

Montana Water Court
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ELECTRONICALLY FILED

40A-4006-S-2021

July 8, 2021

Montana Water Court

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

CLAIMANTS: Moe Villalva Properties LLC; Richard A. Moe;
Shane Moe Properties LLC; Villalva Ranch
Properties LLC

CASE 40A-4006-S-2021

40A 26222-00

40A 26223-00

40A 26224-00

40A 26225-00

40A 43113-00

40A 30124177

Split Caims:

40A 30151558

40A 30151559

40A 30151560

40A 30151561

40A 30151562

40A 30151563

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. 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

On June 1, 2021, DNRC Ownership Update Divided Interest forms (641 forms) were filed with the Court for the above-captioned claims. The 641 forms request splitting the claims between Shane Moe Properties LLC and Villalva Ranch Properties LLC.

FINDINGS OF FACT

1. The above-captioned claims are co-owned by Shane Moe Properties LLC, Villalva Ranch Properties LLC, Moe Villalva Properties LLC, and Richard A. Moe.
2. The deeds submitted with the 641 forms show the claims are now co-owned and should be split between Shane Moe Properties LLC and Villalva Ranch Properties LLC.
3. Pursuant to the 641 form for claims 40A 26222-00, 40A 26223-00, 40A 26224-00, 40A 26225-00, and 40A 30124177 will be split as follows. Elements that are not addressed below will remain unchanged or be the same as the parent claim.

40A 26222-00

Owners: ~~RICHARD A. MOE~~
~~MOE VILLALVA PROPERTIES LLC~~
SHANE MOE PROPERTIES LLC
~~VILLALVA RANCH PROPERTIES LLC~~

Flow Rate: ~~1.42 CFS~~ **1.13 CFS**

Maximum Acres: ~~37.40~~ **29.70**

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	<u>29.70</u> 34.40		NW	14	8N	12E	Wheatland

2 ~~3.00~~ N2NESW 14 8N 12E Wheatland
 Total: ~~37.40~~ **29.70**

40A 30151558 (40A 26222-00 child right)

Owners: **VILLALVA RANCH PROPERTIES LLC**

Flow Rate: **131.00 GPM**

Maximum Acres: **7.70**

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	4.70		SE	14	8N	12E	Wheatland
2	3.00		N2NESW	14	8N	12E	Wheatland
Total:	<u>7.70</u>						

40A 26223-00

Owners: ~~RICHARD A. MOE~~
~~MOE VILLALVA PROPERTIES LLC~~
~~SHANE MOE PROPERTIES LLC~~
~~VILLALVA RANCH PROPERTIES LLC~~

Flow Rate: ~~15.00 CFS~~ **13.44 CFS**

Maximum Acres: ~~182.70~~ **163.70**

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	50.00		SE	15	8N	12E	Wheatland
2	19.00		SWSE	14	8N	12E	Wheatland
3 <u>2</u>	1.00		S2SWNW	14	8N	12E	Wheatland
4 <u>3</u>	112.70		SW	14	8N	12E	Wheatland
Total:	182.70 <u>163.70</u>						

40A 30151559 (40A 26223-00 child right)

Owners: **VILLALVA RANCH PROPERTIES LLC**

Flow Rate: **1.56 CFS**

Maximum Acres: **19.00**

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	19.00		SWSE	14	8N	12E	Wheatland
Total:	<u>19.00</u>						

40A 26224-00

Owners: ~~RICHARD A. MOE~~
~~MOE VILLALVA PROPERTIES LLC~~
~~SHANE MOE PROPERTIES LLC~~
~~VILLALVA RANCH PROPERTIES LLC~~

Flow Rate: ~~1.42 CFS~~ **1.13 CFS**

Maximum Acres: ~~37.40~~ **29.70**

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 <u>29.70</u>	34.40		NW	14	8N	12E	Wheatland
2	3.00		N2NESW	14	8N	12E	Wheatland
Total:	37.40						<u>29.70</u>

40A 30151560 (40A 26224-00 child right)

Owners: **VILLALVA RANCH PROPERTIES LLC**

Flow Rate: **131.00 GPM**

Maximum Acres: **7.70**

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 <u>4.70</u>	4.70		SENE	14	8N	12E	Wheatland
2	3.00		N2NESW	14	8N	12E	Wheatland
Total:	7.70						<u>7.70</u>

