

Montana Water Court
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IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
SWEET GRASS - BASIN (43BV)

* * * * *

CLAIMANT: J Bar L Ranches, LLC

OBJECTOR: J Bar L Ranches, LLC

CASE 43BV-0353-R-2023

43BV 127318-00
43BV 127319-00
43BV 127323-00
43BV 127325-00
43BV 127327-00
43BV 127328-00
43BV 127329-00
43BV 127331-00
43BV 127333-00
43BV 127334-00
43BV 127336-00
43BV 127337-00
43BV 127346-00
43BV 128338-00
43BV 138468-00
43BV 138470-00
43BV 138473-00
43BV 138474-00

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. J Bar L Ranches, LLC (J Bar L) is the record owner of claims 43BV 127318-00, 43BV 127319-00, 43BV 127323-00, 43BV 127325-00, 43BV 127327-00, 43BV 127328-00, 43BV 127329-00, 43BV 127331-00, 43BV 127333-00, 43BV 127334-00, 43BV 127336-00, 43BV 127337-00, 43BV 127346-00, 43BV 128338-00, 43BV 138468-00, 43BV 138470-00, 43BV 138473-00, and 43BV 138474-00.

2. Claims 43BV 127319-00, 43BV 127331-00, 43BV 127346-00, 43BV 138468-00, and 43BV 138470-00 were decreed with notice-type issue remarks. Due to the nature of the issue remarks, no further proceedings are required because of the remarks.

3. J Bar L objected to each of the claims in Case 43BV-0353-R-2023.

4. On April 10, 2024, J Bar L withdrew its Objections to claims 43BV 127318-00, 43BV 127323-00, 43BV 127328-00, 43BV 127329-00, 43BV 127331-00, 43BV 127334-00, 43BV 127336-00, 43BV 128338-00, and 43BV 138474-00. (Doc.¹ 6.00).

5. On April 10, 2024, J Bar L filed a Motion to Modify Preliminary Decree of Water Rights 43BV 127319-00, 43BV 127325-00, 43BV 127327-00, 43BV 127333-0, 43BV 127337-00, 43BV 127346-00, 43BV 138468-00, 43BV 138470-00, and 43BV 138473-00 along with maps and abstracts (Docs. 7.00 and 8.00). The Declaration of J Bar L ranch manager Andrew Anderson was attached to the Motion to Modify as Exhibit A.

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

43BV 127319-00:

6. Claim 43BV 127319-00 was decreed with the place of use in the following legal land descriptions:

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|----|-------|----------|---------|-----|-----|-----|-------------|
| 1 | | | S2S2 | 27 | 4N | 15E | SWEET GRASS |
| 2 | | | N2 | 35 | 4N | 15E | SWEET GRASS |

The November 19, 2021 Objection stated:

An additional place of use parcel in the S2SW of Section 26, T4N, R15E should be added to this claim so that it more accurately reflects historical beneficial use.

The April 10, 2024 Motion to modify indicates that historically stock have used the “Lowery Ditch where it passes through the S2SW of Section 26, T4N, R15E . . . It appears the lands in the S2SW of Section 26, T4N, R15E were inadvertently omitted from the place of use of the claim and should be added . . .” *Motion* pg. 2. Based on the information provided, it appears the following modification should be made to the place of use for claim 43BV 127319-00:

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|----|-------|----------|---------|-----|-----|-----|-------------|
| 1 | | | S2S2 | 27 | 4N | 15E | SWEET GRASS |
| 2 | | | N2 | 35 | 4N | 15E | SWEET GRASS |
| 3 | | | S2SW | 26 | 4N | 15E | SWEET GRASS |

43BV 127325-00:

7. Claim 43BV 127325-00 was decreed with the point of diversion and place of use in the following legal land description:

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|----|-------|----------|---------|-----|-----|-----|-------------|
| 1 | | | SWSENE | 6 | 3N | 16E | SWEET GRASS |

The November 19, 2021 Objection stated:

Additional springs are located in the NWNESE of Section 6, T3N, R16E and corresponding points of diversion and places of use should be added to this claim so that it more accurately reflects historical beneficial use.

