

STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

# GENERAL ABSTRACT

**A version with a more recent operating authority date exists. Contact DNRC for details.**

**Water Right Number:** 43D 10266-00 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:**

NORBY FAMILY TRUST  
% PATRICIA HIATT  
1003 POLY DR  
BILLINGS, MT 59102

MCCUNE, PAUL E CHILDRENS REVOCABLE LIVING TRUST  
MCCUNE, PAUL E TRUSTEE  
13712 W 135TH AVE  
CEDAR LAKE, IN 46303

ALFRED NORBY  
%LEE NORBY  
1003 POLY DR  
BILLINGS, MT 59102-1831

JOHN W CLARK  
PO BOX 1168  
RED LODGE, MT 59068

REMINGTON MONTANA CO  
% MICHAEL J FARLEY, PRESIDENT  
PO BOX 2000  
RED LODGE, MT 59068

RED LODGE WEST LLP  
PO BOX 450  
RED LODGE, MT 59068

LAMAR RANCHING CO  
505 O'MALLEY DR  
BILLINGS, MT 59102

ALVIN L SWANSON JR  
2226 REMINGTON SQUARE  
BILLINGS, MT 59102

KENNETH R PODKONJAK  
30 MOORE LN  
BILLINGS, MT 59101

MECHELLE PODKONJAK  
PO BOX 426  
RED LODGE, MT 59068

ANDREW V PORTH  
PO BOX 770  
RED LODGE, MT 59068-0770

KAREN G PORTH  
PO BOX 770  
RED LODGE, MT 59068

DONALD W LINDALL  
PO BOX 1294  
RED LODGE, MT 59068-1294

LYNN A ENGUM  
PO BOX 110  
RED LODGE, MT 59068

RICK L ENGUM  
PO BOX 110  
RED LODGE, MT 59068

MCCAMPBELL, JOHN D REVOCABLE LIVING TRUST  
PO BOX 946  
RED LODGE, MT 59068

MCCAMPBELL DIXIE L REVOCABLE LIVING TRUST  
PO BOX 946  
RED LODGE, MT 59068

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

**Priority Date:** MAY 1, 1886

**Enforceable Priority Date:** MAY 1, 1886

**Purpose (use):** IRRIGATION  
FISH AND WILDLIFE

**Irrigation Type:** FLOOD

**Maximum Flow Rate:** 10.00 CFS

**Maximum Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 379.10

**Source Name:** WILLOW 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		NWNENW	33	7S	20E	CARBON

**Period of Diversion:** APRIL 10 TO NOVEMBER 4

**Diversion Means:** OTHER

**Subdivision:** REMINGTON RANCH TRACT/LOT: 24

**Reservoir:** OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNENW	33	7S	20E	CARBON

**Current Capacity:** 0.70 ACRE-FEET

**Reservoir:** OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNENW	33	7S	20E	CARBON

**Current Capacity:** 3.20 ACRE-FEET

**Period of Use:** JANUARY 10 to NOVEMBER 4  
APRIL 10 to NOVEMBER 4

**Purpose (Use):** IRRIGATION

**Period of Use:** APRIL 10 to NOVEMBER 4

**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	134.10		SW	28	7S	20E	CARBON
2	65.00		SE	28	7S	20E	CARBON
3	60.00		NE	28	7S	20E	CARBON
4	100.00		NW	33	7S	20E	CARBON
5	20.00		NE	33	7S	20E	CARBON
<b>Total:</b>	<b>379.10</b>						

**Purpose (Use):** FISH AND WILDLIFE

**Period of Use:** JANUARY 10 to NOVEMBER 4

**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			NWNENW	33	7S	20E	CARBON

**Geocodes/Valid:** 10-0356-28-1-01-01-0000 - Y      10-0356-28-1-01-02-0000 - Y  
10-0356-28-1-03-10-0000 - Y      10-0356-28-1-03-11-0000 - Y

