

Montana Water Court  
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40N-0044-R-2021

November 16, 2022

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
ROCK CREEK, TRIBUTARY OF THE MILK RIVER BASIN (40N)  
PRELIMINARY DECREE

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CLAIMANTS: Lois E. Carroll; Sterling C. Carroll;  
Carroll MT Properties LLC

OBJECTOR: Carroll MT Properties LLC

**CASE 40N-0044-R-2021**

40N 168282-00	40N 168332-00
40N 168299-00	40N 168337-00
40N 168323-00	40N 168338-00
40N 168325-00	40N 168339-00
40N 168326-00	40N 168341-00
40N 168327-00	40N 168343-00
40N 168328-00	40N 168348-00
40N 168329-00	40N 168352-00
40N 168330-00	40N 168365-00
40N 168331-00	

**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**

### **Statement of the case**

Claimant, Carroll MT Properties LLC ("Carroll"), objected to the above captioned claims.

About half of the above captioned claims received issue remarks providing notice that a claim's elements were modified by the DNRC during claims examination. Issue remarks often result from Department of Natural Resources and Conservation ("DNRC") claims examination. Claims examination confirms the historical use of water right claims and identifies issues with claims.

Montana law requires the Water Court to resolve issue remarks and objections.

The notice issue remarks instructed claimant and other water users that if no objections were filed to any of the elements identified by the issue remarks the elements would remain as they appear on the Preliminary Decree abstracts.

On April 8, 2022, Carroll filed its Information to Resolve Objections and Issue Remarks. This information was followed by a September 20, 2022 Supplemental Filing of Information to Resolve Objections and Issue Remarks.

On April 8, 2022, Carroll withdrew its objections to the period of use for claims 40N 168299-00, 40N 168323-00, 40N 168325-00, 40N 168326-00, 40N 168327-00, 40N 168328-00, 40N 168329-00, 40N 168330-00, 40N 168331-00, 40N 168332-00, 40N 168337-00, 40N 168338-00, 40N 168339-00, 40N 168341-00, 40N 168343-00, 40N 168352-00, and 40N 168365-00, and presumably the period of diversion for the foregoing claims where it objected to the period of diversion element in addition to the period of use element, and its objection to the ownership for claim 40N 168332-00.

All elements modified by this report appeared on the most recent Basin 40N Preliminary Decree objection list.

## **Issues**

1. Is Carroll's objection, except for ownership, to each claim resolved?
2. Are the notice issue remarks resolved?

## **Findings of fact**

1. Carroll objected to the ownership of each claim<sup>1</sup> in this case. However, there is no controversy concerning ownership. Instead, Carroll provided the court with the information it should provide to the Glasgow DNRC to complete the statutorily mandated ownership update process for its claims.

2. A preponderance of evidence establishes the historically accurate source for stock claim 40N 168282-00 is Lone Tree Coulee, the historically accurate place of use should include the N2SWSE and the S2NWSE of Section 30, Township 36 North, Range 39 East, Valley County, the reservoir location should be the N2SWSE Section 30, Township 36 North, Range 39 East, Valley County, and the reservoir record should include an information remark noting the reservoir extends into the S2NWSE of Section 30, Township 36 North, Range 39 East, Valley County.

3. A preponderance of evidence establishes the historically accurate place of use for stock claim 40N 168326-00 should include the NWNWSW and SWSWNW of Section 17, Township 35 North, Range 37 East, Valley County, and the reservoir record should include an information remark noting the reservoir extends into the SWSWNW of Section 17, Township 35 North, Range 37 East, Valley County.

4. A preponderance of evidence establishes the historically accurate reservoir location for stock claim 40N 168329-00 is the E2SESW of Section 23, Township 35 North, Range 37 East, Valley County, and the reservoir record should include an information remark noting the reservoir extends into the W2SWSE of Section 23, Township 35 North, Range 37 East, Valley County.

5. For stock claim 40N 168330-00, the reservoir record should include an

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<sup>1</sup> Carroll withdrew its objection to the ownership of claim 40N 168332-00. The abstract identifies Carroll MT Properties LLC as the owner. The caption is updated to reflect this information.

information remark noting the reservoir extends into the SWSESW of Section 13, Township 35 North, Range 37 East, Valley County.

6. A preponderance of evidence establishes the historically accurate place of use for stock claim 40N 168337-00 should include the S2NESE and N2SESE of Section 21, Township 35 North, Range 37 East, Valley County, the reservoir location should be the S2NESE of Section 21, Township 35 North, Range 37 East, Valley County, and the reservoir record should include an information remark noting the reservoir extends into the N2SESE of Section 21, Township 35 North, Range 37 East, Valley County.

7. A preponderance of evidence establishes the historically accurate reservoir location for stock claim 40N 168338-00 is the N2SENE of Section 21, Township 35 North, Range 37 East, Valley County, and the reservoir record should include an information remark noting the reservoir extends into the S2NENE of Section 21, Township 35 North, Range 37 East, Valley County.

8. A preponderance of evidence establishes the historically accurate reservoir location for stock claim 40N 168339-00 is the W2SENE of Section 33, Township 35 North, Range 37 East, Valley County.

9. A preponderance of evidence establishes the historically accurate reservoir location for stock claim 40N 168341-00 is the SWNE of Section 1, Township 35 North, Range 38 East, Valley County, and the reservoir record should include an information remark noting the reservoir extends into the N2NWSW of Section 1, Township 35 North, Range 38 East, Valley County.

10. A preponderance of evidence establishes the historically accurate place of use and reservoir location for stock claim 40N 168343-00 should be the E2SWSE of Section 5, Township 35 North, Range 38 East, Valley County.

11. A preponderance of evidence establishes the historically accurate place of use for stock claim 40N 168348-00 should include the S2SE of Section 18, Township 35 North, Range 38 East and the NENNE of Section 19, Township 35 North, Range 38 East, Valley County, and the reservoir record should include an information remark noting the reservoir extends into the S2SE of Section 18, Township 35 North, Range 38

East, Valley County.

12. A preponderance of evidence establishes the historically accurate place of use for stock claim 40N 168352-00 should include the NWSWNE, SENW, and NWNESW of Section 21, Township 35 North, Range 38 East, Valley County, and the reservoir record should include an information remark noting the reservoir extends into the NWSWNE and SENW of Section 21, Township 35 North, Range 38 East, Valley County

13. A preponderance of evidence establishes the historically accurate point of diversion for stock claim 40N 168365-00 is the SESWNW of Section 25, Township 36 North, Range 38 East, Valley County, the historically accurate place of use should include the S2S2NW and N2N2SW of Section 25, Township 36 North, Range 38 East, Valley County, the reservoir location should be the S2S2NW of Section 25, Township 36 North, Range 38 East, Valley County, and the reservoir record should include an information remark noting the reservoir extends into the N2N2SW of Section 25, Township 36 North, Range 38 East, Valley County.

14. Preliminary Decree abstracts 40N 168299-00, 40N 168323-00, 40N 168325-00, 40N 168327-00, 40N 168328-00, 40N 168331-00, and 40N 168332-00 identify their historically accurate elements.

### **Principles of law**

1. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. Section 85-2-227, MCA. Prima facie proof may be overcome by other evidence that proves, by a preponderance of the evidence, that an element of the prima facie claim is incorrect. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R. A preponderance of the evidence is a “modest standard” and is evidence that demonstrates the fact to be proved is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 348, 240 P.3d 628.

2. The Montana Water Court is permitted to use information submitted by the Department of Natural Resources and Conservation, the statement of claim, information from approved compacts, and any other data obtained by the Court to evaluate water right

claims. Section 85-2-231(2), MCA.

3. Settlement, including the documents filed by a claimant where the claimant is the only party, is subject to review and approval by the Water Court. Rule 17(a), W.R.Adj.R.

4. If the settlement agreement expands or enlarges an element of a claim, evidence meeting the burden of proof must be provided. If the evidence does not meet the burden of proof, the element shall not be expanded or enlarged. Rule 17(b), W.R.Adj.R.

5. The Water Court may accept a settlement agreement that reduces or limits an element of a claim and need not determine whether the burden of proof is met unless there is an unresolved issue remark on the claim. Rule 17(c), W.R.Adj.R.

6. When resolving issue remarks, the Montana Water Court must weigh the information resulting in the issue remark and the issue remark against the claimed water right. Section 85-2-247(2), MCA.

7. 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. Section 85-2-248(3), MCA.

8. Judicial notice of facts may be taken from a source “whose accuracy cannot be reasonably questioned.” Rule 201, M.R.Ev.

## **Analysis**

### **Issues 1 and 2 – objection and issue remark resolution**

Carroll proposed modifications to point of diversion, reservoir location, and place of use legal land descriptions for the claims in this case except 40N 168299-00, 40N 168323-00, 40N 168325-00, 40N 168327-00, 40N 168328-00, 40N 168331-00, and 40N 168332-00. Carroll supported these modifications with 1959 or 1974 aerial photos. Although some of the aerial photos postdate 1973, due to the DNRC claims examination

practice of using a post-1973 set of aerial photos, usually dating 1975 to 1980,<sup>2</sup> Carroll's 1974 aerial photos provide reasonable evidence supporting its proposed modifications.

Carroll proposed a modified source for claim 40N 168282-00. Judicial notice is taken of the source index for the Basin 40N Preliminary Decree. The proposed modification standardizes and corrects the source name for the claim. The source index and aerial photography provided by Carroll support the proposed modification.

The issue remarks providing notice that a claim's elements were modified by the DNRC during claims examination gave claimant and other water users the opportunity to review the claims and file an objection. The deadline to file objections has expired. Carroll's objections to each of the claims are resolved by these proceedings. No other water users objected to the claims.

Copies of Carroll's information and evidence resolving its objections and the issue remarks are included with this report. Both the report and Carroll's information and evidence will be placed in the claim files for future reference.

### **Conclusions of law**

Carroll's proposed modifications are historically accurate and overcome by a preponderance of evidence the prima facie proof afforded the statements of claim and justify the modification to the claims.

The issue remarks appearing on some claims providing notice that a claim's elements were modified by the DNRC during claims examination served their notice purpose.

Carroll either withdrew its objections to the claims, or the modifications to each claim included in the findings of fact resolve Carroll's objection to the claim.

Carroll should follow the statutorily mandated process for updating the ownership of its claims in this case.

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<sup>2</sup> See Ch. IX E. reference to irrigation Ch. VII.D.2.a, May 2013 DNRC Water Rights Claim Examination Manual.

## **Recommendations**

To accurately reflect historical use, the claims should be modified as discussed in the findings of fact.

Claims 40N 168299-00, 40N 168323-00, 40N 168325-00, 40N 168327-00, 40N 168328-00, 40N 168331-00, and 40N 168332-00 accurately reflect historical use. No changes to the elements of the claims should be made.

The issue remarks should be removed from the claim abstracts.

Post Decree Abstracts of Water Right Claim accompany this report to confirm implementation of the recommendations in the state's centralized water right record system.

 Digitally signed by Anna Stradley  
Date: 2022.11.16 10:58:39 -07'00'

Anna M. Stradley  
Senior Water Master

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**Caption updated 11/16/2022**

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**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168282-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** STERLING C CARROLL  
PO BOX 1549  
BOONE, NC 28607

LOIS E CARROLL  
PO BOX 1549  
BOONE, NC 28607

**Priority Date:** NOVEMBER 14, 1963

**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:** LONE TREE COULEE

**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		N2SWSE	30	36N	39E	VALLEY

**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>
	N2SWSE	30	36N	39E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

THE RESERVOIR EXTENDS INTO THE S2NWSE SEC 30 TWP 36N RGE 39E VALLEY 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			N2SWSE	30	36N	39E	VALLEY
2			S2NWSE	30	36N	39E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: LOTS 1, 2, 5, 6, 7, 8, 10, 11, 12 OF SECTION 30, TOWNSHIP 36 NORTH, RANGE 29 EAST, VALLEY COUNTY, MONTANA.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168299-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** STERLING C CARROLL  
PO BOX 1549  
BOONE, NC 28607

LOIS E CARROLL  
PO BOX 1549  
BOONE, NC 28607

**Priority Date:** NOVEMBER 8, 1968

**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 CHISHOLM 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		SESWSE	1	34N	37E	VALLEY

**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>
	SESWSE	1	34N	37E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** APRIL 1 TO NOVEMBER 30

**\*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			SESWSE	1	34N	37E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: E2E2 OF SECTION 35, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY, MONTANA.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168323-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** STERLING C CARROLL  
PO BOX 1549  
BOONE, NC 28607

LOIS E CARROLL  
PO BOX 1549  
BOONE, NC 28607

**Priority Date:** NOVEMBER 14, 1963

**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 ROCK 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		NESW	8	35N	37E	VALLEY

**Period of Diversion:** APRIL 1 TO NOVEMBER 30

**Diversion Means:** DAM

**Reservoir:** ONSTREAM      **Reservoir Name:** LA 139 RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESW	8	35N	37E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 8.00 FEET

**Depth:** 5.00 FEET

**Surface Area:** 5.50 ACRES

**Capacity:** 11.00 ACRE-Feet

**Period of Use:** APRIL 1 TO NOVEMBER 30

**\*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	8	35N	37E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: N2SE, SESE OF SECTION 8, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY, MONTANA.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168325-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** STERLING C CARROLL  
PO BOX 1549  
BOONE, NC 28607

LOIS E CARROLL  
PO BOX 1549  
BOONE, NC 28607

**Priority Date:** NOVEMBER 7, 1969

**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 DEEP 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		NWNESE	15	35N	37E	VALLEY

**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>
	NWNESE	15	35N	37E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** APRIL 1 TO NOVEMBER 30

**\*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			NWNESE	15	35N	37E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: E2, SW, S2NW, NWNW OF SECTION 10, TOWNSHIP 35 NORTH; RANGE 37 EAST, VALLEY COUNTY, MONTANA.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168326-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** STERLING C CARROLL  
PO BOX 1549  
BOONE, NC 28607

LOIS E CARROLL  
PO BOX 1549  
BOONE, NC 28607

**Priority Date:** NOVEMBER 7, 1969

**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 ROCK 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		NWNWSW	17	35N	37E	VALLEY

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

**Diversion Means:** DAM

THE RESERVOIR EXTENDS INTO THE SWSWNW, SECTION 17, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY,

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWSW	17	35N	37E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** APRIL 1 TO NOVEMBER 30

**\*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			NWNWSW	17	35N	37E	VALLEY
2			SWSWNW	17	35N	37E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: NENE OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY, MONTANA.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168327-00 STATEMENT OF CLAIM

**Version:** 4 – POST DECREE

**Status:** ACTIVE

**Owners:** STERLING C CARROLL  
PO BOX 1549  
BOONE, NC 28607

LOIS E CARROLL  
PO BOX 1549  
BOONE, NC 28607

**Priority Date:** NOVEMBER 8, 1968

**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 ROCK 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		NESWSW	18	35N	37E	VALLEY

**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>
	NESWSW	18	35N	37E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** APRIL 1 TO NOVEMBER 30

**\*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			NESWSW	18	35N	37E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: NENE OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY, MONTANA.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168328-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** STERLING C CARROLL  
PO BOX 1549  
BOONE, NC 28607

LOIS E CARROLL  
PO BOX 1549  
BOONE, NC 28607

**Priority Date:** NOVEMBER 8, 1968

**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 DEEP 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		NESWNE	20	35N	37E	VALLEY

**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>
	NESWNE	20	35N	37E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** APRIL 1 TO NOVEMBER 30

**\*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			E2SWNE	20	35N	37E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: NENE OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY, MONTANA.



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168329-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** STERLING C CARROLL  
PO BOX 1549  
BOONE, NC 28607

LOIS E CARROLL  
PO BOX 1549  
BOONE, NC 28607

**Priority Date:** JANUARY 1, 1973

**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 COW COULEE

**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		SESESW	23	35N	37E	VALLEY

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

**Diversion Means:** DAM

THE RESERVOIR EXTENDS INTO THE W2SWSE, SECTION 23, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY.

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	E2SESW	23	35N	37E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** APRIL 1 TO NOVEMBER 30

**\*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			E2SESW	23	35N	37E	VALLEY
2			W2SWSE	23	35N	37E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: SESE, NESW, S2SW, N2SE OF SECTION 26, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY, MONTANA.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168330-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** STERLING C CARROLL  
PO BOX 1549  
BOONE, NC 28607

LOIS E CARROLL  
PO BOX 1549  
BOONE, NC 28607

**Priority Date:** FEBRUARY 13, 1962

**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 COW COULEE

**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		NWNENW	24	35N	37E	VALLEY

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

**Diversion Means:** DAM

THE RESERVOIR EXTENDS INTO THE SWSESW, SECTION 13, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY.

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNENW	24	35N	37E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** APRIL 1 TO NOVEMBER 30

**\*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			NWNENW	24	35N	37E	VALLEY
2			SWSESW	13	35N	37E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: LOTS 1, 2, E2NW OF SECTION 19, TOWNSHIP 35 NORTH, RANGE 38 EAST, VALLEY COUNTY, MONTANA.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168331-00 STATEMENT OF CLAIM

**Version:** 4 – POST DECREE

**Status:** ACTIVE

**Owners:** STERLING C CARROLL  
PO BOX 1549  
BOONE, NC 28607

LOIS E CARROLL  
PO BOX 1549  
BOONE, NC 28607

**Priority Date:** FEBRUARY 13, 1962

**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 WILLOW 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		SWNESW	25	35N	37E	VALLEY

**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>
	SWNESW	25	35N	37E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** APRIL 1 TO NOVEMBER 30

**\*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			SWNESW	25	35N	37E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: SESE, NESW, S2SW, N2SE OF SECTION 26, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY, MONTANA.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168332-00 STATEMENT OF CLAIM

**Version:** 4 – POST DECREE

**Status:** ACTIVE

**Owners:** CARROLL MT PROPERTIES LLC  
1640 OLD 421 S  
BOONE, NC 28607

**Priority Date:** JANUARY 11, 1930

**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 DEEP 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		SWSNW	28	35N	37E	VALLEY

**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	35N	37E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** APRIL 1 TO NOVEMBER 30

**\*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	35N	37E	VALLEY
2			NWNESW	28	35N	37E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: NWSW, S2SW OF SECTION 29, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY, MONTANA.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168337-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** STERLING C CARROLL  
PO BOX 1549  
BOONE, NC 28607

LOIS E CARROLL  
PO BOX 1549  
BOONE, NC 28607

**Priority Date:** NOVEMBER 7, 1969

**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 DEEP 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		SWNESE	21	35N	37E	VALLEY

**Period of Diversion:** APRIL 1 TO NOVEMBER 30

**Diversion Means:** DAM

THE RESERVOIR EXTENDS INTO THE N2SESE, SECTION 21, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY.

**Reservoir:** ONSTREAM **Reservoir Name:** ARROW RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	S2NESE	21	35N	37E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 8.00 FEET

**Depth:** 5.00 FEET

**Surface Area:** 1.50 ACRES

**Capacity:** 3.00 ACRE-FEET

**Period of Use:** APRIL 1 TO NOVEMBER 30

**\*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			S2NESE	21	35N	37E	VALLEY
2			N2SESE	21	35N	37E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: NE, NENW, W2SE, SESE OF SECTION 33, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY, MONTANA.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168338-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** STERLING C CARROLL  
PO BOX 1549  
BOONE, NC 28607

LOIS E CARROLL  
PO BOX 1549  
BOONE, NC 28607

**Priority Date:** FEBRUARY 13, 1962

**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 DEEP 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		NESENW	21	35N	37E	VALLEY

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

**Diversion Means:** DAM

THE RESERVOIR EXTENDS INTO THE S2NENW, SECTION 21, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY.

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	N2SENW	21	35N	37E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** APRIL 1 TO NOVEMBER 30

**\*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			N2SENW	21	35N	37E	VALLEY
2			S2NENW	21	35N	37E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: SW, NENE, E2SE OF SECTION 9, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY, MONTANA.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168339-00 STATEMENT OF CLAIM  
**Version:** 4 – POST DECREE  
**Status:** ACTIVE

**Owners:** STERLING C CARROLL  
PO BOX 1549  
BOONE, NC 28607  
  
LOIS E CARROLL  
PO BOX 1549  
BOONE, NC 28607

**Priority Date:** AUGUST 11, 1971  
**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 WILLOW 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		SWSENW	33	35N	37E	VALLEY

**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>
	W2SENW	33	35N	37E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** APRIL 1 TO NOVEMBER 30

**\*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			W2SENW	33	35N	37E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: NE, NENW, W2SE, SESE OF SECTION 33, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY, MONTANA.



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168341-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** STERLING C CARROLL  
PO BOX 1549  
BOONE, NC 28607

LOIS E CARROLL  
PO BOX 1549  
BOONE, NC 28607

**Priority Date:** SEPTEMBER 20, 1971

**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 LONE TREE COULEE

**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		SWSWNW	1	35N	38E	VALLEY

**Period of Diversion:** APRIL 1 TO NOVEMBER 30

**Diversion Means:** DAM

**Reservoir:** ONSTREAM **Reservoir Name:** TEXAS SLIM RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNW	1	35N	38E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 8.00 FEET

**Depth:** 5.00 FEET

**Surface Area:** 27.00 ACRES

**Capacity:** 27.00 ACRE-FEET

THE RESERVOIR EXTENDS INTO THE N2NWSW SEC 1 TWP 35N RGE 38E VALLEY COUNTY.

