

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: 41G 211454-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE
Late Claim: B

Owners: DOTY SMITH
PO BOX 196
WHITEHALL, MT 59759-0196

DAVID A SMITH
1118 HWY 55
WHITEHALL, MT 59759-9745

BERNIECE F SMITH
PO BOX 196
WHITEHALL, MT 59759-0196

WHITEHALL, TOWN OF
PO BOX 529
WHITEHALL, MT 59759-0529

Priority Date: SEPTEMBER 22, 1959
Enforceable Priority Date: JUNE 30, 1973

CLAIM FILED LATE 07/09/85 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

Type of Historical Right: USE

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 2,244.00 GPM

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: 180.00

Source Name: JEFFERSON RIVER
Source Type: SURFACE WATER

ALSO KNOWN AS JEFFERSON CANAL WASTE 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		NWSW	14	1S	5W	JEFFERSON

Period of Diversion: MARCH 1 TO NOVEMBER 30

Diversion Means: HEADGATE

WASTEWATER FROM THE JEFFERSON CANAL IS DICHARGED INTO BIG PIPESTONE CREEK WHICH CONVEYS IT TO A SECONDARY POINT OF DIVERSION AT SWNWSW SEC 03 TWP 01N RGE 04W JEFFERSON CNTY.

Period of Use: MARCH 1 to NOVEMBER 30

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	175.00		S2	3	1N	4W	JEFFERSON
2	5.00		SWSWNE	3	1N	4W	JEFFERSON
Total:	180.00						

Geocodes/Valid: 51-0998-03-3-02-05-0000 - Y 51-0998-03-4-01-20-0000 - Y
51-0998-03-4-02-01-0000 - Y

Remarks:

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.

46218-00 46219-00 211454-00

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

THE WATER COURT CANNOT DECREE THIS RIGHT WITHOUT FURTHER PRESENTATION OF EVIDENCE CONCERNING THE SOURCE AND POINT OF DIVERSION OF THIS WATER RIGHT. TO ASSURE THE ORDERLY ADJUDICATION OF WATER RIGHTS, THE WATER COURT WILL SET A HEARING TO DETERMINE THESE ISSUES IF NO OBJECTIONS ARE MADE.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/22/94.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 126070 RECEIVED 12/14/2011.

CLAIM FILED LATE 07/09/85 . IN ADDITION TO BEING SUBORDINATE TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW, THIS RIGHT MAY ALSO BE SUBORDINATE TO CERTAIN PERMITS AND RESERVATIONS OF WATER. SEE SECTION 85-2-221 MCA.