

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: 43B 194818-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

EDWARD D MANION JR
2455 EAST RIVER RD
LIVINGSTON, MT 59047

JACQUELINE S HAGER
229 EVERGREEN DR
PLANO, TX 75075

FREDERICK H HAGER
229 EVERGREEN DR
PLANO, TX 75075

CHARLES R JAMISON JR
2457 E RIVER RD
LIVINGSTON, MT 59047-9142

DONALD GIMBEL
PO BOX 1317
LIVINGSTON, MT 59047

ROLLER LIVING TRUST
% 2439 E RIVER RD
LIVINGSTON, MT 59047

TRANSFER PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT WILL BE SPLIT INTO SEPARATE OWNERSHIPS AFTER FINAL DECREE.

Priority Date: APRIL 29, 1972

Enforceable Priority Date: APRIL 29, 1972

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 1.07 CFS

THE TOTAL EQUIVALENT FLOW RATE IS 42.75 MI.

THE FLOW RATE FOR TRACT 1A IS 36.69 GPM (3.27 MI). THE FLOW RATE FOR TRACT 1B IS 55.88 GPM (4.98 MI). THE FLOW RATE FOR TRACT 2 IS 116.70 GPM (10.33 MI). THE FLOW RATE FOR TRACT 20 IS 143.63 GPM (12.69 MI). THE FLOW RATE FOR TRACT 21 IS 130.16 GPM (11.48 MI).

Maximum Volume:

Climatic Area: 3 - MODERATE

Maximum Acres: 34.01

Source Name: PINE 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		NESW	12	4S	9E	PARK

Period of Diversion: APRIL 20 TO JULY 19

Diversion Means: HEADGATE

Subdivision: VALLEY VIEW ACRES

Ditch Name: SMITH-WIGGINS DITCH

DITCH NAME: SMITH-WIGGINS DITCH

Period of Use: APRIL 20 to JULY 19

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	0.70		SE	SENE	11	4S	9E PARK
	Subdivision:	VALLEY VIEW ACRES TRACT/LOT 1A					
2	1.90		NENE	SENE	11	4S	9E PARK
	Subdivision:	VALLEY VIEW ACRES TRACT/LOT 1A					
3	0.90		N2NE	SENE	11	4S	9E PARK
	Subdivision:	VALLEY VIEW ACRES TRACT/LOT 1B					
4	3.06		S2SE	SENE	11	4S	9E PARK
	Subdivision:	VALLEY VIEW ACRES TRACT/LOT 1B					
5	0.60		NWNE	SENE	11	4S	9E PARK
	Subdivision:	VALLEY VIEW ACRES TRACT/LOT 2					
6	7.62		SWSE	SENE	11	4S	9E PARK
	Subdivision:	VALLEY VIEW ACRES TRACT/LOT 2					
7	10.10		N2NE	SENE	11	4S	9E PARK
	Subdivision:	VALLEY VIEW ACRES TRACT/LOT 20					
8	9.13		S2NE	SENE	11	4S	9E PARK
	Subdivision:	VALLEY VIEW ACRES TRACT/LOT 21					
Total:	34.01						

PLACE OF USE IS LOCATED IN TRACTS 1, 2, 20 AND 21 OF CERTIFICATE OF SURVEY NOS. 7, 14 AND 41.

Geocodes/Valid: 49-0607-11-1-01-06-0000 - Y 49-0607-11-1-01-07-0000 - Y
49-0607-11-4-01-01-0000 - Y 49-0607-11-4-01-20-0000 - 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.

194818-00 194819-00

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

- NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/11/89.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/01/89.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/08/85.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/01/85.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/26/85.
- NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/08/98.

OWNERSHIP UPDATE RECEIVED

- OWNERSHIP UPDATE TYPE 608 # 17539 RECEIVED 10/22/2004.
- OWNERSHIP UPDATE TYPE 608 # 45043 RECEIVED 03/21/2007.
- OWNERSHIP UPDATE TYPE 608 # 60101 RECEIVED 06/27/2008.
- OWNERSHIP UPDATE TYPE DOR # 99787 RECEIVED 04/20/2011.
- OWNERSHIP UPDATE TYPE DOR # 99786 RECEIVED 05/01/2011.
- OWNERSHIP UPDATE TYPE DOR # 118775 RECEIVED 11/23/2013.

THE TIMELY FILED OBJECTION OF VALLEY VIEW ESTATES WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE MAXIMUM ACRES AND POINT OF DIVERSION. BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAYBE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.