

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 86293-00 PROVISIONAL PERMIT
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: JOHN BENZEL
RT 1 BOX 1092
HARDIN, MT 59034-9713

Priority Date: JULY 16, 1993 at 11:10 A.M.

Enforceable Priority Date: JULY 16, 1993 at 11:10 A.M.

Purpose (use): IRRIGATION
Maximum Flow Rate: 2,500.00 GPM
Maximum Volume: 628.00 AC-FT
Maximum Acres: 209.30

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 | 3 | NWSESE | 20 | 2S | 33E | BIG HORN |

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Purpose (Use): IRRIGATION
Irrigation Type: SPRINKLER
Volume: 628.00 AC-FT
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 | 33.00 | | S2NW | 28 | 2N | 33E | BIG HORN |
| 2 | 31.00 | | N2SW | 28 | 2N | 33E | BIG HORN |
| 3 | 4.90 | | W2SWSW | 28 | 2N | 33E | BIG HORN |
| 4 | 21.20 | | S2N2SE | 29 | 2N | 33E | BIG HORN |
| 5 | 78.20 | | S2SE | 29 | 2N | 33E | BIG HORN |
| 6 | 40.40 | | N2NE | 32 | 2N | 33E | BIG HORN |
| 7 | 0.60 | | NWNWNW | 33 | 2N | 33E | BIG HORN |
| Total: | 209.30 | | | | | | |

Geocodes/Valid: 22-1142-28-3-04-04-0000 - Y 22-1142-29-1-01-01-0000 - Y
22-1142-32-1-01-01-0000 - Y 22-1142-33-2-01-01-0000 - Y

Remarks:

Remarks:

DFWP - WATER RESERVATION

THIS RIGHT IS SUBJECT TO THE DEPARTMENT OF FISH, WILDLIFE AND PARKS' (MDFWP) WATER RESERVATION FOR INSTREAM FLOW. WHEN THE FLOW OF THE BIGHORN RIVER FALLS BELOW THE GRANTED RESERVATION, THE APPROPRIATOR SHALL CEASE DIVERTING WATER IMMEDIATELY UPON NOTIFICATION BY THE MDFWP.

INDIAN RESERVED WATER RIGHT

THIS RIGHT IS SUBJECT TO ALL PRIOR INDIAN RESERVED WATER RIGHTS OF THE CROW TRIBE(S) IN THE SOURCE OF SUPPLY. IT IS THE TRIBE'S POSITION THAT ECONOMIC INVESTMENTS MADE IN RELIANCE UPON THIS RIGHT DO NOT CREATE IN THE APPROPRIATOR ANY EQUITY OR VESTED RIGHT AGAINST THE TRIBE(S). THE APPROPRIATOR IS HEREBY NOTIFIED THAT ANY FINANCIAL OUTLAY OR WORK INVESTED IN A PROJECT PURSUANT TO THIS RIGHT IS AT THE APPROPRIATOR'S RISK. THE ISSUANCE OF THIS RIGHT DOES NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. IT DOES NOT MAKE THE DEPARTMENT LIABLE FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. NOR IS THE DEPARTMENT LIABLE FOR ANY LOSS TO THE APPROPRIATOR CAUSED BY THE EXERCISE OF SENIOR RESERVED WATER RIGHTS. ANY WATER RIGHT ISSUED BY THE STATE IN THE ABSENCE OF JURISDICTION TO ISSUE THE WATER RIGHT IS VOID.

OBJECTION INFORMATION

OBJECTION LOG 93-097