

Montana Water Court
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Bozeman, MT 59771-1389
(406) 586-4364
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watercourt@mt.gov

41H-0037-R-2021

July 16, 2021

Montana Water Court

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

* * * * *

CLAIMANTS: Sig & Donna Dehn Living Trust; Hanton Revocable Family Trust; Hodgeman Homestead LLC; Charles W Johnson; Jerry Johnson; Michael P Lavery; Daniel N & Ernestine T March Living Trust; Clayton B Marlow; Lynn F Marlow; Robert & Barbara Eckstein Rev Family Trust; Carol J Roehm; Richard R Roehm Jr; Carly J Urban

OBJECTOR: United States of America (USDA Forest Service)

CASE 41H-0037-R-2021

41H 28031-00
41H 42428-00
41H 103605-00
41H 122620-00
41H 122625-00
41H 122630-00
41H 122631-00
41H 138832-00
41H 138836-00
~~41H 138839-00~~
41H 139900-00

NOTICE OF FILING OF MASTER'S REPORT

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

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

If you file an objection, you must mail a copy of the objection to all parties on the Service List found at the end of this Master's Report. The original objection and a certificate of mailing to all parties on the Service List must be filed with the Water Court. *If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.*

MASTER'S REPORT

The claims in this case were all part of the Edwin Hodgman original decreed right from Gallatin County Case 1772. The claims received issue remarks and objections from the United States of America (Department of Agriculture Forest Service).

FINDINGS OF FACT

1. The combined flow rate of all the claims consolidated in this case is 108.56 miners inches, or 1218.08 GPM.
2. The combined flow rate for the Hodgman right in case 1772 was 100 miners inches, or 1122.22 GPM.
3. On April 8, 2021, Daniel March filed a withdrawal of domestic claim 41H 138839-00. The flow rate of claim 41H 138839-00 is 96.1 GPM.
4. With the withdrawal of claim 41H 138839-00, the total flow rate for the claims in this case is now under the decreed amount of 1122.22 GPM.
5. On June 15, 2021, United States Forest Service filed a statement regarding the withdrawal of claim 41H 138839-00. The withdrawal of the claim resolved Forest Service's objections to all the claims in this case.
6. Some of the claims in this case had additional issue remarks besides the decree exceeded.
7. Claim 41H 122630-00 has an issue remark stating it might be a duplicate right with claims 41H 122636-00, 41H 122637-00, and 41H 133733-00. This appears to be an error. The other claims do not list claim 41H 122630-00 as a duplicate. Furthermore, this is a surface water claim and the other claims listed under this remark are groundwater claims. The remark stating that the priority date may be questionable is

also an error. The remark references the Groundwater Code, but this is a surface water claim.

CONCLUSIONS OF LAW

1. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. 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 an element of the prima facie claim is incorrect. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R. A preponderance of the evidence is evidence that demonstrates the fact to be proved is "more probable than not." *Hohenlohe v. State*, 2010 MT 203, ¶33, 357 Mont. 348, 240 P.3d 628.

2. The Montana Water Court may accept a settlement agreement that reduces or limits an element of a claim and need not determine whether the burden of proof is met unless there is an unresolved issue remark on the claim. Rule 17(c), W.R.Adj.R.

3. The Montana Water Court is permitted to use information submitted by the Department of Natural Resources and Conservation, the statement of claim, information from approved compacts, and any other data obtained by the Court to evaluate water right claims. Section 85-2-231(2), MCA.

4. When resolving issue remarks, the Montana Water Court must weigh the information resulting in the issue remark and the issue remark against the claimed water right. Section 85-2-247(2), MCA.

5. The Montana Water Court has the authority to resolve issue remarks when the claim file and information available to the Court provide a sufficient basis to do so. Section 85-2-248(3), MCA.

6. The documents provided by the parties meet the required burden of proof and provide sufficient evidence to support the proposed resolution of the objections and concerns of the notice of intent to appear parties, and resolve the issue remarks appearing on all claims.

RECOMMENDATIONS

Based upon the foregoing, each claim should be modified as reflected above to accurately show historical use. All issue remarks appearing on the claims should be removed as they have been resolved. Post Decree Abstracts of Water Right Claim are served with this Report to confirm that the modifications recommended below have been made in the state's centralized record system.

