



FILE



STATEMENT OF CLAIM



76LJ



42599



00

Box Bar Code _____

File Bar Code _____

Date/Initials _____

Form No. 76-O R2/80

STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS **RECEIVED** OTHER USES

NOV 4 1981

42599

76LJ

For the Water Courts of the State of Montana

MONTANA D.N.R.C. KALISPELL FIELD OFFICE

LA-C 08-034-04-02

40.00 DNRC

1. Owner of Water Right Timberhorn Homeowners Assco. Assoc. / Middle Initial

Co-Owner or Other Interest Owner Pennington / Jay & Margaret / Middle Initial

Address P.O. Box 2209 FINLEY POINT 59860
City Great Falls POLSON State Montana Zip Code 59401

Home Phone No. Business Phone No.

2. Person completing form Fraser / Michael / Middle Initial

Address 23 Sunset Blvd.

City Kalispell State Montana Zip Code 59901

Home Phone No. 755-0257 Business Phone No. 755-5246

- 3. Use: DNRC (DM) (Check Only One)
FR Fish Raceways GE Geothermal MN Mining
FW Fish & Wildlife NV Navigation PG Power Generation
CM Commercial FP Fire Protection RC Recreation
IN Industrial AS Agricultural Spraying OT Other
MC Municipal OF Oil Well Flooding Explain Condominium

- 4. Source of Water: (Check Only One)
Spring Name
Well Name
Stream Name Tributary of
[X] Lake Name Flathead Lake Stream FLATHEAD RIVER
Tributary of Clark Fork River
Reservoir Name Stream
Tributary of

5. Point of Diversion: County Lake County
NW 1/4 SW 1/4 NW 1/4, Section 7, T 23 N/S R 19 E/W
Gov't Lot 3, Block, Subdivision Borchers

- 6. Means of Diversion:
Well
[X] Pump Capacity 10 gpm
Headgate with ditch or pipeline
Instream use
Other Explain

- 7. Means of Conveyance:
Ditch Instream
[X] Pipeline Other:

8. Place of Use: County Lake

Instream City or Town Other: Explain Condominium

Gov't 3 Lot, 3 Block, SW 1/4 SW 1/4 NW 1/4, Section 7, T 23 N/S, R 19 E/W
3 Lot, 3 Block, SW 1/4 SW 1/4 NW 1/4, Section 7, T 23 N/S, R 19 E/W
3 Lot, 3 Block, SW 1/4 SW 1/4 NW 1/4, Section 7, T 23 N/S, R 19 E/W
3 Lot, 3 Block, SW 1/4 SW 1/4 NW 1/4, Section 7, T 23 N/S, R 19 E/W
3 Lot, 3 Block, SW 1/4 SW 1/4 NW 1/4, Section 7, T 23 N/S, R 19 E/W

Subdivision Borchers

9. Flow rate claimed: 10 cubic feet per second
 gallons per minute
 miner's inches

10. Volume claimed: 1.5 acre-feet per year

11. Period(s) of use: 1 / 1 to 12 / 31
Month Day Month Day

12. Check one: Decreed Water Right Priority date or date of first use
 Filed Appropriation Right March / 1972
 Use Water Right Hour Month Day Year

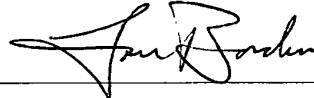
13. Attach copies of the Decree, Record of Filing or Proof of Use Right.

14. Attach copies of aerial photographs, U.S. Geological Survey maps or such other documents necessary to show point of diversion, place of use, place of storage, and conveyance facilities.


15. Notarized Statement signed by claimant.

STATE OF MONTANA)
County of Lake) :ss.

I, Louis F. Borchers, Jr., having been duly sworn, depose and say that I, being of legal age and being the claimant of this claim of existing water right, and the person whose name is signed to it as the claimant, know the contents of this claim and the matters and things stated there are true and correct.



Subscribed and sworn before me, this 30TH day of OCTOBER 19 81.


Notary Public for the State of Montana

Residing at KALISPELL, MONTANA
My Commission expires MAY 12, 1983

42599

Form No. 76-A-1

**ADDENDUM TO STATEMENT OF CLAIM
FOR EXISTING WATER RIGHTS
For the Water Courts of the State of Montana**

ADDITIONAL CO-OWNER SHEET

Use this sheet if you have more than one co-owner or if the co-owner has a different address than the owner. List the owner on the claim form.

02 Name PENNINGTON MARGARET _____
Last First Middle Initial
 Address PO BOX 2209
 City GREAT FALLS State MONT. Zip Code 59401
 Name PENNINGTON JAY _____
Last First Middle Initial
 Address PO BOX 2209
 City GREAT FALLS State MONT Zip Code 59401

02 Name _____
Last First Middle Initial
 Address _____
 City _____ State _____ Zip Code _____
 Name _____
Last First Middle Initial
 Address _____
 City _____ State _____ Zip Code _____

02 Name _____
Last First Middle Initial
 Address _____
 City _____ State _____ Zip Code _____
 Name _____
Last First Middle Initial
 Address _____
 City _____ State _____ Zip Code _____

02 Name _____
Last First Middle Initial
 Address _____
 City _____ State _____ Zip Code _____
 Name _____
Last First Middle Initial
 Address _____
 City _____ State _____ Zip Code _____

Use additional sheets if necessary



AFFIDAVIT

I, WE, Louis F. Borchers, Jr 42599
(Name of affiant)

know that on March 1972 this pump
(date of priority) development (dam, spring, or etc.)

was developed and/or put to use on Flathead Lake for the purpose of
water source

Domestic at a rate of 10 GPM and
type of use (GPM, CFS, or MI)

volume 1.5 acre feet. The point of diversion of this development

is in the NW 1/4 SW 1/4 NW 1/4 of Section 7, Township 23N, Range 19W, in

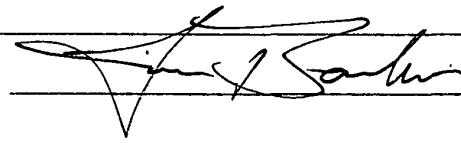
Lake County, and the place of use is in the SW 1/4 SW 1/4 NW 1/4

of Section 7, Township 23N, Range 19W in Lake County.

Please use the following space to provide additional pertinent information to

substantiate the water development: My father purchased this property
in 1956 and I have had varying degrees of ownership
ever since that time.

Signed



Subscribed and sworn before me this 16th day of Sept, 19 81

Johan J Miller
Notary Public for the State of _____

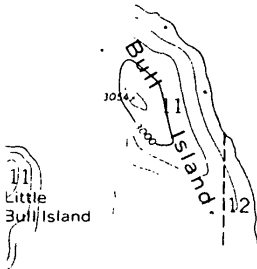
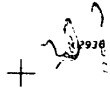
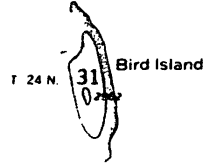
Residing at gt falls

My Commission expires July 23, 1983

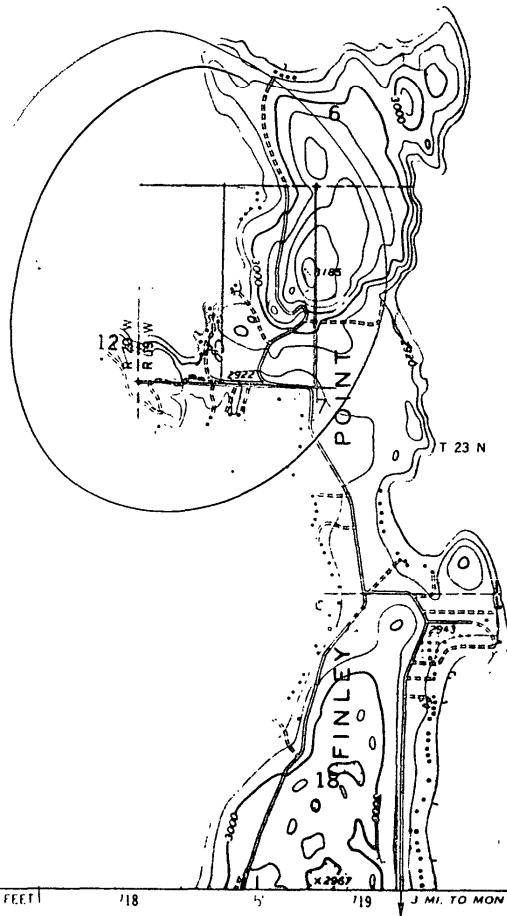
Notary Public for the State of Montana
Residing at Great Falls, Montana
My Commission Expires July 23, 1983

WILD FURSE ISLANDS

42599



NARROWS



30° 16 17 18 19 J. MI. TO MONT. 35 (EAST BAY) 1179 11 NE

appended, edited, and published by the Geological Survey

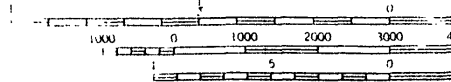
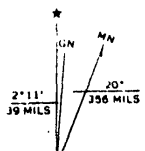
SCALE 1:24 000

with the following corrections:

1. Add contour lines from aerial photographs of 1958 and 1964

2. Change datum to the North American datum

3. Change projection to the Montana coordinate system, central meridian 109° 00' 00" W. from the Mercator grid ticks, see 11-11-11-11-11



CONTOUR INTERVAL 40
DATUM IS MEAN SEA LEVEL

STATEMENT OF CLAIM CHECKLIST

FORM TYPE: I S D O

OK	NOT OK	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Received
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Basin
<input checked="" type="checkbox"/>	<input type="checkbox"/>	County
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Division
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Transmittal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fee
<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____

42599

FORM ITEMS

	OK	NOT OK	
1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>as / phone call</i>
2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>ADDRESS: FINLEY POINT, POLSON</i>
3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
5	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
7	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
8	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
9	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
10	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
11	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
12	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
13	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
14	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
15	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
16	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____

Checked by BRIDGET OGGBURY 11/12/81
Date

DEFICIENT:

Phoned 755-5246 1200 PM 11/12/81
Number Date

Sent Letter _____
To Date

Correction Deadline: _____
Date

Form Corrected _____
Date

Incomplete Form & Correspondence Sent To Helena

See notes on reverse side

Form 608 R4/98

FILE WATER RIGHT NO.

DNRC WATER RIGHT OWNERSHIP UPDATE

GEO CODE: W042599-76LJ

FILED

PART 1 SALE DATE

Month/Day/Year

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

PART 2 Grantor/Grantee names must be entered exactly as they appear on the transfer of ownership

Seller - Enter grantor's complete name and mailing address, including city, state and ZIP.

Jay L. Penington

205 N. 74th Street, Unit 257

Mesa, Arizona 85207

Daytime Phone #

Buyer - Enter grantee's complete name and assessment notice mailing address, including city, state and ZIP.

Michael P. Sand

1700 W. Koch Street, Suite 9

Bozeman, Montana 59715

Daytime Phone #

PART 3 Description of Property: If description is too lengthy please attach a separate page

Legal Description: Government Lot 3, Section 7, T23N, R19, W... Attachment

Add/Sub Lake

County Lake City/Town Section 7 Township Range

A. WATER RIGHT(S) TO UPDATE

List all water rights which need to have ownership updated. Attach a list if additional space is needed. Attachment

- ▶ (W, U, A, B, or O) Statement of Claim No. _____
- ▶ (C) Certificate of Water Right No. 76LJ W042599 DM
- ▶ (P) Permit to Appropriate Water No. _____
- ▶ (E) Exempt Existing Right No. _____
- ▶ (D) Powder River Basin Decreed Right No. _____
- ▶ Other _____

B. SELLER (person relinquishing the water right): If all seller's signatures are not available, attach a copy of the recorded showing conveyance of the property from the seller to the buyer. If the seller listed is not the person identified as the water right on the DNRC records, attach copies of the recorded documents showing chain of title including the legal description.

- Yes No Did the buyer receive 100% of the seller's interest in the water rights shown above? If no, attach a map showing buyer's property.
- Yes No If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?

Seller Signature: _____ Date: _____

Seller Signature: _____ Date: _____

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?

Name Clinton J. Fischer Address P.O. Box 879, Polson, MT Phone # 406-893-4395

D. REMARKS Rec'd \$25.00 ck #9087 08-029 Payor: First American Title

DATE Rec'd 8-9-2000

BOX BAR CODE 012186

FILE BAR CODE 0149872

FOR DEPARTMENT USE ONLY		WATER RIGHT TRANSFER CERTIFICATE	
Fee Recd	Check No	Transfer No	Date Recd
Payor			
Refund		Date	
Coder			

15130
①

01- 405965

WARRANTY DEED

THIS INDENTURE, made and entered into this 1st day of February, 2000, by **Jay L Penington**, of 205 N. 74th Street, Unit 257, Mesa, Arizona 85207, hereinafter referred to as Party of the First Part, and **Gene E. Cook**, of 1700 W. Koch Street, Suite 9, Bozeman, Montana 59715, hereinafter referred to as Party of the Second Part.

WITNESSETH, that the said Party of the First Part for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, lawful money of the United States of America to his in hand paid by said Party of the Second Part, the receipt whereof is hereby acknowledged; does by these presents grant, bargain, sell, convey, warrant and confirm unto the said Party of the Second Part, and to his heirs, successors and assigns forever, the hereinafter described real estate situated in the County of Lake, State of Montana, to-wit:

Units numbered 403 and 404 of Borchers of Finley Point as shown on Exhibit A attached to amended Declaration under Unit Ownership Act, Recorded; March 27, 1980 under Microfile No. 254077, records of Lake County, Montana, more particularly described as follows:

A tract of land located in Government Lot 3, Section 7, Township 23 North, Range 19 West, P.M.M., Lake County, Montana, more particularly described as follows:

From the Southeast corner of Lot 3, Section 7, Township 23 North, Range 19 West, P.M.M., North 58° 56' 13" West 993.83 feet to the southeast corner of the tract and the true point of beginning, thence South 45° 12' 43" West 40.31 feet; thence North 20° 10' 02" West 50.57 feet; thence North 58° 24' 15" East 36.33 feet, thence South 21° 36' 25" East 40.99 feet to the true point of beginning.

TOGETHER WITH an undivided two fiftieths (2/50) interest (a four percent (4%) interest) which is appurtenant and inseparable in and to Lot 3; Section 7; Township 23 North, Range 19 West, P.M.M., Lake County, Montana.

SUBJECT TO AND TOGETHER WITH all easements, reservations, rights of way, restrictions, covenants, zoning regulations, and agreements apparent or of record and reservations contained in the U. S. Government Patent and Special Improvement District liens of the City of Polson, if any.

TOGETHER WITH any and all water and water rights appurtenant thereto.

SUBJECT TO terms, provisions, limitations and conditions imposed by the Montana Unit Ownership Act.

SUBJECT TO any lease of or Management Agreement relative to the condominium herein described.

SUBJECT TO that certain Platting Certificate for Borchers of Finley Point file no. J-4494 recorded July 22, 1977 under Microfile No. 235628, records of Lake County, Montana.

SUBJECT TO that certain Plat of recorded Subdivision recorded July 22, 1977 under Microfile No. 235628, records of Lake County, Montana.

