

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
GALLATIN RIVER BASIN (41H)
PRELIMINARY DECREE

* * * * *

CLAIMANTS: ~~Stacey A. Deck; Thomas G. Kubit~~; Edward G.
Reiser; Mary R. Reiser; Campbell Jefferson
Revocable Trust; Christopher Fitzgerald; Lisa
Volgenau; John J. Ducken; **7 Ranges Inc.**

CASE 41H-0232-R-2020
41H 25659-00
41H 30071994
41H 30071997
41H 30072000

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

Water rights claims 41H 25659-00, 41H 210808-00, 41H 30071994, 41H 30071997, and 41H 30072000 appeared in the Preliminary Decree for the Gallatin River

(Basin 41H). The Department of Natural Resources and Conservation's (DNRC) water rights database maintains: Stacey Deck and Thomas Kubit co-own water right claim 41H 25659-00; Stacey Deck, Thomas Kubit, and Edward and Mary Resier¹ co-own water right claim 41H 210808-00; Campbell Jefferson Revocable Trust owns water right claim 41H 30071994; Lisa Volgenau and Christopher Fitzgerald co-own water rights claims 41H 30071997; and John Ducken owns water right claim 41H 30072000.

The Water Court consolidated the claims² into Water Court case 41H-0232-R-2020 and held a December 2, 2020 status conference attended by Deck, Kubit, Galen Jefferson for Campbell Jefferson Revocable Trust, Volgenau, and Fitzgerald. The court explained each claim received the same issue remark resulting from DNRC's preparation of the preliminary decree. The issue remark on each claim states:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 75 MINER'S INCHES DECREED IN CASE NO. 3850, GALLATIN COUNTY. 41H 25659-00, 41H 210808-00, 41H 30071994, 41H 30071997, 41H 30072000.

The Water Court and the parties determined a settlement filing deadline would be appropriate to resolve the decree-exceeded-flow-rate issue. Galen Jefferson and Bruce Campbell, as well as Lisa Volgenau and Christopher Fitzgerald, filed information indicating the flow rate associated with their water rights appeared accurate. On July 16, 2021, Stacey Deck and Tom Kubit filed information resolving the decree-exceeded issue remark.

The Water Court removed water right claim 41H 21808-00 from Water Court case 41H-0232-R-2020 to be closed by a Master's Report in a separate proceeding because no additional issues existed regarding the water right. However, additional issue remarks appeared on the preliminary decree abstracts for split parent claim 41H 25659-00, and split child claims 41H 30071994, 41H 30071997, and 41H 30072000. Because these issue

¹ At the status conference, the parties discussed the Reisers were deceased, and that the appropriate paperwork had been filed with DNRC, but not reflected in DNRC's water rights database.

² The court originally consolidated water right claim 41H 30071999 into Water Court case 41H-0232-R-2021. The court removed the claim to be reconsolidated in a separate case because of unresolved issue remarks not related to the present decree-exceeded issue.

remarks mirrored issue remarks appearing on split parent claim 41H 25660-00 and split child claims 41H 30071995, 41H 30071998, and 41H 30072001, as well as split parent claim 41H 25661-00 and split child claims 41H 30071996, 41H 30071999, and 41H 30072002, the Water Court again reconsolidated Water Court case 41H-R-0232-2021 to include water rights claims 41H 25660-00, 41H 30071995, 41H 30071998, 41H 30072001, 41H 25661-00, 41H 30071996, 41H 30071999, and 41H 30072002.

The unresolved issue remarks state:

A REVIEW OF AVAILABLE DATA APPEARS TO INDICATE THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. CERTAIN NAMED OWNERS ON THE CLAIM MAY NOT OWN ANY IRRIGABLE ACREAGE FROM THE DITCH SYSTEM USED BY THESE CLAIMS. SEE CLAIM FILE FOR MORE INFORMATION.

