

Montana Water Court  
PO Box 1389  
Bozeman, MT 59771-1389  
(406) 586-4364  
1-800-624-3270  
watercourt@mt.gov

41H-0087-R-2020

July 26, 2021

Montana Water Court

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

\* \* \* \* \*

CLAIMANTS: Bitz Grain & Cattle Corp; Bricklands LLC;  
Green Agri-Capital LLC; Kelly R. Kruse Living Trust;  
Patricia A. Kruse Living Trust; David M. Lambrecht

OBJECTORS: Green Agri-Capital LLC

COUNTEROBJECTORS: Bitz Grain & Cattle Corp

**CASE 41H-0087-R-2020**

41H 107327-00

41H 107328-00

41H 107334-00

**41H 30151554**

---

**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**

Claim 41H 107327-00 is a sprinkler/flood irrigation claim with a flow rate of 5 cfs. Claim 41H 107328-00 is a sprinkler irrigation claim with a flow rate of 2.50 cfs. Claim 41H 107334-00 is a flood irrigation claim with a flow of 1.25 cfs. The claims are co-owned by Bitz Grain & Cattle Corp. (Bitz), Bricklands LLC (Bricklands), Green Agri-Capital LLC (Green), Kelly R. Kruse Living Trust, Patricia A. Kruse Living Trust, and David M. Lambrecht. The claims appeared in the 41H Preliminary Decree with Department of Natural Resources and Conservation issue remarks and Objections from Claimant Green Agri-Capital LLC. The Objections from Green were to the Ownership, Point of Diversion/Mean of Diversion and Purpose of Right to all the claims. Bitz filed Counterobjections to the Objections filed by Green.

## **FINDINGS OF FACT**

1. On November 24, 2020, a Motion Requesting Consolidation was filed for claims 41H 107327-00, 41H 107328-00, and 41H 107334-00 because Claimants found that the adjudication of the claims is relevant to the dispute over the claims’ point of diversion.
2. On November 30, 2020, the Court granted the request and consolidated the claims into Water Court Case 41H-0087-R-2020.
3. Claims 41H 107327-00 and 41H 107328-00 are filed water rights. Claim 41H 107334-00 is based on a decreed right of 50 miner’s inches (1.25 cfs) from Mill Creek, a tributary of Dry Creek, to Frank Crail in Gallatin County Case No. 751.
4. On April 5, 2020, the Bitz, Brickland, and Green filed a Motion for Implied Claim to resolve the Objections and Counterobjections to the claims. The Motion requested the Court to imply a stock claim to claim 41H 107334-00.
5. David M. Lambrecht agreed with the request; Kelly R. Kruse Living Trust and Patricia A. Kruse Living Trust did not respond to the proposed Motion at the time of filing.
6. The Motion proposed the elements of the implied stock claim as follows:
  - PURPOSE:
    - 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.

PERIOD OF DIVERSION:

January 1 to December 31

7. Pages of Case No. 751 of Gallatin County that identified the decreed uses of Crail's water right were attached to the Statement of Claim and Motion. Page 2 of Case No. 751 decreed Crail's right for "crops of hay, grain, and vegetables and for other useful and beneficial purposes."

8. An Affidavit of Jason Caliente, a lifetime resident of the area in which the claims are located, was attached to the Motion. Caliente stated that after the irrigation season, the ranchers in the area would use the water in the Crail Ditch for stock water, to drink directly from the ditch. According to Caliente, the practice was in use prior to the 1970s and continues today.

9. The implied stock claim should be given claim number 41H 30151554.

10. The following multiple use remark should be added to the claim 41H 107334-00 and claim 30151554 to notify water users that the implied stock claim is not an expansion of the flow rate. The claims do not exceed the flow rate of the original decreed right because they represent multiple uses of the right.

MULTIPLE USE:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENTS 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.

11. The following implied claim remark should be added to claim 41H 30151554:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 107334-00.

12. Additionally, the claims received issue remarks that notify Claimants and other water users of a DNRC modification to the ditch name. The ditch name is now

reflected as the “Crail Ditch” on the claims’ abstracts. The DRNC modifications did not receive any objections.

13. Claim 107334-00 received issue remarks questioning the acres irrigated and stating that the flow rate and volume of the claim may need to be modified in accordance with the acres irrigated.

