

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

CLAIMANTS: ~~Dearborn Canal Co.~~; **Dearborn Canal and Water Co.**

OBJECTOR: Dearborn Canal and Water Co.

NOTICES OF INTENT TO APPEAR: Wolf Creek Ranch, LLC; SKC Minerals, LLC; Dearborn Ranch, LLC

CASE 41U-0124-R-2023

41U 127880-00

41U 127881-00

41U 127882-00

41U 127883-00

NOTICE OF FILING OF MASTER'S REPORT

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

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

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

MASTER'S REPORT

FINDINGS OF FACT

1. Dearborn Canal Co. is the current record owner of claims 41U 127880-00, 41U 127881-00, 41U 127882-00, and 41U 127883-00.

2. Claims 41U 127880-00, 41U 127881-00, 41U 127882-00, and 41U 127883-00 were decreed with notice-type issue remarks.

3. Dearborn Canal and Water Co. (DCWC) objected to claims 41U 127880-00, 41U 127881-00, 41U 127882-00, and 41U 127883-00, stating:

The correct name of the Company is Dearborn Canal and Water Company and ownership should be updated accordingly. The Company's name was incorrectly shortened during Basin 41U TPD proceedings. The Company's place of use should be decreed as a service area with a maximum acreage limit for the irrigation season because the Company is a water supply company that was formed to sell water to shareholders whose lands were susceptible to irrigation.

4. Regarding the ownership portion of the Objections, upon review of the record, it is unclear where the name error was initiated; as this Water Master explained in the Order Consolidating, the ownership of claims 41U 127880-00, 41U 127881-00, 41U 127882-00, and 41U 127883-00 will be corrected in this Order. From here forward, both the Claimant and the Objector will be referred to as DCWC. The ownership of claims 41U 127880-00, 41U 127881-00, 41U 127882-00, and 41U 127883-00 has been corrected on the attached Post Decree Abstracts and in the caption of the Report.

5. Notices of Intent to Appear were filed by Wolf Creek Ranch, LLC, SKC Minerals, LLC, and Dearborn Ranch, LLC for each of claims 41U 127880-00, 41U 127881-00, 41U 127882-00, and 41U 127883-00.

Wolf Creek Ranch, LLC withdrew its Notices of Intent to Appear on May 15, 2023. (Doc.¹2.00).

6. On September 29, 2023, DCWC filed an Unopposed Motion for Summary Judgment and Brief in Support along with Affidavits. (Docs. 7 through 10). The

¹ "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

September 29, 2023 Motion was unopposed, no ruling is needed, and together the September 29, 2023 filings will be referred to as “the Settlement.”

7. The record shows that the Dearborn Canal appeared on a GLO plat for Township 18 North, Range 7 West on July 28, 1892. (Doc. 10.00). DCWC was incorporated on May 29, 1913 for the following purposes:

1. To purchase or otherwise acquire, construct, own, hold, use and operate canals, canal systems, laterals, flumes, reservoirs, dams, ditches and rights of way therefor for supplying water and for the irrigation of lands.
2. To purchase or otherwise acquire, own, hold, use, sell, convey or otherwise dispose of water, water rights and flowing streams.
3. To purchase or otherwise acquire, own, hold, rent, use, lease, sell, convey or otherwise dispose of rights to the use of streams and other bodies of water, and to appropriate water for use, lease or sale.
4. To purchase, hold, develop, use, lease, sell, convey or otherwise dispose of water, powers and the sites therefor and lands necessary or useful therefor.
5. To acquire by purchase or otherwise, own, rent, lease, sell, deal in, convey or otherwise dispose of lands, tenements, hereditaments and appurtenances.
6. To acquire by purchase or otherwise, construct, own, use, operate, lease, sell, convey or otherwise dispose of telegraph and telephone lines, works, plants, systems and equipments, and all rights of way therefor, and all rights to collect tolls and rates for the use and service therefor, and all franchises and privileges therefor.
7. To engage in, do and carry on any and all kinds of business pertaining to the irrigation of lands and the utilization of water for irrigation, power and other useful purposes.
8. To borrow money for the business of the company and to give security therefor, and for the purposes of raising money necessary for the transaction of the business of the company or the acquisition of property, to execute bonds, debentures, promissory notes or other evidence of indebtedness, and to secure the same by mortgage or pledge or real estate or personal property.
9. To carry on any other business or to do any other thing in connection with said objects and purposes above mentioned that may [sic] be necessary or proper to successfully accomplish or promote said objects and purposes.

