

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
BEAVERHEAD RIVER - BASIN 41B

CLAIMANTS: Black Slough LLC; Cody Meine; Jerry R. Meine;
Kristen Meine; Tamara T. Meine

41B-4010-S-2021

41B 88634-00

41B 88635-00

41B 88641-00

41B 88646-00

41B 88647-00

Split Claims:

41B 30151621

41B 30151622

41B 30151623

41B 30151624

41B 30151625

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court. 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

INTRODUCTION

The Water Court consolidated water rights claims 41B 88634-00, 41B 88635-00, 41B 88641-00, 41B 88646-00, and 41B 88647-00 into Water Court case 41B-4010-S-2021 to consider whether to split the water rights claims consistent with information in a January 27, 2021 Memorandum (DNRC Memo) filed with the Water Court by the Montana Department of Natural Resources and Conservation (DNRC). The DNRC Memo indicated DNRC received five split request applications (Form 641 applications) from the co-owners of the consolidated water rights—Black Slough LLC and Jerry, Tamara, Kristen, and Cody Meine. On November 12, 2020, DNRC sent deficiency letters requesting copies of the recorded instruments for land transfer, maps depicting the claims’ points of diversion, and geocodes for the parcels involved. On November 23, 2020, DNRC received the requested information. Attached to the DNRC Memo are the complete Form 641 applications, including deeds and maps supporting the request to split water rights claims 41B 88634-00, 41B 88635-00, 41B 88641-00, 41B 88646-00, and 41B 88647-00.

The Water Court presently resolves the issues in this case.

ISSUES

1. Whether the Water Court splits water rights claims 41B 88634-00, 41B 88635 00, 41B 88641-00, 41B 88646-00, and 41B 88647-00 consistent with the filed information.

APPLICABLE LAW

“The Montana [W]ater [C]ourt has a statutory obligation and the exclusive authority to adjudicate claims of existing water rights.” Rule 1(a), W.R.Adj.R. The Water Court resolves issue remarks before issuance of a final decree and may use information submitted by the DNRC, the statement of claim, and any other data obtained by the court to evaluate a water right. Sections 85-2-227, -231(2), MCA.

The Water Court may split a water right into separate claims, by request or on its own initiative, at any time prior to the entry of the final decree. Rule 26, W.R.Adj.R. A split does not increase any element of an original water right, but serves to accurately reflect the current proportional ownership of the claimed acres irrigated, place of use, volume, and

flow rate. Accordingly, a split does not have the potential to adversely affect other water users' water rights and does not trigger additional notice pursuant to § 85-2-233(6), MCA, MCA. *Circle S Ranch, Inc.*, 2019 Mont. Water LEXIS 8 at ** 4-5. Remarks identifying that a division of a claim occurred may be added to the claims. Rule 26, W.R.Adj.R.

DISCUSSION

1. Whether the Water Court splits water rights claims 41B 88634-00, 41B 88635-00, 41B 88641-00, 41B 88646-00, and 41B 88647-00 consistent with the filed information.

41B 88634-00

Water right claim 41B 88634-00 is a flood-irrigation use right for waste-and-seepage surface water from an unnamed tributary of the Beaverhead River diverted by a headgate in Beaverhead County, Montana. The originally claimed flow rate associated with the water right claim is 3.75 CFS for use on 664 maximum acres.

The DNRC Memo and filed Form 641 applications indicate Jerry, Tamara, Cody, and Kristen Meine, would like to retain 1.88 CFS of the originally claimed flow rate for use on 357.8 acres—10.8 acres in the S2SESE of Section 8, Township 6S, Range 8W, Beaverhead County, 27 acres in the S2SW of Section 9, Township 6S, Range 8W, Beaverhead County, and 320 acres in the N2 of Section 16, Township 6S, Range 8W, Beaverhead County. The Meines will own the parent right—41B 88634-00.

The DNRC Memo and Form 641 applications indicate Black Slough LLC would like to retain 1.87 CFS of the originally claimed flow rate for use on 306.2 acres—4 acres in the N2NE of Section 8, Township 6S, Range 8W, Beaverhead County, 92.2 acres in the SE of Section 8, Township 6S, Range 8W, Beaverhead County, and 210 acres in the W2 of Section 9, Township 6S, Range 8W, Beaverhead County. Black Slough LLC will own the child right—41B 30151621.

