

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
(406) 586-4364
1-800-624-3270
watercourt@mt.gov

ELECTRONICALLY FILED

41C-4005-S-2021

February 11, 2022

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
RUBY RIVER BASIN (41C)

CLAIMANTS: Jason Roylance; ~~Teddy Sue Roylance;~~
Roylance Revocable Trust

CASE 41C-4005-S-2021
41C 26065-00
Split Claim:
41C 30153454

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 to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve 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 May 18, 2021, a DNRC Ownership Divided Interest form (641 form) was filed with the Court requesting a split of the captioned claim. Claim 41C 26065-00 was consolidated into Water Court Case 41C-4005-S-2021 for purposes of splitting the claim.

FINDINGS OF FACT

1. Claim 41C 26065-00 is being split to reflect the underlying ownership of part of its place of use. Montana's Water Rights Database currently lists the following owners for claim 41C 26065-00:

Roylance Revocable Trust
Teddy Sue Roylance
Jason Roylance
Kelly Dewey
Eric Dewey
David Philpott
Double Drake Ranch, LLC

2. A memo discussing this split request was filed May 18, 2021 by Mary Crable with the Bozeman Regional Office of the DNRC (DNRC Memo). The DNRC Memo states that Double Drake Ranch LLC and Eric and Kelly Dewey should be removed as owners as their land is not included in the place of use for this right.

3. This Court held an initial status on August 11, 2021. Following that status conference, the Court ordered the listed owners to inform the Court if they claimed any ownership interest in the claim. When no party except the Roylances (including the Roylance Revocable Trust) indicated that they claimed any interest in the water right, the Court issued an order to Show Cause why Eric Dewey, Kelly Dewey, David Philpott, and Double Drake Ranch, LLC should not be removed as owners of the claim. Nothing was filed by the deadline, and the Court concluded that those owners do not claim an interest and should be removed from the claim.

4. The Court then asked the remaining Claimants to inform the Court if they disagreed with the following interpretation of the 641 split form. Nothing was filed by the deadline. Pursuant to the 641 form, the place of use for each claim will be divided as follows. Elements that are not addressed below will remain unchanged or be the same as the parent claim.

41C 26065-00 (Parent Claim):

Owner: Roylance Revocable Trust
~~Teddy Sue Roylance~~
~~Jason Roylance~~
~~Kelly Dewey~~
~~Eric Dewey~~

~~David Philpott~~
~~Double Drake Ranch, LLC~~

Flow rate: ~~2.0 CFS~~ 1.625 CFS¹
Maximum Acres: ~~240.0~~ 135.6

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 | | | W2 | 4 | 5S | 5W | Madison |
| <u>1</u> | | | <u>NESW</u> | <u>4</u> | <u>5S</u> | <u>5W</u> | <u>Madison</u> |
| <u>2</u> | | | <u>SESW</u> | <u>4</u> | <u>5S</u> | <u>5W</u> | <u>Madison</u> |
| <u>3</u> | | | <u>SENW</u> | <u>4</u> | <u>5S</u> | <u>5W</u> | <u>Madison</u> |
| <u>4</u> | | | <u>NWNW</u> | <u>4</u> | <u>5S</u> | <u>5W</u> | <u>Madison</u> |
| <u>5</u> | | | <u>SWNENW</u> | <u>4</u> | <u>5S</u> | <u>5W</u> | <u>Madison</u> |
| <u>6</u> | | | <u>NESENW</u> | <u>4</u> | <u>5S</u> | <u>5W</u> | <u>Madison</u> |

41C 30153454 (child claim to 41C 26065-00):

Owner: Jason Roylance

Flow rate: .375 CFS

Maximum Acres: 9.33

Point of Diversion:

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> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|----------------|
| <u>1</u> | <u>9.33</u> | | <u>SESENW</u> | <u>4</u> | <u>5S</u> | <u>5W</u> | <u>Madison</u> |

5. The modifications to the place of use of the parent and child claims from the previously decreed place of use represent refinements of the legal land descriptions to more accurately describe the places of use as previously claimed.