Articles of Incorporation, at Article II (Doc. 8.00). The record shows DCWC was created for the purpose of selling and distributing water, and that the current extent of the DCWC system was contemplated by the original appropriators and diligently pursued by the board and stockholders of the DCWC.

8. Irrigation claims 41U 127880-00 and 41U 127881-00 were decreed with the place of use listed as:

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>
A COMPLETE PLACE OF USE LAND DESCRIPTION CAN BE OBTAINED BY REVIEWING THE ORIGINAL CLAIM. GENERALLY THE PLACE OF USE IS IN TWP 17N RGE 04W, TWP 18N RGE 04W, TWP 18N RGE 05W, TWP 18N RGE 06W, TWP 18N RGE 07W, TWP 19N RGE 06W.							

Stock water claims 41U 127882-00 and 41U 127883-00 were decreed with the place of use listed as:

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>
A COMPLETE PLACE OF USE LAND DESCRIPTION CAN BE OBTAINED BY REVIEWING THE ORIGINAL CLAIM. GENERALLY THE PLACE OF USE IS IN TWP 17N RGE 03W, TWP 17N RGE 04W, TWP 18N RGE 04W, TWP 18N RGE 05W, TWP 18N RGE 06W, TWP 18N RGE 07W, TWP 19N RGE 06W, TWP 19N RGE 05W.							

Based on the record, and as provided by the Settlement, the place of use legal land description for claims 41U 127880-00, 41U 127881-00, 41U 127882-00, and 41U 127883-00 should be modified to reflect a service area as described in Exhibit 1 of the Settlement. Additionally, the following information remark should be added to claims 41U 127880-00, 41U 127881-00, 41U 127882-00, and 41U 127883-00:

A TOTAL OF UP TO 7501.00 ACRES WITHIN THE DESCRIBED HISTORICAL SERVICE AREA MAY BE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON. A MAP OF THE SERVICE AREA IS FOUND IN THE CASE FILE FOR WATER COURT CASE 41U-0124-R-2023.

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court is required to address all issue remarks decreed on a claim as well as objections filed. Sections 85-2-233, 85-2-247, and 85-2-248, MCA.
2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.
3. Service areas are recognized under Montana law as the proper method of describing a place of use for entities such as DCWC. While “[t]he Water Use Act does not specifically mention the concept of a service area to define a place of use” the Water Court “may recognize a service area place of use if a service area is part of ‘the use of

water that would be protected under the law as it existed prior to July 1, 1973.’” Case 41H-0250-R-2020, *2 (citing Mont. Const. Art. IX, § 3(1) and quoting Mont. Code Ann. § 85-2-102(13)). The Water Court recognizes service areas “where an appropriator distributes water to other water users within some defined area under some kind of contractual, corporate, transactional, or statutory structure.” Id., *3. DCWC fits the description.

4. Service areas are the proper method for defining the place of use for entities that hold water out for sale to others, the relationship of which is defined in their organizational documents. *East Bench Irr. Dist. v. Open A Ranch, Inc.*, 2021 MT 319, ¶ 76, 406 Mont. 502, 501 P.3d 380. In *Curry v. Pondera County Canal & Reservoir Co.*, the Court explained that unlike private irrigation rights, water rights developed by public service corporations are not appurtenant to historic places of use because the public service corporation retains ownership of the water right itself while the landowning shareholders become “the conduit for beneficial use” when they select portions of their land to irrigate. 2016 MT 77, ¶¶ 43-44, 383 Mont. 93, 370 P.3d 440.

Based on the Settlement and the record in this Case, claims 41U 127880-00, 41U 127881-00, 41U 127882-00, and 41U 127883-00 should be modified to reflect a service area.

5. The notice-type issue remarks decreed on claims 41U 127880-00, 41U 127881-00, 41U 127882-00, and 41U 127883-00 have served their purpose. As the Objections in this Case have been resolved, no further proceedings are required.

RECOMMENDATIONS

1. The ownership of claims 41U 127880-00, 41U 127881-00, 41U 127882-00, and 41U 127883-00 should be changed to Dearborn Canal and Water Co.