40A 26225-00

Owners: ~~RICHARD A. MOE~~
~~MOE VILLALVA PROPERTIES LLC~~
~~SHANE MOE PROPERTIES LLC~~
~~VILLALVA RANCH PROPERTIES LLC~~

Flow Rate: ~~20.00 CFS~~ **8.64 CFS**

Maximum Acres: ~~289.40~~ **125.00**

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	58.00		E2NE	9	8N	12E	Wheatland
2 <u>67.00</u>	199.90		N2	14	8N	12E	Wheatland
3	27.50		E2SE	14	8N	12E	Wheatland
4	4.00		N2NESW	14	8N	12E	Wheatland
Total:	289.40						<u>125.00</u>

40A 30151561 (40A 26225-00 child right)

Owners: VILLALVA RANCH PROPERTIES LLC

Flow Rate: 11.36 CFS

Maximum Acres: 164.40

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>
<u>1</u>	<u>132.90</u>		<u>N2</u>	<u>14</u>	<u>8N</u>	<u>12E</u>	<u>Wheatland</u>
<u>2</u>	<u>27.50</u>		<u>E2SE</u>	<u>14</u>	<u>8N</u>	<u>12E</u>	<u>Wheatland</u>
<u>3</u>	<u>4.00</u>		<u>N2NESW</u>	<u>14</u>	<u>8N</u>	<u>12E</u>	<u>Wheatland</u>
Total:	<u>164.40</u>						

40A 30124177

Owners: ~~RICHARD A. MOE~~
MOE VILLALVA PROPERTIES LLC
SHANE MOE PROPERTIES LLC
VILLALVA RANCH PROPERTIES LLC

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

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

Point 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>
<u>1</u>		<u>SW</u>	<u>14</u>	<u>8N</u>	<u>12E</u>	<u>Wheatland</u>
<u>2</u>		<u>N2SWSE</u>	<u>14</u>	<u>8N</u>	<u>12E</u>	<u>Wheatland</u>

Place of Use:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
<u>1</u>		<u>SW</u>	<u>14</u>	<u>8N</u>	<u>12E</u>	<u>Wheatland</u>
<u>2</u>		<u>N2SWSE</u>	<u>14</u>	<u>8N</u>	<u>12E</u>	<u>Wheatland</u>

40A 30151563 (40A 30124177 child right)

Owners: VILLALVA RANCH PROPERTIES LLC

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS

**LIMITED TO THE MINIMUM AMOUNT HISTORICALLY
NECESSARY TO SUSTAIN THIS PURPOSE.**

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

Point 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		SW	14	8N	12E	Wheatland

Place of Use:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SW	14	8N	12E	Wheatland

4. Claim 40A 43113-00 is a flood irrigation claim that appeared in the Basin 40A Preliminary Decree with a quantified flow rate and volume. However, the 641 form for claim 40A 43113-00 only divided the quantified flow rate. Because the flow rate was proportionally divided between the parties, the quantified volume should also be proportionally divided.¹ Therefore, claim 40A 43113-00 will be split as follows:

40A 43113-00

Owners: ~~RICHARD A. MOE~~
~~MOE VILLALVA PROPERTIES LLC~~
~~SHANE MOE PROPERTIES LLC~~
~~VILLALVA RANCH PROPERTIES LLC~~

Flow Rate: ~~6.92 CFS~~ **6.20 CFS**

Volume: ~~451.00 AC-FT~~ **404.10 AC-FT**

Maximum Acres: ~~482.70~~ **163.70**

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	50.00		SE	15	8N	12E	Wheatland
2	19.00		SWSE	14	8N	12E	Wheatland
3 <u>2</u>	1.00		S2SWNW	14	8N	12E	Wheatland
4 <u>3</u>	112.70		SW	14	8N	12E	Wheatland
Total:	482.70 <u>163.70</u>						

¹ Shane Moe Properties LLC retained 89.6% of the flow rate (6.20 CFS / 6.92 CFS = .896). Based on this percentage, Shane Moe Properties LLC should retain 404.10 AC-FT (451.00 * .896 = 404.10) and Villalva Ranch Properties LLC should receive 46.90 AC-FT (451.00 – 404.10 = 46.90).

