

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:** 76G 125466-00 STATEMENT OF CLAIM  
**Version:** 2 -- CHANGE AUTHORIZATION  
**Version Status:** ACTIVE

THIS AUTHORIZATION IS LIMITED TO THE AMOUNT OF THE HISTORIC USE RECOGNIZED BY THE DEPARTMENT IN THIS PROCEEDING AS SUBJECT TO CHANGE, AND WILL THEREAFTER NOT EXCEED THAT AMOUNT. IF THE HISTORIC USE IS REDUCED UNDER ADJUDICATION PROCEEDINGS PURSUANT TO TITLE 85, CHAPTER 2, PART 2, MCA, THIS AUTHORIZATION WILL BE LIMITED TO A LESSER AMOUNT.

**Owners:**  
MICHAEL J LOFTIS  
21191 E MULLAN RD  
CLINTON, MT 59825  
  
RICK J BOWLER  
21185 E MULLAN RD  
CLINTON, MT 59825  
  
MARGARET LEE CONLIN  
PO BOX 3465  
GREAT FALLS, MT 59403  
  
GARY ELLIOTT  
5050 MALLARD WAY  
MISSOULA, MT 59801  
  
ERIC G NYSTROM  
21255 E MULLAN RD  
CLINTON, MT 59825  
  
TARA SOPHIA NYSTROM  
21255 E MULLAN RD  
CLINTON, MT 59825  
  
JACQUELINE J TAYLOR  
11800 CHUMRAU LOOP  
MISSOULA, MT 59801  
  
JODY K TURNER  
1137 NW 57TH  
SEATTLE, WA 98107  
  
JACKSON C SAIN  
1137 NW 57TH  
SEATTLE, WA 98107  
  
CUNNINGHAM FAMILY TRUST  
12135 BIG LEAF WAY NE  
REDMOND, WA 98053

**Priority Date:** JUNE 28, 1904  
**Enforceable Priority Date:** JUNE 28, 1904

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

**Maximum Flow Rate:** 3.07 CFS  
**Maximum Volume:** 688.50 AC-FT  
**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 81.00

**Source Name:** CLARK FORK RIVER  
**Source Type:** SURFACE WATER

**Source Name:** CLARK FORK RIVER  
**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

ID                      Govt Lot                      Qtr Sec                      Sec                      Twp                      Rge                      County

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESENE	11	11N	17W	MISSOULA

**Period of Diversion:** MAY 1 TO SEPTEMBER 30

**Source Name:** CLARK FORK RIVER

**Diversion Means:** HEADGATE

2		NENWNW	2	11N	17W	MISSOULA
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**Period of Diversion:** MAY 1 TO SEPTEMBER 30

**Source Name:** CLARK FORK RIVER

**Diversion Means:** WELL

**Period of Use:** MAY 1 to SEPTEMBER 30

**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	61.00		NW	2	11N	17W	MISSOULA
2	10.00		NENE	3	11N	17W	MISSOULA
3	8.00		S2SWSW	35	12N	17W	MISSOULA
4	2.00		S2SESE	34	12N	17W	MISSOULA
<b>Total:</b>	81.00						

<b>Geocodes/Valid:</b>	04-1978-02-2-01-01-0000 - Y	04-1978-02-2-01-02-0000 - Y
	04-1978-02-2-01-03-0000 - Y	04-1978-02-2-01-04-0000 - Y
	04-1978-02-2-01-05-0000 - Y	04-1978-02-2-01-06-0000 - Y
	04-1978-02-2-01-07-0000 - Y	04-1978-02-2-01-08-0000 - Y
	04-1978-02-2-01-09-0000 - Y	

**Remarks:**

THIS RIGHT IS SUBJECT TO ALL PRIOR INDIAN RESERVED WATER RIGHTS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN THE SOURCE OF SUPPLY. IT IS THE TRIBE'S POSITION THAT THE EXERCISE OF JUNIOR WATER RIGHTS EITHER WITHIN OR OUTSIDE OF THE EXTERIOR BOUNDARIES OF THE FLATHEAD INDIAN RESERVATION MAY AFFECT THE RESERVED WATER RIGHTS OF THE TRIBE WITHIN THE EXTERIOR BOUNDARIES OF THE RESERVATION. IT IS THE TRIBE'S POSITION THAT ECONOMIC INVESTMENTS MADE IN RELIANCE UPON THIS RIGHT DO NOT CREATE IN THE APPROPRIATOR ANY EQUITY OR VESTED RIGHT AGAINST THE TRIBES. THE APPROPRIATOR IS HEREBY NOTIFIED THAT ANY FINANCIAL OUTLAY OR WORK INVESTED IN A PROJECT PURSUANT TO THIS RIGHT IS AT APPROPRIATOR'S RISK. THE ISSUANCE OF THIS RIGHT DOES NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. IT DOES NOT MAKE THE DEPARTMENT LIABLE FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. NOR IS THE DEPARTMENT LIABLE FOR ANY LOSS TO THE APPROPRIATOR CAUSED BY THE EXERCISE OF SENIOR RESERVED WATER RIGHTS. THE STATE OF MONTANA'S JURISDICTION TO ISSUE WATER RIGHTS WITHIN THE EXTERIOR BOUNDARIES OF THE FLATHEAD RESERVATION HAS BEEN CHALLENGED BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN CAUSE NO. CV 92-54-M-CCL (UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA, MISSOULA DIVISION - FILED MAY 15, 1992) WHICH CASE IS CURRENTLY PENDING. ANY WATER RIGHT ISSUED BY THE STATE IN THE ABSENCE OF JURISDICTION TO ISSUE THE WATER RIGHT IS VOID.

A 5 HP AND 7 HP PUMP ARE USED IN TANDOM TO PRODUCE 200 GPM FROM SHALLOW WELL.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 96532 RECEIVED 12/10/2010.  
 OWNERSHIP UPDATE TYPE DOR # 92613 RECEIVED 12/28/2010.  
 OWNERSHIP UPDATE TYPE DOR # 96537 RECEIVED 02/14/2011.  
 OWNERSHIP UPDATE TYPE DOR # 129917 RECEIVED 03/25/2015.