

Montana Water Court
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ELECTRONICALLY FILED

43A-0130-R-2020

December 7, 2021

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
SHIELDS RIVER BASIN 43A
PRELIMINARY DECREE

* * * * *

CLAIMANT: CJA Properties LLC

OBJECTOR: CJA Properties LLC

NOTICE OF INTENT TO APPEAR: 4 Diamond Ranch at
Wallrock LLC

CASE 43A-0130-R-2020

43A 13858-01	43A 191681-00
43A 191676-00	43A 191682-00
43A 191677-00	43A 191686-00
43A 191678-00	43A 191948-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Clerk of the Montana Water Court. Please review this Report carefully.

You may file a written objection to this Master's Report if you disagree or find errors with the Master's Findings of Fact, Conclusions of Law, or Recommendations. The above stamped date indicates the date this Master's Report was filed and mailed. Rule 23 of the Water Right Adjudication Rules requires written objections to a Master's Report be filed within 10 days of the date of the Master's Report. Because this Master's Report was mailed to you, Rule 6(d) of the Montana Rules of Civil Procedure provides an additional 3 days to the 10-day objection period.

If you file an objection, you must mail a copy of the objection to all parties on the Service List found at the end of this 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

The above-captioned claims appeared in the Preliminary Decree for Basin 43A. The claims received an objection from Claimant CJA Properties, LLC (“CJA”) and a Notices of Intent Appear (“NOIAs”) from 4 Diamond Ranch at Wallrock, LLC.

The above-captioned claims were consolidated into Case 43A-0130-R-2020 to resolve the Objections, NOIAs, and issue remarks.

FINDINGS OF FACT

1. The Court issued its Order reconsolidating many of the claims originally consolidated into Case 43A-0036-R-2020 on November 4, 2020. Claims 43A 13858-01, 43A 191676-00, 43A 191677-00, 43A 191678-00, 43A 191681-00, 43A 191682-00, 43A 191686-00, and 43A 191948-00 were reconsolidated into case 43A-0130-R-2020. The Court then reset the filing deadline for the parties to filing settlement documents resolving the Objections and NOIAs.

2. Prior to the above-referenced claims being reconsolidated, NOIA party 4 Diamond Ranch at Wallrock, LLC withdrew its NOIAs for claims 43A 13858-01, 43A 191676-00, 43A 191682-00, and 43A 191948-00 in its *Status Report and Notice of Withdrawal for Selected Notices of Intent to Appear* filed October 8, 2020.

3. On April 13, 2021, Claimant/Objector CJA Properties, LLC., filed a *Proposed Resolution and Motion for an Order Providing NOIA Parties with a Reasonable Response Time* to respond with their position regarding the proposal to resolve the self-objection and DNRC issue remarks.

4. On June 10, 2021, NOIA party 4 diamond Ranch at Wallrock, LLC filed a *Statement* denoting that, “4 Diamond does not possess additional information to be included concerning its NOIA.”

5. CJA’s *Proposed Resolution* addresses the self-objection to each claim. The *Proposed Resolution* attaches proposed abstracts and associated maps denoting the following proposed changes to the claims:

43A 13858-01

*Maximum Acres: ~~485.00~~ 170.00

***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	14		5	4N	10E	PARK

*Period of Diversion: MARCH 1 TO OCTOBER 31 Source Name: Porcupine Creek, Middle Fork

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

2	14		5	4N	10E	PARK
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*Period of Diversion: MARCH 1 TO OCTOBER 31 Source Name: Porcupine Creek

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

*Period of Use: MARCH 1 TO OCTOBER 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	3.00	1		6	4N	10E	PARK
2	2.00	2		6	4N	10E	PARK
3	10.00	5		5	4N	10E	PARK
4	20.00	6		6	4N	10E	PARK
5	20.00	7		6	4N	10E	PARK
6	30.00	8		6	4N	10E	PARK
7	35.00	9		6	4N	10E	PARK
8	15.00	10		6	4N	10E	PARK
9	15.00	11		5	4N	10E	PARK
10	35.00	12		5	4N	10E	PARK

Total: ~~485.00~~ 170.00

POINT OF DIVERSION 01 IS LOCATED ON THE MIDDLE FORK OF PORCUPINE CREEK. POINT OF DIVERSION 02 IS LOCATED ON PORCUPINE CREEK. THE POINT OF DIVERSIONS ARE LOCATED NEAR THE CONFLUENCE OF THESE SOURCES, AND ARE BOTH USED TO SUPPLY WATER TO THE SAME DITCH. WATER FROM ONE SOURCE MAY BE EXCHANGED FOR WATER FROM THE OTHER SOURCE.

43A 191676-00

Maximum Acres: ~~498.00~~ 183.00

Source Name: DRY GULCH 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	11		5	4N	10E	PARK

*Period of Diversion: APRIL 1 TO OCTOBER 31 Ditch Name: RALPH-PEPPER DITCH

Diversion Means: HEADGATE

2	11		5	4N	10E	PARK
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*Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Tw</u>	<u>Rge</u>	<u>County</u>
1	3.00	1		6	4N	10E	PARK
2	2.00	2		6	4N	10E	PARK
3	20.00	6		6	4N	10E	PARK
4	20.00	7		6	4N	10E	PARK
5	30.00	8		6	4N	10E	PARK
6	30.00	9		6	4N	10E	PARK
7	15.00	10		6	4N	10E	PARK
8	30.00	5		5	4N	10E	PARK
9	3.00	4		5	4N	10E	PARK
10	10.00	11		5	4N	10E	PARK
11	10.00	6		5	4N	10E	PARK
12	25.00	12		5	4N	10E	PARK
Total:	198.00	183.00					

43A 191677-00

Maximum Acres: ~~185.00~~ **170.00**

Source Name: PORCUPINE CREEK

Source Type: SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Tw</u>	<u>Rge</u>	<u>County</u>
1	11		5	4N	10E	PARK

