

Montana Water Court
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40A-0444-R-2021

September 22, 2021

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
 LOWER MISSOURI DIVISION
 MUSSELSHELL RIVER ABOVE ROUNDUP (BASIN 40A)
 PRELIMINARY DECREE

CLAIMANT: Rhynard Ranch LLP

CASE 40A-0444-R-2021
 40A 32664-00
 40A 32672-00
 40A 30110422
 40A 30110423
 40A 30110427
OBJECTORS: United States of America (Dept of Agriculture
 Forest Service); Rhynard Ranch LLP**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

The above-captioned claims appeared in the Preliminary Decree for the Musselshell River above Roundup (Basin 40A) issued on June 7, 2017. The claims are owned by Rhynard Ranch LLP. All of the claims received objections from the United States of America Department of Agriculture, Forest Service (Forest Service) and Claimant self-objection to claim 40A 32672-00. All of the claims except 40A 32664-00 receive issue remarks from the DNRC during its preparation of the Basin 40A Preliminary Decree.

The claims are consolidated into this Case to resolve the objections and issue remarks.

FINDINGS OF FACT

40A 32664-00

1. Claim 40A 32664-00 is a flood irrigation claim from Reynolds Creek.
2. The claim appeared in the Basin 40A Preliminary Decree with its point of diversion as follows:

Point of Diversion and Means of Diversion:						
ID	Govt Lot	Qtr	Sec	Twp	Rge	County
1		SENE	SW	26	8N	8E
Period of Diversion: MAY 1 TO SEPTEMBER 30						
Diversion Means: HEADGATE						

3. The Forest Service objection to the point of diversion/means of diversion claim 40A 32664-00. The objection stated:

A clarifying remark, specifying that the point of diversion is located within Homestead Survey Entry #393 should be added to the claim.

4. On July 30, 2018, during the Objection Period for the Basin 40A Preliminary Decree, Claimant filed a *Verified Motion to Amend Water Right Claim* for claim 40A 32664-00. The *Motion* stated the following:

The Forest Service filed an objection to my claim. It is my understanding that adding a clarification remark to my water right abstract will satisfy their objection. At this time, I request the following point of diversion information remark be added to my claim:

The point of diversion is located on privately-owned land.

40A 32672-00

5. Claim 40A 32672-00 is a groundwater flood irrigation claim from Living Spring.

6. The claim appeared in the Basin 40A Preliminary Decree with its means of diversion and point of diversion in the SENESW of Section 34, T8N, R8E, Meagher County.

7. The claim received the following issue remark:

PER INFORMATION SUBMITTED TO THE LEWISTOWN REGIONAL OFFICE ON 01/24/2017, THE SPRING IS ACTUALLY LOCATED IN THE NWNWSE SEC 34 TWP 8N RGE 8E MEAGHER CO.

8. The Forest Service's objection to claim 40A 32672-00 requests the same correction to the point of diversion identified in the issue remark.

9. On July 30, 2018, during the Objection Period for the Basin 40A Preliminary Decree, Claimant filed a *Verified Motion to Amend Water Right Claim* for claim 40A 32672-00. The *Motion* also requests the same correction to the point of diversion identified in the issue remark and notes that Claimant provided the information to the DNRC in 2017.

10. Claimant self-objection to claim 40A 32672-00 stating that the means of diversion should be corrected from "headgate" to "direct flow into ditch."

