

IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
LITTLE MISSOURI RIVER BASIN ABOVE LITTLE BEAVER CREEK (39F)
PRELIMINARY DECREE

* * * * *

CLAIMANT: Arbuckle Ranch Inc.

CASE 39F-0405-R-2022

39F 138992-00
39F 175520-00
39F 175521-00
39F 175523-00
39F 175558-00
39F 175709-00
39F 175727-00
39F 175731-00
39F 175732-00
39F 175733-00
39F 175739-00
39F 175748-00

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, conclusions 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 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

FINDINGS OF FACT

1. Arbuckle Ranch Inc. is the record owner of claims 39F 138992-00, 39F 175520-00, 39F 175521-00, 39F 175523-00, 39F 175558-00, 39F 175709-00, 39F 175727-00, 39F 175731-00, 39F 175732-00, 39F 175733-00, 39F 175739-00, and 39F 175748-00.

2. The claims were decreed with a variety of DNRC issue remarks. All issue remarks must be addressed.

Notice-type Issue Remarks:

3. Various claims in this Case were decreed with DNRC notice-type issue remarks:

Claims 39F 138992-00, 39F 175558-00, 39F 175731-00, 39F 175732-00, and 39F 175739-00

POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

Claims 39F 175520-00 and 39F 175523-00:

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

RESERVOIR RECORD WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

Claim 39F 175521-00:

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

POINT OF DIVERSION AND RESERVOIR RECORD WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

Claim 39F 175709-00:

POINT OF DIVERSION AND RESERVOIR RECORD WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

Notice of Appropriation Remark:

3. Claims 39F 138992-00 and 39F 175558-00 were decreed with a remark indicating the claims are based on the same notice of appropriation and no flow rate was specified:

THE CLAIMS LISTED AT THE END OF THIS STATEMENT CLAIM THE SAME NOTICE OF APPROPRIATION. THE CLAIMED NOTICE OF APPROPRIATION DOES NOT SPECIFY A FLOW RATE. 39F 138992-00, 39F 175558-00.

This remark provided information and an opportunity to object to the claims.

Supplemental Rights Issue Remark:

4. Claims 39F 175727-00, 39F 175731-00, 39F 175733-00, and 39F 175748-00 were decreed with the following DNRC issue remark:

ON JANUARY 11, 1988 THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FILED A MEMORANDUM STATING THAT THE SUPPLEMENTAL RIGHTS REMARK WAS ERRONEOUS. THIS WILL BE HEARD AFTER PROPER NOTICE ON THE NEXT OBJECTION LIST.

The issue remarks point to a Memorandum filed by DNRC Water Rights Specialist Marty Van Cleave on January 11, 1988. The Memorandum states:

While looking through some Arbuckle Ranch water rights with BLM personnel, we noticed some problems with the supplemental rights statement on the abstracts. Water Right No. 39F-W-175725-00 was incorrectly made supplemental to Claim No. 39F-W-175745-00. No. 39F-W-175725-00 is not supplemental to any right.

Claim No. 39F-W-175745-00 is supplemental to Claim Nos. 39F-W-175727-00, 39F-W-175730-00, 39F-W-175731-00, 39F-W-175733-00, 39F-W-175734-00, 39F-W-175736-00, 39F-W-175743-00, 39F-W-175744-00, 39F-W-175746-00, and 39F-W-175748-00 and should be included in the supplemental rights statement for these rights.

The supplemental rights remarks decreed on claims 39F 175727-00, 39F 175731-00, 39F 175733-00, and 39F 175748-00 have already been corrected – claims 39F 175725-00 and 39F 174745-00 are not referenced in the supplemental rights remark on the claims.

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. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right

claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.

2. The Water Court must address all issue remarks decreed on a claim.
Section 85-2-248, MCA.

CONCLUSION OF LAW

1. The issue remarks referenced in Findings of Fact Nos. 2 and 3 are notice-type issue remarks. As no objections were filed, no further proceedings are required.

