

Montana Water Court
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40A-6003-A-2020

July 14, 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: Michael W. Elwood; Sompis C. Elwood; Barbara J. Lynn; Herbert G. Lynn; John Michael Lynn; Josh Webber; Lisa Webber; Taber Ranch LLC; Jerry A. Larson; Sharon R. Larson; Colleen L. Smith; Michael G. Smith; Kelly Lambert; Dana B. Burreece; Nancy J. Burreece; Wegner Ranch LLC; Darrel Dick	CASE 40A-6003-A-2020 40A 19352-00 40A 192538-00 40A 19353-00 40A 192539-00 40A 20670-00 40A 193160-00 40A 20674-00 40A 203256-00 40A 20676-00 40A 203257-00 40A 20679-00 40A 203316-00 40A 20680-00 40A 30023131 40A 20700-00 40A 30023132 40A 22842-00
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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 October 1, 2020, Claimants Michael and Sompis Elwood filed a motion regarding Claim 40A 193160-00. The Court held an initial status conference on October 26, 2020 to ascertain the nature of the motion and how the parties would like to proceed.

As a result of the status conference and the potential effects of the Elwoods' request, the Court joined the other above-captioned claimants and claims to the case. That order joining claimants, issued November 25, 2020, provided notice to users of the Jenizen Ditch of the Elwoods' request. The order re-opened various claims, while other claims had not yet been closed and did not require re-opening.

That order set a filing deadline by which any above-captioned party could file objections or other comments.

The Court did not receive any objections or other comments by the filing deadline.

Claims 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, and 40A 30023131 are open claims with active issue remarks. Those issue remarks are also addressed and resolved in this Master's Report.

FINDINGS OF FACT

1. In their October 1, 2020 motion, Claimants Michael and Sompis Elwood state that their claimed water right diverts water through the Jenizen Ditch with a point of diversion in NESESW Section 9, T7N, R17E. The Elwood claim, 40A 193160-00, claims a flow rate of 9.10 cubic feet per second (cfs).

2. Claimants Elwood further state that Claim 40A 193160-00 is missing an information remark regarding the flow rate. Specifically, as users of the Jenizen Ditch, Claimants Elwood request that they should be included in the following information remark, which exists on the other above-captioned claims utilizing the Jenizen Ditch:

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE
LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS
FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH
TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED

FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 40.66 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

3. Adding the above-mentioned information remark to Claim 40A 193160-00 and including Claim 40A 193160-00 in the remark would require the following modifications (modifications in **bold**):

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS **49.76** CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, **40A 193160-00**, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

4. Claimants Elwood request that the modified version of this remark be added to Claim 40A 193160-00.
5. It does not appear that modification of this remark and addition of the modified remark would have adverse effects on the other water users of the Jenizen Ditch. The increased maximum flow rate of the Jenizen Ditch would not change historical use or deprive other water users of their flow rates.

6. The addition of the requested remark does not appear to increase the Elwoods' claimed flow rate. Rather, this remark limits how the right is used through the Jenizen Ditch during the months of March and October.
7. The Jenizen Ditch Company, during the October 1, 2020 status conference, indicated that the remark reflects historical use of the Jenizen Ditch.
8. No above-captioned party filed a response to the Court's November 25, 2020 order providing notice of the Elwoods' request.
9. The following information remark should be added to Claim 40A 193160-00:

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

10. The flow rate information remark on Claims 40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, and 40A 30023132 should be modified so that it includes Claim 40A 193160-00 and the relevant claimed flow rate of Claim 40A 193160-00. The remark should read as follows:

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH

TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

11. Claims 40A 192538-00 and 40A 192539-00 appeared in the Preliminary Decree for Basin 40A with issue remarks requiring resolution.
12. These two claims appeared with a similar issue remark stating that the point of diversion appears to be NESESW Section 9, T7N, R17E, Wheatland County.
13. Both claims are for water rights utilizing the Jenizen Ditch.
14. According to a DNRC map prepared by Jim Gilman in July of 2002, which supplements an April 15, 2002 DNRC inventory of ditches in Basin 40A, the Jenizen Ditch point of diversion is located in NESESW Section 9, T7N, R17E, Wheatland County. *See* Claim 40A 192538-00 Claim File.
15. Claim 40A 192538-00 and 40A 192539-00 are included in the April 15, 2002 inventory document for the Jenizen Ditch.
16. The point of diversion legal land description for both Claim 40A 192538-00 and 40A 192539-00 should be changed to NESESW Section 9, T7N, R17E, Wheatland County.
17. Claims 40A 20700-00, 40A 22842-00, 40A 203316-00, and 40A 30023131 each appeared with the same issue remark indicating that the claimed priority date of the subject claim pre-dates Case No. 1148 in Golden Valley County.
18. Claims 40A 20700-00, 40A 22842-00, 40A 203316-00, and 40A 30023131 did not receive any objections to the priority date element.
19. The issue remarks on all above-captioned claims should be removed.

APPLICABLE LAW

1. A properly filed statement of claim is prima facie proof of its content. Section 85-2-227, MCA. The prima facie status of a claim may be overcome by a preponderance of the evidence. Section 85-2-227, MCA; Rule 19, W.R.Adj.R. A preponderance of the evidence is evidence that shows a fact is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.

2. The Water Court must weigh an issue remark, and the information resulting in that issue remark, against the claimed water right. Section 85-2-247(2), MCA.

3. The Water Court must resolve all issue remarks not resolved through the objection process. Section 85-2-248, MCA. The Court must review information in the claim file or obtained by the Court to determine if there is a sufficient basis to resolve the remarks. 85-2-248(3), MCA.

4. A claimant may move to amend their water right claim so that the claim more accurately represents historical use. Section 85-2-233, MCA; Rule 10, W.R.Adj.R.

CONCLUSIONS OF LAW

1. The information remark described in the Findings of Fact may be added to Claim 40A 193160-00 because the remark reflects how water is used in the Jenizen Ditch and because the remark neither expands the claimed right nor does it adversely affect other rights on the Jenizen Ditch. Additionally, the owners of claims with the subject remark did not oppose the inclusion of Claim 40A 193160-00 or the requisite modifications to the existing remarks on each above-captioned claim.

2. The claimed point of diversion of Claims 40A 192538-00 and 40A 192539-00 may be modified as described in the Findings of Fact because the evidence in the record overcomes the prima facie status of each claim by a preponderance of the evidence.

3. Claims 40A 20700-00, 40A 22842-00, 40A 203316-00, and 40A 30023131 may be decreed without modification to the priority date element because the priority date issue remark does not overcome the prima facie status of each claim by a preponderance of the evidence.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusions 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. Post-decree Abstracts of Water Right Claims are served with this Report to confirm the recommended changes have been made in the state's centralized record system.

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Water Master

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

Water Right Number: **40A 19352-00** STATEMENT OF CLAIM

Version: 6 -- POST DECREE

Status: ACTIVE

Owners:

BARBARA J LYNN
PO BOX 51
SHAWMUT, MT 59078

HERBERT G LYNN
PO BOX 51
SHAWMUT, MT 59078

JOHN MICHAEL LYNN
/AKA/ LYNN, JOHN MIKE & LYNN, JOHN
PO BOX 105
SHAWMUT, MT 59078 0105

JOSH WEBBER
PO BOX 887
DENTON, MT 59430 0887

LISA WEBBER
PO BOX 887
DENTON, MT 59430 0887

Priority Date: NOVEMBER 27, 1886

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 4.55 CFS

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

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

Climatic Area: 3 - MODERATE

Maximum Acres: 162.00

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		SWNWNW	8	7N	17E	WHEATLAND

Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: DEADMANS BASIN SUPPLY CANAL

2		NESESW	9	7N	17E	WHEATLAND
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Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: JENIZEN DITCH

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

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	20.00		S2SE	24	7N	17E	WHEATLAND
2	16.00		N2N2NE	25	7N	17E	WHEATLAND
3	3.00		SWSWNW	19	7N	18E	WHEATLAND
4	118.00		SW	19	7N	18E	WHEATLAND
5	5.00		NWNW	30	7N	18E	WHEATLAND
Total:	162.00						

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.

