

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 48958-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

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

Priority Date: MAY 1, 1928
Enforceable Priority Date: MAY 1, 1928

Type of Historical Right: USE

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 5.00 CFS

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: 280.00

Source Name: GOODRICH GULCH
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 | | SEWNW | 36 | 3S | 6W | MADISON |

Period of Diversion: APRIL 28 TO OCTOBER 19
Diversion Means: HEADGATE

Period of Use: APRIL 28 to OCTOBER 19

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 | 100.00 | | NW | 35 | 3S | 6W | MADISON |
| 2 | 40.00 | | N2NE | 35 | 3S | 6W | MADISON |
| 3 | 60.00 | | SW | 26 | 3S | 6W | MADISON |
| 4 | 20.00 | | S2SE | 26 | 3S | 6W | MADISON |
| 5 | 40.00 | | E2SE | 27 | 3S | 6W | MADISON |
| 6 | 20.00 | | NE | 34 | 3S | 6W | MADISON |
| Total: | 280.00 | | | | | | |

| | | |
|------------------------|-----------------------------|-----------------------------|
| Geocodes/Valid: | 25-0687-26-1-01-01-0000 - Y | 25-0687-26-3-01-01-0000 - Y |
| | 25-0687-27-2-01-01-1001 - Y | 25-0687-34-1-02-01-0000 - Y |
| | 25-0687-35-1-01-01-0000 - Y | 25-0687-35-1-01-10-0000 - Y |
| | 25-0687-35-2-01-10-0000 - Y | 25-0687-35-2-02-01-0000 - Y |
| | 25-0687-35-2-02-05-0000 - Y | 25-0687-35-2-03-01-0000 - 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.

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) AND THE RUBY RIVER DRAINAGE (BASIN 41C). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

FILE IS IN MARSHALLS OFFICE HOLDING TANK 12/05/00.

Remarks:

THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE ADDRESSED AT THE OBJECTION STAGE. IT APPEARS THAT 235.00 ACRES ARE ACTUALLY IRRIGATED AND PROBLEMS COULD EXIST WITH FLOW RATE AND VOLUME. TO ASSURE THE ORDERLY ADMINISTRATION OF WATER RIGHTS, THE WATER COURTS WILL SET A HEARING TO DETERMINE THESE ISSUES IF NO OBJECTIONS ARE MADE.