**Period of Use:** APRIL 1 TO NOVEMBER 30

\*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			SWNW	1	35N	38E	VALLEY
2			N2NWSW	1	35N	38E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: SE OF SECTION 1, TOWNSHIP 35 NORTH, RANGE 38 EAST, VALLEY COUNTY, MONTANA.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168343-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** STERLING C CARROLL  
PO BOX 1549  
BOONE, NC 28607

LOIS E CARROLL  
PO BOX 1549  
BOONE, NC 28607

**Priority Date:** JANUARY 1, 1973

**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 COW COULEE

**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	5	35N	38E	VALLEY

**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>
	E2SWSE	5	35N	38E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** APRIL 1 TO NOVEMBER 30

**\*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			E2SWSE	5	35N	38E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: LOTS 3, 4, S2NW OF SECTION 5, TOWNSHIP 35 NORTH, RANGE 38 EAST, VALLEY COUNTY, MONTANA.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168348-00 STATEMENT OF CLAIM

**Version:** 4 – POST DECREE

**Status:** ACTIVE

**Owners:** STERLING C CARROLL  
PO BOX 1549  
BOONE, NC 28607

LOIS E CARROLL  
PO BOX 1549  
BOONE, NC 28607

**Priority Date:** NOVEMBER 8, 1968

**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 COW COULEE

**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		NENWNE	19	35N	38E	VALLEY

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

**Diversion Means:** DAM

THE RESERVOIR EXTENDS INTO THE S2SE, SECTION 18, TOWNSHIP 35 NORTH, RANGE 38 EAST, VALLEY COUNTY.

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENWNE	19	35N	38E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** APRIL 1 TO NOVEMBER 30

**\*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			S2SE	18	35N	38E	VALLEY
2			NENWNE	19	35N	38E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: LOTS 1, 2, E2NW OF SECTION 19, TOWNSHIP 35 NORTH, RANGE 38 EAST, VALLEY COUNTY, MONTANA.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168352-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** STERLING C CARROLL  
PO BOX 1549  
BOONE, NC 28607

LOIS E CARROLL  
PO BOX 1549  
BOONE, NC 28607

**Priority Date:** APRIL 1, 1960

**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 WEST FORK WILLOW 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	21	35N	38E	VALLEY

**Period of Diversion:** APRIL 1 TO NOVEMBER 30

**Diversion Means:** DAM

THE RESERVOIR EXTENDS INTO THE NWSWNE AND SENW, SECTION 21, TOWNSHIP 35 NORTH, RANGE 38 EAST, VALLEY COUNTY.

**Reservoir:** ONSTREAM **Reservoir Name:** FLAT RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNESW	21	35N	38E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 13.00 FEET

**Depth:** 10.00 FEET

**Surface Area:** 26.00 ACRES

**Capacity:** 104.00 ACRE-FEET

**Period of Use:** APRIL 1 TO NOVEMBER 30

**\*Place of Use:**

<b><u>ID</u></b>	<b><u>Acres</u></b>	<b><u>Govt Lot</u></b>	<b><u>Qtr Sec</u></b>	<b><u>Sec</u></b>	<b><u>Twp</u></b>	<b><u>Rge</u></b>	<b><u>County</u></b>
<b>1</b>			NWNESW	21	35N	38E	VALLEY
<b>2</b>			SEnw	21	35N	38E	VALLEY
<b>3</b>			NWSWNE	21	35N	38E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: SE OF SECTION 21, TOWNSHIP 35 NORTH, RANGE 38 EAST, VALLEY COUNTY, MONTANA.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
ROCK CREEK, TRIBUTARY TO MILK RIVER  
BASIN 40N**

**Water Right Number:** 40N 168365-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** STERLING C CARROLL  
PO BOX 1549  
BOONE, NC 28607

LOIS E CARROLL  
PO BOX 1549  
BOONE, NC 28607

**Priority Date:** APRIL 22, 1963

**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 DEEP 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		SESWNW	25	36N	38E	VALLEY

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

**Diversion Means:** DAM

THE RESERVOIR EXTENDS INTO THE N2N2SW, SECTION 25, TOWNSHIP 36 NORTH, RANGE 38 EAST, VALLEY COUNTY.

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	S2S2NW	25	36N	38E	VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** APRIL 1 TO NOVEMBER 30

**\*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			S2S2NW	25	36N	38E	VALLEY
2			N2N2SW	25	36N	38E	VALLEY

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: LOTS 1, 2, 5, 6, 7, 8, 10, 11, 12 OF SECTION 30, TOWNSHIP 36 NORTH, RANGE 39 EAST, VALLEY COUNTY, MONTANA.

**ELECTRONICALLY FILED**

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**40N-0044-R-2021**

**April 8, 2022**

**Montana Water Court**

*Attorneys for Carroll MT Properties, LLC*

**IN THE WATER COURT OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
ROCK CREEK, TRIBUTARY OF THE MILK RIVER BASIN (40N)  
PRELIMINARY DECREE**

**CLAIMANTS:** Lois E. Carroll; Sterling C. Carroll

**OBJECTORS:** Carroll MT Properties LLC

**CASE 40N-0044-R-2021**

40N 168282-00	40N 168332-00
40N 168299-00	40N 168337-00
40N 168323-00	40N 168338-00
40N 168325-00	40N 168339-00
40N 168326-00	40N 168341-00
40N 168327-00	40N 168343-00
40N 168328-00	40N 168348-00
40N 168329-00	40N 168352-00
40N 168330-00	40N 168365-00
40N 168331-00	

**CLAIMANTS/OBJECTOR'S FILING OF INFORMATION TO RESOLVE  
OBJECTIONS AND ISSUE REMARKS**

Claimants/Objector Lois E. Carroll, Sterling C. Carroll, and Carroll MT Properties LLC ("Carroll"), through counsel of record, Browning, Kaleczyc, Berry & Hoven, P.C., and pursuant to the Water Master's Order dated December 7, 2021, hereby files information and documentation to resolve the objections and issue remarks on the above captioned claims.

**INTRODUCTION**

Case 40N-0044-R-2021 involves 19 water rights owned by Carroll. A summary of the proposed corrections to the claims is provided below. Proposed revised abstracts for each of the



water rights at issue are included as **Exhibit 1**.

As an initial matter, Carroll *withdraws* its objections to period of use in claims 40N 168299-00, 168323-00, 168325-00, 168326-00, 138327-00, 168328-00, 168329-00, 168330-00, 168331-00, 168332-00, 168337-00, 168338-00, 168339-00, 168341-00, 168343-00, 168352-00, 168365-00. The period of use should remain as: APRIL 1 to NOVEMBER 30.

Carroll also *withdraws* its objection to ownership in claim 40N 168332-00. The abstract already reflects the correct owner: CARROLL MT PROPERTIES LLC.

All other remaining objections are addressed by individual claim below.

**Claim 40N 168282-00**

Carroll filed a self-objection to ownership, place of use/maximum acres, source, and reservoir record. The objection is provided below:

Ownership should be corrected to CARROLL MT PROPERTIES LLC. Source should be corrected to Lone Tree Coulee to accurately reflect USGS maps. Reservoir Record and POU should be corrected to reflect actual reservoir location. Reservoir record should be corrected to N2SWSE Section 30, T36N, R39E, and informational remark corrected to S2NWSE Section 30, T36N R39E. POU should be corrected to the N2SWSE of Section [3]0, T36N R39E and S2NWSE Section 30, T36N R39E.

A map of this claim is attached as **Exhibit 2** and a proposed revised abstract is included in **Exhibit 1**.

**Ownership**

Carroll requests the ownership on claim 40N 168282-00 be corrected to reflect the current property owner. The abstract reflects that Lois and Sterling Carroll are the owners of the claim, however, Lois and Sterling conveyed the property to Carroll MT Properties LLC in 2012 via warranty deed. *See Exhibit 3*. To accurately reflect the current property owner, the claim ownership should be corrected to: CARROLL MT PROPERTIES LLC.

**Place of use**

Carroll requests the place of use be corrected to reflect the entire reservoir in the N2SWSE of Section 30, Township 36 North, Range 39 East, and the S2NWSE of Section 30, Township 36 North, Range 39 East. Claim 40N 168282-00's places of use consists of federal public lands. The claim contains the following remark:

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: LOTS 1, 2, 5, 6, 7, 8, 10, 11, 12 OF SECTION 30, TOWNSHIP 36 NORTH, RANGE 39 EAST, VALLEY COUNTY, MONTANA.

Where stock watering rights are used on public lands, the claimant must identify the parcel of private land to which a stockwater right is appurtenant. *United States of America, (Bureau of Land Management) Barthelmess Ranch Corporation*, 2016 MT 348, 386 Mont. 121, 386 P.3d 952. The place of use should be corrected to reflect the entire reservoir. Current imagery depicts the entire reservoir lies in the N2SWSE and the S2NWSE of Section 30, Township 36 North, Range 39 East. *See Exhibit 4*. To better reflect stockwater use on the entire onstream reservoir, the place of use should be corrected to the N2SWSE and the S2NWSE of Section 30, Township 36 North, Range 39 East.

#### **Source**

Carroll requests the source be corrected to Lone Tree Coulee. The current abstract indicates Tree Coulee as the source for claim 40N 168282-00. Current imagery depicts claim 40N 168282-00 lies directly on Lone Tree Coulee. *See Exhibit 5*. The source should be corrected to reflect the claim is located on Lone Tree Coulee.

#### **Reservoir record**

Carroll requests the legal land description relating to the reservoir—NWSWSE on the current abstract—be corrected to the N2SWSE of Section 30, Township 36 North, Range 39 East. Carroll also requests the informational remark to the reservoir record be corrected from SENESE, on the current abstract, to the S2NWSE of Section 30, Township 36 North, Range 39

East. The corrections are to reflect the location of the entire reservoir. Current imagery depicts the reservoir lies within the N2SWSE and the S2NWSE of Section 30, Township 36 North, Range 39 East. See **Exhibit 4**. To better reflect stockwater use on the entire reservoir, the reservoir record should be corrected to the preceding legal land descriptions.

**Claim 40N 168299-00**

Carroll filed a self-objection to ownership and period of diversion in claim 40N 168299-00. The objection is provided below:

Ownership should be corrected to CARROLL MT PROPERTIES LLC. Period of Use was incorrectly claimed as April 1 to November 30 and should be corrected to Year-Round to accurately reflect historic use.

A map of this claim is attached as **Exhibit 2** and a proposed revised abstract is included in **Exhibit 1**. As noted above, Carroll *withdraws* the period of use objection.

**Ownership**

Carroll requests the ownership on claim 40N 168299-00 be corrected to reflect the property ownership. The abstract reflects that Lois and Sterling Carroll are the owners of the claim, however, Lois and Sterling conveyed the property to Carroll MT Properties LLC in 2012 via warranty deed. See **Exhibit 3**. To accurately reflect the current property owner, the claim ownership should be corrected to: CARROLL MT PROPERTIES LLC.

**Claim 40N 168323-00**

Carroll filed a self-objection to ownership and period of diversion/period of use. The objection is provided below:

Ownership should be corrected to CARROLL MT PROPERTIES LLC. Period of Use & Diversion were incorrectly claimed as April 1 to November 30 and should be corrected to Year-Round to accurately reflect historic use.

A map of this claim is attached as **Exhibit 2** and a proposed revised abstract is included in **Exhibit 1**. As noted above, Carroll *withdraws* the period of use objection.

## **Ownership**

Carroll requests the ownership on claim 40N 168323-00 be corrected to reflect the property ownership. The abstract reflects that Lois and Sterling Carroll are the owners of the claim, however, Lois and Sterling conveyed the property to Carroll MT Properties LLC in 2012 via warranty deed. *See Exhibit 3.* To accurately reflect the current property owner, the claim ownership should be corrected to: CARROLL MT PROPERTIES LLC.

### **Claim 40N 168325-00**

Carroll filed a self-objection to ownership and period of diversion/period of use. The objection is provided below:

Ownership should be corrected to CARROLL MT PROPERTIES LLC. Period of Use was incorrectly claimed as April 1 to November 30 and should be corrected to Year-Round to accurately reflect historic use.

A map of this claim is attached as *Exhibit 2* and a proposed revised abstract is included in *Exhibit 1*. As noted above, Carroll *withdraws* the period of use objection.

## **Ownership**

Carroll requests the ownership on claim 40N 168325-00 be corrected to reflect the property ownership. The abstract reflects that Lois and Sterling Carroll are the owners of the claim, however, Lois and Sterling conveyed the property to Carroll MT Properties LLC in 2012 via warranty deed. *See Exhibit 3.* To accurately reflect the current property owner, the claim ownership should be corrected to: CARROLL MT PROPERTIES LLC.

### **Claim 40N 168326-00**

Carroll filed a self-objection to ownership, period of diversion/period of use, place of use/maximum acres, and reservoir record. The objection is provided below:

Ownership should be corrected to CARROLL MT PROPERTIES LLC. Period of Use was incorrectly claimed as April 1 to November 30 and should be corrected to Year-Round to accurately reflect historic use. Reservoir Record/POU are incomplete and should be corrected to include SWSWNW Section 17, T35N

R37E to reflect accurate historic use.

A map of this claim is attached as **Exhibit 2** and a proposed revised abstract is included in **Exhibit 1**. As noted above, Carroll *withdraws* the period of use objection.

### **Ownership**

Carroll requests the ownership on claim 40N 168326-00 be corrected to reflect the property ownership. The abstract reflects that Lois and Sterling Carroll are the owners of the claim, however, Lois and Sterling conveyed the property to Carroll MT Properties LLC in 2012 via warranty deed. *See Exhibit 3*. To accurately reflect the current property owner, the claim ownership should be corrected to: CARROLL MT PROPERTIES LLC.

### **Place of use**

Carroll requests the place of use be corrected to include the SWSWNW of Section 17, Township 35 North, Range 37 East. Claim 40N 168326-00's place of use consists of federal public lands. The claim contains the following remark:

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: NENE OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY, MONTANA.

Where stock watering rights are used on public lands, the claimant must identify the parcel of private land to which a stockwater right is appurtenant. *United States of America, (Bureau of Land Management) Barthelmess Ranch Corporation*, 2016 MT 348, 386 Mont. 121, 386 P.3d 952. The place of use should be corrected to reflect the entire reservoir. Current imagery depicts the entire reservoir lies in the NWNWSW and the SWSWNW of Section 17, Township 35 North, Range 37 East. *See Exhibit 6*. To better reflect stockwater use on the entire onstream reservoir, the place of use should be corrected to include the SWSWNW of Section 17, Township 35 North, Range 37 East.

### **Reservoir record**

Carroll requests the reservoir record be corrected to include the SWSWNW of Section 17, Township 35 North, Range 37 East. Current imagery depicts the entire reservoir lies within the NWNWSW and the SWSWNW of Section 17, Township 35 North, Range 37 East. See Exhibit 6. To better reflect stockwater use on the entire reservoir, the reservoir record should be corrected to include the SWSWNW of Section 17, Township 35 North, Range 37 East.

**Claim 40N 168327-00**

Carroll filed a self-objection to ownership and period of diversion/period of use. The objection is provided below:

Ownership should be corrected to CARROLL MT PROPERTIES LLC. Period of Use was incorrectly claimed as April 1 to November 30 and should be corrected to Year-Round to accurately reflect historic use.

A map of this claim is attached as Exhibit 2 and a proposed revised abstract is included in Exhibit 1. As noted above, Carroll *withdraws* the period of use objection.

**Ownership**

Carroll requests the ownership on claim 40N 168327-00 be corrected to reflect the property ownership. The abstract reflects that Lois and Sterling Carroll are the owners of the claim, however, Lois and Sterling conveyed the property to Carroll MT Properties LLC in 2012 via warranty deed. See Exhibit 3. To accurately reflect the current property owner, the claim ownership should be corrected to: CARROLL MT PROPERTIES LLC.

**Claim 40N 168328-00**

Carroll filed a self-objection to ownership and period of diversion/period of use. The objection is provided below:

Ownership should be corrected to CARROLL MT PROPERTIES LLC. Period of Use was incorrectly claimed as April 1 to November 30 and should be corrected to Year-Round to accurately reflect historic use.

A map of this claim is attached as Exhibit 2 and a proposed revised abstract is included in

**Exhibit 1.** As noted above, Carroll *withdraws* the period of use objection.

**Ownership**

Carroll requests the ownership on claim 40N 168328-00 be corrected to reflect the property ownership. The abstract reflects that Lois and Sterling Carroll are the owners of the claim, however, Lois and Sterling conveyed the property to Carroll MT Properties LLC in 2012 via warranty deed. *See Exhibit 3.* To accurately reflect the current property owner, the claim ownership should be corrected to: CARROLL MT PROPERTIES LLC.

**Claim 40N 168329-00**

Carroll filed a self-objection to ownership, period of diversion/period of use, and reservoir record. The objection is provided below:

Ownership should be corrected to CARROLL MT PROPERTIES LLC. Period of Use was incorrectly claimed as April 1 to November 30 and should be corrected to Year-Round to accurately reflect historic use. Reservoir Record is incomplete and should be corrected to E2SESW Section 23, T35N R37E to reflect accurate use. An informational remark should be added stating that the reservoir extends into W2SWSE Section 23, T35N R37E.

A map of this claim is attached as **Exhibit 2** and a proposed revised abstract is included in

**Exhibit 1.** As noted above, Carroll *withdraws* the period of use objection.

**Ownership**

Carroll requests the ownership on claim 40N 168329-00 be corrected to reflect the property ownership. The abstract reflects that Lois and Sterling Carroll are the owners of the claim, however, Lois and Sterling conveyed the property to Carroll MT Properties LLC in 2012 via warranty deed. *See Exhibit 3.* To accurately reflect the current property owner, the claim ownership should be corrected to: CARROLL MT PROPERTIES LLC.

**Reservoir record**

Carroll requests the reservoir record should be corrected to the E2SESW of Section 23, Township 35 North, Range 37 East. Additionally, Carroll requests an informational remark

should be added on the abstract stating the reservoir extends into the W2SWSE of Section 23, Township 35 North, Range 37 East to reflect the entire reservoir. Current imagery depicts the entire reservoir lies within the E2SESW and the W2SWSE of Section 23, Township 35 North, Range 37 East. *See Exhibit 7.* To better reflect likely stockwater use on the entire reservoir, the reservoir record should be corrected and an informational remark should be added to encompass the legal land descriptions of the entire reservoir.

**Claim 40N 168330-00**

Carroll filed a self-objection to ownership, period of diversion/period of use, and the reservoir record. The objection is provided below:

Ownership should be corrected to CARROLL MT PROPERTIES LLC. Period of Use was incorrectly claimed as April 1 to November 30 and should be corrected to Year-Round to accurately reflect historic use. An informational remark should be added stating that the reservoir extends into SWSESW Section 13, T35N R37E.

A map of this claim is attached as **Exhibit 2** and a proposed revised abstract is included in **Exhibit 1**. As noted above, Carroll *withdraws* the period of use objection.

**Ownership**

Carroll requests the ownership on claim 40N 168330-00 be corrected to reflect the property ownership. The abstract reflects that Lois and Sterling Carroll are the owners of the claim, however, Lois and Sterling conveyed the property to Carroll MT Properties LLC in 2012 via warranty deed. *See Exhibit 3.* To accurately reflect the current property owner, the claim ownership should be corrected to: CARROLL MT PROPERTIES LLC.

**Reservoir record**

Carroll requests the reservoir record be corrected to include an informational remark stating that the reservoir extends into the SWSESW of Section 13, Township 35 North, Range 37 East. Current imagery depicts the entire reservoir lies within the NWNENW of Section 24 and



the SWSESW of Section 13, Township 35 North, Range 37 East. *See Exhibit 8.* To better reflect stockwater use on the entire reservoir, the reservoir record should be corrected by adding an informational remark indicating the legal land descriptions of the entire reservoir.

**Claim 40N 168331-00**

Carroll filed a self-objection to ownership and period of diversion/period of use. The objection is provided below:

Ownership should be corrected to CARROLL MT PROPERTIES LLC. Period of Use was incorrectly claimed as April 1 to November 30 and should be corrected to Year-Round to accurately reflect historic use.

A map of this claim is attached as **Exhibit 2** and a proposed revised abstract is included in **Exhibit 1**. As noted above, Carroll *withdraws* the period of use objection.

**Ownership**

Carroll requests the ownership on claim 40N 168331-00 be corrected to reflect the property ownership. The abstract reflects that Lois and Sterling Carroll are the owners of the claim, however, Lois and Sterling conveyed the property to Carroll MT Properties LLC in 2012 via warranty deed. *See Exhibit 3.* To accurately reflect the current property owner, the claim ownership should be corrected to: CARROLL MT PROPERTIES LLC.

**Claim 40N 168337-00**

Carroll filed a self-objection to ownership, period of diversion/period of use, place of use/maximum acres, and reservoir record. The objection is provided below:

Ownership should be corrected to CARROLL MT PROPERTIES LLC. Period of Use & Diversion were incorrectly claimed as April 1 to November 30 and should be corrected to Year-Round to accurately reflect historic use. Reservoir Record should be corrected to S2NESE Section 21, T35N R37E with an informational remark stating that the reservoir extends into N2SESE Section 21, T35N R37E. POU should be corrected to S2NESE and N2SESE Section 21, T35N R37E.

A map of this claim is attached as **Exhibit 2** and a proposed revised abstract is included in **Exhibit 1**. As noted above, Carroll *withdraws* the period of use objection.