Period of Diversion: ~~MAY 1 TO SEPTEMBER 30~~ **APRIL 15 TO OCTOBER 31**

Diversion Means: HEADGATE

Ditch Name: WESTLING DITCH

***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>
2	14		5	4N	10E	PARK

Period of Diversion: ~~MAY 1 TO SEPTEMBER 30~~ APRIL 15 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

Period of Use: ~~MAY 1 TO SEPTEMBER 30~~ APRIL 15 TO OCTOBER 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	3.00	1		6	4N	10E	PARK
2	2.00	2		6	4N	10E	PARK
3	20.00	6		6	4N	10E	PARK
4	20.00	7		6	4N	10E	PARK
5	30.00	8		6	4N	10E	PARK
6	35.00	9		6	4N	10E	PARK
7	15.00	10		6	4N	10E	PARK
8	10.00	5		5	4N	10E	PARK
9	15.00	11		5	4N	10E	PARK
10	35.00	12		5	4N	10E	PARK
Total:	185.00	170.00					

43A 191678-00

Maximum Acres: ~~185.00~~ 170.00

Source Name: PORCUPINE 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	11		5	4N	10E	PARK

Period of Diversion: ~~MAY 1 TO SEPTEMBER 30~~ APRIL 15 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: ~~WESTLING DITCH~~ WESTLING-PEPPER DITCH

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>
2	14		5	4N	10E	PARK

Period of Diversion: ~~MAY 1 TO SEPTEMBER 30~~ APRIL 15 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

Period of Use: ~~MAY 1 TO SEPTEMBER 30~~ APRIL 15 TO OCTOBER 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	3.00	1		6	4N	10E	PARK
2	2.00	2		6	4N	10E	PARK
3	20.00	6		6	4N	10E	PARK
4	20.00	7		6	4N	10E	PARK
5	30.00	8		6	4N	10E	PARK
6	35.00	9		6	4N	10E	PARK
7	15.00	10		6	4N	10E	PARK
8	10.00	5		5	4N	10E	PARK
9	15.00	11		5	4N	10E	PARK
10	35.00	12		5	4N	10E	PARK

Total: ~~185.00~~ 170.00

43A 191681-00

Maximum Acres: ~~310.00~~ 346.00

Source Name: SHIELDS RIVER, SOUTH 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	4	NWNW	2	4N	10E	PARK

Period of Diversion: ~~MAY 1 TO NOVEMBER 30~~ APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: VANDYCK-PEPPER DITCH

**See below for Proposed Reservoir Add

Period of Use: ~~MAY 1 TO NOVEMBER 30~~ APRIL 1 TO OCTOBER 31

Reservoir 01: ONSTREAM

Reservoir Name: DRY GULCH RESERVOIR

<u>Govt. Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
8		5	4N	10E	PARK

Diversion to Reservoir: Dam
 Dam Height: 25.00 feet
 Surface Area: 6 Acres
 Capacity: 120.00 Acre-Feet

Reservoir 02: ONSTREAM

Reservoir Name: KEVIN'S POND

<u>Govt. Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSWSW	4	4N	10E	PARK

Diversion to Reservoir: Dam
 Dam Height: 14.00
 Surface Area: 0.6 Acres
 Capacity: 1.70 Acre-Feet

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	3.00	1		6	4N	10E	PARK
2	2.00	2		6	4N	10E	PARK
3	20.00	6		6	4N	10E	PARK
4	20.00	7		6	4N	10E	PARK
5	30.00	8		6	4N	10E	PARK
6	30.00	9		6	4N	10E	PARK
7	15.00	10		6	4N	10E	PARK
8	30.00	5		5	4N	10E	PARK
9	10.00	11		5	4N	10E	PARK
10	25.00	12		5	4N	10E	PARK
11	10.00	6		5	4N	10E	PARK
12	3.00	4		5	4N	10E	PARK
13	2.00	8		5	4N	10E	PARK
14	30.00	9		5	4N	10E	PARK
15	15.00	10		5	4N	10E	PARK
16	37.00	12		4	4N	10E	PARK
17	28.00	5		4	4N	10E	PARK

Total: ~~340.00~~ 346.00

Add:
51.00 E2 Sec. 5 T4N R 10E PARK

43A 191682-00

Maximum Acres: ~~185.00~~ 170.00

Source Name: PORCUPINE 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	11		5	4N	10E	PARK

*Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: ~~WESTLING DITCH~~ WESTLING-PEPPER DITCH

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	10.00	5		5	4N	10E	PARK
2	15.00	11		5	4N	10E	PARK
3	35.00	12		5	4N	10E	PARK
4	3.00	1		6	4N	10E	PARK
5	2.00	2		6	4N	10E	PARK
6	20.00	6		6	4N	10E	PARK
7	20.00	7		6	4N	10E	PARK
8	30.00	8		6	4N	10E	PARK
9	35.00	9		6	4N	10E	PARK
10	15.00	10		6	4N	10E	PARK

Total: ~~185.00~~ 170.00

43A 191686-00

Maximum Acres: ~~198.00~~ 183.00

Source Name: DRY GULCH 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	8		5	4N	10E	PARK

Period of Diversion: ~~MAY 1 TO SEPTEMBER 30~~ APRIL 1 TO OCTOBER 31

Diversion Means: DAM

Ditch Name: ~~R. PEPPER DITCH~~ RALPH-PEPPER DITCH

ADDITIONAL SECONDARY PODS:

2 11 5 4N 10E PARK
Period of Diversion: APRIL 1 TO OCTOBER 31
Diversion Means: Pipe
Ditch Name: WESTLING-PEPPER DITCH

3 14 5 4N 10E PARK
Period of Diversion: APRIL 1 TO OCTOBER 31
Diversion Means: Pipe
Ditch Name: WESTLING-PEPPER DITCH

Period of Use: APRIL 1 TO OCTOBER 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	3.00	1		6	4N	10E	PARK
2	2.00	2		6	4N	10E	PARK
3	20.00	6		6	4N	10E	PARK
4	20.00	7		6	4N	10E	PARK
5	30.00	8		6	4N	10E	PARK
6	30.00	9		6	4N	10E	PARK
7	15.00	10		6	4N	10E	PARK
8	30.00	5		5	4N	10E	PARK
9	10.00	11		5	4N	10E	PARK
10	25.00	12		5	4N	10E	PARK
11	10.00	6		5	4N	10E	PARK
12	3.00	4		5	4N	10E	PARK
Total:	198.00	183.00					

