



FILE



GROUND WATER CERTIFICATE



***41B ***



63413



00

Box Bar Code _____

File Bar Code _____

Date/Initials _____

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1520 EAST SIXTH AVENUE HELENA, MONTANA 59620



Certificate of Water Right

THIS CERTIFICATE OF WATER RIGHT IS HEREBY ISSUED TO:

LEW W COOK
STAR RT BOX 77
GALISTED NM 87540

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

CERTIFICATE OF WATER RIGHT NUMBER: 63413-G41B

PRIORITY DATE: SEPTEMBER 02, 1986 AT 11:13 A.M.

TOTAL AMOUNT: 20.00 GPM UP TO 7.00 AC-FT

DIVERSION POINT: NWNESE SEC. 01 TWP. 07S RGE. 12W BEAVERHEAD CO

SOURCE: DEVELOPED SPRING

USE: 20.00 GPM UP TO 3.00 AC-FT (01/01-12/31)
FOR DOMESTIC

20.00 GPM UP TO 4.00 AC-FT (01/01-12/31)
FOR STOCK

PLACE OF USE: NWNESE SEC. 01 TWP. 07S RGE. 12W BEAVERHEAD CO
FOR DOMESTIC

NWNESE SEC. 01 TWP. 07S RGE. 12W BEAVERHEAD CO
FOR STOCK

**** PRIOR RIGHTS:**

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

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 FILE WITH THE DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION A WATER RIGHT TRANSFER CERTIFICATE,
FORM 608, PURSUANT TO SECTION 85-2-424, MCA.

WITNESS

Diana M Draper

WATER RIGHTS ANALYST: RITA NASON

Rita Nason

DATE: NOVEMBER 18, 1986 WATER RIGHTS BUREAU, WATER RESOURCES DIVISION

NOTICE OF COMPLETION OF GROUND-WATER DEVELOPMENT

'86 SEP 2 AM 11 13

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

HELENA, MT. 59620

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

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 and submit to your area water rights field office as listed on the back side.

FOR DEPARTMENT USE ONLY

Notice No. 123413 Basin 41B
Date Received 9/2/86
Time _____ A.M./P.M.
Transmittal No. 01-041-01-07
Fee Received \$ 10.00
Received By bb
Refund Made _____

(Please type or print in ink)

1. NAME(S) Lew W Cook
MAILING ADDRESS Star Rte Bx 77
CITY Galisteo STATE N Mex ZIP 87540
HOME PHONE _____ OTHER PHONE _____

2. SOURCE OF GROUND WATER SUPPLY WELL DEVELOPED SPRING (excavation performed)
 PIT OTHER (describe) _____

3. ACTUAL PUMPING RATE: 20 GALLONS PER MINUTE

4. DATE WATER PUT TO BENEFICIAL USE: unknown probably developed 30 to 50 years ago
Does this well replace an existing well? _____ Yes NO

If Yes, complete the following information pertaining to the existing (old) well.
Depth _____ ft. G.P.M. _____ Date drilled _____
month/day/year

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

5. POINT OF DIVERSION: (Your legal land description may be obtained from your deed, county assessor, or clerk and recorder. Complete the following and attach an aerial photo or survey map, if available, showing the location of your well or development and your place of use.)

NW 1/4 NE 1/4 SE 1/4 Section 1, Township 7 N/S, Range 12 W, Beaverhead County.
(and when applicable)

Government Lot _____, or Lot _____, Block _____, Subdivision Name _____
Tract Number _____

6. PLACE OF USE: (If more than two places of use, attach additional sheets. If same as the point of diversion, CHECK .)

NW 1/4 NE 1/4 SE 1/4 Section 1, Township 7 N/S, Range 12 W, Beaverhead County.
____ 1/4 ____ 1/4 ____ 1/4 Section _____, Township _____ N/S, Range _____ E/W, _____ County.
(and when applicable)

Government Lot _____, or Lot _____, Block _____, Subdivision Name _____
Tract Number _____

7. PURPOSE AND PERIOD OF USE:

DOMESTIC: No. of homes currently supplied 2 cabins (small house)
houses not in use at this time ^{old}
(includes house and up to 1/4 acre lawn and garden)
from 1/1 month/day to 12/31 month/day inclusive, of each year

