

Montana Water Court  
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**FILED**  
08/07/2024  
Sara Calkins  
CLERK  
Montana Water Court  
STATE OF MONTANA  
By: Sara Calkins  
41I-2026-R-2023  
Ostrem, Eyvind  
3.00

**IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
MISSOURI RIVER ABOVE HOLTER DAM BASIN (41I)  
PRELIMINARY DECREE**

\* \* \* \* \*

CLAIMANT: RJK Investments Inc.

OBJECTOR: Ronald J. Keeler

**CASE 41I-2026-R-2023**

41I 5077-00

41I 5078-00

41I 5079-00

41I 5080-00

**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 to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

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

**MASTER'S REPORT**

The water right claims listed above appeared in the Preliminary Decree for the Missouri River above Holter Dam (Basin 41I) issued on June 24, 2022. The claims did

not receive objections but received issue remarks from the Department of Natural Resources and Conservation (DNRC) raising potential legal or factual issues with the claims. Each claim also received an objection from Ronald Keeler and a motion to amend from Ronald Keeler on behalf of RJK Investments, dated December 14, 2021. The motions to amend were not processed at the time they were filed. The Water Court consolidated the claim into case 41I-2026-R-2023 to address these issues.

On February 5, 2024, Ronald Keeler (of RJK Investments) contacted the Court via telephone. He stated that he wished to withdraw his amendments to these claims. Mr. Keeler also informed the Court that he reviewed the claims and did not believe any changes to the claims were necessary.

### FINDINGS OF FACT

1. Water right claims 41I 5077-00, 41I 5078-00, 41I 5079-00, and 41I 5080-00 are irrigation claims based on rights to “Antelope Creek and its tributaries” decreed in Case 253, Broadwater County. Each claim appeared in the Preliminary Decree as a claim to water from Antelope Creek and an unnamed tributary of Staubach Creek for irrigating 555.90 acres. Each received the following substantive issue remarks:

THE BROADWATER COUNTY WATER RESOURCES SURVEY ( 1956 ) APPEARS TO INDICATE 341.10 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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

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

2. Each of these claims was subject to a March 25, 1998 Master’s Report in Case 41I-227 (Adopted April 27, 1998). In that case, the Water Master specifically determined the 555.90 acres irrigated under these claims. Accordingly, no change is required in response to the place of use/ irrigated acres issue remarks.

3. The third issue remark suggests the claims may be claiming multiple rights because they currently identify both Antelope Creek and an unnamed tributary of Staubach Creek as sources. However, these are decreed rights to water from Antelope Creek and its tributaries. DNRC notes and the Water Resources Map in the claim file

suggest that the unnamed tributary of Staubach Creek now listed on these claims may have originally been a tributary of Antelope Creek.<sup>1</sup> The prima facie Statements of Claim correctly identify the water rights decreed in Case 253 and no implied claims are required.

4. In addition to the issues raised by issue remarks, the Court identified a clerical error on the claims. Each contains the following informational remark:

POINT OF DIVERSION NOS. 2, 9, 10 AND 11 ARE ON UNNAMED TRIBUTARIES OF STAUBACH CREEK

However, under Point of Diversion No. 2, each abstract lists its source as Antelope Creek. It appears that when sources were added to the individual points of diversion, Point of Diversion No. 2 was not correctly updated to reflect that it is on the unnamed tributary of Staubach Creek. Points of Diversion No. 2 on each claim should be updated to reflect the correct source as follows:

**Point of Diversion 2:** SESWSE Section 27, T9N, R1W

Source name: ~~Antelope Creek~~ **Unnamed Tributary of Staubach Creek**

Because this source information is now included under each point of diversion, the information remark is no longer necessary and should be removed from the claims.

#### APPLICABLE LAW

1. Section 85-2-248(2), MCA requires the Water Court to resolve all issue remarks that are not resolved through the objection process. 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. § 85-2-248(3), MCA.

2. A properly filed claim of an existing right or an amended claim of existing 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

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<sup>1</sup> According to DNRC notes in the claim files, there were “major shifts in waterways” and “from 1948 topo to 1958 topo some big shifts in creek beds appears to have occurred.” The notes suggests that the unnamed tributaries may have originally been a part of the Antelope Creek System, but “careful examination” would be necessary to determine conclusively. DNRC apparently did not engage in this careful examination. Nor do any of the issue remarks on the claims question whether the claimed sources are accurate. The Claimant believes the claims are accurate, and no other water users objected to the claims.

