

Montana Water Court  
PO Box 1389  
Bozeman, MT 59771-1389  
(406) 586-4364  
1-800-624-3270  
[watercourt@mt.gov](mailto:watercourt@mt.gov)

IN THE WATER COURT OF THE STATE OF MONTANA  
YELLOWSTONE DIVISION ROSEBUD CREEK - BASIN 42A

\*\*\*\*\*

CLAIMANT: Hammond Cattle Co.

OBJECTORS: Apsaalooke (Crow) Tribe; United States of  
America (Bureau of Indian Affairs)

NOTICE OF INTENT TO APPEAR: Northern Cheyenne Tribe

ON MOTION OF THE MONTANA WATER COURT

**CASE 42A-0047-P-2017**

42A 182498-00

42A 182500-00

42A 182501-00

42A 182506-00

42A 182509-00

42A 182511-00

42A 182514-00

**NOTICE OF FILING OF MASTER'S REPORT**

You may file a written objection to the Report if you disagree with the Master's Findings of Fact, Conclusions of Law, or Recommendations, or if there are errors in the Report.

The above stamped date indicates the date the Master's Report was filed and mailed. Rule 23 of the Water Right Adjudication Rules requires that written objections to a Master's Report must be filed within 10 days of the date of the Master's Report. Because the Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10 day objection period. Rule 6(d), M. R. Civ. P. This means your objection must be received no later than 13 days from the above stamped date.

If you file an objection, you must mail a copy of the objection to all parties on the Service List found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the Service List must be filed with the Water Court. If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

**MASTER’S REPORT**  
**FINDINGS OF FACT**

1. The above captioned claims appeared in the Preliminary Decree for Rosebud Creek (Basin 42A) with issue remarks. The Apsaalooke (Crow) Tribe and the United States Bureau of Indian Affairs (“BIA”) filed Objections to the claims. The Northern Cheyenne Tribe filed Notices of Intent to Appear for the claims.

2. On March 23, 2017 the above captioned claims were consolidated into Case 42A-0047-P-2017.

3. On June 29, 2022, a Stipulation was filed with the Court. The Stipulation seeks to clarify ownership, modify the point of diversion and place of use for claim 42A 182501-00, add remarks to certain claims and to dismiss claim 42A 182506-00. It appears to this Master that ownership was updated via the DNRC ownership update process and no action is being taken in regards to ownership. If this understanding is incorrect, the parties should file objections to this Master’s Report.

5. Pursuant to the Stipulation, the parties request the dismissal of Claim No. 42A 182506-00.

6. Pursuant to the Stipulation, the parties propose that the following remark be added to claims 42A 182498-00, 42A 182500-00, 42A 182501-00, 42A 182509-00, 42A 182511-00, 42A 182514-00:

Type of Historical Right:      Reserved

This water right is a Walton Right.

This water right is not part of the Tribal Water Right as defined in the Crow Compact.

7. Pursuant to the Stipulation, the parties propose that the following remark be added to claims 42A 182498-00, 42A 182500-00, 42A 182501-00, 42A 182509-00, 42A 182511-00, 42A 182514-00:

In the case of any shortages, this water right and the Northern Cheyenne Tribal Water Right in Article II.A.3 of the Northern Cheyenne-Montana Compact, 85-20-301 MCA, shall reduce water usage in the same manner as water usage is reduced under the Crow-Montana Water Rights Compact, 85-20-901 MCA. This agreement to reduce water usage does not give any party the right to enter onto private lands to obtain or demand water. Only the water right owner has the authority to use this water right.

