

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: 41B 88694-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: WHIELING, AXEL TRUST
98126 W BENHAM LN SPC 60
HARBOR, OR 97415-8523

ROBERT N MILLER
175 ARABIAN LN
DILLON, MT 59725-8315

WILLIAM KRIEGEL
4600 CARRIGAN LN
DILLON, MT 59725-8573

FRED HIRSCHY
PO BOX 834
JACKSON, MT 59736-0834

LYNN HIRSCHY
PO BOX 834
JACKSON, MT 59736-0834

DEBRA L SCHNEE
PO BOX 493
SHELBY, MT 59474

GREGORY L SCHNEE
PO BOX 493
SHELBY, MT 59474

CODY SCHNEE
PO BOX 227
DILLON, MT 59725-0227

LACEY SCHNEE
PO BOX 227
DILLON, MT 59725-0227

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

Priority Date: MAY 31, 1866

Enforceable Priority Date: MAY 31, 1866

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 3.13 CFS

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: 425.00

Source Name: BLACKTAIL DEER 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>Twp</u>	<u>Rge</u>	<u>County</u>
1		SES	WNE	36	7S	9W BEAVERHEAD

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: PETERSEN BLACKTAIL DITCH

2		NEN	WSE	36	7S	9W BEAVERHEAD
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Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

Period of Use: MAY 1 to OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	95.00		SW	25	7S	9W	BEAVERHEAD
2	70.00		E2SE	26	7S	9W	BEAVERHEAD
3	80.00		E2NE	35	7S	9W	BEAVERHEAD
4	40.00		SWNE	36	7S	9W	BEAVERHEAD
5	120.00		NW	36	7S	9W	BEAVERHEAD
6	5.00		NWSE	36	7S	9W	BEAVERHEAD
7	15.00		NESW	36	7S	9W	BEAVERHEAD
Total:	425.00						

Geocodes/Valid:		
	18-0325-25-3-01-03-0000 - Y	18-0325-25-3-02-06-0000 - Y
	18-0325-25-3-03-01-0000 - Y	18-0325-35-1-05-10-0000 - Y
	18-0325-36-1-03-01-0000 - Y	18-0325-36-2-01-25-0000 - Y
	18-0325-36-2-02-04-0000 - Y	18-0325-36-2-02-08-0000 - 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.

88694-00 88697-00 88698-00 88699-00 88700-00 88703-00 179294-00

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.

88694-00 88703-00 88833-00 93260-00

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 08/17/2007. J ERIC ANDERSON TO J BLAINE ANDERSON JR-TRANSFER-PROPERTY LOCATED IN SEC. 36 T7S R9W.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 03/04/2008. TRANSFER OUID# 55670 PERTAINS TO TRACT A-1, COS # 1119HR FILED ON 06/05/2000, FOR SW SEC 25, SE SEC 26, NE SEC 35, AND NW SEC 36, TWP 7S, RGE 9W.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 10/15/1990.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 03/09/1990.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 01/01/1991.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 10/06/1998.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 28460 RECEIVED 01/19/2006.

OWNERSHIP UPDATE TYPE 608 # 48867 RECEIVED 08/17/2007.

OWNERSHIP UPDATE TYPE 608 # 55670 RECEIVED 03/04/2008.

OWNERSHIP UPDATE TYPE DOR # 111800 RECEIVED 07/05/2012.

OWNERSHIP UPDATE TYPE 608 # 111990 RECEIVED 06/14/2013.

OWNERSHIP UPDATE TYPE DOR # 126511 RECEIVED 10/01/2014.

OWNERSHIP UPDATE TYPE DOR # 133459 RECEIVED 06/11/2015.

OWNERSHIP UPDATE TYPE DOR # 144672 RECEIVED 07/05/2016.

OWNERSHIP UPDATE TYPE DOR # 144671 RECEIVED 07/05/2016.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 125 MINER'S INCHES DECREED IN CASE NO. 711, BEAVERHEAD COUNTY. 41B 88228-00, 41B 88694-00, 41B 88703-00, 41B 88833-00, 41B 93260-00, 41B 133629-00, 41B 133630-00.

THE CLAIMED PLACE OF USE APPEARS TO BE OWNED BY PARTIES OTHER THAN THE CLAIMANT(S) ACCORDING TO MONTANA STATE CADASTRAL DATA. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

THE PRIORITY DATE MAY BE QUESTIONABLE. CASE NO. 711, BEAVERHEAD COUNTY, DOES NOT SPECIFY A DAY OR MONTH. THE CLAIMS LISTED FOLLOWING THIS STATEMENT HAVE CLAIMED VARYING PRIORITY DATES. 41B, 88228-00, 41B 88694-00, 41B 88703-00, 41B 93260-00, 41B 88833-00, 41B 133630-00, 41B 133629-00.