

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
1-800-624-3270
(406) 586-4364
watercourt@mt.gov

40N-0063-R-2021

October 20, 2022

Montana Water Court

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

CLAIMANTS: Cornwell Ranch; United States of America
(Bureau of Land Management)

NOTICE OF INTENT TO APPEAR: Cornwell Ranch

CASE 40N-0063-R-2021

40N 30138116

40N 30143033

Implied Claims:

40N 30155714

40N 30155715

40N 30155716

NOTICE OF FILING OF MASTER’S REPORT

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

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

must be filed with the Water Court.

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

MASTER'S REPORT

Statement of the case

Cornwell Ranch stock claim 40N 30138116 received the following issue remarks:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40N DECREE ISSUED 08/13/1985.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 11/18/2019, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY STATE OF MONTANA SCHOOL TRUST LANDS.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 40N 30143033, 40N 30138116.

IT IS UNCLEAR IF THIS CLAIM IS CLAIMING A RESERVOIR. THE RESERVOIRS ARE LOCATED IN NENW SEC 16 T34N R39E AND NWSNW SEC32 T34N R38E.

THIS CLAIM APPEARS TO BE CLAIMING THREE SEPARATE SOURCES OF WATER. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.

United States of America (Bureau of Land Management) stock claim 40N 30143033 received the following issue remarks:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40N DECREE ISSUED 08/13/1985.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 40N 30143033 & 40N 30138116.

Issue remarks result from Department of Natural Resources and Conservation ("DNRC") claims examination. Claims examination confirms the historical use of water right claims and identifies issues with claims. If claims examination cannot confirm some aspect of a claim, an issue remark is added to the claim. Montana law requires the Water Court to resolve issue remarks.

Stock claim 40N 30138116 received a notice of intent to appear from claimant, Cornwell Ranch stating, "This claim has DNRC issue remarks, and resolution of these issue remarks may change or alter elements of the water right."

On May 24, 2022, Cornwell Ranch filed its Response to Request for Evidence,

Motion to Amend, and Request for Implied Claims (“Response”).

On June 28, 2022, the United States of America (Bureau of Land Management) filed its Response to Court Order (“Response”).

All elements appeared on the Basin 40N objection list for claim 40N 30138116.

Issues

1. Are the issue remarks on the claims resolved?
2. Is Cornwell Ranch’s notice of intent to appear resolved?

Findings of fact

1. Cornwell Ranch confirms the historical accuracy of prima facie statement of claim 40N 30138116. Stock do not use stored water, only water directly from the claimed sources.

2. Claim 40N 30138116 is an exempt claim pursuant to Section 85-2-222, MCA.

3. Statement of claim 40N 30138116 claimed Chisholm Creek and unnamed tributaries as its source and livestock direct from source as it means of diversion. A map attached to the statement of claim depicts the locations and sources from which the livestock drink.

4. The Preliminary Decree abstract for claim 40N 30138116 identifies Chisholm Creek and Unnamed Tributaries of Chisholm Creek, Long Coulee, and an Unnamed Tributary of Bitter Creek as sources.

5. Three implied claims, for the additional sources other than Chisholm Creek, should be generated from claim 40N 30138116.

6. The Preliminary Decree abstract for claim 40N 30143033 accurately reflects historical use.

Principles of law

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

2. The Montana Water Court is permitted to use information submitted by the Department of Natural Resources and Conservation, the statement of claim, information from approved compacts, and any other data obtained by the Court to evaluate water right claims. Section 85-2-231(2), MCA.

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

4. The Montana Water Court shall request additional evidence if the settlement agreement expands or enlarges an element of a claim and the burden of proof is not met. If additional evidence does not meet the burden of proof, the element shall not be expanded or enlarged. Rule 17(b), W.R.Adj.R.

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

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

7. The Montana Water Court has the authority to resolve issue remarks when the claim file and information available to the Court provide a sufficient basis to do so. Section 85-2-248(3), MCA.

8. The Water Court has acknowledged its authority to generate implied claims during adjudication. *Bergin v. Nelson*, Case 40C-47 at p. 16, (MT Water Court Memorandum Opinion Feb. 21, 2001); *See* Rule 35, W.R.C.E.R. If a statement of claim

was timely filed, and the form contains multiple rights, the statutory deadline set by § 85-2-221, MCA has been met for the multiple rights. *Bergin* at p. 16.

9. Pursuant to *Eliasson Ranch Company v. Rodeghiero*, Case 40A-115 at p. 4-5, (MT Water Court Order Amending and Adopting Master's Report Jun. 28, 2004). When generating an implied claim the following guidelines apply.

- An implied claim may be generated based only on the attachments to a statement of claim, but typically it is based on the statement of claim itself.
- There is usually evidence of two or more claims on the face of the statement of claim, most commonly indicated by an overstatement of an element, or the identification of multiple purposes, multiple priority dates, or multiple sources.
- The generation of an implied claim must come from the statement of claim as originally filed.

“A statement of claim cannot be amended after the filing deadline or changed through the objection process to expand the elements of the filed statement of claim and thereby create the groundwork to add additional water rights through the implied claim process. The implied claim process cannot be used to circumvent the claim filing process in order to cure a failure to file a water right claim in a timely fashion. That practice would be contrary to the late claim provisions of the statutes.” Section 85-2-221 and 85-2-225, MCA. *Adjudication of Water Rights of Yellowstone River*, 253 Mont. 167, 832 P.2d 1210 (1992) (emphasis added).

10. *Foss v. Van Arsdale*, Case 76HF-580 at p. 20, 23, (MT Water Court Order Amending and Partially Adopting Master's Report as Amended Jan. 31, 2013), added an additional layer of review to the above analysis for generating implied claims. Three criteria must be met by the party requesting an implied claim.

- Evidence corroborating the actual historic use of the implied claim must exist.
- Supplemental evidence that explains or clarifies the statement of

claim may be considered.

- The creation of an implied claim should not change the historic use of water or increase the historic burden on other water users.

If these criteria are not met, water rights are lost even when “ample evidence of historic use otherwise exists” thereby establishing “an appropriate balance between recognition of legitimate claims and upholding the substance of the forfeiture statute.” Section 85-2-226, MCA.

11. “‘Existing right’ or ‘existing water right’ means a right to the use of water that would be protected under the law as it existed prior to July 1, 1973.” Section 85-2-102(13), MCA

12. Exempt rights are existing rights for stock or domestic use of groundwater or instream flow. Section 85-2-222(1), MCA.

13. “The first in time is the first in right, and multiple persons may therefore perfect claims to water from the same source as is the case across the breadth of our State.” *BLM v. Barthelmess Ranch Corp.*, 2016 MT 348, ¶ 39, 386 Mont. 121, 133, 386 P.3d 952, 961.

