

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
1-800-624-3270
(406) 586-4364
watercourt@mt.gov

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

CLAIMANTS: Jean M. Irish; Matthew D. Irish; Theodore D.
Irish; Five Hundred Acre Wood, LLC; Lynn S.
Irish

CASE 41S-0834-R-2024

41S 28846-00
41S 30996-00
41S 30997-00
41S 30998-00
41S 139680-00
41S 139681-00

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. Jean M. Irish and Matthew D. Irish are record owners of claims 41S 28846-00, 41S 30997-00, and 41S 30998-00; Theodore D. Irish is a record owner of claim 41S 30996-00, 41S 30997-00, 41S 30998-00, 41S 139680-00, and 41S 139681-00; Five Hundred Acre Wood, LLC is a record owner of claims 41S 30996-00, 41S 30997-00, 41S 30998-00, 41S 139680-00, and 41S 139681-00; and Lynn S. Irish is a record owner of claim 41S 139681-00.

2. Claimants Jean M. Irish, Matthew D. Irish, Five Hundred Acre Wood LLC, Theodore D. Irish, William F. Irish, and Lynn S. Irish (Claimants) were ordered to meet with a DNRC employee to address the following unresolved issue remarks decreed on claims 41S 28846-00, 41S 30996-00, 41S 30997-00, 41S 30998-00, and 41S 139680-00:

41S 28846-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30027-278-194, DATED 09/25/1979, APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

41S 30996-00:

- THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 39.00 ACRES. THE DNRC'S RE-EXAMINATION WAS OF THESE ORIGINAL CLAIMED ACRES.
- THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30027-278-196, DATED 09/25/1979, APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

41S 30997-00:

- THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 90.00 ACRES. THE DNRC'S RE-EXAMINATION WAS OF THESE ORIGINAL CLAIMED ACRES.
- USDA AERIAL PHOTOGRAPH NO(S). 30027-278-194, 30027-278-196 AND 30027-178-53, DATED 09/25/1979 AND 09/18/1979, APPEARS TO INDICATE 18.50 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

41S 30998-00:

- THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30027-178-53 AND 30027-278-194, DATED 09/18/1979 AND 09/25/1979, APPEARS TO INDICATE 3.50 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

41S 139680-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30027-178-53 AND 30027-278-196, DATED 09/18/1979 AND 09/25/1979, APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

(Doc.¹1.00).

3. DNRC Water Resource Specialist Brandon Ahlgren filed a Memorandum stating Claimants Jean and Matthew Irish met with the DNRC to address the claims; none of the other Claimants met with him. (Doc. 3.00). Mr. Ahlgren indicated he reviewed scanned claim files, the Fergus County Water Resource Survey, and an aerial photo to prepare the Memorandum. Maps and proposed abstracts were attached to the Memorandum.

4. **41S 28846-00** (Jean M. Irish and Matthew D. Irish): Mr. Ahlgren was unable to locate historical irrigation at the claimed place of use and Mr. Ahlgren recommended dismissal of the claim.

5. **41S 30996-00** (Theodore D. Irish and Five Hundred Acre Wood, LLC): Mr. Ahlgren confirmed 2.00 acres of historical irrigation and recommended the place of use for claim 41S 30996-00 be modified. Because claim 41S 30996-00 uses natural subirrigation, Mr. Ahlgren indicated the point of diversion legal land description should also be modified, as follows:

Maximum Acres: ~~20.00~~ 2.00

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

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		E2NW	34	16N	18E	FERGUS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	FLOWING					
2		E2NWNW	34	16N	18E	FERGUS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	FLOWING					
3		W2NWSE	34	16N	18E	FERGUS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	FLOWING					
4		SESWSW	27	15N	18E	FERGUS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	FLOWING					

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	11.40		E2NW	34	15N	18E	FERGUS
2	4.00		W2NWSE	34	16N	18E	FERGUS
3	5.60		E2NWNW	34	16N	18E	FERGUS
4	2.00		SESWSW	27	15N	18E	FERGUS
Total:	20.00	2.00					

