

Montana Water Court
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IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
JUDITH RIVER BASIN (41S)
PRELIMINARY DECREE

CLAIMANTS: Mardyth D. Blattner; Sharon A. Graves;
Norman Ranch; Norman Ranch LLC; Shane L.
Pegram

CASE 41S-0210-R-2024

- 41S 33614-00
- 41S 34667-00
- 41S 34668-00
- 41S 34669-00
- 41S 34670-00
- 41S 34697-00
- 41S 34698-00
- 41S 34699-00
- 41S 37835-00
- 41S 37836-00
- 41S 37837-00
- 41S 37838-00
- 41S 37839-00
- 41S 211097-00
- 41S 211098-00

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

The above-captioned claims appeared in the Preliminary Decree for the Judith River (Basin 41S) with issue remarks.

The claims were consolidated into Case 41S-0210-R-2024 on February 26, 2024, and the claimants were ordered to work with the Department of Natural Resources and Conservation to resolve the issue remarks on the claims. On June 12, 2024, a Memorandum (“Memo”) was filed (Doc.¹ 2.00). Maps showing the points of diversion and places of use for the claims were attached to the Memo (Doc. 3.00-4.00). The Memo states that DNRC met with claimant Norman Ranch and that the claimant had no objections to the DNRC findings.

FINDINGS OF FACT

1. Claim 41S 33614-00 was decreed with the following issue remarks:

THE MEANS OF DIVERSION APPEARS TO BE INCORRECT. THE MEANS OF DIVERSION APPEARS TO BE A DAM.

THE MEANS OF DIVERSION APPEARS TO BE INCORRECT. A RESERVOIR IS CLAIMED. THEREFORE, IT APPEARS THE MEANS OF DIVERSION SHOULD BE "DAM."

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 47.50 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO. 30027-278-28 , DATED 09/25/1979 APPEARS TO INDICATE 47.50 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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

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

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 3.81 TIMES THE CAPACITY OF THE RESERVOIR.

2. The Memo recommends reducing the maximum acreage to 47.50 acres, the volume to 148.96 AC-ft and the means of diversion to ‘dam’. The Memo stated that modifying the claim thusly would resolve the ‘acres irrigated’ issue remarks, the volume

¹ “Doc.” numerical references correlate to case file docket numbers in the Water Court’s Full Court case management system.

issue remarks and the means of diversion issue remarks. The Memo further recommended the removal of the ‘supplemental acres’ issue remark.

3. Claim 41S 34667-00 was decreed with the following issue remarks:

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

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NOS. 30027-278-26 AND 30027-278-28 , DATED 09/25/1979 , APPEAR TO INDICATE 11.50 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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

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

4. The Memo recommends reducing the maximum acres to 15.0 acres. The Memo stated that adoption of the modifications would resolve the ‘acres irrigated’ issue remarks. The Memo further recommended the removal of the flow rate issue remark as well as the ‘supplemental acres’ issue remark.

5. Claim 41S 34668-00 was decreed with the following issue remarks:

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

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NOS. 30027-278-26 AND 30027-278-28 , DATED 09/25/1979 , APPEAR TO INDICATE 11.50 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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

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

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 11.18 TIMES THE CAPACITY OF THE RESERVOIR.

6. The Memo recommends reducing the maximum acres to 15 acres. The Memo stated that adoption of the modifications would resolve the ‘acres irrigated’

issue remarks. The Memo further recommended the removal of the flow rate issue remark as well as the ‘supplemental acres’ issue remark.

7. Claim 41S 34669-00 was decreed with the following issue remarks:

WHEN THIS CLAIM WAS ORIGINALLY DECREED, THE PERIOD OF DIVERSION WAS NOT INCLUDED AS AN ELEMENT OF THE CLAIM. IN 2008, THE PERIOD OF DIVERSION ELEMENT WAS ADDED TO ALL CLAIM ABSTRACTS. IT IS NOT CERTAIN IF THE PERIOD OF DIVERSION DATES ADDED TO THIS CLAIM ACCURATELY REFLECT THE HISTORICAL PERIOD OF DIVERSION. MORE INFORMATION IS REQUIRED.

EXISTENCE OF THE CLAIMED RESERVOIR CANNOT BE CONFIRMED WITH AVAILABLE DATA.

8. The Memo recommended removing the issue remark referencing the existence of the reservoir without modifications to the claim.

