

39F-0099-R-2021

November 1, 2022

Montana Water Court

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

\* \* \* \* \*

CLAIMANT: Jason L. Garman

OBJECTOR: United States of America (Bureau of Land  
Management)

**CASE 39F-0099-R-2021**

39F 16135-00

39F 16136-00

39F 16137-00

39F 16138-00

**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 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**

Water Right Claims 39F 16135-00, 39F 16136-00, 39F 16137-00, and 39F 16138-00 appeared in the Preliminary Decree for the Little Missouri River, above Little Beaver

Creek (Basin 39F). Several of these claims appeared with issue remarks. Issue remarks result from Department of Natural Resources and Conservation (“DNRC”) claims examination or by Water Court order. Claims examination confirms the historical use of water right claims and identifies issues with claims. If claims examination cannot confirm some aspect of a claim, an issue remark is added to the claim. Each above-captioned claim received an objection filed by the United States of America (DOI Bureau of Land Management).

The Court consolidated these claims into Water Court Case 39F-0099-R-2021 on August 17, 2021. The consolidation order set a status conference during which the parties discussed how to proceed. The Court set a settlement deadline by an order issued on September 16, 2022. On May 31, 2022, Objector filed an executed stipulation.

### **FINDINGS OF FACT**

1. Claim 39F 16135-00 appeared with the following issue remark:

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 THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

2. Claim 39F 16136-00 appeared with the following issue remark:

DITCH NAME 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 THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

3. The United States objected to the place of use and maximum acres of each above-captioned claim.

4. According to the stipulation, the parties agree the claimed places of use should be modified as follows:

**Claim 39F 16135-00 --**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rg</u>	<u>County</u>
1	80.00		W2NE	2	8S	60E	CARTER
2	<b>78.00</b>		<b>E2NW</b>	2	8S	60E	CARTER
3	2.00		NENESW	2	8S	60E	CARTER
4	<b>30.00</b>		<b>S2SE</b>	35	7S	60E	CARTER
5	84.00		SW	36	7S	60E	CARTER
6	5.00		N2NWSE	2	8S	60E	CARTER
<del>7</del>	<del>3.00</del>	<del>2</del>	<del>SESW</del>	<del>35</del>	<del>7S</del>	<del>60E</del>	<del>CARTER</del>
78	5.00		S2S2NW	36	7S	60E	CARTER
<b>8</b>	<b><u>5.00</u></b>		<b>SWNW</b>	<b>2</b>	<b>8S</b>	<b>60E</b>	<b>CARTER</b>
Total:	<del>304</del> <b>289.00</b>						

**Claim 39F 16136-00 --**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rg</u>	<u>County</u>
1	41.00		NW	10	8S	60E	CARTER
2	45.00		S2SE	3	8S	60E	CARTER
3	<b>78.00</b>		<b>E2NW</b>	2	8S	60E	CARTER
4	<b>30.00</b>		<b>S2SE</b>	35	7S	60E	CARTER
5	84.00		SW	36	7S	60E	CARTER
6	16.00		NWNE	10	8S	60E	CARTER
7	14.00		NESE	3	8S	60E	CARTER
<del>8</del>	<del>3.00</del>		<del>SESENE</del>	<del>3</del>	<del>8S</del>	<del>60E</del>	<del>CARTER</del>
<del>89</del>	<del>6.00</del>		<del>W2SWSW</del>	<del>2</del>	<del>8S</del>	<del>60E</del>	<del>CARTER</del>
<del>940</del>	<del>15.00</del>		<del>NWSW</del>	<del>2</del>	<del>8S</del>	<del>60E</del>	<del>CARTER</del>
<del>1044</del>	<del>2.00</del>		<del>NENESW</del>	<del>2</del>	<del>8S</del>	<del>60E</del>	<del>CARTER</del>
<del>1142</del>	<del>5.00</del>		<del>N2NWNE</del>	<del>2</del>	<del>8S</del>	<del>60E</del>	<del>CARTER</del>
<del>1243</del>	<del>80.00</del>		<del>W2NE</del>	<del>2</del>	<del>8S</del>	<del>60E</del>	<del>CARTER</del>
<del>14</del>	<del>6.00</del>	<del>2</del>	<del>SESW</del>	<del>35</del>	<del>7S</del>	<del>60E</del>	<del>CARTER</del>
<del>15</del>	<del>1.00</del>		<del>SENESE</del>	<del>35</del>	<del>7S</del>	<del>60E</del>	<del>CARTER</del>
<del>1346</del>	<del>5.00</del>		<del>S2S2NW</del>	<del>36</del>	<del>7S</del>	<del>60E</del>	<del>CARTER</del>
<b>14</b>	<b><u>5.00</u></b>		<b>SWNW</b>	<b>2</b>	<b>8S</b>	<b>60E</b>	<b>CARTER</b>
Total:	<del>461.00</del> <b>426.00</b>						

