

Montana Water Court
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FILED
06/20/2024
Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: Julie Cristiani
41E-0233-R-2024
Lambert, Kathryn
5.00

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

* * * * *

CLAIMANT: Carlson Ranch Limited Partnership

CASE 41E-0233-R-2024

41E 93913-00
41E 100363-00
41E 100365-00
41E 100370-00
41E 100371-00
41E 100374-00
41E 100375-00
41E 100377-00

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, conclusion 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 to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must mail 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

Prior to issuance of the Preliminary Decree, Carlson Ranch Limited Partnership filed an Amendment To Statement Of Claim for each of these claims. The claims appeared in the Preliminary Decree with various notice remarks and one issue remark on claim 41E 100377-00.

On April 11, 2024 the claimant filed revisions of the Amendments for claims 41E 100371-00 and 41E 100375-00, and confirmation that the changes requested in each Amendment reflect the water rights as they existed prior to July 1, 1973. The April 11, 2024 filing is viewable in the Court's FullCourt Enterprise case management system.

APPLICABLE LAW

A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content pursuant to section 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 including for claimants amending their own claims. Rule 19, W.R.Adj.R.

FINDINGS OF FACT

1. Claim 41E 93913-00 appeared in the Preliminary Decree with the following notice remarks:

AN AMENDMENT WAS SUBMITTED ON 5/20/2022 REQUESTING TO AMEND THE POINT OF DIVERSION TO THE NESWSE. THE AMENDMENT WAS NOT PROCESSED. THE AMENDMENT WILL BE REVIEWED AFTER THE ISSUANCE OF THE PRELIMINARY DECREE.

POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

The Preliminary Decree states that the point of diversion legal description is the NWSESE section 35, T6N, R7W, JEFFERSON. As requested in the Amendment, the point of diversion should be the NESWSE section 35, T6N, R7W, JEFFERSON.

The remarks provide notice that the Amendment was filed and that the point of diversion was modified prior to issuance of the Preliminary Decree. The Amendment has been addressed. There was no objection filed to the point of diversion. The remarks should be removed as having served their notice purposes.

2. Claim 41E 100363-00 appeared in the Preliminary Decree with the following notice remarks:

AN AMENDMENT WAS SUBMITTED ON 5/20/2022 REQUESTING TO AMEND THE DITCH NAME, PERIOD OF DIVERSION AND REQUESTING TO ADD A HIGH FLOW RATE

CLARIFICATION REMARK. . THE AMENDMENT WAS NOT PROCESSED. THE AMENDMENT WILL BE REVIEWED AFTER THE ISSUANCE OF THE PRELIMINARY DECREE.

DITCH NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

As requested in the Amendment, the following remark should be added to the point of diversion: ALSO KNOWN AS CARLSON CLIFF DITCH, FOX MOUNTAIN HEADGATE. The period of use and period of diversion were already changed by the Montana Department of Natural Resources and Conservation [“DNRC”] prior to issuance of the Preliminary Decree. As requested in the Amendment, the following remark should be added to the flow rate: HIGH FLOW FOR SHORT PERIOD OF TIME.

The remarks provide notice that the Amendment was filed and that the ditch name was modified prior to issuance of the Preliminary Decree. The Amendment has been addressed. There was no objection filed to the ditch name. The remarks should be removed as having served their notice purposes.

3. Claim 41E 100365-00 appeared in the Preliminary Decree with the following notice remarks:

AN AMENDMENT WAS SUBMITTED ON 05/20/2022 REQUESTING TO AMEND THE PERIOD OF DIVERSION, PERIOD OF USE AND DITCH NAME. THE AMENDMENT WAS NOT PROCESSED. THE AMENDMENT WILL BE REVIEWED AFTER THE ISSUANCE OF THE PRELIMINARY DECREE.

POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

The Preliminary Decree states that the period of diversion and period of use are each JULY 1 TO AUGUST 1. As requested in the Amendment, the period of diversion and period of use should each be JUNE 1 TO AUGUST 1. The ditch name was already added by the DNRC prior to issuance of the Preliminary Decree.

