

Montana Water Court  
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ELECTRONICALLY FILED

43A-0120-R-2020

July 20, 2021

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA  
YELLOWSTONE DIVISION  
SHIELDS RIVER BASIN 43A  
PRELIMINARY DECREE

\* \* \* \* \*

CLAIMANT: CJA Properties LLC

OBJECTOR: CJA Properties LLC

NOTICE OF INTENT TO APPEAR: 4 Diamond Ranch at  
Wallrock LLC

**CASE 43A-0120-R-2020**

43A 22517-00	43A 22525-00
43A 22518-00	43A 22526-00
43A 22520-00	43A 22527-00
43A 22521-00	43A 35526-00
43A 22522-00	

**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 above-captioned claims appeared in the Preliminary Decree for Basin 43A. The claims received an objection from Claimant CJA Properties, LLC (“CJA”) and Notices of Intent Appear (“NOIAs”) from 4 Diamond Ranch at Wallrock, LLC.

The above-captioned claims, along with others no longer listed, were originally consolidated into Case 43A-0036-R-2020 to resolve the Objections, NOIAs, and issue remarks.

## **FINDINGS OF FACT**

1. The Court issued its Order reconsolidating many of the claims originally consolidated into Case 43A-0036-R-2020 on November 4, 2020. Claims 43A 22517-00, 43A 22518-00, 43A 22520-00, 43A 22521-00, 43A 22522-00, 43A 22525-00, 43A 22526-00, 43A 22527-00 and 43A 35526-00 were reconsolidated into case 43A-0120-R-2020. The Court then reset the filing deadline for the parties to file settlement documents resolving the Objections and NOIAs.

2. On March 8, 2021, Claimant/Objector CJA Properties, LLC., filed a *Proposed Resolution and Motion for an Order Providing NOIA Parties with a Reasonable Response Time* to respond with their position regarding the proposal to resolve the self-objection and DNRC issue remarks.

3. On April 29, 2021, NOIA party 4 diamond Ranch at Wallrock, LLC filed a *Statement* denoting that, “[a]cceptance of the proposals as presented would resolve 4 Diamond’s NOIAs.”

4. CJA’s *Proposed Resolution* addresses the self-objection to each claim. The *Proposed Resolution* attaches proposed abstracts and associated maps denoting the following proposed changes to the claims:

### 43A 22517-00

**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		NWSWNE	29	5N	10E	PARK

NESWNE

Period of Diversion: ~~MAY 15 TO SEPTEMBER 30~~ APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: INTERSTATE HOLDING CORP DITCH

Period of Use: ~~MAY 15 TO SEPTEMBER 30~~ APRIL 1 TO OCTOBER 31

### 43A 22518-00

**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		NWSWNE	29	5N	10E	PARK

NESWNE

Period of Diversion: ~~MAY 15 TO SEPTEMBER 30~~ APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: INTERSTATE HOLDING CORP DITCH

Period of Use: ~~MAY 15 TO SEPTEMBER 30~~ APRIL 1 TO OCTOBER 31

### 43A 22520-00

**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		NWSWNE	29	5N	10E	PARK

NESWNE

Period of Diversion: ~~MAY 15 TO SEPTEMBER 30~~ APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: INTERSTATE HOLDING CORP DITCH

Period of Use: ~~MAY 15 TO SEPTEMBER 30~~ APRIL 1 TO OCTOBER 31

### 43A 22521-00

**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		NWSWNE	29	5N	10E	PARK

NESWNE

Period of Diversion: ~~MAY 15 TO SEPTEMBER 30~~ APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: INTERSTATE HOLDING CORP DITCH

Period of Use: ~~MAY 15 TO SEPTEMBER 30~~ APRIL 1 TO OCTOBER 31

### 43A 22522-00

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		<del>N</del>	<del>W</del> <sup>NESWNE</sup>	29	5N	10E PARK

Period of Diversion: ~~MAY 15 TO SEPTEMBER 30~~ APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: INTERSTATE HOLDING CORP DITCH

Period of Use: ~~MAY 15 TO SEPTEMBER 30~~ APRIL 1 TO OCOTBER 31

### 43A 22525-00

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		<del>N</del>	<del>W</del> <sup>NESWNE</sup>	29	5N	10E PARK

Period of Diversion: ~~MAY 15 TO SEPTEMBER 30~~ APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: INTERSTATE HOLDING CORP DITCH

Period of Use: ~~MAY 15 TO SEPTEMBER 30~~ APRIL 1 TO OCOTBER 31

### 43A 22526-00

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		<del>N</del>	<del>W</del> <sup>NESWNE</sup>	29	5N	10E PARK

