

IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
SHIELDS RIVER BASIN 43A
PRELIMINARY DECREE

* * * * *

CLAIMANT: Leffingwell Ranch Inc.

OBJECTOR: Amber Ranch, LLC

NOTICE OF INTENT TO APPEAR: Amber Ranch, LLC

CASE 43A-0556-R-2022

43A 18863-00

43A 18864-00

43A 18866-00

43A 18867-00

43A 18870-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above-stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

FINDINGS OF FACT

1. Leffingwell Ranch Inc. (Leffingwell) is the record owner of claims 43A 18863-00, 43A 18864-00, 43A 18866-00, 43A 18867-00, and 43A 18870-00.

2. Claims 43A 18863-00, 43A 18864-00, 43A 18866-00, 43A 18867-00, and 43A 18870-00 were decreed with DNRC issue remarks:

43A 18863-00:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE PARK COUNTY WATER RESOURCES SURVEY (1951) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

43A 18864-00:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

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.

THE PARK COUNTY WATER RESOURCES SURVEY (1951) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO. 179-193 , DATED 09/15/1979 APPEARS TO INDICATE 34.30 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

43A 18866-00:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

THE PARK COUNTY WATER RESOURCES SURVEY (1951) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

43A 18867-00:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

THE PARK COUNTY WATER RESOURCES SURVEY (1951) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

43A 18870-00:

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

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED APPROPRIATION ON BRACKETT CREEK WITH A PRIORITY DATE PREDATING CASE NO 2717., PARK COUNTY. IF NO OBJECTIONS ARE FILED TO PRIORITY DATE OR TYPE OF HISTORICAL RIGHT, THESE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS REMARK WILL BE REMOVED.

2. Westering Home, LLC (Westering Home) objected to claims 43A 18864-00, 43A 18866-00, 43A 18867-00, and 43A 18870-00; Amber Ranch, LLC (Amber Ranch) was later substituted as the Objector.

3. Westering Home filed a Notice of Intent to Appear for claim 43A 18863-00; Amber Ranch was later substituted as the Notice of Intent to Appear party.

4. Claims 43A 18863-00, 43A 18864-00, 43A 18866-00, 43A 18867-00, and 43A 18870-00 were originally consolidated into Case 43A-0557-R-2020, along with claim 43A 18862-00. On October 28, 2022, a Stipulation was filed, resolving the Objections to claims 43A 18863-00, 43A 18864-00, 43A 18866-00, 43A 18867-00, and 43A 18870-00, *but not* claim 43A 18862-00.

The Stipulation addressed claim 43A 18862-00, however, the Joint Notice of Filing of Stipulation and Settlement Agreement between Leffingwell and Amber Ranch acknowledged that outstanding issues exist as to 43A 18852-00. On October 28, 2022, record-owner of claim 43A 18862-00, the Samuel Joseph Moore 2012 GST Exempt Trust (the Trust), filed an Objection to the Stipulation indicating it is the proper party to resolve Objections to claim 43A 18862-00 – not Leffingwell – and the Trust only objects to the portions of the Stipulation pertaining to claim 43B 18862-00.

5. Claims 43A 18863-00, 43A 18864-00, 43A 18866-00, 43A 18867-00, and 43A 18870-00 were removed from Case 43A-0557-R-2020 and have been consolidated into the present Case for the purpose of closing proceedings where issues are resolved.

6. The October 28, 2022 Stipulation resolves the Objections and Notice of Intent to Appear concerns regarding claims 43A 18863-00, 43A 18864-00, 43A 18866-00, 43A 18867-00, and 43A 18870-00. A copy of the Stipulation and the “No Call Covenant Agreement” referenced in the Stipulation are attached to this Report.

7. Pursuant to the Stipulation, the parties agree the following remark should be added to claims 43A 18863-00, 43A 18864-00, 43A 18866-00, 43A 18867-00:

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE
WITH THE WATER COURT IN CASE 43A-0557-R-2020.

8. The Stipulation lists additional claims, not part of this Case, to which the remark listed in Finding of Fact No. 7 should be added: claims 43A 18868-00, 43A 18869-00, 43A 18871-00, 43A 19177-00, 43A 19178-00, 43A 19179-00, 43A 19180-00,

43A 19181-00, 43A 19182-00, 43A 19183-00, 43A 19184-00, 43A 19207-00, and 43A 107171-00.

9. Pursuant to the Stipulation, claim 43A 18863-00 should be modified as follows:

***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		NESE	1	1N	7E	GALLATIN
*Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: HEADGATE						
Ditch Name: BRIDGEMAN-PRESSLEY DITCH						
2		NESE	31	2N	8E	PARK
*Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: HEADGATE						
Ditch Name: WARD-HANSEN DITCH						
3		NENW	8	4N	8E	PARK
*Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: HEADGATE						
Ditch Name: PROFFITT DITCH						
POINT OF DIVERSION 03 IS ON MILES CREEK.						

***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	74.80		SE	31	2N	8E	PARK
2	4.00		NENW	8	4N	8E	PARK
Total:		78.80					74.80

Aerial photographs were attached to the Stipulation supporting the stipulated irrigated acreage and resolving the DNRC issue remarks.

10. Pursuant to the Stipulation, claim 43A 18864-00 should be modified as follows:

***Source Name:** BRACKETT CREEK
Source Type: SURFACE WATER
~~POINT OF DIVERSION NO. 02 IS ON MILES CREEK.~~

***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		NESE	31	2N	8E	PARK
*Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: HEADGATE						
Ditch Name: WARD-HANSEN DITCH						
2		SESW	8	4N	8E	PARK
*Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: HEADGATE						

*Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	34.30		SW	32	2N	8E	PARK
2	4.00		NENESE	6	4N	8E	PARK
3	18.00		SENE	6	4N	8E	PARK
Total:	54.30						
		34.30					

Aerial photographs were attached to the Stipulation supporting the stipulated irrigated acreage and resolving the DNRC issue remarks.

11. Pursuant to the Stipulation, claim 43A 18866-00 should be modified as follows:

*Source Name: BRACKETT CREEK

Source Type: SURFACE WATER

~~POINT OF DIVERSION NO. 3 IS ON MILES CREEK.~~

*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	1	1N	7E	GALLATIN
*Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: HEADGATE						
Ditch Name: BRIDGEMAN-PRESSLEY DITCH						
2		NESESW	31	2N	8E	PARK
*Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: HEADGATE						
Ditch Name: WARD-HANSEN DITCH						
3		NENWNE	6	4N	8E	PARK
*Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: HEADGATE						
Ditch Name: PROFFITT DITCH						

*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	74.80		SE	31	2N	8E	PARK
2	4.00		NENWNE	6	4N	8E	PARK
Total:	78.80						
		74.80					

Aerial photographs were attached to the Stipulation supporting the stipulated irrigated acreage and resolving the DNRC issue remarks.

12. Pursuant to the Stipulation, claim 43A 18867-00 should be modified as follows:

*Source Name: BRACKETT CREEK

Source Type: SURFACE WATER

~~POINT OF DIVERSION NO. 3 IS ON MILES CREEK.~~

***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	1	1N	7E	GALLATIN
*Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: HEADGATE						
Ditch Name: BRIDGEMAN-PRESSLEY DITCH						
2		NESESW	31	2N	8E	PARK
*Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: HEADGATE						
Ditch Name: WARD-HANSEN DITCH						
3		NENWNE	6	4N	8E	PARK
*Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: HEADGATE						
Ditch Name: PROFFITT DITCH						

***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	74.80		SE	31	2N	8E	PARK
2	4.00		NENWNE	6	4N	8E	PARK
Total:		78.80					74.80

Aerial photographs were attached to the Stipulation supporting the stipulated irrigated acreage and resolving the DNRC issue remarks.

13. Pursuant to the Stipulation, Leffingwell withdraws claim 43A 18870-00 as it has “not been put to beneficial use for many decades.”

CONCLUSIONS OF LAW

1. The Water Court is required to address all issue remarks decreed on a claim as well as any objections received. Sections 85-2-233, 85-2-247, and 85-2-248, MCA.

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.

3. The ditch name issue remark decreed on claim 43A 18864-00 is a notice-type issue remark. As the Objection has been resolved, no further proceedings are required.

RECOMMENDATIONS

1. The remark referenced in Finding of Fact No. 7 should be added to claims 43A 18863-00, 43A 18864-00, 43A 18866-00, 43A 18867-00, 43A 18868-00, 43A 18869-00, 43A 18871-00, 43A 19177-00, 43A 19178-00, 43A 19179-00, 43A 19180-00, 43A 19181-00, 43A 19182-00, 43A 19183-00, 43A 19184-00, 43A 19207-00, and 43A 107171-00. A copy of this Master's Report and any subsequent orders will be placed in each of the claim files to ensure the attached Stipulation and Exhibits is available for the claims that are not part of this Case.

2. Claim 43A 18863-00 should be modified as shown in Finding of Fact No. 9.

3. Claim 39E 18864-00 should be modified as shown in Finding of Fact No. 10.

4. Claim 39E 18866-00 should be modified as shown in Finding of Fact No. 11.

5. Claim 39E 18866-00 should be modified as shown in Finding of Fact No. 12.

6. Claim 39E 18867-00 should be modified as shown in Finding of Fact No. 13.

7. Claim 43A 18870-00 should be dismissed.

8. The issue remarks decreed on claims 43A 18863-00, 43A 18864-00, 43A 18866-00, 43A 18867-00, and 43A 18870-00 should be removed.

9. The Amber Ranch Objections and Notice of Intent to Appear should be dismissed as they have been resolved by the Stipulation.

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

Anika M. Stern
Senior Water Master

Service Via Electronic Mail:

Ross P. Keogh
John Cutler
Abigail R. Brown
Parsons Behle & Latimer
201 South Main St., Suite 1800
Salt Lake City, UT 84111
(406) 721-3400
AbbyBrown@parsonsbehle.com
ecf@parsonsbehle.com
AOlson@parsonsbehle.com
rkeogh@parsonsbehle.com
SSchwarz@parsonsbehle.com
docket@parsonsbehle.com
jcutler@parsonsbehle.com

Jeremy A. Michael
Cusick, Farve, Mattick & Refling PC
PO Box 1288
Bozeman, MT 59771-1288
(406)587-5511
office@cmrlawmt.com

Abigail R. Brown, MSB 11593
Ross P. Keogh, MSB 33837352
PARSONS BEHLE & LATIMER
127 E. Main Street, Suite 301
Missoula, Montana 59802
Main: (406) 317-7220
Direct: (406) 317-7243
Email: AbbyBrown@parsonsbehle.com
Email: RKeogh@parsonsbehle.com

Attorneys for Amber Ranch, LLC

JEREMY A. MICHAEL, ESQ.
CUSICK, FARVE, MATTICK & MICHAEL, P.C.
P.O. Box 1288
Bozeman, MT 59771-1288
Ph: (406) 587-5511
Fax: (406) 587-9079
Email: office@cmrlawmt.com

Attorneys for Claimant Leffingwell Ranch, Inc.

ELECTRONICALLY FILED

43A-0557-R-2020

October 28, 2022

Montana Water Court

**MONTANA WATER COURT, YELLOWSTONE DIVISION
SHIELDS RIVER BASIN (43A)**

CLAIMANT: Leffingwell Ranch, Inc.; Samuel Joseph Moore 2012 GST Exempt Trust	CASE NO: 43A-0557-R-2020
OBJECTOR: Amber Ranch LLC	43A 18862-00
NOTICE OF INTENT TO APPEAR: Amber Ranch LLC	43A 18863-00
	43A 18864-00
	43A 18866-00
	43A 18867-00
	43A 18870-00

**JOINT NOTICE OF FILING OF STIPULATION AND SETTLEMENT AGREEMENT
BETWEEN CLAIMANT LEFFINGWELL RANCH, INC. AND OBJECTOR AMBER
RANCH LLC AS TO ALL CLAIMS EXCEPT 43A 18862-00**

COMES NOW, Claimant Leffingwell Ranch, Inc. (hereafter “Leffingwell”) and Appearing
Party Amber Ranch LLC (hereafter “Amber Ranch”), by and through their respective undersigned
counsels of record, and, pursuant to the Court’s September 14, 2022 *Order Substituting Party*,

submits this Notice of Filing of Stipulation and Settlement Agreement. The Settlement Agreement, attached hereto, is fully executed by Leffingwell and Amber Ranch and resolves all objections and issue remarks as to Leffingwell's water rights consolidated into this case. Leffingwell is the Owner of Record of the water rights in this case except for 43A 18862-00, which is listed as being owned by the Samuel Joseph Moore 2012 GST Exempt Trust ("Trust") in the DNRC Query System.

Samuel Joseph Moore 2012 GST Exempt Trust Interest in Claim 43A 18862-00. On October 25, 2022, Renee Coppock of Crowley Fleck PC filed a notice of appearance on behalf of the Trust and its interest in 43A 18862-00. Ms. Coppock advises that there may be additional information related to the ownership and use of the Trust's interest in claim 43A 18862-00. To that extent, the attached Stipulation may not resolve Amber Ranch's objections to 43A 18862-00. Therefore, a hearing track order may be necessary to resolve the objection to outstanding issues related to Moore's interest in claim 43A 18862-00.

Request for Expedited Review of Stipulation. In conjunction with this Notice of Filing of Stipulation and Settlement Agreement, Amber Ranch and Leffingwell respectfully request that, to the extent possible, the Court expedite both its review of this Settlement Agreement and its issuance of a Master's Report as to Leffingwell's claims. The reason for this request is that Leffingwell is currently under contract to sell its property and close prior to the end of 2022 and expedited review would assist in facilitating this transaction.

This case has already been delayed as a result of the transaction between Westering Home LLC and Amber Ranch this past summer. Over the last three months, Amber Ranch and Leffingwell have worked diligently to finalize the settlement agreement negotiated between Leffingwell and Amber Ranch's predecessor, Westering Home LLC. The Settlement Agreement resolves all objections, notices of intent to appear, and issue remarks as between Amber Ranch

and Leffingwell. However, based on the recent appearance of Ms. Coppock for the Trust, it appears there may be unresolved issues with 43A 18862-00. Therefore, as all other claims in this case are resolved, Amber Ranch and Leffingwell propose that all claims except for 43A 18862-00 be reconsolidated into a new case so that a Master's Report can be issued. Amber Ranch and Leffingwell would be open to other options the Court might prefer as a means to close proceedings on the fully resolved claims.

To the extent the Court has any concerns regarding the requests above, Amber Ranch and Leffingwell respectfully request the Court set a status conference to determine how to proceed on those issues. Given the pending Leffingwell transaction, Amber Ranch and Leffingwell would respectfully request such a status conference be set within the next two weeks if possible.

RESPECTFULLY SUBMITTED this 28th day of October 2022.

PARSONS BEHLE & LATIMER
Attorneys for Amber Ranch, LLC

/s/ Abigail R. Brown
Abigail R. Brown

CUSICK, FARVE, MATTICK & MICHAEL
Attorneys for Leffingwell Ranch, Inc.

/s/ Jeremy A. Michael
Jeremy A. Michael

CERTIFICATE OF SERVICE

Service by Electronic Service:

Jeremy A. Michael
Cusick, Farve, Mattick & Michael, P.C.
P.O. Box 1288
Bozeman, MT 59771
Telephone: (406) 587-5511
jeremy@cmrlawmt.com
office@cmrlawmt.com

Renee L. Coppock
Crowley Fleck PLLP
PO Box 2529
Billings, MT 59103-2529
Telephone: (406) 252-3441
rcoppock@crowleyfleck.com
mclarke@crowleyfleck.com

DATED this 28th day of October 2022.

/s/ Ann M. Olson
Ann M. Olson

SETTLEMENT AGREEMENT

This Settlement Agreement (the “**Agreement**”) is made and entered into by Claimant, Leffingwell Ranch, Inc., a Montana corporation (“**Leffingwell**”) and Objector, Amber Ranch, LLC, a Montana limited liability company (“**Amber Ranch**”) (Amber Ranch together with Leffingwell are collectively “**the Parties**”, and each a “**Party**”) with respect to the following:

RECITALS

A. Leffingwell timely filed statement of water right claims 43A 18862-00, 43A 18863-00, 43A 18864-00, 43A 18866-00, 43A 18867-00, and 43A 18870-00 (the “**Claims**”) with the Montana Department of Natural Resources and Conservation (“**DNRC**”). The Claims are consolidated into case 43A-0557-R-2020.

