

Treasure County

Tullock Creek Dam Project

A letter dated 6/14/36, signed by six farmers in the vicinity of Big Horn, requested the construction of a stock water and irrigation reservoir on Tullock Creek in Treasure County. The site of the proposed dam is located about 15 miles from the mouth of the creek. The dam would be 22 feet high having a crest length of 1,800 feet and would impound sufficient water to irrigate 1,600 acres. The water released from the reservoir would flow down the channel of Tullock Creek to the lands to be irrigated. Diversion works and necessary ditches would be built by the farmers.

The State Engineer and a representative of the U. P. A. visited the proposed site during the year 1936. They estimated the dam would store 2,500 acre feet of water. The project was considered too large an undertaking for the U. P. A.

A letter from George Miller, Engineer for the State Water Conservation Board, dated 2/10/39, indicates that a new location for the dam was located in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8, Township 1 south, Range 36 east. The new location is on the Crow Indian Reservation. On 2/21/39, the State Water Conservation Board wrote the Indian Service relative to the construction of the dam on the Reservation. No additional information is available.

Hysham Irrigation Project 129

The Hysham Irrigation district is located in Treasure County, adjacent to the county seat, Hysham, and it includes the lands situated in T 6N, R 35, 36, and 37E. The total irrigable land in the district is approximately 6,000 acres and is located on the south side of the Yellowstone River. It extends from the railroad station at Myers on the Northern Pacific Railroad, nearly due east for about nine miles. The maximum width of the tract is about two miles. The water supply is from the Yellowstone River.

The district was created February 11, 1913, at which time extensive surveys of the district were made. An engineering report was submitted February 14, 1914, recommending irrigation of the lands by pumping. The proposed pumping plant was to be operated by steam. The construction was not undertaken at this time.

During the period from 1914 to 1923, three other engineering investigations were made of the project.

In 1925 Mr. B. C. Lillis, Consulting Engineer, of Billings, investigated the project and recommended a plan of irrigation by pumping from the Yellowstone River, just east of Myers. The proposal, as submitted by Mr. Lillis, would include the installation of pumping units to supply water to two supply canals, known as the lower canal, having a capacity of 68 cubic feet per second, and an upper canal, having a capacity of 20 cubic feet per second. The pumping equipment would be centrifugal pumps, directly connected to electrical motors. The electrical power would be secured from the Montana Power Company transmission line, which runs within 40 miles of the project. The lower canal would be 12 miles in length, and would irrigate 5,000 acres of land. The upper canal would be six miles long and would irrigate 1,400 acres.

Mr. Lillis' plan included the following items of construction:

- Installation of pumping equipment
- Construction of 18 miles of supply canal.
- Construction of two siphons
- Construction of 40 miles of transmission line
- Construction of necessary laterals, turnouts, etc.

Total construction costs, including overhead and engineering, as estimated by Mr. Lillis, amounted to \$220,670. A new bond petition asking the authority of the District Court to issue \$300,000 worth of bonds was made. The estimated annual charge included power, operating, and maintenance, was figured at \$4.56 per acre for the first five years, the charge for the sixth year would amount to \$5.92, after which the annual charge would decrease \$0.085 per acre per year. Maintenance and operating charges after liquidation of the bonds was estimated at \$2.87 per acre.

The project was approved by the State Engineering Office during September, 1925.

The project was never built and in July, 1933, Mr. H. J. Stoutenburg, Commissioner of the District wrote to the State Engineer requesting that the project be considered in connection with the proposed Federal Public Works Program. There is no further information in the Water Board files to indicate the present status of the project.

The following are in the SWOB files:

- Engineering report by C. B. Lillis
- Project map by B. C. Lillis, Engineer, August, 1925 -
Scale 1"=2,000'

Lost Coulee Project
C. C. Ickes Project
Sweetse Project

Letter to Mr. C. H. Miller, Miles City, Montana, to the effect that water filings have been made in each of the projects listed above. No other information available in files.

The following are in the SWOB files:

- Details of Ickes Dam.

Treasure County

North Sanders Irrigation Project 274

The project extends east from Lysham to about north of the town of Sanders on the Yellowstone River. It was organized as the North Sanders Irrigation District to take over the North Sanders cooperative Ditch Companies Works, and extend and enlarge the same to cover 5,400 acres of irrigable land. 3,500 acres were irrigated by gravity flow from this river in addition to 1,900 acres irrigated by two pumping installations which pump directly from the canal. The project operated successfully for several years with ample water supply. Owing to the lowering of the river channel, the present intake system can divert water only during the high water period.

August 12, 1935, an application was submitted to the Public Works Administration requesting a loan and grant for the construction of the following:

Construct a submerged rock-filled timbered low diversion dam across the Yellowstone River, with flash boards to raise the river level two feet at low water.

Clean main canal.

Construct invert siphon at Froze to Death Creek.

Install two new pumps and motors for the irrigation of the land above the canal.

Total cost including overhead and right-of-way, as estimated by the State Water Conservation Board, August, 1935, amounted to \$52,727.

The project failed to receive a Public Works Administration allotment - No additional information available to indicate whether or not the project was built.

The following are in the SWCB files:

Letters
Engineering report
Project map, 8/35 - 1" = 1 mile
Cross Sections and profile of Yellowstone River at Mandate - 1" = 25'
Map Irrigable area, 4/24 - 1" = 2,000'
Cross Section of old Ditch - 1" = 10'
1935 - Profile of Ditch - V - 1" = 10, H - 1" = 8 1/2'
Profile of Existing Ditch 1" = 4'

Notes
The two small Pumping Plants on River and Irrigated land, shown on map, are from U.S. B.R. map of the Buffalo Rapids Project.

Treasure County

Sarpy Creek Project 619

About October or November, 1938, a petition was filed with the State Water Conservation Board requesting that a survey and investigation be made relative to the feasibility and cost of building a dam to impound the waters of Sarpy Creek, located in the NE $\frac{1}{4}$ of Section 4, Township 3 north, Range 37 east, and the NW $\frac{1}{4}$ of Section 16, Township 2 north, Range 37 east.

At present this project is still pending.

Engineers report dated April 30, 1940, gives the following: That this project is located in Section 25, Township 1 north, Range 38 east. Proposal is to build a dam on Sarpy Creek 20 feet high, crest length 650 feet. This dam would impound 600 acre feet of water. It is proposed to fill this reservoir to hold the spring run-off, and release this water for irrigation when most needed.

The cost estimated by Fred E. Buck is: Total Cost - \$17,385.00
Cost per acre foot - 31.14

The drainage area of Sarpy Creek above the dam site is 32 square miles. From the estimated storage, about 2,000 acres could be irrigated from this supply.

The following are in the SWCB files:

Print of Sarpy Creek reservoir and contours,
dated April, 1940. Scale 1" = 300 feet

Big Horn Tullock Creek Project 144

This project is located along the south side of the Yellowstone River immediately below the mouth of the Big Horn River. The town of Big Horn is in the heart of the irrigable area. This project was originally built as a State Irrigation District in 1919. In 1921 the diversion dam washed out. The next year a pumping plant was installed about one mile down the river to pump water into the canal, but due to the excessive operation and maintenance cost of inadequate machinery, this enterprise was soon abandoned and the project has not operated since.

The construction features consist of a gravity canal and diversion dam across the Big Horn River. Rehabilitation of the project consists of cleaning out the canal which will be 33,000 feet long and have a carrying capacity of 50 second feet; replacing the inverted siphon across Tullock Creek and building a new diversion dam. The siphon will be reinforced concrete pipe 48" in diameter. The headgates will be reinforced concrete which will be anchored bundles of brush weighted down with steel. The spill section will be provided with post holes to allow for erecting flash boards 3' high. The total length of the dam will be 210 feet and the maximum height above the natural stream bed will be approximately 8 feet. Construction of the dam and the headworks is nearly completed and rehabilitation of the canal should be completed early in the spring of 1941.

Treasure County

Big Horn-Tullock Project 144

The project will contain about 1300 net acres of land under the present canal. It is planned to install, at some future time, a small low lift pumping unit to pump water from the canal to irrigate about 700 additional acres.

The Big Horn-Tullock Water User's Association, a Montana corporation, requested the Board to advance it the cost of materials and supplies necessary to construct the dam above mentioned and to rehabilitate the existing canal in a sum not to exceed \$32,000, this sum being the estimated cost thereof, as made by the State Water Conservation Board.

To secure the funds to be advanced, the Big Horn Tullock Water User's Association entered into a Water Marketing Contract with the Board, whereby they agreed to repay this loan in annual installments over a period of 35 years, beginning December 15, 1941.

In order to provide the Association with the funds to meet this obligation, the Association has entered into Water Purchase Contracts with individual water users in the aggregate amount of 1,300 miner's inches at the rate of \$1.00 per miner's inch for the period 1941 to 1946, inclusive, and \$1.50 per miner's inch for the period 1947 to 1977, inclusive.

