

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 4785-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

PATRICIA A SAUNDERS
3380 RACQUET DR
BILLINGS, MT 59102

ROBERT B SAUNDERS
3380 RACQUET DR
BILLINGS, MT 59102

MICHAEL R STENERSON
RT 1 BOX 1216B
HARDIN, MT 59034

BETH ANN STENERSON
RT 1 BOX 1216B
HARDIN, MT 59034

RICHARD O CLAUSEN
RR 1 BOX 1216E
HARDIN, MT 59034

KRISTINA K CLAUSEN
RR 1 BOX 1216E
HARDIN, MT 59034

BARBARA I VINK
PO BOX 802
BRIDGER, MT 59014

VERNA M NEEL
DECEASED
RR 1 BOX 1216D
HARDIN, MT 59034

BERLE NEEL
DECEASED
RR 1 BOX 1216D
HARDIN, MT 59034

ALLEN L JUNKER
RT 1 BOX 1216F
HARDIN, MT 59034

ALMA C JUNKER
RT 1 BOX 1216F
HARDIN, MT 59034

Priority Date: FEBRUARY 10, 1910

Enforceable Priority Date: FEBRUARY 10, 1910

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 2.27 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: 1 - HIGH

Maximum Acres: 60.00

Source Name: BIGHORN RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID Govt Lot Qtr Sec Sec Twp Rge County

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWSE	20	2S	33E	BIG HORN

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: TWO LEGGINS CANAL

Period of Use: MAY 1 to OCTOBER 1

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		SWNW	24	1S	33E	BIG HORN
2	40.00		NWSW	24	1S	33E	BIG HORN
Total:	60.00						

Geocodes/Valid:	22-0934-24-2-02-01-0000 - Y	22-0934-24-3-02-01-0000 - Y
	22-0934-24-3-03-01-0000 - Y	22-0934-24-3-05-01-0000 - Y
	22-0934-24-3-06-01-0000 - Y	22-0934-24-3-07-01-0000 - Y
	22-0934-24-3-08-01-0000 - 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.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 03/29/84.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/01/89.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/25/96.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/10/96.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/25/96.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/08/96.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 01/27/00.

THIS CLAIM APPEARS TO BE FOR WATER PROVIDED BY THE TWO LEGGINS WATER USERS ASSOCIATION UNDER CLAIM NO. 185058-00 . THIS CLAIM APPEARS TO BE REDUNDANT.

THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THERE ARE 263 WATER RIGHT CLAIMS FOR THE WATER FROM THE TWO LEGGINS CANAL THAT CLAIM A TOTAL COMBINED FLOW RATE OF 1362.404 CUBIC FEET PER SECOND. THE TOTAL COMBINED CLAIMED FLOW RATES EXCEED THE 600 CUBIC FEET PER SECOND OF THE SHEPARD, BAIR, EDWARDS, 5/21/1909 FILED APPROPRIATION FOR THE TWO LEGGINS CANAL. A LIST OF THE WATER RIGHTS CLAIMS INVOLVED HAS BEEN ADDED TO THE CLAIM FILE.

ACCORDING TO DEPARTMENT OF REVENUE RECORDS, AS OF 06/04/2014, THE PLACE OF USE APPEARS TO BE SUBDIVIDED AND NOW OWNED BY MULTIPLE PARTIES. SEE CLAIM FILE FOR MORE INFORMATION.

A REQUEST TO WITHDRAW SUBMITTED 04/23/2014 WAS NOT SIGNED BY ALL OWNERS OF RECORD. DNRC REQUESTED THE OTHER OWNERS SUBMIT A SIGNED AND NOTARIZED WITHDRAWAL FORM. AS OF 07/07/2014 , A WITHDRAWAL FORM HAS NOT BEEN SUBMITTED BY ALL OWNERS OF RECORD, THEREFORE, THIS REQUEST TO WITHDRAW HAS NOT BEEN PROCESSED.

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.