The information provided by the parties, attached to the DNRC Memo, including warranty deeds and maps, is complete and sufficient to accurately split the flow rate between the parties and their respective places of use. The Water Court therefore generates child claim 41B 30151621 and splits the originally claimed flow rate between parent water right claim 41B 88634-00 (Meines) and child water right claim 41B 30151621 (Black

Slough LLC) as requested. The post-decree abstracts for the parent and child claims will reflect the following owners, flow rates, maximum acres, and places of use consistent with current ownership, as well as information remarks indicating the court authorized the split:

Claim 41B 88634-00 (parent)

Owners: Jerry, Tamara, Cody, and Kristen Meine

Flow Rate: **1.88 CFS**

Maximum Acres: **357.8**

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	10.8	S2SESE	8	6S	8W	BEAVERHEAD
2	27	S2SW	9	6S	8W	BEAVERHEAD
3	320	N2	16	6S	8W	BEAVERHEAD

Total: 357.8

Remarks:

SPLIT CLAIM NO. 41B 30151621 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

Claim 41B 30151621 (child)

Owner: **Black Slough LLC**

Flow Rate: **1.88 CFS**

Maximum Acres: **306.2**

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	4	N2NE	8	6S	8W	BEAVERHEAD
2	92.2	SE	8	6S	8W	BEAVERHEAD
3	210	W2	9	6S	8W	BEAVERHEAD

Total: 306.2

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41B 88634-00.

Elements not addressed by this Water Master's Report will remain unchanged and will appear identical between the parent and child claims.

41B 88635-00

Water right claim 41B 88635-00 is a flood-irrigation use right for surface water from the Beaverhead River diverted by two separate points of diversion in Beaverhead County, Montana. The originally claimed flow rate associated with the water right claim is 20 cubic-feet-per-second (CFS) for use on 664 maximum acres.

The DNRC Memo and filed Form 641 applications indicate Jerry, Tamara, Cody, and Kristen Meine, would like to retain 10 CFS of the originally claimed flow rate for use on 357.8 acres—10.8 acres in the S2SESE of Section 8, Township 6S, Range 8W, Beaverhead County, 27 acres in the S2SW of Section 9, Township 6S, Range 8W, Beaverhead County, and 320 acres in the N2 of Section 16, Township 6S, Range 8W, Beaverhead County. The Meines will own the parent right—41B 88635-00.

The DNRC Memo and filed Form 641 applications indicate Black Slough LLC would like to retain 10 CFS of the originally claimed flow rate for use on 306.2 acres—4 acres in the N2NE of Section 8, Township 6S, Range 8W, Beaverhead County, 92.2 acres in the SE of Section 8, Township 6S, Range 8W, Beaverhead County, and 210 acres in the W2 of Section 9, Township 6S, Range 8W, Beaverhead County. Black Slough LLC will own the child right—41B 30151622.

The information provided by the parties, attached to the DNRC Memo, including warranty deeds and maps, is complete and sufficient to accurately split the flow rate between the parties and their respective places of use as requested. The Water Court therefore generates child claim 41B 30151622 and splits the originally claimed flow rate between parent water right claim 41B 88635-00 (Meines) and child water right claim 41B 30151622 (Black Slough LLC) as requested. The post-decree abstracts for the parent and child claims will reflect the following owners, flow rates, maximum acres, and places of use consistent with current ownership, as well as information remarks indicating the court authorized the split:

Claim 41B 88635-00 (parent)

Owners: Jerry, Tamara, Cody, and Kristen Meine

Flow Rate: **10 CFS**

Maximum Acres: **357.8**

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	10.8	S2SESE	8	6S	8W	BEAVERHEAD
2	27	S2SW	9	6S	8W	BEAVERHEAD
3	320	N2	16	6S	8W	BEAVERHEAD

Total: 357.8

Remarks:

SPLIT CLAIM NO. 41B 30151622 WAS AUTHORIZED AND GENERATED

BASED ON INFORMATION IN THIS CLAIM.

