

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 181312-00 RESERVED CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** SOUTH FORTY ACRES INC  
PO BOX 303  
LODGE GRASS, MT 59050  
  
WATER RESOURCES USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)  
ATTN JOHN ANEVSKI  
2021 4TH AVE N  
BILLINGS, MT 59101-1362

**Priority Date:** MAY 7, 1868  
**Enforceable Priority Date:** MAY 7, 1868

**Type of Historical Right:** RESERVED

**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:** UNNAMED TRIBUTARY OF INDIAN 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		SESE	8	7S	38E	BIG HORN

**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

2		SW	9	7S	38E	BIG HORN
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

3		NWNW	16	7S	38E	BIG HORN
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

**Period of Use:** JANUARY 1 to DECEMBER 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			SESE	8	7S	38E	BIG HORN
2			SW	9	7S	38E	BIG HORN
3			NWNW	16	7S	38E	BIG HORN

**Geocodes/Valid:** 22-0379-16-2-01-01-0000 - Y

**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 CROW INDIAN RESERVATION.  
WATER RIGHT OWNERSHIP UPDATE RECEIVED 05/24/1995.  
**OWNERSHIP UPDATE RECEIVED**  
OWNERSHIP UPDATE TYPE 608 # 67129 RECEIVED 06/25/2009.

**Remarks:**

OWNERSHIP UPDATE TYPE 608 # 67131 RECEIVED 06/26/2009.

OWNERSHIP UPDATE TYPE 608 # 81631 RECEIVED 06/26/2009.

OWNERSHIP UPDATE TYPE 608 # 110177 RECEIVED 09/16/2011.

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.

AS OF 04/18/2011 , THIS WATER RIGHT APPEARS TO BE OWNED BY SOUTH FORTY ACRES INC., PO BOX 303, LODGE GRASS, MT 5905-0303.

AS OF 04/18/2011 , THIS WATER RIGHT APPEARS TO BE OWNED BY USA IN TRUST FOR CROW TRIBE, PO BOX 69, CROW AGENCY, MT, 59022-0069.

THE CLAIMED PRIORITY DATE MAY BE QUESTIONABLE. THE PRIORITY DATE ON THE SUBMITTED AFFIDAVIT IS 04/16/1920.

THE CLAIMED PRIORITY DATE PRECEDES 7/25/1868 , THE EARLIEST GENERAL DATE OF SETTLEMENT WITHIN THE DRAINAGE.

AT THE TIME OF THE CLAIMED PRIORITY DATE, IT APPEARS THAT THE PLACE OF USE WAS PART OF AN INDIAN RESERVATION.

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 CROW TRIBE - MONTANA COMPACT. ADDITIONAL EVIDENCE MAY BE REQUIRED BEFORE THIS CLAIM CAN BE DECREED.