Analysis

Resolution of issue remarks and notice of intent to appear

An ownership issue remark provided notice to potential owner, the State of Montana Board of Land Commissioners, that it may have an ownership interest in claim 40N 30138116. The State of Montana was given the opportunity to review the claim and file an objection. The deadline to file objections has expired. The State of Montana did not file an objection to the claim.

The map attached to statement of claim 40N 30138116 depicts multiple sources. The statement of claim claimed Chisholm Creek and unnamed tributaries. The identification of multiple sources on the same statement of claim, indicates multiple rights within the same filing, one for each named source. The prima facie statement of claim and the map attached to the statement of claim provide the requisite evidence

corroborating the actual historic use of the implied stock claims requested by Cornwell Ranch. Three implied claims should be generated - one for an Unnamed Tributary of Chisholm Creek, one for Bitter Creek and an Unnamed Tributary of Bitter Creek, and one for Long Coulee and an Unnamed Tributary of Long Coulee. The generation of the implied stock claims will not increase the historic burden on the source.

While DNRC claims examination identified reservoirs within the claimed place of use legal land descriptions, the map attached to statement of claim 40N 30138116 did not include reservoirs within the place of use legal land descriptions, and the statement of claim identified the means of diversion as stock drinking directly from the claimed sources, not stored water from reservoirs. Furthermore, a statement by Lee Cornwell, President of Cornwell Ranch attached to statement of claim 40N 30138116 states that, “Cornwell Ranch cattle water from this source [Chisholm Creek and its unnamed tributaries]...the practice predecessors of Cornwell Ranch employed...” The statement makes clear that the claim does not include stored water from reservoirs. Finally, Cornwell Ranch’s Response confirms that stock drink directly from the sources, not from reservoirs, and confirms the historical accuracy of the prima facie statement of claim.

Based on the foregoing, Cornwell Ranch stock claim 40N 30138116 is an existing right for instream flow. United States of America (Bureau of Land Management) stock claim 40N 30143033 is also an existing right for instream flow. The claims meet the definition of an “exempt claim.” Section 85-2-222(1), MCA. In 2013 and 2017, the Montana Legislature amended § 85-2-222, MCA, and provided for the filing of exempt claims subject to specified terms and conditions. The claims are timely filed exempt claims. The claims appeared in the Preliminary Decree with the following issue remark:

CLAIM WAS NOT INCLUDED IN THE BASIN 40N PRELIMINARY DECREE ISSUED 08/13/85.

Water users were given the opportunity to review the claims and file an objection. The deadline to file objections has expired. No objections were filed against the claims.

Cornwell Ranch’s Response and the United States of America (Bureau of Land Management’s) Response both agree that their claims have overlapping places of use. Both parties cite to *BLM v. Barthelmess Ranch Corp.*, 2016 MT 348, 386 Mont. 121, 386

P.3d 952, where the Montana Supreme Court held that Montana water law has long recognized the appropriation of water by different parties from the same source, and specifically that a private appropriator and the United States of America (Bureau of Land Management) can have an appropriation from the same source. Both Cornwell Ranch and the United States of America (Bureau of Land Management) may claim the same source. When the appropriations are for livestock direct from source, it necessarily results in overlapping places of use because the place of use is the source. There is no issue to resolve.

Conclusions of law

The issue remark concerning potential ownership by the State of Montana, appearing on claim 40N 30138116, served its notice purpose.

Generation of the implied claims resolves the issue remark on claim 40N 30138116 concerning three separate sources and the possibility that more than one water right may be involved.

Evidence in the claim file and the prima facie proof afforded stock statement of claim 40N 30138116 confirm the claim is an existing stock right for instream flow. Claim 40N 30138116 meets the definition of an exempt right. The issue remark questioning whether the claim includes reservoirs does not outweigh the prima facie proof afforded the statement of claim. The issue remark is resolved.

The issue remark concerning lack of the claims' inclusion in the previous decree served its notice purpose.

The overlapping place of use issue remark appearing on the claims does not raise a valid issue that requires resolution by the court.

All concerns raised by Cornwell Ranch's notice of intent to appear are resolved.

Recommendations

Claim 40N 30138116 should be modified as follows to accurately reflect historical use.

Claim 40N 30138116

SOURCE: CHISOLM CREEK
~~UNNAMED TRIBUTARY OF CHISHOLM CREEK~~
~~UNNAMED TRIBUTARY OF BITTER CREEK~~
LONG COULEE

POINT OF DIVERSION AND PLACE OF USE:

SEE MODIFIED ABSTRACT ATTACHED TO THIS REPORT.

ADD REMARK AT END OF ABSTRACT:

THE IMPLIED CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM. 40N 30155714, 40N 30155715, 40N 30155716

Implied Claim 40N 30155714 (same elements as 40N 30138116 except those below)

SOURCE: UNNAMED TRIBUTARY OF CHISHOLM CREEK

POINT OF DIVERSION AND PLACE OF USE:

SEE MODIFIED ABSTRACT ATTACHED TO THIS REPORT.

ADD REMARK AT END OF ABSTRACT:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40N 30138116.

Implied Claim 40N 30155715 (same elements as 40N 30138116 except those below)

SOURCE: BITTER CREEK
UNNAMED TRIBUTARY OF BITTER CREEK

POINT OF DIVERSION AND PLACE OF USE:

SEE MODIFIED ABSTRACT ATTACHED TO THIS REPORT.

ADD REMARK AT END OF ABSTRACT:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40N 30138116.

Implied Claim 40N 30155716 (same elements as 40N 30138116 except those below)

SOURCE: LONG COULEE
UNNAMED TRIBUTARY OF LONG COULEE

POINT OF DIVERSION AND PLACE OF USE:

SEE MODIFIED ABSTRACT ATTACHED TO THIS REPORT.

ADD REMARK AT END OF ABSTRACT:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40N 30138116.

Claim 40N 30143033 accurately reflects historical use. No changes to the elements of the claim should be made.

The issue remarks should be removed from the claim abstracts.