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.

3. The Water Court may correct a clerical mistake or a mistake arising from oversight or omission where one is found in a part of the record. Rule 60(a), M.R.Civ.P.

#### CONCLUSIONS OF LAW

1. The Findings of Fact above are supported by a preponderance of the evidence. The issues raised by the place of use/irrigated acres remarks were resolved by prior Water Court proceedings. The multiple rights issue remark fails to overcome the prima facie status of the claims. The issue remarks should be removed from the claims.

2. Removal of the issue remarks resolves Ronald Keeler's objections. RJK Investments' withdrawal of its 2021 amendments is accepted by the Court.

3. The clerical error should be corrected as described in the Finding of Fact No. 4, above.

#### RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Master recommends that the Court correct the clerical error and remove the issue remarks from the claims.

A Post Decree Abstract of Water Right Claim for each claim reflecting the recommended changes is attached to this Report for review.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

#### **Service via USPS Mail**

RJK Investments Inc  
Ronald J Keeler  
PO Box 1340  
East Helena, MT 59635

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MISSOURI RIVER, ABOVE HOLTER DAM  
BASIN 41I**

**Water Right Number:** 41I 5077-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** RJK INVESTMENTS INC  
PO BOX 1340  
EAST HELENA, MT 59635-1340

**Priority Date:** MAY 1, 1869

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 2.50 CFS

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

**Climatic Area:** 3 - MODERATE

**\*Maximum Acres:** 555.90

**Source Name:** ANTELOPE CREEK

**Source Type:** SURFACE WATER

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

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESESW	27	9N	1W	BROADWATER
<b>Source Name:</b> ANTELOPE CREEK						
<b>Period of Diversion:</b> MAY 1 TO OCTOBER 15						
<b>Diversion Means:</b> HEADGATE						
2		SESWSE	27	9N	1W	BROADWATER
<b>Source Name:</b> UNNAMED TRIBUTARY OF STAUBACH CREEK						
<b>Period of Diversion:</b> MAY 1 TO OCTOBER 15						
<b>Diversion Means:</b> HEADGATE						
3		SESENE	32	9N	1W	BROADWATER
<b>Source Name:</b> ANTELOPE CREEK						
<b>Period of Diversion:</b> MAY 1 TO OCTOBER 15						
<b>Diversion Means:</b> HEADGATE						
4		NENENE	33	9N	1W	BROADWATER
<b>Source Name:</b> ANTELOPE CREEK						
<b>Period of Diversion:</b> MAY 1 TO OCTOBER 15						
<b>Diversion Means:</b> HEADGATE						

5	NENENE	33	9N	1W	BROADWATER
Source Name:	ANTELOPE CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
6	NWNWNE	33	9N	1W	BROADWATER
Source Name:	ANTELOPE CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
7	SENENW	33	9N	1W	BROADWATER
Source Name:	ANTELOPE CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
8	SESWNW	33	9N	1W	BROADWATER
Source Name:	ANTELOPE CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
9	NWNWNE	34	9N	1W	BROADWATER
Source Name:	UNNAMED TRIBUTARY OF STAUBACH CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
10	NENENW	34	9N	1W	BROADWATER
Source Name:	UNNAMED TRIBUTARY OF STAUBACH CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
11	SENWNW	34	9N	1W	BROADWATER
Source Name:	UNNAMED TRIBUTARY OF STAUBACH CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
Period of Use:	MAY 1 TO OCTOBER 15				

\*Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	56.00		SE	27	9N	1W	BROADWATER
2	64.50		SW	27	9N	1W	BROADWATER
3	86.00		SE	28	9N	1W	BROADWATER
4	110.30		N2	33	9N	1W	BROADWATER
5	5.00		SE	34	9N	1W	BROADWATER
6	37.50		SW	34	9N	1W	BROADWATER
7	50.20		NE	34	9N	1W	BROADWATER
8	146.40		NW	34	9N	1W	BROADWATER
Total:	555.90						

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.

