

Township 4 South, Range 17 East

<u>Code No.</u>	<u>Name of Owner</u>	<u>Name of Operator</u>
1 D, 2 B	Broadwater, Geo.	
17 A, 18 C, 20 A	Dexter, J. F.	
13 A, 14 A	Hudson, Ernie	
18 B	Kratz, B. L.	
1 C	McKittrick, Leroy	
3 A, 4 A	Madison, Ralph & Walter	
1 A	Miller, Geo.	
2 A, 3 B, 11 A	Montana, State of	Wright, Pen
1 B	Ross, Alex	
7 A, 18 A	Simons, Minie	Dallas, Wm. S.

Sheet No. 1 of 1

750. 4 S.

Re 17 E.

1 Sheets

[illegible]

STATE OF MONTANA
STATE ENGINEER'S OFFICE
 WATER RESOURCES SURVEY

Township 4S Range 17E County Gallatin

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Township..... Range.....

STATE OF MONTANA

STATE ENGINEER'S OFFICE

WATER RESOURCES SURVEY

Township 45 Range 17 E County Billings

						37	38	39	40	41	42
6	5	4	3	2						22	23
										23	24
7	8	9	10	11						12	
										13	14
18	17	16	15	14						13	12
										13	14
19	20	21	22	23						24	
30	29	28	27	26						25	
31	32	33	34	35						36	

Township _____ Range _____

Township

Range.

County

[illegible]

10
25
FORM SM-1a

251
44-11-
July 17
STATE OF MONTANA WATER RESOURCES SURVEY

County Stillwater Date _____

Name of Water User _____ Address _____

1. Do you own this land? Yes _____ No _____ If not give the owner's name below:

Owner's name Geo. Prochaska Address Stillwater

2. Source of Water _____ Water delivered by _____

3. Give point of Diversion 1/4 1/4 Section _____ Township _____ Range _____

4. Water is obtained by: (Check one) Gravity _____ Pumping _____ Other _____

5. Who first used water on this land? _____ Address _____

6. In what year was this land first irrigated? _____ Approximate Acres _____

7. What is the greatest number of acres you have irrigated? _____ Date _____

8. Present Use: Year _____ Acres Irrigated _____

9. If this land is not irrigated now give date of last use _____

10. State the total number of acres that could be irrigated 80 acres.

11. What is the condition of your irrigation system? _____

12. Land Description: W 1/4, S 1/4, Sec 1- Twp. 44N Range 17E

Remarks: 5.754, 2.242, 2.242, 2.242, 2.242

Filed in 34-17-6

Information by _____ Place _____ Date _____



STATE OF MONTANA
STATE ENGINEERS OFFICE
Water Resources Survey

318
Form WR-1-M-11-44

Code No. 17 A, 18 C, 20A

County Stillwater

T. 4 S. R. 17 E.

Name of Land Owner J. F. Dexter Address Beehive, Montana

Name of Operator Address

Part A

TO BE FILED BY THOSE OBTAINING IRRIGATION WATER FROM
A DITCH COMPANY OR IRRIGATION DISTRICT

1. Water is delivered by: Private Ditch from Stillwater River
Name of Ditch, Ditch Company or District supplying water
2. State the number of acres you irrigate under this system. Shares you hold.
3. If you obtain water from more than one Company, give the number of shares, acres irrigated and the name of the Company under "Remarks". If you obtain water from a Ditch Company and also have a private system fill in both Part A and Part B.

Part B

TO BE FILED BY THOSE WHO HAVE A PRIVATE DITCH, PUMP OR IRRIGATION SYSTEM
or those who have a private water right under a Ditch Company

4. In what year was this land first irrigated? Date 1945
5. Give the name of the original appropriator (first user) Midnight Smith
6. Give the date appropriated 5-2-45 Amount filed on: Miners Inches C. F. S.
7. State the total number of acres irrigated under this system:
8. Give the point of diversion: $\frac{1}{4}$ $\frac{1}{4}$ Section Township Range

Part C

TO BE FILED BY ALL WATER USERS IN ADDITION TO PART A OR PART B



9. Source of Water: Stillwater River & Midnight Canyon
Name of stream or lake from which water is originally diverted
10. Water is obtained by: (Check one) Gravity ☒ Pumping ☐ Other ☐
11. What is the greatest number of acres you have irrigated? Date
12. How many acres did you irrigate in 1944? (Crop and pasture) 175
13. State the total number of additional acres that could be irrigated by increasing the water supply, land leveling, etc. 25 This land is under what ditch? Stillwater River
14. How many acres of seeped land do you have which could be drained and put into production? 200
15. What is the condition of your irrigation system? good
16. Is your water supply adequate? Yes ☒ No ☐ Explain
17. REMARKS: We have included the NW owned by Maud Dexter, as you operate it, you can give information for it too.

OVER

NOTE: The foregoing questions apply only to irrigated land shown on this plat.

DESCRIPTION AND MAP OF FARM

18. Legal Description of this Farm SW $\frac{1}{4}$, SWSE $\frac{1}{4}$, Sec. 17 - NW $\frac{1}{4}$, Sec. 20, NB $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
Frac SW & NW $\frac{1}{4}$, Sec. 18 - Twp. 4 s., Rge. 17 E.

