

IN THE WATER COURT OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
MUSSELSHELL RIVER ABOVE ROUNDUP BASIN (40A)  
PRELIMINARY DECREE

\* \* \* \* \*

CLAIMANT: Checkerboard Cattle Company LLC

OBJECTORS: United States of America (USDA Forest  
Service)

**CASE 40A-0400-R-2020**

40A 20652-00  
40A 197968-00  
40A 197979-00  
40A 197980-00  
40A 198010-00  
40A 198033-00

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

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusion of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

**MASTER'S REPORT**

Water Right Claims 40A 20652-00, 40A 197968-00, 40A 197979-00, 40A 197980-00, 40A 198010-00, and 40A 198033-00 appeared in the Preliminary Decree for

the Musselshell River, above Roundup (Basin 40A). Several claims received issue remarks. Issue remarks result from Department of Natural Resources and Conservation (“DNRC”) claims examination or by Water Court order. Claims examination confirms the historical use of water right claims and identifies issues with claims. If claims examination cannot confirm some aspect of a claim, an issue remark is added to the claim. Each above-captioned claim received an objection.

The Court consolidated these claims into Water Court Case 40A-0400-R-2020 on September 29, 2020. The consolidation order scheduled an initial status conference during which the parties could discuss the issues and determine how to proceed.

Claimant filed Stipulated Changes to Water Right Claims and Motion to Amend Water Right Claims on October 18, 2021. Objector filed a statement on October 20, 2021 regarding Claimant’s filing.

### **FINDINGS OF FACT**

1. Claims 40A 197968-00, 40A 197979-00, and 40A 197980-00 each appeared with an issue remark indicating that each claim received a late objection. Claim 40A 197968-00 received a late objection to flow rate. Claims 40A 197979-00 and 40A 197980-00 received a late objection to maximum acres, place of use, and point of diversion.

2. Claims 40A 197979-00 and 40A 197980-00 each appeared with an issue remark indicating the claimed flow rate exceeds the DNRC guideline.

3. Claim 40A 197979-00 also appeared with the following issue remark:

THE WATER COURT HAS BEEN PRESENTED WITH EVIDENCE INDICATING THE MAXIMUM ACRES, PLACE OF USE, AND POINT OF DIVERSION MAY BE INCORRECT. THE MAXIMUM ACRES AND PLACE OF USE MAY INCLUDE ONLY 22 ACRES. THE POINT OF DIVERSION MAY BE SESESW SEC 21 TWP 10N RGE 10E MEAGHER COUNTY.

4. Claim 40A 197980-00 also appeared with the following issue remark:

THE WATER COURT HAS BEEN PRESENTED WITH EVIDENCE INDICATING THE MAXIMUM ACRES, PLACE OF USE, AND POINT OF DIVERSION MAY BE INCORRECT. THE MAXIMUM ACRES AND PLACE OF USE MAY INCLUDE 31 ACRES. THE POINT OF DIVERSION MAY BE SWSENE SEC 33 TWP 10N RGE 10E MEAGHER COUNTY.

5. The United States of America (USDA – Forest Service) (Objector) objected to the flow rate, volume, place of use, maximum acres of Claims 40A 20652-00, 40A 197979-00, and 40A 197980-00.

6. The United States of America (USDA – Forest Service) objected to the point of diversion and means of diversion of Claim 40A 197968-00.

7. The United States of America (USDA – Forest Service) objected to the period of diversion and period of use of Claim 40A 198010-00.

8. The United States of America (USDA – Forest Service) objected to the point of diversion, means of diversion, and source of Claim 40A 198033-00.

9. Claimant's October 18, 2021 filing includes several aerial images, affidavits of Harvey Massey, Byron C. Holliday, and Everett S. Holliday, and several copies of the 1950 Meagher County Water Resources Survey.

**Claim 40A 20652-00**

10. Claimant requests that the Court add the following information remark to Claim 40A 20652-00:

THE USE OF THIS WATER RIGHT OCCURS ONLY ON PRIVATE LANDS

**Claim 40A 197968-00**

11. Claimant states that the point of diversion of Claim 40A 197968-00 should be described as follows:

Point of Diversion No. 1: SWSESW of Section 13, T9N, R9E

Point of Diversion No. 1: NENWNW of Section 24, T9N, R9E

12. The above legal land descriptions are supported by the Affidavit of Harvey Massey, principal owner of Claimant Checkerboard Cattle Company, LLC.

13. The point of diversion element of Claim 40A 197968-00 should be described as:

Point of Diversion No. 1: SWSESW of Section 13, T9N, R9E

Point of Diversion No. 1: NENWNW of Section 24, T9N, R9E

14. Claimant states the flow rate of Claim 40A 197968-00 should be the originally claimed 7.5 cubic feet per second (cfs). This flow rate is supported by the Affidavit of former ranch owners Byron and Everett Holliday.

