

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 33636-00 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:**

RAETHA A BROSE  
5395 NEW FARM WAY  
FLORENCE, MT 59833

SHANE R BEAR  
5451 EASTSIDE HWY  
FLORENCE, MT 59833

MEAGHAN HOULIHAN  
3706 ROSECREST DR  
MISSOULA, MT 59804

ERIN HOULIHAN  
1E DE RIEMERSTRAAT #18  
DEN HAAG, NETHERLANDS  
2513 CV

SHANNON R DAMRON  
5395 NEW FARM WAY  
FLORENCE, MT 59833

CARMEN L WINGO  
5395 NEW FARM WAY  
FLORENCE, MT 59833

**Priority Date:** APRIL 1, 1905

**Enforceable Priority Date:** APRIL 1, 1905

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** SPRINKLER

**Maximum Flow Rate:** 116.69 GPM

**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:** 6.30

**Source Name:** BITTERROOT RIVER

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWNE	13	10N	20W	RAVALLI

**Period of Diversion:** MARCH 1 TO NOVEMBER 1

**Diversion Means:** PUMP

THE POINT OF DIVERSION IS LOCATED IN PARCEL B OF CERTIFICATE OF SURVEY NO. 552 , RAVALLI COUNTY.

**Period of Use:** MARCH 1 to NOVEMBER 1

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	6.30			S2SE	12	10N	20W	RAVALLI

**Total:** 6.30

THE PLACE OF USE INCLUDES PARCEL B-1 OF CERTIFICATE OF SURVEY NO. 3074 , RAVALLI COUNTY.

THE PLACE OF USE INCLUDES LOTS 1 AND 2 OF NEW FARM ACRES, RAVALLI COUNTY.

**Geocodes/Valid:** 13-1869-12-4-01-02-0000 - Y                      13-1869-12-4-01-03-0000 - Y

13-1869-12-4-01-04-0000 - 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.

33636-00 33637-00

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 12/02/1997.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 05/18/2000.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 12/13/1999.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/08/1992.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 07/30/1996.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/23/2001.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 17843 RECEIVED 11/09/2004.

OWNERSHIP UPDATE TYPE 608 # 48783 RECEIVED 08/28/2007.

OWNERSHIP UPDATE TYPE DOR # 132272 RECEIVED 04/23/2015.

CASE NO. 1287, RAVALLI COUNTY, DECREED THIS RIGHT AS BEING CONVEYED IN THE MILLS DITCH. THIS IS INCONSISTENT WITH THE CLAIMED MEANS OF CONVEYANCE WHICH CONVEYS WATER ON THE OPPOSITE SIDE OF THE BITTERROOT RIVER.

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

THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS 19.00 GPM PER ACRE.

THE PERIOD OF DIVERSION MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF THE PERIOD OF USE ISSUE.

THE CLAIMED PERIOD OF USE EXCEEDS THE USUAL GROWING SEASON FOR THIS CLIMATIC AREA WHICH IS APRIL 15 TO OCTOBER 15.

THE RAVALLI COUNTY WATER RESOURCES SURVEY ( 1958 ) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 179-134 , DATED 08/02/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

DATA SOURCES INDICATE THE DECREED RIGHT WAS USED ON LAND TO THE WEST OF THE BITTERROOT RIVER. THIS IS INCONSISTENT WITH THIS CLAIM THAT LIES TO THE EAST OF THE BITTERROOT RIVER.

IT APPEARS THIS WATER RIGHT MAY NOT HAVE BEEN PERFECTED ON THE CLAIMED PLACE OF USE. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

THE PRIORITY DATE MAY BE QUESTIONABLE. ACCORDING TO INFORMATION IN THE CLAIM FILE, IT APPEARS WATER FROM THE SOURCE WAS FIRST USED IN 11/02/1909.

THE CLAIMED PRIORITY DATE MAY BE QUESTIONABLE. IT APPEARS THE PRIORITY DATE SHOULD BE THE DATE THE SPRINKLER SYSTEM WAS FIRST PUT TO USE.

THE PRIORITY DATE IS IN QUESTION. THE PLACE OF USE DESCRIBED IN THE RAVALLI COUNTY WATER RESOURCES SURVEY FIELD NOTES (1958) FOR THE FORMERLY DECREED RIGHT IS INCONSISTENT WITH THE CLAIMED PLACE OF USE. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

THE TYPE OF IRRIGATION SYSTEM CANNOT BE CONFIRMED. IT IS UNCLEAR IF THIS RIGHT SHOULD BE DEFINED BY FLOW RATE OR VOLUME.

THE CLAIMED SOURCE MAY BE QUESTIONABLE. BASED ON AVAILABLE DATA, THE SOURCE MAY BE SURFACE WATER FROM THE BITTERROOT IRRIGATION DISTRICT.