

Montana Water Court  
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ELECTRONICALLY FILED

43D-0100-R-2019

September 30, 2021

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA  
YELLOWSTONE DIVISION  
CLARKS FORK YELLOWSTONE RIVER BASIN (43D)  
PRELIMINARY DECREE

\*\*\*\*\*

CLAIMANT: Sunlight Ranch Co.

OBJECTOR: Sunlight Ranch Co.

**CASE 43D-0100-R-2019**

43D 31251-00	43D 31258-00
43D 31252-00	43D 31259-00
43D 31253-00	43D 31260-00
43D 31254-00	43D 31261-00
43D 31256-00	43D 31262-00
43D 31257-00	

**NOTICE OF FILING OF MASTER’S REPORT**

This Master’s Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master’s Report within **10 days** of the stamped date if you disagree or find errors with the Master’s findings of fact, conclusion of law, or recommendations. Rule 23, W.R.Adj.R. If the Master’s 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. 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**

### FINDINGS OF FACT

1. Claims 43D 31251-00, 43D 31252-00, 43D 31253-00, 43D 31254-00, 43D 31256-00, 43D 31257-00, 43D 31258-00, 43D 31259-00, 43D 31260-00, 43D 31261-00, and 43D 31262-00 appeared in the 43D Preliminary Decree with issue remarks and received objections from the Claimant Sunlight Ranch Co. (Sunlight).

2. On March 31, 2021, Sunlight filed a Stipulation and an affidavit concerning the claims in this case. A filing deadline was set for Sunlight to submit additional evidence to support the terms of the Stipulation. On July 9, 2021, Sunlight submitted a Response.

#### Issue Remark Resolution

3. Several claims in this case received P88 notice issue remarks. The P88 issue remarks provide notice that certain elements of the claims were modified as a result of DNRC review pursuant to Montana Water Court reexamination orders. The remarks indicate that if no objections are filed, the elements of the claims will remain as they appear on the abstracts and the remarks will be removed. The claims did not receive any objections concerning the modifications noted in the P88 remarks. The P88 remarks should be removed from the claims.

4. Several claims received a P370 issue remark noting that the claims are for filed appropriations on Bear Creek with priority dates predating Case No. 4730, Carbon County. The record does not indicate why the claims were not included in Case No. 4730, Carbon County. The absence of objections to the priority dates of the claims indicates that no one takes issue with the priority dates identified by the claims. There is no evidence before the court that indicates the claimed priority dates are incorrect. The remarks do not overcome the prima facie status of claims; the remarks will be removed from the claims.

5. Claim 43D 31251-00 received a flow rate issue remark concerning the combined flow rate for the group of supplemental rights. The issue remark states the combined flow rate is 54.22 gpm while the DNRC flow rate guideline for an individual irrigation claim is 17 gpm. This issue remark does not overcome the prima facie status of the claim; a DNRC guideline is not evidence of historical use.

6. Claims 43D 31254-00, 43D 31257-00, and 43D 31261-00 received an issue remark stating, “no flow rate was identified in the appropriation filing document.” These remarks were placed on the claims in error. There was a Notice of Appropriation (NOA) attached to all three statements of claim forms and the NOAs did identify flow rates.

The NOA attached to claim 43D 31254-00 identified a flow rate of 200 MI (5 cfs); the claim form asserted a flow rate of 50 MI (1.25 cfs).

The NOA attached to the statement of claim for claim 43D 31257-00 identified a flow rate of 100 MI (2.5 cfs); the claim form asserted a flow rate of 15 gpm.

The NOA attached to the statement of claim for claim 43D 31261-00 identified a flow rate of 200 MI (5 cfs); the claim form asserted the full flow rate of 5 cfs. The issue remarks appearing on claims 43D 31254-00, 43D 31257-00, and 43D 31261-00 are inaccurate and should be removed.

7. Claim 43D 31256-00 received an issue remark stating:

THE TIMELY FILED OBJECTION OF THE UNITED STATES OF AMERICA WAS AMENDED BY THE UNITED STATES OF AMERICA TO INCLUDE PURPOSE. BECAUSE THIS ELEMENT WAS NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THIS CHANGE MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

The above remark is considered a notice-type issue remark. The purpose of the remark is to provide other water users notice that the United States’ objection was amended during proceedings in the 43D Temporary Preliminary Decree to include purpose. No objections were filed to the purpose of claim 43D 31256-00 during the Preliminary Decree objection period. The issue remark should be removed.

