

Montana Water Court  
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(406) 586-4364  
watercourt@mt.gov

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

\*\*\*\*\*

CLAIMANT: Select US Investment Corporation

**CASE 41S-0356-R-2024**

- 41S 152110-00
- 41S 152111-00
- 41S 152112-00
- 41S 152113-00
- 41S 152114-00
- 41S 152115-00
- 41S 152116-00
- 41S 152117-00
- 41S 152118-00
- 41S 152119-00
- 41S 152128-00
- 41S 152130-00
- 41S 152131-00

**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-0356-R-2024 on May 21, 2024, and claimant Select US Investment Corporation was ordered to work with the Department of Natural Resources and Conservation to resolve the issue remarks on the claims. On June 27, 2024, a Memorandum (“Memo”) was filed (Doc.<sup>1</sup> 2.00). Attached to the Memo were proposed abstracts as well as maps of the places of use.

On August 23, 2024, counsel for Select US Investment Corporation filed a Response to the Memo (“Response”) stating their position on the DNRC recommendations.

### FINDINGS OF FACT

1. Claim 41S 152110-00 was decreed with the following issue remark:

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

2. The Memo recommended modifying the claim as follows:

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SE	SE	<del>E2</del>	27	14N	19E FERGUS

3. The Memo states that adoption of the modification resolves the issue remark on the claim. The Response states that the claimant agrees with the DNRC recommendation<sup>2</sup>.

4. Claim 41S 152111-00 was decreed with the following issue remark:

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

5. The Memo recommended modifying the claim as follows:

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

2 The Response states that the claimant agrees with the proposed modifications for claims 41S 152110-00 and 41S 152111-00 but identifies Attachment 2 as depicting the proposed modifications for claim 41S 152111-00 and Attachment 4 as depicting the proposed modifications for claim 41S 152110-00. Attachment 2 depicts the proposed modifications for claim 41S 152110-00 and Attachment 4 depicts the proposed modifications for claim 41S 152111-00. If the claimant disagrees with the recommendations made in this Master’s Report, they should file an objection to the Report stating the same.

**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	<del>SWS</del> ENW-W2		2	13N	19E	FERGUS

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

**Diversion Means:** PUMP

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2		SE	SE	SE	SE	27	14N	19E	FERGUS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** PUMP

3		NE	SE	NE	E2NE	34	14N	19E	FERGUS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** PUMP

**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>
4	<del>SWN</del> WSW-W2		35	14N	19E	FERGUS

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

**Diversion Means:** PUMP

5		SWS	SW	NE		10	13N	19E	FERGUS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** PUMP

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

6. The Memo states that adoption of the modification resolves the issue remark on the claim. The Response states that the claimant agrees with the DNRC recommendation.

7. Claim 41S 152112-00 was decreed with the following issue remarks:

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

8. The Memo recommends the following modifications to claim 41S 152112-00:

**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	<del>NE</del> NENW-NW		34	14N	19E	FERGUS

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

**Diversion Means:** PUMP

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2		NW	SE	SW		27	14N	19E	FERGUS
---	--	----	----	----	--	----	-----	-----	--------

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

**Diversion Means:** PUMP

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

9. The Memo states that adoption of the recommendation would resolve issue remark on the claim. The Response states that the claimant agrees with the DNRC recommendation.

10. The Memo recommends dismissing claims 41S 152113-00, 41S 152114, 41S 152115-00, 41S 152116-00, 41S 152117-00, 41S 152118-00 and 41S 152119-00. The Response states that the claimant does not object to the recommendations to dismiss the claims.

11. Claim 41S 152128-00 was decreed with the following issue remark:

THE PRIORITY DATE MAY BE INCORRECT. THIS CLAIM AND 41S 152113-00 APPEAR TO BE USING THE SAME UNDERLYING FILED NOTICE OF APPROPRIATION. THEIR PRIORITY DATES HOWEVER DO NOT MATCH. THE SUBMITTED NOTICE OF APPROPRIATION COPIES ARE DIFFICULT TO READ. DNRC IS UNCERTAIN IF THE APPROPRIATION DATE IS 01/13/1899 OR 01/15/1899.

12. The Memo recommends modifying the claim as follows:

**Priority Date:** ~~JANUARY 13, 1899~~ January 15, 1899

13. The Memo states that adoption of the recommendation would resolve issue remark on the claim. The Response states that the claimant agrees with the DNRC recommendation.

14. Claim 41S 152130-00 was decreed with the following issue remarks:

THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THE CLAIMS FOLLOWING THIS STATEMENT MAY BE USING THE SAME FILED APPROPRIATION TO DOCUMENT THEIR RIGHTS. DNRC IS UNABLE TO CONFIRM THIS BECAUSE PORTIONS OF THE SUBMITTED DOCUMENTS ARE NOT READABLE. THE COMBINED FLOW RATE FOR THIS GROUP OF CLAIMS MAY EXCEED THE TOTAL OF THE ORIGINAL APPROPRIATION. 41S 152117-00, 41S 152130-00

15. The Memo recommends removal of the remark without modifications to the claim. The Response states that the claimant agrees the claim should not be modified.

