

MONTANA WATER COURT, YELLOWSTONE DIVISION
YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN
BASIN 43B
PRELIMINARY DECREE

CLAIMANTS: Paradise Valley Ranch LLC; Richard A.
Cargill

OBJECTOR: Paradise Valley Ranch LLC

NOTICE OF INTENT TO APPEAR: United States of
America (USDA Forest Service)

CASE 43B-1002-R-2021

43B 190480-00

43B 190481-00

43B 190482-00

43B 190483-00

43B 190484-00

43B 190485-00

43B 190486-00

43B 190487-00

43B 195159-00

43B 195162-00

43B 211377-00

Split Claim:

43B 30153457

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. The above-captioned claims appeared in the Preliminary Decree for the Yellowstone River, Above and Including Bridger Creek (Basin 43B). The claims received Objections from the Paradise Valley Ranch, LLC ("PVR") and a Notice of Intent to Appear from the United States of America (USDA Forest Service).

2. On January 28, 2021 the above captioned claims were consolidated into Case 43B-1002-R-2021.

3. On July 23, 2021, PVR filed Proposed Correction of Objections and Issue Remarks ("Proposed Correction"). On July 23, 2021, the United States filed a Statement Regarding Proposed Correction of Objections and Remarks, and on July 30, 2021 filed a Supplemental Statement stating that adoption of the modifications in the Proposed Correction resolved the United States' Notice of Intent to Appear. On February 23, 2022, PVR filed Additional Information regarding the Proposed Correction.

3. Pursuant to the Proposed Correction, claims 43B 190480-00, 43B 190481-00, 43B 190482-00, 43A 190483-00, 43B 190484-00, 43B 190485-00, 43B 190486-00 and 43B 190487-00 should be corrected to the following to reflect historic use and marshaling of the rights:

Point of Diversion

ID	Qtr	Sec	Qtr	Sec	Sec	Twp	Rge	County	
1			SE	SW	NE	23	4S	8E	PARK

Period of Diversion: April 15 – October 15

Diversion Means: Headgate

Ditch Name: Nesbit Ditches

2			SE	SE	SE	23	4S	8E	PARK
---	--	--	----	----	----	----	----	----	------

Period of Diversion: April 15 – October 15

Diversion Means: Headgate

Ditch Name: Nesbit Ditches

3 SENENW 25 4S 8E PARK

Period of Diversion: April 15 – October 15

Diversion Means: Headgate

Ditch Name: Highline Ditch

4 NWNESE 25 4S 8E PARK

Period of Diversion: April 15 – October 15

Diversion Means: Pump

5 NENWNE 25 4S 8E PARK

Period of Diversion: April 15 – October 15

Diversion Means: Headgate

6 SWSWSW 19 4S 9E PARK

Period of Diversion: April 15 – October 15

Diversion Means: Pump

7 NWNWSE 19 4S 9E PARK

Period of Diversion: April 15 – October 15

Diversion Means: Pump

8 NENESW 20 4S 9E PARK

Period of Diversion: April 15 – October 15

Diversion Means: Headgate

Ditch Name: Park Branch Canal

9 NWSENW 20 4S 9E PARK

Period of Diversion: April 15 – October 15

Diversion Means: Headgate

Ditch Name: Park Branch Canal

10 SESESE 18 4S 9E PARK

Period of Diversion: April 15 – October 15

Diversion Means: Headgate

Ditch Name: Park Branch Canal

Place of Use

ID	Acres	Govt Lot	Qtr	Sec	Sec	Twtp	Rge	County
1	14.0		SESE	24	4S	8E	PARK	
2	198.7		N2	25	4S	8E	PARK	
3	19.8		N2N2SE	25	4S	8E	PARK	
4	19.6		E2NE	26	4S	8E	PARK	
5	5.3		W2NWSW	4	4S	9E	PARK	
6	120.3		E2	5	4S	9E	PARK	
7	27.6		S2SE	18	4S	9E	PARK	
8	382.0			19	4S	9E	PARK	

9 108.4 N2 30 4S 9E PARK
TOTAL 895.7

SOURCE REMARK: THE SOURCE IS ALSO KNOWN AS TRAIL CREEK, NORTH FORK AND TRAIL CREEK, SOUTH FORK.