14. This issue remark appears to have been first placed on claim 41H 107334-00 in 1997 with no supporting documentation or references to which aerial photographs indicate that acreage. An email in the file dated April 24, 2018 from Fred Offenkrantz further explains, “It appears that the DNRC has no 1979 aerial photos of this acreage, although we do have one take on 5/7/1947. It appears to show approximately 227 acres irrigated. It occurs to me that among the reasons the entire acreage was not irrigated on that particular date might involve WWII.”

### **CONCLUSIONS OF LAW**

1. The Montana Water Court has the authority to determine the extent of all water rights in the state as they existed prior to July 1, 1973. *Fellows v. Saylor*, 2016 MT 45, ¶ 25, 382 Mont. 298, 367 P.3d 732; §§ 85-2-233, 85-2-102(12), MCA.

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA.

3. 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.

4. The issue remark placed on claim 41H 107334-00 by DNRC did not meet its burden of overcoming the prima facie status of the Statement of Claim. DNRC did not substantiate the issue remark with any specific aerial photographs and the one that was referenced by the DNRC employee was taken at a time when irrigation was difficult across the country due to World War II.

5. Prior to July 1, 1973, when the Montana Water Use Act became law, a water user could change the point of diversion, place of use, or even purpose of a water right by simply implementing the change. The only restriction was that the change

could not cause injury to other water users. Section 89-803, RCM (1947) (repealed 1973). The burden was on the party claiming an injury to prove that the change to the water right at issue adversely impacted their ability to exercise their water rights. *Hansen v. Larsen*, 44 Mont. 350, 353, 120 P. 229, 231(1911).

6. The Water Court has acknowledged its authority to generate implied claims during adjudication:

Although [Rule 35, W.R.C.E.R.] generally applies to claims under examination by DNRC [the Department of Natural Resources and Conservation] prior to issuance of a decree, the Water Court routinely cites to the Rule when it generates implied claims after the issuance of its decree. Where a single claim form contains multiple rights and has been timely filed, the § 85-2-221, MCA statutory deadline for filing claims is satisfied for the multiple rights. [Rule 35(c)(3), W.R.C.E.R. ]

*Bergin v. Nelson*, Case 40C-47 at p. 16, (MT Water Court Memorandum Opinion Feb. 21, 2001).

7. The Court has developed general guidelines for determining whether an implied claim is warranted. First, the implied claim must be justified by some evidence in the Statement of Claim and its attachments, although, supplemental evidence can be used to explain or clarify the claim and its contents; second, evidence must exist of actual historic use corroborating the implied claim; third, the creation of the implied claim should not result in a change to historic water use or increase the historic burden to other water users. Case 76HF-580, OAA, January 31, 2013 at 20. “The burden to meet these criteria rests on the person seeking recognition of an implied claim.” *Id.*

15. The implied claim is justified by historical evidence because page 2 of Case No. 751, which decrees 50 miner’s inches for crop and other beneficial uses to Frank Crail, is attached to the Statement of Claim. The implied claim is a beneficial use because it is for stock.

8. The Affidavit from Jason Caliente, attached to the Motion, corroborates the historic use of the claim for stock watering directly from the ditch after irrigation season prior to July 1, 1973.

9. The implied claim does not result in a change to the historic use of the water since the practice of using the water for stock existed prior to July 1, 1973. Nor

does the implied claim increase the historic burden to other water users because it is for stock and limited by the flow rate of claim 41H 107334-00. Therefore, the implied claim does not increase the flow rate or acres irrigated of claim 41H 107334-00.

10. Evidence in the record for water right claim 41H 107334-00 supports the necessary elements to create an implied stock claim.

11. The elements of the implied stock claim should be identical to claim 41H 107334-00 except for the proposed elements listed above.

12. The implied claim resolves the Objections and Counterobjections to the claims.

13. The issue remarks on the claims notified Claimants of a modification to the ditch name and can be removed.

### **RECOMMENDATIONS**

Based upon the above Findings of Fact and Conclusions of Law, this Master recommends that the issue remarks be removed and the corrections described in the Findings of Fact be applied.

Post Decree Abstracts of the Water Right Claims addressed in this Master's Report are attached to confirm that the above corrections have been made in the state's water right record system.

