Montana Water Court PO Box 1389 Bozeman, MT 59771-1389 1-800-624-3270 (406) 586-4364 watercourt@mt.gov FILE D 12/02/2024 Sara Calkins CLERK Montana Water Court STATE OF MONTANA By: <u>D'Ann CIGLER</u> 41S-0373-R-2024 Block, Nathaniel 4.00

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

CLAIMANTS: Wertheimer A Inc.; Wertheimer H Inc.

CASE 41S-0373-R-2024 41S 131754-00 41S 131771-00 41S 131772-00 41S 131773-00 41S 211072-00 41S 211073-00 41S 211074-00 41S 30134941 41S 30134942 41S 30134945 41S 30134949

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above stamped date. <u>Please review this report carefully.</u>

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-0373-R-2024 on June 21, 2024 and claimants Wertheimer A Inc. and Wertheimer H Inc. were ordered to work with the Department of Natural Resources and Conservation to resolve the issue remarks on the claims. On August 7, 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 stated that Jane Wertheimer met with DNRC to discuss the case on behalf of both claimants. On August 20, 2024, an Order Setting Filing Deadline was issued requiring the claimants to file documentation stating their position on the recommendations in the Memo. The Order stated that "[i]f nothing is filed, it will be viewed as agreement with the recommendations and a Master's Report will be issued". Nothing was filed in response to the Order.

FINDINGS OF FACT

1. Claim 41S 137154-00 was decreed with the following issue remark: THE POINT OF DIVERSION LEGAL LAND DESCRIPTION COULD NOT BE REFINED FROM INFORMATION IN THE CLAIM FILE.

2. The Memo recommends modifying the point of diversion as follows:

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	-3-	NWNESW	30	14N	13E	JUDITH BASIN

The Memo states that adoption of the recommendation would resolve the issue remark on the claim.

3. Claim 41S 131771-00 was decreed with the following substantive issue remarks:

THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 169.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NOS. 30045-179-106 AND 30045-179-80 , DATED 09/17/1979 , APPEAR TO INDICATE 169.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

4. The Memo recommends removal of the remarks without modification to the claim.

^{1 &}quot;Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

5. Claims 41S 131772-00, 41S 211072-00, 41S 211073-00 and 41S 211074-00 were

decreed with the following substantive issue remarks:

THE MEANS OF DIVERSION DOES NOT APPEAR TO BE STANDARDIZED. THE MEANS OF DIVERSION APPEARS TO BE A PUMP AND PIPELINE AND/OR DITCH.

THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 304.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

PUMP/UEADOATE W/DITCH OR PIPELINE HEADGATE

USDA AERIAL PHOTOGRAPH NOS. 30045-179-80 AND 30045-179-82 , DATED 09/17/1979 , APPEAR TO INDICATE 304.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

6. The Memo recommends the modifying claims 41S 131772-00², 41S 211072-00,

41S 211073-00 and 41S 211074-00 as follows:

Maximum Acres: 551.00 314.82

Diversion Means:

Place of U	se:						
ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	7.00 5	5.19	S2S2NE	35	14N	12E	JUDITH BASIN
2	13.00 9	.29	N2N2SE	35	14N	12E	JUDITH BASIN
3	55.00 5	4.13	NW	36	14N	12E	JUDITH BASIN
4	20.00 2	9.40	NE	36	14N	12E	JUDITH BASIN
5	60.00 6	4.12	S2NW	29	14N	13E	JUDITH BASIN
6	139.00 12	21.69	E2	31	14N	13E	JUDITH BASIN
7	7.00 1(0.53	E2NW	31	14N	13E	JUDITH BASIN
8	25.00 14	.48	SESE	30	14N	13E	JUDITH BASIN
9	20.00 5	.99	SW	29	14N	13E	JUDITH BASIN
Total:	351.00 31	4.82					

The Memo states that adoption of the recommendations resolves the substantive issue remarks on the claims.

7. Claim 41S 131773-00 was decreed with the following substantive issue remarks:

² Claim 41S 131772-00 shares the same point of diversion as claims 41S 211072-00, 41S 211073-00 and 41S 211074-00. The Memo does not make a recommendation regarding the means of diversion for claim 41S 131772-00, this Master is electing to standardize the means of diversion between the claims. If claimants feel this modification does not reflect the historical use of claim 41S 131772-00 they should object to this Master's Report.

THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 199.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NOS. 30045-179-80, 30045-179-82, AND 30045-179-106, DATED 09/17/1979, APPEAR TO INDICATE 225.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

- 8. The Memo recommends removal of the remarks without modification to the claim.
- 9. Claim 41S 30134941 was decreed with the following substantive issue remark:

THE LEGAL LAND DESCRIPTION FOR POINT OF DIVERSION NO. 2 COULD NOT BE REFINED FROM INFORMATION IN THE FILE. THIS CLAIMED POINT OF DIVERSION CANNOT BE CONFIRMED.

10. The Memo recommends modifying claim 41S 30134941 as follows:

*Point of Diversion and Means of Diversion:

D	Govt Lot	<u>Qtr Sec</u>	Sec	Twp	Rge	County
			0	1011		JODITI DAGIN
Period of Diversio	III JANUARY 1 T			•		
D 1 1	LINE OTOOK F	UDEOT EDO		UDOE		
				UNUE		

*Place of Use:

Ш	Acres	Govt Lot	<u>Qtr Sec</u>	Sec	Twp	<u>Rge</u>	County
1			NESE	6	13N	13E	JUDITH BASIN
2				0	1011		JUDITH BAOIN
3			SWSE	18	13N	13E	JUDITH BASIN
4			NENE	25	13N	12E	JUDITH BASIN

The Memo states that adoption of the recommendation would resolve the remark.

11. The Memo recommends modifying claim 41S 30134942 as follows:

*Source Name: SPRING, UNNAMED TRIBUTARY OF WATE OREEK Windmill Coulee Source Type: SURFACE WATER

Source Name:	Spring, Unnamed Tributary of Ellis Coulee
Source Type:	Surface Water

3 SESE 11 13N 12E JUDITH BASIN *Source Name: SPRING, UNNAMED TRIBUTARY OF WAITE OREEK Windmill Coulee Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: LIVESTOCK DIRECT FROM SOURCE 4 NWNE 12 13N 12E JUDITH BASIN *Source Name: SPRING, UNNAMED TRIBUTARY OF WATE CREEK Ellis Coulee Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: LIVESTOCK DIRECT FROM SOURCE 5 SWNW 12 13N 12E JUDITH BASIN SPRING, UNNAMED TRIBUTARY OF WATE CREEK Ellis Coulee *Source Name: Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: LIVESTOCK DIRECT FROM SOURCE 6 NESW 13 13N 12E JUDITH BASIN SPRING, UNNAMED TRIBUTARY OF WAITE ORDER Ellis Coulee *Source Name: Period of Diversion: JANUARY 1 TO DECEMBER 31 **Diversion Means:** LIVESTOCK DIRECT FROM SOURCE MEANS OF DIVERSION INCLUDES A STOCK TANK.

PRINCIPLES OF LAW

 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. The means of diversion for claim 41S 131772-00 should be modified to 'Headgate' as discussed above.

2. Adoption of the recommendations resolves the substantive issue remarks on the claims and the remarks should be removed.

5

3. The remaining remarks do not require proceedings to resolve and should be removed from the claims.

RECOMMENDATIONS

1. The claims should be modified as discussed above.

2. The issue remarks should be removed from the claims.

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

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Wertheimer A Inc. 683 Wertheimer Dr. Hobson, MT 59452

Wertheimer H Inc. 738 Wertheimer Dr. Hobson, MT 59452-8628

\JUDHLNSRV-DATA\Share\JUDGALH2OSRV (Datavol)\Share\WC-BASIN FOLDERS\41S PD\Cases\373\NB 41S-0373-R-2024 MR - Resolution of IRs 248 (NEW, multiple claims, POU_POD, source, issue remarks) 11-20-2024 rr.docx