4. Pursuant to the Proposed Correction and the 641 form filed by Richard A. Cargill, a new split claim (43B 30153457) should be created to split Richard A. Cargill's portion of 43B 190480-00 as follows:

Flow Rate: 0.33 CFS

Maximum Acres: 4.30

Point of Diversion

ID	Qtr	Sec	Qtr	Sec	Sec	Tw	Rge	County
1			SE	SW	NE	23	4S	8E PARK

Period of Diversion: April 15 – October 15

Diversion Means: Headgate

Ditch Name: Nesbit Ditches

Place of Use:

ID	Acres	Govt Lot	Qtr	Sec	Sec	Tw	Rge	County
1	3.0		S2	SE	SE	23	4S	8E PARK
2	1.3		E2	E	NE	26	4S	8E PARK

TOTAL 4.3

5. The flow rate and priority date for claim 43B 190481-00 should be modified to the following pursuant to the Proposed Correction:

Priority Date: April 1, 1878

Flow Rate: 1.88 CFS

6. The flow rate for claim 43B 190484-00 should be modified to 2.95 CFS as originally claimed to reflect historic use.

7. The following point of diversion should be added to claim 43B 195159-00 to reflect historic use as well as the means of diversion being livestock direct from source. The information remark that states "spring hydrologically related to source" should be removed.

Point of Diversion

ID	Qtr	Sec	Qtr	Sec	Sec	Twp	Rge	County	
1			S2	SE	35	3S	8E	PARK	
2			NW	NW	NE	2	4S	8E	PARK

8. The means of diversion for claim 43B 195162-00 should be modified to ‘Pipeline’ to reflect historic use.

9. Claim 43B 211377-00 should be modified as follows to reflect historic use:

Point of Diversion, Place of Use and Reservoir Record:

ID	Qtr	Sec	Qtr	Sec	Sec	Twp	Rge	County	
1			S	EN	WNE	21	4S	8E	PARK

Period of Diversion: January 1 to December 31

Reservoir: Onstream

Surface Area: 0.53 Acres

Capacity: 2.12 Acre-Feet

10. Modification of the claims as discussed above resolves the issue remarks appearing on the claims.

PRINCIPLES OF LAW

1. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. § 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R.

2. Where a claimant agrees to reduce or limit an element of a claim, “the water court does not need to determine whether the burden of proof has been met.” Rule 17(c), W.R.Adj.R. The Court may accept the requested reduction or limitation “without further presentation of evidence.” Rule 17(c), W.R.Adj.R.

3. The Water Court may split claims into separate claims, by request or on its own initiative, at any time prior to the entry of the final decree. Rule 26, W.R.Adj.R.

4. The above-referenced split does not constitute an increase to any of the elements of the affected claims. The requested split accurately reflects the ownership of the underlying places of use and the proportions of appurtenant water.

CONCLUSION OF LAW

1. The modifications proposed by the claimant in the Proposed Correction conforms to applicable law and adoption of the modifications resolves the Objections and Notice of Intent to Appear to the claims, as well as the issue remarks appearing on the claims.

RECOMMENDATION

1. Upon review of the record in this case, the claims should be modified as discussed above. The issue remarks should be removed from the claims.

Post Decree Abstracts of Water Right Claims are attached to this Master's Report for review.

Nathan Block
Senior Water Master

Service via USPS Mail:

Richard A. Cargill
PO Box 16109
Minneapolis, MN 55416

Service via Electronic Mail:

Peter G. Scott
Attorney at Law
682 Ferguson #4
Bozeman, MT 59718
peter@scott-law.com
office@scott-law.com

Romney S. Philpott
DOJ-ENRD
999 18th Street, South Terrace Suite 370
Denver, CO 80202
(303) 844-1810
Romney.Philpott@usdoj.gov
Carla.Valentino@usdoj.gov
Amber.Engelkes@usdoj.gov
MontanaBasins.ENRD@USDOJ.GOV
william.bridges@usdoj.gov
efile_nrs.enrd@usdoj.gov

