

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 94978-00 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: NOVEMBER 1, 1897

Enforceable Priority Date: NOVEMBER 1, 1897

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 5.00 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: 440.00

Source Name: RED ROCK RIVER

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 | | NWSWNE | 32 | 13S | 8W | BEAVERHEAD |

Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: PATTERSON-JOHNSON DITCH

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 | | NESW | 22 | 13S | 9W | BEAVERHEAD |
| 2 | 40.00 | | SESW | 22 | 13S | 9W | BEAVERHEAD |
| 3 | 40.00 | | SWSW | 22 | 13S | 9W | BEAVERHEAD |
| 4 | 80.00 | | N2NW | 27 | 13S | 9W | BEAVERHEAD |
| 5 | 80.00 | | S2NW | 27 | 13S | 9W | BEAVERHEAD |
| 6 | 160.00 | | SW | 27 | 13S | 9W | BEAVERHEAD |
| Total: | 440.00 | | | | | | |

Geocodes/Valid: 18-0045-22-3-01-01-0000 - Y

18-0045-27-2-01-01-0000 - 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.

94978-00 94979-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

94978-00 94982-00

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.

Remarks:

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

USDA AERIAL PHOTOGRAPH NO(S). 879-5 , DATED 09/18/1979 , APPEARS TO INDICATE 245.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). CXM-6FF-131, CXM-6FF-132 , DATED 08/18/1965 , APPEARS TO INDICATE 241.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED APPROPRIATION ON RED ROCK RIVER WITH A PRIORITY DATE PREDATING CASE NO. 576, BEAVERHEAD COUNTY.