B. Amber Ranch’s predecessor-in-interest, Westering Home LLC, timely objected to water right claims 43A 18862-00, 43A 18864-00, 43A 18866-00, 43A 18867-00, and 43A 18870-00 regarding all elements of these claims.

C. **Water right claim 43A 18862-00** is a use irrigation right from Nixon Creek. In the Basin 43A Preliminary Decree, the claim has an April 30, 1900 priority date and a flow rate of 224.40 gpm to irrigate 57.50 acres in Section 31, T2N, R8E, Park County. The claimed points of diversion are headgates in the NWNWNW of Section 31, T2N, R8E and the NENESE of Section 36, T2N, R7E, all in Park County. There are no DNRC issue remarks on this claim.

D. **Water right claim 43A 18863-00** is a decreed irrigation right from Brackett Creek. In the Basin 43A Preliminary Decree, the claim has a November 15, 1899 priority date and a flow rate of 1.41 cfs to irrigate 78.80 acres in Section 31, T2N, R8E and Section 6, T1N, R8E, Park County. The claimed points of diversion are headgates in the NESENE of Section 1, T1N, R7E, Gallatin County, NESESW Section 31, T2N, R8E, Park County, and the NENWNE of Section 6, T1N, R8E, Park County. There is a remark on the claim that the following rights are supplemental,

which means they have overlapping places of use and can be combined to irrigate only overlapping parcels: 43A 18863-00, 43A 18866-00, 43A 18867-00, 43A 18869-00, 43A 18870-00, and 43A 18871-00. There is a second remark on the claim that the following rights are multiple uses of the same right, and that the use of this right for several purposes does not increase the extent of the water right: 43A 18849-00 and 43A 18863-00. There are three DNRC issue remarks on the claim: (1) the flow rate may require modification based on resolution of maximum acres issue; (2) the Park County Water Resources Survey (1951) appears to indicate 0.00 acres irrigated; and (3) the maximum combined acres for this group of supplemental claims may require modification pending resolution of maximum irrigated acres issue.

E. **Water right claim 43A 18864-00** is a decreed irrigation right from Brackett Creek. In the Basin 43A Preliminary Decree, the claim has an April 15, 1891 priority date and a flow rate of 1.28 cfs to irrigate 54.30 acres in Section 32, T2N, R8E and Section 5, T1N, R8E, Park County. The claimed points of diversion are headgates in the NESESW of Section 31, T2N, R8E and the SESWNE of Section 6, T1N, R8E, Park County. There is a remark on the claim that the following rights are multiple uses of the same right, and that the use of this right for several purposes does not increase the extent of the water right: 43A 18848-00 and 43A 18864-00. There are four DNRC issue remarks on the claim: (1) the flow rate may require modification based on resolution of maximum acres issue; (2) the Park County Water Resources Survey (1951) appears to indicate 0.00 acres irrigated; (3) USDA aerial photograph No. 179-193, dated September 15, 1979, appears to indicate 34.30 acres irrigated; and (4) the ditch name was modified as a result of DNRC review.

F. **Water right claim 43A 18866-00** is a decreed irrigation right from Brackett Creek. In the Basin 43A Preliminary Decree, the claim has a May 10, 1896 priority date and a flow rate of 202.00 gpm to irrigate 78.80 acres in Section 31, T2N, R8E and Section 6, T1N, R8E, Park

County. The claimed points of diversion are headgates in the NESENW of Section 1, T1N, R7E, Gallatin County, the NESESW of Section 31, T2N, R8E, and the NENWNE of Section 6, T1N, R8E, Park County. There is a remark on the claim that the following rights are supplemental, which means they have overlapping places of use and can be combined to irrigate only overlapping parcels: 43A 18863-00, 43A 18866-00, 43A 18867-00, 43A 18869-00, 43A 18870-00, and 43A 18871-00. There is a second remark on the claim that the following rights are multiple uses of the same right, and that the use of this right for several purposes does not increase the extent of the water right: 43A 18847-00 and 43A 18866-00. There are three DNRC issue remarks on the claim: (1) the flow rate may require modification based on resolution of maximum acres issue; (2) the maximum combined acres for this group of supplemental claims may require modification pending resolution of maximum irrigated acres issue; and (3) the Park County Water Resources Survey (1951) appears to indicate 0.00 acres irrigated.

G. **Water right claim 43A 18867-00** is a decreed irrigation right from Brackett Creek. In the Basin 43A Preliminary Decree, the claim has an April 15, 1981 priority date and a flow rate of 202.00 gpm to irrigate 78.80 acres in Section 31, T2N, R8E and Section 6, T1N, R8E, Park County. The claimed points of diversion are headgates in the NESENW of § 1 T1N, R7E, Gallatin County, the NESESW Section 31, T2N, R8E and the NENWNE of Section 6, T1N, R8E, Park County. There is a remark on the claim that the following rights are supplemental, which means they have overlapping places of use and can be combined to irrigate only overlapping parcels: 43A 18863-00, 43A 18866-00, 43A 18867-00, 43A 18869-00, 43A 18870-00, and 43A 18871-00. There are three DNRC issue remarks on the claim: (1) the flow rate may require modification based on resolution of maximum acres issue; (2) the maximum combined acres for this group of supplemental claims may require modification pending resolution of maximum irrigated acres

issue; and (3) the Park County Water Resources Survey (1951) appears to indicate 0.00 acres irrigated.

H. **Water right claim 43A 18870-00** is a filed irrigation right from Brackett Creek. In the Basin 43A Preliminary Decree, the claim has a July 31, 1896 priority date and a flow rate of 336.60 gpm to irrigate 22.00 acres in Section 31, T2N, R8E, Park County. The claimed point of diversion is a headgate in the SENWNE of Section 1, T1N, R7E, Gallatin County. There is a remark on the claim that the following rights are supplemental, which means they have overlapping places of use and can be combined to irrigate only overlapping parcels: 43A 18863-00, 43A 18866-00, 43A 18867-00, 43A 18869-00, 43A 18870-00, and 43A 18871-00. There are two DNRC issue remarks on the claim: (1) the point of diversion was modified as a result of DNRC review; (2) the priority date may be questionable; this claim is for a filed appropriation on Brackett Creek with a priority date predating Case No. 2717.

I. Leffingwell and Amber Ranch mutually desire to resolve their differences pertaining to the above-referenced objections without the expense of continued litigation.

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises and covenants contained in this Agreement, Leffingwell and Amber Ranch stipulate and agree as follows:

1. The Recitals set forth above are incorporated as if fully set forth herein.
2. In connection with the modifications and withdrawals to the Claims as agreed herein, the Parties have executed a No Call Covenant Agreement, a copy of which is attached hereto as **Exhibit A** (the “**No Call Covenant Agreement**”) with regard to the following claims (collectively, the “**No Call Agreement Claims**”):

43A 18863 00
43A 18864 00
43A 18866 00

43A 18867 00
43A 18868 00
43A 18869 00
43A 18871 00
43A 19177 00
43A 19178 00
43A 19179 00
43A 19180 00
43A 19181 00
43A 19182 00
43A 19183 00
43A 19184 00
43A 19207 00
43A 107171 00

3. The Parties agree that the Montana Water Court (the “**Court**”) should add the following information remark to each of the No Call Agreement Claims: THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE WATER COURT IN CASE 43A-0557-R-2020.”

4. The Parties acknowledge that presentation of evidence is not required for a reduction to an element of a water right claim. Rule 17(c), W.R.Adj.R.

5. **43A 18862-00 and 43A 18870-00.** Leffingwell agrees to withdrawal its interest in water right claims 43A 18862-00 and 43A 18870-00. Water right claims 43A 18862-00 and 43A 18870-00 have not been put to beneficial use for many decades. See **Exhibit B**, Affidavit of Mike Leffingwell; **Exhibit C**, Kyle Mace Memorandum, dated February 16, 2022.

On February 7, 2022, DNRC improperly updated the ownership of 43A 18862-00 from Leffingwell to Patricia Leffingwell. On February 28, 2022, ownership of water right claim 43A 18862-00 was subsequently updated from Patricia Leffingwell to the Samuel Joseph Moore 2012 GST Exempt Trust. However, water right claim 43A 18862-00 was impliedly reserved to Leffingwell based on the deed between Leffingwell and Patricia Leffingwell transferring Tract A of COS 2754CO (recording number 427449). This deed contained the following clause:

Together with all tenements, hereditament and appurtenances thereunto belonging, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and, also, all the estate, right, title and interest in said property (including mineral, gas, oil, geothermal, water, specifically Water Rights Nos. 43A 18860-00, 43A 18859-00, 43A 18858-00, and 43A 18842-00, and hydrocarbon rights), possession, claim and demand whatsoever, as well in law as in equity, of the said Grantor, of, in, or to the said premises and every part and parcel thereof. (Emphasis added).

The Montana Supreme Court has held that when a deed specifically mentions certain water rights, but does not mention other appurtenant water rights, the water rights not specifically mentioned are excluded and reserved from the conveyance. *Castillo v. Kunnemann*, 197 Mont. 190, 197, 642 P.2d 1019, 1024 (1982). As such, water right claim 43A 18862-00 did not transfer to Patricia Leffingwell in the deed for Tract A of COS 2754CO (recording number 427449); Leffingwell remains the sole proper owner of water right claim 43A 18862-00. See **Exhibit D**, Letter to Troy Redmond, dated February 16, 2022.

The DNRC ownership updates processed on February 7, 2022 and February 28, 2022 were incorrect and should not have occurred. Therefore, the Samuel Joseph Moore 2012 GST Exempt Trust should not have been added as a claimant in this case. However, even if the transfer of ownership from Leffingwell to Patricia Leffingwell to the Samuel Joseph Moore 2012 GST Exempt Trust was proper, the Parties agree that water right claim 43A 18862-00 should be terminated because it has not been used for many years and Leffingwell never intended to resume its use. See **Exhibits B and C**. The Parties agree 43A 18862-00 has been abandoned. See *79 Ranch, Inc. v. Pitsch*, 204 Mont. 426, 666 P.2d 215, 217 (1983); *Axtell v. M.S. Consulting*, 1998 MT 64, ¶ 37, 288 Mont. 150, 955 P.2d 1362.

6. **43A 18863-00**. Based on information exchanged, the Parties agree and covenant that this claim should be modified as follows to resolve Amber Ranch's objection to the claim:

(a) POU ID No. 2 (4.00 acres in NENWNE of Section 6, T1N, R8E) should be stricken.

(b) POD ID No. 3 (at NENWNE of Section 6, T1N, R8E), which is on Miles Creek, should be stricken.

A proposed abstract for claim 43A 18863-00 is attached as **Exhibit E**. The Affidavit of Mike Leffingwell and its attached USGS aerial photographs (see Exhibit B) support the stipulated acreage as shown on the proposed abstract (Exhibit E) and resolves the DNRC examination issue remarks concerning irrigated acreage. Amber Ranch's objections shall be considered resolved as long as the elements of 43A 18863-00 are not enlarged beyond those shown on **Exhibit E**.

7. **43A 18864-00.** Based on information exchanged, the Parties agree and covenant that this claim should be modified as follows to resolve Amber Ranch's objection to the claim.

(a) The maximum irrigated acres shall be reduced to 34.30.

(b) NENESE Section 5, T1N, R8E and SENE Section 5, T1N, R8E should be removed from the Place of Use.

(c) POD ID No. 2 at SESWNE of Section 6, T1N, R8E should be stricken.

A proposed abstract for claim 43A 18864-00 is attached as **Exhibit F**. The Affidavit of Mike Leffingwell and its attached USGS aerial photographs (see Exhibit B) support the stipulated acreage as shown on the proposed abstract (Exhibit F) and resolves the DNRC examination issue remarks concerning irrigated acreage. Amber Ranch's objections shall be considered resolved as long as the elements of 43A 18864-00 are not enlarged beyond those shown on **Exhibit F**.

8. **43A 18866-00.** Based on information exchanged, the Parties agree and covenant that this claim should be modified as follows to resolve Amber Ranch's objection to the claim.

(a) POU ID No. 2 (4.00 acres in NENWNE of Section 6, T1N, R8E) should be stricken.

(b) POD ID No. 3 (at NENWNE of Section 6, T1N, R8E), which is on Miles Creek, should be stricken.

A proposed abstract for claim 43A 18866-00 is attached as **Exhibit G**. The Affidavit of Mike Leffingwell and its attached USGS aerial photographs (see Exhibit B) support the stipulated acreage as shown on the proposed abstract (Exhibit G) and resolves the DNRC examination issue remarks concerning irrigated acreage. Amber Ranch's objections shall be considered resolved as long as the elements of 43A 18866-00 are not enlarged beyond those shown on **Exhibit G**.

9. **43A 18867-00**. Based on information exchanged, the Parties agree and covenant that this claim should be modified as follows to resolve Amber Ranch's objection to the claim.

(a) POU ID No. 2 (4.00 acres in NENWNE of Section 6, T1N, R8E) should be stricken.

(b) POD ID No. 3 (at NENWNE of Section 6, T1N, R8E), which is on Miles Creek, should be stricken.

A proposed abstract for claim 43A 18867-00 is attached as **Exhibit H**. The Affidavit of Mike Leffingwell and its attached USGS aerial photographs (see Exhibit B) support the stipulated acreage as shown on the proposed abstract (Exhibit H) and resolves the DNRC examination issue remarks concerning irrigated acreage. Amber Ranch's objections shall be considered resolved as long as the elements of 43A 18867-00 are not enlarged beyond those shown on Exhibit H.

10. Upon the issuance by the Court of a Master's Report implementing the modifications and withdrawal of the Claims provided for in this Agreement, Amber Ranch's objections to the Claims shall be deemed withdrawn.

11. The Parties agree this Agreement sets forth the entire agreement between the Parties pertaining to the adjudication of the water rights addressed herein.

12. This Agreement is entered into in compromise and settlement of the Parties' differences with respect to the adjudication of water right claims as set forth in this Agreement. Nothing stated in this Agreement shall be construed or interpreted as any admission against interest by any of the Parties.

13. This Agreement is binding upon each of the Parties and all of the Parties' respective heirs, assigns, representatives, agents, and successors in interest. Nothing stated in this Agreement shall create any rights in any third party with respect to the subject matter of this Agreement.

14. Each of the Parties executes this Agreement fully understanding it, with the legal capacity to enter into it, represented by legal counsel, and after having the opportunity to obtain any desired independent professional or other advice pertaining to it.

15. Each of the Parties represents and affirms that each of their respective signatories to this Agreement have been duly authorized to execute and bind each of the Parties to this Agreement.

16. This Agreement may be executed in counterparts, which together shall constitute one agreement. Facsimile or electronically transmitted copies of signatures shall be deemed the equivalent of original signatures.

17. This Agreement shall be effective upon the signature of the last party to sign the Stipulation and Agreement.

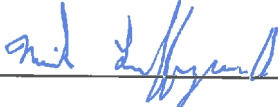
18. This Agreement shall be construed and interpreted according to the laws of the State of Montana.

19. Each of the Parties are solely responsible for all of their own attorneys' or consultants' fees and expenses incurred with respect to this matter prior to the execution of this Agreement.

BY OUR SIGNATURES BELOW WE CERTIFY THAT WE HAVE READ THE AGREEMENT AS OUTLINED ABOVE AND AGREE TO ITS CONTENTS.

Leffingwell Ranch, Inc.

Amber Ranch, LLC

By: 

By: _____

Name: Mike Leffingwell
Title: President

Name: David Couch
Title: Authorized Signatory

Date: 10-21-22

Date: _____

19. Each of the Parties are solely responsible for all of their own attorneys' or consultants' fees and expenses incurred with respect to this matter prior to the execution of this Agreement.

BY OUR SIGNATURES BELOW WE CERTIFY THAT WE HAVE READ THE AGREEMENT AS OUTLINED ABOVE AND AGREE TO ITS CONTENTS.

Leffingwell Ranch, Inc.

