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FILED
12/02/2024
Sara Calkins
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Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41S-0318-R-2024
Block, Nathaniel
7.00

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

CLAIMANT: Hughes Newford Co.

CASE 41S-0318-R-2024

41S 13342-00
41S 134208-00
41S 134209-00
41S 134210-00
41S 141243-00
41S 141244-00

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-0318-R-2024 on March 25, 2024, and claimant Hughes Newford Co. was ordered to work with the Department of Natural Resources and Conservation to resolve the issue remarks on the claims. On June 26, 2024, a Memorandum (“Memo”) was filed (Doc.¹ 2.00). Attached to the Memo were proposed abstracts as well as maps of the places of use. The Memo states that John Sampsel met with DNRC to discuss the case on behalf of the claimant.

On July 1, 2024, counsel for Hughes Newford filed a Notice of Appearance and Request for Opportunity to Respond and on July 17, 2024, filed a Response to DNRC Memorandum (“Response”), including an Affidavit of John Sampsel and a map depicting the points of diversion for claim 41S 141244-00.

FINDINGS OF FACT

1. Claim 41S 13342-00 was decreed with the following issue remark:

POINT OF DIVERSION 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.

2. No objections were filed. Pursuant to the plain text of the remark, the issue remark should be removed from the claim.

3. Claim 41S 134208-00 was decreed with the following issue remarks:

THE CLAIMED FLOW RATE MAY BE QUESTIONABLE. DOCUMENTATION SUBMITTED WITH THIS CLAIM INDICATES A FLOW RATE OF 1.25 CFS.

4. The Memo recommends reducing the flow rate for claim 41S 134208-00 to 1.25 CFS. The Memo stated that reduction of the flow rate would resolve the issue remark on the claim.

5. Claim 41S 134209-00 was decreed with the following issue remarks:

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

THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

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

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

6. The Memo recommends the following modifications to claim 41S 134209-00:

Maximum Acres: ~~140.00~~ **115.86**

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	60.00 61.14		NE	4	15N	11E	JUDITH BASIN
2	45.00 54.72		NW	3	15N	11E	JUDITH BASIN
3	35.00		S2SW	34	16N	11E	JUDITH BASIN
Total:	140.00 115.86						

The Memo states that adoption of the recommendation would resolve the ‘acres irrigated’ remark on the claim. The Memo further recommended that the flow rate issue remark be removed from the claim.

7. Claim 41S 134210-00 was decreed with the following issue remarks:

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

THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 30045-179-157 , DATED 09/17/1979 , 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.

8. The Memo recommends the following modifications to claim 41S 134210-00:

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	SE SENE SW	OWN OWN WSE	8	15N	11E	JUDITH BASIN

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	2.00		NE SWNE	8	15N	11E	JUDITH BASIN
2	2.00		W2 NENE	8	15N	11E	JUDITH BASIN
3	40.00 12.42		E2E2SE	5	15N	11E	JUDITH BASIN
4	30.00 31.58		W2W2	4	15N	11E	JUDITH BASIN
Total:	44.00						

The Memo states that adoption of the recommendation would resolve the ‘acres irrigated’ and point of diversion issue remarks on the claim. The Memo recommends removal of the flow rate issue remark.

9. Claim 41S 141243-00 was decreed with the following issue remarks:

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

THE CLAIMED FLOW RATE MAY BE QUESTIONABLE. DOCUMENTATION SUBMITTED WITH THIS CLAIM INDICATES A FLOW RATE OF 30 GPM.

THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

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

10. The Memo recommends increasing the maximum acres and place of use to 49.26 acres and reducing the flow rate to 30 gallons per minute to reflect the filed appropriation attached to the Statement of Claim. The Memo further stated that adoption of the recommendations resolved the issue remarks on the claim. The Statement of Claim originally claimed 60 acres which was reduced by the DNRC during verification.

11. The Response stated that the Statement of Claim claimed a 60 gpm flow rate and that the well is an artesian well with variable flow. Attached to the Response is an affidavit which states that at times the flow rate can exceed 60 gpm, and that a flow rate of 60 gpm is needed to reach the entire place of use.

12. Claim 41S 141244-00 was decreed with the following issue remarks:

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

THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 30045-179-157 , DATED 09/17/1979 , APPEARS TO INDICATE 38.8 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

SOURCE NAME 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 POINTS OF DIVERSION MAY BE INCORRECT. THE LOCATIONS OF THE PUMP(S) 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.

13. The Memo recommends modifying POD #2 to the NENESE of Sec. 3, T15N, R11E. The Memo states that adoption of the recommendation would resolve the issue remark questioning the point of diversion. The Memo recommends removal of the remaining issue remarks without modification to the claim.

14. The Response states that the points of diversion for the claim are correct and should not be modified as recommended. The Response includes a map of the points of diversion as listed on the Statement of Claim and in the Preliminary Decree.

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 claims 41S 13342-00, 41S 134208-00, 41S 134209-00 and 41S 134210-00 should be adopted.
2. The DNRC recommendation to increase the place of use and maximum acres for claim 41S 141243-00 should be adopted. The issue remark and Memo fail to overcome the prima facie status of the claim insofar as it relates to flow rate.
3. The DNRC recommendation to modify POD#2 for claim 41S 141244-00 should be rejected. The issue remark and Memo fail to overcome the prima facie status of the claim.

