

Montana Water Court
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IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
SUN RIVER BASIN (41K)
PRELIMINARY DECREE

	CASE 41K-0016-R-2023			
CLAIMANT: Broken				
O Land & Livestock	41K 40649-00	41K 89531-00	41K 96609-00	41K 183452-00
LLC	41K 49317-00	41K 89532-00	41K 110666-00	41K 187135-00
	41K 49318-00	41K 92197-00	41K 110670-00	41K 187137-00
OBJECTORS: Broken	41K 49325-00	41K 96236-00	41K 160362-00	41K 187139-00
O Land & Livestock	41K 49390-00	41K 96344-00	41K 183441-00	41K 187141-00
LLC	41K 49398-00	41K 96345-00	41K 183443-00	41K 30103792
	41K 49399-00	41K 96347-00	41K 183444-00	41K 30103808
	41K 89520-00	41K 96349-00	41K 183447-00	
	41K 89521-00	41K 96351-00	41K 183448-00	
	41K 89524-00	41K 96373-00	41K 183451-00	
	41K 89528-00	41K 96376-00		

NOTICE OF FILING OF MASTER’S REPORT

This Master’s Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master’s Report within **10 days** of the stamped date if you disagree or find errors with the Master’s findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master’s Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master’s Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master’s Report.

MASTER’S REPORT

The above-captioned claims appeared in the Preliminary Decree for the Sun River (Basin 41K) and received self objections from Broken O Land & Livestock LLC (Broken O) as well as issue remarks placed on the claims during reexamination of the claims by the Department of Natural Resources and Conservation (DNRC).

On December 15, 2023, Broken O filed ‘Information to Resolve Self-Objections and Issue Remarks and Motion to Reinstate Claim’ (hereinafter referred to as “Proposed Resolutions”), discussing the proposed resolutions to the objections and issue remarks on the claims.

On January 4, 2024, an Order was issued requesting DNRC assistance with the reexamination of the claim Broken O seeks to have reinstated. On March 14, 2024, the DNRC filed a Memorandum detailing the results of their examination.

FINDINGS OF FACT

1. Claim 41K 40649-00 appeared in the preliminary decree without issue remarks. Broken O filed an objection to claim 41K 40649-00 seeking to modify the point of diversion (POD) and place of use (POU) as follows:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		E2NWNE	SE	SWNE	18	21N	3W	TETON

2. Claim 41K 49317-00 was decreed with the following information remark:

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

3. Broken O is the sole owner of claim 41K 49317-00 and the remark is no longer applicable. Accordingly, the remark should be removed pursuant to the Proposed Resolutions.

4. Claim 41K 49318-00 appeared in the preliminary decree with the following issue remarks:

RESERVOIR RECORD, POINT OF DIVERSION, AND DITCH NAME WERE 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 PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON ELK CREEK (SUN RIVER, SOUTH FORK) WITH A PRIORITY DATE PREDATING CASE NO 4742, CASCADE COUNTY. IF NO OBJECTIONS ARE FILED TO PRIORITY DATE OR TYPE OF HISTORICAL RIGHT, THESE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS REMARK WILL BE REMOVED.

5. Broken O filed an objection to the claim seeking to refine the legal land description for the reservoir and the place of use. Pursuant to the objection and the Proposed Resolutions, the legal land description for the reservoir place of use for claim 41K 49318-00 should be modified as follows:

***Reservoir:** OFFSTREAM **Reservoir Name:** MEYER LAKE

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
NESW	N2SW	12	20N	6W	LEWIS AND CLARK

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		NESW	N2SW	12	20N	6W	LEWIS AND CLARK

6. Claim 41K 49325-00 appeared in the preliminary decree with the following issue remark:

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 claim was also decreed with the following information remark:

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.

49322-00 49325-00

7. Broken O filed a self objection seeking the removal of the supplemental claim remark. The legal land descriptions for the claims were modified during proceedings in Water Court Case 41K-A and the claims are no longer supplemental. The remark should be removed pursuant to the Proposed Resolutions and the objection.

8. Claim 41K 49390-00 appeared in the preliminary decree with the following issue remark:

POINT OF DIVERSION, RESERVOIR RECORD AND MEANS OF DIVERSION WERE 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.

9. Broken O filed an objection to claim 41K 49390-00 seeking to modify the period of use as follows:

Period of Use: ~~APRIL 15 TO NOVEMBER 15~~ **JANUARY 1 TO DECEMBER 31**

10. In their Proposed Resolutions, Broken O stated that cattle historically have and currently can be using the water at any time of year. Broken O also included a reservoir questionnaire they filed stating the period of use is January 1 to December 31.

11. Claim 41K 49398-00 appeared in the preliminary decree with the following issue remark:

RESERVOIR RECORD AND POINT OF DIVERSION WERE 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.

12. Broken O filed an objection to claim 41K 49398-00 seeking to modify the period of use as follows:

Period of Use: ~~APRIL 15 TO NOVEMBER 15~~ **JANUARY 1 TO DECEMBER 31**

13. In their Proposed Resolutions, Broken O stated that cattle historically have and currently can be using the water at any time of year. Broken O also included a reservoir questionnaire they filed stating the period of use is January 1 to December 31.

