

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: 411 4729-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: STEPHEN G DURGIN
1108 S MARIAM ST
SPOKANE, WA 99206-6908

KAREN Z DURGIN
1108 S MARIAM ST
SPOKANE, WA 99206-6908

HARRER, WILBERT J ESTATE OF
4 S PARK
HELENA, MT 59601

JOSEPH J ZIMMERMAN
4280 GREEN MEADOW DR
HELENA, MT 59602-7415

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

Priority Date: JULY 25, 1961
Enforceable Priority Date: JULY 25, 1961

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 1.00 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: 200.00

Source Name: GROUNDWATER
Source Type: GROUNDWATER

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 | | NWSWSW | 14 | 10N | 4W | LEWIS AND CLARK |

Period of Diversion: APRIL 15 TO OCTOBER 19
Diversion Means: WELL

POINT OF DIVERSION IS LOCATED IN LOT 25 OF COUNTRY CLUB PARK SUBDIVISION

Period of Use: APRIL 15 to OCTOBER 19

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 | 110.00 | | W2E2 | 12 | 10N | 4W | LEWIS AND CLARK |
| 2 | 15.00 | | SEnw | 12 | 10N | 4W | LEWIS AND CLARK |
| 3 | 75.00 | | SW | 12 | 10N | 4W | LEWIS AND CLARK |
| Total: | 200.00 | | | | | | |

PLACE OF USE IS WITHIN A PORTION OF RACETRACK MEADOWS SUBDIVISION.

Geocodes/Valid: 05-1887-12-1-01-01-0000 - Y 05-1887-12-1-01-03-0000 - Y
05-1887-12-1-01-05-0000 - Y 05-1887-12-1-01-07-0000 - Y
05-1887-12-1-01-09-0000 - Y 05-1887-12-1-01-15-0000 - Y
05-1887-12-1-01-17-0000 - Y 05-1887-12-1-01-19-0000 - Y
05-1887-12-1-01-21-0000 - Y 05-1887-12-1-01-23-0000 - Y
05-1887-12-1-01-25-0000 - Y 05-1887-12-1-01-27-0000 - Y
05-1887-12-1-01-29-0000 - Y 05-1887-12-1-01-31-0000 - Y

| | |
|-----------------------------|-----------------------------|
| 05-1887-12-1-01-33-0000 - Y | 05-1887-12-1-01-35-0000 - Y |
| 05-1887-12-2-03-01-0000 - Y | 05-1887-12-2-03-02-0000 - Y |
| 05-1887-12-2-03-03-0000 - Y | 05-1887-12-2-03-05-0000 - Y |
| 05-1887-12-2-03-09-0000 - Y | 05-1887-12-2-03-11-0000 - Y |
| 05-1887-12-3-04-02-0000 - Y | 05-1887-12-3-04-03-0000 - Y |
| 05-1887-12-3-04-06-0000 - Y | 05-1887-12-3-04-09-0000 - Y |
| 05-1887-12-4-03-01-0000 - Y | 05-1887-12-4-03-03-0000 - Y |
| 05-1887-12-4-03-05-0000 - Y | 05-1887-12-4-03-07-0000 - Y |
| 05-1887-13-2-03-05-0000 - Y | |

Remarks:

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 106531 RECEIVED 12/24/2012.

OWNERSHIP UPDATE TYPE DOR # 138320 RECEIVED 10/16/2015.

THIS GROUNDWATER RIGHT WAS FILED TO BE USED AS SUPPLEMENTAL WATER TO RIGHTS FROM TENMILE CREEK IN THE RACETRACK MEADOWS SUBDIVISION.

THE OWNERSHIP OF THIS CLAIM IS QUESTIONABLE. THE CLAIMANT IS DECEASED. THE PROPERTY WAS SOLD AND SUBDIVIDED PRIOR TO HIS DEATH. IT APPEARS THIS CLAIM MAY BE REDUNDANT TO CLAIMS FILED BY INDIVIDUALS ON A PREVIOUSLY TRANSFERRED CLAIM BY MR. HARRER.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. W002268-00, W002269-00, W002270-00, W002271-00, W004729-00, W021080-00, W021081-00, W021082-00, W021083-00, W040968-00, W088964-00, W088965-00, W088966-00, W088967-00, W089751-00, W090374-00, W090375-00, W090376-00, W142900-00, W214625-00, W214626-00, W214627-00, W214628-00, W214629-00, W214630-00, W214631-00, W214637-00, W214638-00, W214639-00, W214640-00, W214641-00.