

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 109526-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners:
LEE HERSHBERGER
24212 SE 384TH ST
ENUMCLAW, WA 98022-8839

LINDA HERSHBERGER
24212 SE 384TH ST
ENUMCLAW, WA 98022-8839

ADAM B CLIFFTON
1471 US HWY 2 W
KALISPELL, MT 59901

EMILY C CLIFFTON
1471 US HWY 2 W
KALISPELL, MT 59901

Priority Date: SEPTEMBER 1, 1966
Enforceable Priority Date: SEPTEMBER 1, 1966

Type of Historical Right: USE

Purpose (use): STOCK

Maximum Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Maximum Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

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		SWSESW	12	28N	22W	FLATHEAD

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Survey Tract: 6DI+

PUMP USED TO CONVEY WATER.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWSESW	12	28N	22W	FLATHEAD

Diversion to Reservoir: DIVERSION # 1

Depth: 8.50 FEET

Surface Area: 0.75 ACRES

Current Capacity: 1.75 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

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			SWSESW	12	28N	22W	FLATHEAD

Geocodes/Valid: 07-3965-12-3-05-11-0000 - Y 07-3965-12-3-06-05-0000 - Y

Remarks:

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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.

109526-00 109527-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 08/30/2004: MEANS OF DIVERSION, FLOW RATE, AND PERIOD OF USE.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 16680 RECEIVED 09/21/2004.

OWNERSHIP UPDATE TYPE 608 # 55351 RECEIVED 03/04/2008.

OWNERSHIP UPDATE TYPE DOR # 87692 RECEIVED 07/06/2009.

OWNERSHIP UPDATE TYPE DOR # 120280 RECEIVED 06/14/2010.

OWNERSHIP UPDATE TYPE DOR # 147043 RECEIVED 04/22/2016.

THE CLAIMED FLOW RATE EXCEEDS THE 35 GPM GUIDELINE FOR THIS PURPOSE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA.

EXISTENCE OF THE CLAIMED RESERVOIR CANNOT BE CONFIRMED WITH AVAILABLE DATA.