FILE ED 07/12/2024 Sara Calkins CLERK Montana Water Court STATE OF MONTANA By: <u>D'Ann CIGLER</u> 41E-6003-A-2024 Brown, Stephen R 2.00

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

IN THE WATER COURT OF THE STATE OF MONTANA UPPER MISSOURI DIVISION BOULDER RIVER—TRIBUTARY OF THE JEFFERSON RIVER (BASIN 41E) PRELIMINARY DECREE

CLAIMANT: L R Huckaba Ranch Inc.

CASE 41E-6003-A-2024 41E 3406-00 41E 3407-00 41E 3408-00

ORDER ON MOTION TO AMEND

On June 18, 2024, Claimant L R Huckaba Ranch Inc. ("Huckaba") filed a Verified Motion to Amend Water Right Claim. The motion asks the court to modify the places of use for claims 41E 3406-00, 41E 3407-00, and 41E 3408-00. The Water Court opens this case to address the motion. For the reasons set forth below, the Court grants the motion.

BACKGROUND

The Water Court included claims 41E 3406-00, 41E 3407-00, and 41E 3408-00 in the Preliminary Decree for the Boulder River Basin (Basin 41E), issued on October 19, 2022. The Preliminary Decree describes the claims as filed rights to irrigate a 300 acre place of use. The decree abstracts describe the places of use for all three claims as:

ID	Acres	Govt Lot	<u>Qtr Sec</u>	Sec	Twp	<u>Rge</u>	<u>County</u>
1	70.00		E2	3	1N	3W	JEFFERSON
2	130.00		SW	2	1N	3W	JEFFERSON
3	<u>100.00</u>		NW	11	1N	3W	JEFFERSON
Total	300.00						

The claims did not receive any objections but did receive some notice-only issue remarks related to the standardization of the points of diversion, ditch names and source names. The Court consolidated the claims into case 41E-0061-R-2023, and resolved these remarks in a closing order issued on October 30, 2023. Neither the issue remarks nor the closing order addressed the place of use.

Huckaba's motion asks the Court to modify the places of use by replacing them with the following:

<u>ID</u>	Acres	Govt Lot	Qtr Sec	Sec	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	70.00		E2	3	1N	3W	JEFFERSON
2	123.20		SW	2	1N	3W	JEFFERSON
3	90.80		NW	11	1N	3W	JEFFERSON
4	6.80		SWSE	2	1N	3W	JEFFERSON
5	9.20		W2NE	11	1N	3W	JEFFERSON
Total	300.00						

Huckaba's motion states that when compiling information in connection with a proposed change application, Huckaba discovered that the places of use were incorrectly described. The motion does not ask for any modifications to the flow rate, volume, or any other element of the claims. The motion also does not ask the Court to increase the maximum acres; rather, it only asks for fairly minor place of use modifications.

DISCUSSION

Motions to amend are authorized under § 85-2-233(6), MCA and Rule 10, W.R.Adj.R. When a party seeks to amend an element of their own water right, the party must provide sufficient evidence to prove by a preponderance of the evidence that the modification overcomes the prima facie status of the claims. Rule 19, W.R.Adj.R.; *Nelson v. Brooks*, 2014 MT 120, ¶ 34, 375 Mont. 86, 329 P.3d 558. Preponderance of evidence is a relatively modest standard. *DeBuff v. Mont. Dep't of Nat. Res. & Conservation*, 2021 MT 68, ¶ 38, 403 Mont. 403. If the Court determines the proposed modification may adversely affect other water users, the Court requires notice and the opportunity to object before approving the modification. Section 85-2-233(6), MCA.

The Water Use Act does not specifically preclude motions to amend at any particular point prior to issuance of a final decree. However motions to amend filed after

a claim has been included in a decree and closed without objections potentially pose problems because they ask for modifications to claims without preliminary decree safeguards such as notice and an objection process. Because this motion falls in the category of a post-decree motion to amend, it receives an especially careful review from the Court. As the Court previously has explained, post-decree motions run the risk of being disguised objections filed after the close of the objection period. *In re Brewer Ranch LLC*, 2023 Mont. Water LEXIS 393, *7 ("[i]f parties are allowed to use the motion to amend provisions to cure the failure to file a timely objection, the motion to amend provision would conflict with the objection provisions and cause the objection deadlines imposed by the legislature to become meaningless"). The Court also is wary of allowing motions to amend that seem to be efforts to avoid a change proceeding under § 85-2-402, MCA. However, if a motion identifies clerical-type errors, the Court may allow the motion. *In re Haven*, Case 42L-6003-A-2022, 2022 Mont. Water LEXIS 441; *In re Carol Nickelson Trust*, Case 43B-6005-A-2023, 2024 Mont. Water LEXIS 78.