## **Ownership**

Carroll requests the ownership on claim 40N 168337-00 be corrected to reflect the property ownership. The abstract reflects that Lois and Sterling Carroll are the owners of the claim, however, Lois and Sterling conveyed the property to Carroll MT Properties LLC in 2012 via warranty deed. *See Exhibit 3.* To accurately reflect the current property owner, the claim ownership should be corrected to: CARROLL MT PROPERTIES LLC.

## **Place of use**

Carroll request the place of use be corrected to the S2NESE and the N2SESE of Section 21, Township 35 North, Range 37 East. Claim 40N 168337-00's place of use consists of federal public lands. The claim contains the following remark:

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: NE, NENW, W2SE, SESE OF SECTION 33, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY, MONTANA.

Where stock watering rights are used on public lands, the claimant must identify the parcel of private land to which a stockwater right is appurtenant. *United States of America, (Bureau of Land Management) Barthelmess Ranch Corporation*, 2016 MT 348, 386 Mont. 121, 386 P.3d 952. The place of use should be corrected to reflect the entire reservoir. Current imagery depicts the entire reservoir lies in the S2NESE and the N2SESE of Section 21, Township 35 North, Range 37 East. *See Exhibit 9.* To better reflect stockwater use on the entire onstream reservoir, the place of use should be corrected to include the S2NESE and the N2SESE of Section 21, Township 35 North, Range 37 East.

## **Reservoir record**

Carroll requests the reservoir record be corrected to the S2NESE and an informational remark added stating the reservoir extends into the N2SESE of Section 21, Township 35 North, Range 37 East. Current imagery depicts the entire reservoir lies within the S2NESE and the

N2SESE of Section 21, Township 35 North, Range 37 East. *See Exhibit 9.* To better reflect stockwater use on the entire reservoir, the reservoir record should be corrected and an informational remark should be added indicating the reservoir extends into the N2SESE of Section 21, Township 35 North, Range 37 East.

**Claim 40N 168338-00**

Carroll filed a self-objection to ownership, period of diversion/period of use, and the reservoir record. The objection is provided below:

Ownership should be corrected to CARROLL MT PROPERTIES LLC. Period of Use was incorrectly claimed as April 1 to November 30 and should be corrected to Year-Round to accurately reflect historic use. Reservoir Record should be corrected to N2SENE Section 21, T35N R37E with an informational remark stating that the reservoir extends into S2NENE Section 21, T35N R37E.

A map of this claim is attached as **Exhibit 2** and a proposed revised abstract is included in **Exhibit 1**. As noted above, Carroll *withdraws* the period of use objection.

**Ownership**

Carroll requests the ownership on claim 40N 168338-00 be corrected to reflect the property ownership. The abstract reflects that Lois and Sterling Carroll are the owners of the claim; however, Lois and Sterling conveyed the property to Carroll MT Properties LLC in 2012 via warranty deed. *See Exhibit 3.* To accurately reflect the current property owner, the claim ownership should be corrected to: CARROLL MT PROPERTIES LLC.

**Reservoir record**

Carroll requests the reservoir record be corrected to the N2SENE of Section 21, Township 35 North, Range 37 East. Additionally, Carroll requests an informational remark be added stating the reservoir extends into the S2NENE of Section 21, Township 35 North, Range 37 East. Current imagery depicts the entire reservoir lies within the N2SENE and the S2NENE of Section 21, Township 35 North, Range 37 East. *See Exhibit 10.* To better reflect stockwater

use on the entire reservoir, the reservoir record should be corrected and an informational remark should be added indicating the reservoir extends into the S2NENW of Section 21, Township 35 North, Range 37 East.

**Claim 40N 168339-00**

Carroll filed a self-objection to ownership, period of diversion/period of use, and the reservoir record. The objection is provided below:

Ownership should be corrected to CARROLL MT PROPERTIES LLC. Period of Use was incorrectly claimed as April 1 to November 30 and should be corrected to Year-Round to accurately reflect historic use. Reservoir Record should be corrected to W2SENE Section 33, T35N R37E.

A map of this claim is attached as **Exhibit 2** and a proposed revised abstract is included in **Exhibit 1**. As noted above, Carroll *withdraws* the period of use objection.

**Ownership**

Carroll requests the ownership on claim 40N 168339-00 be corrected to reflect the property ownership. The abstract reflects that Lois and Sterling Carroll are the owners of the claim, however, Lois and Sterling conveyed the property to Carroll MT Properties LLC in 2012 via warranty deed. *See Exhibit 3*. To accurately reflect the current property owner, the claim ownership should be corrected to: CARROLL MT PROPERTIES LLC.

**Reservoir record**

Carroll requests the reservoir record should be corrected to the W2SENE of Section 33, Township 35 North, Range 37 East to reflect the entire reservoir. Current imagery depicts the entire reservoir within the W2SENE of Section 33, Township 35 North, Range 37 East. *See Exhibit 11*. To better reflect stockwater use on the entire reservoir, the reservoir record should be corrected to the W2SENE of Section 33, Township 35 North, Range 37 East.

**Claim 40N 168341-00**

Carroll filed a self-objection to ownership, period of diversion/period of use, and the

reservoir record. The objection is provided below:

Ownership should be corrected to CARROLL MT PROPERTIES LLC. Period of Use & Diversion were incorrectly claimed as April 1 to November 30 and should be corrected to Year-Round to accurately reflect historic use. Reservoir Record should be corrected to SWNW Section 1, T35N R38E with an informational remark stating that the reservoir extends into N2NWSW Section 1, T35N R38E.

A map of this claim is attached as **Exhibit 2** and a proposed revised abstract is included in **Exhibit 1**. As noted above, Carroll *withdraws* the period of use objection.

### **Ownership**

Carroll requests the ownership on claim 40N 168341-00 be corrected to reflect the property ownership. The abstract reflects that Lois and Sterling Carroll are the owners of the claim, however, Lois and Sterling conveyed the property to Carroll MT Properties LLC in 2012 via warranty deed. See **Exhibit 3**. To accurately reflect the current property owner, the claim ownership should be corrected to: CARROLL MT PROPERTIES LLC.

### **Reservoir record**

Carroll requests the reservoir record be corrected to the SWNW of Section 1, Township 35 North, Range 38 East. Additionally, an informational remark should be added stating the reservoir extends into N2NWSW of Section 1, Township 35 North, Range 38 East. Current imagery depicts the entire reservoir lies within the SWNW and the N2NWSW of Section 1, Township 35 North, Range 38 East. See **Exhibit 12**. To better reflect stockwater use on the entire reservoir, the reservoir record should be corrected and an informational remark should be added stating the reservoir extends into the N2NWSW of Section 1, Township 35 North, Range 38 East.

### **Claim 40N 168343-00**

Carroll filed a self-objection to ownership, period of diversion/period of use, place of use/maximum acres, and reservoir record.

Ownership should be corrected to CARROLL MT PROPERTIES LLC. Period of Use was incorrectly claimed as April 1 to November 30 and should be corrected to Year-Round to accurately reflect historic use. Reservoir Record/POU should be corrected to E2SWSE Section 5, T35N R38E.

A map of this claim is attached as **Exhibit 2** and a proposed revised abstract is included in **Exhibit 1**. As noted above, Carroll *withdraws* the period of use objection.

#### **Ownership**

Carroll requests the ownership on claim 40N 168343-00 be corrected to reflect the property ownership. The abstract reflects that Lois and Sterling Carroll are the owners of the claim, however, Lois and Sterling conveyed the property to Carroll MT Properties LLC in 2012 via warranty deed. *See Exhibit 3*. To accurately reflect the current property owner, the claim ownership should be corrected to: CARROLL MT PROPERTIES LLC.

#### **Place of use**

Carroll requests the place of use be corrected to the E2SWSE of Section 5, Township 35 North, Range 38 East. Claim 40N 168343-00's place of use consists of federal public lands.

The claim contains the following remark:

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: LOTS 3, 4, S2NW OF SECTION 5, TOWNSHIP 35 NORTH, RANGE 38 EAST, VALLEY COUNTY, MONTANA.

Where stock watering rights are used on public lands, the claimant must identify the parcel of private land to which a stockwater right is appurtenant. *United States of America, (Bureau of Land Management) Barthelmess Ranch Corporation*, 2016 MT 348, 386 Mont. 121, 386 P.3d 952. The place of use should be corrected to reflect the entire reservoir. Current imagery depicts the entire reservoir lies in the E2SWSE of Section 5, Township 35 North, Range 38 East. *See Exhibit 13*. To better reflect stockwater use on the entire onstream reservoir, the place of use should be corrected to the E2SWSE of Section 5, Township 35 North, Range 38 East.

### **Reservoir record**

Carroll request the reservoir record should be corrected to the E2SWSE of Section 5, Township 35 North, Range 38 East. Current imagery depicts the entire reservoir lies within the E2SWSE of Section 5, Township 35 North, Range 38 East. See **Exhibit 13**. To better reflect stockwater use on the entire reservoir, the reservoir record should be corrected to the E2SWSE of Section 5, Township 35 North, Range 38 East.

### **Claim 40N 168348-00**

Carroll filed a self-objection to ownership, period of diversion/period of use, place of use/maximum acres, and reservoir record. The objection is provided below:

Ownership should be corrected to CARROLL MT PROPERTIES LLC. Period of Use was incorrectly claimed as April 1 to November 30 and should be corrected to Year-Round to accurately reflect historic use. Reservoir Record should be corrected by adding an informational remark stating that the reservoir extends into S2SE Section 18, T35N R38E. The POU is incorrect and should be corrected to NENWNE Section 19 and S2SE Section 18, T35N R38E.

A map of this claim is attached as **Exhibit 2** and a proposed revised abstract is included in **Exhibit 1**. As noted above, Carroll *withdraws* the period of use objection.

### **Ownership**

Carroll requests the ownership on claim 40N 168348-00 be corrected to reflect the property ownership. The abstract reflects that Lois and Sterling Carroll are the owners of the claim, however, Lois and Sterling conveyed the property to Carroll MT Properties LLC in 2012 via warranty deed. See **Exhibit 3**. To accurately reflect the current property owner, the claim ownership should be corrected to: CARROLL MT PROPERTIES LLC.

### **Place of use**

Carroll requests the place of use should be corrected to read as a place of use in the NENWNE of Section 19 and a place of use in the S2SE of Section 18, Township 35 North, Range 38 East. Claim 40N 168348-00's place of use consists of federal public lands. The claim

contains the following remark:

**THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: LOTS 1, 2, E2NW OF SECTION 19, TOWNSHIP 35 NORTH, RANGE 38 EAST, VALLEY COUNTY, MONTANA.**

Where stock watering rights are used on public lands, the claimant must identify the parcel of private land to which a stockwater right is appurtenant. *United States of America, (Bureau of Land Management) Barthelmess Ranch Corporation*, 2016 MT 348, 386 Mont. 121, 386 P.3d 952. The place of use should be corrected to reflect the entire reservoir. Current imagery depicts the entire reservoir lies in the NENWNE of Section 19 and the S2SE of Section 18, Township 35 North, Range 38 East. *See Exhibit 14*. To better reflect stockwater use on the entire reservoir, the claim should reflect a place of use in the NENWNE of Section 19 and in the S2SE of Section 18, Township 35 North, Range 38 East.

#### **Reservoir record**

Carroll requests the reservoir record be corrected by adding an informational remark stating the reservoir extends into the S2SE of Section 18, Township 35 North, Range 38 East. Current imagery depicts the entire reservoir lies within the NENWNE of Section 19 and extends into the S2SE of Section 19, Township 35 North, Range 38 East. *See Exhibit 14*. To better reflect stockwater use on the entire reservoir, an informational remark should be added to the reservoir record stating the reservoir extends into the S2SE of Section 18, Township 35 North, Range 38 East.

#### **Claim 40N 168352-00**

Carroll filed a self-objection to ownership, period of diversion/period of use, place of use/maximum acres, and reservoir record. The objection is provided below:

Ownership should be corrected to CARROLL MT PROPERTIES LLC. Period of Use & Diversion were incorrectly claimed as April 1 to November 30 and should be corrected to Year-Round to accurately reflect historic use. Reservoir Record



should be corrected by adding an informational remark stating that the reservoir extends into SENW and NWSWNE Section 21, T35N R38E. The POU was incorrectly claimed and should be corrected by adding NWSWNE Section 21, T35N R38E.

A map of this claim is attached as **Exhibit 2** and a proposed revised abstract is included in **Exhibit 1**. As noted above, Carroll *withdraws* the period of use objection.

### **Ownership**

Carroll requests the ownership on claim 40N 168352-00 be corrected to reflect the property ownership. The abstract reflects that Lois and Sterling Carroll are the owners of the claim, however, Lois and Sterling conveyed the property to Carroll MT Properties LLC in 2012 via warranty deed. See **Exhibit 3**. To accurately reflect the current property owner, the claim ownership should be corrected to: CARROLL MT PROPERTIES LLC.

### **Place of use**

Carroll requests the place of use be corrected by adding the NWSWNE of Section 21, Township 35 North, Range 38 East. Claim 40N 168352-00's place of use consists of federal public lands. The claim contains the following remark:

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: SE OF SECTION 21, TOWNSHIP 35 NORTH, RANGE 38 EAST, VALLEY COUNTY, MONTANA.

Where stock watering rights are used on public lands, the claimant must identify the parcel of private land to which a stockwater right is appurtenant. *United States of America, (Bureau of Land Management) Barthelmess Ranch Corporation*, 2016 MT 348, 386 Mont. 121, 386 P.3d 952. The place of use should be corrected to reflect the entire reservoir. Current imagery depicts the entire reservoir lies in the SENW, the NWNESW, and the NWSWNE of Section 21, Township 35 North, Range 38 East. See **Exhibit 15**. To better reflect stockwater use on the entire reservoir, the claim should also reflect the reservoir's location in the NWSWNE of Section

21, Township 35 North, Range 38 East.

#### **Reservoir record**

Carroll requests the reservoir record be corrected by adding an informational remark stating the reservoir extends into the SENW and the NWSWNE of Section 21, Township 35 North, Range 38 East. Current imagery depicts the entire reservoir lies within the NWNESEW, the SENW, and the NWSWNE of Section 21, Township 35 North, Range 38 East. *See Exhibit 15.* To better reflect stockwater use on the entire reservoir, an informational remark should be added to the reservoir record stating the reservoir extends into the SENW and the NWSWNE of Section 21, Township 35 North, Range 38 East.

#### **Claim 40N 168365-00**

Carroll filed a self-objection to ownership, period of diversion/period of use, place of use/maximum acres, point of diversion/means of diversion, and reservoir record.

Ownership should be corrected to CARROLL MT PROPERTIES LLC. Period of Use was incorrectly claimed as April 1 to November 30 and should be corrected to year-Round to accurately reflect historic use. Reservoir Record should be corrected to S2S2NW Section 25, T36N R38E with an informational remark stating that the reservoir extends into N2N2SW Section 25, T36N R38E. POD was incorrectly claimed and should be corrected to SESWNW Section 25, T36N R38E. POU was incorrectly claimed and should be corrected to S2S2NW and N2N2SW Section 25, T36N R38E.

A map of this claim is attached as **Exhibit 2** and a proposed revised abstract is included in **Exhibit 1**. As noted above, Carroll *withdraws* the period of use objection.

#### **Ownership**

Carroll requests the ownership on claim 40N 168365-00 be corrected to reflect the property ownership. The abstract reflects that Lois and Sterling Carroll are the owners of the claim, however, Lois and Sterling conveyed the property to Carroll MT Properties LLC in 2012 via warranty deed. *See Exhibit 3.* To accurately reflect the current property owner, the claim ownership should be corrected to: CARROLL MT PROPERTIES LLC.

**Place of use**

Carroll requests the place of use be corrected to the S2S2NW and the N2N2SW of Section 25, Township 36 North, Range 38 East. Claim 40N 168365-00's place of use consists of federal public lands. The claim contains the following remark:

THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: LOTS 1, 2, 5, 6, 7, 8, 10, 11, 12 OF SECTION 30, TOWNSHIP 36 NORTH, RANGE 39 EAST, VALLEY COUNTY, MONTANA.

Where stock watering rights are used on public lands, the claimant must identify the parcel of private land to which a stockwater right is appurtenant. *United States of America, (Bureau of Land Management) Barthelmess Ranch Corporation*, 2016 MT 348, 386 Mont. 121, 386 P.3d 952. The place of use should be corrected to reflect the entire reservoir. Current imagery depicts the entire reservoir lies in the S2S2NW and the N2N2SW of Section 25, Township 36 North, Range 38 East. *See Exhibit 16*. To better reflect stockwater use on the entire reservoir, the place of use should be corrected to reflect the above-mentioned legal land descriptions.

**Point of diversion**

Carroll requests the point of diversion be corrected to the SESWNW of Section 25, Township 36 North, Range 38 East. Current imagery depicts the dam lies within the SESWNW of Section 25, Township 36 North, Range 38 East. *See Exhibit 17*. To better reflect historic use and the proper location of the dam, the point of diversion should be corrected to the SESWNW of Section 25, Township 36 North, Range 38 East.

**Reservoir record**

Carroll requests the reservoir record be corrected to the S2S2NW of Section 25, Township 36 North, Range 38 East. Additionally, Carroll requests an informational remark be added stating the reservoir extends into the N2N2SW of Section 25, Township 36 North, Range 38 East. Current imagery depicts the entire reservoir lies within the S2S2NW and the N2N2SW

of Section 25, Township 36 North, Range 38 East. *See Exhibit 16.* To better reflect stockwater use on the entire reservoir, the reservoir record should be corrected and an informational remark should be added to define the accurate legal land descriptions of the entire reservoir.

DATED this 8th day of April, 2022.

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

By Hallee C. Frandsen  
W. John Tietz  
Hallee C. Frandsen

*Attorneys for Carroll MT Properties, LLC*

PROPOSED REVISED ABSTRACT

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: 40N 168299-00 STATEMENT OF CLAIM

Version: 3 -- REEXAMINED

Version Status: ACTIVE

Owners:

~~LOIS E CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

CARROLL MT PROPERTIES LLC

PO BOX 1549

BOONE, NC 28607-1549

~~STERLING C CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

Priority Date: NOVEMBER 8, 1968

Enforceable Priority Date: NOVEMBER 8, 1968

Type of Historical Right: USE

Purpose (use): STOCK

Maximum 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.

Maximum 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 CHISHOLM 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		SESWSE	1	34N	37E	VALLEY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

THE PERIOD OF DIVERSION HAS BEEN STANDARDIZED BY DNRC FOR THIS CLAIM.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESWSE	1	34N	37E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 1 to NOVEMBER 30

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			SESWSE	1	34N	37E	VALLEY

Geocodes/Valid: 20-4785-35-1-01-01-0000 - Y

Remarks:

PROPOSED REVISED ABSTRACT

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: 40N 168282-00 STATEMENT OF CLAIM

Version: 3 – REEXAMINED

Version Status: ACTIVE

Owners:

~~STERLING C CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

CARROLL MT PROPERTIES LLC

PO BOX 1549

BOONE, NC 28607-1549

~~LOIS E CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

Priority Date: NOVEMBER 14, 1963

Enforceable Priority Date: NOVEMBER 14, 1963

Type of Historical Right: USE

Purpose (use): STOCK

Maximum 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.

Maximum 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: ~~TREE COULEE~~ LONE TREE COULEE

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		N2SWSE	30	36N	39E	VALLEY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

THE PERIOD OF DIVERSION HAS BEEN STANDARDIZED BY DNRC FOR THIS CLAIM.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
<del>N2SWSE</del> N2SWSE		30	36N	39E	VALLEY

Diversion to Reservoir: DIVERSION # 1

THE RESERVOIR EXTENDS INTO THE ~~SENESE SEC 36~~ TWP 36N RGE 39E VALLEY COUNTY. S2NESE 30

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		<del>N2SWSE</del> N2SWSE		30	36N	39E	VALLEY
2		<del>S2NWSE</del> S2NWSE		30	36N	39E	VALLEY

Geocodes/Valid: 20-4893-30-2-01-01-0000 - Y

PROPOSED REVISED ABSTRACT

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: 40N 168323-00 STATEMENT OF CLAIM

Version: 3 -- REEXAMINED

Version Status: ACTIVE

Owners:

~~STERLING C CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

CARROLL MT PROPERTIES LLC

PO BOX 1549

BOONE, NC 28607-1549

~~LOIS E CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

Priority Date: NOVEMBER 14, 1963

Enforceable Priority Date: NOVEMBER 14, 1963

Type of Historical Right: FILED

Purpose (use): STOCK

Maximum 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.

Maximum 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 ROCK 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		NESW	8	35N	37E	VALLEY

Period of Diversion: APRIL 1 TO NOVEMBER 30

Diversion Means: DAM

Reservoir: ON STREAM Reservoir Name LA 139 RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESW	8	35N	37E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Dam Height: 8.00 FEET

Depth: 5.00 FEET

Surface Area: 5.50 ACRES

Current Capacity: 11.00 ACRE-FEET

THE CAPACITY, DAM HEIGHT, DEPTH, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

Period of Use: APRIL 1 to NOVEMBER 30

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	8	35N	37E	VALLEY

**Remarks:**

~~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.~~



PROPOSED REVISED ABSTRACT

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: 40N 168325-00 STATEMENT OF CLAIM

Version: 3 - REEXAMINED

Version Status: ACTIVE

Owners:

~~LOIS E CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

CARROLL MT PROPERTIES LLC

PO BOX 1549

BOONE, NC 28607-1549

~~STERLING C CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

Priority Date: NOVEMBER 7, 1969

Enforceable Priority Date: NOVEMBER 7, 1969

Type of Historical Right: USE

Purpose (use): STOCK

Maximum 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.

