ELECTRONICALLY FILED

43A-0170-R-2020

September 16, 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

CASE 43A-0170-R-2020

43A 11570-00	43A 60576-00
43A 24674-00	43A 191846-00
43A 24675-00	43A 191848-00
43A 24679-00	43A 191850-00
43A 24691-00	43A 191851-00
43A 24694-00	43A 191853-00
	43A 191859-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Clerk of the Montana Water Court. <u>Please</u> 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.

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Montana Water Court PO Box 1389 Bozeman, MT 59771-1389 (406) 586-4364 1-800-624-3270 watercourt@mt.gov 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 self-objections from Claimant CJA Properties, LLC ("CJA"). Claim 43A 60576-00 also received an issue remark from the DNRC.

The claims were consolidated into Case 43A-0170-R-2020 to resolve the selfobjections and issue remarks.

FINDINGS OF FACT

1. On November 4, 2020, the Court set a filing deadline for claimant/objector to file documentation resolving the self-objections to the claims and addressing any issue remarks appearing on the claims.

2. On June 4, 2021, Claimant/Objector CJA Properties, LLC., filed a *Motion to Modify Claims* to resolve the self-objection and DNRC issue remarks.

3. The *Motion to Modify* addresses both the self-objections and DNRC issue remarks and includes withdrawals of the objections for claims 43A 11570-00, 43A 24675-00, and 43A 24694-00. Additionally, the *Motion* states that resolving the self-objections for claim 43A 60576-00 would also resolve the issue remark appearing on the claim, the only issue remark appearing on any of the above-captioned claims.

4. In order to clarify the requested modifications, CJA's *Motion* attaches proposed abstracts and aerials photograph denoting the following changes to each of the remaining claims:

<u>43A 24674-00</u>

Point of Diversion and Means of Diversion:

<u>ID</u> 1		<u>Govt Lot</u> SENENE	<u>Qtr Sec</u> NENENE	<u>Sec</u> 26	<u>Twp</u> 5N	<u>Rge</u> <u>County</u> 9E PARK
*Period	of Diversion	: JANUARY 1 T	O DECEMB	ER 31		
Diversi	on Means:	WELL	•			
*Period of Us	e:	JANUARY 1 T	O DECEMB	ER 31		
Place of Use ID	: Acres	Govt Lot	Otr Sec	Sec	Тwp	Rge County
1		000000	SENENE	26	5N	9F PARK
•				20		

<u>43A 24679-00</u>

Point of Diversion and N	Means of Diversio	n:					
<u>ID</u>	Govt Lot	Qtr Sec	Sec	Тwp	Rge	County	
1	SWNESW \$	SWSWSW	14	5N	9E	PARK	
*Period of Diversion: JANUARY 1 TO DECEMBER 31							
Diversion Means:	LIVESTOCK E	HRECT FRO	M SC	URCE	Pipelin	e	
*Period of Use:	JANUARY 1 TO	O DECEMBE	ER 31				

Place of Us	se:						
ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge County	
1		3	SWSWSW	14	5N	9E PARK	
- ·			SENWSW				

43A 24691-00

Point of Diversion and Means of Diversion: See proposed Points of Diversion on Page 3 Qtr Sec Sec Govt Lot ID Twp Rge County 1 26 5N 9E PARK Period of Diversion: JANUARY 1 TO DECEMBER 31 LIVESTOCK DIRECT FROM SOURCE **Diversion Means:** 2 25 5N 9E PARK Period of Diversion: JANUARY 1 TO DECEMBER 31 LIVESTOCK DIRECT FROM SOURCE **Diversion Means:**

Point of Diversion and Means of Diversion:								
ID	Govt Lot	Qtr Sec	Sec	Тwp	Rge County			
3			30	5N	10E PARK			
Period of Diversion: JANUARY 1 TO DECEMBER 31								
Diversion Means:	LIVESTOCK E	RECT FRO	OM SO	URCE				
4			29	5N	10E PARK			
Period of Diversion	n: JANUARY 1 T	O DECEMB	ER 31					
Diversion Means:	LIVESTOCK D	IRECT FRO	OM SO	URCE				

Proposed Points of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			25	5N	9E	Park
	Period of Diversion: January 1 to	December 3	1			
	Means of Diversion: Livestock Di	rect from Sou	urce			
2			26	5N	9E	Park
	Period of Diversion: January 1 to	December 3	1			
	Means of Diversion: Livestock Di	rect from Sou	urce			
3			29	5N	10E	Park
	Period of Diversion: January 1 to	December 3	1			
	Means of Diversion: Livestock Di	rect from Sou	urce			
4			30	5N	10E	Park
	Period of Diversion: January 1 to	December 3	1			
	Means of Diversion: Livestock Di	rect from Sou	urce			
5	1	NWSWNE	29	5N	10E	Park
	Period of Diversion: January 1 to	December 3	1			
	Means of Diversion: Headgate					
	Ditch Name: Interstate Holding C	orp Ditch				
6	1	NWSENE	25	5N	9E	Park
	Period of Diversion: January 1 to	December 3	1			
	Means of Diversion: Headgate					
	Ditch Name: Grafton Ditch					