The Court first examines the motion to determine whether it appears to be a disguised late objection. The nature of this motion indicates it is not. The motion indicates Huckaba discovered minor legal description errors during the process of preparing a change application and filed the motion to correct the errors. There is nothing to suggest Huckaba was aware of the discrepancies during the Basin 41E objection period. While it would have been helpful for Huckaba to explain why it did not address the issue by self-objecting during the objection period, the lack of a self-objection is not fatal to the motion under these facts.

The second question is whether additional notice should be required. The nature of this motion indicates it is unlikely the motion will result in a modified water use causing adverse effect to other water users. The place of use modifications are akin to a clerical correction to better refine the legal description for the same physical places of use described in the Preliminary Decree. As indicated in Exhibit A to the motion, Huckaba only asks the Court to recognize that 16 acres of the 300 acre place of use for the claims are in the eastern half rather than the western half of Sections 2 and 11. Otherwise the place of use covers the same land as was decreed. Huckaba does not seek an increase in

3

acreage, use water on different fields, or otherwise modify any other element of the claims. The modified place of use also does not indicate any increased burden on the source. The Court concludes the amendments will not adversely affect other water users, so no further notice is necessary.

Huckaba's motion meets the standard for motions to amend. The evidence provided by Huckaba proves that revised place legal land descriptions more accurately describe what already describes what already has been decreed without affecting other water users.

ORDER

Therefore, it is ORDERED that Huckaba's Verified Motion to Amend Water Right Claim is GRANTED. The places of use for claims 41E 3406-00, 41E 3407-00, and 41E 3408-00 are modified as requested. The Court also re-orders the place of use sequence to conform to accepted public land survey system protocols, as follows:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	<u>Rge</u>	<u>County</u>
1	123.20		SW	2	1N	3W	JEFFERSON
2	6.80		SWSE	2	1N	3W	JEFFERSON
3	70.00		E2	3	1N	3W	JEFFERSON
4	9.20		W2NE	11	1N	3W	JEFFERSON
5	90.80		NW	11	1N	3W	JEFFERSON
Total	300.00						

Post-decree abstract of the claims are included with this Order to confirm the amendments have been made in the State's centralized water rights record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via USPS Mail:

L R Huckaba Ranch Inc. 26 MT Highway 359 Cardwell, MT 59721

POST DECREE ABSTRACT OF WATER RIGHT CLAIM BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER BASIN 41E

				BASIN	41£			
Water Right Number	:	41E 3406-0	O STAT	EMENT O	F CLAIN	N		
		Version:	4 POS	T DECRE	E			
			Status:	ACTIVE				
Owners:		LR HUCK		CH INC				
		26 MT HIGH	IWAY 359	9				
		CARDWELI	., MT 597	21-9604				
Priority Date:		DECEMBER	R 31, 1868	3				
Type of Historical Rig	ght:	FILED						
Purpose (Use):		IRRIGATIO	N					
Irrigation Type:	:	FLOOD						
Flow Rate:		11.37 CFS						
Volume:		THE TOTAL TO HISTOR					SHALL	NOT EXCEED THE AMOUNT PUT
Climatic Area:		3 - MODER	ATE					
Maximum Acres:		300.00						
Source Name:		COLD SPR	NGS					
Source Type:		GROU	NDWATE	R				
Point of Diversion and	d Means	of Diversion:						
ID		<u>Govt Lot</u>	-	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
<u>ID</u> 1			S	WSESW	<u>Sec</u> 6	<u>Twp</u> 2N	<u>Rge</u> 2W	<u>County</u> JEFFERSON
	on:	<u>Govt Lot</u> APRIL 1 TC	S	WSESW		-	-	-
1			S' OCTOBE	WSESW ER 30		-	-	-
1 Period of Diversio Diversion Means: 2 - SECONDARY		APRIL 1 TC UNDEVELC	S OCTOBE OPED SPF N	WSESW ER 30 RING WSENW		-	-	-
1 Period of Diversio Diversion Means: 2 - SECONDARY Period of Diversio		APRIL 1 TC UNDEVELC APRIL 1 TC	S OCTOBE OPED SPF N OCTOBE	WSESW ER 30 RING WSENW	6	2N	2W	JEFFERSON
1 Period of Diversio Diversion Means: 2 - SECONDARY Period of Diversio Diversion Means:		APRIL 1 TC UNDEVELC APRIL 1 TC HEADGATE	S OCTOBE OPED SPF N OCTOBE	WSESW ER 30 RING WSENW	6	2N	2W	JEFFERSON
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1 Period of Diversio Diversion Means: 2 - SECONDARY Period of Diversio Diversion Means: Ditch Name: 3 - SECONDARY	n:	APRIL 1 TC UNDEVELC APRIL 1 TC HEADGATE CARDWELI	S OCTOBE OPED SPF N OCTOBE DITCH	WSESW ER 30 RING WSENW ER 30 ESWNE	6	2N	2W	JEFFERSON
1 Period of Diversio Diversion Means: 2 - SECONDARY Period of Diversio Diversion Means: Ditch Name:	n:	APRIL 1 TC UNDEVELC APRIL 1 TC HEADGATE	S OCTOBE OPED SPF N OCTOBE DITCH	WSESW ER 30 RING WSENW ER 30 ESWNE	6 35	2N 2N	2W 3W	JEFFERSON
1 Period of Diversio Diversion Means: 2 - SECONDARY Period of Diversio Diversion Means: Ditch Name: 3 - SECONDARY	on: on:	APRIL 1 TO UNDEVELO APRIL 1 TO HEADGATE CARDWELI APRIL 1 TO HEADGATE	S' OCTOBE OPED SPF OCTOBE DITCH N OCTOBE	WSESW ER 30 RING WSENW ER 30 ESWNE ER 30	6 35 3	2N 2N 1N	2W 3W 3W	JEFFERSON JEFFERSON
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1 Period of Diversio Diversion Means: 2 - SECONDARY Period of Diversio Diversion Means: Ditch Name: 3 - SECONDARY Period of Diversio	on: on:	APRIL 1 TO UNDEVELO APRIL 1 TO HEADGATE CARDWELI APRIL 1 TO HEADGATE THE BOULI TO CONVE	S OCTOBE OPED SPF N OCTOBE DITCH N OCTOBE COLD S ND SEC	WSESW ER 30 RING WSENW ER 30 ESWNE ER 30 ER AND JE SPRINGS V TIONS 3 A	6 35 3 FFERSO WATER	2N 2N 1N ON SLO TO SEC	2W 3W 3W UGH AF	JEFFERSON JEFFERSON JEFFERSON
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1 Period of Diversio Diversion Means: 2 - SECONDARY Period of Diversio Diversion Means: 3 - SECONDARY Period of Diversio Diversion Means: Period of Use: Place of Use: <u>ID</u> 1	on: on: <u>Acres</u> 123.20	APRIL 1 TO UNDEVELO APRIL 1 TO HEADGATE CARDWELI APRIL 1 TO HEADGATE THE BOULI TO CONVE T2N, R3W / APRIL 1 TO <u>Govt Lot</u>	S' OCTOBE OPED SPF N' OCTOBE DITCH N OCTOBE COCTOBE OPER RIVE Y COLD S ND SEC OCTOBE	WSESW ER 30 RING WSENW ER 30 ESWNE ER 30 ER AND JE SPRINGS V TIONS 3 A ER 30 Qtr Sec SW	6 35 35 FFERSO WATER ND 11,	2N 2N 1N ON SLO TO SEC T1N, R3	2W 3W 3W UGH AF ONDAF W.	JEFFERSON JEFFERSON JEFFERSON RE USED AS NATURAL CARRIERS RY DIVERSIONS IN SECTION 35, DIVERSIONS IN SECTION 35,
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4		9.20	W2NE	11	1N	3W	JEFFERSON
5		90.80	NW	11	1N	3W	JEFFERSON
	Total:	300.00					

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.