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

Anna M. Stradley
Senior Water Master

Service via Electronic Mail

John E. Bloomquist
Bloomquist Law Firm
3355 Colton Drive, Suite A
Helena, MT 59602
(406) 502-1244
blf@helenalaw.com

Jennifer Najjar, Trial Attorney
Natural Resources Section, ENRD
US Department of Justice
PO Box 7611
Washington, D.C. 20044-7611
Phone (202) 598-9032
Fax (202) 305-0506
jennifer.najjar@usdoj.gov
montanabasins.enrd@usdoj.gov

Caption Updated 10/19/2022

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

Water Right Number: 40N 30138116 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: CORNWELL RANCH
PO BOX 1031
GLASGOW, MT 59230 1031

Priority Date: DECEMBER 31, 1929

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: CHISHOLM 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		S2N2	19	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		N2NESW	19	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		S2NWNE	19	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		S2NW	20	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		NENW	20	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		NWNE	20	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

7	S2SE	17	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
8	SENESE	17	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
9	N2SWSW	16	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
10	S2N2	16	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
11	NWSW	15	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
12	N2NESW	15	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
13	N2NWSE	15	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
14	S2SENEW	15	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
15	S2NE	15	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
16	N2SWNW	14	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
17	NWNW	14	34N	38E	VALLEY
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</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2N2	19	34N	38E	VALLEY
2			N2NESW	19	34N	38E	VALLEY
3			S2NWNE	19	34N	38E	VALLEY
4			S2NW	20	34N	38E	VALLEY
5			NENW	20	34N	38E	VALLEY
6			NWNE	20	34N	38E	VALLEY
7			S2SE	17	34N	38E	VALLEY

8	SENESE	17	34N	38E	VALLEY
9	N2SWSW	16	34N	38E	VALLEY
10	S2N2	16	34N	38E	VALLEY
11	NWSW	15	34N	38E	VALLEY
12	N2NESW	15	34N	38E	VALLEY
13	N2NWSE	15	34N	38E	VALLEY
14	S2SEW	15	34N	38E	VALLEY
15	S2NE	15	34N	38E	VALLEY
16	N2SWNW	14	34N	38E	VALLEY
17	NWNW	14	34N	38E	VALLEY

ALL OR A PART OF THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS.
THE WATER RIGHT USED ON THE PUBLIC LANDS IS APPURTENANT TO THE
FOLLOWING PRIVATE LANDS: SENE SECTION 4 T33N R38E.

Remarks:

THE IMPLIED CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM. 40N 30155714, 40N 30155715, 40N 30155716.

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

Water Right Number: 40N 30143033 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)
5001 SOUTHGATE DR
BILLINGS, MT 59101 4669

Priority Date: JULY 11, 1935

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: CHISHOLM 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		NWNW	14	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		SWNW	14	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		NESW	15	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		NWSE	15	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		NWSW	15	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		SENE	15	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

7	SENW	15	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
8	SWNE	15	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
9	NESE	17	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
10	SESE	17	34N	38E	VALLEY
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Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
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12	NESW	19	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
13	NWNE	19	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
14	SENE	19	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
15	SENW	19	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
16	SWNE	19	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
17	2	19	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
18	NENW	20	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
19	NWNE	20	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
20	SENW	20	34N	38E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				

21 SWNW 20 34N 38E VALLEY

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			NWNW	14	34N	38E	VALLEY
2			SWNW	14	34N	38E	VALLEY
3			SENE	15	34N	38E	VALLEY
4			SWNE	15	34N	38E	VALLEY
5			SENE	15	34N	38E	VALLEY
6			NWSE	15	34N	38E	VALLEY
7			NESW	15	34N	38E	VALLEY
8			NWSW	15	34N	38E	VALLEY
9			NESE	17	34N	38E	VALLEY
10			SESE	17	34N	38E	VALLEY
11			SWSE	17	34N	38E	VALLEY
12			NWNE	19	34N	38E	VALLEY
13			SENE	19	34N	38E	VALLEY
14			SWNE	19	34N	38E	VALLEY
15			SENE	19	34N	38E	VALLEY
16			NESW	19	34N	38E	VALLEY
17		2		19	34N	38E	VALLEY
18			NWNE	20	34N	38E	VALLEY
19			NENW	20	34N	38E	VALLEY
20			SENE	20	34N	38E	VALLEY
21			SWNW	20	34N	38E	VALLEY

Remarks:

BLM FILED ELECTRONIC CLAIMS. THIS CLAIM REFERENCES BLM CLAIM ID BLM3675 AND GRAZING ALLOTMENT MT04054.

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

Water Right Number: 40N 30155714 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: CORNWELL RANCH
PO BOX 1031
GLASGOW, MT 59230 1031

***Priority Date:** DECEMBER 31, 1929

***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 CHISHOLM 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		S	2	13	34N	38E VALLEY
*Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
2				14	34N	38E VALLEY
*Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
3				15	34N	38E VALLEY
*Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
4				16	34N	38E VALLEY
*Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
5				17	34N	38E VALLEY
*Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
6				18	34N	38E VALLEY
*Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						

7		19	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
8	N2	20	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
9	NWSW	20	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
10	S2SW	20	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
11	NW	21	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
12	W2NE	21	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
13	NENE	21	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
14	SE	22	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
15	N2	22	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
16	NESW	22	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
17		23	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
18		24	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
19	SENW	26	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
20	SWNE	26	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				

21	NWSE	26	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
22	NENE	27	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
23	W2SW	28	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
24	W2SESW	28	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
25	E2	29	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
26	N2NW	29	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
27	E2SENW	29	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
28	N2N2	30	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
29	NENENE	32	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
30	N2NW	33	34N	38E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
31	E2SE	7	34N	39E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
32	S2NW	8	34N	39E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
33	SW	8	34N	39E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
34	E2	8	34N	39E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				

35	W2	9	34N	39E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
36	W2NE	16	34N	39E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
37	NW	16	34N	39E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
38	N2	17	34N	39E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
39	SW	17	34N	39E	VALLEY
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
40		18	34N	39E	VALLEY
*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			S2	13	34N	38E	VALLEY
2				14	34N	38E	VALLEY
3				15	34N	38E	VALLEY
4				16	34N	38E	VALLEY
5				17	34N	38E	VALLEY
6				18	34N	38E	VALLEY
7				19	34N	38E	VALLEY
8			N2	20	34N	38E	VALLEY
9			NWSW	20	34N	38E	VALLEY
10			S2SW	20	34N	38E	VALLEY
11			NW	21	34N	38E	VALLEY
12			W2NE	21	34N	38E	VALLEY
13			NENE	21	34N	38E	VALLEY
14			N2	22	34N	38E	VALLEY
15			NESW	22	34N	38E	VALLEY
16			SE	22	34N	38E	VALLEY
17				23	34N	38E	VALLEY
18				24	34N	38E	VALLEY
19			SESW	26	34N	38E	VALLEY
20			SWNE	26	34N	38E	VALLEY
21			NWSE	26	34N	38E	VALLEY
22			NENE	27	34N	38E	VALLEY
23			W2SW	28	34N	38E	VALLEY
24			W2SESW	28	34N	38E	VALLEY

25	E2	29	34N	38E	VALLEY
26	N2NW	29	34N	38E	VALLEY
27	E2SE	29	34N	38E	VALLEY
28	N2N2	30	34N	38E	VALLEY
29	NENENE	32	34N	38E	VALLEY
30	N2NW	33	34N	38E	VALLEY
31	E2SE	7	34N	39E	VALLEY
32	S2NW	8	34N	39E	VALLEY
33	SW	8	34N	39E	VALLEY
34	E2	8	34N	39E	VALLEY
35	W2	9	34N	39E	VALLEY
36	W2NE	16	34N	39E	VALLEY
37	NW	16	34N	39E	VALLEY
38	N2	17	34N	39E	VALLEY
39	SW	17	34N	39E	VALLEY
40		18	34N	39E	VALLEY

ALL OR A PART OF THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS.
THE WATER RIGHT USED ON THE PUBLIC LANDS IS APPURTENANT TO THE
FOLLOWING PRIVATE LANDS: SENE SECTION 4 T33N R38E.