 IRRIGATED LAND	 NON-IRRIGATED LAND
<p>Farm boundary.</p> <p>7</p> <p>17</p> <p>20</p> <p>stillwater R.</p> <p>Ditch 18</p> <p>14th St</p> <p>15th St</p> <p>16th St</p> <p>17th St</p> <p>18th St</p> <p>19th St</p> <p>20th St</p> <p>21st St</p> <p>22nd St</p> <p>23rd St</p> <p>24th St</p> <p>25th St</p> <p>26th St</p> <p>27th St</p> <p>28th St</p> <p>29th St</p> <p>30th St</p> <p>31st St</p> <p>32nd St</p> <p>33rd St</p> <p>34th St</p> <p>35th St</p> <p>36th St</p> <p>37th St</p> <p>38th St</p> <p>39th St</p> <p>40th St</p> <p>41st St</p> <p>42nd St</p> <p>43rd St</p> <p>44th St</p> <p>45th St</p> <p>46th St</p> <p>47th St</p> <p>48th St</p> <p>49th St</p> <p>50th St</p> <p>51st St</p> <p>52nd St</p> <p>53rd St</p> <p>54th St</p> <p>55th St</p> <p>56th St</p> <p>57th St</p> <p>58th St</p> <p>59th St</p> <p>60th St</p> <p>61st St</p> <p>62nd St</p> <p>63rd St</p> <p>64th St</p> <p>65th St</p> <p>66th St</p> <p>67th St</p> <p>68th St</p> <p>69th St</p> <p>70th St</p> <p>71st St</p> <p>72nd St</p> <p>73rd St</p> <p>74th St</p> <p>75th St</p> <p>76th St</p> <p>77th St</p> <p>78th St</p> <p>79th St</p> <p>80th St</p> <p>81st St</p> <p>82nd St</p> <p>83rd St</p> <p>84th St</p> <p>85th St</p> <p>86th St</p> <p>87th St</p> <p>88th St</p> <p>89th St</p> <p>90th St</p> <p>91st St</p> <p>92nd St</p> <p>93rd St</p> <p>94th St</p> <p>95th St</p> <p>96th St</p> <p>97th St</p> <p>98th St</p> <p>99th St</p> <p>100th St</p>	
<p>This map is according to our records. Please change it if it is not correct. That is if we show more irrigated land than you have, X it out; if we have not enough, draw it in.</p>	

19. If the above land is irrigated from more than one ditch please give the acreage under each ditch in 19A and indicate the location of the land irrigated from each on the above map.

19A. Ditch: Midnight Canyon Acres: 25
Ditch: stillwater Acres: 130

Information supplied by:

Name: A. F. Tuxton Address: _____ Date: _____

REMARKS: _____

If you cannot answer all of the questions on this form answer as many as you can and return the form to us as soon as possible.

THURBER'S, HELENA, MONTANA

STATE OF MONTANA WATER RESOURCES SURVEY

County Stillwater Date _____

Name of Water User _____ Address _____

1. Do you own this land? Yes _____ No _____ If not give the owner's name below:

Owner's name J. E. Dexter Address Bozeman

2. Source of Water _____ Water delivered by _____

3. Give point of Diversion
- $\frac{1}{4}$
- $\frac{1}{4}$
- Section _____ Township _____ Range _____

4. Water is obtained by: (Check one) Gravity _____ Pumping _____ Other _____

5. Who first used water on this land? _____ Address _____

6. In what year was this land first irrigated? _____ Approximate Acres _____

7. What is the greatest number of acres you have irrigated? _____ Date _____

8. Present Use: Year _____ Acres Irrigated _____

9. If this land is not irrigated now give date of last use _____

10. State the total number of acres that could be irrigated _____ acres.

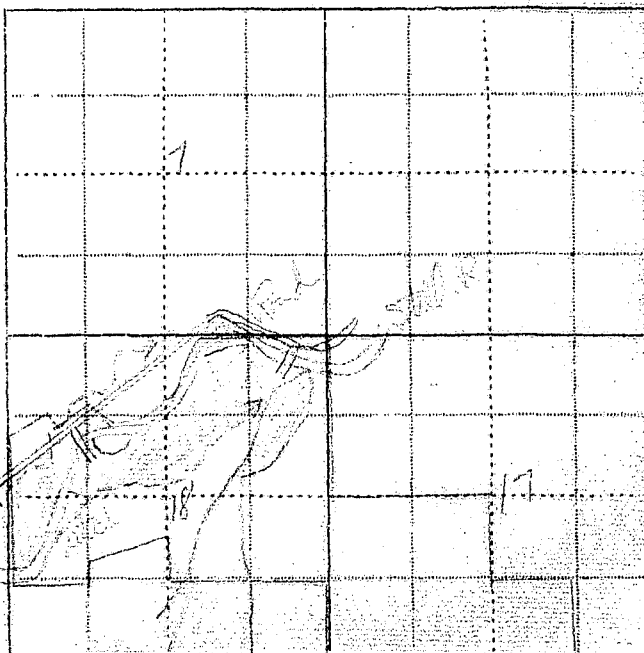
11. What is the condition of your irrigation system? _____

12. Land Description:
- SW^{1/4}, SE^{1/4}, Sec 17, N44W R20, NE^{1/4}, N75E, T40N R18

Remarks: _____

From SE NW, From
Lot 2 all Lot 3
N^{1/2} SE, N^{1/2} NE SW
Sec 18
+ NE^{1/4}

We have included
the NE^{1/4} owned by
Maud Dexter, adjacent
specify if you can
give information
for it too

Information by _____ Place _____ Date Sec 20

STATE ENGINEERS OFFICE
Water Resources Survey

Code No. 303

Notice of Appropriation

1. County Stillwater Book 17 Page 233 Record Misc.
2. Name of Appropriator Huffman, John Address Absarokee, Montana
3. Date Appropriated June 1, 1916 Date Paid July 24, 1929

Amount Appropriated, Miners Inches 160, Cubic Feet per second _____

4. Name of Stream Midnight Canyon Creek Tributary _____ Basin _____

5. Point of Diversion First ditch taken out at a point near the SW corner of NE $\frac{1}{4}$ of

Sec. 25 Twp. 4 S. Rge. 16 E. Bank of Stream both.

2nd ditch taps stream at a point at middle of NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, 4 S., 17 E. & 3rd ditch taps

said creek at a point on east side 20 rods below north line of SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 19, Twp. 4 S., Rge. 17 E. and fourth ditch at a point opposite the 3rd ditch on west bank.

6. Purpose Domestic, irrigation and other purposes.

7. Description of System By means of 4 ditches being 3 feet wide at top, 2 feet wide at bottom and 1 $\frac{1}{2}$ feet deep.

8. Land Description of Intended Place of Use

Subdivision	Sec.	Twp.	Rge.	Tot. Acr.	1940 Owner	Address
Lot 3 - NE $\frac{1}{4}$ SW $\frac{1}{4}$ - SE $\frac{1}{4}$ NW $\frac{1}{4}$	30	4 S.	17 E.	120	Achsa Walton c/o Casper & Jude Lehner, Beehive.	
W $\frac{1}{2}$ SE $\frac{1}{4}$ - W $\frac{1}{2}$ NE $\frac{1}{4}$	19	4 S.	17 E.	160		
S $\frac{1}{2}$ SE $\frac{1}{4}$	18	4 S.	17 E.	80		

9. Remarks (Pertaining to Use, etc.) Transfer of Land Ownership.

John W. Huffman to Ascha Walton

Lot 3 - NE $\frac{1}{4}$ SW $\frac{1}{4}$ - SE $\frac{1}{4}$ NW $\frac{1}{4}$ - Sec. 30 - Twp. 4 S., Rge. 17 E.