The April 10, 2024 Motion to Modify indicated the following modifications should be made to claim 43BV 127325-00:

Source Name: SPRING, UNNAMED TRIBUTARY OF SWEET GRASS CREEK S30: MEDLEY CREEK
Source Type: GROUNDWATER SURFACE WATER

Please add the following PODs and POUs

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|----|-------|----------|---------|-----|-----|-----|-------------|
| 1 | | SENE | SWSENE | 6 | 3N | 16E | SWEET GRASS |
| 2 | | NESE | | 6 | 3N | 16E | SWEET GRASS |
| 3 | | NWSE | | 6 | 3N | 16E | SWEET GRASS |
| 4 | | SWSE | | 6 | 3N | 16E | SWEET GRASS |
| 5 | | SESW | | 6 | 3N | 16E | SWEET GRASS |
| 6 | | NENW | | 7 | 3N | 16E | SWEET GRASS |

All Periods of Diversion: JANUARY 1 TO DECEMBER 31
 All Means of Diversion: LIVESTOCK DIRECT FROM SOURCE

The Motion to Modify proposed eliminating “spring” from the source name (and as a reference on the claim altogether), changing the source type from groundwater to surface water, and expanding the point of diversion and place of use beyond what was contemplated in the Objection. As the modifications proposed on April 10, 2024 were beyond the scope of the November 19, 2021 Objection, further deadlines were set for J Bar L. (Doc. 9.00).

On July 31, 2024, J Bar L filed its Supplemental Motion to Modify Preliminary Decree of Water Right 43BV 127325-00, along with the Supplemental Declaration of Andrew Anderson; maps and a proposed abstract for claim 43BV 127325-00 were attached. (Doc. 12.00). The July 13, 2024 filing reflects undeveloped springs on the proposed abstract and modifies the point of diversion and place of use legal land descriptions, as follows:

Source Name: SPRING, UNNAMED TRIBUTARY OF SWEET GRASS CREEK S30: MEDLEY CREEK
Source Type: GROUNDWATER SURFACE WATER

SOURCE IS COMPOSED OF SEVERAL UNDEVELOPED SPRINGS IN THE NWNESE AND THE SENWSE OF SECTION 6, TWP 3N, RGE 16E, SWEET GRASS COUNTY.

Point of Diversion and Means of Diversion:

| ID | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|----|----------|---------|-----|-----|-----|-------------|
| 1 | N2SE | SWSENE | 6 | 3N | 16E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Place of Use:

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|----|-------|----------|---------|-----|-----|-----|-------------|
| 1 | | N2SE | SWSENE | 6 | 3N | 16E | SWEET GRASS |

43BV 127327-00:

8. Claim 43BV 127327-00 was decreed with the point of diversion and place of use in the following legal land description:

| <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 | | | SWSWSE | 31 | 4N | 16E | SWEET GRASS |

The November 19, 2021 Objection stated:

The point of diversion and place of use should be corrected to SESWSE Section 31, T4N, R16E.

The April 10, 2024 Motion to Modify indicates the following modifications should be made to claim 43BV 127327-00:

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 | SESWSE | SWSWSE | 31 | 4N | 16E | SWEET GRASS |
| Period of Diversion: | | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | | LIVESTOCK DIRECT FROM SOURCE DEVELOPED SPRING | | | | |

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 | | SESWSE | SWSWSE | 31 | 4N | 16E | SWEET GRASS |
| 2 | | | NENWNE | 6 | 3N | 16E | SWEET GRASS |

43BV 127333-00:

9. Claim 43BV 127333-00 was decreed with the source listed as:

Source Name: SPRING, UNNAMED TRIBUTARY OF SWEET GRASS CREEK
Source Type: GROUNDWATER

And the point of diversion and place of use in the following legal land description:

| <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 | | | NESWNE | 27 | 4N | 16E | SWEET GRASS |

The November 19, 2021 Objection stated:

The Source should be decreed as "Unnamed tributary of Rock Creek." The points of diversion and places of use should be corrected to E2 of Section 27 and E2 of Section 22, T4N, R16E.