PRINCIPLES OF LAW

1. The Court may split claims into separate claims upon parties' request at any time prior to the issuance of the final decree. Rule 26, W.R.Adj.R.

2. Remarks identifying that a division of a claim occurred may be added to the claims. Rule 26, W.R.Adj.R.

CONCLUSIONS OF LAW

¹ The flow rate has been rounded on the abstracts for each of these claims because the water right database only accepts two decimal places.

1. Splitting claim 41C 26065-00 as requested by the Claimants does not constitute an increase to any claim element. The information provided by the 641 form and acquired by the Court is complete and sufficient to accurately split the claim.

RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Master recommends that the Court split claim 41C 26065-00 as outlined above.

A map of the split places of use and a post-decree abstract of each water right claim reflecting the recommended split is attached to this Report.

Eyvind Ostrem
Water Master

Service via USPS Mail

Jason Roylance
~~Teddy Sue Roylance~~
343 Middle Rd
Sheridan, MT 59749-9528

Roylance Revocable Trust
% Roylance Ross W & Patricia D Trustees
51 Elk Hills Rd
Sheridan, MT 59749-9657

Service via Electronic Mail

Courtesy Copy:

Mary Crable
Bozeman Regional Office, DNRC
2273 Boot Hill Court, Suite 110
Bozeman, MT 59715
(406) 586-3136 phone
Mary.Crable@mt.gov
kstrasheim@mt.gov
khuyser@mt.gov

Notice: Caption & Service Lists Updated 2.11.22

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
RUBY RIVER
BASIN 41C**

Water Right Number: 41C 26065-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: ROYLANCE REVOCABLE TRUST
%ROYLANCE ROSS W & PATRICIA D TRUSTEES
51 ELK HILLS RD
SHERIDAN, MT 59749 9657

Priority Date: JUNE 3, 1876

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.63 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: 135.60

Source Name: RUBY RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NESWSE | 10 | 5S | 5W | MADISON |

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: 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 | | | NESW | 4 | 5S | 5W | MADISON |
| 2 | | | SESW | 4 | 5S | 5W | MADISON |
| 3 | | | SENW | 4 | 5S | 5W | MADISON |
| 4 | | | NWNW | 4 | 5S | 5W | MADISON |
| 5 | | | SWNENW | 4 | 5S | 5W | MADISON |
| 6 | | | NESENW | 4 | 5S | 5W | MADISON |

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.

26065-00

26066-00

30153454

SPLIT CLAIM NO. 41C 30153454 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT CLAIM OVERLAPPING PLACES OF USE. TO ASSURE THE ORDERLY ADJUDICATION OF WATER RIGHTS, THE WATER COURT WILL SET A HEARING TO DETERMINE THESE ISSUES IF NO OBJECTIONS ARE MADE. W026065-00, W026066-00, W196824-00.

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
RUBY RIVER
BASIN 41C**

Water Right Number: 41C 30153454 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: JASON ROYLANCE
343 MIDDLE RD
SHERIDAN, MT 59749 9528

Priority Date: JUNE 3, 1876

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION
Irrigation Type: FLOOD

Flow Rate: 0.38 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 9.33

Source Name: RUBY RIVER
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NESWSE | 10 | 5S | 5W | MADISON |

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: 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 | 9.33 | | SESENW | 4 | 5S | 5W | MADISON |

Total: 9.33

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.

26065-00 26066-00 30153454

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41C 26065-00.