W $\frac{1}{2}$ SE $\frac{1}{4}$ - Sec. 19 - Twp. 4 S., Rge. 17 E.

John W. Huffman to Myrtle McCoy Reha to Ascha Walton

W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 19 - T. 4 S., R. 17 E. & S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 18 - Twp. 4 S., Rge. 17 E.

10. Case No. _____ Date _____ Amt. Decreed: M. I. _____ C. F. S. _____

11. To Whom Decreed _____ Address _____

12. Name of Ditch _____ Maximum Capacity (C. F. S.) _____

13. Date of Priority _____ Purpose _____

14. Land Description of Place of Use as Decreed _____

15. Remarks (Present Use Status, etc.) _____

STATE ENGINEERS OFFICE
Water Resources Survey

Code No. 411

Notice of Appropriation

1. County Stillwater Book 1 Page 261 Record Misc.
2. Name of Appropriator Smith, F. M. et al Address Beehive, Montana
3. Date Appropriated Jan 22, 1914 Date Filed June 23, 1914
Amount Appropriated, Miners Inches 640, Cubic Feet per second.....
4. Name of Stream Stillwater River Tributary..... Basin.....
5. Point of Diversion Said ditch taps and diverts the water from said stream at a point upon its north bank near the west line of section 13 and near the center thereof in Twp. 4, S., Sec..... Twp..... Rge..... Bank of Stream north bank. range 16 east, thence running or to run to and upon said land.
6. Purpose Domestic and for irrigating and other purposes.
7. Description of System Ditch, said ditch is 75 inches by 120 inches in size and carries and conducts 640 inches of water.
8. Land Description of Intended Place of Use.....

Subdivision	Sec.	Twp.	Rge.	Tot. Acr.	1940 Owner	Address
<u>NE 1/4 - S 1/2 SW 1/4</u>	<u>13</u>	<u>4 S.</u>	<u>16 E.</u>		<u>See next page.</u>	
<u>E 1/2 SE 1/4</u>	<u>14</u>	<u>4 S.</u>	<u>16 E.</u>			
<u>Lot 4 - SE 1/4 SW 1/4</u>	<u>7</u>	<u>4 S.</u>	<u>17 E.</u>			
<u>NE 1/4, Lots 1, 2, 3 - NE NW, SE NW</u>	<u>18</u>	<u>4 S.</u>	<u>17 E.</u>			
9. Remarks (Pertaining to Use, etc.)
F. M. Smith, L. H. Smith, Sherman Smith and E. E. Fletcher are the appropriators of this water right.
and the same is used for

Decree

10. Case No. Date Amt. Decreed: M. I. C. F. S.
11. To Whom Decreed Address
12. Name of Ditch Maximum Capacity (C. F. S.)
13. Date of Priority Purpose
14. Land Description of Place of Use as Decreed.....
.....
.....
.....
15. Remarks (Present Use Status, etc.).....
.....
.....
.....

Code No. 411

1940 Land Ownership.

Total Acres

29 - NESE - Sec. 13 - Twp. 4 S., Rge. 16 E. - J. F. Dexter, Beehive, Montana

80 - S $\frac{1}{2}$ SW $\frac{1}{4}$ - Sec. 13 - Twp. 4 S., Rge. 16 E. - Joe Mapes

80 - E $\frac{1}{2}$ SE $\frac{1}{4}$ - Sec. 14 - Twp. 4 S., Rge. 16 E. - Beehive, Montana

153 - Lot 4 - SESW - Sec. 7 - Twp. 4 S., Rge. 17 E. - Minnie L. Simmons, Beehive,

N $\frac{1}{2}$ of Lot 1 - Sec. 18 - Twp. 4 S., Rge. 17 E.

NENW - Sec. 18 - Twp. 4 S., Rge. 17 E.

Frac SENW - NWNE - Sec. 18 - Twp. 4 S., Rge. 17 E.

150 - S $\frac{1}{2}$ NE $\frac{1}{4}$ - NENE - SE $\frac{3}{4}$ NWNE - Sec. 18 - Twp. 4 S., Rge. 17 E.
Maud Bush & Maud Dexter, Beehive, Montana

not given - SENW - Lot 3 - Frac lot 2 - Sec. 18 - T. 4 S., Rge. 17 E.
J. F. Dexter, Beehive, Montana

not given - S $\frac{1}{2}$ of lot 1 - NW Frac of Lot 2 - Sec. 18 - Twp. 4 S., Rge. 17 E.
B. L. Kratz, Absarokee,



STATE OF MONTANA
STATE ENGINEERS OFFICE
Water Resources Survey

279
Form WR-1-1M-11-41

Code No. 13 A, 14 A
County Stillwater
T. 4 S. R. 17 E.

Name of Land Owner Ernie Hudson Address Absarokee, Montana

Name of Operator _____ Address _____

Part A

TO BE FILED BY THOSE OBTAINING IRRIGATION WATER FROM
A DITCH COMPANY OR IRRIGATION DISTRICT

1. Water is delivered by: Grove Creek
Name of Ditch, Ditch Company or District supplying water
2. State the number of acres you irrigate under this system _____ Shares you hold 60 ins.
3. If you obtain water from more than one Company, give the number of shares, acres irrigated and the name of the Company under "Remarks". If you obtain water from a Ditch Company and also have a private system fill in both Part A and Part B.