10-0356-28-1-03-12-0000 - Y	10-0356-28-1-03-13-0000 - Y
10-0356-28-1-03-14-0000 - Y	10-0356-28-1-03-15-0000 - Y
10-0356-28-1-03-16-0000 - Y	10-0356-28-1-03-17-0000 - Y
10-0356-28-1-03-18-0000 - Y	10-0356-28-1-03-19-0000 - Y
10-0356-28-1-03-20-0000 - Y	10-0356-28-1-03-21-0000 - Y
10-0356-28-1-04-02-0000 - Y	10-0356-28-1-04-03-0000 - Y
10-0356-28-1-04-04-0000 - Y	10-0356-28-1-04-05-0000 - Y
10-0356-28-1-04-06-0000 - Y	10-0356-28-1-04-07-0000 - Y
10-0356-28-1-04-08-0000 - Y	10-0356-28-1-04-09-0000 - Y
10-0356-28-1-04-10-0000 - Y	10-0356-28-1-04-11-0000 - Y
10-0356-28-1-04-12-0000 - Y	10-0356-28-1-04-15-0000 - Y
10-0356-28-1-04-16-0000 - Y	10-0356-28-1-04-17-0000 - Y
10-0356-28-1-04-18-0000 - Y	10-0356-28-1-04-19-0000 - Y
10-0356-28-1-05-04-0000 - Y	10-0356-28-1-05-05-0000 - Y
10-0356-28-1-05-06-0000 - Y	10-0356-28-1-05-07-0000 - Y
10-0356-28-1-05-08-0000 - Y	10-0356-28-1-05-09-0000 - Y
10-0356-28-1-05-10-0000 - Y	10-0356-28-1-05-11-0000 - Y
10-0356-28-1-05-12-0000 - Y	10-0356-28-1-05-13-0000 - Y
10-0356-28-1-05-14-0000 - Y	10-0356-28-1-05-15-0000 - Y
10-0356-28-1-05-16-0000 - Y	10-0356-28-1-05-17-0000 - Y
10-0356-28-1-05-18-0000 - Y	10-0356-28-1-05-19-0000 - Y
10-0356-28-3-01-12-0000 - Y	10-0356-28-3-01-12-0901 - Y
10-0356-28-3-01-12-0902 - Y	10-0356-28-3-01-12-0903 - Y
10-0356-28-3-01-12-0904 - Y	10-0356-28-3-01-13-0000 - Y
10-0356-28-3-01-13-0901 - Y	10-0356-28-3-01-13-0902 - Y
10-0356-28-3-01-13-0903 - Y	10-0356-28-3-01-13-0904 - Y
10-0356-28-3-01-14-0000 - Y	10-0356-28-3-01-14-0901 - Y
10-0356-28-3-01-14-0902 - Y	10-0356-28-3-01-14-0903 - Y
10-0356-28-3-01-14-0904 - Y	10-0356-28-3-01-15-0000 - Y
10-0356-28-3-01-15-0901 - Y	10-0356-28-3-01-15-0902 - Y
10-0356-28-3-01-15-0903 - Y	10-0356-28-3-01-16-0000 - Y
10-0356-28-3-01-17-0000 - Y	10-0356-28-3-01-17-0901 - Y
10-0356-28-3-01-17-0902 - Y	10-0356-28-3-01-18-0000 - Y
10-0356-28-3-01-19-0000 - Y	10-0356-28-3-01-20-0000 - Y
10-0356-28-3-01-23-0000 - Y	10-0356-28-3-01-26-0000 - Y
10-0356-28-4-01-07-0000 - Y	10-0356-28-4-01-08-0000 - Y
10-0356-28-4-01-09-0000 - Y	10-0356-28-4-01-10-0000 - Y
10-0356-28-4-01-11-0000 - Y	10-0356-28-4-01-12-0000 - Y
10-0356-28-4-01-13-0000 - Y	10-0356-28-4-01-14-0000 - Y
10-0356-28-4-01-15-0000 - Y	10-0356-28-4-01-16-0000 - Y
10-0356-28-4-01-17-0000 - Y	10-0356-28-4-01-18-0000 - Y
10-0356-28-4-01-19-0000 - Y	10-0356-28-4-01-20-0000 - Y
10-0356-28-4-01-21-0000 - Y	10-0356-28-4-01-22-0000 - Y
10-0356-28-4-01-23-0000 - Y	10-0356-28-4-01-24-0000 - Y
10-0356-28-4-01-25-0000 - Y	10-0356-28-4-01-26-0000 - Y
10-0356-28-4-01-27-0000 - Y	10-0356-28-4-01-28-0000 - Y
10-0356-28-4-01-29-0000 - Y	10-0356-28-4-01-30-0000 - Y

