

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: 41C 48957-00 STATEMENT OF CLAIM
Version: 2 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: LOTT BROTHERS INC
406 N SENATOR ST
TWIN BRIDGES, MT 59754-9609

LOTTCO INC
129 NOVICH LN
TWIN BRIDGES, MT 59754-9726

Priority Date: DECEMBER 31, 1864
Enforceable Priority Date: DECEMBER 31, 1864

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 18.38 CFS
THE FLOW RATE OF THIS CLAIM HAS BEEN REDUCED TO 17 GPM PER ACRE.
THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 485.00

Source Name: UNNAMED TRIBUTARY OF JACOBS SLOUGH
Source Type: SURFACE WATER

Source Name: JACOBS SLOUGH
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		SWNWSW	2	4S	6W	MADISON

Period of Diversion: APRIL 28 TO OCTOBER 15
Source Name: UNNAMED TRIBUTARY OF JACOBS SLOUGH
Diversion Means: DIVERSION DAM

2		SWSWNE	3	4S	6W	MADISON
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Period of Diversion: APRIL 28 TO OCTOBER 15
Source Name: JACOBS SLOUGH
Diversion Means: DIVERSION DAM

THE BEAVERHEAD RIVER IS USED TO CONVEY JACOBS SLOUGH WATER TO A
SECONDARY POINT OF DIVERSION IN THE NWSNW SEC 27 TWP 3S RGE 6W
MADISON COUNTY.

Period of Use: APRIL 28 to OCTOBER 15

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	55.00		E2SE	22	3S	6W	MADISON
2	15.00		W2NW	26	3S	6W	MADISON
3	300.00		E2	27	3S	6W	MADISON
4	45.00		NW	27	3S	6W	MADISON
5	70.00		NE	34	3S	6W	MADISON
Total:	485.00						

Geocodes/Valid: 25-0687-22-4-04-01-0000 - Y 25-0687-22-4-05-01-0000 - Y
25-0687-26-2-01-01-0000 - Y 25-0687-27-2-01-01-1000 - Y
25-0687-27-2-01-02-1000 - Y 25-0687-27-2-01-02-1001 - Y
25-0687-27-2-01-05-0000 - Y 25-0687-34-1-02-01-0000 - Y
25-0687-34-1-02-10-0000 - 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.

48957-00 48958-00 48960-00 48961-00 48962-00 211269-00

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

THIS APPROPRIATION OF WATER TAKES WATER FROM THE RUBY RIVER DRAINAGE (BASIN 41C) AND USES IT IN THE JEFFERSON RIVER DRAINAGE (BASIN 41G), THE BEAVERHEAD RIVER DRAINAGE (BASIN 41B) AND THE RUBY RIVER DRAINAGE (41C). ANY OBJECTIONS TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 65198 RECEIVED 06/29/2007.

THE MEANS OF DIVERSION IS UNCLEAR BECAUSE MULTIPLE MEANS OF DIVERSION HAVE BEEN CLAIMED.

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

PART OF THE CLAIMED PLACE OF USE APPEARS TO BE OWNED BY HAMILTON RANCHES, LONY AND JANELL SHAW, LOTTCO INC AND HD TUCKER INC.

USDA AERIAL PHOTOGRAPH NO(S). 178-123 , DATED 9/7/1979 , APPEARS TO INDICATE 357 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). MMA-2-41, MMA-2-42, MMA-2-43 , DATED 10/10/1951 , APPEARS TO INDICATE 337 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE PRIORITY DATE OF THIS CLAIM IS UNCLEAR AS MULTIPLE PRIORITY DATES HAVE BEEN CLAIMED. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.

THIS CLAIM APPEARS TO BE CLAIMING TWO SEPARATE SOURCES OF WATER. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.