The April 10, 2024 Motion to Modify indicates the following modifications should be made to claim 43BV 127333-00:

Source Name: SPRING, UNNAMED TRIBUTARY OF SWEET GRASS CREEK **ROCK CREEK**
Source Type: GROUNDWATER **SURFACE WATER**

Please add PODs and POUs:

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|----|-------|----------|---------|-------|-----|-----|-------------|
| 1 | | | NESWNE | 27 22 | 4N | 15E | SWEET GRASS |
| 2 | | | E2 | 27 | 4N | 15E | SWEET GRASS |

All Periods of Diversion: JANUARY 1 TO DECEMBER 31
All Means of Diversion: LIVESTOCK DIRECT FROM SOURCE

43BV 127337-00:

10. Claim 43BV 127337-00 was decreed with the source listed as:

Source Name: SPRING, UNNAMED TRIBUTARY OF SWEET GRASS CREEK
Source Type: GROUNDWATER

And the point of diversion and place of use in the following legal land description:

| ID | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|----|----------|---------|-----|-----|-----|-------------|
| 1 | | NWSWNE | 22 | 4N | 15E | SWEET GRASS |

The November 19, 2021 Objection stated:

The Source should be decreed as "Spring, unnamed tributary of Rock Creek." Point of diversion and place of use may need modification based on source name.

The April 10, 2024 Motion to Modify indicates the following modifications should be made to claim 43BV 127337-00:

Diversion Means: ~~LIVESTOCK DIRECT FROM SOURCE~~ **DEVELOPED SPRING**
Place of Use:

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|----|-------|----------|---------|-----|-----|-----|-------------|
| 1 | | | NWSWNE | 22 | 4N | 15E | SWEET GRASS |
| 2 | | | NWNWSE | 22 | 4N | 15E | SWEET GRASS |

43BV 127346-00:

11. Claim 43BV 127346-00 was decreed with the following point of diversion:

Point of Diversion and Means of Diversion:

| ID | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|----|----------|---------|-----|-----|-----|-------------|
| 1 | | NWSWSW | 27 | 4N | 15E | SWEET GRASS |

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: LOWERY DITCH

The November 19, 2021 Objection stated:

DNRC issue remarks indicate the points of diversion may be incorrect. The place of use may need to be corrected based on changes in points of diversion.

The April 10, 2024 Motion to Modify indicates the following modifications should be made to claim 43BV 127346-00:

Maximum Acres: 150.00 181.00

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 | 17.00 | | S2SE | 27 | 4N | 15E | SWEET GRASS |
| 2 | 142.00 | | N2 | 35 | 4N | 15E | SWEET GRASS |
| 3 | 22.00 | | N2NE | 34 | 4N | 15E | SWEET GRASS |

J Bar L states claim 43BV 127346-00 is a highwater irrigation claim for water diverted through Lowery Ditch. J Bar L explains that as decreed, claim 43BV 127346-00 did not include the historic irrigation depicted on the 1950 Sweet Grass County Water Resources Survey map or J Bar L's other irrigation claims through Lowery Ditch. The addition of the 22.00 acres in the N2NE of section 34 rectifies the oversight.

43BV 138468-00:

12. Claim 43BV 138468-00 was decreed with the following place of use:

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 | | | SE | 35 | 4N | 15E | SWEET GRASS |
| 2 | | | SW | 36 | 4N | 15E | SWEET GRASS |
| 3 | | | N2 | 1 | 3N | 15E | SWEET GRASS |

The November 19, 2021 Objection stated:

The decree should be corrected to add additional place of use parcel descriptions in the NE of Section 34, the NW of Section 35, and the NESW of Section 35, T4N, R15E.