40A 30151562 (40A 43113-00 child right)

Owners: VILLALVA RANCH PROPERTIES LLC

Flow Rate: 323.00 GPM

Volume: 46.90 AC-FT

Maximum Acres: 19.00

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>
<u>1</u>	<u>19.00</u>		<u>SWSE</u>	<u>14</u>	<u>8N</u>	<u>12E</u>	<u>Wheatland</u>
Total:	<u>19.00</u>						

CONCLUSION OF LAW

1. Splitting claims 40A 26222-00, 40A 26223-00, 40A 26224-00, 40A 26225-00, 40A 43113-00, and 40A 30124177 as requested by Claimants does not constitute an increase to any claim element. The information provided by the 641 forms and attached documents is complete and sufficient to accurately split the claims.

RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Master recommends that the Court split claims 40A 26222-00, 40A 26223-00, 40A 26224-00, 40A 26225-00, 40A 43113-00, and 40A 30124177 as outlined above.

A post decree abstract of each water right claims reflecting the recommended split is attached to this Report and a copy of the map depicting the split places of use has been placed in each claim file.

Melissa Lockman
Water Master

Service via Electronic Mail

Abigail R. Brown
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(atty Villalva Ranch)

Service via USPS Mail

Richard A Moe
PO Box 238
Two Dot, MT 59085-0238

Moe Villalva Properties LLC
Shane Moe Properties LLC
PO Box 252
Two Dot, MT 59085-0252

Last Order:

Villalva Ranch Properties LLC
54 Meadowlark Ln
Clancy, MT 59634-9794

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

Water Right Number: 40A 26222-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: SHANE MOE PROPERTIES LLC
PO BOX 252
TWO DOT, MT 59085 0252

Priority Date: MAY 1, 1895

Type of Historical Right: USE

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: 29.70

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

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	9	8N	12E	WHEATLAND

Period of Diversion: APRIL 15 TO SEPTEMBER 15

Diversion Means: HEADGATE

WATER COLLECTED IN DRAIN DITCH IN N2 N2 SECTION 09 TWP 08N RGE 12E WHEATLAND COUNTY.

Period of Use: APRIL 15 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	29.70		NW	14	8N	12E	WHEATLAND
Total:	29.70						

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.

26222-00 26224-00 26225-00

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

Water Right Number: 40A 26223-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: SHANE MOE PROPERTIES LLC
PO BOX 252
TWO DOT, MT 59085 0252

Priority Date: JUNE 18, 1890

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 13.44 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: 163.70

Source Name: MUSSELSHELL RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENWSE	15	8N	12E	WHEATLAND

Period of Diversion: APRIL 15 TO SEPTEMBER 15

Diversion Means: HEADGATE

Ditch Name: HART DITCH

Period of Use: APRIL 15 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	50.00		SE	15	8N	12E	WHEATLAND
2	1.00		S2SWNW	14	8N	12E	WHEATLAND
3	112.70		SW	14	8N	12E	WHEATLAND
Total:	163.70						

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.

26223-00 43113-00

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

Water Right Number: 40A 26224-00 STATEMENT OF CLAIM
Version: 5 -- POST DECREE
Status: ACTIVE

Owners: SHANE MOE PROPERTIES LLC
PO BOX 252
TWO DOT, MT 59085 0252

Priority Date: MAY 15, 1883

Type of Historical Right: FILED

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: 29.70

Source Name: MUSSELSHELL RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESW	9	8N	12E	WHEATLAND

Period of Diversion: APRIL 15 TO SEPTEMBER 15

Diversion Means: HEADGATE

Ditch Name: ANDERSON-MOE DITCH

Period of Use: APRIL 15 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	29.70		NW	14	8N	12E	WHEATLAND

Total: 29.70

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.

