

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 185033-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: DEAN DELP
HC 36 BOX 2195
HARDIN, MT 59034

JANIE M DELP
HC 36 BOX 2195
HARDIN, MT 59034

Priority Date: DECEMBER 31, 1953
Enforceable Priority Date: DECEMBER 31, 1953

Type of Historical Right: USE

Purpose (use): DOMESTIC
Maximum Flow Rate: 4.00 CFS
Maximum Volume: 18.60 AC-FT

Households: 1
Maximum Acres: 9.00

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		SENEW	16	6S	31E	BIG HORN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: BIG HORN CANAL

WATER FROM BIG HORN CANAL IS CONVEYED BY A MAIN LATERAL TO A HEADGATE WHICH DELIVERS WATER TO THE CLAIMED STORAGE PIT THAT MAY BE FILLED SEVERAL TIMES DURING IRRIGATION SEASON.

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
SESENE		8	3S	33E	BIG HORN

Diversion to Reservoir: DIVERSION # 1

Dam Height: 13.00 FEET
Depth: 10.00 FEET
Surface Area: 0.25 ACRES
Current Capacity: 1.00 ACRE-FEET

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

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	9.00		SESENE	8	3S	33E	BIG HORN

Total: 9.00

Geocodes/Valid: 22-0733-08-1-04-01-0000 - Y

Remarks:

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

NOTICE OF UNDIVIDED INTEREST, WATER RIGHT OWNERSHIP UPDATE RECEIVED 08/22/2007.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 50324 RECEIVED 08/22/2007.

OWNERSHIP UPDATE TYPE DOR # 103575 RECEIVED 08/02/2012.

Remarks:

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 CLAIM APPEARS TO BE FOR WATER PROVIDED BY THE USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF) & CROW INDIAN RESERVATION UNDER CLAIM NO. 190136-00 . THIS CLAIM APPEARS TO BE REDUNDANT.

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

THE CLAIMED FLOW RATE EXCEEDS THE 35 GPM GUIDELINE FOR THIS PURPOSE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 08/29/2014, THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY DEAN DELP.

USDA AERIAL PHOTOGRAPH NO(S). 179-216 , DATED 09/26/1980 , APPEARS TO INDICATE 3.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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.

THE CLAIMED VOLUME MAY BE EXCESSIVE. THE CLAIMED NUMBER OF HOUSEHOLDS AND ACRES OF DOMESTIC IRRIGATION APPEAR TO BE INACCURATE.