SUBJECT TO the Subdivision Improvement Agreement by and Between Borchers of Finley Point, a Montana Corporation and Lake County, Montana recorded July 22, 1977, under Microfile No. 235629, records of Lake County, Montana.

SUBJECT TO the Plat of Recorded Subdivision recorded August 9, 1978 under Microfile No. 243049, records of Lake County, Montana.

SUBJECT TO that certain Platting Certificate for Borchers Finley Point recorded March 27, 1980 under Microfile No. 254073, records of lake County, Montana.

JFA

405965

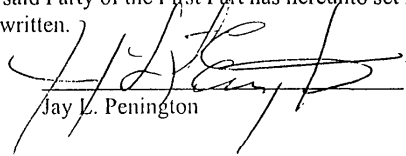
SUBJECT TO an Amended Declaration Under the Unit Ownership Act and Restrictive Covenants executed by Carl E. Peterson, et al recorded March 27, 1980 under Microfile No. 254077, records of Lake County, Montana.

SUBJECT TO the By-Laws of Timbrshor executed by Louis F. Borchers and Dean C. Borchers recorded March 27, 1980 under Microfile No. 254078, records of Lake County, Montana.

SUBJECT TO the Plat of Recorded Subdivision recorded June 14, 1984 under Microfile No. 283115, records of Lake County, Montana.

TOGETHER WITH all and singular the hereinbefore described premises together with all tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right, title, interest, right of dower and right of homestead, possession, claim and demand whatsoever, as well in law as in equity, of the said Party of the First Part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances thereto belonging, **TO HAVE AND TO HOLD**, all and singular the above mentioned and described premises unto the Party of the Second Part, and to his heirs, successors and assigns and the said Party of the First Part does hereby covenant that he will forever warrant and defend all right, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said Party of the Second Part, his heirs, successors and assigns, against all acts and deeds of the Party of the First Part, and all and every person and persons whomsoever lawfully claiming or to claim the same.

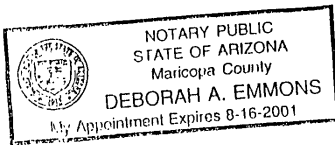
IN WITNESS WHEREOF, the said Party of the First Part has hereunto set her hands and seals the day and year first hereinbefore written.

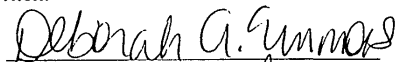

Jay L. Penington

STATE OF Ar)
County of Maricopa) : ss

On this 1 day of February, 2000, before me, the undersigned, personally appeared **Jay L. Penington**, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.




Notary Public for State of Ar
Residing at: 7601 E. Main Maricopa
My Commission expires: 8-16-2001
Return to Grantor

STATE OF MONTANA, COUNTY OF LAKE
Recorded At 2:59 O'clock P M FEB 04 2000
Microfilm 405965 RUTH E. HODGES Recorder
Fees \$ 12.00 By Jessy M. [Signature] Deputy

15130
②

01- 405966

WARRANTY DEED

FOR A VALUABLE CONSIDERATION, the receipt of which is acknowledged, the undersigned, GENE E. COOK, of East 7675 River Road, Bozeman, MT 59718, hereby grants unto MICHAEL P. SAND, of 307 Donegal Drive, Bozeman, MT 59715, real property in ~~Bozeman~~^{LAKE} County, Montana, described as follows:

Units numbered 403 and 404 of Borchers of Finley Point as shown on Exhibit A attached to Amended Declaration under Unit Ownership Act, Recorded: March 27, 1980 under Microfile No. 254077, records of Lake County, Montana, more particularly described as follows:

A tract of land located in Government Lot 3, Section 7, Township 23 North, Range 19 West, P.M.M., Lake County, Montana, more particularly described as follows:

From the Southeast corner of Lot 3, Section 7, Township 23 North, Range 19 West, P.M.M., North 58 degrees 56'13" West 993.83 feet to the southeast corner of the tract and the true point of beginning, thence South 45 degrees 12'43" West 40.31 feet; thence North 20 degrees 10'02" West 50.57 feet; thence North 58 degrees 24'15" East 36.33 feet; thence South 21 degrees 36'25" East 40.99 feet to the true point of beginning.

TOGETHER WITH an undivided two fiftieths (2/50) interest (a four percent (4%) interest) which is appurtenant and inseparable in and to Lot 3; Section 7; Township 23 North, Range 19 West, P.M.M., Lake County, Montana.

TO HAVE AND TO HOLD unto the Grantee, and to his heirs and assigns, forever,

SUBJECT TO THE FOLLOWING:

- a) Reservations and exceptions in patents from the United States or the State of Montana.
- b) Visible easements, easements of record and rights of way.
- c) All building, use, zoning, sanitary and environmental restrictions.
- d) Taxes and assessments for 2000 and subsequent years.

JEA

405966

EXCEPT with reference to the items referred to in paragraphs (a) to (d) inclusive, this deed is given with the usual covenants expressed in Mont. Code Ann. § 30-11-110.

Dated: February 4, 2000.

Gene E. Cook
GENE E. COOK

STATE OF MONTANA)
 : ss.
County of Gallatin)

On this 4th day of February, in the year 2000, before me, Gene E. Cook Notary Public for the State of Montana, personally appeared GENE E. COOK, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove first written.



Sharon K. Reiner
Notary Public for the State of Montana
Residing at Bozeman, Montana
My Commission expires: November 2, 2003

STATE OF MONTANA, COUNTY OF LAKE
Recorded At 3:00 O'clock P. M FEB 04 2000
Microfilm 405966 RUTH E. HODGES Recorder
Fees \$ 1200 By Jedymuniz Deputy

05/22/00

PAGE 1

ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE
FROM
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
STATE OF MONTANA

WATER RIGHT NUMBER 76LJ-W-042599-00

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU
WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU
HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT
OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION.
BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT.

IF YOU HAVE QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL
OFFICE. KALISPELL REGIONAL OFFICE, 752-2288.

*****DNRC*LOCATE** *8*NS*990101***

OWNERS: TIMBRSHOR
FINLEY POINT
POLSON MT 59860
SAND MICHAEL P
1700 W KOCH ST, SUITE 9
BOZEMAN MT 59715

PRIORITY DATE: MAR 0, 1972

FLOW RATE: 10.00 GALLONS PER MINUTE (G)

VOLUME: .15 ACRE FEET PER YEAR (AF)

SOURCE: FLATHEAD RIVER
RESERVOIR/LAKE NAME: FLATHEAD LAKE

PURPOSE:

USE	FLOW	VOLUME (AF)	ACRES	PERIOD OF USE
DOMESTIC	10.00 G			JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

<u>DIVERSION:</u>							
LOT	BLK	QTR	SEC	TWP	RGE	COUNTY	MEANS
(GOVT) 003		NWSNW	07	23N	19W	LAKE	PUMP

<u>PLACE OF USE FOR DOMESTIC:</u>							
ACRES	LOT	BLK	QTR	SEC	TWP	RGE	COUNTY
001		(GOVT) W		SWSNW	07	23N	19W LAKE

** TRANSFER OF OWNERSHIP:
UPON A CHANGE IN OWNERSHIP OF ALL OR ANY PORTION OF THIS
CLAIM, THE TRANSFEROR SHALL FILE WITH THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION A WATER RIGHT
OWNERSHIP UPDATE, FORM 608, PURSUANT TO SECTION
85-2-424, MCA.

REMARKS: WATER RIGHT OWNERSHIP UPDATE RECEIVED 02/09/00.

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 42597 00 STATEMENT OF CLAIM
Version: -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: BLAKE JOHNSON
329 E 58TH APT B
NEW YORK, NY 10022

DIANE JOHNSON
329 E 58TH APT B
NEW YORK, NY 10022

Priority Date: February 28, 1972
Enforceable Priority Date: February 28, 1972

Type of Historical Right: USE

Purpose (use): DOMESTIC
Purpose Clarification: CONDO #401

Maximum Flow Rate: 10 GPM

Maximum Volume: 1.50 AC-FT
Households: 1

Source Name: FLATHEAD RIVER (FLATHEAD LAKE)
Source Type: SURFACE WATER

Points of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3	NWSWNW	7	23N	19W	LAKE

Period of Diversion: JANUARY 1 to DECEMBER 31
Diversion Means: PUMP

Period of Use: JANUARY 1 TO DECEMBER 31

Purpose (use): DOMESTIC **Purpose Clarification:** CONDO #401

Place of Use: (1 total records)

<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		3	NWSWNW	7	23N	19W	LAKE

THE PLACE OF USE IS LOCATED IN LOT W.

Geocodes/Valid: 15335107202010000 - Y

Remarks:

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

THIS CLAIM IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 124351 RECEIVED September 19, 2014



UPDATE TO FILE



STATEMENT OF CLAIM



76LJ



42597



00

Current File Location: ADJUDICATION OFFICE

Box Bar Code _____

File Bar Code _____

Date/Initials _____

July 2, 2010

76LJ 42597 00 STATEMENT OF CLAIM

**D.N.R.C.
Examination Worksheet**

Water Right Number: 76LJ 42597 00 STATEMENT OF CLAIM

Version Status: ACTIVE

Date Received: NOVEMBER 4, 1981

Ok Not Ok

Exempt? No

Implied Claim? No

Fee Owed? No

Ok Not Ok

Owners:

TIMBRSHOR
FINLEY POINT
POLSON, MT 59860

*Tom Cox - president
406-887-2166*

CONSTANCE HALL
4908 UPTON AVE S
MINNEAPOLIS, MN 55410

Remarks: OK Amended Rule 7 DNRC error
 Issue Information

Comments: *050: Borchers of Finley Point, 7190 Churchwood Circle,
Colorado Springs, CO 80918-6324*

Purpose (Use):

DOMESTIC

Remarks: OK Amended Rule 6 DNRC error
 Issue Information

Comments: *condominium*

Source Name: FLATHEAD RIVER (FLATHEAD LAKE)

USGS Map: *Bull Island* Others: _____

Remarks: OK Amended Rule 11 DNRC error
 Issue Information

Comments: *standardize source name*

Source type: SURFACE WATER

OK Not Ok Comments: _____

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr	Sec	Twp	Rge	County	Means of Diversion
1	3	<i>NW</i>	SWSWNW	7	23N	19W LAKE	PUMP

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: FLATHEAD RIVER (FLATHEAD LAKE)

Remarks: OK Amended POD/Rule 8 Means/Rule 9 DNRC error
 additional PODS: See attached addendum/amendment forms

Remarks: Issue Information

Comments: *grid in SE corner*

July 2, 2010

76LJ 42597 00 STATEMENT OF CLAIM

[] Basin Code: 76LJ

Sub-Basin Code: _____

OK Not Ok Rule 8 Interbasin Transfer with Basin

Comments: _____

Priority Date: FEBRUARY 28, 1972

Enforceable Priority Date: FEBRUARY 28, 1972

OK Amended Rule 13 DNRC error

Remarks: Issue Information

Comments: _____

day added

[] Type of Historical Right: USE

OK Amended Rule 13 DNRC error

Remarks: Issue Information

Comments: _____

[] Flow Rate: 10.00 GPM (Miner's Inches: 0.89)

OK Amended Rule 19 DNRC error

Remarks: Issue Information

Comments: _____

[] Volume: ~~0.15~~ ACRE-FEET *1.5*

Feasible Vol.: 16.17 ACRE-FEET

Comparison Stat: .22 HOURS/DAY TO ACHIEVE VOLUME

OK Amended Rule 19 DNRC error
Households: *81* Acres (1.5AF x Households) + (2.5AF x Acres) = _____ AF

OK Not Ok

Remarks: Issue Information

Comments: _____

[] Period of Use: JANUARY 1 to DECEMBER 31

OK Amended Rule 20 DNRC error

Remarks: Issue Information

Comments: _____

[] Maximum Acres:

Total Parcel Acres: *0.00*

OK Amended Rule 12 DNRC error

Remarks: Issue Information

Comments: _____

July 2, 2010

76LJ 42597 00 STATEMENT OF CLAIM

~~1/1~~ Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			NW SWSWNW	7	23N	19W	LAKE

Remarks: OK Amended Rule 18 DNRC error
 Additional POU parcels: See attached addendum/amendment forms
 Issue Information

Comments: grid in SE corner Cannot locate Lot W.

Data Source:

ID	Exam Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County	Photo I.D./County/Date
1			SWSWNW	7	23N	19W	LAKE	

Total Acres:

Data Source:

NOT IRRIGATION

ID	Exam Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County	Photo I.D./County/Date
1			SWSWNW	7	23N	19W	LAKE	

Total Acres:

Geocodes/Valid: 15-3351-07-2-01-11-0000 - N

... 07-2-02-01-0000

Comments: OK entirety of Gov't Lot 3 under one geocode

Multiple Use: Yes (Enter Water Rights in Related Rights tab) No

Existing Remarks:

~~P164~~ INFORMATION STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

~~P180~~ INFORMATION THE PLACE OF USE IS LOCATED IN LOT W.

~~PR1Z~~ INFORMATION FOR DATA BASE CONVERSION PURPOSES A DAY OR MONTH AND DAY HAVE BEEN ADDED TO THE PRIORITY DATE.

~~RX1Z~~ INFORMATION THIS IS AN 'R' TYPE RESERVOIR.

no geocode because this HoA.

July 2, 2010

76LJ 42597 00 STATEMENT OF CLAIM

Formatted Remarks:

Rmk ID Variables or free text

 General Comments: (Document any aspects of the examination such as additional data sources, information pertinent to understanding the examination, etc. Use appropriate forms for interviews or field investigation and attach.)

Timbrshor pres - Tom Cox

Examined by: *Linda Angeloni* Date *7-6-10*
 Addendums: RMRK RSRV POU DVRS OWNR AMEND SUPP
 Examined results entered in database by: *la* Date *7-6-10*

July 6, 2010
76LJ 42597-00

Page 1 of 2
Review Abstract

REVIEW ABSTRACT OF WATER RIGHT CLAIM

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED IN ACCORDANCE WITH THE SUPREME COURT RULES GOVERNING THE EXAMINATION OF THIS CLAIM.

Water Right Number: 76LJ 42597-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: TIMBRSHOR
FINLEY POINT
POLSON, MT 59860

CONSTANCE HALL
4908 UPTON AVE S
MINNEAPOLIS, MN 55410

No. This is HOA.

AS OF 07/06/2010, THIS WATER RIGHT APPEARS TO BE OWNED BY BORCHERS OF FINLEY POINT, 7190 CHURCHWOOD CIRCLE, COLORADO SPRINGS, CO, 80918-6324.

***Priority Date:** FEBRUARY 28, 1972
Enforceable Priority Date: FEBRUARY 28, 1972

Type of Historical Right: USE

Purpose (use): DOMESTIC **Purpose Clarification:** CONDO #401

Flow Rate: 10.00 GPM

Volume: 1.50 AC-FT

Households: 1

*** Source:** FLATHEAD RIVER (FLATHEAD LAKE)
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	3	NWSWNW	7	23N	19W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PUMP

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		3	NWSWNW	7	23N	19W	LAKE

THE PLACE OF USE IS LOCATED IN LOT W.

