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 4894-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: MARIANNE HAMMERSCHMIDT

PO BOX 1600 VICTOR, MT 59875

R TERRY HAMMERSCHMIDT

PO BOX 1600 VICTOR, MT 59875

CHRISTMANN CORPORATION

510 LEEWARD DR

MURPHY, TX 75094-5346

DENYSE S BASS 1211 SOUTH 2ND ST HAMILTON, MT 59840

JAMES D BASS 1211 SOUTH 2ND ST HAMILTON, MT 59840

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

OWNER R TERRY HAMMERSCHMIDT RETAINED. CONTRACT FOR DEED

INTEREST.

OWNER MARIANNE HAMMERSCHMIDT RETAINED. CONTRACT FOR DEED

INTEREST.

Priority Date: JUNE 1, 1865

Enforceable Priority Date: JUNE 1, 1865

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 2.75 CFS

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT

PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 110.00

Source Name: SKALKAHO 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 7 5N 20W RAVALLI

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: REPUBLICAN DITCH

2- SECONDARY NENESW 6 5N 20W RAVALLI

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: NICOL-HART LATERAL

WATER FROM SKALKAHO CREEK IS CONVEYED THROUGH THE REPUBLICAN

DITCH TO THE NICOL-HART LATERAL DITCH TO THE PLACE OF USE.

THE POINT OF DIVERSION FOR THIS CLAIM IS NENENW SEC 7 T5N R20W THE POINT WHERE THE REPUBLICAN DITCH INTERSECTS SKALKAHO CREEK. THIS CLAIM IS PART OF THE SKALKAHO CREEK AND BITTERROOT RIVER WATER EXCHANGE. WATER FROM THE BITTERROOT RIVER IS EXCHANGED FOR WATER FROM SKALKAHO CREEK THAT IS DIVERTED INTO THE SKALKAHO HI LINE (SWSWNE SEC 30 T5N R19W) AND WARD DITCHES (SWSESW SEC 15 T5N R20W).

THE EXCHANGED WATER RELATIONSHIP IS DESCRIBED IN - RE THE PETITION

ID Govt Lot Qtr Sec Sec Twp Rge County

FOR ORGANIZATION AND ESTABLISHMENT OF AN IRRIGATION DISTRICT IN RAVALLI COUNTY, TO BE KNOWN AS DALY DITCHES IRRIGATION DISTRICT, FOURTH JUDICIAL DISTRICT IN AND FOR THE COUNTY OF RAVALLI, CAUSE NO.

DV-82-95, AND 209 MONT. 218 (1984).

Period of Use: APRIL 15 to OCTOBER 15

Place of Use:

$\overline{\mathbf{ID}}$	Acres Govt Lot	Qtr Sec	<u>Sec</u>	Twp	Rge	County
1	30.00	SENE	36	6N	21W	RAVALLI
2	40.00	SWNE	36	6N	21W	RAVALLI
3	40.00	SWNW	36	6N	21W	RAVALLI

Total: 110.00

Geocodes/Valid: 13-1467-36-4-01-02-0000 - Y 13-1467-36-4-01-65-0000 - Y

13-1467-36-4-01-72-0000 - Y

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.

4894-00 4896-00

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 01/12/2001.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 05/09/1989.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 05/01/1990.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 998 RECEIVED 02/13/2002.

OWNERSHIP UPDATE TYPE 608 # 5949 RECEIVED 12/05/2002.

THE CLAIMED PLACE OF USE AND ACRES IRRIGATED MAY BE QUESTIONABLE. REVIEW OF AVAILABLE DATA APPEARS TO INDICATE FEWER ACRES MAY HAVE BEEN IRRIGATED THAN HAS BEEN CLAIMED.

THE CLAIMED PLACE OF USE COULD NOT BE IDENTIFIED FROM DATA SUBMITTED WITH THE CLAIM.