## 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:	42A 189050	-00 STATE	MENT	OF CLA	MM	
	Version: 1	ORIGINAL	RIGHT	_		
	Ve	ersion Status:	ACTIV	/E		
Owners:	BETTY B SMALL HC 42 BOX 660 BUSBY, MT 59016					
	JOHN W SMALL HC 42 BOX 660 BUSBY, MT 59016					
Priority Date:	DECEMBER 31, 1868					
Enforceable Priority Date: DECEMBER 31, 1868						
Type of Historical Right	FILED					
Purpose (use):	STOCK					
Maximum Flow Rate:	A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.					
Maximum Volume:	THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.					
Source Name:	DRY CREEP	K				
Source Name: Source Type:		K CE WATER				
	SURFA	CE WATER				
Source Type:	SURFA	CE WATER	<u>Sec</u> 36	<u>Twp</u> 5S		<u>County</u> BIG HORN
Source Type: Point of Diversion and M <u>ID</u>	SURFA leans of Divers <u>Govt Lot</u>	CE WATER ion: <u>Qtr Sec</u> NE TO DECEM	36 BER 31	5S		
Source Type: Point of Diversion and M <u>ID</u> 1 Period of Diversion	SURFA Ieans of Diversi <u>Govt Lot</u> n: JANUARY 1	CE WATER ion: <u>Qtr Sec</u> NE TO DECEM	36 BER 31 OM SC	5S I DURCE	38E	
Source Type: Point of Diversion and M ID 1 Period of Diversion Diversion Means: 2	SURFA Ieans of Diversi <u>Govt Lot</u> n: JANUARY 1 LIVESTOCK	CE WATER ion: <u>Qtr Sec</u> NE TO DECEM DIRECT FR N2N2N2	36 BER 31 OM SC 31	5S I DURCE 5S	38E	BIG HORN
Source Type: Point of Diversion and M <u>ID</u> 1 Period of Diversion Diversion Means:	SURFA Ieans of Diversi <u>Govt Lot</u> n: JANUARY 1 LIVESTOCK n: JANUARY 1	CE WATER ion: <u>Qtr Sec</u> NE TO DECEM DIRECT FR N2N2N2 TO DECEM	36 BER 31 OM SC 31 BER 31	5S I DURCE 5S	38E	BIG HORN
Source Type: Point of Diversion and M <u>ID</u> 1 Period of Diversion Diversion Means: 2 Period of Diversion	SURFA Ieans of Diversi <u>Govt Lot</u> n: JANUARY 1 LIVESTOCK n: JANUARY 1	CE WATER ion: <u>Qtr Sec</u> NE TO DECEM DIRECT FR N2N2N2 TO DECEM	36 BER 31 OM SC 31 BER 31	5S I DURCE 5S	38E 39E	BIG HORN
Source Type: Point of Diversion and M <u>ID</u> 1 Period of Diversion Diversion Means: 2 Period of Diversion Diversion Means:	SURFA Ieans of Diversi <u>Govt Lot</u> n: JANUARY 1 LIVESTOCK n: JANUARY 1 LIVESTOCK n: JANUARY 1	CE WATER ion: <u>Qtr Sec</u> NE TO DECEM DIRECT FR N2N2N2 TO DECEM DIRECT FR N2 N2 TO DECEM	36 BER 31 OM SC 31 BER 31 OM SC 32 BER 31	5S DURCE 5S DURCE 5S I DURCE 5S	38E 39E	BIG HORN
Source Type: Point of Diversion and M <u>ID</u> 1 Period of Diversion Diversion Means: 2 Period of Diversion Diversion Means: 3 Period of Diversion	SURFA Ieans of Diversi <u>Govt Lot</u> n: JANUARY 1 LIVESTOCK n: JANUARY 1 LIVESTOCK n: JANUARY 1 LIVESTOCK	CE WATER ion: <u>Qtr Sec</u> NE TO DECEM DIRECT FR N2N2N2 TO DECEM DIRECT FR N2 N2 TO DECEM	36 BER 31 OM SC 31 BER 31 OM SC 32 BER 31 OM SC	5S DURCE 5S DURCE 5S I DURCE 5S	38E 39E	BIG HORN
Source Type: Point of Diversion and M <u>ID</u> 1 Period of Diversion Diversion Means: 2 Period of Diversion Diversion Means: 3 Period of Diversion Diversion Means: Seriod of Use:	SURFA Ieans of Diversi <u>Govt Lot</u> n: JANUARY 1 LIVESTOCK n: JANUARY 1 LIVESTOCK n: JANUARY 1 LIVESTOCK	CE WATER ion: <u>Qtr Sec</u> NE TO DECEM DIRECT FR N2N2N2 TO DECEM DIRECT FR N2 N2 TO DECEM DIRECT FR	36 BER 31 OM SC 31 BER 31 OM SC 32 BER 31 OM SC	5S DURCE 5S DURCE 5S I DURCE 5S	38E 39E	BIG HORN
Source Type: Point of Diversion and M <u>ID</u> 1 Period of Diversion Diversion Means: 2 Period of Diversion Diversion Means: 3 Period of Diversion Diversion Means: Period of Use: Place of Use:	SURFA Ieans of Diversi <u>Govt Lot</u> n: JANUARY 1 LIVESTOCK n: JANUARY 1 LIVESTOCK n: JANUARY 1 LIVESTOCK JANUARY 1	CE WATER ion: <u>Qtr Sec</u> NE TO DECEM DIRECT FR N2N2N2 TO DECEM DIRECT FR N2 TO DECEM DIRECT FR I to DECEME	36 BER 31 OM SC 31 BER 31 OM SC 32 BER 31 OM SC 3ER 31	5S I DURCE 5S I DURCE 5S I DURCE	38E 39E 39E	BIG HORN BIG HORN
Source Type: Point of Diversion and M <u>ID</u> 1 Period of Diversion Diversion Means: 2 Period of Diversion Diversion Means: 3 Period of Diversion Diversion Means: 2 Period of Use: Place of Use: <u>ID</u> <u>Acres</u> 1	SURFA Ieans of Diversi <u>Govt Lot</u> n: JANUARY 1 LIVESTOCK n: JANUARY 1 LIVESTOCK n: JANUARY 1 LIVESTOCK	CE WATER ion: <u>Qtr Sec</u> NE TO DECEM DIRECT FR N2N2N2 TO DECEM DIRECT FR N2 TO DECEM DIRECT FR DIRECT FR DIRECT FR DIRECT FR DIRECT FR	36 BER 31 OM SC 31 BER 31 OM SC 32 BER 31 OM SC 3ER 31 <u>Sec</u> 36	5S DURCE 5S DURCE 5S DURCE DURCE <u>Twp</u> 5S	38E 39E 39E <u>Rge</u> 38E	BIG HORN BIG HORN BIG HORN
Source Type: Point of Diversion and M <u>ID</u> 1 Period of Diversion Diversion Means: 2 Period of Diversion Diversion Means: 3 Period of Diversion Diversion Means: 3 Period of Use: Place of Use: <u>ID</u> 1 2	SURFA Ieans of Diversi <u>Govt Lot</u> n: JANUARY 1 LIVESTOCK n: JANUARY 1 LIVESTOCK n: JANUARY 1 LIVESTOCK JANUARY 1	CE WATER ion: <u>Qtr Sec</u> NE TO DECEM DIRECT FR N2N2N2 TO DECEM DIRECT FR N2 TO DECEM DIRECT FR I to DECEME <u>Qtr Sec</u> NE N2N2N2	36 BER 31 OM SC 31 BER 31 OM SC 32 BER 31 OM SC 3ER 31 <u>Sec</u> 36 31	5S DURCE 5S DURCE 5S DURCE DURCE <u>Twp</u> 5S 5S 5S	39E 39E 39E <u>Rge</u> 38E 39E	BIG HORN BIG HORN BIG HORN BIG HORN BIG HORN
Source Type: Point of Diversion and M <u>ID</u> 1 Period of Diversion Diversion Means: 2 Period of Diversion Diversion Means: 3 Period of Diversion Diversion Means: 2 Period of Use: Place of Use: <u>ID</u> <u>Acres</u> 1	SURFA Ieans of Diversi <u>Govt Lot</u> n: JANUARY 1 LIVESTOCK n: JANUARY 1 LIVESTOCK n: JANUARY 1 LIVESTOCK JANUARY 1	CE WATER ion: <u>Qtr Sec</u> NE TO DECEM DIRECT FR N2N2N2 TO DECEM DIRECT FR N2 TO DECEM DIRECT FR DIRECT FR DIRECT FR DIRECT FR DIRECT FR	36 BER 31 OM SC 31 BER 31 OM SC 32 BER 31 OM SC 3ER 31 <u>Sec</u> 36	5S DURCE 5S DURCE 5S DURCE DURCE <u>Twp</u> 5S	39E 39E 39E <u>Rge</u> 38E 39E	BIG HORN BIG HORN BIG HORN