15. The flow rate of Claim 40A 197968-00 should be 7.5 cfs.

**Claim 40A 197979-00**

16. Mr. Massey states in his affidavit that Claimant's ranch manager located the point of diversion of Claim 40A 197979-00 and took a GPS measurement. Based on the GPS data, the most accurate description of this point of diversion is SENWNE of Section 33, T10N, R10E.

17. The point of diversion of Claim 40A 197979-00 should be SENWNE of Section 33, T10N, R10E.

18. Claimant requests that the Court add the following information remark to Claim 40A 197979-00:

THE USE OF THIS WATER RIGHT OCCURS ONLY ON PRIVATE LANDS

19. Claimant states it withdraws the late objections to Claims 40A 197979-00 and 40A 197980-00.

**Claim 40A 198010-00**

20. Claimant states that Claim 40A 198010-00 is owned by the United States of America. Claimant includes a deed evidencing a land transaction between Bruce and Dorothy Cady and the United States.

21. The United States of America (USDA Forest Service) should be noted as the owner of Claim 40A 198010-00.

**Claim 40A 197033-00**

22. Claimant requests the point of diversion of Claim 40A 198033-00 be changed to NENWNW of Section 24, T9N, R9E because the claim is a stock water counterpart to Claim 40A 197968-00.

23. The point of diversion of Claim 40A 198033-00 should be changed to NENWNW of Section 24, T9N, R9E.

24. Claimant requests a multiple use information remark be added to Claims 40A 197968-00 and 40A 198033-00 because the claims are for different purposes of one water right.

25. The following information remark should be added to Claims 40A 197968-00 and 40A 198033-00:

26. THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL

PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT.  
RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE  
(PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES  
197968-00 198033-00

27. Claimant states Objector does not oppose the above-described modifications and that the objections will be resolved if the changes are made. Objector states in its October 20, 2021 filing that the above-described changes, if made and so long as no other changes are made, would resolve its objections in this case.

28. The issue remarks on each above-captioned claim should be removed.

### **APPLICABLE LAW**

1. A properly filed statement of claim is prima facie proof of its content. Section 85-2-227, MCA. The prima facie status of a claim may be overcome by a preponderance of the evidence. Section 85-2-227, MCA; Rule 19, W.R.Adj.R. A preponderance of the evidence is evidence that shows a fact is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.

2. The Water Court must weigh an issue remark, and the information resulting in that issue remark, against the claimed water right. Section 85-2-247(2), MCA.

3. The Water Court must resolve all issue remarks not resolved through the objection process. Section 85-2-248, MCA. The Court must review information in the claim file or obtained by the Court to determine if there is a sufficient basis to resolve the remarks. 85-2-248(3), MCA.

4. The Water Court has the authority to hear all objections to the elements of any claim included in a Court issued Temporary Preliminary Decree or Preliminary Decree. Section 85-2-233, MCA.

### **CONCLUSIONS OF LAW**

1. The changes to the points of diversion described in the Findings of Fact may be made because the evidence in the record overcomes the prima facie status of each relevant claim by a preponderance of the evidence.

2. The evidence in the record and the proposed changes provide the Court with a sufficient basis to resolve and remove each issue remark from each above-captioned claim.

3. The evidence in the record supports adding a multiple use remark to Claims 40A 197968-00 and 40A198033-00 to clarify that each claim is a different use of a single water right.

4. The flow rate of Claim 40A 197968-00 may be changed as described in the Findings of Fact because the requested flow rate is the originally claimed quantification and because the requested flow rate is supported by evidence in the record.

5. The objections in this case are resolved by the changes described in the Findings of Fact.

### **RECOMMENDATIONS**

Based upon the above Findings of Fact and Conclusions of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. Post-decree Abstracts of Water Right Claims are served with this Report to confirm the recommended changes have been made in the state's centralized record system.

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Colton J. Lauer  
Water Master

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**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 20652-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** CHECKERBOARD CATTLE COMPANY LLC  
315 GROVELAND ST  
ORLANDO, FL 32804 4052

**Priority Date:** APRIL 10, 1900

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION  
**Irrigation Type:** FLOOD

**Flow Rate:** 324.20 GPM

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 5 - LOW

**Maximum Acres:** 19.00

**Source Name:** UNNAMED TRIBUTARY OF TRAIL CREEK  
**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESE	18	10N	10E	MEAGHER

**Period of Diversion:** JUNE 1 TO SEPTEMBER 30

**Diversion Means:** HEADGATE

2		NENESE	18	10N	10E	MEAGHER
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**Period of Diversion:** JUNE 1 TO SEPTEMBER 30

**Diversion Means:** HEADGATE

**Period of Use:** JUNE 1 TO SEPTEMBER 30

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	6.00		SESWSE	18	10N	10E	MEAGHER
2	9.00		NESE	18	10N	10E	MEAGHER
3	4.00		N2SWSE	18	10N	10E	MEAGHER

**Total:** 19.00

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**Remarks:**

THE USE OF THIS WATER RIGHT OCCURS ONLY ON PRIVATE LANDS.