JUDITH RIVER

Water Right Number:	41S	41S 131754-00 STATEMENT OF CLAIM							
	Ver	sion: 3 P	OST DECREE	Ē					
		Statu	s: ACTIVE						
Owners:	683	RTHEIMER, A WERTHEIME BSON, MT 594	R DR						
	738	RTHEIMER, H WERTHEIME BSON, MT 594	R DR						
Priority Date:	MA	Y 1, 1952							
Type of Historical Righ	t: USE	Ξ							
Purpose (Use):	STO	STOCK							
Flow Rate:	25.0	00 GPM							
*Volume:	STC UNI	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:	GR	OUNDWATER							
Source Type:		GROUNDWA	TER						
Point of Diversion and I	Means of Di	iversion:							
<u>ID</u> 1	<u>(</u>	<u>Govt Lot</u>	<u>Qtr Sec</u> NWNESW	<u>Sec</u> 30	<u>Twp</u> 14N	<u>Rge</u> 13E	<u>County</u> JUDITH BASIN		
Period of Diversion:	JAN	IUARY 1 TO D	ECEMBER 31						
Diversion Means:	WE	LL							
Period of Use:	JAN	IUARY 1 TO D	ECEMBER 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		3		30	14N	13E	JUDITH BASIN		

JUDITH RIVER

Water Right Number:	41S 13177 [,]	I-00 ST	ATEMENT	OF CL	AIM		
-	Version:	4 POS	T DECRE	E			
		Status:	ACTIVE				
Owners:	WERTHEIM 683 WERTH HOBSON, M	IEIMER D					
	WERTHEIM 738 WERTH HOBSON, M	IEIMER D	DR				
Priority Date:	JULY 1, 188	0					
Type of Historical Right:	DECREED						
Purpose (Use):	IRRIGATIO	N					
Irrigation Type:	FLOOD						
Flow Rate:	5.00 CFS						
*Volume:	THE TOTAL TO HISTOR					SHALL	NOT EXCEED THE AMOUNT PUT
Climatic Area:	3 - MODER	ATE					
Maximum Acres:	200.00						
Source Name:	JUDITH RIV	'ER					
Source Type:	SURFA	CE WAT	ER				
Point of Diversion and Mean	s of Diversion:						
<u>ID</u> 1	<u>Govt Lot</u>		<u>Qtr Sec</u> ENWNW	<u>Sec</u> 29	<u>Twp</u> 14N	<u>Rge</u> 13E	<u>County</u> JUDITH BASIN
Period of Diversion:	APRIL 15 T	О ОСТОВ	3ER 15				
Diversion Means:	HEADGATE						
Period of Use:	APRIL 15 T	О ОСТОВ	3ER 15				
Place of Use:							
ID <u>Acre</u>			<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1 100.0			S2	20	14N	13E	JUDITH BASIN
2 80.00 3 20.00			SW	21 20	14N	13E	JUDITH BASIN
3 20.00 Total: 200.00	_		N2NE	29	14N	13E	JUDITH BASIN
10tal: 200.00	0						

POST DECREE ABSTRACT OF WATER RIGHT CLAIM JUDITH RIVER

Water Right Number:	er Right Number: 41S 131772-00 STATEMENT OF CLAIM									
	Version:	4 POST DE	ECREE							
		Status: AC	CTIVE							
Owners:	683 WERTH	WERTHEIMER, A INC 683 WERTHEIMER DR HOBSON, MT 59452								
		1ER, H INC HEIMER DR MT 59452-862	8							
Priority Date:	JULY 1, 189	95								
Type of Historical Right:	DECREED									
Purpose (Use):	IRRIGATIO	N								
Irrigation Type:	FLOOD									
Flow Rate:	5.75 CFS									
Volume:	852.14 AC-	FT								
Climatic Area:	3 - MODER									
Maximum Acres:	314.82									
Source Name:	JUDITH RIVER									
Source Type:		ACE WATER								
Point of Diversion and Means										
<u>ID</u>	Govt Lot		<u>Sec</u> <u>S</u>	ec '	Twp	<u>Rge</u>	<u>County</u>			
1	001120	NWNE			14N	12E	JUDITH BASIN			
Period of Diversion:	APRIL 15 T	O OCTOBER	15							
Diversion Means:	HEADGATE									
Period of Use:	APRIL 15 T	O OCTOBER	15							
Place of Use:										
ID Acres	Govt Lot	t <u>Qtr</u>	Sec S	<u>ec</u> '	<u>Twp</u>	<u>Rge</u>	<u>County</u>			
1 5.19)	S2S2	2NE 3		14N	12E	JUDITH BASIN			
2 9.29		N2N2	2SE 3	35	14N	12E	JUDITH BASIN			
3 54.13	3 NW 36 14N 12E JUDITH B						JUDITH BASIN			
4 29.40	0 NE 36 14N 12E JUDITH BA						JUDITH BASIN			
5 64.12		S2			14N	13E	JUDITH BASIN			
6 121.69										
7 10.53										
8 14.48										
9 5.99 Totolo 214.82	_		SW 2	29	14N	13E	JUDITH BASIN			
Total: 314.82										

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.