43A 191948-00

Maximum Acres: ~~165.00~~ 201.00

***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	11		5	4N	10E	PARK

***Period of Diversion:** APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: ~~WESTLING DITCH~~ WESTLING-PEPPER DITCH

2	13		4	4N	10E	PARK
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***Period of Diversion:** APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

3		NENWSW	4	4N	10E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: VANDYCK-PEPPER DITCH

****See Below For Added Reservoir
follow POD 3**

Reservoir: ONSTREAM

Reservoir Name: KEVIN'S POND

Govt. Lot

<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
NWSWSW	4	4N	10E	PARK

Dam Height: 14.00 Feet

Surface Area: 0.6 Acres

Capacity: 1.70 Acre-Feet

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	3.00	1		6	4N	10E	PARK
2	2.00	2		6	4N	10E	PARK
3	20.00	6		6	4N	10E	PARK
4	20.00	7		6	4N	10E	PARK
5	30.00	8		6	4N	10E	PARK
6	30.00	9		6	4N	10E	PARK
7	15.00	10		6	4N	10E	PARK
8	10.00	11		5	4N	10E	PARK
9	25.00	12		5	4N	10E	PARK
10	10.00	9		5	4N	10E	PARK

Total: ~~165.00~~ 201.00

Add:

51.00 E2 Sec. 5 T4N R10E

6. In support of the above-listed requested modifications, CJA attaches the declarations of Harlan and Harley Westling. The Westlings are neighboring ranchers with CJA, who grew up on the adjacent property, and still live there to this day. Thus, they both have extensive historical knowledge of the historic water use practices of the neighboring property owned by CJA. Both declarations attest that the period of use and period of diversion for the claims 43A 191677-00 and 43A 191678-00 should be April 15 to October 31 and that claims 43A 191681-00 and 43A 191686-00 should be April 1 to

October 31. Additionally, CJA proffers the Westling declarations to support the changes to source, ditch names, points of diversion, max acres and reservoir records as outlined in the proposed abstracts listed above.

7. To support the requests to generate an implied stock water claims from each of the above-captioned claims, CJA states that “[t]he decreed appropriation from *Henswood et. al. v. Hodson et. al.*, Case No. 2717, pg. 190 (6th Jud. Dist., Park County, March 3, 1911), claimed under each of the claims states that water is to be used for irrigation ‘or for other useful and beneficial purposes.’” In order to support historical stock use as one of the purported “other purposes” of the right, CJA again asserts the declarations of Harlan and Harley Westling. The Westlings are neighboring ranchers with CJA who grew up on the adjacent property, and still live there to this day. Thus, they both have extensive historical knowledge of the historic water use practices of the neighboring property owned by CJA. In sum, both declarations attest to the historical usage for the implied stock claims on the CJA property.

8. In addition to the statements made in CJA’s *Motion to Modify* and associated declarations attached thereto, the *Motion* attaches proposed abstracts containing the following proposed modification to each claim for the creation of the implied claims:

43A 13858-01—3012512602

Priority Date: JUNE 1, 1902

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 THE 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 UNIT SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THIS AREA SERVED BY THIS WATER SOURCE.

***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	14		5	4N	10E	PARK
*Period of Diversion: MARCH 1 TO OCTOBER 31 Source Name: Porcupine Creek, Middle Fork						
Diversion Means: HEADGATE						
Ditch Name: WESTLING-PEPPER DITCH						
2	14		5	4N	10E	PARK
*Period of Diversion: MARCH 1 TO OCTOBER 31 Source Name: Porcupine Creek						
Diversion Means: HEADGATE						
Ditch Name: WESTLING-PEPPER DITCH						
*Period of Use: MARCH 1 TO OCTOBER 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				6	4N	10E	PARK
2				5	4N	10E	PARK
3							
4							
5							
6							
7							

POINT OF DIVERSION 01 IS LOCATED ON THE MIDDLE FORK OF PORCUPINE CREEK. POINT OF DIVERSION 02 IS LOCATED ON PORCUPINE CREEK. THE POINT OF DIVERSIONS ARE LOCATED NEAR THE CONFLUENCE OF THESE SOURCES, AND ARE BOTH USED TO SUPPLY WATER TO THE SAME DITCH. WATER FROM ONE SOURCE MAY BE EXCHANGED FOR WATER FROM THE OTHER SOURCE.

43A 191676-00—30151603

Priority Date: JUNE 1, 1892

Type of Historical Right: DECREED

Purpose(use): STOCK

Flow Rate:

Volume: 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 THE PURPOSE.

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 UNIT SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THIS AREA SERVED BY THIS WATER SOURCE.
Climatic Area: 4 - MODERATELY LOW

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	11		5	4N	10E	PARK
*Period of Diversion: APRIL 1 TO OCTOBER 31 Ditch Name: RALPH-PEPPER DITCH						
Diversion Means: HEADGATE						
2	11		5	4N	10E	PARK
*Period of Diversion: APRIL 1 TO OCTOBER 31 Ditch Name: WESTLING-PEPPER DTICH						
Diversion Means: HEADGATE						

POINT OF DIVERSION 01 IS LOCATED ON DRY GULCH. POINT OF DIVERSION 02 IS LOCATED AT THE CONFLUENCE OF PORCUPINE CREEK AND DRY GULCH. THESE SOURCES ARE BOTH USED TO SUPPLY WATER TO THE SAME DITCH. WATER FROM ONE SOURCE MAY BE EXCHANGED FOR WATER FROM THE OTHER SOURCE.

*Period of Use: APRIL 1 TO OCTOBER 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				6	4N	10E	PARK
2				5	4N	10E	PARK

43A 191677-00—30151604

Priority Date: MAY 15, 1901

Type of Historical Right: DECREED

Purpose(use): STOCK

Flow Rate:

Volume:

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 THE PURPOSE.

