

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:** 76G 107889-00 STATEMENT OF CLAIM  
**Version:** 2 -- CHANGE AUTHORIZATION  
**Version Status:** ACTIVE

THIS AUTHORIZATION IS LIMITED TO THE AMOUNT OF THE HISTORIC USE RECOGNIZED BY THE DEPARTMENT IN THIS PROCEEDING AS SUBJECT TO CHANGE, AND WILL THEREAFTER NOT EXCEED THAT AMOUNT. IF THE HISTORIC USE IS REDUCED UNDER ADJUDICATION PROCEEDINGS PURSUANT TO TITLE 85, CHAPTER 2, PART 2, MCA, THIS AUTHORIZATION WILL BE LIMITED TO A LESSER AMOUNT.

**Owners:** RICHARD M ROSKE  
12855 CRYSTAL CREEK RD  
TURAH, MT 59825  
  
SHANNON M ROSKE  
12855 CRYSTAL CREEK RD  
TURAH, MT 59825  
  
TURAH MEADOWS COUNTY SEWER & WATER DISTRICT  
C/O JOHN M FITZPATRICK  
11621 CATTAIL WAY  
MISSOULA, MT 59802  
  
RICHARD A PETAJA  
412 BEN HOGAN DR  
MISSOULA, MT 59803  
  
JANINE B PETAJA  
412 BEN HOGAN DR  
MISSOULA, MT 59803

**Priority Date:** AUGUST 20, 1923  
**Enforceable Priority Date:** AUGUST 20, 1923

**Purpose (use):** IRRIGATION  
AUGMENTATION  
**Irrigation Type:** SPRINKLER  
**Maximum Flow Rate:** 2.50 CFS  
**Maximum Volume:**  
**Climatic Area:** 3 - MODERATE  
**Maximum Acres:** 8.00  
**Source Name:** CLARK FORK 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		SESESW	1	12N	18W	MISSOULA
<b>Period of Diversion:</b> MAY 1 TO OCTOBER 19						
<b>Diversion Means:</b> HEADGATE						
2		W2	2	12N	18W	MISSOULA
<b>Period of Diversion:</b> MAY 1 TO OCTOBER 19						
<b>Diversion Means:</b> INSTREAM						
3		N2NE	3	12N	18W	MISSOULA
<b>Period of Diversion:</b> MAY 1 TO OCTOBER 19						
<b>Diversion Means:</b> INSTREAM						
4		SENE	34	13N	18W	MISSOULA
<b>Period of Diversion:</b> MAY 1 TO OCTOBER 19						
<b>Diversion Means:</b> INSTREAM						
5		SW	35	13N	18W	MISSOULA
<b>Period of Diversion:</b> MAY 1 TO OCTOBER 19						
<b>Diversion Means:</b> INSTREAM						

**Period of Use:** MAY 1 to OCTOBER 19

**Purpose (Use):** IRRIGATION

**Period of Use:** MAY 1 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>
2	5.00		SWSESW	36	13N	18W	MISSOULA
3	3.00	2		2	12N	18W	MISSOULA
<b>Total:</b>	<b>8.00</b>						

**Purpose (Use):** AUGMENTATION

**Period of Use:** MAY 1 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			W2	2	12N	18W	MISSOULA
2			N2NE	3	12N	18W	MISSOULA
3			SENE	34	13N	18W	MISSOULA
4			SW	35	13N	18W	MISSOULA

**Geocodes/Valid:** -- NO VALID GEOCODES --

**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.

107888-00 107889-00

280.5 GPM AND 22.48 ACRE-FEET OF THIS WATER RIGHT IS USED TO AUGMENT INDUCED SEEPAGE OUT OF THE CLARK FORK RIVER FROM PUMPING OF THE APPLICANT'S GROUNDWATER WELLS. SEE APPLICATION TO CHANGE A WATER RIGHT 76G 30016499 AND BENEFICIAL WATER USE PERMIT APPLICATION 76G 30009591 FOR MORE INFORMATION.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 10/02/96.

THE APPROPRIATOR SHALL ENSURE THE WATER DESIGNATED IN THE AUGMENTATION PLAN WILL BE LEFT IN-STREAM IN ADEQUATE AMOUNTS TO OFFSET SEEPAGE INDUCED LOSSES CAUSED BY THE GROUNDWATER APPROPRIATION 76G 30009591. THE AUGMENTATION PLAN DESIGNATED 280.5 GPM UP TO 22.48 ACRE-FEET FOR AUGMENTATION. CHANGE AUTHORIZATION 76G 30016499 APPROVED THIS AMOUNT TO IN-STREAM FLOWS. TO ENSURE THIS AMOUNT WILL REMAIN IN THE STREAM, THE APPROPRIATOR SHALL PERMANENTLY WELD CLOSE THE HEADGATE FOR THE NORTHERN LATERAL DITCH ("THE DITCH") USED TO CONVEY WATER TO THE HISTORIC PLACE OF USE DESCRIBED IN CLAIM NUMBER 76G 107889. APPROPRIATOR SHALL OBTAIN THE WRITTEN CONSENT OF ALL OWNERS OF INTERESTS IN STATEMENT OF CLAIM 76G 107889 PRIOR TO PERMANENTLY CLOSING THE HEADGATE. IF APPROPRIATOR FAILS TO PERMANENTLY CLOSE THE HEADGATE BY MAY 1, 2006, APPROPRIATOR SHALL: (1) NO LATTER THAN MAY 15, 2006, INSTALL A 2-FOOT FLUME IN THE DITCH; (2) MONTHLY MEASURE AND RECORD THE REMAINDER FLOWS IN THE DITCH; AND (3) BY NOVEMBER 30TH OF EACH YEAR, SUBMIT RECORDS OF SUCH MEASUREMENTS TO THE DEPARTMENT. APPROPRIATOR'S OBLIGATION TO MEASURE AND RECORD REMAINDER FLOWS IN THE DITCH SHALL TERMINATE UPON PROVIDING PROOF TO THE DEPARTMENT THAT THE DITCH HEADGATE HAS BEEN PERMANENTLY WELDED CLOSED WITH THE PERMISSION OF ALL OWNERS OF INTERESTS IN STATEMENT OF CLAIM 76G 107889.

**OWNERSHIP UPDATE RECEIVED**

- OWNERSHIP UPDATE TYPE 608 # 23891 RECEIVED 08/09/2005.
- OWNERSHIP UPDATE TYPE 608 # 30880 RECEIVED 02/09/2006.
- OWNERSHIP UPDATE TYPE 608 # 43534 RECEIVED 12/19/2006.
- OWNERSHIP UPDATE TYPE 608 # 55055 RECEIVED 02/27/2008.