

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:** 43BV 150309-00 STATEMENT OF CLAIM  
**Version:** 2 -- CHANGE AUTHORIZATION  
**Version Status:** ACTIVE

THIS AUTHORIZATION IS LIMITED TO THE AMOUNT OF THE HISTORIC USE RECOGNIZED BY THE DEPARTMENT IN THIS PROCEEDING AS SUBJECT TO CHANGE, AND WILL THEREAFTER NOT EXCEED THAT AMOUNT. IF THE HISTORIC USE IS REDUCED UNDER ADJUDICATION PROCEEDINGS PURSUANT TO TITLE 85, CHAPTER 2, PART 2, MCA, THIS AUTHORIZATION WILL BE LIMITED TO A LESSER AMOUNT.

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

**Priority Date:** JUNE 1, 1889  
**Enforceable Priority Date:** JUNE 1, 1889

**Purpose (use):** IRRIGATION  
**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 3.50 CFS  
**Maximum Volume:** 1,925.00 AC-FT  
**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 5,573.00

**Source Name:** UNNAMED TRIBUTARY OF SWEET GRASS CREEK  
**Source Type:** SURFACE WATER

**Source Name:** RYE CREEK  
**Source Type:** SURFACE WATER

**Source Name:** BILLY CREEK  
**Source Type:** SURFACE WATER

**Source Name:** CAYUSE CREEK  
**Source Type:** SURFACE WATER

**Source Name:** SWEET GRASS CREEK  
**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		NESENE	32	5N	14E	SWEET GRASS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Source Name:** CAYUSE CREEK

**Diversion Means:** HEADGATE

**Ditch Name:** MARTIN AND CREMER DITCH

2		SESESE	5	4N	14E	SWEET GRASS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Source Name:** UNNAMED TRIBUTARY OF SWEET GRASS CREEK

**Diversion Means:** HEADGATE

**Ditch Name:** ESSEX DITCH

3		SWNESW	5	4N	14E	SWEET GRASS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Source Name:** SWEET GRASS CREEK

**Diversion Means:** HEADGATE

**Ditch Name:** CREMER-NOLLMEYER DITCH

4		SENENW	9	4N	14E	SWEET GRASS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Source Name:** SWEET GRASS CREEK

**Diversion Means:** HEADGATE

**Ditch Name:** NEVIN DITCH

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
5		NWSENE	17	4N	14E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Source Name:</b> SWEET GRASS CREEK						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> ESSEX DITCH						
6		NWNWNW	16	4N	14E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Source Name:</b> BILLY CREEK						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> HOWE (VAN CLEVE) DITCH						
7		SWNWNW	14	4N	14E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Source Name:</b> BILLY CREEK						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> FRANKLIN DITCH						
8		SESWNW	14	4N	14E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Source Name:</b> BILLY CREEK						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> FRANKLIN DITCH						
9		NENWSW	14	4N	14E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Source Name:</b> SWEET GRASS CREEK						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> FRANKLIN DITCH						
10		NWNESE	21	4N	14E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Source Name:</b> SWEET GRASS CREEK						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> FRANKLIN DITCHES						
11		SWNESW	22	4N	14E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Source Name:</b> SWEET GRASS CREEK						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> FRANKLIN DITCHES						
12		NWSENE	18	3N	16E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Source Name:</b> RYE CREEK						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> WEST MEDLEY DITCH						
13		SENESE	18	3N	16E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Source Name:</b> RYE CREEK						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> STOCKER DITCH						
14		SESESE	7	3N	16E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Source Name:</b> SWEET GRASS CREEK						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> STOCKER DITCH						

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
15		NWSWSW	6	3N	16E	SWEET GRASS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Source Name:** SWEET GRASS CREEK  
**Diversion Means:** HEADGATE  
**Ditch Name:** ADAMS DITCH

16		SENE	21	4N	14E	SWEET GRASS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Source Name:** SWEET GRASS CREEK  
**Diversion Means:** HEADGATE

17		NWNWNW	16	2N	16E	SWEET GRASS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Source Name:** SWEET GRASS CREEK  
**Diversion Means:** PUMP  
 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:** OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SENE	21	4N	14E	SWEET GRASS

**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** JANUARY 1 to DECEMBER 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	190.00		N2	15	4N	14E	SWEET GRASS
2	50.00		N2SE	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		N2NWSW	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		SWSWNW	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		S2SENE	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

**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>
35	240.00		E2	10	4N	14E	SWEET GRASS
36	42.00		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
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
<b>Total:</b>	5,573.00						

<u>Geocodes/Valid:</u>		
40-1222-06-3-03-01-0000 - Y		40-1222-08-1-01-01-0000 - Y
40-1222-17-1-01-01-0000 - Y		40-1222-18-1-01-01-0000 - Y
40-1222-19-1-01-01-0000 - Y		40-1222-20-1-03-01-0000 - Y
40-1222-34-2-01-01-0000 - Y		40-1312-02-1-01-01-0000 - Y
40-1312-03-1-01-01-0000 - Y		40-1312-04-1-01-01-0000 - Y
40-1312-10-1-01-01-0000 - Y		40-1312-11-3-03-04-0000 - Y
40-1312-12-3-03-01-0000 - Y		40-1312-13-2-02-02-0000 - Y
40-1312-14-1-01-01-0000 - Y		40-1312-15-1-01-01-0000 - Y
40-1312-21-1-01-01-0000 - Y		40-1312-22-1-01-01-0000 - Y
40-1312-23-1-01-01-0000 - Y		40-1312-24-1-01-01-0000 - Y
40-1312-25-1-02-01-0000 - Y		40-1312-26-1-01-01-0000 - Y
40-1312-27-1-01-01-0000 - Y		40-1415-34-3-01-01-0000 - Y

**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.

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
SESESE	18	03N	16E	SWEETGRASS	RYE CREEK
SESESE	07	03N	16E	SWEETGRASS	SWEETGRASS CREEK
NWSWSW	06	03N	16E	SWEETGRASS	SWEETGRASS CREEK
SENENE	21	04N	14E	SWEETGRASS	RYE CREEK
NWNWNW	16	02N	16E	SWEETGRASS	SWEETGRASS CREEK

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**Remarks:**

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 ACKNOWLEDGEMENT OF TRANSFER IS BEING REISSUED 12/12/00 IN LIEU OF ONE ISSUED 3/29/00. THE WATER RIGHT NUMBERS WERE LISTED INCORRECTLY.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 10/24/88.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 03/29/00.

ANYTIME AFTER THIS RIGHT IS ISSUED AND COMPETITION FOR WATER ON THE SOURCE BECOMES AN ISSUE, THE DEPARTMENT MAY REQUIRE THE APPROPRIATOR TO INSTALL A WATER USE MEASURING DEVICE AND SUBMIT THE RECORDS OF THE FLOW RATE OR VOLUME OR BOTH OF ALL WATER DIVERTED.