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 150321-00** STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Hersch Ruett Franklin
Sweet Grass
P.6 DNRC Charley C.
Northside Franklin Ditch
Sec 14 4N 14E Behind School

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

Priority Date: JUNE 1, 1880

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.50 CFS

Volume: 1,375.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 5,823.00

***Source Name:** BILLY CREEK
Source Type: SURFACE WATER

***Source Name:** CAYUSE CREEK
Source Type: SURFACE WATER

***Source Name:** RYE CREEK
Source Type: SURFACE WATER

1 ***Source Name:** SWEET GRASS CREEK
Source Type: SURFACE WATER

***Source Name:** UNNAMED TRIBUTARY OF SWEET GRASS CREEK
Source Type: SURFACE WATER

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
5 ~~1~~		NESENE	32	5N	14E	SWEET GRASS

***Source Name:** CAYUSE CREEK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: MARTIN AND CREMER DITCH, Enforcement Diversion No. C-10

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
2		SESESE	5	4N	14E	SWEET GRASS

N 46° 07.165' W 109° 08.010' elev. 5198' From fence corner next to headgate

Source Name: ~~UNNAMED TRIBUTARY OF~~ SWEET GRASS CREEK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: ESSEX DITCH aka VanCleve-Howe Ditch, Enforcement Diversion No. 67

4 ~~3~~		SWNESW	5	4N	14E	SWEET GRASS

Source Name: SWEET GRASS CREEK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: CREMER-NOLLMEYER DITCH Enforcement Diversion No. 68

1 ~~4~~		SENENW	9	4N	14E	SWEET GRASS

N 46° 06.327' W 109° 57.048' elev. 5130'

Source Name: SWEET GRASS CREEK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: CREMER DITCH Enforcement Diversion No. 68A

5		NWSENE	17	4N	14E	SWEET GRASS

Source Name: SWEET GRASS CREEK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: ESSEC DITCH, Enforcement Diversion No. 67A

6		NWNWNW	16	4N	14E	SWEET GRASS

Source Name: BILLY CREEK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: HOWE (VAN CLEVE) DITCH, Enforcement Diversion No. 67B

7		SWNWNW	14	4N	14E	SWEET GRASS

Source Name: ~~BILLY CREEK~~ Sweet Grass
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: FRANKLIN DITCHES aka Southside Franklin Ditch, Enforcement Diversion No. 62

3 ~~8~~		SESWNW	14	4N	14E	SWEET GRASS

N 46° 05.900' W 109° 57.190' elev. 5043'

Source Name: ~~BILLY CREEK~~ Sweet Grass
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: FRANKLIN DITCHES aka Northside Franklin Ditch; Enforcement Diversion No. 61

9		NENWSW	14	4N	14E	SWEET GRASS

Source Name: SWEET GRASS CREEK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: FRANKLIN DITCHES, Enforcement Diversion No. 59

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
10		NWNESE	21	4N	14E	SWEET GRASS

Source Name: ~~SWEET GRASS CREEK~~ Rye Creek
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: FRANKLIN DITCHES, Enforcement Diversion No. 95

11		SWNESW	22	4N	14E	SWEET GRASS

Source Name: ~~SWEET GRASS CREEK~~ Rye Creek
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: FRANKLIN DITCHES, Enforcement Diversion No. 96

12		NWSENE	18	3N	16E	SWEET GRASS

Source Name: ~~RYE CREEK~~ Un-named Tributary of Sweet Grass
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: Unnamed

13		SENESE	18	3N	16E	SWEET GRASS

Source Name: RYE CREEK
Period of Diversion: JANUARY 1 TO DECEMBER 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: JANUARY 1 TO DECEMBER 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: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: ADAMS DITCH aka Upper Medley Ditch

16		NESENENE	21	4N	14E	SWEET GRASS

Source Name: SWEET GRASS CREEK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Ditch Name: MELVILLE DITCH, Enforcement Diversion No. 94