Part B

TO BE FILED BY THOSE WHO HAVE A PRIVATE DITCH, PUMP OR IRRIGATION SYSTEM
or those who have a private water right under a Ditch Company

4. In what year was this land first irrigated? Date 1890
5. Give the name of the original appropriator (first user): Joseph Severin
6. Give the date appropriated Oct 21 1892 Amount filed on: Miners Inches 150 C. F. S. _____
7. State the total number of acres irrigated under this system: 70
8. Give the point of diversion: E 1/2 S. W. 1/4 Section 14 Township 4 S Range 17 E
down to Ernie Hudson's land

Part C

TO BE FILED BY ALL WATER USERS IN ADDITION TO PART A OR PART B

9. Source of Water: Grove Creek
Name of stream or lake from which water is originally diverted
10. Water is obtained by: (Check one) Gravity ☒ Pumping _____ Other _____
11. What is the greatest number of acres you have irrigated? 80 Date 1930
12. How many acres did you irrigate in 1944? (Crop and pasture) 70 see other side
13. State the total number of additional acres that could be irrigated by increasing the water supply, land leveling, etc. 60 This land is under what ditch? Joseph Severin
14. How many acres of seeped land do you have which could be drained and put into production? _____
15. What is the condition of your irrigation system? Joseph Severin fair
16. Is your water supply adequate? Yes _____ No ☒ Explain Fed By Springs
17. REMARKS: and not water enough

OVER

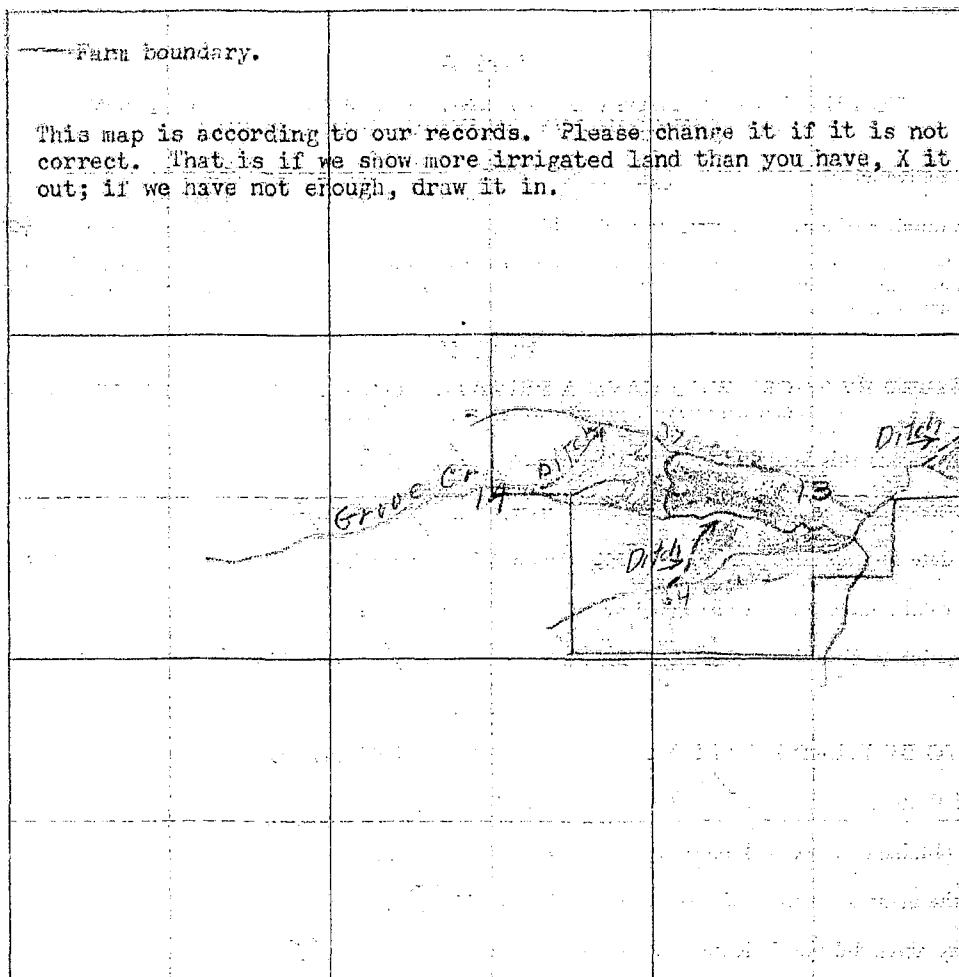
NOTE: The foregoing questions apply only to irrigated land shown on this plat.

DESCRIPTION AND MAP OF FARM

18. Legal Description of this Farm W¹/₂, NE¹/₄, NW¹/₄, Sec. 13 - NE¹/₄, Sec. 14, E¹/₂SE¹/₄, Sec. 14
Twp. 4 S., Rge. 17 E.

☐ IRRIGATED LAND ☐ NON-IRRIGATED LAND

NORTH



19. If the above land is irrigated from more than one ditch please give the acreage under each ditch in 19A and indicate the location of the land irrigated from each on the above map.

19A. Ditch: 37 on one and 34 acres on the other ditch

Ditch: _____ Acres: _____

Information supplied by:

Name Ernie Hudson Address Absaroke Date April 10, 1945

REMARKS: _____

If you cannot answer all of the questions on this form answer as many as you can and return the form to us as soon as possible.

THURBER'S, HELENA

FORM SM-1a

STATE OF MONTANA WATER RESOURCES SURVEY

County Stillwater Date _____

Name of Water User _____ Address _____

1. Do you own this land? Yes _____ No _____ If not give the owner's name below:

Owner's name Ernie Hudson Address Abbeville

2. Source of Water _____ Water delivered by _____

3. Give point of Diversion 1/4 1/4 Section _____ Township _____ Range _____

4. Water is obtained by: (Check one) Gravity _____ Pumping _____ Other _____

5. Who first used water on this land? 1883 Address _____

6. In what year was this land first irrigated? _____ Approximate Acres _____

7. What is the greatest number of acres you have irrigated? _____ Date _____

8. Present Use: Year _____ Acres Irrigated _____

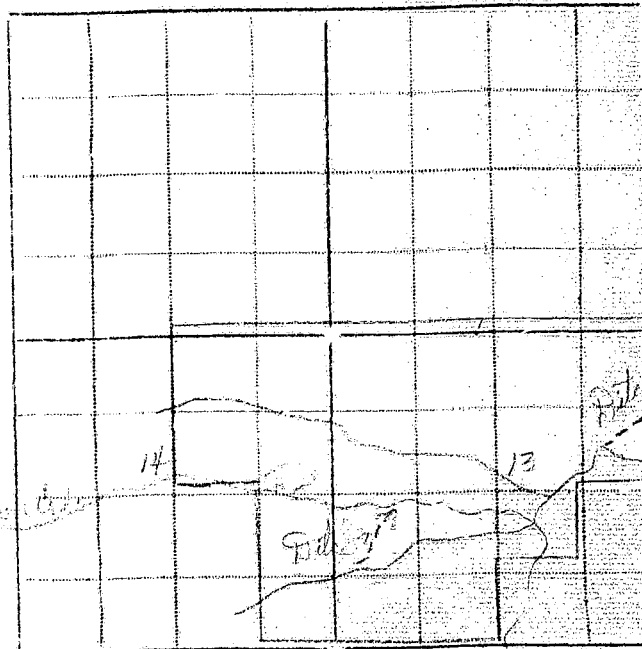
9. If this land is not irrigated now give date of last use _____

