

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:** 40B 15540-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** LEK RANCH LLC  
% RACE FOSTER  
PO BOX 70  
HAZELHURST, WI 54531-0070  
  
RACE FOSTER  
PO BOX 70  
HAZELHURST, WI 54531-0070

**Priority Date:** NOVEMBER 1, 1905  
**Enforceable Priority Date:** NOVEMBER 1, 1905

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION  
**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 12.50 CFS

**Maximum Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 1 - HIGH

**Maximum Acres:** 770.00

**Source Name:** FLATWILLOW 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		SESWNW	2	13N	27E	PETROLEUM

**Period of Diversion:** APRIL 1 TO OCTOBER 31  
**Diversion Means:** PUMP/FLOOD AND DIKE

2		NWNWSE	35	14N	27E	PETROLEUM
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**Period of Diversion:** APRIL 1 TO OCTOBER 31  
**Diversion Means:** PUMP/FLOOD AND DIKE

**Period of Use:** APRIL 1 to OCTOBER 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	50.00		W2NE	2	13N	27E	PETROLEUM
2	160.00		NW	2	13N	27E	PETROLEUM
3	40.00		NWSW	2	13N	27E	PETROLEUM
4	520.00			35	14N	27E	PETROLEUM
<b>Total:</b>	<b>770.00</b>						

**Geocodes/Valid:** 55-2249-02-1-01-01-0000 - Y      55-2249-02-2-01-01-0000 - Y  
55-2374-35-4-01-01-0000 - 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.

15539-00    15540-00    15541-00

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

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 89985 RECEIVED 08/26/2011.

**Remarks:**

THE CLAIMED MEANS OF DIVERSION MAY BE INCORRECT AND CANNOT BE CONFIRMED DUE TO LACK OF DATA.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 15540-00, 119571-00, 119572-00, 119573-00, 119574-00, 119575-00, 119576-00.

THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OF THE PLACE OF USE APPEARS TO BE ON LUND 4 BARS RANCH LAND.

THE PETROLEUM COUNTY WATER RESOURCES SURVEY ( 1971 ) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 178-266 , DATED 07/11/1980 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE PLACE OF USE LEGAL LAND DESCRIPTION COULD NOT BE REFINED FROM INFORMATION IN THE CLAIM FILE.

THE PRIORITY DATE MAY BE QUESTIONABLE. THE POINT OF DIVERSION AND PLACE OF USE DESCRIBED ON THE FILED NOTICE OF APPROPRIATION IS INCONSISTENT WITH THE CLAIMED POINT OF DIVERSION AND PLACE OF USE.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FILED APPROPRIATION. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 500 MINER'S INCHES APPROPRIATED NOVEMBER 1, 1905, FERGUS COUNTY. 189277, 15540