

MONTANA WATER COURT, YELLOWSTONE DIVISION  
YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN  
BASIN 43B  
PRELIMINARY DECREE

\*\*\*\*\*

CLAIMANTS: Tina Josephine Aiello Declaration of Trust; Harold I. Anderson; Sonya M. Anderson; Cathie Coyle Revocable 2006 Trust; James Michael Dailey; Milee Dailey; Gregory J. Kemp; James A. Kemp; Cheryl Standish; Taylor Ranch Water Users Inc.; Richard S. Taylor; Terry K. Taylor

**CASE 43B-0103-R-2020**  
43B 20824-00  
43B 20825-00  
43B 20826-00  
43B 20827-00  
43B 20828-00

**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, Conclusion 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. If 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

Claim 43B 20824-00 appeared in the Preliminary Decree with the following remarks:

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 08/13/2018 , A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY GUENZLER TIM LEO.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 07/13/2018 , A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY DAILEY JAMES MICHAEL & MILEE.

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE NESWNE SEC 3 TWP 6S RGE 9E PARK COUNTY.

Claims 43B 20825-00, 43B 20826-00, 43B 20827-00, and 43B 20828-00 each appeared in the Preliminary Decree with the following remarks:

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 07/13/2018 , A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY DAILEY JAMES MICHAEL & MILEE.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 07/13/2018 , A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY GUENZLER TIM LEO.

POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

The ownership remarks on all of the claims and the point of diversion issue remark on claim 43B 20824-00 were not addressed through the objection process. The Water Court is required to resolve the issues raised by each issue remark. Section 85-2-248, MCA.

The September 17, 2020 Order Consolidating Case and Order Setting Filing Deadline set an October 15, 2020 deadline for James Michael Dailey, Milee Dailey, and Tim Leo Guenzler to file ownership updates and includes the following: "If not filed by October 15, 2020, the Court will conclude that James Michael Dailey, Milee Dailey, or Tim Leo Guenzler has determined that he/she does not have an ownership interest in these claimed water rights." Ownership updates were not filed by October 15, 2020. The Montana Department of Natural Resources and Conservation later added James Michael Dailey and Milee Dailey as co-owners of claim 43B

20824-00 on November 30, 2020 based on an ownership update filed in 2017 but not previously processed.

Under Section 85-2-248(3), MCA, information in the claim file or other information obtained by the Court can be reviewed to determine if it provides a sufficient basis to resolve the issue raised by a remark and the Court can provide the claimants an opportunity to file additional information or evidence. For the point of diversion issue remark on claim 43B 20824-00, the November 24, 2020 Order Setting Filing Deadline states:

If the claimants agree with the issue remark – that the point of diversion for claim 43B 20824-00 should be changed to the NESWNE section 3, T6S, R9E, PARK, they do [not] need to do anything. Instead, a deadline is set below for any claimant to file a written statement that he/she/it disagrees with the recommended change. If such a statement is filed, the Court will set a conference call with everyone to discuss the point of diversion. If no statements are filed by the deadline, the Court will conclude that each claimant agrees and will proceed with changing the legal description. Therefore, it is

ORDERED that the deadline for any claimant to file a written statement disagreeing with the recommended point of diversion legal description for claim 43B 20824-00 is **December 23, 2020**. If not filed by the deadline, the Court will conclude that each claimant agrees with the recommended legal description.

None of the claimants filed a written statement disagreeing with the legal description correction for the point of diversion on claim 43B 20824-00.

For all of these claims, the Preliminary Decree states that the ditch name is Upland Ditch. As there were multiple claims for Upland Ditch and Mill Creek Flat Ditch and apparent confusion over the correct legal description for the headgate for each ditch, the Court requested assistance from DNRC to determine the correct point of diversion legal descriptions and to prepare a marked aerial photograph for the Court and various claimants to use to determine the correct ditch and its point of diversion legal description. On February 26, 2021 the DNRC provided a new marked aerial photograph copy.

