

**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 45864-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:**  
BRETT NEDENS  
RT 1 BOX 1234  
HARDIN, MT 59034  
  
JANELLE ENZMINGER  
PO BOX 447  
HARDIN, MT 59034-0447  
  
CHRISTOPHER P NEDENS  
RR 1 BOX 1227  
HARDIN, MT 59034  
  
JESSICA M NEDENS  
RR 1 BOX 1227  
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 21, 1909  
**Enforceable Priority Date:** MAY 21, 1909

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION  
**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 17.70 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:** 707.86

**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	41.23		SWSE	22	1S	33E	BIG HORN
2	30.00		SESE	26	1S	33E	BIG HORN
3	140.00		NE	34	1S	33E	BIG HORN
4	15.00	2	SENE	34	1S	33E	BIG HORN
5	36.00		NESE	34	1S	33E	BIG HORN
6	20.00		NENE	35	1S	33E	BIG HORN
7	80.30		N2NW	2	2S	33E	BIG HORN
8	78.18		S2NE	3	2S	33E	BIG HORN
9	38.00		SWSE	10	2S	33E	BIG HORN
10	78.06		S2SW	10	2S	33E	BIG HORN
11	38.75		NWNW	15	2S	33E	BIG HORN
12	33.60	4	NWSE	15	2S	33E	BIG HORN
13	78.74		E2NE	16	2S	33E	BIG HORN
<b>Total:</b>	<b>707.86</b>						

THE PLACE OF USE S2SW, ID 9, AND SWSE, ID 10, SEC 10 02S 33E BIG HORN COUNTY IS OWNED BY JANELLE ENZMINGER.

<b>Geocodes/Valid:</b>	22-0830-02-2-01-02-0000 - Y	22-0830-03-1-04-04-0000 - Y
	22-0830-10-3-04-04-0000 - Y	22-0830-10-4-03-04-0000 - Y
	22-0830-15-2-02-01-0000 - Y	22-0830-15-3-04-01-0000 - Y
	22-0830-16-1-01-01-0000 - Y	22-0934-22-4-02-01-0000 - Y
	22-0934-22-4-09-01-0000 - Y	22-0934-26-4-04-01-0001 - Y
	22-0934-34-1-01-01-0000 - Y	22-0934-34-1-04-04-0000 - Y
	22-0934-34-2-04-04-0000 - Y	22-0934-34-4-01-01-0000 - Y
	22-0934-35-1-01-01-0001 - 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.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 09/07/1999.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 02/11/00.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/10/01.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 09/05/01.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 24725 RECEIVED 08/31/2005.

OWNERSHIP UPDATE TYPE DOR # 81518 RECEIVED 08/03/2009.

OWNERSHIP UPDATE TYPE DOR # 136629 RECEIVED 12/01/2010.

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.

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.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 45864-00, 190346-00.

ACCORDING TO DEPARTMENT OF REVENUE RECORDS, AS OF 10/01/2014, THE PLACE OF USE APPEARS TO BE SUBDIVIDED AND NOW OWNED BY MULTIPLE PARTIES. SEE CLAIM FILE FOR MORE INFORMATION.

USDA AERIAL PHOTOGRAPH NOS. 179-110, 179-210 & 179-212 , DATED 09/26/1980 , APPEAR TO INDICATE 617.6 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). CCL-244-31, CCL-243-68 & CCL-243-70 , DATED 08/18/1939 , APPEARS TO INDICATE 552.8 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

A WITHDRAWAL FORM HAS NOT BEEN SUBMITTED BY ALL OWNERS OF RECORD. THEREFORE, THE REQUEST TO WITHDRAW HAS NOT BEEN PROCESSED.

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.