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Form No. 608 R11/93

FILE-Water Right 76M-W11228-00

RO NO. 9

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
AND WATER COURT OF MONTANA

WATER RIGHT TRANSFER CERTIFICATE FORM

FOR DEPARTMENT USE ONLY		<b>RECEIVED</b>  JUL 31 1996  MONTANA D.N.R.C. MISSOULA FIELD OFFICE
Basin(s): <u>76M</u>	Check No. <u>619</u>	
Fee Rec'd \$: <u>138.00</u>	Date: <u>7-7-96</u>	
Transmittal No: <u>9-005</u>	Rec'd By: <u>XU</u>	
Refund \$: _____		
For complete information see file <u>76M-W11228-00</u>		

Please type or print in ink. Payor: Pengetty, David L.

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). W-111228 and W-111229
  - (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) John D. Hurd and Jill J. Hurd Phone (219) 637-5016

New Address 507 Marcella Drive State IN Zip 46845

Signature(s) [Handwritten signatures of John D. Hurd and Jill J. Hurd]

Subscribed and sworn before me this 29<sup>th</sup> day of July, 1996

Notary's Signature Claudia E. Hall

Notary for the State of Montana

Residing at Missoula

My Commission Expires 7-17-98



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) Raymond J. and Lora May Rose Phone (406) 626-4404

New Address Box 135 State MT Zip 59846

Signature(s) [Handwritten signatures of Raymond J. Rose and Lora May Rose]

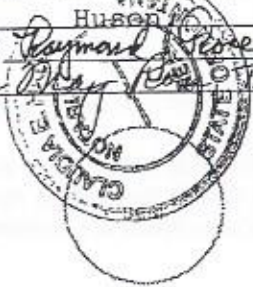
Subscribed and sworn before me this 29<sup>th</sup> day of July, 1996

Notary's Signature Claudia E. Hall

Notary for the State of Montana

Residing at Missoula

My Commission Expires 7-17-98



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4. DNRC OWNER(S) OF RECORD: Raymond and Lora May Rose

NOTE: If the Department of Natural Resources and Conservation (DNRC) owner of record does not match the seller listed in Item 3, provide recorded documentation of the chain of ownership from the DNRC owner of record to the seller. The name of the DNRC owner of record can be obtained from our regional offices.

5. IS THE BUYER RECEIVING 100 PERCENT OF THE SELLER'S INTEREST IN THE WATER RIGHT(S) LISTED ABOVE?

YES

NO

Attach one Addendum to Water Right Transfer Certificate For Apportioned Water Right (Form 608A) and a map for each water right in which the buyer did not receive a 100 percent interest.

6. MEANS OF TRANSFER:

Deed

Contract for Deed

Other (explain) \_\_\_\_\_

7. FEE REQUIRED: \$ 30.00

Use the work sheet in the instruction form to determine the fee required.

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

Buyers receiving Sellers' portion of both rights appurtenant to lands in Section 24, T15N, R22W and as modified by terms of Amended Stipulation on file with the MONTANA WATER COURT

9. PERSON or AGENCY COMPLETING FORM:

Name David L. Pengelly

Phone No. (406) 728-6600

Address P.O. Box 8106

City Missoula

State MT

Zip 59807

10. MONTANA WATER COURT - ADJUDICATION OF EXISTING WATER RIGHTS

Water right numbers denoted with a "W," "U," or "O" — for example, 43A-W-999999-00 — are Statements of Claim subject to the ongoing adjudication of existing water rights in the Montana Water Court. For these water right claim numbers, buyer and seller should consider the following:

1. Have objections been filed to this claim?
2. Has the seller filed objections to other water right claims in the basin?
3. Will the seller maintain or withdraw seller's objections? Is the buyer going to pursue the seller's objections?

If the answer to any of these questions is YES (or if you are unsure), then further information should be obtained from the Montana Water Court. Any buyer intending to pursue or withdraw an objection filed by the seller is required to file a Motion for Substitution of Party with the court. Failure to properly substitute parties may result in a judicial dismissal of any filed objection. A sample form for this motion is available from the court.