<u>43A 60576-00</u>

Point of Diversion and N	leans of Diversio	n: See prop	osed	points of	f divers	sion on Page 3
ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SESESE	12	5N	9E	MEAGHER
Period of Diversion	: MAY 1 TO OC	IOBER 31				
Diversion Means:	LIVESTOCK D	IRECT FRO	OM SO	URCE		
Period of Use:	MAY 1 TO OCT	OBER 31				

Place of Use: See additional proposed places of use on Page 3

<u>ID</u>	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	<u>County</u>
1			SESESE	12	5N	9E	MEAGHER

Prop	osed Points of Diversion						
ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County	
1			12	5N	9E	Meagher	
	Period of Diversion: May 1 to	October 31					
	Means of Diversion: Livestoc	k Direct from Sou	Irce				
2	4	SWSWSW	7	5N	10E	Meagher	
	Period of Diversion: May 1 to	October 31					
	Means of Diversion: Headga	te					
	Ditch Name: Hamilton Ditch						

Proposed Additional Places of Use

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
2			NW	18	5N	10E	Meagher
3			SW	18	5N	10E	Park
4			SE	13	5N	9E	Park
5			NE	24	5N	9E	Park

43A 191846-00

Point of Diversion and Means of Diversion:

<u>ID</u> 1		Govt Lot SESWNE	<u>Qtr Sec</u> NENWSE	<u>Sec</u> 13	<u>Тwp</u> 5N		<u>County</u> PARK MEAGHER
Place of Use: <u>ID</u>	Acres	<u>Govt Lot</u>	<u>Qtr Sec</u>	Sec	<u>Twp</u>	Rge	County
1			NWSE SESWNE	13	5N	9E	PARK MEAGHER

43A 191848-00

Point of Diversion and Means of Diversion:

<u>ID</u> 1		Govt Lot SESWSW		<u>Sec</u> 13	<u>Twp</u> 5N	<u>Rge</u> <u>County</u> 9E PARK
Place of Us <u>ID</u>	e: <u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	Sec	<u>Twp</u>	<u>Rge</u> <u>County</u>
1			SWSESW SESWSW	13	5N	9E PARK

43A 191850-00

Point of Diversio	on and Means of Diversion	1:			
<u>ID</u>	<u>Govt Lot</u>	Qtr Sec	Sec Twp	Rge	County
1	E2NESE S	WNWSW	18 13 5N	10E	PARK
Period of Di	iversion: JANUARY 1 TC	DECEMB	ER 31	9E	

Place of Use:

<u>ID</u>	Acres	Govt Lot	Qtr Sec	Sec	Тwp	<u>Rge</u> <u>County</u>	
1			SWNWSW E2NESE			10E PARK 9E	

43A 191851-00

*Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	<u>County</u>
1		E2SWSW	18	5N	10E	PARK
Period of Diversion	: JANUARY 1	TO DECEMB	ER 31			
Diversion Means:	LIVESTOCK	DIRECT FRC	M SO	URCE		
Period of Use:	JANUARY 1 T	O DECEMBE	ER 31			
\mathbf{X}						
2		N2NWNW	19	5N	10E	PARK
Period of Diversio	n: January 1 to	December 31				
Diversion Means:	Livestock Direc	t from Source)			

*Place	of	Use:	
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<u>ID</u>	Acres	Govt Lot	Qtr Sec	Sec	<u>Twp</u>	Rge County
1 — 2						10E PARK 10E PARK —

<u>43A 191853-00</u>

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	NWSEN	IE SENWNE	18	5N	10E	MEAGHER

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NWSEN	E SENWNE	18	5N	10E	MEAGHER

<u>43A 191859-00</u>

*Point of Diversion and Means of Diversion:								
<u>ID</u>	Govt Lot	Qtr Sec	Sec	Twp	Rge	County		
1		NWSENW	7	5N	10E	MEAGHER		
Period of Diversion	: JANUARY 1	TO DECEMB	ER 31					
Diversion Means:	LIVESTOCK	DIRECT FRO	M SC	URCE	Headg	gate Ditch Name: Hamilton Ditch		

*Place of Use: See proposed Place of	Use below			
ID Acres Covt Lot	<u>Qtr Sec</u>	Sec	<u>Twp</u>	<u>Rge</u> <u>County</u>
1	NWSENW	7	5N	10E MEAGHER