9. Claim 41S 34670-00 was decreed with the following issue remarks:

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

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 46.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NOS. 30027-278-26 AND 30027-278-28 , DATED 09/25/1979 , APPEAR TO INDICATE 56.30 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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

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

10. The Memo recommends reducing the maximum acres to 56.30 acres. The Memo states that adoption of the recommendation would resolve the ‘acres irrigated’ issue remarks. The Memo further recommends removal of the flow rate and ‘supplemental acres’ issue remarks.

11. Claim 41S 34697-00 was decreed with the following issue remarks:

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

THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS 23.00 GPM PER ACRE.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-26 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE DIKE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

BASED ON THE 12/31/1998 DNRC REPORT TO THE WATER COURT, IT APPEARS A SUPPLEMENTAL RIGHTS REMARK SHOULD BE ADDED FOR THIS CLAIM AND CLAIM 41S 211097-00.

12. The Memo recommends reducing the maximum acres to 71 acres and reducing the flow rate to 2.69 CFS. The Memo states that adoption of the recommendations would resolve the ‘acres irrigated’ and flow rate issue remarks. The Memo further recommends removal of the point of diversion issue remark.

13. Claim 41S 34698-00 was decreed with the following issue remarks:

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 47.50 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO. 30027-278-28 , DATED 09/25/1979 APPEARS TO INDICATE 47.50 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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

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

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 3.81 TIMES THE CAPACITY OF THE RESERVOIR.

14. The Memo recommends reducing the maximum acres to 47.50 acres, reducing the flow rate to 1.79 CFS and reducing the volume to 147.58 AC-ft. The Memo states that adoption of the recommendations would resolve the ‘acres irrigated’, volume and flow rate issue remarks. The Memo further recommends removal of the ‘supplemental acres’ issue remark.

15. Claim 41S 34699-00 was decreed with the following issue remarks:

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

THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS 25.00 GPM PER ACRE.

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 38.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NOS. 30027-278-26 AND 30027-278-28 , DATED 09/25/1979 , APPEAR TO INDICATE 51.50 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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

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

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 30.98 TIMES THE CAPACITY OF THE RESERVOIR.

16. The Memo recommends reducing the maximum acres to 51.50 acres, reducing the flow rate to 1.95 CFS and reducing the volume to 18.56 AC-ft. The Memo states that adoption of the recommendations would resolve the ‘acres irrigated’, volume and flow rate issue remarks. The Memo further recommends removal of the ‘supplemental acres’ issue remark.

17. Claim 41S 37835-00 was decreed with the following issue remarks:

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

WHEN THIS CLAIM WAS ORIGINALLY DECREED, THE PERIOD OF DIVERSION WAS NOT INCLUDED AS AN ELEMENT OF THE CLAIM. IN 2008, THE PERIOD OF DIVERSION ELEMENT WAS ADDED TO ALL CLAIM ABSTRACTS. IT IS NOT CERTAIN IF THE PERIOD OF DIVERSION DATES ADDED TO THIS CLAIM ACCURATELY REFLECT THE HISTORICAL PERIOD OF DIVERSION. MORE INFORMATION IS REQUIRED.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 34.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

EXISTENCE OF THE CLAIMED RESERVOIR CANNOT BE CONFIRMED WITH AVAILABLE DATA.

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

18. The Memo recommends modifying the period of use to year-round in order to resolve the period of diversion issue remark. Period of use is not implicated by the current issue remarks. This Master is interpreting the recommendation to modify period of use to year-round as a recommendation to modify period of diversion to year-round, as is common for claims utilizing an onstream reservoir as claim 41S 37835-00 does.

19. The Memo recommends the removal of the remaining issue remarks without modifications to the claim.

20. Claim 41S 37836-00 was decreed with the following issue remarks:

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-28 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

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

21. The Memo recommends dismissal of the claim.

22. Claim 41S 37837-00 was decreed with the following issue remarks:

THE MEANS OF DIVERSION FOR POINT OF DIVERSION NO. 1 APPEARS TO BE INCORRECT. IT APPEARS THE MEANS OF DIVERSION SHOULD BE "DAM."

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

23. The Memo recommends modifying the means of diversion for point of diversion #1 to 'dam' in order to resolve the means of diversion issue remark. The Memo further recommended modifying the period of use to year-round. The Recommendation to modify the period of use was unsupported and otherwise without explanation of why the irrigation claim should be decreed with a year-round period of use.