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40N 30138116.

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

Water Right Number: 40N 30155715 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: CORNWELL RANCH
PO BOX 1031
GLASGOW, MT 59230 1031

***Priority Date:** DECEMBER 31, 1929

***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:** BITTER CREEK

Source Type: SURFACE WATER

***Source Name:** UNNAMED TRIBUTARY OF BITTER 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		E2E2SE	25	34N	37E	VALLEY

***Source Name:** UNNAMED TRIBUTARY OF BITTER CREEK

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

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		E2NE	36	34N	37E	VALLEY
---	--	------	----	-----	-----	--------

***Source Name:** UNNAMED TRIBUTARY OF BITTER CREEK

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

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3		SE	36	34N	37E	VALLEY
---	--	----	----	-----	-----	--------

***Source Name:** UNNAMED TRIBUTARY OF BITTER CREEK

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

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

4		NWNE	1	33N	37E	VALLEY
---	--	------	---	-----	-----	--------

***Source Name:** UNNAMED TRIBUTARY OF BITTER CREEK

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

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

5	E2E2	1	33N	37E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
6	S2NW	29	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
7	SW	29	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
8	S2N2	30	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
9	S2	30	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
10		31	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
11		32	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
12	SWNW	33	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
13	W2SW	33	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
14	SESW	33	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
15	W2	4	33N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				

*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
16	W2NE	4	33N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
17	SE	4	33N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
18		5	33N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
19		6	33N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
20	N2	7	33N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
21	NW	8	33N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
22	N2NE	8	33N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
23	N2S2NE	8	33N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
24	N2N2NW	9	33N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
25	SESESW	33	34N	38E	VALLEY
*Source Name:	BITTER CREEK				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				

Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
26	NENW	4	33N	38E	VALLEY	
*Source Name:	BITTER CREEK					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
27	SENWNW	4	33N	38E	VALLEY	
*Source Name:	BITTER CREEK					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
28	SWNW	4	33N	38E	VALLEY	
*Source Name:	BITTER CREEK					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
29	S2SENE	5	33N	38E	VALLEY	
*Source Name:	BITTER CREEK					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
30	NESE	5	33N	38E	VALLEY	
*Source Name:	BITTER CREEK					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
31	S2NWSE	5	33N	38E	VALLEY	
*Source Name:	BITTER CREEK					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
32	N2SWSE	5	33N	38E	VALLEY	
*Source Name:	BITTER CREEK					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
33	S2SW	5	33N	38E	VALLEY	
*Source Name:	BITTER CREEK					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
34	S2NWSW	5	33N	38E	VALLEY	
*Source Name:	BITTER CREEK					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
35	S2N2SE	6	33N	38E	VALLEY	
*Source Name:	BITTER CREEK					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
36	S2SE	6	33N	38E	VALLEY	

***Source Name:** BITTER CREEK
***Period of Diversion:** JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
37 N2SW 6 33N 38E VALLEY
***Source Name:** BITTER CREEK
***Period of Diversion:** JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
38 N2SESW 6 33N 38E VALLEY
***Source Name:** BITTER CREEK
***Period of Diversion:** JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
39 E2NESE 1 33N 37E VALLEY
***Source Name:** BITTER CREEK
***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</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			E2E2SE	25	34N	37E	VALLEY
2			E2NE	36	34N	37E	VALLEY
3			SE	36	34N	37E	VALLEY
4			NWNE	1	33N	37E	VALLEY
5			E2E2	1	33N	37E	VALLEY
6			S2NW	29	34N	38E	VALLEY
7			SW	29	34N	38E	VALLEY
8			S2N2	30	34N	38E	VALLEY
9			S2	30	34N	38E	VALLEY
10				31	34N	38E	VALLEY
11				32	34N	38E	VALLEY
12			SWNW	33	34N	38E	VALLEY
13			W2SW	33	34N	38E	VALLEY
14			SESW	33	34N	38E	VALLEY
15			W2	4	33N	38E	VALLEY
16			W2NE	4	33N	38E	VALLEY
17			SE	4	33N	38E	VALLEY
18				5	33N	38E	VALLEY
19				6	33N	38E	VALLEY
20			N2	7	33N	38E	VALLEY
21			NW	8	33N	38E	VALLEY
22			N2NE	8	33N	38E	VALLEY
23			N2S2NE	8	33N	38E	VALLEY
24			N2N2NW	9	33N	38E	VALLEY
25			SESESW	33	34N	38E	VALLEY
26			NENW	4	33N	38E	VALLEY
27			SENWNW	4	33N	38E	VALLEY

28	SWNW	4	33N	38E	VALLEY
29	S2SENE	5	33N	38E	VALLEY
30	NESE	5	33N	38E	VALLEY
31	S2NWSE	5	33N	38E	VALLEY
32	N2SWSE	5	33N	38E	VALLEY
33	S2SW	5	33N	38E	VALLEY
34	S2NWSW	5	33N	38E	VALLEY
35	S2N2SE	6	33N	38E	VALLEY
36	S2SE	6	33N	38E	VALLEY
37	N2SW	6	33N	38E	VALLEY
38	N2SESW	6	33N	38E	VALLEY
39	E2NESE	1	33N	37E	VALLEY

ALL OR A PART OF THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS.
THE WATER RIGHT USED ON THE PUBLIC LANDS IS APPURTENANT TO THE
FOLLOWING PRIVATE LANDS: SENE SECTION 4 T33N R38E.

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40N 30138116.

