

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: 42B 117839-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Version Status: DISMISSED

Owners: DECKER COAL CO
PO BOX 12
DECKER, MT 59025

Priority Date: JUNE 1, 1907

Enforceable Priority Date: JUNE 1, 1907

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Maximum Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Maximum Volume: 320.00 AC-FT
THE VOLUME OF THIS CLAIM HAS BEEN REDUCED TO THE 2.0 ACRE-FEET PER ACRE GUIDELINE FOR WATER SPREADING. THE VOLUME MAY BE CONTESTED BY PROPER OBJECTION.

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 160.00

Source Name: 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		SESENW	9	9S	41E	BIG HORN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

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	40.00		NENE	8	9S	41E	BIG HORN
2	40.00		SENE	8	9S	41E	BIG HORN
3	40.00		SENW	9	9S	41E	BIG HORN
4	40.00		SWNW	9	9S	41E	BIG HORN
Total:	160.00						

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT DURING ADJUDICATION OF THE PRELIMINARY DECREE.

BIG HORN COUNTY RECORDS AS OF 04/03/2007 SHOWS PLACE OF USE IS OWNED BY MONTANA ROYALTY CO AND RANCHOLME CATTLE LTD.

THE BIG HORN COUNTY WATER RESOURCES SURVEY (1947) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 379-57 , DATED 10/04/1980 , APPEARS TO INDICATE 133.75 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

VOLUME MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.