RECOMMENDATION

1. The issue remarks should be removed from claims 39F 138992-00, 39F 175520-00, 39F 175521-00, 39F 175523-00, 39F 175558-00, 39F 175709-00, 39F 175727-00, 39F 175731-00, 39F 175732-00, 39F 175733-00, 39F 175739-00, and 39F 175748-00 with no changes to the elements of the claims.

Post Decree Abstracts of Water Right Claims are served with the Report for review.

Anika M. Stern
Senior Water Master

Service via USPS Mail:

Arbuckle Ranch Inc.
1745 Golden Blvd.
Billings, MT 59102

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 138992-00 STATEMENT OF CLAIM

Version: 7 -- POST DECREE

Status: ACTIVE

Owners: ARBUCKLE RANCH INC
1745 GOLDEN BLVD
BILLINGS, MT 59102

Priority Date: JULY 15, 1955

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 15.60 CFS

Volume: 121.80 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 58.00

Source Name LITTLE MISSOURI 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		SWSNW	16	7S	61E	CARTER

Period of Diversion: MARCH 1 TO DECEMBER 31

Diversion Means: PUMP

Period of Use: MARCH 1 TO DECEMBER 31

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	15.00		N2NESW	16	7S	61E	CARTER
2	23.00		NWNE	16	7S	61E	CARTER
3	20.00		SWNE	16	7S	61E	CARTER

Total: 58.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME PLACE OF USE.

138991-00 138992-00 138993-00 48022-00

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 175520-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: ARBUCKLE RANCH INC
1745 GOLDEN BLVD
BILLINGS, MT 59102

Priority Date: DECEMBER 31, 1965

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name UNNAMED TRIBUTARY OF HAY 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		SWSENE	14	7S	60E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWSENE	14	7S	60E	CARTER

Diversion to Reservoir: DIVERSION # 1

Dam Height: 13.00 FEET

Depth: 10.00 FEET

Surface Area: 0.33 ACRES

Capacity: 1.32 ACRE-FEET

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWSENE	14	7S	60E	CARTER

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 175521-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: ARBUCKLE RANCH INC
1745 GOLDEN BLVD
BILLINGS, MT 59102

Priority Date: APRIL 30, 1909

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name UNNAMED TRIBUTARY OF LITTLE MISSOURI 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		SWNE	33	7S	61E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNE	33	7S	61E	CARTER

Diversion to Reservoir: DIVERSION # 1

Dam Height: 13.00 FEET

Depth: 10.00 FEET

Surface Area: 4.50 ACRES

Capacity: 18.00 ACRE-FEET

THE DAM EXTENDS INTO THE SENENE SEC 33 TWP 7S RGE 61E CARTER COUNTY.

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			E2E2NE	33	7S	61E	CARTER
2			W2W2NW	34	7S	61E	CARTER

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 175523-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: ARBUCKLE RANCH INC
1745 GOLDEN BLVD
BILLINGS, MT 59102

Priority Date: JULY 31, 1909

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name UNNAMED TRIBUTARY OF LITTLE MISSOURI 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		SWSNW	28	7S	61E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWSNW	28	7S	61E	CARTER

Diversion to Reservoir: DIVERSION # 1

Dam Height: 13.00 FEET

Depth: 10.00 FEET

Surface Area: 0.60 ACRES

Capacity: 2.40 ACRE-FEET

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWSNW	28	7S	61E	CARTER

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 175558-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: ARBUCKLE RANCH INC
1745 GOLDEN BLVD
BILLINGS, MT 59102

Priority Date: JULY 15, 1955

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 15.60 CFS

Volume: 110.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 93.00

Source Name LITTLE MISSOURI 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		NESENW	20	7S	61E	CARTER

