

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: 40B 8283-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: LEK RANCH LLC
% RACE FOSTER
PO BOX 70
HAZELHURST, WI 54531-0070

Priority Date: MAY 15, 1899
Enforceable Priority Date: MAY 15, 1899

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 12.05 CFS
THE FLOW RATE OF THIS CLAIM HAS BEEN REDUCED TO 17 GPM PER ACRE.
THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 318.00

Source Name: ELK 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		NWNENW	2	13N	26E	PETROLEUM

Period of Diversion: MAY 15 TO SEPTEMBER 15
Diversion Means: HEADGATE

Period of Use: MAY 15 to SEPTEMBER 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	50.00		S2NE	1	13N	26E	PETROLEUM
2	60.00		S2NW	1	13N	26E	PETROLEUM
3	15.00		N2S2	1	13N	26E	PETROLEUM
4	80.00		NE	2	13N	26E	PETROLEUM
5	20.00		N2NW	2	13N	26E	PETROLEUM
6	8.00		N2NESE	2	13N	26E	PETROLEUM
7	10.00		E2SWNE	6	13N	27E	PETROLEUM
8	30.00		S2NW	6	13N	27E	PETROLEUM
9	5.00		W2NWSE	6	13N	27E	PETROLEUM
10	40.00		N2SW	6	13N	27E	PETROLEUM
Total:	318.00						

Geocodes/Valid: -- NO VALID GEOCODES --

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.

8282-00 8283-00

THIS WATER RIGHT AND WATER RIGHT NO. 13561-00 ARE ASSOCIATED. THEY HAVE OVERLAPPING POINTS OF DIVERSION AND HAVE A MAXIMUM COMBINED FLOW RATE FOR THE DITCH OF 12.50 CFS. STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/27/95.

Remarks:

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 12237 RECEIVED 01/06/2004.

OWNERSHIP UPDATE TYPE 608 # 45326 RECEIVED 04/05/2007.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

USDA AERIAL PHOTOGRAPH NO(S). 178-250 , DATED 07/11/80 , APPEARS TO INDICATE 229 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE PETROLEUM COUNTY WATER RESOURCES SURVEY FIELD NOTES (1971) APPEAR TO INDICATE 173 ACRES IRRIGATED BY YELLOW WATER RESERVOIR PROJECT WATER DIVERTED FROM ELK CREEK AND AN ADDITIONAL 72 ACRES IRRIGATED BY YELLOW WATER CREEK.