Amber Ranch, LLC

By: _____

By: David Couch

Name: Mike Leffingwell
Title: President

Name: David Couch
Title: Authorized Signatory

Date: _____

Date: 10/25/2022

EXHIBIT A

NO CALL COVENANT AGREEMENT

NO CALL COVENANT AGREEMENT

THIS NO CALL COVENANT AGREEMENT (this “**Agreement**”) dated October 25, 2022 (“**Effective Date**”), is among Leffingwell Ranch, Inc., a Montana corporation (“**Leffingwell**”), and Amber Ranch, LLC, a Montana limited liability company (“**Amber Ranch**”), collectively “**the Parties**”, and each a “**Party**”) with respect to the following:

RECITALS

A. Leffingwell timely filed statement of water right claims 43A 18862-00, 43A 18863-00, 43A 18864-00, 43A 18866-00, 43A 18867-00, and 43A 18870-00 (the “**Claims**”) with the Montana Department of Natural Resources and Conservation. Amber Ranch’s predecessor-in-interest, Westering Home LLC, a Montana limited liability company, timely objected to water right claims 43A 18862-00, 43A 18864-00, 43A 18866-00, 43A 18867-00, and 43A 18870-00 regarding all elements of such claims. The Claims are consolidated into Water Court case 43A-0557-R-2020.

B. Leffingwell and Amber Ranch entered into to that certain Settlement Agreement (the “**Settlement Agreement**”) to resolve their differences pertaining to the above-referenced objections without the expense of continued litigation.

C. As part of the Settlement Agreement, Leffingwell withdrew its interest in water right claims 43A 18862-00 and 43A 188670-00 and requested the claims be terminated by the Water Court.

D. Leffingwell is the owner of certain property in Park County, Montana more particularly described in **Exhibit 1** hereto (the “**Leffingwell Property**”) and certain water rights appurtenant thereto as more particularly described in **Exhibit 2** hereto (the “**Leffingwell Water Rights**”).

E. Amber Ranch is the owner of certain property in Gallatin County and Park County, Montana more particularly described in **Exhibit 3** hereto (the “**Amber Ranch**”) and certain water rights appurtenant thereto as more particularly described in **Exhibit 4** here (the “**Amber Ranch Water Rights**”).

F. As contemplated by the Settlement Agreement, the Parties are entering into this Agreement for the purpose of imposing reciprocal restrictions on the Leffingwell Water Rights and the Amber Ranch Water Rights (collectively, the “**Parties’ Water Rights**” or each a “**Party Water Right**”).

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the Parties agree as follows:

1. **Incorporation of Recitals.** The foregoing Recitals are hereby restated and incorporated herein by this reference.

2. **Mutual No Call Agreement.** Neither Party shall make a Call on any Party Water Right. “**Call**” shall mean any action to exercise the priority date of a Party Water Right over any Party Water Right. In the event of the appointment of a Water Commissioner, the parties covenant to work with the appointed Water Commissioner to ensure the terms of the Agreement are enforced and integrated into any enforcement action that includes any of the Parties’ Water Rights.

3. **Covenant Regarding Third Party Call.** If any third party makes a Call on any one of the Parties’ Water Rights, the Parties hereby covenant and agree to jointly resolve the Call by ceasing use of Parties’ Water Rights in the order shown on **Exhibit 5** until such Call is satisfied.

4. **Default.** In the event any Party fails to perform any provision of this Agreement, that failure will constitute a default and any other Party may thereafter institute legal action against the defaulting Party for specific performance, declaratory or injunctive relief, monetary damages, or any other remedy provided by law.

5. **Notices.** Any notice or demand to be given by a Party to another Party must be given in writing by personal delivery; electronic transmittal; express mail, FedEx, UPS, or any other similar form of delivery service that keeps delivery receipts; or United States mail, postage prepaid, certified and return receipt requested, and addressed to that Party at the address specified on the Montana Cadastral dataset, or if such record set does not exist, the Party’s address in the tax rolls of Park and Gallatin Counties; and if such Party is an entity, the business mailing address specified with the Montana Secretary of State on the most recent annual report of the Party. Any Party may change the address at which it desires to receive notice on written notice of that change to the other Parties. Any notice will be deemed to have been given, and will be effective, on delivery to the notice address then applicable for the Party to which the notice is directed; provided, however, that refusal to accept delivery of a notice or the inability to deliver a notice because of an address change which was not properly communicated will not defeat or delay the giving of a notice.

6. **Breach Will Not Permit Termination.** No breach of this Agreement will entitle a Party to terminate this Agreement, but that limitation does not affect in any manner any other rights or remedies which a Party may have by reason of any breach of this Agreement.

7. **Time is of the Essence.** Time is of the essence with respect to the performance by the Parties of this Agreement.

8. **Governing Law and Jurisdiction.** This Agreement is governed by the laws of the State of Montana.

9. **Successors and Assigns.** This Agreement is binding upon and inures to the benefit of Leffingwell Water Rights and Amber Ranch Water Rights and their respective heirs, personal representatives, successors and assigns.

10. **Captions; Interpretation.** The paragraph headings or captions appearing in this Agreement are for convenience only, are not a part of this Agreement, and are not to be considered in interpreting this Agreement. All Exhibits referenced in and attached to this Agreement are incorporated in this Agreement. Unless otherwise specifically indicated, any references in this Agreement to paragraphs are to paragraphs in this Agreement.

11. **Counterparts.** This Agreement may be executed in counterpart originals.

12. **Waiver.** Failure of any Party to exercise any right under this Agreement or to insist upon strict compliance with regard to any provision of this Agreement, will not constitute a waiver of that Party's right to exercise that right or to demand strict compliance with this Agreement.

13. **Severability.** The invalidity or unenforceability of a particular provision of this Agreement does not affect the other provisions of this Agreement, and this Agreement will be construed in all respects as if the invalid or unenforceable provision were omitted.

14. **Construction.** The Parties acknowledge that (i) each Party is of equal bargaining strength; (ii) each Party has actively participated in the drafting, preparation, and negotiation of this Agreement; (iii) each Party has consulted with its own independent counsel, and those other professional advisors as it has deemed appropriate, relating to any and all matters contemplated under this Agreement; (iv) each Party and its counsel and advisors have reviewed this Agreement; (v) each Party has agreed to enter into this Agreement following that review and the rendering of that advice; and (vi) any rule of construction to the effect that ambiguities are to be resolved against the drafting Parties does not apply in the interpretation of this Agreement.

15. **Relationship of Parties.** This Agreement will not be deemed or construed, either by the Parties or by any third-party, to create the relationship of principal and agent or create any partnership, joint venture, or other association between the Parties.

16. **Authorization.** Each individual executing this Agreement represents that they have been duly authorized to execute and deliver this Agreement in the capacity and for the entity for whom that individual signs.

17. **Attorneys' Fees.** In the event of any dispute between the Parties regarding the enforcement or effect of this Agreement, the non-prevailing party in any such dispute shall pay the prevailing party's reasonable attorneys' fees and costs incurred.

18. **Entire Agreement; Amendment of Agreement.** This Agreement sets forth the entire understanding of the Parties with respect to the matters addressed in this Agreement and cannot be amended except pursuant to an instrument in writing signed by the Parties.

[SIGNATURE PAGES FOLLOW]


THIS AGREEMENT has been signed by Leffingwell to be effected as of the Effective Date.

LEFFINGWELL RANCH INC.,
a Montana corporation

By: 
Print Name: Mike Leffingwell
Title: President

THIS AGREEMENT has been signed by Amber Ranch to be effected as of the Effective Date.

AMBER RANCH, LLC,
a Montana limited liability company

By: 

Print Name: David Couch

Title: Authorized Signatory

**EXHIBIT 1
TO
NO CALL COVENANT AGREEMENT**

LEGAL DESCRIPTION OF LEFFINGWELL PROPERTY

PARCEL 1:

The cemetery tract as shown in Certificate of Survey No. 263, located in the SE1/4 of Section 31, Township 2 North, Range 8 East, P.M.M., Park County, Montana, according to the official survey thereof on file and of record in the office of the County Clerk and Recorder, Park County, Montana.

Geocode:49-1113-31-4-01-02-0000

Assessment Code:0005940000

PARCEL 2:

Township 1 North, Range 8 East, P.M.M., Park County, Montana

Section 5: All, EXCEPTING THEREFROM that portion of the N1/2 of said Section 5 described as follows: Beginning at the Northwest corner of Section 5, Township 1 North, Range 8 East; Thence due East, 1,065 feet to a point marked by a stake, Corner No. 1; Thence due East 4,125 feet to the Northeast corner of Section 5, as Corner No. 2; Thence due South 75 feet to a point marked by a stake, Corner No. 3; Thence due West 250 feet to a point marked by a stake, Corner No. 4; Thence due South 425 feet to a point marked by a stake, Corner No. 5; Thence due West 3,065 feet to a point marked by a stake, Corner No. 6; Thence due North 500 feet to Corner Stake No. 1, the place of beginning.
(Deed Reference: Volume 98 of Deeds, Page 157)

Geocode:49-1014-05-1-01-01-0000

Assessment Code:0005940000

PARCEL 3:

Township 1 North, Range 8 East, P.M.M., Park County, Montana

Section 6: Lots 1 and 2, and the S½NE¼

Geocode:49-1014-06-1-01-01-0000

Assessment Code:0005940000

PARCEL 4:

Township 2 North, Range 8 East, P.M.M., Park County, Montana

Section 32: That portion of the SW1/4 described as follows: Beginning at the Southwest corner of said Section 32; Thence due East 1,065 feet to a point marked by a stake, Corner No. 1; Thence due North 1,150 feet to a point marked by a stake, Corner No. 2; on the South right-of-way line of the Park County road; Thence along the South line of said right-of-way of the Park County road as it meanders westerly, 1,977 feet to a point marked by a stake, Corner No. 3; Thence due South 2,412 feet along the West section line of said Section 32, to the place of beginning.
(Deed Reference: Volume 103 of Deeds, Page 460)

Geocode:49-1113-32-3-01-01-0000

Assessment Code:0005940000

PARCEL 5:

Tract B of Certificate of Survey No. 2754CO, located in the N1/2 and the SE1/4 of Section 31, Township 2 North, Range 8 East, P.M.M., Park County, Montana, according to the official survey thereof on file and of record in the office of the County Clerk and Recorder, Park County, Montana.

Geocode:49-1113-31-4-01-01-0000

Assessment Code:0005940000

**EXHIBIT 2
TO
NO CALL COVENANT AGREEMENT**

DESCRIPTION OF LEFFINGWELL WATER RIGHTS

WR NUMBER	OWNER	SOURCE NAME
43A 18863-00	LEFFINGWELL RANCH, INC.	BRACKETT CREEK
43A 18864-00	LEFFINGWELL RANCH, INC.	BRACKETT CREEK
43A 18866-00	LEFFINGWELL RANCH, INC.	BRACKETT CREEK
43A 18867-00	LEFFINGWELL RANCH, INC.	BRACKETT CREEK
43A 18868-00	LEFFINGWELL RANCH, INC.	BRACKETT CREEK
43A 18869-00	LEFFINGWELL RANCH, INC.	MILES CREEK
43A 18871-00	LEFFINGWELL RANCH, INC.	MILES CREEK

**EXHIBIT 3
TO
NO CALL COVENANT AGREEMENT**

LEGAL DESCRIPTION OF AMBER RANCH, LLC PROPERTY

PARCEL 1:¹

TOWNSHIP 2 NORTH, RANGE 8 EAST, P.M.M., PARK COUNTY, MONTANA
SECTION 31: LOTS 3 AND 4, E $\frac{1}{2}$ SW $\frac{1}{4}$
GEOCODES:49-1113-31-3-01-05-0000 & 49-1113-31-3-01-01-0000
ASSESSMENT CODE:0005948000

PARCEL 2:²

TOWNSHIP 2 NORTH, RANGE 7 EAST, P.M.M., GALLATIN COUNTY, MT
SECTION 36: E $\frac{1}{2}$
GEOCODE:06-1112-36-4-01-01-0000
ASSESSMENT CODE:00RDI12939

PARCEL 3:³

TOWNSHIP 2 NORTH, RANGE 7 EAST, P.M.M., GALLATIN COUNTY, MT
SECTION 36: E $\frac{1}{2}$
GEOCODE:06-1112-36-1-01-01-0000
ASSESSMENT CODE:00REI70631

PARCEL 4:⁴

TOWNSHIP 2 NORTH, RANGE 7 EAST, P.M.M., GALLATIN COUNTY, MT
SECTION 25
GEOCODE:06-1112-25-1-01-01-0000
ASSESSMENT CODE:00REI70631

PARCEL 5:⁵

TOWNSHIP 1 NORTH, RANGE 8 EAST, P.M.M., PARK COUNTY, MONTANA
SECTION 6: LOTS 6 AND 7, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$
GEOCODE:49-1014-06-4-01-01-0000
ASSESSMENT CODE:0005967000

PARCEL 6:⁶

¹ Corresponding to WRs: 43A 19180-00, 43A 19179-00, 43A 19177-00, 43A 19207-00.

² Corresponding to WRs: 43A 19207-00, 43A 19181-00, 43A 19177-00

³ Corresponding to WRs: 43A 19181-00, 43A 19178-00, 43A 19183-00, 43A 19182-00,

TOWNSHIP 1 NORTH, RANGE 7 EAST, PMM, GALLATIN COUNTY, MT

Section 1: E $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$; That portion of the N $\frac{1}{2}$ and the SW $\frac{1}{4}$ of Section 1, Township 1 North, Range 7 East, P.M.M., Gallatin County, Montana, contained within the following metes and bounds to-wit: Beginning at a point on the West Section Line of Section 1; Township 1 North, Range 7 East, P.M.M., which is 179 feet South of the Southwest corner of the NW $\frac{1}{4}$ thence Northerly at a bearing of North 55°35' East a distance of 300 feet; thence at a bearing of North 48°27' East a distance of 375 feet; thence at a bearing of North 38°24' East a distance of 532 feet; thence at a bearing of North 69°19' East a distance of 737 feet; thence at a bearing of North 58°46' East a distance of 1200 feet; thence at a bearing of North 43°22' East a distance of 275 feet; thence at a bearing of North 22°33' East a distance of 786 feet to a point on the North line of said Section 1 which is 468 feet East of the Northeast corner of the NW $\frac{1}{4}$ of Section 1; thence West along the North Section Line of Section 1 to the Northwest corner of said Section; thence South along the West line of Section 1 to the point of beginning.

LESS AND EXCEPT a tract of land lying in the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 1, Township 1 North, Range 7 East, P.M.M., Gallatin County, Montana, as described on Certificate of Survey No. 713, more particularly described as follows: Beginning at the corner of Sections 1, 2, 35 and 36, on the North line of said Township and Range, run S 21°21'00" East for 2095.72 feet; thence run S 38°49'11" West for 325.43 feet; thence run S 48°52'34" West for 374.46 feet; thence run S 55°59'03" West for 300.11 feet; thence run N 0°18'36" East for 179.00 feet; thence run N 0°40'59" West for 2440.80 feet to the point of beginning.