**Claim 39F 16137-00 --**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rg</u>	<u>County</u>
<del>1</del>	<del>3.00</del>		<del>SESENE</del>	<del>3</del>	<del>8S</del>	<del>60E</del>	<del>CARTER</del>
<b>12</b>	<b>8.00</b>		<b>SWNW</b>	<b>2</b>	<b>8S</b>	<b>60E</b>	<b>CARTER</b>
<b>23</b>	<b>15.00</b>		<b>NWSW</b>	<b>2</b>	<b>8S</b>	<b>60E</b>	<b>CARTER</b>
<b>34</b>	<b><u>14.00</u></b>		<b>NESE</b>	<b>3</b>	<b>8S</b>	<b>60E</b>	<b>CARTER</b>
Total:	<del>40.00</del> <b>37.00</b>						

**Claim 39F 16138-00 –**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rg</u>	<u>County</u>
1	<b>78.00</b>		<b>E2NW</b>	2	8S	60E	CARTER
2	70.00		SW	30	7S	61E	CARTER
3	37.00		SW	31	7S	61E	CARTER
4	3.00	2	SESW	35	7S	60E	CARTER
45	84.00		SW	36	7S	60E	CARTER
56	80.00		W2NE	2	8S	60E	CARTER
67	5.00		N2NWSE	2	8S	60E	CARTER
78	2.00		NENESW	2	8S	60E	CARTER
89	50.00		SE	30	7S	61E	CARTER
1044	<b>30.00</b>		<b>S2SE</b>	35	7S	60E	CARTER
12	7.00		E2SENE	35	7S	60E	CARTER
1143	91.00		NW	36	7S	60E	CARTER
1244	93.00		NE	36	7S	60E	CARTER
1345	63.00		SE	36	7S	60E	CARTER
16	7.00		W2SWSE	25	7S	60E	CARTER
17	9.00		E2SESW	25	7S	60E	CARTER
<b>14</b>	<b>5.00</b>		<b>SWNW</b>	<b>2</b>	<b>8S</b>	<b>60E</b>	<b>CARTER</b>
Total:	<b>812-758.00</b>						

5. The requested modifications are reductions.

6. The places of use of the above-captioned claims should be described as follows:

**Claim 39F 16135-00 –**

<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	80.00		W2NE	2	8S	60E	CARTER
2	78.00		E2NW	2	8S	60E	CARTER
3	2.00		NENESW	2	8S	60E	CARTER
4	30.00		S2SE	35	7S	60E	CARTER
5	84.00		SW	36	7S	60E	CARTER
6	5.00		N2NWSE	2	8S	60E	CARTER
7	5.00		S2S2NW	36	7S	60E	CARTER
8	5.00		SWNW	2	8S	60E	CARTER
Total:	289.00						

Claim 39F 16136-00 –

<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	41.00		NW	10	8S	60E	CARTER
2	45.00		S2SE	3	8S	60E	CARTER
3	78.00		E2NW	2	8S	60E	CARTER
4	30.00		S2SE	35	7S	60E	CARTER
5	84.00		SW	36	7S	60E	CARTER
6	16.00		NWNE	10	8S	60E	CARTER
7	14.00		NESE	3	8S	60E	CARTER
8	6.00		W2SWSW	2	8S	60E	CARTER
9	15.00		NWSW	2	8S	60E	CARTER
10	2.00		NENESW	2	8S	60E	CARTER
11	5.00		N2NWNE	2	8S	60E	CARTER
12	80.00		W2NE	2	8S	60E	CARTER
13	5.00		S2S2NW	36	7S	60E	CARTER
14	5.00		SWNW	2	8S	60E	CARTER
<b>Total:</b>		426.00					