THE DECREED PLACE OF USE AND ACRES IRRIGATED MAY BE QUESTIONABLE. REVIEW OF AVAILABLE DATA APPEARS TO INDICATE FEWER ACRES HAVE BEEN IRRIGATED THAN PREVIOUSLY DECREED.

To resolve these issue remarks, the Water Court asked the claims' owners, pursuant to § 85-2-248(5), MCA, to contact and work with DNRC personnel. On November 15, 2021, DNRC filed a Memorandum (November 15, 2021 DNRC Memo) with the Water Court resolving the outstanding issues in the case.

The Water Court presently resolves the issue in this case.

ISSUES

1. *Whether the decree-exceeded issue remarks appearing on water rights claims are resolved and can be removed.*
2. *Whether the Water Court corrects elements, including the flow rates, total maximum acres irrigated, and places of use, for water rights claims 41H 25659-00, 41H 30071994, 41H 30071997, 41H 30072000, 41H 25660-00, 41H 30071995, 41H 30071998, 41H 30072001 41H 25661-00, 41H 30071996, 41H 30071999, and 41H 30072002, consistent with memorandums filed by DNRC and accurate historical use.*

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.

A properly filed statement of claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA; Rule 10, W.R.Adj.R. Prima facie proof may be contradicted and overcome by a preponderance of the evidence. 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. The party seeking to overcome the prima facie status of a statement of claim, including a claimant objecting to his or her own claim, bears the burden of proof. *Nelson v. Brooks*, 2014 MT 120, ¶¶ 34, 37, 375 Mont. 86, 329 P.3d 558.

The Water Court may correct a clerical mistake found in a judgment, order, or other part of the record on motion or on its own, with or without notice. Rule 60(a), M.R.Civ.P.

DISCUSSION

1. Whether the decree-exceeded issue remarks appearing on water rights claims are resolved and can be removed.

Water rights claims 41H 25659-00, 41H 210808-00, 41H 30071994, 41H 30071997, and 41H 30072000 are decreed rights with a June 1, 1873 priority date. The Decree in Case No. 3850, Gallatin County, appears in each of the claims’ files, attached to the claims’ original statements of claim, supporting the original appropriator’s beneficial use of water—75 miners inches—on the claimed priority date—June 1, 1873.

DNRC marked each of the consolidated water rights claims with a remark stating:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 75 MINER'S INCHES DECREED IN CASE NO. 3850, GALLATIN COUNTY. 41H 25659-00, 41H 210808-00, 41H 30071994, 41H 30071997, 41H 30072000.

The remark flagged the existence of an unresolved decree-exceeded issue to the court: If the 75 miner’s inches decreed in Case No. 3850, Gallatin County (*Bell v. Armstrong*), is the basis for the claims’ flow rates, then the sum of the claims’ flow rates cannot exceed 75 miner’s inches. The sum of the claims’ flow rates for water rights claims presently 41H 25659-00, 41H 210808-00, 41H 30071994, 41H 30071997, 41H 30072000 exceeds 75 miner’s inches.

The July 16, 2021 filing states there are two entries for “Holloway, W.L.” for 75 miner’s inches on June 1, 1873; water rights claims 41H 210808-00 and 41H 25659-00 were each decreed 75 miners inches. The court here incorporates the filing for reference:

After working with Mary Crable, Water Resource Specialist of the Montana Dept. of Natural Resources and Conservation, I am presenting evidence that proves water right 41H 25659-00 (and its children 41H 30071994, 41H 30071997, 41H 30072000) is allocated 75 miners inches (MI) total and water right 41H 210808-00 is also allocated 75 MI.

1. Decree 3850 (from Bell vs Armstrong) from 1909 does limit the amount of water pulled from the ditch. Please see the attachment titled “Decree 3850.Bell.vs.Armstrong.ReferenceBook.pdf.” Page 10 of document (page 6 of the pdf) lists 2 entries for the Holloway, W.L. both show 75MI and a June 1,1873 date. Thus, water right 41H 210808-00 is entitled to the 75 MI and water right 41H 25659-00 is also entitled to 75 MI of water.