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 UNIT SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THIS AREA SERVED BY THIS WATER SOURCE.

Climatic Area: 4 - MODERATELY LOW

Source Name: PORCUPINE 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	11		5	4N	10E	PARK

Period of Diversion: APRIL 15 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING DITCH

*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>
2	14		5	4N	10E	PARK

Period of Diversion: APRIL 15 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

Period of Use: APRIL 15 TO OCTOBER 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				6	4N	10E	PARK
2				5	4N	10E	PARK

43A 191678-00—30151605

Priority Date: JULY 1, 1890
 Type of Historical Right: DECREED
 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 THE 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 UNIT SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THIS AREA SERVED BY THIS WATER SOURCE.
 Climatic Area: 4 - MODERATELY LOW

Source Name: PORCUPINE 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	11		5	4N	10E	PARK

Period of Diversion: APRIL 15 TO OCTOBER 31
 Diversion Means: HEADGATE
 Ditch Name: WESTLING-PEPPER DITCH

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>
2		14	5	4N	10E	PARK

Period of Diversion: APRIL 15 TO OCTOBER 31
 Diversion Means: HEADGATE
 Ditch Name: WESTLING-PEPPER DITCH

Period of Use: APRIL 15 TO OCTOBER 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				6	4N	10E	PARK
2				5	4N	10E	PARK

43A 191681-00—30151606

Priority Date: MAY 20, 1902

Type of Historical Right: DECREED

Purpose(use): STOCK
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 THE PURPOSE.

Flow Rate:

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 UNIT SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THIS AREA SERVED BY THIS WATER SOURCE.

Source Name: SHIELDS RIVER, SOUTH 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	4	NWNW	2	4N	10E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: VANDYCK-PEPPER DITCH *See below for Reservoir Additions

Period of Use: APRIL 1 TO OCTOBER 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	3.00	1	E2	34	5N	10E	PARK
2	2.00	2		33	5N	10E	PARK
3	20.00	6	W2W2	3	4N	10E	PARK
4	20.00	7		4	4N	10E	PARK
5	30.00	8	E2	5	4N	10E	PARK

Reservoir 01: ONSTREAM Reservoir Name: DRY GULCH RESERVOIR

<u>Govt. Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
8		5	4N	10E	PARK

Diversion to Reservoir: Dam

Dam Height: 25.00 feet

Surface Area: 6 Acres

Capacity: 120.00 Acre-Feet

Reservoir 02: ONSTREAM Reservoir Name: KEVIN'S POND

<u>Govt. Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSWSW	4	4N	10E	PARK

Diversion to Reservoir: Dam

Dam Height: 14.00

Surface Area: 0.6 Acres

Capacity: 1.70 Acre-Feet

43A 191682-00—30151607

Priority Date: JUNE 1, 1890

Type of Historical Right: DECREED

Purpose(use): STOCK

Flow Rate:

Volume:

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 THE PURPOSE.

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 UNIT SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THIS AREA SERVED BY THIS WATER SOURCE.

Source Name: PORCUPINE 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	11		5	4N	10E	PARK

*Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

*Period of Use: APRIL 1 TO OCTOBER 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	10.00	5	NW	5	4N	10E	PARK
2	15.00	11	N2	6	4N	10E	PARK

43A 191686-00—30151608

Priority Date: NOVEMBER 24, 1954

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 THE 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 UNIT SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THIS AREA SERVED BY THIS WATER SOURCE.

Source Name: DRY GULCH 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	8		5	4N	10E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DAM

Ditch Name: RALPH-PEPPER DITCH

Reservoir: ONSTREAM Reservoir Name: DRY GULCH DAM

Govt Lot Qtr Sec Sec Twp Rge County
5 4N 10E PARK

Diversion to Reservoir: DIVERSION # 1
Dam Height: 25.00 FEET
Surface Area: 6.00 ACRES
Capacity: 120.00 ACRE-FEET

SEE THE RESERVOIR INFORMATION REQUEST FILED WITH THE WATER COURT IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

Period of Use: APRIL 1 TO OCTOBER 31 * See below for two (2) additional secondary PODs

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	3.00	1	N2	5	4N	10E	PARK
2	2.00	2	N2	6	4N	10E	PARK

ADDITIONAL SECONDARY PODS:

2 11 5 4N 10E PARK

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: Pipe

Ditch Name: WESTLING-PEPPER DITCH

3 14 5 4N 10E PARK

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: Pipe

Ditch Name: WESTLING-PEPPER DITCH

43A 191948-00—30151609

Priority Date: MAY 20, 1915

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 THE 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 UNIT SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THIS AREA SERVED BY THIS WATER SOURCE.

3 NENWSW 4 4N 10E PARK

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: VANDYCK-PEPPER DITCH

**See Below For Added Reservoir That would follow POD 3

*Period of Use: APRIL 1 TO OCTOBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	3.00	1		5	4N	10E	PARK
2	2.00	2	N2	6	4N	10E	PARK

Reservoir	:	ONSTREAM	Reservoir Name:	KEVIN'S POND
		Govt. Lot	Qtr Sec	Sec
			Twp	Rge
			County	
			NWSWSW	4
			4N	10E
				PARK

Diversion to Reservoir:	Dam
Dam Height:	14.00
Surface Area:	0.6 Acres
Capacity:	1.70 Acre-Feet