Remarks:

July 6, 2010
76LJ 42597-00

Page 2 of 2
Review Abstract

Remarks:

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

THIS CLAIM IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

REVIEWED BY : LINDA ANGELONI

DATE:

Department of Natural Resources and Conservation Examination Report



Map Printed 7/6/2010 3:29:14 PM

Examiner: Linda Angeloni

WRKEY: 83467-1

Examination of: 76LJ 42597 00

Owner or Business Name: CONSTANCE HALL, TIMBRSHOR

Total Water Resources Survey Acres: 0 Acres Source Photo Date: NA




Total Acres Examined: 0 Acres Source Photo Date: NA

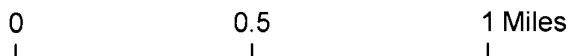
Total Claimed Acres (Calculated): 0 Acres

Total Claimed Acres (Claim Form): 0 Acres

Township, Range, County: T23N , R19W , Sec. 7 ; Lake County

USGS 7.5 Minute Quad(s). Bull Island

-  Examined Point(s) of Diversion
-  Claimed Point(s) of Diversion
-  Ditch
-  Water Resources Survey
-  Examined Place of Use
-  Claimed Place of Use



DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
WATER RESOURCES DIVISION



BRIAN SCHWEITZER
GOVERNOR

DIRECTOR'S OFFICE (406) 444-2074
TELEFAX NUMBER (406) 444-2684

STATE OF MONTANA

WATER RIGHTS ADJUDICATION
PHONE (406) 444-0560
FAX (406) 444-0569

910 HELENA AVE
PO BOX 201602
HELENA, MT 59620-1602

Timbrshor
Finley Point
Polson, MT 59860

Constance Hall
4908 Upton Ave S
Minneapolis, MN 55410

July 6, 2010

RE: Statement of Claim No(s): 76LJ 42597

Dear Water Right Owners:

The Department of Natural Resources (Water Rights Adjudication) is currently working on the Flathead River Basin (76LJ) in order that a decree can be issued. The enclosed review abstract(s) of claims reflect how your water right(s) will appear in the decree. As you review these abstracts, please note the underlined text that indicates issues associated with each claim. These are issues I found while examining your claims using historical photos and other documentation that was previously submitted. Please contact me at (406) 444-0489 or langeloni@mt.gov by August 8, 2010, so that we can discuss your water rights. If the unclear or incomplete information on your claims is not clarified prior to DNRC submitting the Flathead River Basin claims to the Water Court, you will be required by the Water Court to resolve these issues.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Linda Angeloni".

Linda Angeloni
Water Resource Specialist

Enclosures: Claim Review Abstracts
Examination Maps

Cc: Borchers of Finley Point, 7190 Churchwood Circle, Colorado Springs, CO 80918-6342

DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
WATER RESOURCES DIVISION



BRIAN SCHWEITZER
GOVERNOR

DIRECTOR'S OFFICE (406) 444-2074
TELEFAX NUMBER (406) 444-2684

STATE OF MONTANA

WATER RIGHTS ADJUDICATION
PHONE (406) 444-0560
FAX (406) 444-0569

910 HELENA AVE
PO BOX 201602
HELENA, MT 59620-1602

Timbrshor
Finley Point
Polson, MT 59860

July 6, 2010

RE: Statement of Claim No(s): 76LJ 42597 - 42603

Dear Water Right Owners:

The Department of Natural Resources (Water Rights Adjudication) is currently working on the Flathead River Basin (76LJ) in order that a decree can be issued. The enclosed review abstract(s) of claims reflect how your water right(s) will appear in the decree. As you review these abstracts, please note the underlined text that indicates issues associated with each claim. These are issues I found while examining your claims using historical photos and other documentation that was previously submitted. Please contact me at (406) 444-0489 or langcloni@mt.gov by August 8, 2010, so that we can discuss your water rights. If the unclear or incomplete information on your claims is not clarified prior to DNRC submitting the Flathead River Basin claims to the Water Court, you will be required by the Water Court to resolve these issues.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Linda Angeloni".

Linda Angeloni
Water Resource Specialist

Enclosures: Claim Review Abstracts
Examination Maps

Cc: Borchers of Finley Point, 7190 Churchwood Circle, Colorado Springs, CO 80918-6342

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

WATER ADJUDICATION BUREAU • 910 Helena Avenue, Helena, MT 59601
(406) 444-0560 Telefax (406) 444-0569



BRIAN SCHWEITZER, GOVERNOR

STATE OF MONTANA

DIRECTOR'S OFFICE (406) 444-2074
FAX NUMBER (406) 444-2684

PO BOX 201601
HELENA, MONTANA 59620-1601

Tom Cox
Timbrshor
Finley Point
Polson, MT 59860

August 5, 2010

RE: Statement of Claim No(s): 76LJ 42597 - 42603

Dear Tom:

Here are the papers I promised. Please let me know if you need additional information.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Linda Angeloni".

Linda Angeloni
Water Resource Specialist

Enclosures: Ownership Update Forms
 Maps from claim files

Angeloni

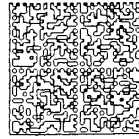


DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
WATER RIGHTS ADJUDICATION

STATE OF MONTANA

910 HELENA AVENUE
PO BOX 201602
HELENA, MONTANA 59620-1602

21540



UNITED STATES POSTAGE
FIRST-CLASS PERMIT NO. 1000 HELENA, MT
02 1M \$ 00.44⁰
0004289709 JUL 08 2010
MAILED FROM ZIP CODE 59601

RECEIVED

AUG 09 2010

DNRC WATER RESOURCES

CONSTANCE HALL
4908 UPTON AVE S
MINNEAPOLIS MN 55410

NIXIE 553 DC 1 00 08/04/10

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 59620 *2036-06971-09-39

55410@9998
5541031808 0019



76LJ 42597

December 21, 2010
76LJ 42597-00

REVIEW ABSTRACT OF WATER RIGHT CLAIM

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED IN ACCORDANCE WITH THE SUPREME COURT RULES GOVERNING THE EXAMINATION OF THIS CLAIM.

Water Right Number: 76LJ 42597-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: TIMBRSHOR
FINLEY POINT
POLSON, MT 59860

CONSTANCE HALL
4908 UPTON AVE S
MINNEAPOLIS, MN 55410

***Priority Date:** FEBRUARY 28, 1972
Enforceable Priority Date: FEBRUARY 28, 1972

Type of Historical Right: USE

Purpose (use): DOMESTIC **Purpose Clarification:** CONDO #401

Flow Rate: 10.00 GPM

Volume: 1.50 AC-FT

Households: 1

*** Source:** FLATHEAD RIVER (FLATHEAD LAKE)
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	3	NWSWNW	7	23N	19W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PUMP

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		3	NWSWNW	7	23N	19W	LAKE

THE PLACE OF USE IS LOCATED IN LOT W.

Remarks:

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

December 21, 2010
76LJ 42597-00

Page 2 of 2
Review Abstract

Remarks:

THIS CLAIM IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

REVIEWED BY : LINDA ANGELONI

DATE:

DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
WATER RESOURCES DIVISION



BRIAN SCHWEITZER
GOVERNOR

DIRECTOR'S OFFICE (406) 444- 2074
TELEFAX NUMBER (406) 444-2684

STATE OF MONTANA

WATER RIGHTS ADJUDICATION
PHONE (406) 444-0560
FAX (406) 444-0569

910 HELENA AVE
PO BOX 201602
HELENA, MT 59620-1602

Tom Cox
Timbrshor
Finley Point
Polson, MT 59860

December 21, 2010

RE: Statement of Claim No(s) 76LJ 42597- 42603

Dear Tom:

Enclosed are updated review abstracts for your records. Information received from Alice Borchers, Mike Sand and you has been very helpful in deciphering the previous issues that were attached to these claims.

Regarding claim no. 42600, Alice has submitted an ownership update on behalf of the new owner, Timothy L Rose. Once that paperwork is processed, Timbrshor will not be listed as an owner of Statement of Claim No. 76LJ 42600. Once again, please review the information contained in the abstracts to make sure that all is as it should be; some issues still remain.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Linda Angeloni".

Linda Angeloni
Water Resource Specialist

Enclosures: Review Abstracts

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 42600 00 STATEMENT OF CLAIM
Version: -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: TIMOTHY L ROSE
 17404 159TH AVE NE
 WOODINVILLE, WA 98072

Priority Date: December 31, 1940
Enforceable Priority Date: December 31, 1940

Type of Historical Right: USE

Purpose (use): COMMERCIAL
Purpose Clarification: LODGE

Maximum Flow Rate: 15 GPM

Maximum Volume: 3.00 AC-FT

Source Name: FLATHEAD RIVER (FLATHEAD LAKE)
Source Type: SURFACE WATER

Points 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	3	SESWNW	7	23N	19W	LAKE

Period of Diversion: JANUARY 1 to DECEMBER 31
Diversion Means: PUMP

Period of Use: JANUARY 1 TO DECEMBER 31

Purpose (use): COMMERCIAL **Purpose Clarification:** LODGE
Place of Use: (1 total records)

<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		3	SESWNW	7	23N	19W	LAKE

Geocodes/Valid:

Remarks:

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

THIS CLAIM IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 83772 RECEIVED November 10, 2010



FILE



STATEMENT OF CLAIM



76LJ



42600



00

Box Bar Code _____

File Bar Code _____

Date/Initials _____

Form No: 76-O R2/80

42600

76LJ

STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS

RECEIVED

OTHER USES

NOV 4 1981

For the Water Courts of the State of Montana

MONTANA D.N.R.C. KALISPELL FIELD OFFICE

LA-C
08-034-04-05
40-00

1. Owner of Water Right "Timbrshor" A Homeowners Assoc. / /
Last First Middle Initial

Co-Owner or Other Interest Owner Borchers / Lou /
Last First Middle Initial

Address Finley Point

City Polson State Montana Zip Code 59860

Home Phone No. Business Phone No.

2. Person completing form Fraser / Michael / W.
Last First Middle Initial

Address 3 Sunset Blvd.

City Kalispell State Montana Zip Code 59901

Home Phone No. 755-0257 Business Phone No. 755-5246

3. Use: (Check Only One)
FR Fish Raceways GE Geothermal MN Mining
FW Fish & Wildlife NV Navigation PG Power Generation
CM Commercial FP Fire Protection RC Recreation
IN Industrial AS Agricultural Spraying OT Other
MC Municipal OF Oil Well Flooding Explain Condominium

4. Source of Water: (Check Only One)
 Spring Name _____
 Well Name _____
 Stream Name _____ Tributary of _____
 Lake Name Flathead Lake Stream FLATHEAD RIVER
Tributary of Clark Fork River
 Reservoir Name _____ Stream _____
Tributary of _____

5. Point of Diversion: County Lake
SE 1/4 SW 1/4 NW 1/4, Section 7, T 23 N, R 19 E/W
Gov't Lot 3, Block _____, Subdivision Borchers

6. Means of Diversion:
 Well
 Pump Capacity 15 gpm
 Headgate with ditch or pipeline
 Instream use
 Other Explain _____

7. Means of Conveyance:
 Ditch Instream
 Pipeline Other: _____

8. Place of Use: DARS

County Lake

Instream

City or Town

Other: Explain Condominium

5/12/83 2009

Gov't 3 Lot, _____ Block, SE ¼ SW ¼ NW ¼, Section 7, T 23 N/S, R 19 E/W

____ Lot, _____ Block, _____ ¼ _____ ¼ _____ ¼, Section _____, T _____ N/S, R _____ E/W

____ Lot, _____ Block, _____ ¼ _____ ¼ _____ ¼, Section _____, T _____ N/S, R _____ E/W

____ Lot, _____ Block, _____ ¼ _____ ¼ _____ ¼, Section _____, T _____ N/S, R _____ E/W

____ Lot, _____ Block, _____ ¼ _____ ¼ _____ ¼, Section _____, T _____ N/S, R _____ E/W

Subdivision Borchers

9. Flow rate claimed: _____

15

- cubic feet per second
- gallons per minute
- miner's inches

10. Volume claimed: _____

3

acre-feet per year

11. Period(s) of use: _____

1

1

to

12

31

Month

Day

Month

Day

12. Check one:

- Decreed Water Right
- Filed Appropriation Right
- Use Water Right.

Priority date or date of first use

____ / ____ / ____ / 1940

Hour

Month

Day

Year

13. Attach copies of the Decree, Record of Filing or Proof of Use Right.

14. Attach copies of aerial photographs, U.S. Geological Survey maps or such other documents necessary to show point of diversion, place of use, place of storage, and conveyance facilities.

15. Notarized Statement signed by claimant.

STATE OF MONTANA)

County of Lake)

:SS.

I, Louis F. Borchers, Jr.

, having been duly sworn, depose and say that I, being of legal age and being the claimant of this claim of existing water right, and the person whose name is signed to it as the claimant, know the contents of this claim and the matters and things stated there are true and correct.

Subscribed and sworn before me, this 30TH day of OCTOBER 19 81.

Notary Public for the State of Montana

Residing at KALISPELL, MONTANA

My Commission expires MAY 12, 1983

AFFIDAVIT

42600

I, ~~HE~~, Louis F. Borchers, Jr.
(Name of affiant)

know that on 1940 this pump
(date of priority) development (dam, spring, or etc.)

was developed and/or put to use on Flathead Lake for the purpose of
water source

domestic at a rate of 15 ~~15~~ GPM and
type of use (GPM, CFS, or MI)

volume 3 acre feet. The point of diversion of this development

is in the SE 1/4 SW 1/4 NW 1/4 of Section 7, Township 23N, Range 19W, in

Lake County, and the place of use is in the SE 1/4 SW 1/4 NW 1/4

of Section 7, Township 23N, Range 19W in Lake County.

Please use the following space to provide additional pertinent information to

substantiate the water development: My father purchased this
property in 1956 and I have had varying degrees
of ownership ever since that time.