26222-00 26224-00 26225-00

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

Water Right Number: **40A 43113-00** STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: SHANE MOE PROPERTIES LLC
 PO BOX 252
 TWO DOT, MT 59085 0252

Priority Date: MAY 30, 1928

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 6.20 CFS

Volume: 404.10 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 163.70

Source Name: UNNAMED TRIBUTARY OF MUSSELSHELL RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESE	15	8N	12E	WHEATLAND

Period of Diversion: APRIL 15 TO SEPTEMBER 15

Diversion Means: PUMP/FLOOD AND DIKE

Period of Use: APRIL 15 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	50.00		SE	15	8N	12E	WHEATLAND
2	1.00		S2SWNW	14	8N	12E	WHEATLAND
3	112.70		SW	14	8N	12E	WHEATLAND
Total:	163.70						

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.

26223-00 43113-00

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

Water Right Number: **40A 30124177** STATEMENT OF CLAIM

Version: 2 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: SHANE MOE PROPERTIES LLC
 PO BOX 252
 TWO DOT, MT 59085 0252

Priority Date: JANUARY 18, 1888

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: MUSSELSHELL RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SW	14	8N	12E	WHEATLAND

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SW	14	8N	12E	WHEATLAND

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

Water Right Number: 40A 30151558 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: VILLALVA RANCH PROPERTIES LLC
54 MEADOWLARK LN
CLANCY, MT 59634 9794

Priority Date: MAY 1, 1895

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 131.00 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: 7.70

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

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	9	8N	12E	WHEATLAND

Period of Diversion: APRIL 15 TO SEPTEMBER 15

Diversion Means: HEADGATE

WATER COLLECTED IN DRAIN DITCH IN N2 N2 SECTION 09 TWP 08N RGE 12E WHEATLAND COUNTY.

Period of Use: APRIL 15 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	4.70		SENW	14	8N	12E	WHEATLAND
2	3.00		N2NESW	14	8N	12E	WHEATLAND
Total:	7.70						

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.

6642-00 30151558 30151560 30151561

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

Water Right Number: 40A 30151559 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: VILLALVA RANCH PROPERTIES LLC
54 MEADOWLARK LN
CLANCY, MT 59634 9794

Priority Date: JUNE 18, 1890

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.56 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: 19.00

Source Name: MUSSELSHELL RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENWSE	15	8N	12E	WHEATLAND

Period of Diversion: APRIL 15 TO SEPTEMBER 15

Diversion Means: HEADGATE

Ditch Name: HART DITCH

Period of Use: APRIL 15 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	19.00		SWSE	14	8N	12E	WHEATLAND
Total:	19.00						

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.

30151559

30151562

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

Water Right Number: 40A 30151560 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: VILLALVA RANCH PROPERTIES LLC
54 MEADOWLARK LN
CLANCY, MT 59634 9794

Priority Date: MAY 15, 1883

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 131.00 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: 7.70

Source Name: MUSSELSHELL RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENSW	9	8N	12E	WHEATLAND

Period of Diversion: APRIL 15 TO SEPTEMBER 15

Diversion Means: HEADGATE

Ditch Name: ANDERSON-MOE DITCH

Period of Use: APRIL 15 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	4.70		SENW	14	8N	12E	WHEATLAND
2	3.00		N2NESW	14	8N	12E	WHEATLAND
Total:	7.70						

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.

6642-00 30151558 30151560 30151561

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

Water Right Number: 40A 30151561 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: VILLALVA RANCH PROPERTIES LLC
54 MEADOWLARK LN
CLANCY, MT 59634 9794

Priority Date: MAY 6, 1892

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 11.36 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: 164.40

Source Name: MUSSELSHELL RIVER, NORTH 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		NWNWNW	1	8N	11E	MEAGHER

Period of Diversion: APRIL 15 TO SEPTEMBER 15

Diversion Means: HEADGATE

Ditch Name: G.L. DITCH

Period of Use: APRIL 15 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	132.90		N2	14	8N	12E	WHEATLAND
2	27.50		E2SE	14	8N	12E	WHEATLAND
3	4.00		N2NESW	14	8N	12E	WHEATLAND

Total: 164.40

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.

6642-00 30151558 30151560 30151561

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

Water Right Number: **40A 30151562** STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: VILLALVA RANCH PROPERTIES LLC
54 MEADOWLARK LN
CLANCY, MT 59634 9794

Priority Date: MAY 30, 1928

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 323.00 GPM

Volume: 46.90 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 19.00

Source Name: UNNAMED TRIBUTARY OF MUSSELSHELL RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESE	15	8N	12E	WHEATLAND

Period of Diversion: APRIL 15 TO SEPTEMBER 15

Diversion Means: PUMP/FLOOD AND DIKE

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	19.00		SWSE	14	8N	12E	WHEATLAND

Total: 19.00

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.