40A 30110422

11. Claim 40A 30110422-00 is a stock claim on Reynolds Creek. Based on the Basin 40A Preliminary Decree, stock take water directly from the source in the following locations:

<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			NWSWSE	26	8N	8E	MEAGHER
2			SWSWSE	26	8N	8E	MEAGHER
3			NENESW	26	8N	8E	MEAGHER
4			NWNESW	26	8N	8E	MEAGHER
5			SENESW	26	8N	8E	MEAGHER
6			NENNSW	26	8N	8E	MEAGHER
7			NWNWSW	26	8N	8E	MEAGHER
8			NESESW	26	8N	8E	MEAGHER
9			NENESE	27	8N	8E	MEAGHER
10			NWNWNE	35	8N	8E	MEAGHER
11			SENWNE	35	8N	8E	MEAGHER
12			SWNWNE	35	8N	8E	MEAGHER
13			NESWNE	35	8N	8E	MEAGHER
14			NWSWNE	35	8N	8E	MEAGHER
15			NWSWNE	35	8N	8E	MEAGHER
16			SWSWNE	35	8N	8E	MEAGHER
17			NWNWSE	35	8N	8E	MEAGHER
18			SWNWSE	35	8N	8E	MEAGHER
19			SENESW	35	8N	8E	MEAGHER

12. Claimant self-objection to claim 40A 30110422 based on point of diversion and place of use. The self-objection requested the following corrections to the point of diversion and place of use:

1		NWSWSE	26	8N	8E	MEAGHER	
2		SWSWSE	26	8N	8E	MEAGHER	
3		NENESW	26	8N	8E	MEAGHER	
4		NWNESW	26	8N	8E	MEAGHER	
5		SENESW	26	8N	8E	MEAGHER	
6		NENWSW	26	8N	8E	MEAGHER	
7		NWNWSW	26	8N	8E	MEAGHER	
8		S2SWNE	NESESW	26	8N	8E	MEAGHER
9		NENESE	27	8N	8E	MEAGHER	
10		NWNWNE	35	8N	8E	MEAGHER	
11		SENWNE	35	8N	8E	MEAGHER	
12		SWNWNE	35	8N	8E	MEAGHER	
13		NESWNE	35	8N	8E	MEAGHER	
14		W2SWNE	NIWSWNE	35	8N	8E	MEAGHER
15		E2SESW	NIWSWNE	35	8N	8E	MEAGHER
16		SWSWNE	35	8N	8E	MEAGHER	
17		NWNWSE	35	8N	8E	MEAGHER	
18		SWNWSE	35	8N	8E	MEAGHER	
19		SENESW	35	8N	8E	MEAGHER	

13. These corrections are consistent with the maps and Notice of Appropriation attached to the Statement of Claim.

14. The Forest Service objection to claim 40A 30110422-00 also objected to the point of diversion and place of use. The objection stated that:

The place of use and point of diversion description should be corrected to reflect actual and authorized use. A clarifying remark, specifying that use occurs exclusively within Homestead Survey Entry #393, should be added to the claim.

15. On July 30, 2018, during the Objection Period for the Basin 40A Preliminary Decree, Claimant filed a *Verified Motion to Amend Water Right Claim* for claim 40A 30110422-00. The *Motion* stated the following:

The Forest Service filed an objection to my claim. It is my understanding that adding a clarification remark to my water right abstract will satisfy their objection. At this time, I request the following point of diversion and place of use clarification information remark(s) be added to my claim:

The points of diversion and places of use are located on privately-owned land.

40A 30110423

16. Claim 40A 30110423 is a stock claim on an unnamed tributary of Reynolds Creek. Based on the Basin 40A Preliminary Decree, stock take water directly from the source in the following locations:

ID	Acres	Govt Lot	Otr Sec	Sec	Twp	Rge	County
1			NWNWNE	26	8N	8E	MEAGHER
2			NENENW	26	8N	8E	MEAGHER
3			NWSESW	26	8N	8E	MEAGHER
4			SESESW	26	8N	8E	MEAGHER
5			SWSESW	26	8N	8E	MEAGHER
6			NESWSW	26	8N	8E	MEAGHER
7			NWSWSW	26	8N	8E	MEAGHER
8			NWSENE	27	8N	8E	MEAGHER
9			NESESE	27	8N	8E	MEAGHER
10			NWSESE	27	8N	8E	MEAGHER

17. Claimant self-objection to claim 40A 30110423 based on point of diversion and place of use. The objection stated that DNRC entered Point of Diversion and Place of Use ID Nos. 1 and 2 stating that the correct section is 35, not 26.