Signed [Signature]

Subscribed and sworn before me this 16th day of Sept, 1981

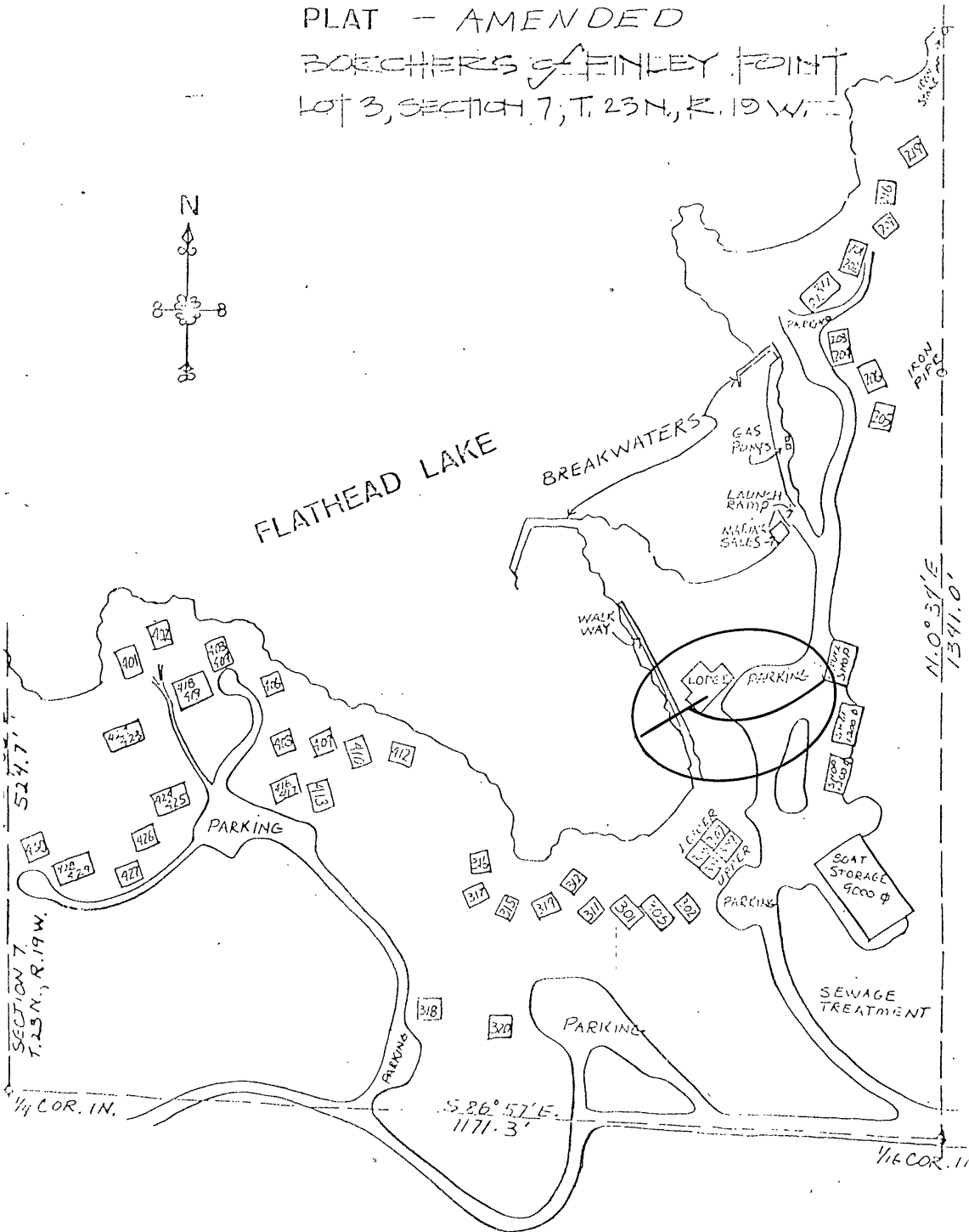
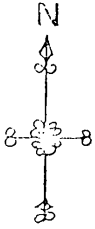
[Signature]
Notary Public for the State of _____

Residing at gt falls

My Commission expires July 23, 1983
Notary Public for the State of Montana
Residing at Great Falls, Montana
My Commission Expires July 23, 1983

42600

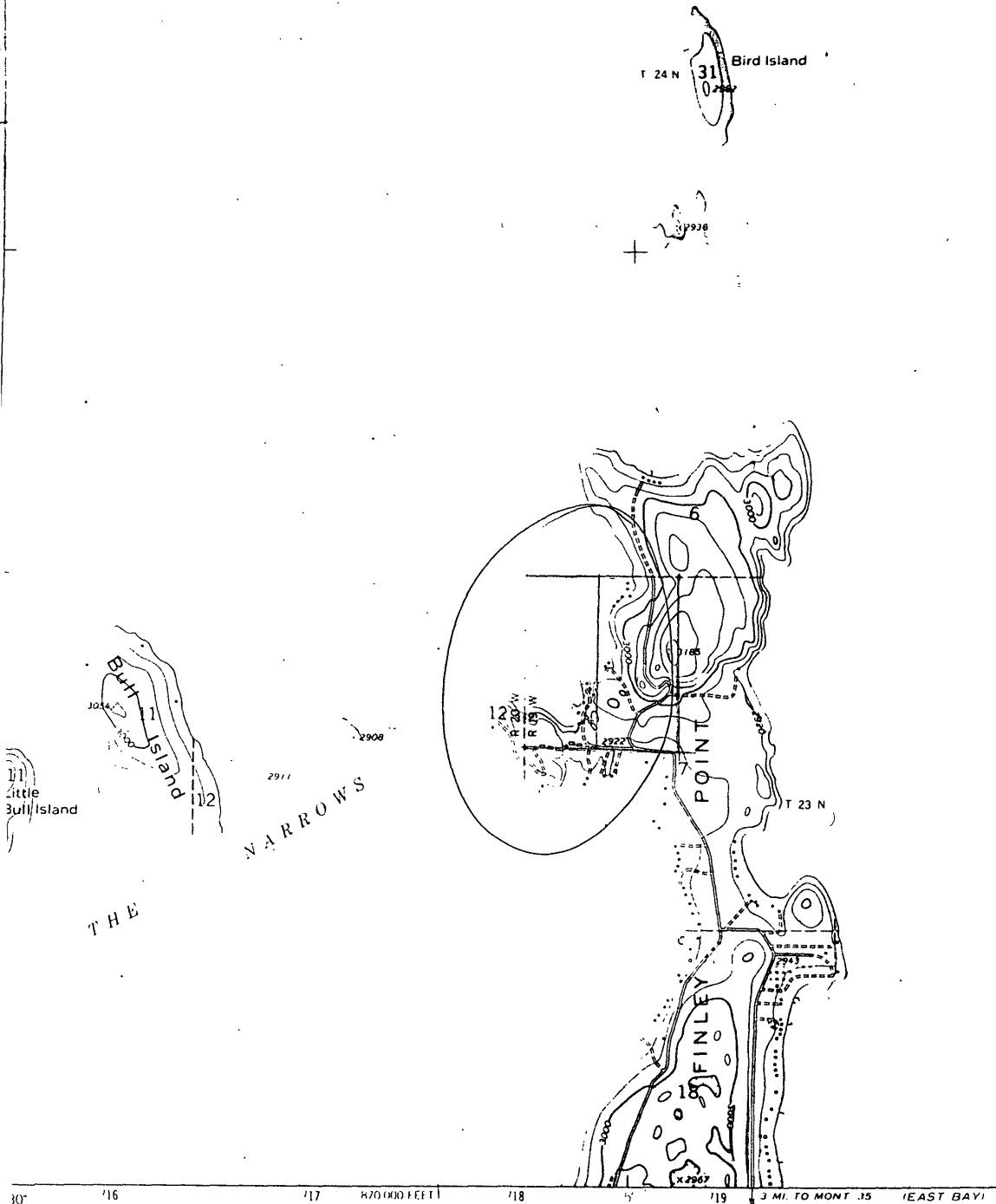
SCHEDULE A
PLAT - AMENDED
BOECHERS & FINLEY POINT
LOT 3, SECTION 7, T. 23 N., R. 19 W.



THIS IS TO CERTIFY THAT I HAVE
EXAMINED THE ABOVE PLAT AND
FIND THE BUILDINGS & SITE
LOCATIONS TO BE IN CONFORMANCE
WITH THE ORIGINAL PLAT

[Signature]
Koe

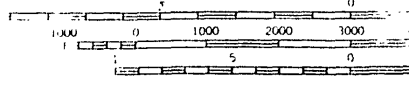
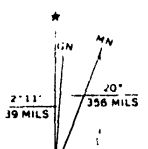
42600



Prepared, edited, and published by the Geological Survey

SCALE 1:24 000

Copyright © 1964 by the United States Geological Survey
 This map is a reproduction of the original map published in 1964.
 The map is based on the Montana coordinate system, central zone.
 All measurements are in feet, and all bearings are in degrees.
 The map is published by the Geological Survey, Department of the Interior, Washington, D.C.



CONTOUR INTERVAL 10
DATUM IS MEAN SEA LEVEL

STATEMENT OF CLAIM CHECKLIST

FORM TYPE: I S D O

OK	NOT OK		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Received	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Basin	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	County	42600
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Division	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Transmittal	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fee	
<input checked="" type="checkbox"/>	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>		

FORM ITEMS

	OK	NOT OK	
1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SHOP FOR MARINA USE - BOAT REPAIRS
4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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8	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
15	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Checked by BRIDGET OGSBURY 11/12/81
Date

DEFICIENT:

Phoned 755-5246 1:1200PM 11/12/81
Number Date

Sent Letter _____
To Date

Correction Deadline: _____
Date

Form Corrected _____
Date

Incomplete Form & Correspondence Sent To Helena

See notes on reverse side

SECRET

FILMED

DEC 2 1981

BY _____



UPDATE TO FILE



STATEMENT OF CLAIM



76LJ



42600



00

Current File Location: ADJUDICATION OFFICE

Box Bar Code _____

File Bar Code _____

Date/Initials _____

Form 608 Revised 7/2010

File to WR#

ANS 42600 76

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NOV 1 2010

DNRC WATER RESOURCES

DNRC WATER RIGHT OWNERSHIP UPDATE

This form is for DNRC record keeping purposes only as required by MCA 85-2-101(2). The deed is the legal document transferring the water right.

Only file this form if the property transfer occurred prior to July 1, 2008 or some type of ownership/name change has occurred that does not require the filing of a deed.

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

Filing Fee is \$50.00 for 1 water right and \$10.00 for each additional right up to a maximum of \$300.00.

FOR DEPARTMENT USE ONLY

Rec'd By KM
Fee Rec'd \$ 50 Check No. 8184
Payor Borchers of Finley
Returned \$ _____ Date _____
Deposit Receipt # KW 11120 DNRC
Coder JM RO# 8 OUID# 83772

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WATER RESOURCES
DEC 23 2010

PART A - GENERAL INFORMATION

- DATE OF LAND TRANSFER (SALE) 10/29/10
- SELLER (Grantor) Timbrshor and Borchers of Finley Point
MAILING ADDRESS 7190 Churchwood Circle
CITY Colorado Springs STATE CO ZIP 80918
PHONE 719-213-4252 EMAIL alice.borchers@gmail.com
- BUYER (Grantee) Timothy L. Rose
MAILING ADDRESS 28901 NE Carnation Farm Rd
CITY Carnation WA STATE WA ZIP 98014
PHONE 425-313-9248 EMAIL t.rose@costco.com

KALISPELL UNIT

4. PROPERTY DESCRIPTION

Please complete fully. If additional space is needed, attach a separate page Attachment

Legal Description: See attached

Add/Sub _____ Lot _____ Block _____
Geocode(s) 3351070202000 COS _____
County Lake City/Town _____ Section 7 Township 33N Range 19W

PART B - WATER RIGHT(S) TO UPDATE

List all of the water rights which need to have ownership updated. Attach a list if additional space is needed. Attachment

Statement of Claim No. 76LJ 42600-01 Version 1 - original right
Groundwater Certificate No. _____
Provisional Permit No. _____
Exempt Right No. _____
Powder River Declaration No. _____
Other _____

PART C - SELLER (person relinquishing the water right):

If all sellers' signatures are not available, attach a copy of the recorded instrument showing conveyance of the property from the seller to the buyer. If the seller listed is not the person identified as the water right owner in the DNRC records, attach copies of the recorded documents showing chain of title including the legal description.

Yes No Did the buyer receive 100% of the seller's interest in the water rights shown above? If no, do not complete this form. You must complete form 641 DNRC Ownership Update Divided Interest.

Yes No NA Is the sale on a contract for deed?

Seller Signature: [Signature] Date: 10/25/2010

Seller Signature: [Signature] Date: 10/28/2010

PART D - QUESTIONS OR CLARIFICATION, who should we contact?

Name Alice Borchers Address 7190 Churchwood Circle Phone # 719-213-4752
Colorado Springs CO 80918

COMPLETE AND SEND THIS FORM TO YOUR LOCAL WATER RESOURCES REGIONAL OFFICE.
See back for regional office addresses

194924
2635
30716

ADJ 42600 7645

BORCHERS OF FINLEY POINT
A Montana Corporation
Alice L. Borchers, President
7190 Churchwood Circle
Colorado Springs, CO 80918
October 29, 2010

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NOV 10 2010

DNRC WATER RESOURCES

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DNRC WATER RESOURCES

DEC 23 2010

KALISPELL UNIT

Montana Department of Natural Resources and Conservation
910 Helena Avenue
P O Box 201602
Helena, MT 59620-1602

Re: Existing Water Rights Claim 42600

Dear Madam/Sir:

This is a letter of explanation regarding the Co-Ownership of this water right. The attached Form No. 76-0 R2/80 was filled out and signed by Lou Borchers, aka Louis F. Borchers, Jr. on October 30, 1981. At that time, Lou was the President of Borchers of Finley Point, the owner of the subject property and therefore the ownership should have been in the name of Borchers of Finley Point rather than Lou Borchers.

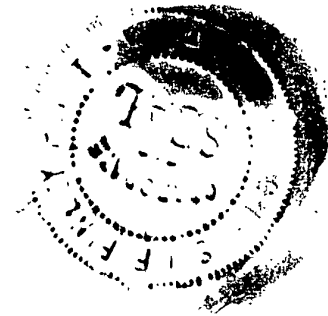
The development known as Borchers of Finley Point was fairly new and this parcel was one of the 50 sites. When he completed the form he wasn't sure whether or not the HOA (known as Timbrshor) would need to be added as an additional owner of this water right. As time went on, it became clear that the HOA was not involved in the use, the maintenance, nor the replacement of the pump and water derived from it. Clearly, the HOA did not want to be responsible for any part of the water system.

Therefore, the current chairman of the HOA known as Timbrshor, has agreed to sign off on this Ownership Update. I am the current President of Borchers of Finley Point, the owner of the subject property, and will therefore, sign as the Co-Seller of this Water Right. The property is being sold, effective October 29, 2010, to Timothy L. Rose, by virtue of a deed and therefore does not normally require a Form 608. However, for purposes of clarification of the history of the water right, I am submitting this letter of explanation along with Form 608.

If you have any questions, please give me a call.

Sincerely,

Alice L. Borchers
President
Borchers of Finley Point, A Montana Corporation



ADS 42600 76LS

510471 DEED Pages: 3
STATE OF MONTANA LAKE COUNTY
RECORDED: 11/08/2010 12:27 KOI: DEED
RUTH E. HODGES CLERK AND RECORDER
FEE: \$21.00 BY: *[Signature]*
TO:

After recording return to:

Timothy L. Rose

28901 N.E. Carnation Farm Rd
Carnation, WA 98014

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NOV 10 2010

DNRC WATER RESOURCES

WARRANTY DEED

THIS INDENTURE Is made the 5 day of November, 2010, by and between, **BORCHERS OF FINLEY POINT**, 7190 Churchwood Circle, Colorado Springs, CO 80918, **Grantor**, and **TIMOTHY L. ROSE**, 28901 NE Carnation Farm Rd., Carnation, WA 98014, **Grantee**.