PRINCIPLES OF LAW

1. The Montana Water Court has the authority to determine the extent of all water rights in the state as they existed prior to July 1, 1973. *Fellows v. Saylor*, 2016 MT 45, ¶ 25, 382 Mont. 298, 367 P.3d 732; §§ 85-2-233, -102(12), MCA. The purpose of the Water Court is to adjudicate rights to the use of water as they existed on July 1, 1973. *In re Clark Fork River*, 254 Mont. 11, 17, 833 P.3d 1120 (Mont. 1992).
2. “The Water Court is not bound by settlement agreements. Any settlement reached by the parties is subject to review and approval by the Water Court.” Rule 17(a), W.R.Adj.R.; *In re Argabright*, 2014 Mont. Water LEXIS 9, 41I 265 (December 12, 2014).
3. Where a claimant agrees to reduce or limit an element of a claim, “the water court does not need to determine whether the burden of proof has been met.” Rule 17(c), W.R.Adj.R. The Court may accept the requested reduction or limitation “without further presentation of evidence.” Rule 17(c), W.R.Adj.R.
4. Under Section 3-7-224, MCA the Water Court is directed to conduct hearings in the same manner as for other civil actions. The Water Court applies the Montana Rules of Civil Procedure (M.R.Civ.P.), the Montana Rules of Evidence (M.R.Evid.) and the Montana Uniform District Court Rules. This Master considers stipulations filed with the Court as “other paper” under M.R.Civ.P. Rule 11(b)(3) which certifies that to the best of the parties knowledge the factual contentions contained within the stipulation are supported by evidence. Add to this rule the recognition that “the heart of a judicial process is the development of the truth through conflict between parties with adverse

interests.” *United States of America (USDI) –Bureau of Indian Affairs*)-General Objection to Basin 42B and 42C Preliminary Decrees, Case 42B-1, ¶ 3 at p. 14, (*Order Denying Motion* June 27, 2014). Considering these tenets, significant weight is given to the stipulation itself to establish the accurate historical use of the claim.

5. The generation of an implied claim is intended to address situations where a single statement of claim appears to contain more than one separate water right. Order Amending and Adopting Masters Report at 4, *Eliasson Ranch Company v. Rodegheiro*, Water Court Case 40A-115 (June 28, 2004) (hereinafter 40A-115 Order). In that regard, the purpose of generating an implied claim is to “separate two or more water rights into separate claims so that they are accurately identified for adjudication and administration.” *Id.* at 5. Ordinarily, the DNRC requests Water Court authorization for an implied claim pursuant to Rule 6.IV of the Water Right Claim Examination Rules. *Id.* at 4. Although this rule applies to claims being examined prior to the issuance of a preliminary decree, the Water Court has routinely cited the rule when generating implied claims post-preliminary decree. *Id.*

6. When determining whether to grant an implied claim, the Court generally relies on the statement of claim and any material in the claim file that helps to clarify that information. 40A-115 Order at 4. As previously recognized by the Court, “[t]he most common indicator for an implied claim is an overstatement of some element of the claim on a single statement of claim form. *Id.* at 4-5.

CONCLUSIONS OF LAW

1. The modification of the max acre and point of diversion elements for claims 43A 13858-01, 43A 191676-00, 43A 191677-00, 43A 191678-00, 43A 191682-00, and 43A 191686-00 constitutes a reduction in the elements of the claims such that the Court may accept the requested reduction or limitation “without further presentation of evidence.” Rule 17(c), W.R.Adj.R. The issue remarks have been resolved and should be removed from the claims.

2. The information contained in CJA's *Motion to Modify Claims* along with the supporting evidence contained in the Westling declarations and the associated maps demonstrates by a preponderance of the evidence that the elements for the above-captioned claims should be modified as described in Finding of Fact No. 5. The requested modifications do not have the reasonable potential to adversely affect other water rights as they are corrections to the abstracts which do not make any change to the actual historical use of the claimed right on the ground. Notice by publication of these modifications is not required.

3. Implied claims should be generated from each of the above-captioned claims with the modifications discussed in Finding of Fact No. 8. The implied claims should possess the same elements as the parent claims, except as discussed in Finding of Fact No. 8.

4. The Objections by Claimant CJA and all issue remarks appearing on the claims should be considered resolved and the issue remarks removed from the claims.

5. Based on the statement made in its June 10, 2021, filing, 4 Diamond Ranch at Wallrock, LLC's NOIA should be considered resolved.

RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Master recommends that the Court adopt the changes as outlined above.

Post decree abstracts of the water right claims reflecting the recommended changes are attached to this Report.

Eugene C. White
Water Master

Service via Electronic Mail

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**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 13858-01 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CJA PROPERTIES LLC
140 PEPPER LN
WILLSALL, MT 59086 9420

Priority Date: JUNE 1, 1902

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type:

***Flow Rate:** 2.50 CFS

THE WATER RIGHTS FOLLOWING THIS STATEMENT SHARE AN UNDIVIDED INTEREST IN A SINGLE WATER RIGHT FOR 2.50 CFS. 43A 13858-00, 43A 13858-01.

THE PARTIES TO THIS UNDIVIDED INTEREST EACH USE THE FULL 2.50 CFS ON A ROTATIONAL BASIS PURSUANT TO A ROTATIONAL USE AGREEMENT.

UNDIVIDED 1/4 INTEREST IN A SINGLE WATER RIGHT FOR 2.50 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:** 170.00

***Source Name:** PORCUPINE CREEK, MIDDLE FORK

Source Type: SURFACE WATER

***Source Name:** PORCUPINE CREEK

Source Type: SURFACE WATER

WATER FROM THE MIDDLE FORK OF PORCUPINE CREEK MAY BE EXCHANGED FOR WATER DIVERTED FROM PORCUPINE CREEK.

***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	14		5	4N	10E	PARK

***Source Name:** PORCUPINE CREEK, MIDDLE FORK

***Period of Diversion:** MARCH 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

2 14 5 4N 10E PARK

***Source Name:** PORCUPINE CREEK

***Period of Diversion:** MARCH 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

POINT OF DIVERSION 01 IS LOCATED ON THE MIDDLE FORK OF PORCUPINE CREEK. POINT OF DIVERSION 02 IS LOCATED ON PORCUPINE CREEK. THE POINT OF DIVERSIONS ARE LOCATED NEAR THE CONFLUENCE OF THESE SOURCES, AND ARE BOTH USED TO SUPPLY WATER TO THE SAME DITCH. WATER FROM ONE SOURCE MAY BE EXCHANGED FOR WATER FROM THE OTHER SOURCE.

