

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 9382-00 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:** AUGUST 21, 1885

**Enforceable Priority Date:** AUGUST 21, 1885

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 3.00 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:** 540.00

**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</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SW	SESW	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</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
<b>Total:</b>	<b>540.00</b>						

**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.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 160 MINER'S INCHES DECREED IN CASE NO. 3808, BEAVERHEAD COUNTY. 41A 9382-00, 41A 94750-00, 41A 95237-00, 41A 180183-00.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 02/21/2012, 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 02/21/2012, 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 02/21/2012, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY WALTER AND REBECCA ANN CONGDON.