

Montana Water Court
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MONTANA WATER COURT, YELLOWSTONE DIVISION
YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN
BASIN 43B
PRELIMINARY DECREE

CLAIMANT: James J. Darr; Shawn A. Darr; Ronald R. Peterson;
Wilson Family Trust

CASE 43B-4002-S-2018

43B 1085-00

43B 1086-00

43B 1087-00

Split Claims:

43B 30150060

43B 30150061

43B 30151591

43B 30151592

43B 30151593

43B 30151594

NOTICE OF FILING OF MASTER’S REPORT

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

The above stamped date indicates the date the Master’s Report was filed and mailed. Rule 23 of the Water Adjudication Rules requires written objections to the Master’s Report must be filed within 10 days of the date of the Master’s Report.

Because the Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10 day objection period. Rule 6(d), M.R.Civ.P. This means

your objection must be received no later than **13 days** from the above stamped date.

If you file an objection, you must mail a copy of the objection to all parties on the Service List found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the Service List must be filed with the Water Court. If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

On December 10, 2018 the Bozeman DNRC Regional Office filed a Memorandum concerning the requested split of Ronald R. Peterson, Shawn A. Darr, James J. Darr, and Wilson Family Trust claims 43B 1085-00, 43B 1086-00, and 43B 1087-00. On February 26, 2021 James J. Darr filed marked aerial photographs concerning the point of diversion and place of use. On May 7, 2021 Ronald R. Peterson filed a letter providing additional information. The documentation filed with the DNRC Memorandum and the information filed by the claimants are sufficient to proceed with splitting the claims as requested. These documents are viewable in the Court's FullCourt Enterprise case management system.

APPLICABLE LAW

The Montana Water Court has jurisdiction over all matters relating to the determination of existing water rights. Section 3-7-224, MCA.

The Water Court may split a claim with multiple owners into separate claims upon request of all of the claimants prior to issuance of the final decree. Rule 26, W.R.Adj.R.

Flow rates are decreed in cubic feet per second ["cfs"] unless the flow rate is less than 1.00 cfs. Flow rates less than 1.00 cfs are decreed in gallons per minute ["gpm"]. One cfs = 448.83 gpm = 40.00 miner's inches. Rule 4, W.R.C.E.R.

FINDINGS OF FACT

1. For all three claims, the Preliminary Decree states that the maximum acres irrigated and place of use are 55.00 acres in the E2 section 8, T9S, R8E, PARK.
2. For all three claims, the Preliminary Decree states that the point of diversion is NWNWNE section 8, T9S, R8E, PARK. The ditch name is not included.

3. Claim 43B 1085-00 should be modified to represent only the Ronald R. Peterson portion of the claimed right. Claim 43B 30150060 should be generated for the James J. Darr and Shawn A. Darr portion of the claimed right. Claim 43B 30150061 should be generated for the Wilson Family Trust portion of the claimed right.

4. Claim 43B 1085-00 should be modified as follows: 1) the ownership should be modified by removing James J. Darr, Shawn A. Darr, and Wilson Family Trust as co-owners, 2) the flow rate should be reduced from 2.08 cfs to 341.00 gpm, 3) Ditch Name: Stermitz Ditch should be added to the point of diversion, 4) the maximum acres should be reduced from 55.00 acres to 20.30 acres, and 5) the place of use should be 20.30 acres in the N2 section 8, T9S, R8E, PARK with "THE PLACE OF USE IS LOCATED IN LOT A-1, SUBDIVISION 571CORB" added to clarify the place of use.

In addition, the following remarks appeared on the abstract of this claim in the Preliminary Decree:

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON LITTLE TRAIL CREEK WITH A PRIORITY DATE PREDATING CASE NO 7556, PARK COUNTY. IF NO OBJECTIONS ARE FILED TO PRIORITY DATE OR TYPE OF HISTORICAL RIGHT, THESE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS REMARK WILL BE REMOVED.

The period of diversion remark provides notice of this change made prior to issuance of the Preliminary Decree. For the priority date remark, no objection was filed. There are no proceedings required for these remarks. Both remarks should be removed as having served their notice purposes.

5. The elements of claim 43B 30150060 should be the same as 43B 1085-00 except: 1) the owners should be James J. Darr and Shawn A. Darr, 2) the flow rate should be 45.00 gpm, 3) the maximum acres should be 2.60 acres, and 4) the place of use should be 2.60 acres in the Government Lot 9, N2NESW section 8, T9S, R8E, PARK.