131772-00 211072-00 211073-00 211074-00

POST DECREE ABSTRACT OF WATER RIGHT CLAIM JUDITH RIVER

BASIN 41S

Water Right Number:	41S 131773	-00 STATEMENT	OF CL	AIM		
	Version:	4 POST DECRE	E			
		Status: ACTIVE				
Owners:	WERTHEIM 683 WERTH HOBSON, M	EIMER DR				
	WERTHEIM 738 WERTH HOBSON, M					
Priority Date:	MARCH 1, 1	881				
Type of Historical Right:	DECREED					
Purpose (Use):	IRRIGATION	1				
Irrigation Type:	FLOOD					
Flow Rate:	4.00 CFS					
Volume:	698.70 AC-F	Т				
Climatic Area:	3 - MODERA	ATE				
Maximum Acres:	255.00					
Source Name:	JUDITH RIV	ER				
Source Type:	SURFA	CE WATER				
*Point of Diversion and Means	of Diversion:					
ID	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			36	14N	12E	JUDITH BASIN
Period of Diversion:		OCTOBER 15				
Diversion Means:	HEADGATE					
Period of Use:	APRIL 1 TO	OCTOBER 15				
Place of Use:			G			a .
ID Acre 1 30.00		<u>Qtr Sec</u> E2SE	<u>Sec</u> 25	<u>Twp</u> 14N	<u>Rge</u> 12E	<u>County</u> JUDITH BASIN
2 15.00		E2SENW	30	14N	13E	JUDITH BASIN
3 60.00		N2SW	30	14N	13E	JUDITH BASIN
4 50.00)	N2NW	29	14N	13E	JUDITH BASIN
5 70.00)	SW	20	14N	13E	JUDITH BASIN
6 30.00		SE	20	14N	13E	JUDITH BASIN
Total: 255.00)					

Remarks:

STATEMENTS OF CLAIM 41S 104215-00, 41S 104216-00, 41S 131773-00, 41S 211215-00 SHARE A COMMON POINT OF DIVERSION.

JUDITH RIVER

Water Right Number:	41S 2110	72-00 STATEMEN	T OF CL	AIM				
	Version:	3 POST DECRE	E					
		Status: ACTIVE	E					
	Late Claim	: В						
Owners:	683 WERT	WERTHEIMER, A INC 683 WERTHEIMER DR HOBSON, MT 59452						
	738 WER1	MER, H INC HEIMER DR MT 59452-8628						
Priority Date:	MARCH 1	1882						
Enforceable Priori	ty Date: JUNE	30, 1973						
	CLAIM IS RESERVE	CLAIM FILED LATE 09/04/1984 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.						
Type of Historical Right	: DECREED)						
Purpose (Use):	IRRIGATIO	IRRIGATION						
Irrigation Type:	FLOOD	FLOOD						
Flow Rate:	5.00 CFS	5.00 CFS						
*Volume:		THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.						
Climatic Area:	3 - MODEI	RATE						
Maximum Acres:	314.82							
Source Name:	JUDITH R	VER						
Source Type:	SURF	ACE WATER						
Point of Diversion and N	leans of Diversion	1:						
<u>ID</u> 1	<u>Govt L</u>	ot <u>Qtr Sec</u> NWNESW	<u>Sec</u> 35	<u>Twp</u> 14N	<u>Rge</u> 12E	<u>County</u> JUDITH BASIN		
Period of Diversion:	APRIL 15	TO OCTOBER 15						
Diversion Means:	HEADGAT	E						
Period of Use:	APRIL 15	TO OCTOBER 15						
Place of Use:								
<u>ID</u>	Acres <u>Govt L</u>	ot <u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>		
1	5.19	S2S2NE	35	14N	12E	JUDITH BASIN		
2	9.29	N2N2SE	35	14N	12E	JUDITH BASIN		
	54.13	NW	36	14N	12E			
	29.40	NE	36	14N	12E	JUDITH BASIN		
5	64.12	S2NW	29	14N	13E	JUDITH BASIN		

6		121.69	E2	31	14N	13E	JUDITH BASIN
7		10.53	E2NW	31	14N	13E	JUDITH BASIN
8		14.48	SESE	30	14N	13E	JUDITH BASIN
9		5.99	SW	29	14N	13E	JUDITH BASIN
	Total:	314.82					

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.