On June 18, 2021 the General Notice and Order Setting Filing Deadline with a copy of the new marked aerial photograph attached, was sent to the claimants. This Order set a July 30, 2021 deadline for the claimants to file written statements confirming the ditch name and point of diversion legal description. On July 15, 2021 the Tina Josephine Aiello Declaration Of Trust filed a response stating that the historical diversion for each of these claims is Upland Ditch. On August 2, 2021 the Kemps filed a Corrected Statement Regarding Point Of Diversion

stating that the historical diversion for each of these claims is Mill Creek Flat Ditch. Nothing was filed by the other claimants.

On October 15, 2021 another Order Setting Filing Deadline was issued which set a December 15, 2021 deadline for the claimants to file their written agreement identifying the correct historical diversion name and legal description for all of these claims. On December 15, 2021 Tina Josephine Aiello Declaration of Trust, Gregory J. Kemp, and James A. Kemp filed a Statement Regarding Point Of Diversion which states that the ditch name is Mill Creek Flat Ditch, not Upland Ditch. Nothing was filed by the other claimants.

All of the above-referenced documents are viewable in the Court's FullCourt Enterprise case management system.

#### APPLICABLE LAW

"All issue remarks to claims that are not resolved through the filing of an objection as provided in 85-2-233 must be resolved as provided in this section." Section 85-2-248(2), MCA.

A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content pursuant to section 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect including for claimants objecting to their own claims. Rule 19, W.R.Adj.R.

#### FINDINGS OF FACT

1. For all of these claims, the two remarks concerning ownership provide notice to the identified potential owners. The remarks do not raise unresolved issues which need to be addressed. There are no proceedings required for these remarks. The remarks should be removed from each abstract as having served their notice purposes.

2. For all of these claims, the remark concerning the period of diversion provides notice of this change prior to issuance of the Preliminary Decree. The remark does not raise an unresolved issue which needs to be addressed. There are no proceedings required for this remark. The remark should be removed from each abstract as having served its notice purpose.

3. The Statement of Claim for each of these claims states that Mill Creek Flat Ditch is the diversion for each claimed right.

4. For claim 43B 20824-00, the Preliminary Decree states that the ditch name is Upland Ditch and the point of diversion legal description is the NENENW section 3, T6S, R9E, PARK. The ditch name should be Mill Creek Flat Ditch and the point of diversion should be the NESWNE section 3, T6S, R9E, PARK. The point of diversion issue remark should be removed as addressed and resolved.

5. For claims 43B 20825-00, 43B 20826-00, 43B 20827-00, and 43B 20828-00, the Preliminary Decree states that the ditch name is Upland Ditch and the point of diversion legal description is NESWNE section 3, T6S, R9E, PARK. This the correct legal description for Mill Creek Flat Ditch as stated on the new marked aerial photograph prepared by the DNRC. The legal description should not be changed. The ditch name should be changed to Mill Creek Flat Ditch. The remark concerning the point of diversion should be removed from each abstract as having served its notice purpose.

#### RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusion of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim for each claim is served with this Report to confirm the recommended changes have been made in the state's centralized record system.

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Kathryn L. W. Lambert  
Senior Water Master

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**WATER COURT  
ABSTRACT OF WATER RIGHT CLAIM  
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK  
BASIN 43B**

**Water Right Number:** 43B 20824-00 STATEMENT OF CLAIM  
**Version:** 4 -- POST DECREE  
**Status:** ACTIVE

**Owners:** AIELLO, TINA JOSEPHINE DECLARATION OF TRUST  
2107 WARWICK LN  
GLENVIEW NAS, IL 60026

HAROLD I ANDERSON  
PO BOX 213  
YELLOWSTONE NATIONAL PARK, WY 82190 0213

SONYA M ANDERSON  
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RICHARD S TAYLOR  
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TERRY K TAYLOR  
PO BOX 26  
PRAY, MT 59065