24. Claim 41S 37838-00 was decreed with the following issue remarks:

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

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 47.50 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO. 30027-278-28 , DATED 09/25/1979 APPEARS TO INDICATE 47.50 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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

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

THE CLAIMED VOLUME EXCEEDS THE MAXIMUM FEASIBLE VOLUME. BASED ON THE FLOW RATE AND PERIOD OF USE, THE MAXIMUM VOLUME POSSIBLE IS 59.39 ACRE-FEET PER YEAR.

25. The Memo recommends reducing the maximum acres to 47.50 acres and reducing the volume to 30.40 AC-ft. The Memo states that adoption of the recommendations would resolve the ‘acres irrigated’ and volume issue remarks. The Memo further recommends removal of the ‘supplemental acres’ and flow rate issue remarks.

26. Claim 41S 37839-00 was decreed with the following issue remarks:

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

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-28 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE DIKE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

27. The Memo recommends reducing the maximum acres to 26 acres and reducing the flow rate to 442 GPM. The Memo states that adoption of the recommendations would resolve the ‘acres irrigated’ and flow rate issue remarks. The Memo further states that the point of diversion was located where it was originally claimed.

28. Claim 41S 211097-00 was decreed with the following issue remarks:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41S TEMPORARY PRELIMINARY DECREE ISSUED 05/17/1984.

CLAIM FILED LATE 09/27/1984 . IN ADDITION TO BEING SUBORDINATE TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW, THIS RIGHT MAY ALSO BE SUBORDINATE TO CERTAIN PERMITS AND RESERVATIONS OF WATER. SEE SECTION 85-2-221 MCA.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-26 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

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

BASED ON THE 12/31/1998 DNRC REPORT TO THE WATER COURT, IT APPEARS A SUPPLEMENTAL RIGHTS REMARK SHOULD BE ADDED FOR THIS CLAIM AND CLAIM 41S 34697-00.

29. The Memo recommended removal of the issue remarks without modifications to the claim.

30. Claim 41S 211098-00 was decreed with the following issue remarks:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41S TEMPORARY PRELIMINARY DECREE ISSUED 05/17/1984.

CLAIM FILED LATE 09/27/1984 . IN ADDITION TO BEING SUBORDINATE TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW, THIS RIGHT MAY ALSO BE SUBORDINATE TO CERTAIN PERMITS AND RESERVATIONS OF WATER. SEE SECTION 85-2-221 MCA.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) (UNPUBLISHED) APPEARS TO INDICATE 48.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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

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

31. The Memo recommends reducing the maximum acres to 50 acres. The Memo states that adoption of the recommendation would resolve the ‘acres irrigated’ and ‘supplemental acres’ issue remarks. The Memo further states that the point of diversion was located where it was originally claimed.

PRINCIPLES OF LAW

1. The Montana Water Court has the authority to determine the extent of all water rights in the state as they existed prior to July 1, 1973. *Fellows v. Saylor*, 2016 MT 45, ¶ 25, 382 Mont. 298, 367 P.3d 732; §§ 85-2-233, -102(13), MCA.

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

3. The Water Court may use information submitted by the DNRC, the Statement of Claim, and any other data obtained by the Court to evaluate a water right. §§ 85-2-227, -231(2), MCA.

CONCLUSIONS OF LAW

1. The DNRC recommendations for all claims except for claims 41S 37835-00 and 41S 37837-00 should be adopted.

2. The recommendations regarding period of use for claims 41S 37835-00 and 41S

37837-00 are unsupported and should not be adopted.

RECOMMENDATIONS

- Claim 41S 33614-00 should be modified as follows:

Volume: ~~226.80 AC-FT~~ 148.96 ac-ft

Maximum Acres: ~~71.00~~ 47.50

Diversion Means: HEADGATE DAM

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	50.00 28		NW	29	19N	17E	FERGUS
2	1.00		NENESW	29	19N	17E	FERGUS
3	20.00 19.5		SE	19	19N	17E	FERGUS
Total:	71.00 47.5						

- Claim 41S 34667-00 should be modified as follows:

Maximum Acres: ~~42.00~~ 15.00

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	28.00 11.5		S2SW	28	19N	17E	FERGUS
2	4.00 3.5		N2NENW	33	19N	17E	FERGUS
Total:	42.00 15						

- Claim 41S 34668-00 should be modified as follows:

Volume: ~~69.00 AC-FT~~ 18.56 ac-ft

Maximum Acres: ~~40.00~~ 15.00

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	37.00 11.50		S2SW	28	19N	17E	FERGUS
2	3.00 3.50		N2NENW	33	19N	17E	FERGUS
Total:	40.00 15.00						

- Claim 41S 34670-00 should be modified as follows:

Maximum Acres: ~~91.00~~ 56.30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	50.00 28		NW	29	19N	17E	FERGUS
2	1.00		NENSW	29	19N	17E	FERGUS
3	7.00 11		SWSW	28	19N	17E	FERGUS
4	20.00 11		NESE	29	19N	17E	FERGUS
5	2.00 0.5		NENWSE	29	19N	17E	FERGUS
6	11.00 4.8		S2NE	29	19N	17E	FERGUS
Total:	91.00 56.30		NENWNW	33	19N	17E	

5. Claim 41S 34697-00 should be modified as follows:

Flow Rate: ~~3.75 CFS~~ 2.69 CFS

Maximum Acres: ~~74.00~~ 71

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	58.00 55		SE	3	18N	17E	FERGUS
2	16.00		SWNE	3	18N	17E	FERGUS
Total:	74.00 71						

6. Claim 41S 34698-00 should be modified as follows:

*Flow Rate: ~~4.00 CFS~~ 1.79 CFS

Volume: ~~226.00 AC-FT~~ 147.58 AC-FT

Maximum Acres: ~~70.00~~ 47.50

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	50.00 28		NW	29	19N	17E	FERGUS
2	1.00		N2NESW	29	19N	17E	FERGUS
3	8.00		S2NE	29	19N	17E	FERGUS
4	20.00 19.50		SE	19	19N	17E	FERGUS
Total:	79.00 47.50						

7. Claim 41S 34699-00 should be modified as follows:

Flow Rate: ~~5.00 CFS~~ 1.95 CFS

Volume: ~~230.00 AC-FT~~ 18.56 AC-FT

Maximum Acres: ~~91.00~~ 51.50

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	50.00	28.00	NW	29	19N	17E	FERGUS
2	1.00		NENSW	29	19N	17E	FERGUS
3	11.00		S2NE	29	19N	17E	FERGUS
4	7.00	11	SWSW	28	19N	17E	FERGUS
5	20.00	11	NESE	29	19N	17E	FERGUS
6	2.00	0.5	NENWSE	29	19N	17E	FERGUS
Total:	94.00	51.50	1.00	NENWNW	33	19N	17E Fergus

8. Claim 41S 37835-00 should be modified as follows:

Period of Diversion: ~~APRIL 1 TO JULY 31~~ January 1 to December 31

9. Claim 41S 37836-00 should be dismissed.

10. Claim 41S 37837-00 should be modified as follows:

Diversion Means: ~~DIKE~~ Dam

11. Claim 41S 37838-00 should be modified as follows:

Volume: ~~66.80 AC-FT~~ 30.4 AC-FT

Maximum Acres: ~~79.00~~ 47.50

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	50.00	28.00	NW	29	19N	17E	FERGUS
2	1.00		N2NESW	29	19N	17E	FERGUS
3	0.00		S2NE	29	19N	17E	FERGUS
4	20.00	19.50	SE	19	19N	17E	FERGUS
Total:	79.00	47.50					

12. Claim 41S 37839-00 should be modified as follows:

Flow Rate: ~~5.00 CFS~~ 442 GPM

Maximum Acres: ~~52.00~~ 26.00

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	40.00	15	E2NW	3	18N	17E	FERGUS
2	12.00	11	S2SW	34	19N	17E	FERGUS
Total:	52.00	26					

13. Claim 41S 211098-00 should be modified as follows:

Maximum Acres: ~~58.00~~ 50.00

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	58.00	50.00	NW	29	19N	17E	FERGUS
Total:	58.00	50.00					

14. If Claimants believe the period of use or period of diversion for claims 41S 37835-00 and 41S 37837-00 do not accurately reflect historical use they may file a Motion to Amend.

15. The modifications to claims 41S 37835-00 and 41S 37837-00 resolve the issue remarks for those claims. The issue remarks on claims 41S 37835-00 and 41S 37837-00 should be removed.

16. Adoption of the recommendations for the remaining claims resolves the issue remarks on those claims. The issue remarks should be removed from the claims.