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

Water Resources Division • Bozeman Regional Office

2273 Boot Hill Ct, Suite 110, Bozeman, MT 59715 Phone: (406) 586-3136 Fax: (406) 587-9726

FILED

MAY 18 2021

Montana Water Court



GREG GIANFORTE, GOVERNOR

1539 ELEVENTH AVENUE

STATE OF MONTANA

DIRECTOR'S OFFICE: (406) 444-2074
FAX: (406) 444-2684

PO BOX 201601
HELENA, MONTANA 59620-1601

MEMORANDUM

TO: Water Court

FROM: Bozeman RO, Mary Crable

SUBJECT: Form 641

WATER RIGHT #: 41C 26065-00

WATER RIGHT OWNER OF RECORD: Eric Dewey (ID 402243); Kelly Dewey (ID 402245); David Philpott (ID 410243); Double Drake Ranch LLC (ID 321287); Patricia Roylance (ID 60001); Ross Roylance (ID 60003)

DATE: May 18, 2021

641 OUID: 215664

641 OTHER OUID: 215665

On January 15, 2021, the DNRC received form 641 DNRC Ownership Update Divided Interest for water right 41C 26065-00 with Patricia and Ross Roylance listed as the sellers and Jason Roylance listed as the buyer. Water right 41C 26065-00 is a Statement of Claim Irrigation Water Right that is being divided as specified by the deed.

The flow rate of this water right is 2.00 cfs. The place of use (POU) is 240 acres in the W2 of Section 4, Township 5S, Range 5W, Madison County. Based upon the POU map on pages 4 and 10 of the scanned documents file, the parcels that appear to be irrigated by this water right are:

David A Philpott: COS 7/1411BA, Parcel B2: 25-0506-04-2-01-05-0000

Roylance Revocable Trust: COS 7/2267BA, Parcel D 3B: 25-0506-04-2-01-10-0000

Roylance Revocable Trust: COS 7/2534-BA; Parcel B4-A: 25-0506-04-3-01-03-0000

Roylance Revocable Trust: COS 7/1411-BA, Parcel A2 W2: 25-0506-04-3-01-20-0000

Teddy Sue Roylance: COS 7/2558 FC, Parcel C3-B: 25-0506-04-3-01-40-0000

Jason W. Roylance: COS 7/2558 FC, Parcel 1: 25-0506-04-3-01-45-0000

According to the POU map on page 10, it appears the parcel owned by Double Drake Ranch LLC (Geocode: 25-0506-08-1-01-01-0000) is excluded and the parcel owned by Eric and Kelly Dewey (Geocode: 25-0506-04-1-01-01-0000) is excluded. These owners should be removed from the ownership of this water right.

Additionally, Patricia and Ross Roylance transferred their properties into the Roylance Revocable Trust December 26, 2020, deed # 193877.

This filing specifies splitting the 2.00 cfs over a total of 144.93 acres of which 135.6 acres belongs to the Roylance Revocable Trust and 9.33 acres belongs to Jason Roylance. The DNRC does not have information regarding the full 240 acres irrigated. The filing specifies the split as follows:

Ross W. Roylance & Patricia D. Roylance (Roylance Revocable Trust):

1.625 cfs: 93.34 acres: NESW Section 4, Township 5S, Range 5W, Madison County.

SESW Section 4, Township 5S, Range 5W, Madison County.

SESW Section 4, Township 5S, Range 5W, Madison County

COS 7/2558 FC, Parcel C3-B, Geocode: 25-0506-04-3-01-40-0000

42.26 acres: NWNW Section 4, Township 5S, Range 5W, Madison County

SWNENW Section 4, Township 5S, Range 5W, Madison County

NESENW Section 4, Township 5S, Range 5W, Madison County

COS 7/2267BA, Parcel D 3B, Geocode: 25-0506-04-2-01-10-0000

Jason W. Roylance:

0.375 cfs: 9.33 acres: SESENW Section 4, Township 5S, Range 5W, Madison County.

COS 7/2558 FC, Parcel 1, Geocode: 25-0506-04-3-01-40-0000

TOTALS: 2.0 cfs over 144.93 acres with 95.07 acres unaccounted for with respect to flowrate

Paperwork Included:

- Water Court Memo, 2 pages
- Form 641, 3 pages
- Water right abstract, 2 pages
- Map, 1 page
- Deed, 1 page

Cc: Eric Dewey (ID 402243); Kelly Dewey (ID 402245); David Philpott (ID 410243); Double Drake Ranch LLC (ID 321287); Patricia Roylance (ID 60001); Ross Roylance (ID 60003)

RECEIVED

JAN 15 2021

DNRC
Bozeman Water Resources

Form No. 641 (U3-2015)



DNRC OWNERSHIP UPDATE DIVIDED INTEREST

Complete one form for each water right that will be divided. Your water right will be divided into separate water rights based on the information provided.

