

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: 41J 206160-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: FLYING S RANCH INC
684 SMITH RIVER RD
WHITE SULPHUR SPRINGS, MT 59645-9618

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

Priority Date: MAY 1, 1895

Enforceable Priority Date: MAY 1, 1895

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 25.00 CFS

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: 180.00

Source Name: SMITH RIVER

Source Type: SURFACE WATER

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		NESWSE	36	12N	4E	MEAGHER

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: JOHNSTON BROTHERS DITCH

Period of Use: APRIL 15 to OCTOBER 15

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	72.00		SE	24	12N	4E	MEAGHER
2	73.00		NE	25	12N	4E	MEAGHER
3	28.00		NE	36	12N	4E	MEAGHER
4	7.00		SE	36	12N	4E	MEAGHER
Total:	180.00						

Geocodes/Valid: 00-0000-00-0-00-00-0000 - Y 00-0000-00-0-00-00-0001 - Y
47-2121-24-2-01-01-0000 - Y 47-2121-24-4-03-01-0000 - Y
47-2121-25-1-01-01-0000 - Y 47-2121-25-1-02-01-0000 - Y

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 05/01/2009: MAXIMUM ACRES, FLOW RATE, PERIOD OF USE, PRIORITY DATE.

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

THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OF THE PLACE OF USE APPEARS TO BE ON STATE LAND.

THE MEAGHER COUNTY WATER RESOURCES SURVEY (1950) APPEARS TO INDICATE 139 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.