

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**SWEET GRASS CREEK
BASIN 43BV**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 43BV 150333-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: CREMER RODEO LAND & LIVE STOCK CO
PO BOX 276
MELVILLE, MT 59055 0276

Priority Date: JULY 25, 1944

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 7.50 CFS

Volume: 4,125.00 AC-FT

Climatic Area: 3 - MODERATE

***Maximum Acres:** 638.00

***Source Name:** BILLY CREEK

Source Type: GROUNDWATER

***Source Name:** BILLY CREEK

Source Type: SURFACE WATER

***Source Name:** RYE CREEK

Source Type: GROUNDWATER

***Source Name:** SWEET GRASS CREEK

Source Type: GROUNDWATER

***Source Name:** SWEET GRASS CREEK

Source Type: SURFACE WATER

***Source Name:** UNNAMED TRIBUTARY OF SWEET GRASS CREEK

Source Type: GROUNDWATER

***Source Name:** WASTE & SEEPAGE, CAYUSE CREEK

Source Type: GROUNDWATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			32	5N	14E	SWEET GRASS

***Source Name:** WASTE & SEEPAGE, CAYUSE CREEK

***Period of Diversion:** APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch name: Un-named

male

③
②
①

*Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr	Sec	Twp	Rge	County
3-2		SE	5	4N	14E	SWEET GRASS
Source Name: UNNAMED TRIBUTARY OF SWEET GRASS CREEK						
*Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversions Means: HEADGATE						
Ditch Name: <i>Essec Ditch aka VanCleve-How Ditch</i>						
4-3		SW	5	4N	14E	SWEET GRASS
Source Name: SWEET GRASS CREEK						
*Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversions Means: HEADGATE						
Ditch Name: <i>Cramer Nollmeyer Ditch, Enforcement Diversion No. 67</i>						
4-4		SE	9	4N	14E	SWEET GRASS
Source Name: SWEET GRASS CREEK						
*Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversions Means: HEADGATE						
Ditch Name: <i>Cramer Ditch, Enforcement Diversion No. 68</i>						
5-5		NW	17	4N	14E	SWEET GRASS
Source Name: SWEET GRASS CREEK						
*Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversions Means: HEADGATE						
Ditch Name: <i>Essec Ditch, Enforcement Diversion No. 67 A</i>						
6-6		NW	16	4N	14E	SWEET GRASS
Source Name: BILLY CREEK						
*Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversions Means: HEADGATE						
Ditch Name: <i>HOWE (VAN CLEVE) DITCH, Enforcement Diversion No. 67 B</i>						
7-7		SW	14	4N	14E	SWEET GRASS
Source Name: BILLY CREEK						
*Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversions Means: HEADGATE						
Ditch Name: <i>Franklin Ditches aka Southside Franklin Ditches, Enforcement Diversion No. 62</i>						
8-8		SE	14	4N	14E	SWEET GRASS
Source Name: <i>BILLY CREEK Sweet Grass</i>						
*Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversions Means: HEADGATE						
Ditch Name: <i>Franklin Ditches aka Northside Franklin Ditch, Enforcement Diversion No. 61</i>						
9-9		NE	14	4N	14E	SWEET GRASS
Source Name: SWEET GRASS CREEK						
*Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversions Means: HEADGATE						
Ditch Name: <i>Franklin Ditch, Enforcement Diversion No. 59</i>						
10-10		NW	21	4N	14E	SWEET GRASS
Source Name: <i>SWEET GRASS CREEK Rye Creek</i>						
*Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversions Means: HEADGATE						
Ditch Name: <i>Franklin Ditches, Enforcement Diversion No. 95</i>						
11-11		SW	22	4N	14E	SWEET GRASS
Source Name: <i>SWEET GRASS CREEK Rye Creek</i>						
*Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversions Means: HEADGATE						
Ditch Name: <i>FRANKLIN DITCHES, Enforcement Diversion No. 96</i>						

N 46° 07.163' elev. 5192'
W 110° 00.000'
From fence corner
east to headgate

N 46° 06.827' elev. 5150'
W 109° 59.046'