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

Water Right Number: 40N 30155716 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: CORNWELL RANCH
PO BOX 1031
GLASGOW, MT 59230 1031

***Priority Date:** DECEMBER 31, 1929

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:** LONG COULEE

Source Type: SURFACE WATER

***Source Name:** UNNAMED TRIBUTARY OF LONG COULEE

Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNW	20	34N	38E	VALLEY

***Source Name:** LONG COULEE

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

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		S2SENE	20	34N	38E	VALLEY
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***Source Name:** LONG COULEE

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

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3		N2NESW	20	34N	38E	VALLEY
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***Source Name:** LONG COULEE

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

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

4		S2S2NE	20	34N	38E	VALLEY
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***Source Name:** LONG COULEE

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

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

5	N2SE	20	34N	38E	VALLEY
*Source Name:	LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
6	S2N2SW	21	34N	38E	VALLEY
*Source Name:	LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
7	S2SW	21	34N	38E	VALLEY
*Source Name:	LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
8	SWSWSE	21	34N	38E	VALLEY
*Source Name:	LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
9	SWNW	27	34N	38E	VALLEY
*Source Name:	LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
10	N2SW	27	34N	38E	VALLEY
*Source Name:	LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
11	SESW	27	34N	38E	VALLEY
*Source Name:	LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
12	SWSWSE	27	34N	38E	VALLEY
*Source Name:	LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
13	N2NENW	28	34N	38E	VALLEY
*Source Name:	LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
14	N2NE	28	34N	38E	VALLEY
*Source Name:	LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
15	SENE	28	34N	38E	VALLEY
*Source Name:	LONG COULEE				

*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
16	NWNE	34	34N	38E	VALLEY	
*Source Name:	LONG COULEE					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
17	S2NE	34	34N	38E	VALLEY	
*Source Name:	LONG COULEE					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
18	NESE	34	34N	38E	VALLEY	
*Source Name:	LONG COULEE					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
19	N2S2SE	34	34N	38E	VALLEY	
*Source Name:	LONG COULEE					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
20	S2SENW	20	34N	38E	VALLEY	
*Source Name:	UNNAMED TRIBUTARY OF LONG COULEE					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
21	S2S2NE	20	34N	38E	VALLEY	
*Source Name:	UNNAMED TRIBUTARY OF LONG COULEE					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
22	NESW	20	34N	38E	VALLEY	
*Source Name:	UNNAMED TRIBUTARY OF LONG COULEE					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
23	SE	20	34N	38E	VALLEY	
*Source Name:	UNNAMED TRIBUTARY OF LONG COULEE					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
24	SENE	21	34N	38E	VALLEY	
*Source Name:	UNNAMED TRIBUTARY OF LONG COULEE					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
25	S2	21	34N	38E	VALLEY	
*Source Name:	UNNAMED TRIBUTARY OF LONG COULEE					
*Period of Diversion:	JANUARY 1 TO DECEMBER 31					

Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
26	S2SWNW	22	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
27	W2SW	22	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
28	SESW	22	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
29	NESW	26	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
30		27	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
31	N2	28	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
32	NESW	28	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
33	E2SESW	28	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
34	SE	28	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
35	N2NE	33	34N	38E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF LONG COULEE				
*Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
36	N2NW	34	34N	38E	VALLEY

***Source Name:** UNNAMED TRIBUTARY OF LONG COULEE
***Period of Diversion:** JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
37 SENW 34 34N 38E VALLEY
***Source Name:** UNNAMED TRIBUTARY OF LONG COULEE
***Period of Diversion:** JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
38 NE 34 34N 38E VALLEY
***Source Name:** UNNAMED TRIBUTARY OF LONG COULEE
***Period of Diversion:** JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
39 S2 34 34N 38E VALLEY
***Source Name:** UNNAMED TRIBUTARY OF LONG COULEE
***Period of Diversion:** JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
40 N2NW 35 34N 38E VALLEY
***Source Name:** UNNAMED TRIBUTARY OF LONG COULEE
***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			SWNW	20	34N	38E	VALLEY
2			S2SEW	20	34N	38E	VALLEY
3			N2NESW	20	34N	38E	VALLEY
4			S2S2NE	20	34N	38E	VALLEY
5			N2SE	20	34N	38E	VALLEY
6			S2N2SW	21	34N	38E	VALLEY
7			S2SW	21	34N	38E	VALLEY
8			SWSWSE	21	34N	38E	VALLEY
9			SWNW	27	34N	38E	VALLEY
10			N2SW	27	34N	38E	VALLEY
11			SESW	27	34N	38E	VALLEY
12			SWSWSE	27	34N	38E	VALLEY
13			N2NENW	28	34N	38E	VALLEY
14			N2NE	28	34N	38E	VALLEY
15			SENE	28	34N	38E	VALLEY
16			NWNE	34	34N	38E	VALLEY
17			S2NE	34	34N	38E	VALLEY
18			NESE	34	34N	38E	VALLEY
19			N2S2SE	34	34N	38E	VALLEY
20			S2SEW	20	34N	38E	VALLEY
21			S2S2NE	20	34N	38E	VALLEY
22			NESW	20	34N	38E	VALLEY

23	SE	20	34N	38E	VALLEY
24	SENE	21	34N	38E	VALLEY
25	S2	21	34N	38E	VALLEY
26	S2SWNW	22	34N	38E	VALLEY
27	W2SW	22	34N	38E	VALLEY
28	SESW	22	34N	38E	VALLEY
29	NESW	26	34N	38E	VALLEY
30		27	34N	38E	VALLEY
31	N2	28	34N	38E	VALLEY
32	NESW	28	34N	38E	VALLEY
33	E2SESW	28	34N	38E	VALLEY
34	SE	28	34N	38E	VALLEY
35	N2NE	33	34N	38E	VALLEY
36	N2NW	34	34N	38E	VALLEY
37	SESW	34	34N	38E	VALLEY
38	NE	34	34N	38E	VALLEY
39	S2	34	34N	38E	VALLEY
40	N2NW	35	34N	38E	VALLEY

ALL OR A PART OF THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS.
THE WATER RIGHT USED ON THE PUBLIC LANDS IS APPURTENANT TO THE
FOLLOWING PRIVATE LANDS: SENE SECTION 4 T33N R38E.

Remarks:


THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40N 30138116.

