

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:** 41B 10716-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** OPEN A RANCH INC  
PO BOX 952  
DILLON, MT 59725-0952

**Priority Date:** FEBRUARY 19, 1904  
**Enforceable Priority Date:** FEBRUARY 19, 1904

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION  
**Irrigation Type:** SPRINKLER/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:** 3 - MODERATE

**Maximum Acres:** 2,349.75

**Source Name:** ALBERS SLOUGH  
**Source Type:** SURFACE WATER

**Source Name:** BEAVERHEAD RIVER  
**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>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSE	35	5S	8W	BEAVERHEAD

**Period of Diversion:** APRIL 15 TO OCTOBER 15

**Source Name:** ALBERS SLOUGH  
**Diversion Means:** HEADGATE  
**Ditch Name:** HILL DITCH

2		SWSW	11	6S	8W	BEAVERHEAD
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**Period of Diversion:** APRIL 15 TO OCTOBER 15

**Source Name:** BEAVERHEAD RIVER  
**Diversion Means:** HEADGATE  
**Ditch Name:** RIVER DITCH

**Period of Use:** APRIL 15 to OCTOBER 15

**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>
1	23.00		SWSE	23	5S	8W	BEAVERHEAD
2	14.00		SESW	23	5S	8W	BEAVERHEAD
3	1.00		SENE	25	5S	8W	BEAVERHEAD
4	40.00		NESE	25	5S	8W	BEAVERHEAD
5	32.00		SESE	25	5S	8W	BEAVERHEAD
6	40.00		SWSE	25	5S	8W	BEAVERHEAD
7	30.00		SESW	25	5S	8W	BEAVERHEAD
8	19.00		SWSW	25	5S	8W	BEAVERHEAD
9	26.00		NWNE	26	5S	8W	BEAVERHEAD
10	1.00		SENE	26	5S	8W	BEAVERHEAD
11	29.00		SWNE	26	5S	8W	BEAVERHEAD
12	36.00		NENW	26	5S	8W	BEAVERHEAD
13	40.00		SENE	26	5S	8W	BEAVERHEAD
14	19.00		NESE	26	5S	8W	BEAVERHEAD
15	37.00		NWSE	26	5S	8W	BEAVERHEAD
16	38.00		SESE	26	5S	8W	BEAVERHEAD
17	24.00		SWSE	26	5S	8W	BEAVERHEAD
18	40.00		NESW	26	5S	8W	BEAVERHEAD
19	40.00		NWSW	26	5S	8W	BEAVERHEAD
20	30.00		SESW	26	5S	8W	BEAVERHEAD

