

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 190136-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: CROW INDIAN RESERVATION
2021 4TH AVE N
BILLINGS, MT 59101-1461

USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
2021 4TH AVE N
BILLINGS, MT 59101-1461

THIS CLAIM WAS FILED BY THE USA (DEPARTMENT OF INTERIOR BUREAU OF INDIAN AFFAIRS) IN BEHALF OF THE CROW TRIBE ON THE CROW INDIAN RESERVATION.

Priority Date: SEPTEMBER 10, 1895

Enforceable Priority Date: SEPTEMBER 10, 1895

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Purpose Clarification: BIG HORN IRRIGATION UNIT

Irrigation Type: FLOOD

Maximum Flow Rate: 788.38 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: 33,546.44

Source Name: BIGHORN RIVER

Source Type: SURFACE WATER

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>
1		SENE	16	6S	31E	BIG HORN

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DIVERSION DAM

Ditch Name: BIG HORN CANAL

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	16.34	4	SESE	20	2S	33E	BIG HORN
2	7.79	7	SWNE	21	2S	33E	BIG HORN
3	15.62	8	NESE	21	2S	33E	BIG HORN
4	38.54	9	NWSE	21	2S	33E	BIG HORN
5	40.00		SESE	21	2S	33E	BIG HORN
6	40.00		SWSE	21	2S	33E	BIG HORN
7	146.33		SW	21	2S	33E	BIG HORN
8	40.00		NENE	22	2S	33E	BIG HORN
9	19.04		NWNE	22	2S	33E	BIG HORN
10	49.01		SWNE	22	2S	33E	BIG HORN
11	80.00		W2SE	22	2S	33E	BIG HORN
12	36.12		NESW	22	2S	33E	BIG HORN
13	20.22		NWSW	22	2S	33E	BIG HORN
14	40.00		SESW	22	2S	33E	BIG HORN
15	40.00		SWSW	22	2S	33E	BIG HORN
16	80.00		W2NE	27	2S	33E	BIG HORN
17	160.00		NW	27	2S	33E	BIG HORN
18	80.00		W2SE	27	2S	33E	BIG HORN
19	160.00		SW	27	2S	33E	BIG HORN
20	160.00		NE	28	2S	33E	BIG HORN
21	160.00		NW	28	2S	33E	BIG HORN
22	160.00		SE	28	2S	33E	BIG HORN
23	160.00		SW	28	2S	33E	BIG HORN

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>
24	119.28		NE	29	2S	33E	BIG HORN
25	120.80		SE	29	2S	33E	BIG HORN
26	160.00		NE	32	2S	33E	BIG HORN
27	52.80		E2NW	32	2S	33E	BIG HORN
28	160.00		SE	32	2S	33E	BIG HORN
29	65.36		E2SW	32	2S	33E	BIG HORN
30	160.00		NE	33	2S	33E	BIG HORN
31	160.00		NW	33	2S	33E	BIG HORN
32	160.00		SE	33	2S	33E	BIG HORN
33	160.00		SW	33	2S	33E	BIG HORN
34	80.00		W2NE	34	2S	33E	BIG HORN
35	160.00		NW	34	2S	33E	BIG HORN
36	160.00		SW	34	2S	33E	BIG HORN
37	48.70		NESE	13	3S	32E	BIG HORN
38	40.00		SESE	13	3S	32E	BIG HORN
39	23.45		SWSE	13	3S	32E	BIG HORN
40	160.00		NE	24	3S	32E	BIG HORN
41	64.13		E2NW	24	3S	32E	BIG HORN
42	160.00		SE	24	3S	32E	BIG HORN
43	77.74		SW	24	3S	32E	BIG HORN
44	160.00		NE	25	3S	32E	BIG HORN
45	137.33		NW	25	3S	32E	BIG HORN
46	160.00		SE	25	3S	32E	BIG HORN
47	159.93		SW	25	3S	32E	BIG HORN
48	40.76		E2NE	26	3S	32E	BIG HORN
49	50.02		E2SE	26	3S	32E	BIG HORN
50	88.01		NE	35	3S	32E	BIG HORN
51	132.13		SE	35	3S	32E	BIG HORN
52	160.00		NE	36	3S	32E	BIG HORN
53	158.44		NW	36	3S	32E	BIG HORN
54	160.00		SE	36	3S	32E	BIG HORN
55	160.00		SW	36	3S	32E	BIG HORN
56	120.62		NW	3	3S	33E	BIG HORN
57	80.00		W2SW	3	3S	33E	BIG HORN
58	172.70		NE	4	3S	33E	BIG HORN
59	173.00		NW	4	3S	33E	BIG HORN
60	160.00		SE	4	3S	33E	BIG HORN
61	160.00		SW	4	3S	33E	BIG HORN
62	173.00		NE	5	3S	33E	BIG HORN
63	119.91		NW	5	3S	33E	BIG HORN
64	160.00		SE	5	3S	33E	BIG HORN
65	140.64		SW	5	3S	33E	BIG HORN
66	12.45		SESE	6	3S	33E	BIG HORN
67	107.42		NE	7	3S	33E	BIG HORN
68	21.14		SENE	7	3S	33E	BIG HORN
69	160.00		SE	7	3S	33E	BIG HORN
70	37.10		E2SW	7	3S	33E	BIG HORN
71	160.00		NE	8	3S	33E	BIG HORN
72	160.00		NW	8	3S	33E	BIG HORN
73	160.00		SE	8	3S	33E	BIG HORN
74	160.00		SW	8	3S	33E	BIG HORN
75	160.00		NE	9	3S	33E	BIG HORN
76	160.00		NW	9	3S	33E	BIG HORN
77	80.00		W2SE	9	3S	33E	BIG HORN
78	160.00		SW	9	3S	33E	BIG HORN
79	40.00		NWNE	16	3S	33E	BIG HORN
80	160.00		NW	16	3S	33E	BIG HORN
81	80.00		W2SW	16	3S	33E	BIG HORN
82	160.00		NE	17	3S	33E	BIG HORN
83	160.00		NW	17	3S	33E	BIG HORN
84	160.00		SE	17	3S	33E	BIG HORN
85	160.00		SW	17	3S	33E	BIG HORN
86	160.00		NE	18	3S	33E	BIG HORN
87	106.68		NW	18	3S	33E	BIG HORN
88	160.00		SE	18	3S	33E	BIG HORN
89	154.91		SW	18	3S	33E	BIG HORN
90	160.00		NE	19	3S	33E	BIG HORN
91	155.02		NW	19	3S	33E	BIG HORN