14. Claim 41K 49399-00 was decreed without issue remarks. Broken O filed an objection to claim 41K 49399-00 seeking to modify the place of use legal land description as follows:

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			SEENW	12	19N	4W	LEWIS AND CLARK
2			SWSWNE	12	19N	4W	LEWIS AND CLARK

15. Claim 41K 89520-00 was decreed without issue remarks. Broken O filed an objection to claim 41K 89520-00 seeking the removal of the following information remark:

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

16. Broken O is the sole owner of claim 41K 89520-00 and the remark is no longer applicable. Accordingly, the remark should be removed pursuant to the Proposed Resolutions.

17. Claim 41K 89521-00 appeared in the preliminary decree with the following issue remarks:

DITCH NAME AND POINT OF DIVERSION WERE 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 PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON ELK CREEK (SUN RIVER, SOUTH FORK) WITH A PRIORITY DATE PREDATING CASE NO 4742, CASCADE COUNTY. IF NO OBJECTIONS ARE FILED TO PRIORITY DATE OR TYPE OF HISTORICAL RIGHT, THESE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS REMARK WILL BE REMOVED.

18. Broken O filed an objection seeking the removal of the priority date remark. No other party filed objection and the Broken O objection does not require additional proceedings to resolve.

19. Claim 41K 89524-00 appeared in the preliminary decree with the following issue remark:

THE POINT OF DIVERSION NO. 1 APPEARS TO BE INCORRECT. THE POINT OF DIVERSION NO. 1 APPEARS TO BE IN THE S2SWSE SEC 6 TWP 20N RGE 4W LEWIS AND CLARK COUNTY.

20. Broken O filed an objection seeking the removal of Point of Diversion No. 1 and Place of Use No. 1. The POD and POU should be removed pursuant to the objection and Proposed Resolutions.

21. Claim 41K 89528-00 appeared in the preliminary decree with the following issue remarks:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE SESWSE SEC 7 TWP 20N RGE 5W LEWIS AND CLARK COUNTY.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED RIGHT ON SPRING CREEK (ROCK CAMP CREEK) WITH A PRIORITY DATE PREDATING CASE NO 4742, CASCADE COUNTY. IF NO OBJECTIONS ARE FILED TO PRIORITY DATE OR TYPE OF HISTORICAL RIGHT, THESE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS REMARK WILL BE REMOVED.

22. Broken O filed an objection to remove the POD issue remark and priority date notice type issue remark. The Proposed Resolutions state that based upon a review of aerial imagery and WRS maps, the point of diversion was claimed correctly. The maps used for review are attached to the Proposed Resolutions.

23. Claim 41K 89531-00 appeared in the preliminary decree with the following issue remarks:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE NWSWNE SEC 1 TWP 20N RGE 6W LEWIS AND CLARK COUNTY.

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.

24. Broken O filed an objection to claim 41K 89531-00 seeking to modify the point of diversion as follows:

***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		NW SW	SWNE	1	20N	6W LEWIS AND CLARK

25. Claim 41K 89532-00 appeared in the preliminary decree with the following issue remark:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE SESWSE SEC 7 TWP 20N RGE 5W LEWIS AND CLARK COUNTY.

26. Broken O filed an objection to the claim seeking the removal of the issue remark. The Proposed Resolutions state that based upon a review of aerial imagery and WRS maps, the point of diversion was claimed correctly. The maps used for review are attached to the Proposed Resolutions.

27. Claim 41K 92197-00 appeared in the preliminary decree as a withdrawn claim. Broken O filed an objection to the claim seeking its' reinstatement.

28. Claim 41K 96236-00 appeared in the preliminary decree without issue remarks. Broken O filed an objection to the claim seeking to add a reservoir record as follows:

Reservoir: ONSTREAM

	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		SWSNW	17	19N	5W	LEWIS AND CLARK
Diversion to Reservoir:	DAM IN SWSNW SEC 17 TWP 19N RGE 5W LEWIS AND CLARK					
Surface Area:	0.4 ACRES					

29. Claim 41K 96344-00 appeared in the preliminary decree with the following issue remarks:

MEANS OF DIVERSION AND RESERVOIR RECORD WERE 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 CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 2.60 TIMES THE CAPACITY OF THE RESERVOIR.

30. Pursuant to the Proposed Resolutions, Broken O seeks the removal of the reservoir record and the volume issue remark and to correct the means of diversion from dam to headgate pursuant to proceedings in Water Court Case 41K-A. The volume element for the claim reads as follows: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE. Accordingly, the volume is already limited to historical use and the volume issue remark may be removed.

31. Claim 41K 96345-00 appeared in the preliminary decree without issue remarks. Broken O filed an objection to the claim seeking to modify the POD as follows:

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	SWSWNE	SESWNE	27	20N	5W	LEWIS AND CLARK

32. Claim 41K 96347-00 appeared in the preliminary decree without issue remarks. Broken O filed an objection to the claim seeking to modify the POD and add a POU as follows:

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	NWSWSE	SENWSW	26	20N	5W	LEWIS AND CLARK

Additional 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>
2			NWSWSE	26	20N	5W	LEWIS AND CLARK

33. Claim 41K 96349-00 appeared in the preliminary decree with the following issue remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT APPEAR TO BE DUPLICATE FILINGS. IT APPEARS ONLY ONE WATER RIGHT IS INVOLVED.