3406-00 3407-00 3408-00

THIS APPROPRIATION OF WATER TAKES WATER FROM THE BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER DRAINAGE (BASIN 41E) AND USES IT IN THE JEFFERSON RIVER DRAINAGE (BASIN 41G) AND THE BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER DRAINAGE (BASIN 41E). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

POST DECREE ABSTRACT OF WATER RIGHT CLAIM BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER BASIN 41E

Water Right Number:	41E 3407-00	STATEMENT O	F CLAIN	M		
	Version: 4	POST DECREE	Ē			
	Sta	tus: ACTIVE				
Owners:	L R HUCKABA 26 MT HIGHWA CARDWELL, M	Y 359				
Priority Date:	DECEMBER 31	, 1886				
Type of Historical Right:	FILED					
Purpose (Use):	IRRIGATION					
Irrigation Type:	FLOOD					
Flow Rate:	11.37 CFS					
Volume:		LUME OF THIS L AND BENEFIC			SHALL	NOT EXCEED THE AMOUNT PUT
Climatic Area:	3 - MODERATE					
Maximum Acres:	300.00					
Source Name:	BOULDER RIVE	ĒR				
Source Type:	SURFACE	WATER				
Point of Diversion and Means	of Diversion:					
<u>ID</u> 1	<u>Govt Lot</u>	<u>Qtr Sec</u> NWSENW	<u>Sec</u> 35	<u>Twp</u> 2N	<u>Rge</u> 3W	<u>County</u> JEFFERSON
Ш	<u>Govt Lot</u> APRIL 1 TO OC	NWSENW		-	-	·
ID 1		NWSENW		-	-	·
ID 1 Period of Diversion:	APRIL 1 TO OC	NWSENW TOBER 30		-	-	·
<u>ID</u> 1 Period of Diversion: Diversion Means:	APRIL 1 TO OC HEADGATE	NWSENW TOBER 30		-	-	·
1D 1 Period of Diversion: Diversion Means: Ditch Name:	APRIL 1 TO OC HEADGATE	NWSENW TOBER 30 FCH NESWNE	35	2N	3Ŵ	JEFFERSON
1 1 Period of Diversion: Diversion Means: Ditch Name: 2 - SECONDARY	APRIL 1 TO OC HEADGATE CARDWELL DI ⁻	NWSENW TOBER 30 FCH NESWNE	35	2N	3Ŵ	JEFFERSON
1 1 Period of Diversion: Diversion Means: Ditch Name: 2 - SECONDARY Period of Diversion:	APRIL 1 TO OC HEADGATE CARDWELL DI APRIL 1 TO OC HEADGATE WATER DIVER	NWSENW TOBER 30 TCH NESWNE TOBER 30 TED FROM BOL	35 3 ILDER	2N 1N RIVER IS	3W 3W S CONV	JEFFERSON
1 1 Period of Diversion: Diversion Means: Ditch Name: 2 - SECONDARY Period of Diversion:	APRIL 1 TO OC HEADGATE CARDWELL DI APRIL 1 TO OC HEADGATE WATER DIVER WHICH IS USE	NWSENW TOBER 30 TCH NESWNE TOBER 30 TED FROM BOL D AS A NATURA	35 3 ILDER	2N 1N RIVER IS	3W 3W S CONV	JEFFERSON JEFFERSON EYED TO JEFFERSON SLOUGH