Period of Diversion: ~~MAY 15 TO SEPTEMBER 30~~ APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: INTERSTATE HOLDING CORP DITCH

Period of Use: ~~MAY 15 TO SEPTEMBER 30~~ APRIL 1 TO OCOTBER 31

### 43A 22527-00

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		<del>N</del>	<del>W</del> <sup>NESWNE</sup>	29	5N	10E PARK

Period of Diversion: ~~MAY 15 TO SEPTEMBER 30~~ APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: INTERSTATE HOLDING CORP DITCH

Period of Use: ~~MAY 15 TO SEPTEMBER 30~~ APRIL 1 TO OCOTBER 31

## 43A 35526-00

### 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		<del>NWSWNE</del>	NESWNE 29	5N	10E	PARK

~~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 THE PARCELS IDENTIFIED IN THE PLACE OF USE FOR EACH RIGHT WHICH TOTALS 376.00 ACRES. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THE INDIVIDUAL RIGHT. EACH RIGHT SHALL BE DIVERTED ONLY FROM THE POINT OF DIVERSION IDENTIFIED FOR EACH RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT HISTORICALLY USED FOR A BENEFICIAL PURPOSE. 43A 22517-00, 43A 22518-00, 43A 22520-00, 43A 22521-00, 43A 22522-00, 43A 22525-00, 43A 22526-00, 43A 22527-00, 43A 35526-00.~~

5. In support of the above-listed requested modifications, CJA attaches the declarations of Harlan and Harley Westling. The Westlings are neighboring ranchers with CJA who grew up on the adjacent property, and still live there to this day. Thus, they both have extensive historical knowledge of the historic water use practices of the neighboring property owned by CJA. Both declarations attest that the period of use and period of diversion for the claims 43A 22517-00, 43A 22518-00, 43A 22520-00, 43A 22521-00, 43A 22521-00, 43A 22522-00, 43A 22525-00, 43A 22526-00, and 43A 22527-00 should be April 1 to October 31 and that the point of diversion should be modified as shown on the proposed abstracts. Additionally, CJA attaches the declaration of Rex Ternan, another longtime neighbor and former ranch manager of the property now owned by CJA Properties, LLC, to support the requested modifications.

### **PRINCIPLES 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, -102(12), MCA. The purpose of the Water Court is to adjudicate rights to the use of water as they existed on July 1, 1973. *In re Clark Fork River*, 254 Mont. 11, 17, 833 P.3d 1120 (Mont. 1992).

2. “The Water Court is not bound by settlement agreements. Any settlement reached by the parties is subject to review and approval by the Water Court.” Rule 17(a), W.R.Adj.R.; *In re Argabright*, 2014 Mont. Water LEXIS 9, 41I 265 (December 12, 2014).

3. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA; Rule 10, W.R.Adj.R.

4. Prima facie proof may be contradicted and overcome by a preponderance of the evidence. Rule 19, W.R.Adj.R.

5. 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.

6. If prima facie status is overcome, the burden shifts back to the claimant to demonstrate historical use. *79 Ranch v. Pitsch*, 204 Mont. 426, 432-33, 666 P.2d 215, 218 (1983).

7. Where a claimant agrees to reduce or limit an element of a claim, “the water court does not need to determine whether the burden of proof has been met.” Rule 17(c), W.R.Adj.R. The Court may accept the requested reduction or limitation “without further presentation of evidence.” Rule 17(c), W.R.Adj.R.

## **CONCLUSIONS OF LAW**

1. The evidence in the record is sufficient to resolve the objections and NOIAs on the above-captioned claims.

2. The information contained in CJA’s *Proposed Resolution* demonstrates by a preponderance of the evidence that period of diversion and period of use elements should be modified as described in Finding of Fact No. 4. Similarly, the points of diversion should be modified as described in Finding of Fact No. 4 and the duplicate supplemental right information remark appearing on claim 43A 35526-00 should be removed. The requested modifications are supported by a preponderance of the evidence showing pre 1973 historical use as required by Rule 17(b), W.R.Adj.R.

## RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Master recommends that the Court adopt the changes as outlined above.

Post decree abstracts of the water right claims reflecting the recommended changes are attached to this Report and a copy of the maps depicting the corrected places of use have been placed in the claim files.

