# 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 150327-00** STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Status:** ACTIVE

Northside Franklin Ditch

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

**Priority Date:** JUNE 29, 1973

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 34.55 CFS

**Volume:** 19,002.50 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:**

5

| ID | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|---|---|---|---|---|---|---|
| 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 |
|---|---|---|---|---|---|---|
| (3) 2 | | SESESE | 5 | 4N | 14E | SWEET GRASS |

N46°07.165' elev 5198' W110°00.012' 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 Van Cleve 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

| | | | | | | |
|---|---|---|---|---|---|---|
| (2) ~~4~~ | | SENENW | 9 | 4N | 14E | SWEET GRASS |

N46° 06.827' elev. 5165' W101° 59.048'

**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 Creek
**Period of Diversion:** JANUARY 1 TO DECEMBER 31
**Diversion Means:** HEADGATE
**Ditch Name:** FRANKLIN DITCHES, aka Southside Franklin Ditch, Enforcement Diversion No. 62

| | | | | | | |
|---|---|---|---|---|---|---|
| (1) ~~8~~ | | SESWNW | 14 | 4N | 14E | SWEET GRASS |

N46°05.700' elev. 5046' W101°57.190'

**Source Name:** ~~BILLY CREEK~~ Sweet Grass Creek
**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 Creek
**Period of Diversion:** JANUARY 1 TO DECEMBER 31
**Diversion Means:** HEADGATE
Ditch Name: Un-named

| 13 | | SENESE | 18 | 3N | 16E | SWEET GRASS |
|---|---|---|---|---|---|---|

**Source Name:** ~~RYE CREEK~~ Sweet Grass 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

| 16 | | NE ~~SE~~NENE | 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 Enforcement Diversion No. 94

| 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:

| | | | | | |
|---|---|---|---|---|---|
| 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 |

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.

This right uses natural ~~features~~ carriers: Sweet Grass Creek, Cayuse Crk., Billy Crk., Rye Crk, natural features: coulees, swamps + old channels man made features: Sweet Grass Canal, and 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.