2. Water rights 41H 025659-00 and 41H 21808-00 appeared before the court in case 41H-147. A Stipulation was filed on December 27, 1991, and a Master’s Report was issued on April 6, 1993. The Master’s Report specifies that the Stipulation appears proper and is accepted by the court. The Stipulation specifies that claim 41H 25659-00 is entitled to 75 MI of the June 1, 1873, decreed right and that claim 41H 210808-00 is entitled to 75 MI of the June 1, 1873, decreed right. As stated above in #1, 75 MI was decreed to W.L. Holloway twice. This allocation of 75 miner’s inches to each water right lines up with the decree from case 3850, Bell v. Armstrong. The Master’s report establishes that both rights are for 75 MI with a June 1,1873, priority date. The Order Adopting Master’s report was filed May 5, 1993. This Master’s Report is evidence that there is not a decree exceeded issue amongst 41H 25659-00 and 41H 210808-00 as both rights were decreed with 75 MI and a June 1, 1873, priority date in the report.

3. Claims 41H 30071994, 41H 30071997, 41H 30072000 are child claims to 41H 25659-00. The sum of the flow rates for these claims is 843.74 gallons per minute (gpm). 843.74 gpm is equal to [75 miners inches.] There is no decree exceeded issue amongst the parent and child claims.

A preponderance of the evidence supports DNRC added the issue remarks in error, despite the court’s previous determination that two allocations for 75 miners inches were decreed. The filed information resolves the issue remarks. The flow rates for water rights claims 41H 25659-00, 41H 210808-00, 41H 30071994, 41H 30071997, and 41H 30072000 will remain as they appeared in the preliminary decree.

2. *Whether the Water Court corrects elements, including the flow rates, total maximum acres irrigated, and places of use for water rights claims 41H 25659-00, 41H*

30071994, 41H 30071997, 41H 30072000, 41H 25660-00, 41H 30071995, 41H 30071998, 41H 30072001 41H 25661-00, 41H 30071996, 41H 30071999, and 41H 30072002, consistent with memorandums filed by DNRC and accurate historical use.

Following resolution of the decree-exceeded issue, the Water Court reconsolidated the case, removing water right claim 41H 21808-00, and adding water rights claims 41H 25660-00, 41H 30071995, 41H 30071998, 41H 30072001, 41H 25661-00, 41H 30071996, 41H 30071999, and 41H 30072002. Thus, the DNRC Memo addresses the issues regarding: parent and child water rights claims 41H 25659-00, 41H 30071994, 41H 30071997, and 41H 30072000; parent and child water rights claims 41H 25660-00, 41H 30071995, 41H 30071998, and 41H 30072001; and parent and child water rights claims 41H 25661-00, 41H 30071996, 41H 30071999, and 41H 30072002.

Review of the claims' files reveals the following history regarding adjudication of the newly consolidated water rights claims, which were previously addressed in Water Court Case 41H-S4. A previous Master's Report was issued on October 6, 2016. When water rights claims 41H 25659-00 and 41H 25661-00 were split by the Master's Report, Stacey Deck objected. Water Master Peter Fritsch held a conference with the claims' owners, DNRC Water Resource Specialist Kara McCarver, and DNRC Compliance Technician Brant Lumpkin. According to the Master's Report:

The co-claimants and the Master discussed the split proposals and the confusion that, according to Ms. Deck's objection, resulted in Mr. Kubit and Ms. Deck receiving far more ownership interest in the claims than was appropriate. All of the co-claimants present at the meeting expressed concern that portions of the decreed place of use were not feasibly irrigated from the ditch system used by these rights. It appeared part of the decreed place of use should not be part of the historically irrigated acreage.

