

Montana Water Court
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ELECTRONICALLY FILED

41G-0410-R-2020

November 25, 2022

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
JEFFERSON RIVER BASIN (41G)
PRELIMINARY DECREE

* * * * *

CLAIMANT: Douglas E. Salsbury

OBJECTORS: State of Montana (Department of Fish Wildlife
& Parks)

41G-0410-R-2020

41G 23540-00

41G 23541-00

41G 23543-00

41G 23546-00

41G 23547-00

41G 23549-00

41G 23550-00

41G 23551-00

41G 23552-00

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

The above-captioned water right claims appeared in the Preliminary Decree for the Jefferson River Basin (Basin 41G) issued February 15, 2018. Each of the claims received objections from Johns Ranch Inc. and Lelland Johns. Claim 41G 23552-00 also received an objection from the State of Montana Department of Fish, Wildlife, and Parks (DFWP). The claims also received issue remarks identifying potential legal or factual issues with the claims. The claims were consolidated into case 41G-R410 to address the objections and issue remarks. That case number was changed to 41G-0410-R-2020 in accordance with new case naming procedures.

FINDINGS OF FACT

1. Johns Ranch, Inc. and Lelland Johns objected to each of the claims in this case as they appeared in the Preliminary Decree. At the request of Lelland Johns and Johns Ranch, the Court dismissed the objections filed by Johns Ranch on October 2, 2020 and the objections filed by Lelland Johns on November 10, 2020.

2. DFWP objected to claim 41G 23552-00 as it appeared in the Preliminary Decree. On October 19, 2022, DFWP withdrew its objection.

3. The claims in this case also received the following issue remarks that serve only to provide notice to water users (Notice Only Remarks):

Claim 41G 23540-00

THE SOURCE NAME HAS BEEN CHANGED TO BE CONSISTENT WITH A NAME CHANGE APPROVED BY THE UNITED STATES BOARD ON GEOGRAPHIC NAMES ON MAY 12, 1994, AND MCCALL V. CRUMB, CASE NO. 1862, JEFFERSON COUNTY. SOURCE NAME OF THIS CLAIM HAS BEEN CHANGED FROM LITTLE WHITETAIL CREEK TO WHITETAIL DEER CREEK. BECAUSE OF UNCERTAINTY IN SOURCE NAMES APPEARING IN THE TEMPORARY PRELIMINARY DECREE DURING THE OBJECTION PERIOD, ANY WATER USER WHOSE RIGHTS MAY HAVE BEEN ADVERSELY AFFECTED MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

Claim 41G 23541-00

THE SOURCE NAME HAS BEEN CHANGED TO BE CONSISTENT WITH A NAME CHANGE APPROVED BY THE UNITED STATES BOARD ON GEOGRAPHIC NAMES ON MAY 12, 1994, AND MCCALL V. CRUMB, CASE NO. 1862, JEFFERSON COUNTY. SOURCE NAME OF THIS CLAIM HAS BEEN CHANGED FROM LITTLE WHITETAIL CREEK TO WHITETAIL DEER CREEK. BECAUSE OF UNCERTAINTY IN SOURCE

NAMES APPEARING IN THE TEMPORARY PRELIMINARY DECREE DURING THE OBJECTION PERIOD, ANY WATER USER WHOSE RIGHTS MAY HAVE BEEN ADVERSELY AFFECTED MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

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

Claim 41G 23543-00

THE SOURCE NAME HAS BEEN CHANGED TO BE CONSISTENT WITH A NAME CHANGE APPROVED BY THE UNITED STATES BOARD ON GEOGRAPHIC NAMES ON MAY 12, 1994, AND MCCALL V. CRUMB, CASE NO. 1862, JEFFERSON COUNTY. SOURCE NAME OF THIS CLAIM HAS BEEN CHANGED FROM LITTLE WHITETAIL CREEK TO WHITETAIL DEER CREEK. BECAUSE OF UNCERTAINTY IN SOURCE NAMES APPEARING IN THE TEMPORARY PRELIMINARY DECREE DURING THE OBJECTION PERIOD, ANY WATER USER WHOSE RIGHTS MAY HAVE BEEN ADVERSELY AFFECTED MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