11. Pursuant to the Stipulation, the parties propose the following modifications to claim 42A 182501-00:

Point of Diversion:	SENENW	34	T02S	R38E Big Horn C'ty
Place of Use:	SENENW	34	T02S	R38E Big Horn C'ty
Means of Diversion:	Developed Spring			

### **PRINCIPLES OF LAW**

1. The Montana Water Court has the authority to determine the extent of all water rights in the state as they existed prior to July 1, 1973. *Fellows v. Saylor*, 2016 MT 45, ¶ 25, 382 Mont. 298, 367 P.3d 732; §§ 85-2-233, -102(12), MCA. The purpose of the Water Court is to adjudicate rights to the use of water as they existed on July 1, 1973. *In re Clark Fork River*, 254 Mont. 11, 17, 833 P.3d 1120 (Mont. 1992).

2. “The Water Court is not bound by settlement agreements. Any settlement reached by the parties is subject to review and approval by the Water Court.” Rule 17(a), W.R.Adj.R; *In re Argabright*, 2014 Mont. Water LEXIS 9, 41I 265 (December 12, 2014).

3. Where a claimant agrees to reduce or limit an element of a claim, “the water court does not need to determine whether the burden of proof has been met.” Rule 17(c), W.R.Adj.R. The Court may accept the requested reduction or limitation “without further presentation of evidence.” Rule 17(c), W.R.Adj.R.

### **CONCLUSIONS OF LAW**

1. The Stipulation entered into by the parties is signed by the claimants, the Crow Tribe, the BIA and the Northern Cheyenne Tribe, conforms to applicable law and, accordingly, the record supports the resolution of the objections and NOIAs to the above-captioned claims, as well as the modification of the above-captioned claims. The issue remarks have been resolved and should be removed from the claims.

### RECOMMENDATIONS

1. Upon review of the record in this case, the above-captioned claims should be modified as discussed above. The Crow Tribe's and the BIA's objections should be resolved. The Northern Cheyenne Tribe's NOIAs should be resolved.

Post Decree Abstracts of Water Right Claims are attached to this Master's Report for review.

### ELECTRONICALLY SIGNED AND DATED BELOW.

**Service via Electronic Mail:**

Renee L. Coppock  
Crowley Fleck PLLP  
PO Box 2529  
Billings, MT 59103-2529  
(406) 252-3441  
[rcoppock@crowleyfleck.com](mailto:rcoppock@crowleyfleck.com)  
[acowen@crowleyfleck.com](mailto:acowen@crowleyfleck.com)

Hertha L. Lund  
Lund Law PLLC  
662 S. Ferguson Ave., Unit 2  
Bozeman, MT 59718  
(406) 586-6254  
[lund@lund-law.com](mailto:lund@lund-law.com)

Jeanne S. Whiteing  
Attorney at Law  
1628 5<sup>th</sup> St  
Boulder, CO 80302  
(303) 444-2549  
[jwhiteing@whiteinglaw.com](mailto:jwhiteing@whiteinglaw.com)

**Service via Electronic Mail:**

Nathan A. Espeland, Esq.  
Espeland Law Office, PLLC  
PO Box 1470  
Columbus, MT 59019  
(406) 322-9877  
[espelandnathan@gmail.com](mailto:espelandnathan@gmail.com)

Patrick Barry, Trial Attorney  
David W. Harder  
Yosef M. Negose  
United States Department of Justice  
ENRD/IRS  
PO Box 7611, Ben Franklin Station  
Washington, DC 20044-7611  
(202) 305-0254

[Patrick.Barry@usdoj.gov](mailto:Patrick.Barry@usdoj.gov)  
[IRSMontanaWater.enrd@usdoj.gov](mailto:IRSMontanaWater.enrd@usdoj.gov)  
[david.harder@usdoj.gov](mailto:david.harder@usdoj.gov)  
[yosef.negose@usdoj.gov](mailto:yosef.negose@usdoj.gov)  
[Efile\\_Denver.enrd@usdoj.gov](mailto:Efile_Denver.enrd@usdoj.gov)

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROSEBUD CREEK  
BASIN 42A**

**Water Right Number:** 42A 182498-00 RESERVED CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** HAMMOND BYPASS TRUST  
HAMMOND, GEORGE J TRUSTEE  
PO BOX 363  
HARDIN, MT 59034

GEORGE J HAMMOND  
PO BOX 363  
HARDIN, MT 59034

**Priority Date:** MAY 7, 1868

**Type of Historical Right:** RESERVED

THIS WATER RIGHT IS A WALTON RIGHT.  
THIS WATER RIGHT IS NOT PART OF THE TRIBAL WATER RIGHT AS DEFINED IN THE CROW COMPACT.

