

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 180188-00 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:** JULY 2, 1896

**Enforceable Priority Date:** JULY 2, 1896

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 1.00 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:** 400.00

**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		N	32	13S	8W	BEAVERHEAD

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** PATTERSON-JOHNSON DITCH

**Period of Use:** APRIL 1 to OCTOBER 31

**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	27	13S	9W BEAVERHEAD
2	160.00			NE	34	13S	9W BEAVERHEAD
3	80.00			N2SE	34	13S	9W BEAVERHEAD

**Total:** 400.00

**Geocodes/Valid:** 18-0045-27-4-01-01-0000 - Y      18-0045-34-1-01-01-0000 - Y  
18-0045-34-1-03-02-0000 - 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.

180186-00    180187-00    180188-00    180189-00

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

**Remarks:**

ONE.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/11/1992.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/11/1992.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/13/1989.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 65278 RECEIVED 01/12/2009.

OWNERSHIP UPDATE TYPE DOR # 84967 RECEIVED 08/30/2010.

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

OWNERSHIP UPDATE TYPE DOR # 117804 RECEIVED 12/20/2013.

AN AMENDMENT WAS SUBMITTED ON 10/15/2012 REQUESTING TO AMEND THE PLACE OF USE AND MAXIMUM ACRES . THE AMENDMENT HAS NOT BEEN IMPLEMENTED AS IT HAS NOT BEEN SIGNED BY ALL OWNERS OF DNRC RECORD.

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. 576, BEAVERHEAD COUNTY. 41A 9381-00, 41A 94628-00, 41A 95236-00, 41A 180188-00.

USDA AERIAL PHOTOGRAPH NO(S). 779-259 , DATED 09/17/1979 , APPEARS TO INDICATE 203.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). CXM-6FF-132 , DATED 08/16/1965 , APPEARS TO INDICATE 204.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.