STOCK: Approximate maximum number and type of livestock 400 AU
from 1 Jan month/day to 31 Dec month/day inclusive, of each year

IRRIGATION: Lawn and garden irrigated in excess of 1/4 acre _____ No of Acres
Other; type of crop; _____ No of Acres
from _____ month/day to _____ month/day inclusive, of each year

OTHER: Describe purpose of use _____
Amount of water used _____ Gal/day
from _____ month/day to _____ month/day inclusive, of each year

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

9. AFFIDAVIT OF OWNERSHIP OR WRITTEN CONSENT:

The Appropriator hereby certifies that he (she) has exclusive property rights in the groundwater development or has obtained written permission for use of the development from the property owner, and that the statements appearing herein are to the best of his/her knowledge true and correct.

Appropriator's Signature: Lew W Cook Date: 8/27/86

Subscribed and sworn before me this 27th day of August, 19 86

[Signature]
Notary for the State of New Mexico
Residing at Santa Fe, New Mexico
My commission expires 3-11-87

Montana Water Rights Bureau Area Field Offices

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

MISSOULA 2101 Bow St., P.O. Box 5004
Missoula, Montana 59806 Phone: 721-4284
Serving: Missoula, Granite, Ravalli, and Mineral Counties.

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

HELENA 1520 E. 6th Ave., Helena, Montana 59620
Phone: 444-6695 Serving: Deer Lodge, Powell, Lewis &
Clark, Broadwater, Silver Bow, Jefferson and Beaverhead
Counties.

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

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

KALISPELL 3220 Hwy. 93 So., P.O. Box 860
Kalispell, Montana 59903 Phone: 752-2288
Serving: Flathead, Lake, Lincoln and Sanders Counties

LEWISTOWN 613 NE Main St., 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.