Proposed Places of Use

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			NW	18	5N	10E	Meagher
2			SW	18	5N	10E	Park
3			SE	13	5N	9E	Park
4			NE	24	5N	9E	Park

5. In addition to the modifications to the point of diversion for claim 43A 24691-00 requested above, CJA also asserts that during the Temporary Preliminary Decree, 43A 24691-00 was decreed including direct from source stock use from the Shields River and diversionary stock use from the Grafton Ditches and the Interstate Holding Corp Ditches based on a stipulation between the claimants and objectors in Case 43A-13. Further, CJA attaches the Master's Report from Case 43A-13 which specifies that an information remark should be added to 43A 24691-00 stating that "the means of diversion is direct from source and through headgates and ditches. According to CJA, this remark does not appear on 43A 24691-00 in the Preliminary Decreed, and CJA requests that it be replaced on the abstract in order to clarify the points of diversion and places of use and account for the direct from source and diversionary components of 43A 24691-00.

6. In support of the requested modifications to the points of diversion and places of use for the claims listed above, 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. In sum, both declarations attest that the points of diversion and periods of use for the claims should be modified to reflect the historical use of the claims. Additionally, CJA attaches the declaration of Rex Ternan another individual with extensive pre 1973 historical knowledge of water use on the CJA property. CJA states that Mr. Ternan's historical knowledge is due to the close proximity of his own property to that of CJA and his ability to observe the ranching practices on the CJA property as a neighbor for over

58 years as well as his former employment at the Spear Lazy U Ranch, now owned by CJA, where he managed irrigation practices from 1974-1986. Mr. Ternan's declaration echoes the support for the modifications found in the Westling declarations.

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. If a claimant agrees to reduce or limit a claim, the Water Court may accept the reduction or limitation without reviewing further evidence, unless an unresolved issue remark remains. Rule 17(c), W.R.Adj.R.

9. 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.

10. The Water Court is not bound by parties' 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.

CONCLUSIONS OF LAW

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

2. The modification of claim 43A 24674-00 constitutes a reduction in the elements of the claim such that the Court may accept the requested reduction or limitation "without further presentation of evidence." Rule 17(c), W.R.Adj.R.

3. The information contained in CJA's *Motion to Modify Claims* along with the supporting evidence contained in the Westling declarations, the Ternan declaration, and the associated maps demonstrates by a preponderance of the evidence that point of diversion and place of use elements for claims 43A 24679-00, 43A 24691-00, 43A 60576-00, 43A 191846-00, 43A 191848-00, 43A 191850-00, 43A 191851-00, 43A 191853-00, and 43A 191859-00 should be modified as described in Finding of Fact No. 4. The requested modifications do not have the reasonable potential to adversely affect other water rights as they are corrections to the abstracts which do not make any change to the actual historical use of the claimed right on the ground. Notice by publication of these modifications is not required.

4. The information remark clarifying and accounting for the direct from source and diversionary components of 43A 24691-00 should be returned to the claim as described in Finding of Fact No. 5.

5. The Objections by Claimant CJA should be considered resolved.

6. The resolution of the self-objection to claim 43A 60576-00 resolves the issue remark appearing on the claim. The issue remark should be removed from the

claim.

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.

> Eugene C. White Water Master

Service via Electronic Mail

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Water Right Number:	43A 11570	-00 STATEMEN	T OF C	LAIM			
	Version:	3 POST DECRE	E				
		Status: ACTIVE					
Owners:	140 PEPPE	ERTIES LLC R LN /IT 59086 9420					
Priority Date:	JUNE 1, 1950						
Type of Historical Right:	USE						
Purpose (Use):	STOCK	STOCK					
*Flow Rate:	NO FLOW F RESERVOI		ECREE	D FOR	THIS	USE FROM THIS ONSTREAM	
*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, U	NNAMED TRIBUTA	RY OF	SHIELD	DS RIV	'ER	
Source Type:	GROUN	DWATER					
Point of Diversion and Means	s of Diversion	:					
<u>ID</u> 1	<u>Govt Lot</u>	t <u>Qtr Sec</u> NENWNE	<u>Sec</u> 31	<u>Twp</u> 5N	<u>Rge</u> 10E	<u>County</u> PARK	
Period of Diversion:	JANUARY 1	I TO DECEMBER 3	1				
Diversion Means:	LIVESTOC	K DIRECT FROM SO	OURCE				
Reservoir:	ONSTREAM	Л					
	<u>Govt Lo</u>	<u>t</u> <u>Qtr Sec</u> NENWNE	<u>Sec</u> 31	<u>Twp</u> 5N	<u>Rge</u> 10E	<u>County</u> PARK	
Diversion to Reserve	oir: DIVERS	ION # 1					
Period of Use: Place of Use:	JUNE 1 TO	OCTOBER 31					
ID <u>Acres</u>	<u>Govt Lo</u>	<u>t Qtr Sec</u> NENWNE	<u>Sec</u> 31	<u>Twp</u> 5N		<u>County</u> PARK	