Note: Caption Updated 10/28/2022

\\judgah2osrv\Datavol\Share\WC-BASIN FOLDERS\43B PD\CASES\1002R\43B-1002 - MR - Resolution of Objections & IRs v2 (multiple claims, volume, purpose, place of use, period of diversion, period of use, special remarks) 10-28-22 sjs for bw.docx

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 190480-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PARADISE VALLEY RANCH LLC
% DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718 6483

***Priority Date:** APRIL 15, 1872

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 3.42 CFS

AS PREVIOUSLY ADJUDICATED IN HOLLIDAY, ET AL. V. RANKIN, ET AL., CAUSE 282, DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT IN AND FOR PARK COUNTY, AND AS SPECIFIED IN THE PARTIES' MARCH 21, 1991 STIPULATION, THE FLOW RATE IS TO BE MEASURED AT THE POINT WHERE THE WATER REACHES THE CLAIMANT'S PLACE OF USE NOT AT THE POINT OF DIVERISON.

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 895.70

Source Name: TRAIL CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS TRAIL CREEK, SOUTH FORK AND TRAIL CREEK, NORTH FORK

***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	23	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	NESBIT DITCHES					
2		SESESE	23	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	NESBIT DITCHES					
3		NENWNE	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
4		SENENW	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					

Diversion Means:	HEADGATE					
Ditch Name:	HIGHLINE DITCH					
5		NWNESE	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
6		SESESE	18	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
7		NWNWSE	19	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
8		NWNWSE	19	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
9	4	SWSWSW	19	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
10		NWSENW	20	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
11		NENESW	20	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
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	14.00		SESE	24	4S	8E	PARK
2	198.70		N2	25	4S	8E	PARK
3	19.80		N2N2SE	25	4S	8E	PARK
4	19.60		E2NE	26	4S	8E	PARK
5	5.30		W2NWSW	4	4S	9E	PARK
6	120.30		E2	5	4S	9E	PARK
7	27.60		S2SE	18	4S	9E	PARK
8	382.00			19	4S	9E	PARK
9	108.40		N2	30	4S	9E	PARK
Total:	895.70						

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 190481-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PARADISE VALLEY RANCH LLC
% DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718 6483

Priority Date: DECEMBER 31, 1872

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: 3 - MODERATE

Maximum Acres: 895.70

Source Name: TRAIL CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS TRAIL CREEK, SOUTH FORK AND TRAIL CREEK, NORTH FORK

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	23	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	NESBIT DITCHES					
2		SESESE	23	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	NESBIT DITCHES					
3		NENWNE	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
4		SENENW	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	HIGHLINE DITCH					
5		NWNESE	25	4S	8E	PARK

Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
6		SESESE	18	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
7		NWNWSE	19	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
8	4	SWSWSW	19	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
9		NWSENW	20	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
10		NENESW	20	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
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	14.00		SESE	24	4S	8E	PARK
2	198.70		N2	25	4S	8E	PARK
3	19.80		N2N2SE	25	4S	8E	PARK
4	19.60		E2NE	26	4S	8E	PARK
5	5.30		W2NWSW	4	4S	9E	PARK
6	120.30		E2	5	4S	9E	PARK
7	27.60		S2SE	18	4S	9E	PARK
8	382.00			19	4S	9E	PARK
9	108.40		N2	30	4S	9E	PARK
Total:	<u>895.70</u>						

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 190482-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PARADISE VALLEY RANCH LLC
% DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718 6483

***Priority Date:** APRIL 1, 1883

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 1.63 CFS

AS PREVIOUSLY ADJUDICATED IN HOLLIDAY, ET AL. V. RANKIN, ET AL., CAUSE 283, DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT IN AND FOR PARK COUNTY, AND AS SPECIFIED IN THE PARTIES' MARCH 21, 1991 STIPULATION, THE FLOW RATE IS TO BE MEASURED AT THE POINT WHERE THE WATER REACHES THE CLAIMANT'S PLACE OF USE NOT AT THE POINT OF DIVERSION.