BEST COPY AVAILABLE

2

1

6

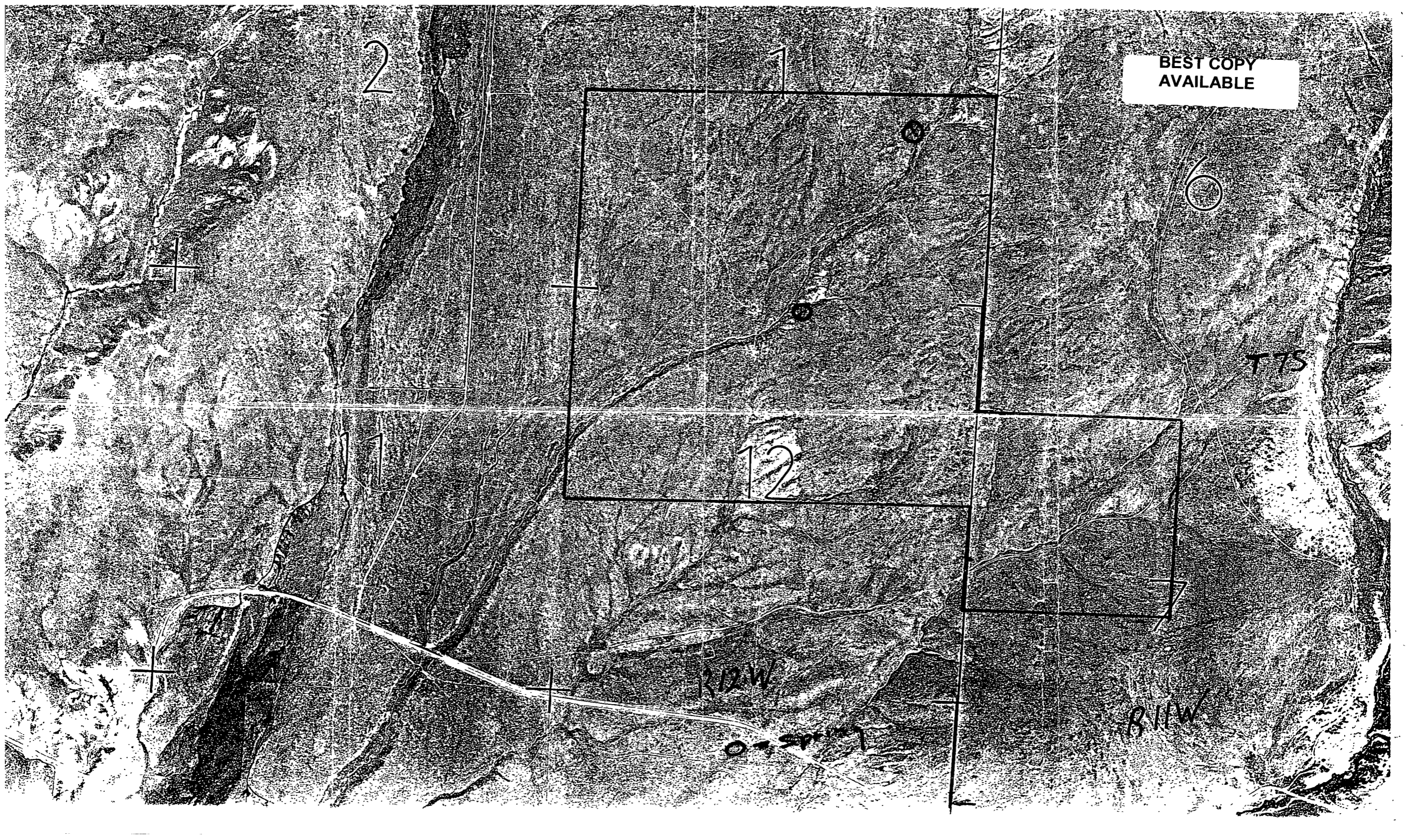
T75

12

R12W

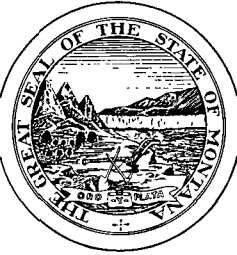
R11W

0-SP-1



DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

HELENA WATER RIGHTS FIELD OFFICE



TED SCHWINDEN, GOVERNOR

1520 EAST SIXTH AVENUE

STATE OF MONTANA

(406) 444-6695

HELENA, MONTANA 59620

September 5, 1986

RECEIVED

OCT 23 1986

Lew W. Cook
Star Route, Box 77
Galisteo, NM 87540

MONT. DEPT. of NATURAL
RESOURCES & CONSERVATION

Re: File No. 63413-41B

Dear Mr. Cook:

We have reviewed your Notice of Completion of Ground-Water Development which was received on September 2, 1986 (priority date). In order to complete the processing of this form, we will need the following. Please enter the information requested on your original filing which is enclosed, and return it to this Department.

DOMESTIC: (House, lawn, garden) Number of families supplied: One
from _____ to _____ inclusive of each
year. (Month/Day) (Month/Day)

Upon receipt of the above information, we will complete the processing of your file and proceed to issue a Certificate of Water Right. If this information is not received within 30 days from the date of this letter, however, your file will have to be terminated. Should this occur, a new filing will be required before a water right can be established. Your priority date for such a right would then be the date a new Notice of Completion form is received by this Department.

Sincerely,

Handwritten signature of Eunice Schmoldt in cursive.

Eunice Schmoldt
Water Rights - Helena Field Office

Enclosure: Original 602

FOR FILE # 41B-C-063413-00

FILMED

APR 19 1991

SEE FILE # 41B-C-063409-00

FOR COMPLETE

TRANSFER

INFORMATION

NEW OWNER:

The Nature Conservancy
P.O. Box 258
Helena, MT 59624

by Tami Foelich
3/21/91

03/28/91

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

WATER RIGHT NUMBER 41B -C-063413-00

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. HELENA FIELD OFFICE, 444-6695.