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. 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:** SPRING, UNNAMED TRIBUTARY OF PORCUPINE 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		NESWSE	34	2S	38E	BIG HORN

**Period of Diversion:** MAY 1 TO NOVEMBER 30

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

**Period of Use:** MAY 1 TO NOVEMBER 30

**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			NESWSE	34	2S	38E	BIG HORN

**Remarks:**

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE CROW INDIAN RESERVATION.

IN THE CASE OF ANY SHORTAGES, THIS WATER RIGHT AND THE NORTHERN CHEYENNE TRIBAL WATER RIGHT IN ARTICLE II.A.3 OF THE NORTHERN CHEYENNE-MONTANA COMPACT, 85-20-301 MCA, SHALL REDUCE WATER USAGE IN THE SAME MANNER AS WATER USAGE IS REDUCED UNDER THE CROW-MONTANA WATER RIGHTS COMPACT, 85-20-901 MCA. THIS AGREEMENT TO REDUCE WATER USAGE DOES NOT GIVE ANY PARTY THE RIGHT TO ENTER ONTO PRIVATE LANDS TO OBTAIN OR DEMAND WATER. ONLY THE WATER RIGHT OWNER HAS THE AUTHORITY TO USE THIS WATER RIGHT.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROSEBUD CREEK  
BASIN 42A**

**Water Right Number:** 42A 182500-00 RESERVED CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** HAMMOND BYPASS TRUST  
HAMMOND, GEORGE J TRUSTEE  
PO BOX 363  
HARDIN, MT 59034

**Priority Date:** MAY 7, 1868

**Type of Historical Right:** RESERVED  
THIS WATER RIGHT IS A WALTON RIGHT.

THIS WATER RIGHT IS NOT PART OF THE TRIBAL WATER RIGHT AS DEFINED IN THE CROW COMPACT.

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. 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:** SPRING, UNNAMED TRIBUTARY OF PORCUPINE 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		NWNESW	3	3S	38E	BIG HORN

**Period of Diversion:** MAY 1 TO NOVEMBER 30

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

**Period of Use:** MAY 1 TO NOVEMBER 30

**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			NWNESW	3	3S	38E	BIG HORN

**Remarks:**

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE CROW INDIAN RESERVATION.

IN THE CASE OF ANY SHORTAGES, THIS WATER RIGHT AND THE NORTHERN CHEYENNE TRIBAL WATER RIGHT IN ARTICLE II.A.3 OF THE NORTHERN CHEYENNE-MONTANA COMPACT, 85-20-301 MCA, SHALL REDUCE WATER USAGE IN THE SAME MANNER AS WATER USAGE IS REDUCED UNDER THE CROW-MONTANA WATER RIGHTS COMPACT, 85-20-901 MCA. THIS AGREEMENT TO REDUCE WATER USAGE DOES NOT GIVE ANY PARTY THE RIGHT TO ENTER ONTO PRIVATE LANDS TO OBTAIN OR DEMAND WATER. ONLY THE WATER RIGHT OWNER HAS THE AUTHORITY TO USE THIS WATER RIGHT.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROSEBUD CREEK  
BASIN 42A**

**Water Right Number:** 42A 182501-00 RESERVED CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** HAMMOND BYPASS TRUST  
HAMMOND, GEORGE J TRUSTEE  
PO BOX 363  
HARDIN, MT 59034

GEORGE J HAMMOND  
PO BOX 363  
HARDIN, MT 59034

**Priority Date:** MAY 7, 1868

**Type of Historical Right:** RESERVED

THIS WATER RIGHT IS A WALTON RIGHT.  
THIS WATER RIGHT IS NOT PART OF THE TRIBAL WATER RIGHT AS DEFINED IN THE CROW COMPACT.