5076-00	5077-00	5078-00	5079-00	5080-00
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**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MISSOURI RIVER, ABOVE HOLTER DAM  
BASIN 41I**

**Water Right Number:** 41I 5078-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** RJK INVESTMENTS INC  
PO BOX 1340  
EAST HELENA, MT 59635-1340

**Priority Date:** MAY 1, 1880

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 3.75 CFS

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

**Climatic Area:** 3 - MODERATE

**\*Maximum Acres:** 555.90

**Source Name:** ANTELOPE CREEK

**Source Type:** SURFACE WATER

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

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESESW	27	9N	1W	BROADWATER

**Source Name:** ANTELOPE CREEK

**Period of Diversion:** MAY 1 TO OCTOBER 15

**Diversion Means:** HEADGATE

2		SESWSE	27	9N	1W	BROADWATER
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**Source Name:** UNNAMED TRIBUTARY OF STAUBACH CREEK

**Period of Diversion:** MAY 1 TO OCTOBER 15

**Diversion Means:** HEADGATE

3		SESENE	32	9N	1W	BROADWATER
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**Source Name:** ANTELOPE CREEK

**Period of Diversion:** MAY 1 TO OCTOBER 15

**Diversion Means:** HEADGATE

4		NENENE	33	9N	1W	BROADWATER
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**Source Name:** ANTELOPE CREEK

**Period of Diversion:** MAY 1 TO OCTOBER 15

**Diversion Means:** HEADGATE

5	NENENE	33	9N	1W	BROADWATER
Source Name:	ANTELOPE CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
6	NWNWNE	33	9N	1W	BROADWATER
Source Name:	ANTELOPE CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
7	SENENW	33	9N	1W	BROADWATER
Source Name:	ANTELOPE CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
8	SESWNW	33	9N	1W	BROADWATER
Source Name:	ANTELOPE CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
9	NWNWNE	34	9N	1W	BROADWATER
Source Name:	UNNAMED TRIBUTARY OF STAUBACH CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
10	NENENW	34	9N	1W	BROADWATER
Source Name:	UNNAMED TRIBUTARY OF STAUBACH CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
11	SENWNW	34	9N	1W	BROADWATER
Source Name:	UNNAMED TRIBUTARY OF STAUBACH CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
Period of Use:	MAY 1 TO OCTOBER 15				

\*Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	56.00		SE	27	9N	1W	BROADWATER
2	64.50		SW	27	9N	1W	BROADWATER
3	86.00		SE	28	9N	1W	BROADWATER
4	110.30		N2	33	9N	1W	BROADWATER
5	5.00		SE	34	9N	1W	BROADWATER
6	37.50		SW	34	9N	1W	BROADWATER
7	50.20		NE	34	9N	1W	BROADWATER
8	146.40		NW	34	9N	1W	BROADWATER
Total:	555.90						

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.

5076-00	5077-00	5078-00	5079-00	5080-00
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**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MISSOURI RIVER, ABOVE HOLTER DAM  
BASIN 41I**

**Water Right Number:** 41I 5079-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** RJK INVESTMENTS INC  
PO BOX 1340  
EAST HELENA, MT 59635-1340

**Priority Date:** MAY 1, 1883

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 4.00 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:** 555.90

**Source Name:** ANTELOPE CREEK

**Source Type:** SURFACE WATER

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

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESESW	27	9N	1W	BROADWATER

**Source Name:** ANTELOPE CREEK

**Period of Diversion:** MAY 1 TO OCTOBER 15

**Diversion Means:** HEADGATE

2		SESWSE	27	9N	1W	BROADWATER
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**Source Name:** UNNAMED TRIBUTARY OF STAUBACH CREEK

**Period of Diversion:** MAY 1 TO OCTOBER 15

**Diversion Means:** HEADGATE

3		SESENE	32	9N	1W	BROADWATER
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**Source Name:** ANTELOPE CREEK

**Period of Diversion:** MAY 1 TO OCTOBER 15

**Diversion Means:** HEADGATE

4		NENENE	33	9N	1W	BROADWATER
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**Source Name:** ANTELOPE CREEK

**Period of Diversion:** MAY 1 TO OCTOBER 15

**Diversion Means:** HEADGATE

5	NENENE	33	9N	1W	BROADWATER
Source Name:	ANTELOPE CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
6	NWNWNE	33	9N	1W	BROADWATER
Source Name:	ANTELOPE CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
7	SENENW	33	9N	1W	BROADWATER
Source Name:	ANTELOPE CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
8	SESWNW	33	9N	1W	BROADWATER
Source Name:	ANTELOPE CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
9	NWNWNE	34	9N	1W	BROADWATER
Source Name:	UNNAMED TRIBUTARY OF STAUBACH CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
10	NENENW	34	9N	1W	BROADWATER
Source Name:	UNNAMED TRIBUTARY OF STAUBACH CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
11	SENWNW	34	9N	1W	BROADWATER
Source Name:	UNNAMED TRIBUTARY OF STAUBACH CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
Period of Use:	MAY 1 TO OCTOBER 15				