OWNERS: NATURE CONSERVANCY
PO BOX 258
HELENA MT 59624

PRIORITY DATE: SEPT 2, 1986 11:13

FLOW RATE: 20.00 GALLONS PER MINUTE (G)

VOLUME: 7.00 ACRE FEET PER YEAR (AF)

SOURCE: UNNAMED TRIBUTARY

PURPOSE:

USE	FLOW	VOLUME (AF)	ACRES	PERIOD OF USE
DOMESTIC	20.00 G	3.00		JAN 1 TO DEC 31
STOCK	20.00 G	4.00		JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

DIVERSION:

LOT	BLK	QTR SEC	SEC	TWP	RGE	COUNTY	MEANS
		NWNESE	01	07S	12W	BEAVERHEAD	DEVELOPED SPRNG

PLACE OF USE FOR DOMESTIC:

ACRES	LOT	BLK	QTR SEC	SEC	TWP	RGE	COUNTY
001			NWNESE	01	07S	12W	BEAVERHEAD

PLACE OF USE FOR STOCK:

ACRES	LOT	BLK	QTR SEC	SEC	TWP	RGE	COUNTY
001			NWNESE	01	07S	12W	BEAVERHEAD

** 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.

NOTICE OF TRANSFER RECEIVED 2/15/91.

5.
FOR FILE # 41B-C-003413 00

SEE FILE # 41B-W 117622-00

FOR COMPLETE

TRANSFER

INFORMATION

NEW OWNER:

Robert E Lyon
Shannon L. Mabry
369 E 900 S #205
SALT LAKE CITY UT 84111

FILMED
MAR 08 1994

by Marshall Small
1/21/94

31D304-Box 399

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

WATER RIGHT NUMBER 41B -C-063413-00

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. HELENA FIELD OFFICE, 444-6695.

*****DNRC*LOCATE*** *5*FD*861202***

OWNERS: LYON ROBERT E 369 E 900 SOUTH #205 SALT LAKE CITY UT 84111

MABRY SHANNON L 369 E 900 SOUTH #205 SALT LAKE CITY UT 84111

PRIORITY DATE: SEPT 2, 1986 11:13

FLOW RATE: 20.00 GALLONS PER MINUTE (G)

VOLUME: 7.00 ACRE FEET PER YEAR (AF)

SOURCE: GROUNDWATER

PURPOSE:

Table with 5 columns: USE, FLOW, VOLUME (AF), ACRES, PERIOD OF USE. Rows include DOMESTIC and STOCK with their respective flow and volume values.

POINTS OF DIVERSION AND MEANS OF DIVERSION:

DIVERSION:

Table with 7 columns: LOT, BLK, QTR SEC, SEC, TWP, RGE, COUNTY, MEANS. Row 1: NWNES 01 07S 12W BEAVERHEAD DEVELOPED SPRING

PLACE OF USE FOR DOMESTIC:

Table with 9 columns: ACRES, LOT, BLK, QTR SEC, SEC, TWP, RGE, COUNTY. Row 1: 001 NWNES 01 07S 12W BEAVERHEAD

PLACE OF USE FOR STOCK:

Table with 9 columns: ACRES, LOT, BLK, QTR SEC, SEC, TWP, RGE, COUNTY. Row 1: 001 NWNES 01 07S 12W BEAVERHEAD

** 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 1/21/94.

FILMED MAR 08 1994

WATER RIGHT NUMBER 41B -C-063413-00

PAGE 2

REMARKS CONTINUED:

FOR FILE # 41B-C 063413-00

SEE FILE # 41B-W-117622-00

APR 14 1993

BY _____ FOR COMPLETE

TRANSFER

INFORMATION

NEW OWNER:

Phillip T. Zebroski

Jo Ann Zebroski

P O Box 132

Allbrightsville Pa 18210

BY

Marshall Lane

3 / 31 / 93

04/02/93

PAGE 1

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

WATER RIGHT NUMBER 41B -C-063413-00

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. HELENA FIELD OFFICE, 444-6695.

*****DNRC*LOCATE*#* *5*FD*861202***

OWNERS: ZEBROSKI PHILLIP T
PO BOX 132
ALLBRIGHTSVILLE PA 18210

ZEBROSKI JO ANN
PO BOX 132
ALLBRIGHTSVILLE PA 18210

PRIORITY DATE: SEPT 2, 1986 11:13

FLOW RATE: 20.00 GALLONS PER MINUTE (G)

VOLUME: 7.00 ACRE FEET PER YEAR (AF)

SOURCE: GROUNDWATER

PURPOSE:

USE	FLOW	VOLUME (AF)	ACRES	PERIOD OF USE
DOMESTIC	20.00 G	3.00		JAN 1 TO DEC 31
STOCK	20.00 G	4.00		JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