The remarks provide notice that the Amendment was filed and that the point of diversion was modified prior to issuance of the Preliminary Decree. The Amendment has been addressed. There was no objection filed to the point of diversion. The remarks should be removed as having served their notice purposes.

4. Claim 41E 100370-00 appeared in the Preliminary Decree with the following notice remarks:

AN AMENDMENT WAS SUBMITTED ON 05/20/2022 REQUESTING TO AMEND THE THE DITCH NAME, MEANS OF DIVERSION AND PERIOD OF DIVERSION. THE AMENDMENT WAS NOT PROCESSED. THE AMENDMENT WILL BE REVIEWED AFTER THE ISSUANCE OF THE PRELIMINARY DECREE.

THIS ONE SHOULD BE A DITCH NOT A DIKE. CX RK ADDED FOR CLAIMANT IDENTIFICATION. MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

The ditch name, period of diversion and period of use were already changed by the DNRC prior to issuance of the Preliminary Decree. The Preliminary Decree states that the diversion means is DIKE. As requested in the April 11, 2024 revision of the Amendment, the diversion means should be DIVERSION DAM with the following remark: MEANS OF DIVERSION ALSO INCLUDES A HEADGATE.

The remarks provide notice that the Amendment was filed and that the point of diversion was modified prior to issuance of the Preliminary Decree. The Amendment has been addressed. There was no objection filed to the point of diversion. The remarks should be removed as having served their notice purposes.

5. Claim 41E 100371-00 appeared in the Preliminary Decree with the following notice remarks:

AN AMENDMENT WAS SUBMITTED ON 05/20/2022 REQUESTING TO AMEND THE DITCH NAME AND PERIOD OF DIVERSION. THE AMENDMENT WAS NOT PROCESSED. THE AMENDMENT WILL BE REVIEWED AFTER THE ISSUANCE OF THE PRELIMINARY DECREE.

DITCH NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

The ditch name, period of diversion, and period of use were already changed by the DNRC prior to issuance of the Preliminary Decree.

The remarks provide notice that the Amendment was filed and that the ditch name was modified prior to issuance of the Preliminary Decree. The Amendment has been addressed. There was no objection filed to the ditch name. The remarks should be removed as having served their notice purposes.

6. Claim 41E 100374-00 appeared in the Preliminary Decree with the following notice remark:

AN AMENDMENT WAS SUBMITTED ON 5/20/2022 REQUESTING TO AMEND THE THE PERIOD OF DIVERSION AND PERIOD OF USE TO 01/01 TO 12/31. THE AMENDMENT WAS NOT PROCESSED. THE AMENDMENT WILL BE REVIEWED AFTER THE ISSUANCE OF THE PRELIMINARY DECREE.

The Preliminary Decree states that the period of diversion and period of use are each JUNE 1 TO AUGUST 1. As requested in the Amendment, the period of diversion and period of use should each be JANUARY 1 TO DECEMBER 31.

The remark provides notice that the Amendment was filed. The Amendment has been addressed. The remark should be removed as having served its notice purpose.

7. Claim 41E 100375-00 appeared in the Preliminary Decree with the following notice remarks:

AN AMENDMENT WAS SUBMITTED ON 05/20/2022 REQUESTING TO AMEND THE THE PERIOD OF DIVERSION, PERIOD OF USE, MEANS OF DIVERSION AND REQUESTING TO ADD A HIGH FLOW RATE CLARIFICATION REMARK. THE AMENDMENT WAS NOT PROCESSED. THE AMENDMENT WILL BE REVIEWED AFTER THE ISSUANCE OF THE PRELIMINARY DECREE.

MEANS OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

The ditch name was already changed by the DNRC prior to issuance of the Preliminary Decree. The Preliminary Decree states that the period of diversion and period of use are each JUNE 1 TO AUGUST 1. As requested in the Amendment, the period of diversion and period of use should each be APRIL 20 TO OCTOBER 14. Contrary to the text of the remark, the Amendment does not request the addition of a remark concerning high flow.

The remarks provide notice that the Amendment was filed and that the means of diversion was modified prior to issuance of the Preliminary Decree. The Amendment has been

addressed. There was no objection filed to the means of diversion. The remarks should be removed as having served their notice purposes.