Water Right Number:	43A 24674	1-00 STATEMEN		CLAIM			
	Version:	3 POST DECR	EE				
		Status: ACTIVE					
Owners:	140 PEPPE	CJA PROPERTIES LLC 140 PEPPER LN WILSALL, MT 59086 9420					
Priority Date:	JANUARY	JANUARY 2, 1964					
Type of Historical Right:	FILED						
Purpose (Use):	STOCK						
Flow Rate:	25.00 GPM	1					
Volume:	STOCK WA	ATERING PURPOS	ES AT S SHALI	THE RA _ BE BA	TE OF	CONSUMPTIVELY USED FOR 30 GALLONS PER DAY PER ON REASONABLE CARRYING SERVICED BY THIS WATER	
Source Name:	GROUNDV	VATER					
Source Type:	GROUN	IDWATER					
Point of Diversion and Mean	s of Diversion	1:					
ID 1	<u>Govt Lo</u>	ot <u>Qtr Sec</u> SENENE	<u>Sec</u> 26	<u>Twp</u> 5N	<u>Rge</u> 9E	<u>County</u> PARK	
*Period of Diversion:	JANUARY	1 TO DECEMBER :	31				
Diversion Means:	WELL						
*Period of Use:	JANUARY	1 TO DECEMBER 3	31				
Place of Use:							
ID <u>Acre</u> 1	<u>s Govt Lo</u>	ot <u>Qtr Sec</u> SENENE	<u>Sec</u> 26	<u>Twp</u> 5N	-	<u>County</u> PARK	

Water Right Number:	43A 24675-	00 STATEMEN	IT OF C	LAIM			
	Version:	3 POST DECRE	ΞE				
		Status: ACTIVE					
Owners:	140 PEPPEI	CJA PROPERTIES LLC 140 PEPPER LN WILSALL, MT 59086 9420					
*Priority Date:	SEPTEMBE	R 15, 1883					
Type of Historical Right:	FILED						
Purpose (Use):	STOCK						
Flow Rate:	CONSISTS DITCH SYS	OF STOCK DRINK	ING DI	RECTLN S LIMIT	/ FRO ED TC	ED BECAUSE THIS USE M THE SOURCE, OR FROM A THE MINIMUM AMOUNT URPOSE.	
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						
Source Type:	GROUNE	DWATER					
*Point of Diversion and Means	s of Diversion:						
<u>ID</u> 1	<u>Govt Lot</u>	<u>Qtr Sec</u> SWSENW	<u>Sec</u> 26	<u>Twp</u> 5N	<u>Rge</u> 9E	<u>County</u> PARK	
*Period of Diversion:	JANUARY 1	TO DECEMBER 3	31				
Diversion Means:	LIVESTOCK	DIRECT FROM S	OURCE				
*Period of Use:	JANUARY 1	TO DECEMBER 3	31				
Place of Use:							
<u>ID</u> <u>Acres</u> 1	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u> 26	<u>Twp</u> 5N	0	<u>County</u> PARK	

Water Right Number:	43A 24679	9-00 STATEMEN	T OF C	LAIM		
	Version:	3 POST DECRE	E			
		Status: ACTIVE				
Owners:	CJA PROPERTIES LLC 140 PEPPER LN WILSALL, MT 59086 9420					
*Priority Date:	SEPTEMB	ER 15, 1883				
Type of Historical Right:	FILED					
Purpose (Use):	STOCK					
Flow Rate:	CONSISTS DITCH SYS	OF STOCK DRINK	ING DI RATE I	RECTLY S LIMITE	' FROI ED TO	ED BECAUSE THIS USE M THE SOURCE, OR FROM A THE MINIMUM AMOUNT URPOSE.
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					
Source Type:	GROUN	IDWATER				
Point of Diversion and Means	of Diversion	1:				
<u>ID</u> 1	<u>Govt Lo</u>	ot <u>Qtr Sec</u> SWNESW	<u>Sec</u> 14	<u>Twp</u> 5N	<u>Rge</u> 9E	<u>County</u> PARK
*Period of Diversion:	JANUARY	1 TO DECEMBER 3	1			
Diversion Means:	PIPELINE					
*Period of Use:	JANUARY	1 TO DECEMBER 3	1			
Place of Use:						
<u>ID</u> <u>Acres</u> 1		otQtr Sec3SENWSW	<u>Sec</u> 14	<u>Twp</u> 5N	0	<u>County</u> PARK