DIVERSION:

LOT	BLK	QTR	SEC	TWP	RGE	COUNTY	MEANS
			01	07S	12W	BEAVERHEAD	DEVELOPED SPRING

PLACE OF USE FOR DOMESTIC:

ACRES	LOT	BLK	QTR	SEC	TWP	RGE	COUNTY
001					07S	12W	BEAVERHEAD

PLACE OF USE FOR STOCK:

ACRES	LOT	BLK	QTR	SEC	TWP	RGE	COUNTY
001					07S	12W	BEAVERHEAD

** 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 2/15/91.

WATER RIGHT NUMBER 41B -C-063413-00

PAGE 2

REMARKS CONTINUED:

NOTICE OF TRANSFER RECEIVED 2/04/93.

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
AND WATER COURT OF MONTANA

WATER RIGHT TRANSFER CERTIFICATE FORM

FOR DEPARTMENT USE ONLY		RECEIVED
Basin(s) <u>41B</u>	Check No. <u>5272</u>	RECEIVED
Fee Rec'd \$ <u>3500</u>	Date <u>7. Hughes</u>	JUN 20 1995
Transmittal No. <u>95238</u>	Rec'd By <u>DB</u>	DNR C
Refund \$ _____		
Coded _____		
For complete information see file <u>41B-W 117622-00</u>		

Please type or print in ink.

1. WATER RIGHT(S) TRANSFERRED: Indicate all water rights transferred. Attach a list if additional space is needed.

- (P) Permit to Appropriate Water No(s). _____
- (C) Certificate of Water Right No(s). _____
- (W) Statement of Claim No(s). G41B-C063409-00, G41B-C063413-00, S41B-W117622-00
- (D) Powder River Basin Decreed Right No(s). _____
- (E) Exempt Existing Right No(s). _____
- Other _____

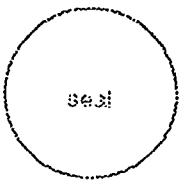
2. BUYER (person receiving the water right): If all buyers' signatures are not available, a copy of the recorded instrument showing conveyance from the seller to the buyer is required.

Name(s) Randall and Ila Mae Brooks Phone _____

New Address P. O. Box 75 Phone _____

City Glen State MT Zip 59732

Signature(s) Randall Brooks Ila Mae Brooks



Subscribed and sworn before me this 16 day of June, 19 95

Notary's Signature Ted Hartz

Notary for the State of Montana

Residing at Dillon, Montana

My Commission Expires 2-7-98

3. SELLER (person relinquishing the water right): If all sellers' signatures are not available, a copy of the recorded instrument showing conveyance from the seller to the buyer is required.

Name(s) Robert E. Lyon and Shannon L. Mabry Phone _____

New Address 21940 Highway 278 Phone _____

City Dillon State MT Zip 59725

Signature(s) Robert E. Lyon Shannon L. Mabry By Attorney-in-Fact



Subscribed and sworn before me this 16 day of June, 19 95

Notary's Signature Ted Hartz

Notary for the State of Montana

Residing at Dillon, Montana

My Commission Expires 2-7-98

FILMED

06/26/95

PAGE 1

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

WATER RIGHT NUMBER 41B -C-063413-00

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 RESOURCES REGIONAL OFFICE. HELENA REGIONAL OFFICE, 444-6695.

*****DNRC*LOCATE** *5*FD*861202***

OWNERS: BROOKS RANDALL
 PO BOX 75
 GLEN MT 59732

 BROOKS ILA MAE
 PO BOX 75
 GLEN MT 59732

PRIORITY DATE: SEPT 2, 1986 11:13

FLOW RATE: 20.00 GALLONS PER MINUTE (G)

VOLUME: 7.00 ACRE FEET PER YEAR (AF)

SOURCE: GROUNDWATER

PURPOSE:

USE	FLOW	VOLUME (AF)	ACRES	PERIOD OF USE
DOMESTIC	20.00 G	3.00		JAN 1 TO DEC 31
STOCK	20.00 G	4.00		JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

DIVERSION:

LOT	BLK	QTR SEC	SEC	TWP	RGE	COUNTY	MEANS
		NWNESE	01	07S	12W	BEAVERHEAD	DEVELOPED SPRING

PLACE OF USE FOR DOMESTIC:

ACRES	LOT	BLK	QTR SEC	SEC	TWP	RGE	COUNTY
001			NWNESE	01	07S	12W	BEAVERHEAD

PLACE OF USE FOR STOCK:

ACRES	LOT	BLK	QTR SEC	SEC	TWP	RGE	COUNTY
001			NWNESE	01	07S	12W	BEAVERHEAD

** 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 6/20/95.

FILMED

WATER RIGHT NUMBER 41B -C-063413-00

PAGE 2

REMARKS CONTINUED:

1987 11/15
1987 11/15
1987 11/15

FILE-NO NA 63413-41B
GEO CODE MT

DNRC WATER RIGHT OWNERSHIP UPDATE

PART 1 - SALE DATE
8-19-05
Month/Day/Year

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

Main Geocode:
Assessment Code/Parcel #

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.

Randall Brooks and Ila Mae Brooks
P.O. Box 548
Dillon, MT 59725

191377/191422

Daytime Phone #
(406) 925-0506

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

Duwane L Sand
398 Bayers Lane
Twin Bridges, MT 59754 - 9602

58129

Daytime Phone #
(406) 684-5848

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

Legal Description: See Attachment Attachment
Add/Sub: _____ Block: _____ Lot: _____
County: Beaverhead City/Town: _____ Section: _____ 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. 41B-117622-00 41B-63409 41B-63413-00
- ▶ (C) Certificate of Water Right No. 41B-63409 41B-63413
- ▶ (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 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, 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: Randall Brooks Date: 8/19/05

Seller Signature: Ila Mae Brooks Date: 8/19/05

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?
Name: John Warren Address: P.O. Box 28 Dillon MT 59725 Phone #: (406) 683-2363

D. REMARKS

FOR DEPARTMENT USE ONLY <u>32853</u>		WATER RIGHT TRANSFER CERTIFICATE	
Fee Rec'd <u>70</u>	Check No. <u>8054</u>	Transmittal No.	Date Rec'd RECEIVED
Payor <u>Southern Montana Abstract + Title</u>	Refund	Date <u>3/20/06</u>	FEB 02 2006
Coder <u>KT</u>	RO#		D.N.R.C.
For Complete Information See File			Rec'd By <u>LR</u>

COMPLETE AND SEND THIS FORM TO DNRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED
See reverse side for fee information

Township 7 South, Range 11 West, M.P.M.:
Section 7: NW $\frac{1}{4}$

Township 7 South, Range 12 West, M.P.M.
Section 1: S $\frac{1}{2}$
Section 12: N $\frac{1}{2}$

PLATTED

INDEXED

Return to:

Southern Montana Abstract & Title Company
P.O. Box 390
Dillon, MT 59725

WARRANTY DEED

For valuable consideration, receipt of which is acknowledged, **Randall Brooks and Ila Mae Brooks**, Grantors, hereby grant to **Duwane L. Sand**, Grantee, whose mailing address is 398 Bayers Lane, Twin Bridges, MT 59754, the following real property situated in Beaverhead County, Montana, to-wit:

Township 7 South, Range 11 West, M.P.M.:
Section 7: NW $\frac{1}{4}$

Township 7 South, Range 12 West, M.P.M.
Section 1: S $\frac{1}{2}$
Section 12: N $\frac{1}{2}$

TOGETHER with all water and water rights, ditches, and ditch rights appurtenant to, or used in connection with, said real property, but without warranty or guarantee, including water rights represented by Montana Department of Natural Resources and Conservation water right certificate or claim numbers listed below, subject, however, to such rights or claims being adjudicated by the Montana Water Court or other courts of the State of Montana pursuant to pending adjudication proceedings wherein any claimed water may be denied, limited, modified, or otherwise adjudicated, to-wit:

<u>Number:</u>	<u>Use</u>	<u>Rate/Volume</u>	<u>Priority</u>	<u>Source</u>
Certificate 41B-63409-00	ST	10.00 gpm	09/02/1986	Ground Water
Certificate 41B-63413-00	DM	20.00 gpm	09/02/1986	Ground Water
Claim 41B-117622-00	IR	3.00 cfs	05/03/1913	Cottonwood Cr

AND ALSO TOGETHER with all tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, including all buildings, fences, and other improvements thereon, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all of the estate, right, title, interest, right of homestead, possession, claim and demand whatsoever, in law as well as in equity, of Grantors, of, in or to the said lands and premises, and every part and parcel thereof, with the appurtenances thereto belonging.