2. The places of use for claims 41U 127880-00, 41U 127881-00, 41U 127882-00, and 41U 127883-00 should be modified to describe a service area as shown on the attached Post Decree Abstracts. Additionally, an information remark should be added to the claims stating:

A TOTAL OF UP TO 7501.00 ACRES WITHIN THE DESCRIBED HISTORICAL SERVICE AREA MAY BE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON. A MAP OF THE SERVICE AREA IS FOUND IN THE CASE FILE FOR WATER COURT CASE 41U-0124-R-2023.

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

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
DEARBORN RIVER
BASIN 41U**

Water Right Number: 41U 127880-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: DEARBORN CANAL AND WATER COMPANY
% JOE BARRETT
PO BOX 548
AUGUSTA, MT 59410

Priority Date: JULY 18, 1888

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 284.29 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: 7,501.00

Source Name: DEARBORN RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNESW	27	18N	7W	LEWIS AND CLARK

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: DEARBORN CANAL

Period of Use: APRIL 1 TO OCTOBER 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			E2	13	18N	7W	LEWIS AND CLARK
2			SWNE	14	18N	7W	LEWIS AND CLARK
3			W2	14	18N	7W	LEWIS AND CLARK
4				15	18N	7W	LEWIS AND CLARK
5				23	18N	7W	LEWIS AND CLARK
6			NW	24	18N	7W	LEWIS AND CLARK
7			N2SW	24	18N	7W	LEWIS AND CLARK
8			N2NW	26	18N	7W	LEWIS AND CLARK
9			SWNW	26	18N	7W	LEWIS AND CLARK
10			NWNE	26	18N	7W	LEWIS AND CLARK
11			W2	27	18N	7W	LEWIS AND CLARK
12			NE	27	18N	7W	LEWIS AND CLARK

13	E2SE	27	18N	7W	LEWIS AND CLARK
14	S2	25	19N	7W	LEWIS AND CLARK
15		1	18N	6W	LEWIS AND CLARK
16		2	18N	6W	LEWIS AND CLARK
17		3	18N	6W	LEWIS AND CLARK
18		4	18N	6W	LEWIS AND CLARK
19		5	18N	6W	LEWIS AND CLARK
20		7	18N	6W	LEWIS AND CLARK
21		8	18N	6W	LEWIS AND CLARK
22		9	18N	6W	LEWIS AND CLARK
23		10	18N	6W	LEWIS AND CLARK
24		13	18N	6W	LEWIS AND CLARK
25		14	18N	6W	LEWIS AND CLARK
26		15	18N	6W	LEWIS AND CLARK
27		16	18N	6W	LEWIS AND CLARK
28		17	18N	6W	LEWIS AND CLARK
29		18	18N	6W	LEWIS AND CLARK
30		23	18N	6W	LEWIS AND CLARK
31		24	18N	6W	LEWIS AND CLARK
32	SWSE	9	19N	6W	LEWIS AND CLARK
33	W2	9	19N	6W	LEWIS AND CLARK
34		8	19N	6W	LEWIS AND CLARK
35		17	19N	6W	LEWIS AND CLARK
36	E2	18	19N	6W	LEWIS AND CLARK
37	N2NW	18	19N	6W	LEWIS AND CLARK
38	SW	18	19N	6W	LEWIS AND CLARK
39		19	19N	6W	LEWIS AND CLARK
40	S2	20	19N	6W	LEWIS AND CLARK
41	SW	21	19N	6W	LEWIS AND CLARK
42		25	19N	6W	LEWIS AND CLARK
43	S2	26	19N	6W	LEWIS AND CLARK
44	E2NW	26	19N	6W	LEWIS AND CLARK
45	W2NE	26	19N	6W	LEWIS AND CLARK
46		27	19N	6W	LEWIS AND CLARK
47		28	19N	6W	LEWIS AND CLARK
48		29	19N	6W	LEWIS AND CLARK
49		30	19N	6W	LEWIS AND CLARK
50		32	19N	6W	LEWIS AND CLARK
51		33	19N	6W	LEWIS AND CLARK
52		34	19N	6W	LEWIS AND CLARK
53		35	19N	6W	LEWIS AND CLARK
54	S2	36	19N	6W	LEWIS AND CLARK
55		1	18N	5W	LEWIS AND CLARK
56		2	18N	5W	LEWIS AND CLARK
57		3	18N	5W	LEWIS AND CLARK
58		4	18N	5W	LEWIS AND CLARK
59		5	18N	5W	LEWIS AND CLARK