6. **41S 30997-00** (Jean M. Irish, Matthew D. Irish, Theodore D. Irish, Five Hundred Acre Wood LLC): Mr. Ahlgren confirmed 18.50 acres of historical irrigation and recommended the place of use for claim 41S 30997-00 be modified. Because claim 41S 30997-00 uses natural subirrigation, Mr. Ahlgren indicated the point of diversion legal land description should also be modified, as follows:

Maximum Acres: 01.00 **18.50**

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		NWNW	34	15N	18E	FERGUS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	FLOWING					
2		SW	27	15N	18E	FERGUS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	FLOWING					
3		N28E	33	16N	18E	FERGUS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	FLOWING					
4		E2NE	33	16N	18E	FERGUS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	FLOWING					

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	0.00		NWNW	34	15N	18E	FERGUS
2	18.50	37.60	SW	27	15N	18E	FERGUS
3	25.00		N2SE	33	15N	18E	FERGUS
4	10.60		E2NE	33	15N	18E	FERGUS
Total:	04.00	18.50					

7. **41S 30998-00** (Jean M. Irish, Matthew D. Irish, Theodore D. Irish, Five Hundred Acre Wood LLC): Mr. Ahlgren confirmed 5.41 acres of historical irrigation and recommended the place of use for claim 41S 30998-00 be modified. Because claim 41S 30998-00 uses natural subirrigation, Mr. Ahlgren indicated the point of diversion legal land description should also be modified, as follows:

Maximum Acres: 38.00 5.41

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		E2NE	33	15N	18E	FERGUS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	FLOWING					
2		E2SW	27	15N	18E	FERGUS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	FLOWING					

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	20.00		E2NE	33	15N	18E	FERGUS
2	5.41	18.00	W2SW	27	15N	18E	FERGUS
Total:	38.00	5.41					

8. **41S 139680-00** (Theodore D. Irish and Five Hundred Acre Wood, LLC): Mr. Ahlgren was unable to locate historic irrigation at the claimed place of use and Mr. Ahlgren recommended dismissal of the claim.

9. An Order was issued setting a deadline for the Claimants to agree or disagree with the proposed modification of the claims, including dismissal of claims 41S 28846-00 and 41S 139680-00. The Order indicated that if nothing were filed by the deadline, this Water Master would conclude the Claimants agree with the recommended modifications. The following language was included in the Order:

Failure to comply with the terms of this Order may result in sanctions, up to and including entry of default and termination of a water right claim or dismissal of objections. Rule 22, W.R.Adj.R.

10. On October 8, 2024, Lewanna Joest filed the following:

ELECTRONICALLY FILED

From: [Lewanna Wentworth](#)
To: [Watercourt \(Bozeman\)](#)
Cc: [Ahlgren, Brandon](#)
Subject: [EXTERNAL] Case 41S-0834-R-2024
Date: Tuesday, October 8, 2024 7:30:15 PM

41S-0834-R-2024

October 8, 2024

Montana Water Court

Hello,

I met with Brandon Ahlgren today in Lewistown in regards to case 41S-0834-R-2024. We recently officially acquired the property involved in this case. Mr. Ahlgren was very wonderful in helping explain what the different claims were and where they were located. I have some additional information to offer to help resolve some of the involved issues. I would like to request to meet in an official capacity with the DNRC again to help clarify some of the involved issues. Mr. Ahlgren said he would be okay with meeting again in an official capacity. Please consider this request as the information I can provide will likely prove to be helpful.

