

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 188683-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS
PO BOX 200701
HELENA, MT 59620-0701

Priority Date: MAY 5, 1961

Enforceable Priority Date: MAY 5, 1961

Type of Historical Right: FILED

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 2,500.00 CFS

Maximum Volume: 1,809,488.00 AC-FT

Source Name: BIGHORN RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SE	20	2S	33E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
2			29	2S	33E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
3			32	2S	33E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
4		SE	12	3S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
5			13	3S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
6		E2E2	23	3S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
7			24	3S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
8		N2NW	25	3S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
9			26	3S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
10			35	3S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
11		W2	5	3S	33E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
12		E2	6	3S	33E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: INSTREAM						
13			7	3S	33E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: INSTREAM						
14		W2	18	3S	33E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: INSTREAM						
15			2	4S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: INSTREAM						
16		E2SE	3	4S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: INSTREAM						
17		E2E2	10	4S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: INSTREAM						
18		W2W2	11	4S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: INSTREAM						
19			14	4S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: INSTREAM						
20		E2E2	15	4S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: INSTREAM						
21			22	4S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: INSTREAM						
22		NW	23	4S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: INSTREAM						
23			27	4S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: INSTREAM						
24			33	4S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: INSTREAM						
25		W2	34	4S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: INSTREAM						
26			25	5S	31E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: INSTREAM						
27			34	5S	31E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: INSTREAM						
28		N2	35	5S	31E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: INSTREAM						

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
29		NW	36	5S	31E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
30			4	5S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
31		SE	5	5S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
32		SE	7	5S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
33			8	5S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
34		W2W2	17	5S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
35			18	5S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
36			19	5S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
37		NW	30	5S	32E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
38		N2	2	6S	31E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
39			3	6S	31E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
40		SE	9	6S	31E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
41			10	6S	31E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						
42		N2	16	6S	31E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: INSTREAM						

THIS RIGHT FOR INSTREAM USE APPLIES FROM YELLOWTAIL AFTERBAY DAM IN BIG HORN COUNTY DOWNSTREAM TO THE TWO LEGGINS DIVERSION.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SE	20	2S	33E	BIG HORN
2				29	2S	33E	BIG HORN
3				32	2S	33E	BIG HORN
4			SE	12	3S	32E	BIG HORN
5				13	3S	32E	BIG HORN
6			E2E2	23	3S	32E	BIG HORN
7				24	3S	32E	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>
8			N2NW	25	3S	32E	BIG HORN
9				26	3S	32E	BIG HORN
10				35	3S	32E	BIG HORN
11			W2	5	3S	33E	BIG HORN
12			E2	6	3S	33E	BIG HORN
13				7	3S	33E	BIG HORN
14			W2	18	3S	33E	BIG HORN
15				2	4S	32E	BIG HORN
16			E2SE	3	4S	32E	BIG HORN
17			E2E2	10	4S	32E	BIG HORN
18			W2W2	11	4S	32E	BIG HORN
19				14	4S	32E	BIG HORN
20			E2E2	15	4S	32E	BIG HORN
21				22	4S	32E	BIG HORN
22			NW	23	4S	32E	BIG HORN
23				27	4S	32E	BIG HORN
24				33	4S	32E	BIG HORN
25			W2	34	4S	32E	BIG HORN
26				25	5S	31E	BIG HORN
27				34	5S	31E	BIG HORN
28			N2	35	5S	31E	BIG HORN
29			NW	36	5S	31E	BIG HORN
30				4	5S	32E	BIG HORN
31			SE	5	5S	32E	BIG HORN
32			SE	7	5S	32E	BIG HORN
33				8	5S	32E	BIG HORN
34			W2W2	17	5S	32E	BIG HORN
35				18	5S	32E	BIG HORN
36				19	5S	32E	BIG HORN
37			NW	30	5S	32E	BIG HORN
38			N2	2	6S	31E	BIG HORN
39				3	6S	31E	BIG HORN
40			SE	9	6S	31E	BIG HORN
41				10	6S	31E	BIG HORN
42			N2	16	6S	31E	BIG HORN

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 02/06/2014: POINT OF DIVERSION, PLACE OF USE, FLOW RATE, VOLUME, PRIORITY DATE.

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.

THE 02/06/2014 AMENDMENT APPEARS TO REFLECT POST JUNE 30, 1973 INFORMATION THAT AMENDS THE POINT OF DIVERSION, PLACE OF USE, FLOW RATE AND VOLUME.

THE WATER COURT WILL HOLD A HEARING ON THIS CLAIM TO DETERMINE ITS VALIDITY SUBJECT TO SECTION 85-2-248, MCA, AND MATTER OF THE ADJUDICATION OF EXISTING RIGHTS IN BASIN 411, 2002 MT 216, 311 MONT. 327, 55 P.3D 396. A HEARING MAY ALSO BE HELD ON THIS CLAIM IF A VALID OBJECTION IS FILED UNDER SECTION 85-2-233, MCA, OR THE WATER COURT CALLS THE CLAIM IN ON ITS OWN MOTION UNDER RULE 8, W.R.ADJ.R.

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.

A GUIDELINE FOR THE FLOW RATE AND VOLUME OF THIS CLAIM CANNOT BE DETERMINED FROM AVAILABLE INFORMATION, AND FLOW RATE AND VOLUME REMAIN AS ORIGINALLY CLAIMED. THE CLAIMED FLOW RATE AND VOLUME CAN BE CONTESTED BY PROPER OBJECTION. IF NO OBJECTIONS ARE FILED TO THIS CLAIM THE FLOW RATE AND VOLUME WILL BE DECREED AS CLAIMED, AND THIS REMARK WILL BE REMOVED FROM THE CLAIM.