Maximum 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 DEEP 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		NWNESE	15	35N	37E	VALLEY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

THE PERIOD OF DIVERSION HAS BEEN STANDARDIZED BY DNRC FOR THIS CLAIM.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNESE	15	35N	37E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 1 to NOVEMBER 30

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			NWNESE	15	35N	37E	VALLEY

Geocodes/Valid: 20-4785-10-1-01-01-0000 - Y

Remarks:

PROPOSED REVISED ABSTRACT

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: 40N 168326-00 STATEMENT OF CLAIM

Version: 3 - REEXAMINED

Version Status: ACTIVE

Owners:

~~LOIS E CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

CARROLL MT PROPERTIES LLC

PO BOX 1549

BOONE, NC 28607-1549

~~STERLING C CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

Priority Date: NOVEMBER 7, 1969

Enforceable Priority Date: NOVEMBER 7, 1969

Type of Historical Right: FILED

Purpose (use): STOCK

Maximum 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.

Maximum 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 ROCK 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		NWNWSW	17	35N	37E	VALLEY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

THE PERIOD OF DIVERSION HAS BEEN STANDARDIZED BY DNRC FOR THIS CLAIM.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWSW	17	35N	37E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 1 to NOVEMBER 30

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			NWNWSW	17	35N	37E	VALLEY
2			SWSWNW	17	35N	37E	VALLEY

Geocodes/Valid: 20-4785-17-1-01-01-0000 - Y

Remarks:

PROPOSED REVISED ABSTRACT

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: 40N 168327-00 STATEMENT OF CLAIM

Version: 3 - REEXAMINED

Version Status: ACTIVE

Owners:

~~LOIS E CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

CARROLL MT PROPERTIES LLC

PO BOX 1549

BOONE, NC 28607-1549

~~STERLING C CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

Priority Date: NOVEMBER 8, 1968

Enforceable Priority Date: NOVEMBER 8, 1968

Type of Historical Right: USE

Purpose (use): STOCK

Maximum 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.

Maximum 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 ROCK 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		NESWSW	18	35N	37E	VALLEY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

THE PERIOD OF DIVERSION HAS BEEN STANDARDIZED BY DNRC FOR THIS CLAIM.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESWSW	18	35N	37E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 1 to NOVEMBER 30

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			NESWSW	18	35N	37E	VALLEY

Geocodes/Valid: 20-4785-17-1-01-01-0000 - Y

Remarks:

PROPOSED REVISED ABSTRACT

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: 40N 168328-00 STATEMENT OF CLAIM

Version: 3 -- REEXAMINED

Version Status: ACTIVE

Owners:

~~LOIS E CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

CARROLL MT PROPERTIES LLC

PO BOX 1549

BOONE, NC 28607-1549

~~STERLING C CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

Priority Date: NOVEMBER 8, 1968

Enforceable Priority Date: NOVEMBER 8, 1968

Type of Historical Right: FILED

Purpose (use): STOCK

Maximum 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.

Maximum 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 DEEP 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		NESWNE	20	35N	37E	VALLEY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

THE PERIOD OF DIVERSION HAS BEEN STANDARDIZED BY DNRC FOR THIS CLAIM.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESWNE	20	35N	37E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 1 to NOVEMBER 30

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			E2SWNE	20	35N	37E	VALLEY

Geocodes/Valid: 20-4785-17-1-01-01-0000 - Y

Remarks:

PROPOSED REVISED ABSTRACT

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: 40N 168329-00 STATEMENT OF CLAIM

Version: 3 -- REEXAMINED

Version Status: ACTIVE

Owners:

~~STERLING C CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

CARROLL MT PROPERTIES LLC

PO BOX 1549

BOONE, NC 28607-1549

~~LOIS E CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

Priority Date: JANUARY 1, 1973

Enforceable Priority Date: JANUARY 1, 1973

Type of Historical Right: USE

Purpose (use): STOCK

Maximum 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.

Maximum 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 COW COULEE

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		SESESW	23	35N	37E	VALLEY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

THE PERIOD OF DIVERSION HAS BEEN STANDARDIZED BY DNRC FOR THIS CLAIM.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
E2SESW	SESESW	23	35N	37E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 1 to NOVEMBER 30

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			E2SESW	23	35N	37E	VALLEY
2			W2SWSE	23	35N	37E	VALLEY

Geocodes/Valid: 20-4785-26-3-01-01-0000 - Y

Remarks:

PROPOSED REVISED ABSTRACT

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: 40N 168330-00 STATEMENT OF CLAIM

Version: 3 -- REEXAMINED

Version Status: ACTIVE

Owners:

~~STERLING C CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

CARROLL MT PROPERTIES LLC

PO BOX 1549

BOONE, NC 28607-1549

~~LOIS E CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

Priority Date: FEBRUARY 13, 1962

Enforceable Priority Date: FEBRUARY 13, 1962

Type of Historical Right: FILED

Purpose (use): STOCK

Maximum 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.

Maximum 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 COW COULEE

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		NWNENW	24	35N	37E	VALLEY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

THE PERIOD OF DIVERSION HAS BEEN STANDARDIZED BY DNRC FOR THIS CLAIM.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNENW	24	35N	37E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 1 to NOVEMBER 30

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			NWNENW	24	35N	37E	VALLEY
2			SWSESW	13	35N	37E	VALLEY

Geocodes/Valid: 20-4786-19-2-01-01-0000 - Y

Remarks:

PROPOSED REVISED ABSTRACT

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: 40N 168331-00 STATEMENT OF CLAIM

Version: 3 - REEXAMINED

Version Status: ACTIVE

Owners:

~~STERLING C CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

CARROLL MT PROPERTIES LLC

PO BOX 1549

BOONE, NC 28607-1549

~~LOIS E CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

Priority Date: FEBRUARY 13, 1962

Enforceable Priority Date: FEBRUARY 13, 1962

Type of Historical Right: FILED

Purpose (use): STOCK

Maximum 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.

Maximum 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 WILLOW 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		SWNESW	25	35N	37E	VALLEY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

THE PERIOD OF DIVERSION HAS BEEN STANDARDIZED BY DNRC FOR THIS CLAIM.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNESW	25	35N	37E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 1 to NOVEMBER 30

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			SWNESW	25	35N	37E	VALLEY

Geocodes/Valid: 20-4785-26-3-01-01-0000 - Y

Remarks:

PROPOSED REVISED ABSTRACT

STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1424 9TH AVENUE P.O.BOX 201801 HELENA, MONTANA 59620-1801  
**GENERAL ABSTRACT**

Water Right Number: 40N 168337-00 STATEMENT OF CLAIM

Version: 3 -- REEXAMINED

Version Status: ACTIVE

Owners:

~~STERLING C CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

CARROLL MT PROPERTIES LLC

PO BOX 1549

BOONE, NC 28607-1549

~~LOIS E CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

Priority Date: NOVEMBER 7, 1969

Enforceable Priority Date: NOVEMBER 7, 1969

Type of Historical Right: FILED

Purpose (use): STOCK

Maximum 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.

Maximum 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 DEEP 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		SWNESE	21	35N	37E	VALLEY

Period of Diversion: APRIL 1 TO NOVEMBER 30

Diversion Means: DAM

Reservoir: ON STREAM Reservoir Name ARROW RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
<del>S2NESE</del> SWNESE	<del>SWNESE</del>	21	35N	37E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Dam Height: 8.00 FEET

Depth: 5.00 FEET

Surface Area: 1.50 ACRES

Current Capacity: 3.00 ACRE-FEET

THE CAPACITY, DAM HEIGHT, DEPTH, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

Period of Use: APRIL 1 to NOVEMBER 30

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		<del>S2NESE</del> SWNESE	<del>SWNESE</del>	21	35N	37E	VALLEY
2		<del>N2SESE</del> NWSESE	<del>NWSESE</del>	21	35N	37E	VALLEY



**Remarks:**

~~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.~~

RESERVOIR EXTENDS INTO THE N2SESE OF SECTION 21, TOWNSHIP 35 NORTH, RANGE 37 EAST, VALLEY COUNTY, MONTANA.

PROPOSED REVISED ABSTRACT

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: 40N 168338-00 STATEMENT OF CLAIM

Version: 3 -- REEXAMINED

Version Status: ACTIVE

Owners:

~~STERLING C CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

CARROLL MT PROPERTIES LLC

PO BOX 1549

BOONE, NC 28607-1549

~~LOIS E CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

Priority Date: FEBRUARY 13, 1962

Enforceable Priority Date: FEBRUARY 13, 1962

Type of Historical Right: FILED

Purpose (use): STOCK

Maximum 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.

Maximum 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 DEEP 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		NESENW	21	35N	37E	VALLEY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

THE PERIOD OF DIVERSION HAS BEEN STANDARDIZED BY DNRC FOR THIS CLAIM.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
<del>N2SENW</del> NESENW		21	35N	37E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 1 to NOVEMBER 30

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			N2SENW	21	35N	37E	VALLEY
2			S2NENW	21	35N	37E	VALLEY

Geocodes/Valid: 20-4785-09-1-01-01-0000 - Y

20-4785-09-3-01-01-0000 - Y

20-4785-09-4-01-01-0000 - Y

PROPOSED REVISED ABSTRACT

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: 40N 168339-00 STATEMENT OF CLAIM

Version: 3 – REEXAMINED

Version Status: ACTIVE

Owners:

~~LOIS E CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

CARROLL MT PROPERTIES LLC

PO BOX 1549

BOONE, NC 28607-1549

~~STERLING C CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

Priority Date: AUGUST 11, 1971

Enforceable Priority Date: AUGUST 11, 1971

Type of Historical Right: FILED

Purpose (use): STOCK

Maximum 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.

Maximum 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 WILLOW 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		SWSNW	33	35N	37E	VALLEY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

THE PERIOD OF DIVERSION HAS BEEN STANDARDIZED BY DNRC FOR THIS CLAIM.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
<del>W2SENW</del> SWSNW		33	35N	37E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 1 to NOVEMBER 30

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			W2SENW	33	35N	37E	VALLEY

Geocodes/Valid: 20-4785-33-1-01-01-0000 - Y

Remarks:

PROPOSED REVISED ABSTRACT

STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1424 9TH AVENUE P.O. BOX 201801 HELENA, MONTANA 59620-1801  
**GENERAL ABSTRACT**

Water Right Number: 40N 168341-00 STATEMENT OF CLAIM

Version: 3 – REEXAMINED

Version Status: ACTIVE

Owners:

~~LOIS E CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

CARROLL MT PROPERTIES LLC

PO BOX 1549

BOONE, NC 28607-1549

~~STERLING C CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

Priority Date: SEPTEMBER 20, 1971

Enforceable Priority Date: SEPTEMBER 20, 1971

Type of Historical Right: FILED

Purpose (use): STOCK

Maximum 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.

Maximum 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 LONE TREE COULEE

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		SWSWNW	1	35N	38E	VALLEY

Period of Diversion: APRIL 1 TO NOVEMBER 30

Diversion Means: DAM

Reservoir: ON STREAM Reservoir Name TEXAS SLIM RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
<del>SWNW</del> SWSWNW		1	35N	38E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Dam Height: 8.00 FEET

Depth: 5.00 FEET

Surface Area: 27.00 ACRES

Current Capacity: 27.00 ACRE-FEET

THE DAM EXTENDS INTO THE NWNWSW SEC 1 TWP 35N RGE 38E VALLEY COUNTY.  
THE CAPACITY, DAM HEIGHT, DEPTH, AND SURFACE AREA HAVE BEEN  
ESTIMATED BY DNRC.

Period of Use: APRIL 1 to NOVEMBER 30

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			SWNW	1	35N	38E	VALLEY

**Remarks:**

~~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.~~

RESERVOIR EXTENDS INTO THE N2NWSW OF SECTION 1, TOWNSHIP 35 NORTH, RANGE 38 EAST, VALLEY COUNTY, MONTANA.

PROPOSED REVISED ABSTRACT

STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1424 9TH AVENUE P.O. BOX 201801 HELENA, MONTANA 59620-1801

GENERAL ABSTRACT

Water Right Number: 40N 168343-00 STATEMENT OF CLAIM

Version: 3 - REEXAMINED

Version Status: ACTIVE

Owners:

~~LOIS E CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

CARROLL MT PROPERTIES LLC

PO BOX 1549

BOONE, NC 28607-1549

~~STERLING C CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

Priority Date: JANUARY 1, 1973

Enforceable Priority Date: JANUARY 1, 1973

Type of Historical Right: FILED

Purpose (use): STOCK

Maximum 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.

Maximum 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 COW COULEE

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	5	35N	38E	VALLEY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

THE PERIOD OF DIVERSION HAS BEEN STANDARDIZED BY DNRC FOR THIS CLAIM.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
<del>E2SWSE</del>	<del>NESWSE</del>	5	35N	38E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 1 to NOVEMBER 30

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		<del>E2SWSE</del>	<del>NESWSE</del>	5	35N	38E	VALLEY

Geocodes/Valid: 20-4786-05-2-01-01-0000 - Y

Remarks:

PROPOSED REVISED ABSTRACT

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: 40N 168348-00 STATEMENT OF CLAIM

Version: 3 - REEXAMINED

Version Status: ACTIVE

Owners:

~~STERLING C CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

CARROLL MT PROPERTIES LLC

PO BOX 1549

BOONE, NC 28607-1549

~~LOIS E CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

Priority Date: NOVEMBER 8, 1968

Enforceable Priority Date: NOVEMBER 8, 1968

Type of Historical Right: FILED

Purpose (use): STOCK

Maximum 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.

Maximum 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 COW COULEE

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		NENWNE	19	35N	38E	VALLEY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

THE PERIOD OF DIVERSION HAS BEEN STANDARDIZED BY DNRC FOR THIS CLAIM.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENWNE	19	35N	38E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 1 to NOVEMBER 30

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		<del>S2SE</del> SESWSE		18	35N	38E	VALLEY
2			NENWNE	19	35N	38E	VALLEY

Geocodes/Valid: 20-4786-19-2-01-01-0000 - Y

Remarks:

PROPOSED REVISED ABSTRACT

STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1424 9TH AVENUE P.O. BOX 201801 HELENA, MONTANA 59620-1801

GENERAL ABSTRACT

Water Right Number: 40N 168352-00 STATEMENT OF CLAIM

Version: 3 – REEXAMINED

Version Status: ACTIVE

Owners:

~~LOIS E CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

CARROLL MT PROPERTIES LLC

PO BOX 1549

BOONE, NC 28607-1549

~~STERLING C CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

Priority Date: APRIL 1, 1960

Enforceable Priority Date: APRIL 1, 1960

Type of Historical Right: USE

Purpose (use): STOCK

Maximum 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.

Maximum 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 WILLOW CREEK, WEST FORK

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	21	35N	38E	VALLEY

Period of Diversion: APRIL 1 TO NOVEMBER 30

Diversion Means: DAM

Reservoir: ON STREAM Reservoir Name FLAT RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNESW	21	35N	38E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Dam Height: 13.00 FEET

Depth: 10.00 FEET

Surface Area: 26.00 ACRES

Current Capacity: 104.00 ACRE-FEET

THE DAM HEIGHT, DEPTH, SURFACE AREA AND CAPACITY HAVE BEEN ESTIMATED BY DNRC.

Period of Use: APRIL 1 to NOVEMBER 30

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			NWNESW	21	35N	38E	VALLEY
2			SENE	21	35N	38E	VALLEY



**Remarks:**

~~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 HAS BEEN 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.~~

RESERVOIR EXTENDS INTO THE SENE AND THE NWSWNE OF SECTION 21, TOWNSHIP 35 NORTH, RANGE 38 EAST, VALLEY COUNTY, MONTANA.

PROPOSED REVISED ABSTRACT

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: 40N 168365-00 STATEMENT OF CLAIM

Version: 3 – REEXAMINED

Version Status: ACTIVE

Owners:

~~STERLING C CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

CARROLL MT PROPERTIES LLC

PO BOX 1549

BOONE, NC 28607-1549

~~LOIS E CARROLL~~

~~PO BOX 1549~~

~~BOONE, NC 28607~~

Priority Date: APRIL 22, 1963

Enforceable Priority Date: APRIL 22, 1963

Type of Historical Right: FILED

Purpose (use): STOCK

Maximum 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.

Maximum 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 DEEP 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	<del>SES</del> SWNW	<del>SW</del> SE	25	36N	38E	VALLEY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

THE PERIOD OF DIVERSION HAS BEEN STANDARDIZED BY DNRC FOR THIS CLAIM.

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
<del>S2S</del> 2NW	<del>SW</del> SE	25	36N	38E	VALLEY

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 1 to NOVEMBER 30

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		<del>S2S</del> 2NW	<del>SW</del> SE	25	36N	38E	VALLEY
2			N2N	25	36N	38E	VALLEY

Geocodes/Valid: 20-4893-30-2-01-01-0000 - Y

Remarks:

# Carroll Companies

Valley County, MT



## Hinsdale Ranch Property Overview (South)

- Hinsdale Ranch\*
- Jalz Canyon Ranch\*
- Lanny Hanson Ranch\*
- Leased To Jones
- Carroll MT Properties LLC
- Leased Land\*\*
- Public Lands
- County Government
- Montana State Trust Lands
- US Bureau of Land Management

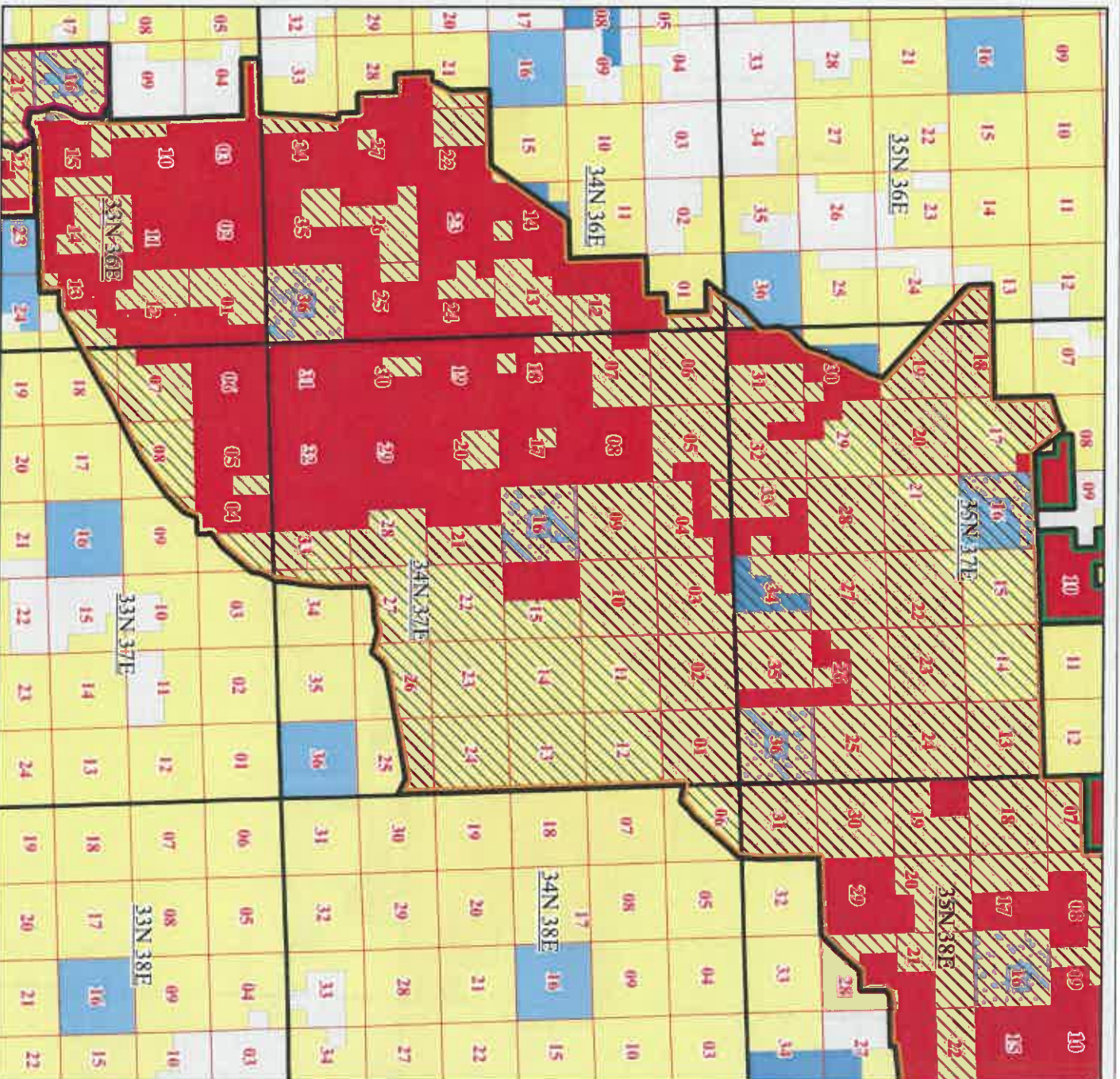
\* Ranch names and borders as provided by Carroll Companies.

\*\* Leased land based on input from Carroll Companies (BLM Allotments 04722 & 04718)

Created 12/29/2017



This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.





