

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 17113-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

MISSOULA COUNTY SCHOOL DIST #7
11395 US HWY 93 S
LOLO, MT 59847-9616

SHELTER WEST
PO BOX 4746
2800 S RESERVE ST
MISSOULA, MT 59806

JUDY BRADLEY
PO BOX 508
FRENCHTOWN, MT 59834

ALAN BRADLEY
PO BOX 1259
LOLO, MT 59847-1259

ROBERT G MILLS
DECEASED
PO BOX 394
LOLO, MT 59847

OTEKA MILLS
PO BOX 394
LOLO, MT 59847

SUZANNE M MILLER
PO BOX 822
LOLO, MT 59847

STERLING D MILLER
PO BOX 822
LOLO, MT 59847

DENNIS RICHARDS
PO BOX 696
LOLO, MT 59847

MARY L HAUCK
PO BOX 966
LOLO, MT 59847

JAMES PJ REILLY
131 NEW MEADOWS DR
MISSOULA, MT 59808-1238

NICHOLE S REILLY
131 NEW MEADOWS DR
MISSOULA, MT 59808-1238

ELISHA ERICKSON
5632 EXPLORER CT
LOLO, MT 59847

DEVIN ERICKSON
5632 EXPLORER CT
LOLO, MT 59847

TODD SCHULE
PO BOX 611
LOLO, MT 59847-0611

MISTY ATKINSON
11975 AMAZING DR
LOLO, MT 59847

BRIAN QVALE
11975 AMAZING DR
LOLO, MT 59847

JUSTIN GILBERTSON
12109 EXPEDITION COURT
LOLO, MT 59847

TROY J GRUETZMACHER
5667 ASHTON LOOP
LOLO, MT 59847-9337

ROGER D HUFFMAN
12110 EXPEDITION CT
LOLO, MT 59847-9642

MARY S HUFFMAN
12110 EXPEDITION CT
LOLO, MT 59847-9642

STANLEY C HENDRICKSEN
PO BOX 267
LOLO, MT 59847-0267

ELLEN HENDRICKSEN
PO BOX 267
LOLO, MT 59847

DAVIS, BRADLY J & SAMANTHA L LIVING TRUST
DAVIS BRADLY J & SAMANTHA L TRUSTEES
PO BOX 762
LOLO, MT 59847

JIM K EARNEST
5679 EXPLORER CT
LOLO, MT 59847-9773

GAIL FROMM
11803 EXPLORER DR
LOLO, MT 59847-9791

HYRUM FROMM
11803 EXPLORER DR
LOLO, MT 59847-9791

NICHOLE OMASTERS
11908 EXPLORER DR
LOLO, MT 59847-9792

MICHAEL OMASTERS
11908 EXPLORER DR
LOLO, MT 59847-9792

CARRIE L ERRECART
17 BALDY VIEW LN
PLAINS, MT 59859

JOHN R ERRECART
17 BALDY VIEW LN
PLAINS, MT 59859

CASEY HART
PO BOX 16621
MISSOULA, MT 59808-6621

BRADLEY HART
PO BOX 16621
MISSOULA, MT 59808-6621

DIONYSUS LLC
3306 N HALLMARK LN
MISSOULA, MT 59801-8682

CAROL C VOELKEL
10570 SLEEMAN CREEK RD
LOLO, MT 59847-8515

ANDREW H VOELKEL
10570 SLEEMAN CREEK RD
LOLO, MT 59847-8515

BRYAN TRIMBO
11136 CHEROKEE LN
LOLO, MT 59847-9684

KARLIE MATTIE
5261 EXPEDITION DR
LOLO, MT 59847

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

Priority Date: APRIL 1, 1881

Enforceable Priority Date: APRIL 1, 1881

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 5.00 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: 96.00

Source Name: LOLO 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		SWSENE	33	12N	20W	MISSOULA

Period of Diversion: MAY 1 TO OCTOBER 4

Diversion Means: HEADGATE

Ditch Name: DELANEY-GILBERT DITCH

Period of Use: MAY 1 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	76.00		S2NE	35	12N	20W	MISSOULA
2	20.00		W2NW	36	12N	20W	MISSOULA
Total:	96.00						

Geocodes/Valid:

04-2092-35-1-05-01-0000 - Y	04-2092-35-1-05-02-0000 - Y
04-2092-35-1-05-03-0000 - Y	04-2092-35-1-05-04-0000 - Y
04-2092-35-1-05-05-0000 - Y	04-2092-35-1-05-06-0000 - Y
04-2092-35-1-05-07-7001 - Y	04-2092-35-1-05-07-7002 - Y
04-2092-35-1-05-07-7003 - Y	04-2092-35-1-05-09-0000 - Y
04-2092-35-1-05-10-0000 - Y	04-2092-35-1-05-11-0000 - Y
04-2092-35-1-05-12-0000 - Y	04-2092-35-1-05-13-0000 - Y
04-2092-35-1-05-14-0000 - Y	04-2092-35-1-05-15-0000 - Y
04-2092-35-1-05-17-0000 - Y	04-2092-35-1-05-19-0000 - Y
04-2092-35-1-05-20-0000 - Y	04-2092-35-1-05-21-0000 - Y
04-2092-35-1-05-22-0000 - Y	04-2092-35-1-05-23-0000 - Y
04-2092-35-1-05-24-0000 - Y	04-2092-35-1-05-25-0000 - Y
04-2092-35-1-05-26-0000 - Y	04-2092-35-1-05-27-0000 - Y
04-2092-35-1-05-28-0000 - Y	04-2092-35-1-05-29-0000 - Y
04-2092-35-1-05-30-0000 - Y	04-2092-35-1-05-35-0000 - Y
04-2092-35-1-09-07-0000 - Y	04-2092-35-1-09-08-0000 - Y