Submit all three pages of this form with the filing fee; a deed, contract for deed, or other recorded document; a water right abstract; and a map.

Contact your local DNRC Water Resources Regional Office if you have any questions.

Filing Fee \$50.00

FOR DEPARTMENT USE ONLY

Rec'd Date _____
Rec'd By KS
Fee Rec'd \$ 50 Check No. 5421
Payor Roylance, Jason W
Refund \$ _____ Date _____
Deposit Receipt # BUS2115448
OID # 215664 / 641 other: 215665

If all interested parties wish to split the water right, each must fill out and sign either part B or part C of this form. A water right can be split into several portions on one form for one \$50 filing fee. All interested parties must sign off on the split of water rights even if their portions are not split into individual rights.

PART A – GENERAL INFORMATION

1. DATE OF LAND TRANSFER (SALE) _____

2. WATER RIGHT BEING DIVIDED 41C 26065-00

3. SELLER (Grantor) ROSS WILLIAM ROYLANCE and PATRICIA DIANE ROYLANCE (60003 & 60001)

MAILING ADDRESS 51 Elk Hills Rd

CITY Sheridan STATE MT ZIP 59749

PHONE 406-842-5319 EMAIL mtpropty@3rivers.net

4. BUYER (Grantee) Jason W. Roylance (415835)

MAILING ADDRESS 343 Middle Road

CITY Sheridan STATE MT ZIP 59749

PHONE 208-756-1640 EMAIL jwroylance@yahoo.com

5. HOW IS THIS WATER RIGHT BEING DIVIDED? Please check only one.

The water right is being divided as specifically identified in a deed, contract for deed, or other recorded document. (Attach a copy and underline the divided interest information.)

The water right is being divided proportionately between the buyer and seller based on the place of use described in the water right. (Attach a copy of the deed, contract for deed, or other recorded document.)

6. WATER RIGHT ABSTRACT

A current DNRC general abstract of the water right being divided must be submitted. To receive DNRC generated water right abstracts, query the water right at the following web address: <http://www.nris.mt.gov/dnrc/waterrights/default.aspx> or contact the regional office serving your area.

7. MAP

A map must be provided. An aerial photo is preferred. You may also use a scaled map, county plat or quad map showing township and range, section corners, and a north arrow. **The following elements must be identified on the map:**

- a. The place of use the seller is retaining;
- b. The place of use the buyer is receiving;
- c. Point(s) of diversion; and
- d. The location of any irrigated acres.

IMPORTANT NOTES

- If you want to change or add a point of diversion, place of use, place of storage, or purpose of use of a water right you must first file a change application with the DNRC.
- The combined portions of a divided water right cannot exceed the total flow rate, volume, or period of diversion of the original right.
- The DNRC has no jurisdiction concerning easement, right-of-way, and zoning matters. The buyer and seller must make these provisions where necessary.
- There may be ongoing court action regarding this water right and terms and conditions applicable to the exercise of the divided right. The buyer should be familiar with all aspects of the right received.

PART B – SELLER’S PORTION

(Attach additional sheets if necessary)

1. **SELLER’S NAME** ROSS WILLIAM ROYLANCE and PATRICIA DIANE ROYLANCE

2. PORTION OF WATER RIGHT RETAINED

If specifically identified in the attached recorded document, what flow rate will be retained by the Seller? 1.625 gpm cfs

Unless specifically divided in the attached recorded document, both the Seller's and Buyer's water right will retain the full flow rate and the use of the flow rate must be shared and/or alternated. Attach an additional sheet explaining how this will be done such that, in combination, the flow rate of the original water right will not be exceeded.