In SWCB files:

river dam plan, 7/33, scale $3/32'' = 1'$ (E. F. Palmer)
Jetty plan, 7/33, scale $1/2'' = 1'$ (E. F. Palmer)
Irrigable area, 1919, scale $1'' = 2,000'$
Canal structures, location and plan, scale $1'' = 2000'$ (E. F. Palmer)
Project map, 8/35, scale $1/2'' = 1000'$ (SWCB)
Cross section of old ditch, station 120 to 350, scale $1'' = 10'$
(E. F. Palmer)
Headgate structures, 8/40, (E. F. Palmer)
Engineering report, 8/11/35
Revised Engineering report, 3/26/36
Supplemental engineering report, 8/19/40

True Copy

Helena, Montana
August 11, 1935

1426 - PWA # 1052

Subj: Big Horn-Tullock Project
Treasure County, Montana


Montana State Water Conservation
and Planning Board
Helena, Montana

Gentlemen:

Attached hereto is a brief engineering report on the
above named project. Attached to the report is a blue print
of the project map.

The total estimated cost of the project is \$70,000.
The cost per acre foot of water diverted (6,000 acre feet) is
\$11.67

Respectfully submitted,


Fred E. Buck
Chief Office Engineer

FEB:td

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BIG HORN - TULLOCK PROJECT

TREASURE COUNTY, MONTANA

State: Montana
County: Treasure
Location: Township 4 and 5 North, Range 34 East.
Towns: Big Horn (pop. 50) included within project.
Transportation: Main line Northern Pacific Railway and U. S. Federal Highway No. 10 traverses project.
Shipping Point: Big Horn

General Description: The irrigation system consists of a main canal 9 miles in length diverting water by gravity, flows from the Big Horn river. A low dam is required at the head gate to insure water in the canal at low water. Structures consist of concrete main canal head-gate and wasteway. A concrete inverted siphon across Tullock Creek and concrete turnouts to all laterals.

History of Project: The project was originally started January 2, 1902 as a private ditch taking water out of the Big Horn River. In 1919 the Big Horn-Tullock Irrigation District was organized and the ditch was extended up the river to include a larger area of land 1697 acres of which 1300 acres are classified as first class irrigable land. The project operated successfully and good crops were produced up to the spring of 1921 when the high water washed out the diversion dam. In 1922, a second hand engine and pump outfit was installed but never operated successfully. Without an adequate supply of water the landowners were unable to pay their assessments and in 1928, they lost their land by tax deeds. At the present time the county owns about 1000 acres of the irrigable land.

There are 24 farms in the district and about 70 people living on the project many of whom are on relief. \$75,000 worth of bonds and \$22,487 of warrant indebtedness are outstanding. A bond and warrant holders committee has been formed and has agreed to accept settlement at 13%.

See Westland

The Big Horn-Tullock Irrigation District and land-owners have requested and agreed to quit-claim water rights and title to the irrigation system to the State Water Conservation Board including release from the bond-holders on the Irrigation system. The revenues derived from the sale of water to be pledged for the repayment of the loan.

Elevations: The elevation of the irrigable lands above sea level is 2700 feet.

Climate: The last killing frost in the spring occurs about May 1 and the first killing frost in the fall, September 15, making an average frost free period of 136 days. The climate is sufficiently moderate to permit the growing of beans and sugar beets. Annual precipitation averages 14 inches, a large part of which falls during the growing season. The mean temperature during the past three years was $\pm 47.6^{\circ}$, high 106.3° , low 32.3° .

Land Topography: The topography for the most part is gentle sloping bottom lands, which lie along the east side of the Big Horn River below the rim rocks. The lands are favorable for irrigation.

Soils: The soils are largely silty loam in character, very fertile and productive. The lands are graded as 80% which constitutes the highest grade in the county.

Crops: The principal crops grown are alfalfa hay, grains, sugar beets, beans and garden truck. Alfalfa produces three cuttings, about 3 tons per acre, beets 13 tons per acre, beans 15 cwt.

The project should maintain 500 acres of beets and 700 acres of alfalfa. The Billings sugar beet factory is 60 miles west, a favorable shipping distance.

Water Supply: In 1909 the Big Horn-Tullock Ditch Company appropriated $62\frac{1}{2}$ cubic feet of water, which has been duly transferred to the Big Horn-Tullock Irrigation District. This is one of the oldest rights, and there are no adverse suits or litigation pending affecting this water right. The water supply in the Big Horn River is adequate the entire season.

Drainage: No drainage difficulties were experienced during the irrigation of these lands, and none is contemplated with proper irrigation methods.

Plan of Repairs: Construction of a rock filled - pile timbered dam across the Big Horn River at the main canal head-gate. The dam at all times will be submerged under not less than one foot of water. Flash boards to be provided to raise the water at the low period 3 feet.

Enlargement and cleaning of the main canal system of sufficient size to include 700 acres of upper bench land for which a pumping system is to be installed. Construction of 3 jetties and rock protection of the Big Horn River bank. Repairs to canal headgates and siphon.

ESTIMATE

Diversion Dam:

4950 Lin. Feet Fir Piling @ 75¢	\$3826.00
128,000 F. B. M. Timber in place @ \$65.	8320.00
7,000 pounds bolts - spikes @ 10¢	700.00
750 cubic yards structure exc. @ 50¢	375.00
2,000 cubic yards gravel fill @ 50¢	1000.00
6,500 cubic yards Rock Fill @ \$1.00	9750.00
TOTAL	<u>23971.00</u>

Jetties:

2,500 Lin. Feet Fir Piling @ 75¢	1,875.00
5,600 F. B. M. Plank in place @ \$70.00.	392.00
1,000 pounds bolts and spikes @ 10¢	100.00
2,400 cubic yards Rock Fill @ \$1.50	3,600.00
1,200 cubic yards Rock Rip-rap @ \$2.00	2,400.00
TOTAL	<u>8,367.00</u>

Structure Repairs:

Spillway	420.00
Headgate	192.00
Siphon	716.00
Sluice gate	1,010.00
TOTAL	<u>2,338.00</u>

Enlargement Canal:

45,000 cubic yards Earth exc. @ 20¢	9,000.00
3,800 cubic yards Rock Exc @ \$1.50	5,700.00
6 timber farm road bridges @ \$150.00.	900.00
TOTAL	<u>15,600.00</u>

Bench land Pumping Plant:

1 - 65 H. P. Deisel Engine	\$	3,250.00
1 - 12" submerged centrifugal pump		650.00
200 feet 12" Pipe 10 G. @ \$2.90.		580.00
Miscl. fittings, valves.		150.00
Pump House		400.00
Ditch exc. 4,200 cubic yards @ 20¢		840.00
4 - Canal turnouts @ \$65.00		260.00
4 - small farm road crossing bridges		200.00
2 - 20 ft. - 30" 14 Galv. pipe road culvts.		280.00
TOTAL		<u>6,610.00</u>

Right of Way

10 acres Agricultural land @ \$30.00	300.00
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Overheads:

Administration	1,800.00
Interest during construction	1,800.00
Legal expense	1,000.00
Preliminary expense	750.00
Engineering and supervision	1,800.00
Contingencies	<u>5,664.00</u>
TOTAL	21,814.00

GRAND TOTAL COST \$ 70,000.00

ESTIMATED COST SUMMARY

Diversion Dam	23,971.00
Jetties	8,367.00
Structure repairs	2,338.00
Enlarging canal	15,600.00
Benchland Pumping Plant	<u>6,610.00</u>
TOTAL	56,886.00
Right of Way	300.00
TOTAL	<u>57,186.00</u>
Overheads	<u>12,814.00</u>
GRAND TOTAL	<u>\$ 70,000.00</u>

Cost per acre foot of water diverted (6000 acre feet) . . . \$11.67

Annual Operation and Maintenance:

Total acres to be irrigated 2,000

Part time accountant	\$ 400.00
Canal Caretaker	1,200.00
Repairs to canal system	600.00
Pumping plant operation	1,250.00
Pumping Plant repairs	300.00
TOTAL	<u>3,750.00</u>

Cost per Acre foot (6000 acre feet) $62\frac{1}{2}$

Properly rebuilt this is a most desirable project.

The rich bottom land soils can support 50 small farm homes. Markets for products should be usually good. Within favorable shipping distance of the beet sugar factory and adjacent to a large livestock grazing area. The project has an ample water supply and with the proposed permanent type of construction will insure the irrigation of 2,000 acres.