10. State the total number of acres that could be irrigated _____ acres.

11. What is the condition of your irrigation system? _____

12. Land Description: N2, NE4, NWSE, Sec 13, Twp. 3N, NE4, Sec 14, E2SE, Sec 14 Range 4S, 17E

Remarks: _____



Information by _____ Place _____ Date _____

Our records show that on July 13, 1938, a water right was decreed under Case No. 2409 for 60 miners inches from Grove creek covering this land with a date of priority as of Oct. 21, 1892 showing the original appropriator as Joseph Severin.

Billings,
XXXXXXXXXX

March 28, 1945

Ernie Hudson
Absarokee, Montana

Dear Mr. Hudson:

On March 9th, this office sent you a letter asking for certain information pertaining to your irrigated land in township 4 south, range 17 east. To date we have not heard from you. With the vast post war water development in this area as now planned it is essential that we have this information in order to show the extent of our water use in the Yellowstone Basin in Montana. This information is necessary to protect our present water users in the rights they have against future irrigation, navigation, power and flood control enterprises in this area. We are asking you for this information because we feel it is the democratic way; we also feel that you are more qualified to give us this information about your irrigated land than anyone else because it is part of your business. It may be that you were busy with your farm work or some unforeseen thing happened at the time our first letter was received, and you put it aside to be answered at some other time and have forgotten all about it. All information is strictly confidential and is only used to record and tabulate the water use in this area.

Water is as necessary to the farmer as the soil in which he plants. Without it no crops will grow; no living thing can survive. It is your water that we are trying to protect, so that you will have plenty now and in the future. We must keep Montana's water in Montana. The only way we can do this is by having the support of each and every water user so that we have a 100 percent representation of all water users. Remember: "United we stand, divided we fall".

In order to facilitate this work a branch office of the State Engineer has been established in Billings and is located in the Roosevelt School Building on 23rd Street and Fourth Avenue North. Anytime you are in Billings we would appreciate your calling on us.

Hoping to hear from you in the very near future, I am,

Very truly yours,

Gerald J. Oravetz
Assistant State Engineer

P.S. If you cannot supply us with the information requested, it may be that you can tell us of someone who can.

Please Do Not Fill in Any Items on This Page

Notice of Appropriation

1. County Stillwater Book not shown Page _____ Record _____
2. Name of Appropriator Joseph Severin Address not shown
3. Date Appropriated Oct. 21, 1892 Date Filed Nov. 4, 1892
Amount Appropriated, Miners Inches 150 Cubic Feet per second _____
4. Name of Stream Grove Creek - Forks and spring Tributary Stillwater Basin _____
5. Point of Diversion That one of said ditches tapped Middle Fork of Grove creek which rises in
in _____
Sec. _____ Twp. _____ Rge. _____ Bank of Stream _____
6. Purpose Irrigation, domestic and other useful purposes.
7. Description of System By means of dams and ditches. Said first ditch being 12 inches by 20 inches, another ditch 15 x 20 inches and third the size of two plow furrows.
8. Land Description of Intended Place of Use

Subdivision	Sec.	Twp.	Rge.	Tot. Acr.	1940 Owner	Address
<u>E1SE1</u>	<u>14</u>	<u>4 S.</u>	<u>17 E.</u>	<u>80</u>	<u>Isabell Johnson</u>	<u>Absarokee</u>
<u>N1SW1</u>	<u>13</u>	<u>4 S.</u>	<u>17 E.</u>	<u>80</u>	<u>Isabell Johnson</u>	<u>Absarokee</u>
9. Remarks (Pertaining to Use, etc.)
now in use

Decree

10. Case No. 2409 Date July 13, 1938 Amt. Decreed: M. I. 60 C. F. S. _____
11. To Whom Decreed Ernie Hudson Address Absarokee, Montana
Hudson.
12. Name of Ditch No name given but owned by Maximum Capacity (C. F. S.) Absarokee, Montana
13. Date of Priority Oct. 21, 1892 Purpose Irrigation, domestic and other purposes
14. Land Description of Place of Use as Decreed

Subdivision	Sec.	Twp.	Rge.	Tot. Acr.	1940 Owner	Address
<u>N1NE1, SW1NE1, NW1SE1</u>	<u>13</u>	<u>4 S.</u>	<u>17 E.</u>	<u>720</u>		
<u>W1NE1, E1SE1</u>	<u>14</u>	<u>4 S.</u>	<u>17 E.</u>			
<u>S1NE1, NE1SW1</u>	<u>13</u>	<u>4 S.</u>	<u>17 E.</u>	<u>80</u>	<u>First Montana Co.</u>	
<u>E1SE1</u>	<u>14</u>	<u>4 S.</u>	<u>17 E.</u>	<u>80</u>	<u>Isabell Johnson</u>	<u>Absarokee</u>
<u>N1NE1</u>	<u>12</u>	<u>4 S.</u>	<u>17 E.</u>	<u>80</u>	<u>Ernie Hudson</u>	
<u>W1NE1</u>	<u>14</u>	<u>4 S.</u>	<u>17 E.</u>	<u>80</u>	<u>Absarokee, Montana</u>	
15. Remarks (Present Use Status, etc.)

2. Name of Appropriator.

Joseph Severin the first predecessor in interest of the defendant Ernie Hudson, appropriated and took said water on Oct. 21, 1892. Joseph Severin granted to Mrs. George Thiermann on November 2, 1909 the E $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ of Twp. 4 S., Rge. 17 E. Mrs. George Thiermann, ~~Oscar Thiermann~~, George granted to her husband, George F. Thiermann before her death on June 17, 1935. George F. Thiermann granted to his sons, Otto Thiermann, Oscar Thiermann, George Thiermann and Frank Thiermann before his death on February 17, 1937 who were his legal heirs. They in turn sold and granted it to Ernie Hudson, and the deed recorded in book 34 of deeds page 351.