#### Sunlight Ranch Co.’s Objections

8. Sunlight filed an objection to each of the claims in this case. Sunlight filed

a Stipulation on March 31, 2021 and a Response on July 9, 2021, which address the objections.

The Stipulation requests the removal of the multiple use information remark appearing on claims 43D 31256-00 and 43D 31262-00.

Based on a June 13, 1996 Master's Report, the claimants are correct that the multiple use information remarks should be removed. During proceedings in the 43D Temporary Preliminary Decree adjudication, claim 43D 31256-00 was modified from an irrigation claim to a stock claim. There was no mention that claims 43D 31256-00 and 43D 31262-00 should be considered multiple uses of the same right. The DNRC appears to have added the multiple use remark after the June 13, 1996 Master's Report was adopted. The multiple use remark should be removed from both claims.

9. In the Stipulation, Sunlight also requests increases to the periods of use and periods of diversion for the claims. The claimants request that the period of use/period of diversion for the irrigation claims be modified to April 1 – October 31; and that stock claim 43D 31256-00 be modified to year-round. An affidavit of was filed with the Stipulation. The affidavit is from John Dean Webb who has historical knowledge of the Bischoff Ditch water rights (9 of the 11 water rights in this case are diverted through the Bischoff Ditch). According to Webb, “water has been historically diverted, and still is diverted, from Bear Creek from April 15<sup>th</sup> through October each year....”

The evidence supports modifying the period of use/period of diversion for the Bischoff Ditch water rights to April 15 – October 31, but not April 1 – October 31 as requested. There has been no evidence to support the requested modifications to period of use/period of diversion for the two claims in this case that are not Bischoff Ditch water rights: 43D 31256-00 and 43D 31262-00.

The Court set a filing deadline for Sunlight to file evidence to support the requested modifications to period of diversion and period of use.

On July 9, 2021, Sunlight filed a response indicating that (1) it accepts a period of use and period of diversion of April 15 – October 31 for claims 43D 31251-00, 43D 31252-00, 43D 31253-00, 43D 31254-00, 43D 31257-00, 43D 31258-00, 43D 31259-00, 43D 31260-00, and 43D 31261-00; and (2) it had been unable to find any living witness

or tangible evidence that proves a longer period of diversion and use for claims 43D 31256-00 and 43D 31262-00. Accordingly, Sunlight Ranch withdrew its objection to the periods of use and periods of diversion of claims 43D 31256-00 and 43D 31262-00.

### CONCLUSIONS OF LAW

1. A properly filed claim of an existing right or an amended claim of existing right is prima facie proof of its content. § 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R.

The claimant provided evidence to support the modifications to the periods of use and periods of diversion of the Bischoff Ditch water rights in the form of an affidavit of John Webb, who has direct knowledge of the historic use of those rights.

Previous court proceedings before the water court, which can be found in the claim files, support the claimant's contention that the multiple use remark should be removed from claims 43D 31256-00 and 43D 31262-00

2. Section 85-2-248(2), MCA requires the Water Court to resolve all issue remarks that are not resolved through the objection process. The Montana Water Court has the authority to resolve issue remarks when the claim file and information available to the Court provide a sufficient basis to do so. § 85-2-248(3), MCA. The issue remarks appearing on the claims in this case do not overcome the prima facie status of the claims. The issue remarks should be removed from the claims.

3. The claimant of a water right claim may waive the advantage of § 85-2-227, MCA by requesting a reduction or limitation of an element of a water right claim. The water court may accept a claimant's requested reduction or limitation without further presentation of evidence unless there is an unresolved issue remark on the claim. Rule 17(c), W.R.Adj.R.

## RECOMMENDATIONS

1. The claims in this case should be modified as provided above.
2. The issue remarks should be removed from the claims in this case.

A Post Decree Abstract of Water Right Claim is served with the Report to confirm that the recommended modifications have been made in the state's centralized record system.

