

41H-0342-R-2021

July 28, 2021

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

Montana Water Court

\*\*\*\*\*

CLAIMANTS: Dirty Dogs, LLC; Patricia L. Hall; Sherman J. Smith

CASE: 41H-0342-R-2021

41H 31241-00

41H 31242-00

41H 31243-00

41H 125508-00

41H 125509-00

41H 30151568

41H 30151569

41H 30151570

41H 30151571

41H 30151572

**NOTICE OF FILING OF MASTER'S REPORT SPLITTING CLAIMS**

You may file a written objection to the Report if you disagree with the Master's Findings of Fact, Conclusions of Law, or Recommendations; or if there are errors in the Report.

The above stamped date indicates the date the Master's Report was filed and mailed. Rule 23 of the Water Rights Adjudication Rules requires that written objections to a Master's Report must be filed within 10 days of the date of the Master's Report. Because the Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d) M.R.Civ.P. This means your objection must be received no later than 13 days from the above stamped date.

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 the 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 SPLITTING CLAIMS**

### **FINDINGS OF FACT**

1. Claims 41H 31241-00, 41H 31242-00, 41H 31243-00, 41H 125508-00, and 41H 125509-00 were decreed in the Basin 41H Preliminary Decree with remarks indicating that the 2018 request to split the claims would be processed after issuance of the Decree. Claims 41H 31242-00 and 41H 31243-00 were decreed with the following remark:

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

2. It appears the DNRC Ownership Update Divided Interest Forms (641 Forms) were submitted when Dirty Dogs, LLC was added as an owner of the claims. On August 8, 2018, DNRC employee Sarah Thomasson forwarded the 641 Forms to the Water Court for processing claims 41H 31241-00, 41H 31242-00, 41H 31243-00, 41H 125508-00, and 41H 125509-00 and the issue remark was added to the claims. 3.

The DNRC routinely asks parties to fill out 641 Forms but sometimes does not inform parties that they are not actually required to divide claims into separate claims for each owner. As this Master was unsure if the parties wanted claims 41H 31241-00, 41H 31242-00, 41H 31243-00, 41H 125508-00, and 41H 125509-00 to be split, an Order Setting Filing Deadline was issued. The Order set a deadline for the parties to file a statement if they did *not* want claims 41H 31241-00, 41H 31242-00, 41H 31243-00, 41H 125508-00, and 41H 125509-00 split. The Order stated that if nothing was filed by the deadline, this Master would conclude the parties agreed the claims should be split as indicated on the 641 Forms submitted on August 8, 2018. The following language was included in the Order:

Failure to comply with the terms of this Order may result in sanctions, up to and including entry of default and termination of a water right claim or dismissal of objections. Rule 22, W.R.Adj.R.

Nothing was filed.

**Parent claim 41H 31241-00 and split claim 41H 30151568:**

4. Pursuant to the record, the elements of parent claim 41H 31241-00 and split claim 41H 30151568 are listed below. Elements not addressed remain unchanged or are identical to the parent claim.

- Water Right Number: 41H 31241-00

Owners: ~~DIRTY DOGS LLC~~  
~~PO BOX 6245~~  
~~BOZEMAN, MT 59711 6245~~  
  
PATRICIA L HALL  
4911 BLACKWOOD RD  
BOZEMAN, MT 59715 7626  
  
SHERMAN J SMITH  
PO BOX 1286  
TOWNSEND, MT 59644

Flow Rate: 1.25 CFS 478.70 GPM

Maximum Acres: 75.00 64.00

Place of Use:

ID	Acres	Cont. List	Qtr. Sec	Sec	Twp	Rge	County
1	75.00	64.00	SW	22	2S	SE	GALLATIN
Total:	75.00	64.00					

- Water Right Number: 41H 30151568

Owners: ~~DIRTY DOGS LLC~~  
~~PO BOX 6245~~  
~~BOZEMAN, MT 59711 6245~~  
  
PATRICIA L HALL  
4911 BLACKWOOD RD  
BOZEMAN, MT 59715 7626  
  
SHERMAN J SMITH  
PO BOX 1286  
TOWNSEND, MT 59644

Flow Rate: 1.25 CFS 82.30 GPM

Maximum Acres: 75.00 11.00

Place of Use:

ID	Acres	Cont. List	Qtr. Sec	Sec	Twp	Rge	County
1	75.00	11.00	SW	22	2S	SE	GALLATIN
Total:	75.00	11.00					

**Parent claim 41H 31242-00 and split claim 41H 30151569:**

5. The 641 Form for claim 41H 31242-00 appears to have been submitted with minor errors.

First, the decreed flow rate for claim 41H 31242-00 was 273.77 gallons per minute (gpm). The 641 Form proposes a slight increase to 278.80 gpm:

2. PORTION OF WATER RIGHT RETAINED

If specifically identified in the attached recorded document, what flow rate will be retained by the Seller? 256.0 ☒ gpm ☐ cfs

2. PORTION OF WATER RIGHT ACQUIRED

Flow Rate (gpm/cfs) 17.8 gpm (Only if specifically identified in the attached recorded document—see Part B, Number 2)

It appears the increase is due to rounding. This Master proposes the pro rata flow rate be corrected to 255.99 gpm for parent claim 41H 31242-00 and 17.77 gpm for split claim 41H 30151569.

The decreed point of diversion for claim 41H 31242-00 is:

ID	Cont Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSWSE	5	4S	4E	GALLATIN

The Form 641 references a point of diversion in the NWSWSE of Section 5, Township 4 South, Range 4 East. This Master assumes the references to the NWSWSE of Section 5, Township 4 South, Range 4 East is a typographical error. If it is not, the parties should file appropriate paperwork to amend the point of diversion.

6. Pursuant to the record and the corrections proposed by this Master, the elements of parent claim 41H 31242-00 and split claim 41H 30151569 are listed below. Elements not addressed remain unchanged or are identical to the parent claim.

- Water Right Number: 41H 31242-00

Owners: ~~DIRTY DOGS LLC~~  
PO BOX 6245  
BOZEMAN, MT 59711 6245  
  
PATRICIA L HALL  
4911 BLACKWOOD RD  
BOZEMAN, MT 59715 7626  
  
SHERMAN J SMITH  
PO BOX 1286  
TOWNSEND, MT 59644

Flow Rate: 273.77 GPM 255.99 GPM

Maximum Acres: 308.00 268.00

Place of Use:

ID	Acres	Cont Lot	Qtr Sec	Sec	Twp	Rge	County
1	<del>160.00</del> <u>140.00</u>		SW	22	2S	5E	GALLATIN
2	<del>148.00</del> <u>148.00</u>		NE	28	2S	5E	GALLATIN
Total:	<del>308.00</del> <u>288.00</u>						

- Water Right Number: 41H 30151569

Owners: ~~DIRTY DOGS LLC~~  
PO BOX 6245  
BOZEMAN, MT 59711 6245  
  
PATRICIA L HALL  
4911 BLACKWOOD RD  
BOZEMAN, MT 59715 7626  
  
SHERMAN J SMITH  
PO BOX 1286  
TOWNSEND, MT 59644

Flow Rate: 273.77 GPM 17.77 GPM

Maximum Acres: 308.00 20.00

Place of Use:

ID	Acres	Cont. List	Qtr. Sec.	Sec.	Twp.	Rge.	County
1	160.00	20.00	SW	22	2S	5E	GALLATIN
2	148.00		NE	28	2S	5E	GALLATIN
Total:	308.00	20.00					

### Parent claim 41H 31243-00 and split claim 41H 30151570:

7. The 641 Form for claim 41H 31243-00 appears to have been submitted with a minor error.

The decreed point of diversion for claim 41H 31243-00 is:

ID	Cont. List	Qtr. Sec.	Sec.	Twp.	Rge.	County
1	SWSWSE	5	4S	4E	GALLATIN	

The Form 641 references a point of diversion in the NWSWSE of Section 5, Township 4 South, Range 4 East. Like for claim 41H 31242-00, this Master assumes the references to the NWSWSE of Section 5, Township 4 South, Range 4 East is a typographical error. If it is not, the parties should file appropriate paperwork to amend the point of diversion.