Ernie Hudson bought from George F. Douglas the lands as of NW $\frac{1}{4}$ of Sec. 13 & NE $\frac{1}{4}$ of 14 in 4 S., 17 E. granted to George F. Douglas by U. S. Government on May 16, 1927. -Also Also the lands SW $\frac{1}{4}$ NE $\frac{1}{4}$ - NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 13 - Twp. 4 S., Rge. 17 E. of William Whiting granted to him by U. S. Government on Jan. 12, 1913 and transferred to First Montana Company, a corporation and from aforesaid company to Ernie Hudson by deed land being bought and paid for by Ernie Hudson.

5. Point of diversion.

Force Spring and runs in a general northeasterly direction to and upon and across Squatters claim. Another of said ditches tapped North Fork of Grove Creek to the north and west of big Grove on said Fork and runs in an easterly direction to and upon Squatters Claim.

1. Stillwater County.
2. Name of appropriator - Joseph Severin
3. Name of Stream, Grove Creek.
5. Point of Diversion.

Claim, lying to the North of said North Fork.

The third of his ditches tapped the waters of a Spring on the NE $\frac{1}{4}$ of Section 24, township 4 S., Rge. 17 E. which is the source of the Southwest fork of Grove Creek, and ditch taps said spring on its left bank $\frac{1}{2}$ mile from its confluence with west fork and ~~run~~ runs in an easterly direction to and upon his garden and in addition to and upon other portions of ~~the~~ his squatter's claim.

The Judgment and Decree on the case between John Heide Plaintiff vs. Christian Carstens, defendant, came on regularly for trial on May 11, 1898 and Judgement and decree given on May 13, 1898. The trial and decree follows.

This cause came on regularly for trial in open court, on the eleventh of May 1898 the said parties appearing by their attorneys the jury of twelve persons were empaneled.

Witnesses for the plaintiff and defendant were sworn and examined. After hearing evidence, the argument of ~~each~~ counsel and instructions of court, the jury retired to consider on their verdict, and the special interrogatories submitted by the court and subsequently returned into court and being called, answered and say that they find a verdict for the plaintiff and against the defendant.

"Interrogatory No. 1". "What is the date of the appropriation of John Heide?"
"Answer" "March 8th 1895".

Interrogatory No. 2. "How many inches, if any, of the water of Grove Creek have been appropriated by John Heide?"

Answer: "120 inches".

Interrogatory No. 3: "How many acres are cultivated and irrigated by John Heide?"

Answer: "100 acres".

Interrogatory, No. 4: "How many inches if any, of the waters of Grove Creek have been appropriated by Christian Carstens?"

Answer: "21 inches".

Interrogatory No. 5: "What is the date of appropriation of Christian Carstens?"

Answer: "May 1897".

Interrogatory No. 6: "How many acres are cultivated and irrigated by Christian Carstens?"

Answer: "Sixteen acres".

Interrogatory No. 7 "Are the Springs on the land of Carstens a natural source of supply of the waters of Grove Creek?"

Answer: "Yes".

Point of Diversion cont'd.

Interrogatory No. 8: Does the water from the Springs on the land of Carstens run in a natural water course over the soil and into Grove Creek?

Answer: "Yes".

Interrogatory No. 9: Did the construction of the dam and ditch by Carsten and the use of the same diminish the supply of water flowing in Grove Creek at the head of Heide's ditch?

Answer: "Yes".

Interrogatory No. 10: Has the supply of water in Grove Creek been increased by the construction of ditches by the defendant, Carstens on his land?

Answer: "No".

Interrogatory No. 11: Are the bogs on Carstens land fed by any visible running springs or streams?

Answer: "Yes".

Interrogatory No. 12: Has Carstens developed water from the swamps on his land which has not been utilized by Heide?

Answer: "No".

Interrogatory No. 13: If your answer to Interrogatory No. 12 be in the affirmative, how many inches of water was so developed by Carstens?

2 Answer: (Unanswered)

Interrogatory No. 14: Did the defendant in the year 1897 divert from its natural channel any of the waters of Grove Creek to which the plaintiff was entitled?

Answer "Yes".

It is hereby ordered, adjudged and decreed that the plaintiff, John Heide, have the first and prior right to all the waters of said Grove Creek, described in the complaint on file to the amount or extent of 120 miners inches and that he have the right to enjoy and use the same freely, and uninterruptedly for agricultural, irrigation, domestic and other useful purposes: that the defendant, Christian Carstens, each of his attorneys, agents, servants and all other persons acting for him or under his designation, be perpetually enjoined and restrained from obstructing or diverting in any manner by means of dams, ditches or other constructions, the waters of said Grove Creek and its tributaries at any point above the headgate of plaintiff's irrigating ditch, from their natural flow, channel or water course, and from interfering with the free use and enjoyment of the same by the said plaintiff John Heide.

It is further ordered, adjudged and decreed that the permanent injunction of this court issue herein, directed to said defendant, each of his attorneys, agents, servants and all other persons acting for him or, under his designation, to perpetually refrain from obstructing or diverting in any manner the waters of Grove Creek aforesaid and its tributaries, from their natural flow, channel or water course, at any point above the headgate of plaintiff's irrigating ditch, or from interfering with the free flow of the same and the free use and enjoyment of the same by the plaintiff.

Page 3.

Judgment and Decree of John Heide vs. Christian Carstens.

It is hereby further ordered, adjudged and decreed that the decreed that the defendant Christian Carstens, have the right to the use of twenty-one inches of the waters of Grove Creek aforesaid, for agricultural, irrigation, domestic and other useful purposes, subject and subsequent at all times to the prior rights of the said plaintiff, John Heide, as herein decreed.

Judgement and decree rendered this 13th day of May, 1898.

State Supreme Court of Montana rendered its decision on this water Decree case in the March term of court in favor of Thomas B. Cook et ux and against Ernie Hudson, the defendant.



STATE OF MONTANA
STATE ENGINEERS OFFICE
Water Resources Survey

319
Form WR-1-1M-11-44

Code No. 18 B
County Stillwater
T. 4 S. R. 17 E.