Julia J. Nordlund
Senior Water Master

Service Via USPS Mail:

Sig & Donna Dehn Living Trust
Sig & Donna Dehn Trustees
50 Hodgeman Canyon Dr
Bozeman, MT 59718-9527

Michael P Lavery
Carly J Urban
475 Hodgeman Canyon Dr
Bozeman, MT 59718-7321
603-860-6949

Hanton Revocable Family Trust
414 Hodgeman Canyon Dr
Bozeman, MT 59718
406-599-6177
406-586-9500

Daniel N & Ernestine T March Living
Trust
220 Hodgeman Canyon Dr
Bozeman, MT 59718-7319

Hodgeman Homestead LLC
1105 S Tracy Ave
Bozeman, MT 59715-5331
406-599-7755

Clayton B Marlow
Lynn F Marlow
277 Hodgeman Canyon Dr
Bozeman, MT 59718
406-451-8809

Charles W Johnson
Jerry Johnson
12389 51st Ct N
West Palm Beach, FL 33411

Robert & Barbara Eckstein Rev Family
Trust
Robert & Barbara Eckstein Trustees
145 Hodgeman Canyon Dr
Bozeman, MT 59718-7318
406-586-6340

Carol J Roehm
Richard R Roehm Jr
31 Hodgeman Canyon Dr
Bozeman, MT 59718
406-581-3600

Service Via Electronic Mail:

Romney S. Philpott, Trial Attorney
US Department of Justice
ENRD, Natural Resources Section
999 18th Street, South Terrace Suite 370
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(303) 844-1810
(202) 532-5077
romney.philpott@usdoj.gov
carla.valentino@usdoj.gov
amber.engelkes@usdoj.gov
Montanabasins.enrd@usdoj.gov
william.bridges@usdoj.gov
efile_nrs.enrd@usdoj.gov

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 28031-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: CAROL J ROEHM
31 HODGEMAN CANYON DR
BOZEMAN, MT 59718

RICHARD R ROEHM JR
31 HODGEMAN CANYON DR
BOZEMAN, MT 59718 9527

Priority Date: MAY 31, 1878

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 61.04 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: 4.29

Source Name: HYALITE 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		NWNWNE	23	3S	5E	GALLATIN

Period of Diversion: APRIL 15 TO NOVEMBER 15

Diversion Means: HEADGATE

Subdivision: HODGEMAN CANYON SUBD

Ditch Name: FLANDERS MILLPOND DITCH

Period of Use: APRIL 15 TO NOVEMBER 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	2.18		NENWSE	11	3S	5E	GALLATIN

Subdivision: HODGEMAN CANYON SUBD TRACT/LOT: 003 BLOCK: 001

2	2.11		NWNWSE	11	3S	5E	GALLATIN
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Subdivision: HODGEMAN CANYON SUBD TRACT/LOT: 004 BLOCK: 001

Total: 4.29

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.

28031-00

28032-00

28033-00

210922-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: **41H 42428-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CHARLES W JOHNSON
 12389 51ST CT N
 WEST PALM BEACH, FL 33411

JERRY JOHNSON
12389 51ST CT N
WEST PALM BEACH, FL 33411

***Priority Date:** MAY 31, 1878

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 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: 40.00

Source Name: HYALITE 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		NENSW	14	3S	5E	GALLATIN

Period of Diversion: JUNE 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Ditch Name: HODGEMAN DITCH

Period of Use: JUNE 1 TO SEPTEMBER 30

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	40.00		W2SW	11	3S	5E	GALLATIN

Total: 40.00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 103605-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners:

MICHAEL P LAVERY
475 HODGEMAN CANYON DR
BOZEMAN, MT 59718 7321

CLAYTON B MARLOW
277 HODGEMAN CANYON DR
BOZEMAN, MT 59718

LYNN F MARLOW
277 HODGEMAN CANYON DR
BOZEMAN, MT 59718

CARLY J URBAN
475 HODGEMAN CANYON DR
BOZEMAN, MT 59718 7321

ROBERT & BARBARA ECKSTEIN REV FAMILY TRUST
145 HODGEMAN CANYON DR
ROBERT & BARBARA ECKSTEIN TRUSTEES
BOZEMAN, MT 59718 7318