***Period of Use:** MARCH 1 TO OCTOBER 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	3.00	1		6	4N	10E	PARK
2	2.00	2		6	4N	10E	PARK
3	10.00	5		5	4N	10E	PARK
4	20.00	6		6	4N	10E	PARK
5	20.00	7		6	4N	10E	PARK
6	30.00	8		6	4N	10E	PARK
7	35.00	9		6	4N	10E	PARK
8	15.00	11		5	4N	10E	PARK
9	35.00	12		5	4N	10E	PARK
Total:	170.00						

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.

13858-01	191676-00	191677-00	191678-00	191680-00	191681-00
191682-00	191685-00	191686-00	191948-00		

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT IN THE STIPULATION FILED 4/28/2000 LOCATED IN CASE FILE 43A-53.

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 191676-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CJA PROPERTIES LLC
140 PEPPER LN
WILLSALL, MT 59086 9420

Priority Date: JUNE 1, 1892

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.13 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: 183.00

Source Name: DRY GULCH 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	11		5	4N	10E	PARK

***Period of Diversion:** APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: RALPH-PEPPER DITCH

2	11		5	4N	10E	PARK
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***Period of Diversion:** APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

POINT OF DIVERSION 01 IS LOCATED ON DRY GULCH. POINT OF DIVERSION 02
IS LOCATED AT THE CONFLUENCE OF PORCUPINE CREEK AND DRY GULCH.
THESE SOURCES ARE BOTH USED TO SUPPLY WATER TO THE SAME DITCH.
WATER FROM ONE SOURCE MAY BE EXCHANGED FOR WATER FROM THE
OTHER SOURCE.

***Period of Use:** APRIL 1 TO OCTOBER 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	3.00	1		6	4N	10E	PARK
2	2.00	2		6	4N	10E	PARK
3	20.00	6		6	4N	10E	PARK

4	20.00	7	6	4N	10E	PARK
5	30.00	8	6	4N	10E	PARK
6	30.00	9	6	4N	10E	PARK
7	30.00	5	5	4N	10E	PARK
8	3.00	4	5	4N	10E	PARK
9	10.00	11	5	4N	10E	PARK
10	10.00	6	5	4N	10E	PARK
11	25.00	12	5	4N	10E	PARK
Total:	<u>183.00</u>					

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.

13858-01	191676-00	191677-00	191678-00	191680-00	191681-00
191682-00	191685-00	191686-00	191948-00		

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 191677-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CJA PROPERTIES LLC
140 PEPPER LN
WILLSALL, MT 59086 9420

Priority Date: MAY 15, 1901

Type of Historical Right: DECREEED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.00 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: 170.00

Source Name: PORCUPINE 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	11		5	4N	10E	PARK

Period of Diversion: APRIL 15 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING DITCH

2	14		5	4N	10E	PARK
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Period of Diversion: APRIL 15 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

Period of Use: APRIL 15 TO OCTOBER 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	3.00	1		6	4N	10E	PARK
2	2.00	2		6	4N	10E	PARK
3	20.00	6		6	4N	10E	PARK
4	20.00	7		6	4N	10E	PARK
5	30.00	8		6	4N	10E	PARK
6	35.00	9		6	4N	10E	PARK
7	10.00	5		5	4N	10E	PARK

8	15.00	11	5	4N	10E	PARK
9	35.00	12	5	4N	10E	PARK
Total:	170.00					

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.

13858-01	191676-00	191677-00	191678-00	191680-00	191681-00
191682-00	191685-00	191686-00	191948-00		

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 191678-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CJA PROPERTIES LLC
140 PEPPER LN
WILLSALL, MT 59086 9420

Priority Date: JULY 1, 1890

Type of Historical Right: DECREEED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 336.60 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: 170.00

Source Name: PORCUPINE 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	11		5	4N	10E	PARK

Period of Diversion: APRIL 15 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

2	14		5	4N	10E	PARK
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Period of Diversion: APRIL 15 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

Period of Use: APRIL 15 TO OCTOBER 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	3.00	1		6	4N	10E	PARK
2	2.00	2		6	4N	10E	PARK
3	20.00	6		6	4N	10E	PARK
4	20.00	7		6	4N	10E	PARK
5	30.00	8		6	4N	10E	PARK
6	35.00	9		6	4N	10E	PARK
7	10.00	5		5	4N	10E	PARK

8	15.00	11	5	4N	10E	PARK
9	35.00	12	5	4N	10E	PARK
Total:	170.00					

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.

13858-01	191676-00	191677-00	191678-00	191680-00	191681-00
191682-00	191685-00	191686-00	191948-00		

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 191681-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CJA PROPERTIES LLC
140 PEPPER LN
WILLSALL, MT 59086 9420

Priority Date: MAY 20, 1902

Type of Historical Right: DECREEED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.38 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: 346.00

Source Name: SHIELDS RIVER, SOUTH 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	4	NWNW	2	4N	10E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: VANDYCK-PEPPER DITCH

Reservoir: ONSTREAM

Reservoir Name: DRY GULCH RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
8		5	4N	10E	PARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 25.00 FEET

Surface Area: 6.00 ACRES

Capacity: 120.00 ACRE-FEET

Reservoir: ONSTREAM

Reservoir Name: KEVIN'S POND

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSWSW	4	4N	10E	PARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 14.00 FEET

Surface Area: 0.60 ACRES

Capacity: 1.70 ACRE-FEET

Period of Use: APRIL 1 TO OCTOBER 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	3.00	1		6	4N	10E	PARK
2	2.00	2		6	4N	10E	PARK
3	20.00	6		6	4N	10E	PARK
4	20.00	7		6	4N	10E	PARK
5	30.00	8		6	4N	10E	PARK
6	30.00	9		6	4N	10E	PARK
7	51.00		E2	5	4N	10E	PARK
8	30.00	5		5	4N	10E	PARK
9	10.00	11		5	4N	10E	PARK
10	25.00	12		5	4N	10E	PARK
11	10.00	6		5	4N	10E	PARK
12	3.00	4		5	4N	10E	PARK
13	2.00	8		5	4N	10E	PARK
14	30.00	9		5	4N	10E	PARK
15	15.00	10		5	4N	10E	PARK
16	37.00	12		4	4N	10E	PARK
17	28.00	5		4	4N	10E	PARK
Total:	346.00						

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.