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

Claim 41G 23546-00

THE SOURCE NAME HAS BEEN CHANGED TO BE CONSISTENT WITH A NAME CHANGE APPROVED BY THE UNITED STATES BOARD ON GEOGRAPHIC NAMES ON MAY 12, 1994, AND MCCALL V. CRUMB, CASE NO. 1862, JEFFERSON COUNTY. SOURCE NAME OF THIS CLAIM HAS BEEN CHANGED FROM WHITETAIL CREEK TO WHITETAIL DEER CREEK. BECAUSE OF UNCERTAINTY IN SOURCE NAMES APPEARING IN THE TEMPORARY PRELIMINARY DECREE DURING THE OBJECTION PERIOD, ANY WATER USER WHOSE RIGHTS MAY HAVE BEEN ADVERSELY AFFECTED MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

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

Claim 41G 23547-00

THE SOURCE NAME HAS BEEN CHANGED TO BE CONSISTENT WITH A NAME CHANGE APPROVED BY THE UNITED STATES BOARD ON GEOGRAPHIC NAMES ON MAY 12, 1994, AND MCCALL V. CRUMB, CASE NO. 1862, JEFFERSON COUNTY. SOURCE NAME OF THIS CLAIM HAS BEEN CHANGED FROM WHITETAIL CREEK TO WHITETAIL DEER CREEK. BECAUSE OF UNCERTAINTY IN SOURCE NAMES APPEARING IN THE TEMPORARY PRELIMINARY DECREE DURING THE OBJECTION PERIOD, ANY WATER USER WHOSE RIGHTS MAY HAVE BEEN

ADVERSELY AFFECTED MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

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

Claim 41G 23549-00

THE SOURCE NAME HAS BEEN CHANGED TO BE CONSISTENT WITH A NAME CHANGE APPROVED BY THE UNITED STATES BOARD ON GEOGRAPHIC NAMES ON MAY 12, 1994, AND MCCALL V. CRUMB, CASE NO. 1862, JEFFERSON COUNTY. SOURCE NAME OF THIS CLAIM HAS BEEN CHANGED FROM WHITETAIL CREEK TO WHITETAIL DEER CREEK. BECAUSE OF UNCERTAINTY IN SOURCE NAMES APPEARING IN THE TEMPORARY PRELIMINARY DECREE DURING THE OBJECTION PERIOD, ANY WATER USER WHOSE RIGHTS MAY HAVE BEEN ADVERSELY AFFECTED MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

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

Claim 41G 23550-00

THE SOURCE NAME HAS BEEN CHANGED TO BE CONSISTENT WITH A NAME CHANGE APPROVED BY THE UNITED STATES BOARD ON GEOGRAPHIC NAMES ON MAY 12, 1994, AND MCCALL V. CRUMB, CASE NO. 1862, JEFFERSON COUNTY. SOURCE NAME OF THIS CLAIM HAS BEEN CHANGED FROM WHITETAIL CREEK TO WHITETAIL DEER CREEK. BECAUSE OF UNCERTAINTY IN SOURCE NAMES APPEARING IN THE TEMPORARY PRELIMINARY DECREE DURING THE OBJECTION PERIOD, ANY WATER USER WHOSE RIGHTS MAY HAVE BEEN ADVERSELY AFFECTED MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

THE TIMLEY FILED OBJECTION OF THE CLAIMANT WAS AMENDED TO INCLUDE PRIORITY DATE, POINT OF DIVERSION AND MEANS OF DIVERSION BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE TEMPORARY PRELIMINARY DECREE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

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

Claim 41G 23551-00

THE TIMELY FILED OBJECTION OF DOUGLAS E. SALSBURY WAS AMENDED BY DOUGLAS E. SALSBURY TO INCLUDE MAXIMUM ACRES IRRIGATED, PLACE OF USE, POINT OF DIVERSION, AND MEANS OF DIVERSION. BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER

WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

THE SOURCE NAME HAS BEEN CHANGED TO BE CONSISTENT WITH A NAME CHANGE APPROVED BY THE UNITED STATES BOARD ON GEOGRAPHIC NAMES ON MAY 12, 1994, AND MCCALL V. CRUMB, CASE NO. 1862, JEFFERSON COUNTY. SOURCE NAME OF THIS CLAIM HAS BEEN CHANGED FROM WHITETAIL CREEK TO WHITETAIL DEER CREEK. BECAUSE OF UNCERTAINTY IN SOURCE NAMES APPEARING IN THE TEMPORARY PRELIMINARY DECREE DURING THE OBJECTION PERIOD, ANY WATER USER WHOSE RIGHTS MAY HAVE BEEN ADVERSELY AFFECTED MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