COYLE, CATHIE REVOCABLE 2006 TRUST  
3 KEMP LN  
PRAY, MT 59065

TAYLOR RANCH WATER USERS INC  
PO BOX 103  
PRAY, MT 59065

**\*Priority Date:** MAY 1, 1965  
**Type of Historical Right:** USE  
**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD  
**\*Flow Rate:** 5.08 CFS  
**Volume:** 1,085.00 AC-FT  
**Climatic Area:** 4 - MODERATELY LOW  
**\*Maximum Acres:** 203.30  
**Source Name:** MILL 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		NESWNE	3	6S	9E	PARK

**Period of Diversion:** APRIL 20 TO SEPTEMBER 20

**Diversion Means:** HEADGATE

**Ditch Name:** MILL CREEK FLAT DITCH

THE ADMENDMENT TO STIPULATION FILED ON MARCH 21, 1990 STATES:  
 "HOWEVER THIS PERIOD OF USE SHALL NOT BE USED ADVERSELY AGAINST  
 ANY FLOOD WATER CLAIMS BASED UPON THE 1964 MILL CREEK FLOOD  
 WATER DECREE."

**Period of Use:** APRIL 20 TO SEPTEMBER 20

**\*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	160.00		NE	25	5S	8E	PARK
2	80.00		N2NW	25	5S	8E	PARK
3	70.00		SW	24	5S	8E	PARK
<b>Total:</b>	<b>310.00</b>						

**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.

20824-00      20825-00      20826-00      20827-00      20828-00

APPLICATION TO CHANGE THE PLACE OF USE RECEIVED 04/02/1996. SEE 43B 20824-01.

AUTHORIZATION TO CHANGE THE POINT OF DIVERSION ISSUED 08/22/1994. NOTICE OF COMPLETION DUE 12/31/1996. 43B 20824-00



**WATER COURT**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 20825-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** AIELLO, TINA JOSEPHINE DECLARATION OF TRUST  
2107 WARWICK LN  
GLENVIEW NAS, IL 60026

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TERRY K TAYLOR  
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PRAY, MT 59065

COYLE, CATHIE REVOCABLE 2006 TRUST  
3 KEMP LN  
PRAY, MT 59065

TAYLOR RANCH WATER USERS INC  
PO BOX 103  
PRAY, MT 59065

**Priority Date:** JUNE 1, 1890

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.63 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:** 203.30  
**Source Name:** MILL 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		NESWNE	3	6S	9E	PARK

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

**Diversion Means:** HEADGATE

**Ditch Name:** MILL CREEK FLAT DITCH

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	34.50		E2SW	24	5S	8E	PARK
2	15.00		W2SW	24	5S	8E	PARK
3	57.00		E2NE	25	5S	8E	PARK
4	59.00		W2NE	25	5S	8E	PARK
5	25.80		E2NW	25	5S	8E	PARK
6	12.00		W2NW	25	5S	8E	PARK
<b>Total:</b>	<u>203.30</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.

20824-00      20825-00      20826-00      20827-00      20828-00

APPLICATION TO CHANGE THE PLACE OF USE RECEIVED 04/02/1996. SEE 43B 20824-01.

AUTHORIZATION TO CHANGE THE POINT OF DIVERSION ISSUED 08/22/1994. NOTICE OF COMPLETION DUE 12/31/1996. 43B 20824-00

**WATER COURT**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 20826-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** AIELLO, TINA JOSEPHINE DECLARATION OF TRUST  
2107 WARWICK LN  
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COYLE, CATHIE REVOCABLE 2006 TRUST  
3 KEMP LN  
PRAY, MT 59065

TAYLOR RANCH WATER USERS INC  
PO BOX 103  
PRAY, MT 59065

**Priority Date:** JUNE 1, 1906

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 395.00 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:** 203.30  
**Source Name:** MILL 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		NESWNE	3	6S	9E	PARK

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

**Diversion Means:** HEADGATE

**Ditch Name:** MILL CREEK FLAT DITCH

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	34.50		E2SW	24	5S	8E	PARK
2	15.00		W2SW	24	5S	8E	PARK
3	57.00		E2NE	25	5S	8E	PARK
4	59.00		W2NE	25	5S	8E	PARK
5	25.80		E2NW	25	5S	8E	PARK
6	12.00		W2NW	25	5S	8E	PARK
<b>Total:</b>	<u>203.30</u>						

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**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.