7. Claim 41E 100377-00 appeared in the Preliminary Decree with the following notice remarks and issue remark:

AN AMENDMENT WAS SUBMITTED ON 05/20/2022 REQUESTING TO AMEND THE MEANS OF DIVERSION TO A PUMP AS THE AREA WAS DREDGED IN THE 1930S. THE AMENDMENT WAS NOT PROCESSED. THE AMENDMENT WILL BE REVIEWED AFTER THE ISSUANCE OF THE PRELIMINARY DECREE.

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

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

The Preliminary Decree states that the diversion means is DAM. As requested in the Amendment, the diversion means should be PUMP. The issue remark concerning the location of the dam should be removed as addressed and resolved. The Preliminary Decree states that the period of diversion and period of use are each JUNE 1 TO OCTOBER 1. As requested in the Amendment, the period of diversion and period of use should each be JANUARY 1 TO DECEMBER 31.

The first two remarks provide notice that the Amendment was filed and that the period of diversion and period of use were modified prior to issuance of the Preliminary Decree. The Amendment has been addressed. There was no objection filed to the period of diversion and period of use. The remarks should be removed as having served their notice purposes.

CONCLUSION OF LAW

The Amendments and the April 11, 2024 filing are sufficient to contradict and overcome the prima facie claims.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusion of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim for each is served with this

Report to confirm the recommended changes have been made in the state's centralized record system.

ELECTRONICALLY SIGNED AND DATED BELOW

Service via USPS Mail:

Carlson Ranch Limited Partnership
27 Mountain View Rd
Clancy, MT 59634

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

Water Right Number: 41E 93913-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: CARLSON RANCH LIMITED PARTNERSHIP
27 MOUNTAIN VIEW RD
CLANCY, MT 59634-9502

Priority Date: MAY 16, 1921

Type of Historical Right: FILED

Purpose (Use): MINING

Flow Rate: 250.00 GPM

***Volume:** THIS RIGHT IS LIMITED TO THE VOLUME OF WATER HISTORICALLY USED FOR MINING PURPOSES.

Source Name: LOWLAND 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		NESWE	35	6N	7W	JEFFERSON

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: PUMP

THE POINT OF DIVERSION IS LOCATED IN MINERAL SURVEY-165.

Period of Use: MAY 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2NESE	35	6N	7W	JEFFERSON
2			SENE	35	6N	7W	JEFFERSON
3			SENE	35	6N	7W	JEFFERSON
4			NWNWSW	36	6N	7W	JEFFERSON
5			W2SWNW	36	6N	7W	JEFFERSON
6			SWNNWN	36	6N	7W	JEFFERSON

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

Water Right Number: 41E 100363-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: CARLSON RANCH LIMITED PARTNERSHIP
27 MOUNTAIN VIEW RD
CLANCY, MT 59634-9502

Priority Date: JUNE 30, 1902

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.06 CFS
HIGH FLOW FOR SHORT PERIOD OF TIME

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 28.00

Source Name: BOULDER RIVER

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	21	6N	6W	JEFFERSON

Period of Diversion: JUNE 1 TO AUGUST 1

Diversion Means: HEADGATE

Ditch Name: CARLSON DITCH
ALSO KNOWN AS CARLSON CLIFF DITCH, FOX MOUNTAIN HEADGATE

Period of Use: JUNE 1 TO AUGUST 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	9.00		S2S2SE	16	6N	6W	JEFFERSON
2	9.00		N2N2NE	21	6N	6W	JEFFERSON
3	10.00		NWNW	22	6N	6W	JEFFERSON
Total:	28.00						

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

Water Right Number: 41E 100365-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: CARLSON RANCH LIMITED PARTNERSHIP
27 MOUNTAIN VIEW RD
CLANCY, MT 59634-9502

Priority Date: MAY 6, 1886

Type of Historical Right: FILED

Purpose (Use): IRRIGATION
Irrigation Type: FLOOD

Flow Rate: 121.18 GPM

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 7.00

Source Name: RED ROCK 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		NWSESW	14	6N	6W	JEFFERSON

