

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 151503-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

NORTHWESTERN CORPORATION
11 E PARK ST
BUTTE, MT 59701

WILLIAM B KEMP
1250 HAMILTON HTS RD
CORVALLIS, MT 59828

FAITH A KEMP
1250 HAMILTON HTS RD
CORVALLIS, MT 59828

DEBORAH R CLISE-KERR
758 STONE CREEK LOOP
CORVALLIS, MT 59828-9335

ARIELLE J BUMBARGER
%TONYA D BUMBARGER, CUSTODIAN
PO BOX 670
CORVALLIS, MT 59828

PAUL ELDRIDGE
1138 HAMILTON HEIGHTS RD
CORVALLIS, MT 59828

VIRGINIA L ELDRIDGE
1138 HAMILTON HEIGHTS RD
CORVALLIS, MT 59828

CORY A WETZSTEON
493 RYANS WAY
CORVALLIS, MT 59828-9258

ANGELA B WETZSTEON
493 RYANS WAY
CORVALLIS, MT 59828-9258

MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS
PO BOX 200701
HELENA, MT 59620-0701

BONNIE J WAGNER
47874 STATE ROUTE 20
CONCRETE, WA 98237-9489

AMANDA L BARNINGS
568 GRAY FOX LN
CORVALLIS, MT 59828

GARY CHILCOTT
2507 MUIRFIELD COURT
MISSOULA, MT 59808

STEELE, ROBERT W & LAURA L TRUST
20542 BRADGATE LN
STRONGSVILLE, OH 44149-6778

DEBORAH R CLISE
758 STONE CREEK LOOP
CORVALLIS, MT 59828

Priority Date: JULY 1, 1858

Enforceable Priority Date: JULY 1, 1858

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 280.50 GPM

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 255.00

Source Name: WILLOW 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		NWSENW	8	6N	19W	RAVALLI

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: WILLOW CREEK LOW DITCH

2		NWSWNE	9	6N	19W	RAVALLI
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: WILLOW CREEK HIGH DITCH

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	20.00		NWNE	18	6N	19W	RAVALLI
2	40.00		NENW	18	6N	19W	RAVALLI
3	35.00		SENE	18	6N	19W	RAVALLI
4	40.00		NENE	13	6N	20W	RAVALLI
5	40.00		SENE	13	6N	20W	RAVALLI
6	40.00		SWNE	13	6N	20W	RAVALLI
7	40.00		NESE	13	6N	20W	RAVALLI

Total: 255.00

Geocodes/Valid:		
	13-1468-13-1-01-13-0000 - Y	13-1468-13-1-01-14-0000 - Y
	13-1468-13-1-01-15-0000 - Y	13-1468-13-1-01-18-0000 - Y
	13-1468-13-1-01-23-0000 - Y	13-1468-13-1-01-24-0000 - Y
	13-1468-13-3-01-02-0000 - Y	13-1468-13-3-01-03-0000 - Y
	13-1469-18-1-01-02-0000 - Y	13-1469-18-1-01-03-0000 - Y
	13-1469-18-1-01-04-0000 - Y	13-1469-18-1-01-05-0000 - Y
	13-1469-18-1-01-06-0000 - Y	13-1469-18-1-01-07-0000 - Y
	13-1469-18-1-01-08-0000 - Y	13-1469-18-1-01-10-0000 - Y
	13-1469-18-1-01-11-0000 - Y	13-1469-18-1-01-15-0000 - Y
	13-1469-18-1-01-18-0000 - Y	13-1469-18-1-01-20-0000 - 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.

151499-00 151502-00 151503-00

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.

151503-00 151504-00

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 06/06/1986.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/09/1986.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 08/04/1986.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 06/01/1988.