8. Pursuant to the record and the corrections proposed by this Master, the elements of parent claim 41H 31243-00 and split claim 41H 30151570 are listed below. Elements not addressed remain unchanged or are identical to the parent claim.

- Water Right Number: 41H 31243-00

Owners:

~~DIRTY DOGS LLC~~  
~~PO BOX 6245~~  
~~BOZEMAN, MT 59711 6245~~

PATRICIA L HALL  
 4911 BLACKWOOD RD  
 BOZEMAN, MT 59715 7626

SHERMAN J SMITH  
 PO BOX 1286  
 TOWNSEND, MT 59644

\*Flow Rate: 85.30 GPM 79.80 GPM

Maximum Acres: 308.00 288.00

Place of Use:

ID	Acres	Cont. List	Qtr. Sec.	Sec.	Twp.	Rge.	County
1	160.00	140.00	SW	22	2S	5E	GALLATIN
2	148.00	148.00	NE	28	2S	5E	GALLATIN
Total:	308.00	288.00					

- Water Right Number: 41H 30151570

Owners:

DIRTY DOGS LLC  
 PO BOX 6245  
 BOZEMAN, MT 59711 6245

~~PATRICIA L HALL~~  
~~4911 BLACKWOOD RD~~  
~~BOZEMAN, MT 59715 7626~~

SHERMAN J SMITH  
 PO BOX 1286  
 TOWNSEND, MT 59644

\*Flow Rate: 85.30 GPM **5.50 GPM**  
 Maximum Acres: 308.00 **20.00**  
 Place of Use:  

ID	Acres	Cont. List	Qtr. Sec	Sec	Twp	Rge	County
1	160.00	20.00	SW	22	2S	5E	GALLATIN
2	148.00		NE	28	2S	5E	GALLATIN
Total:	308.00	20.00					

**Parent claim 41H 125508-00 and split claim 41H 30151571:**

9. Pursuant to the record, the elements of parent claim 41H 125508-00 and split claim 41H 30151571 are listed below. Elements not addressed remain unchanged or are identical to the parent claim.

- Water Right Number: 41H 125508-00

Owners: ~~DIRTY DOGS LLC~~  
~~PO BOX 6245~~  
~~BOZEMAN, MT 59771 6245~~  
 PATRICIA L HALL  
 4911 BLACKWOOD RD  
 BOZEMAN, MT 59715 7626  
 SHERMAN J SMITH  
 PO BOX 1286  
 TOWNSEND, MT 59644  
 \*Flow Rate: 4.25 GFS **415.90 GPM**  
 \*Maximum Acres: 58.00 **43.00**  
 Place of Use:  

ID	Acres	Cont. List	Qtr. Sec	Sec	Twp	Rge	County
1	58.00	43.00	SW	22	2S	5E	GALLATIN
Total:	58.00	43.00					

- Water Right Number: 41H 30151571

Owners: ~~DIRTY DOGS LLC~~  
~~PO BOX 6245~~  
~~BOZEMAN, MT 59771 6245~~  
 PATRICIA L HALL  
 4911 BLACKWOOD RD  
 BOZEMAN, MT 59715 7626  
 SHERMAN J SMITH  
 PO BOX 1286  
 TOWNSEND, MT 59644  
 \*Flow Rate: 4.25 GFS **145.10 GPM**  
 \*Maximum Acres: 58.00 **15.00**  
 Place of Use:  

ID	Acres	Cont. List	Qtr. Sec	Sec	Twp	Rge	County
1	58.00	15.00	SW	22	2S	5E	GALLATIN
Total:	58.00	15.00					

**Parent claim 41H 125509-00 and split claim 41H 30151572:**

10. Pursuant to the record, the elements of parent claim 41H 125509-00 and split claim 41H 30151572 are listed below. Elements not addressed remain unchanged or are identical to the parent claim.

