

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 95225-00 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 10, 1899

**Enforceable Priority Date:** JULY 10, 1899

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 8.75 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</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</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
<b>Total:</b>	<b>802.24</b>						

**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.

THE PERIOD OF DIVERSION MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF THE PERIOD OF USE ISSUE.

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**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 FILED APPROPRIATION ON RED ROCK RIVER WITH A PRIORITY DATE PREDATING CASE NO. 576, BEAVERHEAD COUNTY.