

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: 41D 92428-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE

Version Status: ACTIVE

Owners: BACON, ERNEST K RANCH LP
2333 FISHTRAP RD
WISE RIVER, MT 59762-9661

Priority Date: SEPTEMBER 30, 1898

Enforceable Priority Date: SEPTEMBER 30, 1898

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 15.00 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: 215.30

Source Name: FISHTRAP CREEK

Source Type: SURFACE WATER

FISHTRAP CREEK WATER IS DIVERTED TO SWAMP CREEK WHICH IS A NATURAL CARRIER TO FOUR SECONDARY POINTS OF DIVERSION LOCATED IN SEC 25, TWP 2N, RGE 14W.

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		NWSENE	26	2N	14W	DEER LODGE

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Period of Use: MAY 1 to SEPTEMBER 30

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	33.20	2	SWNW	30	2N	13W	DEER LODGE
2	40.00	3	NWSW	30	2N	13W	DEER LODGE
3	7.70	4	N2SWSW	30	2N	13W	DEER LODGE
4	15.40		SENE	30	2N	13W	DEER LODGE
5	15.90		W2NESW	30	2N	13W	DEER LODGE
6	2.90		NWSENE	30	2N	13W	DEER LODGE
7	0.70	1	SWNE	25	2N	14W	DEER LODGE
8	33.60	2	SENE	25	2N	14W	DEER LODGE
9	23.00	3	NESE	25	2N	14W	DEER LODGE
10	9.10		S2NWNE	25	2N	14W	DEER LODGE
11	30.60		SWNE	25	2N	14W	DEER LODGE
12	1.30		NENWSE	25	2N	14W	DEER LODGE
13	1.90		SWSENE	25	2N	14W	DEER LODGE
Total:	215.30						

Geocodes/Valid: 30-1085-25-1-01-01-0000 - Y 30-1086-30-4-01-01-0000 - 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.

92421-00 92422-00 92423-00 92424-00 92425-00 92426-00 92427-00
92428-00 92429-00 92433-00 92435-00

THE POINT OF DIVERSION WAS AMENDED BY THE CLAIMANT ON 1/31/05.

Remarks:

WATER RIGHTS 41D 92430-00, 41D 92428-00, 41D 92464-00, 41D 92469-00, 41D 196341-00, AND 41D 196343-00 ARE SUBJECT TO A WATER USE AGREEMENT.

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 03/05/1996.