96349-00 96350-00 96351-00

RESERVOIR RECORD AND MEANS OF DIVERSION WERE 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.

34. Broken O filed an objection to the claim seeking to remove the duplicate filing issue remark and to modify the reservoir record. Claim 41K 96350-00 has been withdrawn and claim 41K 96351-00 is an irrigation claim. Broken O seeks to modify the reservoir record as follows:

Surface Area: 8.9 ~~22.00~~ ACRES
Capacity: 56.0 ~~110.00~~ ACRE-FEET

35. Claim 41K 96351-00 appeared in the preliminary decree without issue remarks. Pursuant to the Proposed Resolutions, Broken O withdraws its objection.

36. Claim 41K 96373-00 appeared in the preliminary decree with the following issue remarks:

RESERVOIR RECORD 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 PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON NORTH FORK SIMMS CREEK (SIMMS CREEK) WITH A PRIORITY DATE PREDATING CASE NO 4742, CASCADE COUNTY. IF NO OBJECTIONS ARE FILED TO PRIORITY DATE OR TYPE OF HISTORICAL RIGHT, THESE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS REMARK WILL BE REMOVED.

37. Broken O filed an objection to the claim seeking the removal of the priority date issue remark.

38. Claim 41K 96376-00 appeared in the preliminary decree without issue remarks. Broken O filed an objection to the claim seeking the modification of the POU to match the POD as follows:

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWSE	12	20N 19N	5W	LEWIS AND CLARK
2			W2	13	20N 19N	5W	LEWIS AND CLARK
3			SESW	14	20N 19N	5W	LEWIS AND CLARK
4			E2NW	23	20N	5W	LEWIS AND CLARK
5			W2NE	23	20N	5W	LEWIS AND CLARK
6			SENE	23	20N	5W	LEWIS AND CLARK
7			W2W2	24	20N	5W	LEWIS AND CLARK
8			SESW	12	20N	5W	LEWIS AND CLARK

39. Claim 41K 96609-00 appeared in the preliminary decree with the following issue remarks:

RESERVOIR RECORD AND MEANS OF DIVERSION WERE 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 CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 94.94 TIMES THE CAPACITY OF THE RESERVOIR.

40. Broken O filed an objection to the claim seeking removal of the volume issue remark. The volume is described with the standard narrative language, “THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE”. Accordingly, the volume is already limited to historical use and the volume issue remark may be removed.

41. Claim 41K 110666-00 appeared in the preliminary decree with the following issue remark:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 41K 110666-00, 41K 215243-00.

42. Broken O filed an objection seeking the removal of the remark. Claim 41K 215243-00 was dismissed during proceedings in 41K-2000-R-2021 and the remark is now moot.

43. Claim 41K 110670-00 appeared in the preliminary decree with the following issue remark:

DITCH NAME AND POINT OF DIVERSION WERE 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.

44. Broken O filed an objection seeking to modify the POD. Pursuant to the Proposed Resolutions, after further review Broken O no longer seeks to pursue modifications to the POD.

45. Claim 41K 160362-00 appeared in the preliminary decree with the following issue remarks:

DITCH NAME AND MEANS OF DIVERSION WERE 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 PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON SUN RIVER WITH A PRIORITY DATE PREDATING CASE NO 4742, CASCADE COUNTY. IF NO OBJECTIONS ARE FILED TO PRIORITY DATE OR TYPE OF HISTORICAL RIGHT, THESE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS REMARK WILL BE REMOVED.

46. Broken O filed an objection to the claim seeking the removal of the priority date issue remark and to modify the period of use and period of diversion as follows:

Period of Diversion: ~~NOVEMBER 1 TO MAY 1~~ JANUARY 1 TO DECEMBER 31

Period of Use: ~~NOVEMBER 1 TO MAY 1~~ JANUARY 1 TO DECEMBER 31

47. The filing states that the Floweree (Hamilton) Canal headgate is open year-round for stock use.

48. Claim 41K 183441-00 appeared in the preliminary decree without issue remarks. Broken O filed an objection to the claim seeking the modification of the POD to match the POU as follows:

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SW	29	20N	4W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		E2	31	20N	4W	LEWIS AND CLARK
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

49. Claim 41K 183443-00 appeared in the preliminary decree with the following issue remark:

PLACE OF USE NO. 003 APPEARS TO BE INCORRECT. THE ACTUAL PLACE OF USE APPEARS TO BE SECTION 36 TWP 20N RGE 05W LEWIS & CLARK COUNTY.