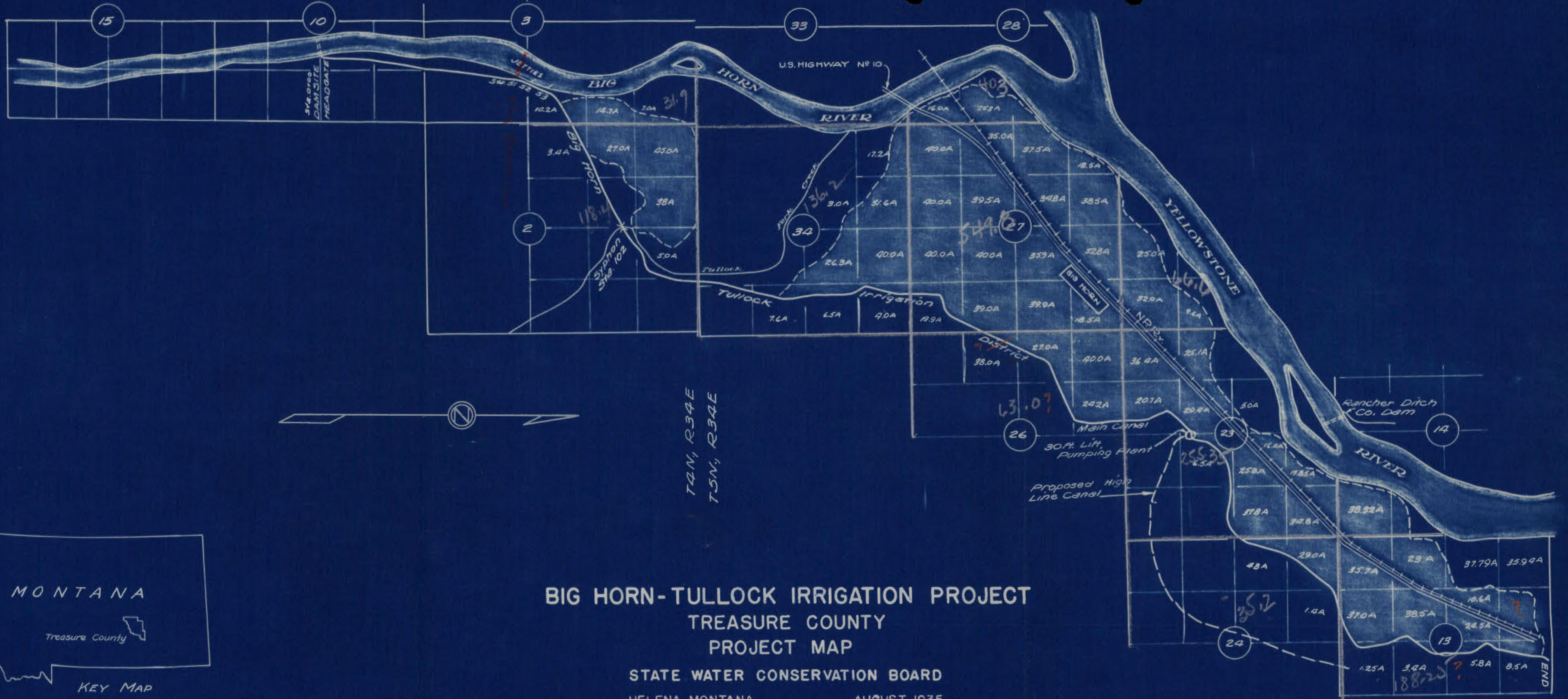
Respectfully submitted,



Fred E. Buck
Chief Office Engineer

FEB:td

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T4N, R34E
T5N, R34E

**BIG HORN-TULLOCK IRRIGATION PROJECT
TREASURE COUNTY
PROJECT MAP**

STATE WATER CONSERVATION BOARD
HELENA MONTANA AUGUST 1935
SCALE 1/2" = 1000'

Total Acreage
1523.32

ARTICLES OF INCORPORATION
of
BIG HORN PROJECT, INCORPORATED

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Guy L. Bradbrook, D. M. Manning and Ed Verhelst, all citizens of the United States, and residents of Treasure County, Montana, have this day voluntarily associated ourselves together for the purpose of forming a corporation under the laws of the State of Montana.

1.

That the name of the Corporation shall be Big Horn Project, Inc.

II

That the purpose for which it is formed are:

1. To carry on a general farming and ranching business, to conduct the general business of cultivating and improving farms and agricultural lands and livestock raising.
2. To purchase, own, lease or otherwise lawfully acquire, hold, use, farm, cultivate, operate, improve, encumber, lease, deal in, sell, convey, or otherwise dispose of, farm and grazing lands, crops, feed agricultural commodities and real and personal property of every kind, nature and description.
3. To appropriate water for irrigation and other beneficial uses, and to construct, maintain, extend and enlarge irrigation ditches and canals, and to purchase, own, control, use and operate the same, and to own, sell, supply and deal in irrigation water and water rights for irrigation, domestic and other useful and beneficial purposes and for such other legitimate and proper uses and purposes as are necessary to the encouragement of agriculture and horticulture.
4. To lease or otherwise acquire and dispose of any lands believed to contain petroleum, oil or gas, and to prospect for, drill, pump, pipe, store, refine and sell oil, gas and petroleum products and to construct any and all buildings, pipe lines, pumping stations, and storage tanks, and any and all other buildings and structures required in carrying on the business of said company.
5. To take over and acquire by purchase, exchange or other lawful modes, and to own, vote and sell and otherwise dispose of the capital stock and bonds of any other corporation.
6. To borrow money on notes, bonds or debentures with or without security and to mortgage, pledge or otherwise encumber all or any portion of the property or assets of the corporation, and to secure the payment thereof by mortgaging or otherwise pledging all or any of its property, and to assume and undertake the performance of obligations of every kind and character incurred by this or by any other corporation or individual.
7. To loan money on farm or other securities or without security.
8. To issue, buy, sell, discount, endorse, underwrite, guarantee or in any manner deal in real estate contracts, conditional sale contracts, or contracts of any kind, or in notes, bonds, debentures, stocks, mortgages and securities of any kind, of this or any other corporation, firm or person; Provided however, that it is not the purpose of the corporation to do a surety or investment business.

9. To transact business in any state or territory of the U.S. as decided from time to time by the Board of Directors.

10. To do and perform all other acts and things necessary, proper or convenient for the purpose of carrying out and accomplishing the purpose above specified.

III

That the place where the principal business of the corporation is to be transacted shall be at Big Horn, in the County of Treasure, State of Montana.

IV

That the term for which the corporation is to exist is forty years from and after its corporation.

V

That the number of its directors shall be three, and the names and residences of those who are appointed for the first three months, and until their successors are elected and qualified are:

Guy L. Bradbrook, Hysham; D. M. Manning, Hysham; Ed Verhelst, Big Horn, Montana.

VI

That the amount of capital stock of this corporation shall be \$400,000.00 divided into 4,000 shares of the par value of \$100.00 per share.

VII

That the amount of the capital stock which has been actually subscribed is \$300.00 and the following are the names of those by whom the same has been subscribed, with the amount of said capital stock subscribed by them set opposite their respective names to-wit:

Guy L. Bradbrook	1 share	\$100.00
D. M. Manning	1 share	100.00
Ed Verhelst	1 share	100.00

Dated May 28, 1948.

ARTICLES OF INCORPORATION

OF

Big Horn-Tullock WATER USERS' ASSOCIATION

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, pursuant to and in conformity with the provisions of Chapters 12 to 23, Civil Code, Revised Codes of Montana, 1935, and Acts amendatory thereof or supplemental thereto, associate ourselves together, not for profit, and do hereby adopt the following Articles of Incorporation:

ARTICLE I

The corporate name of this Corporation is hereby declared to be Big Horn-Tullock Water Users' Association.

ARTICLE II.

The objects and purposes for which this Corporation is formed are as follows:

1. To appropriate, purchase, market, sell, pump, divert, develop, furnish, distribute, lease, and dispose of the waters of the Big Horn River and Tributaries, which will be diverted from said stream by a dam, diversion works and canal located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, Twp. 4 North, R. 34 E., and such other structures as may be necessary to carry out the purposes of the Association and the diversion of water from the Big Horn River and its tributaries of the aforesaid stream, and from all other available sources of supply, together with the return flow of all of the foregoing waters furnished or supplied by seeping or over-flowing from the previous place of use of such waters and the waters from other dams, reservoirs, diversion canals, distributing canals, laterals, ditches, pumping units, mains, pipe lines and water works systems; said waters to be used for irrigating lands adjacent to and below said dams, reservoirs, laterals and canals and for other useful and beneficial purposes.

2. To enter into and carry out agreements with the State of Montana, the State Water Conservation Board, the United States of America, or any instrumentality or agency thereof, or any person, firm, association, corporation, private, public or municipal, with reference to the purchasing, marketing, furnishing, distributing and selling of the aforesaid waters, and to the privilege of obtaining such waters when available; and the diversion, development, disposition, and utilization of such waters; the charging, collecting and disposition of rents and revenues for such waters and privileges; the operation, maintenance, repair, alteration, construction, reconstruction, and supervision of the means of conserving and distributing such waters.

3. To construct, reconstruct, maintain, repair, alter, use, control and operate dams, reservoirs, irrigation works and systems, drainage works and systems, diversion canals, distributing canals, lateral ditches, pumping ditches, pumping units, mains, pipe lines, waterworks systems, and other means of conserving and distributing the aforesaid waters.

4. To lease, sell, or otherwise dispose of water, water rights, lands, easements and/or property which it may acquire.

5. To acquire, own, and hold such real and personal property as may be necessary or convenient for the transaction of its business.

6. To incur indebtedness upon its bonds, notes, contracts, or other evidences of indebtedness, and to secure the same by mortgages, deeds of trust, pledges of any or all of its revenues and contracts, or in any other manner subject, however, to the approval of any such indebtedness by resolution of the State Water Conservation Board.

7. To acquire, hold, and dispose of stock in other corporations, domestic or foreign.

8. To acquire by purchase, forfeiture, or in any other legal manner, shares of the Capital Stock of this Corporation, and to acquire and exercise options thereon, and to dispose of, re-issue, or cancel same as the Board of Directors may determine.

9. To have and exercise all the powers, and to perform any and all acts necessary, convenient, or appropriate, to carry out any one or more of the said purposes or anything incident thereto, or which shall at any time appear conducive or expedient for the protection or benefit of the Association or its shareholders, and to that end to enter into any contract, agreement, or other arrangement with the State of Montana, the State Water Conservation Board, the United States of America, or any instrumentality or agency thereof, or any person, firm, association, corporation, private, public or municipal, or any state or foreign government.

10. To make and promulgate By-Laws for the government and control of this Corporation. The By-Laws, or amendments thereto, adopted by the Board of Directors shall be, and become, effective only after their approval by the State Water Conservation Board.