GEOCODE:06-1013-01-4-01-01-0000

ASSESSMENT CODE:00REI12940

⁴ Corresponding to WRs: 43A 19178-00, 43A 19184-00

⁵ Corresponding to WRs: 43A 107171-00

⁶ Corresponding to WRs: 43A 19177-00, 43A 19207-00

**EXHIBIT 4
TO
NO CALL COVENANT AGREEMENT**

LEGAL DESCRIPTION OF AMBER RANCH, LLC WATER RIGHTS

WR NUMBER	OWNER	SOURCE NAME
43A 19180-00	AMBER RANCH, LLC	BRACKETT CREEK
43A 19179-00	AMBER RANCH, LLC	BRACKETT CREEK
43A 19177-00	AMBER RANCH, LLC	BRACKETT CREEK
43A 19207-00	AMBER RANCH, LLC	BRACKETT CREEK
43A 19181-00	AMBER RANCH, LLC	BRACKETT CREEK
43A 107171-00	AMBER RANCH, LLC	MILES CREEK
43A 19178-00	AMBER RANCH, LLC	NIXON CREEK
43A 19183-00	AMBER RANCH, LLC	NIXON CREEK
43A 19182-00	AMBER RANCH, LLC	NIXON CREEK UT
43A 19184-00	AMBER RANCH, LLC	NIXON CREEK UT

**EXHIBIT 5
TO
NO CALL COVENANT AGREEMENT**

Call Order	WR NUMBER	OWNER	PRIORITY	PRIORITY MRGD	SOURCE NAME	ACRES	HX TYPE	FLOW GPM	FLOW CFS	PERIOD USE/DIV
4	43A 18864 00	LEFFINGWELL RANCH INC	1891-04-15	1891-04-15	BRACKETT CREEK	34.3	DECR	574.46	1.28	04/15 to 10/15
	43A 18867 00	LEFFINGWELL RANCH INC	1891-04-15		BRACKETT CREEK	74.8	DECR	202	0.45	04/15 to 10/15
	43A 19180 00	AMBER RANCH LLC	1891-04-15		BRACKETT CREEK	80.8	DECR	206.46	0.46	04/15 to 10/15
3	43A 18866 00	LEFFINGWELL RANCH INC	1896-05-10	1896-05-10	BRACKETT CREEK	74.8	DECR	202	0.45	04/15 to 10/15
	43A 19179 00	AMBER RANCH LLC	1896-05-10		BRACKETT CREEK	80.8	DECR	206.45	0.46	04/15 to 10/15
	43A 19177 00	AMBER RANCH LLC	1896-07-31	1896-07-31	BRACKETT CREEK	33	FILE	394.94	0.87	05/15 to 10/15
	43A 18868 00	LEFFINGWELL RANCH INC	1899-07-01	1899-07-01	BRACKETT CREEK	80	DECR	448.8	1	05/15 to 10/15
2	43A 18863 00	LEFFINGWELL RANCH INC	1899-11-15	1899-11-15	BRACKETT CREEK	74.8	DECR	632.8	1.41	04/15 to 10/15
	43A 19207 00	AMBER RANCH LLC	1899-11-15		BRACKETT CREEK	80.8	DECR	646.27	1.44	04/15 to 10/15
	43A 19181 00	AMBER RANCH LLC	1910-03-26	1910-03-26	BRACKETT CREEK	21.4	USE	224.4	0.5	05/15 to 10/15
1	43A 18871 00	LEFFINGWELL RANCH INC	1891-06-05	1891-06-05	MILES CREEK	31	DECR	170.54	0.37	05/15 to 10/15
	43A 18869 00	LEFFINGWELL RANCH INC	1893-06-30	1893-06-30	MILES CREEK	15.7	FILE	175.03	0.38	05/15 to 10/15
	43A 107171 00	AMBER RANCH LLC	1901-06-06	1901-06-06	MILES CREEK	30	DECR	843.74	1.88	04/15 to 09/30
	43A 19178 00	AMBER RANCH LLC	1910-03-26	1910-03-26	NIXON CREEK	35	USE	394.94	0.87	05/15 to 10/15
	43A 19183 00	AMBER RANCH LLC	1910-03-26		NIXON CREEK	3	USE	35.9	0.07	05/15 to 10/15
	43A 19182 00	AMBER RANCH LLC	1910-03-26	1910-03-26	NIXON CREEK UT	6	USE	67.32	0.15	05/15 to 10/15
	43A 19184 00	AMBER RANCH LLC	1910-03-26		NIXON CREEK UT	10	USE	112.2	0.25	05/15 to 10/15

EXHIBIT B

AFFIDAVIT OF MIKE LEFFINGWELL

AFFIDAVIT OF MIKE LEFFINGWELL

STATE OF MONTANA)
 : ss.
County of Park)

I, Mike Leffingwell, being of lawful age, depose and state as follows:

1. I am 55 years old and am the son of George T. Leffingwell.
2. I reside at 821 Brackett Creek Road, Clyde Park, MT 59018. I grew up on the Leffingwell Ranch and have resided on the Leffingwell Ranch full time since September 1998.
3. Leffingwell Ranch includes real property located in Sections 31 and 32, T2N, R8E, and Sections 5 and 6, T1N, R8E, Park County.
4. I am the president of Leffingwell Ranch, Inc. and personally managed Leffingwell Ranch since January 1999.
5. I am personally knowledgeable about the historical irrigation on the Leffingwell Ranch. Beginning in 1987, I was involved in all aspects of farming and ranching operations on the Leffingwell Ranch including irrigation and water rights.
6. I am personally knowledgeable about the historical irrigation operations on the Leffingwell Ranch under water rights 43A 18863-00, 43A 18864-00, 43A 18866-00, and 43A 18867-00. Water right 43A 18864-00 has historically been utilized to irrigate 34.30 acres in the SW of Section 32, T2N, R8E from Brackett Creek. Water rights 43A 18863-00, 43A 18866-00, and 43A 18867-00 have historically been utilized to irrigate 74.80 acres in the SE of Section 31, T2N, R8E from Brackett Creek. The USGS aerial photographs AR1VEGB00010065, dated

1976-09-10, AR1VELA00050083, dated 1977-10-01, AR2109500020016, dated 1947-05-01, AR2109500020015, dated 1947-05-01, AR1FZ0000030115, dated 1948-07-05, AR1FZ0000030114, dated 1948-07-05, attached as Exhibit A, depict historical irrigation on the Leffingwell Ranch under water rights 43A 18863-00, 43A 18864-00, 43A 18866-00, and 43A 18867-00. The 1950 Park County Water Resources Survey map does not accurately depict the extent of historical irrigation on the Leffingwell Ranch under water rights 43A 18863-00, 43A 18864-00, 43A 18866-00, and 43A 18867-00.

7. Since I began managing Leffingwell Ranch in January 1999, water right claim 43A 18870-00 has not been put to beneficial use. Brackett Creek water has not been diverted under water right claim 43A 18870-00 in my lifetime since 1967 and has been abandoned.
8. George T. Leffingwell filed Statement of Claim for water right claim 43A 18862-00 on June 5, 1981. Water right claim 43A 18862-00 claimed use of Nixon Creek water for irrigation in Section 31, T2N, R8E, Park County.
9. Leffingwell Ranch, Inc. transferred Tract A of COS 2754CO (recording number 427449) in Section 31, T2N, R8E, Park County to Patricia Leffingwell by deed dated November 19, 2021. This deed contained the following clause:

Together with all tenements, hereditament and appurtenances thereunto belonging, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and, also, all the estate, right, title and interest in said property (including mineral, gas, oil, geothermal, water, specifically Water Rights Nos. 43A 18860-00, 43A 18859-00, 43A 18858-00, and 43A 18842-00, and hydrocarbon rights), possession, claim and demand whatsoever, as well in law as in equity, of the said

Grantor, of, in, or to the said premises and every part and parcel thereof. (Emphasis added).

Water right claim 43A 18862-00 was impliedly reserved to Leffingwell Ranch, Inc. and did not transfer to Patricia Leffingwell by this deed.

10. Since I began managing Leffingwell Ranch in January 1999, water right claim 43A 18862-00 has not been put to beneficial use. Nixon Creek water has not been diverted under water right claim 43A 18862-00 in my lifetime since 1967 and has been abandoned.

Further Affiant sayeth naught.

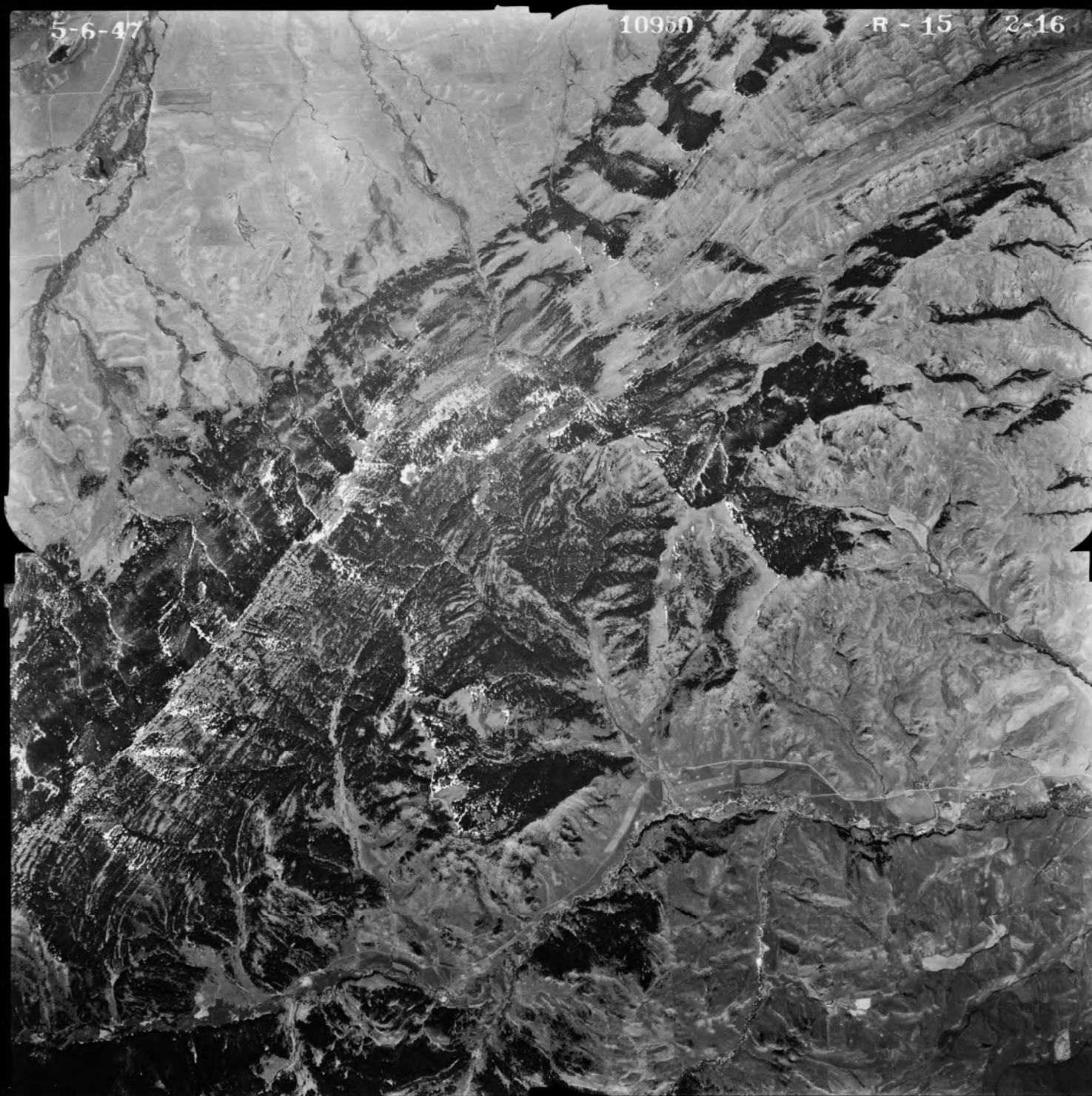
Pursuant to § 1-6-105, MCA, I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

DATED this 21 day of Oct., 2022.



Mike Leffingwell
President, Leffingwell Ranch, Inc.