50. Broken O filed an objection seeking to modify the place of use as follows:

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				24	20N	5W	LEWIS AND CLARK
2				25	20N	5W	LEWIS AND CLARK
3			NE 36-26		20N	5W	LEWIS AND CLARK

51. Claim 41K 183444-00 appeared in the preliminary decree with the following issue remark:

THE CLAIMED SOURCE MAY BE QUESTIONABLE. BASED ON AVAILABLE DATA, THE SOURCE MAY BE SURFACE WATER FROM UNNAMED TRIBUTARY OF DRY CREEK.

52. Broken O filed an objection to the claim to correct the source name as follows:

***Source Name:** UNNAMED TRIBUTARY OF ~~SUN RIVER~~
Source Type: SURFACE WATER ~~DRY CREEK~~

53. Claim 41K 183447-00 appeared in the preliminary decree without issue remarks. Broken O filed an objection to the claim seeking to correct the POU legal land description to match the POD legal land description as follows:

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			SW	13	20N	5W	LEWIS AND CLARK

54. Claim 41K 183448-00 appeared in the preliminary decree without issue remarks. Broken O filed an objection to the claim seeking to correct the POU legal land description to match the POD legal land description as follows:

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2	13	20N	5W	LEWIS AND CLARK
<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
2			NESE	13	20N	5W	LEWIS AND CLARK

55. Claim 41K 183451-00 appeared in the preliminary decree without issue remarks. Broken O filed an objection to the claim seeking to correct the POU legal land description to match the POD legal land description as follows:

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			E2	23	20N	4W	LEWIS AND CLARK
2			W2SW	24	20N	4W	LEWIS AND CLARK
3			W2NW	25	20N	4W	LEWIS AND CLARK

56. Claim 41K 183452-00 appeared in the preliminary decree without issue remarks.

Broken O filed an objection to the claim seeking to correct the POU legal land description to match the POD legal land description as follows:

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2	25	20N	4W	LEWIS AND CLARK

57. Claim 41K 187135-00 appeared in the preliminary decree with the following issue remarks:

THE MEANS OF DIVERSION APPEARS TO BE INCORRECT. THE MEANS OF DIVERSION APPEARS TO BE A PUMP.

INFORMATION IN THE CLAIM FILE DESCRIBES A HISTORIC FLOW RATE OF 200 GPM.

58. Broken O filed an objection to the claim seeking the following modifications:

Flow Rate: 200 ~~26.93~~ GPM

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	1	SWNE	NESE	20N	4W	TETON

59. Claim 41K 187137-00 received the following issue remarks:

IT APPEARS WITH CORRECTIONS TO POINTS OF DIVERSION TOWNSHIP, PLACE OF USE SHOULD ALSO REFLECT THESE CHANGES.

IT APPEARS WITH TOWNSHIP CORRECTIONS, THAT POINT OF DIVERSIONS 86, 87, 88, 90, 91, 94, 96, 98, 103, 104, 108-112 APPEAR TO BE IN THE WRONG COUNTY. THE CORRECT COUNTY APPEARS TO BE TETON COUNTY.

IT APPEARS THAT POINTS OF DIVERSIONS #85 & #86 ARE IN THE INCORRECT TOWNSHIP. THE CORRECT TOWNSHIP AND RANGE SHOULD BE TWP 21N RGE 5W.

IT APPEARS THAT POINTS OF DIVERSION #87-112 ARE IN THE INCORRECT TOWNSHIP. THE CORRECT TOWNSHIP AND RANGE SHOULD BE TWP 21N RGE 6W.

60. Broken O filed an objection to the claim seeking to modify PODs and POU 85-112 from ~~T20N~~ to **T21N**. Broken O additionally seeks the addition of the following information remark:

The border between Teton and Lewis and Clark County is the Sun River. The claimant's livestock access the Sun River for stockwater on both sides of the Sun River. Therefore, most of the POD and POUs identified on 41K 187137-00 are within both Lewis & Clark and Teton counties.

61. Claim 41K 187139-00 was decreed with the following issue remark:

POINT OF DIVERSION AND PLACE OF USE WERE 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.

62. Broken O filed an objection to the claim seeking the following modification to the source:

Source Name:	UNNAMED TRIBUTARY OF WADE COULEE
Source Type:	SURFACE WATER BIG COULEE