11. The powers herein granted and conferred shall be exercised only with the approval of the State Water Conservation Board.

ARTICLE III

The principal place of transacting the business of the Corporation shall be at Big Horn, in the County of Treasure, State of Montana.

ARTICLE IV

This Corporation shall continue in existence for the term of forty (40) years from and after the filing of these Articles of Incorporation.

ARTICLE VII

That the amount of the Capital Stock actually subscribed is Forty Six & No/100 - - - - - (\$46.00) Dollars, as follows:

<u>NAME</u>	<u>AMOUNT</u>
<u>Guy L. Bradbrook</u>	<u>Ten Dollars (\$10.00)</u>
<u>Ed Verhelst</u>	<u>Ten Dollars (\$10.00)</u>
<u>Anton Bogunovich</u>	<u>Ten Dollars (\$10.00)</u>
<u>F. A. Brown</u>	<u>Ten Dollars (\$10.00)</u>
<u>R. A. Sharp</u>	<u>Six Dollars (\$6.00)</u>

Witness our hands and seals this 27th day of September

A.D. 1940.

(Signed)

Guy L. Bradbrook
Ed Verhelst
Anton Bogunovich
F. A. Brown
R. A. Sharp

STATE OF MONTANA }
County of Treasure) ss.

On this 27th day of September, A.D. One Thousand and Nine Hundred and Forty, personally appeared before me, a Notary Public for the State of Montana, Guy L. Bradbrook, Ed Verhelst, Anton Bogunovich, F. A. Brown, and R. A. Sharp, whose names are subscribed to the foregoing instrument as the parties thereto, personally known to me to be the same persons described in, and who executed, the said foregoing instrument, as the parties thereto, and who, each of them duly acknowledged to me that they each of them respectively, executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

(S) E. E. Fenton
Notary Public for the State of
Montana
Residing at Evsham, Montana
My commission expires May 15, 1942.

Filed with the County Clerk
and Recorder, Treasure County
September 27, 1940, 10:00 A.M.

Filed with the Secretary of
State, October 2, 1940,
11:15 A.M.

This indenture, made the 21st day of October, A. D., 1940, between D. M. Manning and Ruth A. Manning, husband and wife, and Guy L. Bradbrook and Edith M. Bradbrook, husband and wife, all of the Town of Hysham, County of Treasure, State of Montana, the parties of the first part, and State Water Conservation Board of Montana, the party of the second part, Witnesseth: That the said parties of the first part, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States, and other good and valuable considerations to them in hand paid by said party of the second part, the receipt whereof is hereby acknowledged, do by these presents Grant, Bargain, Sell, Convey, Warrant and Confirm unto the said party of the second part, and to its successors and assigns forever, the following described real estate, situate, lying and being in the County of Treasure, State of Montana, to-wit:

All lands included within and constituting the right of way of the canal generally known as the Big Horn-Tullock Irrigation District main canal, as the same is now laid out and existing over and across the lands hereinafter described, and which right of way consists of and includes the following described strip of land: A strip of land sixty-six (66) feet in width extending over and across Lots Fourteen (14), Fifteen (15), and Nine (9), of Section Three (3), Lots Twelve (12), Five (5), Six (6), Seven (7), Two (2), and One (1), of Section Two (2), all in Township Four (4) North, of Range Thirty-four (34) East of M. P. M.; and a strip of land sixty-six (66) feet in width extending over and across Lots Eleven (11) and Five (5) of Section Thirty-four (34), and a strip of land thirty-three (33) feet in width, extending over and across the East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$), of said Section Thirty-four (34), the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) and the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$), of Section Twenty-seven (27), the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$) and the Northwest Quarter ($NW\frac{1}{4}$) of Section Twenty-six (26), the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$), the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$), the Southeast Quarter ($SE\frac{1}{4}$), and the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$) of Section Twenty-three (23), the Northwest Quarter ($NW\frac{1}{4}$) of Section Twenty-four (24), and the East Half of the Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$), West Half of the Northeast Quarter ($W\frac{1}{2}NE\frac{1}{4}$), and West Half of the Southeast Quarter ($W\frac{1}{2}SE\frac{1}{4}$), of Section Thirteen (13), in Township Five (5) North of Range Thirty-four (34) East, M. P. M.; and which canal right of way includes thirty-four and 03/100 (34.03) acres, more or less, and is more specifically described as follows, to-wit:

A strip of land 66 feet wide through Lots 14 and 15, of Section 3, in Township 4 North, of Range 34 East, M. P. M., being 33 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the south line of said Lot 15 which is located 1432 feet West from the Southeast corner of said Lot. Thence North $9^{\circ} 30'$ East 1132 feet; thence North $10^{\circ} 49'$ East 1100 feet; thence North $2^{\circ} 47'$ West 306.9 feet; thence North $5^{\circ} 48'$ East 120 feet, to an intersection with the North line of said Lot 14, at a point which is located 1150 feet West from the Northeast corner thereof.

A strip of land 66 feet wide through Lot 9, of Section 3, Township 4 North, of Range 34 East, M. P. M., being 33 feet on each side of a center line more particularly described as follows, to-wit: Beginning at a point on the South side of said Lot 9, which is located 1150 feet West from the Southeast corner thereof; thence North $5^{\circ} 48'$ East 108.8 feet; thence North $28^{\circ} 08'$ East 359 feet; thence North $53^{\circ} 35'$ East 333 feet; thence North $61^{\circ} 41'$ East 827.8 feet to an intersection with the East line of said Lot 9 at a point which is located 477 feet South from the Northeast corner thereof.

A strip of land 66 feet wide through Lot 12, of Section 2, in Township 4 North of Range 34 East, M. P. M., being 33 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of said Lot 12, which is located 477 feet South of the Northwest corner thereof; thence North $62^{\circ} 07'$ East 1043.4 feet to a point on the North line of said Lot 12 which is located 396.5 feet West of the Northeast corner thereof.

A strip of land 66 feet wide, being 33 feet on each side of a center line through Lot 5, of Section 2, in Township 4 North of Range 34 East, M. P. M., more particularly described as follows, to-wit: Beginning at a point on the South line of said Lot 5, which is located 396.5 feet West of the Southeast corner thereof; thence North $64^{\circ} 32'$ East 474.9 feet to a point on the East line of said Lot 5, which is located 192.0 feet North of the Southeast corner thereof.

A strip of land 66 feet wide through Lots 6 and 7, of Section 2, in Township 4 North of Range 34 East, M. P. M., being 33 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of said Lot 6, which is located 192 feet North of the Southwest corner thereof; thence North $64^{\circ} 32'$ East 1081.7 feet; thence North $62^{\circ} 03'$ East 540 feet; thence North $50^{\circ} 07'$ East 634 feet to an intersection with the North line of said Lot 7, at a point which is located 650 feet West of the Northeast corner thereof.

A strip of land 66 feet wide through Lot 2, of Section 2, in Township 4 North, of Range 34 East, M. P. M., being 33 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of said Lot 2, which is located 650 feet West of the Southeast corner thereof; thence North $50^{\circ} 07'$ East 66 feet; thence North $67^{\circ} 58'$ East 400 feet; thence North $28^{\circ} 40'$ East 587.8 feet to a point on the East line of said Lot 2, which is located 787 feet South from the Northeast corner thereof.

A strip of land 66 feet wide through Lot 1, of Section 2, in Township 4 North of Range 34 East, M. P. M., being 33 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of said Lot 1, which is located 787 feet South from the Northwest corner thereof; thence North $6^{\circ} 28'$ East 787.8 feet to a point on the North line of said Lot 1, which is located 1263.6 feet West of the Northeast corner thereof.

A strip of land 66 feet wide through Lots 11 and 5, of Section 34 in Township 5 North of Range 34 East, M. P. M., being 33 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of said Lot 11, which is located 1445.6 feet West of the Southeast corner thereof; thence North $10^{\circ} 43'$ East 386.8 feet; thence ~~South~~ North $21^{\circ} 52'$ East 648 feet; thence North $13^{\circ} 00'$ East 1008.5 feet; thence North $10^{\circ} 13'$ West 700 feet to a point on the North line of said Lot 5, which is located 320 feet East of the Northwest corner thereof.

A strip of land 33 feet wide through the East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$) of Section 34, and the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section 27, in Township 5 North, of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of the East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$) of said Section 34, which is located 320 feet East of the Southwest corner thereof; thence North $10^{\circ} 13'$ West 323.5 feet; thence North $17^{\circ} 30'$ East 224.6 feet; thence North $6^{\circ} 13'$ East 433 feet; thence North $34^{\circ} 20'$ West 318 feet; thence North $32^{\circ} 6'$ West 265.4 feet; thence North $9^{\circ} 17'$ East 200 feet; thence North $22^{\circ} 18'$ East 700 feet; thence North $2^{\circ} 50'$ East 338.5 feet, to a point on the North line of said Section 34, which is located 331 feet East of the Northwest corner of said East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$) of said section; thence in the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of said Section 27, North $2^{\circ} 50'$ East 600 feet; thence North $53^{\circ} 48'$ East 200 feet; thence North $77^{\circ} 21'$ East 434 feet; thence North $43^{\circ} 49'$ East 243 feet; thence North $12^{\circ} 50'$ East 320.5 feet, to a point on the North line of the said Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section 27, which is located 178 feet West of the Northeast corner thereof.