Name of Land Owner B. L. Kratz Address Absarokee, Montana
Name of Operator Same Address

Part A

TO BE FILED BY THOSE OBTAINING IRRIGATION WATER FROM
A DITCH COMPANY OR IRRIGATION DISTRICT

1. Water is delivered by: undivided & known as Sherman & Smith & others filing
Name of Ditch, Ditch Company or District supplying water
2. State the number of acres you irrigate under this system 8 to 10 Shares you hold
3. If you obtain water from more than one Company, give the number of shares, acres irrigated and the name of the Company under "Remarks". If you obtain water from a Ditch Company and also have a private system fill in both Part A and Part B.

Part B

TO BE FILED BY THOSE WHO HAVE A PRIVATE DITCH, PUMP OR IRRIGATION SYSTEM
or those who have a private water right under a Ditch Company

4. In what year was this land first irrigated? Date about 1915 app. 7/11
5. Give the name of the original appropriator (first user): Sherman Smith & others
6. Give the date appropriated June 22, 1914 Amount filed on: Miners Inches 140 C. F. S.
7. State the total number of acres irrigated under this system: 300 acres
undivided
8. Give the point of diversion: 1/4 Section 1/4 Township Range

Part C

TO BE FILED BY ALL WATER USERS IN ADDITION TO PART A OR PART B

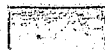
9. Source of Water: Stillwater River
Name of stream or lake from which water is originally diverted
10. Water is obtained by: (Check one) Gravity yes Pumping Other
11. What is the greatest number of acres you have irrigated? 35 Date 3/17/45
12. How many acres did you irrigate in 1944? (Crop and pasture) 35
13. State the total number of additional acres that could be irrigated by increasing the water supply, land leveling, etc. 400 This land is under what ditch? Sherman Smith & others filing
14. How many acres of seeped land do you have which could be drained and put into production? NONE
15. What is the condition of your irrigation system? Good
16. Is your water supply adequate? Yes X No Explain if ditch kept clear
17. REMARKS:

No dam or other structure - the ditch and water right are all that is needed.

NOTE: The foregoing questions apply only to irrigated land shown on this plat.

DESCRIPTION AND MAP OF FARM

18. Legal Description of this Farm Prac NW, Sec. 18 - Twp. 4 S., Rge. 17 E.



IRRIGATED LAND



NON-IRRIGATED LAND

NORTH



<p>Farm boundary.</p> <p>This map is according to our records. Please change it if it is not correct. That is if we show more irrigated land than you have, X it out; if we have not enough, draw it in.</p>		
	<p><i>Handwritten: ditch</i></p> <p><i>Handwritten: Road</i></p> <p><i>Handwritten: 18</i></p>	

19. If the above land is irrigated from more than one ditch please give the acreage under each ditch in 19A and indicate the location of the land irrigated from each on the above map.

19A. Ditch: Private ditch

Acres 28

Ditch: _____

Acres: _____

Information supplied by:

Name B. L. Kratz

Address Absarokee mt

Date 3/24/45

REMARKS: I also have about 15 acres irrigated on the W. phler place in N 1/2 of NE 1/4 Section 8 and S 1/2 of SE 1/4 Section 5 in 4 S 17 E T 4 S + but of what is known to me as the Heart Ditch both sources of water out of Stillwater River

If you cannot answer all of the questions on this form answer as many as you can and return the form to us as soon as possible.

THURBER'S, HELENA

[illegible]

- Remarks:

A blank sheet of graph paper with a grid pattern. The top-left corner contains a small rectangular box with some faint markings inside.

Information by	Place	Date



STATE OF MONTANA
STATE ENGINEERS OFFICE
Water Resources Survey

316
Form W-1-1M-11-41

Code No. 4 B, 5 A, 9A, 8A
County Stillwater
T. 4 S. R. 17 E.

Name of Land Owner Herman Heppler & L. Kratoch Address Ryeate, Montana
Name of Operator Harold Smith Address Absarokee, Montana

Part A

TO BE FILED BY THOSE OBTAINING IRRIGATION WATER FROM
A DITCH COMPANY OR IRRIGATION DISTRICT

1. Water is delivered by: Private
Name of Ditch, Ditch Company or District supplying water _____
2. State the number of acres you irrigate under this system _____ Shares you hold _____
3. If you obtain water from more than one Company, give the number of shares, acres irrigated and the name of the Company under "Remarks". If you obtain water from a Ditch Company and also have a private system fill in both Part A and Part B.

Part B

TO BE FILED BY THOSE WHO HAVE A PRIVATE DITCH, PUMP OR IRRIGATION SYSTEM
or those who have a private water right under a Ditch Company

4. In what year was this land first irrigated? Date _____
5. Give the name of the original appropriator (first user): _____
6. Give the date appropriated _____ Amount filed on: Miners Inches _____ C. F. S. _____
7. State the total number of acres irrigated under this system: _____
8. Give the point of diversion: $\frac{1}{4}$ $\frac{1}{4}$ Section _____ Township _____ Range _____

Part C

TO BE FILED BY ALL WATER USERS IN ADDITION TO PART A OR PART B

9. Source of Water: Delaware River
Name of stream or lake from which water is originally diverted _____
10. Water is obtained by: (Check one) Gravity ☒ Pumping _____ Other _____
11. What is the greatest number of acres you have irrigated? _____ Date _____
12. How many acres did you irrigate in 1944? (Crop and pasture) see other page
13. State the total number of additional acres that could be irrigated by increasing the water supply, land leveling, etc. 0 This land is under what ditch? _____
14. How many acres of seeped land do you have which could be drained and put into production? _____
15. What is the condition of your irrigation system? good
16. Is your water supply adequate? Yes _____ No _____ Explain _____
17. REMARKS: _____

OVER

9A, 8A

NOTE: The foregoing questions apply only to irrigated land shown on this plat.

DESCRIPTION AND MAP OF FARM

18. Legal Description of this Farm. S¹/₂SW¹/₄, NWSE¹/₄, SWSW¹/₄, Sec. 4 - S¹/₂SE¹/₄, Sec. 5 - N¹/₂NW¹/₄, SWNW¹/₄,

NWNE 4 NNEA, SNEA, Sec. 8 Twp. 4 S. Rge. 17 E.

IRRIGATED LAND

NON-IRRIGATED LAND

Farm boundary.

NORTH

This map is according to our records. Please change it if it is not correct. That is if we show more irrigated land than you have, X it out; if we have not enough, draw it in.

19. If the above land is irrigated from more than one ditch please give the acreage under each ditch in 19A and indicate the location of the land irrigated from each on the above map.

