

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: 411 2743-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: TIMOTHY J PETERSON
281 FILSON RD
WINSTON, MT 59647-8401

KATHERINE E PETERSON
281 FILSON RD
WINSTON, MT 59647-8401

ROBERT M ANDERSEN
10 EAGLE VIEW DR
CLANCY, MT 59634-9221

MARCI L ANDERSEN
10 EAGLE VIEW DR
CLANCY, MT 59634-9221

JULIE LAUGHERY
PO BOX 143
WINSTON, MT 59647-7001

LEVI LAUGHERY
PO BOX 143
WINSTON, MT 59647-7001

DENISE C PENNINGTON
5243 US HWY 12 W
HELENA, MT 59601-9677

ROBERT L PENNINGTON
5243 US HWY 12 W
HELENA, MT 59601-9677

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

Priority Date: MAY 1, 1870
Enforceable Priority Date: MAY 1, 1870

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 754.55 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: 113.00

Source Name: BEAVER 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 | | NENENW | 36 | 9N | 1W | BROADWATER |

Period of Diversion: APRIL 15 TO OCTOBER 19

Diversion Means: HEADGATE

Ditch Name: FILSON DITCH 1

Period of Use: APRIL 15 to OCTOBER 19

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 | 4.00 | | SWNE | 30 | 9N | 1E | BROADWATER |
| 2 | 13.00 | | NWSE | 30 | 9N | 1E | BROADWATER |
| 3 | 14.00 | | NESW | 30 | 9N | 1E | BROADWATER |
| 4 | 50.00 | | SE | 25 | 9N | 1W | BROADWATER |

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> |
|---------------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 5 | 32.00 | | W2SW | 30 | 9N | 1E | BROADWATER |
| Total: | 113.00 | | | | | | |

Geocodes/Valid: 43-1789-25-4-02-01-0000 - Y 43-1791-30-1-02-05-0000 - Y
43-1791-30-2-01-04-0000 - Y 43-1791-30-2-04-01-0000 - Y
43-1791-30-3-02-01-0000 - 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.

2743-00 2752-00 2753-00

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 01/19/2007. OWNERSHIP UPDATE ID# 43964. RANDALL P ROBERTSON TO STEVEN W AND REBECCA B MERGENTHALER. MERGENTHALER RECEIVED PORTION OF IRRIGATION THAT PERTAINS TO LOT A-2-A IN SECTION 30. ROBERTSON RETAINED LOT C-1.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/03/84.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/01/92.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 43964 RECEIVED 01/19/2007.

OWNERSHIP UPDATE TYPE 608 # 69574 RECEIVED 12/30/2009.

OWNERSHIP UPDATE TYPE 608 # 87218 RECEIVED 05/12/2011.

OWNERSHIP UPDATE TYPE DOR # 108058 RECEIVED 02/28/2013.

OWNERSHIP UPDATE TYPE DOR # 115130 RECEIVED 11/14/2013.

OWNERSHIP UPDATE TYPE DOR # 150787 RECEIVED 12/12/2016.

.....

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
THE BROADWATER COUNTY WATER RESOURCES SURVEY (1956) APPEARS TO INDICATE 29.70 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
WATER IS NOT DIVERTED FROM THE SOURCE CLAIMED. A HISTORICAL APPROPRIATION FROM THE CLAIMED SOURCE CANNOT BE CONFIRMED.
THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

.....