Claim 41B 30151622 (child)

Owner: **Black Slough LLC**

Flow Rate: **10 CFS**

Maximum Acres: **306.2**

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	4	N2NE	8	6S	8W	BEAVERHEAD
2	92.2	SE	8	6S	8W	BEAVERHEAD
3	210	W2	9	6S	8W	BEAVERHEAD

Total: 306.2

Remarks:

**THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT
BASED ON INFORMATION IN CLAIM NO. 41B 88635-00.**

Elements not addressed by this Water Master's Report will remain unchanged and will appear identical between the parent and child claims.

41B 88641-00

Water right claim 41B 88641-00 is a flood-irrigation use right for surface water from Selway Slough, diverted by a pipeline on Morton Ditch in Beaverhead County. The originally claimed flow rate associated with the water right claim is 15 CFS for use on 664 maximum acres.

The DNRC Memo and filed 641 application forms indicate Jerry, Tamara, Cody, and Kristen Meine, would like to retain 7.5 CFS of the originally claimed flow rate for use on 357.8 acres—10.8 acres in the S2SESE of Section 8, Township 6S, Range 8W, Beaverhead County, 27 acres in the S2SW of Section 9, Township 6S, Range 8W, Beaverhead County, and 320 acres in the N2 of Section 16, Township 6S, Range 8W, Beaverhead County. The Meines will own the parent right—41B 88641-00.

The DNRC Memo and filed 641 application forms indicate Black Slough LLC would like to retain 7.5 CFS of the originally claimed flow rate for use on 306.2 acres—4 acres in the N2NE of Section 8, Township 6S, Range 8W, Beaverhead County, 92.2 acres in the SE of Section 8, Township 6S, Range 8W, Beaverhead County, and 210 acres in the W2 of Section 9, Township 6S, Range 8W, Beaverhead County. Black Slough LLC will own the child right—41B 30151623.

The information provided by the parties, attached to the DNRC Memo, including warranty deeds and maps, is complete and sufficient to accurately split the flow rate between the parties and their respective places of use as requested. The Water Court therefore generates child claim 41B 30151623 and splits the originally claimed flow rate between parent water right claim 41B 88641-00 (Meines) and child water right claim 41B 30151623 (Black Slough LLC) as requested. The post-decree abstracts for the parent and child claims will reflect the following owners, flow rates, maximum acres, and places of use consistent with current ownership, as well as information remarks indicating the court authorized the split:

Claim 41B 88641-00 (parent)

Owners: Jerry, Tamara, Cody, and Kristen Meine

Flow Rate: **7.5 CFS**

Maximum Acres: **357.8**

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	10.8	S2SESE	8	6S	8W	BEAVERHEAD
2	27	S2SW	9	6S	8W	BEAVERHEAD
3	320	N2	16	6S	8W	BEAVERHEAD

Total: 357.8

Remarks:

SPLIT CLAIM NO. 41B 30151623 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

Claim 41B 30151623 (child)

Owner: **Black Slough LLC**

Flow Rate: **7.5 CFS**

Maximum Acres: **306.2**

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	4	N2NE	8	6S	8W	BEAVERHEAD
2	92.2	SE	8	6S	8W	BEAVERHEAD
3	210	W2	9	6S	8W	BEAVERHEAD

Total: 306.2

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41B 88641-00.

Elements not addressed by this Water Master's Report will remain unchanged and will appear identical between the parent and child claims.

41B 88646-00

Water right claim 41B 88646-00 is a decreed flood-irrigation use right for surface water from Willard Slough diverted by three points of diversion on the source in Beaverhead County. The originally claimed flow rate associated with the water right claim is 13 CFS for use on 337 maximum acres.

The DNRC Memo and filed Form 641 applications indicate Jerry, Tamara, Cody, and Kristen Meine, would like to retain 6.5 CFS of the originally claimed flow rate for use on 57.54 acres—2 acres in the SESE of Section 8, Township 6S, Range 8W, Beaverhead County, 27.54 acres in the S2SW of Section 9, Township 6S, Range 8W, Beaverhead County, 19 acres in the NWNE of Section 16, Township 6S, Range 8W, Beaverhead County, and 9 acres in the NENW of Section 16, Township 6S, Range 8W, Beaverhead County. The Meines will own the parent right—41B 88646-00.