\*Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	56.00		SE	27	9N	1W	BROADWATER
2	64.50		SW	27	9N	1W	BROADWATER
3	86.00		SE	28	9N	1W	BROADWATER
4	110.30		N2	33	9N	1W	BROADWATER
5	5.00		SE	34	9N	1W	BROADWATER
6	37.50		SW	34	9N	1W	BROADWATER
7	50.20		NE	34	9N	1W	BROADWATER
8	146.40		NW	34	9N	1W	BROADWATER
Total:	555.90						

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.

5076-00	5077-00	5078-00	5079-00	5080-00
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**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MISSOURI RIVER, ABOVE HOLTER DAM  
BASIN 41I**

**Water Right Number:** 41I 5080-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** RJK INVESTMENTS INC  
PO BOX 1340  
EAST HELENA, MT 59635-1340

**Priority Date:** MAY 1, 1873

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 2.50 CFS

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

**Climatic Area:** 3 - MODERATE

**\*Maximum Acres:** 555.90

**Source Name:** ANTELOPE CREEK

**Source Type:** SURFACE WATER

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

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESESW	27	9N	1W	BROADWATER
<b>Source Name:</b> ANTELOPE CREEK						
<b>Period of Diversion:</b> MAY 1 TO OCTOBER 15						
<b>Diversion Means:</b> HEADGATE						
2		SESWSE	27	9N	1W	BROADWATER
<b>Source Name:</b> UNNAMED TRIBUTARY OF STAUBACH CREEK						
<b>Period of Diversion:</b> MAY 1 TO OCTOBER 15						
<b>Diversion Means:</b> HEADGATE						
3		SESENE	32	9N	1W	BROADWATER
<b>Source Name:</b> ANTELOPE CREEK						
<b>Period of Diversion:</b> MAY 1 TO OCTOBER 15						
<b>Diversion Means:</b> HEADGATE						
4		NENENE	33	9N	1W	BROADWATER
<b>Source Name:</b> ANTELOPE CREEK						
<b>Period of Diversion:</b> MAY 1 TO OCTOBER 15						
<b>Diversion Means:</b> HEADGATE						

5	NENENE	33	9N	1W	BROADWATER
Source Name:	ANTELOPE CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
6	NWNWNE	33	9N	1W	BROADWATER
Source Name:	ANTELOPE CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
7	SENENW	33	9N	1W	BROADWATER
Source Name:	ANTELOPE CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
8	SESWNW	33	9N	1W	BROADWATER
Source Name:	ANTELOPE CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
9	NWNWNE	34	9N	1W	BROADWATER
Source Name:	UNNAMED TRIBUTARY OF STAUBACH CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
10	NENENW	34	9N	1W	BROADWATER
Source Name:	UNNAMED TRIBUTARY OF STAUBACH CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
11	SENWNW	34	9N	1W	BROADWATER
Source Name:	UNNAMED TRIBUTARY OF STAUBACH CREEK				
Period of Diversion:	MAY 1 TO OCTOBER 15				
Diversion Means:	HEADGATE				
Period of Use:	MAY 1 TO OCTOBER 15				

\*Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	56.00		SE	27	9N	1W	BROADWATER
2	64.50		SW	27	9N	1W	BROADWATER
3	86.00		SE	28	9N	1W	BROADWATER
4	110.30		N2	33	9N	1W	BROADWATER
5	5.00		SE	34	9N	1W	BROADWATER
6	37.50		SW	34	9N	1W	BROADWATER
7	50.20		NE	34	9N	1W	BROADWATER
8	146.40		NW	34	9N	1W	BROADWATER
Total:	555.90						

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.

5076-00	5077-00	5078-00	5079-00	5080-00
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