A strip of land 33 feet wide through the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) of Section 27, in Township 5 North of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of the said Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) which is located 178 feet West of the Southeast corner thereof; thence North $20^{\circ} 18'$ East 465.5 feet to a point on the East line of the said Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$), which is located 457.5 feet North of the Southeast corner thereof.

A strip of land 33 feet wide through the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$) of Section 26, in Township 5 North of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of the said Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$) which is located 457.5 feet North of the Southwest corner thereof; thence North $26^{\circ} 08'$ East 984.0 feet to a point on the North line of said Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$), which is located 464.0 feet East of the Northwest corner thereof.

A strip of land 33 feet wide through the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$), the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$), and the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) of Section 26, in Township 5 North, of Range 34 East, M. P. M., which strip of land begins at a point on the South line of the said Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$), located 464.0 feet East of the Southwest corner thereof; and from thence follows and includes the main canal of the Big Horn-Tullock Irrigation District over and across the said Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$), Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$), and Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$), of said Section 26, as said main canal is now laid out and existing over and across said lands, to a point on the North line of the said Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$), which is located 467 feet West of the Northeast corner thereof.

A strip of land 33 feet wide through the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) of Section 23, in Township 5 North, of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of said Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) which is located 467 feet West of the Southeast corner thereof; thence North $0^{\circ} 18'$ West 422.6 feet; thence North $23^{\circ} 29'$ West 475 feet; thence North $36^{\circ} 45'$ East 349 feet to a point on the North line of said Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$), which is located 552 feet West of the Northeast corner thereof.

A strip of land 33 feet wide through the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$) of Section 23, in Township 5 North, of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of the said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$) which is located 552.0 feet West of the Southeast corner thereof; thence North $46^{\circ} 25'$ East 473.0 feet; thence South $88^{\circ} 34'$ East 203.0 feet to a point on the East line of the said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$) which is located 317.0 feet North of the Southeast corner thereof.

A strip of land 33 feet wide through the Southeast Quarter ($SE\frac{1}{4}$) of Section 23, Township 5 North, of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of said Southeast Quarter ($SE\frac{1}{4}$), which is located 317.0 feet North of the Southwest corner of the Northwest Quarter of said Southeast Quarter; thence North $9^{\circ} 51'$ East 332.0 feet; thence North $28^{\circ} 12'$ East 443.5 feet; thence North $62^{\circ} 25'$ East 550.0 feet; thence North $85^{\circ} 06'$ East 941.6 feet; thence South $78^{\circ} 10'$ East 600.0 feet; thence North $49^{\circ} 20'$ East 102.9 feet, to a point on the North line of said Southeast Quarter ($SE\frac{1}{4}$), which is located 305.0 feet West of the Northeast corner thereof.

A strip of land 33 feet wide through the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$) of Section 23, in Township 5 North, of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of said Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$) which is located 305.0 feet West of the Southeast corner thereof; thence North $38^{\circ} 13'$ East 200 feet; thence North $38^{\circ} 35'$ East 245 feet to a point on the East line of said Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$), which is located 326 feet North of the Southeast corner thereof. (NW $\frac{1}{4}$)

A strip of land 33 feet wide through the Northwest Quarter/ of Section Twenty-four (24), in Township 5 North, of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of the said Northwest Quarter (NW $\frac{1}{4}$) which is located 326.0 feet North of the Southwest corner thereof; thence North $38^{\circ} 50'$ East 345 feet; thence North $13^{\circ} 40'$ East 467.4 feet; thence North $21^{\circ} 28'$ East 200 feet; thence North $39^{\circ} 23'$ East 350.7 feet; thence North $42^{\circ} 43'$ East 321 feet; thence North $26^{\circ} 01'$ East 574.6 feet; thence North $47^{\circ} 23'$ East 317.5 feet; thence North $77^{\circ} 25'$ East 747.2 feet; thence North $50^{\circ} 30'$ East 27 feet, to a point on the North line of said Northwest Quarter (NW $\frac{1}{4}$) which is located 565.5 feet West of the Northeast corner thereof.

A strip of land 33 feet wide through the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) of Section 13, in Township 5 North of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of said Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) which is located 565.6 feet West of the Southeast corner thereof; thence North $49^{\circ} 50'$ East 672.8 feet; thence North $42^{\circ} 58'$ East 43.0 feet to a point on the East line of said Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) which is located 466.5 feet North of the Southeast corner thereof.

A strip of land 33 feet wide through Section 13, Township 5 North of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$) of said Section 13, which is located 466.5 feet North of the Southwest corner thereof; thence North $44^{\circ} 10'$ East 224.5 feet; thence North $7^{\circ} 25'$ West 536.5 feet; thence North $20^{\circ} 52'$ West 187.6 feet; thence North $21^{\circ} 22'$ West 384.8 feet; thence North $32^{\circ} 42'$ East 727 feet; thence North $0^{\circ} 13'$ West 346.2 feet, to a point on the North line of said Southeast Quarter which is located 276 feet East of the Northwest corner thereof; thence North $3^{\circ} 15'$ West 654.2 feet; thence North $52^{\circ} 35'$ West 318.4 feet; thence North $12^{\circ} 09'$ East 89 feet; thence North $35^{\circ} 16'$ East 300 feet; thence North $11^{\circ} 29'$ East 568 feet; thence North $40^{\circ} 32'$ East 173.5 feet; thence North $3^{\circ} 40'$ East 564.1 feet; to the end of the canal at a point from which the North Quarter Corner of said Section 13, bears North $65^{\circ} 34'$ West, a distance of 455.1 feet.

Together with the irrigation canal now constructed, laid out, and existing over, through, upon and along the above described right of way, and together with all headgates, waste gates, dams, flumes, siphons, structures and other appurtenances thereto belonging. And together with all water and water rights heretofore used and appropriated in connection with said irrigation canal and system, and particularly all waters claimed, appropriated, and used under and by virtue of that certain notice of appropriation of water whereby sixty-two and one-half ($62\frac{1}{2}$) cubic feet per second of the waters of the Big Horn River were claimed and appropriated for the irrigation of the land lying adjacent to the canal right of way hereinbefore described, which notice of appropriation was filed for record in the office of the County Clerk and Recorder of Rosebud County, Montana, on the 8th day of February, 1909, at two o'clock P. M., and recorded in Book 2, of Water Rights, at page 46, of the records of Rosebud County, Montana, and was transcribed to and is now of record in Book 1 of Water Rights, at page 53, of the records of Treasure County, Montana, and which water right was conveyed

by Big Horn-Tullock Ditch Company to Big Horn-Tullock Irrigation District by a deed now of record in Book 1, of Deeds, at page 212, of the records of Treasure County, Montana, which water right was thereafter conveyed to D. M. Manning and Guy L. Bradbrook by a deed from Big Horn-Tullock Irrigation District, which is now of record in Book 5, of Deeds, at page 246, of the records of Treasure County, Montana.

Together with all and singular the hereinbefore described premises and together with all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right title, interest, right of dower and right of homestead, possession, claim, and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances thereto belonging.

To have and to hold, all and singular the above mentioned and described premises unto the said party of the second part, and to its successors and assigns forever.

And the said parties of the first part, for themselves and heirs, executors and administrators, do hereby covenant that they will forever warrant and defend all right, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said party of the second part, its successors and assigns, against all acts and deeds of the said parties of the first part, and all and every person and persons whomsoever lawfully claiming or to claim the same.

In witness whereof, the said parties of the first part have hereunto set their hands and seals the day and year first hereinabove written.

(Signed) D. M. Manning (SEAL)
Ruth A. Manning (SEAL)

Guy L. Bradbrook (SEAL)
Edith M. Bradbrook (SEAL)

Acknowledgment by E. E. Fenton, October 21, 1940

This indenture, made the 21st day of October, A. D., 1940, between D. M. Manning and Ruth A. Manning, husband and wife, and Guy L. Bradbrook and Edith H. Bradbrook, husband and wife, all of the Town of Hysham, County of Treasure, State of Montana, the parties of the first part, and State Water Conservation Board of Montana, the party of the second part, Witnesseth: That the said parties of the first part, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States, and other good and valuable considerations to them in hand paid by said party of the second part, the receipt whereof is hereby acknowledged, do by these presents Grant, Bargain, Sell, Convey, Warrant and Confirm unto the said party of the second part, and to its successors and assigns forever, the following described real estate, situate, lying and being in the County of Treasure, State of Montana, to-wit:

All lands included within and constituting the right of way of the canal generally known as the Big Horn-Tullock Irrigation District main canal, as the same is now laid out and existing over and across the lands hereinafter described, and which right of way consists of and includes the following described strip of land: A strip of land sixty-six (66) feet in width extending over and across Lots Fourteen (14), Fifteen (15), and Nine (9), of Section Three (3), Lots Twelve (12), Five (5), Six (6), Seven (7), Two (2), and One (1), of Section Two (2), all in Township Four (4) North, of Range Thirty-four (34) East of M. P. M.; and a strip of land sixty-six (66) feet in width extending over and across Lots Eleven (11) and Five (5) of Section Thirty-four (34), and a strip of land thirty-three (33) feet in width, extending over and across the East Half of the Northeast Quarter (~~E₁NE₁~~), of said Section Thirty-four (34), the Southeast Quarter of the Southeast quarter (~~SE₁SE₁~~) and the Northeast Quarter of the Southeast Quarter (~~NE₁SE₁~~), of Section Twenty-seven (27), the Northwest Quarter of the Southwest Quarter (~~NW₁SW₁~~) and the Northwest Quarter (~~NW₁~~) of Section Twenty-six (26), the Southeast Quarter of the Southwest Quarter (~~SE₁SW₁~~), the Northeast Quarter of the Southwest Quarter (~~NE₁SW₁~~), the Southeast Quarter (~~SE₁~~), and the Southeast Quarter of the Northeast Quarter (~~SE₁NE₁~~) of Section Twenty-three (23), the Northwest Quarter (~~NW₁~~) of Section Twenty-four (24), and the East Half of the Southwest Quarter (~~E₁SW₁~~), West Half of the Northeast Quarter (~~W₁NE₁~~), and West Half of the Southeast Quarter (~~W₁SE₁~~), of Section Thirteen (13), in Township Five (5) North of Range Thirty-four (34) East, M. P. M.; and which canal right of way includes thirty-four and 03/100 (34.03) acres, more or less, and is more specifically described as follows, to-wit:

