

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 540-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: STEPHEN NOBACH
8365 SW 89TH AVE
PORTLAND, OR 97223-6929

DAVID NOBACH
%STEPHEN NOBACH
8365 SW 89TH AVE
PORTLAND, OR 97223-6929

MARK NOBACH
%STEPHEN NOBACH
8365 SW 89TH AVE
PORTLAND, OR 97223-6929

ASPEN KNOLL HOMEOWNERS ASSOC
265 ASPEN LOOP
KALISPELL, MT 59901

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 20, 1894
Enforceable Priority Date: JULY 20, 1894

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER

Maximum Flow Rate: 1.34 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: 130.00

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		SWSE	11	28N	22W	FLATHEAD

Period of Diversion: APRIL 1 TO OCTOBER 1
Diversion Means: PUMP

Period of Use: APRIL 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	30.00		SWNE	11	28N	22W	FLATHEAD
2	40.00		NWNW	11	28N	22W	FLATHEAD
3	30.00		SE	11	28N	22W	FLATHEAD
4	30.00		SWNW	11	28N	22W	FLATHEAD
Total:	130.00						

Geocodes/Valid: 07-3965-11-2-01-01-0000 - 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.

539-00 540-00

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

Remarks:

ONE.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 34726 RECEIVED 03/16/2006.

OWNERSHIP UPDATE TYPE 608 # 64530 RECEIVED 12/12/2008.

THE CLAIMED PRIORITY DATE MAY BE QUESTIONABLE. IT APPEARS THE PRIORITY DATE SHOULD BE THE DATE THE SPRINKLER SYSTEM WAS FIRST PUT TO USE.

THE PRIORITY DATE OF THIS CLAIM IS UNCLEAR AS TWO FILED APPROPRIATIONS WITH DIFFERING DATES WERE SUBMITTED WITH THE CLAIM FORM. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.