16. Claim 41S 152131-00 was decreed with the following issue remarks:

THE TYPE OF HISTORICAL RIGHT MAY BE QUESTIONABLE. DOCUMENTATION SUBMITTED WITH THE CLAIM INDICATES A FILED APPROPRIATION RIGHT.

17. The Memo recommends modifying the claim as follows:

**Type of Historical Right:** ~~USE~~ Filed

18. The Memo states that adoption of the modification would resolve the issue remark. The Response states that the claimant agrees with the proposed modification.

### **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 should be adopted.
2. Claims 41S 152113-00, 41S 152114, 41S 152115-00, 41S 152116-00, 41S 152117-00, 41S 152118-00 and 41S 152119-00 should be dismissed.
3. The issue remarks should be removed from the claims.

### **RECOMMENDATIONS**

1. The claims should be modified as discussed above. The issue remarks should be removed from the claims.

2. Claims 41S 152113-00, 41S 152114, 41S 152115-00, 41S 152116-00, 41S 152117-00, 41S 152118-00 and 41S 152119-00 should be dismissed.

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:**

***Last Order:***

**Select US Investment Corporation  
PO Box 3610  
Albany, GA 31706**

**Service via Electronic Mail:**

**Martin Smith  
Felt Martin PC  
550 North 31<sup>st</sup> Street, Suite 500  
Billings, MT 59101  
(406) 248-7646  
[msmith@feltmartinlaw.com](mailto:msmith@feltmartinlaw.com)  
[jbarz@feltmartinlaw.com](mailto:jbarz@feltmartinlaw.com)  
(*atty for Select US Investment Corporation*)**

**Note: Service List Updated 12-13-2024**

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

**Water Right Number:** 41S 152110-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** SELECT US INVESTMENT CORPORATION  
PO BOX 3610  
ALBANY, GA 31706

**Priority Date:** MAY 15, 1884

**Type of Historical Right:** FILED

**Purpose (Use):** AGRICULTURAL SPRAYING

**Flow Rate:** 2.50 CFS

**Volume:** 5.00 AC-FT

**Source Name:** MIDDLE FORK

**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		SESESE	27	14N	19E	FERGUS

**Period of Diversion:** MARCH 31 TO NOVEMBER 30

**Diversion Means:** PUMP

**Period of Use:** MARCH 31 TO NOVEMBER 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				27	14N	19E	FERGUS
2				34	14N	19E	FERGUS
3			SENE	33	14N	19E	FERGUS
4			S2SW	26	14N	19E	FERGUS
5			W2	35	14N	19E	FERGUS
6				3	13N	19E	FERGUS
7			NW	2	13N	19E	FERGUS
8			N2SW	2	13N	19E	FERGUS
9			SWSW	2	13N	19E	FERGUS
10			E2NE	9	13N	19E	FERGUS
11			W2	10	13N	19E	FERGUS
12			W2NE	10	13N	19E	FERGUS
13			NWSE	10	13N	19E	FERGUS

**Remarks:**

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.

152110-00

152119-00

152126-00



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

**Water Right Number:** 41S 152111-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** SELECT US INVESTMENT CORPORATION  
PO BOX 3610  
ALBANY, GA 31706

**Priority Date:** DECEMBER 3, 1883

**Type of Historical Right:** FILED

**Purpose (Use):** FIRE PROTECTION

**Flow Rate:** 40.00 GPM

**\*Volume:** THE VOLUME OF THIS WATER RIGHT IS LIMITED TO THE MINIMUM AMOUNTS NECESSARY FOR FIRE PROTECTION PURPOSES.

**Source Name:** MIDDLE FORK

**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		SWSNW	2	13N	19E	FERGUS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	PUMP					
2		SESESE	27	14N	19E	FERGUS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	PUMP					
3		NESENE	34	14N	19E	FERGUS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	PUMP					
4		SWNWSW	35	14N	19E	FERGUS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	PUMP					
5		SWSWNE	10	13N	19E	FERGUS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	PUMP					

**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				27	14N	19E	FERGUS
2				34	14N	19E	FERGUS
3			SENE	33	14N	19E	FERGUS
4			S2SW	26	14N	19E	FERGUS

5	W2	35	14N	19E	FERGUS
6		3	13N	19E	FERGUS
7	NW	2	13N	19E	FERGUS
8	N2SW	2	13N	19E	FERGUS
9	SWSW	2	13N	19E	FERGUS
10	E2NE	9	13N	19E	FERGUS
11	W2	10	13N	19E	FERGUS
12	W2NE	10	13N	19E	FERGUS
13	NWSE	10	13N	19E	FERGUS

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**Remarks:**

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.

