

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 29299-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: HARKIS AG LLC
PO BOX 15
HARDIN, MT 59034

Priority Date: MAY 21, 1909
Enforceable Priority Date: MAY 21, 1909

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

Maximum Flow Rate: 1.87 CFS

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: 50.00

Source Name: BIGHORN RIVER
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		NESWSE	20	2S	33E	BIG HORN

Period of Diversion: APRIL 15 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: TWO LEGGINS CANAL

Period of Use: APRIL 15 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	50.00		SE	17	1N	33E	BIG HORN

Total: 50.00

Geocodes/Valid: 22-1040-17-4-01-01-0000 - Y 22-1040-17-4-01-02-0000 - Y
22-1040-17-4-02-01-0000 - Y

Remarks:

THE FLOW RATE WAS AMENDED BY THE CLAIMANT ON 05/07/1996.

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 03/10/98.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 148206 RECEIVED 06/20/2012.

NO REVIEW OR DETERMINATION OF THE CLAIMED TYPE OF HISTORICAL RIGHT HAS BEEN MADE. ADDITIONAL EVIDENCE MAY BE REQUIRED BEFORE THIS CLAIM CAN BE DECREED.

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.

Remarks:

.....
ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 05/08/2014, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY DAVID MICHAEL KUNZ.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 05/08/2014, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY HARKIS AG LLC.

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.
.....