

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 9378-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: PROBST ENTERPRISES LLC
1600 BOND RD
DILLON, MT 59725-8394

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

MICHAEL E PROBST
1600 BOND RD
DILLON, MT 59725-8394

JOAN S PROBST
1600 BOND RD
DILLON, MT 59725-8394

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

Priority Date: JUNE 10, 1885

Enforceable Priority Date: JUNE 10, 1885

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 7.50 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: 540.00

Source Name: LITTLE SHEEP CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESW	35		13S	9W	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</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	160.00			SE	22	13S	9W	BEAVERHEAD
2	320.00			E2	27	13S	9W	BEAVERHEAD
3	60.00			NE	34	13S	9W	BEAVERHEAD
Total:	540.00							

Geocodes/Valid: 18-0045-22-4-01-01-0000 - Y 18-0045-22-4-01-02-0000 - Y
18-0045-27-1-01-01-0000 - Y 18-0045-27-4-01-01-0000 - Y
18-0045-34-1-01-01-0000 - Y

Remarks:

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.

9378-00 9379-00 9380-00 9381-00 9382-00 9383-00 9384-00
9385-00

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/20/1984.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/25/1987.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 05/28/1993.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 10/25/1993.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 151141 RECEIVED 01/02/2009.

OWNERSHIP UPDATE TYPE DOR # 117802 RECEIVED 12/09/2013.

OWNERSHIP UPDATE TYPE DOR # 117804 RECEIVED 12/20/2013.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 02/16/2012, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY DOROTHEA HILDRETH.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 02/16/2012, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY MICHAEL AND JOAN PROBST.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 02/16/2012, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY WALTER AND REBECCA ANN CONGDON.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED RIGHT ON LITTLE SHEEP CREEK WITH A PRIORITY DATE PREDATING CASE NO. 1430, BEAVERHEAD COUNTY.