131772-00 211072-00 211073-00 211074-00

JUDITH RIVER

Water Right Number:	41S 2110	73-00 STATEMEN	T OF CL	AIM				
	Version:	3 POST DECRE	E					
		Status: ACTIVE	E					
	Late Claim	: В						
Owners:	683 WER1	WERTHEIMER, A INC 683 WERTHEIMER DR HOBSON, MT 59452						
	738 WER1	MER, H INC THEIMER DR MT 59452-8628						
Priority Date:	JUNE 1, 1	882						
Enforceable Priorit	y Date: JUNE	30, 1973						
	CLAIM IS RESERVE	CLAIM FILED LATE 09/04/1984 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.						
Type of Historical Right:	DECREED)						
Purpose (Use):	IRRIGATIO	IRRIGATION						
Irrigation Type:	FLOOD	FLOOD						
Flow Rate:	2.50 CFS	2.50 CFS						
*Volume:		THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.						
Climatic Area:	3 - MODEI	RATE						
Maximum Acres:	314.82							
Source Name:	JUDITH R	IVER						
Source Type:	SURF	ACE WATER						
Point of Diversion and M	eans of Diversion	1:						
<u>ID</u> 1	<u>Govt L</u>	ot <u>Qtr Sec</u> NWNESW	<u>Sec</u> 35	<u>Twp</u> 14N	<u>Rge</u> 12E	<u>County</u> JUDITH BASIN		
Period of Diversion:	APRIL 15	TO OCTOBER 15						
Diversion Means:	HEADGAT	E						
Period of Use:	APRIL 15	TO OCTOBER 15						
Place of Use:								
ID A	<u>Acres</u> <u>Govt L</u>	ot <u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>		
	5.19	S2S2NE	35	14N	12E	JUDITH BASIN		
	9.29	N2N2SE	35	14N	12E	JUDITH BASIN		
	4.13	NW	36	14N	12E			
	9.40	NE	36	14N	12E	JUDITH BASIN		
5 6	4.12	S2NW	29	14N	13E	JUDITH BASIN		

6	121.69	E2	31	14N	13E	JUDITH BASIN
7	10.53	E2NW	31	14N	13E	JUDITH BASIN
8	14.48	SESE	30	14N	13E	JUDITH BASIN
9	5.99	SW	29	14N	13E	JUDITH BASIN
	Total: 314.82					

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.

131772-00 211072-00 211073-00 211074-00

JUDITH RIVER

Water Right Number:	41S 2110	74-00 STATEMEN	T OF CL	AIM				
	Version:	3 POST DECRE	E					
		Status: ACTIVE	-					
	Late Claim	: В						
Owners:	683 WER1	MER, A INC THEIMER DR MT 59452						
	738 WER1	MER, H INC THEIMER DR MT 59452-8628						
Priority Date:	JUNE 1, 1	887						
Enforceable Prior	ity Date: JUNE	30, 1973						
	CLAIM IS	SUBORDINATE, AN D WATER RIGHTS /	D THER	EFORE 、	JUNIOR	CTION 85-2-221(3), MCA, THIS , TO ALL INDIAN AND FEDERAL FILED CLAIMS BASED ON		
Type of Historical Righ	t: DECREED)						
Purpose (Use):	IRRIGATIO	NC						
Irrigation Type:	FLOOD	FLOOD						
Flow Rate:	1.88 CFS							
*Volume:		THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.						
Climatic Area:	3 - MODE	RATE						
Maximum Acres:	314.82							
Source Name:	JUDITH R	IVER						
Source Type:	SURF	ACE WATER						
Point of Diversion and I	Means of Diversion	1:						
<u>ID</u> 1	<u>Govt L</u>	ot <u>Qtr Sec</u> NWNESW	<u>Sec</u> 35	<u>Twp</u> 14N	<u>Rge</u> 12E	<u>County</u> JUDITH BASIN		
Period of Diversion:	APRIL 15	TO OCTOBER 15						
Diversion Means:	HEADGAT	E						
Period of Use:	APRIL 15	TO OCTOBER 15						
Place of Use:								
ID	Acres Govt L	ot <u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>		
1	5.19	S2S2NE	35	14N	12E	JUDITH BASIN		
2	9.29	N2N2SE	35	14N	12E			
3	54.13	NW	36	14N	12E	JUDITH BASIN		
4 5	29.40 64.12	NE S2NW	36 29	14N 14N	12E 13E	JUDITH BASIN JUDITH BASIN		
5	04.12	SZINVV	29	14IN	135			