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Madeleine Weisz  
Senior Water Master

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**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
CLARKS FORK YELLOWSTONE RIVER  
BASIN 43D**

**Water Right Number:** 43D 31251-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** SUNLIGHT RANCH CO  
PO BOX 30825  
SALT LAKE CITY, UT 84130 0825

**Priority Date:** AUGUST 1, 1888

**Type of Historical Right:** DECREED

**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:** 3 - MODERATE

**Maximum Acres:** 219.00

**Source Name:** BEAR 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		NENWSW	4	8S	21E	CARBON

**Period of Diversion:** APRIL 15 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** BISCHOFF DITCH

**Period of Use:** APRIL 15 TO OCTOBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	43.00		S2	34	7S	21E	CARBON
2	4.00		W2W2NW	2	8S	21E	CARBON
3	151.00			3	8S	21E	CARBON
4	15.00		E2NE	4	8S	21E	CARBON
5	6.00		NENWNE	10	8S	21E	CARBON
<b>Total:</b>	<b>219.00</b>						

**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.

31251-00	31252-00	31253-00	31254-00	31257-00	31258-00
31259-00	31260-00	31261-00			

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
CLARKS FORK YELLOWSTONE RIVER  
BASIN 43D**

**Water Right Number:** 43D 31252-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** SUNLIGHT RANCH CO  
PO BOX 30825  
SALT LAKE CITY, UT 84130 0825

**Priority Date:** AUGUST 1, 1888

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 3.00 CFS

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

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 219.00

**Source Name:** BEAR 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		NENWSW	4	8S	21E	CARBON

**Period of Diversion:** APRIL 15 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** BISCHOFF DITCH

**Period of Use:** APRIL 15 TO OCTOBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	43.00		S2	34	7S	21E	CARBON
2	4.00		W2W2NW	2	8S	21E	CARBON
3	151.00			3	8S	21E	CARBON
4	15.00		E2NE	4	8S	21E	CARBON
5	6.00		NENWNE	10	8S	21E	CARBON
<b>Total:</b>	<b>219.00</b>						

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**Remarks:**

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31251-00	31252-00	31253-00	31254-00	31257-00	31258-00
31259-00	31260-00	31261-00			

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
CLARKS FORK YELLOWSTONE RIVER  
BASIN 43D**

**Water Right Number:** 43D 31253-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** SUNLIGHT RANCH CO  
PO BOX 30825  
SALT LAKE CITY, UT 84130 0825

**Priority Date:** AUGUST 1, 1888

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 8.30 CFS

THE FLOW RATE OF THIS WATER RIGHT HAS BEEN REDUCED TO THE 17 GPM PER ACRE GUIDELINE. THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

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

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 219.00

**Source Name:** BEAR 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		NENWSW	4	8S	21E	CARBON

**Period of Diversion:** APRIL 15 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** BISCHOFF DITCH

**Period of Use:** APRIL 15 TO OCTOBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	43.00		S2	34	7S	21E	CARBON
2	4.00		W2W2NW	2	8S	21E	CARBON
3	151.00			3	8S	21E	CARBON
4	15.00		E2NE	4	8S	21E	CARBON
5	6.00		NENWNE	10	8S	21E	CARBON
<b>Total:</b>	<u>219.00</u>						

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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.

31251-00	31252-00	31253-00	31254-00	31257-00	31258-00
31259-00	31260-00	31261-00			

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
CLARKS FORK YELLOWSTONE RIVER  
BASIN 43D**

**Water Right Number:** 43D 31254-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** SUNLIGHT RANCH CO  
PO BOX 30825  
SALT LAKE CITY, UT 84130 0825

**Priority Date:** OCTOBER 20, 1919

**Type of Historical Right:** FILED

**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:** 3 - MODERATE

**Maximum Acres:** 219.00

**Source Name:** BEAR 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		NENWSW	4	8S	21E	CARBON

**Period of Diversion:** APRIL 15 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** BISCHOFF DITCH

**Period of Use:** APRIL 15 TO OCTOBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	43.00		S2	34	7S	21E	CARBON
2	4.00		W2W2NW	2	8S	21E	CARBON
3	151.00			3	8S	21E	CARBON
4	15.00		E2NE	4	8S	21E	CARBON
5	6.00		NENWNE	10	8S	21E	CARBON
<b>Total:</b>	<b>219.00</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.

