

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 95227-00 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: JULY 20, 1899

Enforceable Priority Date: JULY 20, 1899

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 21.25 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: 802.24

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		NENWSE	3	14S	8W	BEAVERHEAD

Period of Diversion: APRIL 1 TO NOVEMBER 15

Diversion Means: HEADGATE

Ditch Name: BIG OUTLAW 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	640.00			36	13S	9W	BEAVERHEAD
2	162.24		N2N2	1	14S	9W	BEAVERHEAD

Total: 802.24

Geocodes/Valid: 18-0028-01-1-01-01-0000 - 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.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 05/17/1990.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/13/1998.

OWNERSHIP UPDATE RECEIVED

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.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
THE PERIOD OF DIVERSION MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF THE PERIOD OF USE ISSUE.

Remarks:

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 482.00 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 650.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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