19351-00 19352-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

192539-00 193160-00 19352-00 203249-00 203256-00 203316-00
20679-00

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

Water Right Number: **40A 19353-00** STATEMENT OF CLAIM

Version: 6 -- POST DECREE

Status: ACTIVE

Owners:

BARBARA J LYNN
PO BOX 51
SHAWMUT, MT 59078

HERBERT G LYNN
PO BOX 51
SHAWMUT, MT 59078

JOSH WEBBER
PO BOX 887
DENTON, MT 59430 0887

LISA WEBBER
PO BOX 887
DENTON, MT 59430 0887

Priority Date: JUNE 1, 1893

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.08 CFS

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

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

Climatic Area: 3 - MODERATE

Maximum Acres: 90.00

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>
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1 SWNWNW 8 7N 17E WHEATLAND

Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: DEADMANS BASIN SUPPLY CANAL

2 NESESW 9 7N 17E WHEATLAND

Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: JENIZEN DITCH

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

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	90.00		SE	19	7N	18E	WHEATLAND
Total:	90.00						

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

Water Right Number: **40A 20670-00** STATEMENT OF CLAIM

Version: 7 -- POST DECREE

Status: ACTIVE

Owners: TABER RANCH LLC
PO BOX 61
SHAWMUT, MT 59078 0061

Priority Date: FEBRUARY 25, 1898

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 5.00 CFS

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

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

Climatic Area: 3 - MODERATE

Maximum Acres: 132.00

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		SWNWNW	8	7N	17E	WHEATLAND

Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: DEADMANS BASIN SUPPLY CANAL

2		NESESW	9	7N	17E	WHEATLAND
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Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: DIVERSION DAM

Ditch Name: JENIZEN DITCH

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND

OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR
IMPOUNDED IN RESERVOIRS.

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	2.00		SWSWNW	14	7N	17E	WHEATLAND
2	66.50		NE	15	7N	17E	WHEATLAND
3	51.00		NW	15	7N	17E	WHEATLAND
4	12.50		N2SE	15	7N	17E	WHEATLAND
Total:	<hr/> 132.00						

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

Water Right Number: 40A 20674-00 STATEMENT OF CLAIM

Version: 6 -- POST DECREE

Status: ACTIVE

Owners: TABER RANCH LLC
PO BOX 61
SHAWMUT, MT 59078 0061

Priority Date: JUNE 1, 1893

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.27 CFS

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

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

Climatic Area: 3 - MODERATE

Maximum Acres: 60.00

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		SWNWNW	8	7N	17E	WHEATLAND

Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: DEADMANS BASIN SUPPLY CANAL

2		NESESW	9	7N	17E	WHEATLAND
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Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: DIVERSION DAM

Ditch Name: JENIZEN DITCH

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND

OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR
IMPOUNDED IN RESERVOIRS.

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	60.00		E2SE	24	7N	17E	WHEATLAND
Total:	60.00						

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

Water Right Number: 40A 20676-00 STATEMENT OF CLAIM

Version: 6 -- POST DECREE

Status: ACTIVE

Owners: TABER RANCH LLC
PO BOX 61
SHAWMUT, MT 59078 0061

Priority Date: JUNE 1, 1893

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.40 CFS

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

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

Climatic Area: 3 - MODERATE

Maximum Acres: 63.50

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		SWNWNW	8	7N	17E	WHEATLAND

Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: DEADMANS BASIN SUPPLY CANAL

2		NESESW	9	7N	17E	WHEATLAND
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Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: DIVERSION DAM

Ditch Name: JENIZEN DITCH

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND

OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR
IMPOUNDED IN RESERVOIRS.

