

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 125689-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

COLE FAMILY TRUST
PO BOX 173
SAINT XAVIER, MT 59075

JAMES E NEVELS
3 CREST LANE
SWARTHMORE, PA 19081-1002

LOURENE A NEVELS
3 CREST LANE
SWARTHMORE, PA 19081-1002

Priority Date: SEPTEMBER 7, 1905

Enforceable Priority Date: SEPTEMBER 7, 1905

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 3.40 CFS

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 136.00

Source Name: BIGHORN RIVER

Source Type: SURFACE WATER

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		SENENW	16	6S	31E	BIG HORN

Period of Diversion: APRIL 15 TO NOVEMBER 15

Diversion Means: HEADGATE

Ditch Name: BIG HORN CANAL

Period of Use: APRIL 15 to NOVEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	10.00		SWSWNE	23	4S	32E	BIG HORN
2	80.00		S2NW	26	4S	32E	BIG HORN
3	46.00	2	SENE	27	4S	32E	BIG HORN
Total:	136.00						

Geocodes/Valid: 22-0638-23-1-03-03-0000 - Y 22-0638-26-2-03-04-0000 - Y
22-0638-27-1-04-01-0000 - 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.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 02/11/1987.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 06/20/1997.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 131893 RECEIVED 06/29/2012.

OWNERSHIP UPDATE TYPE DOR # 120896 RECEIVED 05/06/2014.

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.

Remarks:

THIS CLAIM APPEARS TO BE FOR WATER PROVIDED BY THE USA (DEPT OF THE INTERIOR BUREAU OF INDIAN AFF) & CROW INDIAN RESERVATION UNDER CLAIM NO. 190136-00 . THIS CLAIM APPEARS TO BE REDUNDANT.

THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THE CLAIMS FOLLOWING THIS STATEMENT USE THE SAME FILED APPROPRIATION TO DOCUMENT THE RIGHT. THE COMBINED FLOW RATE FOR THIS GROUP OF CLAIMS EXCEEDS THE TOTAL OF THE ORIGINAL APPROPRIATION. 5446-00, 45863-00, 120227-00, 125689-00, 162354-00, 179723-00, 185382-00, 186631-00, 190136-00.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 02/04/2014, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY COLE FAMILY TRUST.

THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OF THE PLACE OF USE APPEARS TO BE ON USA IN TRUST FOR CROW TRIBE.

THE BIG HORN COUNTY WATER RESOURCES SURVEY 1947 APPEARS TO INDICATE 90.0 ACRES IRRIGATED BY WATER DIVERTED FROM THE BIG HORN CANAL.

USDA AERIAL PHOTOGRAPH NO. 179-248 , DATED 09/26/1980 APPEARS TO INDICATE 101.64 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE TYPE OF HISTORICAL RIGHT AND PRIORITY DATE MAY BE QUESTIONABLE. DOCUMENTATION TO SUPPORT THE TYPE OF HISTORICAL RIGHT AND PRIORITY DATE WAS NOT SUBMITTED WITH THIS CLAIM.

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.