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

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Mardyth D. Blattner
% Norman Ranch LLC
925 Hideout St.
Helena, MT 59601-5628

Sharon A. Graves
% Ray Beck
925 Hideout St.
Helena, MT 59601

Norman Ranch
% Neta Beck
925 Hideout St.
Helena, MT 59601-5628

Norman Ranch LLC
925 Hideout St.
Helena, MT 59601-5628

Shane L. Pegram
19614 Linden Ave. N.
Seattle, WA 98133

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 33614-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners:

MARDYTH D BLATTNER
% NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

SHARON A GRAVES
% RAY BECK
925 HIDEOUT ST
HELENA, MT 59601

SHANE L PEGRAM
19614 LINDEN AVE N
SEATTLE, WA 98133

NORMAN RANCH
C/O NETA BECK
925 HIDEOUT ST
HELENA, MT 59601-5628

NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

Priority Date: JULY 26, 1895

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 5.00 CFS

Volume: 148.96 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 47.50

Source Name: PLUM CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNWSE	29	19N	17E	FERGUS

***Period of Diversion:** APRIL 1 TO SEPTEMBER 15

Diversion Means: DAM

*Reservoir: ONSTREAM Reservoir Name: NO. 4

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWSE	29	19N	17E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Dam Height: 19.00 FEET
 Depth: 16.00 FEET
 Surface Area: 9.31 ACRES
 Capacity: 59.58 ACRE-FEET

Period of Use: APRIL 1 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	28.00		NW	29	19N	17E	FERGUS
2	19.50		SE	19	19N	17E	FERGUS
Total:	<u>47.50</u>						

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.

33614-00	34670-00	34698-00	34699-00	37837-00	37838-00
211098-00	30108530				

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 34667-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: MARDYTH D BLATTNER
% NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

SHARON A GRAVES
% RAY BECK
925 HIDEOUT ST
HELENA, MT 59601

SHANE L PEGRAM
19614 LINDEN AVE N
SEATTLE, WA 98133

NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

Priority Date: DECEMBER 31, 1955

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 83.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 15.00

Source Name: PLUM 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		NENWNW	33	19N	17E	FERGUS

***Period of Diversion:** APRIL 1 TO SEPTEMBER 15

Diversion Means: DAM

PUMP USED AS AN ADDITIONAL MEANS OF DIVERSION.

*Reservoir: ONSTREAM Reservoir Name: NO. 1

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENWNW	33	19N	17E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Dam Height: 9.00 FEET
Depth: 6.00 FEET
Surface Area: 2.89 ACRES
Capacity: 6.94 ACRE-FEET

Period of Use: APRIL 1 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	11.50		S2SW	28	19N	17E	FERGUS
2	3.50		N2NENW	33	19N	17E	FERGUS
Total:	15.00						

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.

34667-00 34668-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 34668-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: MARDYTH D BLATTNER
% NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

SHARON A GRAVES
% RAY BECK
925 HIDEOUT ST
HELENA, MT 59601

SHANE L PEGRAM
19614 LINDEN AVE N
SEATTLE, WA 98133

NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

Priority Date: DECEMBER 31, 1950

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 18.56 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 15.00

Source Name: PLUM 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		SESWSW	28	19N	17E	FERGUS

***Period of Diversion:** APRIL 1 TO SEPTEMBER 15

Diversion Means: DAM

PUMP USED AS AN ADDITIONAL MEANS OF DIVERSION.

***Reservoir:** ONSTREAM **Reservoir Name:** NO. 2

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESWSW	28	19N	17E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Dam Height: 11.00 FEET
Depth: 8.00 FEET
Surface Area: 2.32 ACRES
Capacity: 7.42 ACRE-FEET

Period of Use: APRIL 1 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	11.50		S2SW	28	19N	17E	FERGUS
2	3.50		N2NENW	33	19N	17E	FERGUS
Total:	15.00						

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.

34667-00 34668-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 34669-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: MARDYTH D BLATTNER
% NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

SHARON A GRAVES
% RAY BECK
925 HIDEOUT ST
HELENA, MT 59601

SHANE L PEGRAM
19614 LINDEN AVE N
SEATTLE, WA 98133

NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

Priority Date: OCTOBER 15, 1961

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 123.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 38.00

Source Name: PLUM 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		SESWSW	34	19N	17E	FERGUS

Period of Diversion: MARCH 15 TO SEPTEMBER 1

Diversion Means: PUMP

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESWSW	34	19N	17E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Period of Use: MARCH 15 TO SEPTEMBER 1

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	16.00		SWSW	34	19N	17E	FERGUS
2	22.00		E2SE	33	19N	17E	FERGUS
Total:	38.00						

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.