13858-01	191676-00	191677-00	191678-00	191680-00	191681-00
191682-00	191685-00	191686-00	191948-00		

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 191682-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CJA PROPERTIES LLC
140 PEPPER LN
WILLSALL, MT 59086 9420

Priority Date: JUNE 1, 1890

Type of Historical Right: DECREEED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.13 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: 170.00

Source Name: PORCUPINE 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	11		5	4N	10E	PARK

***Period of Diversion:** APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

2	14		5	4N	10E	PARK
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***Period of Diversion:** APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

***Period of Use:** APRIL 1 TO OCTOBER 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	10.00	5		5	4N	10E	PARK
2	15.00	11		5	4N	10E	PARK
3	35.00	12		5	4N	10E	PARK
4	3.00	1		6	4N	10E	PARK
5	2.00	2		6	4N	10E	PARK
6	20.00	6		6	4N	10E	PARK
7	20.00	7		6	4N	10E	PARK

8	30.00	8	6	4N	10E	PARK
9	35.00	9	6	4N	10E	PARK
Total:	<u>170.00</u>					

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.

13858-01	191676-00	191677-00	191678-00	191680-00	191681-00
191682-00	191685-00	191686-00	191948-00		

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 191686-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CJA PROPERTIES LLC
140 PEPPER LN
WILLSALL, MT 59086 9420

Priority Date: NOVEMBER 24, 1954

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** NO FLOW RATE HAS BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 120.00 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 183.00

Source Name: DRY GULCH 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	8		5	4N	10E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DAM

Ditch Name: RALPH-PEPPER DITCH

2 - SECONDARY	11		5	4N	10E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: PIPELINE

Ditch Name: WESTLING-PEPPER DITCH

3 - SECONDARY	14		5	4N	10E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: PIPELINE

Ditch Name: WESTLING-PEPPER DITCH

Reservoir: ONSTREAM

Reservoir Name: DRY GULCH DAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		5	4N	10E	PARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 25.00 FEET

Surface Area: 6.00 ACRES

Capacity: 120.00 ACRE-FEET

SEE THE RESERVOIR INFORMATION REQUEST FILED WITH THE WATER COURT
IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

Period of Use: APRIL 1 TO OCTOBER 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	3.00	1		6	4N	10E	PARK
2	2.00	2		6	4N	10E	PARK
3	20.00	6		6	4N	10E	PARK
4	20.00	7		6	4N	10E	PARK
5	30.00	8		6	4N	10E	PARK
6	30.00	9		6	4N	10E	PARK
7	30.00	5		5	4N	10E	PARK
8	10.00	11		5	4N	10E	PARK
9	25.00	12		5	4N	10E	PARK
10	10.00	6		5	4N	10E	PARK
11	3.00	4		5	4N	10E	PARK
Total:	183.00						

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.

13858-01	191676-00	191677-00	191678-00	191680-00	191681-00
191682-00	191685-00	191686-00	191948-00		

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 191948-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CJA PROPERTIES LLC
140 PEPPER LN
WILLSALL, MT 59086 9420

Priority Date: MAY 20, 1915

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.00 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: 201.00

Source Name: MEADOW 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	11		5	4N	10E	PARK

***Period of Diversion:** APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

2	13		4	4N	10E	PARK
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***Period of Diversion:** APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

3		NENWSW	4	4N	10E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: VANDYCK-PEPPER DITCH

Reservoir: ONSTREAM

Reservoir Name: KEVIN'S POND

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSWSW	4	4N	10E	PARK

Diversion to Reservoir: DIVERSION # 3

Dam Height: 14.00 FEET

Surface Area: 0.60 ACRES

Capacity: 1.70 ACRE-FEET

***Period of Use:** APRIL 1 TO OCTOBER 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	51.00		E2	5	4N	10E	PARK
2	10.00	9		5	4N	10E	PARK
3	10.00	11		5	4N	10E	PARK
4	25.00	12		5	4N	10E	PARK
5	3.00	1		6	4N	10E	PARK
6	2.00	2		6	4N	10E	PARK
7	20.00	6		6	4N	10E	PARK
8	20.00	7		6	4N	10E	PARK
9	30.00	8		6	4N	10E	PARK
10	30.00	9		6	4N	10E	PARK
Total:	201.00						

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.

13858-01	191676-00	191677-00	191678-00	191680-00	191681-00
191682-00	191685-00	191686-00	191948-00		

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A

Water Right Number: 43A 30151602 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: CJA PROPERTIES LLC
140 PEPPER LN
WILLSALL, MT 59086 9420

Priority Date: JUNE 1, 1902

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 THE 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 UNIT SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THIS AREA SERVED BY THIS WATER SOURCE.

Climatic Area: 4 - MODERATELY LOW

Source Name: PORCUPINE CREEK, MIDDLE FORK

Source Type: SURFACE WATER

Source Name: PORCUPINE CREEK

Source Type: SURFACE WATER

WATER FROM THE MIDDLE FORK OF PORCUPINE CREEK MAY BE EXCHANGED FOR WATER DIVERTED FROM PORCUPINE CREEK.

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	14		5	4N	10E	PARK

Source Name: PORCUPINE CREEK, MIDDLE FORK

Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

2	14		5	4N	10E	PARK
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Source Name: PORCUPINE CREEK

Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

POINT OF DIVERSION 01 IS LOCATED ON THE MIDDLE FORK OF PORCUPINE CREEK. POINT OF DIVERSION 02 IS LOCATED ON PORCUPINE CREEK. THE POINT OF DIVERSIONS ARE LOCATED NEAR THE CONFLUENCE OF THESE SOURCES, AND ARE BOTH USED TO SUPPLY WATER TO THE SAME DITCH. WATER FROM ONE SOURCE MAY BE EXCHANGED FOR WATER FROM THE OTHER SOURCE.