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Eugene C. White  
Water Master

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

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peter@scott\_law.com  
office@scott-law.com

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
SHIELDS RIVER  
BASIN 43A**

**Water Right Number:** 43A 22517-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** CJA PROPERTIES LLC  
140 PEPPER LN  
WILLSALL, MT 59086 9420

**Priority Date:** JUNE 10, 1890

**Type of Historical Right:** DECREEED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 3.50 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:** 376.00

**Source Name:** SHIELDS 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		NESWNE	29	5N	10E	PARK

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

**Diversion Means:** HEADGATE

**Ditch Name:** INTERSTATE HOLDING CORP 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	210.00		N2	30	5N	10E	PARK
2	72.00		NW	29	5N	10E	PARK
3	14.00		NENE	25	5N	9E	PARK
4	20.00		N2NW	25	5N	9E	PARK
5	37.00		S2SE	24	5N	9E	PARK
6	23.00		S2S2SW	24	5N	9E	PARK
<b>Total:</b>	<b>376.00</b>						

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**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.

22517-00	22518-00	22520-00	22521-00	22522-00	22525-00
22526-00	22527-00	35526-00			

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
SHIELDS RIVER  
BASIN 43A**

**Water Right Number:** 43A 22518-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** CJA PROPERTIES LLC  
140 PEPPER LN  
WILLSALL, MT 59086 9420

**Priority Date:** MARCH 14, 1896

**Type of Historical Right:** DECREEED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*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:** 376.00

**Source Name:** SHIELDS 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		SWNE	29	5N	10E	PARK

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

**Diversion Means:** HEADGATE

**Ditch Name:** INTERSTATE HOLDING CORP 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	210.00		N2	30	5N	10E	PARK
2	72.00		NW	29	5N	10E	PARK
3	14.00		NENE	25	5N	9E	PARK
4	20.00		N2NW	25	5N	9E	PARK
5	37.00		S2SE	24	5N	9E	PARK
6	23.00		S2S2SW	24	5N	9E	PARK

**Total:** 376.00

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**Remarks:**

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22517-00	22518-00	22520-00	22521-00	22522-00	22525-00
22526-00	22527-00	35526-00			

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
SHIELDS RIVER  
BASIN 43A**

**Water Right Number:** 43A 22520-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** CJA PROPERTIES LLC  
140 PEPPER LN  
WILLSALL, MT 59086 9420

**Priority Date:** JULY 6, 1908

**Type of Historical Right:** DECREEED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.00 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:** 376.00

**Source Name:** SHIELDS 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		NESWNE	29	5N	10E	PARK

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

**Diversion Means:** HEADGATE

**Ditch Name:** INTERSTATE HOLDING CORP 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	210.00		N2	30	5N	10E	PARK
2	72.00		NW	29	5N	10E	PARK
3	14.00		NENE	25	5N	9E	PARK
4	20.00		N2NW	25	5N	9E	PARK
5	37.00		S2SE	24	5N	9E	PARK
6	23.00		S2S2SW	24	5N	9E	PARK
<b>Total:</b>	376.00						

---

**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.

22517-00	22518-00	22520-00	22521-00	22522-00	22525-00
22526-00	22527-00	35526-00			

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
SHIELDS RIVER  
BASIN 43A**

**Water Right Number:** 43A 22521-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** CJA PROPERTIES LLC  
140 PEPPER LN  
WILLSALL, MT 59086 9420

**Priority Date:** JULY 1, 1907

**Type of Historical Right:** DECREEED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**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:** 376.00

**Source Name:** SHIELDS 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		NESWNE	29	5N	10E	PARK

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

**Diversion Means:** HEADGATE

**Ditch Name:** INTERSTATE HOLDING CORP 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	210.00		N2	30	5N	10E	PARK
2	72.00		NW	29	5N	10E	PARK
3	14.00		NENE	25	5N	9E	PARK
4	20.00		N2NW	25	5N	9E	PARK
5	37.00		S2SE	24	5N	9E	PARK
6	23.00		S2S2SW	24	5N	9E	PARK

**Total:** 376.00

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**Remarks:**

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22517-00	22518-00	22520-00	22521-00	22522-00	22525-00
22526-00	22527-00	35526-00			

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
SHIELDS RIVER  
BASIN 43A**

**Water Right Number:** 43A 22522-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** CJA PROPERTIES LLC  
140 PEPPER LN  
WILLSALL, MT 59086 9420

**Priority Date:** JUNE 10, 1903

**Type of Historical Right:** DECREEED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.00 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:** 376.00

**Source Name:** SHIELDS 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		NESWNE	29	5N	10E	PARK

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

**Diversion Means:** HEADGATE

**Ditch Name:** INTERSTATE HOLDING CORP 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	210.00		N2	30	5N	10E	PARK
2	72.00		NW	29	5N	10E	PARK
3	14.00		NENE	25	5N	9E	PARK
4	20.00		N2NW	25	5N	9E	PARK
5	37.00		S2SE	24	5N	9E	PARK
6	23.00		S2S2SW	24	5N	9E	PARK
<b>Total:</b>	<b>376.00</b>						