18. On July 30, 2018, during the Objection Period for the Basin 40A Preliminary Decree, Claimant filed a *Verified Motion to Amend Water Right Claim* for claim 40A 30110423-00. The *Motion* stated Point of Diversion and Place of Use ID No. 8 claimed land owned by the Forest Service and should be removed from the claim.

19. The Forest Service objected to claim 40A 30110423 based on point of diversion, place of use, and source. The objection stated that:

The place of use and point of diversion description should be corrected to reflect actual and authorized use. In addition, the source name may be incorrect.

20. Based on the information in Claimant's self-objection and *Motion*, it appears the Forest Service's objection to the source name is directly related to the incorrect section numbers associated with Point of Diversion and Place of Use ID Nos. 1 and 2.

40A 30110427

21. Claim 40A 30110427 is a stock claim for a developed spring in the NENESW of Section 26, T8N, R8E, Meagher County.

22. The Forest Service objection to claim 40A 30110427 based on point of diversion and place of use. The objection stated:

The place of use and point of diversion description should be corrected to reflect actual and authorized use. A clarifying remark, specifying that use occurs exclusively within Homestead Survey Entry #393, should be added to the claim.

23. On July 30, 2018, during the Objection Period for the Basin 40A Preliminary Decree, Claimant filed a *Verified Motion to Amend Water Right Claim* for claim 40A 30110427-00. The *Motion* stated:

The Forest Service filed an objection to my claim. It is my understanding that adding a clarification remark to my water right abstract will satisfy their objection. At this time, I request the following point of diversion and place of use clarification information remark(s) be added to my claim:

The point of diversion and place of use are located on privately-owned land.

Notice-Type Issue Remarks

22. Claims 40A 30110422, 40A 30110423, and 40A 30110427 received the following issue remark:

THIS EXEMPT CLAIM WAS FILED ON 02/17/2017. THIS CLAIM NUMBER WAS NOT INCLUDED IN THE
BASIN 40A DECREE ISSUED 05/07/1985.

23. This remark served its notice purpose.

PRINCIPLES OF LAW

1. 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.

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

3. 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.

4. 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).

5. Section 85-2-248(2), MCA, requires that the Water Court resolve all issue remarks that are not resolved through the objection process. *See also* Rule 7, W.R.Adj.R.

6. The Water Court may use information submitted by the DNRC, the Statement of Claim, and any other data obtained by the Court to evaluate a water right. Sections 85-2-227, -231(2), MCA.

7. When resolving issue remarks, the 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. The factual evidence on which an issue remark is based must meet the preponderance of evidence standard before the *prima facie* status of a claim is overcome. 43Q 200996-00 et al., Order Establishing Volume and Order Closing Case, at 18, June 8, 2015.

8. The party seeking to overcome the *prima facie* status of a Statement of Claim bears the burden of proof; this burden also applies to a claimant’s objection to his own claim. *Nelson v. Brooks*, 2014 MT 120, ¶¶ 34, 37, 375 Mont. 86, 329 P.3d 558.

9. After the issuance of a temporary preliminary decree and close of the objection period in a basin, a claimant may amend their Statement of Claim. Section 85-2-233(6), MCA.

10. Notice is required to other water users if a motion to amend may adversely affect other water rights. Section 85-2-233(6), MCA.

11. The Court may correct a clerical mistake found in a judgment, order, or other part of the record on motion or on its own, with or without notice. Rule 60(a), M.R.Civ.P.

12. Information remarks are “[r]emarks that limit, define, or explain unique aspects of a claim....” Rule 2(a)(57), W.R.C.E.R.

[M]any water rights cannot be accurately described by elements alone, and are therefore supplemented with information remarks.... Information remarks provide facts regarding prior use of a right that are critical to its administration in accord with historical use. ...[I]nformation remarks are routinely used by the Water Court to supplement abstracts.

76G-A8, Order Adopting Master's Report in Part, October 29, 2014.