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>
92	160.00		SE	19	3S	33E	BIG HORN
93	155.07		SW	19	3S	33E	BIG HORN
94	160.00		NE	20	3S	33E	BIG HORN
95	160.00		NW	20	3S	33E	BIG HORN
96	80.00		W2SE	20	3S	33E	BIG HORN
97	160.00		SW	20	3S	33E	BIG HORN
98	102.62		W2NW	21	3S	33E	BIG HORN
99	40.00		NWNE	29	3S	33E	BIG HORN
100	160.00		NW	29	3S	33E	BIG HORN
101	160.00		SW	29	3S	33E	BIG HORN
102	160.00		NE	30	3S	33E	BIG HORN
103	155.07		NW	30	3S	33E	BIG HORN
104	160.00		SE	30	3S	33E	BIG HORN
105	155.12		SW	30	3S	33E	BIG HORN
106	160.00		NE	31	3S	33E	BIG HORN
107	155.24		NW	31	3S	33E	BIG HORN
108	160.00		SE	31	3S	33E	BIG HORN
109	155.33		SW	31	3S	33E	BIG HORN
110	40.00		NWNW	32	3S	33E	BIG HORN
111	160.00		NE	1	4S	32E	BIG HORN
112	160.00		NW	1	4S	32E	BIG HORN
113	160.00		SE	1	4S	32E	BIG HORN
114	160.00		SW	1	4S	32E	BIG HORN
115	156.55		NE	2	4S	32E	BIG HORN
116	20.70		SE	2	4S	32E	BIG HORN
117	160.00		SE	2	4S	32E	BIG HORN
118	71.96		E2SW	2	4S	32E	BIG HORN
119	160.00		NE	11	4S	32E	BIG HORN
120	123.06		NW	11	4S	32E	BIG HORN
121	160.00		SE	11	4S	32E	BIG HORN
122	100.94		SW	11	4S	32E	BIG HORN
123	160.00		NE	12	4S	32E	BIG HORN
124	160.00		NW	12	4S	32E	BIG HORN
125	160.00		SE	12	4S	32E	BIG HORN
126	160.00		SW	12	4S	32E	BIG HORN
127	160.00		NE	13	4S	32E	BIG HORN
128	160.00		NW	13	4S	32E	BIG HORN
129	160.00		SE	13	4S	32E	BIG HORN
130	160.00		SW	13	4S	32E	BIG HORN
131	160.00		NE	14	4S	32E	BIG HORN
132	116.00		NW	14	4S	32E	BIG HORN
133	160.00		SE	14	4S	32E	BIG HORN
134	52.35		N2SW	14	4S	32E	BIG HORN
135	90.66		E2E2	22	4S	32E	BIG HORN
136	160.00		NE	23	4S	32E	BIG HORN
137	80.00		S2NW	23	4S	32E	BIG HORN
138	160.00		SE	23	4S	32E	BIG HORN
139	160.00		SW	23	4S	32E	BIG HORN
140	160.00		NE	24	4S	32E	BIG HORN
141	160.00		NW	24	4S	32E	BIG HORN
142	160.00		SE	24	4S	32E	BIG HORN
143	160.00		SW	24	4S	32E	BIG HORN
144	160.00		NE	25	4S	32E	BIG HORN
145	160.00		NW	25	4S	32E	BIG HORN
146	160.00		SE	25	4S	32E	BIG HORN
147	160.00		SW	25	4S	32E	BIG HORN
148	160.00		NE	26	4S	32E	BIG HORN
149	160.00		NW	26	4S	32E	BIG HORN
150	160.00		SE	26	4S	32E	BIG HORN
151	160.00		SW	26	4S	32E	BIG HORN
152	85.99		E2NE	27	4S	32E	BIG HORN
153	70.99		E2SE	27	4S	32E	BIG HORN
154	128.90		NE	34	4S	32E	BIG HORN
155	20.57		SE	34	4S	32E	BIG HORN
156	160.00		SE	34	4S	32E	BIG HORN
157	93.94		SW	34	4S	32E	BIG HORN
158	160.00		NE	35	4S	32E	BIG HORN
159	160.00		NW	35	4S	32E	BIG HORN