60		6	18N	5W	LEWIS AND CLARK
61		7	18N	5W	LEWIS AND CLARK
62		8	18N	5W	LEWIS AND CLARK
63		9	18N	5W	LEWIS AND CLARK
64		10	18N	5W	LEWIS AND CLARK
65		11	18N	5W	LEWIS AND CLARK
66		12	18N	5W	LEWIS AND CLARK
67		14	18N	5W	LEWIS AND CLARK
68		15	18N	5W	LEWIS AND CLARK
69		19	18N	5W	LEWIS AND CLARK
70	S2SW	20	18N	5W	LEWIS AND CLARK
71		22	18N	5W	LEWIS AND CLARK
72		23	18N	5W	LEWIS AND CLARK
73	N2	26	18N	5W	LEWIS AND CLARK
74	NESE	26	18N	5W	LEWIS AND CLARK
75	N2	27	18N	5W	LEWIS AND CLARK
76		29	18N	5W	LEWIS AND CLARK
77		30	18N	5W	LEWIS AND CLARK
78	N2	32	18N	5W	LEWIS AND CLARK
79	W2	7	18N	4W	LEWIS AND CLARK
80		8	18N	4W	LEWIS AND CLARK
81		16	18N	4W	LEWIS AND CLARK
82		17	18N	4W	LEWIS AND CLARK
83	N2N2	20	18N	4W	LEWIS AND CLARK
84		21	18N	4W	LEWIS AND CLARK
85		1	17N	4W	LEWIS AND CLARK
86		11	17N	4W	LEWIS AND CLARK
87		12	17N	4W	LEWIS AND CLARK
88		13	17N	4W	LEWIS AND CLARK
89		14	17N	4W	LEWIS AND CLARK
90		24	17N	4W	LEWIS AND CLARK
91		25	17N	4W	LEWIS AND CLARK

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.

127880-00 127881-00

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

127880-00 127882-00

A TOTAL OF UP TO 7501.00 ACRES WITHIN THE DESCRIBED HISTORICAL SERVICE AREA MAY BE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON. A MAP OF THE SERVICE AREA IS FOUND IN THE CASE FILE FOR WATER COURT CASE 41U-0124-R-2023

THIS APPROPRIATION OF WATER TAKES WATER FROM THE DEARBORN RIVER DRAINAGE (BASIN 41U) AND USES IT IN THE DEARBORN RIVER DRAINAGE (BASIN 41U) AND THE SUN RIVER DRAINAGE (BASIN 41K). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
DEARBORN RIVER
BASIN 41U**

Water Right Number: 41U 127881-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: DEARBORN CANAL AND WATER COMPANY
% JOE BARRETT
PO BOX 548
AUGUSTA, MT 59410

Priority Date: DECEMBER 6, 1899

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 284.29 CFS

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

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Maximum Acres: 7,501.00

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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: DEARBORN CANAL

Period of Use: APRIL 1 TO OCTOBER 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			E2	13	18N	7W	LEWIS AND CLARK
2			SWNE	14	18N	7W	LEWIS AND CLARK
3			W2	14	18N	7W	LEWIS AND CLARK
4				15	18N	7W	LEWIS AND CLARK
5				23	18N	7W	LEWIS AND CLARK
6			NW	24	18N	7W	LEWIS AND CLARK
7			N2SW	24	18N	7W	LEWIS AND CLARK
8			N2NW	26	18N	7W	LEWIS AND CLARK
9			SWNW	26	18N	7W	LEWIS AND CLARK
10			NWNE	26	18N	7W	LEWIS AND CLARK
11			W2	27	18N	7W	LEWIS AND CLARK
12			NE	27	18N	7W	LEWIS AND CLARK