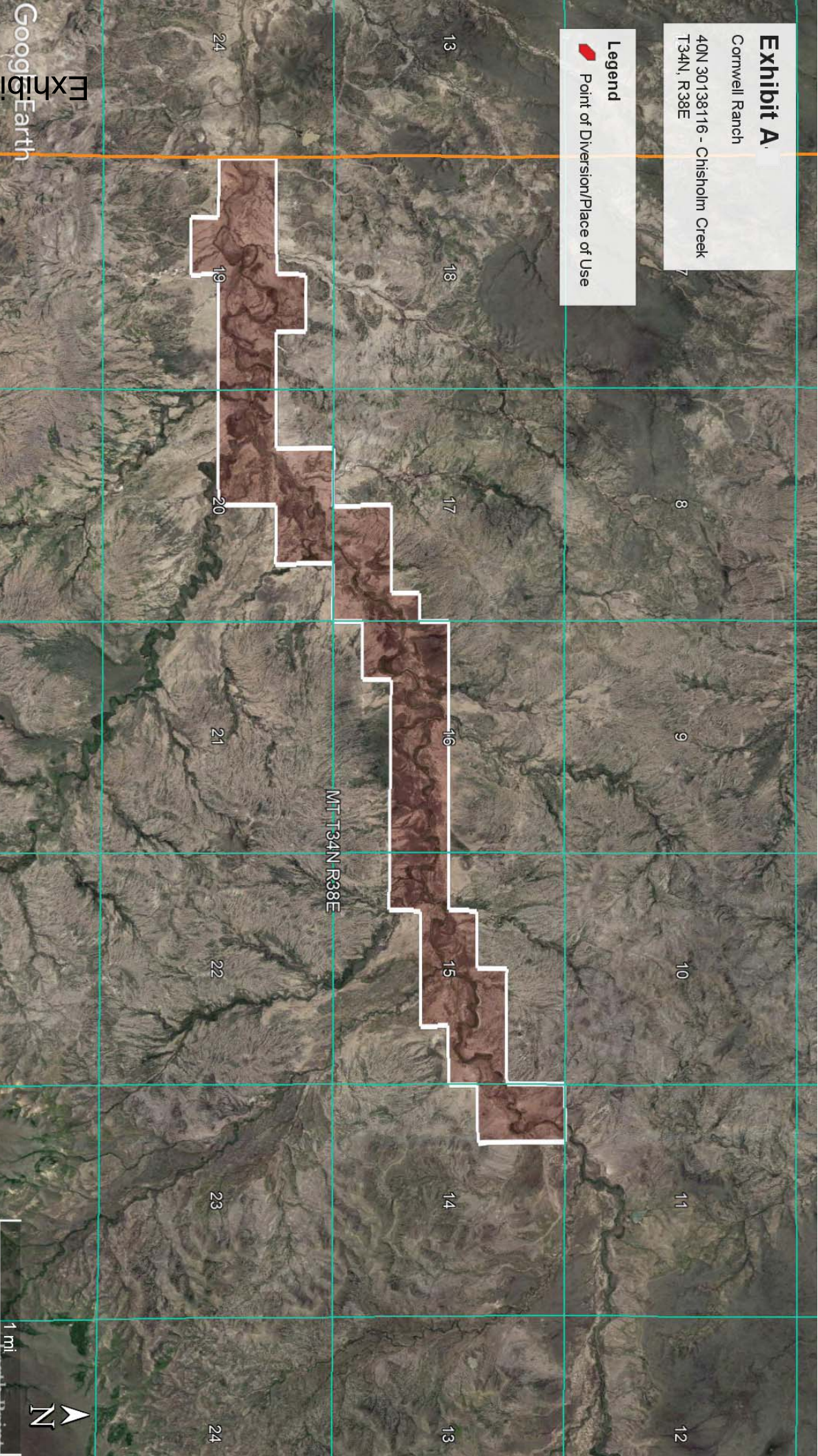
Exhibit A

Corrwell Ranch

40N 30T38R16 - Chisholm Creek
T34N, R38E

Legend

 Point of Diversion/Place of Use



1 mi



N


1 mi

Exhibit B

Corrwell Ranch

Implied Claim - Unnamed Tributaries of Chisholm Creek
T34N, R38E
T34N, R39E

Legend

 Point of Diversion/Place of Use

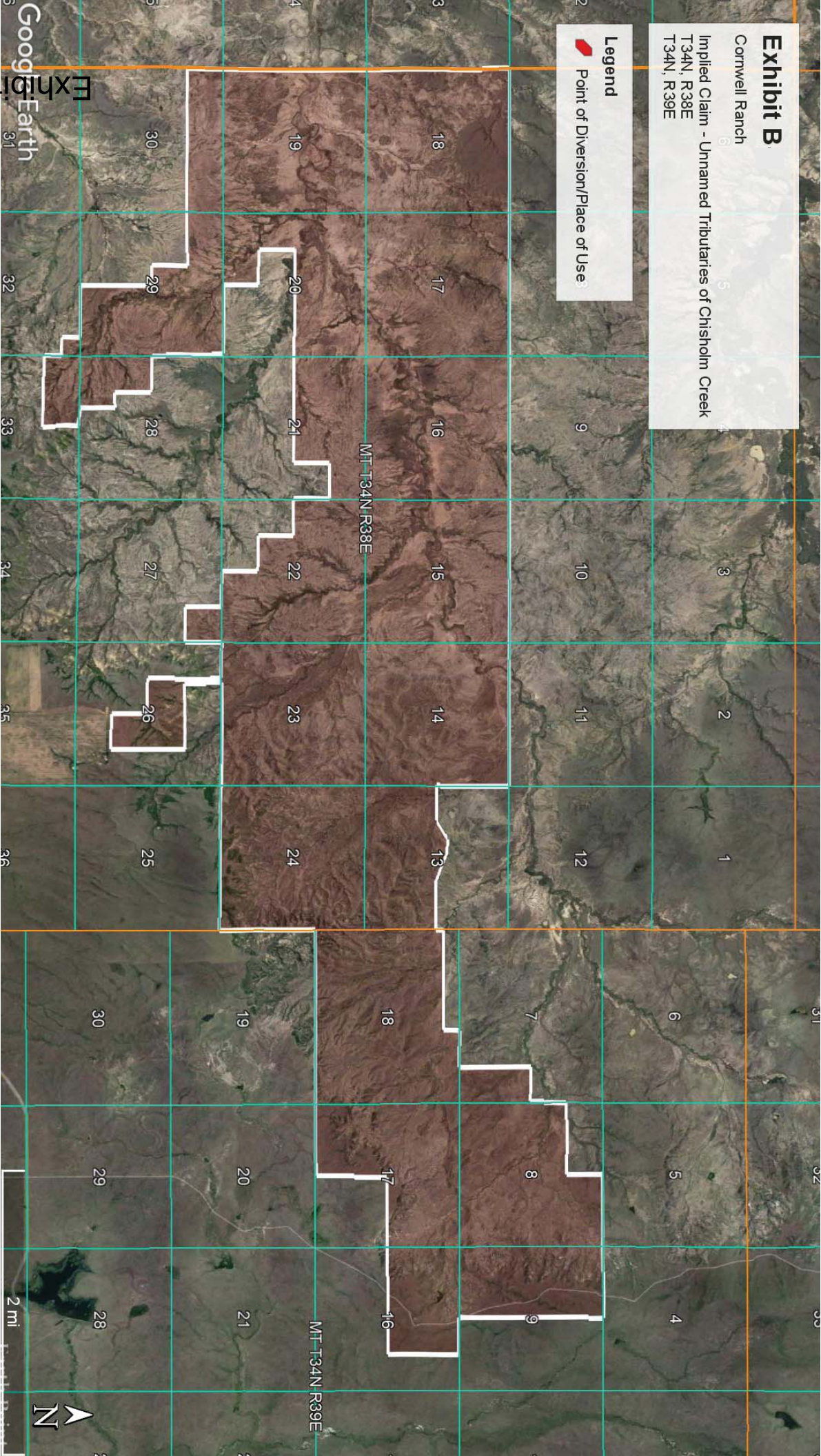


Exhibit B - 7

