

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: 41H 22538-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE

Version Status: ACTIVE

Owners: SMITH, C SPENCER REVOCABLE TRUST
% C SPENCER SMITH, TRUSTEE
5155 HIGH ST
BELGRADE, MT 59714

SMITH, LOUISE D REVOCABLE TRUST
% LOUISE D SMITH, TRUSTEE
5155 HIGH ST
BELGRADE, MT 59714

Priority Date: JULY 17, 1905

Enforceable Priority Date: JULY 17, 1905

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 3.34 CFS

Maximum Volume: 334.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 118.85

Source Name: WASTE & SEEPAGE, UNNAMED TRIBUTARY OF BULLRUN CREEK

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 | | NWNWNW | 28 | 1N | 4E | GALLATIN |

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: DRAIN DITCH

| | | | | | | |
|---|--|------|----|----|----|----------|
| 2 | | N2NE | 29 | 1N | 4E | GALLATIN |
|---|--|------|----|----|----|----------|

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: DRAIN DITCH

Period of Use: MAY 1 to SEPTEMBER 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 | 11.54 | | E2NE | 19 | 1N | 4E | GALLATIN |
| 2 | 12.00 | | NESE | 19 | 1N | 4E | GALLATIN |
| 3 | 53.31 | | W2NW | 20 | 1N | 4E | GALLATIN |
| 4 | 32.00 | | NWSW | 20 | 1N | 4E | GALLATIN |
| 5 | 10.00 | | SWSW | 20 | 1N | 4E | GALLATIN |
| Total: | 118.85 | | | | | | |

Geocodes/Valid: 06-1010-17-3-01-01-0000 - 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.

| | | | | | | |
|----------|----------|----------|----------|----------|----------|----------|
| 22534-00 | 22535-00 | 22536-00 | 22537-00 | 22538-00 | 22539-00 | 22540-00 |
| 22541-00 | 22545-00 | 22546-00 | 22547-00 | | | |

THE SOURCE TYPE WAS AMENDED BY THE WATER COURT PURSUANT TO SECTION 85-2-233(6), MCA. STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/24/92.

Remarks:

SPLIT CLAIM NO. 41H 30048490 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 43556 RECEIVED 01/02/2007.

OWNERSHIP UPDATE TYPE 641 # 69629 RECEIVED 10/16/2008.

OWNERSHIP UPDATE TYPE 641 # 69630 RECEIVED 10/16/2008.

OWNERSHIP UPDATE TYPE 641 # 84179 RECEIVED 01/26/2011.

THE PLACE OF USE OF THIS RIGHT WAS ALSO CLAIMED BY THE CLAIMANT OF FILE NO. W015370-00.
THE WATER COURT DECREES THIS RIGHT AND MAKES BOTH CLAIMS A MATTER OF RECORD.