31251-00	31252-00	31253-00	31254-00	31257-00	31258-00
31259-00	31260-00	31261-00			

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
CLARKS FORK YELLOWSTONE RIVER  
BASIN 43D**

**Water Right Number:** 43D 31256-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** SUNLIGHT RANCH CO  
PO BOX 30825  
SALT LAKE CITY, UT 84130 0825

**Priority Date:** JANUARY 4, 1902

**Type of Historical Right:** FILED

**\*Purpose (Use):** STOCK

**Flow Rate:** 103.00 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.

**Climatic Area:** 4 - MODERATELY LOW

**Source Name:** UNNAMED TRIBUTARY OF BEAR 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		SWSWNE	15	8S	20E	CARBON
<b>Period of Diversion:</b>	MAY 1 TO OCTOBER 31					
<b>Diversion Means:</b>	HEADGATE					
2		NWNENW	15	8S	20E	CARBON
<b>Period of Diversion:</b>	MAY 1 TO OCTOBER 31					
<b>Diversion Means:</b>	HEADGATE					
3		NWSENW	15	8S	20E	CARBON
<b>Period of Diversion:</b>	MAY 1 TO OCTOBER 31					
<b>Diversion Means:</b>	HEADGATE					
4		SESESE	15	8S	20E	CARBON
<b>Period of Diversion:</b>	MAY 1 TO OCTOBER 31					
<b>Diversion Means:</b>	HEADGATE					

**Period of Use:** MAY 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			SE	10	8S	20E	CARBON
2			SW	10	8S	20E	CARBON
3			NE	15	8S	20E	CARBON

4

NENWNW 15 8S 20E CARBON

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
CLARKS FORK YELLOWSTONE RIVER  
BASIN 43D**

**Water Right Number:** 43D 31257-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** SUNLIGHT RANCH CO  
PO BOX 30825  
SALT LAKE CITY, UT 84130 0825

**Priority Date:** NOVEMBER 22, 1912

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 15.00 GPM

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

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 219.00

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

**Source Type:** SURFACE WATER

SOURCE IS DESCRIBED AS WASTE WATER FLOWING FROM AN OLD MINE INTO BEAR CREEK WHICH SERVES AS A NATURAL CARRIER AND THEN IT IS DIVERTED TO THE PLACE OF USE.

**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		NENWSW	4	8S	21E	CARBON

**Period of Diversion:** APRIL 15 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** BISCHOFF DITCH

**Period of Use:** APRIL 15 TO OCTOBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	43.00		S2	34	7S	21E	CARBON
2	4.00		W2W2NW	2	8S	21E	CARBON
3	151.00			3	8S	21E	CARBON
4	15.00		E2NE	4	8S	21E	CARBON
5	6.00		NENWNE	10	8S	21E	CARBON
<b>Total:</b>	<u>219.00</u>						

**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.

31251-00	31252-00	31253-00	31254-00	31257-00	31258-00
31259-00	31260-00	31261-00			

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
CLARKS FORK YELLOWSTONE RIVER  
BASIN 43D**

**Water Right Number:** 43D 31258-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** SUNLIGHT RANCH CO  
PO BOX 30825  
SALT LAKE CITY, UT 84130 0825

**Priority Date:** MAY 26, 1936

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 282.74 GPM

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

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 219.00

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

**Source Type:** SURFACE WATER

SOURCE IS DESCRIBED AS WASTE WATER FLOWING FROM AN OLD MINE INTO BEAR CREEK WHICH SERVES AS A NATURAL CARRIER AND THEN IT IS DIVERTED TO THE PLACE OF USE.

**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		NENWSW	4	8S	21E	CARBON

**Period of Diversion:** APRIL 15 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** BISCHOFF DITCH

**Period of Use:** APRIL 15 TO OCTOBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	43.00		S2	34	7S	21E	CARBON
2	4.00		W2W2NW	2	8S	21E	CARBON
3	151.00			3	8S	21E	CARBON
4	15.00		E2NE	4	8S	21E	CARBON
5	6.00		NENWNE	10	8S	21E	CARBON
<b>Total:</b>	<u>219.00</u>						

**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.

31251-00	31252-00	31253-00	31254-00	31257-00	31258-00
31259-00	31260-00	31261-00			

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
CLARKS FORK YELLOWSTONE RIVER  
BASIN 43D**

**Water Right Number:** 43D 31259-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** SUNLIGHT RANCH CO  
 PO BOX 30825  
 SALT LAKE CITY, UT 84130 0825

**Priority Date:** JUNE 7, 1911

**Type of Historical Right:** FILED

**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:** 219.00

**Source Name:** BEAR 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		NENWSW	4	8S	21E	CARBON

**Period of Diversion:** APRIL 15 TO OCTOBER 31  
**Diversion Means:** HEADGATE  
**Ditch Name:** BISCHOFF DITCH

**Period of Use:** APRIL 15 TO OCTOBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	43.00		S2	34	7S	21E	CARBON
2	4.00		W2W2NW	2	8S	21E	CARBON
3	151.00			3	8S	21E	CARBON
4	15.00		E2NE	4	8S	21E	CARBON
5	6.00		NENWNE	10	8S	21E	CARBON
<b>Total:</b>	<b>219.00</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.