A strip of land 66 feet wide through Lots 14 and 15, of Section 3, in Township 4 North, of Range 34 East, M. P. M., being 33 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the south line of said Lot 15 which is located 1432 feet West from the Southeast corner $\frac{1}{4}$ of said Lot. Thence North $9^{\circ} 30'$ East 1152 feet; thence North $10^{\circ} 49'$ East 1100 feet; thence North $2^{\circ} 47'$ West 306.9 feet; thence North $5^{\circ} 48'$ East 120 feet, to an intersection with the North line of said Lot 14, at a point which is located 1150 feet West from the Northeast corner thereof.

A strip of land 66 feet wide through Lot 9, of Section 3, Township 4 North, of Range 34 East, M. P. M., being 33 feet on each side of a center line more particularly described as follows, to-wit: Beginning at a point on the South side of said Lot 9, which is located 1150 feet West from the Southeast corner thereof; thence North $5^{\circ} 48'$ East 108.6 feet; thence North $28^{\circ} 08'$ East 359 feet; thence North $53^{\circ} 35'$ East 333 feet; thence North $61^{\circ} 41'$ East 827.8 feet to an intersection with the East line of said Lot 9 at a point which is located 477 feet South from the Northeast corner thereof.

A strip of land 66 feet wide through Lot 12, of Section 2, in Township 4 North of Range 34 East, M. P. M., being 33 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of said Lot 12, which is located 477 feet South of the Northwest corner thereof; thence North $62^{\circ} 07'$ East 1043.4 feet to a point on the North line of said Lot 12 which is located 396.5 feet West of the Northeast corner thereof.

A strip of land 66 feet wide, being 33 feet on each side of a center line through Lot 5, of Section 2, in Township 4 North of Range 34 East, M. P. M., more particularly described as follows, to-wit: Beginning at a point on the South line of said Lot 5, which is located 396.5 feet West of the Southeast corner thereof; thence North $64^{\circ} 32'$ East 474.9 feet to a point on the East line of said Lot 5, which is located 192.0 feet North of the Southeast corner thereof.

A strip of land 66 feet wide through Lots 6 and 7, of Section 2, in Township 4 North of Range 34 East, M. P. M., being 33 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of said Lot 6, which is located 192 feet North of the Southwest corner thereof; thence North $64^{\circ} 32'$ East 1081.7 feet; thence North $62^{\circ} 03'$ East 540 feet; thence North $50^{\circ} 07'$ East 634 feet to an intersection on with the North line of said Lot 7, at a point which is located 650 feet West of the Northeast corner thereof.

A strip of land 66 feet wide through Lot 2, of Section 2, in Township 4 North, of Range 34 East, M. P. M., being 33 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of said Lot 2, which is located 650 feet West of the Southeast corner thereof; thence North $50^{\circ} 07'$ East 66 feet; thence North $67^{\circ} 58'$ East 400 feet; thence North $28^{\circ} 40'$ East 587.8 feet to a point on the East line of said Lot 2, which is located 787 feet South from the Northeast corner thereof.

A strip of land 66 feet wide through Lot 1, of Section 2, in Township 4 North of Range 34 East, M. P. M., being 33 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of said Lot 1, which is located 787 feet South from the Northwest corner thereof; thence North $6^{\circ} 28'$ East 787.8 feet to a point on the North line of said Lot 1, which is located 1263.5 feet West of the Northeast corner thereof.

A strip of land 66 feet wide through Lots 11 and 5, of Section 34 in Township 5 North of Range 34 East, M. P. M., being 33 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of said Lot 11, which is located 1445.6 feet West of the Southeast corner thereof; thence North $10^{\circ} 43'$ East 386.8 feet; thence North $21^{\circ} 52'$ East 648 feet; thence North $13^{\circ} 00'$ East 1008.5 feet; thence North $10^{\circ} 13'$ West 700 feet to a point on the North line of said Lot 5, which is located 320 feet East of the Northwest corner thereof.

A strip of land 33 feet wide through the East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$) of Section 34, and the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section 27, in Township 5 North, of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of the East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$) of said Section 34, which is located 320 feet East of the Southwest corner thereof; thence North $10^{\circ} 13'$ West 323.5 feet; thence North $17^{\circ} 30'$ East 224.6 feet; thence North $6^{\circ} 13'$ East 433 feet; thence North $34^{\circ} 20'$ West 318 feet; thence North $32^{\circ} 6'$ East 265.4 feet; thence North $9^{\circ} 17'$ East 200 feet; thence North $22^{\circ} 18'$ East 700 feet; thence North $2^{\circ} 50'$ East 336.5 feet, to a point on the North line of said Section 34, which is located 331 feet East of the Northwest corner the of said East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$) of said section; thence in the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of said Section 27, North $2^{\circ} 50'$ East 600 feet; thence North $53^{\circ} 48'$ East 200 feet; thence North $77^{\circ} 21'$ East 434 feet; thence North $43^{\circ} 49'$ East 243 feet; thence North $12^{\circ} 50'$ East 320.5 feet, to a point on the North line of the said Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section 27, which is located 173 feet West of the Northeast corner thereof.

A strip of land 33 feet wide through the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) of Section 27, in Township 5 North of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of the said Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) which is located 178 feet West of the Southeast corner thereof; thence North $20^{\circ} 18'$ East 465.5 feet to a point on the East line of the said Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$), which is located 457.5 feet North of the Southeast corner thereof.

A strip of land 33 feet wide through the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$) of Section 26, in Township 5 North of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of the said Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$) which is located 457.5 feet North of the Southwest corner thereof; thence North $26^{\circ} 08'$ East 984.0 feet to a point on the North line of said Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$), which is located 464.0 feet East of the Northwest corner thereof.

A strip of land 33 feet wide through the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$), the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$), and the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) of Section 26, in Township 5 North, of Range 34 East, M. P. M., which strip of land begins at a point on the South line of the said Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$), located 464.0 feet East of the Southwest corner thereof; and from thence follows and includes the main canal of the Big Horn-Tullock Irrigation District over and across the said Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$), Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$), and Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$), of said Section 26, as said main canal is now laid out and existing over and across said lands, to a point on the North line of the said Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$), which is located 467 feet West of the Northeast corner thereof.

A strip of land 33 feet wide through the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) of Section 23, in Township 5 North, of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of said Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) which is located 467 feet West of the Southeast corner thereof; thence North $0^{\circ} 18'$ West 422.6 feet; thence North $23^{\circ} 29'$ West 475 feet; thence North $36^{\circ} 45'$ East 349 feet to a point on the North line of said Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$), which is located 552 feet West of the Northeast corner thereof.

A strip of land 33 feet wide through the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$) of Section 23, in Township 5 North, of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of the said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$) which is located 552.0 feet West of the Southeast corner thereof; thence North $46^{\circ} 25'$ East 473.0 feet; thence South $88^{\circ} 34'$ East 203.0 feet to a point on the East line of the said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$) which is located 317.0 feet North of the Southeast corner thereof.

A strip of land 33 feet wide through the Southeast Quarter ($SE\frac{1}{4}$) of Section 23, Township 5 North, of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of said Southeast Quarter ($SE\frac{1}{4}$), which is located 317.0 feet North of the Southwest corner of the Northwest Quarter of said Southeast Quarter; thence North $9^{\circ} 51'$ East 332.0 feet; thence North $28^{\circ} 12'$ East 443.5 feet; thence North $62^{\circ} 25'$ East 550.0 feet; thence North $85^{\circ} 06'$ East 941.6 feet; thence South $78^{\circ} 10'$ East 600.0 feet; thence North $49^{\circ} 20'$ East 102.9 feet, to a point on the North line of said Southeast Quarter ($SE\frac{1}{4}$), which is located 305.0 feet West of the Northeast corner thereof.

A strip of land 33 feet wide through the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, in Township 5 North, of Range 34 East, N. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of said Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) which is located 305.0 feet West of the Southeast corner thereof; thence North 38° 13' East 200 feet; thence North 38° 35' East 245 feet to a point on the East line of said Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), which is located 326 feet North of the Southeast corner thereof. (NW $\frac{1}{4}$)

A strip of land 33 feet wide through the Northwest Quarter of Section Twenty-four (24), in Township 5 North, of Range 34 East, N. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of the said Northwest Quarter (NW $\frac{1}{4}$) which is located 326.0 feet North of the Southwest corner thereof; thence North 38° 50' East 345 feet; thence North 13° 40' East 467.4 feet; thence North 21° 28' East 200 feet; thence North 39° 23' East 350.7 feet; thence North 42° 43' East 321 feet; thence North 26° 01' East 574.6 feet; thence North 47° 23' East 317.5 feet; thence North 77° 25' East 747.2 feet; thence North 50° 30' East 27 feet, to a point on the North line of said Northwest Quarter (NW $\frac{1}{4}$) which is located 565.5 feet West of the Northeast corner thereof.