6		121.69	E2	31	14N	13E	JUDITH BASIN
7		10.53	E2NW	31	14N	13E	JUDITH BASIN
8		14.48	SESE	30	14N	13E	JUDITH BASIN
9		5.99	SW	29	14N	13E	JUDITH BASIN
	Total:	314.82					

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.

131772-00 211072-00 211073-00 211074-00

JUDITH RIVER

Water Right Number:	41S 30134941 STA		OF CLA	MM				
-	Version: 2 POS	T DECREE						
	Status:	ACTIVE						
Owners:	WERTHEIMER, A INO 683 WERTHEIMER D HOBSON, MT 59452							
	WERTHEIMER, H IN0 738 WERTHEIMER D HOBSON, MT 59452-	R						
Priority Date:	JUNE 29, 1895							
Type of Historical Right:	USE							
Purpose (Use):	STOCK							
*Flow Rate:	OF STOCK DRINKIN	G DIRECTL	Y FRC	M THE	SOURC	BECAUSE THIS USE CONSISTS E, OR FROM A DITCH SYSTEM. UNT HISTORICALLY NECESSARY		
*Volume:	STOCK WATERING F	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	TRIBUTAR	۲ OF	VAITE C	REEK			
Source Type:	SURFACE WAT	ER						
*Point of Diversion and Mean	s of Diversion:							
<u>ID</u>	Govt Lot	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	County		
1		NESE	6	13N	13E	JUDITH BASIN		
Pariod of Diversion								

1		NESE	6	13N	13E	JUDITH BASIN		
Period of Diversion:	JANUARY 1 TO DEC	EMBER 31						
Diversion Means:	LIVESTOCK DIRECT	LIVESTOCK DIRECT FROM SOURCE						
2		SWSE	18	13N	13E	JUDITH BASIN		
Period of Diversion:	JANUARY 1 TO DEC	EMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE							
3		NENE	25	13N	12E	JUDITH BASIN		
Period of Diversion:	JANUARY 1 TO DEC	EMBER 31						
Diversion Means:	LIVESTOCK DIRECT	FROM SOL	JRCE					
	MEANS OF DIVERS	ION INCLUD	ES A S	STOCK	TANK.			
Period of Use:	JANUARY 1 TO DEC	EMBER 31						
*Place of Use:								

<u>ID</u>	Acres	Govt Lot	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NESE	6	13N	13E	JUDITH BASIN
2				6	13N	13E	JUDITH BASIN
3			SWSE	18	13N	13E	JUDITH BASIN

NENE 25 13N 12E JUDITH BASIN

JUDITH RIVER

Water Right Number:	41S 30134	942 ST	ATEMENT	OF CLA	M			
	Version:	2 POS	ST DECREE	Ē				
		Status:	ACTIVE					
Owners:	WERTHEIN 683 WERTH HOBSON, N	IEIMER I	DR					
	WERTHEIMER, H INC 738 WERTHEIMER DR HOBSON, MT 59452-8628							
Priority Date:	JUNE 29, 1	395						
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 WINDMILL COULEE							
Source Type:	SURFACE WATER							
*Source Name:	SPRING, UNNAMED TRIBUTARY OF ABBOTT COULEE							
Source Type:	SURFACE WATER							
*Source Name:	SPRING, U	NNAMED	TRIBUTAF	ry of J	IUDITH F	RIVER		
Source Type:	SURF	CE WAT	ER					
Source Name:	SPRING, U	NNAMED	TRIBUTAF	RY OF E	ELLIS CO	DULEE		
Source Type:	SURF	CE WAT	ER					
*Point of Diversion and Means	of Diversion:							
ID	<u>Govt Lot</u>		<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	County	
1 *0 N			SESE	2	13N	12E	JUDITH BASIN	
*Source Name:	SPRING, U				ABBOTT	COULE	E	
Period of Diversion:								
Diversion Means:	LIVESTOC	DIREC	NESE		101	105		
2 *Source Name:	SPRING, U			9 RY OF J	13N IUDITH I	12E RIVER	JUDITH BASIN	
Period of Diversion:	JANUARY 1				001111			
Diversion Means:	LIVESTOC							
3			SESE	11	13N	12E	JUDITH BASIN	