---

Julia J. Nordlund  
Senior Water Master

#### **Service via Electronic Mail:**

William Fanning  
Fanning Law PLLC  
300 N Willson Ave., Ste. 3007  
Bozeman, MT 59715  
(406)220-2805  
[william@fanninglawpllc.com](mailto:william@fanninglawpllc.com)  
[becki@fanninglawpllc.com](mailto:becki@fanninglawpllc.com)  
[accounts@fanninglawpllc.com](mailto:accounts@fanninglawpllc.com)

Dana Elias Pepper  
Bina R. Peters  
River and Range Law, PLLC  
PO Box 477  
Bozeman, MT 59771  
(406) 599-7424  
dana@riverandrangelaw.com  
bina@riverandrangelaw.com  
[office@riverandrangelaw.com](mailto:office@riverandrangelaw.com)

Benjamin Sudduth  
Sudduth Law, PLLC  
1050 East Main St Ste 3B  
PO Box 507  
Bozeman, MT 59771-0507  
(406) 272-2390  
benjamin@sudduthlaw.com

**Service via USPS Mail:**

Kelly R. Kruse Living Trust  
Patricia A. Kruse Living Trust  
17608 Rocky Mountain Rd  
Belgrade, MT 59714-8021

David M. Lambrecht  
PO Box 690  
Kapaau, HI 96755-0690

**Note: Caption and Service List Updated 07-20-21**

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

**Water Right Number:**      **41H 107327-00**      STATEMENT OF CLAIM

**Version:**      3 -- POST DECREE

**Status:** ACTIVE

**Owners:**      BITZ GRAIN & CATTLE CORP  
PO BOX 166  
BOX ELDER, MT 59521 0166

BRICKLANDS LLC  
2629 BAYONNE ST  
SULLIVANS ISLAND, SC 29482

GREEN AGRI-CAPITAL LLC  
11380 BEAR CREEK RD  
BELGRADE, MT 59714 8042

KRUSE, KELLY R LIVING TRUST  
17608 ROCKY MOUNTAIN RD  
BELGRADE, MT 59714 8021

KRUSE, PATRICIA A LIVING TRUST  
17608 ROCKY MOUNTAIN RD  
BELGRADE, MT 59714 8021

**Priority Date:**      AUGUST 24, 1900

**Type of Historical Right:**      FILED

**Purpose (Use):**      IRRIGATION

**Irrigation Type:**      SPRINKLER/FLOOD

**Flow Rate:**      5.00 CFS

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

**Climatic Area:**      4 - MODERATELY LOW

**\*Maximum Acres:**      227.00

**Source Name:**      MILL CREEK

**Source Type:**      SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	11	2N	5E	GALLATIN

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

**Diversion Means:**      HEADGATE

**Ditch Name:**      CRAIL 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	72.00	SW	11	2N	5E	GALLATIN
2	26.00	W2SE	11	2N	5E	GALLATIN
3	35.00	N2N2	14	2N	5E	GALLATIN
4	81.00	S2N2	15	2N	5E	GALLATIN
5	13.00	N2N2SW	15	2N	5E	GALLATIN
<b>Total:</b>	<hr/> 227.00					

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

**Water Right Number:**      **41H 107328-00**      STATEMENT OF CLAIM

**Version:**      3 -- POST DECREE

**Status:** ACTIVE

**Owners:**

DAVID M LAMBRECHT  
PO BOX 690  
KAPAAU, HI 96755 0690

BITZ GRAIN & CATTLE CORP  
PO BOX 166  
BOX ELDER, MT 59521 0166

BRICKLANDS LLC  
2629 BAYONNE ST  
SULLIVANS ISLAND, SC 29482

GREEN AGRI-CAPITAL LLC  
11380 BEAR CREEK RD  
BELGRADE, MT 59714 8042

KRUSE, KELLY R LIVING TRUST  
17608 ROCKY MOUNTAIN RD  
BELGRADE, MT 59714 8021

KRUSE, PATRICIA A LIVING TRUST  
17608 ROCKY MOUNTAIN RD  
BELGRADE, MT 59714 8021

**Priority Date:**      DECEMBER 31, 1870

NOTWITHSTANDING THE PRIORITY DATE SET FORTH HEREIN, THIS WATER RIGHT SHALL BE ADMINISTERED AS IF JUNIOR IN PRIORITY TO WATER RIGHTS NOS. 41H 29053-00 AND 41H 29054-00.

