

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 186052-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners:
X4 LLC
PO BOX 6875
HELENA, MT 59604

SHARON BUTAY
5654 69TH AVE CT W
UNIVERSITY PLACE, WA 98467

SYLVIA L FARWELL
5624 69TH AVE CT W
UNIVERSITY PLACE, WA 98467

SPEAR O RANCH CO
HC 44 BOX 23
WYOLA, MT 59089

Priority Date: MAY 7, 1868
Enforceable Priority Date: MAY 7, 1868

Type of Historical Right: USE

Purpose (use): STOCK

Maximum Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Maximum Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: CORRAL 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 | | S2 | 25 | 5S | 37E | BIG HORN |

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE

| | | | | | | |
|---|--|----|----|----|-----|----------|
| 2 | | NW | 35 | 5S | 37E | BIG HORN |
|---|--|----|----|----|-----|----------|

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE

| | | | | | | |
|---|--|----|----|----|-----|----------|
| 3 | | N2 | 27 | 5S | 38E | BIG HORN |
|---|--|----|----|----|-----|----------|

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE

| | | | | | | |
|---|--|----|----|----|-----|----------|
| 4 | | S2 | 28 | 5S | 38E | BIG HORN |
|---|--|----|----|----|-----|----------|

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE

| | | | | | | |
|---|--|----|----|----|-----|----------|
| 5 | | N2 | 32 | 5S | 38E | BIG HORN |
|---|--|----|----|----|-----|----------|

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 to DECEMBER 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 | | | S2 | 25 | 5S | 37E | BIG HORN |
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|-----------|--------------|-----------------|------------|------------|------------|------------|------------|---------------|
| 4 | | | S2 | 28 | | 5S | 38E | BIG HORN |
| 5 | | | N2 | 32 | | 5S | 38E | BIG HORN |

| <u>Geocodes/Valid:</u> | | |
|------------------------|-----------------------------|-----------------------------|
| | 22-0551-25-3-01-01-0001 - Y | 22-0551-25-4-01-02-0000 - Y |
| | 22-0551-35-2-01-01-0000 - Y | 22-0552-27-2-01-01-0000 - Y |
| | 22-0552-27-4-02-01-0001 - Y | 22-0552-28-1-01-01-0000 - Y |
| | 22-0552-32-1-01-01-0000 - Y | 22-0552-32-2-01-01-0000 - Y |

Remarks:

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

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE CROW INDIAN RESERVATION.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 14247 RECEIVED 01/05/2004.

OWNERSHIP UPDATE TYPE DOR # 128450 RECEIVED 07/05/2005.

OWNERSHIP UPDATE TYPE 608 # 132445 RECEIVED 07/02/2015.

NO REVIEW OR DETERMINATION OF THE CLAIMED TYPE OF HISTORICAL RIGHT HAS BEEN MADE. ADDITIONAL EVIDENCE MAY BE REQUIRED BEFORE THIS CLAIM CAN BE DECREED.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 10/05/2012, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY SPEAR O RANCH CO.

THE CLAIMED PRIORITY DATE MAY BE QUESTIONABLE. THE PRIORITY DATE ON THE SUBMITTED AFFIDAVIT IS JUNE 1891.

THE CLAIMED PRIORITY DATE PRECEDES 7/25/1868 , THE EARLIEST GENERAL DATE OF SETTLEMENT WITHIN THE DRAINAGE.

AT THE TIME OF THE CLAIMED PRIORITY DATE, IT APPEARS THAT THE PLACE OF USE WAS PART OF AN INDIAN RESERVATION.

IT IS NOT CLEAR WHETHER THIS CLAIM IS A STATE-BASED WATER RIGHT OR PART OF THE TRIBAL WATER RIGHT AS DEFINED IN THE 1999 CROW TRIBE-MONTANA COMPACT.

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