

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 180189-00 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: JUNE 3, 1895

Enforceable Priority Date: JUNE 3, 1895

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>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		N	WSW	NE	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>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 9383-00, 41A 94625-00, 41A 95235-00, 41A 180189-00.

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.