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>
160	160.00		SE	35	4S	32E	BIG HORN
161	160.00		SW	35	4S	32E	BIG HORN
162	160.00		NE	36	4S	32E	BIG HORN
163	160.00		NW	36	4S	32E	BIG HORN
164	150.00		SE	36	4S	32E	BIG HORN
165	160.00		SW	36	4S	32E	BIG HORN
166	160.22		NE	6	4S	33E	BIG HORN
167	155.62		NW	6	4S	33E	BIG HORN
168	160.00		SE	6	4S	33E	BIG HORN
169	155.48		SW	6	4S	33E	BIG HORN
170	160.00		NE	7	4S	33E	BIG HORN
171	155.61		NW	7	4S	33E	BIG HORN
172	80.00		W2SE	7	4S	33E	BIG HORN
173	155.67		SW	7	4S	33E	BIG HORN
174	40.00		NWNE	18	4S	33E	BIG HORN
175	155.61		NW	18	4S	33E	BIG HORN
176	155.70		SW	18	4S	33E	BIG HORN
177	115.70		NW	19	4S	33E	BIG HORN
178	36.02		E2SE	25	5S	31E	BIG HORN
179	1.76		SESENE	34	5S	31E	BIG HORN
180	133.43		SE	34	5S	31E	BIG HORN
181	13.18		SESW	34	5S	31E	BIG HORN
182	17.46		S2NE	35	5S	31E	BIG HORN
183	11.38		S2NW	35	5S	31E	BIG HORN
184	160.00		SE	35	5S	31E	BIG HORN
185	160.00		SW	35	5S	31E	BIG HORN
186	142.90		NE	36	5S	31E	BIG HORN
187	19.30		SENW	36	5S	31E	BIG HORN
188	160.00		SE	36	5S	31E	BIG HORN
189	160.00		SW	36	5S	31E	BIG HORN
190	66.16		NE	1	5S	32E	BIG HORN
191	168.54		NW	1	5S	32E	BIG HORN
192	80.77		SW	1	5S	32E	BIG HORN
193	160.43		NE	2	5S	32E	BIG HORN
194	160.49		NW	2	5S	32E	BIG HORN
195	158.40		SE	2	5S	32E	BIG HORN
196	160.00		SW	2	5S	32E	BIG HORN
197	160.52		NE	3	5S	32E	BIG HORN
198	134.40		NW	3	5S	32E	BIG HORN
199	160.00		SE	3	5S	32E	BIG HORN
200	160.00		SW	3	5S	32E	BIG HORN
201	67.82		E2NE	4	5S	32E	BIG HORN
202	29.72		SWNE	4	5S	32E	BIG HORN
203	160.00		SE	4	5S	32E	BIG HORN
204	145.98		SW	4	5S	32E	BIG HORN
205	21.50		SESE	5	5S	32E	BIG HORN
206	20.30		SESE	7	5S	32E	BIG HORN
207	150.44		NE	8	5S	32E	BIG HORN
208	31.13		SENW	8	5S	32E	BIG HORN
209	160.00		SE	8	5S	32E	BIG HORN
210	139.56		SW	8	5S	32E	BIG HORN
211	160.00		NE	9	5S	32E	BIG HORN
212	160.00		NW	9	5S	32E	BIG HORN
213	160.00		SE	9	5S	32E	BIG HORN
214	160.00		SW	9	5S	32E	BIG HORN
215	160.00		NE	10	5S	32E	BIG HORN
216	160.00		NW	10	5S	32E	BIG HORN
217	160.00		SE	10	5S	32E	BIG HORN
218	160.00		SW	10	5S	32E	BIG HORN
219	67.70		NE	11	5S	32E	BIG HORN
220	161.09		NW	11	5S	32E	BIG HORN
221	75.83		SW	11	5S	32E	BIG HORN
222	64.80		NE	15	5S	32E	BIG HORN
223	141.00		NW	15	5S	32E	BIG HORN
224	9.40		W2SW	15	5S	32E	BIG HORN
225	160.00		NE	16	5S	32E	BIG HORN
226	160.00		NW	16	5S	32E	BIG HORN
227	123.40		SE	16	5S	32E	BIG HORN