1 Period of Diversion: Diversion Means: Ditch Name: 2 - SECONDARY Period of Diversion: Diversion Means:	APRIL 1 TO OC HEADGATE CARDWELL DIT APRIL 1 TO OC HEADGATE WATER DIVER WHICH IS USE USE.	NWSENW TOBER 30 TCH NESWNE TOBER 30 TED FROM BOL D AS A NATURA	35 3 ILDER	2N 1N RIVER IS	3W 3W S CONV	JEFFERSON JEFFERSON EYED TO JEFFERSON SLOUGH
1 Period of Diversion: Diversion Means: Ditch Name: 2 - SECONDARY Period of Diversion: Diversion Means:	APRIL 1 TO OC HEADGATE CARDWELL DI APRIL 1 TO OC HEADGATE WATER DIVER WHICH IS USE USE. APRIL 1 TO OC	NWSENW TOBER 30 TCH NESWNE TOBER 30 TED FROM BOL D AS A NATURA	35 3 ILDER	2N 1N RIVER IS	3W 3W S CONV	JEFFERSON JEFFERSON EYED TO JEFFERSON SLOUGH
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ID1Period of Diversion:Diversion Means:Ditch Name:2 - SECONDARYPeriod of Diversion:Diversion Means:Period of Use:Place of Use:111226.80	APRIL 1 TO OC HEADGATE CARDWELL DI APRIL 1 TO OC HEADGATE WATER DIVER WHICH IS USE USE. APRIL 1 TO OC <u>Govt Lot</u>	NWSENW TOBER 30 TCH NESWNE TOBER 30 TED FROM BOL D AS A NATURA TOBER 30 Qtr Sec SW SWSE E2 W2NE	35 3 JLDER L CAR Sec 2 2	2N 1N RIVER IS RIER TO <u>Twp</u> 1N 1N	3W 3W 3W S CONVE CONVE S CONVE S CONVE	JEFFERSON JEFFERSON EYED TO JEFFERSON SLOUGH EY WATER TO THE PLACE OF WATER TO THE PLACE OF
ID1Period of Diversion:Diversion Means:Ditch Name:2 - SECONDARYPeriod of Diversion:Diversion Means:Diversion Means:Period of Use:Place of Use:111 <td< th=""><th>APRIL 1 TO OC HEADGATE CARDWELL DIT APRIL 1 TO OC HEADGATE WATER DIVER WHICH IS USE USE. APRIL 1 TO OC <u>Govt Lot</u></th><th>NWSENW TOBER 30 TCH NESWNE TOBER 30 TED FROM BOU D AS A NATURA TOBER 30 Qtr Sec SW SWSE E2</th><th>35 3 JLDER L CAR Sec 2 2 3</th><th>2N 1N RIVER IS RIER TO 1N 1N 1N 1N</th><th>3W 3W 3W S CONV CONV S CONV S CONV S</th><th>JEFFERSON JEFFERSON EYED TO JEFFERSON SLOUGH EY WATER TO THE PLACE OF WATER TO THE PLACE OF</th></td<>	APRIL 1 TO OC HEADGATE CARDWELL DIT APRIL 1 TO OC HEADGATE WATER DIVER WHICH IS USE USE. APRIL 1 TO OC <u>Govt Lot</u>	NWSENW TOBER 30 TCH NESWNE TOBER 30 TED FROM BOU D AS A NATURA TOBER 30 Qtr Sec SW SWSE E2	35 3 JLDER L CAR Sec 2 2 3	2N 1N RIVER IS RIER TO 1N 1N 1N 1N	3W 3W 3W S CONV CONV S CONV S	JEFFERSON JEFFERSON EYED TO JEFFERSON SLOUGH EY WATER TO THE PLACE OF WATER TO THE PLACE OF

