

**PRELIMINARY DECREE  
TONGUE RIVER, ABOVE & INCLUDING HANGING WOMAN CREEK  
BASIN 42B  
ABSTRACT OF WATER RIGHT CLAIM**

**IMPORTANT NOTICE**

**YOUR WATER RIGHT AS SHOWN ON THIS ABSTRACT MAY HAVE CHANGES FROM YOUR WATER RIGHT AS CLAIMED OR AMENDED. AN ASTERISK (\*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC) DURING THE EXAMINATION PROCESS. THESE CHANGES ARE AUTHORIZED BY THE MONTANA SUPREME COURT WATER RIGHT CLAIMS EXAMINATION RULES OR BY ORDER OF THE WATER COURT.**

**OBJECTIONS MAY BE FILED ACCORDING TO THE PROCEDURES OUTLINED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."**

**Water Right Number:** 42B 181408-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Status:** ACTIVE

**Owners:** GTW INC  
 BOX 771  
 LODGE GRASS, MT 59050

**\*Priority Date:** MAY 7, 1868

**Type of Historical Right:** RESERVED

**Purpose(use):** STOCK

**\*Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**\*Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** UNNAMED TRIBUTARY OF SPRING 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         |                 | SEWSW          | 10         | 8S         | 38E        | BIG HORN      |

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

**Diversion Means:** DAM

\*Reservoir: ONSTREAM

|                                |                |            |            |            |               |
|--------------------------------|----------------|------------|------------|------------|---------------|
| <u>Govt Lot</u>                | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|                                | SESWSNW        | 10         | 8S         | 38E        | BIG HORN      |
| <b>Diversion to Reservoir:</b> | DIVERSION # 1  |            |            |            |               |
| <b>Dam Height:</b>             | 13.00 FEET     |            |            |            |               |
| <b>Depth:</b>                  | 10.00 FEET     |            |            |            |               |
| <b>Surface Area:</b>           | 0.50 ACRES     |            |            |            |               |
| <b>Capacity:</b>               | 2.00 ACRE-FEET |            |            |            |               |

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

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         |              |                 | SESWSNW        | 10         | 8S         | 38E        | BIG HORN      |

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

181408-00 181454-00

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.

**THE FOLLOWING ISSUES WERE IDENTIFIED BY THE DNRC DURING ITS EXAMINATION OF THIS WATER RIGHT CLAIM. THESE ISSUES MAY REMAIN UNRESOLVED IF NO OBJECTIONS ARE FILED.**

CLAIM WAS IMPROPERLY DESIGNATED TO BASIN 42A . CLAIM WAS NOT INCLUDED IN THE BASIN 42B TEMPORARY PRELIMINARY DECREE ISSUED 02/28/2008.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 03/03/2009 , THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY FLYING V CATTLE, HC BOX 65, RANCHESTER, WY 82839-9703.

THE PERIOD OF DIVERSION FROM THE SOURCE INTO STORAGE CANNOT BE IDENTIFIED.

THE PRIORITY DATE MAY BE QUESTIONABLE. ACCORDING TO INFORMATION IN THE CLAIM FILE, IT APPEARS WATER FROM THE SOURCE WAS FIRST USED IN APRIL, 16, 1920.

IT IS NOT CLEAR WHETHER THIS CLAIM IS FOR A RESERVED WATER RIGHT OR A STATE BASED RIGHT.

**A BETTER UNDERSTANDING OF YOUR CLAIMED WATER RIGHT CAN BE OBTAINED BY COMPARING YOUR RIGHT WITH OTHER CLAIMS IN THE BASIN. FOR EXAMPLE, COMPARE PRIORITY DATES, FLOW RATES, VOLUMES, OR ACRES IRRIGATED. ALSO, YOUR WATER RIGHT MAY BE SUBJECT TO WATER RIGHTS IN ADJOINING BASINS OR SUBBASINS AS WELL AS BEING SUBJECT TO OTHER RIGHTS ON YOUR SOURCE OF SUPPLY. FINALLY, YOUR WATER RIGHT MAY BE SUBJECT TO INDIAN RESERVED AND FEDERAL RESERVED WATER RIGHTS.**

**COMPLETE DETAILS REGARDING THE DNRC EXAMINATION RESULTS AND RELATED MATERIALS CAN BE REVIEWED AT THE OFFICE LOCATIONS IDENTIFIED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."**

**SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER EXPLANATION OF YOUR CLAIMED WATER RIGHT. THESE FINDINGS CAN BE FOUND AS INDICATED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY." IF YOU NEED OBJECTION FORMS, OR HAVE QUESTIONS ABOUT WATER COURT PROCEDURES OR CHANGES TO YOUR RIGHT, YOU CAN CONTACT THE WATER COURT BY CALLING 1-800-624-3270 (WITHIN MONTANA ONLY) OR 1-406-586-4364, OR BY WRITING TO P.O. BOX 1389, BOZEMAN, MT 59771-1389.**

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**Water Right Number:** 42B 181454-00 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Status:** ACTIVE

**Owners:** FLYING V CATTLE CO  
HC 64 BOX 65  
RANCHESTER, WY 82839

**\*Priority Date:** MAY 7, 1868

**Type of Historical Right:** RESERVED

**Purpose(use):** IRRIGATION

**Irrigation Type:** WATER SPREADING

**\*Flow Rate:** NO FLOW RATE HAS BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

**Volume:** 32.00 AC-FT

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 80.00

**Source Name:** UNNAMED TRIBUTARY OF SPRING 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         |                 | SESWENW        | 10         | 8S         | 38E        | BIG HORN      |

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

**Diversion Means:** DAM

\*Reservoir: ONSTREAM

|                                |                |            |            |            |               |
|--------------------------------|----------------|------------|------------|------------|---------------|
| <u>Govt Lot</u>                | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|                                | SESWSNW        | 10         | 8S         | 38E        | BIG HORN      |
| <br>                           |                |            |            |            |               |
| <b>Diversion to Reservoir:</b> | DIVERSION # 1  |            |            |            |               |
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| <b>Depth:</b>                  | 10.00 FEET     |            |            |            |               |
| <b>Surface Area:</b>           | 0.50 ACRES     |            |            |            |               |
| <b>Capacity:</b>               | 2.00 ACRE-FEET |            |            |            |               |

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

**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             | 80.00        |                 | S2NW           | 10         | 8S         | 38E        | BIG HORN      |
| <b>Total:</b> | 80.00        |                 |                |            |            |            |               |

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

USDA AERIAL PHOTOGRAPH NO(S). 379-170 , DATED 10/04/1980 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

PART OF THE CLAIMED PLACE OF USE MAY BE QUESTIONABLE. IT DOES NOT APPEAR THE PLACE OF USE ABOVE THE RESERVOIR CAN BE IRRIGATED FROM THE CLAIMED SOURCE.

THE PRIORITY DATE MAY BE QUESTIONABLE. ACCORDING TO INFORMATION IN THE CLAIM FILE, IT APPEARS WATER FROM THE SOURCE WAS FIRST USED IN JULY 4, 1967.

IT IS NOT CLEAR WHETHER THIS CLAIM IS FOR A RESERVED WATER RIGHT OR A STATE BASED RIGHT.

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

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