

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: 41H 23558-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Version Status: ACTIVE

Owners: AMELIA C KELLY
1302 W SCENIC DR
MOUNT SHASTA, CA 96067

Priority Date: APRIL 15, 1960
Enforceable Priority Date: APRIL 15, 1960

Type of Historical Right: USE

Purpose (use): DOMESTIC

Maximum Flow Rate: 1.25 CFS

Maximum Volume: PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 3.00

Source Name: WALTON 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 | | NWSWSE | 8 | 1S | 6E | GALLATIN |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: DAVIS DITCH

Reservoir: OFF STREAM

| <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------------|----------------|------------|------------|------------|---------------|
| | NENENE | 18 | 1S | 6E | GALLATIN |

Diversion to Reservoir: DIVERSION # 1

Dam Height: 11.00 FEET

Current Capacity: 0.10 ACRE-FEET

Period of Use: JANUARY 1 to DECEMBER 31

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 | 2.00 | | SESESE | 7 | 1S | 6E | GALLATIN |
| 2 | 1.00 | | NENENE | 18 | 1S | 6E | GALLATIN |
| Total: | 3.00 | | | | | | |

THE PLACE OF USE IS LOCATED IN CERTIFICATE OF SURVEY NO. 1125 , GALLATIN COUNTY.

Geocodes/Valid: 06-0905-18-1-01-03-0000 - Y 06-0905-18-1-02-01-0000 - 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.

23558-00 23562-00

THIS CLAIM IS SUBJECT TO A PRIVATE STIPULATION FILED SEPTEMBER 23, 2005 IN WATER COURT CASE 41H-261 WHICH STATES: THIS RIGHT SHALL BE ADMINISTERED AS IF IT WERE JUNIOR IN PRIORITY TO PROVISIONAL PERMIT 41H-20160-00.

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/15/83.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/15/91.

Remarks:

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 78744 RECEIVED 01/13/2009.