 RECEIVED 06/15/2004.

OWNERSHIP UPDATE TYPE 608 # 47780 RECEIVED 05/13/2007.

OWNERSHIP UPDATE TYPE 608 # 47783 RECEIVED 05/18/2007.

OWNERSHIP UPDATE TYPE 608 # 48116 RECEIVED 05/18/2007.

OWNERSHIP UPDATE TYPE 608 # 48125 RECEIVED 05/18/2007.

OWNERSHIP UPDATE TYPE 608 # 48121 RECEIVED 05/18/2007.

OWNERSHIP UPDATE TYPE 608 # 48098 RECEIVED 05/18/2007.

OWNERSHIP UPDATE TYPE DOR # 148676 RECEIVED 07/20/2010.

OWNERSHIP UPDATE TYPE DOR # 148228 RECEIVED 10/04/2010.

OWNERSHIP UPDATE TYPE DOR # 93515 RECEIVED 12/03/2010.

OWNERSHIP UPDATE TYPE DOR # 149218 RECEIVED 10/24/2011.

OWNERSHIP UPDATE TYPE DOR # 149370 RECEIVED 03/15/2012.

OWNERSHIP UPDATE TYPE DOR # 143353 RECEIVED 08/22/2014.

OWNERSHIP UPDATE TYPE DOR # 144790 RECEIVED 01/30/2015.

OWNERSHIP UPDATE TYPE DOR # 148695 RECEIVED 06/17/2016.

OWNERSHIP UPDATE TYPE DOR # 148490 RECEIVED 08/05/2016.

OWNERSHIP UPDATE TYPE 608 # 148491 RECEIVED 10/24/2016.

OWNERSHIP UPDATE TYPE 608 # 149158 RECEIVED 11/04/2016.

OWNERSHIP UPDATE TYPE 608 # 149540 RECEIVED 11/17/2016.

THE TIMELY FILED OBJECTION OF UNITED STATES OF AMERICA WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE PRIORITY DATE, PERIOD OF USE AND POINT OF DIVERSION. BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

WHEN THIS CLAIM WAS ORIGINALLY DECREED, THE PERIOD OF DIVERSION WAS NOT INCLUDED AS AN ELEMENT OF THE CLAIM. IN 2008, THE PERIOD OF DIVERSION ELEMENT WAS ADDED TO ALL CLAIM ABSTRACTS. IT IS NOT CERTAIN IF THE PERIOD OF DIVERSION DATES ADDED TO THIS CLAIM ACCURATELY REFLECT THE HISTORICAL PERIOD OF DIVERSION. MORE INFORMATION IS REQUIRED.