Claim 39F 16137-00 –

<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	8.00		SWNW	2	8S	60E	CARTER
2	15.00		NWSW	2	8S	60E	CARTER
3	14.00		NESE	3	8S	60E	CARTER
<b>Total:</b>		37.00					

Claim 39F 16138-00 –

<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	78.00		E2NW	2	8S	60E	CARTER
2	70.00		SW	30	7S	61E	CARTER
3	37.00		SW	31	7S	61E	CARTER
4	84.00		SW	36	7S	60E	CARTER
5	80.00		W2NE	2	8S	60E	CARTER
6	5.00		N2NWSE	2	8S	60E	CARTER
7	2.00		NENESW	2	8S	60E	CARTER
8	50.00		SE	30	7S	61E	CARTER
9	70.00		NW	31	7S	61E	CARTER
10	30.00		S2SE	35	7S	60E	CARTER
11	91.00		NW	36	7S	60E	CARTER
12	93.00		NE	36	7S	60E	CARTER
13	63.00		SE	36	7S	60E	CARTER
14	5.00		SWNW	2	8S	60E	CARTER
<b>Total:</b>		758.00					

7. The issue remarks should be removed from the relevant claims.

**APPLICABLE LAW**

1. A properly filed statement of claim is prima facie proof of its content. Section 85-2-227, MCA. The prima facie status of a claim may be overcome by a preponderance of the evidence. Section 85-2-227, MCA; Rule 19, W.R.Adj.R. A

preponderance of the evidence is evidence that shows a fact is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.

2. The Water Court must weigh an issue remark, and the information resulting in that issue remark, against the claimed water right. Section 85-2-247(2), MCA.

3. The Water Court must resolve all issue remarks not resolved through the objection process. Section 85-2-248, MCA. The Court must review information in the claim file or obtained by the Court to determine if there is a sufficient basis to resolve the remarks. 85-2-248(3), MCA.

4. The Water Court is not bound by any settlement or stipulation filed to resolve objections. Rule 17(a), W.R.Adj.R. If a settlement seeks to expand or enlarge an element of a claim, the parties must present evidence sufficient to meet the appropriate burden of proof. Rule 17(b), W.R.Adj.R. If a Claimant agrees to reduce or limit an element of a claim, the Court may accept the requested modification without further evidence overcoming the appropriate burden of proof. Rule 17(c), W.R.Adj.R.

### **CONCLUSIONS OF LAW**

1. The changes described in the Findings of Fact may be made because the requested modifications are reductions to each claim.

2. The evidence in the record and the proposed changes provide the Court with a sufficient basis to resolve and remove each issue remark from each relevant above-captioned claim.

### **RECOMMENDATIONS**

Based upon the above Findings of Fact and Conclusions of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. Post-decree Abstracts of Water Right Claims are served with this Report to confirm the recommended changes have been made in the state’s centralized record system.

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Colton J. Lauer  
Water Master

**Service via USPS Mail:**

Jason L. Garman  
41 Oliver Ln  
Alzada, MT 59311

**Service Via Electronic Mail:**

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**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK**  
**BASIN 39F**

**Water Right Number:** 39F 16135-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** JASON L GARMAN  
41 OLIVER LN  
ALZADA, MT 59311

**Priority Date:** MAY 4, 1951

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 22.00 CFS

**Volume:** 632.10 AC-FT

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 289.00

**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	2	8S	60E	CARTER

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** PUMP

**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	80.00		W2NE	2	8S	60E	CARTER
2	78.00		E2NW	2	8S	60E	CARTER
3	2.00		NENSW	2	8S	60E	CARTER
4	30.00		S2SE	35	7S	60E	CARTER
5	84.00		SW	36	7S	60E	CARTER
6	5.00		N2NWSE	2	8S	60E	CARTER
7	5.00		S2S2NW	36	7S	60E	CARTER
8	5.00		SWNW	2	8S	60E	CARTER