The April 10, 2024 Motion to Modify explains that the parcels along the Adam Intake Canal where stock have historically drunk water should be added to claim 43BV 138468-00:

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 | | | SE | 35 | 4N | 15E | SWEET GRASS |
| 2 | | | SW | 36 | 4N | 15E | SWEET GRASS |
| 3 | | | N2 | 1 | 3N | 15E | SWEET GRASS |
| 4 | | | NE | 34 | 4N | 15E | SWEET GRASS |
| 5 | | | NW | 35 | 4N | 15E | SWEET GRASS |
| 6 | | | NESW | 35 | 4N | 15E | SWEET GRASS |

43BV 138470-00:

13. Claim 43BV 138470-00 was decreed with the following 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 | | | NE | 34 | 4N | 15E | SWEET GRASS |
| 2 | | | NW | 35 | 4N | 15E | SWEET GRASS |
| 3 | | | SE | 35 | 4N | 15E | SWEET GRASS |

The November 19, 2021 Objection stated:

The decree should be corrected to add an additional place of use parcel description for livestock watering in the NESW of Section 35, T4N, RISE.

The April 10, 2024 Motion to Modify explains that there is an additional parcel along the Adam Intake Canal where stock have historical drunk water should be added to claim 43BV 138470-00:

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 | | | NE | 34 | 4N | 15E | SWEET GRASS |
| 2 | | | NW | 35 | 4N | 15E | SWEET GRASS |
| 3 | | | SE | 35 | 4N | 15E | SWEET GRASS |
| 4 | | | NESW | 35 | 4N | 15E | SWEET GRASS |

43BV 148473-00:

14. Claim 43BV 138473-00 was decreed with the point of diversion and place of use as follows:

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 | NWSWNW | | 12 | 3N | 15E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

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 | | SWSWNW | | 12 | 3N | 15E | SWEET GRASS |

The November 19, 2021 Objection stated:

The decree should be corrected to reflect that the point of diversion and place of use of this claim for livestock watering direct from the source are the same.

The April 10, 2024 Motion to Modify indicates that the means of diversion should be modified to reflect the gravity-fed “pipeline” historically used to move water from the claimed spring to the stock tank. Additionally, J Bar L explains that the location of the stock tank is incorrectly described and should be modified:

Diversion Means: LIVESTOCK DIRECT FROM SOURCE PIPELINE

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 | | SESENE | SWSWNW | 11 12 | 3N | 15E | SWEET GRASS |

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court must address all issue remarks that appear on a claim as well as any objections the claim receives. 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. The information provided by J Bar L overcomes the *prima facie* statements of claim as to the proposed changes.

3. Claims 43BV 127319-00, 43BV 138468-00, and 43BV 138470-00 were decreed with an issue remark questioning the priority dates. With respect to the priority date of claims 43BV 127319-00, 43BV 138468-00, and 43BV 138470-00, the only evidence before the Court is the existence of Case No. 342, Sweet Grass County, and the resulting issue remark decreed on the claims. While historical decrees provide some evidence of existing water rights on a given source, they are not conclusive. Decrees were often the result of a specific controversy between water users; thus, rights were adjudicated on a piecemeal basis by the district courts. Further, decrees were usually limited in scope, and often multiple decrees were issued on the same stream. See Albert Stone, *Are There Any Adjudicated Streams in Montana?* 19 Mont. L. Rev. 19 (1957).

In short, there are various reasons why claims 43BV 127319-00, 43BV 138468-00, and 43BV 138470-00 may not have appeared in the District Court decree, but objectors bear the burden of establishing that the priority date should be something other than what was claimed. In this Case, the *prima facie* proof of priority date has not been overcome.

4. Notice-type issue remarks were decreed on claims in this Case; all Objections have been resolved, and no further proceedings are required.

RECOMMENDATIONS

1. Claims 43BV 127319-00, 43BV 127327-00, 43BV 127333-0, 43BV 127337-00, 43BV 127346-00, 43BV 138468-00, 43BV 138470-00, and 43BV 138473-00 should be modified as shown in Findings of Fact Nos. 6, and 8 through 14. Claim 43BV 127325-00 should be modified as follows:

| | | | | | | | |
|---|--|-----------------|----------------|------------|------------|---------------|--------------------------|
| Source Name: | SPRING, UNNAMED TRIBUTARY OF SWEET GRASS CREEK | | | | | | S30: MEDLEY CREEK |
| Source Type: | GROUNDWATER | | | | | | SURFACE WATER |
| SOURCE IS COMPOSED OF SEVERAL UNDEVELOPED SPRINGS IN THE NWNESE AND THE SENWSE OF SECTION 6, TWP 3N, RGE 16E, SWEET GRASS COUNTY. | | | | | | | |
| Point of Diversion and Means of Diversion: | | | | | | | |
| ID | Govt Lot | Qtr Sec | Sec | Twp | Rge | County | |
| 1 | N2SE | SWSENE | 6 | 3N | 16E | SWEET GRASS | |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 | | | | | | | |
| Diversion Means: LIVESTOCK DIRECT FROM SOURCE | | | | | | | |
| Place of Use: | | | | | | | |
| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
| 1 | | N2SE | SWSENE | 6 | 3N | 16E | SWEET GRASS |

2. The issue remarks should be removed from the claims in this Case. Post Decree Abstracts of Water Right Claims are served with the Report for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

Michael J.L. Cusick, Esq.
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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: **43BV 127318-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719-1925

Priority Date: MARCH 22, 1897

Type of Historical Right: USE

Purpose (Use): STOCK

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

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

Source Name: DEAD BEAVER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Otr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | N2 | 25 | 4N | 15E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

| | | | | | | |
|---|--|----|----|----|-----|-------------|
| 2 | | S2 | 25 | 4N | 15E | SWEET GRASS |
|---|--|----|----|----|-----|-------------|

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Otr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | N2 | 25 | 4N | 15E | SWEET GRASS |
| 2 | | | S2 | 25 | 4N | 15E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: **43BV 127319-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719-1925

Priority Date: APRIL 1, 1883

Type of Historical Right: USE

Purpose (Use): STOCK

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

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

Source Name: SWEET GRASS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| ID | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NWSWSW | 27 | 4N | 15E | SWEET GRASS |

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: DITCH

Ditch Name: LOWERY DITCH

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | S2S2 | 27 | 4N | 15E | SWEET GRASS |
| 2 | | | N2 | 35 | 4N | 15E | SWEET GRASS |
| 3 | | | S2SW | 26 | 4N | 15E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: **43BV 127323-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719-1925

Priority Date: AUGUST 20, 1886

Type of Historical Right: USE

Purpose (Use): STOCK

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

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

Source Name: SWEET GRASS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| ID | Govt Lot | Otr Sec | Sec | Twp | Rge | County |
|-----------------------------|------------------------------|----------------|------------|------------|------------|---------------|
| 1 | | S2SW | 27 | 4N | 15E | SWEET GRASS |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | | |
| 2 | | N2N2 | 34 | 4N | 15E | SWEET GRASS |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | | |
| 3 | | N2 | 35 | 4N | 15E | SWEET GRASS |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | | |
| 4 | | NESE | 35 | 4N | 15E | SWEET GRASS |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | | |
| 5 | | E2E2 | 1 | 3N | 15E | SWEET GRASS |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | | |
| Period of Use: | JANUARY 1 TO DECEMBER 31 | | | | | |

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|------------------|---------------------|------------------------|-----------------------|-------------------|-------------------|-------------------|----------------------|
| 1 | | | S2SW | 27 | 4N | 15E | SWEET GRASS |
| 2 | | | N2N2 | 34 | 4N | 15E | SWEET GRASS |
| 3 | | | N2 | 35 | 4N | 15E | SWEET GRASS |
| 4 | | | NESE | 35 | 4N | 15E | SWEET GRASS |
| 5 | | | E2E2 | 1 | 3N | 15E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: **43BV 127325-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719-1925

Priority Date: FEBRUARY 24, 1917

Type of Historical Right: USE

Purpose (Use): STOCK

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

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

Source Name: SPRING, UNNAMED TRIBUTARY OF SWEET GRASS CREEK

Source Type: SURFACE WATER

SOURCE IS COMPOSED OF SEVERAL UNDEVELOPED SPRINGS IN THE NWNESE AND THE SENWSE OF SECTION 6, TWP 3N, RGE 16E, SWEET GRASS COUNTY.