TRANSFER PROCESSED TO ADD OWNERS ONLY. INDIVIDUAL PORTIONS WILL
BE RECORDED AFTER FINAL DECREE

Priority Date: MAY 31, 1878

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 125.77 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:** 13.20

Source Name: HYALITE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Tw</u>	<u>Rge</u>	<u>County</u>
1		NEN	ESW	14	3S	5E	GALLATIN

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

Subdivision: HODGEMAN CANYON SUBD

Ditch Name: HODGEMAN DITCH

2 NENENW 23 3S 5E GALLATIN

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

Subdivision: HODGEMAN CANYON SUBD

Ditch Name: FLANDERS MILLPOND DITCH

Period of Use: MAY 1 TO OCTOBER 31

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3.27		NWSE	11	3S	5E	GALLATIN
Subdivision:		HODGEMAN CANYON SUBD	TRACT/LOT: 1	BLOCK: 4			
2	3.35		W2SE	11	3S	5E	GALLATIN
Subdivision:		HODGEMAN CANYON SUBD	TRACT/LOT: 2	BLOCK: 4			
3	3.34		W2SE	11	3S	5E	GALLATIN
Subdivision:		HODGEMAN CANYON SUBD	TRACT/LOT: 3	BLOCK: 4			
4	3.24		W2SE	11	3S	5E	GALLATIN
Subdivision:		HODGEMAN CANYON SUBD	TRACT/LOT: 4	BLOCK: 4			
Total:	13.20						

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.

103601-00 103602-00 103603-00 103604-00 103605-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 122620-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DEHN, SIG & DONNA LIVING TRUST
DEHN SIG & DONNA TRUSTEES
50 HODGEMAN CANYON DR
BOZEMAN, MT 59718 9527

Priority Date: MAY 31, 1878

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

***Flow Rate:** 38.75 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: 2.00

Source Name: HYALITE 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		NENENW	23	3S	5E	GALLATIN

Period of Diversion: APRIL 1 TO OCTOBER 20

Diversion Means: HEADGATE

Subdivision: HODGEMAN CANYON SUBD

Ditch Name: FLANDERS MILLPOND DITCH

Period of Use: APRIL 1 TO OCTOBER 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	2.00		NENWSE	11	3S	5E	GALLATIN

Subdivision: HODGEMAN CANYON SUBD TRACT/LOT: 001 BLOCK: 002

Total: 2.00

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.

122620-00

122623-00

122624-00

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.

122620-00

122631-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 122625-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: HODGEMAN HOMESTEAD LLC
1105 S TRACY AVE
BOZEMAN, MT 59715 5331

Priority Date: MAY 31, 1878

Type of Historical Right: DECREEED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

***Flow Rate:** 114.97 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: 10.00

Source Name: HYALITE 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		NENENW	23	3S	5E	GALLATIN

Period of Diversion: APRIL 1 TO OCTOBER 20

Diversion Means: HEADGATE

Subdivision: HODGEMAN CANYON SUBD

Ditch Name: FLANDERS MILLPOND DITCH

Period of Use: APRIL 1 TO OCTOBER 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	10.00		SE	11	3S	5E	GALLATIN

Subdivision: HODGEMAN CANYON SUBD BLOCK: 008

Total: 10.00

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.

115519-00	122621-00	122622-00	122625-00	138831-00	138832-00
138833-00					

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.

122625-00	122630-00
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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 122630-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: HODGEMAN HOMESTEAD LLC
1105 S TRACY AVE
BOZEMAN, MT 59715 5331

Priority Date: MAY 31, 1878

Type of Historical Right: DECREED

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN 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 UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: HYALITE 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		NENENW	23	3S	5E	GALLATIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Subdivision: HODGEMAN CANYON SUBD

Ditch Name: FLANDERS MILLPOND DITCH

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			SE	11	3S	5E	GALLATIN

Subdivision: HODGEMAN CANYON SUBD BLOCK: 008

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.

122625-00 122630-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 122631-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DEHN, SIG & DONNA LIVING TRUST
DEHN SIG & DONNA TRUSTEES
50 HODGEMAN CANYON DR
BOZEMAN, MT 59718 9527

Priority Date: MAY 31, 1878

Type of Historical Right: DECREED

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN 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 UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: HYALITE 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		NENENW	23	3S	5E	GALLATIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Subdivision: HODGEMAN CANYON SUBD

Ditch Name: FLANDERS MILLPOND DITCH

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			NENWSE	11	3S	5E	GALLATIN

Subdivision: HODGEMAN CANYON SUBD TRACT/LOT: 1 BLOCK: 002

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.