A strip of land 33 feet wide through the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 13, in Township 5 North of Range 34 East, N. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) which is located 565.6 feet West of the Southeast corner thereof; thence North 49° 50' East 672.8 feet; thence North 43° 58' East 43.0 feet to a point on the East line of said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) which is located 466.5 feet North of the Southeast corner thereof.

A strip of land 33 feet wide through Section 13, Township 5 North of Range 34 East, N. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section 13, which is located 466.5 feet North of the Southwest corner thereof; thence North 44° 10' East 224.5 feet; thence North 7° 25' West 536.5 feet; thence North 20° 52' West 187.6 feet; thence North 21° 22' West 384.8 feet; thence North 32° 42' East 727 feet; thence North 0° 13' West 346.2 feet, to a point on the North line of said Southeast Quarter which is located 276 feet East of the Northwest corner thereof; thence North 3° 15' West 654.2 feet; thence North 52° 35' West 318.4 feet; thence North 12° 09' East 89 feet; thence North 35° 16' East 300 feet; thence North 11° 29' East 568 feet; thence North 40° 32' East 175.5 feet; thence North 3° 40' East 564.1 feet; to the end of the canal at a point from which the North Quarter Corner of said Section 13, bears North 65° 34' West, a distance of 455.1 feet.

Together with the irrigation canal now constructed, laid out, and existing over, through, upon and along the above described right of way, and together with all headgates, waste gates, dams, flumes, siphons, structures and other appurtenances thereto belonging. And together with all water and water rights heretofore used and appropriated in connection with said irrigation canal and system, and particularly all waters claimed, appropriated, and used under and by virtue of that certain notice of appropriation of water whereby sixty-two and one-half (62½) cubic feet per second of the waters of the Big Horn River were claimed and appropriated for the irrigation of the land lying adjacent to the canal right of way hereinbefore described, which notice of appropriation was filed for record in the office of the County Clerk and Recorder of Rosebud County, Montana, on the 9th day of February, 1909, at two o'clock P. M., and recorded in Book 2, of Water Rights, at page 46, of the records of Rosebud County, Montana, and was transcribed to and is now of record in Book 1 of Water Rights, at page 53, of the records of Treasure County, Montana, and which water right was conveyed

by Big Horn-Tullock Ditch Company to Big Horn-Tullock Irrigation District by a deed now of record in Book 1, of Deeds, at page 212, of the records of Treasure County, Montana, which water right was thereafter conveyed to D. M. Manning and Guy L. Bradbrook by a deed from Big Horn-Tullock Irrigation District, which is now of record in Book 5, of Deeds, at page 246, of the records of Treasure County, Montana.

Together with all and singular the hereinbefore described premises and together with all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right title, interest, right of dower and right of homestead, possession, claim, and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances thereto belonging. To have and to hold, all and singular the above mentioned and described premises unto the said party of the second part, and to its successors and assigns forever.

And the said parties of the first part, for themselves and heirs, executors and administrators, do hereby covenant that they will forever warrant and defend all right, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said party of the second part, its successors and assigns, against all acts and deeds of the said parties of the first part, and all and every person and persons whomsoever lawfully claiming or to claim the same.

In witness whereof, the said parties of the first part have hereunto set their hands and seals the day and year first hereinabove written.

(Signed) D. M. Manning (SEAL)
Ruth A. Manning (SEAL)

Guy L. Bradbrook (SEAL)
Edish M. Bradbrook (SEAL)

Acknowledgment by E. E. Fenton, October 21, 1940

This indenture, made the 1st day of November, A. D., 1940, between Big Horn-Tullock Ditch Company, a Montana corporation having its principal office and place of business at Big Horn, Treasure County, Montana, the party of the first part, and State Water Conservation Board of Montana, the party of the second part,

Witnesseth: That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States, and other good and valuable considerations to it in hand paid by said party of the second part, the receipt whereof is hereby acknowledged, does by these presents Grant, Bargain, Sell, Convey, Warrant and Confirm unto the said party of the second part, and to its successors and assigns forever, the following described real estate, situate, lying and being in the County of Treasure, State of Montana, to-wit:

All lands included within and constituting the right of way of the canal generally known as the Big Horn-Tullock Irrigation District main canal, as the same is now laid out and existing over and across the lands hereinafter described, and which right of way described consists of and includes the following/strip of land:

A strip of land sixty-six (66) feet in width, extending over and across Lots Fourteen (14), Fifteen (15), and Nine (9) of Section Three (3), Lots Twelve (12), Five (5), Six (6), Seven (7), Two (2), and One (1) of Section Two (2), all in Township Four (4) North of Range Thirty-four (34) East, M. P. M.; and a strip of land sixty-six (66) feet in width extending over and across Lots Eleven (11) and Five (5) of Section Thirty-four (34); and a strip of land thirty-three (33) feet in width, extending over and across the East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$) of said Section Thirty-four (34), the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{2}SE\frac{1}{4}$) and the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{2}SE\frac{1}{4}$) of Section Twenty-seven (27), the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{2}SW\frac{1}{4}$), and the Northwest Quarter ($NW\frac{1}{2}$) of Section Twenty-six (26), the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{2}SW\frac{1}{4}$), the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{2}SW\frac{1}{4}$), the Southeast Quarter ($SE\frac{1}{2}$), and the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{2}NE\frac{1}{4}$) of Section Twenty-three (23), the Northwest Quarter ($NW\frac{1}{2}$) of Section Twenty-four (24), and the East Half of the Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$), West Half of the Northeast Quarter ($W\frac{1}{2}NE\frac{1}{4}$), and the West Half of the Southeast Quarter ($W\frac{1}{2}SE\frac{1}{4}$) of Section Thirteen (13) in Township Five (5) North of Range Thirty-four (34) East, M. P. M.; and which canal right of way includes thirty-four and 03/100 (34.03) acres, more or less, and is more specifically described as follows, to-wit:

A strip of land 66 feet wide through Lots 14 and 15 of Section 3, in Township 4 North, of Range 34 East, M. P. M., being 33 feet on each side of a center line more particularly described as follows, to-wit: Beginning at a point on the south line of said Lot 15, which is located 1432 feet West from the Southeast corner of said Lot. Thence North $9^{\circ} 30'$ East 1132 feet; thence North $10^{\circ} 49'$ East 1100 feet; thence North $2^{\circ} 47'$ West 306.9 feet; thence North $5^{\circ} 48'$ East 120 feet, to an intersection with the North line of said Lot 14, at a point which is located 1150 feet West from the Northeast corner thereof.

A strip of land 66 feet wide through Lot 9 of Section 3, Township 4 North, of Range 34 East, M. P. M., being 33 feet on each side of a center line more particularly described as follows, to-wit: Beginning at a point on the South line of said Lot 9, which is located 1150 feet West from the Southeast corner thereof; thence North $5^{\circ} 48'$ East 108.8 feet; thence North $28^{\circ} 08'$ East 359 feet; thence North $53^{\circ} 35'$ East 333 feet; thence North $61^{\circ} 41'$ East 827.8 feet to an intersection with the East line of said Lot 9 at a point which is located 477 feet South from the Northeast corner thereof.

A strip of land 66 feet wide through Lot 12 of Section 2, in Township 4 North of Range 34 East, M. P. M., being 33 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of said Lot 12, which is located 477 feet South of the Northwest corner thereof; thence North $62^{\circ} 07'$ East 1043.4 feet to a point on the North line of said Lot 12 which is located 396.5 feet West of the Northeast corner thereof.

A strip of land 66 feet wide, being 33 feet on each side of a center line through Lot 5 of Section 2 in Township 4 North of Range 34 East, M. P. M., more particularly described as follows, to-wit: Beginning at a point on the South line of said Lot 5, which is located 396.5 feet West of the Southeast corner thereof; thence North $64^{\circ} 32'$ East 474.9 feet to a point on the East line of said Lot 5, which is located 192.0 feet North of the Southeast corner thereof.

A strip of land 66 feet wide through Lots 6 and 7 of Section 2, in Township 4 North of Range 34 East, M. P. M., being 33 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of said Lot 6, which is located 192 feet North of the Southwest corner thereof; thence North $64^{\circ} 32'$ East 1081.7 feet; thence North $62^{\circ} 03'$ East 540 feet; thence North $50^{\circ} 07'$ East 634 feet to an intersection with the North line of said Lot 7, at a point which is located 650 feet West of the Northeast corner thereof.

A strip of land 66 feet wide through Lot 2, of Section 2 in Township 4 North of Range 34 East, M. P. M., being 33 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of said Lot 2, which is located 650 feet West of the Southeast corner thereof; thence North $50^{\circ} 07'$ East 66 feet; thence North $67^{\circ} 58'$ East 400 feet; thence North $28^{\circ} 40'$ East 587.8 feet to a point on the East line of said Lot 2, which is located 787 feet South from the Northeast corner thereof.

A strip of land 66 feet wide through Lot 1 of Section, in Township 4 North of Range 34 East, M. P. M., being 33 feet wide on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of said Lot 1, which is located 787 feet South from the Northwest corner thereof; thence North $6^{\circ} 28'$ East 787.8 feet to a point on the North line of said Lot 1, which is located 1263.6 feet West of the Northeast corner thereof.

