

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 181458-00 RESERVED CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: GTW INC
BOX 771
LODGE GRASS, MT 59050

LINDA J SMITH
BOX 541
LODGE GRASS, MT 59050

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

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

Type of Historical Right: RESERVED

Purpose (use): IRRIGATION
Irrigation Type: WATER SPREADING

Maximum Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Maximum Volume: 1,662.00 AC-FT
Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 2,060.00

Source Name: UNNAMED TRIBUTARY OF INDIAN CREEK, NORTH FORK
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 | | NESESW | 26 | 6S | 37E | BIG HORN |

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: DIKE

| | | | | | | |
|---|--|--------|----|----|-----|----------|
| 2 | | NESENW | 36 | 6S | 37E | BIG HORN |
|---|--|--------|----|----|-----|----------|

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: DIKE

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 | 300.00 | | S2 | 26 | 6S | 37E | BIG HORN |
| 2 | 240.00 | | E2 | 35 | 6S | 37E | BIG HORN |
| 3 | 160.00 | | N2N2 | 35 | 6S | 37E | BIG HORN |
| 4 | 320.00 | | N2 | 36 | 6S | 37E | BIG HORN |
| 5 | 320.00 | | S2 | 36 | 6S | 37E | BIG HORN |
| 6 | 320.00 | | S2 | 32 | 6S | 38E | BIG HORN |
| 7 | 200.00 | | S2 | 33 | 6S | 38E | BIG HORN |
| 8 | 200.00 | | S2 | 34 | 6S | 38E | BIG HORN |

Total: 2,060.00

Geocodes/Valid: 22-0464-26-1-01-01-0000 - Y 22-0464-26-4-01-01-0000 - Y
22-0464-35-1-01-01-0000 - Y 22-0464-36-1-01-01-0000 - Y
22-0465-32-1-01-01-0000 - Y 22-0465-33-1-01-01-0000 - Y
22-0465-34-3-01-01-0000 - Y

Remarks:

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

THIS APPROPRIATION OF WATER TAKES WATER FROM THE LITTLE BIGHORN RIVER DRAINAGE (BASIN 430) AND USES IT IN THE ROSEBUD CREEK DRAINAGE (BASIN 42A). ANY OBJECTION TO THIS RIGHT

Remarks:

MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 10/04/1989.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 140760 RECEIVED 03/28/2016.

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.

THIS INTERBASIN TRANSFER CLAIM WAS NOT INCLUDED IN THE 430 BASIN TEMPORARY PRELIMINARY DECREE ISSUED 03/25/2010.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 10/02/2012, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY USA IN TRUST FOR CROW TRIBE.

THE BIG HORN COUNTY WATER RESOURCES SURVEY (1947) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 379-256, 479-22 , DATED 10/04/1980, 10/05/1980 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE PRIORITY DATE MAY BE QUESTIONABLE. ACCORDING TO INFORMATION IN THE CLAIM FILE, IT APPEARS WATER FROM THE SOURCE WAS FIRST USED IN 1920.

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

VOLUME MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.