

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 109527-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** SHIRLEY M HILTON  
PO BOX 10325  
KALISPELL, MT 59904  
  
LEE HERSHBERGER  
24212 SE 384TH ST  
ENUMCLAW, WA 98022-8839  
  
LINDA HERSHBERGER  
24212 SE 384TH ST  
ENUMCLAW, WA 98022-8839  
  
ADAM B CLIFFTON  
1471 US HWY 2 W  
KALISPELL, MT 59901  
  
EMILY C CLIFFTON  
1471 US HWY 2 W  
KALISPELL, MT 59901

**Priority Date:** SEPTEMBER 1, 1966  
**Enforceable Priority Date:** SEPTEMBER 1, 1966

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION  
**Irrigation Type:** SPRINKLER

**Maximum Flow Rate:** 75.00 GPM  
**Maximum Volume:** PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.  
**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 9.60  
**Source Name:** SMITH SPRING 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		SWSESW	12	28N	22W	FLATHEAD

**Period of Diversion:** MARCH 1 TO OCTOBER 1  
**Diversion Means:** DAM  
  
PUMP USED TO CONVEY WATER.  
  
THE PERIOD OF DIVERSION HAS BEEN STANDARDIZED BY DNRC FOR THIS CLAIM.

**Reservoir:** OFF STREAM  

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWSESW	12	28N	22W	FLATHEAD

**Diversion to Reservoir:** DIVERSION # 1  
**Depth:** 8.50 FEET  
**Surface Area:** 0.75 ACRES  
**Current Capacity:** 2.55 ACRE-FEET  
  
SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

**Period of Use:** MARCH 1 to OCTOBER 1

**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	9.60		SWSESW	12	28N	22W	FLATHEAD

**Total:** 9.60

**Geocodes/Valid:** 07-3965-12-3-05-11-0000 - Y      07-3965-12-3-05-13-0000 - Y

07-3965-12-3-06-01-0000 - Y

07-3965-12-3-06-03-0000 - Y

07-3965-12-3-06-05-0000 - Y

07-3965-12-3-06-07-0000 - Y

07-3965-12-3-06-09-0000 - Y

07-3965-12-3-06-11-0000 - Y

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**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.

109526-00 109527-00

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 16680 RECEIVED 09/21/2004.

OWNERSHIP UPDATE TYPE 608 # 55351 RECEIVED 03/04/2008.

OWNERSHIP UPDATE TYPE DOR # 87692 RECEIVED 07/06/2009.

OWNERSHIP UPDATE TYPE DOR # 120280 RECEIVED 06/14/2010.

OWNERSHIP UPDATE TYPE DOR # 93627 RECEIVED 02/22/2011.

OWNERSHIP UPDATE TYPE DOR # 147043 RECEIVED 04/22/2016.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

FLATHEAD COUNTY RECORDS AS OF 12/10/2008 SHOWS PLACE OF USE IS OWNED BY 8 INDIVIDUAL OWNERS. SEE CLAIM FILE FOR DETAILS.

USDA AERIAL PHOTOGRAPH NO(S). 979-191 , DATED 09/23/1979 , APPEARS TO INDICATE 2.28 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

EXISTENCE OF THE CLAIMED RESERVOIR CANNOT BE CONFIRMED WITH AVAILABLE DATA.