The DNRC Memo and filed Form 641 applications indicate Black Slough LLC would like to retain 6.5 CFS of the originally claimed flow rate for use on 279.46 acres—4 acres in the NENE of Section 8, Township 6S, Range 8W, Beaverhead County, 4 acres in the SENE of Section 8, Township 6S, Range 8W, Beaverhead County, 37 acres in the NESE of Section 8, Township 6S, Range 8W, Beaverhead County, 13 acres in the NWSE of Section 8, Township 6S, Range 8W, Beaverhead County, 16 acres in the SESE of Section 8, Township 6S, Range 8W, Beaverhead County, 6 acres in the SWSE of Section 8, Township 6S, Range 8W, Beaverhead County, 72 acres in the NW of Section 9, Township 6S, Range 8W, Beaverhead County, and 127.46 acres in the SW of Section 9, Township 6S, Range 8W, Beaverhead County . Black Slough LLC will own the child right—41B 30151624.

The information provided by the parties, attached to the DNRC Memo, including warranty deeds and maps, is complete and sufficient to accurately split the flow rate between the parties and their respective places of use as requested. The Water Court therefore generates child claim 41B 30151624 and splits the originally claimed flow rate between parent water right claim 41B 88646-00 (Meines) and child water right claim 41B 30151624 (Black Slough LLC) as requested. The post-decree abstracts for the parent and child claims will reflect the following owners, flow rates, maximum acres, and places of

use consistent with current ownership, as well as information remarks indicating the court authorized the split:

Claim 41B 88646-00 (parent)

Owners: Jerry, Tamara, Cody, and Kristen Meine

Flow Rate: **6.5 CFS**

Maximum Acres: **57.54**

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Tw</u>	<u>Rge</u>	<u>County</u>
1	2	SESESE	8	6S	8W	BEAVERHEAD
2	27.54	S2SW	9	6S	8W	BEAVERHEAD
3	19	NWNE	16	6S	8W	BEAVERHEAD
4	9	NENW	16	6S	8W	BEAVERHEAD

Total: 57.54

Remarks:

SPLIT CLAIM NO. 41B 30151624 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

Claim 41B 30151624 (child)

Owner: **Black Slough LLC**

Flow Rate: **6.5 CFS**

Maximum Acres: **279.46**

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Tw</u>	<u>Rge</u>	<u>County</u>
1	4	NENE	8	6S	8W	BEAVERHEAD
2	4	SENE	8	6S	8W	BEAVERHEAD
3	37	NESE	8	6S	8W	BEAVERHEAD
4	13	NWSE	8	6S	8W	BEAVERHEAD
5	6	SESE	8	6S	8W	BEAVERHEAD
6	72	NW	9	6S	8W	BEAVERHEAD
7	127.46	SW	9	6S	8W	BEAVERHEAD

Total: 279.46

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41B 88646-00.

Elements not addressed by this Water Master's Report will remain unchanged and will appear identical between the parent and child claims.

41B 88647-00

Water right claim 41B 88647-00 is a decreed flood-irrigation use right for surface water from Selway Slough diverted by a headgate on Morton Ditch in Beaverhead County. "The Murray Gilbert Slough is used as a natural carrier to convey water from the John

Morton Ditch to the place of use.” The originally claimed flow rate associated with the water right claim is 5.7 CFS for use on 664 maximum acres.

The DNRC Memo and filed Form 641 applications indicate Jerry, Tamara, Cody, and Kristen Meine, would like to retain 2.85 CFS of the originally claimed flow rate for use on 357.8 acres—10.8 acres in the S2SESE of Section 8, Township 6S, Range 8W, Beaverhead County, 27 acres in the S2SW of Section 9, Township 6S, Range 8W, Beaverhead County, and 320 acres in the N2 of Section 16, Township 6S, Range 8W, Beaverhead County. The Meines will own the parent right—41B 88647-00.

The DNRC Memo and filed Form 641 applications indicate Black Slough LLC would like to retain 2.85 CFS of the originally claimed flow rate for use on 306.2 acres—4 acres in the N2NE of Section 8, Township 6S, Range 8W, Beaverhead County, 92.2 acres in the SE of Section 8, Township 6S, Range 8W, Beaverhead County, and 210 acres in the W2 of Section 9, Township 6S, Range 8W, Beaverhead County. Black Slough LLC will own the child right—41B 30151625.