Subsequently, Water Master Fritsch set a deadline for the parties to file a motion to amend and for the DNRC to file a Memorandum; nothing was filed by the claimants. In the October 6, 2016 Master's Report, Water Master Fritsch finalized the division of the water rights as set forth in his first Master's Report and added the following issue remarks to the decree abstracts for the parent and child claims:

A REVIEW OF AVAILABLE DATA APPEARS TO INDICATE THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. CERTAIN NAMED OWNERS ON THE CLAIM MAY NOT OWN ANY

IRRIGABLE ACREAGE FROM THE DITCH SYSTEM USED BY THESE CLAIMS. SEE CLAIM FILE FOR MORE INFORMATION.

THE DECREED PLACE OF USE AND ACRES IRRIGATED MAY BE QUESTIONABLE. REVIEW OF AVAILABLE DATA APPEARS TO INDICATE FEWER ACRES HAVE BEEN IRRIGATED THAN PREVIOUSLY DECREED.

The November 15, 2021 DNRC Memo indicates DNRC personnel met with Stacey Deck to resolve the outstanding issue remarks, and includes a place-of-use map, and proposed abstracts. The November 15, 2021 DNRC Memo further indicates DNRC previously filed two memorandums regarding the place-of-use and ownership of water rights claims, which resolve the issue remarks and “clearly define the historical place of use.” The November 15, 2021 DNRC Memo states:

In her memorandums, Ms. Huyser explains how a map prepared by Water Right Solutions Inc. received by the Water Court on November 29, 2011, was inaccurate leading to property owners believing they had an interest in the water rights. Stacey Deck is one of the owners that wanted clarification on the place of use of these water rights because the map prepared by Water Right Solutions contained her property within the place of use. Ms. Huyser clarifies the place of use of these rights with her memorandum and maps.

Stacey Deck and Thomas Kubit do not fall within the place of use of these water rights and have been removed from the ownership of water rights 41H 25659-00, 41H 25660-00, and 41H 25661-00. It is unclear why Ms. Deck and Mr. Kubit were added to the ownership of these claims during Case 41H-S4.

. . .

Ms. Deck understands her property does not fall within the place of use of the of water rights 41H 25659-00, 41H 25660-00, and 41H 25661-00 thus her and Mr. Kubit have been removed from the ownership of these rights. The DNRC restored the ownership of these rights to 7 Ranges Inc via ownership update ID # 227712.

DNRC’s previous November 18, 2015 Memorandum states:

7 Ranges, Inc. originally enlisted the services of Water Right Solutions, Inc. to create a map outlining the Place of Use for irrigation water rights 41H 25659-00, 25660-00, and stock water 41H 25661-00. This map has significant issues which in the opinion of the DNRC have led to property owners misinterpreting the water rights appurtenant to their properties.

The November 18, 2015 Memorandum further states: “The parcel belonging to Stacey Deck and Thomas Kubit does not appear to contain any acreage historically

irrigated by the above listed water rights, based on aerial imagery from 1979.” Accordingly, the Water Court updates the caption by removing Ms. Deck and Mr. Kubit and adding 7 Ranges Inc to the caption and service list. Ms. Deck and Mr. Kubit will remain on the service list.

The November 18, 2015 Memorandum and November 15, 2021 DNRC Memo recommend the following corrections to the total maximum acres, places of use, and flow rates to resolve the claims’ issue remarks based on review of the record:

41H 25659-00 (7 Ranges Inc.)

Flow Rate: **474.1 GPM** 469.74

Maximum Acres: **100.00** 99.70

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	64		N2NE	25	3S	4E	GALLATIN
2	<u>36</u> 35.70		SWNW	30	3S	5E	GALLATIN

Total: **100** 99.70

41H 25660-00 (7 Ranges Inc.)