Thank you,
Lewanna Joest
1101 5th Ave South
Lewistown MT 59457

406-855-9320

>lewanna_w@yahoo.com<

It appears Lewanna Joest is affiliated with Five Hundred Acre Wood LLC, which has been on the service list since the consolidation of this Case. Further, as both a Claimant and a member of the public, no Order is required for Five Hundred Acre Wood LLC to meet with the DNRC in its official capacity. It appeared Ms. Joest was requesting additional time to clarify the issues involved in Case 41S-0834-R-2024 and meet with DNRC, if appropriate. An Order was issued extending the deadline to agree or disagree with the proposed modifications until November 25, 2024. Nothing was filed.

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court must address all issue remarks decreed on a claim. Section 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.

3. The source name information remarks decreed on claims 41S 28846-00, 41S 30996-00, 41S 30997-00, 41S 30998-00, 41S 139680-00, and 41S 139681-00 indicated that if no objections were filed, the remarks would be removed with no changes to the claim; no objections were filed, and the remarks can be removed

4. The issue remarks decreed on claims 41S 28846-00, 41S 30996-00, 41S 30998-00, and 41S 139680-00 indicating the “maximum combined acres for this group of supplemental claims may require modification...” is not relevant because supplemental rights remarks on claims no longer include a quantified acreage figure.

RECOMMENDATIONS

1. Claims 41S 28846-00 and 41S 139680-00 should be dismissed.
2. Claim 41S 30996-00 should be modified as follows:

Maximum Acres: 20.00 2.00

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		E2NW	34	16N	18E	FERGUS
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		FLOWING				
2		E2NWNW	34	16N	18E	FERGUS
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		FLOWING				
3		W2NWSE	34	16N	18E	FERGUS
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		FLOWING				
4		SESWSW	27	15N	18E	FERGUS
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		FLOWING				

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	11.40		E2NW	34	16N	18E	FERGUS
2	1.00		W2NWSE	34	16N	18E	FERGUS
3	6.80		E2NWNW	34	16N	18E	FERGUS
4	2.00		SESWSW	27	15N	18E	FERGUS
Total:	<u>20.00</u>						2.00

3. Claim 41S 30997-00 should be modified as follows:

Maximum Acres: 04-00 18.50

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NWNW	34	15N	18E	FERGUS
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		FLOWING				
2		SW	27	15N	18E	FERGUS
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		FLOWING				
3		N2SE	33	15N	18E	FERGUS
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		FLOWING				
4		E2NE	33	15N	18E	FERGUS
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		FLOWING				

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	0.00		NWNW	34	15N	18E	FERGUS
2	18.50		SW	27	15N	18E	FERGUS
3	25.00		N2SE	33	15N	18E	FERGUS
4	10.00		E2NE	33	15N	18E	FERGUS
Total:	04-00						18.50

5. Claim 41S 30998-00 should be modified as follows:

Maximum Acres: 38-00 5.41

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		E2NE	33	15N	18E	FERGUS
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		FLOWING				
2		E2SW	27	15N	18E	FERGUS
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		FLOWING				

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	20.00		E2NE	33	15N	18E	FERGUS
2	5.41		W2SW	27	15N	18E	FERGUS
Total:	38-00						5.41

6. The issue remarks should be removed from claims 41S 30996-00, 41S 30997-00, 41S 30998-00, and 41S 139681-00-00.

Abstracts are attached for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Jean M. Irish
PO Box 316
Lewistown, MT 59457-0316

Matthew D. Irish
1237 Casino Creek Rd
Lewistown, MT 59457

Theodore D. Irish
c/o Janet Irish
609 Wood Place #2305
Everett, WA 98203

Five Hundred Acre Wood, LLC
Attn: Lewanna Joest
1101 5th Ave S
Lewistown, MT 59457-3305

Lynn S. Irish
272 Derek Way
Bozeman, MT 59718-7304

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

Water Right Number: 41S 28846-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: **DISMISSED**

Owners: JEAN M IRISH
PO BOX 316
LEWISTOWN, MT 59457-0316

MATTHEW D IRISH
1237 CASINO CREEK RD
LEWISTOWN, MT 59457

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: UNNAMED TRIBUTARY OF CASINO CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

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

Water Right Number: 41S 30996-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: THEODORE D IRISH
% JANET IRISH
609 WOOD PLACE #2305
EVERETT, WA 98203

FIVE HUNDRED ACRE WOOD LLC
ATTN: LEWANNA JOST
1101 5TH AVE S
LEWISTOWN, MT 59457-3305

Priority Date: DECEMBER 31, 1950

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** NO FLOW RATE HAS BEEN DECREED FOR THIS USE OF NATURAL SUBIRRIGATION.

