

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 101708-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners:
ANTHONY J LUBKE
853 NEZ PERCE DR
HAMILTON, MT 59840

DOROTHY J LUBKE
853 NEZ PERCE DR
HAMILTON, MT 59840

TED J HILDEBRANT
927 PAULINE DR
ANACONDA, MT 59711-2668

VIRGINIA HILDEBRANT
927 PAULINE DR
ANACONDA, MT 59711-2668

WARREN J ERICKSON
842 NEZ PERCE DR
HAMILTON, MT 59840

ROY L SHERRARD
847 TAY CIRCLE
HAMILTON, MT 59840

TAMI W SHERRARD
847 TAY CIRCLE
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.

Priority Date: MARCH 8, 1912
Enforceable Priority Date: MARCH 8, 1912

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Maximum Volume: 720.00 AC-FT
Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 40.00

Source Name: CRABBE GULCH
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		NENWNW	17	5N	20W	RAVALLI

Period of Diversion: MAY 15 TO SEPTEMBER 15
Diversion Means: DAM

2		SENWNW	17	5N	20W	RAVALLI
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Period of Diversion: MAY 15 TO SEPTEMBER 15
Diversion Means: DAM

3		SENWNW	17	5N	20W	RAVALLI
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Period of Diversion: MAY 15 TO SEPTEMBER 15
Diversion Means: DAM

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
		SENWNW	17	5N	20W	RAVALLI

Diversion to Reservoir: DIVERSION # 2

Dam Height: 28.00 FEET
Surface Area: 2.75 ACRES
Current Capacity: 27.50 ACRE-FEET

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SENWNW	17	5N	20W	RAVALLI

Diversion to Reservoir: DIVERSION # 3

Dam Height: 13.00 FEET
Surface Area: 0.20 ACRES
Current Capacity: 1.00 ACRE-FEET

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENWNW	17	5N	20W	RAVALLI

Diversion to Reservoir: DIVERSION # 1

Dam Height: 10.00 FEET
Surface Area: 0.50 ACRES
Current Capacity: 1.50 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

Period of Use: MAY 15 to SEPTEMBER 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	40.00		NWNW	17	5N	20W	RAVALLI
Total:	40.00						

Geocodes/Valid: 13-1367-17-1-01-20-0000 - Y 13-1367-17-1-01-21-0000 - Y
13-1367-17-1-01-32-0000 - Y 13-1367-17-1-01-33-0000 - Y
13-1367-17-1-01-35-0000 - Y 13-1367-17-1-01-36-0000 - Y
13-1367-17-1-01-37-0000 - Y 13-1367-17-1-01-38-0000 - Y
13-1367-17-2-02-05-0000 - Y

Remarks:

WATER RIGHT OWNERSHIP UPDATE RECEIVED 06/12/1992.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 48898 RECEIVED 08/31/2007.
OWNERSHIP UPDATE TYPE 608 # 125448 RECEIVED 10/27/2014.
OWNERSHIP UPDATE TYPE DOR # 137353 RECEIVED 12/11/2015.
OWNERSHIP UPDATE TYPE 608 # 139398 RECEIVED 02/18/2016.

AN AMENDMENT WAS SUBMITTED ON 03/13/1997 REQUESTING TO AMEND THE PLACE OF USE, MAXIMUM ACRES, AND VOLUME . THE AMENDMENT HAS NOT BEEN IMPLEMENTED AS IT HAS NOT BEEN SIGNED BY ALL OWNERS OF DNRC RECORD.

AN AMENDMENT WAS SUBMITTED ON 04/30/2002 REQUESTING TO AMEND THE PLACE OF USE, MAXIMUM ACRES, VOLUME, AND PERIOD OF USE . THE AMENDMENT HAS NOT BEEN IMPLEMENTED AS IT HAS NOT BEEN SIGNED BY ALL OWNERS OF DNRC RECORD.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 09/18/2014, THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY 21 ADDITIONAL POSSIBLE OWNERS (SEE CLAIM FILE FOR DETAILS).

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 101708-00, 116674-00.

THE RAVALLI COUNTY WATER RESOURCES SURVEY (1958) APPEARS TO INDICATE 9.92 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 179-116 , DATED 08/02/1979 , APPEARS TO INDICATE 19.37 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

RESERVOIR NO.1 DOES NOT APPEAR ON AERIAL PHOTO NO. CNR-2P-26 (08/01/1955). IT APPEARS TO HAVE BEEN BUILT AFTER THE ORIGINAL APPROPRIATION AND MAY INDICATE AN EXPANSION OF THE WATER RIGHT.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 24.00 TIMES THE CAPACITY OF THE RESERVOIR.

VOLUME MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.