Exhibit C

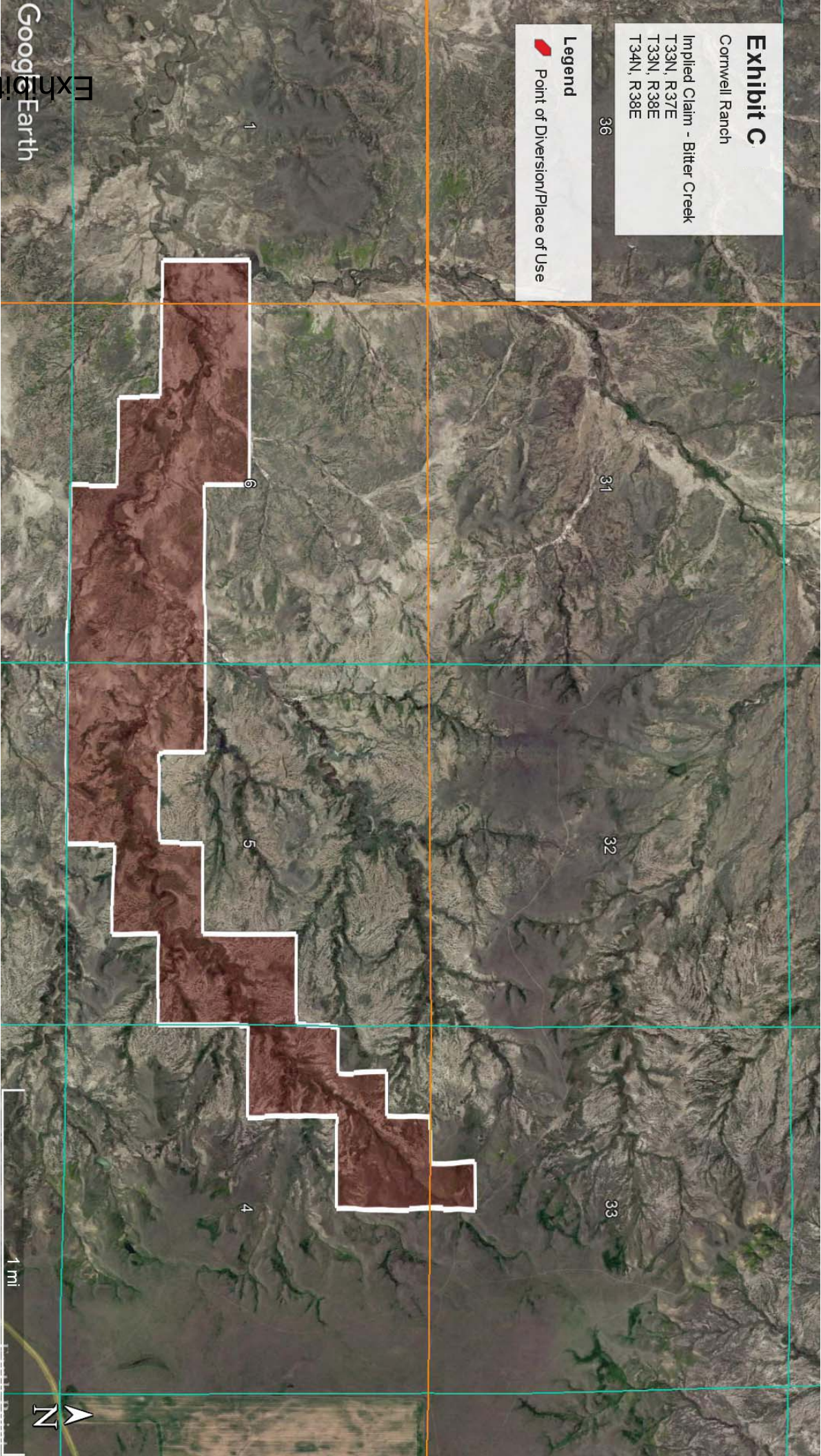
Cornwell Ranch

Implied Claim - Bitter Creek

- T33N, R37E
- T33N, R38E
- T34N, R38E

36

Legend
Point of Diversion/Place of Use



1 mi



MT T34N R37E


MT T34N R38E

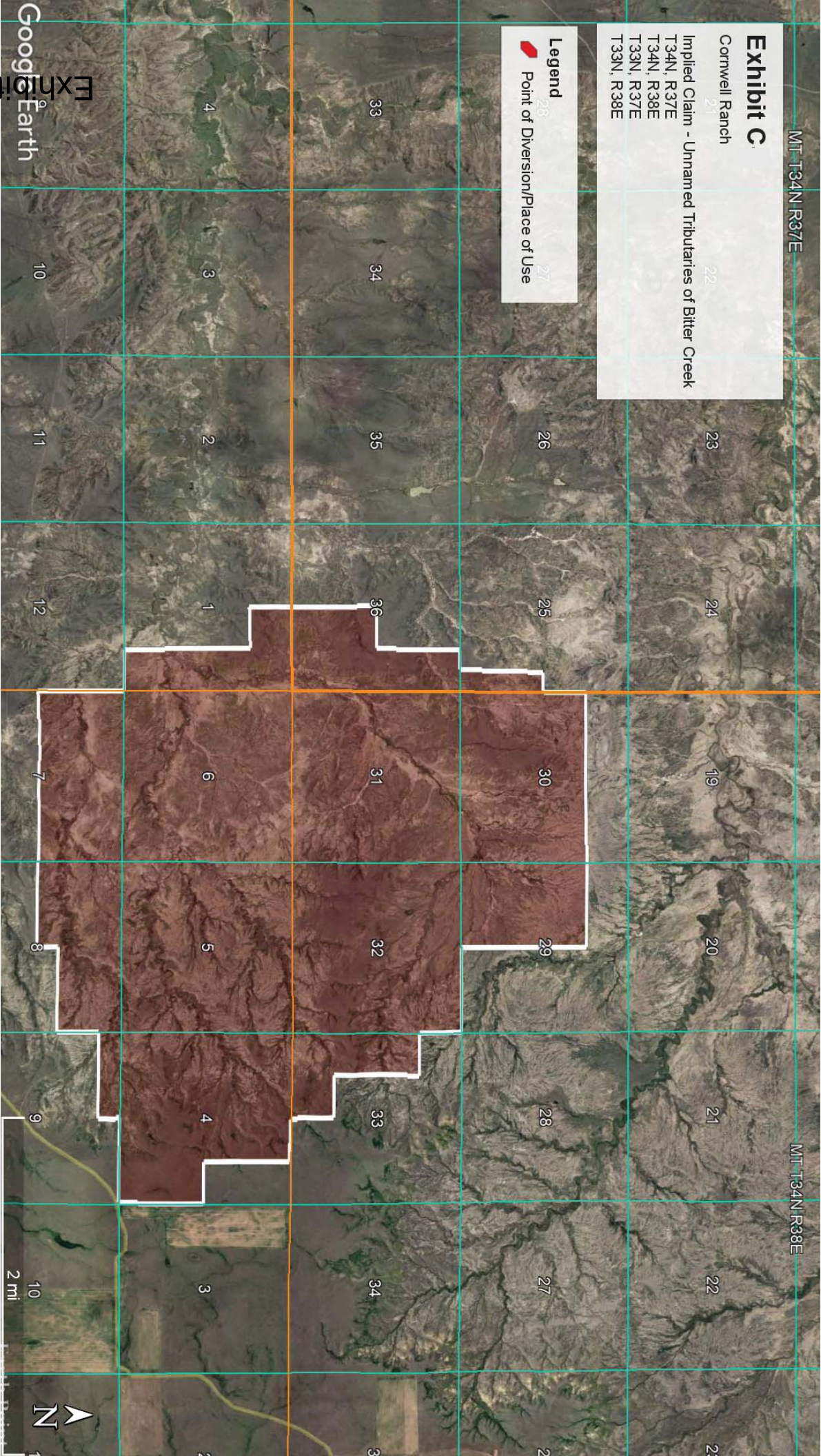
Exhibit C

Cornwell Ranch

Implied Claim - Unnamed Tributaries of Bitter Creek
T34N, R37E
T34N, R38E
T33N, R37E