Flow Rate: **315 GPM** 315.6

Maximum Acres: **100.00** 99.70

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	64		N2NE	25	3S	4E	GALLATIN
2	<u>36</u> 35.70		SWNW	30	3S	5E	GALLATIN

Total: **100** 99.70

41H 30071994 (Campbell Jefferson Revocable Trust)

Flow Rate: **75.8 GPM** 79.2

41H 30071995 (Campbell Jefferson Revocable Trust)

Flow Rate: **50 GPM** 52.6

41H 30071997 (Fitzgerald/Volgenau)

Flow Rate: **170.6 GPM** 170

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	36	<u>S2SE</u> SWSE		24	3S	4E	GALLATIN

41H 30071998 (Fitzgerald/Volgenau)

Flow Rate: **114 GPM** 112

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	36	<u>S2SE</u> SWSE		24	3S	4E	GALLATIN

41H 30071999 (Fitzgerald/Volgenau)

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2SE	SWSE	24	3S	4E	GALLATIN

41H 30072000 (John Ducken)

Flow Rate: **123.2 GPM** ~~124.8~~

Maximum Acres: **26** ~~26.3~~

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	<u>26</u>	26.3	NWNW	30	3S	5E	GALLATIN

Total: **26** ~~26.3~~

41H 30072001 (John Ducken)

Flow Rate: **82 GPM** ~~80.80~~

Maximum Acres: **26** ~~26.3~~

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	<u>26</u>	26.3	NWNW	30	3S	5E	GALLATIN

Total: **26** ~~26.3~~

The Water Court has reviewed the attached maps. The record supports the corrections recommended by the DNRC memorandums. The Water Court therefore resolves the issue remarks by making the recommended changes.

The child claims in this case additionally received issue remarks indicating the claims did not appear in the September 26, 1985 temporary preliminary decree for Basin 41H. However, the water rights claims appeared in the October 11, 2018 preliminary decree for Basin 41H with the exempt-claim issue remarks. Thus, the exempt-claim issue remarks have served their notice purposes and are hereby removed.

RECOMMENDATIONS

This Water Master recommends the Water Court to remove the resolved issue remarks and to make the corrections outlined in the discussion section above to reflect accurate historical use. The court attaches post-decree abstracts to this Master's Report to reflect the changes made, as well as the November 15, 2021 DNRC Memo.

Kirsa Shelkey
Water Master
she/her/hers

Service via USPS Mail:

Stacey A. Deck
Thomas G. Kubit
PO Box 6612
Bozeman, MT 59771

Edward G. Reiser
Mary R. Reiser
~~49 Cottonwood Rd~~
~~Townsend, MT 59644~~
(Return mail received)

Campbell Jefferson Revocable Trust
1118 37th Ave E
Seattle, WA 98112

Christopher Fitzgerald
Lisa Volgenau
19866 Mellon Circle
Ashburn, VA 20147

John J. Ducken
260 S Whistleberry Rd
Bozeman, MT 59718

7 Ranges Inc.
PO Box 614
Manhattan, MT 59741

Note: Caption and Service List Updated 12-3-21

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 25659-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: 7 RANGES INC
PO BOX 614
MANHATTAN, MT 59741 0614

Priority Date: JUNE 1, 1873

Type of Historical Right: DECREEED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 474.10 GPM

***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:** 100.00

Source Name: BIG BEAR 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		NWSESW	29	3S	5E	GALLATIN

Period of Diversion: MAY 15 TO NOVEMBER 30

Diversion Means: HEADGATE

Ditch Name: HOLLOWAY-WOODWORTH DITCH

Period of Use: MAY 15 TO NOVEMBER 30

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	64.00		N2NE	25	3S	4E	GALLATIN
2	36.00		SWNW	30	3S	5E	GALLATIN
Total:	100.00						

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.

25659-00 25660-00

THE SPLIT CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED
BASED ON INFORMATION IN THIS CLAIM. 41H 30071994, 41H 30071997, 41H 30072000.

