

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: 41A 94896-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: HORSE PRAIRIE LIVESTOCK CO
4275 BLOODY DICK RD
DILLON, MT 59725-9799

WEEKS, R S & C A TRUST
R STUART WEEKS TRUSTEE
10036 GRANDVIEW DR
LA MESA, CA 91941-6838

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

Priority Date: APRIL 25, 1910

Enforceable Priority Date: APRIL 25, 1910

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 3.00 CFS

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 90.00

Source Name: BLOODY DICK CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENESE	26	9S	15W	BEAVERHEAD

Period of Diversion: APRIL 1 TO NOVEMBER 15

Diversion Means: HEADGATE

Period of Use: APRIL 1 to NOVEMBER 15

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	9.00	4	SWNW	31	9S	14W	BEAVERHEAD
2	6.00	7	S2NWSE	31	9S	14W	BEAVERHEAD
3	4.00	8	W2SESE	31	9S	14W	BEAVERHEAD
4	10.00		N2SWSE	31	9S	14W	BEAVERHEAD
5	14.00		NESW	31	9S	14W	BEAVERHEAD
6	2.00		NENWSW	31	9S	14W	BEAVERHEAD
7	2.00		SWNENE	36	9S	15W	BEAVERHEAD
8	11.00		S2NWNE	36	9S	15W	BEAVERHEAD
9	20.00		SENE	36	9S	15W	BEAVERHEAD
10	12.00		N2SWNE	36	9S	15W	BEAVERHEAD
Total:	90.00						

Geocodes/Valid: 18-0139-36-1-01-01-0000 - Y 18-0139-36-2-01-01-0000 - Y
18-0140-31-3-01-01-0000 - Y

Remarks:

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.
WATER RIGHT OWNERSHIP UPDATE RECEIVED 02/28/2005. HORSE PRAIRIE LIVESTOCK CO TO R. S. & C. A. WEEKS TRUST -- WEEKS TRUST RECEIVED PORTION OF WATER USED ON 45 ACRES IN THE NE1/4 OF SECTION 36 T9S R15W.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 20162 RECEIVED 02/28/2005.

Remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 01/26/2012, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY LEMHI FRONTIER LLC.

THE PERIOD OF DIVERSION MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF THE PERIOD OF USE ISSUE.

THE CLAIMED PERIOD OF USE EXCEEDS THE USUAL GROWING SEASON FOR THIS CLIMATIC AREA WHICH IS APRIL 25 TO OCTOBER 05.

USDA AERIAL PHOTOGRAPH NO(S). 979-83 , DATED 09/20/1979 , APPEARS TO INDICATE 45.57 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDI AERIAL PHOTOGRAPH NO. CXM-7B-32 , DATED 08/14/1942 , APPEARS TO INDICATE 45.57 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

ON 03/22/2012 CLAIMANT HORSE PRAIRIE LIVESTOCK INC SUBMITTED A REQUEST TO WITHDRAW THAT PORTION OF THE CLAIMED PLACE OF USE LOCATED IN SECTION 31, T09S, R14W. THE SUBMITTED WITHDRAWAL STATED THAT THE CLAIMED PLACE OF USE IN SECTION 31, T09S, R14W WAS NOT HISTORICALLY IRRIGATED.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED APPROPRIATION ON BLOODY DICK CREEK WITH A PRIORITY DATE PREDATING CASE NO. 1292, BEAVERHEAD COUNTY.