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.

3406-00 3407-00 3408-00

THIS APPROPRIATION OF WATER TAKES WATER FROM THE BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER DRAINAGE (BASIN 41E) AND USES IT IN THE JEFFERSON RIVER DRAINAGE (BASIN 41G). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

POST DECREE ABSTRACT OF WATER RIGHT CLAIM BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER BASIN 41E

		BASIN	41E			
Water Right Number:	41E 3408-0	0 STATEMENT C	F CLAII	N		
	Version:	5 POST DECRE	E			
		Status: ACTIVE				
Owners:	26 MT HIGH	ABA RANCH INC HWAY 359 _, MT 59721-9604				
Priority Date:	DECEMBE	R 31, 1888				
Type of Historical Right:	FILED					
Purpose (Use):	IRRIGATIO	Ν				
Irrigation Type:	FLOOD					
Flow Rate:	11.37 CFS					
Volume:		VOLUME OF THIS			SHALL	NOT EXCEED THE AMOUNT PUT
Climatic Area:	3 - MODER	ATE				
Maximum Acres:	300.00					
Source Name:	BOULDER	RIVER				
Source Type:	SURF	ACE WATER				
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>	<u>County</u>
1		NWSENW	<u>Sec</u> 35	<u>Twp</u> 2N	<u>Rge</u> 3W	<u>County</u> JEFFERSON
		•		-	-	•
1		NWSENW OCTOBER 30		-	-	•
1 Period of Diversion: Diversion Means: Ditch Name:	APRIL 1 TC	NWSENW OCTOBER 30		-	-	•
1 Period of Diversion: Diversion Means: Ditch Name: 2 - SECONDARY	APRIL 1 TC HEADGATE CARDWELI	NWSENW OCTOBER 30 DITCH NESWNE		-	-	•
1 Period of Diversion: Diversion Means: Ditch Name: 2 - SECONDARY Period of Diversion:	APRIL 1 TC HEADGATE CARDWELI APRIL 1 TC	NWSENW OCTOBER 30 DITCH NESWNE OCTOBER 30	35	2N	3W	JEFFERSON
1 Period of Diversion: Diversion Means: Ditch Name: 2 - SECONDARY	APRIL 1 TO HEADGATE CARDWELI APRIL 1 TO HEADGATE	NWSENW OCTOBER 30 DITCH NESWNE OCTOBER 30	35 3	2N 1N	3W 3W	JEFFERSON
1 Period of Diversion: Diversion Means: Ditch Name: 2 - SECONDARY Period of Diversion:	APRIL 1 TC HEADGATE CARDWELI APRIL 1 TC HEADGATE WATER DIV	NWSENW OCTOBER 30 DITCH NESWNE OCTOBER 30 (ERTED FROM BOI	35 3 JLDER	2N 1N RIVER IS	3W 3W S CONV	JEFFERSON
1 Period of Diversion: Diversion Means: Ditch Name: 2 - SECONDARY Period of Diversion:	APRIL 1 TC HEADGATE CARDWELI APRIL 1 TC HEADGATE WATER DIV WHICH IS U USE.	NWSENW OCTOBER 30 DITCH NESWNE OCTOBER 30 (ERTED FROM BOI	35 3 JLDER	2N 1N RIVER IS	3W 3W S CONV	JEFFERSON JEFFERSON EYED TO JEFFERSON SLOUGH
1 Period of Diversion: Diversion Means: Ditch Name: 2 - SECONDARY Period of Diversion: Diversion Means:	APRIL 1 TC HEADGATE CARDWELI APRIL 1 TC HEADGATE WATER DIV WHICH IS U USE.	NWSENW OCTOBER 30 DITCH NESWNE OCTOBER 30 COCTOBER 30 NETTED FROM BOU	35 3 JLDER	2N 1N RIVER IS	3W 3W S CONV	JEFFERSON JEFFERSON EYED TO JEFFERSON SLOUGH
1 Period of Diversion: Diversion Means: Ditch Name: 2 - SECONDARY Period of Diversion: Diversion Means: Period of Use: Place of Use: ID Acrement	APRIL 1 TO HEADGATE CARDWELI APRIL 1 TO HEADGATE WATER DIV WHICH IS U USE. APRIL 1 TO	NWSENW OCTOBER 30 DITCH NESWNE OCTOBER 30 VERTED FROM BOI JSED AS A NATURA OCTOBER 30 OCTOBER 30 CUTOBER 30	35 3 JLDER AL CAR <u>Sec</u>	2N 1N RIVER IS RIER TO Twp	3W 3W S CONV O CONVI	JEFFERSON JEFFERSON EYED TO JEFFERSON SLOUGH EY WATER TO THE PLACE OF