---

10-0356-28-4-01-31-0000 - Y	10-0356-28-4-01-33-0000 - Y
10-0356-28-4-01-34-0000 - Y	10-0356-28-4-01-35-0000 - Y
10-0356-28-4-01-36-0000 - Y	10-0356-28-4-02-01-0000 - Y
10-0356-28-4-02-02-0000 - Y	10-0356-28-4-02-03-0000 - Y
10-0356-28-4-02-04-0000 - Y	10-0356-28-4-02-05-0000 - Y
10-0356-28-4-02-06-0000 - Y	10-0356-28-4-02-07-0000 - Y
10-0356-28-4-02-08-0000 - Y	10-0356-28-4-02-09-0000 - Y
10-0356-28-4-02-10-0000 - Y	10-0356-28-4-02-11-0000 - Y
10-0356-28-4-02-12-0000 - Y	10-0356-28-4-02-13-0000 - Y
10-0356-28-4-02-14-0000 - Y	10-0356-28-4-02-15-0000 - Y
10-0356-28-4-02-16-0000 - Y	10-0356-28-4-02-17-0000 - Y
10-0356-28-4-02-18-0000 - Y	10-0356-28-4-02-19-0000 - Y
10-0356-28-4-02-20-0000 - Y	10-0356-28-4-02-21-0000 - Y
10-0356-28-4-02-22-0000 - Y	10-0356-28-4-02-23-0000 - Y
10-0356-28-4-02-24-0000 - Y	10-0356-28-4-02-25-0000 - Y
10-0356-28-4-02-26-0000 - Y	10-0356-28-4-02-27-0000 - Y
10-0356-28-4-02-28-0000 - Y	10-0356-28-4-02-29-0000 - Y
10-0356-28-4-02-30-0000 - Y	10-0356-28-4-03-01-0000 - Y
10-0356-28-4-03-02-0000 - Y	10-0356-28-4-03-03-0000 - Y
10-0356-28-4-03-04-0000 - Y	10-0356-28-4-03-05-0000 - Y
10-0356-28-4-03-06-0000 - Y	10-0356-28-4-03-07-0000 - Y
10-0356-28-4-03-08-0000 - Y	10-0356-28-4-03-09-0000 - Y
10-0356-28-4-03-10-0000 - Y	10-0356-28-4-03-11-0000 - Y
10-0356-28-4-03-12-0000 - Y	10-0356-28-4-03-13-0000 - Y
10-0356-28-4-03-14-0000 - Y	10-0356-28-4-03-15-0000 - Y
10-0356-28-4-03-16-0000 - Y	10-0356-28-4-03-17-0000 - Y
10-0356-28-4-03-18-0000 - Y	10-0356-28-4-03-19-0000 - Y
10-0356-28-4-03-20-0000 - Y	10-0356-28-4-03-21-0000 - Y
10-0356-28-4-03-22-0000 - Y	10-0356-28-4-03-24-0000 - Y
10-0356-28-4-03-25-0000 - Y	10-0356-28-4-03-26-0000 - Y
10-0356-28-4-03-27-0000 - Y	10-0356-28-4-03-28-0000 - Y
10-0356-28-4-03-29-0000 - Y	10-0356-28-4-03-30-0000 - Y
10-0356-28-4-03-31-0000 - Y	10-0356-33-2-02-01-0000 - Y
10-0356-33-2-02-02-0000 - Y	10-0356-33-2-02-03-0000 - Y
10-0356-33-2-02-04-0000 - Y	10-0356-33-2-02-07-0000 - Y
10-0356-33-2-02-15-0000 - Y	10-0356-33-2-02-16-0000 - Y
10-0356-33-2-02-17-0901 - Y	

---

**Remarks:**

THIS RIGHT IS SUBJECT TO THE AUTHORITY OF COURT APPOINTED WATER COMMISSIONERS, IF APPOINTED, TO MEASURE AND DISTRIBUTE WATER. THE APPROPRIATORS SHALL PAY THEIR SHARE OF THE FEES, COMPENSATION, AND EXPENSES INCURRED IN THE DISTRIBUTION OF THE WATERS. THE FEE WILL BE SET BY DISTRICT COURT. THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED WATER USE MEASURING DEVICE AT A POINT APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN YEARLY RECORD OF THE FLOW RATE AND VOLUME OF ALL WATER DIVERTED INCLUDING THE PERIOD OF OPERATION. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 18147 RECEIVED 08/27/2004.

**Remarks:**

OWNERSHIP UPDATE TYPE 608 # 18368 RECEIVED 09/13/2004.  
OWNERSHIP UPDATE TYPE 608 # 35037 RECEIVED 01/23/2006.  
OWNERSHIP UPDATE TYPE 608 # 39358 RECEIVED 03/28/2006.  
OWNERSHIP UPDATE TYPE 608 # 50763 RECEIVED 09/18/2007.  
OWNERSHIP UPDATE TYPE DOR # 141643 RECEIVED 06/19/2008.  
OWNERSHIP UPDATE TYPE DOR # 98474 RECEIVED 02/09/2012.