

**E005 Big Timber Creek Enforcement Area**  
**COMMISSIONER REMARK INDEX**

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**Water Right #**

**Remark**

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43B 7016 00 CLAIM NO. 43B W007616-00 IS A 26 ACRE STORAGE LAKE OR RESERVOIR LOCATED ON THE EAST HALF OF SECTION 30 TOWNSHIP 02 NORTH RANGE 14 EAST IN SWEET GRASS CO. AND STORES SURFACE WATER FROM SWAMP CREEK DURING WINTER AND EARLY MONTHS OF THE YEAR AND IS SUBJECT TO THE PROVISION SET FORTH IN FINDING OF FACT NO. X IN CAUSE NO. 3055 FILED IN SWEET GRASS CO. DISTRICT COURT ENTITLED BIG TIMBER CREEK CANAL COMPANY ET AL, DATED JUN. 1, 1976, WHICH READS AS FOLLOWS: THAT ROBERT BURNS, ONE OF THE ANSWERING DEFENDANTS, OWNS AND MAINTAINS A 26 ACRE STORAGE LAKE UPON HIS LAND SITUATE IN THE EAST HALF OF SECTION 30, TOWNSHIP 02 NORTH, RANGE 14 EAST , M.P.M. WHEREIN 93 ACRE FEET OF SURPLUS WATERS HAVE BEEN CONTINUOUSLY STORED IN THE WINTER AND EARLY MONTHS OF EACH YEAR SINCE 1892; THAT ROBERT BURNS AND HIS PREDECESSORS HAVE STORED NO SURPLUS WATERS AND HAVE NO RIGHT TO DIVERT OR STORE SURPLUS WATERS THEREIN DURING THOSE TIMES OF YEAR WHEN ANY OF THE HEREINABOVE DECREED USERS (AND DECREED PRIOR HERETO) HAVE USE FOR SUCH SURPLUS IRRIGATION WATERS OF BIG TIMBER CREEK AND ITS TRIBUTARIES.

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43B 125790 00 IN THE 1960S BIG TIMBER CREEK'S COURSE MOVED, LEAVING THE HEADGATE ON THE ORIGINAL, NOW FREQUENTLY DRY, CHANNEL. WHEN BIG TIMBER CREEK IS HIGH, WATER FLOWS INTO THE ORIGINAL CHANNEL PAST THE STOCKER DITCH HEADGATE FOR DIVERSION INTO STOCKER DITCH. WHEN BIG TIMBER CREEK IS LOW, WORK IS DONE IN THE ORIGINAL CHANNEL FROM THE STOCKER DITCH HEADGATE WESTERLY TO THE CURRENT CHANNEL OF BIG TIMBER CREEK TO REMOVE DEBRIS SO THE WATER WILL FLOW INTO AND THROUGH THE ORIGINAL CHANNEL PAST THE STOCKER DITCH HEADGATE FOR DIVERSION INTO STOCKER DITCH.

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43B 125791 00 IN THE 1960S BIG TIMBER CREEK'S COURSE MOVED, LEAVING THE HEADGATE ON THE ORIGINAL, NOW FREQUENTLY DRY, CHANNEL. WHEN BIG TIMBER CREEK IS HIGH, WATER FLOWS INTO THE ORIGINAL CHANNEL PAST THE STOCKER DITCH HEADGATE FOR DIVERSION INTO STOCKER DITCH. WHEN BIG TIMBER CREEK IS LOW, WORK IS DONE IN THE ORIGINAL CHANNEL FROM THE STOCKER DITCH HEADGATE WESTERLY TO THE CURRENT CHANNEL OF BIG TIMBER CREEK TO REMOVE DEBRIS SO THE WATER WILL FLOW INTO AND THROUGH THE ORIGINAL CHANNEL PAST THE STOCKER DITCH HEADGATE FOR DIVERSION INTO STOCKER DITCH.

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43B 181147 00 IN THE 1960S BIG TIMBER CREEK'S COURSE MOVED, LEAVING THE HEADGATE ON THE ORIGINAL, NOW FREQUENTLY DRY, CHANNEL. WHEN BIG TIMBER CREEK IS HIGH, WATER FLOWS INTO THE ORIGINAL CHANNEL PAST THE STOCKER DITCH HEADGATE FOR DIVERSION INTO STOCKER DITCH. WHEN BIG TIMBER CREEK IS LOW, WORK IS DONE IN THE ORIGINAL CHANNEL FROM THE STOCKER DITCH HEADGATE WESTERLY TO THE CURRENT CHANNEL OF BIG TIMBER CREEK TO REMOVE DEBRIS SO THE WATER WILL FLOW INTO AND THROUGH THE ORIGINAL CHANNEL PAST THE STOCKER DITCH HEADGATE FOR DIVERSION INTO STOCKER DITCH.

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43B 148400 00 THE SECONDARY PODS ARE LIMITED TO THE NESENE OF SEC 29 AND THE NENENW OF SEC 32, BOTH IN T03N, R14E. THE WATER DIVERTED IN SEC 32 IS CARRIED SOUTH AND EAST THROUGH A DITCH WHICH CROSSES BIG TIMBER CANYON ROAD AND CONTINUES EASTWARD INTO THE NORTH HALF OF SEC 33, T03N, RNG 14E. CANAL WATER IS ALSO DIVERTED FROM THIS DITCH AFTER IT CROSSES THE ROAD AND RUNS DUE SOUTH ALONG THE ROAD TO JOIN A SECOND DITCH FROM SEC 32. THIS SECOND DITCH FROM SEC 32 BRANCHES WITH ONE FORK CONTINUING DUE EAST INTO THE SOUTH HALF OF SEC 33 AND THE OTHER FORK RUNS SOUTH AND EAST EVENTUALLY JOINING THE UNNAMED TRIBUTARY OF THE SOUTH FORK OF TENMILE CREEK.

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