Water Right Number:	43A 24691	-00	STATEMENT	OFC	LAIM				
	Version:	3 F	OST DECRE	Ξ					
		Statu	s: ACTIVE						
Owners:	CJA PROPE 140 PEPPE WILSALL, N	R LN							
*Priority Date:	JUNE 10, 1	JUNE 10, 1883							
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:	SHIELDS RIVER								
Source Type:	SURFAC	E WA	TER	SURFACE WATER					
Point of Diversion and Means of Diversion:									
Point of Diversion and Mean	s of Diversion	:							
Point of Diversion and Mean <u>ID</u> 1	s of Diversion <u>Govt Lot</u>		<u>Qtr Sec</u>	<u>Sec</u> 25	<u>Twp</u> 5N	<u>Rge</u> 9E	<u>County</u> PARK		
<u>ID</u>	<u>Govt Lot</u>	t	<u>Qtr Sec</u> ECEMBER 31	25					
ID1Period of Diversion:Diversion Means:	<u>Govt Lot</u> JANUARY 1	<u>t</u> I TO D		25	5Ñ				
1 1 Period of Diversion: Diversion Means: 2	<u>Govt Lot</u> JANUARY 1 LIVESTOCH	I TO D OIRE	ECEMBER 31	25 DURCE 26	5Ñ				
ID1Period of Diversion:Diversion Means:2Period of Diversion:	<u>Govt Lot</u> JANUARY 1 LIVESTOCH JANUARY 1	t I TO D K DIRE I TO D	ECEMBER 31 CT FROM SC ECEMBER 31	25 DURCE 26	5Ñ 5N	9E	PARK		
ID1Period of Diversion:Diversion Means:2Period of Diversion:Diversion Means:	<u>Govt Lot</u> JANUARY 1 LIVESTOCH JANUARY 1	t I TO D K DIRE I TO D	ECEMBER 31	25 DURCE 26 DURCE	5Ñ 5N	9E 9E	PARK		
ID 1Period of Diversion: Diversion Means:2Period of Diversion: Diversion Means:3	<u>Govt Lot</u> JANUARY 1 LIVESTOCH JANUARY 1 LIVESTOCH	t I TO D C DIRE I TO D C DIRE	ECEMBER 31 CT FROM SC ECEMBER 31 CT FROM SC	25 DURCE 26 DURCE 29	5Ñ 5N	9E	PARK		
ID1Period of Diversion:Diversion Means:2Period of Diversion:Diversion Means:3Period of Diversion:	<u>Govt Lot</u> JANUARY 1 LIVESTOCH JANUARY 1 LIVESTOCH	t I TO D C DIRE I TO D C DIRE	ECEMBER 31 CT FROM SC ECEMBER 31 CT FROM SC ECEMBER 31	25 DURCE 26 DURCE 29	5N 5N 5N	9E 9E	PARK		
ID 1Period of Diversion: Diversion Means:2Period of Diversion: Diversion Means:3	<u>Govt Lot</u> JANUARY 1 LIVESTOCH JANUARY 1 LIVESTOCH	t I TO D C DIRE I TO D C DIRE	ECEMBER 31 CT FROM SC ECEMBER 31 CT FROM SC	25 DURCE 26 DURCE 29	5N 5N 5N	9E 9E	PARK		
ID 11Period of Diversion: Diversion Means:2Period of Diversion: Diversion Means:3Period of Diversion: Diversion Means:	Govt Lot JANUARY 1 LIVESTOCH JANUARY 1 LIVESTOCH JANUARY 1 LIVESTOCH	t TO D DIRE TO D DIRE TO D C DIRE	ECEMBER 31 CT FROM SC ECEMBER 31 CT FROM SC ECEMBER 31	25 DURCE 26 DURCE 29 DURCE 30	5N 5N 5N	9E 9E 10E	PARK		
ID 11Period of Diversion: Diversion Means:2Period of Diversion: Diversion Means:3Period of Diversion: Diversion Means:34	Govt Lot JANUARY 1 LIVESTOCK JANUARY 1 LIVESTOCK JANUARY 1 LIVESTOCK	t TO D TO D TO D DIRE TO D C DIRE	ECEMBER 31 CT FROM SC ECEMBER 31 CT FROM SC ECEMBER 31 CT FROM SC	25 DURCE 26 DURCE 29 DURCE 30	5N 5N 5N	9E 9E 10E	PARK		
ID1Period of Diversion:Diversion Means:2Period of Diversion:Diversion Means:3Period of Diversion:Diversion Means:4Period of Diversion:	Govt Lot JANUARY 1 LIVESTOCK JANUARY 1 LIVESTOCK JANUARY 1 LIVESTOCK	t TO D TO D TO D DIRE TO D C DIRE	ECEMBER 31 CT FROM SC ECEMBER 31 CT FROM SC ECEMBER 31 CT FROM SC ECEMBER 31	25 DURCE 26 DURCE 29 DURCE 30	5N 5N 5N	9E 9E 10E	PARK		
ID11Period of Diversion:Diversion Means:2Period of Diversion:3Period of Diversion:3Period of Diversion:1Diversion Means:4Period of Diversion:Diversion Means:	Govt Lot JANUARY 1 LIVESTOCH JANUARY 1 LIVESTOCH JANUARY 1 LIVESTOCH JANUARY 1 LIVESTOCH	t TO D DIRE TO D DIRE TO D DIRE	ECEMBER 31 CT FROM SC ECEMBER 31 CT FROM SC ECEMBER 31 CT FROM SC ECEMBER 31 CT FROM SC	25 DURCE 26 DURCE 29 DURCE 30 DURCE 29	5N 5N 5N	9E 9E 10E	PARK PARK PARK		
ID1Period of Diversion:Diversion Means:2Period of Diversion:Diversion Means:3Period of Diversion:Diversion Means:4Period of Diversion:Diversion Means:5	Govt Lot JANUARY 1 LIVESTOCH JANUARY 1 LIVESTOCH JANUARY 1 LIVESTOCH JANUARY 1 LIVESTOCH	1 TO D C DIRE 1 TO D C DIRE 1 TO D C DIRE 1 TO D C DIRE 1 TO D	ECEMBER 31 CT FROM SC ECEMBER 31 CT FROM SC ECEMBER 31 CT FROM SC ECEMBER 31 CT FROM SC NWSWNE	25 DURCE 26 DURCE 29 DURCE 30 DURCE 29	5N 5N 5N	9E 9E 10E	PARK PARK PARK		