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 895.70

Source Name: TRAIL CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS TRAIL CREEK, SOUTH FORK AND TRAIL CREEK, NORTH FORK

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	23	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	NESBIT DITCHES					
2		SESESE	23	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	NESBIT DITCHES					
3		NENWNE	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
4		SENENW	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					

Diversion Means:	HEADGATE					
Ditch Name:	HIGHLINE DITCH					
5		NWNESE	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
6		NWNWSE	19	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
7	4	SWSWSW	19	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
8		NWSENE	20	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
9		SESESE	18	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
10		NENESW	20	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
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	14.00		SESE	24	4S	8E	PARK
2	198.70		N2	25	4S	8E	PARK
3	19.80		N2N2SE	25	4S	8E	PARK
4	19.60		E2NE	26	4S	8E	PARK
5	5.30		W2NWSW	4	4S	9E	PARK
6	120.30		E2	5	4S	9E	PARK
7	27.60		S2SE	18	4S	9E	PARK
8	382.00			19	4S	9E	PARK
9	108.40		N2	30	4S	9E	PARK
Total:	895.70						

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 190483-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PARADISE VALLEY RANCH LLC
% DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718 6483

***Priority Date:** APRIL 15, 1886

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER

***Flow Rate:** 1.50 CFS

AS PREVIOUSLY ADJUDICATED IN HOLLIDAY, ET AL. V. RANKIN, ET AL., CAUSE 283, DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT IN AND FOR PARK COUNTY, AND AS SPECIFIED IN THE PARTIES' MARCH 21, 1991 STIPULATION, THE FLOW RATE IS TO BE MEASURED AT THE POINT WHERE THE WATER REACHES THE CLAIMANT'S PLACE OF USE NOT AT THE POINT OF DIVERSION.

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

Climatic Area: 3 - MODERATE

Maximum Acres: 895.70

***Source Name:** TRAIL CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS TRAIL CREEK, SOUTH FORK AND TRAIL CREEK, NORTH FORK

***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	23	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	NESBIT DITCHES					
2		SESESE	23	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	NESBIT DITCHES					
3		NENWNE	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
4		SENENW	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					

Diversion Means:	HEADGATE					
Ditch Name:	HIGHLINE DITCH					
5		NWNESE	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
6		NWNWSE	19	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
7	4	SWSWSW	19	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
8		NWSENE	20	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
9		SESESE	18	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
10		NENESW	20	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
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	14.00		SESE	24	4S	8E	PARK
2	198.70		N2	25	4S	8E	PARK
3	19.80		N2N2SE	25	4S	8E	PARK
4	19.60		E2NE	26	4S	8E	PARK
5	5.30		W2NWSW	4	4S	9E	PARK
6	120.30		E2	5	4S	9E	PARK
7	27.60		S2SE	18	4S	9E	PARK
8	382.00			19	4S	9E	PARK
9	108.40		N2	30	4S	9E	PARK
Total:	895.70						

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.

190434-02	190483-00	190485-00	190486-00	190488-00
-----------	-----------	-----------	-----------	-----------

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 190484-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: PARADISE VALLEY RANCH LLC
% DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718 6483

Priority Date: JUNE 1, 1910

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.95 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 895.70

Source Name: TRAIL CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS TRAIL CREEK, SOUTH FORK AND TRAIL CREEK, NORTH FORK

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	23	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	NESBIT DITCHES					
2		SESESE	23	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	NESBIT DITCHES					
3		NENWNE	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
4		SENENW	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	HIGHLINE DITCH					
5		NWNESE	25	4S	8E	PARK

Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
6		NWNWSE	19	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
7	4	SWSWSW	19	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
8		SESESE	18	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
9		NWSENW	20	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
10		NENESW	20	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
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	14.00		SESE	24	4S	8E	PARK
2	198.70		N2	25	4S	8E	PARK
3	19.80		N2N2SE	25	4S	8E	PARK
4	19.60		E2NE	26	4S	8E	PARK
5	5.30		W2NWSW	4	4S	9E	PARK
6	120.30		E2	5	4S	9E	PARK
7	27.60		S2SE	18	4S	9E	PARK
8	382.00			19	4S	9E	PARK
9	108.40		N2	30	4S	9E	PARK
Total:	<u>895.70</u>						