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	28.50		SWNE	24	7N	17E	WHEATLAND
2	34.00		NWSE	24	7N	17E	WHEATLAND
3	1.00		NESWSE	24	7N	17E	WHEATLAND
Total:	63.50						

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

Water Right Number: **40A 20679-00** STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: ACTIVE

Owners: TABER RANCH LLC
PO BOX 61
SHAWMUT, MT 59078 0061

Priority Date: NOVEMBER 27, 1886

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 4.55 CFS

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

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

Climatic Area: 3 - MODERATE

Maximum Acres: 92.85

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		NWNWSW	30	7N	18E	WHEATLAND

Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: PUMP

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

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	8.75		NWSE	30	7N	18E	WHEATLAND

2	84.10	SW	30	7N	18E	WHEATLAND
Total:	92.85					

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

192539-00	193160-00	19352-00	203249-00	203256-00	203316-00
20679-00					

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

Water Right Number: **40A 20680-00** STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: ACTIVE

Owners: TABER RANCH LLC
 PO BOX 61
 SHAWMUT, MT 59078 0061

Priority Date: JUNE 1, 1893

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 CFS

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

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

Climatic Area: 3 - MODERATE

Maximum Acres: 33.00

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		NWNWSW	30	7N	18E	WHEATLAND

Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: PUMP

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

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	15.00		NE	31	7N	18E	WHEATLAND

2	18.00	N2N2NW	31	7N	18E	WHEATLAND
Total:	33.00					

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

Water Right Number: **40A 20700-00** STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: JERRY A LARSON
 PO BOX 81
 SHAWMUT, MT 59078

SHARON R LARSON
PO BOX 18
SHAWMUT, MT 59078

Priority Date: DECEMBER 15, 1886

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 121.18 GPM

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

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: 7.20

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		NESESW	9	7N	17E	WHEATLAND

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

Diversion Means: HEADGATE

Ditch Name: JENIZEN DITCH

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

***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	7.20		SWSE	24	7N	17E	WHEATLAND
Total:	7.20						

Remarks:

THE PERIOD OF USE AND PERIOD OF DIVERSION WERE AMENDED BY THE WATER COURT PURSUANT TO SECTION 85-2-233(6), MCA.

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

Water Right Number: **40A 22842-00** STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: COLLEEN L SMITH
 PO BOX 53
 SHAWMUT, MT 59078 0053

 MICHAEL G SMITH
 PO BOX 53
 SHAWMUT, MT 59078 0053

Priority Date: JUNE 1, 1893

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.00 CFS

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

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

Climatic Area: 3 - MODERATE

Maximum Acres: 135.70

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		NESESW	9	7N	17E	WHEATLAND

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

Diversion Means: HEADGATE

Ditch Name: JENIZEN DITCH

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

***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	42.00		N2NE	23	7N	17E	WHEATLAND
2	3.80		NESENE	23	7N	17E	WHEATLAND
3	43.20		W2NW	24	7N	17E	WHEATLAND
4	11.90		NESW	24	7N	17E	WHEATLAND
5	29.80		NWSW	24	7N	17E	WHEATLAND
6	5.00		E2SESW	24	7N	17E	WHEATLAND
Total:	135.70						

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.

22842-00 22843-00

THE PERIOD OF USE AND PERIOD OF DIVERSION WERE AMENDED BY THE WATER COURT PURSUANT TO SECTION 85-2-233(6), MCA.

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

Water Right Number: 40A 192538-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: KELLY LAMBERT
PO BOX 46
SHAWMUT, MT 59078 0046

Priority Date: AUGUST 12, 1893

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.79 CFS

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

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

Climatic Area: 3 - MODERATE

Maximum Acres: 85.00

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		NESES	9	7N	17E	WHEATLAND

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

Diversion Means: HEADGATE

Ditch Name: JENIZEN DITCH

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

***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>
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1	35.00	SWNE	23	7N	17E	WHEATLAND
2	30.00	SENE	23	7N	17E	WHEATLAND
3	20.00	N2SE	23	7N	17E	WHEATLAND
Total:	<u>85.00</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.

192538-00 192540-00 192541-00 192543-00

THE PERIOD OF USE AND PERIOD OF DIVERSION WERE AMENDED BY THE WATER COURT PURSUANT TO SECTION 85-2-233(6), MCA.

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

Water Right Number: 40A 192539-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: DANA B BURREECE
PO BOX 42
SHAWMUT, MT 59078

NANCY J BURREECE
PO BOX 42
SHAWMUT, MT 59078

Priority Date: NOVEMBER 27, 1886

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 CFS

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

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

Climatic Area: 3 - MODERATE

Maximum Acres: 40.00

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		NESESW	9	7N	17E	WHEATLAND

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

Diversion Means: HEADGATE

Ditch Name: JENIZEN DITCH

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

***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	40.00		NENE	30	7N	18E	WHEATLAND
Total:	40.00						

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

192539-00 193160-00 19352-00 203249-00 203256-00 203316-00
20679-00

THE PERIOD OF USE AND PERIOD OF DIVERSION WERE AMENDED BY THE WATER COURT PURSUANT TO SECTION 85-2-233(6), MCA.

