

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 127599-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: DAVID O KESLER II
19 KESSLER LN
PHILIPSBURG, MT 59858-9615

Priority Date: JUNE 10, 1957

Enforceable Priority Date: JUNE 10, 1957

38TH RIGHT DECREED IN CAUSE NUMBER 4036, BECK V KELLEY, DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT, POWELL COUNTY, DATED NOVEMBER 18, 1957.

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 11.83 CFS

Maximum Volume:

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 504.00

Source Name: RACETRACK 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 | 16 | 6N | 10W | POWELL |

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: CEMENT DITCH

Period of Use: APRIL 1 to OCTOBER 31

THIS RIGHT IS LIMITED TO HIGH OR FLOOD WATERS OF RACETRACK CREEK.

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 | 272.00 | | S2 | 22 | 6N | 10W | DEER LODGE |
| 2 | 152.00 | | NW | 27 | 6N | 10W | DEER LODGE |
| 3 | 80.00 | | N2SW | 27 | 6N | 10W | DEER LODGE |
| Total: | 504.00 | | | | | | |

Geocodes/Valid: 30-1480-22-3-01-01-0000 - Y 30-1480-27-2-01-01-0000 - 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.

127592-00 127594-00 127599-00 127601-00

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/12/92.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 10/09/90.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 102681 RECEIVED 08/14/2012.