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 190485-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PARADISE VALLEY RANCH LLC
% DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718 6483

Priority Date: JUNE 15, 1879
Type of Historical Right: DECREED
Purpose (use): IRRIGATION
Irrigation Type: FLOOD
***Flow Rate:** 2.00 CFS
AS PREVIOUSLY ADJUDICATED IN HOLLIDAY, ET AL. V. RANKIN, ET AL., CAUSE 283, DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT IN AND FOR PARK COUNTY, AND AS SPECIFIED IN THE PARTIES' MARCH 21, 1991 STIPULATION, THE FLOW RATE IS TO BE MEASURED AT THE POINT WHERE THE WATER REACHES THE CLAIMANT'S PLACE OF USE NOT AT THE POINT OF DIVERSION.

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
Climatic Area: 3 - MODERATE
***Maximum Acres:** 895.70
Source Name: TRAIL CREEK
Source Type: SURFACE WATER
ALSO KNOWN AS TRAIL CREEK, SOUTH FORK AND TRAIL CREEK, NORTH FORK

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	23	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	NESBIT DITCHES					
2		SESESE	23	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	NESBIT DITCHES					
3		NENWNE	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
4		SENENW	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					

Diversion Means:	HEADGATE					
Ditch Name:	HIGHLINE DITCH					
5		NWNESE	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
6		NWNWSE	19	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
7	4	SWSWSW	19	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
8		SESESE	18	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
9		NWSENW	20	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
10		NENESW	20	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
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	14.00		SESE	24	4S	8E	PARK
2	198.70		N2	25	4S	8E	PARK
3	19.80		N2N2SE	25	4S	8E	PARK
4	19.60		E2NE	26	4S	8E	PARK
5	5.30		W2NWSW	4	4S	9E	PARK
6	120.30		E2	5	4S	9E	PARK
7	27.60		S2SE	18	4S	9E	PARK
8	382.00			19	4S	9E	PARK
9	108.40		N2	30	4S	9E	PARK
Total:	895.70						

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.

190434-02	190483-00	190485-00	190486-00	190488-00
-----------	-----------	-----------	-----------	-----------

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 190486-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PARADISE VALLEY RANCH LLC
% DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718 6483

Priority Date: JUNE 1, 1878

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER

***Flow Rate:** 2.50 CFS

AS PREVIOUSLY ADJUDICATED IN HOLLIDAY, ET AL. V RANKIN, ET AL., CAUSE 283, DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT IN AND FOR PARK COUNTY, AND AS SPECIFIED IN THE PARTIES' MARCH 21, 1991 STIPULATION, THE FLOW RATE IS TO BE MEASURED AT THE POINT WHERE THE WATER REACHES THE CLAIMANT'S PLACE OF USE NOT AT THE POINT OF DIVERSION.

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 895.70

Source Name: TRAIL CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS TRAIL CREEK, SOUTH FORK AND TRAIL CREEK, NORTH FORK

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	23	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	NESBIT DITCHES					
2		SESESE	23	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	NESBIT DITCHES					
3		NENWNE	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
4		SENENW	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					

Diversion Means:	HEADGATE					
Ditch Name:	HIGHLINE DITCH					
5		NWNESE	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
6		NWNWSE	19	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
7	4	SWSWSW	19	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
8		SESESE	18	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
9		NWSENW	20	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
10		NENESW	20	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
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	14.00		SESE	24	4S	8E	PARK
2	198.70		N2	25	4S	8E	PARK
3	19.80		N2N2SE	25	4S	8E	PARK
4	19.60		E2NE	26	4S	8E	PARK
5	5.30		W2NWSW	4	4S	9E	PARK
6	120.30		E2	5	4S	9E	PARK
7	27.60		S2SE	18	4S	9E	PARK
8	382.00			19	4S	9E	PARK
9	108.40		N2	30	4S	9E	PARK
Total:	895.70						

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.