Contact the Water Court at 1-800-624-3270 (in state) or (406) 586-4364.

FORM No 608A  
R11/93

Water Right Number \_\_\_\_\_  
Transfer (Form 608) rec'd \_\_\_\_\_

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
**ADDENDUM TO WATER RIGHT TRANSFER CERTIFICATE  
FORM  
FOR APPORTIONED WATER RIGHT**

**INSTRUCTIONS**  
Complete one Addendum to Water Right Transfer Certificate (Form 608A) for each water right in which the buyer did not receive a 100 percent interest. File this form and a map together with a Water Right Transfer Certificate (Form 608).  
**FEE:** A fee of \$50.00 is required for each Form 608A (apportioned water right). In addition to the fee(s) for Form 608 (water right transfer).

Please type or print in ink.

1. WATER RIGHT BEING SPLIT: Number W-111228

2. BASIS FOR THIS APPORTIONMENT: Check one.

The water right is being apportioned as specifically identified in a deed, contract for deed, or other recorded document. The recorded document refers to water right number(s) and specified flow rates and/or volumes. (Attach copy)

The apportioning of the water right is not specifically identified in a recorded document. The water right is being apportioned according to the historical use of water on the land that is being transferred.

3. BUYER'S PORTION: (Attach additional sheets if necessary)

BUYER'S NAME John D. Hurd and Jill J. Hurd  
-PORTION OF WATER RIGHT RECEIVED

Use	Rate (gpm/cfs)	Volume(acre-feet)	Total Irrigated Acres (if any)
<u>irrigation</u>	<u>0.41 cfs</u>	<u>n/a</u>	<u>47</u>

-POINT OF DIVERSION (describe the location to the nearest 10 acres)  
SE 1/4 SE 1/4 NW 1/4 Sec 7 TWP 15 N/S RGE 21 E/W County Missoula  
Lot \_\_\_\_\_ Block \_\_\_\_\_ Tract No. \_\_\_\_\_ Subdivision Name \_\_\_\_\_

1/4 1/4 1/4 Sec \_\_\_\_\_ TWP N/S RGE \_\_\_\_\_ E/W \_\_\_\_\_ County \_\_\_\_\_  
Lot \_\_\_\_\_ Block \_\_\_\_\_ Tract No. \_\_\_\_\_ Subdivision Name \_\_\_\_\_

-PLACE OF USE

Use	County	Sec	TWP	RGE	E/W
<u>Irrigation</u>	<u>NE 1/4</u>	<u>24</u>	<u>15 N/S</u>	<u>22</u>	<u>E/W</u>
<u>47 acres</u>	<u>1/4</u>	<u>1/4</u>	<u>N/S</u>	<u>E/W</u>	<u>E/W</u>
<u>acres</u>	<u>1/4</u>	<u>1/4</u>	<u>N/S</u>	<u>E/W</u>	<u>E/W</u>
<u>acres</u>	<u>1/4</u>	<u>1/4</u>	<u>N/S</u>	<u>E/W</u>	<u>E/W</u>
<u>acres</u>	<u>1/4</u>	<u>1/4</u>	<u>N/S</u>	<u>E/W</u>	<u>E/W</u>
Lot _____	Block _____	Tract No. _____	Subdivision Name _____		

Use	County	Sec	TWP	RGE	E/W
<u>acres</u>	<u>1/4</u>	<u>1/4</u>	<u>N/S</u>	<u>E/W</u>	<u>E/W</u>
<u>acres</u>	<u>1/4</u>	<u>1/4</u>	<u>N/S</u>	<u>E/W</u>	<u>E/W</u>
<u>acres</u>	<u>1/4</u>	<u>1/4</u>	<u>N/S</u>	<u>E/W</u>	<u>E/W</u>
<u>acres</u>	<u>1/4</u>	<u>1/4</u>	<u>N/S</u>	<u>E/W</u>	<u>E/W</u>
Lot _____	Block _____	Tract No. _____	Subdivision Name _____		