A strip of land 66 feet wide through Lots 11 and 5, of Section 34, in Township 5 North of Range 34 East, M. P. M., being 33 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of said Lot 11, which is located 1445.6 feet West of the Southeast corner thereof; thence North $10^{\circ} 43'$ East 386.8 feet; thence North $21^{\circ} 52'$ East 648 feet; thence North $13^{\circ} 00'$ East 1008.5 feet; thence North $10^{\circ} 13'$ West 700 feet to a point on the North line of said Lot 5, which is located 320 feet East of the Northwest corner thereof.

A strip of land 33 feet wide through the East half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$) of Section 34, and the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section 27, in Township 5 North of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of the East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$) of said Section 34, which is located 320 feet East of the Southwest corner thereof; thence North $10^{\circ} 13'$ West 323.5 feet; thence North $17^{\circ} 30'$ East 224.6 feet; thence North $6^{\circ} 13'$ East 433 feet; thence North $34^{\circ} 20'$ West 318 feet; thence North $32^{\circ} 6'$ West 265.4 feet; thence North $9^{\circ} 17'$ East 200 feet;

thence $22^{\circ} 18'$ East 700 feet; thence North $2^{\circ} 50'$ East 338.5 feet to a point on the North line of said Section 34, which is located 331 feet East of the Northwest corner of said East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$) of said section; thence in the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of said Section Twenty-seven (27) North $2^{\circ} 50'$ East 600 feet; thence North $53^{\circ} 48'$ East 200 feet; thence North $77^{\circ} 21'$ East 434 feet; thence North $43^{\circ} 49'$ East 243 feet; thence North $12^{\circ} 50'$ East 320.5 feet to a point on the North line of the said Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section 27, which is located 178 feet West of the Northeast corner thereof.

A strip of land 33 feet wide through the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) of Section 27, in Township 5 North of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of the said Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) which is located 178 feet West of the Southeast corner thereof; thence North $20^{\circ} 18'$ East 465.5 feet to a point on the East line of the said Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$), which is located 457.5 feet North of the Southeast corner thereof.

A strip of land 33 feet wide through the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$) of Section 26, in Township 5 North, of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of the said Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$), which is located 457.5 feet North of the Southwest corner thereof; thence North $26^{\circ} 08'$ East 984.0 feet to a point on the North line of said Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$), which is located 464.0 feet East of the Northwest corner thereof.

A strip of land 33 feet wide through the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$), the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$), and the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) of Section 26, in Township 5 North of Range 34 East, M. P. M., which strip of land begins at a point on the South line of the said Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$), located 464.0 feet East of the Southwest corner thereof; and from thence follows and includes the main canal of the Big Horn-Tullock Irrigation District over and across the said Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$), Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$) and Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) of said Section 26, as said main canal is now laid out and existing over and across said lands, to a point on the North line of the said Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) which is located 467 feet West of the Northeast corner thereof.

A strip of land 33 feet wide through the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) of Section 23, in Township 5 North of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of the said Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$), which is located 467 feet West of the Southeast corner thereof; thence North $0^{\circ} 18'$ West 422.6 feet; thence North $23^{\circ} 29'$ West 475 feet; thence North $36^{\circ} 45'$ East 349 feet to a point on the North line of said Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$), which is located 552 feet West of the Northeast corner thereof.

A strip of land 33 feet wide through the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$) of Section 23, in Township 5 North, of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of the said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$) which is located 552.0 feet West of the Southeast corner thereof; thence North $46^{\circ} 25'$ East 473.0 feet;

thence South 88° 34' East 203.0 feet, to a point on the East line of the said Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), which is located 317.0 feet North of the Southeast corner thereof.

A strip of land 33 feet wide through the Southeast Quarter of Section 23, Township 5 North, Range 34 East, M. P. M., being 16.5 feet on each side of a center line more particularly described as follows, to-wit: Beginning at a point on the West line of said Southeast Quarter (SE $\frac{1}{4}$), which is located 317.0 feet North of the Southwest corner of the Northwest Quarter of said Southeast Quarter; thence North 9° 51' East 332.0 feet; thence North 28° 12' East 443.5 feet; thence North 62° 25' East 550.0 feet; thence North 85° 06' East 941.6 feet; thence South 78° 10' East 600.0 feet; thence North 49° 20' East 102.9 feet, to a point on the North line of said Southeast Quarter (SE $\frac{1}{4}$) which is located 305.0 feet West of the Northeast corner thereof.

A strip of land 33 feet wide through the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, in Township 5 North of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the South line of said Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), which is located 305.0 feet West of the Southeast corner thereof; thence North 38° 13' East 200 feet; thence North 38° 35' East 245 feet to a point on the East line of said Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), which is located 326 feet North of the Southeast corner thereof.

A strip of land 33 feet wide through the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-four (24), in Township 5 North of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of the said Northwest Quarter (NW $\frac{1}{4}$) which is located 326.0 feet North of the Southwest corner thereof; thence North 38° 50' East 345 feet; thence North 13° 40' East 467.4 feet; thence North 21° 28' East 200 feet; thence North 39° 23' East 350.7 feet; thence North 42° 43' East 321 feet; thence North 26° 01' East 574.6 feet; thence North 47° 23' East 317.5 feet; thence North 77° 25' East 747.2 feet; thence North 50° 30' East 27 feet, to a point on the North line of said Northwest Quarter (NW $\frac{1}{4}$) which is located 565.5 feet West of the Northeast corner thereof.

A strip of land 33 feet wide through the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 13, in Township 5 North of Range 34 East, M. P. M., being 16.5 feet on each side of a center line more particularly described as follows, to-wit: Beginning at a point on the South line of the said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), which is located 565.5 feet West of the Southeast corner thereof; thence North 49° 50' East 672.8 feet; thence North 42° 58' East 43.0 feet to a point on the East line of said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), which is located 466.5 feet North of the Southeast corner thereof.

A strip of land 33 feet wide through Section 13, Township 5 North of Range 34 East, M. P. M., being 16.5 feet on each side of a center line, more particularly described as follows, to-wit: Beginning at a point on the West line of the Southwest Quarter of the Southeast Quarter of said Section 13, which is located 466.5 feet North of the Southwest corner thereof; thence North 44° 10' East 224.5 feet; thence North 7° 25' West 536.5 feet; thence North 20° 52' West 187.6 feet; thence North 21° 22' West 384.8 feet; thence North 32° 42' East 727 feet; thence North 00° 13' West 346.2 feet, to a point on the North line of said Southeast Quarter, which is located 276 feet East of the Northwest corner thereof; thence North 3° 15' West 654.2 feet; thence North 52° 35' West 318.4 feet; thence North 12° 09' East 89 feet;

thence North 35° 16' East 300 feet; thence North 11° 29' East 568 feet; thence North 40° 32' East 173.5 feet; thence North 3° 40' East 564.1 feet; to the end of the canal at a point from which the North Quarter Corner of said Section 13 bears North 65° 34' West, a distance of 455.1 feet.

Together with the irrigation canal now constructed, laid out and existing over, through, upon and along the above described right of way, and together with all headgates, waste gates, dams, flumes, siphons, structures and other appurtenances thereto belonging. And together with all water and water rights, heretofore used and appropriated in connection with said irrigation canal system, and particularly all waters claimed, appropriated and used under and by virtue of that certain notice of appropriation of water whereby sixty-two and one-half (62½) cubic feet per second of the waters of the Big Horn River were claimed and appropriated for the irrigation of the land lying adjacent to the canal right of way hereinbefore described, which notice of appropriation was filed for record in the office of the County Clerk and Recorder of Rosebud County, Montana, on the 8th day of February, 1909, at two o'clock P. M., and recorded in Book 2 of Water Rights, at Page 46 of the records of Rosebud County, Montana, and was transcribed to and is now of record in Book 1 of Water Rights, at page 53, of the records of Treasure County, Montana, and which water right was conveyed by Big Horn-Tullock Ditch Company to Big Horn-Tullock Irrigation District by a deed now of record in Book 1 of Deeds, at page 212, of the records of Treasure County, Montana, and which water right was thereafter conveyed to D. M. Manning and Guy L. Bradbrook, by a deed from Big Horn-Tullock Irrigation District, which is now of record in Book 5 of Deeds, at page 246, of the records of Treasure County, Montana.

Together with all and singular the hereinbefore described premises and together with all the tenements, hereditaments, and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right, title, interest, right of dower and right of homestead, possession, claim, and demand whatsoever, as well as in law as in equity, of the said party of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances thereto belonging.

To have and to hold, all and singular the above mentioned and described premises unto the said party of the second part, and to its successors and assigns, forever.

And the said party of the first part, for itself and its successors and assigns, does hereby covenant that it will forever warrant and defend all right, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said party of the second part, its successors and assigns, against all acts and deeds of the said party of the first part, and all and every person and persons whomsoever lawfully claiming or to claim the same.

In witness whereof, the said party of the first part has caused these presents to be executed by its President and attested by its Secretary, and its corporate seal to be hereunto affixed, the day and year first hereinabove written.

BIG HORN-TULLOCK DITCH COMPANY
(SIGNED) By C. M. Vreeland
Its President.

(SEAL)
Attest: Edith M. Bradbrook
Its Secretary.

(Acknowledgment before E. E. Fenton November 4, 1940)