Purpose of Use Irrigation Volume (acre-feet) 3.2175 af/day

Purpose of Use _____ Volume (acre-feet) _____

3. POINT OF DIVERSION (describe the location to the nearest 10 acres, three quarter sections)

NE 1/4 SW 1/4 SE 1/4 Sec 10 TWP 5 N S RGE 5 E W

Lot/Tract _____ Block _____ Subdivision Name _____

COS _____ Gov't Lot _____ County Madison

____ 1/4 ____ 1/4 ____ 1/4 Sec _____ TWP _____ N S RGE _____ E W

Lot/Tract _____ Block _____ Subdivision Name _____

COS _____ Gov't Lot _____ County _____

4. PLACE OF USE

Purpose of Use Irrigation County Madison

____ acres ____ 1/4 NE 1/4 SW 1/4 Sec 4 TWP 5 N S RGE 5 E W

____ acres ____ 1/4 SE 1/4 SW 1/4 Sec 4 TWP 5 N S RGE 5 E W

____ acres ____ 1/4 SE 1/4 NW 1/4 Sec 4 TWP 5 N S RGE 5 E W

____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec _____ TWP _____ N S RGE _____ E W

93.34 **Total Acres**

Lot/Tract TRACT C3-B Block _____ Subdivision Name _____

COS 7/ _____ Gov't Lot _____

Geocodes(s) 25-0506-04-3-01-40-0000

Purpose of Use Irrigation County _____

____ acres ____ 1/4 NW 1/4 NW 1/4 Sec 4 TWP 5 N S RGE 5 E W

____ acres SW 1/4 NE 1/4 NW 1/4 Sec 4 TWP 5 N S RGE 5 E W

____ acres NE 1/4 SE 1/4 NW 1/4 Sec 4 TWP 5 N S RGE 5 E W

____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec _____ TWP _____ N S RGE _____ E W

42.26 **Total Acres**

Lot/Tract _____ Block _____ Subdivision Name _____

COS 7/2267BA _____ Gov't Lot _____

Geocodes(s) 25-0506-04-2-01-10-0000

5. SIGNATURE

I DECLARE UNDER PENALTY OF PERJURY AND UNDER THE LAWS OF THE STATE OF MONTANA THAT THE FOREGOING IS TRUE AND CORRECT.

Seller Signature: *Ross W. Roylance*

Date: 7/15/2020

Seller Signature: *Patricia D. Roylance*

Date: 7/15/2020

PART C - BUYER'S PORTION

(Attach additional sheets if necessary. If more than one buyer, add sheets showing each buyer's portion.)

1. **BUYER'S NAME** JASON W. ROYLANCE

2. PORTION OF WATER RIGHT ACQUIRED

Flow Rate (gpm/cfs) 0.375 (Only if specifically identified in the attached recorded document—see Part B, Number 2)

Purpose of Use Irrigation Volume (acre-feet) 0.7425 af/day

Purpose of Use _____ Volume (acre-feet) _____

3. POINT OF DIVERSION (describe the location to the nearest 10 acres, three quarter sections)

NE 1/4 SW 1/4 SE 1/4 Sec 10 TWP 5 N S RGE 5 E W

Lot/Tract _____ Block _____ Subdivision Name _____

COS _____ Gov't Lot _____ County _____

____ 1/4 ____ 1/4 ____ 1/4 Sec _____ TWP _____ N S RGE _____ E W

Lot/Tract _____ Block _____ Subdivision Name _____

COS _____ Gov't Lot _____ County _____

4. PLACE OF USE

Purpose of Use Irrigation County Madison

9.33 acres SE 1/4 SE 1/4 NW 1/4 Sec 4 TWP 5 N S RGE 5 E W

____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec _____ TWP _____ N S RGE _____ E W

____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec _____ TWP _____ N S RGE _____ E W

____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec _____ TWP _____ N S RGE _____ E W

9.33 **Total Acres**

Lot/Tract 1 Block _____ Subdivision Name _____

COS 7/ Gov't Lot _____

Geocodes(s) _____

Purpose of Use _____ County _____

____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec _____ TWP _____ N S RGE _____ E W

____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec _____ TWP _____ N S RGE _____ E W

____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec _____ TWP _____ N S RGE _____ E W

____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec _____ TWP _____ N S RGE _____ E W

____ **Total Acres**

Lot/Tract _____ Block _____ Subdivision Name _____

COS _____ Gov't Lot _____

Geocodes(s) _____

5. SIGNATURE

I DECLARE UNDER PENALTY OF PERJURY AND UNDER THE LAWS OF THE STATE OF MONTANA THAT THE FOREGOING IS TRUE AND CORRECT.