# Carroll Companies

Valley County, MT



## Hinsdale Ranch Property Overview (North)

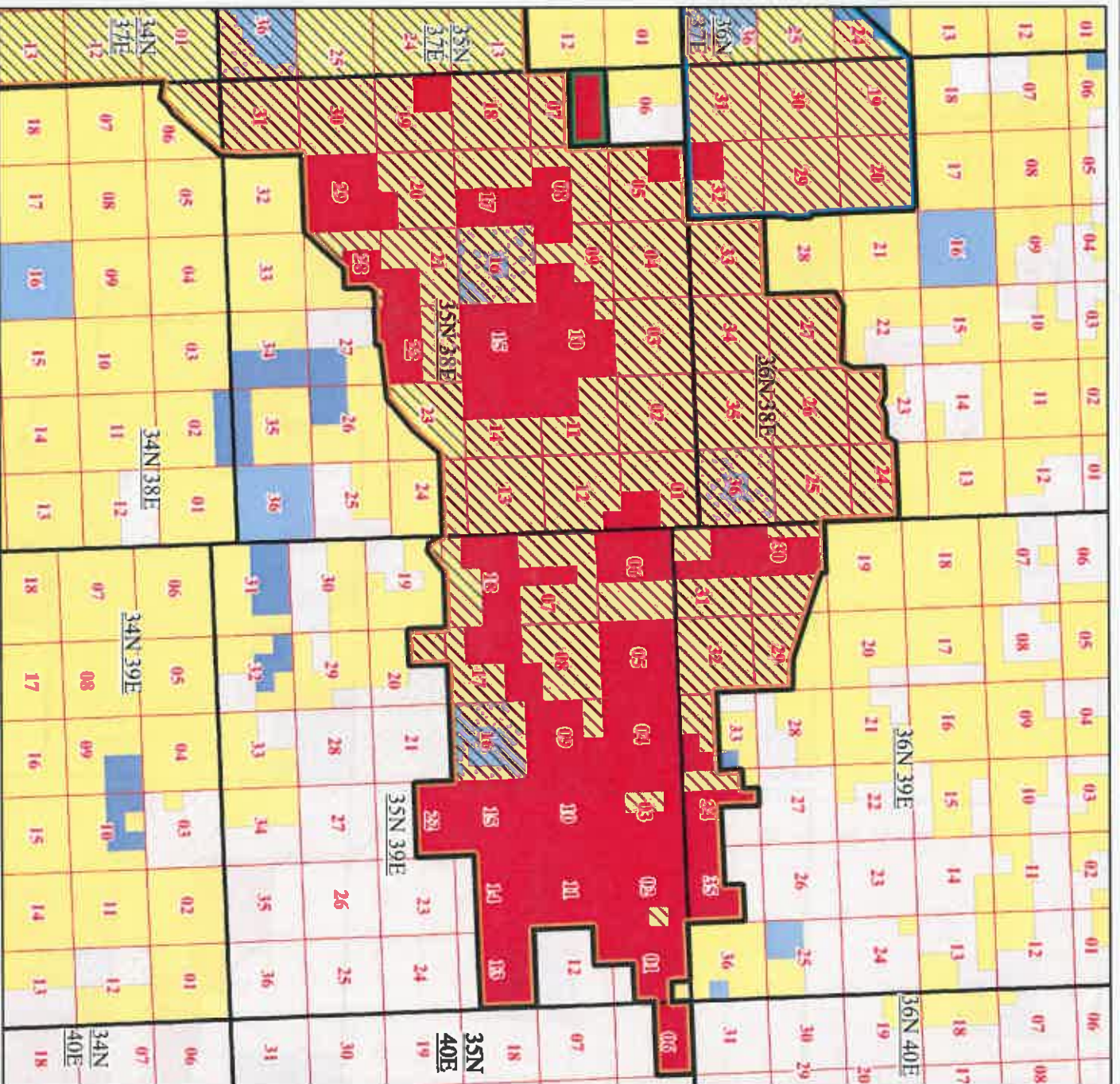
- Punk Ranch\*
- Hinsdale Ranch\*
- Leased To Jones
- Carroll MT Properties LLC
- Leased Land\*\*
- Public Lands
- County Government
- Montana State Trust Lands
- US Bureau of Land Management

\* Ranch names and borders as provided by Carroll Companies.  
\*\* Leased land based on input from Carroll Companies

Created 12/29/2017



This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.



148657 DEEDS Pages: 11  
STATE OF MONTANA VALLEY COUNTY  
RECORDED: 12/27/2012 11:14 KOI: WARRANTY  
LYNNE NYQUIST CLERK AND RECORDER  
FEE: \$77.00 BY: Jean Genrich Depule  
TO: CARROLL COMPANIES, INC P.O. BOX 1549, BOONE, NC 28607

Return to:  
Carroll Companies, Inc.  
PO Box 1549  
Boone, NC 28607

#### Warranty Deed

This Indenture is made and entered into this 13<sup>th</sup> day of December, 2012 by and between STERLING C. CARROLL and wife, LOIS E. CARROLL, of PO Box 1549, Boone, NC 28607, ("GRANTORS"), and Carroll MT Properties, LLC, a North Carolina Limited Liability Company, of PO Box 1549, Boone, NC 28607, ("GRANTEE").

For a valuable consideration, the receipt of which is acknowledged, the Grantors, do by these presents, grant, bargain, sell, convey, warrant, and confirm unto Grantee, and to the successors and assigns of the Grantee forever, the hereinafter described real estate situated in the County of Valley, State of Montana, to-wit:

THOSE CERTAIN TRACTS OF LAND AS DESCRIBED ON EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE AS IF SET OUT IN FULL.

**Subject to reservations, rights of way and easements whether of record or not and whether visible or not, and prior mineral and royalty reservations and conveyances of record if any.**

**Together with all and singular the hereinbefore described premises, all tenements, hereditaments, water rights, ditch rights, mineral rights, mineral rights, all buildings and improvements, appurtenant State of Montana and US Bureau of Land Management leases, and any and all other appurtenances thereto belonging or in any way appertaining, and the reversion and reversions, remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, possession, claim and demand whatsoever of Grantors of, in or to the said premises, and every part and parcel thereof, with the appurtenances thereto belonging, to have and to hold, all and singular the above mentioned and described premises unto Grantee, and to the successors and assigns of the Grantee forever.**

**And the Grantors, and their heirs and assigns, do hereby covenant that they will forever warrant and defend all right, title, and interest in and to the premises and the quiet and peaceable possession thereof, unto the Grantee, and to the successors and assigns of the Grantee, against all acts and deeds of the Grantors and all and every person and persons whomsoever lawfully claiming or to claim the same.**

IN WITNESS WHEREOF, the Grantors have hereunto set their hand the day and year first above written.

Sterling C. Carroll (SEAL)  
STERLING C. CARROLL

Lois E. Carroll (SEAL)  
LOIS E. CARROLL

STATE OF NORTH CAROLINA  
COUNTY OF WATAUGA

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that they signed the foregoing document:

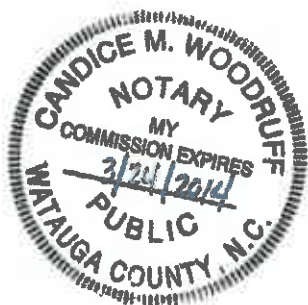
Sterling C. Carroll and Lois E. Carroll

This the 13<sup>th</sup> day of December, 2012.

Candice M. Woodruff  
NOTARY PUBLIC

Candice M. Woodruff  
Notary's Printed or Typed Name

NOTARY SEAL:



NOTARY EXPIRES: 3/24/2014

**EXHIBIT A****PARCEL 1: SOUTH WILLOW CREEK UNIT****Township 33 North, Range 36 East, M.P.M., Valley County, Montana:**

- Section 1: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$   
 Section 2: Lots 1, 2, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$   
 Section 3: Lots 1, 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$   
 Section 4: Lots 1, 2, 3  
 Section 10: NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$   
 Section 11: NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$   
 Section 12: NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$   
 Section 13: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$   
 Section 14: SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$   
 Section 15: S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$

**Township 33 North, Range 37 East, M.P.M., Valley County, Montana:**

- Section 4: S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$   
 Section 5: Lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SE $\frac{1}{4}$   
 Section 6: Lots 1, 2, 3, 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$   
 Section 7: Lots 1, 2, 3

**Township 34 North, Range 36 East, M.P.M., Valley County, Montana:**

- Section 26: SE $\frac{1}{4}$   
 Section 34: NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , SE $\frac{1}{4}$   
 Section 35: NE $\frac{1}{4}$ , S $\frac{1}{2}$

**Township 34 North, Range 37 East, M.P.M., Valley County, Montana:**

- Section 3: Lots 3, 4  
 Section 4: Lots 1, 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$   
 Section 5: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$



Section 30: Lots 1, 2, 3, 4, NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$   
 Section 31: Lots 1, 2, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$   
 Section 32: NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$

**Parcel II**      *Western Parcel*

Township 31 North, Range 35 East M.P.M., Valley County, Montana:

Section 4:      W $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
 Section 9:      W $\frac{1}{2}$ NW $\frac{1}{4}$ .

Less highway and railroad rights of way of record, not referenced above; but together with all buildings, improvements, tenements, hereditaments, and appurtenances thereof and thereto, including without limitation all appurtenant easements and all water rights and mineral rights and interests of Seller, and all lands accreted to the foregoing described property (if any).

**PARCEL III**                      **COUNTY LAND**

Township 35 North, Range 38 E.M.M.

Section 15: All  
 Section 17: E $\frac{1}{2}$   
 Section 20: S $\frac{1}{4}$ SE  
 Section 21: SE  
 Section 22: S $\frac{1}{2}$   
 Section 28: W $\frac{1}{2}$ NE, E $\frac{1}{2}$ NW  
 Section 29: All

Township 35 North, Range 37 E.M.M.

Section 26: SESE, NESW, S $\frac{1}{4}$ SW, N $\frac{1}{4}$ SE  
 Section 29: NWSW, S $\frac{1}{4}$ SW  
 Section 32: E $\frac{1}{2}$ NW  
 Section 33: NE, NENW, W $\frac{1}{4}$ SE, SESE  
 Section 35: E $\frac{1}{2}$ E $\frac{1}{2}$

**Township 33 North, Range 36 E.M.M.****Section 2: N $\frac{1}{4}$ SW****Section 3: SENE, SENW, N $\frac{1}{4}$ SE, E $\frac{1}{4}$ SW****Township 33 North, Range 37 E.M.M.****Section 4: Lots 3, 4****Section 6: Lots 4, 5, 6****Township 34 North, Range 37 E.M.M.****Section 31: Lots 3, 4, E $\frac{1}{2}$ SW****Section 32: E $\frac{1}{2}$ SW, SE****Township 35 North, Range 38 E.M.M.****Section 1: SE****Section 5: Lots 3, 4, S $\frac{1}{2}$ NW****Section 8: E $\frac{1}{4}$ SW, SE****Section 9: W $\frac{1}{4}$ SW, SENE, SE****Section 10: SWNW, E $\frac{1}{4}$ NW, SW, E $\frac{1}{4}$** **Section 12: NENE****Section 14: SW****Section 19: Lots 1, 2, E $\frac{1}{2}$ NW****Section 27: W $\frac{1}{2}$** **Township 35 North, Range 39 E.M.M.****Section 6: Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14****Township 36 North, Range 39 E.M.M.****Section 33: S $\frac{1}{4}$ SE, NESE****Township 35 North, Range 37 E.M.M.****Section 30: E $\frac{1}{4}$ NE, N $\frac{1}{4}$ SE, SWSE****Section 31: SW $\frac{1}{4}$ , S $\frac{1}{4}$ NW, NENW**

A tract in Sections 30 and 31, T35N, R37E, P.M.M., Valley County, Montana and more particularly described as follows: Beginning at the E1/16 corner of said Section 30 which is the POINT OF BEGINNING; then S 89d 32' W a distance of 358.1 feet; then S 12d 30' W a distance of 538.8 feet to the Westerly right-of-way line of the county road; then S 30d 00' W along said road right-of-way line a distance of 1690.6 feet to a point on the N-S midsection line; then S 30d 00' W a distance of 556.4 feet; then S 16d 30' W a distance of 179.2 feet to a point on the E-W midsection line; then S 16d 30' W a distance of 524.8 feet; then S 32d 30' W a distance of 412.0 feet; then S 19d 22' W a distance of 1502.8 feet; then S 45d 24' W a distance of 537.0 feet to a point on the South line of said Section 30; then S 44d 18' W a distance of 1202.0 feet; then S 24d 24' W a distance of 378.8 feet to a point on the West line of said Section 31; then South a distance of 118.5 feet; then N 89d 47' E a distance of 1264.23 feet; then N 00d 01' E a distance of 1320.0 feet; then N 89d 47' E a distance of 1320.0 feet; then N 00d 11' W along the N-S midsection line a distance of 2641.6 feet; then N 89d 39' E a distance of 1320.0 feet; then North a distance of 2640.0 feet to the POINT OF BEGINNING and containing 136.33 total acres, excepting therefrom a tract in Gov't Lot 4 in said Section 30 described as follows: Beginning at the SW section corner of said Section 30; then N 89d 47' E a distance of 995.6 feet to the Point of Beginning; then continuing N 89d 47' E a distance of 268.6 feet; then N 00d 01' E a distance of 263.8 feet; then S 45d 18' W a distance of 377.2 feet to the Point of Beginning and containing 0.81 acres being a Net Acreage of 135.52 acres more or less.

EXCEPTING AND RESERVING unto the Transferor, its successors and assigns, all oil, gas, hydrocarbons, and other minerals now owned by Transferor in and under or which may be recovered and saved from the above-described lands, together with rights of ingress and egress thereon for the purpose of exploration and production thereof.

Together with all the tenements, hereditaments and appurtenances thereunto belonging.

#### **PARCEL IV      OJUEL**

##### Township 35 North, Range 39 East, M.P.M., Valley County, Montana:

Section 1:      Lots 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$   
 Section 2:      Lots 1, 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$   
 Section 3:      Lots 1, 2, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$   
 Section 10:     SE $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$   
 Section 11:     All  
 Section 12:     N $\frac{1}{2}$ NW $\frac{1}{4}$   
 Section 14:     N $\frac{1}{2}$ N $\frac{1}{2}$

##### Township 36 North, Range 39 East, M.P.M., Valley County, Montana:

Section 34:     E $\frac{1}{2}$ W $\frac{1}{4}$ , SE $\frac{1}{4}$   
 Section 35:     S $\frac{1}{2}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$

**PARCEL V      NORTH WILLOW CREEK****Township 35 North, Range 37 East, M.P.M., Valley County, Montana:**

Section 3:      Lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$   
 Section 8:      N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$   
 Section 9:      SW $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$   
 Section 10:     E $\frac{1}{2}$ , SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$   
 Section 17:     NE $\frac{1}{4}$ NE $\frac{1}{4}$

**Township 35 North, Range 38 East, M.P.M., Valley County, Montana:**

Section 7:      Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$   
 Section 11:     SW $\frac{1}{4}$   
 Section 14:     NW $\frac{1}{4}$

**Township 35 North, Range 39 East, M.P.M., Valley County, Montana:**

Section 3:      S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$   
 Section 4:      Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$   
 Section 5:      Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$   
 Section 7:      Lots 6, 7, 12  
 Section 8:      S $\frac{1}{2}$ SE $\frac{1}{4}$   
 Section 9:      E $\frac{1}{2}$ , SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$   
 Section 10:     W $\frac{1}{2}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$   
 Section 13:     N $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$   
 Section 14:     S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$   
 Section 15:     All  
 Section 17:     NW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$   
 Section 18:     Lots 1, 2, 3, 4, 5, 6, 8, 9, NE $\frac{1}{4}$   
 Section 22:     N $\frac{1}{2}$

**Township 35 North, Range 40 East, M.P.M., Valley County, Montana:**

Section 6:      Lots 1, 2, 3, 4, 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$

**Township 36 North, Range 39 East, M.P.M., Valley County, Montana:**

Section 30:     Lots 1, 2, 5, 6, 7, 8, 10, 11, 12  
 Section 31:     Lots 1, 2, 3, 4, 5, 6, 7, 12

**PARCEL VI      CLAYPOOL**

148657

Page 9 of 11

Township 32 North, Range 35 East, M.P.M., Valley County, Montana:

Section 27:    Lots 5 and 6

Section 28:    Lots 11, 12, 15, E $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 33:    Lots 1, 3, E $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$  *except the following:*  
From the center of Section 33, Twp. 32 No., Rge. 35 E., M.P.M., which is the true point of beginning, proceed N. 89°58' E., along the one-quarter section line, 1268.3 feet; thence proceed N. 34°09' W., 1269.0 feet; thence proceed S. 71°18' W., 590.0 feet; thence proceed S. 00°04' E. along the one-quarter section line, 862.0 feet to the true point of beginning, according to the plat filed in the office of the Clerk and Recorder of Valley County, Montana, Misc. File No. 20267.

Section 34:    Lot 3, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , and a tract of land in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , more particularly described as follows:  
From the west one-quarter corner of Section 34, Twp. 32 No., Rge. 35 E., M.P.M., proceed N. 00°03' W., along the section line, 981.0 feet to the true point of beginning; thence continuing N. 00°03' W., 350.3 feet; thence proceed S. 89°51' E., along the one-sixteenth sub-division line, 1330.0 feet; thence proceed S. 00°13' E., along the one-sixteenth sub-division line, 738.0 feet; thence proceed N. 73°25' W., 1390.3 feet to the true point of beginning, according to the plat filed in the office of the Clerk and Recorder, Valley County, Montana, Misc. File No. 20266.

**PARCEL VII      N/3**

Township 31 North, Range 35 East, M.P.M., Valley County, Montana:

Section 4:      NE $\frac{1}{4}$ SE $\frac{1}{4}$

**PARCEL VIII      REYNOLDS**

Township 31 North, Range 35 East, P.M.M., Valley County, Montana:

Section 3:      Lots 6, 9, 10, and 11 (includes irrigation units N-2 through N-8, both inclusive)

**PARCEL IX      MAIN RIVER FARM**

**The Grantors' 67.81% undivided interest in the following:**

Township 31 North, Range 35 East M.P.M., Valley County, Montana:

Section 3:      Lots 2, 4, 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 4:      Lots 1, 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Township 32 North, Range 35 East, M.P.M., Valley County, Montana:

Section 33:      SE $\frac{1}{4}$ , and a tract of land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  more particularly described in that certain Plat filed July 23, 1969, in Misc. File No. 20267 of the records in the office of the Clerk and Recorder of Valley County, Montana, as Doc. No. 467865;

Section 34:      Lots 4, 7, 8, 11, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$  *except* that tract more particularly described on that certain Plat filed July 23, 1969, in Misc. File No. 20266 of the records in the office of the Clerk and Recorder of Valley County, Montana, as Doc. No. 467863;

**PARCEL X      FUNK**

TOWNSHIP 36 NORTH, RANGE 38 EAST, MPM  
Section 32: SW $\frac{1}{4}$

TOWNSHIP 36 NORTH, RANGE 37 EAST, MPM

Section 26: SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 27: SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 28: S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$

Section 34: E $\frac{1}{2}$ NE $\frac{1}{4}$

Section 35: W $\frac{1}{2}$ NW $\frac{1}{4}$

**PARCEL XI****JAKZ CANYON****Township 33 North, Range 36 E.M.M.****Section 22: SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$** **Section 23: NW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$** **PARCEL XII****WEASA****Township 32 North, Range 37 East, MPM****Section 23: SW $\frac{1}{4}$ , SE $\frac{1}{4}$** **Section 24: S $\frac{1}{4}$** **Section 25: N $\frac{1}{2}$** **Section 26: E $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$** **Township 32 North, Range 38 East, MPM****Section 30: NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$**

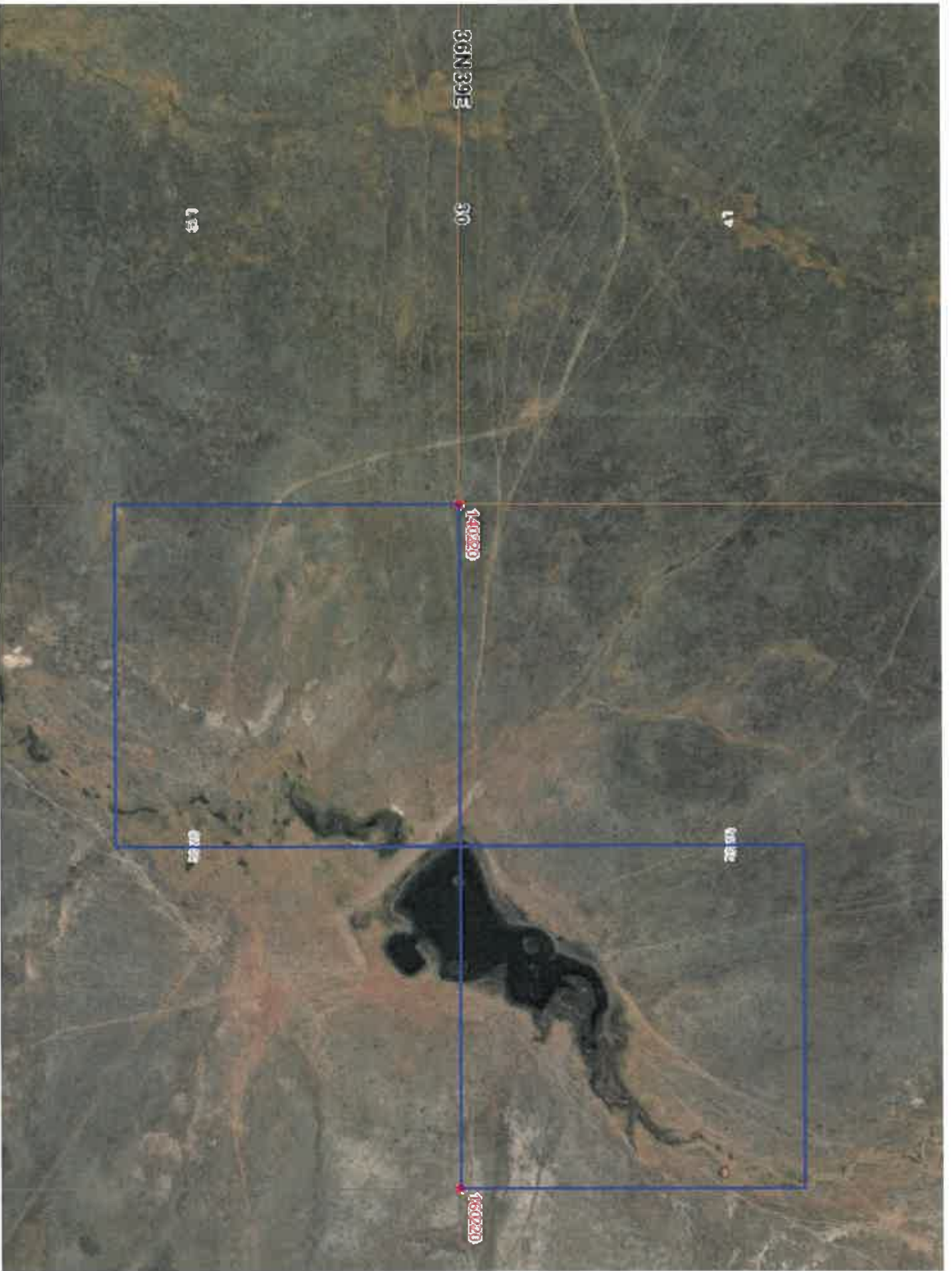


Exhibit A



# Carroll Company

Valley County, MT



## Hinsdale Ranch

Potential Water Use and GWIC Data  
T3SN and 36N, R39E

Hinsdale Ranch  
CARROLL MT PROPERTIES  
LLC

● GWIC Wells\*

★ Sites of potential water use\*\*

Public Lands

BLM

Montana State Trust Lands

Valley County

\*GWIC locations mapped from Bureau of Mines data, and have not been edited.  
\*\*Mapped based on DMS review of current aerial imagery.