The information provided by the parties, attached to the DNRC Memo, including warranty deeds and maps, is complete and sufficient to accurately split the flow rate between the parties and their respective places of use as requested. The Water Court therefore generates child claim 41B 30151625 and splits the originally claimed flow rate between parent water right claim 41B 88647-00 (Meines) and child water right claim 41B 30151625 (Black Slough LLC) as requested. The post-decree abstracts for the parent and child claims will reflect the following owners, flow rates, maximum acres, and places of use consistent with current ownership, as well as information remarks indicating the court authorized the split:

Claim 41B 88647-00 (parent)

Owners: Jerry, Tamara, Cody, and Kristen Meine

Flow Rate: **2.85 CFS**

Maximum Acres: **357.8**

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	10.8	S2SESE	8	6S	8W	BEAVERHEAD
2	27	S2SW	9	6S	8W	BEAVERHEAD
3	320	N2	16	6S	8W	BEAVERHEAD

Total: 357.8

Remarks:

**SPLIT CLAIM NO. 41B 30151625 WAS AUTHORIZED AND GENERATED
BASED ON INFORMATION IN THIS CLAIM.**

Claim 41B 30151625 (child)

Owner: **Black Slough LLC**

Flow Rate: **2.85 CFS**

Maximum Acres: **306.2**

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	4	N2NE	8	6S	8W	BEAVERHEAD
2	92.2	SE	8	6S	8W	BEAVERHEAD
3	210	W2	9	6S	8W	BEAVERHEAD

Total: 306.2

Remarks:

**THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT
BASED ON INFORMATION IN CLAIM NO. 41B 88647-00.**

Elements not addressed by this Water Master's Report will remain unchanged and will appear identical between the parent and child claims.

RECOMMENDATIONS

This Water Master recommends the Water Court to generate water rights claims 41B 30151621, 41B 30151622, 41B 30151623, 41B 30151624 and 41B 30151625, and to split the flow rates for water rights claims 41B 88634-00, 41B 88635-00, 41B 88641-00, 41B 88646-00 and 41B 88647-00 between parent and child water rights claims consistent with the findings of fact and conclusions of law in the discussion section above.

Attached to this Master's Report are post decree abstracts for the water rights claims.

Kirsa Shelkey
Water Master
she/her/hers

Service via USPS Mail:

**Andrew P. Suenram
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Cody Meine
Kristen Meine
620 Meine Ln
Dillon, MT 59725

Jerry R. Meine
Tamara T. Meine
590 Meine Ln
Dillon, MT 59725

Last Order:

**~~Black Slough LLC~~
(Return mail received)
Tawna Chery
119 W Bowman Dr
Kalispell, MT 59901**

Note: Caption and Service List Updated 10-19-21

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BEAVERHEAD RIVER
BASIN 41B**

Water Right Number: **41B 88634-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CODY MEINE
 620 MEINE LN
 DILLON, MT 59725 7230

JERRY R MEINE
590 MEINE LN
DILLON, MT 59725 7365

KRISTEN MEINE
620 MEINE LN
DILLON, MT 59725 7230

TAMARA T MEINE
590 MEINE LN
DILLON, MT 59725 7365

Priority Date: DECEMBER 31, 1948

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.88 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 357.80

Source Name: WASTE & SEEPAGE, UNNAMED TRIBUTARY OF BEAVERHEAD RIVER

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		NWSENW	32	6S	8W	BEAVERHEAD

Period of Diversion: APRIL 1 TO NOVEMBER 15

Diversion Means: HEADGATE

Period of Use: APRIL 1 TO NOVEMBER 15

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	10.80		S2SESE	8	6S	8W	BEAVERHEAD
2	27.00		S2SW	9	6S	8W	BEAVERHEAD
3	320.00		N2	16	6S	8W	BEAVERHEAD
Total:	357.80						

Remarks:

SPLIT CLAIM NO. 41B 30151621 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BEAVERHEAD RIVER
BASIN 41B**

Water Right Number: **41B 88635-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CODY MEINE
 620 MEINE LN
 DILLON, MT 59725 7230

JERRY R MEINE
590 MEINE LN
DILLON, MT 59725 7365

KRISTEN MEINE
620 MEINE LN
DILLON, MT 59725 7230

TAMARA T MEINE
590 MEINE LN
DILLON, MT 59725 7365

IT APPEARS THE OWNER IS A SHAREHOLDER IN THE CLARK CANYON WATER
SUPPLY COMPANY.