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>
228	160.00		SW	16	5S	32E	BIG HORN
229	160.00		NE	17	5S	32E	BIG HORN
230	160.00		NW	17	5S	32E	BIG HORN
231	160.00		SE	17	5S	32E	BIG HORN
232	160.00		SW	17	5S	32E	BIG HORN
233	33.62		E2NE	18	5S	32E	BIG HORN
234	42.04		E2SE	18	5S	32E	BIG HORN
235	38.18		E2NE	19	5S	32E	BIG HORN
236	115.81		SE	19	5S	32E	BIG HORN
237	160.00		NE	20	5S	32E	BIG HORN
238	160.00		NW	20	5S	32E	BIG HORN
239	155.50		SE	20	5S	32E	BIG HORN
240	160.00		SW	20	5S	32E	BIG HORN
241	41.70		W2NE	21	5S	32E	BIG HORN
242	146.40		NW	21	5S	32E	BIG HORN
243	29.00		SW	21	5S	32E	BIG HORN
244	78.00		NE	29	5S	32E	BIG HORN
245	160.00		NW	29	5S	32E	BIG HORN
246	160.00		SW	29	5S	32E	BIG HORN
247	160.00		NE	30	5S	32E	BIG HORN
248	87.78		NW	30	5S	32E	BIG HORN
249	160.00		SE	30	5S	32E	BIG HORN
250	157.33		SW	30	5S	32E	BIG HORN
251	160.00		NE	31	5S	32E	BIG HORN
252	159.65		NW	31	5S	32E	BIG HORN
253	160.00		SE	31	5S	32E	BIG HORN
254	119.92		SW	31	5S	32E	BIG HORN
255	40.00		SWNE	32	5S	32E	BIG HORN
256	120.00		NW	32	5S	32E	BIG HORN
257	120.00		SW	32	5S	32E	BIG HORN
258	165.07		S2N2	1	6S	31E	BIG HORN
259	80.00		N2SE	1	6S	31E	BIG HORN
260	161.00		SW	1	6S	31E	BIG HORN
261	82.81		S2NE	2	6S	31E	BIG HORN
262	29.48		SENW	2	6S	31E	BIG HORN
263	18.01		SWNW	2	6S	31E	BIG HORN
264	80.00		N2SE	2	6S	31E	BIG HORN
265	80.00		S2SE	2	6S	31E	BIG HORN
266	40.00		NESW	2	6S	31E	BIG HORN
267	40.00		NWSW	2	6S	31E	BIG HORN
268	40.00		SESW	2	6S	31E	BIG HORN
269	40.00		SWSW	2	6S	31E	BIG HORN
270	29.83		NESE	3	6S	31E	BIG HORN
271	4.45		NWSE	3	6S	31E	BIG HORN
272	40.00		SESE	3	6S	31E	BIG HORN
273	40.00		SWSE	3	6S	31E	BIG HORN
274	27.02		SESW	3	6S	31E	BIG HORN
275	40.00		NENE	10	6S	31E	BIG HORN
276	40.00		NWNE	10	6S	31E	BIG HORN
277	36.89		SWNE	10	6S	31E	BIG HORN
278	21.92		NENW	10	6S	31E	BIG HORN
279	37.39		NWSE	10	6S	31E	BIG HORN
280	40.00		SWSE	10	6S	31E	BIG HORN
281	31.91		SESW	10	6S	31E	BIG HORN
282	79.00		N2NE	11	6S	31E	BIG HORN
283	160.00		NW	11	6S	31E	BIG HORN
284	76.13		S2NW	6	6S	32E	BIG HORN
285	32.64		NWSW	6	6S	32E	BIG HORN
Total:	33,546.44						

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE CROW INDIAN RESERVATION.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 03/29/2000.

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:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

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, 190136-00, 185382-00, 186631-00.

THE BIG HORN COUNTY WATER RESOURCES SURVEY (1947) APPEARS TO INDICATE 20372.55 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 179-214, 179-216, 179-218, 179-244, 179-246, 179-248, 179-250, 179-286, 179-288, 279-256, 279-258 , DATED 09/26/1980, 10/03/1980 , APPEARS TO INDICATE 21145.86 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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.