6			NWSENE	25	5N	9E	PARK
Period of Diversio	n: J	ANUARY 1 TO D	DECEMBER 31				
Diversion Means:	F	IEADGATE					
Ditch Name:	C	GRAFTON DITCH	1				
		IEANS OF DIVE	RSION IS DIRE	CT FR	OM SO	URCE	AND THROUGH HEADGATES
Period of Use:	J	ANUARY 1 TO D	DECEMBER 31				
Place of Use:							
ID	Aanog	CoutLat	Otr Soo	See. 1	Turn	Dao	Country

<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				26	5N	9E PARK
2				25	5N	9E PARK
3				30	5N	10E PARK
4				29	5N	10E PARK

Water Right Number:	Water Right Number: 43A 24694-00 STATEMENT OF CLAIM									
	Version:	3 POST DEC	REE							
		Status: ACTIVE	E							
Owners:	CJA PROPERTIES LLC 140 PEPPER LN WILSALL, MT 59086 9420									
Priority Date:	JANUARY	JANUARY 1, 1920								
Type of Historical Right:	FILED									
Purpose (Use):	DOMESTIC	0								
Flow Rate:	60.00 GPN	60.00 GPM								
Volume:	4.00 AC-FT									
Households:	4									
Maximum Acres:	1.00									
*Source Name:	SPRING									
Source Type:	GROUN	IDWATER								
*Point of Diversion and Mean	s of Diversion	1:								
<u>ID</u> 1	<u>Govt Lo</u>	o <u>t Qtr Se</u> NESESE		<u>Twp</u> 5N	<u>Rge</u> 9E	<u>County</u> PARK				
*Period of Diversion:	JANUARY	1 TO DECEMBER	31							
Diversion Means:	PIPELINE									
*Period of Use:	JANUARY	1 TO DECEMBER	31							
*Place of Use:										
ID Acre				<u>Twp</u>	-	County				
1 0.50		NWSWSW		5N		PARK				
2 0.50 Total: 1.00	_	NWNWNW	/ 25	5N	96	PARK				
10tali 1.00	J									

Water Right Number:	43A 60576-	00 STATEMEN		LAIM				
	Version:	3 POST DECR	ΞE					
		Status: ACTIVE						
Owners:	140 PEPPEF	CJA PROPERTIES LLC 140 PEPPER LN WILSALL, MT 59086 9420						
Priority Date:	AUGUST 10	AUGUST 10, 1906						
Type of Historical Right:	USE							
Purpose (Use):	STOCK							
Flow Rate:	CONSISTS (DITCH SYST	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:	GOAT CREE	K						
Source Type:	SURFAC	E WATER						
Point of Diversion and Mean	s of Diversion:							
<u>ID</u> 1	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u> 12	<u>Twp</u> 5N	<u>Rge</u> 9E	<u>County</u> MEAGHER		
Period of Diversion:	MAY 1 TO O	CTOBER 31						
Diversion Means:	LIVESTOCK	DIRECT FROM S	OURCE	Ē				
2	4	SWSWSW	7	5N	10E	MEAGHER		
Period of Diversion:	MAY 1 TO O	CTOBER 31						
Diversion Means:	HEADGATE							
Ditch Name:	HAMILTON I							
Period of Use: Place of Use:	MAY 1 TO O	CTOBER 31						
<u>ID Acre</u>	<u>s Govt Lot</u>	<u>Otr Sec</u>	<u>Sec</u>	<u>Twp</u>	Røe	<u>County</u>		
1 <u>1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 </u>	<u>5 001100</u>	<u>vu see</u>	12	5N	-	MEAGHER		
2		NW	18	5N	10E	MEAGHER		
3		SW	18	5N		PARK		
4		SE	13	5N		PARK		
5		NE	24	5N	9E	PARK		