ALSO KNOWN AS MEDLEY CREEK

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 | | N2SE | 6 | 3N | 16E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|------------|------------|------------|------------|---------------|
| 1 | | | N2SE | 6 | 3N | 16E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: **43BV 127327-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719-1925

Priority Date: MAY 15, 1896

Type of Historical Right: USE

Purpose (Use): STOCK

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

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

Source Name: SPRING, UNNAMED TRIBUTARY OF SWEET GRASS CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Otr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | SESWSE | 31 | 4N | 16E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DEVELOPED SPRING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Otr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | SESWSE | 31 | 4N | 16E | SWEET GRASS |
| 2 | | | NENWNE | 6 | 3N | 16E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: **43BV 127328-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719-1925

Priority Date: MARCH 22, 1897

Type of Historical Right: USE

Purpose (Use): STOCK

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

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

Source Name: SPRING, UNNAMED TRIBUTARY OF SWEET GRASS CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

| ID | Govt Lot | Otr Sec | Sec | Twp | Rge | County |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | SENESE | 25 | 4N | 15E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| ID | Acres | Govt Lot | Otr Sec | Sec | Twp | Rge | County |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | SENESE | 25 | 4N | 15E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: **43BV 127329-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719-1925

Priority Date: MARCH 22, 1897

Type of Historical Right: USE

Purpose (Use): STOCK

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

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

Source Name: SPRING, UNNAMED TRIBUTARY OF SWEET GRASS CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

| ID | Govt Lot | Otr Sec | Sec | Twp | Rge | County |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | SENWNW | 25 | 4N | 15E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| ID | Acres | Govt Lot | Otr Sec | Sec | Twp | Rge | County |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | SENWNW | 25 | 4N | 15E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: **43BV 127331-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719-1925

Priority Date: DECEMBER 31, 1962

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

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

Source Name: UNNAMED TRIBUTARY OF SWEET GRASS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Otr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NWSWSE | 26 | 4N | 15E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM **Reservoir Name:** POND B 6

| <u>Govt Lot</u> | <u>Otr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------------|----------------|------------|------------|------------|---------------|
| | NWSWSE | 26 | 4N | 15E | SWEET GRASS |

Diversion to Reservoir: DIVERSION # 1

Dam Height: 11.00 FEET

Depth: 8.00 FEET

Surface Area: 4.69 ACRES

Capacity: 15.01 ACRE-FEET

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Otr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | NWSWSE | 26 | 4N | 15E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: **43BV 127333-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719-1925

Priority Date: MARCH 22, 1897

Type of Historical Right: USE

Purpose (Use): STOCK

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

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

Source Name: UNNAMED TRIBUTARY OF ROCK CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Otr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | E2 | 22 | 4N | 15E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

| | | | | | | |
|---|--|----|----|----|-----|-------------|
| 2 | | E2 | 27 | 4N | 15E | SWEET GRASS |
|---|--|----|----|----|-----|-------------|

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Otr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | E2 | 22 | 4N | 15E | SWEET GRASS |
| 2 | | | E2 | 27 | 4N | 15E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: **43BV 127334-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719-1925

Priority Date: MARCH 22, 1897

Type of Historical Right: USE

Purpose (Use): STOCK

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

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

Source Name: SPRING, UNNAMED TRIBUTARY OF SWEET GRASS CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Otr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NWSWNW | 23 | 4N | 15E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Otr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | NWSWNW | 23 | 4N | 15E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: **43BV 127336-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719-1925

Priority Date: OCTOBER 18, 1901

Type of Historical Right: USE

Purpose (Use): STOCK

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

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

Source Name: SPRING, UNNAMED TRIBUTARY OF SWEET GRASS CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Otr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NENWSE | 22 | 4N | 15E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Otr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | NENWSE | 22 | 4N | 15E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: **43BV 127337-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719-1925