Created 2/27/2019  
Aerial Imagery: NAIP 2017

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Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.

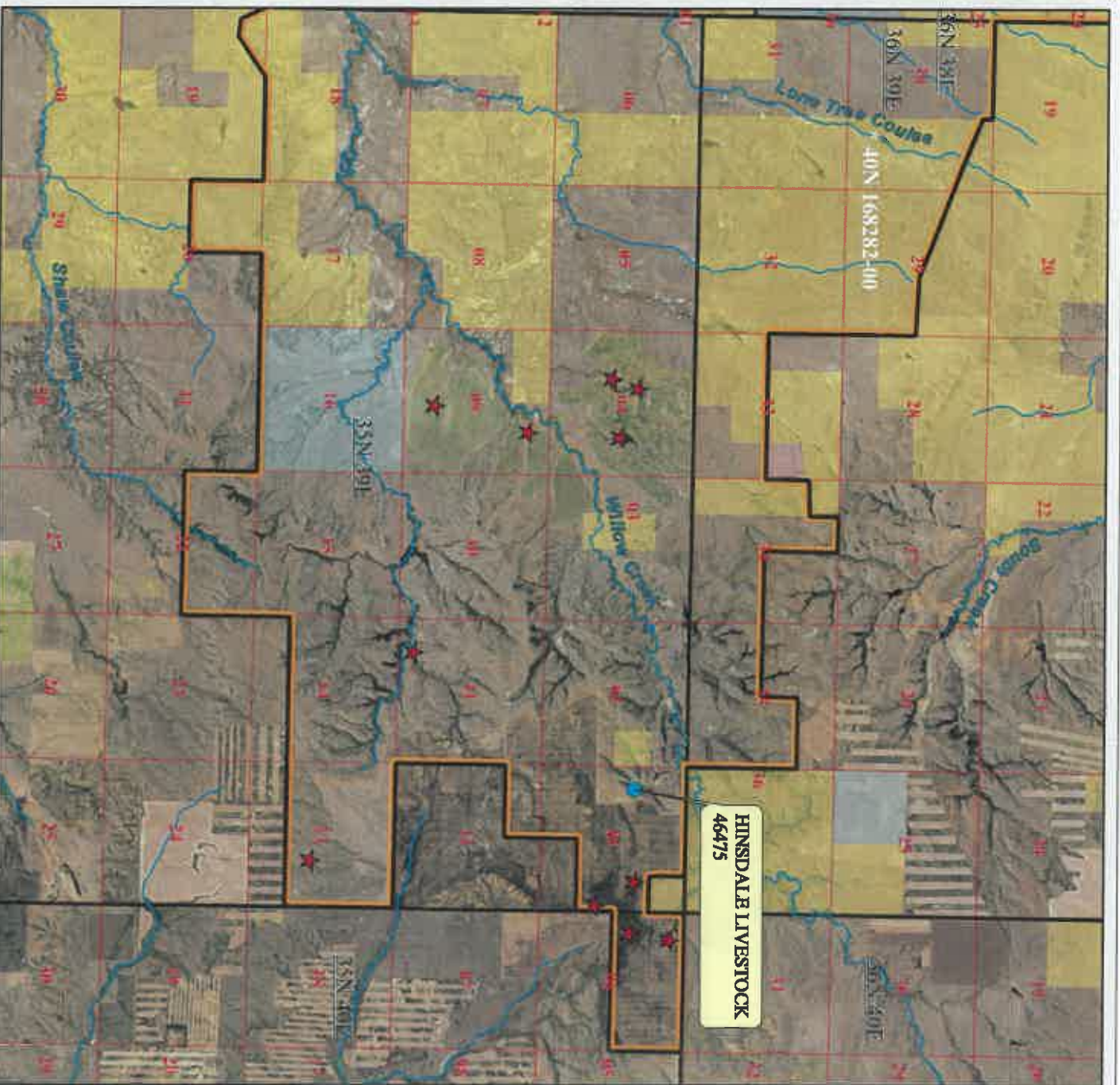




Exhibit 6



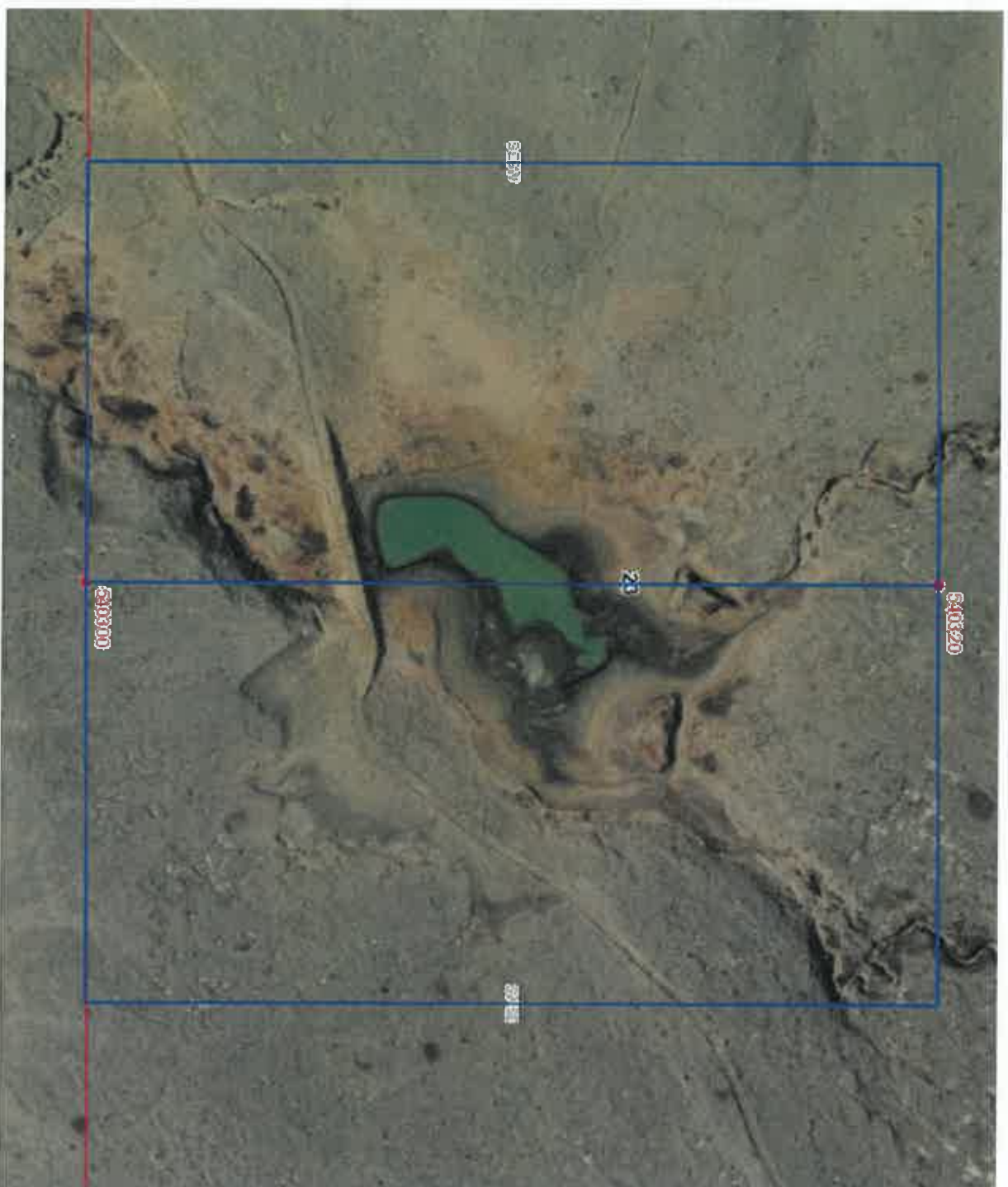


Exhibit 7



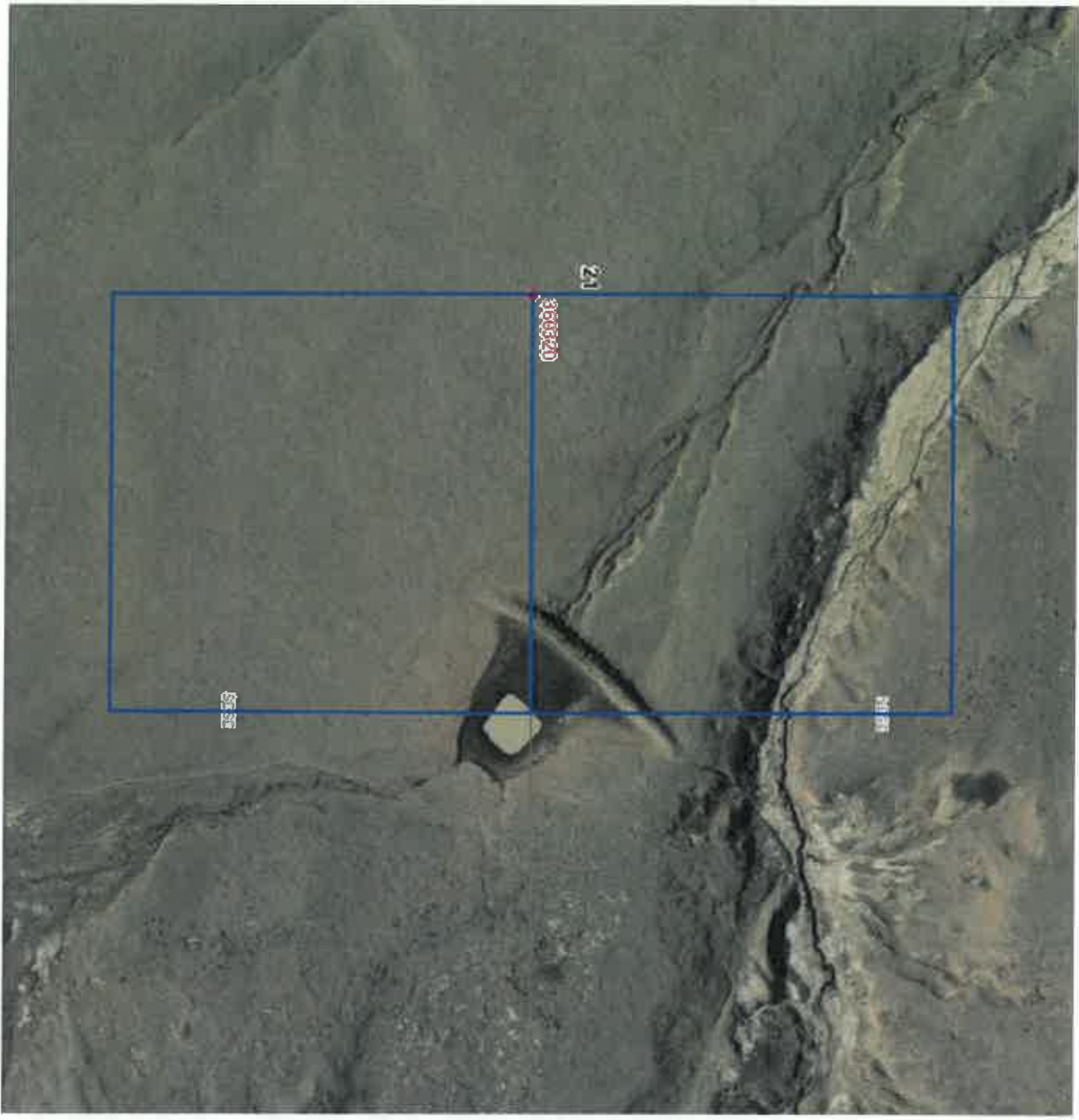


Exhibit 9





Exhibit 10



Exhibit 11



Exhibit 12





Exhibit 13



Exhibit 14

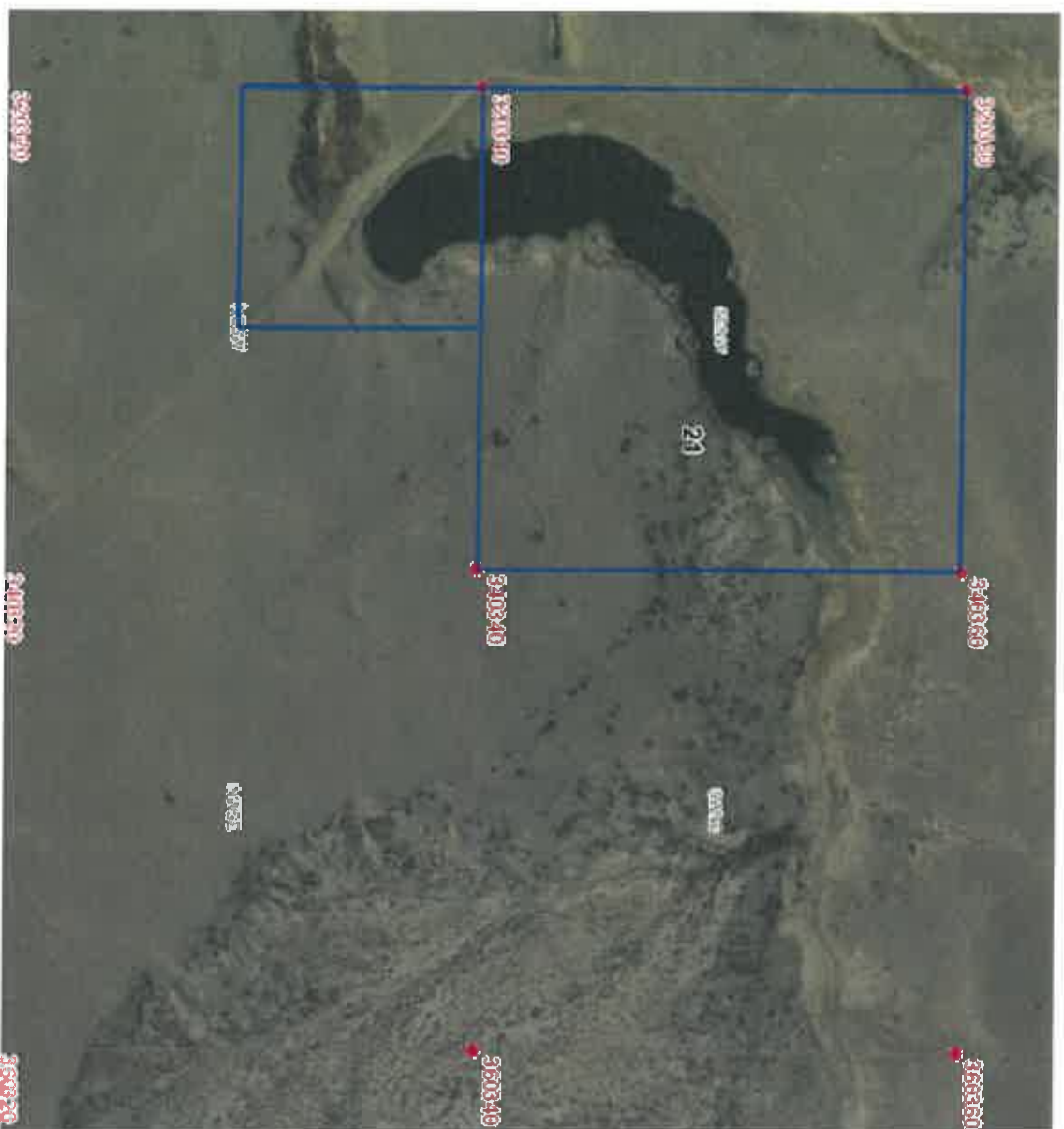


Exhibit 15



Exhibit 16



Exhibit 17

40N-0044-R-2021

September 20, 2022

Montana Water Court

W. John Tietz  
Hallee C. Frandsen  
BROWNING, KALECZYC, BERRY & HOVEN, P.C.  
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Helena, MT 59624  
(406) 443-6820  
(406) 443-6882 (fax)  
john@bkbh.com  
hallee@bkbh.com

*Attorneys for Carroll MT Properties, LLC*

IN THE WATER COURT OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
ROCK CREEK, TRIBUTARY OF THE MILK RIVER BASIN (40N)  
PRELIMINARY DECREE

CLAIMANTS: Lois E. Carroll; Sterling C. Carroll	CASE 40N-0044-R-2021	
OBJECTORS: Carroll MT Properties LLC	40N 168282-00	40N 168332-00
	40N 168299-00	40N 168337-00
	40N 168323-00	40N 168338-00
	40N 168325-00	40N 168339-00
	40N 168326-00	40N 168341-00
	40N 168327-00	40N 168343-00
	40N 168328-00	40N 168348-00
	40N 168329-00	40N 168352-00
	40N 168330-00	40N 168365-00
	40N 168331-00	

**OBJECTOR CARROLL MT PROPERTIES LLC'S SUPPLEMENTAL FILING OF  
INFORMATION TO RESOLVE OBJECTIONS AND ISSUES REMARKS**

Objector Carroll MT Properties LLC (hereinafter "Carroll"), through its counsel of record, Browning Kaleczyc, Berry, & Hoven, P.C., hereby files supplemental information to resolve the objections and issue remarks on the above captioned claims.

**INTRODUCTION**

Carroll filed its Filing of Information to Resolve Objections and Issue Remarks with the Court on April 8, 2022. On June 3, 2022, the Court ordered Carroll provide pre-July 1973 evidence supporting its proposed modifications to the point of diversion, reservoir record, and/or

point of diversion legal land descriptions for claims 40N 168282-00, 168326-00, 168329-00, 168330-00, 168337-00, 168338-00, 168339-00, 16834100, 168343-00, 168348-00, 168352-00, and 168365-00.

Carroll submits pre-July 1, 1973 imagery and 1974 imagery, as described and accepted in the Court's Order, for the resolution of its objections to the point of diversion, reservoir record, and/or place of use as identified by the Court for the above-listed claims. See Exhibit 18.

Carroll requests the clerical error in the remarks associated with claim 40N 168282-00 be adjusted from "... RANGE 29 EAST ..." to "RANGE 39 EAST" to accurately reflect the legal land description associated with the appurtenant property.

DATED this 20<sup>th</sup> day of September 2022.

