

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 94976-00 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:** SEPTEMBER 8, 1885

**Enforceable Priority Date:** SEPTEMBER 8, 1885

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Maximum Flow Rate:** 4.00 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:** 650.00

**Source Name:** BIG SHEEP 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         |                 | SWSESW         | 20         | 13S        | 9W         | BEAVERHEAD    |

**Period of Diversion:** APRIL 1 TO NOVEMBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** JAMES FLYNN DITCH

**Period of Use:** APRIL 1 to NOVEMBER 1

**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             | 160.00        |                 | SE             | 21         | 13S        | 9W         | BEAVERHEAD    |
| 2             | 40.00         |                 | SESW           | 21         | 13S        | 9W         | BEAVERHEAD    |
| 3             | 15.00         |                 | SESW           | 22         | 13S        | 9W         | BEAVERHEAD    |
| 4             | 10.00         |                 | SWNW           | 22         | 13S        | 9W         | BEAVERHEAD    |
| 5             | 155.00        |                 | SW             | 22         | 13S        | 9W         | BEAVERHEAD    |
| 6             | 80.00         |                 | N2NW           | 27         | 13S        | 9W         | BEAVERHEAD    |
| 7             | 40.00         |                 | SESW           | 27         | 13S        | 9W         | BEAVERHEAD    |
| 8             | 30.00         |                 | SWNW           | 27         | 13S        | 9W         | BEAVERHEAD    |
| 9             | 20.00         |                 | NESW           | 27         | 13S        | 9W         | BEAVERHEAD    |
| 10            | 40.00         |                 | NENE           | 28         | 13S        | 9W         | BEAVERHEAD    |
| 11            | 30.00         |                 | NWNE           | 28         | 13S        | 9W         | BEAVERHEAD    |
| 12            | 10.00         |                 | SENE           | 28         | 13S        | 9W         | BEAVERHEAD    |
| 13            | 20.00         |                 | NENW           | 28         | 13S        | 9W         | BEAVERHEAD    |
| <b>Total:</b> | <b>650.00</b> |                 |                |            |            |            |               |

**Geocodes/Valid:** 18-0045-21-4-01-01-0000 - Y      18-0045-22-2-01-01-0000 - Y  
18-0045-22-3-01-01-0000 - Y      18-0045-27-2-01-01-0000 - Y  
18-0045-28-1-01-01-0000 - Y

**Remarks:**

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/31/1991.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 17427 RECEIVED 10/15/2004.

OWNERSHIP UPDATE TYPE DOR # 116157 RECEIVED 12/09/2013.

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**Remarks:**

AN AMENDMENT WAS SUBMITTED ON 10/15/2012 WHICH HAS NOT BEEN IMPLEMENTED. THIS AMENDMENT WAS NOT SUBMITTED BY THE OWNER LISTED IN THE DNRC RECORDS.

USDA AERIAL PHOTOGRAPH NO(S). 879-5 , DATED 09/18/2011 , APPEARS TO INDICATE 570.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). CXM-6FF-131, CXM-6FF-132 , DATED 08/18/1965 , APPEARS TO INDICATE 573.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.