***Priority Date:** JULY 1, 1894

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 10.00 CFS

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

THIS WATER RIGHT IS SUBJECT TO CERTAIN CURTAILMENT PROVISIONS AS
DETAILED IN THE 1958 CONTRACT (NO. 14-06-600-3592) BETWEEN THE UNITED
STATES (BOR) AND THE CLARK CANYON WATER SUPPLY COMPANY. A COPY OF
THE CONTRACT IS AVAILABLE FROM THE DNRC HELENA WATER RESOURCES
REGIONAL OFFICE.

Climatic Area: 3 - MODERATE

Maximum Acres: 357.80

Source Name: BEAVERHEAD RIVER

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>
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<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	10.80		S2SESE	8	6S	8W	BEAVERHEAD
2	27.00		S2SW	9	6S	8W	BEAVERHEAD
3	320.00		N2	16	6S	8W	BEAVERHEAD
Total:	357.80						

SPLIT CLAIM NO. 41B 30151622 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BEAVERHEAD RIVER
BASIN 41B**

Water Right Number: **41B 88641-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CODY MEINE
 620 MEINE LN
 DILLON, MT 59725 7230

JERRY R MEINE
590 MEINE LN
DILLON, MT 59725 7365

KRISTEN MEINE
620 MEINE LN
DILLON, MT 59725 7230

TAMARA T MEINE
590 MEINE LN
DILLON, MT 59725 7365

Priority Date: AUGUST 20, 1887

Type of Historical Right: USE

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: 3 - MODERATE

Maximum Acres: 357.80

Source Name: SELWAY SLOUGH

Source Type: SURFACE WATER

MURRAY GILBERT SLOUGH IS USED AS A NATURAL CARRIER TO CONVEY
WATER FROM THE JOHN MORTON DITCH TO THE PLACE OF USE.

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		NWSEW	32	6S	8W	BEAVERHEAD

Period of Diversion: APRIL 1 TO NOVEMBER 15

Diversion Means: PIPELINE

Ditch Name: MORTON DITCH

Period of Use: APRIL 1 TO NOVEMBER 15

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	10.80		S2SESE	8	6S	8W	BEAVERHEAD

2	27.00	S2SW	9	6S	8W	BEAVERHEAD
3	320.00	N2	16	6S	8W	BEAVERHEAD
Total:	357.80					

Remarks:

SPLIT CLAIM NO. 41B 30151623 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BEAVERHEAD RIVER
BASIN 41B**

Water Right Number: **41B 88646-00** STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: ACTIVE

Owners: CODY MEINE
 620 MEINE LN
 DILLON, MT 59725 7230

JERRY R MEINE
590 MEINE LN
DILLON, MT 59725 7365

KRISTEN MEINE
620 MEINE LN
DILLON, MT 59725 7230

TAMARA T MEINE
590 MEINE LN
DILLON, MT 59725 7365

***Priority Date:** JULY 1, 1903

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 6.50 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:** 57.54

Source Name: WILLARD SLOUGH

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		SENESEW	8	6S	8W	BEAVERHEAD
Period of Diversion:	APRIL 1 TO NOVEMBER 15					
Diversion Means:	HEADGATE					
2		NWSWSW	9	6S	8W	BEAVERHEAD
Period of Diversion:	APRIL 1 TO NOVEMBER 15					
Diversion Means:	DIKE					
3		NWNWNE	16	6S	8W	BEAVERHEAD
Period of Diversion:	APRIL 1 TO NOVEMBER 15					
Diversion Means:	DIKE					
Period of Use:	APRIL 1 TO NOVEMBER 15					

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	2.00		SESESE	8	6S	8W	BEAVERHEAD
2	27.54		S2SW	9	6S	8W	BEAVERHEAD
3	19.00		NWNE	16	6S	8W	BEAVERHEAD
4	9.00		NENW	16	6S	8W	BEAVERHEAD
Total:	<u>57.54</u>						

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.