6. The elements of claim 43B 30150061 should be the same as 43B 1085-00 except: 1) the owner should be Wilson Family Trust, 2) the flow rate should be 1.22 cfs, 3) the maximum acres should be 32.20 acres, and 4) the place of use should be 32.20 acres in section 8, T9S, R8E, PARK with "THE PLACE OF USE IS LOCATED IN LOT B-1, SUBDIVISION 571"

added to clarify the place of use.

7. Claim 43B 1086-00 should be modified to represent only the Ronald R. Peterson portion of the claimed right. Claim 43B 30151591 should be generated for the James J. Darr and Shawn A. Darr portion of the claimed right. Claim 43B 30151592 should be generated for the Wilson Family Trust portion of the claimed right.

8. Claim 43B 1086-00 should be modified as follows: 1) the ownership should be modified by removing James J. Darr, Shawn A. Darr, and Wilson Family Trust as co-owners, 2) the flow rate should be reduced from 336.00 gpm to 121.00 gpm, 3) Ditch Name: Stermitz Ditch should be added to the point of diversion, 4) the maximum acres should be reduced from 55.00 acres to 20.30 acres, and 5) the place of use should be 20.30 acres in the N2 section 8, T9S, R8E, PARK with "THE PLACE OF USE IS LOCATED IN LOT A-1, SUBDIVISION 571CORB" added to clarify the place of use.

In addition, the following remark appeared on the abstract of this claim in the Preliminary Decree:

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

This remark provides notice of this change made prior to issuance of the Preliminary Decree. There are no proceedings required for this remark. The remark should be removed as having served its notice purpose.

9. The elements of claim 43B 30151591 should be the same as 43B 1086-00 except: 1) the owners should be James J. Darr and Shawn A. Darr, 2) the flow rate should be 18.00 gpm, 3) the maximum acres should be 2.60 acres, and 4) the place of use should be 2.60 acres in the Government Lot 9, N2NESW section 8, T9S, R8E, PARK.

10. The elements of claim 43B 30151592 should be the same as 43B 1086-00 except: 1) the owner should be Wilson Family Trust, 2) the flow rate should be 198.00 gpm, 3) the maximum acres should be 32.20 acres, and 4) the place of use should be 32.20 acres in section 8, T9S, R8E, PARK with "THE PLACE OF USE IS LOCATED IN LOT B-1, SUBDIVISION 571" added to clarify the place of use.

11. Claim 43B 1087-00 should be modified to represent only the Ronald R. Peterson portion of the claimed right. Claim 43B 30151593 should be generated for the James J. Darr

and Shawn A. Darr portion of the claimed right. Claim 43B 30151594 should be generated for the Wilson Family Trust portion of the claimed right.

12. Claim 43B 1087-00 should be modified as follows: 1) the ownership should be modified by removing James J. Darr, Shawn A. Darr, and Wilson Family Trust as co-owners, 2) the flow rate should be reduced from 1.00 cfs to 166.00 gpm, 3) Ditch Name: Stermitz Ditch should be added to the point of diversion, 4) a second point of diversion should be added in the NWNWNE section 8, T9S, R8E, PARK with "POINT OF DIVERSION 1 IS ABOVE (EAST OF) THE ROAD AND POINT OF DIVERSION 2 IS BELOW (WEST OF) THE ROAD" added to clarify the point of diversion, 5) the maximum acres should be reduced from 55.00 acres to 20.30 acres, and 6) the place of use should be 20.30 acres in the N2 section 8, T9S, R8E, PARK with "THE PLACE OF USE IS LOCATED IN LOT A-1, SUBDIVISION 571CORB" added to clarify the place of use.

In addition, the following remarks appeared on the abstract of this claim in the Preliminary Decree:

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

THE LEGAL LAND DESCRIPTION FOR THE CLAIMED POINT OF DIVERSION APPEARS TO BE INCORRECT. MAP IN CLAIM FILE APPEARS TO INDICATE THERE MAY BE ADDITIONAL POINTS OF DIVERSION ON LITTLE TRAIL CREEK NOT IDENTIFIED.

The period of diversion remark provides notice of this change made prior to issuance of the Preliminary Decree. There are no proceedings required for this remark and it should be removed as having served its notice purpose. The two point of diversion remarks should be removed as addressed and resolved.

13. The elements of claim 43B 30151593 should be the same as 43B 1087-00 except: 1) the owners should be James J. Darr and Shawn A. Darr, 2) the flow rate should be 22.00 gpm, 3) the maximum acres should be 2.60 acres, 4) the place of use should be 2.60 acres in the Government Lot 9, N2NESW section 8, T9S, R8E, PARK, and 5) the second point of diversion and clarification remark should not be added.