DITCH NAME: CREMER-NOLLMEYER DITCH

DITCH NAME: YOST DITCH

DITCH NAME: ESSEX DITCH

DITCH NAME: VAN CLEVE DITCH

DITCH NAME: ADAMS DITCH

DITCH NAME: STOCKER DITCHES

DITCH NAME: FRANKLIN DITCHES

Reservoir: OFFSTREAM

Govt Lot	Qtr Sec	Sec	Twp	Rge	County
	SENENE	21	4N	14E	SWEET GRASS

Diversion to Reservoir: DIVERSION # 1

Period of Use: JANUARY 1 TO DECEMBER 31

***Place of Use:**

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	190.00		N2	15	4N	14E	SWEET GRASS
2	50.00		SW	15	4N	14E	SWEET GRASS
3	315.00		N2	24	4N	14E	SWEET GRASS
4	55.00		SW	24	4N	14E	SWEET GRASS
5	25.00		N2SE	24	4N	14E	SWEET GRASS
6	160.00		NE	14	4N	14E	SWEET GRASS
7	60.00		NW	14	4N	14E	SWEET GRASS
8	140.00		SE	14	4N	14E	SWEET GRASS
9	90.00		SW	14	4N	14E	SWEET GRASS
10	315.00		W2	13	4N	14E	SWEET GRASS
11	125.00		NW	25	4N	14E	SWEET GRASS
12	55.00		NE	25	4N	14E	SWEET GRASS
13	7.00		N2NWNW	25	4N	14E	SWEET GRASS
14	65.00		SE	25	4N	14E	SWEET GRASS
15	130.00		S2	30	4N	15E	SWEET GRASS
16	5.00		SWSWSW	30	4N	15E	SWEET GRASS
17	80.00		NW	19	4N	15E	SWEET GRASS
18	290.00		S2	23	4N	14E	SWEET GRASS
19	300.00		N2	23	4N	14E	SWEET GRASS
20	15.00		S2SENW	21	4N	14E	SWEET GRASS
21	7.00		S2SWNE	21	4N	15E	SWEET GRASS
22	20.00		N2SW	21	4N	15E	SWEET GRASS
23	15.00		NESE	21	4N	15E	SWEET GRASS
24	5.00		NWSE	21	4N	15E	SWEET GRASS
25	3.00		NESESE	21	4N	14E	SWEET GRASS
26	80.00		NW	22	4N	14E	SWEET GRASS
27	295.00		E2	22	4N	14E	SWEET GRASS
28	140.00		SW	22	4N	14E	SWEET GRASS
29	300.00		N2	26	4N	14E	SWEET GRASS
30	70.00		N2S2	26	4N	14E	SWEET GRASS
31	125.00		NE	27	4N	14E	SWEET GRASS
32	15.00		NENW	27	4N	14E	SWEET GRASS
33	30.00		SWSW	12	4N	14E	SWEET GRASS
34	160.00		E2E2	4	4N	14E	SWEET GRASS
35	240.00		E2	10	4N	14E	SWEET GRASS
36	292.00		E2	3	4N	14E	SWEET GRASS
37	308.00		W2	3	4N	14E	SWEET GRASS
38	189.00		N2	2	4N	14E	SWEET GRASS
39	297.00		S2	11	4N	14E	SWEET GRASS
40	40.00		SW	6	3N	16E	SWEET GRASS
41	25.00		NW	7	3N	16E	SWEET GRASS
42	80.00		NE	7	3N	16E	SWEET GRASS
43	150.00		SE	7	3N	16E	SWEET GRASS

***Place of Use:**

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
44	60.00		SW	7	3N	16E	SWEET GRASS
45	30.00		W2SW	8	3N	16E	SWEET GRASS
46	5.00		SWSWNW	8	3N	16E	SWEET GRASS
47	180.00		E2	18	3N	16E	SWEET GRASS
48	10.00		N2NW	18	3N	16E	SWEET GRASS
49	25.00		W2W2NW	17	3N	16E	SWEET GRASS
50	5.00		W2SWSW	17	3N	16E	SWEET GRASS
51	10.00		NENE	19	3N	16E	SWEET GRASS
52	30.00		W2NW	20	3N	16E	SWEET GRASS
53	100.00		SW	34	5N	14E	SWEET GRASS
54	10.00		SE	34	5N	14E	SWEET GRASS
Total:	5,823.00						

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.

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
SENESE	18	03N	16E	SWEETGRASS	~~RYE CREEK~~ Sweet Grass
SESESE	07	03N	16E	SWEETGRASS	SWEETGRASS CREEK
NWSWSW	06	03N	16E	SWEETGRASS	SWEETGRASS CREEK
SENENE	21	04N	14E	SWEETGRASS	RYE CREEK

This right may use natural carriers: Sweet Grass Crk., Cayuse Crk., Rye Creek + Billy Crk., natural features: coulees, swamps, old channels, & man made features: Sweet Grass Canal, off stream storage.

THE FOLLOWING POTENTIAL ISSUES WERE IDENTIFIED DURING CLAIMS EXAMINATION OR DURING PREVIOUS WATER COURT PROCEEDINGS. THESE ISSUES MAY REMAIN UNRESOLVED IF NO OBJECTIONS ARE FILED DURING THE NEXT OBJECTION PERIOD.

WHEN THIS CLAIM WAS ORIGINALLY DECREED, THE PERIOD OF DIVERSION WAS NOT INCLUDED AS AN ELEMENT OF THE CLAIM. IN 2008, THE PERIOD OF DIVERSION ELEMENT WAS ADDED TO ALL CLAIM ABSTRACTS. IT IS NOT CERTAIN IF THE PERIOD OF DIVERSION DATES ADDED TO THIS CLAIM ACCURATELY REFLECT THE HISTORICAL PERIOD OF DIVERSION. MORE INFORMATION IS REQUIRED.