88645-00 88646-00

THIS WATER RIGHT IS SUBJECT TO A SETTLEMENT AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN CASE 41B-221.

SPLIT CLAIM NO. 41B 30151624 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BEAVERHEAD RIVER
BASIN 41B**

Water Right Number: **41B 88647-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CODY MEINE
620 MEINE LN
DILLON, MT 59725 7230

JERRY R MEINE
590 MEINE LN
DILLON, MT 59725 7365

KRISTEN MEINE
620 MEINE LN
DILLON, MT 59725 7230

TAMARA T MEINE
590 MEINE LN
DILLON, MT 59725 7365

Priority Date: AUGUST 20, 1887

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.85 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 357.80

Source Name: SELWAY SLOUGH

Source Type: SURFACE WATER

THE MURRAY GILBERT SLOUGH IS USED AS A NATURAL CARRIER TO
CONVEY WATER FROM THE JOHN MORTON DITCH TO THE PLACE OF USE.

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		NWSEW	32	6S	8W	BEAVERHEAD

Period of Diversion: APRIL 1 TO NOVEMBER 15

Diversion Means: HEADGATE

Ditch Name: MORTON DITCH

Period of Use: APRIL 1 TO NOVEMBER 15

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	10.80		S2SESE	8	6S	8W	BEAVERHEAD

2	27.00	S2SW	9	6S	8W	BEAVERHEAD
3	320.00	N2	16	6S	8W	BEAVERHEAD
Total:	357.80					

Remarks:

SPLIT CLAIM NO. 41B 30151625 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BEAVERHEAD RIVER
BASIN 41B**

Water Right Number: 41B 30151621 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: BLACK SLOUGH LLC
119 W BOWMAN DR
KALISPELL, MT 59901 6868

Priority Date: DECEMBER 31, 1948

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.87 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 306.20

Source Name: WASTE & SEEPAGE, UNNAMED TRIBUTARY OF BEAVERHEAD RIVER

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		NWSENE	32	6S	8W	BEAVERHEAD

Period of Diversion: APRIL 1 TO NOVEMBER 15

Diversion Means: HEADGATE

Period of Use: APRIL 1 TO NOVEMBER 15

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	4.00		N2NE	8	6S	8W	BEAVERHEAD
2	92.20		SE	8	6S	8W	BEAVERHEAD
3	210.00		W2	9	6S	8W	BEAVERHEAD
Total:	306.20						

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41B 88634-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BEAVERHEAD RIVER
BASIN 41B**

Water Right Number: **41B 30151622** STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: BLACK SLOUGH LLC
 119 W BOWMAN DR
 KALISPELL, MT 59901 6868

IT APPEARS THE OWNER IS A SHAREHOLDER IN THE CLARK CANYON WATER SUPPLY COMPANY.

Priority Date: JULY 1, 1894

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 10.00 CFS

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

THIS WATER RIGHT IS SUBJECT TO CERTAIN CURTAILMENT PROVISIONS AS DETAILED IN THE 1958 CONTRACT (NO. 14-06-600-3592) BETWEEN THE UNITED STATES (BOR) AND THE CLARK CANYON WATER SUPPLY COMPANY. A COPY OF THE CONTRACT IS AVAILABLE FROM THE DNRC HELENA WATER RESOURCES REGIONAL OFFICE.

Climatic Area: 3 - MODERATE

Maximum Acres: 306.20

Source Name: BEAVERHEAD RIVER

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		SENWNW	4	7S	8W	BEAVERHEAD

Period of Diversion: MARCH 1 TO JUNE 1

Period of Diversion: SEPTEMBER 1 TO NOVEMBER 15

Diversion Means: HEADGATE

Ditch Name: HAYDEN DITCH

2		SWSWSE	7	7S	8W	BEAVERHEAD
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Period of Diversion: MARCH 1 TO JUNE 1

Period of Diversion: SEPTEMBER 1 TO NOVEMBER 15

Diversion Means: HEADGATE

Ditch Name: SELWAY SLOUGH

Period of Use: SEPTEMBER 1 TO NOVEMBER 15
MARCH 1 TO JUNE 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	4.00		N2NE	8	6S	8W	BEAVERHEAD
2	92.20		SE	8	6S	8W	BEAVERHEAD
3	210.00		W2	9	6S	8W	BEAVERHEAD
Total:	306.20						