34669-00

37835-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 34670-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: MARDYTH D BLATTNER
% NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

SHARON A GRAVES
% RAY BECK
925 HIDEOUT ST
HELENA, MT 59601

SHANE L PEGRAM
19614 LINDEN AVE N
SEATTLE, WA 98133

NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

Priority Date: DECEMBER 31, 1955

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 246.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 56.30

Source Name: PLUM 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		NENWNW	33	19N	17E	FERGUS

***Period of Diversion:** APRIL 1 TO SEPTEMBER 15

Diversion Means: DAM

*Reservoir: ONSTREAM Reservoir Name: NO. 1

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENWNW	33	19N	17E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Dam Height: 9.00 FEET
 Depth: 6.00 FEET
 Surface Area: 2.89 ACRES
 Capacity: 6.94 ACRE-FEET

Period of Use: APRIL 1 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	28.00		NW	29	19N	17E	FERGUS
2	11.00		SWSW	28	19N	17E	FERGUS
3	11.00		NESE	29	19N	17E	FERGUS
4	0.50		NENWSE	29	19N	17E	FERGUS
5	4.80		S2NE	29	19N	17E	FERGUS
6	1.00		NENWNW	33	19N	17E	FERGUS
Total:	56.30						

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.

33614-00	34670-00	34698-00	34699-00	37837-00	37838-00
211098-00	30108530				

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 34697-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: MARDYTH D BLATTNER
% NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

SHARON A GRAVES
% RAY BECK
925 HIDEOUT ST
HELENA, MT 59601

SHANE L PEGRAM
19614 LINDEN AVE N
SEATTLE, WA 98133

NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

Priority Date: MARCH 19, 1885

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.69 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: 71.00

Source Name: PLUM 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		SWSWSW	2	18N	17E	FERGUS

Period of Diversion: APRIL 1 TO SEPTEMBER 15

Diversion Means: DIKE

Period of Use: APRIL 1 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	55.00		SE	3	18N	17E	FERGUS

2	16.00	SWNE	3	18N	17E	FERGUS
Total:	<u>71.00</u>					

Remarks:

ON OCTOBER 13, 1989 A STIPULATION AND AGREEMENT WAS FILED IN CASE 41S-11 CONCERNING CLAIMS 41S 34697-00, 41S 140399-00, AND 140400-00. THE STIPULATION AND AGREEMENT DETAILS THE CLAIMANTS' RESPONSIBILITIES FOR DAM REPAIRS AND THEIR AGREEMENT CONCERNING WHEN WATER CLAIMED ON 41S 140399-00 AND 41S 140400-00 MAY BE USED FOR IRRIGATION, AS WELL AS OTHER RELATED AGREEMENTS. A COPY OF THE STIPULATION AND AGREEMENT HAS BEEN ADDED TO EACH CLAIM FILE FOR REFERENCE.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 34698-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: MARDYTH D BLATTNER
% NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

SHARON A GRAVES
% RAY BECK
925 HIDEOUT ST
HELENA, MT 59601

SHANE L PEGRAM
19614 LINDEN AVE N
SEATTLE, WA 98133

NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

Priority Date: JUNE 7, 1892
Type of Historical Right: DECREED
Purpose (Use): IRRIGATION
Irrigation Type: FLOOD
Flow Rate: 1.79 CFS
Volume: 147.58 AC-FT
Climatic Area: 2 - MODERATELY HIGH
Maximum Acres: 47.50
Source Name: PLUM CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNWSE	29	19N	17E	FERGUS
*Period of Diversion: APRIL 1 TO SEPTEMBER 15						
Diversion Means: DIKE						

***Reservoir:** ONSTREAM **Reservoir Name:** NO. 4

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWSE	29	19N	17E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Dam Height: 28.00 FEET
Depth: 16.00 FEET
Surface Area: 67.03 ACRES
Capacity: 59.58 ACRE-FEET

THE CAPACITY, DAM HEIGHT, MAXIMUM DEPTH, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

Period of Use: APRIL 1 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	28.00		NW	29	19N	17E	FERGUS
2	19.50		SE	19	19N	17E	FERGUS
Total:	<u>47.50</u>						

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.