Period of Diversion: MARCH 1 TO DECEMBER 31

Diversion Means: PUMP

Period of Use: MARCH 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	2.00		SESENW	20	7S	61E	CARTER
2	10.00		SWSWNE	20	7S	61E	CARTER
3	10.00		SESWNE	20	7S	61E	CARTER
4	10.00		SWSENE	20	7S	61E	CARTER
5	4.00		SESENE	20	7S	61E	CARTER
6	7.00		NWSWNE	20	7S	61E	CARTER
7	6.00		NESWNE	20	7S	61E	CARTER
8	9.00		NWSENE	20	7S	61E	CARTER
9	7.00		NESENE	20	7S	61E	CARTER
10	6.00		SWNENE	20	7S	61E	CARTER
11	5.00		SENE	20	7S	61E	CARTER
12	7.00		NWNENE	20	7S	61E	CARTER
13	5.00		NENENE	20	7S	61E	CARTER
14	2.00		SWSESE	17	7S	61E	CARTER

15	3.00	SESESE	17	7S	61E	CARTER
Total:	93.00					

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.

175556-00 175558-00 175735-00

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 175709-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: ARBUCKLE RANCH INC
1745 GOLDEN BLVD
BILLINGS, MT 59102

Priority Date: SEPTEMBER 19, 1938

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name UNNAMED TRIBUTARY OF LITTLE MISSOURI 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		SESENW	20	7S	61E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESENW	20	7S	61E	CARTER

Diversion to Reservoir: DIVERSION # 1

THE DAM EXTENDS INTO THE NENESW SEC 20 TWP 7S RGE 61E CARTER COUNTY.

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NESW	20	7S	61E	CARTER

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 175727-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: ARBUCKLE RANCH INC
1745 GOLDEN BLVD
BILLINGS, MT 59102

Priority Date: SEPTEMBER 19, 1941

Type of Historical Right: USE

Purpose (use): IRRIGATION
Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 84.00 AC-FT
Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 42.00

Source Name: HAY DRAW
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		SESWSW	9	7S	61E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIKE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	2.00		SWSW	9	7S	61E	CARTER
2	15.00		SESW	9	7S	61E	CARTER
3	20.00		NESW	9	7S	61E	CARTER
4	3.00		W2NWSE	9	7S	61E	CARTER
5	2.00		SWNWSE	9	7S	61E	CARTER
Total:	42.00						

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.

175727-00	175730-00	175731-00	175733-00	175734-00	175736-00
175743-00	175744-00	175746-00	175748-00		

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 175731-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: ARBUCKLE RANCH INC
1745 GOLDEN BLVD
BILLINGS, MT 59102

Priority Date: SEPTEMBER 19, 1948

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 376.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 188.00

Source Name UNNAMED TRIBUTARY OF HAY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWSE	1	7S	60E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIKE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	100.00		NW	7	7S	61E	CARTER
2	60.00		SW	7	7S	61E	CARTER
3	17.00		NWSE	7	7S	61E	CARTER
4	4.00		SWNE	7	7S	61E	CARTER
5	5.00		NENENE	12	7S	60E	CARTER
6	2.00		SESESE	1	7S	60E	CARTER
Total:	188.00						

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.

175727-00	175730-00	175731-00	175733-00	175734-00	175736-00
175743-00	175744-00	175746-00	175748-00		

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 175732-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: ARBUCKLE RANCH INC
1745 GOLDEN BLVD
BILLINGS, MT 59102

Priority Date: SEPTEMBER 19, 1957

Type of Historical Right: USE

Purpose (use): IRRIGATION
Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 81.00 AC-FT
Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 81.00

Source Name: UNNAMED TRIBUTARY OF HAY 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		E2NWSW	13	7S	60E	CARTER	
Period of Diversion: JANUARY 1 TO DECEMBER 31							
Diversion Means: DIKE							
Period of Use: JANUARY 1 TO DECEMBER 31							
Place of Use:							
<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	34.00		NWSW	13	7S	60E	CARTER
2	32.00		NESW	13	7S	60E	CARTER
3	14.00		S2NWSE	13	7S	60E	CARTER
4	1.00		SWNESE	13	7S	60E	CARTER
Total:	81.00						

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.

