

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: 76LJ 39787-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners:
ROGER L ONEIL
1934 LEUCADIA SCENIC COURT
ENCINITAS, CA 92024

MARILYN K BAIN
3350 N ASHLEY LAKE RD
KALISPELL, MT 59901

DANIEL F ZLOGAR
158 STONERIDGE DR
KALISPELL, MT 59901

KELLY L REDFIELD
158 STONERIDGE DR
KALISPELL, MT 59901

SHADRACH BARNEY
1908 TEAL DR
KALISPELL, MT 59901

WENDY BARNEY
1908 TEAL DR
KALISPELL, MT 59901

J & F CONSTRUCTION GENERAL CONTRACTORS INC
690 N MERIDIAN RD
SUITE 103
KALISPELL, MT 59901

ONEIL FAMILY PARTNERSHIP
PO BOX 7038
KALISPELL, MT 59904

MARLENE M BRUNAUGH
PO BOX 388
COLUMBIA FALLS, MT 59912

THOMAS D BRUNAUGH
PO BOX 388
COLUMBIA FALLS, MT 59912-0388

FIRST INTERSTATE BANK
PO BOX 5388
KALISPELL, MT 59901

Priority Date: AUGUST 8, 1896
Enforceable Priority Date: AUGUST 8, 1896

Type of Historical Right: FILED

Purpose (use): STOCK

Maximum Flow Rate: 450.00 GPM

Maximum Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: ASHLEY CREEK
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			S	13	28N	22W	FLATHEAD

Period of Diversion: APRIL 15 TO OCTOBER 15
Diversion Means: PUMP

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
2		NESWNE	13	28N	22W	FLATHEAD
Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: PUMP						
3		SWSNW	13	28N	22W	FLATHEAD
Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: PUMP						
4		SWSENE	14	28N	22W	FLATHEAD
Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: PUMP						
5		NWSWNE	14	28N	22W	FLATHEAD
Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: PUMP						

Period of Use: APRIL 15 to OCTOBER 15

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				13	28N	22W	FLATHEAD
2				14	28N	22W	FLATHEAD

Geocodes/Valid: -- NO VALID GEOCODES --

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.

39787-00 39788-00

THE POINT OF DIVERSION WAS AMENDED BY THE CLAIMANT ON 07/24/1987.

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 07/28/1988. TRANSFER PROCESSED TO ADD NEW OWNERS ONLY. INDIVIDUAL PORTIONS WILL BE RECORDED AFTER FINAL DECREE.

OWNERSHIP UPDATE RECEIVED

- OWNERSHIP UPDATE TYPE 608 # 8649 RECEIVED 05/13/2003.
- OWNERSHIP UPDATE TYPE 608 # 27304 RECEIVED 12/08/2005.
- OWNERSHIP UPDATE TYPE DOR # 86006 RECEIVED 03/19/2009.
- OWNERSHIP UPDATE TYPE DOR # 85694 RECEIVED 06/12/2009.
- OWNERSHIP UPDATE TYPE DOR # 87069 RECEIVED 06/07/2010.
- OWNERSHIP UPDATE TYPE DOR # 89132 RECEIVED 03/18/2011.
- OWNERSHIP UPDATE TYPE DOR # 111087 RECEIVED 02/11/2013.
- OWNERSHIP UPDATE TYPE DOR # 119348 RECEIVED 04/07/2014.

THE CLAIMED FLOW RATE EXCEEDS THE 35 GPM GUIDELINE FOR THIS PURPOSE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 04/01/2009, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY WAYNE EVERETT TURNER.

THE CLAIMED PLACE OF USE IS WHERE THE STOCK DRINK WATER AND COULD NOT BE IDENTIFIED FROM DATA SUBMITTED WITH THE CLAIM.