

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 78759-00 RESERVED CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: SMITH RIVER RANCH LP
9045 STRADA STELL CT # 500
NAPLES, FL 34109-4344

Priority Date: APRIL 17, 1926
Enforceable Priority Date: APRIL 17, 1926

Type of Historical Right: RESERVED

Purpose (use): WILDLIFE

Maximum Flow Rate:

Maximum Volume: THE FLOW RATE AND VOLUME ARE LIMITED TO THE MINIMUM AMOUNT NECESSARY TO SUSTAIN THIS PURPOSE. THIS RIGHT SHALL CONTINUE TO BE UTILIZED IN ACCORDANCE WITH HISTORICAL PRACTICES.

Source Name: SPRING, UNNAMED TRIBUTARY OF BLACKTAIL 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		SWSW	2	12N	4E	MEAGHER

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: INSTREAM

Period of Use: JANUARY 1 to DECEMBER 31

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			SWSW	2	12N	4E	MEAGHER

Geocodes/Valid: 47-2121-02-3-01-01-0000 - Y

Remarks:

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 10226 RECEIVED 08/12/2003.

OWNERSHIP UPDATE TYPE 608 # 25766 RECEIVED 11/02/2005.

THE CLAIMED FLOW RATE WAS NOT EXAMINED AS NO FLOW RATE GUIDELINES FOR THIS PURPOSE HAVE BEEN ESTABLISHED BY THE CLAIM EXAMINATION RULES.

PURSUANT TO WATER COURT ORDER DATED 9/8/2005 , THIS CLAIM HAS NOT BEEN EXAMINED UNDER THE WATER RIGHT CLAIM EXAMINATION RULES AS THE CLAIMED TYPE OF HISTORICAL RIGHT IS RESERVED.

THIS CLAIM WAS ORIGINALLY FILED AS A RESERVED RIGHT BY THE UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT, AND WAS BASED ON PUBLIC WATER RESERVE NO. 107 CREATED BY EXECUTIVE ORDER DATED APRIL 17, 1926. IN 2003, THIS CLAIM WAS TRANSFERRED TO A PRIVATE ENTITY. IT IS NOT CLEAR IF THIS CLAIMED RIGHT IS A FEDERAL RESERVED WATER RIGHT, BUT IF IT IS, IT IS NOT CLEAR WHETHER THE PURPOSE CLAIMED WAS CONTEMPLATED BY SUCH A RESERVATION, OR IF THE AMOUNT OF WATER CLAIMED IS THE AMOUNT NECESSARY TO FULFILL THE PURPOSE OF THE RESERVATION, OR WHETHER THIS CLAIM MAY BE TRANSFERRED TO A PRIVATE ENTITY AND RETAIN THE ELEMENTS ASSOCIATED WITH A RESERVED RIGHT, OR WHETHER THE ELEMENTS OF THIS CLAIM MUST BE MODIFIED TO REFLECT ITS HISTORICAL BENEFICIAL USE.

THE CLAIMED VOLUME WAS NOT EXAMINED AS NO VOLUME GUIDELINES FOR THIS PURPOSE HAVE BEEN ESTABLISHED BY THE CLAIMS EXAMINATION RULES.