

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 25591-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: CLAYTON J GREGORY
PO BOX 526
LODGE GRASS, MT 59050-0526

RODRICK R GREGORY
6400 LEWISBURG HWY
PULASKI, TN 38478

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

Type of Historical Right: FILED

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

Maximum Flow Rate: 1.35 CFS
THE FLOW RATE OF THIS CLAIM HAS BEEN REDUCED TO 17 GPM PER ACRE.
THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

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

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 35.70

Source Name: ROTTEN GRASS 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		NWSESW	5	8S	33E	BIG HORN

Period of Diversion: MAY 1 TO SEPTEMBER 1

Diversion Means: HEADGATE

Ditch Name: PEASE DITCH

Period of Use: MAY 1 to SEPTEMBER 1

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	4.00		SESW	5	8S	33E	BIG HORN
2	31.70		NWNE	8	8S	33E	BIG HORN
Total:	35.70						

Geocodes/Valid: 22-0286-05-3-04-01-0000 - Y 22-0286-08-1-02-01-0000 - Y
22-0286-08-1-02-02-0000 - Y

Remarks:

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.
OWNERSHIP UPDATE RECEIVED
OWNERSHIP UPDATE TYPE DOR # 92255 RECEIVED 12/18/2008.
OWNERSHIP UPDATE TYPE DOR # 148157 RECEIVED 09/22/2011.
OWNERSHIP UPDATE TYPE DOR # 148146 RECEIVED 07/05/2012.

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.
FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS 220 GPM PER ACRE.

Remarks:

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 01/27/2015, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY CLAYTON JOHN GREGORY, PO BOX 526, LODGE GRASS, MT 59050-0526.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 01/27/2015, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY RODRICK RICHARD GREGORY, 6400 LEWISBURG HWY, PULASKI, TN 38478-7079.

USDA AERIAL PHOTOGRAPH NO(S). 179-228 , DATED 09/26/1980 , APPEARS TO INDICATE 27.5 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). 239-63 , DATED 8/16/1939 , APPEARS TO INDICATE 3.2 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE CLAIMED PRIORITY DATE MAY BE QUESTIONABLE. THE PRIORITY DATE ON THE SUBMITTED NOTICE OF APPROPRIATION IS JUNE 22, 1894.

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.