14. The elements of claim 43B 30151594 should be the same as 43B 1087-00 except: 1) the owner should be Wilson Family Trust, 2) the flow rate should be 260.00 gpm, 3) the

maximum acres should be 32.20 acres, 4) the place of use should be 32.20 acres in section 8, T9S, R8E, PARK with “THE PLACE OF USE IS LOCATED IN LOT B-1, SUBDIVISION 571” added to clarify the place of use, and 5) the second point of diversion and clarification remark should not be added.

CONCLUSION OF LAW

The documentation filed by the DNRC and the claimants provides sufficient information to split the claims in order to reflect the divided interests and to resolve the issue remarks without evidentiary hearing. Sections 85-2-248(3) and (11), MCA.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusion of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to split the claims as requested by the claimants. A Post Decree Abstract of Water Right Claim for each claim is served with this Report to confirm the generation of the split claims has been made in the state’s centralized record system.

Kathryn L. W. Lambert
Senior Water Master

Service Via USPS Mail:

James J. Darr
Shawn A. Darr
430 US Hwy 89 S
Gardiner, MT 59030-9303

Wilson Family Trust
% Eric & Susan Wilson, Trustees
10863 Leavesley Pl
Cupertino, CA 95014-4788

Ronald R. Peterson
PO Box 432
Gardiner, MT 59030

Note: Caption Updated 8/13/2021

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B**

Water Right Number: 43B 1085-00 STATEMENT OF CLAIM
Version: 3 -- SPLIT POST DECREE
Status: ACTIVE

Owners: RONALD R PETERSON
 PO BOX 432
 GARDINER, MT 59030

Priority Date: DECEMBER 31, 1896

Type of Historical Right: USE

Purpose (Use): IRRIGATION
Irrigation Type: FLOOD

Flow Rate: 341.00 GPM

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

Climatic Area: 5 - LOW

Maximum Acres: 20.30

Source Name: LITTLE TRAIL 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		NWNWNE	8	9S	8E	PARK

Period of Diversion: MAY 15 TO JULY 15
Diversion Means: HEADGATE
Ditch Name: STERMITZ DITCH

Period of Use: MAY 15 TO JULY 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.30		N2	8	9S	8E	PARK

Total: 20.30

THE PLACE OF USE IS LOCATED IN LOT A-1, SUBDIVISION 571CORB.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B**

Water Right Number: 43B 30150060 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: JAMES J DARR
430 US HIGHWAY 89 S
GARDINER, MT 59030 9303

SHAWN A DARR
430 US HIGHWAY 89 S
GARDINER, MT 59030 9303

Priority Date: DECEMBER 31, 1896

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 45.00 GPM

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

Climatic Area: 5 - LOW

Maximum Acres: 2.60

Source Name: LITTLE TRAIL 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		NWNWNE	8	9S	8E	PARK

Period of Diversion: MAY 15 TO JULY 15

Diversion Means: HEADGATE

Ditch Name: STERMITZ DITCH

Period of Use: MAY 15 TO JULY 15

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	2.60	9	N2NESW	8	9S	8E	PARK

Total: 2.60

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B**

Water Right Number: 43B 30150061 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: WILSON FAMILY TRUST
%WILSON ERIC & SUSAN TRUSTEES
10863 LEAVESLEY PL
CUPERTINO, CA 95014 4788

Priority Date: DECEMBER 31, 1896

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.22 CFS

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

Climatic Area: 5 - LOW

Maximum Acres: 32.20

Source Name: LITTLE TRAIL 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		NWNWNE	8	9S	8E	PARK

Period of Diversion: MAY 15 TO JULY 15

Diversion Means: HEADGATE

Ditch Name: STERMITZ DITCH

Period of Use: MAY 15 TO JULY 15

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	32.20			8	9S	8E	PARK
Total:	32.20						

THE PLACE OF USE IS LOCATED IN LOT B-1, SUBDIVISION 571.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B**

Water Right Number: 43B 1086-00 STATEMENT OF CLAIM
Version: 3 -- SPLIT POST DECREE
Status: ACTIVE

Owners: RONALD R PETERSON
PO BOX 432
GARDINER, MT 59030

Priority Date: MAY 1, 1901

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 121.00 GPM

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

Climatic Area: 5 - LOW

Maximum Acres: 20.30

Source Name: LITTLE TRAIL 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		NWNWNE	8	9S	8E	PARK

Period of Diversion: MAY 1 TO SEPTEMBER 15

Diversion Means: HEADGATE

Ditch Name: STERMITZ DITCH

Period of Use: MAY 1 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.30		N2	8	9S	8E	PARK

Total: 20.30

THE PLACE OF USE IS LOCATED IN LOT A-1, SUBDIVISION 571CORB.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B**

Water Right Number: 43B 30151591 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: JAMES J DARR
430 US HIGHWAY 89 S
GARDINER, MT 59030 9303

