

E005 Big Timber Creek Distribution Area

COMMISSIONER REMARK INDEX

<i>Water Right #</i>		<i>Remark</i>
43B	7005	THIS WATER RIGHT ALSO INCLUDES GROUNDWATER FROM THE DEVELOPED SPRING IN THE NW SEC 29 TWP 02N RGE 14E SWEETGRASS COUNTY
43B	7016 00	CLAIM NO. 43B 7616-00 IS A 26.00 ACRE STORAGE LAKE OR RESERVOIR LOCATED ON THE EAST HALF OF SECTION 30 TOWNSHIP 02 NORTH RANGE 14 EAST IN SWEET GRASS COUNTY AND STORES SURFACE WATER FROM SWAMP CREEK DURING WINTER AND EARLY MONTHS OF THE YEAR AND IS SUBJECT TO THE PROVISION SET FORTH IN FINDING OF FACT NO. X IN CAUSE NO. 3055 FILED IN SWEET GRASS COUNTY DISTRICT COURT ENTITLED BIG TIMBER CREEK CANAL COMPANY ET AL, DATED JUNE 1, 1976, WHICH READS AS FOLLOWS: THAT ROBERT BURNS, ONE OF THE ANSWERING DEFENDANTS, OWNS AND MAINTAINS A 26.00 ACRE STORAGE LAKE UPON HIS LAND SITUATE IN THE EAST HALF OF SECTION 30, TOWNSHIP 02 NORTH, RANGE 14 EAST , M.P.M. WHEREIN 93.00 ACRE FEET OF SURPLUS WATERS HAVE BEEN CONTINUOUSLY STORED IN THE WINTER AND EARLY MONTHS OF EACH YEAR SINCE 1892; THAT ROBERT BURNS AND HIS PREDECESSORS HAVE STORED NO SURPLUS WATERS AND HAVE NO RIGHT TO DIVERT OR STORE SURPLUS WATERS THEREIN DURING THOSE TIMES OF YEAR WHEN ANY OF THE HEREINABOVE DECREED USERS (AND DECREED PRIOR HERETO) HAVE USE FOR SUCH SURPLUS IRRIGATION WATERS OF BIG TIMBER CREEK AND ITS TRIBUTARIES.
43B	7019-00	THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ENTERED OCTOBER 2, 2008. SEE WATER COURT CASE FILE 43B-A2.
43B	7019-00	<p><u>Change Version is present but Change Version and Reexam Version appear to be the same, change version has a remark on it:</u> DECREED STREAM CONDITION:</p> <p>1) THE WATER RIGHT CHANGED BY THIS AUTHORIZATION TO CHANGE IS SUBJECT TO THE AUTHORITY OF COURT APPOINTED WATER COMMISSIONERS, IF AND WHEN APPOINTED, TO ADMEASURE AND DISTRIBUTE TO THE PARTIES USING WATER IN THE SOURCE OF SUPPLY THE WATER TO WHICH THEY ARE ENTITLED. THE APPROPRIATOR SHALL PAY HIS PROPORTIONATE SHARE OF THE FEES AND COMPENSATION AND EXPENSES, AS FIXED BY THE DISTRICT COURT, INCURRED IN THE DISTRIBUTION OF THE WATERS.</p> <p>2) THE APPROPRIATOR SHALL INSTALL AN ADEQUATE HEADGATE OR DIVERSION STRUCTURE AT THE POINT THE WATER IS DIVERTED FROM THE SOURCE OF SUPPLY.</p> <p>3) THE APPROPRIATOR SHALL INSTALL AN ADEQUATE WATER FLOW MEASURING DEVICE, AT A SUITABLE LOCATION AS NEAR AS PRACTICABLE TO THE POINT WHERE THE WATER IS DIVERTED FROM THE SOURCE OF SUPPLY, IN ORDER TO RECORD THE FLOW RATE AND VOLUME OF WATER DIVERTED. THE APPROPRIATOR SHALL KEEP A WRITTEN RECORD OF THE FLOW RATE AND VOLUME OF ALL WATERS DIVERTED INCLUDING THE PERIOD OF TIME AND SHALL SUBMIT SAID RECORDS TO THE DEPARTMENT UPON REQUEST.</p>
43B	13738 00	WATER DIVERTED FROM SWAMP CREEK, AT POINT OF DIVERSION NO.1, IS CONVEYED TO WHITETAIL CREEK WHICH IS USED AS A NATURAL CARRIER TO CONVEY WATER TO THE PLACE OF USE.