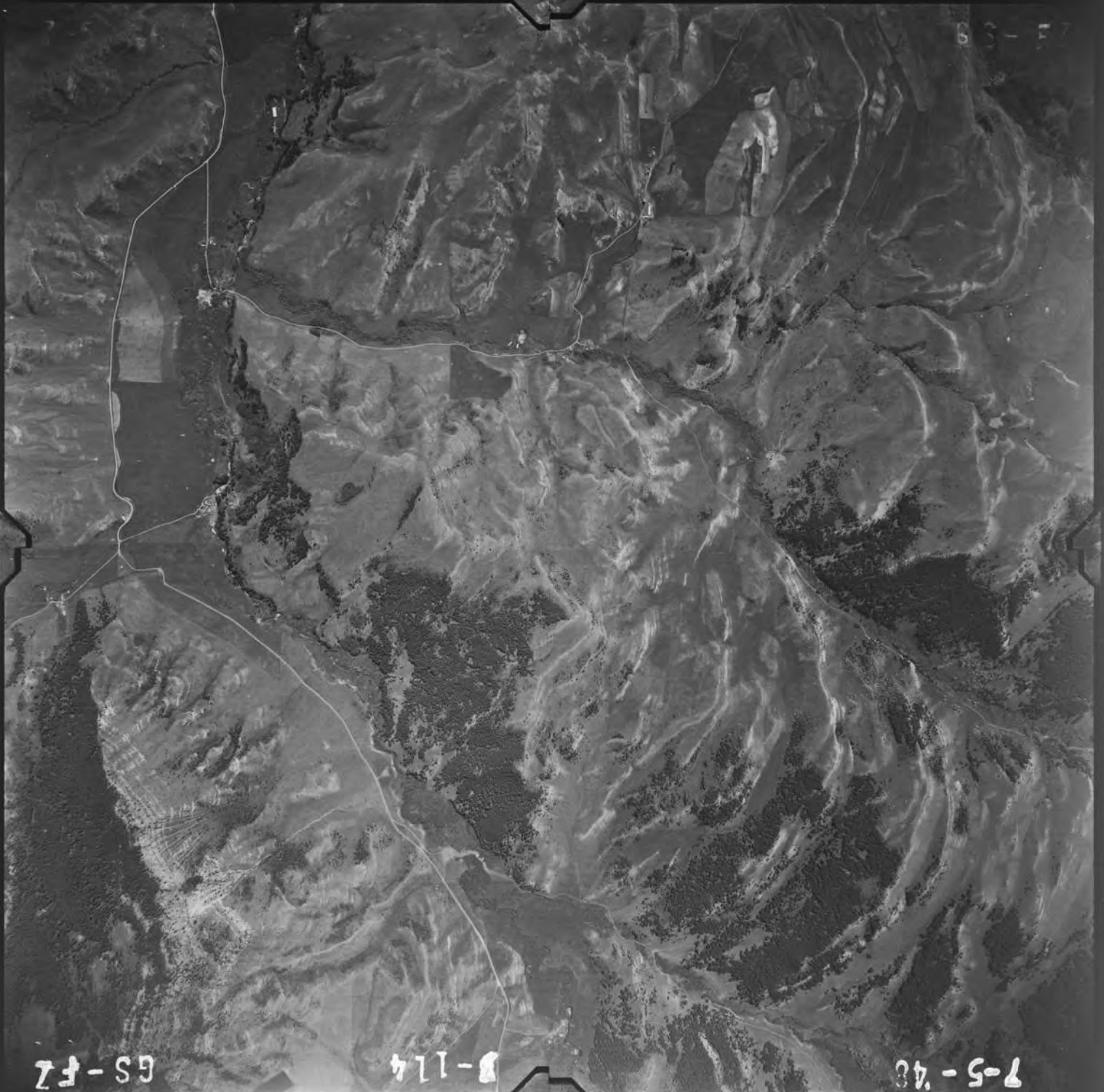


5-6-47

10950

R-16

2-15



7-5-48

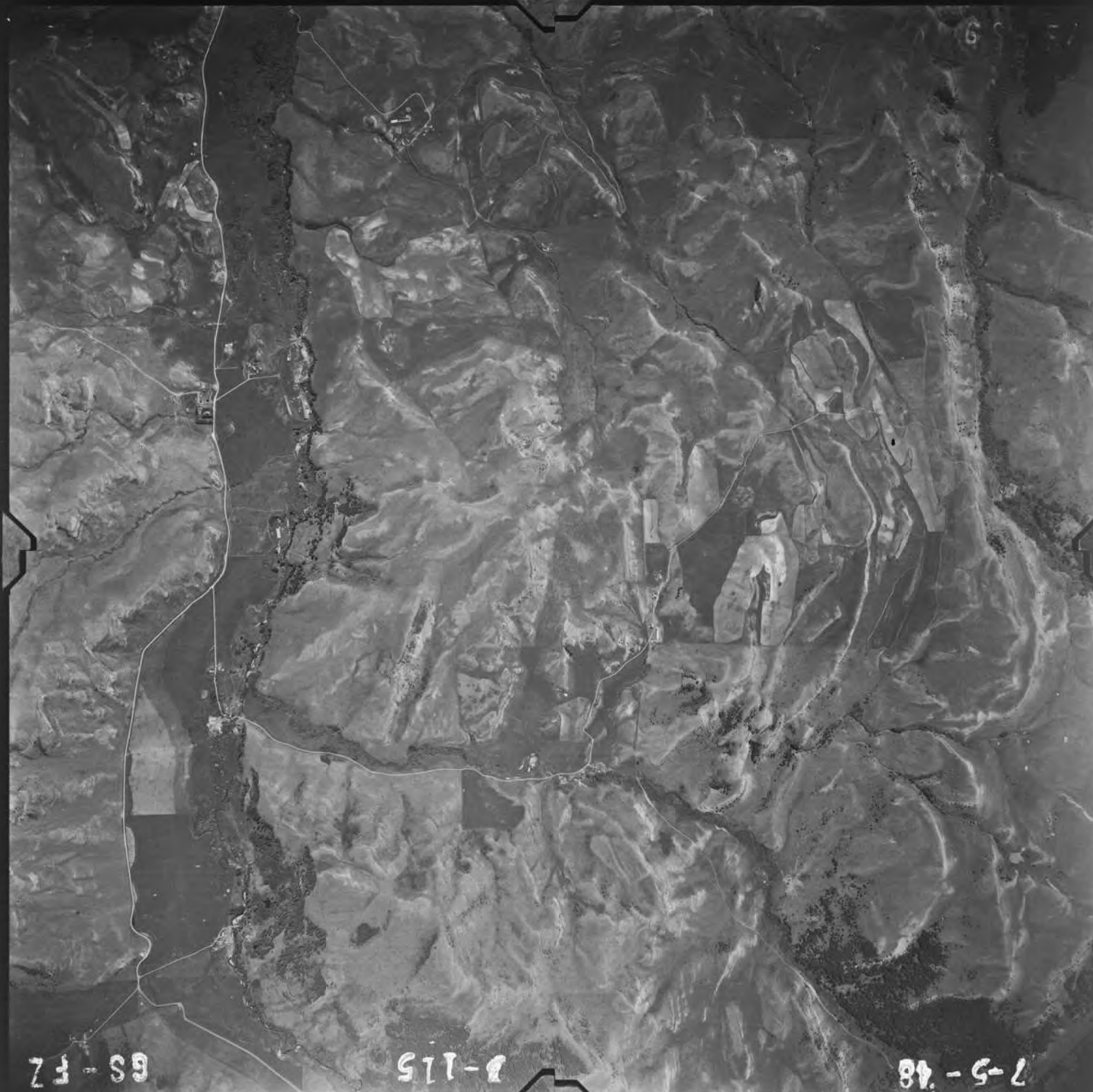
7-5-48

7-5-48

7-5-48

7-5-48

7-5-48



GS-FZ

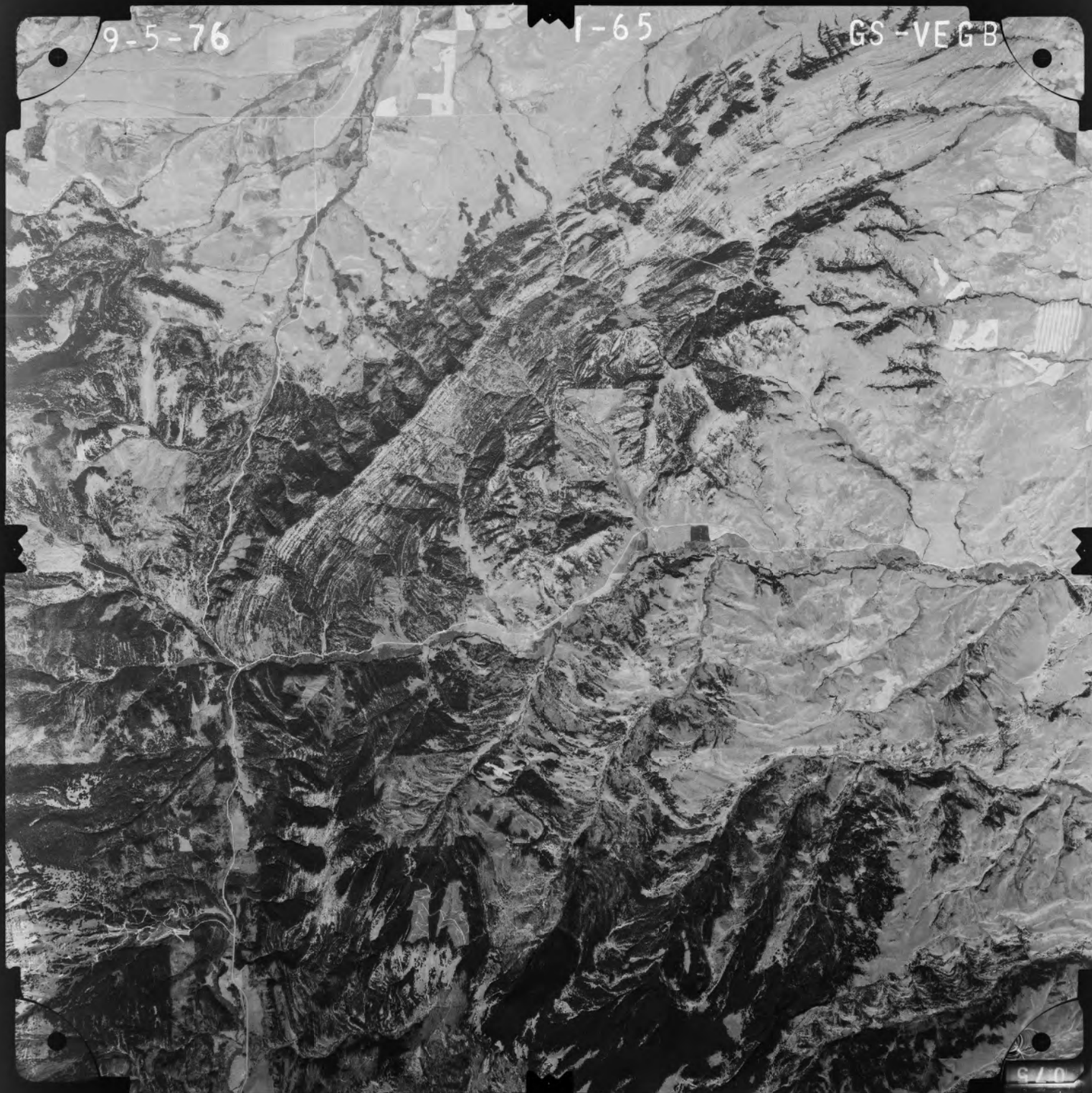
8-115

7-5-48

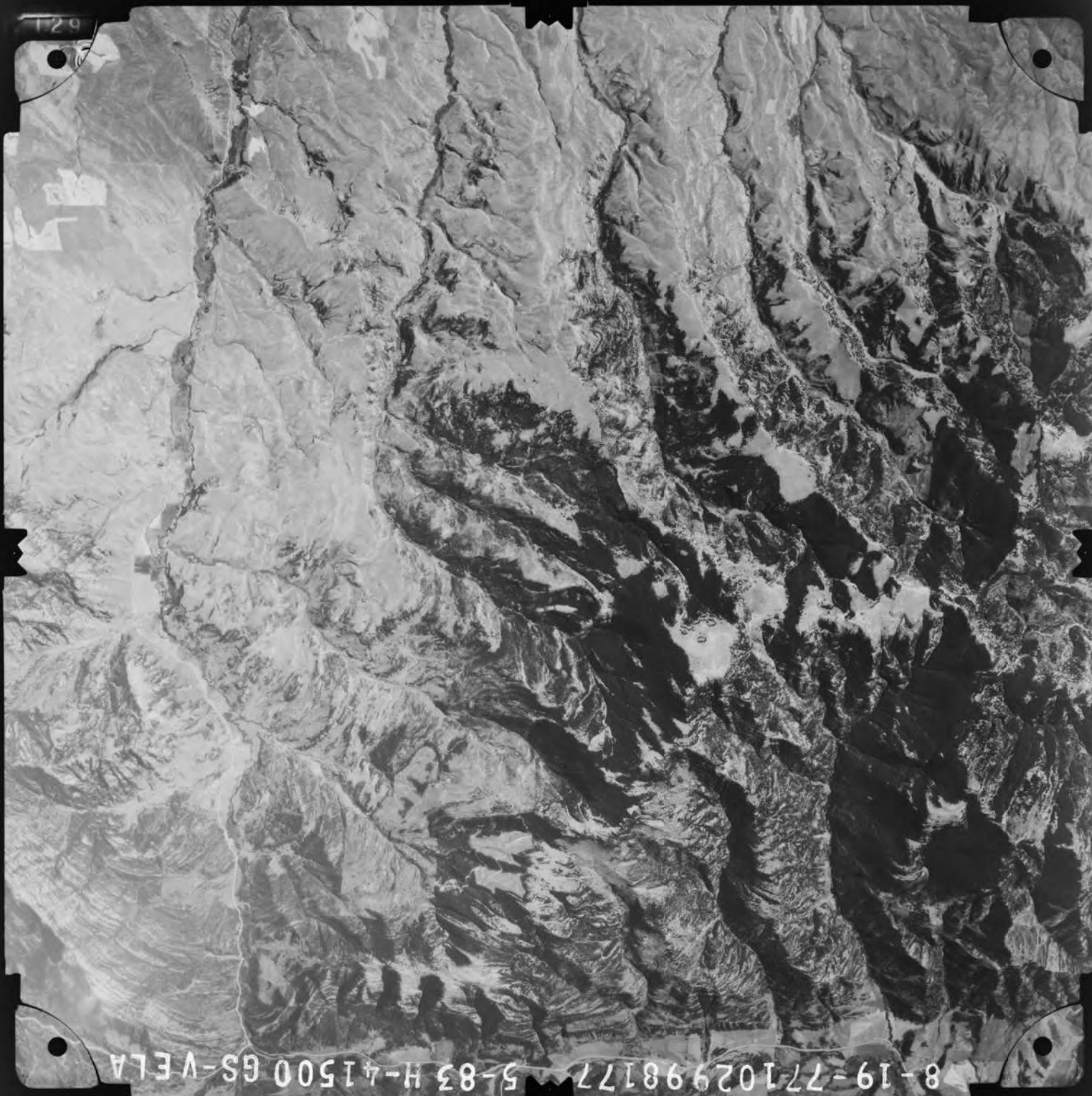
9-5-76

1-65

GS-VEGB



670



8-19-77102998177 5-83 H-41500 GS-VELA

EXHIBIT C

KYLE MACE MEMORANDUM

MEMORANDUM

DATE: February 16, 2022

TO: Ross P. Keogh, Parsons Behle & Latimer

FROM: Kyle Mace, Water Resource Specialist, WGM Group Inc

RE: Case 43A-0557-R-2020, Abandonment of Irrigation Claim 43A 18862 00

Irrigation claim 43A 18862 00 is an April 30, 1900 use right out of Nixon Creek to serve 57.5 claimed acres on the Patricia Leffingwell property from May 15 to October 15 each year. Based on Walter Pressley and Mary Leffingwell affidavits, the map in the claim file (see **Figure 1** below) depicts a hand-drawn boundary that asserts a 33.5-acre flood-irrigated pasture plus 24 acres of sprinkler-irrigated pasture on the NW and NE portions of Section 31, T2N R8E. This **Figure 1** claim map was digitized using GIS by WGM Group and compared to a series of publicly available historical and modern-day photos to determine if there is any evidence of a continued irrigation practice taking place on this claimed place of use. As will be discussed, this claim appears to have been abandoned according to my review of the 1951 Park County Water Resources Survey, Aerial Photographs, and a May 21st, 2021 site visit.

Figure 1 Map in Claim File 43A 18862



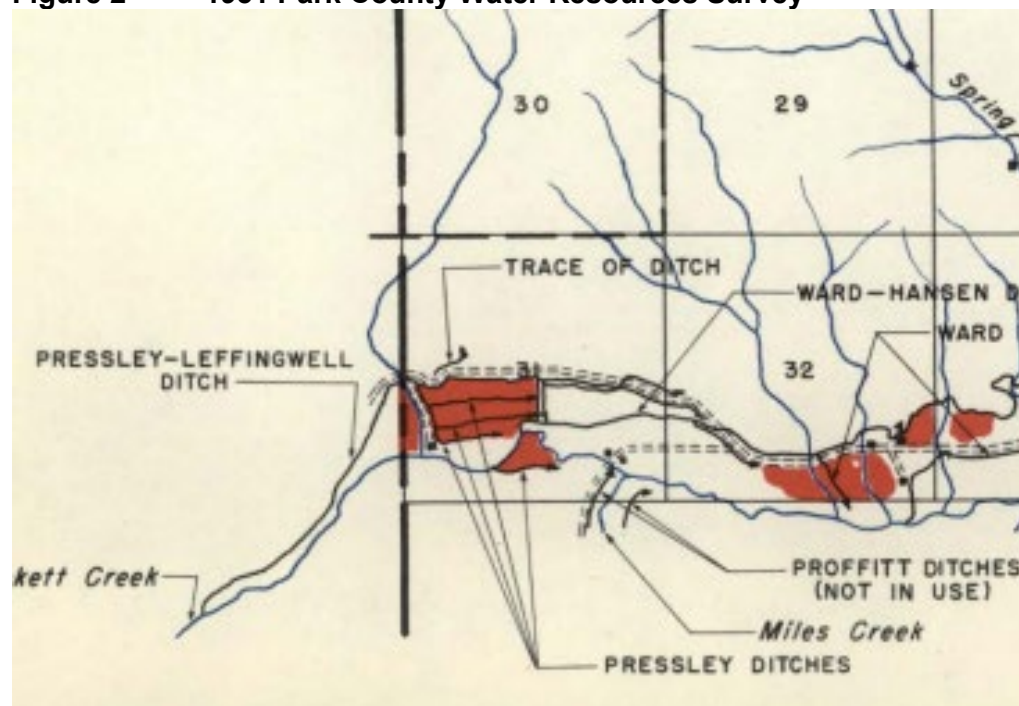
WGM's review of the available images dating from 2021 back to 1948 revealed no evidence of the "Nixon Cr Ditch (used for flood)" in the location it was drawn on the map shown in **Figure 1** above. Possible portions of a remnant ditch located several hundred feet south of that hand-drawn ditch are only barely visible on two images: an ESRI basemap image from 2018 and an

ortho aerial from 2011; figures below. If this remnant ditch was in use, the place of use would be reduced to 28 acres. The "*culvert sprinkle sites*" marked above do not appear to have ever been used to apply water to the SWNE of Section 31, according to the available years of aerial imagery examined by WGM.

Thus, it appears the place of use was not only over-claimed, but has also been abandoned, because there are no acres of claimed irrigation that are supported by the following series of aerial imagery.

Also of significant importance is that the claimed place of use in the N2 Sec 31 was not irrigated, and the claimed ditch was not in use according to the 1951 Park County Water Resources Survey (**Figure 2**).

Figure 2 1951 Park County Water Resources Survey



To help orient, the first photo in the following series (**Figure 3**) shows a 2021 aerial image with the Leffingwell property outlined in light yellow. The two green dots represent the claimed points of diversion. The blue digitized line encompasses the 57.5 acres per the claimant's map in **Figure 1** above, whereas the red dashed line follows the faint trace of a possible remnant ditch – this red boundary encompasses about 28 acres. The thin pink lines are quarter-quarter section lines (40 acres each) to aid in visualizing relative scale.

Subsequent imagery will zoom in closer to the Leffingwell property and claimed place of use, omitting the claimed points of diversion for enhanced visual clarity.

Figure 3 **ortho_1-1_hn_s_mt031_2021_1 image dated 9-30-2021**

No ditch emanates from the point of diversion in the NWNWNW of Section 31 on this or any other aerial image in the following photo series. The ditch does not exist as drawn by the claimant (blue line). The red dashed line follows a possible remnant ditch and encompasses 28 acres with no evidence of flood irrigation in 2021. No sprinkler application is taking place in the SWNE of Section 31. The neighboring pivot to the south shows active irrigation for visual comparison with the north half of the Leffingwell property in Section 31.