WITNESSETH:

That the said Grantor, for and in consideration of the sum of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**, lawful money of the United States of America to Grantor in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell, convey and confirm unto the said Grantee, and to Grantee's heirs, successors and assigns forever, all that certain lot, piece or parcel of land, situate, lying and being in the County of Lake, State of Montana, and particularly described as follows:

LODGE TRACT OF BORCHERS OF FINLEY POINT AS SHOWN ON EXHIBIT A ATTACHED TO AMENDED DECLARATION UNDER UNIT OWNERSHIP ACT, RECORDED MARCH 27, 1980 UNDER MICROFILE NO. 254077 RECORDS OF LAKE COUNTY, MONTANA, FURTHER DESCRIBED AS FOLLOWS: A TRACT OF LAND IN LOT 3, SECTION 7, TOWNSHIP 23 NORTH, RANGE 19 WEST, P.M.M., LAKE COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF SAID LOT 3, SECTION 7, TOWNSHIP 23 NORTH, RNAGE 19 WEST, P.M.M., N. 23°24'28"W. 493.31 FEET TO THE POINT OF BEGINNING; THENCE N. 0°33'25"E. 171.83 FEET; THENCE N. 35°00'15"W. 79.52 FEET TO THE APPROXIMATE HIGH WATER SHORELINE OF FLATHEAD LAKE; THENCE N.77°01'39"W. 124.82 FEET; THENCE S. 11°35'34"E., 123.16 FEET; THENCE S. 34°48'20"E. 53.76 FEET; THENCE S.12°44'23"E. 118.75 FEET; THENCE N.79°27'09"E. 85.41 FEET TO THE POINT OF BEGINNING. BEING FURTHER DESCRIBED ON SURVEY RECORDED AS INSTRUMENT NO. 259728.

TOGETHER WITH AN UNDIVIDED ONE-FIFTIETH (1/50) INTEREST WHICH IS APPURTENANT AND INSEPARABLE IN AND TO LOT 3; SECTION 7, TOWNSHIP 23 NORTH, RANGE 19 WEST, P.M.M., LAKE COUNTY, MONTANA

ADJ 42600 76LS

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510471

NOV 10 2010

DNRC WATER RESOURCES

FURTHER TOGETHER WITH AND SUBJECT TO Easements, reservations, and rights of way, apparent or of record including Terms, provisions, easements and assessments of the Flathead Irrigation District; Reservations in United States Patent, recorded in Book C, of Deeds, Page 605; Easement recorded March 28, 1938 in Book 8 of Misc, page 252; Provisions contained in that Certificate, executed by the State of Montana, Department of Health and Environmental Services recorded June 22, 1977 as Instrument No. 235628 and as J-4494; All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by the recorded plat of said subdivision, recorded July 22, 1977, as Instrument No. 235628, 259728, 374603, 354355; Provisions in Subdivision Improvement Agreement, recorded July 22, 1977 as Instrument No. 235629; All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by the recorded plat of said subdivision, recorded August 9, 1978, as Instrument No. 243049; Provisions contained in that Certificate, executed by the State of Montana, Department of Health and Environmental Services recorded March 27, 1980 as Instrument No. 254073; Provisions in Amended Declaration, recorded March 27, 1980 as Instrument No. 254077; Provisions in By-Laws of Timbrshore, recorded March 27, 1980 as Instrument No. 254078; All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by the recorded plat of said subdivision, recorded June 27, 1981, as Instrument No. 259725; Easements recorded April 9, 1984 as Instrument No. 281417, recorded November 15, 1991 as Instrument No. 334113, and recorded January 12, 1999 as Instrument No. 396126; Covenants, Conditions and Restrictions recorded as 501186; Lake County Lakeshore Protection Regulations under Resolution No. 01-23 recorded June 26, 2001 as Instrument No. 416803, records of Lake County, Montana.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder or remainders, rents, issues and profits thereof, and also all the right, title, interest and right of homestead property, possession, claim and demand whatsoever, as well in law as in equity of the said Grantor of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantee, and to Grantee's heirs, successors and assigns.

And the said Grantor and Grantor's successors and assigns, does hereby covenant that it will forever **WARRANT AND DEFEND** all right, title and interest in and to the said premises, and the quiet and peaceable possession thereof unto the said Grantee, and to Grantee's heirs, successors and assigns against the acts and deeds of the said Grantor and all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

ADJ 42600 76LS

510471

RECEIVED

NOV 10 2010

DNRC WATER RESOURCES

BORCHERS OF FINLEY POINT

Alice L. Borchers
ALICE L. BORCHERS, President

STATE OF Colorado)
County of El Paso) : SS.

On this 5th day of November, 2010, before me, the undersigned, a Notary Public for the State aforesaid, personally appeared ALICE L. BORCHERS, known to me to be the President of BORCHERS OF FINLEY POINT, the entity described in and whose name is subscribed to the within instrument and acknowledged to me that she executed the same in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and date in this certificate first above written.

A REASONER
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires October 24, 2013

A. Reasoner

Notary Public for the State of Colorado
A. Reasoner

Printed Name of Notary
Residing at: 2075 Research Pkwy 80920
My commission expires: 10.24.2013

ADJ 42600 76LS



LAKE COUNTY PLANNING DEPARTMENT

106 FOURTH AVENUE EAST
POLSON, MT 59860-2175

PH: 406-883-7235 FAX: 406-883-7205
E-MAIL: planning@lakemt.gov

November 5, 2010

Lake County Clerk and Recorder's Office
106 4th Avenue East
Polson, Montana 59860

510470 MISC Pages: 0
STATE OF MONTANA LAKE COUNTY
RECORDED: 11/08/2010 12:26 KOI: MISC
RUTH E. HODGES CLERK AND RECORDER
FEE: \$5.00
TO:

[Handwritten signature]

RECEIVED

NOV 10 2010

RE: Deed for "Lodge Tract" of Borchers of Finley Point subdivision.

DNRC WATER RESOURCES

Dear Clerk and Recorder's Office,

This letter is in regards to the recent deed as referenced above. On October 29, 2010, it was brought to my attention that there was an attempt to record a deed to a "Lodge Tract" for the "Lodge" unit in the Borchers of Finley Point subdivision, which the Planning Department objected to for several reasons. The initial reasons for the objection were related to discrepancies noted within the legal description; another reason was based on the Planning Department's concern that a new tract was intended to be created without local subdivision review under the Montana Subdivision and Platting Act (MSPA).

J-8382

It appears the revised deed dated November 5, 2010 has corrected the noted discrepancies related to the legal description. In addition, after further review of the record contained within the Borchers of Finley Point subdivision file in consultation with the Lake County Attorney's Office, it has been determined that the Lake County approved "Declaration Under the Unit Ownership Act" specifically identified the Lodge Tract with a metes and bounds legal description, and the governing body essentially approved of the tract creation in accordance with the laws in effect at the time of subdivision review of Borchers of Finley Point. **Therefore, the Planning Department hereby withdraws the objection to the recording of the deed for the referenced "Lodge Tract".**

This letter should be filed prior to or along with the referenced deed conveying the Lodge Tract from Borchers of Finley Point to Timothy L. Rose dated November 5, 2010. Should you have any questions, please contact me at the Planning Department.

Sincerely,

[Handwritten signature]

Joel Nelson, Planning Director
Lake County Planning Department

January 7, 2011
76LJ 42600 00
Ownership Update Type: 608

Page 1 of 2
ADJUDICATION OFFICE
Ownership Update ID#: 83772

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT. IF YOU HAVE FURTHER QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE.

KALISPELL REGIONAL OFFICE 406-752-2288

Water Right Number: 76LJ 42600 00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: TIMOTHY L ROSE
28901 NE CARNATION FARM RD
CARNATION, WA 98014

Priority Date: DECEMBER 31, 1940
Enforceable Priority Date: DECEMBER 31, 1940

Type of Historical Right: USE

Purpose (use): COMMERCIAL
Maximum Flow Rate: 15.00 GPM
Maximum Volume: 3.00 AC-FT

Source Name: FLATHEAD RIVER (FLATHEAD LAKE)
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	3	SESWNW	7	23N	19W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: PUMP

Purpose (Use): COMMERCIAL
Purpose Clarification: LODGE

Volume: 3.00 AC-FT
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		3	SESWNW	7	23N	19W	LAKE

Remarks:

January 7, 2011
76LJ 42600 00
Ownership Update Type: 608

Page 2 of 2
ADJUDICATION OFFICE
Ownership Update ID#: 83772

Remarks:

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

THIS CLAIM IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

AS OF 07/01/2010 , THIS WATER RIGHT APPEARS TO BE OWNED BY BORCHERS OF FINLEY POINT , 7190 CHURCHWOOD CIRCLE , COLORADO SPRINGS, CO , 80918-6324.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 83772 RECEIVED 11/10/2010.

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 60101 00 GROUND WATER CERTIFICATE
Version: -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: BANTRY LLC
 91 FAIRMONT AVE
 CHATHAM, NJ 07928

Priority Date: May 20, 1985 at 11:24 AM
Enforceable Priority Date: May 20, 1985 at 11:24 AM

Purpose (use): DOMESTIC

Maximum Flow Rate: 15 GPM

Maximum Volume: 1.50 AC-FT

Source Name: GROUNDWATER
Source Type: GROUNDWATER

Points 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		SWSWNW	7	23N	19W	LAKE

Period of Diversion: JANUARY 1 to DECEMBER 31
Diversion Means: WELL
Subdivision: BORCHERS OF FINLEY POINT TRACT/LOT: 317
Well Depth: 403 FEET
Static Water Level: 98 FEET
Casing Diameter: 6.58 INCHES

Purpose (use): DOMESTIC
Households: 1
Volume:
Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use: (1 total records)

<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			SWSWNW	7	23N	19W	LAKE

Subdivision: BORCHERS OF FINLEY POINT TRACT/LOT: 317

Geocodes/Valid: 15335107202017317 - Y

Remarks:

THIS RIGHT IS SUBJECT TO ALL PRIOR INDIAN RESERVED WATER RIGHTS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN THE SOURCE OF SUPPLY. IT IS THE TRIBE'S POSITION THAT ECONOMIC INVESTMENTS MADE IN RELIANCE UPON THIS RIGHT, DO NOT CREATE IN THE APPROPRIATOR ANY EQUITY OF VESTED RIGHT AGAINST THE TRIBES. THE APPROPRIATOR IS HEREBY NOTIFIED THAT ANY FINANCIAL OUTLAY OR WORK INVESTED IN A PROJECT PURSUANT TO THIS RIGHT IS AT THE APPROPRIATOR'S RISK. THE ISSUANCE OF THIS RIGHT DOES NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. IT DOES NOT MAKE THE DEPARTMENT LIABLE FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. NOR IS THE DEPARTMENT LIABLE FOR ANY LOSS TO THE APPROPRIATOR CAUSED BY THE EXERCISE OF SENIOR RESERVED WATER RIGHTS. THE STATE OF MONTANA'S JURISDICTION TO ISSUE WATER RIGHTS WITHIN THE EXTERIOR BOUNDARIES OF THE FLATHEAD RESERVATION HAS BEEN CHALLENGED BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN CAUSE



FILE



GROUND WATER CERTIFICATE



76LJ



60101



00

Box Bar Code _____

File Bar Code _____

Date/Initials _____

FORM NO. 604 R3/83

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
32 SOUTH EWING HELENA, MONTANA 59620



Certificate of Water Right

THIS CERTIFICATE OF WATER RIGHT IS HEREBY ISSUED TO:

R G CANNON
3100 NETTLE
BUTTE MT 59701

UPON FINDING THAT THE REQUIREMENTS OF SECTION 85-2-301 MCA
HAVE BEEN MET.

CERTIFICATE OF WATER RIGHT NUMBER: 60101-G76LJ

PRIORITY DATE: MAY 20, 1985 AT 11:24 A.M.

ORIGINAL AMOUNT: 15.00 GPM UP TO 1.50 AC-FT

DIVERSION POINT: LOT 317
BORCHERS OF FINLEY POINT
SWSNW SEC. 07 TWP. 23N RGE. 19W LAKE CO

SOURCE: GROUNDWATER WELL

USE: 15.00 GPM UP TO 1.50 AC-FT (01/01-12/31)
FOR DOMESTIC

PLACE OF USE: LOT 317
SWSNW SEC. 07 TWP. 23N RGE. 19W LAKE CO
FOR DOMESTIC

**** PRIOR RIGHTS:**
THIS CERTIFICATE IS ISSUED SUBJECT TO ALL PRIOR EXISTING WATER RIGHTS
IN THE SOURCE OF SUPPLY.

**** RESERVED RIGHTS:**
THIS CERTIFICATE IS SUBJECT TO ALL PRIOR INDIAN RESERVED WATER RIGHTS OF
THE CONFEDERATED SALISH AND KOOTENAI TRIBE, IF ANY, IN THE SOURCE OF
SUPPLY OF THE WATER HEREIN TO BE APPROPRIATED.

**FAILURE TO COMPLY WITH ANY TERMS AND CONDITIONS HEREIN MAY RESULT IN
THE LOSS OF THE WATER RIGHT GRANTED BY THIS CERTIFICATE.**

**** TRANSFER OF OWNERSHIP:**
UPON A CHANGE IN OWNERSHIP OF ALL OR ANY PORTION OF THIS CERTIFICATE,
THE PARTIES TO THE TRANSFER SHALL RECORD WITH THE COUNTY CLERK AND
RECORDER A WATER RIGHT TRANSFER CERTIFICATE, FORM 608, PURSUANT TO
SECTION 85-2-424, MCA.

Patty Spindler

Rita Nason

WITNESS

WATER RIGHTS ANALYST: RITA NASON

DATE: JULY 11, 1985 WATER RIGHTS BUREAU, WATER RESOURCES DIVISION

Form No. 602 (R 6-84)

NOTICE OF COMPLETION OF GROUND-WATER DEVELOPMENT

For ground-water developments with a maximum use of less than 100 gpm

(Use Form 600, Application for Beneficial Water Use Permit for undeveloped springs or appropriations of 100 gpm or more.)

RECEIVED

MAY 22 1985

DEPT. OF NAT. RES.
MAY 20 11 24 AM '85

MONTANA D.N.R. C.
WASPPELL FIELD OFFICE

HELENA MT.
59620

FOR DEPARTMENT USE ONLY

Notice No. 60101 Basin 76LJ
Date Received _____, 19____
Transmittal No. 01-215-01-04
Time _____ A.M./P.M.
Fee Received \$ 10.00 CK# 3810
Received By dawn
Refund Made _____

IMPORTANT

The right to the use of ground water is not automatic. Your priority will be determined by the date of filing this form. STATE LAW REQUIRES THAT THIS FORM BE FILED BY THE WELL OWNER WITHIN 60 DAYS AFTER THE WATER HAS BEEN PUT TO BENEFICIAL USE. Attach the required \$10.00 filing fee, payable to the Department of Natural Resources and Conservation

(Please type or print in ink)

1. Name(s) R.G. CANNON
Mailing Address 3100 NETTIE
City BUTTE State MT. Zip 59701
Home Phone No. 782-8813 Other Phone No. 887-2614

2. Source of Ground Water Supply Well Other, Specify _____

3. Does this well replace an existing well? No Yes
If yes, complete the following information pertaining to existing well:
Depth _____ ft. G.P.M. _____ Date Drilled _____ (month/day/year)

If yes, contact your area water rights field office as you may be able to file a change in point of diversion and retain the priority date of the old well.