- Water Right Number: 41H 125509-00

Owners: ~~DIRTY DOGS LLC~~  
~~PO BOX 6245~~  
~~BOZEMAN, MT 59711 6245~~  
 PATRICIA L HALL  
 4911 BLACKWOOD RD  
 BOZEMAN, MT 59715 7626  
 SHERMAN J SMITH  
 PO BOX 1286  
 TOWNSEND, MT 59644

\*Flow Rate: 283.00 GPM 209.80 GPM

\*Maximum Acres: 58.00 43.00

Place of Use:

ID	Acres	Cont Lot	Qtr Sec	Sec	Twp	Rge	County
1	58.00 <u>43.00</u>		SW	22	2S	SE	GALLATIN
Total:	58.00 <u>43.00</u>						

- Water Right Number: 41H 30151571

Owners: DIRTY DOGS LLC  
 PO BOX 6245  
 BOZEMAN, MT 59711 6245  
~~PATRICIA L HALL~~  
~~4911 BLACKWOOD RD~~  
~~BOZEMAN, MT 59715 7626~~  
~~SHERMAN J SMITH~~  
~~PO BOX 1286~~  
~~TOWNSEND, MT 59644~~

\*Flow Rate: 283.00 GPM 73.20 GPM

\*Maximum Acres: 58.00 15.00

Place of Use:

ID	Acres	Cont Lot	Qtr Sec	Sec	Twp	Rge	County
1	58.00 <u>15.00</u>		SW	22	2S	SE	GALLATIN
Total:	58.00 <u>15.00</u>						

### CONCLUSIONS OF LAW

- The Water Court may split claims into separate claims, by request or on its own initiative, at any time prior to the entry of the final decree. Rule 26, W.R.Adj.R.
- Splitting the claims in this Case does not constitute an increase to any claim elements. The information provided by the 641 Forms is complete and sufficient to accurately split the captioned claims.
- The point of diversion issue remark appearing on claims 41H 31242-00 and 41H 31243-00 is a notice-type issue remark. As no objections were filed, no further proceedings are required.

## RECOMMENDATIONS

1. Based upon the above Findings of Fact and Conclusions of Law, this Master recommends that the Court split claims 41H 31241-00, 41H 31242-00, 41H 31243-00, 41H 125508-00, and 41H 125509-00 as shown in the attached post decree abstracts and consistent with the 641 Forms submitted by the parties.

2. The issue remarks should be removed from the claims.

Post decree abstracts of the water right claims addressed in this Master's Report are attached to confirm the terms of the claims in the state's water right record system.

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Anika M. Stern  
Senior Water Master

### **Service via USPS Mail:**

Dirty Dogs, LLC  
PO Box 6245  
Bozeman, MT 59771-6245

Patricia L. Hall  
4911 Blackwood Rd.  
Bozeman, MT 59715-7626

Sherman J. Smith  
PO Box 1286  
Townsend, MT 59644



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

**Water Right Number:** 41H 31241-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** PATRICIA L HALL  
4911 BLACKWOOD RD  
BOZEMAN, MT 59715 7626  
  
SHERMAN J SMITH  
PO BOX 1286  
TOWNSEND, MT 59644

**Priority Date:** DECEMBER 6, 1948  
**Type of Historical Right:** FILED  
**Purpose (Use):** IRRIGATION  
**Irrigation Type:** FLOOD  
**Flow Rate:** 478.80 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:** 64.00  
**Source Name:** WASTE & SEEPAGE, UNNAMED TRIBUTARY OF AAJKEK CREEK  
**Source Type:** GROUNDWATER  
SOURCE OF WATER IS A POND FED BY A SPRING-FED DRAGLINE DITCH.

**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		SWSWSW	22	2S	5E	GALLATIN

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

**Diversion Means:** HEADGATE

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	64.00		SW	22	2S	5E	GALLATIN

**Total:** 64.00

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**Remarks:**

SPLIT CLAIM NO. 41H 30151568 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 31242-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** PATRICIA L HALL  
4911 BLACKWOOD RD  
BOZEMAN, MT 59715 7626

SHERMAN J SMITH  
PO BOX 1286  
TOWNSEND, MT 59644

**Priority Date:** JUNE 15, 1865

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 255.99 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:** 288.00