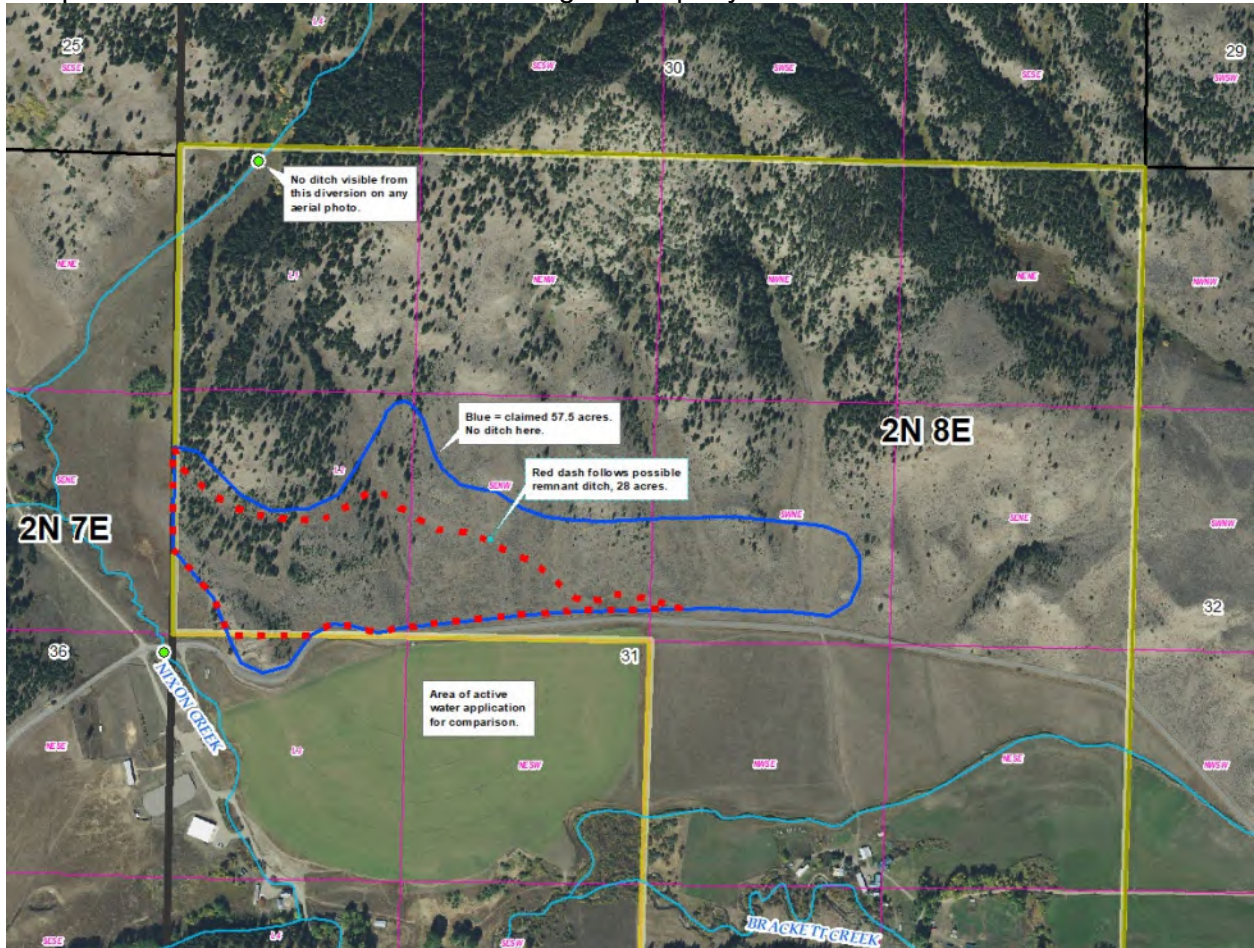


Figure 4 **Zoomed in: ESRI Basemap World Imagery dated 9-10-2018**

This 2018 ESRI aerial shows no evidence of irrigation on the N2 of Section 31. The possible remnant ditch is barely visible.

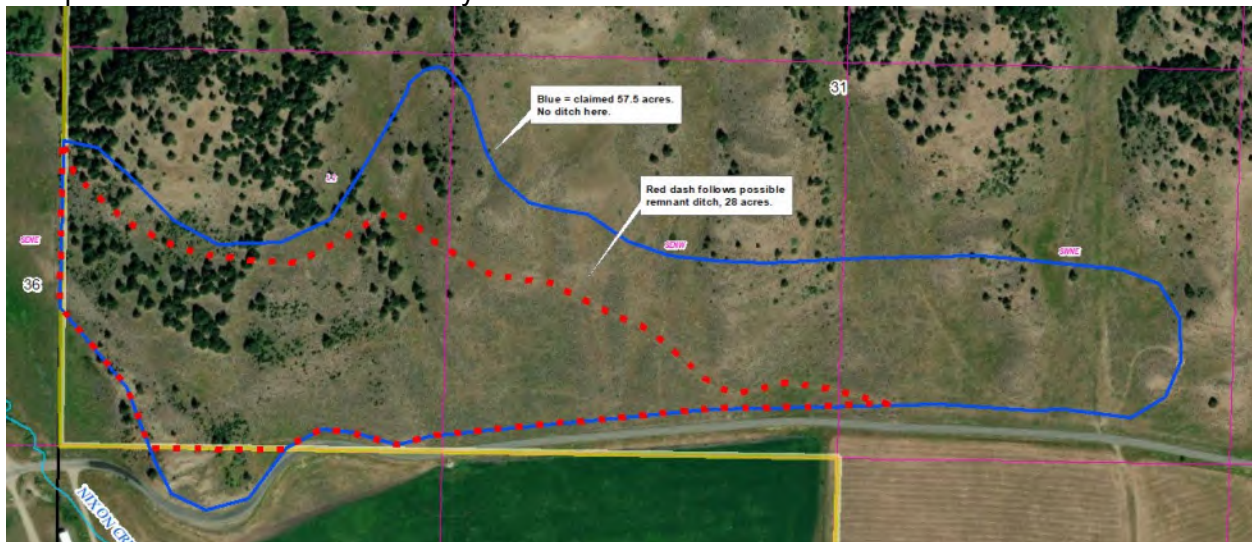


Figure 5 **ortho_1-1_hn_s_mt031_2017_1 image dated 10-25-2017**

This 2017 aerial shows no evidence of irrigation on the N2 of Section 31. The possible remnant ditch is not visible.

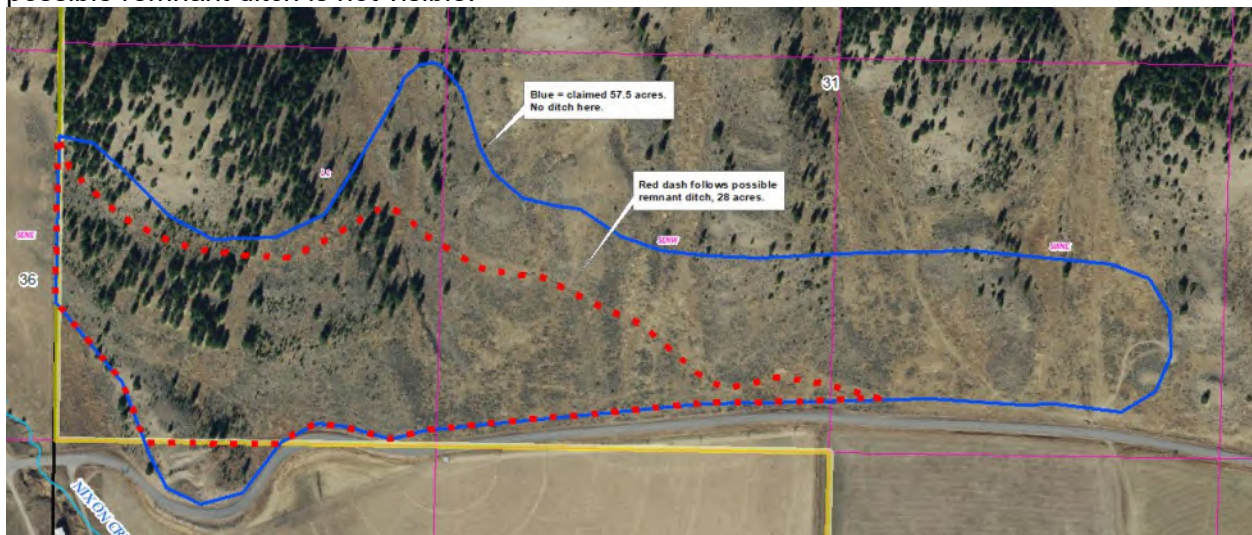


Figure 6 **ortho_1-1_n_s_mt031_2015_1 image dated 9-11-2015**
No evidence of irrigation on the N2 of Section 31.

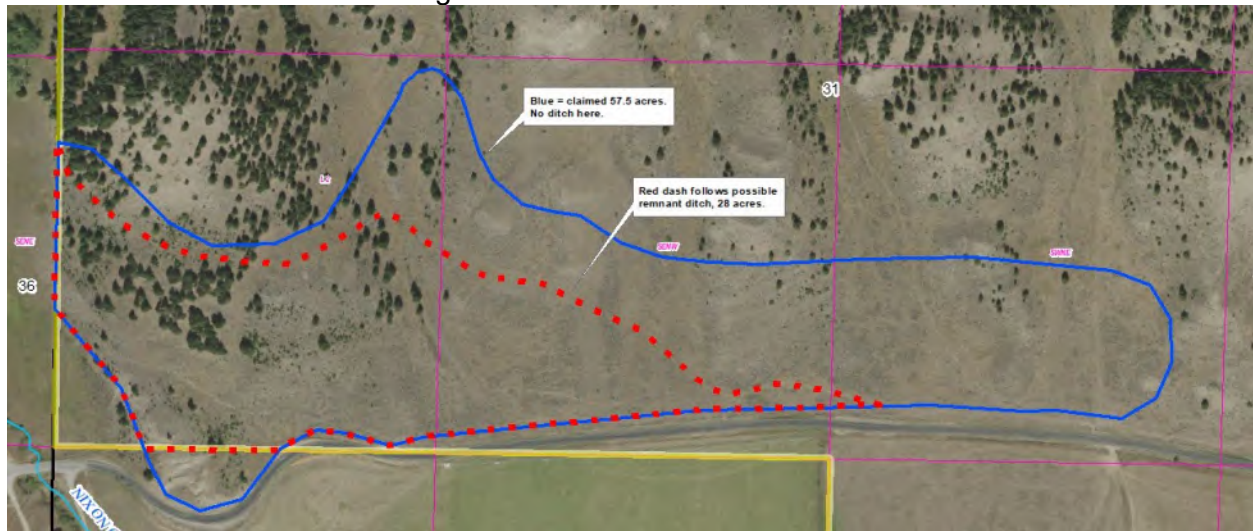


Figure 7 **ortho_1-1_1n_s_mt031_2013_1 image dated 7-2-2013**
A colorful wet July in 2013 illustrates what active irrigation on the N2 of Section 31 might look like; however, there is no ditch evident nor any distinct field(s) of active water management on the Leffingwell property within the claimed place of use north of the road.

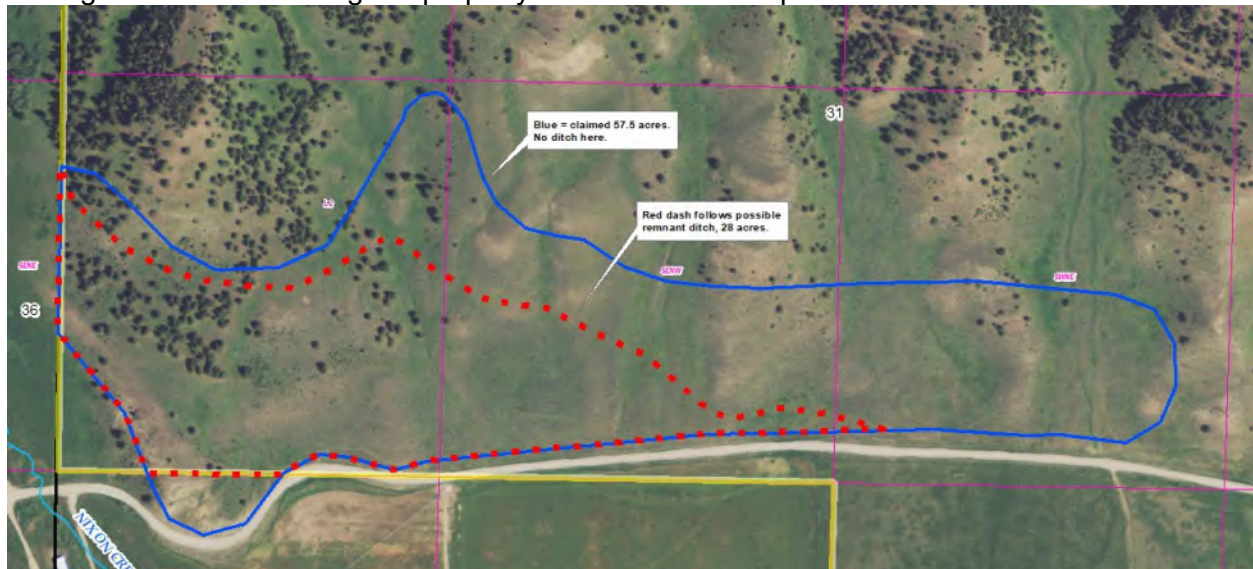


Figure 8 **ortho_1-1_1n_s_mt031_2011_1 image dated 9-4-2011**
No evidence of irrigation on the N2 of Section 31. The possible remnant ditch is barely visible.

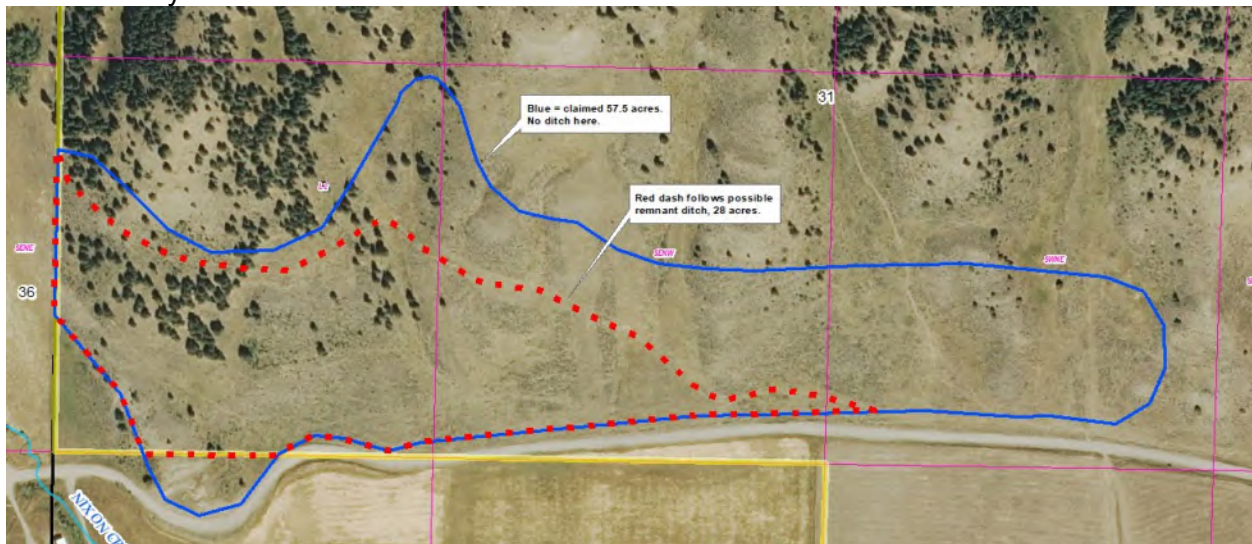


Figure 9 **naip_1-1_2n_s_mt031_2006_1 image dated 7-18-2006**
No evidence of irrigation on the N2 of Section 31.

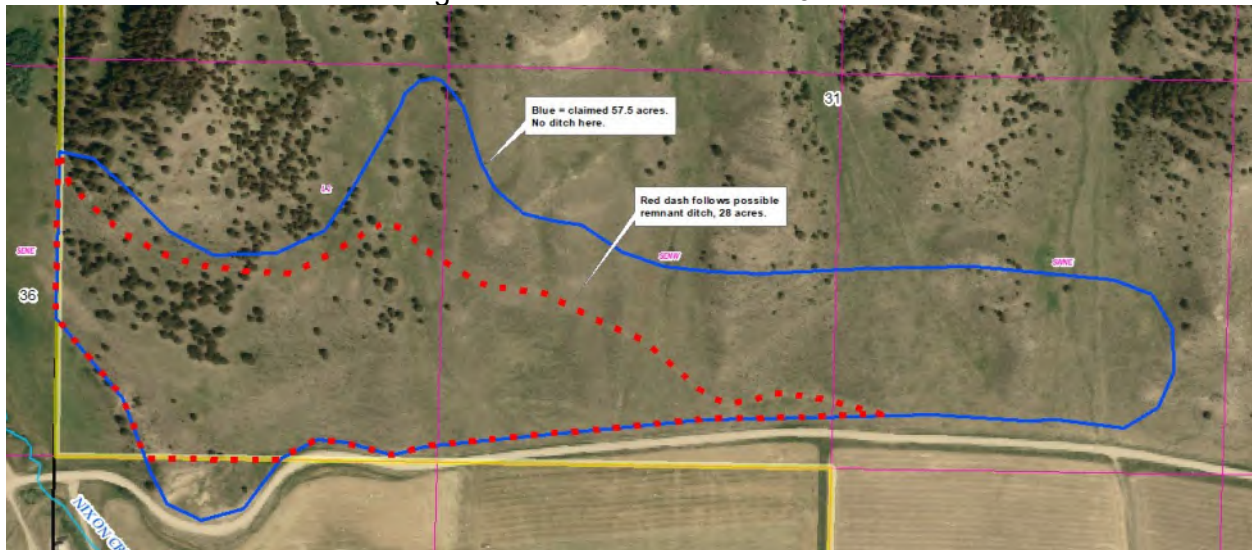


Figure 10 USGS DOQQ image dated 9/9/1997 (d4511087)
No evidence of irrigation on the N2 of Section 31.