13	E2SE	27	18N	7W	LEWIS AND CLARK
14	S2	25	19N	7W	LEWIS AND CLARK
15		1	18N	6W	LEWIS AND CLARK
16		2	18N	6W	LEWIS AND CLARK
17		3	18N	6W	LEWIS AND CLARK
18		4	18N	6W	LEWIS AND CLARK
19		5	18N	6W	LEWIS AND CLARK
20		7	18N	6W	LEWIS AND CLARK
21		8	18N	6W	LEWIS AND CLARK
22		9	18N	6W	LEWIS AND CLARK
23		10	18N	6W	LEWIS AND CLARK
24		13	18N	6W	LEWIS AND CLARK
25		14	18N	6W	LEWIS AND CLARK
26		15	18N	6W	LEWIS AND CLARK
27		16	18N	6W	LEWIS AND CLARK
28		17	18N	6W	LEWIS AND CLARK
29		18	18N	6W	LEWIS AND CLARK
30		23	18N	6W	LEWIS AND CLARK
31		24	18N	6W	LEWIS AND CLARK
32	SWSE	9	19N	6W	LEWIS AND CLARK
33	W2	9	19N	6W	LEWIS AND CLARK
34		8	19N	6W	LEWIS AND CLARK
35		17	19N	6W	LEWIS AND CLARK
36	E2	18	19N	6W	LEWIS AND CLARK
37	N2NW	18	19N	6W	LEWIS AND CLARK
38	SW	18	19N	6W	LEWIS AND CLARK
39		19	19N	6W	LEWIS AND CLARK
40	S2	20	19N	6W	LEWIS AND CLARK
41	SW	21	19N	6W	LEWIS AND CLARK
42		25	19N	6W	LEWIS AND CLARK
43	S2	26	19N	6W	LEWIS AND CLARK
44	E2NW	26	19N	6W	LEWIS AND CLARK
45	W2NE	26	19N	6W	LEWIS AND CLARK
46		27	19N	6W	LEWIS AND CLARK
47		28	19N	6W	LEWIS AND CLARK
48		29	19N	6W	LEWIS AND CLARK
49		30	19N	6W	LEWIS AND CLARK
50		32	19N	6W	LEWIS AND CLARK
51		33	19N	6W	LEWIS AND CLARK
52		34	19N	6W	LEWIS AND CLARK
53		35	19N	6W	LEWIS AND CLARK
54	S2	36	19N	6W	LEWIS AND CLARK
55		1	18N	5W	LEWIS AND CLARK
56		2	18N	5W	LEWIS AND CLARK
57		3	18N	5W	LEWIS AND CLARK
58		4	18N	5W	LEWIS AND CLARK
59		5	18N	5W	LEWIS AND CLARK

60		6	18N	5W	LEWIS AND CLARK
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64		10	18N	5W	LEWIS AND CLARK
65		11	18N	5W	LEWIS AND CLARK
66		12	18N	5W	LEWIS AND CLARK
67		14	18N	5W	LEWIS AND CLARK
68		15	18N	5W	LEWIS AND CLARK
69		19	18N	5W	LEWIS AND CLARK
70	S2SW	20	18N	5W	LEWIS AND CLARK
71		22	18N	5W	LEWIS AND CLARK
72		23	18N	5W	LEWIS AND CLARK
73	N2	26	18N	5W	LEWIS AND CLARK
74	NESE	26	18N	5W	LEWIS AND CLARK
75	N2	27	18N	5W	LEWIS AND CLARK
76		29	18N	5W	LEWIS AND CLARK
77		30	18N	5W	LEWIS AND CLARK
78	N2	32	18N	5W	LEWIS AND CLARK
79	W2	7	18N	4W	LEWIS AND CLARK
80		8	18N	4W	LEWIS AND CLARK
81		16	18N	4W	LEWIS AND CLARK
82		17	18N	4W	LEWIS AND CLARK
83	N2N2	20	18N	4W	LEWIS AND CLARK
84		21	18N	4W	LEWIS AND CLARK
85		1	17N	4W	LEWIS AND CLARK
86		11	17N	4W	LEWIS AND CLARK
87		12	17N	4W	LEWIS AND CLARK
88		13	17N	4W	LEWIS AND CLARK
89		14	17N	4W	LEWIS AND CLARK
90		24	17N	4W	LEWIS AND CLARK
91		25	17N	4W	LEWIS AND CLARK

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.

127880-00 127881-00

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

127881-00 127883-00

A TOTAL OF UP TO 7501.00 ACRES WITHIN THE DESCRIBED HISTORICAL SERVICE AREA MAY BE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON. A MAP OF THE SERVICE AREA IS FOUND IN THE CASE FILE FOR WATER COURT CASE 41U-0124-R-2023

THIS APPROPRIATION OF WATER TAKES WATER FROM THE DEARBORN RIVER DRAINAGE (BASIN 41U) AND USES IT IN THE DEARBORN RIVER DRAINAGE (BASIN 41U) AND THE SUN RIVER DRAINAGE (BASIN 41K). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
DEARBORN RIVER
BASIN 41U**