**Source Name:** WEST GALLATIN 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		SWSWSE	5	4S	4E	GALLATIN

**Period of Diversion:** APRIL 15 TO NOVEMBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** WEST GALLATIN CANAL

**Period of Use:** APRIL 15 TO NOVEMBER 1

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	140.00		SW	22	2S	5E	GALLATIN
2	148.00		NE	28	2S	5E	GALLATIN
<b>Total:</b>	288.00						

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**Remarks:**

SPLIT CLAIM NO. 41H 30151569 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 31243-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** PATRICIA L HALL  
4911 BLACKWOOD RD  
BOZEMAN, MT 59715 7626

SHERMAN J SMITH  
PO BOX 1286  
TOWNSEND, MT 59644

**Priority Date:** JUNE 15, 1872

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 79.80 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:** 288.00

**Source Name:** WEST GALLATIN 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		SWSWSE	5	4S	4E	GALLATIN

**Period of Diversion:** APRIL 15 TO NOVEMBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** WEST GALLATIN CANAL

**Period of Use:** APRIL 15 TO NOVEMBER 1

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	140.00		SW	22	2S	5E	GALLATIN
2	148.00		NE	28	2S	5E	GALLATIN
<b>Total:</b>	288.00						

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**Remarks:**

IMPLIED CLAIM NO. 41H 216310-00 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

SPLIT CLAIM NO. 41H 30151570 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 125508-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** PATRICIA L HALL  
4911 BLACKWOOD RD  
BOZEMAN, MT 59715 7626

SHERMAN J SMITH  
PO BOX 1286  
TOWNSEND, MT 59644

**Priority Date:** APRIL 1, 1949

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 415.90 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:** 43.00

**Source Name:** WASTE & SEEPAGE, UNNAMED TRIBUTARY OF AAJKEK CREEK

**Source Type:** GROUNDWATER

**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		SWSWSW	22	2S	5E	GALLATIN

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

**Diversion Means:** DRAIN DITCH

**Period of Use:** APRIL 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	43.00		SW	22	2S	5E	GALLATIN

**Total:** 43.00

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**Remarks:**

SPLIT CLAIM NO. 41H 30151571 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 125509-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** PATRICIA L HALL  
4911 BLACKWOOD RD  
BOZEMAN, MT 59715 7626

SHERMAN J SMITH  
PO BOX 1286  
TOWNSEND, MT 59644

**Priority Date:** SEPTEMBER 1, 1948

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**\*Flow Rate:** 209.80 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:** 43.00

**Source Name:** WASTE & SEEPAGE, UNNAMED TRIBUTARY OF AAJKEK CREEK

**Source Type:** GROUNDWATER

**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		SESESE	21	2S	5E	GALLATIN

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

**Diversion Means:** HEADGATE

**Period of Use:** APRIL 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	43.00		SW	22	2S	5E	GALLATIN

**Total:** 43.00

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**Remarks:**

SPLIT CLAIM NO. 41H 30151572 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 30151568 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Status:** ACTIVE

**Owners:** DIRTY DOGS LLC  
PO BOX 6245  
BOZEMAN, MT 59771 6245

**Priority Date:** DECEMBER 6, 1948

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 82.30 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:** 11.00

**Source Name:** WASTE & SEEPAGE, UNNAMED TRIBUTARY OF AAJKER CREEK

**Source Type:** GROUNDWATER

SOURCE OF WATER IS A POND FED BY A SPRING-FED DRAGLINE DITCH.

**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		SWSWSW	22	2S	5E	GALLATIN

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

**Diversion Means:** HEADGATE

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	11.00		SW	22	2S	5E	GALLATIN

**Total:** 11.00

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**Remarks:**

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 31241-00.

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

**Water Right Number:** 41H 30151569 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Status:** ACTIVE

**Owners:** DIRTY DOGS LLC  
PO BOX 6245  
BOZEMAN, MT 59771 6245

**Priority Date:** JUNE 15, 1865

**Type of Historical Right:** DECREEED

**Purpose (Use):** IRRIGATION  
**Irrigation Type:** FLOOD

**Flow Rate:** 17.77 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:** 20.00

**Source Name:** WEST GALLATIN 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		SWSWSE	5	4S	4E	GALLATIN

**Period of Diversion:** APRIL 15 TO NOVEMBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** WEST GALLATIN CANAL

**Period of Use:** APRIL 15 TO NOVEMBER 1

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.00		SW	22	2S	5E	GALLATIN
<b>Total:</b>	20.00						

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**Remarks:**

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 31242-00.