63. Claim 41K 187141-00 was decreed with the following issue remark:

THE POINTS OF DIVERSION APPEAR TO BE INCORRECT. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

64. Broken O filed an objection to the claim seeking to modify the POD and POU as follows:

Point of Diversion and Means of Diversion

<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			SENE	20	21N	4W	TETON
	Period of Diversion: JANUARY 1 TO DECEMBER 31						
	Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
2			S2N2	21	21N	4W	TETON
	Period of Diversion: JANUARY 1 TO DECEMBER 31						
	Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
3			E2SE	21	21N	4W	TETON
	Period of Diversion: JANUARY 1 TO DECEMBER 31						
	Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
4			SWSE	21	21N	4W	TETON
	Period of Diversion: JANUARY 1 TO DECEMBER 31						
	Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
5			NWNE	28	21N	4W	TETON
	Period of Diversion: JANUARY 1 TO DECEMBER 31						
	Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
6			NENW	28	21N	4W	TETON
	Period of Diversion: JANUARY 1 TO DECEMBER 31						
	Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
7			S2NW	28	21N	4W	TETON
	Period of Diversion: JANUARY 1 TO DECEMBER 31						
	Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
8			W2SW	28	21N	4W	TETON
	Period of Diversion: JANUARY 1 TO DECEMBER 31						
	Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
9			E2SE	29	21N	4W	TETON
	Period of Diversion: JANUARY 1 TO DECEMBER 31						
	Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
10			NENE	32	21N	4W	TETON
	Period of Diversion: JANUARY 1 TO DECEMBER 31						
	Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
11			W2NE	32	21N	4W	TETON
	Period of Diversion: JANUARY 1 TO DECEMBER 31						
	Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
12			E2NW	32	21N	4W	TETON
	Period of Diversion: JANUARY 1 TO DECEMBER 31						
	Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
13			SW	32	21N	4W	TETON
	Period of Diversion: JANUARY 1 TO DECEMBER 31						
	Diversion Means: LIVESTOCK DIRECT FROM SOURCE						

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			SENE	20	21N	4W	TETON
2			S2N2	21	21N	4W	TETON
3			E2SE	21	21N	4W	TETON
4			SWSE	21	21N	4W	TETON
5			NWNE	28	21N	4W	TETON
6			NENW	28	21N	4W	TETON
7			S2NW	28	21N	4W	TETON
8			W2SW	28	21N	4W	TETON
9			E2SE	29	21N	4W	TETON
10			NENE	32	21N	4W	TETON
11			W2NE	32	21N	4W	TETON
12			E2NW	32	21N	4W	TETON
13			SW	32	21N	4W	TETON

65. Claim 41K 30103792 appeared in the preliminary decree with the following remark:

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON SUN RIVER WITH A PRIORITY DATE PREDATING CASE NO. 4742 , TETON COUNTY.

66. Broken O filed an objection to the claim seeking the following modifications:

*Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		3		5	20N	4W	LEWIS AND CLARK TETON
2		4		5	20N	4W	LEWIS AND CLARK TETON
199			SENE	28	21N	6W	LEWIS AND CLARK TETON
200			SWNE	28	21N	6W	LEWIS AND CLARK TETON

67. Claim 41K 30103808 appeared in the preliminary decree with the following remark:

THE POINT OF DIVERSION APPEARS TO BE IN THE SWNWSW SEC 2, T20N, R4W WHERE SAM BIRD (HAMILTON) DITCH DIVERTS.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON SUN RIVER WITH A PRIORITY DATE PREDATING CASE NO. 4742 , TETON COUNTY.

68. The point of diversion for claim 41K 30103808 was previously decreed in Water Court Case 41K-A.

PRINCIPLES OF LAW

1. The Montana Water Court has the authority to determine the extent of all water rights in the state as they existed prior to July 1, 1973. *Fellows v. Saylor*, 2016 MT 45, ¶ 25, 382 Mont. 298, 367 P.3d 732; §§ 85-2-233, -102(13), MCA.

2. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. § 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R. A preponderance of the evidence is evidence that shows a fact is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.

3. Section 3-7-224, MCA the Water Court is directed to conduct hearings in the same manner as for other civil actions. The Water Court applies the Montana Rules of Civil Procedure (M.R.Civ.P.), the Montana Rules of Evidence (M.R.Evid.) and the Montana Uniform District Court Rules. This Master considers documents (including objections) filed with the Court as “other paper” under M.R.Civ.P. Rule 11(b)(3) which certifies that to the best of the parties knowledge the factual contentions contained within the Statement are supported by evidence.

4. Add to this rule the recognition that “the heart of a judicial process is the development of the truth through conflict between parties with adverse interests.” United States of America (USDI) –Bureau of Indian Affairs)-General Objection to Basin 42B and 42C Preliminary Decrees, Case 42B-1, ¶ 3 at p. 14, (Order Denying Motion June 27, 2014). Considering these tenets, significant weight is given to the filings to establish the accurate historical use of the claims.

5. The Water Court follows five steps before reinstating a water right to its pre-dismissal status: (1) the party seeking reinstatement files a motion to reinstate, together with a supporting brief; (2) the moving party provides notice to other persons who were parties to the proceedings involving the claim before it was dismissed; (3) the moving party meets [*4] the criteria in Rules 55(c) and 60(b)(1) or (6), M.R.Civ.P.; (4) the moving party satisfies any Court-imposed conditions, such as payment of delinquent fees; and (5) all objections, counterobjections, notice of intent to appear, or intervention are reinstated, as are any unresolved issue remarks.

The third step is the heart of the reinstatement process. *Downs v. United States (Bureau of Indian Affairs)*, Case 43P-164-P-2019; 2021 Mont. Water LEXIS 1075, 2021 WL 5277865, *2. Under this step, the Water Court evaluates reinstatement motions as analogous motions to set aside a default or a default judgment under M.R.Civ.P. Rule 55(c). *Id.* Further, "Rule 60(b) is the applicable standard that parties . . . must meet before the Water Court will reinstate a dismissed water right claim." *Id.* *In re Am. Prairie Found.*, 2023 Mont. Water LEXIS 741, *3-4

CONCLUSIONS OF LAW

1. Claim 41K 92197-00 should be reinstated as discussed above. Modification of the claim resolves the objection to the claim.
2. The modifications to the claims should be made to the claims as discussed above.
3. The issue remarks on the claims should be removed as discussed above.