4. Point of Diversion: BFP
Your legal land description may be obtained from your deed, county assessor, or clerk and recorder.
SW 1/4 SW 1/4 NW 1/4 Section 7, Township 23 N/S, Range 19 EW, LAKE County
(and when applicable)
Government Lot _____, or Lot _____, Block _____, Subdivision Name BORCHERS OF FINLEY POINT

5. Place of Use: Attach additional sheets if needed. If same as point of diversion, check.
1/4 Section _____, Township _____ N/S, Range _____ EW, _____ County
(and when applicable)
Government Lot _____, or Lot _____, Block _____, Subdivision Name _____

6. AMOUNT OF WATER, USE TO WHICH IT HAS BEEN APPLIED, AND PERIOD OF USE:
TOTAL AMOUNT USED: 15 gpm.

DOMESTIC (includes lawn and garden): No. families to be supplied: 1
from JAN. 1 (month/day) to DEC. 31 (month/day), inclusive of each year.

STOCK: Approximate maximum number and type of livestock watered:
from _____ (month/day) to _____ (month/day), inclusive of each year.

IRRIGATION: Total number acres irrigated: _____ Type of crop: _____
from _____ (month/day) to _____ (month/day), inclusive of each year.

OTHER: Describe _____
from _____ (month/day) to _____ (month/day), inclusive of each year.

7. Remarks: (Use this space for additional information, if needed, to describe development.)

8. THE APPROPRIATOR CERTIFIES THAT THE STATEMENTS APPEARING HEREIN ARE TO THE BEST OF HIS KNOWLEDGE TRUE AND CORRECT. Signature(s) of appropriator(s) must be exactly as in Item 1. If more than one appropriator is shown, all must sign.

R. G. Cannon (signature) 5-17-85 (date)

(signature) (date)

RECEIVED

Form No. 603 (R 6-84)

MAY 20 1985

File No. _____

WELL LOG REPORT

State law requires that a true and correct copy of this form be filed by the water well driller within 60 days after completion of the well.

MONTANA DEPT. OF NATURAL RESOURCES & CONSERVATION

1. WELL OWNER Name <u>Richard G. & Marjorie R. Cannon</u>				8. WATER LEVEL Static water level <u>98'</u> feet below land surface If flowing; closed-in pressure _____ psi _____ gpm Controlled by: _____ valve, _____ reducers, _____ other, (specify) _____																																										
2. CURRENT MAILING ADDRESS <u>3100 Nettie</u> <u>Butte, Montana 59701</u>				9. WELL TEST DATA _____ pump _____ bailer <input checked="" type="checkbox"/> other, (specify) <u>Air Lift</u> Pumping water level below land surface: Est. <u>300</u> ft. after <u>3</u> hrs. pumping <u>15</u> gpm _____ ft. after _____ hrs. pumping _____ gpm																																										
3. WELL LOCATION County _____ Lake _____ Township <u>23</u> N/S Range <u>19</u> E/W <u>SW 1/4 SW 1/4 NW 1/4</u> Section <u>7</u> Lot Govt. Lot <u>3, 317</u> Block _____ Subdivision <u>Borchers of Finley Point</u>				10. WAS WELL PLUGGED OR ABANDONED? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, how? _____																																										
4. PROPOSED USE Domestic <input checked="" type="checkbox"/> Stock <input type="checkbox"/> Irrigation <input type="checkbox"/> Other <input type="checkbox"/> specify _____				11. DATE COMPLETED <u>3/29/85</u>																																										
5. DRILLING METHOD _____ cable, _____ bored, _____ forward rotary, _____ reverse rotary, _____ jetted, <input checked="" type="checkbox"/> other (specify) <u>Air Rotary</u>				12. WELL LOG (Page 1 of 2) Depth (ft.) <table border="1"> <thead> <tr> <th>From</th> <th>To</th> <th>Formation</th> </tr> </thead> <tbody> <tr><td>0</td><td>5</td><td>Black soil & scattered gravel.</td></tr> <tr><td>5</td><td>40</td><td>Green-gray to gray rock.</td></tr> <tr><td>40</td><td>71</td><td>Brown, green & gray rock.</td></tr> <tr><td>71</td><td>80</td><td>Dark gray rock w/brown seams.</td></tr> <tr><td>80</td><td>95</td><td>Light to dark gray & brown rock.</td></tr> <tr><td>95</td><td>224</td><td>Light to dark gray rock.</td></tr> <tr><td>224</td><td>273</td><td>Green, brown & gray rock.</td></tr> <tr><td>273</td><td>280</td><td>Green and gray rock.</td></tr> <tr><td>280</td><td>285</td><td>Light to dark gray rock.</td></tr> <tr><td>285</td><td>294</td><td>Green-brown and gray rock.</td></tr> <tr><td>294</td><td>365</td><td>Orange-brown, green & gray rock w/white clay & calcite in fractures. 12 GPM total water.</td></tr> <tr><td>365</td><td>403</td><td>Light to dark gray rock w/thin brown seams. 15 GPM total water.</td></tr> </tbody> </table>				From	To	Formation	0	5	Black soil & scattered gravel.	5	40	Green-gray to gray rock.	40	71	Brown, green & gray rock.	71	80	Dark gray rock w/brown seams.	80	95	Light to dark gray & brown rock.	95	224	Light to dark gray rock.	224	273	Green, brown & gray rock.	273	280	Green and gray rock.	280	285	Light to dark gray rock.	285	294	Green-brown and gray rock.	294	365	Orange-brown, green & gray rock w/white clay & calcite in fractures. 12 GPM total water.	365	403	Light to dark gray rock w/thin brown seams. 15 GPM total water.
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Was casing left open end? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Was a packer or seal used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If so, what material _____ Was the well gravel packed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Was the well grouted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No To what depth? _____ Material used in grouting _____ Well head completion: Pitless adapter <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Top of casing 12 in. or greater above grade <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				13. DRILLER'S CERTIFICATION This well was drilled under my jurisdiction and this report is true to the best of my knowledge. _____ Date <u>April 4, 1985</u> <u>LIBERTY DRILLING & PUMP COMPANY</u> Firm Name <u>3850 Highway 93 South</u> <u>Kalispell, Montana 59901</u> Address _____ <u>William F. Osborne</u> 52 Signature <u>William F. Osborne</u> License No. _____																																										
7. WHAT IS THE TEMPERATURE OF THE WATER? <u>52</u> Degrees Fahrenheit <input type="checkbox"/> Measured <input checked="" type="checkbox"/> Estimated																																														

MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION **DNRC**
 32 SOUTH EWING HELENA, MONTANA 59620 444-6610

DEPARTMENT COPY
 DRILLER: Please give this copy to the well owner to complete reverse side.
 OWNER: Complete reverse side of Form 602 and send to DNRC. BM →

R. G. Cannon
State Well Log Report
Page 2 of 2
April 4, 1985

Note:

Wells of this type in this area can be depended upon year after year to produce clear sand free water as long as they are not overpumped, i.e., they should be pumped at rates not in excess of 70 to 80 percent of the tested capacity of the aquifer.

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
KALISPELL FIELD OFFICE

P.O. BOX 600



TED SCHWEDER, GOVERNOR

STATE OF MONTANA

KALISPELL, MONTANA 59603

(406) 752-2228

5-21-85

RICHARD G. & MARIORIE CANNON
3100 NETTIE
BUTTE, MT. 59701

Dear Well Owner:

The Department of Natural Resources and Conservation has received a Well Log Report, (Form 603), with you named as the owner of a recently drilled well.

The Well Log Report filed by the driller does not give the owner a water right. The Montana Water Use Act (enacted July 1, 1973) provides that a Certificate of Water Right be issued for a groundwater development, where the use is less than 100 gallons per minute, upon receipt of a Notice of Completion of Groundwater Development (Form 602). Form 602 must be filed by the landowner when the well is complete with means of withdrawal installed and is being put to the intended use. If the withdrawal rate is 100 gallons per minute or more an Application for Beneficial Water Use Permit (Form 600) is needed.

The date of filing the Form 602 with this Department is the date of priority of the right; therefore, we suggest that you complete the form at your earliest convenience and mail it along with the required filing fee of \$10.00 to this Department. One does not establish a water right for the development until a Form 602 is filed. Enclosed is a Form 602 for your convenience. (Note: If you have filed Form 602, please contact this office.)

Both Form 602 and Form 600 are available from the County Clerk & Recorder or from this Department upon request.

If you have sold this property, please provide us with the name and address of the new owner. If you have any questions, please call.

Sincerely,

Al Russell
Al Russell
Technician
Water Rights Bureau

Note: Item #4. Your well location must be broken down to a 10 acre tract of land - the 1/4 1/4 1/4 description within the Section, or Form 602 will be returned as deficient.

RECEIVED
Form 608, 4/7/92

76LJ C060101-00
WATER RIGHT TRANSFER CERTIFICATE

MAY 18 1992

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
AND WATER COURTS OF MONTANA

MONTANA D.N.R.C.

INSTRUCTIONS

KALISPELL FIELD OFFICE

A transfer (seller) of a water right is required by Section 85-2-424, MCA, to file this certificate with the Department of Natural Resources and Conservation. A person who fails to do so is liable for a maximum \$50 penalty. Both buyer and seller must sign and notarize the completed form. Submit it with the required \$10 filing fee to your area field office listed on the backside of this form. Do not use this form if you are transferring a municipal or irrigation district water system.

FITMED

FOR DEPARTMENT USE

Date received 5-18-92
By A. Colter
Fee received 10.00 CK# 4330
Transmittal No. 08-047
Reviewed by AL
BASIN 76LJ
Coded A. Hughes

SEP 28 1992
(Type or Stamp in ink)

USE
FORM 608

1. WATER RIGHT(S) TRANSFERRED: Indicate all of the water rights transferred. Attach a list if necessary.

- (P) Permit to Appropriate Water No(s). _____
 - (C) Certificate of Water Right No(s). C60101-76LJ
 - (W) Statement of Claim No(s). _____
 - (Y/D) Final Decreed Right No(s). _____
 - (E) Exempt Existing Water Right No(s). _____
- (If Exempt and the right is not already on record with the Department, you must complete and submit an Addendum for Exempt Existing Water Right, Form 608-B.)

2. MEANS OF REALTY TRANSFER:

- Deed recorded in: County Lake Microfile Bk. _____ Pg. _____ Doc. No. _____
- Contract for Deed / Notice of Purchasers Interest recorded in: _____
- County _____ Bk. _____ Pg. _____ Doc. No. _____
- Court Decree Recorded in: _____
- County _____ Bk. _____ Pg. _____ Doc. No. _____
- Other, explain: _____

3. IS THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?

- YES. If more than one water right is listed in No. 1 above, list which water right numbers have been split.

- Complete **one** Addendum for Apportioned Water Right, Form 608-A, for **each** split right, showing what portion of the water right the buyer received and what portion the seller retained.
- NO. The buyer received the entire water right(s), 100%.

4. BUYER'S NAME(S): Print the complete names, mailing addresses, and phone numbers of the persons who received the water right(s).

Name GEORGE D. McCARTHY Phone No. _____
Mailing address 5507 Ablia Rd., Bethesda, MD 20816
Name _____ Phone No. _____
Mailing address _____

5. SELLER'S NAME(S): Print the complete names, mailing addresses, and phone numbers of the persons selling the property and water right(s). If the land is on contract for deed and the seller wants to remain on record for notification purposes **only**, check yes. YES _____

Name MARJORIE R. CANNON Phone No. _____
Mailing address 3100 Nettie, Butte, MT 59701
Name _____ Phone No. _____
Mailing address _____

8/3

6. PERSON/AGENCY COMPLETING FORM: Name FRENCH, MERCER & GRAINEY
Address P.O. Box 450, Polson, MT 59860 Phone No. 883-5367

7. INTERESTED PARTIES: If there are other persons who are to receive notice of adjudication proceedings concerning the water rights(s), list their complete names, mailing address and phone numbers.

Name _____ Phone No. _____

Mailing address _____

Name _____ Phone No. _____

Mailing address _____

8. REMARKS: Use this space to further explain any of the items.

9. SIGNATURES:

A. Seller's Signature(s) Marjorie R. Cannon Date 5-14-92
Marjorie R. Cannon Date _____

Subscribed and sworn before me this 14th day of May 19 92

Maureen R. Lodge

Notary of the State of Montana

Residing at Butte, Montana

My Commission expires October 1, 1994

B. Buyer's Signature(s) George D. McCarthy Date _____
George D. McCarthy Date _____

Subscribed and sworn before me this 15th day of May 19 92

Malcolm H. O'Neil

Notary of the State of Montana

Residing at Polson

My Commission expires 10-6-92

WATER RIGHTS BUREAU FIELD OFFICES

BILLINGS

1537 Avenue D. Suite 105
Billings, Montana 59102
Phone: 657-2105
Serving: Big Horn, Carbon,
Stillwater, Sweet Grass, Treasure,
and Yellowstone Counties.

BOZEMAN

111 North Tracy
Bozeman, Montana 59715
Phone: 586-3136 or 586-3137
Serving: Gallatin, Madison,
and Park Counties.

GLASGOW

839 1st Avenue South
P.O. Box 1269
Glasgow, Montana 59230
Phone: 228-2561
Serving: Daniels, Dawson, Garfield,
McCone, Phillips, Richland,
Roosevelt, Sheridan, and Valley
Counties.

HAVRE

1708 West Second Street
P.O. Box 1828
Havre, Montana 59501
Phone: 265-5516 or 265-2225
Serving: Blaine, Chouteau, Glacier,
Hill, Liberty, Pondera, Teton, and
Toole Counties.

HELENA

1520 East Sixth Ave.
Helena, Montana 59620-2301
Phone: 444-6695
Serving: Beaverhead, Broadwater,
Deer Lodge, Jefferson,
Lewis and Clark, Powell,
and Silver Bow Counties.

KALISPELL

3220 Highway 93 South
P.O. Box 860
Kalispell, Montana 59903-0860
Phone: 752-2288 or 752-2843
Serving: Flathead, Lake, Lincoln,
and Sanders Counties.

LEWISTOWN

204 South Daws
P.O. Box 438
Lewistown, Montana 59457
Phone: 538-7459 or 538-7012
Serving: Cascade, Fergus, Golden
Valley, Judith Basin, Meagher,
Musselshell, Petroleum, and
Wheatland Counties.

MILES CITY

5 North Prairie Avenue
P.O. Box 276
Miles City, Montana 59301
Phone: 232-6359
Serving: Carter, Custer, Fallon,
Powder River, Prairie, Rosebud,
and Wibaux Counties.

MISSOULA

Holiday Village Professional Plaza,
Suite 105
P.O. Box 5004 (59806)
Missoula, Montana 59801
Phone: 721-4284
Serving: Granite, Mineral, Missoula,
and Ravalli Counties.