T33N, R38E

Legend

 Point of Diversion/Place of Use



Google Earth

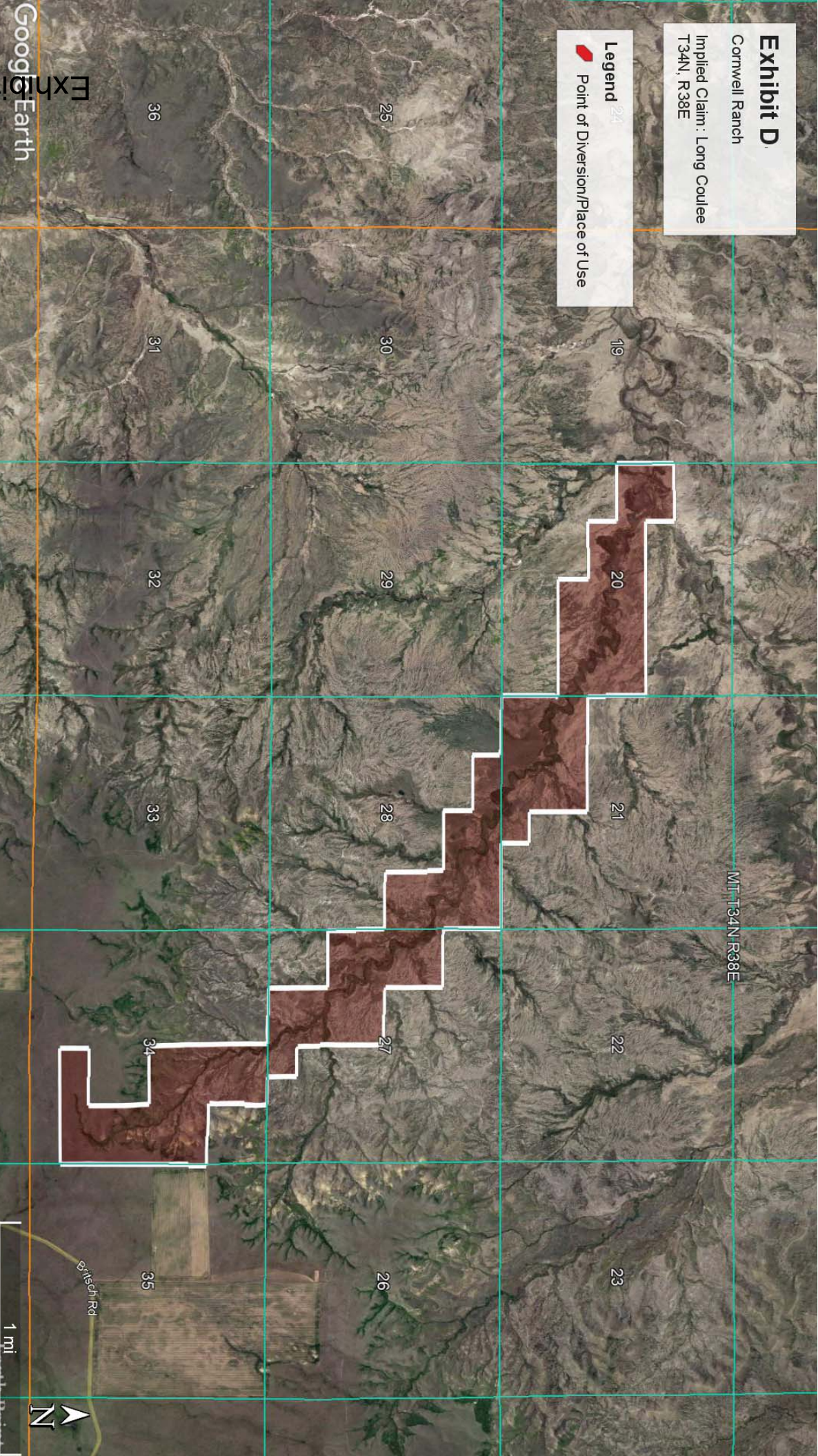
N

Exhibit D

Corrwell Ranch

Implied Claim: Long Coulee
T34N, R38E

Legend
Point of Diversion/Place of Use



Google Earth


Exhibit D - 7

Exhibit D

Corrwell Ranch

Implied Claim: Unnamed Tributaries of Long Coulee
T34N, R38E

Legend

 Point of Diversion/Place of Use