190434-02	190483-00	190485-00	190486-00	190488-00
-----------	-----------	-----------	-----------	-----------

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 190487-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PARADISE VALLEY RANCH LLC
% DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718 6483

***Priority Date:** APRIL 15, 1886

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 1.25 CFS

AS PREVIOUSLY ADJUDICATED IN HOLLIDAY, ET AL. V. RANKIN, ET AL. CAUSE 283, DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT IN AND FOR PARK COUNTY, AND AS SPECIFIED IN THE PARTIES' MARCH 21, 1991 STIPULATION, THE FLOW RATE IS TO BE MEASURED AT THE POINT WHERE THE WATER REACHES THE CLAIMANT'S PLACE OF USE NOT AT THE POINT OF DIVERSION.

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 895.70

Source Name: TRAIL CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS TRAIL CREEK, SOUTH FORK AND TRAIL CREEK, NORTH FORK

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	23	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	NESBIT DITCHES					
2		SESESE	23	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	NESBIT DITCHES					
3		NENWNE	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
4		SENENW	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					

Diversion Means:	HEADGATE					
Ditch Name:	HIGHLINE DITCH					
5		NWNESE	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
6		NWNWSE	19	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
7	4	SWSWSW	19	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	PUMP					
8		SESESE	18	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
9		NWSENW	20	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
10		NENESW	20	4S	9E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	PARK BRANCH CANAL					
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	14.00		SESE	24	4S	8E	PARK
2	198.70		N2	25	4S	8E	PARK
3	19.80		N2N2SE	25	4S	8E	PARK
4	19.60		E2NE	26	4S	8E	PARK
5	5.30		W2NWSW	4	4S	9E	PARK
6	120.30		E2	5	4S	9E	PARK
7	27.60		S2SE	18	4S	9E	PARK
8	382.00			19	4S	9E	PARK
9	108.40		N2	30	4S	9E	PARK
Total:	895.70						

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 195159-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: PARADISE VALLEY RANCH LLC
% DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718 6483

Priority Date: DECEMBER 1, 1887

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

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

Source Name: UNNAMED TRIBUTARY OF TRAIL 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		NWNWNE	2	4S	8E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		S2SE	35	3S	8E	PARK
---	--	------	----	----	----	------

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2SE	35	3S	8E	PARK
2			NWNWNE	2	4S	8E	PARK

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 195162-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: PARADISE VALLEY RANCH LLC
% DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718 6483

Priority Date: DECEMBER 31, 1900

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

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

Source Name: SPRING, UNNAMED TRIBUTARY OF TRAIL CREEK

Source Type: GROUNDWATER

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		NWSWNE	6	4S	9E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIPELINE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWSWNE	6	4S	9E	PARK

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 211377-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Late Claim: B

Owners: PARADISE VALLEY RANCH LLC
% DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718 6483

Priority Date: JUNE 1, 1971

Enforceable Priority Date: JUNE 30, 1973

CLAIM FILED LATE 07/17/1985 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

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

Source Name: DRY 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	21	4S	8E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SEWNNE	21	4S	8E	PARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 13.00 FEET

Depth: 10.00 FEET

Surface Area: 0.53 ACRES

Capacity: 2.12 ACRE-FeET

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SEWNNE	21	4S	8E	PARK

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 30153457 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: RICHARD A CARGILL
PO BOX 16109
MINNEAPOLIS, MN 55416

Priority Date: APRIL 15, 1872

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 0.33 CFS

AS PREVIOUSLY ADJUDICATED IN HOLLIDAY, ET AL. V. RANKIN, ET AL., CAUSE 282, DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT IN AND FOR PARK COUNTY, AND AS SPECIFIED IN THE PARTIES' MARCH 21, 1991 STIPULATION, THE FLOW RATE IS TO BE MEASURED AT THE POINT WHERE THE WATER REACHES THE CLAIMANT'S PLACE OF USE NOT AT THE POINT OF DIVERISON.

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

Climatic Area: 3 - MODERATE

Maximum Acres: 4.30

Source Name: TRAIL 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	23	4S	8E	PARK

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: NESBIT DITCHES

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3.00		S2SESE	23	4S	8E	PARK
2	1.30		E2E2NE	26	4S	8E	PARK
Total:	4.30						