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43B	17166 00	ON AUGUST 15, 1988, THE OWNERS OF CLAIMS 43B 44516-00, 43B 17166-00, 43B 36543-00, AND 43B 123895-00 (SPLIT CLAIM 43B 30069662) ENTERED INTO A ROTATIONAL USE AGREEMENT WHEN WATER SHORTAGE MANDATES. A COPY OF THE AGREEMENT IS IN THE CLAIM FILES.
43B	17166 00	THE PLACE OF USE IS ENTIRELY ON PRIVATE LAND.
43B	36543 00	ON AUGUST 15, 1988, THE OWNERS OF CLAIMS 43B 44516-00, 43B 17166-00, 43B 36543-00, AND 43B 123895-00 (SPLIT CLAIM 43B 30069662) ENTERED INTO A ROTATIONAL USE AGREEMENT WHEN WATER SHORTAGE MANDATES. A COPY OF THE AGREEMENT IS IN THE CLAIM FILES.
43B	41679 00	THIS IS A WATER SPREADING RIGHT INVOLVING PRECIPITATION RUNOFF AND IRRIGATION RUNOFF FROM THE BIG TIMBER CREEK CANAL COMPANY WATER RIGHTS AND IT IS SUBJECT TO ALL OF THE WATER RIGHTS IN CASE NO. 483 AND CASE NO. 3055, SWEET GRASS COUNTY.
43B	41679 00	ON AUGUST 15, 1988, THE OWNERS OF CLAIMS 43B 44516-00, 43B 17166-00, 43B 36543-00, AND 43B 123895-00 ENTERED INTO A ROTATIONAL USE AGREEMENT WHEN WATER SHORTAGE MANDATES. A COPY OF THE AGREEMENT IS IN THE CLAIM FILES.
43B	123895 00	ON AUGUST 15, 1988, THE OWNERS OF CLAIMS 43B 44516-00, 43B 17166-00, 43B 36543-00, AND 43B 123895-00 (SPLIT CLAIM 43B 30069662) ENTERED INTO A ROTATIONAL USE AGREEMENT WHEN WATER SHORTAGE MANDATES. A COPY OF THE AGREEMENT IS IN THE CLAIM FILES.
43B	125790 00	IN THE 1960S BIG TIMBER CREEK'S COURSE MOVED, LEAVING THE HEADGATE ON THE ORIGINAL, NOW FREQUENTLY DRY, CHANNEL. WHEN BIG TIMBER CREEK IS HIGH, WATER FLOWS INTO THE ORIGINAL CHANNEL PAST THE STOCKER DITCH HEADGATE FOR DIVERSION INTO STOCKER DITCH. WHEN BIG TIMBER CREEK IS LOW, WORK IS DONE IN THE ORIGINAL CHANNEL FROM THE STOCKER DITCH HEADGATE WESTERLY TO THE CURRENT CHANNEL OF BIG TIMBER CREEK TO REMOVE DEBRIS SO THE WATER WILL FLOW INTO AND THROUGH THE ORIGINAL CHANNEL PAST THE STOCKER DITCH HEADGATE FOR DIVERSION INTO STOCKER DITCH.