Period of Diversion: JUNE 1 TO AUGUST 1

Diversion Means: DITCH
ALSO KNOWN AS CARLSON BULL PASTURE DITCH

Period of Use: JUNE 1 TO AUGUST 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	7.00		SWSE	14	6N	6W	JEFFERSON
Total:	7.00						

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

Water Right Number: 41E 100370-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: CARLSON RANCH LIMITED PARTNERSHIP
27 MOUNTAIN VIEW RD
CLANCY, MT 59634-9502

Priority Date: JULY 31, 1954

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 336.60 GPM

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 20.00

Source Name: BOULDER RIVER

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		NWNESE	19	6N	6W	JEFFERSON

Period of Diversion: JUNE 1 TO AUGUST 1

Diversion Means: DIVERSION DAM

Ditch Name: CARLSON DITCH

MEANS OF DIVERSION ALSO INCLUDES A HEADGATE

DITCH NAME IS ALSO KNOWN AS CARLSON SHED FIELD DITCH

Period of Use: JUNE 1 TO AUGUST 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.00		S2N2	20	6N	6W	JEFFERSON

Total: 20.00

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
BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER
BASIN 41E

Water Right Number: 41E 100371-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: CARLSON RANCH LIMITED PARTNERSHIP
27 MOUNTAIN VIEW RD
CLANCY, MT 59634-9502

Priority Date: DECEMBER 13, 1893

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.40 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 37.00

Source Name: BOULDER RIVER

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		SWNENW	22	6N	6W	JEFFERSON

Period of Diversion: JUNE 1 TO AUGUST 1

Diversion Means: HEADGATE

Ditch Name: CARLSON DITCH
ALSO KNOWN AS CARLSON BRIDGE DITCH

Period of Use: JUNE 1 TO AUGUST 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	5.00		NESENW	22	6N	6W	JEFFERSON
2	7.00		NE	22	6N	6W	JEFFERSON
3	25.00		W2NW	23	6N	6W	JEFFERSON
Total:	<u>37.00</u>						

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

Water Right Number: 41E 100374-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: CARLSON RANCH LIMITED PARTNERSHIP
27 MOUNTAIN VIEW RD
CLANCY, MT 59634-9502

Priority Date: DECEMBER 3, 1900

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: NATURAL SUBIRRIGATION

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

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 5.00

Source Name: SUBIRRIGATION, UNNAMED TRIBUTARY OF BOULDER RIVER

Source Type: GROUNDWATER
ALSO KNOWN AS FOUNTAIN SPRING

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		N2N2NW	21	6N	6W	JEFFERSON
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: SUBIRRIGATION						
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	5.00		N2N2NW	21	6N	6W	JEFFERSON
Total:		5.00					

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

Water Right Number: 41E 100375-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CARLSON RANCH LIMITED PARTNERSHIP
27 MOUNTAIN VIEW RD
CLANCY, MT 59634-9502

Priority Date: MAY 27, 1904

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.52 CFS

*Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 40.00

Source Name: BOULDER RIVER

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		NENWNW	21	6N	6W	JEFFERSON

Period of Diversion: APRIL 20 TO OCTOBER 14

Diversion Means: DITCH

DITCH ALSO KNOWN AS CARLSON MORMON DITCH

Period of Use: APRIL 20 TO OCTOBER 14

*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	20.00		N2NE	21	6N	6W	JEFFERSON
2	20.00		SENW	22	6N	6W	JEFFERSON
Total:	40.00						

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.

100364-00100375-00

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

Water Right Number: 41E 100377-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: CARLSON RANCH LIMITED PARTNERSHIP
27 MOUNTAIN VIEW RD
CLANCY, MT 59634-9502

Priority Date: MAY 16, 1921

Type of Historical Right: FILED

Purpose (Use): MINING

Flow Rate: 2.00 CFS

Volume: 249.86 AC-FT
THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: LOWLAND 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		SESESE	26	6N	7W	JEFFERSON

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			NESE	26	6N	7W	JEFFERSON
2			NWSW	25	6N	7W	JEFFERSON
3			E2	35	6N	7W	JEFFERSON

Remarks:
MINERAL SURVEY NO. 165, LOT NO. 39.