04-2092-35-1-09-09-0000 - Y	04-2092-35-1-09-10-0000 - Y
04-2092-35-1-09-11-0000 - Y	04-2092-35-1-09-12-0000 - Y
04-2092-35-1-09-13-0000 - Y	04-2092-35-1-09-14-0000 - Y
04-2092-35-1-09-15-0000 - Y	04-2092-35-1-09-16-0000 - Y
04-2092-35-1-09-17-0000 - Y	04-2092-35-1-09-18-0000 - Y
04-2092-35-1-09-19-0000 - Y	04-2092-35-1-09-20-0000 - Y
04-2092-35-1-09-21-0000 - Y	04-2092-35-1-09-22-0000 - Y
04-2092-35-1-09-23-0000 - Y	04-2092-35-1-09-24-0000 - Y
04-2092-35-1-09-25-0000 - Y	04-2092-35-1-09-26-0000 - Y
04-2092-35-1-09-27-0000 - Y	04-2092-35-1-09-28-0000 - Y
04-2092-35-1-09-29-0000 - Y	04-2092-35-1-09-30-0000 - Y
04-2092-35-1-09-31-0000 - Y	04-2092-35-1-09-32-0000 - Y
04-2092-35-1-09-33-0000 - Y	04-2092-35-1-09-34-0000 - Y
04-2092-35-1-09-35-0000 - Y	04-2092-35-1-09-36-0000 - Y
04-2092-35-1-09-37-0000 - Y	04-2092-35-1-09-38-0000 - Y
04-2092-35-1-09-39-0000 - Y	04-2092-35-1-09-40-0000 - Y
04-2092-35-1-09-41-0000 - Y	04-2092-35-1-09-42-0000 - Y
04-2092-35-1-09-43-0000 - Y	04-2092-35-1-09-44-0000 - Y
04-2092-35-1-09-45-0000 - Y	04-2092-35-1-09-46-0000 - Y
04-2092-35-1-09-47-0000 - Y	04-2092-35-1-09-48-0000 - Y
04-2092-35-1-09-49-0000 - Y	04-2092-36-1-01-03-0000 - Y
04-2092-36-1-01-04-0000 - Y	04-2092-36-1-01-05-0000 - Y
04-2092-36-1-01-06-0000 - Y	04-2092-36-1-01-07-0000 - Y
04-2092-36-1-01-08-0000 - Y	04-2092-36-1-01-10-0000 - Y
04-2092-36-1-01-12-0000 - 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.

17113-00 27622-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 08/07/89: PRIORITY DATE, TYPE OF RIGHT.

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/16/84.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/16/90.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 10/29/82.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/18/87.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/15/87.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/07/85.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/28/89.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 10/16/91.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/19/93.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/10/95.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/04/96.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 03/06/98.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 01/22/99.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 14980 RECEIVED 06/25/2004.

Remarks:

OWNERSHIP UPDATE TYPE 608 # 135187 RECEIVED 05/27/2008.
OWNERSHIP UPDATE TYPE DOR # 80634 RECEIVED 06/15/2009.
OWNERSHIP UPDATE TYPE DOR # 126032 RECEIVED 07/26/2010.
OWNERSHIP UPDATE TYPE DOR # 106282 RECEIVED 04/09/2012.
OWNERSHIP UPDATE TYPE DOR # 105242 RECEIVED 04/10/2012.
OWNERSHIP UPDATE TYPE DOR # 106280 RECEIVED 04/11/2012.
OWNERSHIP UPDATE TYPE DOR # 107766 RECEIVED 11/21/2012.
OWNERSHIP UPDATE TYPE DOR # 110894 RECEIVED 01/18/2013.
OWNERSHIP UPDATE TYPE DOR # 111863 RECEIVED 04/19/2013.
OWNERSHIP UPDATE TYPE DOR # 113508 RECEIVED 06/26/2013.
OWNERSHIP UPDATE TYPE DOR # 115383 RECEIVED 07/01/2013.
OWNERSHIP UPDATE TYPE DOR # 121925 RECEIVED 06/12/2014.
OWNERSHIP UPDATE TYPE DOR # 126035 RECEIVED 06/27/2014.
OWNERSHIP UPDATE TYPE DOR # 126061 RECEIVED 06/27/2014.
OWNERSHIP UPDATE TYPE DOR # 126037 RECEIVED 07/22/2014.
OWNERSHIP UPDATE TYPE DOR # 138596 RECEIVED 06/11/2015.
OWNERSHIP UPDATE TYPE DOR # 134686 RECEIVED 07/15/2015.
OWNERSHIP UPDATE TYPE DOR # 143184 RECEIVED 09/09/2015.
OWNERSHIP UPDATE TYPE DOR # 138592 RECEIVED 10/13/2015.
OWNERSHIP UPDATE TYPE DOR # 138597 RECEIVED 12/01/2015.
OWNERSHIP UPDATE TYPE DOR # 143185 RECEIVED 03/16/2016.
OWNERSHIP UPDATE TYPE DOR # 146800 RECEIVED 06/16/2016.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE MISSOULA COUNTY WATER RESOURCES SURVEY (1960) SHOWS 68.0 ACRES BEING IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO. 1079-111, DATED 09/24/79, SHOWS 77.0 ACRES BEING IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.