RECOMMENDATIONS

1. The DNRC recommendations for claims 41S 13342-00, 41S 134208-00, 41S 134209-00 and 41S 134210-00 should be adopted. Adoption of the recommendations resolves the issue remarks² on the claims and the issue remarks should be removed.
2. Claim 41S 141243-00 should be modified as follows:

Type of Historical Right: ~~FILED~~ Use

² The 'supplemental rights' issue remark is considered resolved by this Master as the supplemental rights information remarks are removed prior to Final Decree.

Maximum Acres: ~~45.00~~ 49.26

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	34.00 49.26		N2NW	3	15N	11E	JUDITH BASIN
2	14.00		S2SW	34	18N	11E	JUDITH BASIN
Total:	45.00 49.26						

The issue remarks should be removed from the claim. Modification of the claim resolves the place of use issue remarks. The issue remarks questioning the flow rate of the claim fail to overcome the prima facie status of the claim and should be removed.

3. Claim 41S 141244-00 should be decreed as it appeared in the Preliminary Decree. The DNRC recommended removal of the issue remarks except for the issue remark questioning the points of diversion without modification to the claim. The issue remark questioning the location of the points of diversion fails to overcome the prima facie status of the claim and the issue remark should be removed.

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

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via Electronic Mail:

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Note: Service List Updated 11-14-2024

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

Water Right Number: 41S 13342-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: HUGHES NEWFORD CO
 PO BOX 558
 STANFORD, MT 59479

Priority Date: JULY 15, 1882

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 4.00 CFS

Volume: 300.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 60.00

Source Name: RUNNING WOLF 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		SE	10	15N	11E	JUDITH BASIN

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: HEADGATE

Period of Use: MAY 1 TO OCTOBER 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	45.00		NE	10	15N	11E	JUDITH BASIN
2	15.00		SE	3	15N	11E	JUDITH BASIN

Total: 60.00

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.

13342-00 13344-00 141244-00

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

Water Right Number: 41S 134208-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: HUGHES NEWFORD CO
PO BOX 558
STANFORD, MT 59479

Priority Date: JANUARY 14, 1954

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 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: DRY WOLF 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		NWNWSW	8	15N	11E	JUDITH BASIN

Period of Diversion: MAY 1 TO SEPTEMBER 1

Diversion Means: DIKE

Period of Use: MAY 1 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	71.00		S2	8	15N	11E	JUDITH BASIN
Total:	71.00						

Remarks:

THE CLAIMED IRRIGATED ACRES AND PLACE OF USE HAVE BEEN RE-EXAMINED BY THE DNRC UNDER MONTANA WATER COURT ORDER DATED AUGUST 29, 1997. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

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

Water Right Number: 41S 134209-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: HUGHES NEWFORD CO
PO BOX 558
STANFORD, MT 59479

Priority Date: AUGUST 16, 1894

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 5.31 CFS

Volume: 501.20 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 115.86

Source Name: DRY WOLF 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		SWNESW	4	15N	11E	JUDITH BASIN

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Period of Use: MAY 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	61.14		NE	4	15N	11E	JUDITH BASIN
2	54.72		NW	3	15N	11E	JUDITH BASIN

Total: 115.86

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.

134209-00 141243-00

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

Water Right Number: 41S 134210-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: HUGHES NEWFORD CO
PO BOX 558
STANFORD, MT 59479

Priority Date: APRIL 13, 1893

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.67 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: 44.00

Source Name: DRY WOLF 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		SENE SW	8	15N	11E	JUDITH BASIN

Period of Diversion: MAY 1 TO SEPTEMBER 1

Diversion Means: HEADGATE

Period of Use: MAY 1 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	12.42		E2E2SE	5	15N	11E	JUDITH BASIN
2	31.58		W2W2	4	15N	11E	JUDITH BASIN
Total:	44.00						

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

Water Right Number: 41S 141243-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: HUGHES NEWFORD CO
 PO BOX 558
 STANFORD, MT 59479

Priority Date: AUGUST 19, 1954

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 60.00 GPM

Volume: 40.56 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 49.26

Source Name: GROUNDWATER

Source Type: GROUNDWATER

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		NENENE	4	15N	11E	JUDITH BASIN

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: WELL

Period of Use: MAY 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	49.26		N2NW	3	15N	11E	JUDITH BASIN

Total: 49.26

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.

134209-00 141243-00

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

141243-00 30130569

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

Water Right Number: 41S 141244-00 STATEMENT OF CLAIM
Version: 5 -- POST DECREE
Status: ACTIVE

Owners: HUGHES NEWFORD CO
 PO BOX 558
 STANFORD, MT 59479

***Priority Date:** MAY 1, 1883

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 100.00 GPM

Volume: 76.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 45.00

***Source Name:** RUNNING WOLF 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		SENWSE	3	15N	11E	JUDITH BASIN
Period of Diversion:		MAY 1 TO OCTOBER 15				
Diversion Means:		PUMP				
2		NWNSE	3	15N	11E	JUDITH BASIN
Period of Diversion:		MAY 1 TO OCTOBER 15				
Diversion Means:		PUMP				

Period of Use: MAY 1 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	40.00		SE	3	15N	11E	JUDITH BASIN
2	5.00		SENE	3	15N	11E	JUDITH BASIN
Total:	45.00						

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.

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

141244-00

160546-00