43B	125791 00	IN THE 1960S BIG TIMBER CREEK'S COURSE MOVED, LEAVING THE HEADGATE ON THE ORIGINAL, NOW FREQUENTLY DRY, CHANNEL. WHEN BIG TIMBER CREEK IS HIGH, WATER FLOWS INTO THE ORIGINAL CHANNEL PAST THE STOCKER DITCH HEADGATE FOR DIVERSION INTO STOCKER DITCH. WHEN BIG TIMBER CREEK IS LOW, WORK IS DONE IN THE ORIGINAL CHANNEL FROM THE STOCKER DITCH HEADGATE WESTERLY TO THE CURRENT CHANNEL OF BIG TIMBER CREEK TO REMOVE DEBRIS SO THE WATER WILL FLOW INTO AND THROUGH THE ORIGINAL CHANNEL PAST THE STOCKER DITCH HEADGATE FOR DIVERSION INTO STOCKER DITCH.

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43B 125792 00	IN THE 1960S BIG TIMBER CREEK'S COURSE MOVED, LEAVING THE HEADGATE ON THE ORIGINAL, NOW FREQUENTLY DRY, CHANNEL. WHEN BIG TIMBER CREEK IS HIGH, WATER FLOWS INTO THE ORIGINAL CHANNEL PAST THE STOCKER DITCH HEADGATE FOR DIVERSION INTO STOCKER DITCH. WHEN BIG TIMBER CREEK IS LOW, WORK IS DONE IN THE ORIGINAL CHANNEL FROM THE STOCKER DITCH HEADGATE WESTERLY TO THE CURRENT CHANNEL OF BIG TIMBER CREEK TO REMOVE DEBRIS SO THE WATER WILL FLOW INTO AND THROUGH THE ORIGINAL CHANNEL PAST THE STOCKER DITCH HEADGATE FOR DIVERSION INTO STOCKER DITCH.
43B 181147 00	IN THE 1960S BIG TIMBER CREEK'S COURSE MOVED, LEAVING THE HEADGATE ON THE ORIGINAL, NOW FREQUENTLY DRY, CHANNEL. WHEN BIG TIMBER CREEK IS HIGH, WATER FLOWS INTO THE ORIGINAL CHANNEL PAST THE STOCKER DITCH HEADGATE FOR DIVERSION INTO STOCKER DITCH. WHEN BIG TIMBER CREEK IS LOW, WORK IS DONE IN THE ORIGINAL CHANNEL FROM THE STOCKER DITCH HEADGATE WESTERLY TO THE CURRENT CHANNEL OF BIG TIMBER CREEK TO REMOVE DEBRIS SO THE WATER WILL FLOW INTO AND THROUGH THE ORIGINAL CHANNEL PAST THE STOCKER DITCH HEADGATE FOR DIVERSION INTO STOCKER DITCH.
43B 148400 00	THE SECONDARY POINTS OF DIVERSION ARE LIMITED TO THE NESENE OF SEC 29 AND THE NENENW OF SEC 32, BOTH IN TWP 03N, RGE 14E. THE WATER DIVERTED IN SEC 32 IS CARRIED SOUTH AND EAST THROUGH A DITCH WHICH CROSSES BIG TIMBER CANYON ROAD AND CONTINUES EASTWARD INTO THE NORTH HALF OF SEC 33, TWP 03N, RNG 14E. CANAL WATER IS ALSO DIVERTED FROM THIS DITCH AFTER IT CROSSES THE ROAD AND RUNS DUE SOUTH ALONG THE ROAD TO JOIN A SECOND DITCH FROM SEC 32. THIS SECOND DITCH FROM SEC 32 BRANCHES WITH ONE FORK CONTINUING DUE EAST INTO THE SOUTH HALF OF SEC 33 AND THE OTHER FORK RUNS SOUTH AND EAST EVENTUALLY JOINING THE UNNAMED TRIBUTARY OF THE SOUTH FORK OF TENMILE CREEK.
43B 41679 00	THIS IS A WATER SPREADING RIGHT INVOLVING PRECIPITATION RUNOFF AND IRRIGATION RUNOFF FROM THE BIG TIMBER CREEK CANAL COMPANY WATER RIGHTS AND IT IS SUBJECT TO ALL OF THE WATER RIGHTS IN CASE NO. 483 AND CASE NO. 3055, SWEET GRASS COUNTY.