Claim 41G 23552-00

THE SOURCE NAME HAS BEEN CHANGED TO BE CONSISTENT WITH A NAME CHANGE APPROVED BY THE UNITED STATES BOARD ON GEOGRAPHIC NAMES ON MAY 12, 1994, AND MCCALL V. CRUMB, CASE NO. 1862, JEFFERSON COUNTY. SOURCE NAME OF THIS CLAIM HAS BEEN CHANGED FROM WHITETAIL CREEK TO WHITETAIL DEER CREEK. BECAUSE OF UNCERTAINTY IN SOURCE NAMES APPEARING IN THE TEMPORARY PRELIMINARY DECREE DURING THE OBJECTION PERIOD, ANY WATER USER WHOSE RIGHTS MAY HAVE BEEN ADVERSELY AFFECTED MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

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

PRINCIPLES OF LAW

1. Section 85-2-248(2), MCA, requires that the Water Court resolve all issue remarks that are not resolved through the objection process. *See also* Rule 7, W.R.Adj.R.3. 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.

CONCLUSIONS OF LAW

1. The findings of fact above are supported by a preponderance of the evidence. The objections filed by Lelland Johns, Johns Ranch, and DFWP to the claims in this case have been withdrawn or dismissed.

2. The Notice Only Remarks do not raise legal or factual issues for the Water Court to resolve and can be removed from the claims.

RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Master recommends that the Court remove the issue remarks from the above-captioned claims.

A post-decree abstract of each water right claim reflecting the recommended changes is attached to this Report.

Eyvind Ostrem
Senior Water Master

Service via Electronic Mail

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 23540-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DOUGLAS E SALSURY
PO BOX 627
WHITEHALL, MT 59759 0627

Priority Date: APRIL 1, 1887

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 CFS

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

Climatic Area: 4 - MODERATELY LOW

***Maximum Acres:** 53.00

Source Name: UNNAMED TRIBUTARY OF WHITETAIL DEER 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		SWNWSW	4	4N	4W	JEFFERSON

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Period of Use: APRIL 15 TO OCTOBER 15

***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	1.00		SESESE	5	4N	4W	JEFFERSON
2	24.00		E2NE	8	4N	4W	JEFFERSON
3	24.00		SW	4	4N	4W	JEFFERSON
4	4.00		NWNW	9	4N	4W	JEFFERSON

Total: 53.00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 23541-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: DOUGLAS E SALSBUY
PO BOX 627
WHITEHALL, MT 59759 0627

Priority Date: APRIL 1, 1906

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Flow Rate: 282.74 GPM

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

Climatic Area: 4 - MODERATELY LOW

***Maximum Acres:** 116.00

Source Name: WHITETAIL DEER 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		NWSESE	8	4N	4W	JEFFERSON

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: CONNOR DITCH NO. 6

Period of Use: APRIL 15 TO OCTOBER 15

***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	5.00		E2SESE	8	4N	4W	JEFFERSON
2	25.00		N2NW	16	4N	4W	JEFFERSON
3	41.01		S2NW	16	4N	4W	JEFFERSON
4	37.00		SW	16	4N	4W	JEFFERSON
5	8.00		E2E2E2	17	4N	4W	JEFFERSON
Total:	116.01						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 23543-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DOUGLAS E SALSBUY
PO BOX 627
WHITEHALL, MT 59759 0627

Priority Date: APRIL 1, 1885

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 58.00

Source Name: WHITETAIL DEER 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		SWSESE	8	4N	4W	JEFFERSON
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	CONNON DITCH NO. 4					

2		NWSESE	8	4N	4W	JEFFERSON
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	CONNON DITCH NO. 6					

Period of Use: APRIL 15 TO OCTOBER 15

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	4.00		E2SESE	8	4N	4W	JEFFERSON
2	5.00		E2NENENE	17	4N	4W	JEFFERSON
3	1.00		SESENE	17	4N	4W	JEFFERSON
4	18.00		W2W2W2	16	4N	4W	JEFFERSON
5	30.00		SE	17	4N	4W	JEFFERSON

Total: 58.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

23541-00

23543-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 23546-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DOUGLAS E SALSBURY
PO BOX 627
WHITEHALL, MT 59759 0627