CONCLUSIONS OF LAW

40A 32664-00

1. The addition of an information remark to claim 40A 32664-00 would resolve the Forest Service's objection to that claim. Both the Forest Service and Claimant agree that an information remark is appropriate, and the remark should state that the point of diversion is located within Homestead Survey Entry #393 and is entirely on private land. The addition of this information remark resolves the Forest Service's objection to claim 40A 32664-00.

40A 32672-00

2. The point of diversion issue remark overcomes the *prima facie* status of claim 40A 32672-00. The information provided by Claimant and Objector shows the historically accurate location of the point of diversion is in the NWNWSE of Section 34, T8N, R8E, Meagher County. Modifying the point of diversion to the NWNWSE of Section 34 would resolve the Forest Service's objection to claim 40A 32672-00.

3. The *Motion* filed by Claimant is not an amendment contemplated by §85-2-233(6), MCA. Therefore, no further notice is required.

4. Claimant's self-objection overcomes the *prima facie* status of claim 40A 32672-00. Claimant showed by a preponderance of the evidence that the means of

diversion is a ditch with the claimed spring flowing directly into the ditch. Modifying the means of diversion to “ditch” with an information remark describing how the spring flows into the ditch would resolve Claimant’s self-objection to claim 40A 32672-00.

40A 30110422

5. Claimant’s self-objection overcomes the *prima facie* status of claim 40A 30110422. Claimant showed by a preponderance of the evidence that the historically accurate legal land descriptions for Point of Diversion and Place of Use Nos. 8, 14, and 15 are as described in Finding of Fact No. 12.

6. The *Motion* filed by Claimant is not an amendment contemplated by §85-2-233(6), MCA. Therefore, no further notice is required.

7. Both the Forest Service and Claimant agree that an information remark is appropriate, and the remark should state that the points of diversion and places are located within Homestead Survey Entry #393 and are entirely on private land.

8. Modifying the point of diversion and places of use as described in Finding of Fact No. 12 and adding the requested information remark would resolve Claimant’s self-objection and the Forest Service’s objection to claim 40A 30110422.

40A 30110423

9. Claimant’s self-objection overcomes the *prima facie* status of claim 40A 30110423. Claimant showed by a preponderance of the evidence that the section number for Point of Diversion and Place of Use ID Nos. 1 and 2 should be modified to 35. These modifications would resolve Claimant’s self-objection.

10. The *Motion* filed by Claimant is not an amendment contemplated by §85-2-233(6), MCA. Therefore, no further notice is required.

11. Claimant’s request that Point of Diversion and Place of Use ID No. 8 be removed from the claim is a reduction to the claim and should be granted. This reduction, combined with the modifications to the section number for Point of Diversion and Place of Use ID Nos. 1 and 2, would resolve the Forest Service’s objection to claim 40A 30110423.

40A 30110427

12. The addition of an information remark to claim 40A 30110427 would resolve the Forest Service's objection to that claim. Both the Forest Service and Claimant agree that an information remark is appropriate, and the remark should state that the point of diversion and place of use are located within Homestead Survey Entry #393 and is entirely on private land. The addition of this information remark resolves the Forest Service's objection to claim 40A 30110427.

13. The *Motion* filed by Claimant is not an amendment contemplated by §85-2-233(6), MCA. Therefore, no further notice is required.

Notice-Type Issue Remarks

14. The notice-type remark on claims 40A 30110422, 40A 30110423, and 40A 30110427 served its notice purpose and should be removed from the claims.

RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Master recommends that the Court modify the claims as follows:

40A 32664-00

1. Add the following information remark:

THE POINT OF DIVERSION IS LOCATED WITHIN HOMESTEAD SURVEY ENTRY #393 AND IS ENTIRELY ON PRIVATE LAND.

40A 32672-00

2. Modify the point of diversion to the NW NWSE of Section 34, T8N, R8E, Meagher County and remove the point of diversion issue remark.