Buyer Signature: [Signature]

Date: 7/15/2020

Buyer Signature: _____

Date: _____

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601
GENERAL ABSTRACT

Water Right Number: 41C 26065-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners:
PATRICIA D ROYLANCE
51 ELK HILLS RD
SHERIDAN, MT 59749-9657

ROSS W ROYLANCE
51 ELK HILLS RD
SHERIDAN, MT 59749-9657

DOUBLE DRAKE RANCH LLC
395 GALLATIN PARK DR
BOZEMAN, MT 59715

ERIC L DEWEY
4525 W US HWY 12
HELENA, MT 59601

KELLY J DEWEY
4525 W US HWY 12
HELENA, MT 59601

DAVID A PHILPOTT
5 ELSER LN
SHERIDAN, MT 59749-9604

Priority Date: JUNE 3, 1876

Enforceable Priority Date: JUNE 3, 1876

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 2.00 CFS

Maximum 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: 240.00

Source Name: RUBY RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|------------|------------|------------|------------|------------|---------------|
| 1 | | NESWSE | 10 | | 5S | 5W | MADISON |

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

Period of Use: MAY 1 to OCTOBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|------------|------------|------------|------------|------------|---------------|
| 1 | 240.00 | | W2 | | 4 | 5S | 5W | MADISON |

Total: 240.00

Geocodes/Valid: 25-0506-04-1-01-01-0000 - Y 25-0506-04-2-01-05-0000 - Y
25-0506-04-2-01-10-0000 - Y 25-0506-04-3-01-03-0000 - Y
25-0506-04-3-01-20-0000 - Y 25-0506-04-3-01-40-0000 - Y
25-0506-08-1-01-01-0000 - Y

Remarks:

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.

26065-00 26066-00

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/01/93.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 149126 RECEIVED 07/05/2012.

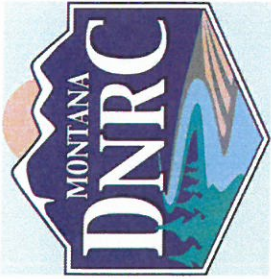
OWNERSHIP UPDATE TYPE DOR # 149829 RECEIVED 02/20/2013.

OWNERSHIP UPDATE TYPE DOR # 149850 RECEIVED 12/20/2013.

OWNERSHIP UPDATE TYPE DOR # 199418 RECEIVED 04/27/2018.

OWNERSHIP UPDATE TYPE DOR # 187275 RECEIVED 05/17/2019.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT CLAIM OVERLAPPING PLACES OF USE. TO ASSURE THE ORDERLY ADJUDICATION OF WATER RIGHTS, THE WATER COURT WILL SET A HEARING TO DETERMINE THESE ISSUES IF NO OBJECTIONS ARE MADE. W026065-00, W026066-00, W196824-00.