30151559 30151562

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

Water Right Number: **40A 30151563** STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: VILLALVA RANCH PROPERTIES LLC
54 MEADOWLARK LN
CLANCY, MT 59634 9794

Priority Date: JANUARY 18, 1888

Type of Historical Right: USE

Purpose (Use): STOCK

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

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

Source Name: MUSSELSHELL RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		N2SWSE	14	8N	12E	WHEATLAND

Period of Diversion: JANUARY 1 TO DECEMBER 31

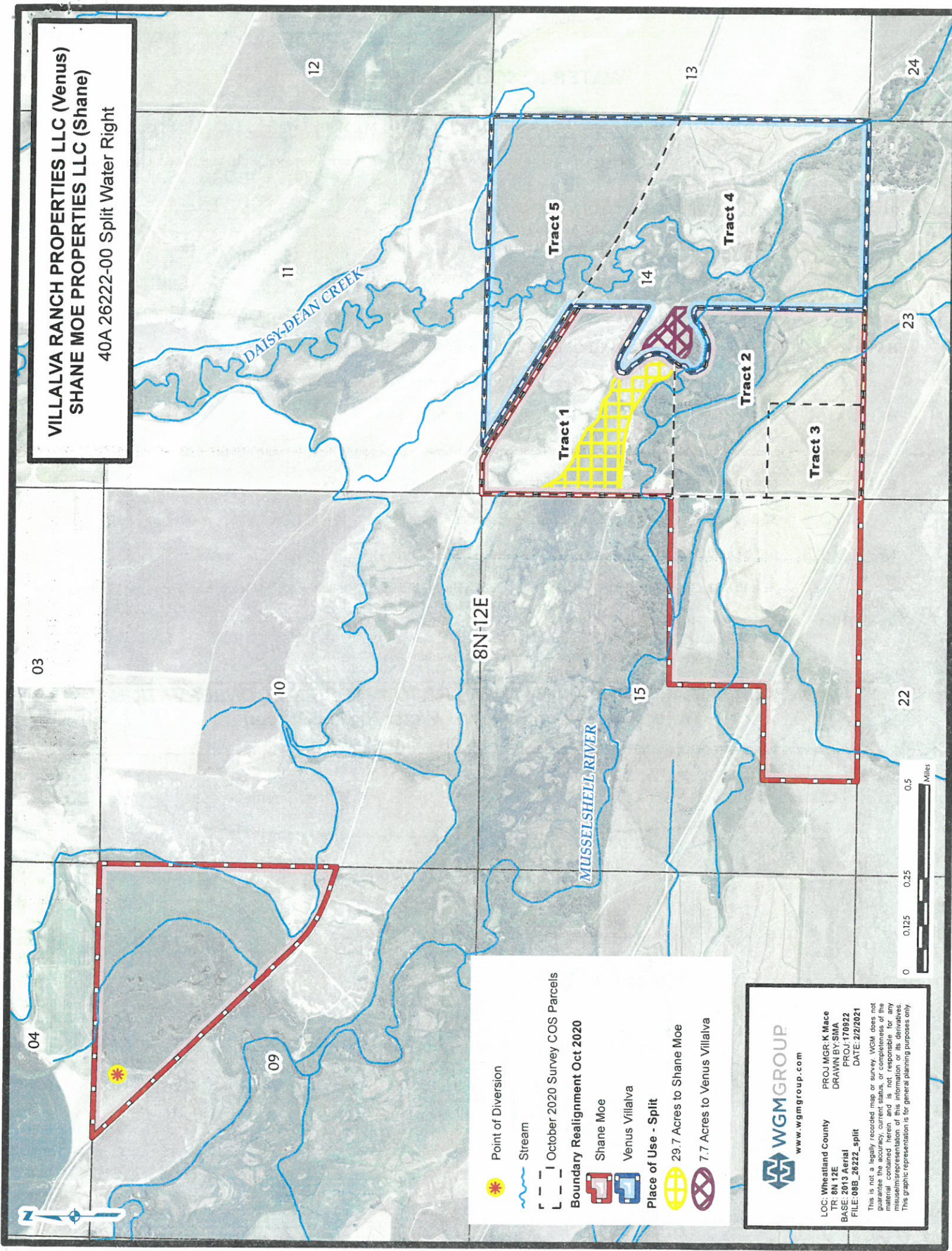
Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2SWSE	14	8N	12E	WHEATLAND