To have and to hold unto the said Grantee, and his heirs, successors and assigns, forever, SUBJECT, however, to the following:

(a) Any reservations or exceptions set out and contained in any patent, deed, or other instrument of record, and any and all easements or rights-of-way over and upon or across said property whether of sight or record, appearing on any plat or survey of record, or set forth within any title insurance policy issued in conjunction with this deed, including but not limited

to:

(i) County road rights-of-way not recorded or indexed as conveyances in the office of the Clerk & Recorder pursuant to Title 70, Chapter 21, MCA;

(ii) Rights of others entitled to the continued, uninterrupted flow of water through ditches crossing the real property described above, together with rights to clean and maintain the same;

(iii) Rights of the public in and to that portion of the property described above taken or used for road purposes, if any;

(iv) An easement of right of way granted to Vigilante Electric Cooperative, Inc., recorded in Book 273 of Microfilm, Page 1071, records of Beaverhead County, Montana;

(b) Any claim asserting a right, title, or interest in minerals, including but not limited to oil, gas, coal, and other hydrocarbons, whether or not shown by the public records;

(c) Any building, use, zoning, sanitary, or environmental restrictions and waivers of record;

(d) Any facts or conditions an accurate survey or personal inspection at the time of closing would disclose;

(e) Covenants, conditions and restrictions recorded in Book 269 of Microfilm, Pages 283-4, records of Beaverhead County, Montana; and

(f) Matters not materially and adversely affecting the marketability of the title and value of the property.

Grantors covenant with Grantee that the former are now seized in fee simple of the property granted; that the latter shall enjoy the same without any lawful disturbance; that the same is free from all encumbrances except those mentioned above; that Grantors and all persons acquiring any interest in the same through or for them will, on demand, execute and deliver to Grantee, at the expense of the latter, any further assurance of the same that may be reasonably required; and that Grantors will warrant to Grantee all of the said property against every person lawfully claiming the same.

Dated this 19 day of August, 2005.

Randall Brooks
Randall Brooks

Ila Mae Brooks
Ila Mae Brooks

THE STATE OF MONTANA)
: ss.
County of Beaverhead)

This instrument was acknowledged before me on this 19 day of August, 2005, by
Randall Brooks and Ila Mae Brooks.

[Signature]
Print Notary's Name: 10776 Hazel Baker
Notary Public for State of Montana
Residing at Dillon, Montana
My commission expires 1. 3 2007



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.

HELENA REGIONAL OFFICE 406-444-6999

Water Right Number: 41B 63413 00 GROUND WATER CERTIFICATE
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: DUWANE SAND
398 BAYERS LN
TWIN BRIDGES, MT 59754 9602

Priority Date: SEPTEMBER 2, 1986 at 11:13 A.M.
Enforceable Priority Date: SEPTEMBER 2, 1986 at 11:13 A.M.

Purpose (use): DOMESTIC
STOCK

Maximum Flow Rate: 20.00 GPM
Maximum Volume: 7.00 AC-FT

Source:

Source Name: GROUNDWATER
Source type: GROUNDWATER

Point 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		NW	NESE	1	7S	12W BEAVERHEAD

Diversion Means: DEVELOPED SPRING

Period of Diversion: JANUARY 1 to DECEMBER 31

Purpose (Use): DOMESTIC
Households: 2
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</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NW	NESE	1	7S	12W BEAVERHEAD

March 20, 2006

41B 63413 00

Page 4 of 6

NEW STORAGE

Ownership Update ID#: 32853

Purpose (Use): STOCK
Volume: 4.00 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</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NW	NE	1	7S	12W	BEAVERHEAD

Remarks:

OWNERSHIP UPDATE RECEIVED

NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/15/91.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/04/93.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/21/94.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/20/95.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE ID # 32853 RECEIVED 02/02/2006.