

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: 76L 134634-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: FRANKLIN TRUST
25628 BUTTONWOOD DR
SUN LAKES, AZ 85248

NANCY L ALLEN
PO BOX 355
SAINT IGNATIUS, MT 59865

ALBERT T ALLEN
PO BOX 355
SAINT IGNATIUS, MT 59865

CONFEDERATED SALISH & KOOTENAI TRIBES
PO BOX 278
PABLO, MT 59855-0278

DAVID D DELONG
PO BOX 163
SAINT IGNATIUS, MT 59865

TYLER R ARLINT
PO BOX 294
LAMBERT, MT 59243

WENDY L ARLINT
PO BOX 294
LAMBERT, MT 59243

KEITH E RUSH
PO BOX 2761
JACKSON, WY 83001

PATRICIA O CONNOR
PO BOX 2761
JACKSON, WY 83001

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

Priority Date: DECEMBER 31, 1871

Enforceable Priority Date: DECEMBER 31, 1871

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 7.38 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: 240.00

Source Name: MISSION 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		NENWNE	24	18N	20W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Period of Use: JANUARY 1 to DECEMBER 31

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	160.00		NE	24	18N	20W	LAKE
2	80.00		N2SE	24	18N	20W	LAKE

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>
Total:	240.00						
Geocodes/Valid:		15-2753-24-2-01-01-0000 - Y				15-2753-24-2-01-03-0000 - Y	
		15-2753-24-2-01-04-0000 - Y				15-2753-24-2-01-05-0000 - Y	
		15-2753-24-2-01-06-0000 - Y				15-2753-24-2-01-07-0000 - Y	
		15-2753-24-2-01-08-0000 - Y				15-2753-24-2-01-09-0000 - Y	
		15-2753-24-2-01-10-0000 - 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.

134634-00 134636-00

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.

134601-00 134634-00

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

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/18/91.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/08/88.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/15/88.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/14/90.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/31/96.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 122072 RECEIVED 06/20/2014.

OWNERSHIP UPDATE TYPE DOR # 131840 RECEIVED 03/26/2015.

OWNERSHIP UPDATE TYPE DOR # 136980 RECEIVED 09/11/2015.

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

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 11/20/2009, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY 6 OTHERS.

THE PERIOD OF DIVERSION MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF THE PERIOD OF USE ISSUE.

THE CLAIMED PERIOD OF USE EXCEEDS THE USUAL GROWING SEASON FOR THIS CLIMATIC AREA WHICH IS APRIL 15 TO OCTOBER 15.

THE LAKE COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 141 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 1079-94 , DATED 09/24/1979 , APPEARS TO INDICATE 161.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.