3. Modify the means of diversion from "headgate" to "ditch" and add the following means of diversion information remark:

THE CLAIMED SPRING FLOWS DIRECTLY INTO THE DITCH.

40A 30110422

4. Modify the Point of Diversion and Place of Use ID Nos. 8, 14, and 15 as follows:

8	S2SWNE	NESESW	26	8N	8E	MEAGHER
14	W2SWNE	NWSWNE	35	8N	8E	MEAGHER
15	E2SESW	NWSWNE	35	8N	8E	MEAGHER

5. Add the following information remark:

THE POINTS OF DIVERSION AND PLACES OF USE ARE LOCATED
WITHIN HOMESTEAD SURVEY ENTRY #393 AND ARE ENTIRELY ON
PRIVATE LAND.

40A 30110423

6. Modify the section number for Point of Diversion and Place of Use ID Nos. 1 and 2 to 35.
7. Remove Point of Diversion and Place of Use ID No. 8.
8. Remove the notice-type issue remark.

40A 30110427

9. Add the following information remark:

THE POINTS OF DIVERSION AND PLACES OF USE ARE LOCATED
WITHIN HOMESTEAD SURVEY ENTRY #393 AND ARE ENTIRELY ON
PRIVATE LAND.
10. Remove the notice-type issue remark.

A post decree abstract of each water right claim reflecting the recommended changes is attached to this Report.

Melissa Lockman
Water Master

Service via USPS Mail

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

Water Right Number: **40A 32664-00** STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: RHYNARD RANCH LLP
448 CLEAR VIEW RD
MARTINSDALE, MT 59053 8762

Priority Date: MAY 20, 1901

Type of Historical Right: USE

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: 52.00

Source Name: REYNOLDS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SENESW	26	8N	8E	MEAGHER

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

THE POINT OF DIVERSION IS LOCATED WITHIN HOMESTEAD SURVEY ENTRY #393 AND IS ENTIRELY ON PRIVATE LAND.

Period of Use: MAY 1 TO SEPTEMBER 30

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	5.00		SESW	26	8N	8E	MEAGHER
2	8.00		W2NWNE	35	8N	8E	MEAGHER
3	4.00		NWSWNE	35	8N	8E	MEAGHER
4	10.00		E2NENW	35	8N	8E	MEAGHER
5	25.00		SENW	35	8N	8E	MEAGHER
Total:	52.00						

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.

32661-00

32663-00

32664-00

32666-00

32668-00

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

Water Right Number: 40A 32672-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: RHYNARD RANCH LLP
448 CLEAR VIEW RD
MARTINSDALE, MT 59053 8762

Priority Date: JULY 10, 1903

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 CFS

Volume: 301.30 AC-FT

Climatic Area: 4 - MODERATELY LOW

***Maximum Acres:** 86.00

Source Name: SPRING, UNNAMED TRIBUTARY OF WARM SPRINGS CREEK

Source Type: GROUNDWATER
ALSO KNOWN AS LIVING SPRING

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		NWNWSE	34	8N	8E	MEAGHER

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: DITCH

THE CLAIMED SPRING FLOWS DIRECTLY INTO THE DITCH.

Period of Use: MAY 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	1.00		E2E2NESE	34	8N	8E	MEAGHER
2	2.00		SWSWNE	35	8N	8E	MEAGHER
3	2.00		S2SENW	35	8N	8E	MEAGHER
4	5.00		W2NWSE	35	8N	8E	MEAGHER
5	1.00		SWSWSE	35	8N	8E	MEAGHER
6	36.00		NESW	35	8N	8E	MEAGHER
7	13.00		NWSW	35	8N	8E	MEAGHER
8	22.00		SESW	35	8N	8E	MEAGHER
9	4.00		NESWSW	35	8N	8E	MEAGHER
Total:	86.00						

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.

