

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 95235-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

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

LAZY JP RANCH LLC
PO BOX 240024
DELL, MT 59724-0024

Priority Date: JUNE 3, 1895

Enforceable Priority Date: JUNE 3, 1895

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 1.00 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: 328.00

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 15

Diversion Means: HEADGATE

Ditch Name: PATTERSON-JOHNSON DITCH

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	80.00		W2SW	26	13S	9W	BEAVERHEAD
2	134.00		S2N2	35	13S	9W	BEAVERHEAD
3	2.00		N2NWSE	35	13S	9W	BEAVERHEAD
4	6.00		N2NESW	35	13S	9W	BEAVERHEAD
5	2.00		NENWSW	35	13S	9W	BEAVERHEAD
6	104.00		N2	36	13S	9W	BEAVERHEAD
Total:	328.00						

Geocodes/Valid: 18-0045-26-3-01-01-0000 - Y 18-0045-35-2-03-02-0000 - Y
18-0045-35-2-03-03-0000 - Y 18-0045-36-1-01-01-0000 - 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.

24027-00 24028-00 24029-00 95225-00 95226-00 95227-00 95233-00
95234-00 95235-00 95236-00 95238-00

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 05/17/1990.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/03/2004.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 02/13/1998.

Remarks:

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 18832 RECEIVED 11/03/2004.

OWNERSHIP UPDATE TYPE 608 # 46092 RECEIVED 05/03/2007.

OWNERSHIP UPDATE TYPE 608 # 63946 RECEIVED 10/15/2008.

OWNERSHIP UPDATE TYPE DOR # 93307 RECEIVED 11/10/2011.

OWNERSHIP UPDATE TYPE 608 # 101960 RECEIVED 07/30/2012.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 160 MINER'S INCHES DECREED IN CASE NO. 576, BEAVERHEAD COUNTY. 41A 9383-00, 41A 94625-00, 41A 95235-00, 41A 180189-00.

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). 779-259 , DATED 09/17/1979 , APPEARS TO INDICATE 368.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). CXM-6FF-140 , DATED 08/18/1965 , APPEARS TO INDICATE 375.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.