Water Right Number: 41U 127882-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DEARBORN CANAL AND WATER COMPANY
% JOE BARRETT
PO BOX 548
AUGUSTA, MT 59410

Priority Date: JULY 18, 1888

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: DEARBORN RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNESW	27	18N	7W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: DEARBORN CANAL

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			E2	13	18N	7W	LEWIS AND CLARK
2			SWNE	14	18N	7W	LEWIS AND CLARK
3			W2	14	18N	7W	LEWIS AND CLARK
4				15	18N	7W	LEWIS AND CLARK
5				23	18N	7W	LEWIS AND CLARK
6			NW	24	18N	7W	LEWIS AND CLARK
7			N2SW	24	18N	7W	LEWIS AND CLARK
8			N2NW	26	18N	7W	LEWIS AND CLARK
9			SWNW	26	18N	7W	LEWIS AND CLARK
10			NWNE	26	18N	7W	LEWIS AND CLARK
11			W2	27	18N	7W	LEWIS AND CLARK
12			NE	27	18N	7W	LEWIS AND CLARK

13	E2SE	27	18N	7W	LEWIS AND CLARK
14	S2	25	19N	7W	LEWIS AND CLARK
15		1	18N	6W	LEWIS AND CLARK
16		2	18N	6W	LEWIS AND CLARK
17		3	18N	6W	LEWIS AND CLARK
18		4	18N	6W	LEWIS AND CLARK
19		5	18N	6W	LEWIS AND CLARK
20		7	18N	6W	LEWIS AND CLARK
21		8	18N	6W	LEWIS AND CLARK
22		9	18N	6W	LEWIS AND CLARK
23		10	18N	6W	LEWIS AND CLARK
24		13	18N	6W	LEWIS AND CLARK
25		14	18N	6W	LEWIS AND CLARK
26		15	18N	6W	LEWIS AND CLARK
27		16	18N	6W	LEWIS AND CLARK
28		17	18N	6W	LEWIS AND CLARK
29		18	18N	6W	LEWIS AND CLARK
30		23	18N	6W	LEWIS AND CLARK
31		24	18N	6W	LEWIS AND CLARK
32	SWSE	9	19N	6W	LEWIS AND CLARK
33	W2	9	19N	6W	LEWIS AND CLARK
34		8	19N	6W	LEWIS AND CLARK
35		17	19N	6W	LEWIS AND CLARK
36	E2	18	19N	6W	LEWIS AND CLARK
37	N2NW	18	19N	6W	LEWIS AND CLARK
38	SW	18	19N	6W	LEWIS AND CLARK
39		19	19N	6W	LEWIS AND CLARK
40	S2	20	19N	6W	LEWIS AND CLARK
41	SW	21	19N	6W	LEWIS AND CLARK
42		25	19N	6W	LEWIS AND CLARK
43	S2	26	19N	6W	LEWIS AND CLARK
44	E2NW	26	19N	6W	LEWIS AND CLARK
45	W2NE	26	19N	6W	LEWIS AND CLARK
46		27	19N	6W	LEWIS AND CLARK
47		28	19N	6W	LEWIS AND CLARK
48		29	19N	6W	LEWIS AND CLARK
49		30	19N	6W	LEWIS AND CLARK
50		32	19N	6W	LEWIS AND CLARK
51		33	19N	6W	LEWIS AND CLARK
52		34	19N	6W	LEWIS AND CLARK
53		35	19N	6W	LEWIS AND CLARK
54	S2	36	19N	6W	LEWIS AND CLARK
55		1	18N	5W	LEWIS AND CLARK
56		2	18N	5W	LEWIS AND CLARK
57		3	18N	5W	LEWIS AND CLARK
58		4	18N	5W	LEWIS AND CLARK
59		5	18N	5W	LEWIS AND CLARK