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

**Water Right Number:** 41H 30151570 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Status:** ACTIVE

**Owners:** DIRTY DOGS LLC  
PO BOX 6245  
BOZEMAN, MT 59771 6245

**Priority Date:** JUNE 15, 1872

**Type of Historical Right:** DECREEED

**Purpose (Use):** IRRIGATION  
**Irrigation Type:** FLOOD

**Flow Rate:** 5.50 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:** 20.00

**Source Name:** WEST GALLATIN 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		SWSWSE	5	4S	4E	GALLATIN

**Period of Diversion:** APRIL 15 TO NOVEMBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** WEST GALLATIN CANAL

**Period of Use:** APRIL 15 TO NOVEMBER 1

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.00		SW	22	2S	5E	GALLATIN
<b>Total:</b>	20.00						

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**Remarks:**

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 31243-00.

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

**Water Right Number:** 41H 30151571 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Status:** ACTIVE

**Owners:** DIRTY DOGS LLC  
PO BOX 6245  
BOZEMAN, MT 59771 6245

**Priority Date:** APRIL 1, 1949

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 145.10 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:** 15.00

**Source Name:** UNNAMED TRIBUTARY OF AAJKEK CREEK

**Source Type:** GROUNDWATER

**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		SWSWSW	22	2S	5E	GALLATIN

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

**Diversion Means:** DRAIN DITCH

**Period of Use:** APRIL 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		SW	22	2S	5E	GALLATIN
<b>Total:</b>	15.00						

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**Remarks:**

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 125508-00.

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

**Water Right Number:** 41H 30151572 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Status:** ACTIVE

**Owners:** DIRTY DOGS LLC  
PO BOX 6245  
BOZEMAN, MT 59771 6245

**Priority Date:** SEPTEMBER 1, 1948

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION  
**Irrigation Type:** SPRINKLER/FLOOD

**Flow Rate:** 73.20 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:** 15.00

**Source Name:** WASTE & SEEPAGE, UNNAMED TRIBUTARY OF AAJKER CREEK  
**Source Type:** GROUNDWATER

**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		SESESE	21	2S	5E	GALLATIN

**Period of Diversion:** APRIL 1 TO OCTOBER 31  
**Diversion Means:** HEADGATE

**Period of Use:** APRIL 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		SW	22	2S	5E	GALLATIN
<b>Total:</b>	15.00						

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**Remarks:**

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 125509-00.