152111-00

152125-00

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

**Water Right Number:** 41S 152112-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** SELECT US INVESTMENT CORPORATION  
PO BOX 3610  
ALBANY, GA 31706

**Priority Date:** SEPTEMBER 4, 1889

**Type of Historical Right:** USE

**Purpose (Use):** FIRE PROTECTION

**Flow Rate:** 40.00 GPM

**\*Volume:** THE VOLUME OF THIS WATER RIGHT IS LIMITED TO THE MINIMUM AMOUNTS NECESSARY FOR FIRE PROTECTION PURPOSES.

**Source Name:** MARCOTT 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		NENENW	34	14N	19E	FERGUS

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

**Diversion Means:** PUMP

2		NWSESW	27	14N	19E	FERGUS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** PUMP

**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				27	14N	19E	FERGUS
2				34	14N	19E	FERGUS
3			SENE	33	14N	19E	FERGUS
4			S2SW	26	14N	19E	FERGUS
5			W2	35	14N	19E	FERGUS
6				3	13N	19E	FERGUS
7			NW	2	13N	19E	FERGUS
8			N2SW	2	13N	19E	FERGUS
9			SWSW	2	13N	19E	FERGUS
10			E2NE	9	13N	19E	FERGUS
11			W2	10	13N	19E	FERGUS
12			W2NE	10	13N	19E	FERGUS
13			NWSE	10	13N	19E	FERGUS

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

**Water Right Number:** 41S 152113-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** SELECT US INVESTMENT CORPORATION  
PO BOX 3610  
ALBANY, GA 31706

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:** MIDDLE FORK

**Source Type:** SURFACE WATER

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

**Period of Use:**

**Place of Use:**

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**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 152114-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** SELECT US INVESTMENT CORPORATION  
PO BOX 3610  
ALBANY, GA 31706

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** IRRIGATION

**Flow Rate:**

**Volume:**

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

**Source Type:** SURFACE WATER

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

**Period of Use:**

**Place of Use:**

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**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 152115-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** SELECT US INVESTMENT CORPORATION  
PO BOX 3610  
ALBANY, GA 31706

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:** UNNAMED TRIBUTARY OF MIDDLE FORK

**Source Type:** SURFACE WATER

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

**Period of Use:**

**Place of Use:**

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**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 152116-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** SELECT US INVESTMENT CORPORATION  
PO BOX 3610  
ALBANY, GA 31706

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:** MIDDLE FORK

**Source Type:** SURFACE WATER

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

**Period of Use:**

**Place of Use:**

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**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 152117-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** SELECT US INVESTMENT CORPORATION  
PO BOX 3610  
ALBANY, GA 31706

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:** UNNAMED TRIBUTARY OF MIDDLE FORK

**Source Type:** SURFACE WATER

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

**Period of Use:**

**Place of Use:**

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**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 152118-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** SELECT US INVESTMENT CORPORATION  
PO BOX 3610  
ALBANY, GA 31706

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:** MIDDLE FORK

**Source Type:** SURFACE WATER

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

**Period of Use:**

**Place of Use:**

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**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 152119-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** SELECT US INVESTMENT CORPORATION  
PO BOX 3610  
ALBANY, GA 31706

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:** MIDDLE FORK

**Source Type:** SURFACE WATER

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

**Period of Use:**

**Place of Use:**

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**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 152128-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** SELECT US INVESTMENT CORPORATION  
PO BOX 3610  
ALBANY, GA 31706

**Priority Date:** JANUARY 15, 1899

**Type of Historical Right:** FILED

**Purpose (Use):** STOCK

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

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

**Source Name:** MIDDLE FORK

**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		W2	35	14N	19E	FERGUS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					
2			10	13N	19E	FERGUS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					
3		SESE	3	13N	19E	FERGUS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					
4		W2	2	13N	19E	FERGUS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					
5		E2NE	34	14N	19E	FERGUS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					
6		E2	27	14N	19E	FERGUS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	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			E2NE	34	14N	19E	FERGUS
2			W2	35	14N	19E	FERGUS
3			W2	2	13N	19E	FERGUS
4			SESE	3	13N	19E	FERGUS
5				10	13N	19E	FERGUS
6			E2	27	14N	19E	FERGUS

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

**Water Right Number:** 41S 152130-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** SELECT US INVESTMENT CORPORATION  
PO BOX 3610  
ALBANY, GA 31706

**Priority Date:** DECEMBER 2, 1892

**Type of Historical Right:** FILED

**Purpose (Use):** STOCK

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

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

**Source Name:** UNNAMED TRIBUTARY OF MIDDLE FORK

**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		N2	27	14N	19E	FERGUS

**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			N2	27	14N	19E	FERGUS

**Remarks:**

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.

152117-00      152130-00

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

**Water Right Number:** 41S 152131-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** SELECT US INVESTMENT CORPORATION  
PO BOX 3610  
ALBANY, GA 31706

**Priority Date:** SEPTEMBER 19, 1904

**Type of Historical Right:** FILED

**Purpose (Use):** STOCK

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

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

**Source Name:** UNNAMED TRIBUTARY OF MARCOTT 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		N2SW	27	14N	19E	FERGUS

**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			N2SW	27	14N	19E	FERGUS

**Remarks:**

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.

152114-00      152131-00