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4. SELLER'S PORTION: (Attach additional sheets if necessary)

SELLER'S NAME Raymond J. Rose and Lora May Rose

-PORTION OF WATER RIGHT RETAINED

Use	Rate (gpm/cfs)	Volume(acre-feet)	Total Irrigated Acres (if any)
<u>irrigation</u>	<u>.31 cfs</u>	<u>n/a</u>	<u>35</u>

-POINT OF DIVERSION (describe the location to the nearest 10 acres)

SE 1/4 SE 1/4 NW 1/4 Sec 7 TWP 15 N/S RGE 21 E/W County Missoula  
Lot \_\_\_\_\_ Block \_\_\_\_\_ Tract No. \_\_\_\_\_ Subdivision Name \_\_\_\_\_

\_\_\_\_ 1/4 \_\_\_\_ 1/4 \_\_\_\_ 1/4 Sec \_\_\_\_\_ TWP \_\_\_\_\_ N/S RGE \_\_\_\_\_ E/W County \_\_\_\_\_  
Lot \_\_\_\_\_ Block \_\_\_\_\_ Tract No. \_\_\_\_\_ Subdivision Name \_\_\_\_\_

-PLACE OF USE

Use			County	Missoula		
<u>15 acres</u>	<u>1/4</u>	<u>N 1/2 1/4</u>	<u>NE 1/4</u>	Sec <u>25</u>	TWP <u>15 N/S</u>	RGE <u>22 E/W</u>
<u>20 acres</u>	<u>W 1/2 1/4</u>	<u>SE 1/4</u>	<u>SE 1/4</u>	Sec <u>24</u>	TWP <u>15 N/S</u>	RGE <u>22 E/W</u>
_____ acres	_____ 1/4	_____ 1/4	_____ 1/4	Sec _____	TWP _____ N/S	RGE _____ E/W
_____ acres	_____ 1/4	_____ 1/4	_____ 1/4	Sec _____	TWP _____ N/S	RGE _____ E/W
Lot _____	Block _____	Tract No. _____	Subdivision Name _____			

Use			County			
_____ acres	_____ 1/4	_____ 1/4	_____ 1/4	Sec _____	TWP _____ N/S	RGE _____ E/W
_____ acres	_____ 1/4	_____ 1/4	_____ 1/4	Sec _____	TWP _____ N/S	RGE _____ E/W
_____ acres	_____ 1/4	_____ 1/4	_____ 1/4	Sec _____	TWP _____ N/S	RGE _____ E/W
_____ acres	_____ 1/4	_____ 1/4	_____ 1/4	Sec _____	TWP _____ N/S	RGE _____ E/W
Lot _____	Block _____	Tract No. _____	Subdivision Name _____			

5. MAP: A map must be provided. A recorded county plat map is preferred. You may also use a scaled map or an aerial photograph showing section corners and a north arrow. Identify on the map the place of use of the water right the buyer is receiving. Include the location of any irrigated acres. The place of use the seller is retaining should also be identified. Contact the DNRC Water Resources Regional Office for guidance.

6. SIGNATURES: I have reviewed the items on this Addendum to Water Right Transfer Certificate Form and concur with the information given.

BUYER'S SIGNATURE Jill A. Hurd Date 7/29/96  
 SELLER'S SIGNATURE Raymond J. Rose Date 7/29/96

**NOTE TO BUYER**  
 A buyer may not change the point of diversion, place of use, place of storage, or purpose of use of a water right without the prior approval of the Department of Natural Resources and Conservation. Also, there can be no new uses or additional amounts of water used beyond the established water right. No appropriation may occur outside the specified period of use. The sum of the portions cannot exceed the total of the original water right.  
 A buyer may need to be aware of ongoing court action regarding this water right and/or of terms and conditions applicable to the exercise of the right being split. Special reporting conditions or use restrictions may apply. The buyer should familiarize himself/herself with all aspects of the right received.