31251-00	31252-00	31253-00	31254-00	31257-00	31258-00
31259-00	31260-00	31261-00			

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
CLARKS FORK YELLOWSTONE RIVER  
BASIN 43D**

**Water Right Number:** 43D 31260-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** SUNLIGHT RANCH CO  
 PO BOX 30825  
 SALT LAKE CITY, UT 84130 0825

**Priority Date:** SEPTEMBER 2, 1902

**Type of Historical Right:** FILED

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

**Flow Rate:** 3.75 CFS

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

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 219.00

**Source Name:** BEAR 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		NENWSW	4	8S	21E	CARBON

**Period of Diversion:** APRIL 15 TO OCTOBER 31  
**Diversion Means:** HEADGATE  
**Ditch Name:** BISCHOFF DITCH

**Period of Use:** APRIL 15 TO OCTOBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	43.00		S2	34	7S	21E	CARBON
2	4.00		W2W2NW	2	8S	21E	CARBON
3	151.00			3	8S	21E	CARBON
4	15.00		E2NE	4	8S	21E	CARBON
5	6.00		NENWNE	10	8S	21E	CARBON
<b>Total:</b>	<b>219.00</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.

31251-00	31252-00	31253-00	31254-00	31257-00	31258-00
31259-00	31260-00	31261-00			

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
CLARKS FORK YELLOWSTONE RIVER  
BASIN 43D**

**Water Right Number:** 43D 31261-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** SUNLIGHT RANCH CO  
PO BOX 30825  
SALT LAKE CITY, UT 84130 0825

**Priority Date:** OCTOBER 20, 1919

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 5.00 CFS

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

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 219.00

**Source Name:** BEAR 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		NENWSW	4	8S	21E	CARBON

**Period of Diversion:** APRIL 15 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** BISCHOFF DITCH

**Period of Use:** APRIL 15 TO OCTOBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	43.00		S2	34	7S	21E	CARBON
2	4.00		W2W2NW	2	8S	21E	CARBON
3	151.00			3	8S	21E	CARBON
4	15.00		E2NE	4	8S	21E	CARBON
5	6.00		NENWNE	10	8S	21E	CARBON
<b>Total:</b>	<b>219.00</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.

31251-00	31252-00	31253-00	31254-00	31257-00	31258-00
31259-00	31260-00	31261-00			

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
CLARKS FORK YELLOWSTONE RIVER  
BASIN 43D**

**Water Right Number:** 43D 31262-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** SUNLIGHT RANCH CO  
 PO BOX 30825  
 SALT LAKE CITY, UT 84130 0825

**Priority Date:** JANUARY 4, 1902

**Type of Historical Right:** FILED

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

**Flow Rate:** 2.27 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:** 60.00

**Source Name:** UNNAMED TRIBUTARY OF BEAR 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		NWSWNE	15	8S	20E	CARBON
<b>Period of Diversion:</b>	MAY 1 TO OCTOBER 31					
<b>Diversion Means:</b>	HEADGATE					
2		NWNENW	15	8S	20E	CARBON
<b>Period of Diversion:</b>	MAY 1 TO OCTOBER 31					
<b>Diversion Means:</b>	HEADGATE					
3		SWSENW	15	8S	20E	CARBON
<b>Period of Diversion:</b>	MAY 1 TO OCTOBER 31					
<b>Diversion Means:</b>	HEADGATE					
4		SESESE	15	8S	20E	CARBON
<b>Period of Diversion:</b>	MAY 1 TO OCTOBER 31					
<b>Diversion Means:</b>	HEADGATE					

**Period of Use:** MAY 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	22.00		SE	10	8S	20E	CARBON
2	38.00		SW	10	8S	20E	CARBON
<b>Total:</b>	60.00						

**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.

31262-00

31266-00