# John Sherman Smith

Gallatin County, MT



## 41H 125508 00, 41H 125509 00 and 41H 31241 00 Water Rights Split

### Property Owner

- BERGANTINE RALPH W & JUDITH
- HALL PATRICIA L & HAROLD R
- OLD FARM PARTNERS LLC & 72.5463583
- SMITH SHERMAN JOHN

### Place of Use

- 41H 125508 00 & 41H 125509 00
- 41H 31241 00

### Point of Diversion

- 41H 125508 00, 41H 31241 00
- 41H 125509 00

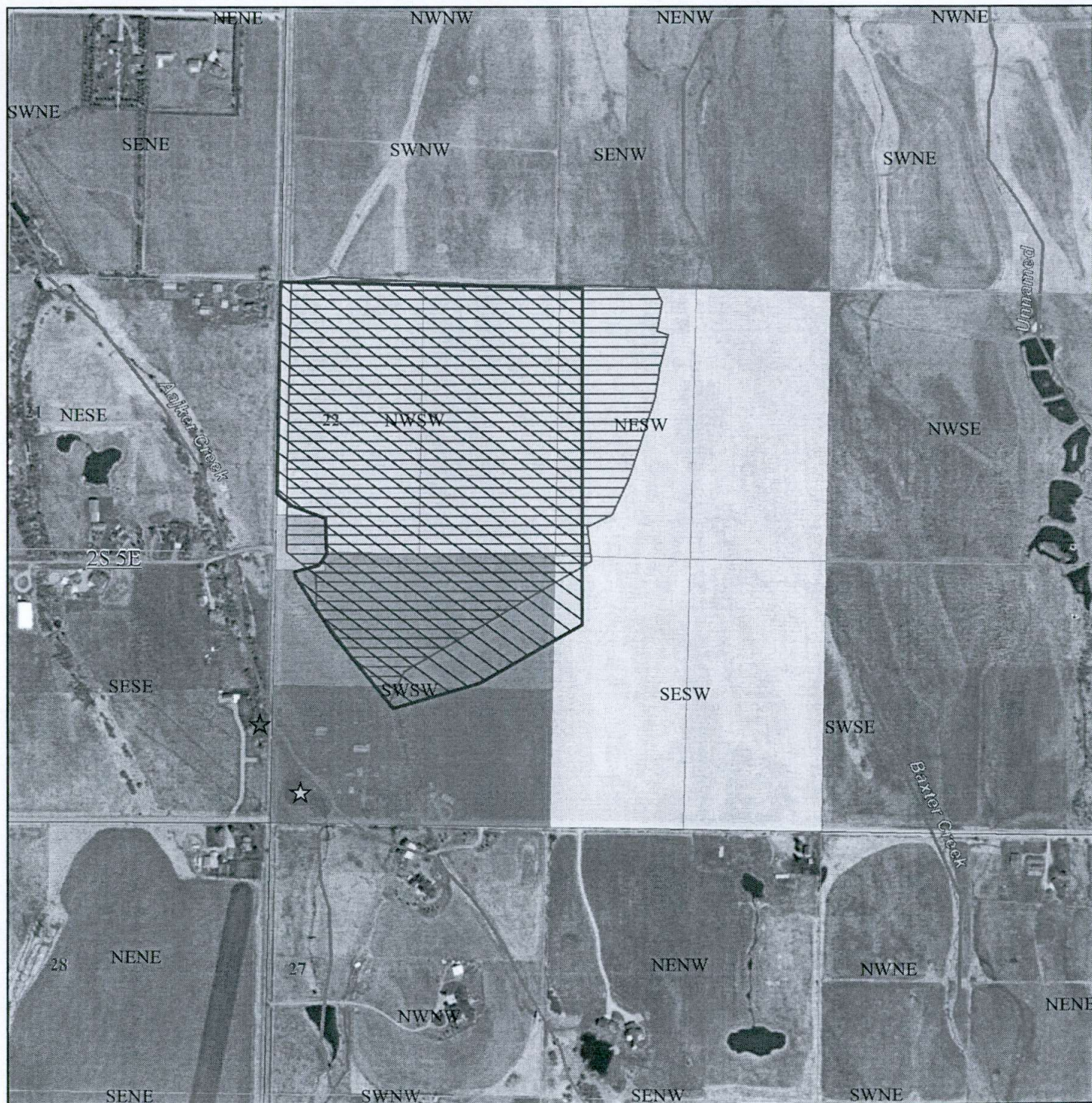
Created 07/19/2018  
Aerial Imagery: 2015 NAIP



0 0.1 0.2

Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.





**John Sherman Smith**

Gallatin County, MT



**41H 216310 00, 41H 31242 00,  
41H 31243 00  
Water Rights Split**

## Property Owner

- |  |                                    |
|--|------------------------------------|
|  | BERGANTINE RALPH W & JUDITH        |
|  | COTTONWOOD ROAD FARMS LLC          |
|  | HALL PATRICIA L & HAROLD R         |
|  | OLD FARM PARTNERS LLC & 72.5463583 |
|  | SCHMIT THERESA REV TR DTD 3/7/11   |
|  | SMITH SHERMAN JOHN                 |

### Place of Use

-  41H 216310 00, 41H 31242 00, 41H 31243 00

Water right diverts from the West Gallatin River. Their POD is not visible at this scale, so is not shown.

Created 07/19/2018  
Aerial Imagery: 2015 NAIP



0	0.125	0.25
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Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.