33614-00	34670-00	34698-00	34699-00	37837-00	37838-00
211098-00	30108530				

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 34699-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: MARDYTH D BLATTNER
% NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

SHARON A GRAVES
% RAY BECK
925 HIDEOUT ST
HELENA, MT 59601

SHANE L PEGRAM
19614 LINDEN AVE N
SEATTLE, WA 98133

NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

Priority Date: OCTOBER 22, 1895

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.95 CFS

Volume: 18.56 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 51.50

Source Name: PLUM 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		SESWW	28	19N	17E	FERGUS

***Period of Diversion:** APRIL 1 TO SEPTEMBER 15

Diversion Means: DAM

***Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESWSW	28	19N	17E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Dam Height: 11.00 FEET
Depth: 8.00 FEET
Surface Area: 2.32 ACRES
Capacity: 7.42 ACRE-FEET

THE CAPACITY, DAM HEIGHT, MAXIMUM DEPTH, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

Period of Use: APRIL 1 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	28.00		NW	29	19N	17E	FERGUS
2	11.00		SWSW	28	19N	17E	FERGUS
3	11.00		NESE	29	19N	17E	FERGUS
4	0.50		NENWSE	29	19N	17E	FERGUS
5	1.00		NENWNW	33	19N	17E	FERGUS
Total:	<u>51.50</u>						

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.

33614-00	34670-00	34698-00	34699-00	37837-00	37838-00
211098-00	30108530				

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 37835-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: MARDYTH D BLATTNER
% NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

SHARON A GRAVES
% RAY BECK
925 HIDEOUT ST
HELENA, MT 59601

SHANE L PEGRAM
19614 LINDEN AVE N
SEATTLE, WA 98133

NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

Priority Date: MAY 29, 1968

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 149.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 38.00

Source Name: PLUM 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		SESWSW	34	19N	17E	FERGUS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PUMP

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESWSW	34	19N	17E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 1 TO JULY 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	16.00		SWSW	34	19N	17E	FERGUS
2	22.00		E2SE	33	19N	17E	FERGUS
Total:	38.00						

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.

34669-00 37835-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S

Water Right Number: 41S 37836-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: **DISMISSED**

Owners: MARDYTH D BLATTNER
% NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

SHARON A GRAVES
% RAY BECK
925 HIDEOUT ST
HELENA, MT 59601

SHANE L PEGRAM
19614 LINDEN AVE N
SEATTLE, WA 98133

NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: UNNAMED TRIBUTARY OF PLUM CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 37837-00 STATEMENT OF CLAIM
Version: 5 -- POST DECREE
Status: ACTIVE

Owners: MARDYTH D BLATTNER
% NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

SHARON A GRAVES
% RAY BECK
925 HIDEOUT ST
HELENA, MT 59601

SHANE L PEGRAM
19614 LINDEN AVE N
SEATTLE, WA 98133

NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

Priority Date: DECEMBER 31, 1945

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

***Volume:** 79.50 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 20.00

Source Name: PLUM CREEK

Source Type: SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNWSE	29	19N	17E	FERGUS
Period of Diversion:	APRIL 1 TO SEPTEMBER 15					
Diversion Means:	DAM					
2 - SECONDARY		NWNWSE	29	19N	17E	FERGUS
Period of Diversion:	APRIL 1 TO SEPTEMBER 15					
Diversion Means:	DITCH					
3 - SECONDARY		SENE	30	19N	17E	FERGUS
Period of Diversion:	APRIL 1 TO SEPTEMBER 15					

Diversion Means: DAM
4 - SECONDARY SENE 30 19N 17E FERGUS

Period of Diversion: APRIL 1 TO SEPTEMBER 15

Diversion Means: DITCH

WATER RELEASED FROM THE SECTION 29 RESERVOIR IS CONVEYED BY DITCH TO RESERVOIR NO. 5. WATER IS THEN RELEASED AND CONVEYED BY DITCH TO THE PLACE OF USE.

***Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SE	29	19N	17E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Depth: 10.00 FEET
Surface Area: 2.25 ACRES
Capacity: 9.40 ACRE-FEET

***Reservoir:** OFFSTREAM **Reservoir Name:** RESERVOIR NO. 5 AKA BASS DAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SE	30	19N	17E	FERGUS

Diversion to Reservoir: DIVERSION # 3

Dam Height: 30.30 FEET
Depth: 27.30 FEET
Surface Area: 9.60 ACRES
Capacity: 93.30 ACRE-FEET

THE DAM EXTENDS INTO THE NWSWNW SEC 29 TWP 19N RGE 17E FERGUS COUNTY.

