

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 94757-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: HILDRETH LIVESTOCK CO
324 E COURT ST
DILLON, MT 59725-2709

Priority Date: MAY 1, 1886

Enforceable Priority Date: MAY 1, 1886

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: 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: 250.00

Source Name: ERICKSON 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		SESESE	11	13S	12W	BEAVERHEAD

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: DITCH #4B

2		SESENW	14	13S	12W	BEAVERHEAD
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: DITCH #4

3		SESENW	14	13S	12W	BEAVERHEAD
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: DITCH #4A

WATER DIVERTED FROM ERICKSON CREEK IS CONVEYED TO MEDICINE LODGE CREEK WHICH IS USED AS A NATURAL CARRIER TO A SECONDARY POINT OF DIVERSION IN THE SWNESE SEC 11 TWP 13S RGE 12W BEAVERHEAD COUNTY.

Period of Use: JANUARY 1 to DECEMBER 31

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	2.00		SESWNE	11	13S	12W	BEAVERHEAD
2	8.00		SWSWNE	11	13S	12W	BEAVERHEAD
3	19.00		SESW	11	13S	12W	BEAVERHEAD
4	1.00		SESESE	11	13S	12W	BEAVERHEAD
5	7.00		SWNESE	11	13S	12W	BEAVERHEAD
6	39.00		NWSE	11	13S	12W	BEAVERHEAD
7	24.00		SESE	11	13S	12W	BEAVERHEAD
8	34.00		SWSE	11	13S	12W	BEAVERHEAD
9	6.00		NENESW	11	13S	12W	BEAVERHEAD
10	4.50		SENESE	11	13S	12W	BEAVERHEAD
11	31.00		NENE	14	13S	12W	BEAVERHEAD
12	33.00		NWNE	14	13S	12W	BEAVERHEAD
13	4.50		NESENE	14	13S	12W	BEAVERHEAD
14	10.00		NWSENE	14	13S	12W	BEAVERHEAD
15	2.00		SESENE	14	13S	12W	BEAVERHEAD
16	25.00		SWNE	14	13S	12W	BEAVERHEAD

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
Total:	250.00						
Geocodes/Valid:		18-0042-11-3-01-01-0000 - Y				18-0042-14-1-01-01-0000 - Y	
		18-0042-14-4-01-01-0000 - 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.

94755-00 94756-00 94757-00 94758-00 94759-00 94760-00 94762-00

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

AN AMENDMENT WAS RECEIVED ON 08/28/2012 TO AMENDMENT HE PLACE OF USE AND MAXIMUM ACRES. THE AMENDMENT HAS NOT BEEN IMPLEMENTED DUE TO AN UNRESOLVED OWNERSHIP ISSUE.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 08/31/2011, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY RAYMOND F & FAYE D HILDRETH TRUST.

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 5.

USDA AERIAL PHOTOGRAPH NO(S). 879-195 , DATED 09/18/1979 , APPEARS TO INDICATE 190.72 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). CXM-5FF-114 & CXM-5FF-112 , DATED 08/17/2011 , APPEARS TO INDICATE 199.46 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.