R7/85

Water Rights Basin 7625 No(s). CO60101-00

WATER RIGHT TRANSFER CERTIFICATE

CHECKLIST

DEPARTMENT USE BLOCK (check if OK)

Date Rec'd OK Fee OK Transmittal No. Completed

FORM CHECK (indicate No or Yes; if No, explain/document the corrections made under Comments)

- 1. All water right numbers are accurately listed.
- 2. The means of transfer is complete and/or adequately explained.
- 3. Is complete.
For any split rights; 608A's, flow charts, additional documentation are attached.
Any inferred new uses, changes or sever/sells have been checked out.
- 4. Buyer's names and addresses are correct and complete.
- 5. Seller's names and addresses are correct and complete.
If seller is not current owner of record, documentation substantiating his/her ownership is below or attached.
- 6. Is OK.
- 7. Is completed and there are parties to include in SB proceedings.
- 8. Is OK.
- 9. Both signatures are OK and notarized.
- 10. Water Courts Copy has been made and sent (if applicable).

COMMENTS / DOCUMENTATION / INSTRUCTIONS TO RECORDS (by Item number)

Item Comments

continued, see attached

ANALYST:

Al Runcie

DATE:

7/27/92

08/04/92

PAGE 1

ACKNOWLEDGEMENT OF WATER RIGHT TRANSFER
FROM
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
STATE OF MONTANA

WATER RIGHT NUMBER 76LJ-C-060101-00

WE HAVE RECEIVED AND RECORDED A TRANSFER OF WATER RIGHT OWNERSHIP IN WHICH YOU WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT TRANSFER. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT.

IF YOU HAVE QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RIGHTS BUREAU FIELD OFFICE. KALISPELL FIELD OFFICE, 752-2288.

*****DNRC*LOCATE*** *8*FD*850730***

OWNERS: MCCARTHY GEORGE D
5507 ABLIA RD
BETHESDA MD 20816

PRIORITY DATE: MAY 20, 1985 11:24

FLOW RATE: 15.00 GALLONS PER MINUTE (G)

VOLUME: 1.50 ACRE FEET PER YEAR (AF)

SOURCE: WELL

PURPOSE:

USE	FLOW	VOLUME (AF)	ACRES	PERIOD OF USE
DOMESTIC	15.00 G	1.50		JAN 1 TO DEC 31

SUBDIVISION NAME: BORCHERS OF FINLEY POINT

POINTS OF DIVERSION AND MEANS OF DIVERSION:

WELL:

LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY
317		SWSWNW	07		23N	19W	LAKE

PLACE OF USE FOR DOMESTIC:

ACRES	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY
001	317		SWSWNW	07		23N	19W	LAKE

*** TRANSFER OF OWNERSHIP:
UPON A CHANGE IN OWNERSHIP OF ALL OR ANY PORTION OF THIS CERTIFICATE, THE PARTIES TO THE TRANSFER SHALL FILE WITH THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION A WATER RIGHT TRANSFER CERTIFICATE, FORM 608, PURSUANT TO SECTION 85-2-424, MCA.

REMARKS: NOTICE OF TRANSFER RECEIVED 1/05/89.
NOTICE OF TRANSFER RECEIVED 5/18/92.

WATER RIGHT NUMBER 76LJ-C-060101-00

PAGE 2

REMARKS CONTINUED:

** RESERVED RIGHTS:

THIS CERTIFICATE IS SPECIFICALLY MADE SUBJECT TO ALL PRIOR INDIAN RESERVED WATER RIGHTS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBE, IN THE SOURCE OF SUPPLY. IT IS THE TRIBES POSITION THAT ECONOMIC INVESTMENTS MADE IN RELIANCE UPON THIS CERTIFICATE, DO NOT CREATE IN THE APPROPRIATOR ANY EQUITY OR VESTED RIGHT AGAINST THE TRIBES. THE APPROPRIATOR IS HEREBY NOTIFIED THAT ANY FINANCIAL OUTLAY OR WORK INVESTED IN A PROJECT PURSUANT TO THIS CERTIFICATE IS AT APPROPRIATOR'S RISK. ISSUANCE OF THIS CERTIFICATE BY THE DEPARTMENT SHALL NOT REDUCE A APPROPRIATOR'S LIABILITY FOR DAMAGES CAUSED BY EXERCISE OF THIS CERTIFICATE, NOR DOES THE DEPARTMENT, IN ISSUING THIS CERTIFICATE, ACKNOWLEDGE ANY LIABILITY FOR DAMAGES CAUSED BY EXERCISE OF THIS CERTIFICATE, EVEN IF SUCH DAMAGE IS A NECESSARY AND UNAVOIDABLE CONSEQUENCE OF THE SAME. THE DEPARTMENT DOES NOT ACKNOWLEDGE LIABILITY FOR ANY LOSSES THAT AN APPROPRIATOR MAY EXPERIENCE SHOULD THEY BE UNABLE TO EXERCISE THIS CERTIFICATE DUE TO THE FUTURE EXERCISE OF RESERVED WATER RIGHTS.

RECEIVED
Form 608 R5/85

76LJ 0060101
WATER RIGHT TRANSFER CERTIFICATE

RECEIVED

JAN 05 1989

JAN 09 1989

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
AND WATER COURTS OF MONTANA

MONTANA D.N.R.C. INSTRUCTIONS
KALISPELL FIELD OFFICE
A transferor (seller) of a water right is required by Section 85-2-424, MCA, to file this certificate with the Department of Natural Resources and Conservation. A person who fails to do so is liable for a maximum \$50 penalty. Both buyer and seller must sign and notarize the completed form. Submit it with the required \$10 filing fee to your area field office listed on the backside of this form. Do not use this form if you are a user of a municipal or irrigation district water system.
FILMED
JUN 15 1989

MONT. DEPT. of NATURAL RESOURCES & CONSERVATION
FOR DEPARTMENT OF NATURAL RESOURCES & CONSERVATION
Date received 1/5/89
By CS
Fee received 10.00 ck # 13112
Transmittal No. 01-132-01-04
Reviewed by AL
BASIN 76LJ
Coded BF 2/28/89

(type or print in ink)

1. WATER RIGHT(S) TRANSFERRED: Indicate all of the water rights transferred. Attach a list if necessary.

- (P) Permit to Appropriate Water No(s). _____
- (C) Certificate of Water Right No(s). 60101-G76LJ
- (W) Statement of Claim No(s). _____
- (Y/D) Final Decreed Right No(s). _____
- (E) Exempt Existing Water Right No(s). _____
(If Exempt and the right is not already on record with the Department, you must complete and submit an Addendum for Exempt Existing Water Right, Form 608-B.)

2. MEANS OF REALTY TRANSFER:

- Deed recorded in: County Lake Microfile No. 315830
Bk. _____ Pg. _____ Doc. No. _____
- Contract for Deed / Notice of Purchasers Interest recorded in: _____
County _____ Bk. _____ Pg. _____ Doc. No. _____
- Court Decree Recorded in: _____
County _____ Bk. _____ Pg. _____ Doc. No. _____
- Other, explain: _____

3. IS THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?

- YES. If more than one water right is listed in No. 1 above, list which water right numbers have been split.

Complete **one** Addendum for Apportioned Water Right, Form 608-A, for **each** split right, showing what portion of the water right the buyer received and what portion the seller retained.
- NO. The buyer received the entire water right(s), 100%.

4. BUYER'S NAME(S): Print the complete names, mailing addresses, and phone numbers of the persons who received the water right(s).

Name Marjorie R. Cannon Phone No. 782-8813
Mailing address 3100 Nettie Street, Butte, Montana 59701
Name _____ Phone No. _____
Mailing address _____

5. SELLER'S NAME(S): Print the complete names, mailing addresses, and phone numbers of the persons selling the property and water right(s). If the land is on contract for deed and the seller wants to remain on record for notification purposes **only**, check yes. YES _____

Name Estate of R.G. Cannon, deceased Phone No. _____
Mailing address c/o One Norwest Bank Building, Butte, Montana 59701
Name _____ Phone No. _____
Mailing address _____

6. PERSON/AGENCY COMPLETING FORM: Name Keith P. Johnson
Address One Norwest Bank Building, Butte, Montana ⁵⁹⁷⁰¹ Phone No. 723-5411

7. INTERESTED PARTIES: If there are other persons who are to receive notice of adjudication proceedings concerning the water rights(s), list their complete names, mailing address and phone numbers.

Name _____ Phone No. _____

Mailing address _____

Name _____ Phone No. _____

Mailing address _____

8. REMARKS Use this space to further explain any of the items. _____

9. SIGNATURES:

A. Seller's Signature(s) Estate of R. G. Cannon, deceased Date 12-15-88

by Majorie R. Cannon Date _____
Personal Representative

Subscribed and sworn before me this 15th day of December 1988

Keith P. Johnson

Notary of the State of Montana

Residing at Butte, Montana

My Commission expires June 25, 1990

B. Buyer's Signature(s) Majorie R. Cannon Date 12-15-88

Date _____

Subscribed and sworn before me this 15th day of December 1988

Keith P. Johnson

Notary of the State of Montana

Residing at Butte, Montana

My Commission expires June 25, 1990

WATER RIGHTS BUREAU FIELD OFFICES

HAVRE

1708 W. 2nd St.
PO Box 1828
Havre, Montana 59501
Phone: 265-5516
Serving: Blaine, Chouteau, Glacier,
Hill, Liberty, Pondera, Teton and
Toole Counties

MISSOULA

2101 Bow Street
PO Box 5004
Missoula, Montana 59806
Phone: 721-4284
Serving: Missoula, Granite, Ravalli,
and Mineral Counties.

GLASGOW

110 5th Street South, Room 106
P.O. Box 894
Glasgow, Montana 59230
Phone: 228-2561
Serving: Daniels, Dawson, Garfield,
McCone, Phillips, Richland,
Roosevelt, Sheridan and Valley
Counties.

HELENA—Office Location

28 So. Rodney
Mailing Address:
32 South Ewing
Helena, Montana 59620
Phone: 444-6695
Serving: Deer Lodge, Powell,
Lewis and Clark, Broadwater,
Silver Bow, Jefferson and
Beaverhead Counties.

BOZEMAN

1201 East Main
Bozeman, Montana 59715
Phone: 586-3136
Serving: Gallatin, Park and Madison
Counties

BILLINGS

1537 Avenue D, Suite 352
Billings, Montana 59102
Phone: 657-2105
Serving: Big Horn, Carbon, Stillwater,
Treasure, Yellowstone and Sweet
Grass Counties

KALISPELL

3220 Highway 93 South
P.O. Box 860
Kalispell, Montana 59903-0860
Phone: 752-2288
Serving: Flathead, Lake, Lincoln
and Sanders Counties.

LEWISTOWN

613 NE Main Street
P.O. Box 438
Lewistown, Montana 59457
Phone: 538-7459
Serving: Cascade, Fergus, Golden
Valley, Judith Basin, Meagher,
Musselshell, Petroleum and
Wheatland Counties.

MILES CITY

5 North Prairie
P.O. Box 276
Miles City, Montana 59301
Phone: 232-6359
Serving: Carter, Custer, Fallon,
Powder River, Prairie, Rosebud
and Wibaux Counties.

JOHNSON, SKAKLES & KEBE

ATTORNEYS AT LAW
HOWARD A. JOHNSON (1893-1974)
KEITH P. JOHNSON
GREG J. SKAKLES
WILLIAM M. KEBE, JR.
C. KATHLEEN McBRIDE

BUTTE OFFICE
ONE NORWEST BANK BUILDING
BUTTE, MONTANA 59701
(406) 723-5411

ANACONDA OFFICE
P.O. BOX 1413
ANACONDA, MONTANA 59711
TELEPHONE: (406) 563-8409

January 4, 1989

Water Rights Bueau
32 So. Ewing
Helena, MT 59620

Dear Sirs:

Enclosed herewith is a Water Right Transfer Certificate from the estate of R.G. Cannon, deceased, to Marjorie R. Cannon, along with our check for \$10.00 to cover the filing fee.

Sincerely,



Keith P. Johnson

KPJ/lm
Enc.

R7/85

Water Rights Basin **16LS** No(s) **C60101**

WATER RIGHT TRANSFER CERTIFICATE

CHECKLIST

DEPARTMENT USE BLOCK (check if OK)

Date Rec'd OK Fee OK Transmittal No. Completed

FORM CHECK (indicate No or Yes; if No, explain/document the corrections made under Comments)

- 1. All water right numbers are accurately listed.
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 For any split rights; 608A's, flow charts, additional documentation are attached.
 Any inferred new uses, changes or sever/sells have been checked out.
- 4. Buyer's names and addresses are correct and complete.
- 5. Seller's names and addresses are correct and complete.
 If seller is not current owner of record, documentation substantiating his/her ownership is below or attached.
- 6. Is OK.
- N/A** 7. Is completed and there are parties to include in SB proceedings.
- N/A** 8. Is OK.
- 9. Both signatures are OK and notarized.
- N/A** 10. Water Courts Copy has been made and sent (if applicable).

COMMENTS / DOCUMENTATION / INSTRUCTIONS TO RECORDS (by Item number)

Item Comments

continued, see attached

ANALYST: _____

AC Runnel

DATE: _____

2/22/89

WATER RIGHT NUMBER: 76LJ C060101-00
OWNER DATA:

CURRENT OWNER: I MARJORIE R CANNON
3100 NETTLE ST
BUTTE MT 59701

ORIGINAL OWNER: C CANNON, R ESTATE OF
% ONE NORWEST BANK BLDG
BUTTE MT 59701

WATER RIGHT DATA:
LIMITS FOR WATER RIGHT
SURFACE/GROUND WATER: G
MAXIMUM RATE: 15.00 GPM
MAXIMUM VOLUME (CAP): 1.50
OPERATING DATES
APPLICATION RECEIVED: 5/20/85
PRIORITY DATE: 1124 05/20/1985
PROCESSING STATUS: 8-ED 07/30/85
CERTIFICATE ISSUED: 07/11/85
MISCELLANEOUS DATA
INITIAL ID: N
FEE PAID: 5
BATCH NUMBER: 217
SUBDIVISION CODE: 155FP

WELL DATA:
NUMBER: 01
LOCATION: SWSWNW SEC 07 TWP 23N RGE 19W LAKE CO
LOT 317
DETAILS OF WELL
STATIC WATER LEVEL: 98
YIELD RATE: 15
CASING DIAMETER: 6.58
RATE: 15.00 GPM
DEPTH: 403

PURPOSE DATA:
TYPE OF USE: (DM) DOMESTIC
NUMBER OF HOUSEHOLDS: 1
LIMITS OF USE
PERIOD OF USE: JAN 01-DEC 31
RATE: 15.00 GPM
VOLUME: 1.50

PARCEL DATA:
NUMBER ACRES LOT BLOCK QTR SCTN SCTN TWP RGE
0M01-001 317 SWSWNW 7 23N 19W LAKE CO

REMARK DATA:
(TK01) CONFEDERATED SALISH & KOOTENAI RESERVED RIGHTS
(TR01) NOTICE OF TRANSFER RECEIVED
TEXT: 890105

NO. CV-92-54-M-CCL (UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA, MISSOULA DIVISION - FILED MAY 15, 1992) WHICH CASE IS CURRENTLY PENDING. ANY WATER RIGHT ISSUED BY THE STATE IN THE ABSENCE OF JURISDICTION TO ISSUE THE WATER RIGHT IS VOID.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 05/18/92.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/05/89.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 102879 RECEIVED August 21, 2012

APPENDIX 3

December 2014 BHI Memorandum on Existing and Future Water Uses



Memorandum:

To: Timbershor HOA

From: Kurt Hafferman, P.E.

