

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: 40A 198488-00 STATEMENT OF CLAIM
Version: 2 -- SPLIT POST DECREE

Version Status: ACTIVE

Owners: STEVENS, DOROTHY W REVOCABLE TRUST
% TRUSTEE
18 E 41ST ST #800
NEW YORK, NY 10017-6222

Priority Date: OCTOBER 24, 1903

Enforceable Priority Date: OCTOBER 24, 1903

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 337.00 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: 863.50

Source Name: UNNAMED TRIBUTARY OF BIG ELK CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS LITTLE ALKALI CREEK

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		NENWSW	5	6N	14E	WHEATLAND

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: NORTON AND LYONS DITCH

2		SWSWSW	34	7N	14E	WHEATLAND
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

3		NWSWSW	35	7N	14E	WHEATLAND
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

4		NESENW	22	6N	13E	WHEATLAND
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Reservoir: OFF STREAM **Reservoir Name** LEBO LAKE

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NW	6	6N	14E	WHEATLAND

Diversion to Reservoir: DIVERSION # 1

THE SURFACE AREA OF LEBO RESERVOIR IS LOCATED: NE SEC 1 TWP 6N RGE 13E NW SEC 6 TWP 6N RGE 14E SE SEC 36 TWP 7N RGE 13E SW SEC 31 TWP 7N RGE 14E

LEBO RESERVOIR CONSISTS OF TWO DAMS LOCATED IN GOVERNMENT LOT 4 NW SEC 06 TWP 06N RGE 14E AND NWNWSW SEC 31 TWP 07N RGE 14E WHEATLAND COUNTY.

Period of Use: MARCH 1 to NOVEMBER 4

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	360.00		W2	2	6N	14E	WHEATLAND
2	244.00		E2	3	6N	14E	WHEATLAND
3	42.00		N2N2	4	6N	14E	WHEATLAND
4	12.00		NE	5	6N	14E	WHEATLAND
5	37.00		S2S2	33	7N	14E	WHEATLAND

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>
6	65.00		S2S2	34	7N	14E	WHEATLAND
7	8.00		SENE	35	7N	14E	WHEATLAND
8	95.50		S2	35	7N	14E	WHEATLAND
Total:	863.50						

Geocodes/Valid:	44-1508-02-2-01-01-0000 - Y	44-1508-03-1-01-01-0000 - Y
	44-1508-04-1-01-01-0000 - Y	44-1604-33-1-01-01-0000 - Y
	44-1604-34-4-01-01-0000 - Y	44-1604-35-1-01-01-0000 - 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.

198477-00	198478-00	198479-00	198480-00	198481-00	198482-00	198483-00
198484-00	198485-00	198486-00	198487-00	198488-00	198489-00	198490-00
198491-00	198492-00	198493-00	198494-00			

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

PLACE OF USE PARCEL NO. 004 IS IN GOVERNMENT LOTS 1 AND 8. PLACE OF USE PARCEL NO. 003 IS IN GOVERNMENT LOTS 2, 3, 4, 5, AND 6.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/29/88.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 04/19/88.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/30/85.

SPLIT CLAIM NO. 40A 30064420 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 70663 RECEIVED 04/12/2010.

OWNERSHIP UPDATE TYPE WATER COURT ORDER # 108636 RECEIVED 03/22/2013.

THE TIMELY FILED OBJECTION OF AMERICAN FORK RANCH WAS AMENDED BY AMERICAN FORK RANCH TO INCLUDE SOURCE AND POINT OF DIVERSION. BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

WHEN THIS CLAIM WAS ORIGINALLY DECREED, THE PERIOD OF DIVERSION WAS NOT INCLUDED AS AN ELEMENT OF THE CLAIM. IN 2008, THE PERIOD OF DIVERSION ELEMENT WAS ADDED TO ALL CLAIM ABSTRACTS. IT IS NOT CERTAIN IF THE PERIOD OF DIVERSION DATES ADDED TO THIS CLAIM ACCURATELY REFLECT THE HISTORICAL PERIOD OF DIVERSION. MORE INFORMATION IS REQUIRED.