Priority Date: OCTOBER 18, 1901

Type of Historical Right: USE

Purpose (Use): STOCK

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

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

Source Name: SPRING, UNNAMED TRIBUTARY OF SWEET GRASS CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Otr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NWSWNE | 22 | 4N | 15E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DEVELOPED SPRING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Otr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | NWSWNE | 22 | 4N | 15E | SWEET GRASS |
| 2 | | | NWNWSE | 22 | 4N | 15E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: **43BV 127346-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719-1925

Priority Date: JUNE 29, 1973

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 35.88 CFS

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

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 181.00

Source Name: SWEET GRASS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| ID | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NWSWSW | 27 | 4N | 15E | SWEET GRASS |

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: LOWERY DITCH

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|---------------|---------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | 17.00 | | S2SE | 27 | 4N | 15E | SWEET GRASS |
| 2 | 142.00 | | N2 | 35 | 4N | 15E | SWEET GRASS |
| 3 | 22.00 | | N2NE | 34 | 4N | 15E | SWEET GRASS |
| Total: | 181.00 | | | | | | |

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.

| | | | | | |
|-----------|-----------|-----------|-----------|-----------|-----------|
| 127346-00 | 127347-00 | 127348-00 | 127349-00 | 127350-00 | 127351-00 |
| 127352-00 | 127362-00 | | | | |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: **43BV 128338-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719-1925

Priority Date: APRIL 1, 1913

Type of Historical Right: USE

Purpose (Use): STOCK

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

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

Source Name: SWEET GRASS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| ID | Govt Lot | Qtr | Sec | Twp | Rge | County |
|-----------|-----------------|------------|------------|------------|------------|---------------|
| 1 | | S2 | 36 | 4N | 15E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| ID | Acres | Govt Lot | Qtr | Sec | Twp | Rge | County |
|-----------|--------------|-----------------|------------|------------|------------|------------|---------------|
| 1 | | | S2 | 36 | 4N | 15E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: **43BV 138468-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719-1925

Priority Date: MAY 20, 1899

Type of Historical Right: USE

Purpose (Use): STOCK

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

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

Source Name: SWEET GRASS 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 | | SWNWNE | 34 | 4N | 15E | SWEET GRASS |

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: ADAM INTAKE CANAL

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | SE | 35 | 4N | 15E | SWEET GRASS |
| 2 | | | SW | 36 | 4N | 15E | SWEET GRASS |
| 3 | | | N2 | 1 | 3N | 15E | SWEET GRASS |
| 4 | | | NE | 34 | 4N | 15E | SWEET GRASS |
| 5 | | | NW | 35 | 4N | 15E | SWEET GRASS |
| 6 | | | NESW | 35 | 4N | 15E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: **43BV 138470-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719-1925

Priority Date: DECEMBER 5, 1906

Type of Historical Right: USE

Purpose (Use): STOCK

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

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

Source Name: SWEET GRASS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| ID | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | SWNWNE | 34 | 4N | 15E | SWEET GRASS |

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: ADAM INTAKE CANAL

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | NE | 34 | 4N | 15E | SWEET GRASS |
| 2 | | | NW | 35 | 4N | 15E | SWEET GRASS |
| 3 | | | SE | 35 | 4N | 15E | SWEET GRASS |
| 4 | | | NESW | 35 | 4N | 15E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: **43BV 138473-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719-1925

Priority Date: MAY 5, 1928

Type of Historical Right: USE

Purpose (Use): STOCK

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

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

Source Name: SPRING, UNNAMED TRIBUTARY OF HAMILTON CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

| ID | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NWSWNW | 12 | 3N | 15E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIPELINE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | SESENE | 11 | 3N | 15E | SWEET GRASS |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: **43BV 138474-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719-1925

Priority Date: DECEMBER 26, 1911

Type of Historical Right: USE

Purpose (Use): STOCK

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

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

Source Name: SPRING, UNNAMED TRIBUTARY OF SWEET GRASS CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

| ID | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | SWNWSE | 1 | 3N | 15E | SWEET GRASS |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

***Place of Use:**

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | SWNWSE | 1 | 3N | 15E | SWEET GRASS |
| 2 | | | NENWSE | 1 | 3N | 15E | SWEET GRASS |