Remarks:

WATER RIGHT OWNERSHIP UPDATE RECEIVED 01/03/1989.
WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/25/1986.
WATER RIGHT OWNERSHIP UPDATE RECEIVED 08/04/1986.
WATER RIGHT OWNERSHIP UPDATE RECEIVED 09/26/1989.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 12422 RECEIVED 01/23/2004.
OWNERSHIP UPDATE TYPE 608 # 30939 RECEIVED 02/16/2006.
OWNERSHIP UPDATE TYPE 608 # 31117 RECEIVED 03/01/2006.
OWNERSHIP UPDATE TYPE 608 # 40966 RECEIVED 08/23/2006.
OWNERSHIP UPDATE TYPE 608 # 46953 RECEIVED 06/11/2007.
OWNERSHIP UPDATE TYPE 608 # 47232 RECEIVED 06/26/2007.
OWNERSHIP UPDATE TYPE 608 # 64617 RECEIVED 12/23/2008.
OWNERSHIP UPDATE TYPE 608 # 65320 RECEIVED 02/06/2009.
OWNERSHIP UPDATE TYPE DOR # 81594 RECEIVED 06/01/2009.
OWNERSHIP UPDATE TYPE DOR # 84367 RECEIVED 05/25/2010.
OWNERSHIP UPDATE TYPE DOR # 91855 RECEIVED 10/27/2011.
OWNERSHIP UPDATE TYPE DOR # 99793 RECEIVED 12/12/2011.
OWNERSHIP UPDATE TYPE DOR # 137130 RECEIVED 08/06/2012.
OWNERSHIP UPDATE TYPE DOR # 111028 RECEIVED 05/24/2013.
OWNERSHIP UPDATE TYPE DOR # 144033 RECEIVED 05/16/2014.
OWNERSHIP UPDATE TYPE 608 # 128548 RECEIVED 02/04/2015.
OWNERSHIP UPDATE TYPE DOR # 129922 RECEIVED 04/02/2015.
OWNERSHIP UPDATE TYPE DOR # 143712 RECEIVED 06/03/2016.
OWNERSHIP UPDATE TYPE DOR # 146777 RECEIVED 08/04/2016.

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 50 MINER'S INCHES DECREED IN CASE NO. 931, RAVALLI COUNTY. 40346-00, 40347-00, 151503-00, 151504-00, 151621-00.

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

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 103888-00, 147779-00, 151499-00, 151502-00, 151503-00, 151619-00, 151620-00, 151621-00.

THE CLAIMED PERIOD OF USE EXCEEDS THE USUAL GROWING SEASON FOR THIS CLIMATIC AREA WHICH IS APRIL 1 TO OCTOBER 31.

THE RAVALLI COUNTY WATER RESOURCES SURVEY (1958) APPEARS TO INDICATE 167.90 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 179-144 , DATED 08/02/1979 , APPEARS TO INDICATE 162.40 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AS PER A DEED RECORDED IN BOOK 126, PAGE 406, RAVALLI COUNTY, WATER RIGHTS APPEAR TO HAVE BEEN SEVERED FROM THE FOLLOWING LEGAL LAND DESCRIPTION: NE, SE, E2 SEC 13 T06N R20W.

AS PER A DEED RECORDED IN BOOK 133, PAGE 680, RAVALLI COUNTY, WATER RIGHTS APPEAR TO HAVE BEEN SEVERED FROM THE FOLLOWING LEGAL LAND DESCRIPTION: SW, NE, W2 SEC 13 T06N R20W (15.00 ACRES).

AS PER A DEED RECORDED IN BOOK 165, PAGE 565, RAVALLI COUNTY, WATER RIGHTS APPEAR TO HAVE BEEN SEVERED FROM THE FOLLOWING LEGAL LAND DESCRIPTION: SE, E2 SEC 13 T06N R20W.

A PORTION OF THE CLAIMED PLACE OF USE DESCRIBED IN A DEED RECORDED IN BOOK 129, PAGE 950, RAVALLI COUNTY WAS SOLD BY THE ORIGINAL CLAIMANT PRIOR TO JULY 1, 1973.

THIS CLAIM IS BASED ON THE JOHN D. FORSYTH DECREED RIGHT IN CASE NO. 931 WHICH WAS ORIGINALLY DECREED TO THE E2NW, NE, N2SE SEC 10 T6N R20W RAVALLI COUNTY. HOWEVER, DOCUMENTATION INDICATES THAT THIS RIGHT WAS SEVERED FROM ISTS HISTORIC PLACE OF USE AND RELOCATED TO THE PLACE OF USE IN SEC 13 T6N R20W. SEE CLAIM FILE FOR DOCUMENTATION.