19A. Ditch: 1000 ft. long Acres: 1.00

Ditch: _____ Acres: _____

Information supplied by:

Name _____ Address _____ Date _____

REMARKS:

If you cannot answer all of the questions on this form answer as many as you can and return the form to us as soon as possible.

THURBER'S, HELENA

FORM SM-1a

STATE OF MONTANA WATER RESOURCES SURVEY

County Stillwater Date _____

Name of Water User Harold Smith Address Abbeville

1. Do you own this land? Yes _____ No _____ If not give the owner's name below:

Owner's name Herman Whipple Address Regate

2. Source of Water _____ Water delivered by _____

3. Give point of Diversion _____ Section _____ Township _____ Range _____

4. Water is obtained by: (Check one) Gravity _____ Pumping _____ Other _____

5. Who first used water on this land? _____ Address _____

6. In what year was this land first irrigated? _____ Approximate Acres _____

7. What is the greatest number of acres you have irrigated? _____ Date _____

8. Present Use: Year _____ Acres Irrigated _____

9. If this land is not irrigated now give date of last use _____

10. State the total number of acres that could be irrigated _____ acres.

11. What is the condition of your irrigation system?

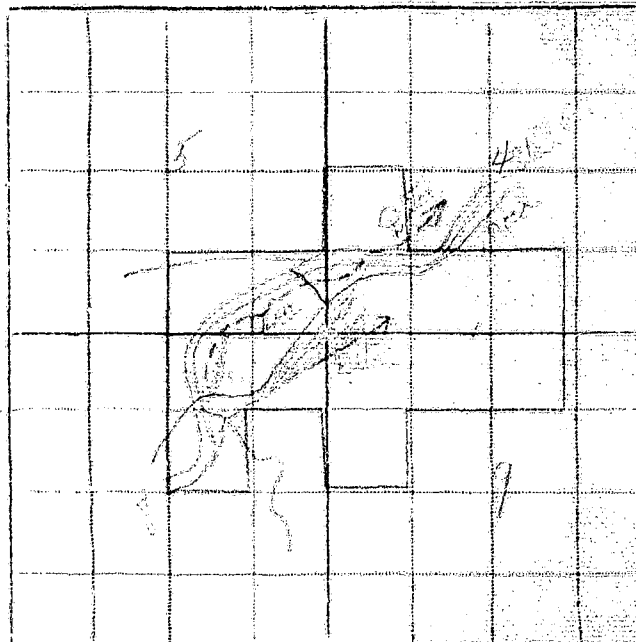
12. Land Description: S²SW⁴, NW³SW⁴, SE¹SE¹, Sec 9, S²SE¹ Sec 5, NW¹SW⁴, NW¹SW⁴, Twp. _____ Range _____

Remarks:

SE 1/4 Sec 5

Sec 9 with dam in NW 1/4

E. L. Kretz. "319" dam to
irrigate 15 acres on the dam
area. (Little Rock River) on the left



Information by _____ Place _____ Date _____

A and

s soon

Billings,
XXXXXXX

March 28, 1945

Herman Neppier
Bygate, Montana

Dear Mr. Neppier:

On March 15th, this office sent you a letter asking for certain information pertaining to your irrigated land in township 4 south, range 17 east, and township 4 north, range 19 east. To date we have not heard from you. With the vast post war water development in this area as now planned, it is essential that we have this information in order to show the extent of our water use in the Yellowstone Basin in Montana. This information is necessary to protect our present water users in the rights they have against future irrigation, navigation, power and flood control enterprises in this area. We are asking you for this information because we feel it is the democratic way; we also feel that you are more qualified to give us this information about your irrigated land than anyone else because it is part of your business. It may be that you were busy with your farm work or some unforeseen thing happened at the time our first letter was received, and you put it aside to be answered at some other time and have forgotten all about it. All information is strictly confidential and is only used to record and tabulate the water use in this area.

Water is as necessary to the farmer as the soil in which he plants. Without it no crops will grow; no living thing can survive. It is your water that we are trying to protect, so that you will have plenty now and in the future. We must keep Montana's water in Montana. The only way we can do this is by having the support of each and every water user so that we have a 100 percent representation of all water users. Remember: "United we stand, divided we fall".

In order to facilitate this work a branch office of the State Engineer has been established in Billings and is located in the Roosevelt School Building on 23rd Street and Fourth Avenue North. Anytime you are in Billings we would appreciate your calling on us.

Hoping to hear from you in the very near future, I am,

Very truly yours,

Gerald J. Oravetz
Assistant State Engineer

P.S. If you cannot supply us with the information requested, it may be that you can tell us of someone who can.

STATE ENGINEERS OFFICE
Water Resources Survey

Code No. 411

Notice of Appropriation

1. County Stillwater Book 1 Page 261 Record Misc.
2. Name of Appropriator Smith, F. M. et al Address Beehive, Montana
3. Date Appropriated June 22, 1914 Date Filed June 23, 1914
Amount Appropriated, Miners Inches 640 Cubic Feet per second
4. Name of Stream Stillwater River Tributary Basin
5. Point of Diversion Said ditch taps and diverts the water from said stream at a point upon its north bank near the west line of section 13 and near the center thereof in Twp. 4, S., Sec. 13, Rge. 16 east, thence running or to run to and upon said land.
6. Purpose Domestic and for irrigating and other purposes.
7. Description of System Ditch, said ditch is 75 inches by 120 inches in size and carries and conducts 640 inches of water.
8. Land Description of Intended Place of Use

Subdivision	Sec.	Twp.	Rge.	Tot. Acr.	1940 Owner	Address
NE 1/4 Sec 13 - S 1/2 SW 1/4	13	4 S.	16 E.		See next page.	
E 1/2 Sec 14	14	4 S.	16 E.			
Lot 4 - SE 1/4 SW 1/4	7	4 S.	17 E.			
NE 1/4, Lots 1, 2, 3 - NENW, SENW	18	4 S.	17 E.			
9. Remarks (Pertaining to Use, etc.)
F. M. Smith, L. H. Smith, Sherman Smith and E. E. Fletcher are the appropriators of this water right.

Decree

10. Case No. Date Amt. Decreed: M. I. C. F. S.
11. To Whom Decreed Address
12. Name of Ditch Maximum Capacity (C. F. S.)
13. Date of Priority Purpose
14. Land Description of Place of Use as Decreed
15. Remarks (Present Use, etc.)