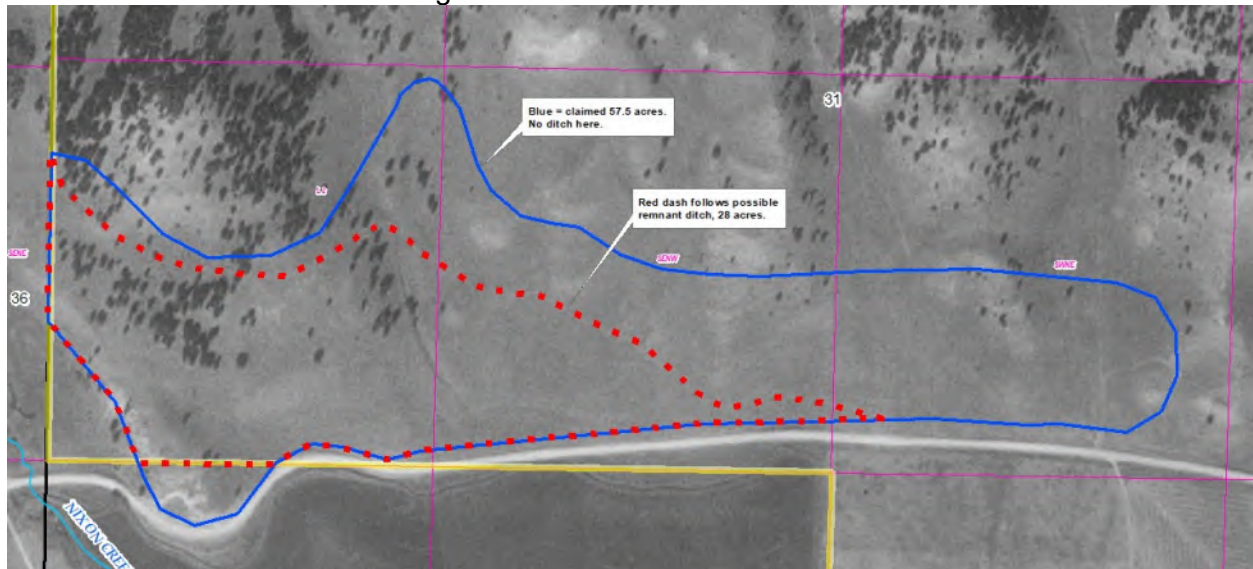


Figure 11 USGS image dated 8-18-1981 (1VFAXF0020123)
No evidence of irrigation on the N2 of Section 31.

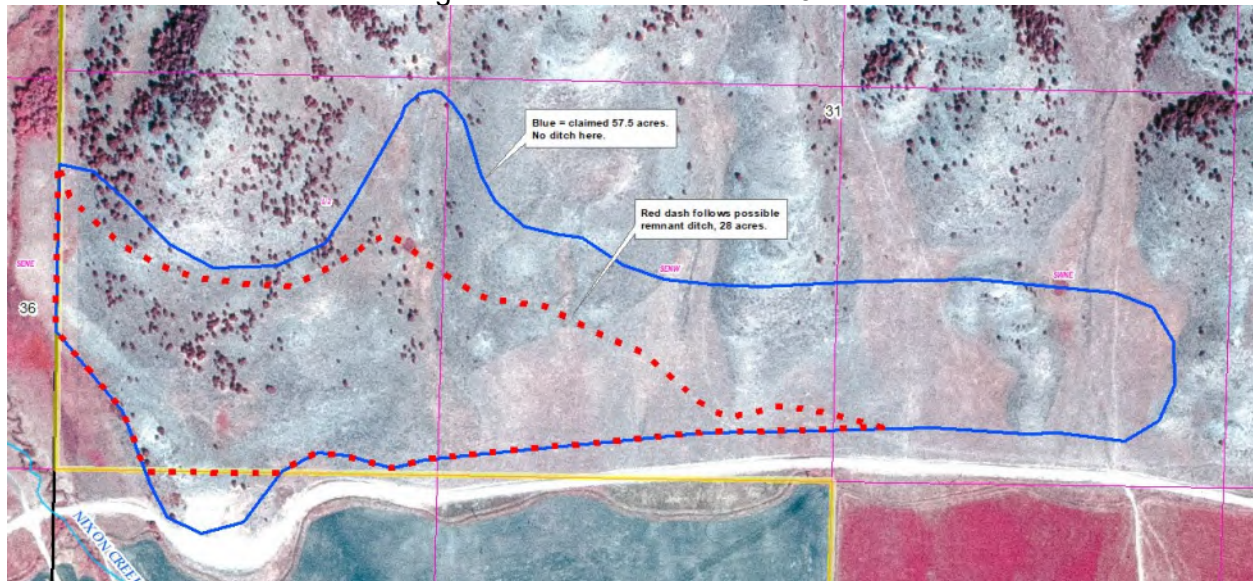


Figure 12 USGS image dated 9-5-1976 (1VEGB00010065)
No evidence of irrigation on the N2 of Section 31.

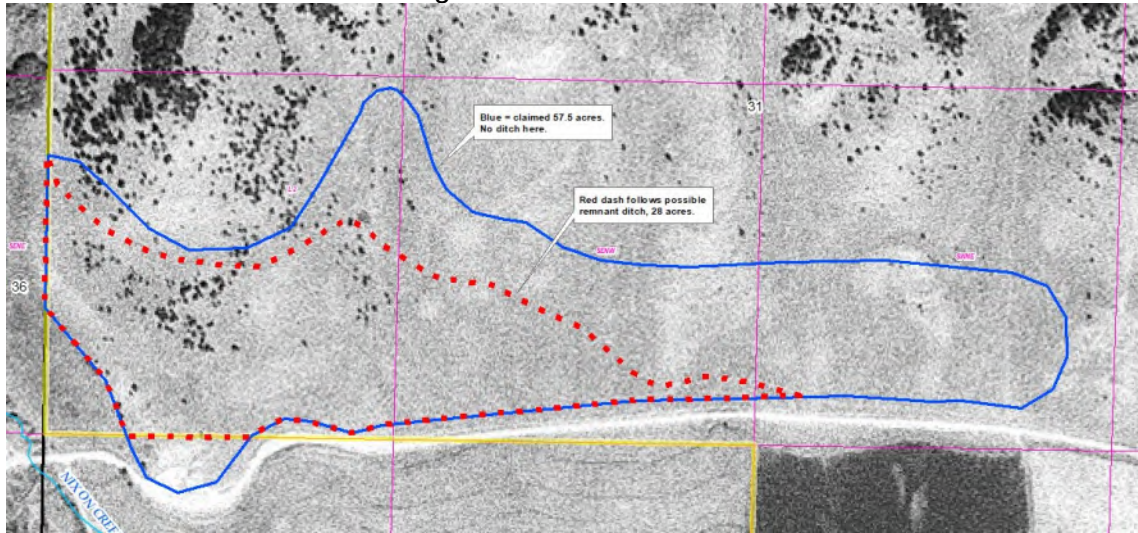
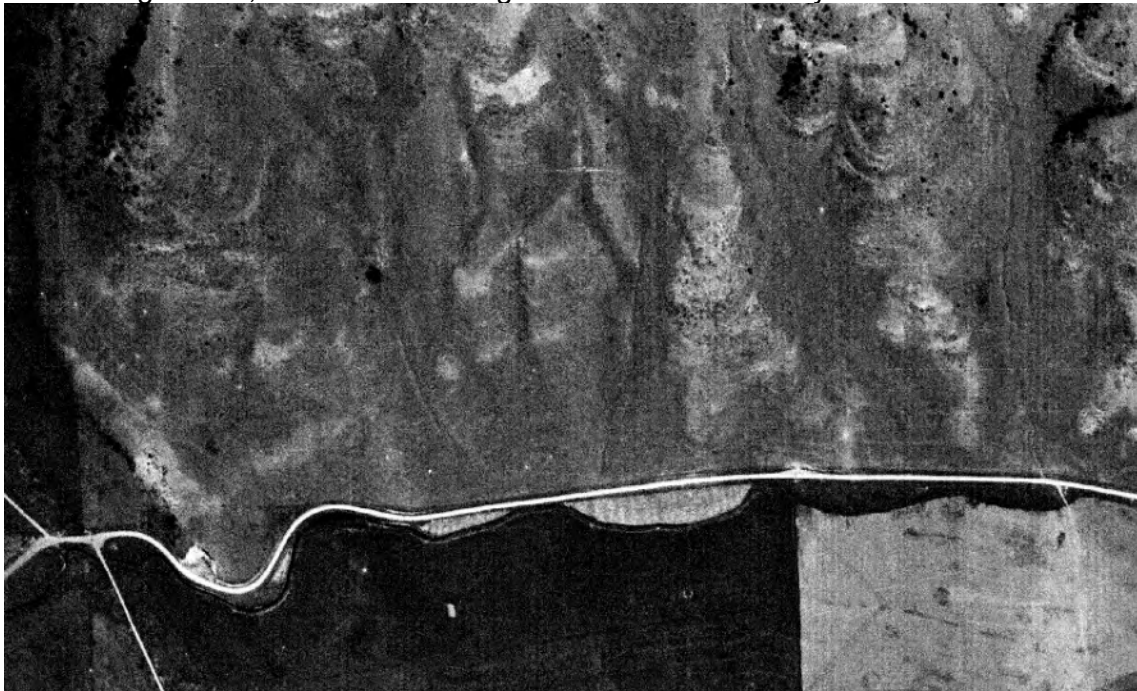


Figure 13 USGS image dated 7-5-1948 (1FZ0000030115)
Note – this photo is not registered in GIS, so no orienting features are shown.
Regardless, no evidence of irrigation north of the county road as was claimed.



Conclusion

It appears that the ditch and place of use for 43A 18862 00 has been abandoned according to my review of the 1951 Park County Water Resources Survey, Aerial Photographs, and a May 21st, 2021 site visit.

EXHIBIT D

LETTER TO TROY REDMOND

Michael J. L. Cusick
Jennifer L. Farve
Ryan K. Mattick
Jeremy A. Michael

THE LAW OFFICE OF
**CUSICK, FARVE, MATTICK
& REFLING, P.C.**

517 S. 22nd Avenue, Ste. 5
Bozeman, MT 59718
Mailing: P.O. Box 1288
Bozeman, MT 59771-1288

Email:
office@cmrlawmt.com

Phone: (406) 587-5511
Fax: (406) 587-9079

February 16, 2022

Troy Redmon
Redmon Law Firm, P.C.
1716 W. Main, Ste. 5
Bozeman, MT 59715

Via Email Only: troy@redmonlawfirm.com

Re: Leffingwell – Water Right No. 43A 18862-00
Our File No.: 59078-001

Dear Troy:

I am writing in regard to water right 43A 18862-00, which is currently consolidated in Water Court case 43A-0057-R-2020.

There has been a question regarding whether water right claim 43A 18862-00 was transferred to Patricia Leffingwell based on the deed between Leffingwell Ranch, Inc. and Patricia Leffingwell, transferring Tract A of COS 2754CO (recording number 427449). This deed contained the following clause:

Together with all tenements, hereditament and appurtenances thereunto belonging, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and, also, all the estate, right, title and interest in said property (including mineral, gas, oil, geothermal, water, specifically Water Rights Nos. 43A 18860-00, 43A 18859-00, 43A 18858-00, and 43A 18842-00, and hydrocarbon rights), possession, claim and demand whatsoever, as well in law as in equity, of the said Grantor, of, in, or to the said premises and every part and parcel thereof. (Emphasis added).

Generally, in Montana, when property is sold, water used to irrigate the property being transferred and appurtenant thereto will pass as part of the transaction unless specifically excluded. *Tucker v. Jones*, 8 Mont. 225, (1888); *Sweetland v. Olsen*, 11 Mont. 27, 29 (1891); *Lensing v. Day & Hansen Security Co.*, 67 Mont. 382, 384 (1924); *Castillo v. Kunneman*, 197 Mont. 190, 642 P.2d 1019 (1982); Section 85-2-403, MCA.

However, “[w]here the water right intended to be conveyed with the land is stated in express terms, the grantee takes only that which is expressly conveyed. He does not take any additional rights by implication. In such case the grantor reserves what he does not convey.” *In re Skelton Angus Ranch, Inc.*, 2012 Mont. Water LEXIS 2, at 23, quoting *Kofoed v. Bray*, 69 Mont. 78, 84, 220 P. 532, 534 (1923) (aff’d *Skelton Ranch, Inc. v. Pondera County Canal & Reservoir Co.*, 2014 MT 167, 375 Mont. 327, 328 P.3d 644, 2014 Mont. LEXIS 400, 2014 WL 2925131); see also *Castillo v. Kunnemann*, 197 Mont. 190, 197, 642 P.2d 1019, 1024 (1982).

Said another way, water rights can be impliedly reserved in a deed transferring land and specific water rights. The leading case on implied reservations of water rights is *Castillo v. Kunnemann*, 197 Mont. 190, 642 P.2d 1019, 1024 (1982). In *Castillo*, the Montana Supreme Court relied on § 28-3-702, MCA, which provides that:

“All things that in law or usage are considered as incidental to a contract or as necessary to carry it into effect are implied therefrom unless some of them are expressly mentioned therein, in which case all other things of the same class are considered to be excluded.” (Emphasis added).

Accordingly, the Montana Supreme Court held that when a deed specifically mentions certain water rights, but does not mention other appurtenant water rights, the water rights not specifically mentioned are excluded and reserved from the conveyance. *Castillo*, 197 Mont. 190, 197, 642 P.2d 1019, 1024 (1982).

Upon further review of the deed between Leffingwell Ranch, Inc. and Patricia Leffingwell, the case law, statutes, and under *Castillo*, water right claim 43A 18862-00 was impliedly reserved to Leffingwell Ranch, Inc. and did not transfer to Patricia Leffingwell; Leffingwell Ranch, Inc. remains the proper owner of water right 43A 18862-00. As part of the resolution of objections in Water Court case 43A-0057-R-2020, Leffingwell Ranch, Inc. intends to withdraw water right claim 43A 18862-00 based on the water right having not been put to beneficial use for many decades.

Leffingwell Ranch, Inc. understands that the Montana Department of Natural Resources and Conservation (“DNRC”) has recently processed an ownership update that has resulted in Patricia Leffingwell being listed as the owner of water right claim 43A 18862-00. This is in error. The statutes and the case law are clear that the operative document transferring or reserving a water right is a deed. DNRC forms, such as water right ownership update forms, are not the legal instruments that transfer a water right. The purpose of these DNRC forms is simply to create a record with DNRC of the transfer or reservation of a water right as specified in a particular deed of conveyance. The DNRC forms merely update the ownership and DNRC records, they do not actually transfer the water right. If necessary, Leffingwell Ranch, Inc. will file documents with the DNRC to correct this error.

Please contact me if you have any questions.