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 10B 88635-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BEAVERHEAD RIVER
BASIN 41B**

Water Right Number: 41B 30151623 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: BLACK SLOUGH LLC
119 W BOWMAN DR
KALISPELL, MT 59901 6868

Priority Date: AUGUST 20, 1887

Type of Historical Right: USE

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: 3 - MODERATE

Maximum Acres: 306.20

Source Name: SELWAY SLOUGH

Source Type: SURFACE WATER

MURRAY GILBERT SLOUGH IS USED AS A NATURAL CARRIER TO CONVEY WATER FROM THE JOHN MORTON DITCH TO THE PLACE OF USE.

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		NWSENW	32	6S	8W	BEAVERHEAD

Period of Diversion: APRIL 1 TO NOVEMBER 15

Diversion Means: PIPELINE

Ditch Name: MORTON DITCH

Period of Use: APRIL 1 TO NOVEMBER 15

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	4.00		N2NE	8	6S	8W	BEAVERHEAD
2	92.20		SE	8	6S	8W	BEAVERHEAD
3	210.00		W2	9	6S	8W	BEAVERHEAD
Total:	306.20						

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41B 88641-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BEAVERHEAD RIVER
BASIN 41B**

Water Right Number: 41B 30151624 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: BLACK SLOUGH LLC
119 W BOWMAN DR
KALISPELL, MT 59901 6868

Priority Date: JULY 1, 1903

Type of Historical Right: DECREEED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 6.50 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: 279.46

Source Name: WILLARD SLOUGH

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		SENESEW	8	6S	8W	BEAVERHEAD
Period of Diversion:	APRIL 1 TO NOVEMBER 15					
Diversion Means:	HEADGATE					
2		NWSWSW	9	6S	8W	BEAVERHEAD
Period of Diversion:	APRIL 1 TO NOVEMBER 15					
Diversion Means:	DIKE					
3		NWNWNE	16	6S	8W	BEAVERHEAD
Period of Diversion:	APRIL 1 TO NOVEMBER 15					
Diversion Means:	DIKE					

Period of Use: APRIL 1 TO NOVEMBER 15

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	4.00		NENE	8	6S	8W	BEAVERHEAD
2	4.00		SENE	8	6S	8W	BEAVERHEAD
3	37.00		NESE	8	6S	8W	BEAVERHEAD
4	13.00		NWSE	8	6S	8W	BEAVERHEAD
5	16.00		SESE	8	6S	8W	BEAVERHEAD
6	72.00		NW	9	6S	8W	BEAVERHEAD

7	127.46	SW	9	6S	8W	BEAVERHEAD
Total:	273.46					

Remarks:

THIS WATER RIGHT IS SUBJECT TO A SETTLEMENT AGREEMENT ON FILE WITH THE MONTANA WATER COURT IN CASE 41B-221.

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41B 88646-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BEAVERHEAD RIVER
BASIN 41B**

Water Right Number: 41B 30151625 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: BLACK SLOUGH LLC
119 W BOWMAN DR
KALISPELL, MT 59901 6868

Priority Date: AUGUST 20, 1887

Type of Historical Right: DECREEED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.85 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 306.20

Source Name: SELWAY SLOUGH

Source Type: SURFACE WATER

THE MURRAY GILBERT SLOUGH IS USED AS A NATURAL CARRIER TO CONVEY WATER FROM THE JOHN MORTON DITCH TO THE PLACE OF USE.

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	32	6S	8W	BEAVERHEAD

Period of Diversion: APRIL 1 TO NOVEMBER 15

Diversion Means: HEADGATE

Ditch Name: MORTON DITCH

Period of Use: APRIL 1 TO NOVEMBER 15

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	4.00		N2NE	8	6S	8W	BEAVERHEAD
2	92.20		SE	8	6S	8W	BEAVERHEAD
3	210.00		W2	9	6S	8W	BEAVERHEAD
Total:	306.20						

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41B 88647-00.