

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 38100-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners:
GARY L STRICKER
HC 36 BOX 2065
HARDIN, MT 59034

DONNA M STRICKER
HC 36 BOX 2065
HARDIN, MT 59034

MARY F SHIRASAGO
1496 PERITSA CREEK RD
HARDIN, MT 59034

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

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

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 12.94 CFS

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

Climatic Area: 1 - HIGH

Maximum Acres: 345.06

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		NESWSE	20	2S	33E	BIG HORN

Period of Diversion: APRIL 15 TO NOVEMBER 15

Diversion Means: HEADGATE

Ditch Name: TWO LEGGINS CANAL

Period of Use: APRIL 15 to NOVEMBER 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	80.00		N2NW	14	1S	33E	BIG HORN
2	100.06		N2N2	15	1S	33E	BIG HORN
3	5.00		N2N2S2N2	15	1S	33E	BIG HORN
4	160.00		S2S2	35	1S	33E	BIG HORN
Total:	345.06						

THE PLACE OF USE ID 1 IN THE S2S2 SEC 35 01S 33E BIG HORN COUNTY IS OWNED BY GARY L AND DONNA M STRICKER.

Geocodes/Valid: 22-0934-14-2-01-01-0000 - Y 22-0934-15-2-01-03-0000 - Y
22-0934-35-4-03-03-0000 - Y

Remarks:

THE FLOW RATE WAS AMENDED BY THE CLAIMANT ON 02/28/1996.
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 608 # 62469 RECEIVED 08/29/2008.

Remarks:

OWNERSHIP UPDATE TYPE DOR # 94344 RECEIVED 02/26/2010.

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 TWO LEGGINS WATER USERS ASSOCIATION UNDER CLAIM NO. 185058-00 . THIS CLAIM APPEARS TO BE REDUNDANT.

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

THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THERE ARE 263 WATER RIGHT CLAIMS FOR THE WATER FROM THE TWO LEGGINS CANAL THAT CLAIM A TOTAL COMBINED FLOW RATE OF 1362.404 CUBIC FEET PER SECOND. THE TOTAL COMBINED CLAIMED FLOW RATES EXCEED THE 600 CUBIC FEET PER SECOND OF THE SHEPARD, BAIR, EDWARDS, 5/21/1909 FILED APPROPRIATION FOR THE TWO LEGGINS CANAL. A LIST OF THE WATER RIGHTS CLAIMS INVOLVED HAS BEEN ADDED TO THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO. 179-112 , DATED 09/26/1980 APPEARS TO INDICATE 278.23 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). CCL-243-68 & CCL-243-72 , DATED 8/18/1939 , APPEARS TO INDICATE 280.27 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

A REQUEST TO WITHDRAW SUBMITTED 04/23/2014 WAS NOT SIGNED BY ALL OWNERS OF RECORD. DNRC REQUESTED THE OTHER OWNERS SUBMIT A SIGNED AND NOTARIZED WITHDRAWAL FORM. AS OF 02/23/2015 , A WITHDRAWAL FORM HAS NOT BEEN SUBMITTED BY ALL OWNERS OF RECORD, THEREFORE, THIS REQUEST TO WITHDRAW HAS NOT BEEN PROCESSED.

THE TYPE OF HISTORICAL RIGHT MAY BE QUESTIONABLE. DOCUMENTATION SUBMITTED WITH THE CLAIM INDICATES A FILED RIGHT.

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.