Water Right Number:	43A 19184	6-00 STATEME	ENT OF	CLAIM			
	Version:	4 POST DECR	EE				
		Status: ACTIVE					
Owners:	140 PEPPE	CJA PROPERTIES LLC 140 PEPPER LN WILSALL, MT 59086 9420					
*Priority Date:	JUNE 1, 18	90					
Type of Historical Right:	USE						
Purpose (Use):	STOCK						
Flow Rate:	CONSISTS DITCH SYS	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:	STOCK WA ANIMAL UN	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, U	NNAMED TRIBUT	ARY OF	SMITH	CREE	K	
Source Type:	GROUN	DWATER					
Point of Diversion and Mean	s of Diversion	:					
<u>ID</u> 1	<u>Govt Lo</u>	t <u>Qtr Sec</u> SESWNE	<u>Sec</u> 13	<u>Twp</u> 5N	<u>Rge</u> 9E	<u>County</u> MEAGHER	
Period of Diversion:	JANUARY '	1 TO DECEMBER	31				
Diversion Means:	LIVESTOC	K DIRECT FROM S	OURCE	Ξ			
Period of Use:	JANUARY ²	1 TO DECEMBER	31				
Place of Use:							
ID Acre 1	<u>s Govt Lo</u>	t <u>Qtr Sec</u> SESWNE	<u>Sec</u> 13	<u>Twp</u> 5N	0	<u>County</u> MEAGHER	

Water Right Number:	43A 19184	48-00 STATEM	ENT OF	CLAIM			
	Version:	4 POST DECR	EE				
		Status: ACTIVE					
Owners:	140 PEPPI	CJA PROPERTIES LLC 140 PEPPER LN WILSALL, MT 59086 9420					
*Priority Date:	JUNE 1, 18	390					
Type of Historical Right:	USE						
Purpose (Use):	STOCK						
Flow Rate:	CONSISTS DITCH SYS	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:	STOCK WA	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, L	JNNAMED TRIBUT	ARY OF	SMITH	CREE	K	
Source Type:	GROUN	NDWATER					
Point of Diversion and Mean	s of Diversion	n:					
<u>ID</u> 1	<u>Govt Lo</u>	ot <u>Qtr Sec</u> SESWSW		<u>Twp</u> 5N	<u>Rge</u> 9E	<u>County</u> PARK	
Period of Diversion:	JANUARY	1 TO DECEMBER	31				
Diversion Means:	LIVESTOC	K DIRECT FROM	SOURCE	Ξ			
Period of Use:	JANUARY	1 TO DECEMBER	31				
Place of Use:							
ID Acre 1	<u>s Govt L</u>	ot <u>Qtr Sec</u> SESWSW	<u>Sec</u> 13	<u>Twp</u> 5N	0	<u>County</u> PARK	

Water Right Number:	43A 1918	50-00 STATEM	ENT OF	CLAIM			
	Version:	3 POST DECR	EE				
		Status: ACTIVE					
Owners:	140 PEPPI	CJA PROPERTIES LLC 140 PEPPER LN WILSALL, MT 59086 9420					
*Priority Date:	JUNE 1, 18	890					
Type of Historical Right:	USE						
Purpose (Use):	STOCK						
Flow Rate:	CONSISTS DITCH SYS	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:	STOCK WA	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, L	JNNAMED TRIBUT	ARY OF	SMITH	CREE	K	
Source Type:	GROUN	NDWATER					
Point of Diversion and Mean	s of Diversion	n:					
<u>ID</u> 1	<u>Govt Lo</u>	ot <u>Qtr Sec</u> E2NESE		<u>Twp</u> 5N	<u>Rge</u> 9E	<u>County</u> PARK	
Period of Diversion:	JANUARY	1 TO DECEMBER	31				
Diversion Means:	LIVESTOC	K DIRECT FROM	SOURCE	Ē			
Period of Use:	JANUARY	1 TO DECEMBER	31				
Place of Use:							
<u>ID</u> <u>Acre</u> 1	<u>s Govt L</u>	ot <u>Qtr Sec</u> E2NESE		<u>Twp</u> 5N	0	<u>County</u> PARK	