**Purpose (use):** STOCK

**Flow Rate:** 4.00 GPM

**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:** SPRING, UNNAMED TRIBUTARY OF PORCUPINE CREEK

**Source Type:** GROUNDWATER

**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		SENENW	34	2S	38E	BIG HORN

**Period of Diversion:** MAY 1 TO NOVEMBER 30

**Diversion Means:** DEVELOPED SPRING

**Period of Use:** MAY 1 TO NOVEMBER 30

**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			SENENW	34	2S	38E	BIG HORN

**Remarks:**

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE CROW INDIAN RESERVATION.



IN THE CASE OF ANY SHORTAGES, THIS WATER RIGHT AND THE NORTHERN CHEYENNE TRIBAL WATER RIGHT IN ARTICLE II.A.3 OF THE NORTHERN CHEYENNE-MONTANA COMPACT, 85-20-301 MCA, SHALL REDUCE WATER USAGE IN THE SAME MANNER AS WATER USAGE IS REDUCED UNDER THE CROW-MONTANA WATER RIGHTS COMPACT, 85-20-901 MCA. THIS AGREEMENT TO REDUCE WATER USAGE DOES NOT GIVE ANY PARTY THE RIGHT TO ENTER ONTO PRIVATE LANDS TO OBTAIN OR DEMAND WATER. ONLY THE WATER RIGHT OWNER HAS THE AUTHORITY TO USE THIS WATER RIGHT.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROSEBUD CREEK  
BASIN 42A**

**Water Right Number:** 42A 182506-00 RESERVED CLAIM

**Version:** 2 -- POST DECREE

**Status:** DISMISSED

**Owners:**

HAMMOND BYPASS TRUST  
HAMMOND, GEORGE J TRUSTEE  
PO BOX 363  
HARDIN, MT 59034

GEORGE J HAMMOND  
PO BOX 363  
HARDIN, MT 59034

**Priority Date:**

**Type of Historical Right:**

**Purpose (use):** STOCK

**Flow Rate:**

**Volume:**

**Source Name:** GROUNDWATER

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

**Period of Use:**

**Place of Use:**

---

**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROSEBUD CREEK  
BASIN 42A**

**Water Right Number:** 42A 182509-00 RESERVED CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** HAMMOND BYPASS TRUST  
HAMMOND, GEORGE J TRUSTEE  
PO BOX 363  
HARDIN, MT 59034

**Priority Date:** MAY 7, 1868

**Type of Historical Right:** RESERVED  
THIS WATER RIGHT IS A WALTON RIGHT.

THIS WATER RIGHT IS NOT PART OF THE TRIBAL WATER RIGHT AS DEFINED IN THE CROW COMPACT.

**Purpose (use):** STOCK

**Flow Rate:** 3.00 GPM

**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:** GROUNDWATER

**Source Type:** GROUNDWATER

**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		SESWNW	10	3S	38E	BIG HORN

**Period of Diversion:** MAY 1 TO NOVEMBER 30

**Diversion Means:** WELL

**Period of Use:** MAY 1 TO NOVEMBER 30

**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			SESWNW	10	3S	38E	BIG HORN

**Remarks:**

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE CROW INDIAN RESERVATION.

