

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:** 43E 201173-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** STOVALL HOLDING CO LLC  
8325 PRYOR RD  
BILLINGS, MT 59101

**Priority Date:** MAY 11, 1959

**Enforceable Priority Date:** MAY 11, 1959

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

**Maximum Volume:** 145.00 AC-FT

**Climatic Area:** 1 - HIGH

**Maximum Acres:** 145.00

**Source Name:** FLAT 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         | 14              | NWSENE         | 1          | 3S         | 28E        | YELLOWSTONE   |

**Period of Diversion:**

**Diversion Means:** DAM

**Reservoir:** ON STREAM

| <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------------|----------------|------------|------------|------------|---------------|
| 14              | NWSENE         | 1          | 3S         | 28E        | YELLOWSTONE   |

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 13.00 FEET

**Depth:** 10.00 FEET

**Surface Area:** 8.00 ACRES

**Current Capacity:** 32.00 ACRE-FEET

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

**Period of Use:** APRIL 1 to OCTOBER 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             | 40.00               |   | SE             | 36         | 2S         | 28E        | YELLOWSTONE   |
| 2             | 20.00               |   | SW             | 31         | 2S         | 29E        | YELLOWSTONE   |
|               | <b>Subdivision:</b> | SEE REMARK FOR SUBDIVISION INFORMATION            |                |            |            |            |               |
| 3             | 85.00               |   | N2             | 1          | 3S         | 28E        | YELLOWSTONE   |
|               | <b>Subdivision:</b> | SEE REMARK FOR SUBDIVISION INFORMATION BLOCK: 008 |                |            |            |            |               |
| <b>Total:</b> | 145.00              |   |                |            |            |            |               |

**Geocodes/Valid:** 03-0728-01-1-01-01-0000 - Y      03-0728-01-2-13-01-0000 - Y  
03-0728-01-2-15-01-0000 - Y      03-0825-36-3-01-01-0000 - Y  
03-0826-31-1-01-01-0000 - Y

**Remarks:**

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

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 108750 RECEIVED 07/20/2011.

**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.

THE CROW TRIBE HAS IDENTIFIED A PORTION OF THE PLACE OF USE AS BEING ON TRIBAL OR TRIBAL TRUST LANDS. SEE THE MAY 7, 1997 LETTER FROM MSE/HKM ENGINEERING IN THE CLAIM FILE FOR FURTHER INFORMATION. THE PORTION OF THE PLACE OF USE IDENTIFIED AS BEING ON TRIBAL OR TRIBAL TRUST LANDS HAS NOT BEEN EXAMINED IN COMPLIANCE WITH WATER COURT ORDER DATED 11/2/95; THE BALANCE OF THE CLAIMED PLACE OF USE HAS BEEN EXAMINED.

THE PERIOD OF DIVERSION FROM THE SOURCE INTO STORAGE CANNOT BE IDENTIFIED.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 4.53 TIMES THE CAPACITY OF THE RESERVOIR.

THE VOLUME HAS NOT BEEN EXAMINED AS THE CROW TRIBE HAS IDENTIFIED A PORTION OF THE PLACE OF USE AS BEING ON TRIBAL OR TRIBAL TRUST LANDS.