***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>
12		NWSENE	18	3N	16E	SWEET GRASS
Source Name: RYE CREEK Un-named Tributary of Sweet Grass						
*Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
Ditch Name: Un-named						
13		SESENE	18	3N	16E	SWEET GRASS
Source Name: RYE CREEK Sweet Grass						
*Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
Ditch Name: Stocker Ditch, Enforcement Diversion No. 38						
14		SESESE	7	3N	16E	SWEET GRASS
Source Name: SWEET GRASS CREEK						
*Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
Ditch Name: STOCKER DITCH, Enforcement Diversion No. 42						
15		NWSWSW	6	3N	16E	SWEET GRASS
Source Name: SWEET GRASS CREEK						
*Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
Ditch Name: ADAMS DITCH aka Upper Medley Ditch						
16		NESENE	21	4N	14E	SWEET GRASS
Source Name: SWEET GRASS CREEK						
*Period of Diversion: APRIL 1 TO OCTOBER 31						
Diversion Means: HEADGATE						
Ditch Name: MELVILLE DITCH Enforcement Diversion No. 94						
*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	178.00		N2	24	4N	14E	SWEET GRASS
2	160.00		NE	14	4N	14E	SWEET GRASS
3	300.00		S2	11	4N	14E	SWEET GRASS

Total: 638.00

Remarks:

AUTHORIZATION TO CHANGE THE POINT OF DIVERSION AND PLACE OF USE ISSUED 03/10/00.
NOTICE OF COMPLETION DUE 12/31/02. SEE 43BV-G(W)150309-00 .

THIS APPROPRIATION OF WATER USES WATER IN THE SWEET GRASS CREEK BASIN (43BV) AND IN THE UPPER YELLOWSTONE RIVER BASIN (43B). AS A RESULT, IT WILL BE DECREED IN BOTH BASINS AND SUBJECT TO OBJECTION IN EITHER BASIN BEFORE BECOMING FINAL.

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

ALTHOUGH NO OBJECTED TO, THE ACRES IRRIGATED HAS BEEN CHANGED TO REFLECT THE CHANGE IN PLACE OF USE, AND THE POINT OF DIVERSION HAS BEEN CHANGED AS SPECIFIED BY THE PARTIES. THESE CHANGES MAY BE HEARD AT THE PRELIMINARY DECREE STAGE.

AS NOT ALL OF THE ABOVE DECREED POINTS OF DIVERSION ARE ON THE ABOVE-DECREED SOURCE, THE FOLLOWING IS INCLUDED FOR CLARIFICATION:

THE WATER RIGHTS LISTED BELOW ARE CONSOLIDATED AND USED INTERCHANGEABLY TO ALLOW MAXIMUM UTILIZATION OF THE LIMITED WATER, THUS ALLOWING THE RIGHTS TO BE DIVERTED FROM ANY POINT OF DIVERSION AND USED ON ANY PLACE OF USE DECREED. W150309-00, W150310-00, W150311-00, W150312-00, W150313-00, W150314-00, W150315-00, W150316-00, W150317-00, W150318-00, W150319-00, W150320-00, W150321-00, W150322-00, W150323-00, W150324-00, W150325-00, W150326-00, W150327-00, W150328-00, W150329-00, W150330-00, W150331-00, W150332-00, W150333-00, W150334-00, W150335-00, W150337-00, W150338-00, W150339-00, W150340-00, W150613-00.

NESENE	32	05N	14E	SWEETGRASS	CAYUSE CREEK
SESESE	05	04N	14E	SWEETGRASS	UT SWEETGRASS CREEK
SWNESW	05	04N	14E	SWEETGRASS	SWEETGRASS CREEK
SENENW	09	04N	14E	SWEETGRASS	SWEETGRASS CREEK
NWSENE	17	04N	14E	SWEETGRASS	SWEETGRASS CREEK
NWNWNW	16	04N	14E	SWEETGRASS	BILLY CREEK
SWNWNW	14	04N	14E	SWEETGRASS	BILLY CREEK
SESWNW	14	04N	14E	SWEETGRASS	BILLY CREEK
NENWSW	14	04N	14E	SWEETGRASS	SWEETGRASS CREEK
NWNESE	21	04N	14E	SWEETGRASS	SWEETGRASS CREEK
SWNESW	22	04N	14E	SWEETGRASS	SWEETGRASS CREEK
NWSENE	18	03N	16E	SWEETGRASS	RYE CREEK Sweet Grass
SESESE	18	03N	16E	SWEETGRASS	RYE CREEK Sweet Grass
SESESE	07	03N	16E	SWEETGRASS	SWEETGRASS CREEK
NWSWSW	06	03N	16E	SWEETGRASS	SWEETGRASS CREEK
SENE	21	04N	14E	SWEETGRASS	RYE CREEK

THE DNRC EXAMINATION OF THIS CLAIM FOUND NO SIGNIFICANT FACTS, DATA, OR ISSUES TO REPORT TO THE WATER COURT.

This right uses natural carriers: Sweet Grass Crk, Cayuse Crk, Rye Crk, Billy Creek, natural features: coulers, swamps, ^{old channels} and man made features: Sweet Grass Canal, off stream storage