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 25660-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: 7 RANGES INC
PO BOX 614
MANHATTAN, MT 59741 0614

Priority Date: JUNE 1, 1866

Type of Historical Right: DECREEED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 315.00 GPM

***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:** 100.00

Source Name: BIG BEAR 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		NWSESW	29	3S	5E	GALLATIN

Period of Diversion: MAY 15 TO NOVEMBER 30

Diversion Means: HEADGATE

Ditch Name: HOLLOWAY-WOODWORTH DITCH

Period of Use: MAY 15 TO NOVEMBER 30

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	64.00		N2NE	25	3S	4E	GALLATIN
2	36.00		SWNW	30	3S	5E	GALLATIN
Total:	100.00						

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.

25659-00 25660-00

THE SPLIT CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED
BASED ON INFORMATION IN THIS CLAIM. 41H 30071995, 41H 30071998, 41H 30072001.

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 25661-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: 7 RANGES INC
PO BOX 614
MANHATTAN, MT 59741 0614

Priority Date: JUNE 1, 1866

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 WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING 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: BIG BEAR 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		NWSESW	29	3S	5E	GALLATIN

Period of Diversion: MAY 15 TO NOVEMBER 30

Diversion Means: DITCH

Ditch Name: HOLLOWAY-WOODWORTH DITCH

Period of Use: MAY 15 TO NOVEMBER 30

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2NE	25	3S	4E	GALLATIN
2			SWNW	30	3S	5E	GALLATIN

Remarks:

THE SPLIT CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM. 41H 30071996, 41H 30071999, 41H 30072002.

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 30071994 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: CAMPBELL JEFFERSON REVOCABLE TRUST
1118 37TH AVE E
SEATTLE, WA 98112 4432

Priority Date: JUNE 1, 1873

Type of Historical Right: DECREEED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 75.80 GPM

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: 16.00

Source Name: BIG BEAR 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		NWSESW	29	3S	5E	GALLATIN

Period of Diversion: MAY 15 TO NOVEMBER 30

Diversion Means: HEADGATE

Ditch Name: HOLLOWAY-WOODWORTH DITCH

Period of Use: MAY 15 TO NOVEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	16.00		SWSW	19	3S	5E	GALLATIN
Total:	16.00						

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.

30071994 30071995

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 25659-00.

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 30071995 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: CAMPBELL JEFFERSON REVOCABLE TRUST
1118 37TH AVE E
SEATTLE, WA 98112 4432

Priority Date: JUNE 1, 1866

Type of Historical Right: DECREEED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 50.00 GPM

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: 16.00

Source Name: BIG BEAR 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		NWSESW	29	3S	5E	GALLATIN

Period of Diversion: MAY 15 TO NOVEMBER 30

Diversion Means: HEADGATE

Ditch Name: HOLLOWAY-WOODWORTH DITCH

Period of Use: MAY 15 TO NOVEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	16.00		SWSW	19	3S	5E	GALLATIN
Total:	16.00						

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.

30071994 30071995

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 25660-00.

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 30071996 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: CAMPBELL JEFFERSON REVOCABLE TRUST
1118 37TH AVE E
SEATTLE, WA 98112 4432

Priority Date: JUNE 1, 1866

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 STOCKWATERING 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: BIG BEAR 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		NWSESW	29	3S	5E	GALLATIN

Period of Diversion: MAY 15 TO NOVEMBER 30

Diversion Means: DITCH

Ditch Name: HOLLOWAY-WOODWORTH DITCH

Period of Use: MAY 15 TO NOVEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWSW	19	3S	5E	GALLATIN

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 25661-00.

