

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: 42A 172133-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners:
WESLEY L ASHLEY
588 ROSEBUD CREEK RD
FORSYTH, MT 59327

ALDEN L ASHLEY
588 ROSEBUD CREEK RD
FORSYTH, MT 59327

CAROL L ASHLEY
588 ROSEBUD CREEK RD
FORSYTH, MT 59327

ELIZABETH L HORN
588 ROSEBUD CREEK RD
FORSYTH, MT 59327

LANELL ASHLEY
588 ROSEBUD CREEK RD
FORSYTH, MT 59327

LESLI M ASHLEY
588 ROSEBUD CREEK RD
FORSYTH, MT 59327

RED CANYON RANCH INC
588 ROSEBUD CREEK RD
FORSYTH, MT 59327

MARTIN A MITZKUS
1050 ROSEBUD CREEK RD
FORSYTH, MT 59327

ELIZABETH A MITZKUS
1050 ROSEBUD CREEK ROAD
FORSYTH, MT 59327

Priority Date: NOVEMBER 28, 1885
Enforceable Priority Date: NOVEMBER 28, 1885

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 21.84 CFS

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

Climatic Area: 1 - HIGH

Maximum Acres: 100.00

Source Name: ROSEBUD 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>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			E2	2	4N	42E	ROSEBUD

Period of Diversion: MARCH 1 TO DECEMBER 1
Diversion Means: PUMP

2		E2E2NW		2	4N	42E	ROSEBUD
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Period of Diversion: MARCH 1 TO DECEMBER 1
Diversion Means: PUMP

PUMP IS MOVEABLE ALL ALONG SOURCE WITHIN LEGAL LAND DESCRIPTION.

Period of Use: MARCH 1 to DECEMBER 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	8.00		W2W2	1	4N	42E	ROSEBUD
2	88.00		E2	2	4N	42E	ROSEBUD
3	4.00		E2E2NW	2	4N	42E	ROSEBUD
Total:	100.00						

Geocodes/Valid: 29-1342-01-1-01-01-1291 - Y 29-1342-02-1-01-01-1459 - Y
29-1342-02-3-01-01-1160 - Y

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 03/15/1994: POINT OF DIVERSION, PLACE OF USE, PUMP CAPACITY, FLOW RATE.

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 05/18/2000.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 12/05/1991.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 106011 RECEIVED 11/07/2012.

THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE. THE FLOW RATE EQUALS 98 GPM PER ACRE.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 11/08/2011, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY CLIFFORD MITZKUS.

THE CLAIMED PERIOD OF USE EXCEEDS THE USUAL GROWING SEASON FOR THIS CLIMATIC AREA WHICH IS MARCH 15 TO NOVEMBER 15.