Volume: 38.00 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 2.00

***Source Name:** SUBIRRIGATION, UNNAMED TRIBUTARY OF CASINO CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWSW	27	15N	18E	FERGUS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

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	2.00		SESWSW	27	15N	18E	FERGUS

Total: 2.00

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.

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

Water Right Number: 41S 30997-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: JEAN M IRISH
PO BOX 316
LEWISTOWN, MT 59457-0316

MATTHEW D IRISH
1237 CASINO CREEK RD
LEWISTOWN, MT 59457

THEODORE D IRISH
% JANET IRISH
609 WOOD PLACE #2305
EVERETT, WA 98203

FIVE HUNDRED ACRE WOOD LLC
ATTN: LEWANNA JOST
1101 5TH AVE S
LEWISTOWN, MT 59457-3305

Priority Date: DECEMBER 31, 1950

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** NO FLOW RATE HAS BEEN DECREED FOR THIS USE OF NATURAL SUBIRRIGATION.

Volume: 153.90 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 18.50

***Source Name:** SUBIRRIGATION, UNNAMED TRIBUTARY OF CASINO 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		SW	27	15N	18E	FERGUS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

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	18.50		SW	27	15N	18E	FERGUS

Total: 18.50

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

Water Right Number: 41S 30998-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners:

JEAN M IRISH
PO BOX 316
LEWISTOWN, MT 59457-0316

MATTHEW D IRISH
1237 CASINO CREEK RD
LEWISTOWN, MT 59457

THEODORE D IRISH
% JANET IRISH
609 WOOD PLACE #2305
EVERETT, WA 98203

FIVE HUNDRED ACRE WOOD LLC
ATTN: LEWANNA JOST
1101 5TH AVE S
LEWISTOWN, MT 59457-3305

Priority Date: DECEMBER 31, 1950

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** NO FLOW RATE HAS BEEN DECREED FOR THIS USE OF NATURAL SUBIRRIGATION.

Volume: 72.20 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 5.41

***Source Name:** SUBIRRIGATION, UNNAMED TRIBUTARY OF CASINO 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		E2SW	27	15N	18E	FERGUS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

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	5.41		W2SW	27	15N	18E	FERGUS

Total: 5.41

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.

28846-00

30998-00

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

Water Right Number: 41S 139680-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: **DISMISSED**

Owners: THEODORE D IRISH
% JANET IRISH
609 WOOD PLACE #2305
EVERETT, WA 98203

FIVE HUNDRED ACRE WOOD LLC
ATTN: LEWANNA JOST
1101 5TH AVE S
LEWISTOWN, MT 59457-3305

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: CASINO CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

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

Water Right Number: 41S 139681-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: LYNN S IRISH
272 DEREK WAY
BOZEMAN, MT 59718-7304

THEODORE D IRISH
% JANET IRISH
609 WOOD PLACE #2305
EVERETT, WA 98203

FIVE HUNDRED ACRE WOOD LLC
ATTN: LEWANNA JOST
1101 5TH AVE S
LEWISTOWN, MT 59457-3305

Priority Date: JANUARY 13, 1893

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 CASINO CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS UNNAMED TRIBUTARY BIG CASINO CREEK

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		W2SE	34	15N	18E	FERGUS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		E2NW	34	15N	18E	FERGUS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		NENWNW	34	15N	18E	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			W2SE	34	15N	18E	FERGUS
2			E2NW	34	15N	18E	FERGUS
3			NENWNW	34	15N	18E	FERGUS