

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: 41D 184606-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Version Status: ACTIVE

Owners: WUESTE FAMILY PARTNERSHIP LP
142 GLENWOOD AVE
ATHERTON, CA 94027-3158
BARON REAL ESTATE PARTNERS LLC
20320 COUNTY ROAD H
WESTON, MO 64098-9117

Priority Date: SEPTEMBER 9, 1915
Enforceable Priority Date: SEPTEMBER 9, 1915

Type of Historical Right: USE

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 336.60 GPM

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 38.57

Source Name: SPRING, UNNAMED TRIBUTARY OF BIRCH CREEK

Source Type: SURFACE WATER

SPRINGS ORIGINATE IN THE SOUTH CHANNEL OF BIRCH CREEK BETWEEN THE OLD SELWAY DITCH (SWSESW) AND RUSSELL DITCH NO. 3 (NENWSE) IN SEC 36, TWP 04S, RGE 09W.

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		SWNWSE	36	4S	9W	BEAVERHEAD

Period of Diversion: APRIL 1 TO OCTOBER 20

Diversion Means: HEADGATE

2		NENWSE	36	4S	9W	BEAVERHEAD
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Period of Diversion: APRIL 1 TO OCTOBER 20

Diversion Means: HEADGATE

Ditch Name: RUSSELL DITCH NO. 3

3		NENWSE	36	4S	9W	BEAVERHEAD
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Period of Diversion: APRIL 1 TO OCTOBER 20

Diversion Means: HEADGATE

Ditch Name: RUSSELL DITCH NO. 2

Period of Use: APRIL 1 to OCTOBER 20

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	15.15		SENW	31	4S	8W	BEAVERHEAD
2	12.17		SWNW	31	4S	8W	BEAVERHEAD
3	11.25		NWSE	36	4S	9W	BEAVERHEAD
Total:	38.57						

Geocodes/Valid: 18-0501-02-1-01-01-0000 - Y 18-5049-31-4-01-01-0000 - Y

Remarks:

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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.

184593-00	184594-00	184595-00	184596-00	184597-00	184598-00	184599-00
184600-00	184601-00	184602-00	184603-00	184604-00	184605-00	184606-00

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 26243 RECEIVED 09/12/2005.

OWNERSHIP UPDATE TYPE 608 # 39479 RECEIVED 06/29/2006.

OWNERSHIP UPDATE TYPE 608 # 57396 RECEIVED 04/02/2008.

OWNERSHIP UPDATE TYPE DOR # 125213 RECEIVED 07/03/2008.