Date: July 15, 2014

RE: Water Supply for the Timbershor/Borchers at Finley Point Units

In order to establish that the units that are existing or are proposed to be connected to the existing wastewater treatment system, the water supply for each of the existing and proposed units was identified. BHI has requested the water service data from the Timbershor Board and they have provided the information below.

Shared Water Systems:

There are eleven (11) units that share one water system that diverts water from Flathead Lake. The water is diverted via an end suction pump that is placed under the under the 4-plex and pumped up the hill to a pressure tank that is located in the Laundry house. The pressure controls, manifold and outlet distribution line are contained in the Laundry building.

The units connected to Community Water System are:

Unit 301 - Karpstein
Unit 302 - Roundtree
Unit 305 - Estvold
Unit 306 - Nichols/Selvig
Unit 308 - Novinski
Unit 309 - Cole/Johnson
Unit 311 - Tillinghast
Unit 312 - Long
Unit 314 - Lewis/Brooke
Unit 315 - Feierbend (Townsend, McCormick, Fetz)
Unit 316 - Lake (Ammons)

There are three (3) units that share one Water System that diverts water from Flathead Lake. The water is diverted via an end suction pump that is placed in a small pump house near the lake. The pressure controls, manifold and outlet distribution line are contained in the pump house building.

The units that share this system are;

Units 205, Rotondi,
Unit 211, Fordahl,
Unit 210, Schwank,

There are three (3) units that share one Water System that diverts water from Flathead Lake. The water is diverted via an end suction pump that is placed in the Peterson house. The pressure controls, manifold and outlet distribution line are contained in the Peterson building.

The system was designed for three (3) connections, currently Peterson uses the only connection. The other two are for future use. The three (3) units are;

Unit 209, Peterson,
Unit 216 A. Borchers (future)
Unit 217 A Borchers (future)

There are two (2) units that share one Water System that diverts water from Flathead Lake. The water is diverted via submersible pump that is placed in the Archer house. The pressure controls, manifold and outlet distribution line are contained in the Archer building.

The units that share this system are;

Units 203, Acher
Unit 204, Swindlehurst,

There are three (3) units that share one Water System that diverts water from Flathead Lake that only have one current connection. The water is diverted via an end suction pump that is placed in the Roy house. The pressure controls, manifold and outlet distribution line are contained in the Roy building.

The system was designed for three (3) connections, currently Roy uses the only connection. The other two are for future use. The three (3) units are;

Unit 409, Roy,
Unit (unknown) Borchers
Unit 417 Borchers

There are four (4) Units that have a single end suction or submersible pump that diverts water from Flathead Lake to a single pressure tank and controls that are contained in the owner's home. The Units that have identified a separate single user's pump are;

Unit 307, Payson
The Lodge
Units 201, Rose
Unit 206, Walters

There are four (4) units that intend to divert water from one (1) well. Currently one (1) Unit, 317 McCarthy, diverts water from the well. The pump, pipeline, and pump controls are currently suitable to serve four(4) units. There is one pressure tank that is currently designed to serve one (1) unit and each of the other units will need to add an addition pressure tank to the existing manifold. The four (4) units that will share this well are:

Unit 317, McCarthy (existing)
Unit 318 (future)
Unit 320 (future)
Unit 414 (future)

There is two (2) units that have identified a plan to divert water from Flathead Lake using a submersible pump, pipeline, a pressure tank and a control system. Those units are:

Unit 219, Borchers-Michione
Unit 427 Maxwell

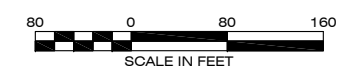
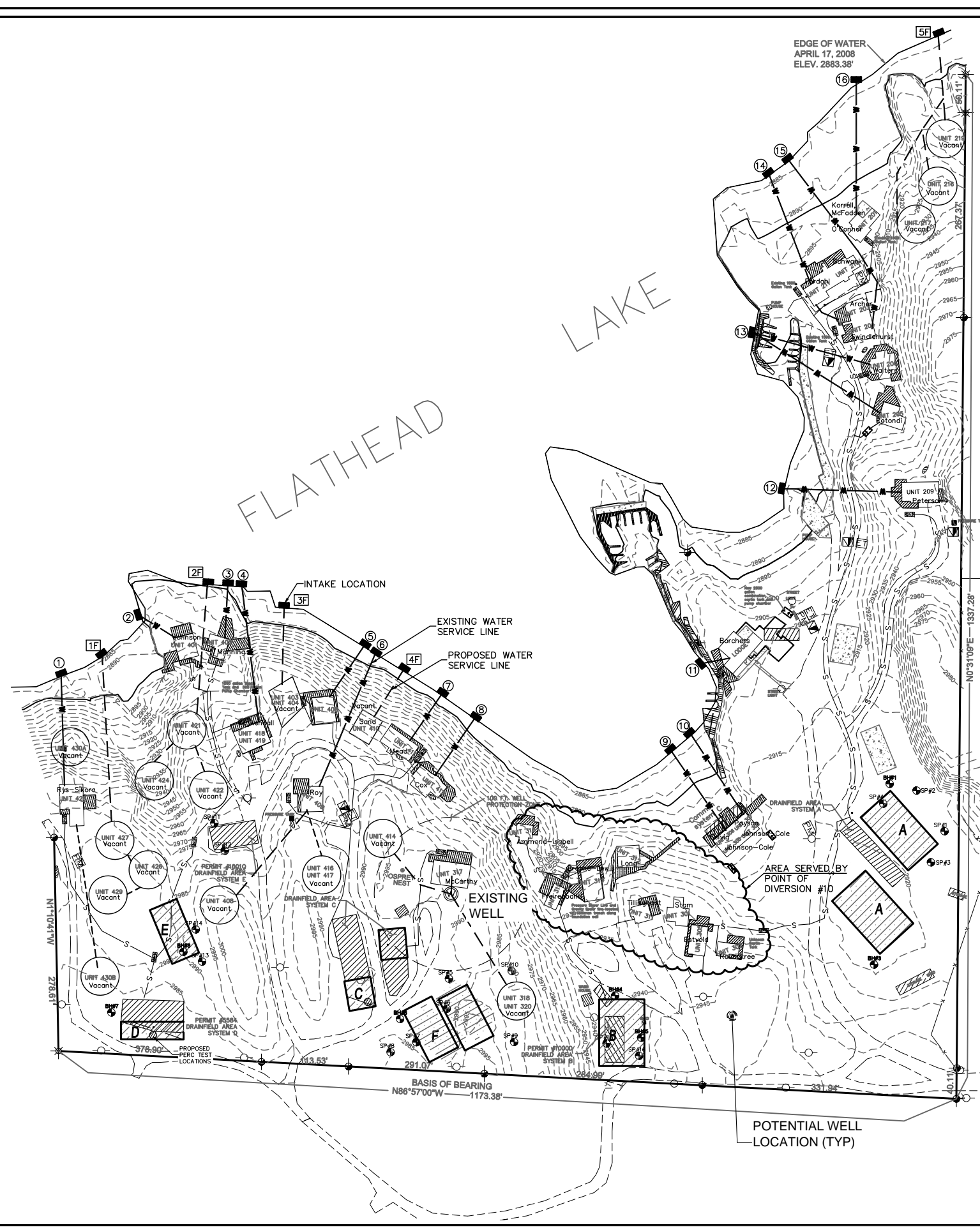
Conclusion:

There are thirty-two (32) Units that have definitively established and successfully use water from the lake or a groundwater well or have established definitive plans to share their existing means of diversion, including a common point of diversion, a pipeline, and the pressure tank and pump control plan. Of these thirty-two units, two of the units, 219 and 427 have established a definitive plan to develop a new water system using Flathead Lake as the source of the water, have identified a point of diversion, a location for the pipeline and the location and configuration for the pressure tank and controls.

There are fifteen (15) Units that have identified a plan that would allow them to divert water from Flathead Lake using a submersible pump, pipeline, and pressure tank and control system but have not identified a definitive point of diversion or distribution system route. In addition, BHI has recently identified well sites within the project area that may have adequate separation distance from wastewater components and therefore there is an option to develop groundwater as well. Therefore, a source water identification is still pending for these units. The Timbershor Board and BHI will continue to work with these units to identify their source of water and will resolve the source water before a connection to the wastewater system is made.

APPENDIX 4

Water Right Site Map



- NOTES:**
- 16 EXISTING POINTS OF DIVERSION SERVING 28 UNITS.
 - 6 PROPOSED POINTS OF DIVERSION TO SERVE AN ADDITIONAL 16 UNITS.
 - FUTURE UNITS 318, 320 AND 414 SHALL BE SERVED BY THE EXISTING DOMESTIC WELL AT UNIT 317.

BH BILLMAYER & HAFFERMAN, INC.

Client: Timbreshor HOA
 BH Job No.: 58.1
 Assignment/Compiled By: Hafferman
 Description: Water System Report: Point of Diversion, Unit and Water Right Identification

Existing Surface Water Diversion Unit Name	Unit No.	POD No.	Future Connection Y/N (Unit No.)	Units Served, Future	Comment	WRID No.
Rys-Sikora	425	1	Y-430	1		76J-9607
Johnson	421	2	N	1		76L-42597
Manning	422	3	N	1		76L-42599
Kukendall	418/419	4	N	2	Large Unit	76J-9607
Roy	428	5	Y-416/417, 438	1		76J-9607
Armstrong	426	6	N	1		76J-9607
Mead	411	7	N	1		76J-9607
Cox	412	8	N	1		76J-9607
Johnson-Cole, Novinski, Payson, Selvis	406, 307, 407, 309	9	N	4	4plex	76L-42598
Ammons-Sabell, Freirebrand, Brooks-Lewis, org. "Illinghaus", Estvold, Rounzree, Karpstein	316, 312, 314, 312, 311, 305, 322, 301	10	N	8		76J-9607
Lodge	322	10	N	1		76L-42600
Peterson	220	11	N	1		76J-9607
Rotondi	225	12	N	1		76J-9607
Walshers	206	12	N	1		76J-9607
Fordahl	211	13	N	1		76J-9607
Schwank	210	13	N	1		76J-9607
Anchor	222	14	N	1		76J-9607
Swindelhurst	234	14	N	1		76J-9607
O'Connor/McFadden/Royce	221	15	N	1		76J-9607

Existing Groundwater Diversion Unit Name	Unit No.	POD No.	Future	Units Served, Future	Comment	WRID No.
McCarthy	317	16	Y-318, 310	1		76L-63101

Future Surface Water Unit Name	Unit No.	POD No. (Future)	Future	Units Served, Future	Comment	WRID No.
Rys-Sikora	430	1		1		76J-9607
Maxwell, Rys-Sikora	427, 428	1F		2		76J-9607
Johnson	424, 421, 422	2F		3		76J-9607
Cribb	403/404	3F		2	Large Unit	76J-9607
Carraway, Borchers	408, 416/417	5		3		76J-9607
Sindt	410	4F		1		76J-9607
Borchers	216, 217, 219	5F		3		76J-9607

Future Groundwater Diversion Unit Name	Unit No.	POD No. (Future GW)	Future	Units Served, Future	Comment	WRID No.
McCarthy	318, 320, 414	16F		2		TBD

- LEGEND**
- (E) PROPERTY BOUNDARY
 - (E) ADJACENT PROPERTY BOUNDARY
 - (E) LOT LINE
 - (E) EASEMENT
 - (E) WATER LINE
 - WS-WS-WS (E) WATER SERVICE
 - S (E) SEWER LINE
 - SS-SS-SS (E) SEWER SERVICE
 - FM (E) SEWER FORCE MAIN
 - FMS-FMS (E) SEWER FORCE MAIN SERVICE
 - ST (E) STORM DRAIN PIPE
 - OH (E) OVERHEAD UTILITY
 - E (E) BURIED POWER
 - G (E) GAS LINE
 - T (E) TELEPHONE LINE
 - TV (E) TELEVISION LINE
 - FO (E) FIBER OPTIC LINE
 - (E) ROAD CENTERLINE
 - x (E) FENCE LINE
 - y (E) DITCH
 - > S > (E) SWALE
 - IRR (E) IRRIGATION DITCH
 - IFM (E) IRRIGATION FORCE MAIN
 - (E) STREAM
 - (E) MAJOR CONTOUR
 - (E) MINOR CONTOUR
 - (E) ASPHALT
 - (E) GRAVEL
 - (E) CONCRETE

- SYMBOLS**
- (E) SEWER MANHOLE
 - (E) SEWER CLEANOUT
 - (E) SOIL PROFILE
 - (E) PERCOLATION TEST
 - (E) GROUNDWATER MONITORING
 - (E) SEPTIC TANK
 - (E) DRAINFIELD
 - (E) WELL
 - (E) CULVERT
 - (E) SUMP
 - (E) UTILITY MANHOLE
 - (E) TELEPHONE JUNCTION BOX
 - (E) POWER VAULT
 - (E) TELEVISION JUNCTION BOX
 - (E) ELECTRICAL TRANSFORMER
 - (E) POWER METER
 - (E) GAS METER
 - (E) POWER POLE
 - (E) MAILBOX
 - (E) DECIDUOUS TREE
 - (E) CONIFEROUS TREE
 - (E) BUSH/SHRUB
 - SET 5/8" X 24" REBAR WITH 1 1/4" YPC STAMPED "M. CARSTENS 5940LS"
 - FOUND AS NOTED.
 - FOUND 2" BRASS CAP
 - ANGLE POINT, NOTHING FOUND OR SET.
 - FOUND AS NOTED.
 - RM REFERENCE MONUMENT
 - FOUND PVC PIPE
 - FOUND PROPANE TANK
 - EXISTING BUILDING
 - EXISTING SOIL PROFILE

NOTE:
 NOT ALL FEATURES SHOWN IN LEGEND AND SYMBOLS APPEAR IN DRAWING.

REVISIONS

DATE	DESCRIPTION	BY
12/4/14	REVISED	NJF
7/13/15	REVISED	NJF
4/20/15	REVISED	DAN

DRAWN BY: NJF APPROVED BY: KMI

TIMBRSHOR CONDOMINIUMS
WATER RIGHTS
 FOR
TIMBRSHOR HOMEOWNERS ASSOCIATION



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DRAWING TITLE:
EXISTING POINTS OF DIVERSION

SCALE:
 AS SHOWN

DATE:
 NOVEMBER 2014

PROJECT NO:
 T.58.1

DRAWING NUMBER:
1 OF 1