

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: 41A 40024-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: M BAR Y LAND & CATTLE LLC
392 STANDBY CREEK RD
BUTTE, MT 59701-9709

ORBAN G JACKSON
PO BOX 240009
DELL, MT 59724-0009

RUTH M JACKSON
PO BOX 240009
DELL, MT 59724-0009

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

Priority Date: JULY 2, 1896

Enforceable Priority Date: JULY 2, 1896

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 4.00 CFS

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

Climatic Area: 5 - LOW

Maximum Acres: 165.00

Source Name: RED ROCK 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 | | NENENE | 31 | 13S | 8W | BEAVERHEAD |

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Ditch Name: HUNGATE 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 | 80.00 | | NW | 30 | 13S | 8W | BEAVERHEAD |
| 2 | 85.00 | | NE | 25 | 13S | 9W | BEAVERHEAD |
| Total: | 165.00 | | | | | | |

Geocodes/Valid: 18-0045-25-1-01-01-0000 - Y 18-0045-25-2-02-01-0000 - Y
18-0046-30-2-01-01-0000 - 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.

40024-00 40026-00

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 01/17/2012. GARY AND PATTY MILD TO M BAR Y LAND & CATTLE LLC - M BAR Y LAND & CATTLE LLC RECEIVED TRACT 2C CERTIFICATE OF SURVEY 1642BA WITH 100% OF THE WATER RIGHT. TRACT 1B CERTIFICATE OF SURVEY 1602BA IS SEVERED FROM THIS

Remarks:

WATER RIGHT.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 09/22/1995.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 16977 RECEIVED 08/18/2004.

OWNERSHIP UPDATE TYPE 608 # 40666 RECEIVED 08/01/2006.

OWNERSHIP UPDATE TYPE 608 # 96050 RECEIVED 01/17/2012.

OWNERSHIP UPDATE TYPE DOR # 139588 RECEIVED 01/22/2016.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 160 MINER'S INCHES DECREED IN CASE NO. 576, BEAVERHEAD COUNTY. 41A 9380-00, 41A 40024-00.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 04/08/2013, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY ORBAN AND RUTH JACKSON.

USDA AERIAL PHOTOGRAPH NO. 779-259 , DATED 09/17/1979 APPEARS TO INDICATE 122.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). CXM-6FF-226 , DATED 08/18/1965 , APPEARS TO INDICATE 124.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.