November 27, 2024 41S 30134942

Source Name:		SPRING, UNNAM	IED TRIBUTAR	Y OF V	VINDMIL	L COUL	.EE		
Period of Diversion:	:	JANUARY 1 TO E	DECEMBER 31						
Diversion Means:		LIVESTOCK DIRECT FROM SOURCE							
4			NWNE	12	13N	12E	JUDITH BASIN		
Source Name:		SPRING, UNNAMED TRIBUTARY OF ELLIS COULEE							
Period of Diversion:	:	JANUARY 1 TO D	DECEMBER 31						
Diversion Means:		LIVESTOCK DIRECT FROM SOURCE							
5			SWNW	12	13N	12E	JUDITH BASIN		
Source Name:		SPRING, UNNAMED TRIBUTARY OF ELLIS COULEE							
Period of Diversion:	:	JANUARY 1 TO D	DECEMBER 31						
Diversion Means:		LIVESTOCK DIRECT FROM SOURCE							
6			NESW	13	13N	12E	JUDITH BASIN		
Source Name:		SPRING, UNNAM	IED TRIBUTAR	Y OF E	ELLIS CO	DULEE			
Period of Diversion:	:	JANUARY 1 TO E	DECEMBER 31						
Diversion Means:		LIVESTOCK DIRE	ECT FROM SOU	JRCE					
		MEANS OF DIVE	RSION INCLUE	ES A S	STOCK .	TANK.			
Period of Use:		JANUARY 1 TO D	DECEMBER 31						
*Place of Use:									
<u>ID</u>	<u>Acres</u>	Govt Lot	<u>Qtr Sec</u>	Sec	<u>Twp</u>	<u>Rge</u>	County		

<u>ID</u>	Acres	<u>Govt Lot</u>	<u>Qtr Sec</u>	Sec	Twp	<u>kge</u>	<u>County</u>
1			SESE	2	13N	12E	JUDITH BASIN
2			NESE	9	13N	12E	JUDITH BASIN
3			SESE	11	13N	12E	JUDITH BASIN
4			NWNE	12	13N	12E	JUDITH BASIN
5			SWNW	12	13N	12E	JUDITH BASIN
6			NESW	13	13N	12E	JUDITH BASIN