Period of Use: MARCH 1 TO OCTOBER 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				6	4N	10E	PARK
2				5	4N	10E	PARK

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 30151603 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: CJA PROPERTIES LLC
140 PEPPER LN
WILLSALL, MT 59086 9420

Priority Date: JUNE 1, 1892

Type of Historical Right: DECREED

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 THE 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 UNIT SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THIS AREA SERVED BY THIS WATER SOURCE.

Climatic Area: 4 - MODERATELY LOW

Source Name: DRY GULCH 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	11		5	4N	10E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: RALPH-PEPPER DITCH

2	11		5	4N	10E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

POINT OF DIVERSION 01 IS LOCATED ON DRY GULCH. POINT OF DIVERSION 02 IS LOCATED AT THE CONFLUENCE OF PORCUPINE CREEK AND DRY GULCH. THESE SOURCES ARE BOTH USED TO SUPPLY WATER TO THE SAME DITCH. WATER FROM ONE SOURCE MAY BE EXCHANGED FOR WATER FROM THE OTHER SOURCE.

Period of Use: APRIL 1 TO OCTOBER 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				6	4N	10E	PARK

2

5 4N 10E PARK

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A

Water Right Number: 43A 30151604 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: CJA PROPERTIES LLC
140 PEPPER LN
WILLSALL, MT 59086 9420

Priority Date: MAY 15, 1901

Type of Historical Right: DECREED

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 THE 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 UNIT SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THIS AREA SERVED BY THIS WATER SOURCE.

Climatic Area: 4 - MODERATELY LOW

Source Name: PORCUPINE 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	11		5	4N	10E	PARK

Period of Diversion: APRIL 15 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING DITCH

2	14		5	4N	10E	PARK
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Period of Diversion: APRIL 15 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

Period of Use: APRIL 15 TO OCTOBER 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				6	4N	10E	PARK
2				5	4N	10E	PARK

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A

Water Right Number: 43A 30151605 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: CJA PROPERTIES LLC
140 PEPPER LN
WILLSALL, MT 59086 9420

Priority Date: JULY 1, 1890

Type of Historical Right: DECREEED

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREEED 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 THE 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 UNIT SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THIS AREA SERVED BY THIS WATER SOURCE.

Climatic Area: 4 - MODERATELY LOW

Source Name: PORCUPINE 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	11		5	4N	10E	PARK

Period of Diversion: APRIL 15 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

2	14		5	4N	10E	PARK
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Period of Diversion: APRIL 15 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

Period of Use: APRIL 15 TO OCTOBER 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				6	4N	10E	PARK
2				5	4N	10E	PARK

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A

Water Right Number: 43A 30151606 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: CJA PROPERTIES LLC
140 PEPPER LN
WILLSALL, MT 59086 9420

Priority Date: MAY 20, 1902

Type of Historical Right: DECREEED

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREEED 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 THE 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 UNIT SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THIS AREA SERVED BY THIS WATER SOURCE.

Climatic Area: 4 - MODERATELY LOW

Source Name: SHIELDS RIVER, SOUTH 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	4	NWNW	2	4N	10E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: VANDYCK-PEPPER DITCH

Reservoir: ONSTREAM **Reservoir Name:** DRY GULCH RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
8		5	4N	10E	PARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 25.00 FEET

Surface Area: 6.00 ACRES

Capacity: 120.00 ACRE-FEET

Reservoir: ONSTREAM **Reservoir Name:** KEVIN'S POND

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSWSW	4	4N	10E	PARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 14.00 FEET
Surface Area: 0.60 ACRES
Capacity: 1.70 ACRE-FEET

Period of Use: APRIL 1 TO OCTOBER 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			E2	34	5N	10E	PARK
2				33	5N	10E	PARK
3			W2W2	3	4N	10E	PARK
4				4	4N	10E	PARK
5			E2	5	4N	10E	PARK

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A

Water Right Number: 43A 30151607 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: CJA PROPERTIES LLC
140 PEPPER LN
WILLSALL, MT 59086 9420

Priority Date: JUNE 1, 1890

Type of Historical Right: DECREEED

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREEED 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 THE 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 UNIT SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THIS AREA SERVED BY THIS WATER SOURCE.

Climatic Area: 4 - MODERATELY LOW

Source Name: PORCUPINE 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	11		5	4N	10E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

2	14		5	4N	10E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING-PEPPER DITCH

Period of Use: APRIL 1 TO OCTOBER 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			NW	5	4N	10E	PARK
2			N2	6	4N	10E	PARK

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 30151608 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: CJA PROPERTIES LLC
140 PEPPER LN
WILLSALL, MT 59086 9420

Priority Date: NOVEMBER 24, 1954

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 THE 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 UNIT SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THIS AREA SERVED BY THIS WATER SOURCE.

Source Name: DRY GULCH 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	8		5	4N	10E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DAM

Ditch Name: RALPH-PEPPER DITCH

2 - SECONDARY	11		5	4N	10E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: PIPELINE

Ditch Name: WESTLING-PEPPER DITCH

3 - SECONDARY	14		5	4N	10E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: PIPELINE

Ditch Name: WESTLING-PEPPER DITCH

Period of Use: APRIL 1 TO OCTOBER 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			N2	5	4N	10E	PARK
2			N2	6	4N	10E	PARK

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 30151609 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: CJA PROPERTIES LLC
140 PEPPER LN
WILLSALL, MT 59086 9420

Priority Date: MAY 20, 1915

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 THE 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 UNIT SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THIS AREA SERVED BY THIS WATER SOURCE.

Source Name: MEADOW 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	11		5	4N	10E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: WESTLING DITCH

2	13		4	4N	10E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

3		NENWSW	4	4N	10E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: VANDYCK-PEPPER DITCH

Reservoir: ONSTREAM

Reservoir Name: KEVIN'S POND

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSWSW	4	4N	10E	PARK

Diversion to Reservoir: DIVERSION # 3

Dam Height: 14.00 FEET

Surface Area: 0.60 ACRES

Capacity: 1.70 ACRE-FEET

Period of Use: APRIL 1 TO OCTOBER 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				5	4N	10E	PARK
2			N2	6	4N	10E	PARK