60		6	18N	5W	LEWIS AND CLARK
61		7	18N	5W	LEWIS AND CLARK
62		8	18N	5W	LEWIS AND CLARK
63		9	18N	5W	LEWIS AND CLARK
64		10	18N	5W	LEWIS AND CLARK
65		11	18N	5W	LEWIS AND CLARK
66		12	18N	5W	LEWIS AND CLARK
67		14	18N	5W	LEWIS AND CLARK
68		15	18N	5W	LEWIS AND CLARK
69		19	18N	5W	LEWIS AND CLARK
70	S2SW	20	18N	5W	LEWIS AND CLARK
71		22	18N	5W	LEWIS AND CLARK
72		23	18N	5W	LEWIS AND CLARK
73	N2	26	18N	5W	LEWIS AND CLARK
74	NESE	26	18N	5W	LEWIS AND CLARK
75	N2	27	18N	5W	LEWIS AND CLARK
76		29	18N	5W	LEWIS AND CLARK
77		30	18N	5W	LEWIS AND CLARK
78	N2	32	18N	5W	LEWIS AND CLARK
79	W2	7	18N	4W	LEWIS AND CLARK
80		8	18N	4W	LEWIS AND CLARK
81		16	18N	4W	LEWIS AND CLARK
82		17	18N	4W	LEWIS AND CLARK
83	N2N2	20	18N	4W	LEWIS AND CLARK
84		21	18N	4W	LEWIS AND CLARK
85		1	17N	4W	LEWIS AND CLARK
86		11	17N	4W	LEWIS AND CLARK
87		12	17N	4W	LEWIS AND CLARK
88		13	17N	4W	LEWIS AND CLARK
89		14	17N	4W	LEWIS AND CLARK
90		24	17N	4W	LEWIS AND CLARK
91		25	17N	4W	LEWIS AND CLARK

Remarks:

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127880-00 127882-00

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
DEARBORN RIVER
BASIN 41U**

Water Right Number: 41U 127883-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DEARBORN CANAL AND WATER COMPANY
% JOE BARRETT
PO BOX 548
AUGUSTA, MT 59410

Priority Date: DECEMBER 6, 1899

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: DEARBORN RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNESW	27	18N	7W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: DEARBORN CANAL

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			E2	13	18N	7W	LEWIS AND CLARK
2			SWNE	14	18N	7W	LEWIS AND CLARK
3			W2	14	18N	7W	LEWIS AND CLARK
4				15	18N	7W	LEWIS AND CLARK
5				23	18N	7W	LEWIS AND CLARK
6			NW	24	18N	7W	LEWIS AND CLARK
7			N2SW	24	18N	7W	LEWIS AND CLARK
8			N2NW	26	18N	7W	LEWIS AND CLARK
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11			W2	27	18N	7W	LEWIS AND CLARK
12			NE	27	18N	7W	LEWIS AND CLARK

13	E2SE	27	18N	7W	LEWIS AND CLARK
14	S2	25	19N	7W	LEWIS AND CLARK
15		1	18N	6W	LEWIS AND CLARK
16		2	18N	6W	LEWIS AND CLARK
17		3	18N	6W	LEWIS AND CLARK
18		4	18N	6W	LEWIS AND CLARK
19		5	18N	6W	LEWIS AND CLARK
20		7	18N	6W	LEWIS AND CLARK
21		8	18N	6W	LEWIS AND CLARK
22		9	18N	6W	LEWIS AND CLARK
23		10	18N	6W	LEWIS AND CLARK
24		13	18N	6W	LEWIS AND CLARK
25		14	18N	6W	LEWIS AND CLARK
26		15	18N	6W	LEWIS AND CLARK
27		16	18N	6W	LEWIS AND CLARK
28		17	18N	6W	LEWIS AND CLARK
29		18	18N	6W	LEWIS AND CLARK
30		23	18N	6W	LEWIS AND CLARK
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32	SWSE	9	19N	6W	LEWIS AND CLARK
33	W2	9	19N	6W	LEWIS AND CLARK
34		8	19N	6W	LEWIS AND CLARK
35		17	19N	6W	LEWIS AND CLARK
36	E2	18	19N	6W	LEWIS AND CLARK
37	N2NW	18	19N	6W	LEWIS AND CLARK
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74	NESE	26	18N	5W	LEWIS AND CLARK
75	N2	27	18N	5W	LEWIS AND CLARK
76		29	18N	5W	LEWIS AND CLARK
77		30	18N	5W	LEWIS AND CLARK
78	N2	32	18N	5W	LEWIS AND CLARK
79	W2	7	18N	4W	LEWIS AND CLARK
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81		16	18N	4W	LEWIS AND CLARK
82		17	18N	4W	LEWIS AND CLARK
83	N2N2	20	18N	4W	LEWIS AND CLARK
84		21	18N	4W	LEWIS AND CLARK
85		1	17N	4W	LEWIS AND CLARK
86		11	17N	4W	LEWIS AND CLARK
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Remarks:

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127881-00 127883-00

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