**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>
21	30.00		SWSW	26	5S	8W	BEAVERHEAD
22	34.00		SENE	35	5S	8W	BEAVERHEAD
23	2.00		SWNE	35	5S	8W	BEAVERHEAD
24	40.00		NESE	35	5S	8W	BEAVERHEAD
25	29.00		NWSE	35	5S	8W	BEAVERHEAD
26	40.00		SESE	35	5S	8W	BEAVERHEAD
27	40.00		SWSE	35	5S	8W	BEAVERHEAD
28	1.00		NESW	35	5S	8W	BEAVERHEAD
29	24.00		SESW	35	5S	8W	BEAVERHEAD
30	40.00		NENE	36	5S	8W	BEAVERHEAD
31	40.00		NWNE	36	5S	8W	BEAVERHEAD
32	39.50		SENE	36	5S	8W	BEAVERHEAD
33	40.00		SWNE	36	5S	8W	BEAVERHEAD
34	40.00		NENW	36	5S	8W	BEAVERHEAD
35	39.00		NWNW	36	5S	8W	BEAVERHEAD
36	40.00		SENW	36	5S	8W	BEAVERHEAD
37	40.00		SWNW	36	5S	8W	BEAVERHEAD
38	24.00		NESE	36	5S	8W	BEAVERHEAD
39	40.00		NWSE	36	5S	8W	BEAVERHEAD
40	6.00		SESE	36	5S	8W	BEAVERHEAD
41	39.00		SWSE	36	5S	8W	BEAVERHEAD
42	160.00		SW	36	5S	8W	BEAVERHEAD
43	169.80		NE	2	6S	8W	BEAVERHEAD
44	169.45		NW	2	6S	8W	BEAVERHEAD
45	40.00		NWSE	2	6S	8W	BEAVERHEAD
46	160.00		SW	2	6S	8W	BEAVERHEAD
47	42.00		NENE	3	6S	8W	BEAVERHEAD
48	6.00		NWNE	3	6S	8W	BEAVERHEAD
49	32.00		SENE	3	6S	8W	BEAVERHEAD
50	15.00		NESE	3	6S	8W	BEAVERHEAD
51	29.00		SESE	3	6S	8W	BEAVERHEAD
52	39.00		NENE	10	6S	8W	BEAVERHEAD
53	17.00		NWNE	10	6S	8W	BEAVERHEAD
54	12.00		SENE	10	6S	8W	BEAVERHEAD
55	5.00		SWNE	10	6S	8W	BEAVERHEAD
56	1.00		NESE	10	6S	8W	BEAVERHEAD
57	40.00		NENW	11	6S	8W	BEAVERHEAD
58	40.00		NWNW	11	6S	8W	BEAVERHEAD
59	35.00		SENW	11	6S	8W	BEAVERHEAD
60	39.00		SWNW	11	6S	8W	BEAVERHEAD
61	18.00		NESW	11	6S	8W	BEAVERHEAD
62	35.00		NWSW	11	6S	8W	BEAVERHEAD
63	1.00		SESW	11	6S	8W	BEAVERHEAD
64	18.00		SWSW	11	6S	8W	BEAVERHEAD

**Total:** 2,349.75

<b>Geocodes/Valid:</b>	18-0415-02-2-01-01-0000 - Y	18-0415-03-1-01-01-0000 - Y
	18-0415-03-4-01-01-0000 - Y	18-0415-10-1-01-01-0000 - Y
	18-0415-11-2-01-01-0000 - Y	18-0502-23-4-03-01-0000 - Y
	18-0502-25-2-01-01-0000 - Y	18-0502-26-1-01-01-0000 - Y
	18-0502-35-4-01-01-0000 - Y	18-0502-36-2-01-01-0000 - 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.

10699-00	10700-00	10701-00	10702-00	10703-00	10704-00	10705-00
10706-00	10707-00	10708-00	10711-00	10713-00	10714-00	10716-00
10717-00	10718-00	10719-00	10720-00	10722-00		

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 10/02/2009: IRRIGATION METHOD, SOURCE, MEANS OF DIVERSION, POINT OF DIVERSION, PLACE OF USE, FLOW, VOLUME, PRIORITY DATE, TYPE OF RIGHT, PERIOD OF USE, MAXIMUM ACRES.

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**Remarks:**

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

AN AMENDMENT WAS SUBMITTED 10/02/2009 TO AMEND THE IRRIGATION METHOD, SOURCE, MEANS OF DIVERSION, POINT OF DIVERSION, PLACE OF USE, FLOW RATE, VOLUME, PRIORITY DATE, TYPE OF RIGHT, PERIOD OF USE, MAXIMUM ACRES . THE AMENDMENT SUBSTANTIALLY CHANGES THE ORIGINALLY FILED STATEMENT OF CLAIM.

USDA AERIAL PHOTOGRAPH NO. 579-139 , DATED 09/13/1979 APPEARS TO INDICATE 2180 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). CXM-1FF-109, CXM-1FF-111 , DATED 08/01/1965 , APPEARS TO INDICATE 1842 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THIS CLAIM APPEARS TO BE CLAIMING TWO SEPARATE SOURCES OF WATER. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.