**VILLALVA RANCH PROPERTIES LLC (Venus)
SHANE MOE PROPERTIES LLC (Shane)**
40A 26222-00 Split Water Right



Point of Diversion

Stream

October 2020 Survey COS Parcels

Boundary Realignment Oct 2020

Shane Moe

Venus Villalva

Place of Use - Split

29.7 Acres to Shane Moe

7.7 Acres to Venus Villalva



www.wgmgroup.com

LOC: Wheatland County
TR: 8N 12E
BASE: 2013 Aerial
FILE: 06B_26222_split
DATE: 2/2/2021
PROJ MGR: K. Mace
DRAWN BY: SMA

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**VILLALVA RANCH PROPERTIES LLC (Venus)
SHANE MOE PROPERTIES LLC (Shane)**

40A 26223-00 Split Water Right

CREEK

MUSSELSHELL RIVER

Tract 5

Tract 1

8N 12E

Tract 4

Tract 2

Tract 3

13

10

09

15

16

23

22

Point of Diversion

Stream

October 2020 Survey COS Parcels

Boundary Realignment Oct 2020

Shane Moe

Venus Villalva

Place of Use - Split

163.7 Acres to Shane Moe

19 Acres to Venus Villalva

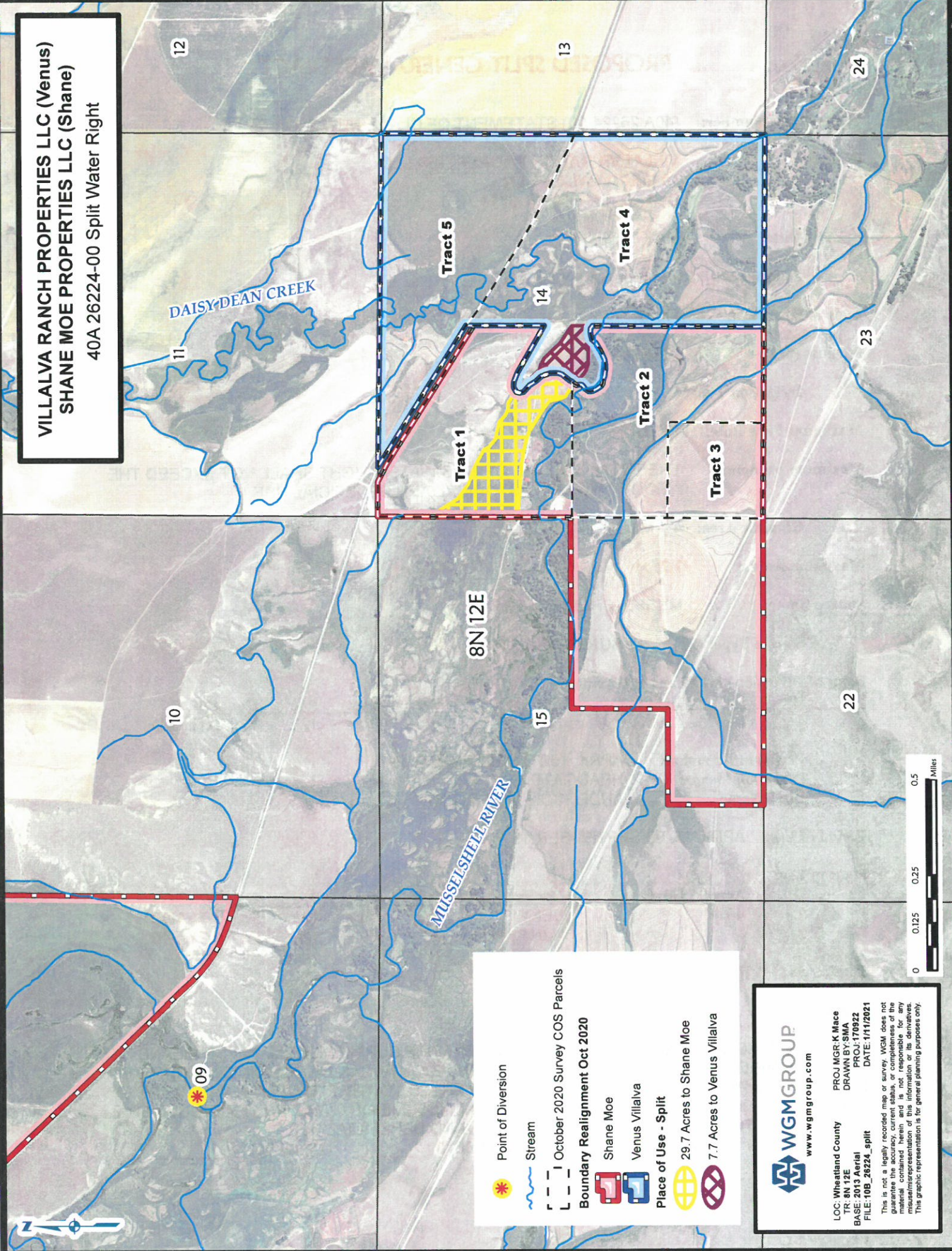


LOC: Wheatland County
TR: 8N 12E
BASE: 2013 Aerial
FILE: 09B_26223_split

PROJ MGR: K Mace
DRAWN BY: SMA
PROJ: 170922
DATE: 1/11/2021

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material contained herein and is not responsible for any
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This graphic representation is for general planning purposes only.

VILLALVA RANCH PROPERTIES LLC (Venus)
SHANE MOE PROPERTIES LLC (Shane)
 40A 26224-00 Split Water Right



