

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: 42A 3265-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: OSCAR F KINZEL
PO BOX 143
LAME DEER, MT 59043

Priority Date: JULY 1, 1971
Enforceable Priority Date: JULY 1, 1971

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Maximum Flow Rate: 5.30 CFS
THE FLOW RATE OF THIS CLAIM HAS BEEN REDUCED TO 17 GPM PER ACRE.
THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

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: 140.00

Source Name: LAME DEER CREEK
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		NENWSE	28	2S	41E	ROSEBUD

Period of Diversion: MARCH 1 TO OCTOBER 30

Diversion Means: HEADGATE

Period of Use: MARCH 1 to OCTOBER 30

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	20.00		S2NESE	17	2S	41E	ROSEBUD
2	20.00		N2SESE	17	2S	41E	ROSEBUD
3	20.00		S2SESE	17	2S	41E	ROSEBUD
4	20.00		N2NENE	20	2S	41E	ROSEBUD
5	20.00		S2NENE	20	2S	41E	ROSEBUD
6	40.00		NWNW	21	2S	41E	ROSEBUD
Total:	140.00						

Geocodes/Valid: 29-0840-20-1-01-01-0000 - Y 29-0840-21-1-01-01-0000 - 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 NORTHERN CHEYENNE INDIAN RESERVATION.

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

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 10/09/2012, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY USA IN TRUST FOR CHEYENNE TRIBE.

USDA AERIAL PHOTOGRAPH NO(S). 578-037 , DATED 06/29/1980 , APPEARS TO INDICATE 69 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 NORTHERN CHEYENNE - MONTANA COMPACT. ADDITIONAL EVIDENCE MAY BE REQUIRED BEFORE THIS CLAIM CAN BE DECREED.