Water Right Number:	43A 191851-00 STATEMENT OF CLAIM						
	Version:	3 POST DECRE	E				
		Status: ACTIVE					
Owners:	140 PEPPE	CJA PROPERTIES LLC 140 PEPPER LN WILSALL, MT 59086 9420					
*Priority Date:	JUNE 1, 18	90					
Type of Historical Right:	USE						
Purpose (Use):	STOCK						
Flow Rate:	CONSISTS DITCH SYS	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:	SPRING, U	NNAMED TRIBUTA	RY OF	SMITH	CREE	K	
Source Type:	GROUN	DWATER					
*Point of Diversion and Means	of Diversion	:					
<u>ID</u> 1	<u>Govt Lot</u>	E2SWSW	<u>Sec</u> 18	<u>Twp</u> 5N	<u>Rge</u> 10E	<u>County</u> PARK	
Period of Diversion:	JANUARY 1	TO DECEMBER 3	1				
Diversion Means:	LIVESTOC	K DIRECT FROM S					
2		N2NWNW	19	5N	10E	PARK	
Period of Diversion:	JANUARY 1	TO DECEMBER 3	1				
Diversion Means:		K DIRECT FROM S					
Period of Use:	JANUARY 1	TO DECEMBER 3	51				
*Place of Use:	C (T		G	T	Б		
<u>ID</u> <u>Acres</u>	<u>Govt Lo</u>	t <u>Qtr Sec</u> E2SWSW	<u>Sec</u> 18	<u>Twp</u> 5N	-	<u>County</u> PARK	
2		N2NWNW	19	5N		PARK	

Water Right Number:	43A 19185	3-00 STATEME	NT OF	CLAIM			
	Version:	3 POST DECR	EE				
		Status: ACTIVE					
Owners:	140 PEPPE	CJA PROPERTIES LLC 140 PEPPER LN WILSALL, MT 59086 9420					
*Priority Date:	JUNE 1, 18	90					
Type of Historical Right:	USE						
Purpose (Use):	STOCK						
Flow Rate:	CONSISTS DITCH SYS	OF STOCK DRINK	KING DII RATE I	RECTLY S LIMIT	r FRO ED TO	ED BECAUSE THIS USE M THE SOURCE, OR FROM A D THE MINIMUM AMOUNT PURPOSE.	
Volume:	STOCK WA ANIMAL UN	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						
Source Type:	GROUN	DWATER					
Point of Diversion and Mean	s of Diversion	:					
<u>ID</u> 1	<u>Govt Lo</u>	<u>Qtr Sec</u> NWSENE	<u>Sec</u> 18	<u>Twp</u> 5N	<u>Rge</u> 10E	<u>County</u> MEAGHER	
Period of Diversion:	JANUARY [·]	TO DECEMBER	31				
Diversion Means:	LIVESTOCI	K DIRECT FROM S	OURCE				
Period of Use:	JANUARY [·]	TO DECEMBER	31				
Place of Use:							
ID Acre 1	<u>s Govt Lo</u>	t <u>Qtr Sec</u> NWSENE	<u>Sec</u> 18	<u>Twp</u> 5N	0	<u>County</u> MEAGHER	

Water Right Number:	43A 19185	9-00 STATEME	NT OF	CLAIM		
	Version:	3 POST DECR	EE			
	Status: ACTIVE					
Owners:	CJA PROPERTIES LLC 140 PEPPER LN WILSALL, MT 59086 9420					
*Priority Date:	JUNE 1, 1890					
Type of Historical Right:	USE					
Purpose (Use):	STOCK					
Flow Rate:	CONSISTS DITCH SYS	OF STOCK DRINK	KING DII RATE I	RECTL S LIMIT	Y FRO	ED BECAUSE THIS USE M THE SOURCE, OR FROM A THE MINIMUM AMOUNT URPOSE.
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:	SMITH CREEK					
Source Type:	SURFACE WATER					
*Point of Diversion and Means of Diversion:						
<u>ID</u> 1	<u>Govt Lot</u>	<u>Qtr Sec</u> NWSENW	<u>Sec</u> 7	<u>Twp</u> 5N	<u>Rge</u> 10E	<u>County</u> MEAGHER
Period of Diversion:	JANUARY 1	TO DECEMBER 3	31			
Diversion Means:	HEADGATE	E				
Ditch Name:	HAMILTON DITCH					
Period of Use:	JANUARY 1	TO DECEMBER 3	31			
*Place of Use:						
<u>ID</u> <u>Acres</u>	<u>Govt Lo</u>	t <u>Qtr Sec</u> NW	<u>Sec</u> 18	<u>Twp</u> 5N	-	<u>County</u> MEAGHER
2		SW	18	5N		PARK
3		SE	13	5N		PARK
4		NE	24	5N	9E	PARK

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.