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 197968-00 STATEMENT OF CLAIM  
**Version:** 4 -- POST DECREE  
**Status:** ACTIVE

**Owners:** CHECKERBOARD CATTLE COMPANY LLC  
315 GROVELAND ST  
ORLANDO, FL 32804 4052

**Priority Date:** JUNE 30, 1899

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 7.50 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 5 - LOW

**Maximum Acres:** 52.00

**Source Name:** FLAGSTAFF CREEK

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSESW	13	9N	9E	MEAGHER

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

**Diversion Means:** HEADGATE

2		NENWNW	24	9N	9E	MEAGHER
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**Period of Diversion:** MAY 1 TO SEPTEMBER 30

**Diversion Means:** HEADGATE

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	13.00		NENE	13	9N	9E	MEAGHER
2	20.00		NWNE	13	9N	9E	MEAGHER
3	5.00		SWNE	13	9N	9E	MEAGHER
4	2.00		NWSE	13	9N	9E	MEAGHER
5	7.00		NESW	13	9N	9E	MEAGHER
6	5.00		SESW	13	9N	9E	MEAGHER

**Total:** 52.00

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**Remarks:**

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

197968-00

198033-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 197979-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** CHECKERBOARD CATTLE COMPANY LLC  
315 GROVELAND ST  
ORLANDO, FL 32804 4052

**Priority Date:** SEPTEMBER 6, 1937

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 3.33 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 31.00

**Source Name:** SPRING CREEK

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SEWNW	33	10N	10E	MEAGHER

**Period of Diversion:** MAY 1 TO OCTOBER 1

**Diversion Means:** HEADGATE

**Period of Use:** MAY 1 TO OCTOBER 1

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	24.00		NWNW	3	9N	10E	MEAGHER
2	3.00		SWNW	3	9N	10E	MEAGHER
3	4.00		SWSW	34	10N	10E	MEAGHER
<b>Total:</b>	31.00						

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**Remarks:**

THE USE OF THIS WATER RIGHT OCCURS ONLY ON PRIVATE LANDS.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 197980-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** CHECKERBOARD CATTLE COMPANY LLC  
315 GROVELAND ST  
ORLANDO, FL 32804 4052

**Priority Date:** JULY 1, 1891

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.53 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 22.00

**Source Name:** SPRING CREEK

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESEW	21	10N	10E	MEAGHER

**Period of Diversion:** MAY 1 TO OCTOBER 1

**Diversion Means:** HEADGATE

**Period of Use:** MAY 1 TO OCTOBER 1

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.00		NWNE	3	9N	10E	MEAGHER
2	15.00		NENW	3	9N	10E	MEAGHER
3	6.00		SENE	3	9N	10E	MEAGHER
<b>Total:</b>	22.00						

**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

197975-00      197980-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:**      **40A 198010-00**      STATEMENT OF CLAIM

**Version:**      3 -- POST DECREE

**Status:** ACTIVE

**Owners:**      USA (DEPT OF AGRICULTURE FOREST SERVICE)  
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION  
26 FORT MISSOULA RD  
MISSOULA, MT 59804 7203

**Priority Date:**      JUNE 30, 1882

**Type of Historical Right:**      USE

**Purpose (Use):**      STOCK

**Flow Rate:**      A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE  
CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A  
DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT  
HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

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

**Source Name:**      SPRING, UNNAMED TRIBUTARY OF ORCUTT GULCH

**Source Type:**      GROUNDWATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSENE	5	9N	10E	MEAGHER

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

**Diversion Means:**      LIVESTOCK DIRECT FROM SOURCE

**\*Period of Use:**      JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWSENE	5	9N	10E	MEAGHER

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:**      **40A 198033-00**      STATEMENT OF CLAIM

**Version:**      4 -- POST DECREE

**Status:** ACTIVE

**Owners:**                      CHECKERBOARD CATTLE COMPANY LLC  
315 GROVELAND ST  
ORLANDO, FL 32804 4052

**Priority Date:**              JUNE 30, 1899

**Type of Historical Right:**      FILED

**Purpose (Use):**              STOCK

**\*Flow Rate:**              A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE  
CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A  
DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT  
HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

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

**Source Name:**              FLAGSTAFF CREEK, WEST FORK

**Source Type:**              SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENWNW	24	9N	9E	MEAGHER

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

**Diversion Means:**        DITCH

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

**\*Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NESW	13	9N	9E	MEAGHER

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**Remarks:**

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

197968-00              198033-00

THE FLOW RATE AND PLACE OF USE WERE AMENDED BY THE WATER COURT PURSUANT TO SECTION 85 -2-233(6), MCA.