Point of Diversion

Stream

October 2020 Survey COS Parcels

Boundary Realignment Oct 2020

Shane Moe

Venus Villalva

Place of Use - Split

29.7 Acres to Shane Moe

7.7 Acres to Venus Villalva



www.wgmgroup.com

LOC: Wheatland County

TR: 8N 12E

BASE: 2013 Aerial

FILE: 10B_26224_split

PROJ MGR: K Mace

DRAWN BY: SNA

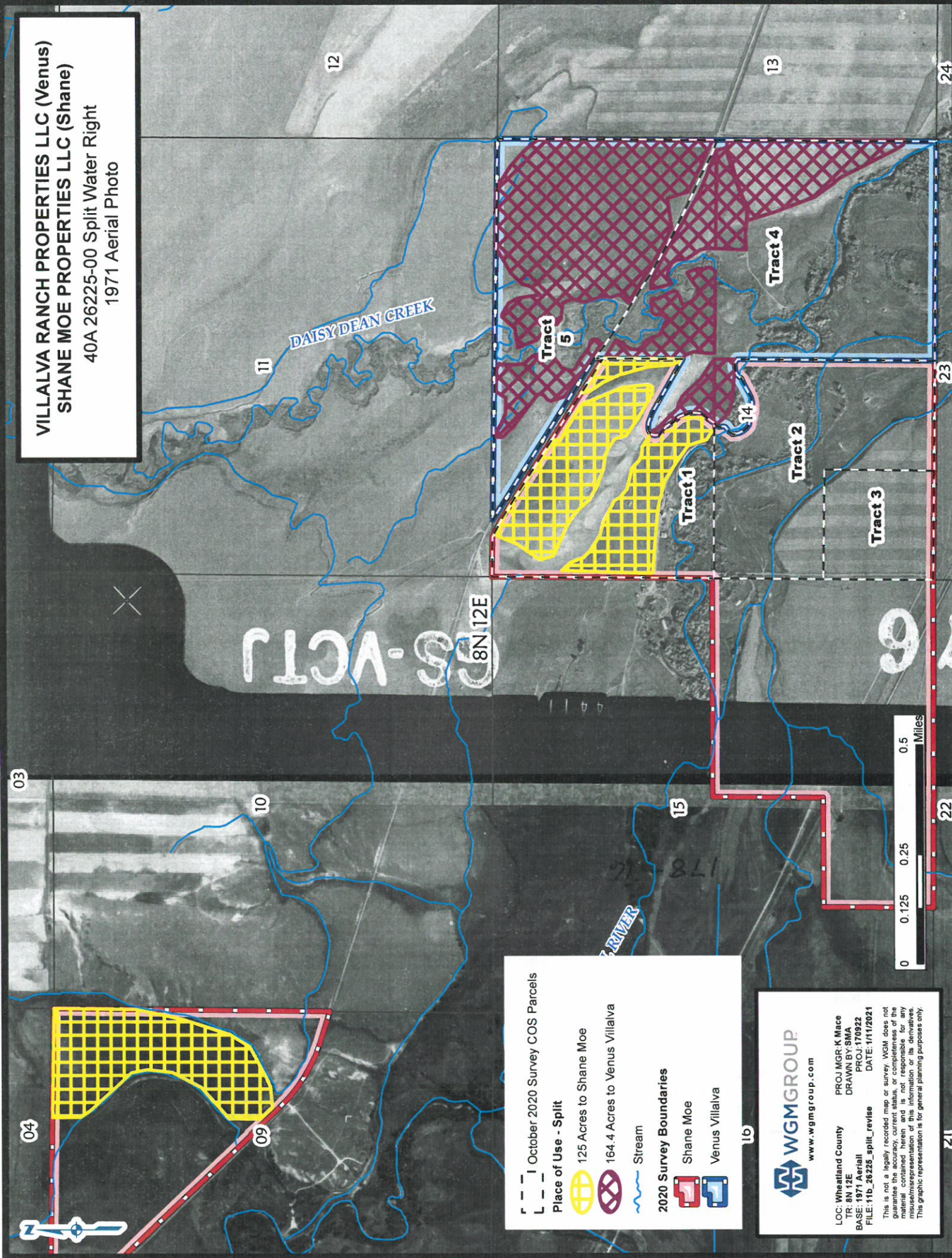
PROJ: 170922

DATE: 11/1/2021

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VILLALVA RANCH PROPERTIES LLC (Venus)
 SHANE MOE PROPERTIES LLC (Shane)
 40A 26225-00 Split Water Right
 1971 Aerial Photo



October 2020 Survey COS Parcels

Place of Use - Split

- 125 Acres to Shane Moe
- 164.4 Acres to Venus Villalva
- Stream

2020 Survey Boundaries

- Shane Moe
- Venus Villalva



LOC: Wheatland County
 TR: 8N 12E
 BASE: 1971 Aerial
 FILE: 11b_26225_split_revise
 PROJ MGR: K Mace
 DRAWN BY: SMA
 PROJ: 170922
 DATE: 1/11/2021

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VILLALVA RANCH PROPERTIES LLC (Venus)
SHANE MOE PROPERTIES LLC (Shane)
 40A 43113-00 Split Water Right

