

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 105036-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: LEE FOSS
365 GOLD CREEK LOOP
HAMILTON, MT 59840-8939

ALICE I FOSS
1477 HWY 93 S
HAMILTON, MT 59840

FARMERS PLANT AID CORP
822 WALL CREEK RD
STITES, ID 83552

DANIEL L ROTH LISBERGER
PO BOX 2135
HAMILTON, MT 59840

CHERYL D ROTH LISBERGER
PO BOX 2135
HAMILTON, MT 59840

HUGGANS LAND CO LLC
1477 US HWY 93
HAMILTON, MT 59840

Priority Date: MARCH 8, 1909
Enforceable Priority Date: MARCH 8, 1909

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 7.50 CFS

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: 731.00

Source Name: BITTERROOT RIVER
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	2	NWNENW	14	4N	21W	RAVALLI

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: WARD DITCH

2- SECONDARY		SWSENE	35	5N	21W	RAVALLI
--------------	--	--------	----	----	-----	---------

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

WATER DIVERTED FROM THE BITTERROOT RIVER IS CONVEYED TO CAMAS CREEK WHICH IS USED AS A NATURAL CARRIER TO A SECONDARY POINT OF DIVERSION IN THE SWSENE SEC 35 TWP 5N RGE 21W RAVALLI COUNTY.

Period of Use: APRIL 1 to OCTOBER 15

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	521.00			26	5N	21W	RAVALLI
2	50.00		N2NE	35	5N	21W	RAVALLI
3	40.00		S2NE	35	5N	21W	RAVALLI
4	80.00		N2NW	35	5N	21W	RAVALLI
5	40.00		SENW	35	5N	21W	RAVALLI
Total:	731.00						

Geocodes/Valid:	13-1366-26-1-03-01-0000 - Y	13-1366-26-1-03-02-0000 - Y
	13-1366-26-1-03-03-0000 - Y	13-1366-26-1-03-04-0000 - Y
	13-1366-26-2-01-01-0000 - Y	13-1366-26-2-01-03-0000 - Y
	13-1366-26-2-01-04-0000 - Y	13-1366-26-2-01-05-0000 - Y
	13-1366-26-2-01-07-0000 - Y	13-1366-26-2-01-08-0000 - Y
	13-1366-26-2-01-09-0000 - Y	13-1366-26-2-01-10-0000 - Y
	13-1366-26-2-01-11-0000 - Y	13-1366-26-3-01-01-0000 - Y
	13-1366-26-3-01-02-0000 - Y	13-1366-26-3-04-01-0000 - Y
	13-1366-26-3-04-02-0000 - Y	13-1366-26-4-05-01-0000 - Y
	13-1366-26-4-05-03-0000 - Y	13-1366-26-4-05-04-0000 - Y
	13-1366-26-4-05-07-0000 - Y	13-1366-35-2-01-12-0000 - Y
	13-1366-35-2-01-13-0000 - Y	13-1366-35-2-01-14-0000 - Y
	13-1366-35-2-01-15-0000 - Y	13-1366-35-2-01-29-0000 - 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.

105036-00	105037-00	105038-00	105039-00	105040-00	105041-00	105042-00
105043-00	105044-00	105045-00	105046-00	105047-00	105048-00	105049-00
105050-00	105051-00	105052-00	105053-00	105054-00	105055-00	105056-00
105057-00	125062-00					

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.

105036-00	105037-00	105038-00	105039-00	105040-00	105041-00	105042-00
105043-00	105044-00	105045-00	105046-00	105047-00	105048-00	105049-00
105051-00	105052-00	105053-00	105054-00	105055-00	105056-00	105057-00
125062-00	30043197	30043198	30043202	30043203		

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 01/08/1990.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 6948 RECEIVED 01/28/2003.

OWNERSHIP UPDATE TYPE 608 # 45619 RECEIVED 04/23/2007.

OWNERSHIP UPDATE TYPE 608 # 52570 RECEIVED 12/18/2007.

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 300 MINER'S INCHES DECREED IN CASE NO. 1287, RAVALLI COUNTY. 5824-00, 5828-00, 105036-00.

THIS CLAIM APPEARS TO DUPLICATE CLAIM NO. 5824-00 FILED BY THE WARD IRRIGATION DISTRICT.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 09/06/2013, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY THE FOSS FAMILY REVOCABLE TRUST.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 06/30/2010, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY MATTHEW W. GORDON.

AS OF 09/06/2013, THE ROTHLSBERGERS' OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. THE PLACE OF USE FOR THIS RIGHT IS LOCATED IN SECTIONS 26 AND 35, T05N, R21W, RAVALLI COUNTY.

THE RAVALLI COUNTY WATER RESOURCES SURVEY (1958) APPEARS TO INDICATE 590.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NOS. 179-72 AND 179-74 , DATED 08/02/1979 , APPEAR TO INDICATE 593.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE CLAIMED PLACE OF USE AND ACRES IRRIGATED COULD NOT BE IDENTIFIED FROM DATA SUBMITTED WITH THE CLAIM.

Remarks:

A WITHDRAWAL OF INTEREST IN THIS WATER RIGHT CLAIM WAS RECEIVED ON 06/01/2004 FROM SAM FOSS. A REDUCTION IN ACREAGE HAS NOT BEEN IMPLEMENTED.