Period of Use: APRIL 1 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.00		SE	19	19N	17E	FERGUS
Total:	20.00						

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.

33614-00	34670-00	34698-00	34699-00	37837-00	37838-00
211098-00	30108530				

IMPLIED CLAIM NO. 41S 30108530 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S

Water Right Number: 41S 37838-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: MARDYTH D BLATTNER
% NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

SHARON A GRAVES
% RAY BECK
925 HIDEOUT ST
HELENA, MT 59601

SHANE L PEGRAM
19614 LINDEN AVE N
SEATTLE, WA 98133

NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

Priority Date: DECEMBER 31, 1948

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 80.00 GPM

Volume: 30.40 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 47.50

Source Name: PLUM 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		SE	SW	28	19N	17E	FERGUS

***Period of Diversion:** APRIL 1 TO SEPTEMBER 15

Diversion Means: DAM

*Reservoir: OFFSTREAM Reservoir Name: NO. 3

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWSESE	29	19N	17E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Dam Height: 11.00 FEET
 Depth: 8.00 FEET
 Surface Area: 3.80 ACRES
 Capacity: 12.16 ACRE-FEET

THE CAPACITY, DAM HEIGHT, MAXIMUM DEPTH, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

Period of Use: APRIL 1 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	28.00		NW	29	19N	17E	FERGUS
2	19.50		SE	19	19N	17E	FERGUS
Total:	47.50						

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.

33614-00	34670-00	34698-00	34699-00	37837-00	37838-00
211098-00	30108530				

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 37839-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: MARDYTH D BLATTNER
% NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

SHARON A GRAVES
% RAY BECK
925 HIDEOUT ST
HELENA, MT 59601

SHANE L PEGRAM
19614 LINDEN AVE N
SEATTLE, WA 98133

NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

Priority Date: FEBRUARY 17, 1900

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 442.00 GPM

***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: 26.00

Source Name: PLUM 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		NWSWNE	3	18N	17E	FERGUS

Period of Diversion: APRIL 1 TO SEPTEMBER 30

Diversion Means: DIKE

Period of Use: APRIL 1 TO SEPTEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	15.00		E2NW	3	18N	17E	FERGUS

2	<u>11.00</u>	S2SW	34	19N	17E	FERGUS
Total:	26.00					

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 211097-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Late Claim: B

Owners: MARDYTH D BLATTNER
% NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

SHARON A GRAVES
% RAY BECK
925 HIDEOUT ST
HELENA, MT 59601

SHANE L PEGRAM
19614 LINDEN AVE N
SEATTLE, WA 98133

NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

Priority Date: OCTOBER 26, 1891

Enforceable Priority Date: JUNE 30, 1973

CLAIM FILED LATE 09/27/84 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 1.88 CFS

Volume: 448.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 89.60

Source Name: UNNAMED TRIBUTARY OF PLUM 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		SESWW	2	18N	17E	FERGUS

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

Diversion Means: HEADGATE

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESWSW	2	18N	17E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 1 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	40.00		SESE	3	18N	17E	FERGUS
2	25.60		NESE	3	18N	17E	FERGUS
3	12.00		NWSE	3	18N	17E	FERGUS
4	12.00		SWNE	3	18N	17E	FERGUS
Total:	<u>89.60</u>						

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 211098-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Late Claim: B

Owners: MARDYTH D BLATTNER
% NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

SHARON A GRAVES
% RAY BECK
925 HIDEOUT ST
HELENA, MT 59601

SHANE L PEGRAM
19614 LINDEN AVE N
SEATTLE, WA 98133

NORMAN RANCH LLC
925 HIDEOUT ST
HELENA, MT 59601-5628

Priority Date: AUGUST 25, 1917

Enforceable Priority Date: JUNE 30, 1973

CLAIM FILED LATE 09/27/1984 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 2.00 CFS

Volume: 307.40 AC-FT

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 50.00

Source Name: UNNAMED TRIBUTARY OF PLUM 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		NWSESE	29	19N	17E	FERGUS

Period of Diversion: APRIL 1 TO SEPTEMBER 15

Diversion Means: DAM

MEANS OF DIVERSION INCLUDES A HEADGATE.

***Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	W2SESE	29	19N	17E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 1 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	50.00		NW	29	19N	17E	FERGUS
Total:	50.00						

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.

33614-00	34670-00	34698-00	34699-00	37837-00	37838-00
211098-00	30108530				