

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 94972-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** SMITHS ELK MEADOWS RANCH LLC  
PO BOX 766  
RIGBY, ID 83442-0766

**Priority Date:** APRIL 25, 1907

**Enforceable Priority Date:** APRIL 25, 1907

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 9.47 CFS

THE FLOW RATE OF THIS CLAIM HAS BEEN REDUCED TO 17 GPM PER ACRE.  
THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

**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:** 250.00

**Source Name:** JUNCTION 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         |                 | NENENE         | 16         | 14S        | 8W         | BEAVERHEAD    |

**Period of Diversion:** APRIL 1 TO NOVEMBER 1

**Diversion Means:** HEADGATE

**Period of Use:** APRIL 1 to NOVEMBER 1

**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             | 40.00         |                 | NENE           | 33         | 13S        | 9W         | BEAVERHEAD    |
| 2             | 160.00        |                 | NW             | 34         | 13S        | 9W         | BEAVERHEAD    |
| 3             | 40.00         |                 | NESW           | 34         | 13S        | 9W         | BEAVERHEAD    |
| 4             | 10.00         |                 | NESESW         | 34         | 13S        | 9W         | BEAVERHEAD    |
| <b>Total:</b> | <b>250.00</b> |                 |                |            |            |            |               |

**Geocodes/Valid:** 18-0045-33-1-01-01-0000 - Y      18-0045-34-2-01-01-0000 - Y  
18-0045-34-2-01-02-0000 - Y

**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

94972-00    94974-00    94975-00

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/31/1991.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 17427 RECEIVED 10/15/2004.

OWNERSHIP UPDATE TYPE DOR # 116157 RECEIVED 12/09/2013.

THE CONVEYANCE DITCH HAS BEEN SEVERED BY HIGHWAY CONSTRUCTION AND CANNOT CONVEY WATER FROM THE SOURCE TO THE PLACE OF USE.

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

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**Remarks:**

USDA AERIAL PHOTOGRAPH NO(S). 879-5 , DATED 09/18/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

AERIAL PHOTOGRAPH NO(S). CXM-6FF-132 , DATED 08/18/1965 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED APPROPRIATION ON JUNCTION CREEK WITH A PRIORITY DATE PREDATING CASE NO. 3802, BEAVERHEAD COUNTY.