RECOMMENDATIONS

1. Broken O's Motion to Reinstate Claim 41K 92197-00 should be granted.
2. The issue remarks should be removed from the claims.
3. Adoption of the modifications discussed above and removal of the issue remarks resolves the objections to 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 Electronic Mail:

W. John Tietz
Browning, Kaleczyc, Berry & Hoven, P.C.
PO Box 1697
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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 40649-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: MAY 1, 1950

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 BIG COULEE

Source Type: GROUNDWATER

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		E2NWNE	18	21N	3W	TETON

Period of Diversion: MAY 1 TO DECEMBER 1

Diversion Means: FLOWING

Period of Use: MAY 1 TO DECEMBER 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			E2NWNE	18	21N	3W	TETON

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**SUN RIVER
BASIN 41K**

Water Right Number: 41K 49317-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: APRIL 1, 1880

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: SUN 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		SWSW	31	21N	5W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		E2NW	6	20N	5W	LEWIS AND CLARK
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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			SWSW	31	21N	5W	LEWIS AND CLARK
2			E2NW	6	20N	5W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 49318-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: MAY 24, 1884

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 3.75 CFS

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 ELK 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		SWSWNE	30	20N	6W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: HOGAN DITCH

Reservoir: OFFSTREAM **Reservoir Name:** MEYER LAKE

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESW	12	20N	6W	LEWIS AND CLARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 18.00 FEET

Depth: 15.00 FEET

Surface Area: 58.02 ACRES

Capacity: 348.12 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

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			NESW	12	20N	6W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 49325-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: MAY 24, 1884

Type of Historical Right: DECREEED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 10.00 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:** 189.19

Source Name: ELK CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS SUN RIVER, SOUTH FORK.

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		SWSWNE	30	20N	6W	LEWIS AND CLARK

***Period of Diversion:** APRIL 1 TO NOVEMBER 7

Diversion Means: HEADGATE

Ditch Name: HOGAN DITCH

***Period of Use:** APRIL 1 TO NOVEMBER 7

***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	28.58		SESE	11	20N	6W	LEWIS AND CLARK
2	32.97		SWSE	11	20N	6W	LEWIS AND CLARK
3	38.15		NENE	14	20N	6W	LEWIS AND CLARK
4	36.34		NWNE	14	20N	6W	LEWIS AND CLARK
5	11.14		SENE	14	20N	6W	LEWIS AND CLARK
6	31.57		SWNE	14	20N	6W	LEWIS AND CLARK
7	10.44		NWSE	14	20N	6W	LEWIS AND CLARK

Total: 189.19

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 49390-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: DECEMBER 31, 1966

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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 SIMMS CREEK, SOUTH FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	4	NWNWNW	6	19N	3W	CASCADE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
4	NWNWNW	6	19N	3W	CASCADE

Diversion to Reservoir: DIVERSION # 1

Dam Height: 7.00 FEET

Depth: 4.00 FEET

Surface Area: 5.40 ACRES

Capacity: 8.64 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

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			NWNWNW	6	19N	3W	CASCADE

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 49398-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: DECEMBER 31, 1920

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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 SIMMS CREEK, SOUTH FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2S2NW	1	19N	4W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWS2NW	1	19N	4W	LEWIS AND CLARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 11.00 FEET

Depth: 8.00 FEET

Surface Area: 1.47 ACRES

Capacity: 4.70 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

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			S2S2NW	1	19N	4W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 49399-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: NOVEMBER 1, 1955

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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 SIMMS CREEK, SOUTH FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESENW	12	19N	4W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESENW	12	19N	4W	LEWIS AND CLARK

Diversion to Reservoir: DIVERSION # 1

THE DAM EXTENDS INTO THE SWSWNE SEC 12 TWP 19N RGE 4W LEWIS AND CLARK COUNTY.

Period of Use: APRIL 15 TO NOVEMBER 15

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			SESENW	12	19N	4W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 89520-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: JANUARY 1, 1870

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: SUN RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SE	6	20N	5W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		N2	6	20N	5W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		NE	7	20N	5W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		S2	6	20N	4W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		SE	6	20N	5W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		N2	6	20N	5W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					

Diversion Means: LIVESTOCK DIRECT FROM SOURCE
7 NE 7 20N 5W TETON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE
8 S2 6 20N 4W TETON

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			SE	6	20N	5W	LEWIS AND CLARK
2			N2	6	20N	5W	LEWIS AND CLARK
3			NE	7	20N	5W	LEWIS AND CLARK
4			S2	6	20N	4W	LEWIS AND CLARK
5			SE	6	20N	5W	TETON
6			N2	6	20N	5W	TETON
7			NE	7	20N	5W	TETON
8			S2	6	20N	4W	TETON

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K

Water Right Number: 41K 89521-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: JULY 28, 1887

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: ELK CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS SUN RIVER, SOUTH FORK.