32671-00

32672-00

32673-00

32674-00

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

Water Right Number: 40A 30110422 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: RHYNARD RANCH LLP
448 CLEAR VIEW RD
MARTINSDALE, MT 59053 8762

Priority Date: APRIL 30, 1895

Type of Historical Right: USE

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: REYNOLDS 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		NWSWSE	26	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		SWSWSE	26	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		NENESW	26	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		NWNESW	26	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		SENESW	26	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

6	NENNSW	26	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
7	NWNNSW	26	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
8	S2SWNE	26	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
9	NENESE	27	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
10	NWNWNE	35	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
11	SENWNE	35	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
12	SWNWNE	35	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
13	NESWNE	35	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
14	W2SWNE	35	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
15	E2SESW	35	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
16	SWSWNE	35	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
17	NWNWSE	35	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
18	SWNWSE	35	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
19	SENESW	35	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			NWSWSE	26	8N	8E	MEAGHER
2			SWSWSE	26	8N	8E	MEAGHER
3			NENESW	26	8N	8E	MEAGHER
4			NWNESW	26	8N	8E	MEAGHER
5			SENESW	26	8N	8E	MEAGHER
6			NENWSW	26	8N	8E	MEAGHER
7			NWNWSW	26	8N	8E	MEAGHER
8			S2SWNE	26	8N	8E	MEAGHER
9			NENESE	27	8N	8E	MEAGHER
10			NWNWNE	35	8N	8E	MEAGHER
11			SENWNE	35	8N	8E	MEAGHER
12			SWNWNE	35	8N	8E	MEAGHER
13			NESWNE	35	8N	8E	MEAGHER
14			W2SWNE	35	8N	8E	MEAGHER
15			E2SESW	35	8N	8E	MEAGHER
16			SWSWNE	35	8N	8E	MEAGHER
17			NWNWSE	35	8N	8E	MEAGHER
18			SWNWSE	35	8N	8E	MEAGHER
19			SENESW	35	8N	8E	MEAGHER

Remarks:

THE POINTS OF DIVERSION AND PLACES OF USE ARE LOCATED WITHIN HOMESTEAD SURVEY ENTRY #393 AND ARE ENTIRELY ON PRIVATE LAND.

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

Water Right Number: 40A 30110423 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: RHYNARD RANCH LLP
448 CLEAR VIEW RD
MARTINSDALE, MT 59053 8762

Priority Date: APRIL 30, 1895

Type of Historical Right: USE

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: UNNAMED TRIBUTARY OF REYNOLDS 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		NWWNW	35	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		NENENW	35	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		NWSESW	26	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		SESESW	26	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		SWSESW	26	8N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

6 NESWSW 26 8N 8E MEAGHER
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
7 NWSWSW 26 8N 8E MEAGHER
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
8 NESESE 27 8N 8E MEAGHER
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
9 NWSESE 27 8N 8E MEAGHER
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
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			NWNWNE	35	8N	8E	MEAGHER
2			NENENW	35	8N	8E	MEAGHER
3			NWSESW	26	8N	8E	MEAGHER
4			SESESW	26	8N	8E	MEAGHER
5			SWSESW	26	8N	8E	MEAGHER
6			NESWSW	26	8N	8E	MEAGHER
7			NWSWSW	26	8N	8E	MEAGHER
8			NESESE	27	8N	8E	MEAGHER
9			NWSESE	27	8N	8E	MEAGHER

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

Water Right Number: 40A 30110427 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: RHYNARD RANCH LLP
448 CLEAR VIEW RD
MARTINSDALE, MT 59053 8762

Priority Date: DECEMBER 31, 1895

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 35.00 GPM

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: SPRING, UNNAMED TRIBUTARY OF REYNOLDS 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		NENESW	26	8N	8E	MEAGHER

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: DEVELOPED SPRING

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			NENESW	26	8N	8E	MEAGHER

Remarks:

THE POINTS OF DIVERSION AND PLACES OF USE ARE LOCATED WITHIN HOMESTEAD SURVEY ENTRY #393 AND ARE ENTIRELY ON PRIVATE LAND.