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

Water Right Number: 40A 193160-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: MICHAEL W ELWOOD
PO BOX 8
HARLOWTON, MT 59036

SOMPIS C ELWOOD
PO BOX 8
HARLOWTON, MT 59036

Priority Date: NOVEMBER 27, 1886

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 9.10 CFS

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

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

Climatic Area: 3 - MODERATE

Maximum Acres: 243.20

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		NESESW	9	7N	17E	WHEATLAND

Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: JENIZEN 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	6.90		SENE	29	7N	18E	WHEATLAND

2	4.00	SWNE	29	7N	18E	WHEATLAND
3	5.50	NENW	29	7N	18E	WHEATLAND
4	30.80	NWNW	29	7N	18E	WHEATLAND
5	29.80	SENW	29	7N	18E	WHEATLAND
6	34.40	SWNW	29	7N	18E	WHEATLAND
7	23.50	NESE	29	7N	18E	WHEATLAND
8	12.70	NWSE	29	7N	18E	WHEATLAND
9	17.50	SESE	29	7N	18E	WHEATLAND
10	11.80	SWSE	29	7N	18E	WHEATLAND
11	29.20	NESW	29	7N	18E	WHEATLAND
12	25.70	NWSW	29	7N	18E	WHEATLAND
13	11.40	SWSW	29	7N	18E	WHEATLAND
Total:						243.20

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

192539-00 193160-00 19352-00 203249-00 203256-00 203316-00
20679-00

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

Water Right Number: 40A 203256-00 STATEMENT OF CLAIM

Version: 6 -- POST DECREE

Status: ACTIVE

Owners: TABER RANCH LLC
PO BOX 61
SHAWMUT, MT 59078 0061

WEGNER RANCH LLC
PO BOX 54
SHAWMUT, MT 59078 0054

Priority Date: NOVEMBER 27, 1886

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 4.55 CFS

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

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

Climatic Area: 3 - MODERATE

Maximum Acres: 171.00

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		NESES	9	7N	17E	WHEATLAND

Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: PUMP/HEADGATE W/DITCH OR PIPELINE

Ditch Name: JENIZEN DITCH

2		NWNWS	30	7N	18E	WHEATLAND
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Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: PUMP

3 SWSWNE 30 7N 18E WHEATLAND
Period of Diversion: MARCH 1 TO OCTOBER 31
Diversion Means: PUMP

4 NESESE 30 7N 18E WHEATLAND
Period of Diversion: MARCH 1 TO OCTOBER 31
Diversion Means: PUMP

5 SWNWNW 8 7N 17E WHEATLAND
Period of Diversion: MARCH 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: DEADMANS BASIN SUPPLY CANAL

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

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	40.00		NWNE	30	7N	18E	WHEATLAND
2	37.00		SENE	30	7N	18E	WHEATLAND
3	22.00		SWNE	30	7N	18E	WHEATLAND
4	18.00		NENW	30	7N	18E	WHEATLAND
5	22.00		NESE	30	7N	18E	WHEATLAND
6	17.00		SESE	30	7N	18E	WHEATLAND
7	15.00		SWSE	30	7N	18E	WHEATLAND
Total:	171.00						

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

192539-00 193160-00 19352-00 203249-00 203256-00 203316-00
20679-00

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

Water Right Number: 40A 203257-00 STATEMENT OF CLAIM

Version: 7 -- POST DECREE

Status: ACTIVE

Owners: TABER RANCH LLC
PO BOX 61
SHAWMUT, MT 59078 0061

Priority Date: JUNE 1, 1893

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.90 CFS

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

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

Climatic Area: 3 - MODERATE

Maximum Acres: 103.00

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		SWNWNW	8	7N	17E	WHEATLAND

Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: DEADMANS BASIN SUPPLY CANAL