SHAWN A DARR
430 US HIGHWAY 89 S
GARDINER, MT 59030 9303

Priority Date: MAY 1, 1901

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 18.00 GPM

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

Climatic Area: 5 - LOW

Maximum Acres: 2.60

Source Name: LITTLE TRAIL 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		NWNWNE	8	9S	8E	PARK

Period of Diversion: MAY 1 TO SEPTEMBER 15

Diversion Means: HEADGATE

Ditch Name: STERMITZ DITCH

Period of Use: MAY 1 TO SEPTEMBER 15

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	2.60	9	N2NESW	8	9S	8E	PARK

Total: 2.60

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B**

Water Right Number: 43B 30151592 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: WILSON FAMILY TRUST
%WILSON ERIC & SUSAN TRUSTEES
10863 LEAVESLEY PL
CUPERTINO, CA 95014 4788

Priority Date: MAY 1, 1901

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 198.00 GPM

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

Climatic Area: 5 - LOW

Maximum Acres: 32.20

Source Name: LITTLE TRAIL 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		NWNWNE	8	9S	8E	PARK

Period of Diversion: MAY 1 TO SEPTEMBER 15

Diversion Means: HEADGATE

Ditch Name: STERMITZ DITCH

Period of Use: MAY 1 TO SEPTEMBER 15

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	32.20			8	9S	8E	PARK
Total:	32.20						

THE PLACE OF USE IS LOCATED IN LOT B-1, SUBDIVISION 571.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B**

Water Right Number: 43B 1087-00 STATEMENT OF CLAIM
Version: 3 -- SPLIT POST DECREE
Status: ACTIVE

Owners: RONALD R PETERSON
 PO BOX 432
 GARDINER, MT 59030

Priority Date: JUNE 1, 1896

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION
Irrigation Type: FLOOD

Flow Rate: 166.00 GPM

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

Climatic Area: 5 - LOW

Maximum Acres: 20.30

Source Name: LITTLE TRAIL 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		NWNWNE	8	9S	8E	PARK
Period of Diversion: MAY 1 TO SEPTEMBER 15						
Diversion Means: HEADGATE						
Ditch Name: STERMITZ DITCH						
2		NWNWNE	8	9S	8E	PARK
Period of Diversion: MAY 1 TO SEPTEMBER 15						
Diversion Means: HEADGATE						
Ditch Name: STERMITZ DITCH						

POINT OF DIVERSION 1 IS ABOVE (EAST OF) THE ROAD AND POINT OF DIVERSION 2 IS BELOW (WEST OF) THE ROAD. SEE SETTLEMENT DOCUMENT FILED 5/7/2021 IN CASE 43B 4002-S-2018.

Period of Use: MAY 1 TO SEPTEMBER 15
Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.30		N2	8	9S	8E	PARK
Total:	20.30						

THE PLACE OF USE IS LOCATED IN LOT A-1, SUBDIVISION 571CORB.

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.

1087-00

1088-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B**

Water Right Number: 43B 30151593 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: JAMES J DARR
430 US HIGHWAY 89 S
GARDINER, MT 59030 9303

SHAWN A DARR
430 US HIGHWAY 89 S
GARDINER, MT 59030 9303

Priority Date: JUNE 1, 1896

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 22.00 GPM

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

Climatic Area: 5 - LOW

Maximum Acres: 2.60

Source Name: LITTLE TRAIL 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		NWNWNE	8	9S	8E	PARK

Period of Diversion: MAY 1 TO SEPTEMBER 15

Diversion Means: HEADGATE

Ditch Name: STERMITZ DITCH

Period of Use: MAY 1 TO SEPTEMBER 15

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	2.60	9	N2NESW	8	9S	8E	PARK

Total: 2.60

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B**

Water Right Number: 43B 30151594 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: WILSON FAMILY TRUST
%WILSON ERIC & SUSAN TRUSTEES
10863 LEAVESLEY PL
CUPERTINO, CA 95014 4788

Priority Date: JUNE 1, 1896

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 260.00 GPM

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

Climatic Area: 5 - LOW

Maximum Acres: 32.20

Source Name: LITTLE TRAIL 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		NWNWNE	8	9S	8E	PARK

Period of Diversion: MAY 1 TO SEPTEMBER 15

Diversion Means: HEADGATE

Ditch Name: STERMITZ DITCH

Period of Use: MAY 1 TO SEPTEMBER 15

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	32.20			8	9S	8E	PARK
Total:	32.20						

THE PLACE OF USE IS LOCATED IN LOT B-1, SUBDIVISION 571.