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

By Hallee C. Frandsen  
W. John Tietz  
Hallee C. Frandsen

*Attorneys for Carroll MT Properties, LLC*



40N-0044-R-2021

Valley County, MT



40N 168282 00



Carrol MT Properties LLC



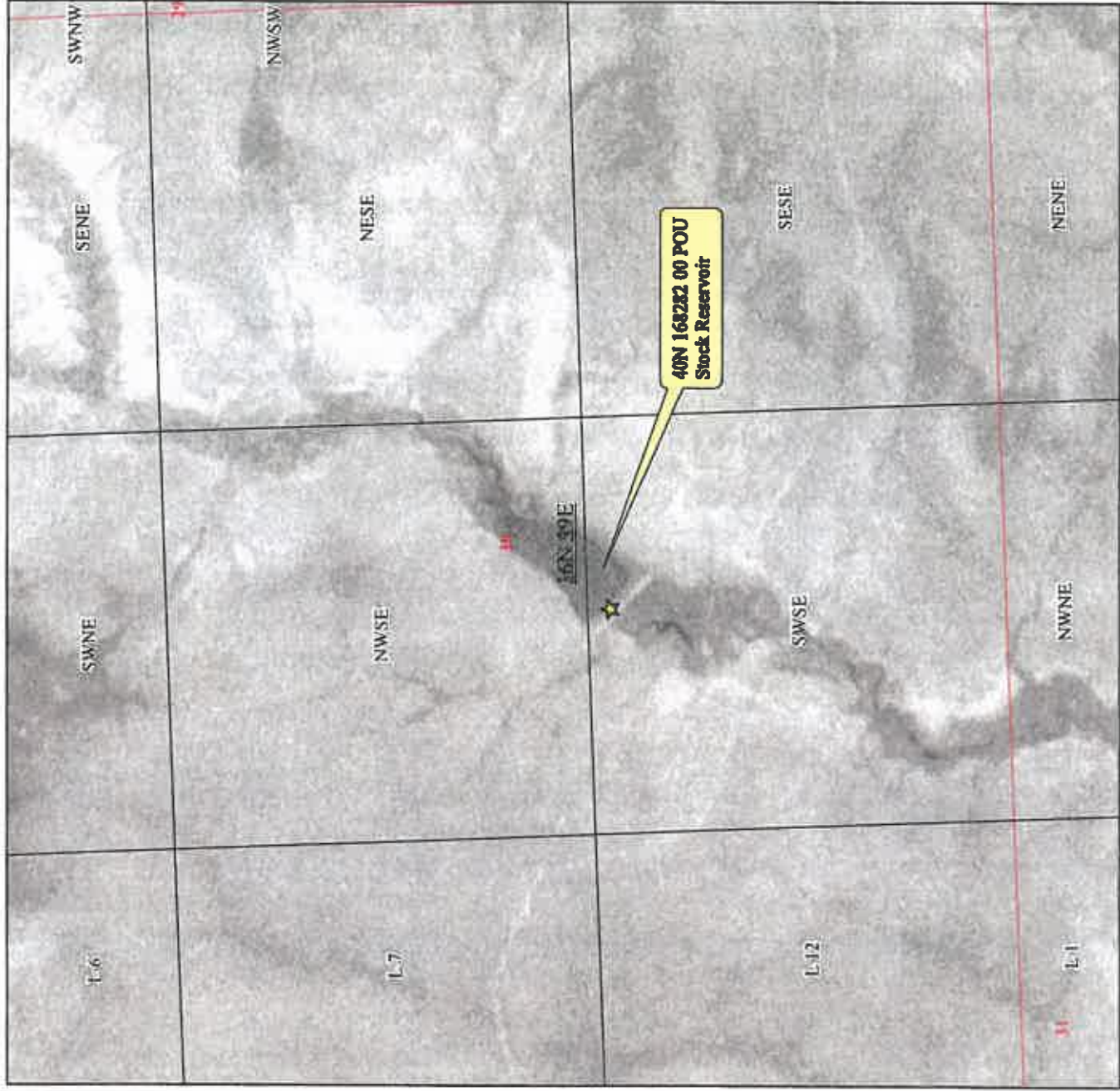
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Created 09/06/2022

Aerial Imagery: 09/03/1974 USGS



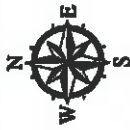
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40N-0044-R-2021

Valley County, MT



40N 168326 00



Carrol MT Properties LLC



40N 168326 00 POD (Well)

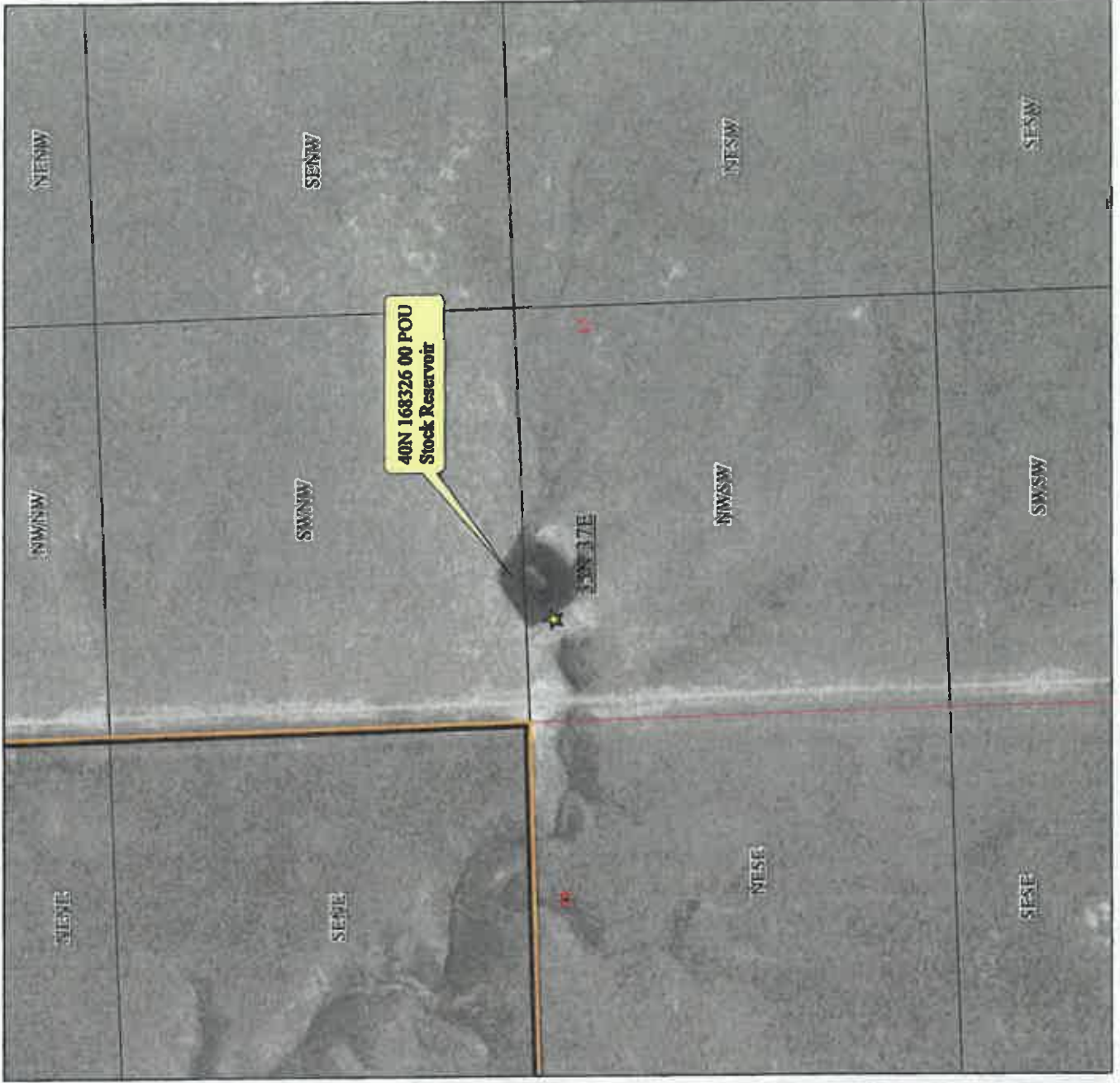
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**40N-0044-R-2021**

Valley County, MT



**40N 168329 00**



Carrol MT Properties LLC

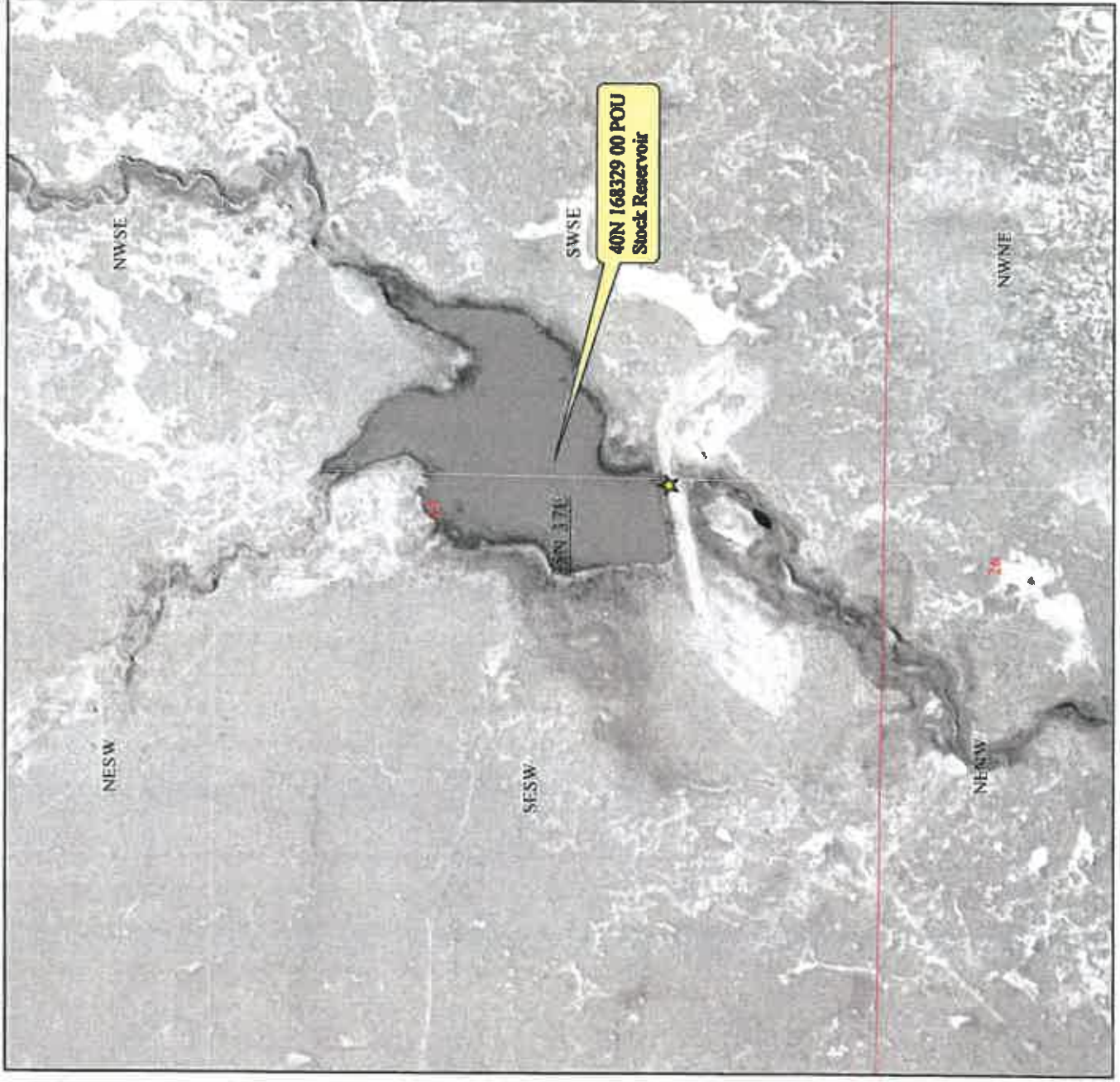


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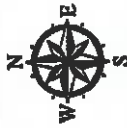
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**40N-0044-R-2021**

Valley County, MT



**40N 168330 00**



Carrol MT Properties LLC



40N 168330 00 POD (Dam)

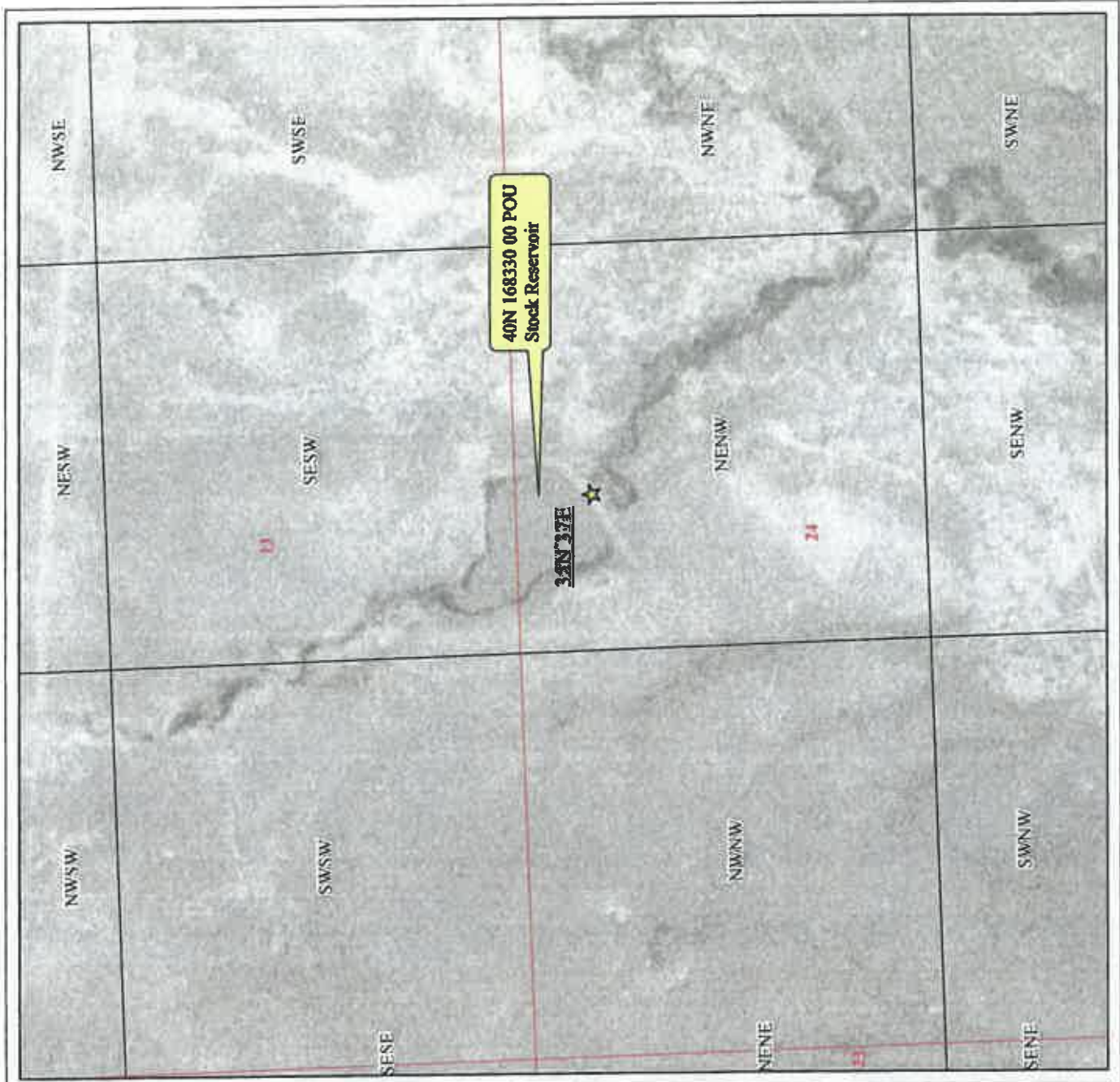
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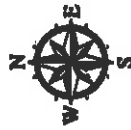
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40N-0044-R-2021

Valley County, MT



40N 168337 00



Carrol MT Properties LLC



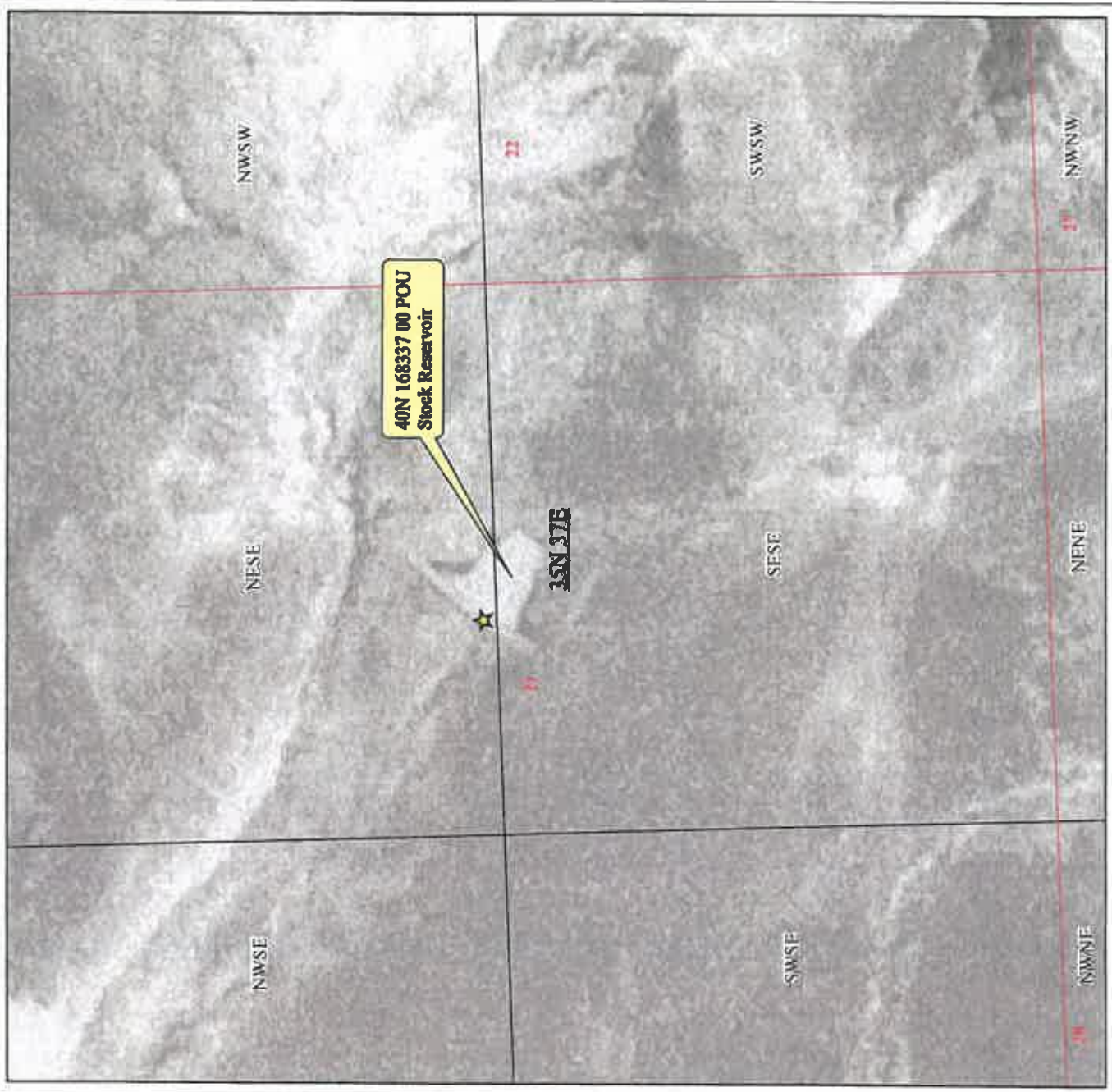
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Aerial Imagery: 09/03/1974 USGS



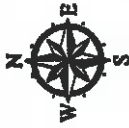
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**40N-0044-R-2021**

Valley County, MT



**40N 168338 00**



Carrol MT Properties LLC



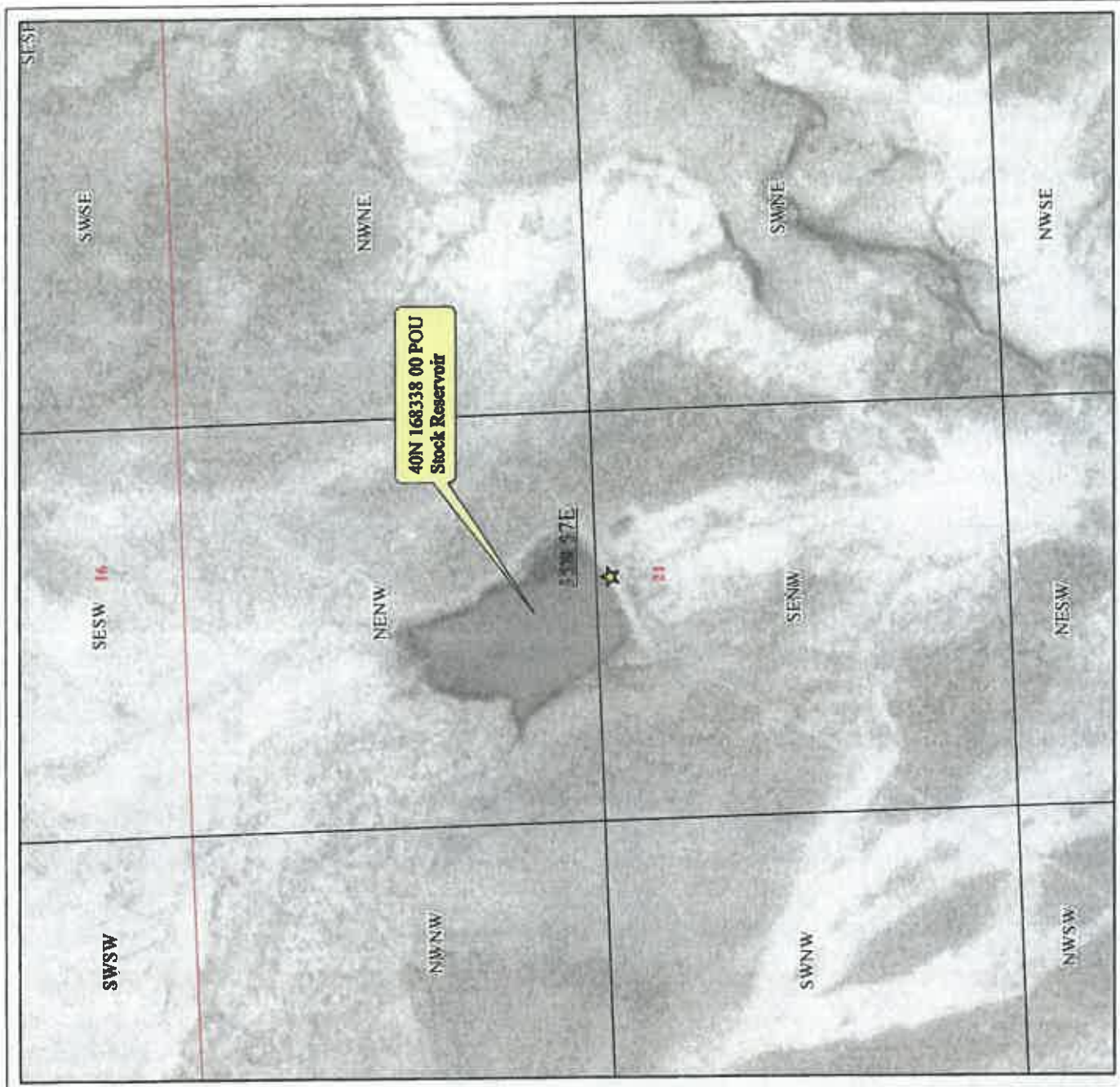
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**40N-0044-R-2021**