122620-00 122631-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 138832-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: MARCH, DANIEL N & ERNESTINE T LIVING TRUST
220 HODGEMAN CANYON DR
BOZEMAN, MT 59718 7319

Priority Date: MAY 31, 1878
Type of Historical Right: DECREEED
Purpose (Use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

***Flow Rate:** 96.10 GPM
***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT
PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW
Maximum Acres: 10.20
Source Name: HYALITE 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		NENENW	23	3S	5E	GALLATIN

Period of Diversion: APRIL 30 TO OCTOBER 31
Diversion Means: HEADGATE
Subdivision: HODGEMAN CANYON SUBD
Ditch Name: FLANDERS MILLPOND DITCH

Period of Use: APRIL 30 TO OCTOBER 31
Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	10.20		SE	11	3S	5E	GALLATIN

Subdivision: HODGEMAN CANYON SUBD BLOCK: 006
Total: 10.20

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.

115519-00	122621-00	122622-00	122625-00	138831-00	138832-00
138833-00					

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.

138832-00	138839-00
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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: **41H 138836-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MARCH, DANIEL N & ERNESTINE T LIVING TRUST
220 HODGEMAN CANYON DR
BOZEMAN, MT 59718 7319

Priority Date: MAY 31, 1878

Type of Historical Right: DECREED

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE
CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A
DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT
HISTORICALLY NECESSARY TO SUSTAIN 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 UNITS SHALL BE BASED ON REASONABLE CARRYING
CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER
SOURCE.

Source Name: HYALITE 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		NENENW	23	3S	5E	GALLATIN

Period of Diversion: APRIL 30 TO OCTOBER 31

Diversion Means: HEADGATE

Subdivision: HODGEMAN CANYON SUBD

Ditch Name: FLANDERS MILLPOND DITCH

Period of Use: APRIL 30 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			SE	11	3S	5E	GALLATIN

Subdivision: HODGEMAN CANYON SUBD BLOCK: 006

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: **41H 138839-00** STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: **DISMISSED**

Owners: MARCH, DANIEL N & ERNESTINE T LIVING TRUST
220 HODGEMAN CANYON DR
BOZEMAN, MT 59718 7319

Priority Date:
Type of Historical Right:
Purpose (Use): DOMESTIC
Flow Rate:
Volume:
Source Name: HYALITE CREEK
 Source Type: SURFACE WATER
Point of Diversion and Means of Diversion:
Period of Use:
Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H**

Water Right Number: 41H 139900-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: HANTON REVOCABLE FAMILY TRUST
414 HODGEMAN CANYON DR
BOZEMAN, MT 59718

Priority Date: MAY 31, 1878

Type of Historical Right: DECREEED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 123.31 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: 13.08

Source Name: HYALITE 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		NENENW	23	3S	5E	GALLATIN

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Subdivision: HODGEMAN CANYON SUBD

Ditch Name: FLANDERS MILLPOND DITCH

Period of Use: MAY 1 TO OCTOBER 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	2.18			11	3S	5E	GALLATIN
Subdivision:		HODGEMAN CANYON SUBD					TRACT/LOT: 001 BLOCK: 005
2	2.18			11	3S	5E	GALLATIN
Subdivision:		HODGEMAN CANYON SUBD					TRACT/LOT: 002 BLOCK: 005
3	2.18			11	3S	5E	GALLATIN
Subdivision:		HODGEMAN CANYON SUBD					TRACT/LOT: 003 BLOCK: 005
4	2.18			11	3S	5E	GALLATIN
Subdivision:		HODGEMAN CANYON SUBD					TRACT/LOT: 004 BLOCK: 005
5	2.18			11	3S	5E	GALLATIN
Subdivision:		HODGEMAN CANYON SUBD					TRACT/LOT: 005 BLOCK: 005

6	2.18	11	3S	5E	GALLATIN
Subdivision: _____ HODGEMAN CANYON SUBD TRACT/LOT: 006 BLOCK: 005					
Total: _____		13.08			

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.

139898-00	139899-00	139900-00
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