**Total:** 289.00

**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.



16135-00	16136-00	16137-00	16138-00
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**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK**  
**BASIN 39F**

**Water Right Number:** 39F 16136-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** JASON L GARMAN  
41 OLIVER LN  
ALZADA, MT 59311

**Priority Date:** DECEMBER 31, 1940

**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:** 730.00 AC-FT

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 426.00

**Source Name:** UNNAMED TRIBUTARY OF COTTONWOOD 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		NWNESW	9	8S	60E	CARTER

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** JOE OLIVER DITCH

**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	41.00		NW	10	8S	60E	CARTER
2	45.00		S2SE	3	8S	60E	CARTER
3	78.00		E2NW	2	8S	60E	CARTER
4	30.00		S2SE	35	7S	60E	CARTER
5	84.00		SW	36	7S	60E	CARTER
6	16.00		NWNE	10	8S	60E	CARTER
7	14.00		NESE	3	8S	60E	CARTER
8	6.00		W2SWSW	2	8S	60E	CARTER
9	15.00		NWSW	2	8S	60E	CARTER
10	2.00		NENESW	2	8S	60E	CARTER
11	5.00		N2NWN	2	8S	60E	CARTER
12	80.00		W2NE	2	8S	60E	CARTER
13	5.00		S2S2NW	36	7S	60E	CARTER

14	<u>5.00</u>					
	<b>Total:</b>	426.00				

SWNW      2      8S      60E      CARTER

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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.

16135-00	16136-00	16137-00	16138-00
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**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK**  
**BASIN 39F**

**Water Right Number:** 39F 16137-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** JASON L GARMAN  
41 OLIVER LN  
ALZADA, MT 59311

**Priority Date:** NOVEMBER 26, 1910

**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:** 80.00 AC-FT

THE VOLUME OF THIS CLAIM HAS BEEN REDUCED TO THE 2.0 ACRE-FEET PER ACRE GUIDELINE FOR WATER SPREADING. THE VOLUME MAY BE CONTESTED BY PROPER OBJECTION.

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 37.00

**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		NWNESE	3	8S	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	8.00		SWNW	2	8S	60E	CARTER
2	15.00		NWSW	2	8S	60E	CARTER
3	14.00		NESE	3	8S	60E	CARTER
<b>Total:</b>	37.00						

**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.

16135-00

16136-00

16137-00

16138-00

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK**  
**BASIN 39F**

**Water Right Number:** 39F 16138-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** JASON L GARMAN  
41 OLIVER LN  
ALZADA, MT 59311

**Priority Date:** DECEMBER 18, 1947

**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:** 1,624.00 AC-FT

THE VOLUME OF THIS CLAIM HAS BEEN REDUCED TO THE 2.0 ACRE-FEET PER ACRE GUIDELINE FOR WATER SPREADING. THE VOLUME MAY BE CONTESTED BY PROPER OBJECTION.

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 758.00

**Source Name:** SOUTH 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		NESWNW	26	7S	60E	CARTER

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** HEADGATE

**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	78.00		E2NW	2	8S	60E	CARTER
2	70.00		SW	30	7S	61E	CARTER
3	37.00		SW	31	7S	61E	CARTER
4	84.00		SW	36	7S	60E	CARTER
5	80.00		W2NE	2	8S	60E	CARTER
6	5.00		N2NWSE	2	8S	60E	CARTER
7	2.00		NENESW	2	8S	60E	CARTER
8	50.00		SE	30	7S	61E	CARTER
9	70.00		NW	31	7S	61E	CARTER
10	30.00		S2SE	35	7S	60E	CARTER
11	91.00		NW	36	7S	60E	CARTER

12	93.00	NE	36	7S	60E	CARTER
13	63.00	SE	36	7S	60E	CARTER
14	5.00	SWNW	2	8S	60E	CARTER
Total:						
	758.00					

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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.

16135-00

16136-00

16137-00

16138-00