2		NESESW	9	7N	17E	WHEATLAND
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Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: PUMP/HEADGATE W/DITCH OR PIPELINE

Ditch Name: JENIZEN DITCH

3 NWNWSW 30 7N 18E WHEATLAND

Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: PUMP/HEADGATE W/DITCH OR PIPELINE

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

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	40.00		SEnw	24	7N	17E	WHEATLAND
2	13.00		NEsw	24	7N	17E	WHEATLAND
3	30.00		NEne	31	7N	18E	WHEATLAND
4	20.00		NWne	31	7N	18E	WHEATLAND
Total:	103.00						

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

Water Right Number: 40A 203316-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: DARREL DICK
PO BOX 764
HARLOWTON, MT 59036

Priority Date: NOVEMBER 27, 1886

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 224.00 GPM

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

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

Climatic Area: 3 - MODERATE

Maximum Acres: 15.00

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		NESESW	9	7N	17E	WHEATLAND

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

Diversion Means: HEADGATE

Ditch Name: JENIZEN DITCH

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

***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>
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1	15.00	S2SW	14	7N	17E	WHEATLAND
Total:	15.00					

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

192539-00 193160-00 19352-00 203249-00 203256-00 203316-00
20679-00

THE PERIOD OF USE AND PERIOD OF DIVERSION WERE AMENDED BY THE WATER COURT PURSUANT TO SECTION 85-2-233(6), MCA.

THE IMPLIED CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM. 30023131 AND 30023132.

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

Water Right Number: **40A 30023131** STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: DARREL DICK
 PO BOX 764
 HARLOWTON, MT 59036

Priority Date: JUNE 1, 1893

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 381.50 GPM

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

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

Climatic Area: 3 - MODERATE

Maximum Acres: 17.00

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		NESESW	9	7N	17E	WHEATLAND

Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: DIVERSION DAM

Ditch Name: JENIZEN DITCH

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

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>
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1	17.00	E2NW	23	7N	17E	WHEATLAND
Total:	17.00					

Remarks:

THE PERIOD OF USE AND PERIOD OF DIVERSION WERE AMENDED BY THE WATER COURT PURSUANT TO SECTION 85-2-233(6), MCA.

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40A TEMPORARY PRELIMINARY DECREE ISSUED 05/07/1985.

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40A 203316-00.

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

Water Right Number: 40A 30023132 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: TABER RANCH LLC
PO BOX 61
SHAWMUT, MT 59078 0061

Priority Date: JUNE 1, 1893

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 202.50 GPM

THE WATER RIGHT NOS. FOLLOWING THIS STATEMENT ARE LIMITED TO A MAXIMUM COMBINED FLOW RATE OF 10.00 CFS FROM MARCH 1ST TO MARCH 31ST AND FROM OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR. THE MAXIMUM COMBINED FLOW RATE DURING THE REMAINDER OF THE CLAIMED PERIOD OF USE IS 49.76 CFS.

40A 19352-00, 40A 19353-00, 40A 20670-00, 40A 20674-00, 40A 20676-00, 40A 20679-00, 40A 20680-00, 40A 20700-00, 40A 22842-00, 40A 192538-00, 40A 192539-00, 40A, 193160-00, 40A 203256-00, 40A 203257-00, 40A 203316-00, 40A 30023131, 40A 30023132

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

Climatic Area: 3 - MODERATE

Maximum Acres: 9.20

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		NESESW	9	7N	17E	WHEATLAND

Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: DIVERSION DAM

Ditch Name: JENIZEN 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	9.20		NWNW	23	7N	17E	WHEATLAND

Total: 9.20

Remarks:

DIVERSIONS UNDER THIS CLAIM ARE LIMITED TO THOSE TIMES AND ONLY TO THE EXTENT THAT CONDITIONS ARE SUITABLE FOR BENEFICIAL USE OF THE WATER FOR THE CLAIMED PURPOSE. WATER DIVERTED FROM MARCH 1ST TO MARCH 31ST AND OCTOBER 15TH TO OCTOBER 31ST OF EACH YEAR CANNOT BE STORED OR IMPOUNDED IN RESERVOIRS.

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40A 203316-00.