1 Period of Diversion: Diversion Means: Ditch Name: 2 - SECONDARY Period of Diversion: Diversion Means: Diversion Means: Period of Use: Place of Use: 1 123.2	APRIL 1 TO HEADGATE CARDWELI APRIL 1 TO HEADGATE WATER DIV WHICH IS U USE. APRIL 1 TO SE Govt Lot 0	NWSENW OCTOBER 30 DITCH NESWNE OCTOBER 30 VERTED FROM BOD JSED AS A NATURA OCTOBER 30 OCTOBER 30 OCTOBER 30	35 3 JLDER AL CAR <u>Sec</u> 2	2N 1N RIVER IS RIER TC <u>Twp</u> 1N	3W 3W S CONV O CONV O CONV M B B B B B B B B B B B B B B B B B B	JEFFERSON JEFFERSON EYED TO JEFFERSON SLOUGH EY WATER TO THE PLACE OF WATER TO THE PLACE OF
1 Period of Diversion: Ditch Name: 2 - SECONDARY Period of Diversion: Diversion Means: Period of Use: Place of Use: 1 123.2 2 6.8	APRIL 1 TO HEADGATE CARDWELI APRIL 1 TO HEADGATE WATER DIV WHICH IS U USE. APRIL 1 TO B GOVT LOI 0	NWSENW OCTOBER 30 DITCH NESWNE OCTOBER 30 VERTED FROM BOI JSED AS A NATURA OCTOBER 30 OCTOBER 30 CUTOBER	35 3 JLDER AL CAR <u>Sec</u> 2 2	2N 1N RIVER IS RIER TO <u>Twp</u> 1N 1N	3W 3W S CONV O CONV CONV S CONV S CON	JEFFERSON JEFFERSON EYED TO JEFFERSON SLOUGH EY WATER TO THE PLACE OF County JEFFERSON JEFFERSON
1 Period of Diversion: Ditch Name: 2 - SECONDARY Period of Diversion: Diversion Means: Diversion Means: Period of Use: Place of Use: 1 123.2 2 6.8 3 70.0	APRIL 1 TO HEADGATE CARDWELI APRIL 1 TO HEADGATE WATER DIV WHICH IS UUSE. APRIL 1 TO SE Govt Lot 0 0	NWSENW OCTOBER 30 DITCH NESWNE OCTOBER 30 VERTED FROM BOU JSED AS A NATURA OCTOBER 30 OCTOBER 30 OCTOBER 30 CUTOBER	35 3 JLDER AL CAR <u>Sec</u> 2 2 3	2N 1N RIVER IS RIER TC 1N 1N 1N 1N	3W 3W S CONV S C	JEFFERSON JEFFERSON EYED TO JEFFERSON SLOUGH EY WATER TO THE PLACE OF WATER TO THE PLACE OF JEFFERSON JEFFERSON JEFFERSON
1Period of Diversion:Diversion Means:Diversion Means:Diversion Means:Diversion Means:Period of Use:Place of Use:1123.226.8370.049.2	APRIL 1 TC HEADGATE CARDWELI APRIL 1 TC HEADGATE WATER DIV WHICH IS U USE. APRIL 1 TC <u>Govt Lot</u> 0 0	NWSENW OCTOBER 30 DITCH NESWNE OCTOBER 30 VERTED FROM BOU JSED AS A NATURA OCTOBER 30 OCTOBER 30 CUTOBER	35 JLDER AL CAR 2 2 3 11	2N 1N RIVER IS RIER TO 1N 1N 1N 1N 1N	3W 3W S CONV S C	JEFFERSON JEFFERSON EYED TO JEFFERSON SLOUGH EY WATER TO THE PLACE OF VATER TO THE PLACE OF JEFFERSON JEFFERSON JEFFERSON JEFFERSON
1 Period of Diversion: Ditch Name: 2 - SECONDARY Period of Diversion: Diversion Means: Diversion Means: Period of Use: Place of Use: 1 123.2 2 6.8 3 70.0	APRIL 1 TO HEADGATE CARDWELI APRIL 1 TO HEADGATE WATER DIV WHICH IS U USE. APRIL 1 TO SE Govt Lot 0 0 0 0	NWSENW OCTOBER 30 DITCH NESWNE OCTOBER 30 VERTED FROM BOU JSED AS A NATURA OCTOBER 30 OCTOBER 30 OCTOBER 30 CUTOBER	35 3 JLDER AL CAR <u>Sec</u> 2 2 3	2N 1N RIVER IS RIER TC 1N 1N 1N 1N	3W 3W S CONV S C	JEFFERSON JEFFERSON EYED TO JEFFERSON SLOUGH EY WATER TO THE PLACE OF WATER TO THE PLACE OF JEFFERSON JEFFERSON JEFFERSON

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.

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THIS APPROPRIATION OF WATER TAKES WATER FROM THE BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER DRAINAGE (BASIN 41E) AND USES IT IN THE JEFFERSON RIVER DRAINAGE (BASIN 41G). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.