

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: 43A 191044-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Version Status: ACTIVE

Owners: DELILAH SMITH
686 SHIELDS RIVER RD EAST
LIVINGSTON, MT 59047

TODD C SMITH
686 SHIELDS RIVER RD EAST
LIVINGSTON, MT 59047

Priority Date: SEPTEMBER 29, 1901
Enforceable Priority Date: SEPTEMBER 29, 1901

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 4.37 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 168.60

Source Name: ROCK 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 | | NESWNW | 29 | 2N | 10E | PARK |

Period of Diversion: APRIL 15 TO NOVEMBER 19

Diversion Means: HEADGATE

Ditch Name: GIBSON DITCH

WATER IS DIVERTED FROM ROCK CREEK TO AN OLD CHANNEL OF ROCK CREEK WHICH IS USED AS A NATURAL CARRIER TO A SECONDARY POINT OF DIVERSION IN NENWSE SECTION 30 T2N R10E, PARK COUNTY.

WATER DIVERTED FROM ROCK CREEK IS CONVEYED TO LOWER SPRING CREEK WHICH IS USED AS A NATURAL CARRIER TO CONVEY WATER TO THE PLACE OF USE.

Period of Use: APRIL 15 to NOVEMBER 19
RIGHT IS LIMITED TO HIGH OR FLOOD WATERS OF ROCK CREEK.

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 | 51.00 | | NW | 13 | 1N | 9E | PARK |
| 2 | 117.60 | | NE | 14 | 1N | 9E | PARK |
| Total: | 168.60 | | | | | | |

Geocodes/Valid: -- NO VALID GEOCODES --

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.

191032-00 191033-00 191038-00 191039-00 191040-00 191041-00 191044-00

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/02/96.