

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: 43P 185058-00 RESERVED CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: TWO LEGGINS WATER USERS ASSN
314 N CUSTER AVE
HARDIN, MT 59034

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

Type of Historical Right: RESERVED

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 600.00 CFS

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

Climatic Area: 1 - HIGH

Maximum Acres: 22,055.00

Source Name: BIGHORN RIVER
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		NESWSE	20	2S	33E	BIG HORN

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: DIVERSION DAM

Ditch Name: TWO LEGGINS CANAL

Period of Use: APRIL 15 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	520.00			3	1N	33E	BIG HORN
2	614.00			4	1N	33E	BIG HORN
3	358.00			9	1N	33E	BIG HORN
4	578.00			16	1N	33E	BIG HORN
5	24.00		E2SE	17	1N	33E	BIG HORN
6	195.00		S2	19	1N	33E	BIG HORN
7	207.00		E2	20	1N	33E	BIG HORN
8	77.00		SW	20	1N	33E	BIG HORN
9	552.00			21	1N	33E	BIG HORN
10	224.00			27	1N	33E	BIG HORN
11	622.00			28	1N	33E	BIG HORN
12	153.00		E2	29	1N	33E	BIG HORN
13	127.00		W2	29	1N	33E	BIG HORN
14	314.00			30	1N	33E	BIG HORN
15	418.00			32	1N	33E	BIG HORN
16	617.00			33	1N	33E	BIG HORN
17	160.00		W2	34	1N	33E	BIG HORN
18	15.00		SWSW	1	1S	33E	BIG HORN
19	624.00			2	1S	33E	BIG HORN
20	320.00		E2	3	1S	33E	BIG HORN
21	157.00		E2W2	3	1S	33E	BIG HORN
22	355.00			10	1S	33E	BIG HORN
23	640.00			11	1S	33E	BIG HORN
24	477.00			12	1S	33E	BIG HORN
25	564.00			13	1S	33E	BIG HORN
26	506.00			14	1S	33E	BIG HORN
27	297.00		E2	15	1S	33E	BIG HORN
28	106.00		W2	15	1S	33E	BIG HORN
29	20.00		E2SESE	16	1S	33E	BIG HORN
30	22.00		E2E2SE	21	1S	33E	BIG HORN

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>
31	472.00			22	1S	33E	BIG HORN
32	40.00		NWNW	23	1S	33E	BIG HORN
33	45.00		E2SE	23	1S	33E	BIG HORN
34	574.00			24	1S	33E	BIG HORN
35	361.00			25	1S	33E	BIG HORN
36	599.00			26	1S	33E	BIG HORN
37	482.00			27	1S	33E	BIG HORN
38	88.00		E2E2	28	1S	33E	BIG HORN
39	335.00		E2	33	1S	33E	BIG HORN
40	46.00		E2SW	33	1S	33E	BIG HORN
41	606.00			34	1S	33E	BIG HORN
42	616.00			35	1S	33E	BIG HORN
43	105.00		SW	7	1S	34E	BIG HORN
44	196.00		W2	18	1S	34E	BIG HORN
45	244.00			2	2N	33E	BIG HORN
46	92.00		SE	3	2N	33E	BIG HORN
47	56.00		SE	9	2N	33E	BIG HORN
48	298.00			10	2N	33E	BIG HORN
49	5.00		NWNWNW	11	2N	33E	BIG HORN
50	439.00			15	2N	33E	BIG HORN
51	63.00		SE	16	2N	33E	BIG HORN
52	188.00		E2	21	2N	33E	BIG HORN
53	202.00		W2	22	2N	33E	BIG HORN
54	14.00		NWNW	27	2N	33E	BIG HORN
55	239.00			28	2N	33E	BIG HORN
56	68.00		E2	32	2N	33E	BIG HORN
57	465.00			33	2N	33E	BIG HORN
58	47.00		W2SW	34	2N	33E	BIG HORN
59	46.00		NW	1	2S	33E	BIG HORN
60	590.00			2	2S	33E	BIG HORN
61	639.00			3	2S	33E	BIG HORN
62	260.00		E2	4	2S	33E	BIG HORN
63	267.00		E2	9	2S	33E	BIG HORN
64	40.00		SESW	9	2S	33E	BIG HORN
65	624.00			10	2S	33E	BIG HORN
66	236.00			11	2S	33E	BIG HORN
67	360.00			15	2S	33E	BIG HORN
68	266.00			16	2S	33E	BIG HORN
69	45.00		N2N2	21	2S	33E	BIG HORN
70	10.00		NWNWNE	22	2S	33E	BIG HORN
71	141.00		E2	35	3N	33E	BIG HORN
72	61.00		NE	36	3N	33E	BIG HORN
73	128.00		W2	36	3N	33E	BIG HORN
74	28.00		S2S2	8	3N	34E	BIG HORN
75	303.00			17	3N	34E	BIG HORN
76	177.00		E2	18	3N	34E	BIG HORN
77	236.00		E2	19	3N	34E	BIG HORN
78	236.00		W2	20	3N	34E	BIG HORN
79	153.00		W2	29	3N	34E	BIG HORN
80	175.00		E2	30	3N	34E	BIG HORN
81	186.00		N2	31	3N	34E	BIG HORN
Total:	22,055.00						

Geocodes/Valid: -- NO VALID GEOCODES --

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.

185058-00 185059-00

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

185058-00 185059-00 185061-00 185062-00 185064-00 185065-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 10/07/2009: POINT OF DIVERSION, PRIORITY DATE, TYPE OF RIGHT, PLACE OF USE, PERIOD OF USE, FLOW RATE, MAXIMUM ACRES, MEANS OF DIVERSION.

THE COMPLETE SET OF DOCUMENTATION, MAPS AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 43P 185057-00.

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

PARENT FILE FOR THIS RIGHT IS 185057-00.

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

AN AMENDMENT WAS SUBMITTED ON 05/09/1996 FOR THE PARENT CLAIM (185057-00). THE AMENDMENT HAS NOT BEEN IMPLEMENTED AS IT IS NOT CLEAR HOW THE AMENDED FLOW RATE WOULD APPLY TO THE TWO CHILD RIGHTS (185058-00, 185059-00).

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.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT APPEAR TO BE REDUNDANT FILINGS. IT APPEARS ONLY ONE WATER RIGHT IS INVOLVED. 185058-00, 185059-00.

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

THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THERE ARE 263 WATER RIGHT CLAIMS FOR THE WATER FROM THE TWO LEGGINS CANAL THAT CLAIM A TOTAL COMBINED FLOW RATE OF 1362.404 CUBIC FEET PER SECOND. THE TOTAL COMBINED CLAIMED FLOW RATES EXCEED THE 600 CUBIC FEET PER SECOND OF THE SHEPARD, BAIR, EDWARDS, 5/21/1909 FILED APPROPRIATION FOR THE TWO LEGGINS CANAL. A LIST OF THE WATER RIGHTS CLAIMS INVOLVED HAS BEEN ADDED TO THE CLAIM FILE.

THE BIG HORN COUNTY WATER RESOURCES SURVEY (1947) APPEARS TO INDICATE 14779.3 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE TYPE OF HISTORICAL RIGHT MAY BE QUESTIONABLE. DOCUMENTATION SUBMITTED WITH THE CLAIM INDICATES A FILED RIGHT.

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.