JUDITH RIVER

Water Right Number:	41S 30134	945 ST	TATEMENT	OF CLA	M				
	Version:	2 PO	ST DECREE	Ξ					
		Status:	ACTIVE						
Owners:	WERTHEIM 683 WERTH HOBSON, M	HEIMER	DR						
	WERTHEIM 738 WERTH HOBSON, M	HEIMER	DR						
Priority Date:	DECEMBE	२ १२, १९	06						
Type of Historical Right:	USE								
Purpose (Use):	STOCK								
*Flow Rate:	OF STOCK THE FLOW	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:	STOCK WA UNIT. ANIM	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, U	SPRING, UNNAMED TRIBUTARY OF ANTELOPE CREEK, WEST FORK							
Source Type:	SURFACE WATER								
*Source Name:	SPRING, UNNAMED TRIBUTARY OF ANTELOPE CREEK								
Source Type:	SURF	ACE WA	TER						
*Source Name:	SPRING, U	NNAME	D TRIBUTAF	RY OF V	VAITE C	REEK			
Source Type:	SURF	ACE WA	TER						
*Point of Diversion and Means	s of Diversion:								
ID	Govt Lot		<u>Qtr Sec</u>	<u>Sec</u>	-	<u>Rge</u>	<u>County</u>		
1 *C				11 NY OF V		12E	JUDITH BASIN		
*Source Name:	SPRING, UNNAMED TRIBUTARY OF WAITE CREEK								
Period of Diversion:	JANUARY 1 TO DECEMBER 31								
Diversion Means:			T FROM SC	URCE	40N	405			
Diversion Means: 2	LIVESTOC	< DIREC	T FROM SC	URCE 13	12N VAITE C		JUDITH BASIN		
Diversion Means: 2 *Source Name:	LIVESTOCI SPRING, U	K DIREC	CT FROM SC NENENE D TRIBUTAF	OURCE 13 RY OF V			JUDITH BASIN		
Diversion Means: 2 *Source Name: Period of Diversion:	LIVESTOCI SPRING, U JANUARY	K DIREC NNAMEI 1 TO DE	CT FROM SC NENENE D TRIBUTAF CEMBER 31	URCE 13 RY OF V			JUDITH BASIN		
Diversion Means: 2 *Source Name:	LIVESTOCI SPRING, U JANUARY	K DIREC NNAMEI 1 TO DE	CT FROM SC NENENE D TRIBUTAF CEMBER 31 CT FROM SC	URCE 13 RY OF V	VAITE C				
Diversion Means: 2 *Source Name: Period of Diversion: Diversion Means:	LIVESTOCH SPRING, U JANUARY LIVESTOCH	K DIREC NNAMEI 1 TO DE K DIREC	T FROM SC NENENE D TRIBUTAF CEMBER 31 T FROM SC SENE	DURCE 13 RY OF V DURCE 6	VAITE C 12N	REEK 13E			

Diversion Means:	LIVESTOCK DIRECT FROM SOURCE							
4	NESWSE 18 12N 13E JUDITH BASIN							
*Source Name:	SPRING, UNNAMED TRIBUTARY OF ANTELOPE CREEK							
Period of Diversion:	JANUARY 1 TO DECEMBER 31							
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE							
	MEANS OF DIVERSION INCLUDES A STOCK TANK.							
Period of Use:	JANUARY 1 TO DECEMBER 31							

*Place of Use:

ID	Acres	Govt Lot	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWNENE	11	12N	12E	JUDITH BASIN
2			NENENE	13	12N	12E	JUDITH BASIN
3			SENE	6	12N	13E	JUDITH BASIN
4			NESWSE	18	12N	13E	JUDITH BASIN

JUDITH RIVER

BASIN 41S

Water Right Number:	41S 30134949 STATEMENT OF CLAIM					
	Version: 2 POST DECREE					
	Status: ACTIVE					
Owners:	WERTHEIMER, A INC 683 WERTHEIMER DR HOBSON, MT 59452					
	WERTHEIMER, H INC 738 WERTHEIMER DR HOBSON, MT 59452-8628					
Priority Date:	MARCH 31, 1894					
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 WAITE CREEK					
Source Type:	SURFACE WATER					

*Point of Diversion and Means of Diversion:

ID	Govt Lot	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		E2	1	13N	12E	JUDITH BASIN	
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE						
2		E2SE	11	13N	12E	JUDITH BASIN	
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE						
3			12	13N	12E	JUDITH BASIN	
Period of Diversion:	JANUARY 1 TO D	ECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE						
4		W2	13	13N	12E	JUDITH BASIN	
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE						
5			14	13N	12E	JUDITH BASIN	
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRE	ECT FROM SO	URCE				

6	NENE	22	13N	12E	JUDITH BASIN		
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE						
7		23	13N	12E	JUDITH BASIN		
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE						
8	W2	24	13N	12E	JUDITH BASIN		
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SO	URCE					
9	NW	6	13N	13E	JUDITH BASIN		
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SO	URCE					
Period of Use:	JANUARY 1 TO DECEMBER 31						

*Place of Use:

ID	Acres	Govt Lot	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			E2	1	13N	12E	JUDITH BASIN
2			E2SE	11	13N	12E	JUDITH BASIN
3				12	13N	12E	JUDITH BASIN
4			W2	13	13N	12E	JUDITH BASIN
5				14	13N	12E	JUDITH BASIN
6			NENE	22	13N	12E	JUDITH BASIN
7				23	13N	12E	JUDITH BASIN
8			W2	24	13N	12E	JUDITH BASIN
9			NW	6	13N	13E	JUDITH BASIN