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**Remarks:**



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22517-00	22518-00	22520-00	22521-00	22522-00	22525-00
22526-00	22527-00	35526-00			

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
SHIELDS RIVER  
BASIN 43A**

**Water Right Number:** 43A 22525-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** CJA PROPERTIES LLC  
140 PEPPER LN  
WILLSALL, MT 59086 9420

**Priority Date:** JULY 26, 1908

**Type of Historical Right:** DECREEED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 2.00 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:** 376.00

**Source Name:** SHIELDS 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		NESWNE	29	5N	10E	PARK

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

**Diversion Means:** HEADGATE

**Ditch Name:** INTERSTATE HOLDING CORP 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	210.00		N2	30	5N	10E	PARK
2	72.00		NW	29	5N	10E	PARK
3	14.00		NENE	25	5N	9E	PARK
4	20.00		N2NW	25	5N	9E	PARK
5	37.00		S2SE	24	5N	9E	PARK
6	23.00		S2S2SW	24	5N	9E	PARK
<b>Total:</b>	376.00						

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**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.

22517-00	22518-00	22520-00	22521-00	22522-00	22525-00
22526-00	22527-00	35526-00			

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
SHIELDS RIVER  
BASIN 43A**

**Water Right Number:** 43A 22526-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** CJA PROPERTIES LLC  
140 PEPPER LN  
WILLSALL, MT 59086 9420

**Priority Date:** JUNE 10, 1900

**Type of Historical Right:** DECREEED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.38 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:** 376.00

**Source Name:** SHIELDS 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		NESWNE	29	5N	10E	PARK

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

**Diversion Means:** HEADGATE

**Ditch Name:** INTERSTATE HOLDING CORP 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	210.00		N2	30	5N	10E	PARK
2	72.00		NW	29	5N	10E	PARK
3	14.00		NENE	25	5N	9E	PARK
4	20.00		N2NW	25	5N	9E	PARK
5	37.00		S2SE	24	5N	9E	PARK
6	23.00		S2S2SW	24	5N	9E	PARK
<b>Total:</b>	<b>376.00</b>						

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**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.

22517-00	22518-00	22520-00	22521-00	22522-00	22525-00
22526-00	22527-00	35526-00			

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
SHIELDS RIVER  
BASIN 43A**

**Water Right Number:** 43A 22527-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** CJA PROPERTIES LLC  
140 PEPPER LN  
WILLSALL, MT 59086 9420

**Priority Date:** MAY 15, 1901

**Type of Historical Right:** DECREEED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 2.25 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:** 376.00

**Source Name:** SHIELDS 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		NESWNE	29	5N	10E	PARK

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

**Diversion Means:** HEADGATE

**Ditch Name:** INTERSTATE HOLDING CORP 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	210.00		N2	30	5N	10E	PARK
2	72.00		NW	29	5N	10E	PARK
3	14.00		NENE	25	5N	9E	PARK
4	20.00		N2NW	25	5N	9E	PARK
5	37.00		S2SE	24	5N	9E	PARK
6	23.00		S2S2SW	24	5N	9E	PARK
<b>Total:</b>	376.00						

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**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.

22517-00	22518-00	22520-00	22521-00	22522-00	22525-00
22526-00	22527-00	35526-00			

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
SHIELDS RIVER  
BASIN 43A**

**Water Right Number:** 43A 35526-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** CJA PROPERTIES LLC  
140 PEPPER LN  
WILLSALL, MT 59086 9420

**\*Priority Date:** APRIL 15, 1961

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*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:** 376.00

**Source Name:** SHIELDS 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		NESWNE	29	5N	10E	PARK

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

**Diversion Means:** HEADGATE

**Ditch Name:** INTERSTATE HOLDING CORP DITCH

**\*Period of Use:** APRIL 1 TO OCTOBER 31

THIS RIGHT IS LIMITED TO HIGH OR FLOOD WATERS OF THE SHIELDS RIVER.

**\*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	210.00		N2	30	5N	10E	PARK
2	72.00		NW	29	5N	10E	PARK
3	14.00		NENE	25	5N	9E	PARK
4	20.00		N2NW	25	5N	9E	PARK
5	37.00		S2SE	24	5N	9E	PARK
6	23.00		S2S2SW	24	5N	9E	PARK
<b>Total:</b>	376.00						

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**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.

22517-00	22518-00	22520-00	22521-00	22522-00	22525-00
22526-00	22527-00	35526-00			