20824-00      20825-00      20826-00      20827-00      20828-00

APPLICATION TO CHANGE THE PLACE OF USE RECEIVED 04/02/1996. SEE 43B 20824-01.

AUTHORIZATION TO CHANGE THE POINT OF DIVERSION ISSUED 08/22/1994. NOTICE OF COMPLETION DUE 12/31/1996. 43B 20824-00

**WATER COURT**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 20827-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** AIELLO, TINA JOSEPHINE DECLARATION OF TRUST  
2107 WARWICK LN  
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COYLE, CATHIE REVOCABLE 2006 TRUST  
3 KEMP LN  
PRAY, MT 59065

TAYLOR RANCH WATER USERS INC  
PO BOX 103  
PRAY, MT 59065

**Priority Date:** JUNE 1, 1890

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 395.00 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:** 203.30  
**Source Name:** MILL 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		NESWNE	3	6S	9E	PARK

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

**Diversion Means:** HEADGATE

**Ditch Name:** MILL CREEK FLAT DITCH

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	34.50		E2SW	24	5S	8E	PARK
2	15.00		W2SW	24	5S	8E	PARK
3	57.00		E2NE	25	5S	8E	PARK
4	59.00		W2NE	25	5S	8E	PARK
5	25.80		E2NW	25	5S	8E	PARK
6	12.00		W2NW	25	5S	8E	PARK

**Total:** 203.30

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**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.

20824-00      20825-00      20826-00      20827-00      20828-00

APPLICATION TO CHANGE THE PLACE OF USE RECEIVED 04/02/1996. SEE 43B 20824-01.

AUTHORIZATION TO CHANGE THE POINT OF DIVERSION ISSUED 08/22/94. NOTICE OF COMPLETION DUE 12/31/96. 43B-G020824-00

**WATER COURT**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 20828-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** AIELLO, TINA JOSEPHINE DECLARATION OF TRUST  
2107 WARWICK LN  
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COYLE, CATHIE REVOCABLE 2006 TRUST  
3 KEMP LN  
PRAY, MT 59065

TAYLOR RANCH WATER USERS INC  
PO BOX 103  
PRAY, MT 59065

**Priority Date:** JUNE 1, 1906

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.63 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:** 203.30  
**Source Name:** MILL 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		NESWNE	3	6S	9E	PARK

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

**Diversion Means:** HEADGATE

**Ditch Name:** MILL CREEK FLAT DITCH

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	34.50		E2SW	24	5S	8E	PARK
2	15.00		W2SW	24	5S	8E	PARK
3	57.00		E2NE	25	5S	8E	PARK
4	59.00		W2NE	25	5S	8E	PARK
5	25.80		E2NW	25	5S	8E	PARK
6	12.00		W2NW	25	5S	8E	PARK

**Total:** 203.30

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**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.

20824-00      20825-00      20826-00      20827-00      20828-00

AUTHORIZATION TO CHANGE (SEVER/SELL) PLACE OF USE COMPLETED 04/02/1996 . FILE REFLECTS RIGHT AS IT EXISTED PRIOR TO JULY 1973. APPROVED CHANGES WILL BE RECORDED AFTER FINAL DECREE.

AUTHORIZATION TO CHANGE THE POINT OF DIVERSION ISSUED 08/22/1994. NOTICE OF COMPLETION DUE 12/31/1996. 43B 20824-00

APPLICATION TO CHANGE THE PLACE OF USE RECEIVED 04/02/1996. SEE 43B 20824-01.