**Type of Historical Right:**      USE

**Purpose (Use):**      IRRIGATION

**Irrigation Type:**      SPRINKLER

**\*Flow Rate:**      2.50 CFS

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

**Climatic Area:**      4 - MODERATELY LOW

**\*Maximum Acres:**      227.00

**Source Name:**      MILL CREEK

**Source Type:**      SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
-----------	-----------------	----------------	------------	------------	------------	---------------

1 NENENE 11 2N 5E GALLATIN

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

**Diversion Means:** HEADGATE

**Ditch Name:** CRAIL 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	72.00		SW	11	2N	5E	GALLATIN
2	26.00		W2SE	11	2N	5E	GALLATIN
3	35.00		N2N2	14	2N	5E	GALLATIN
4	81.00		S2N2	15	2N	5E	GALLATIN
5	13.00		N2N2SW	15	2N	5E	GALLATIN
<b>Total:</b>	227.00						

---

**Remarks:**

THE 11/09/1992 STIPULATION FILED WITH THE WATER COURT IN CASE 41H-231 INCLUDES A DISTRIBUTION AGREE- MENT INVOLVING WATER RIGHT CLAIMS 41H 29053-00, 41H 29054-00 AND 41H 107328-00.

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

**Water Right Number:** 41H 107334-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:**

DAVID M LAMBRECHT  
PO BOX 690  
KAPAAU, HI 96755 0690

BITZ GRAIN & CATTLE CORP  
PO BOX 166  
BOX ELDER, MT 59521 0166

BRICKLANDS LLC  
2629 BAYONNE ST  
SULLIVANS ISLAND, SC 29482

GREEN AGRI-CAPITAL LLC  
11380 BEAR CREEK RD  
BELGRADE, MT 59714 8042

KRUSE, KELLY R LIVING TRUST  
17608 ROCKY MOUNTAIN RD  
BELGRADE, MT 59714 8021

KRUSE, PATRICIA A LIVING TRUST  
17608 ROCKY MOUNTAIN RD  
BELGRADE, MT 59714 8021

**Priority Date:** APRIL 30, 1867

**Type of Historical Right:** DECREEED

**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:** 305.00

**Source Name:** MILL 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>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	11	2N	5E	GALLATIN	

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

**Diversion Means:** HEADGATE

**Ditch Name:** CRAIL 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	85.00		SW	11	2N	5E	GALLATIN
2	50.00		W2SE	11	2N	5E	GALLATIN
3	35.00		N2N2	14	2N	5E	GALLATIN
4	110.00		S2N2	15	2N	5E	GALLATIN
5	25.00		N2N2SW	15	2N	5E	GALLATIN
<b>Total:</b>	305.00						

---

**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.

107334-00      30151554

IMPLIED CLAIM NO. 41H 30151554 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

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

**Water Right Number:**      **41H 30151554**      STATEMENT OF CLAIM

**Version:**      1 -- ORIGINAL RIGHT

**Status:** ACTIVE

**Owners:**

DAVID M LAMBRECHT  
PO BOX 690  
KAPAAU, HI 96755 0690

BITZ GRAIN & CATTLE CORP  
PO BOX 166  
BOX ELDER, MT 59521 0166

BRICKLANDS LLC  
2629 BAYONNE ST  
SULLIVANS ISLAND, SC 29482

GREEN AGRI-CAPITAL LLC  
11380 BEAR CREEK RD  
BELGRADE, MT 59714 8042

KRUSE, KELLY R LIVING TRUST  
17608 ROCKY MOUNTAIN RD  
BELGRADE, MT 59714 8021

KRUSE, PATRICIA A LIVING TRUST  
17608 ROCKY MOUNTAIN RD  
BELGRADE, MT 59714 8021

**Priority Date:**      APRIL 30, 1867

**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 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.

**Climatic Area:**      4 - MODERATELY LOW

**Source Name:**      MILL CREEK

**Source Type:**      SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
-----------	-----------------	----------------	------------	------------	------------	---------------

1 NENENE 11 2N 5E GALLATIN

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** CRAIL 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			SW	11	2N	5E	GALLATIN
2			W2SE	11	2N	5E	GALLATIN
3			N2N2	14	2N	5E	GALLATIN
4			S2N2	15	2N	5E	GALLATIN
5			N2N2W2	15	2N	5E	GALLATIN

---

**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.

107334-00 30151554

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 107334-00.