Geocodes/Valid: -- NO VALID GEOCODES --

## **Remarks:**

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

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE NORTHERN CHEYENNE INDIAN RESERVATION.

NO REVIEW OR DETERMINATION OF THE CLAIMED TYPE OF HISTORICAL RIGHT HAS BEEN MADE. ADDITIONAL EVIDENCE MAY BE REQUIRED BEFORE THIS CLAIM CAN BE DECREED.

## **Remarks:**

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 10/09/2012, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY USA IN TRUST FOR CHEYENNE TRIBE.

THE CLAIMED PRIORITY DATE MAY BE QUESTIONABLE. THE PRIORITY DATE ON THE SUBMITTED CLAIM TO WATER IS FROM THE 1868 TREATY EXHIBIT.

IT IS NOT CLEAR WHETHER THIS CLAIM IS A STATE-BASED WATER RIGHT OR PART OF THE TRIBAL WATER RIGHT AS DEFINED IN THE 1999 CROW TRIBE-MONTANA COMPACT.

IT IS NOT CLEAR WHETHER THIS CLAIM IS A STATE-BASED WATER RIGHT OR PART OF THE TRIBAL WATER RIGHT AS DEFINED IN THE NORTHERN CHEYENNE - MONTANA COMPACT. ADDITIONAL EVIDENCE MAY BE REQUIRED BEFORE THIS CLAIM CAN BE DECREED.