175732-00

175738-00

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 175733-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: ARBUCKLE RANCH INC
1745 GOLDEN BLVD
BILLINGS, MT 59102

Priority Date: SEPTEMBER 19, 1931

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 400.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 527.00

Source Name HAY DRAW

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		NENWSE	7	7S	61E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIKE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	10.00		NWSE	7	7S	61E	CARTER
2	14.00		NESE	7	7S	61E	CARTER
3	26.00		SWSE	7	7S	61E	CARTER
4	40.00		SESE	7	7S	61E	CARTER
5	37.00		SWSW	8	7S	61E	CARTER
6	31.00		SESW	8	7S	61E	CARTER
7	29.00		SWSE	8	7S	61E	CARTER
8	36.00		NWNW	17	7S	61E	CARTER
9	40.00		NENW	17	7S	61E	CARTER
10	40.00		NWNE	17	7S	61E	CARTER
11	18.00		SWNE	17	7S	61E	CARTER
12	28.00		SENE	17	7S	61E	CARTER
13	36.00		NENE	17	7S	61E	CARTER
14	5.00		S2NWSW	8	7S	61E	CARTER

15	21.00	SWNW	16	7S	61E	CARTER
16	27.00	NWNW	16	7S	61E	CARTER
17	20.00	NENW	16	7S	61E	CARTER
18	4.00	SWSW	9	7S	61E	CARTER
19	35.00	SESW	9	7S	61E	CARTER
20	14.00	W2NWSE	9	7S	61E	CARTER
21	3.00	NESW	9	7S	61E	CARTER
22	13.00	NENE	18	7S	61E	CARTER
Total:						527.00

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.

175727-00	175730-00	175731-00	175733-00	175734-00	175736-00
175743-00	175744-00	175746-00	175748-00		

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 175739-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: ARBUCKLE RANCH INC
1745 GOLDEN BLVD
BILLINGS, MT 59102

Priority Date: SEPTEMBER 30, 1961

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 190.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

***Maximum Acres:** 80.00

Source Name NORTH BUTTE 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		SENESE	23	7S	60E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIKE

2		NWSESE	18	7S	61E	CARTER
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIKE

POINT OF DIVERSION NO. 2 IS ON UNNAMED TRIBUTARY OF HAY CREEK.

Period of Use: JANUARY 1 TO DECEMBER 31

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	35.00		N2NW	20	7S	61E	CARTER
2	25.00		NWNE	20	7S	61E	CARTER
3	8.00		S2S2SW	17	7S	61E	CARTER
4	2.00		SWSWSE	17	7S	61E	CARTER
5	10.00		SESE	18	7S	61E	CARTER

Total: 80.00

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 175748-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: ARBUCKLE RANCH INC
1745 GOLDEN BLVD
BILLINGS, MT 59102

Priority Date: SEPTEMBER 2, 1939

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 200.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 400.00

Source Name HAY 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		SENWSW	12	7S	60E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIKE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	25.00		NESW	12	7S	60E	CARTER
2	28.00		NWSE	12	7S	60E	CARTER
3	6.00		SESENW	12	7S	60E	CARTER
4	11.00		SWNE	12	7S	60E	CARTER
5	23.00		SESW	7	7S	61E	CARTER
6	24.00		NESW	7	7S	61E	CARTER
7	10.00		S2NWSE	7	7S	61E	CARTER
8	14.00		S2NESE	7	7S	61E	CARTER
9	26.00		SWSE	7	7S	61E	CARTER
10	40.00		SESE	7	7S	61E	CARTER
11	37.00		SWSW	8	7S	61E	CARTER
12	31.00		SESW	8	7S	61E	CARTER
13	13.00		SWSE	8	7S	61E	CARTER
14	36.00		NWNW	17	7S	61E	CARTER

15	40.00	NENW	17	7S	61E	CARTER
16	20.00	NWNE	17	7S	61E	CARTER
17	6.00	N2SEnw	17	7S	61E	CARTER
18	5.00	N2SWNE	17	7S	61E	CARTER
19	5.00	S2NWSW	8	7S	61E	CARTER
Total:						400.00

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.

175727-00	175730-00	175731-00	175733-00	175734-00	175736-00
175743-00	175744-00	175746-00	175748-00		