Priority Date: AUGUST 15, 1881

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 2.80 CFS

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 254.00

Source Name: WHITETAIL DEER 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		SWNWSE	28	2N	4W	JEFFERSON

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

Ditch Name: WHITETAIL DITCH

Period of Use: APRIL 15 TO OCTOBER 15

***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	63.00		SW	28	2N	4W	JEFFERSON
2	9.00		S2S2NE	29	2N	4W	JEFFERSON
3	3.00		SESENW	29	2N	4W	JEFFERSON
4	157.00		SE	29	2N	4W	JEFFERSON
5	22.00		E2E2SW	29	2N	4W	JEFFERSON
Total:	<u>254.00</u>						

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 23547-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DOUGLAS E SALSURY
PO BOX 627
WHITEHALL, MT 59759 0627

***Priority Date:** MARCH 15, 1904

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER

***Flow Rate:** 2.75 CFS

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 188.00

***Source Name:** WHITETAIL DEER 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	9	2N	4W	JEFFERSON

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: STANLEY DITCH NO. 1

Period of Use: APRIL 15 TO OCTOBER 15

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	100.00		NW	21	2N	4W	JEFFERSON
2	70.00		SW	21	2N	4W	JEFFERSON
3	5.00		W2SWSE	21	2N	4W	JEFFERSON
4	12.00		E2NENW	28	2N	4W	JEFFERSON
5	1.00		NWNWNE	28	2N	4W	JEFFERSON
Total:	188.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

23547-00

23548-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 23549-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: DOUGLAS E SALSBURY
PO BOX 627
WHITEHALL, MT 59759 0627

Priority Date: APRIL 1, 1870

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER

Flow Rate: 170.60 GPM

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 108.00

***Source Name:** WHITETAIL DEER 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	21	2N	4W	JEFFERSON

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BLACK DITCH

Period of Use: APRIL 15 TO OCTOBER 15

***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	4.00		SWNWSE	28	2N	4W	JEFFERSON
2	2.00		E2SWNE	28	2N	4W	JEFFERSON
3	66.00		NW	28	2N	4W	JEFFERSON
4	36.00		SW	28	2N	4W	JEFFERSON
Total:	108.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

23549-00

23550-00

23551-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 23550-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: DOUGLAS E SALSBUY
PO BOX 627
WHITEHALL, MT 59759 0627

***Priority Date:** SEPTEMBER 12, 1902

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 1.75 CFS

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 108.00

***Source Name:** WHITETAIL DEER 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	21	2N	4W	JEFFERSON

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BLACK DITCH

Period of Use: APRIL 15 TO OCTOBER 15

***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	4.00		SWNWSE	28	2N	4W	JEFFERSON
2	2.00		E2SWNE	28	2N	4W	JEFFERSON
3	66.00		NW	28	2N	4W	JEFFERSON
4	36.00		SW	28	2N	4W	JEFFERSON
Total:	108.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

23549-00 23550-00 23551-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 23551-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: DOUGLAS E SALSBUY
PO BOX 627
WHITEHALL, MT 59759 0627

***Priority Date:** APRIL 1, 1873

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 337.00 GPM

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 108.00

***Source Name:** WHITETAIL DEER 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	21	2N	4W	JEFFERSON

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BLACK DITCH

Period of Use: APRIL 15 TO OCTOBER 15

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	2.00		E2SWNE	28	2N	4W	JEFFERSON
2	66.00		NW	28	2N	4W	JEFFERSON
3	4.00		SWNWSE	28	2N	4W	JEFFERSON
4	36.00		SW	28	2N	4W	JEFFERSON
Total:	108.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

23549-00

23550-00

23551-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 23552-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DOUGLAS E SALSURY
PO BOX 627
WHITEHALL, MT 59759 0627

Priority Date: MARCH 15, 1904

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 3.50 CFS

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 82.00

Source Name: WHITETAIL DEER 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	9	2N	4W	JEFFERSON

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: STANLEY DITCH NO. 1

Period of Use: APRIL 15 TO OCTOBER 15

***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	3.00		SESWNW	16	2N	4W	JEFFERSON
2	78.00		SW	16	2N	4W	JEFFERSON
3	1.00		NWNENW	21	2N	4W	JEFFERSON
Total:	<u>82.00</u>						