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		NWSESE	2	20N	6W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: LYTLE-CLEMONS DITCH

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			N2NW	7	20N	5W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 89524-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: JANUARY 1, 1870

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: DRY 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		NW	7	20N	4W	LEWIS AND CLARK
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
2		NWNWNE	7	20N	4W	LEWIS AND CLARK
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
3		E2E2	12	20N	5W	LEWIS AND CLARK
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			NWNWNE	7	20N	4W	LEWIS AND CLARK
2			NW	7	20N	4W	LEWIS AND CLARK
3			E2E2	12	20N	5W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 89528-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: FEBRUARY 22, 1892

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.00 CFS

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 245.45

Source Name: SPRING 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		NESWSE	7	20N	5W	LEWIS AND CLARK

Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Period of Use: APRIL 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	25.18		NWNW	9	20N	5W	LEWIS AND CLARK
2	26.35		NENE	8	20N	5W	LEWIS AND CLARK
3	17.06		NWNE	8	20N	5W	LEWIS AND CLARK
4	13.92		NENW	8	20N	5W	LEWIS AND CLARK
5	34.75		SWNW	9	20N	5W	LEWIS AND CLARK
6	36.02		SENE	8	20N	5W	LEWIS AND CLARK
7	35.64		SWNE	8	20N	5W	LEWIS AND CLARK
8	37.93		SENW	8	20N	5W	LEWIS AND CLARK
9	18.60		SWNW	8	20N	5W	LEWIS AND CLARK

Total: 245.45

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.

89528-00

89530-00

89532-00

**POST DECREE
 ABSTRACT OF WATER RIGHT CLAIM
 SUN RIVER
 BASIN 41K**

Water Right Number: 41K 89531-00 STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
 %DMS NATURAL RESOURCES LLC
 602 S FERGUSON AVE STE 2
 BOZEMAN, MT 59718-6483

Priority Date: JULY 1, 1889

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 4.00 CFS

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 233.00

Source Name: ELK CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS SUN RIVER, SOUTH FORK.

***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		NWSWNE	1	20N	6W	LEWIS AND CLARK

Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: BICKLE-BURKE DITCH

Period of Use: APRIL 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	75.80		SE	6	20N	5W	LEWIS AND CLARK
2	87.00		SW	6	20N	5W	LEWIS AND CLARK
3	28.00		S2S2NW	6	20N	5W	LEWIS AND CLARK
4	0.70		SWSWNE	6	20N	5W	LEWIS AND CLARK
5	3.20		NENENW	7	20N	5W	LEWIS AND CLARK
6	38.30		N2NE	7	20N	5W	LEWIS AND CLARK

Total: 233.00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**SUN RIVER
BASIN 41K**

Water Right Number: 41K 89532-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

***Priority Date:** FEBRUARY 14, 1911

***Type of Historical Right:** USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 89.76 GPM

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 245.45

Source Name: SPRING 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		NESWSE	7	20N	5W	LEWIS AND CLARK

Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Period of Use: APRIL 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	25.18		NWNW	9	20N	5W	LEWIS AND CLARK
2	26.35		NENE	8	20N	5W	LEWIS AND CLARK
3	17.06		NWNE	8	20N	5W	LEWIS AND CLARK
4	13.92		NENW	8	20N	5W	LEWIS AND CLARK
5	34.75		SWNW	9	20N	5W	LEWIS AND CLARK
6	36.02		SENE	8	20N	5W	LEWIS AND CLARK
7	35.64		SWNE	8	20N	5W	LEWIS AND CLARK
8	37.93		SENW	8	20N	5W	LEWIS AND CLARK
9	18.60		SWNW	8	20N	5W	LEWIS AND CLARK

Total: 245.45

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.

89528-00

89530-00

89532-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 92197-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Late Claim: A

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: JUNE 30, 1973

CLAIM FILED LATE 05/04/1982 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL FEDERAL AND INDIAN RESERVED WATER RIGHTS.

Type of Historical Right: USE

Purpose (Use): STOCK

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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 STOCKWATERING 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 SIMMS 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		NWSENV	28	20N	4W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSENV	28	20N	4W	LEWIS AND CLARK

Diversion to Reservoir: DIVERSION # 1

Depth: 8.40 FEET

Surface Area: 2.20 ACRES

Capacity: 7.40 ACRE-FEET

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			NWSENV	28	20N	4W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 96236-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: JUNE 1, 1954

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 10.00 GPM

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 DRY CREEK

Source Type: GROUNDWATER

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		SWSE	17	19N	5W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

DAM IN SWSE SEC 17 TWP 19N RGE 5W LEWIS AND CLARK

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWSE	17	19N	5W	LEWIS AND CLARK

Surface Area: 0.40 ACRES

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			SWSE	17	19N	5W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 96344-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: AUGUST 1, 1903

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.00 CFS

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 243.15

Source Name: DRY 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		NWNWNW	35	20N	5W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Period of Use: MAY 1 TO SEPTEMBER 20