IN THE CASE OF ANY SHORTAGES, THIS WATER RIGHT AND THE NORTHERN CHEYENNE TRIBAL WATER RIGHT IN ARTICLE II.A.3 OF THE NORTHERN CHEYENNE-MONTANA COMPACT, 85-20-301 MCA, SHALL REDUCE WATER USAGE IN THE SAME MANNER AS WATER USAGE IS REDUCED UNDER THE CROW-MONTANA WATER RIGHTS COMPACT, 85-20-901 MCA. THIS AGREEMENT TO REDUCE WATER USAGE DOES NOT GIVE ANY PARTY THE RIGHT TO ENTER ONTO PRIVATE LANDS TO OBTAIN OR DEMAND WATER. ONLY THE WATER RIGHT OWNER HAS THE AUTHORITY TO USE THIS WATER RIGHT.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROSEBUD CREEK  
BASIN 42A**

**Water Right Number:** 42A 182511-00 RESERVED CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** HAMMOND BYPASS TRUST  
HAMMOND, GEORGE J TRUSTEE  
PO BOX 363  
HARDIN, MT 59034

**Priority Date:** MAY 7, 1868

**Type of Historical Right:** RESERVED  
THIS WATER RIGHT IS A WALTON RIGHT.

THIS WATER RIGHT IS NOT PART OF THE TRIBAL WATER RIGHT AS DEFINED IN THE CROW COMPACT.

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. 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:** SPRING, UNNAMED TRIBUTARY OF PORCUPINE 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		SWSESW	3	3S	38E	BIG HORN

**Period of Diversion:** MAY 1 TO NOVEMBER 30

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

**Period of Use:** MAY 1 TO NOVEMBER 30

**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			SWSESW	3	3S	38E	BIG HORN

**Remarks:**

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE CROW INDIAN RESERVATION.

IN THE CASE OF ANY SHORTAGES, THIS WATER RIGHT AND THE NORTHERN CHEYENNE TRIBAL WATER RIGHT IN ARTICLE II.A.3 OF THE NORTHERN CHEYENNE-MONTANA COMPACT, 85-20-301 MCA, SHALL REDUCE WATER USAGE IN THE SAME MANNER AS WATER USAGE IS REDUCED UNDER THE CROW-MONTANA WATER RIGHTS COMPACT, 85-20-901 MCA. THIS AGREEMENT TO REDUCE WATER USAGE DOES NOT GIVE ANY PARTY THE RIGHT TO ENTER ONTO PRIVATE LANDS TO OBTAIN OR DEMAND WATER. ONLY THE WATER RIGHT OWNER HAS THE AUTHORITY TO USE THIS WATER RIGHT.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROSEBUD CREEK  
BASIN 42A**

**Water Right Number:** 42A 182514-00 RESERVED CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** HAMMOND BYPASS TRUST  
HAMMOND, GEORGE J TRUSTEE  
PO BOX 363  
HARDIN, MT 59034

**Priority Date:** MAY 7, 1868

**Type of Historical Right:** RESERVED  
THIS WATER RIGHT IS A WALTON RIGHT.

THIS WATER RIGHT IS NOT PART OF THE TRIBAL WATER RIGHT AS DEFINED IN THE CROW COMPACT.

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. 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:** SPRING, UNNAMED TRIBUTARY OF DRY FORK

**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		NWNWNW	15	3S	38E	BIG HORN

**Period of Diversion:** MAY 1 TO NOVEMBER 30

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

**Period of Use:** MAY 1 TO NOVEMBER 30

**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			NWNWNW	15	3S	38E	BIG HORN

**Remarks:**

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE CROW INDIAN RESERVATION.

IN THE CASE OF ANY SHORTAGES, THIS WATER RIGHT AND THE NORTHERN CHEYENNE TRIBAL WATER RIGHT IN ARTICLE II.A.3 OF THE NORTHERN CHEYENNE-MONTANA COMPACT, 85-20-301 MCA, SHALL REDUCE WATER USAGE IN THE SAME MANNER AS WATER USAGE IS REDUCED UNDER THE CROW-MONTANA WATER RIGHTS COMPACT, 85-20-901 MCA. THIS AGREEMENT TO REDUCE WATER USAGE DOES NOT GIVE ANY PARTY THE RIGHT TO ENTER ONTO PRIVATE LANDS TO OBTAIN OR DEMAND WATER. ONLY THE WATER RIGHT OWNER HAS THE AUTHORITY TO USE THIS WATER RIGHT.