Sincerely,



JEREMY A. MICHAEL

JAM/lmt

cc: Jon Hesse (email)
Renee Coppock (email)
Ross Keogh (email)
DNRC Bozeman Regional Office (email)
Client (email)

EXHIBIT E

PROPOSED ABSTRACT FOR CLAIM 43A 18863-00

Water Right No.: 43A 18863-00 STATEMENT OF CLAIM

Version: 3 – POST DECREE
Status: ACTIVE

Owners: LEFFINGWELL RANCH INC
PO BOX 29
CLYDE PARK, MT 59018

Priority Date: NOVEMBER 15, 1899

Type of Historical Right: DECREED

Purpose(use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 1.41 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:** 74.80 ~~78.80~~

***Source Name:** BRACKETT 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	1	1N	7E	GALLATIN

***Period of Diversion:** APRIL 15 TO OCTOBER 15
Diversion Means: HEADGATE
Ditch Name: BRIDGEMAN-PRESSLEY DITCH

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
2		NESESW	31	2N	8E	PARK

***Period of Diversion:** APRIL 15 TO OCTOBER 15
Diversion Means: HEADGATE
Ditch Name: WARD-HANSEN DITCH

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
3		NENWNE	6	1N	8E	PARK

***Period of Diversion:** APRIL 15 TO OCTOBER 15
Diversion Means: HEADGATE
Ditch Name: PROFFITT DITCH

POINT OF DIVERSION NO. 3 IS ON MILES CREEK

***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	74.80		SE	31	2N	8E	PARK
2	4.00		NENWNE	6	1N	8E	PARK
Total:	74.80	78.80					

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.

18863-00 18866-00 18867-00 18869-00 ~~18870-00~~ 18871-00

EXHIBIT F

PROPOSED ABSTRACT FOR CLAIM 43A 18864-00

Water Right No.: 43A 18864-00 STATEMENT OF CLAIM

Version: 3 – POST DECREE
Status: ACTIVE

Owners: LEFFINGWELL RANCH INC
PO BOX 29
CLYDE PARK, MT 59018

Priority Date: APRIL 15, 1891

Type of Historical Right: DECREED

Purpose(use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 1.28 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:** **34.30** ~~54.30~~

***Source Name:** BRACKETT CREEK
Source Type: SURFACE WATER
POINT OF DIVERSION NO. 2 IS ON MILES CREEK

***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		NESESW	31	2N	8E	PARK

***Period of Diversion:** APRIL 15 TO OCTOBER 15
Diversion Means: HEADGATE
Ditch Name: WARD-HANSEN DITCH

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
2		SESWNE	6	1N	8E	PARK

***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	34.30		SW	34	2N	8E	PARK
2	4.00		NENESE	34	1N	8E	PARK

3 15.00 SENE 34 1N 8E PARK
Total: 34.30 54.30

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

18848-00 18864-00

EXHIBIT G

PROPOSED ABSTRACT FOR CLAIM 43A 18866-00

Water Right No.: 43A 18866-00 STATEMENT OF CLAIM

Version: 3 – POST DECREE
Status: ACTIVE

Owners: LEFFINGWELL RANCH INC
PO BOX 29
CLYDE PARK, MT 59018

Priority Date: MAY 10, 1896

Type of Historical Right: DECREED

Purpose(use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 202.00 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:** 74.80 ~~78.80~~

***Source Name:** BRACKETT 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	1	1N	7E	GALLATIN

***Period of Diversion:** APRIL 15 TO OCTOBER 15
Diversion Means: HEADGATE
Ditch Name: BRIDGEMAN-PRESSLEY DITCH

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
2		NESESW	31	2N	8E	PARK

***Period of Diversion:** APRIL 15 TO OCTOBER 15
Diversion Means: HEADGATE
Ditch Name: WARD-HANSEN DITCH

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
3		NENWNE	6	1N	8E	PARK

***Period of Diversion:** APRIL 15 TO OCTOBER 15
Diversion Means: HEADGATE

Ditch Name: ~~PROFFITT DITCH~~
~~POINT OF DIVERSION NO. 3 IS ON MILES CREEK~~

***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	74.80		SE	31	2N	8E	PARK
2	4.00		NENWNE	6	1N	8E	PARK
Total:	74.80	78.80					

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.

18863-00 18866-00 18867-00 18869-00 ~~18870-00~~ 18871-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

18847-00 18866-00

EXHIBIT H

PROPOSED ABSTRACT FOR CLAIM 43A 18867-00

Water Right No.: 43A 18867-00 STATEMENT OF CLAIM

Version: 3 – POST DECREE
Status: ACTIVE

Owners: LEFFINGWELL RANCH INC
PO BOX 29
CLYDE PARK, MT 59018

Priority Date: APRIL 15, 1891

Type of Historical Right: DECREED

Purpose(use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 202.00 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:** 74.80 ~~78.80~~

***Source Name:** BRACKETT 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	1	1N	7E	GALLATIN

***Period of Diversion:** APRIL 15 TO OCTOBER 15
Diversion Means: HEADGATE
Ditch Name: BRIDGEMAN-PRESSLEY DITCH

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
2		NESESW	31	2N	8E	PARK

***Period of Diversion:** APRIL 15 TO OCTOBER 15
Diversion Means: HEADGATE
Ditch Name: WARD-HANSEN DITCH

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
3		NENWNE	6	1N	8E	PARK

***Period of Diversion:** APRIL 15 TO OCTOBER 15
Diversion Means: HEADGATE

Ditch Name: ~~PROFFITT DITCH~~
~~POINT OF DIVERSION NO. 3 IS ON MILES CREEK~~

***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	74.80		SE	31	2N	8E	PARK
2	4.00		NENWNE	6	1N	8E	PARK
Total:	74.80	78.80					

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.

18863-00 18866-00 18867-00 18869-00 ~~18870-00~~ 18871-00

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

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 18863-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: LEFFINGWELL RANCH INC
PO BOX 29
CLYDE PARK, MT 59018

Priority Date: NOVEMBER 15, 1899

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 1.41 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:** 74.80

***Source Name:** BRACKETT 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	1	1N	7E	GALLATIN

***Period of Diversion:** APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BRIDGEMAN-PRESSLEY DITCH

2		NESESW	31	2N	8E	PARK
---	--	--------	----	----	----	------

***Period of Diversion:** APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: WARD-HANSEN 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	74.80		SE	31	2N	8E	PARK

Total: 74.80

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.

18863-00

18866-00

18867-00

18869-00

18871-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

18849-00

18863-00

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE WATER COURT IN CASE 43A-0557-R-2020.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 18864-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: LEFFINGWELL RANCH INC
PO BOX 29
CLYDE PARK, MT 59018

Priority Date: APRIL 15, 1891

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 1.28 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:** 34.30

***Source Name:** BRACKETT 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		NESESW	31	2N	8E	PARK

***Period of Diversion:** APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: WARD-HANSEN 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	34.30		SW	32	2N	8E	PARK
Total:	34.30						

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

18848-00 18864-00

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE WATER COURT IN CASE 43A-0557-R-2020.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 18866-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: LEFFINGWELL RANCH INC
PO BOX 29
CLYDE PARK, MT 59018

Priority Date: MAY 10, 1896

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 202.00 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:** 74.80

***Source Name:** BRACKETT 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	1	1N	7E	GALLATIN

***Period of Diversion:** APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BRIDGEMAN-PRESSLEY DITCH

2		NESESW	31	2N	8E	PARK
---	--	--------	----	----	----	------

***Period of Diversion:** APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: WARD-HANSEN 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	74.80		SE	31	2N	8E	PARK

Total: 74.80

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.

18863-00

18866-00

18867-00

18869-00

18871-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

18847-00

18866-00

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE WATER COURT IN CASE 43A-0557-R-2020.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 18867-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: LEFFINGWELL RANCH INC
PO BOX 29
CLYDE PARK, MT 59018

Priority Date: APRIL 15, 1891

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 202.00 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:** 74.80

***Source Name:** BRACKETT 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	1	1N	7E	GALLATIN

***Period of Diversion:** APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BRIDGEMAN-PRESSLEY DITCH

2		NESESW	31	2N	8E	PARK
---	--	--------	----	----	----	------

***Period of Diversion:** APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: WARD-HANSEN 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	74.80		SE	31	2N	8E	PARK

Total: 74.80

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.

18863-00

18866-00

18867-00

18869-00

18871-00

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE WATER COURT IN CASE 43A-0557-R-2020.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A

Water Right Number: **43A 18870-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: **DISMISSED**

Owners: LEFFINGWELL RANCH INC
 PO BOX 29
 CLYDE PARK, MT 59018

Priority Date:

Type of Historical Right:

Purpose (use): IRRIGATION

Flow Rate:

Volume:

Source Name: BRACKETT CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 18868-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: LEFFINGWELL RANCH INC
PO BOX 29
CLYDE PARK, MT 59018

Priority Date: JULY 1, 1899

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.00 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: 80.00

Source Name: BRACKETT 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		NESESW	31	2N	8E	PARK

Period of Diversion: MAY 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: WARD-HANSEN DITCH

Period of Use: MAY 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	45.00		N2NW	36	2N	8E	PARK
2	35.00		N2NE	36	2N	8E	PARK
Total:	80.00						

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

18852-00 18868-00

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE WATER COURT IN CASE 43A-0557-R-2020.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 18869-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: LEFFINGWELL RANCH INC
PO BOX 29
CLYDE PARK, MT 59018

Priority Date: JUNE 30, 1893

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 175.03 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: 15.70

Source Name: MILES 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		NENWNE	6	1N	8E	PARK

Period of Diversion: MAY 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: PROFFITT DITCH

Period of Use: MAY 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	4.40		NENWNE	6	1N	8E	PARK
2	1.90		NWNENE	6	1N	8E	PARK
3	1.90		SESWSE	31	2N	8E	PARK
4	5.60		SWSESE	31	2N	8E	PARK
5	1.90		NWSESE	31	2N	8E	PARK

Total: 15.70

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE WATER COURT IN CASE 43A-0557-R-2020.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 18871-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: LEFFINGWELL RANCH INC
PO BOX 29
CLYDE PARK, MT 59018

Priority Date: JUNE 5, 1891

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 170.54 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: 31.00

Source Name: MILES 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		SESWNE	6	1N	8E	PARK

Period of Diversion: MAY 15 TO OCTOBER 15

Diversion Means: HEADGATE

Period of Use: MAY 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	74.80		SE	31	2N	8E	PARK
2	4.00		NENWNE	6	1N	8E	PARK
Total:	78.80						

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.

18863-00 18866-00 18867-00 18869-00 18871-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

18850-00

18871-00

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE WATER COURT IN CASE 43A-0557-R-2020.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 19177-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: AMBER RANCH LLC
5826 SAMET DR, STE 105
HIGH POINT, NC 27265

Priority Date: JULY 31, 1896

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 394.94 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: 33.00

Source Name: BRACKETT 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		SEWNNE	1	1N	7E	GALLATIN

Period of Diversion: MAY 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: OLD PROFFITT DITCH

Period of Use: MAY 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		NENE	1	1N	7E	GALLATIN
2	9.00		SESE	36	2N	7E	GALLATIN
3	21.00		S2SW	31	2N	8E	PARK
Total:	33.00						

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

19177-00 19186-00

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE WATER COURT IN CASE 43A-0557-R-2020.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 19178-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: AMBER RANCH LLC
5826 SAMET DR, STE 105
HIGH POINT, NC 27265

Priority Date: MARCH 26, 1910

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 394.94 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: 35.00

Source Name: NIXON 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		NWNWSE	25	2N	7E	GALLATIN

Period of Diversion: MAY 15 TO OCTOBER 15

Diversion Means: HEADGATE

Period of Use: MAY 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	10.00		W2SE	25	2N	7E	GALLATIN
2	17.00		N2NE	36	2N	7E	GALLATIN
3	8.00		SENE	36	2N	7E	GALLATIN

Total: 35.00

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

19178-00 19204-00

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE WATER COURT IN CASE 43A-0557-R-2020.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 19179-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: AMBER RANCH LLC
5826 SAMET DR, STE 105
HIGH POINT, NC 27265

Priority Date: MAY 10, 1896

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 206.45 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:** 80.80

***Source Name:** BRACKETT 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	1	1N	7E	GALLATIN

***Period of Diversion:** APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BRIDGEMEN-PRESSLEY DITCH

2		W2SESW	31	2N	8E	PARK
---	--	--------	----	----	----	------

***Period of Diversion:** APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

***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	80.80		SW	31	2N	8E	PARK

Total: 80.80

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.

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.

19179-00

19180-00

19207-00

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE WATER COURT IN CASE 43A-0557-R-2020.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 19180-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: AMBER RANCH LLC
5826 SAMET DR, STE 105
HIGH POINT, NC 27265

Priority Date: APRIL 15, 1891

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 206.46 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:** 80.80

***Source Name:** BRACKETT 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	1	1N	7E	GALLATIN

***Period of Diversion:** APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BRIDGEMAN-PRESSLEY DITCH

2		W2SESW	31	2N	8E	PARK
---	--	--------	----	----	----	------

***Period of Diversion:** APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

***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	80.80		SW	31	2N	8E	PARK

Total: 80.80

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.

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.

19179-00

19180-00

19207-00

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE WATER COURT IN CASE 43A-0557-R-2020.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 19181-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: AMBER RANCH LLC
5826 SAMET DR, STE 105
HIGH POINT, NC 27265

Priority Date: MARCH 26, 1910

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 224.40 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: 21.40

Source Name: BRACKETT 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	1	1N	7E	GALLATIN

Period of Diversion: MAY 15 TO OCTOBER 15

Diversion Means: PUMP

Ditch Name: BRIDGEMAN-PRESSLEY DITCH

Period of Use: MAY 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	9.40		NESE	36	2N	7E	GALLATIN
2	4.00		SESE	36	2N	7E	GALLATIN
3	8.00		SWSE	36	2N	7E	GALLATIN

Total: 21.40

Remarks:

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE WATER COURT IN CASE 43A-0557-R-2020.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 19182-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: AMBER RANCH LLC
5826 SAMET DR, STE 105
HIGH POINT, NC 27265

Priority Date: MARCH 26, 1910

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 67.32 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: 6.00

Source Name: UNNAMED TRIBUTARY OF NIXON CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSENE	36	2N	7E	GALLATIN

Period of Diversion: MAY 15 TO OCTOBER 15

Diversion Means: HEADGATE

Period of Use: MAY 15 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	6.00		SENE	36	2N	7E	GALLATIN
Total:	6.00						

Remarks:

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE WATER COURT IN CASE 43A-0557-R-2020.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 19183-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: AMBER RANCH LLC
5826 SAMET DR, STE 105
HIGH POINT, NC 27265

Priority Date: MARCH 26, 1910

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 35.90 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: 3.00

Source Name: NIXON CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNE	36	2N	7E	GALLATIN

Period of Diversion: MAY 15 TO OCTOBER 15

Diversion Means: HEADGATE

Period of Use: MAY 15 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3.00		NWSE	36	2N	7E	GALLATIN
Total:	3.00						

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

19183-00 19204-00

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE WATER COURT IN CASE 43A-0557-R-2020.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 19184-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: AMBER RANCH LLC
5826 SAMET DR, STE 105
HIGH POINT, NC 27265

Priority Date: MARCH 26, 1910

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 112.20 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: 10.00

Source Name: UNNAMED TRIBUTARY OF NIXON 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		SWSWSE	25	2N	7E	GALLATIN

Period of Diversion: MAY 15 TO OCTOBER 15

Diversion Means: HEADGATE

Period of Use: MAY 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	6.00		S2SWSE	25	2N	7E	GALLATIN
2	4.00		SESESW	25	2N	7E	GALLATIN
Total:	10.00						

Remarks:

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE WATER COURT IN CASE 43A-0557-R-2020.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 19207-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: AMBER RANCH LLC
5826 SAMET DR, STE 105
HIGH POINT, NC 27265

Priority Date: NOVEMBER 15, 1899

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 1.44 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 80.80

Source Name: BRACKETT 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	1	1N	7E	GALLATIN
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
2		W2SESW	31	2N	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
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	80.80		SW	31	2N	8E	PARK
Total:	80.80						

Remarks:

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE WATER COURT IN CASE 43A-0557-R-2020.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 107171-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: AMBER RANCH LLC
5826 SAMET DR, STE 105
HIGH POINT, NC 27265

Priority Date: JUNE 6, 1901

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.88 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: 30.00

Source Name: MILES 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		SWNWNE	7	1N	8E	PARK

Period of Diversion: APRIL 15 TO SEPTEMBER 30

Diversion Means: HEADGATE

Period of Use: APRIL 15 TO SEPTEMBER 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	30.00		SE	6	1N	8E	PARK
Total:	30.00						

Remarks:

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ON FILE WITH THE WATER COURT IN CASE 43A-0557-R-2020.