Valley County, MT



**40N 168339 00**



Carroll MT Properties LLC



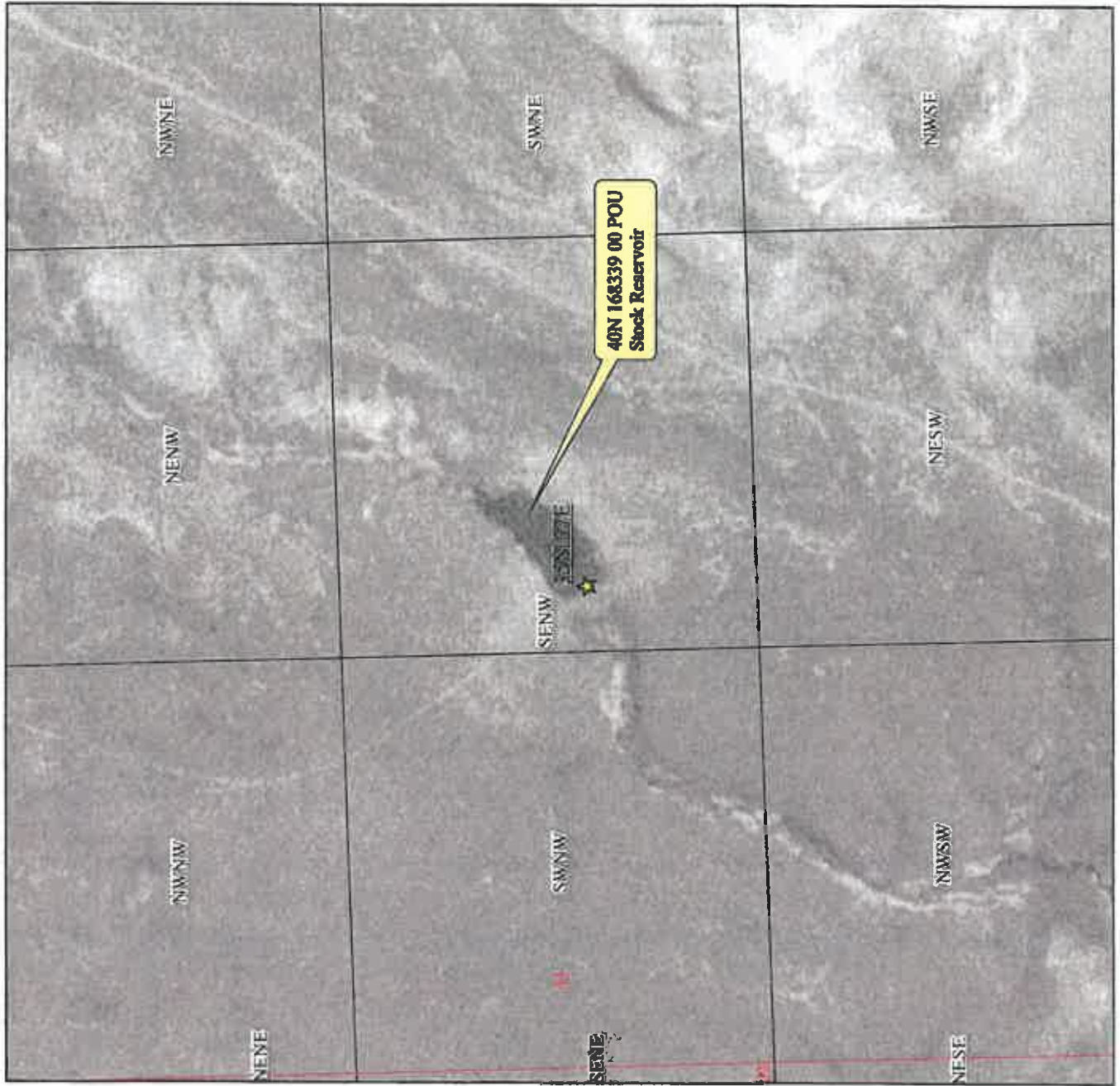
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Aerial Imagery: 09/03/1974 USGS



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**40N-0044-R-2021**

Valley County, MT



**40N 168341 00**



Carrot MT Properties LLC



40N 168341 00 POD (Dam)

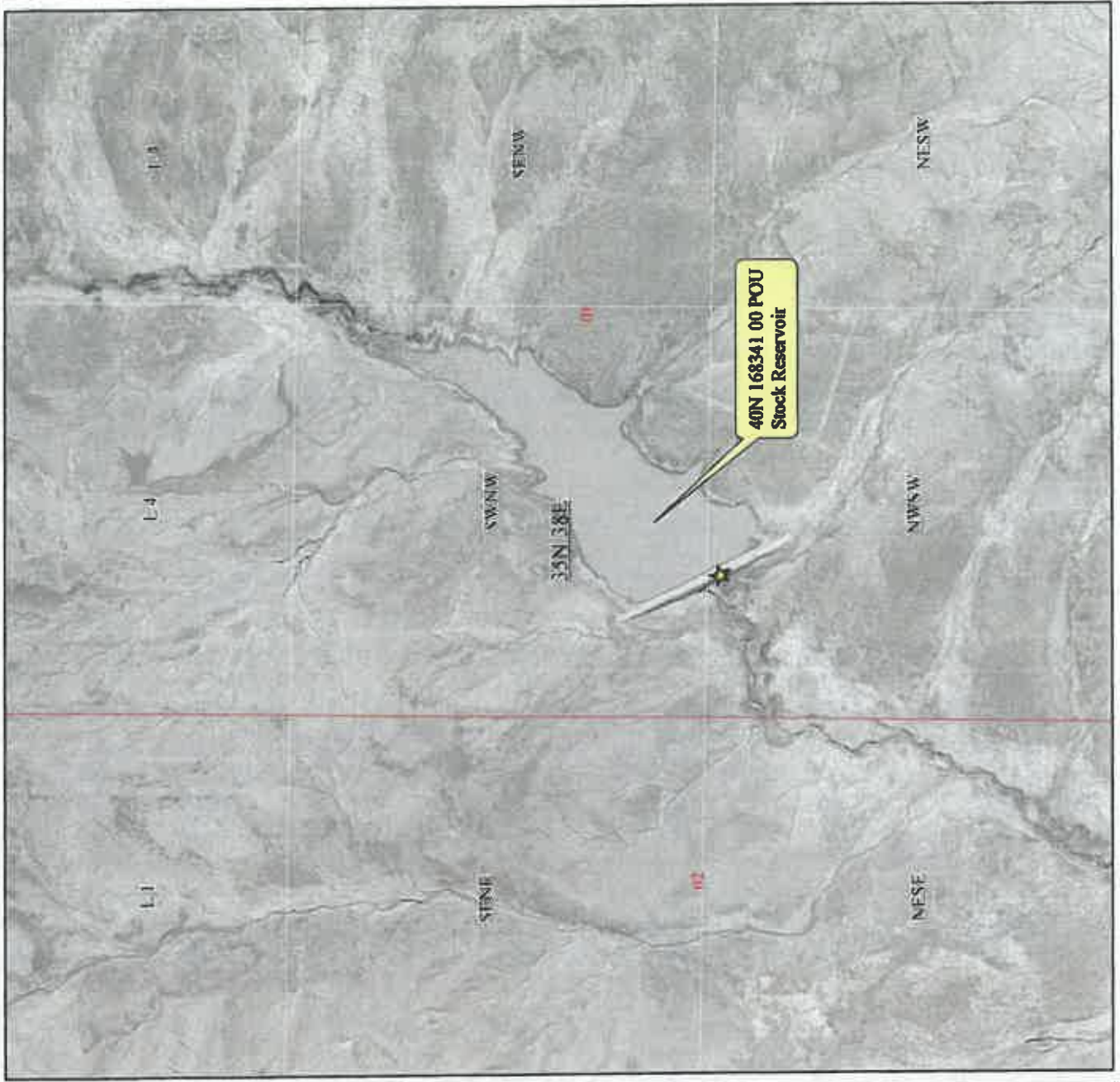
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40N-0044-R-2021

Valley County, MT



40N 168343 00



Carrol MT Properties LLC



40N 168343 00 POD (Dam)

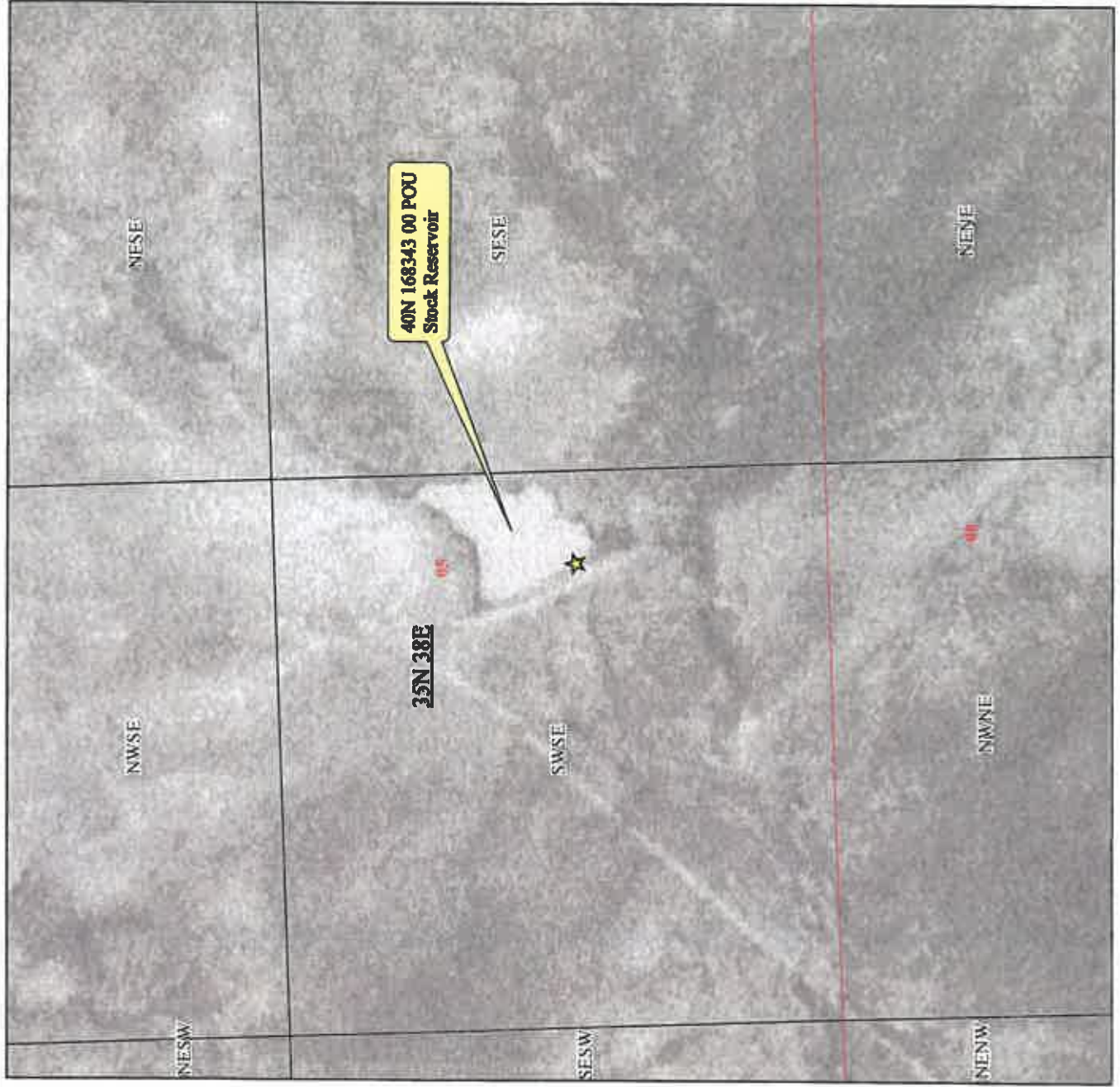
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**40N-0044-R-2021**

Valley County, MT



**40N 168348 00**



Carrol MT Properties LLC



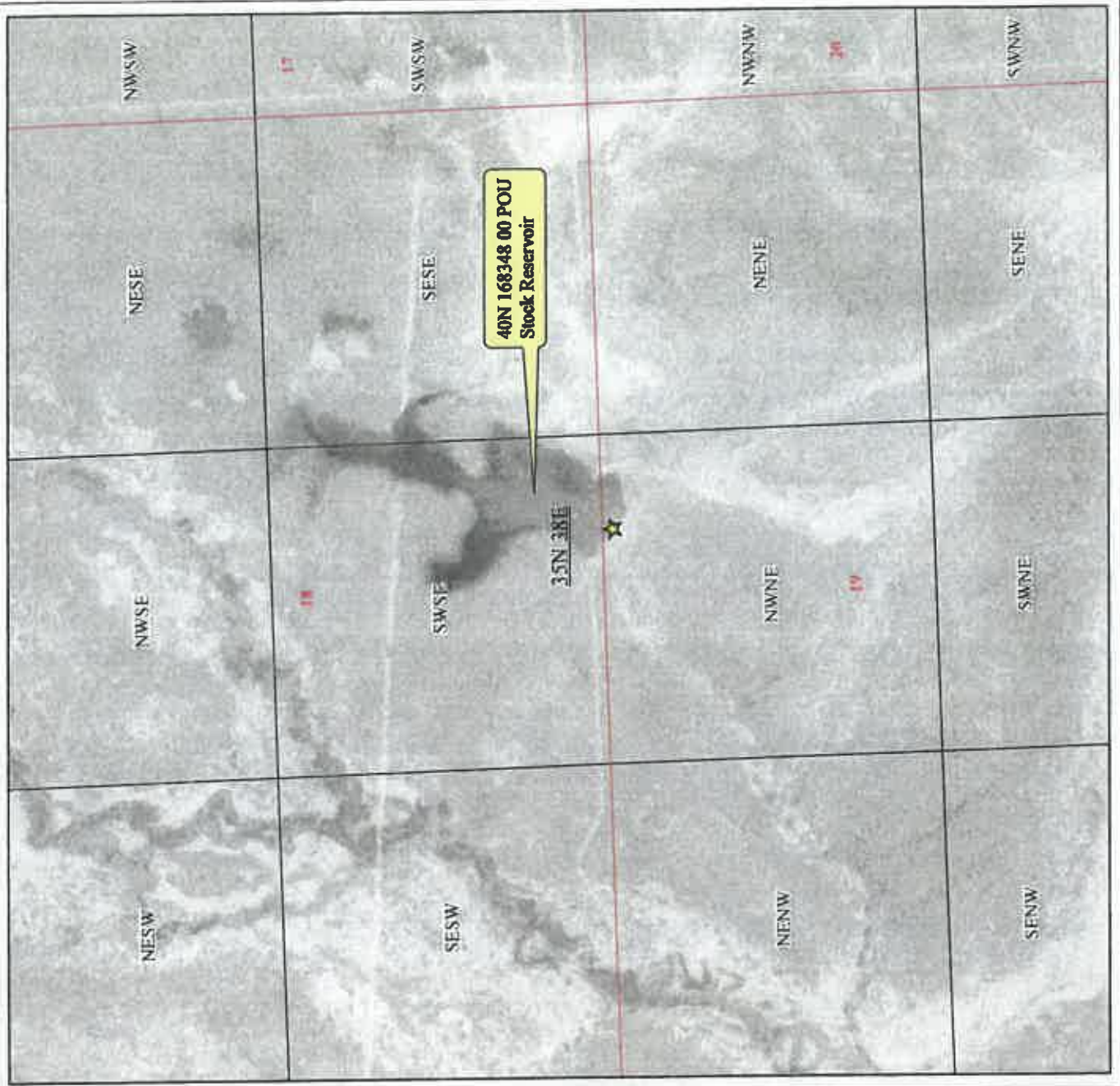
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**40N-0044-R-2021**

Valley County, MT



**40N 168352 00**



Carroll MT Properties LLC



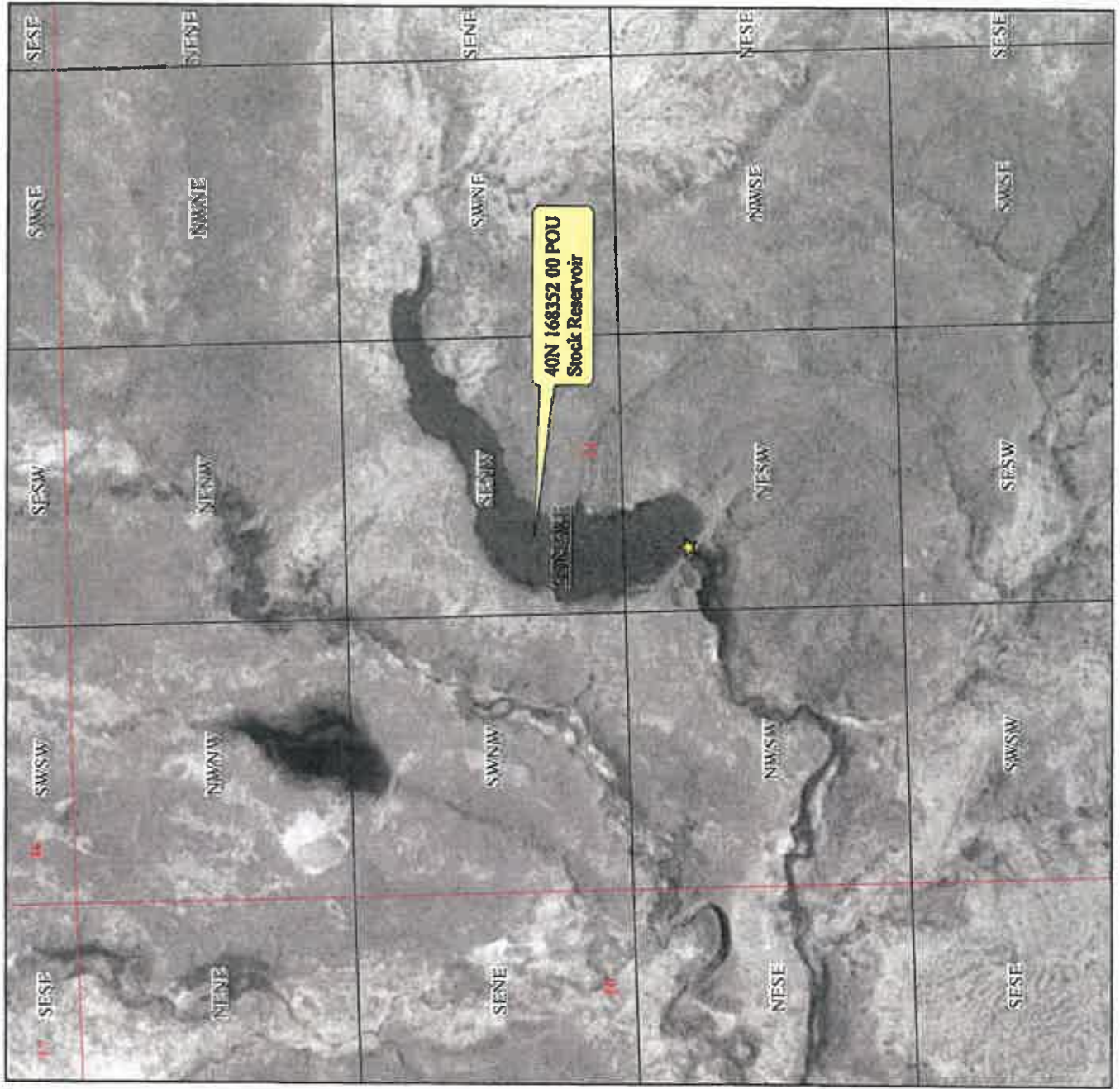
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Created 09/06/2022

Aerial Imagery: 09/03/1974 USGS



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**40N-0044-R-2021**

Valley County, MT



**40N 168365 00**



Carrol MT Properties LLC



40N 168365 00 POD (Dam)

Created 08/19/2022

Aerial Imagery: USDA 07/30/1959



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