Point of Diversion

Stream

October 2020 Survey COS Parcels

Boundaries Surveyed Oct 2020

Shane Moe

Venus Villalva

Place of Use - Split

163.7 Acres to Shane Moe

19 Acres to Venus Villalva



LOC: Wheatland County
 TR: 8N 12E
 BASE: 2013 Aerial
 FILE: 13B_46113_split
 PROJ MGR: K Mace
 DRAWN BY: SMA
 PROJ: 170922
 DATE: 1/11/2021

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MUSSEL SHELL RIVER

CREEK

Tract 5

Tract 4

Tract 2

Tract 3

Tract 1

8N 12E

14

13

23

22

10

09

15

16



11

10

15

14

13

23

24

Tract 5

Tract 1

Tract 4

Tract 2

Tract 3

MUSSEL SHELL RIVER

DAISY DEAN CREEK

8N 12E

VILLALVA RANCH PROPERTIES LLC (Venus)
SHANE MOE PROPERTIES LLC (Shane)
40A 30124177 Split Water Right

Livestock Direct

Shane: Stock POU

Venus: Stock POU

Stream

October 2020 Survey COS Parcels

Boundaries Surveyed Oct 2020

Shane Moe

Venus Villalva



LOC: Wheatland County
TR: 8N 12E
BASE: 2013 Aerial
FILE: 12B_30124177_split
PROJ MGR: K Mace
DRAWN BY: SMA
PROJ: 170922
DATE: 2/2/2021

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