Water Right Number:
41C 26065 00NULL

Print Map

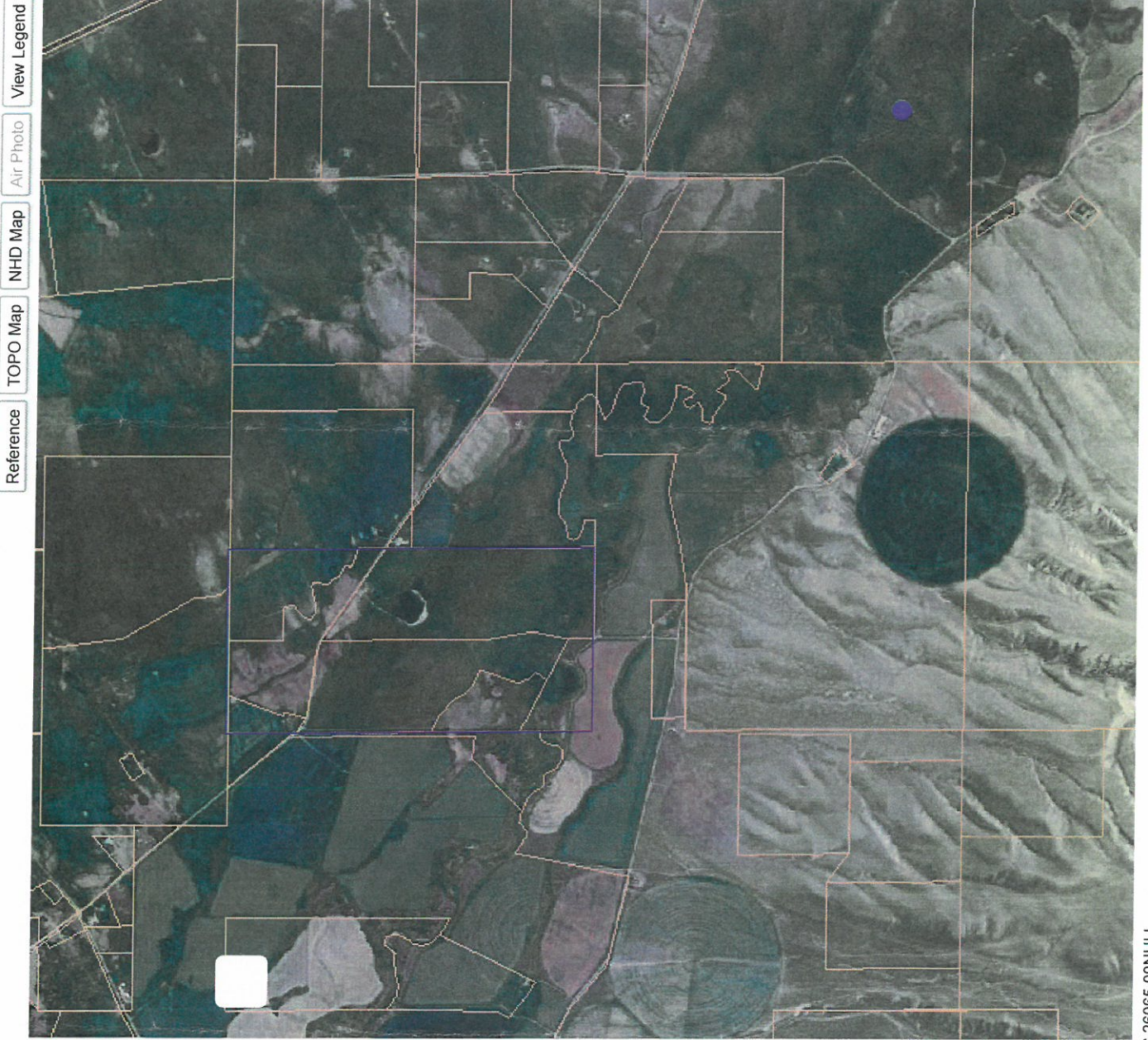
Legend

- Diversion Count:
 - Surface water diversion.
 - Ground water diversion.
- Adjacent Diversions
 - Surface water diversion.
 - Ground water diversion.
- Place of Use Legal Land Descriptions
 - Adjacent POUs
 - Cadastral [?](#)
 - PLSS Detail [?](#)

Note:

Contact DNRC if you have any questions or if the mapped information appears incorrect.

The points of diversion (PODs) and places of use (POUs) are derived from water right legal land descriptions. PODs are placed at the center of their legal land description, not at their true geographic location. POUs are drawn as polygons of the entire legal land description.



- Reference
- TOPO Map
- NHD Map
- Air Photo
- View Legend