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 30071997 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: CHRISTOPHER FITZGERALD
19866 MELLON CIR
ASHBURN, VA 20147 4122

LISA VOLGENAU
19866 MELLON CIRCLE
ASHBURN, VA 20147 4122

Priority Date: JUNE 1, 1873

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 170.60 GPM

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: 36.00

Source Name: BIG BEAR 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		NWSEW	29	3S	5E	GALLATIN

Period of Diversion: MAY 15 TO NOVEMBER 30

Diversion Means: HEADGATE

Ditch Name: HOLLOWAY-WOODWORTH DITCH

Period of Use: MAY 15 TO NOVEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	36.00		S2SE	24	3S	4E	GALLATIN

Total: 36.00

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.

30071997 30071998

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM
NO. 41H 25659-00.

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 30071998 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: CHRISTOPHER FITZGERALD
19866 MELLON CIR
ASHBURN, VA 20147 4122

LISA VOLGENAU
19866 MELLON CIRCLE
ASHBURN, VA 20147 4122

Priority Date: JUNE 1, 1866

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 114.00 GPM

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: 36.00

Source Name: BIG BEAR 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		NWSEW	29	3S	5E	GALLATIN

Period of Diversion: MAY 15 TO NOVEMBER 30

Diversion Means: HEADGATE

Ditch Name: HOLLOWAY-WOODWORTH DITCH

Period of Use: MAY 15 TO NOVEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	36.00		S2SE	24	3S	4E	GALLATIN

Total: 36.00

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.

30071997 30071998

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM
NO. 41H 25660-00.

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 30071999 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: CHRISTOPHER FITZGERALD
19866 MELLON CIR
ASHBURN, VA 20147 4122

LISA VOLGENAU
19866 MELLON CIRCLE
ASHBURN, VA 20147 4122

Priority Date: JUNE 1, 1866

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 STOCKWATERING 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: BIG BEAR 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		NWSESW	29	3S	5E	GALLATIN

Period of Diversion: MAY 15 TO NOVEMBER 30

Diversion Means: DITCH

Ditch Name: HOLLOWAY-WOODWORTH DITCH

Period of Use: MAY 15 TO NOVEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2SE	24	3S	4E	GALLATIN

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 25661-00.

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 30072000 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: JOHN J DUCKEN
260 S WHISTLEBERRY RD
BOZEMAN, MT 59718

Priority Date: JUNE 1, 1873

Type of Historical Right: DECREEED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 123.20 GPM

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: 26.00

Source Name: BIG BEAR 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		NWSESW	29	3S	5E	GALLATIN

Period of Diversion: MAY 15 TO NOVEMBER 30

Diversion Means: HEADGATE

Ditch Name: HOLLOWAY-WOODWORTH DITCH

Period of Use: MAY 15 TO NOVEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	26.00		NWNW	30	3S	5E	GALLATIN
Total:	26.00						

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.

30072000 30072001

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 25659-00.

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 30072001 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: JOHN J DUCKEN
260 S WHISTLEBERRY RD
BOZEMAN, MT 59718

Priority Date: JUNE 1, 1866

Type of Historical Right: DECREEED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 82.00 GPM

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: 26.00

Source Name: BIG BEAR 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		NWSESW	29	3S	5E	GALLATIN

Period of Diversion: MAY 15 TO NOVEMBER 30

Diversion Means: HEADGATE

Ditch Name: HOLLOWAY-WOODWORTH DITCH

Period of Use: MAY 15 TO NOVEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	26.00		NWNW	30	3S	5E	GALLATIN
Total:	26.00						

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.

30072000 30072001

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 25660-00.

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 30072002 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: JOHN J DUCKEN
260 S WHISTLEBERRY RD
BOZEMAN, MT 59718

Priority Date: JUNE 1, 1866

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 STOCKWATERING 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: BIG BEAR 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		NWSESW	29	3S	5E	GALLATIN

Period of Diversion: MAY 15 TO NOVEMBER 30

Diversion Means: DITCH

Ditch Name: HOLLOWAY-WOODWORTH DITCH

Period of Use: MAY 15 TO NOVEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWNW	30	3S	5E	GALLATIN

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 25661-00.