43B 180125 00	CLAIM NOS. 43B 180125-00 AND CLAIM NOS. 43B 30110729-00 SHARE A FLOW RATE OF 5.0 CFS. THE OWNERS HAVE ENTERED INTO AN AGREEMENT TO SHARE AND/OR ALTERNATE THEIR USAGE OF WATER SO THAT, IN COMBINATION, THE TOTAL FLOW RATE USED BY BOTH CLAIMS AT ANY TIME DOES NOT EXCEED 5.0 CFS.

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43B 180126 00	CLAIM NOS. 43B 180126-00 AND CLAIM NOS. 43B 30110730-00 SHARE A FLOW RATE OF 10.0 CFS. THE OWNERS HAVE ENTERED INTO AN AGREEMENT TO SHARE AND/OR ALTERNATE THEIR USAGE OF WATER SO THAT, IN COMBINATION, THE TOTAL FLOW RATE USED BY BOTH CLAIMS AT ANY TIME DOES NOT EXCEED 10.0 CFS.
43B 180127 00	CLAIM NOS. 43B 180127-00 AND CLAIM NOS. 43B 30110731-00 SHARE A FLOW RATE OF 5.0 CFS. THE OWNERS HAVE ENTERED INTO AN AGREEMENT TO SHARE AND/OR ALTERNATE THEIR USAGE OF WATER SO THAT, IN COMBINATION, THE TOTAL FLOW RATE USED BY BOTH CLAIMS AT ANY TIME DOES NOT EXCEED 5.0 CFS.
43B 181147 00	IN THE 1960S BIG TIMBER CREEK'S COURSE MOVED, LEAVING THE HEADGATE ON THE ORIGINAL, NOW FREQUENTLY DRY, CHANNEL. WHEN BIG TIMBER CREEK IS HIGH, WATER FLOWS INTO THE ORIGINAL CHANNEL PAST THE STOCKER DITCH HEADGATE FOR DIVERSION INTO STOCKER DITCH. WHEN BIG TIMBER CREEK IS LOW, WORK IS DONE IN THE ORIGINAL CHANNEL FROM THE STOCKER DITCH HEADGATE WESTERLY TO THE CURRENT CHANNEL OF BIG TIMBER CREEK TO REMOVE DEBRIS SO THE WATER WILL FLOW INTO AND THROUGH THE ORIGINAL CHANNEL PAST THE STOCKER DITCH HEADGATE FOR DIVERSION INTO STOCKER DITCH.
43B 30110729	IN THE 1960S BIG TIMBER CREEK'S COURSE MOVED, LEAVING THE HEADGATE ON THE ORIGINAL, NOW FREQUENTLY DRY, CHANNEL. WHEN BIG TIMBER CREEK IS HIGH, WATER FLOWS INTO THE ORIGINAL CHANNEL PAST THE STOCKER DITCH HEADGATE FOR DIVERSION INTO STOCKER DITCH. WHEN BIG TIMBER CREEK IS LOW, WORK IS DONE IN THE ORIGINAL CHANNEL FROM THE STOCKER DITCH HEADGATE WESTERLY TO THE CURRENT CHANNEL OF BIG TIMBER CREEK TO REMOVE DEBRIS SO THE WATER WILL FLOW INTO AND THROUGH THE ORIGINAL CHANNEL PAST THE STOCKER DITCH HEADGATE FOR DIVERSION INTO STOCKER DITCH.
43B 30110729	CLAIM NOS. 43B 180125-00 AND 43B 30110729-00 SHARE A FLOW RATE OF 5.0 CFS. THE OWNERS HAVE ENTERED INTO AN AGREEMENT TO SHARE AND/OR ALTERNATE THEIR USAGE OF WATER SO THAT, IN COMBINATION, THE TOTAL FLOW RATE USED BY BOTH CLAIMS AT ANY TIME DOES NOT EXCEED 5.0 CFS.
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