***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	0.08		NESE	23	20N	5W	LEWIS AND CLARK
2	0.06		NWSE	23	20N	5W	LEWIS AND CLARK
3	33.42		NESW	23	20N	5W	LEWIS AND CLARK
4	19.12		SESE	23	20N	5W	LEWIS AND CLARK
5	32.98		SWSE	23	20N	5W	LEWIS AND CLARK
6	27.94		SESW	23	20N	5W	LEWIS AND CLARK
7	4.74		NENE	26	20N	5W	LEWIS AND CLARK
8	25.28		NWNE	26	20N	5W	LEWIS AND CLARK
9	28.81		NENW	26	20N	5W	LEWIS AND CLARK
10	15.60		SWNE	26	20N	5W	LEWIS AND CLARK
11	1.54		SESW	26	20N	5W	LEWIS AND CLARK
12	2.63		NWSE	26	20N	5W	LEWIS AND CLARK
13	29.04		NESW	26	20N	5W	LEWIS AND CLARK

14	0.12	NWSW	26	20N	5W	LEWIS AND CLARK
15	0.07	SWSE	26	20N	5W	LEWIS AND CLARK
16	15.36	SESW	26	20N	5W	LEWIS AND CLARK
17	3.61	SWSW	26	20N	5W	LEWIS AND CLARK
18	2.75	NWNW	35	20N	5W	LEWIS AND CLARK
Total:	<u>243.15</u>					

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.

96344-00 96351-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

96343-00 96344-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K

Water Right Number: 41K 96345-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: AUGUST 27, 1963

Type of Historical Right: FILED

Purpose (Use): STOCK

Flow Rate: 10.00 GPM

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: GROUNDWATER

Source Type: GROUNDWATER

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		SWSWNE	27	20N	5W	LEWIS AND CLARK

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: WELL

Period of Use: MAY 1 TO OCTOBER 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			SWNE	27	20N	5W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**SUN RIVER
BASIN 41K**

Water Right Number: 41K 96347-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: MAY 27, 1963

Type of Historical Right: FILED

Purpose (Use): STOCK

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

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

Source Name: SPRING, UNNAMED TRIBUTARY OF DRY CREEK

Source Type: GROUNDWATER

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		NWSWSE	26	20N	5W	LEWIS AND CLARK

Period of Diversion: APRIL 1 TO NOVEMBER 30

Diversion Means: FLOWING

Period of Use: APRIL 1 TO NOVEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NESESW	26	20N	5W	LEWIS AND CLARK
2			NWSWSE	26	20N	5W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 96349-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: NOVEMBER 1, 1962

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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: DRY 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		NWNW	35	20N	5W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNW	35	20N	5W	LEWIS AND CLARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 20.00 FEET

Depth: 12.50 FEET

Surface Area: 8.90 ACRES

Capacity: 56.00 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

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			NWNW	35	20N	5W	LEWIS AND CLARK

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

96349-00

96351-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 96351-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: NOVEMBER 1, 1962

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

***Volume:** 112.00 AC-FT

Climatic Area: 3 - MODERATE

***Maximum Acres:** 243.15

Source Name: DRY 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		NWNWNW	35	20N	5W	LEWIS AND CLARK

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

Diversion Means: DAM

***Reservoir:** ONSTREAM **Reservoir Name:** KREZLOCK RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNW	35	20N	5W	LEWIS AND CLARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 20.00 FEET

Depth: 12.50 FEET

Surface Area: 8.90 ACRES

Capacity: 56.00 ACRE-FEET

Period of Use: MAY 1 TO SEPTEMBER 20

***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	0.08		NESE	23	20N	5W	LEWIS AND CLARK
2	0.06		NWSE	23	20N	5W	LEWIS AND CLARK
3	33.42		NESW	23	20N	5W	LEWIS AND CLARK
4	19.12		SESE	23	20N	5W	LEWIS AND CLARK

5	32.98	SWSE	23	20N	5W	LEWIS AND CLARK
6	27.94	SESW	23	20N	5W	LEWIS AND CLARK
7	4.74	NENE	26	20N	5W	LEWIS AND CLARK
8	25.28	NWNE	26	20N	5W	LEWIS AND CLARK
9	28.81	NENW	26	20N	5W	LEWIS AND CLARK
10	15.60	SWNE	26	20N	5W	LEWIS AND CLARK
11	1.54	SENW	26	20N	5W	LEWIS AND CLARK
12	2.63	NWSE	26	20N	5W	LEWIS AND CLARK
13	29.04	NESW	26	20N	5W	LEWIS AND CLARK
14	0.12	NWSW	26	20N	5W	LEWIS AND CLARK
15	0.07	SWSE	26	20N	5W	LEWIS AND CLARK
16	15.36	SESW	26	20N	5W	LEWIS AND CLARK
17	3.61	SWSW	26	20N	5W	LEWIS AND CLARK
18	2.75	NWNW	35	20N	5W	LEWIS AND CLARK
Total:	243.15					

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.

96344-00 96351-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

96346-00 96351-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

96349-00 96351-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 96373-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: DECEMBER 31, 1891

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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: SIMMS CREEK, NORTH FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNE	13	19N	5W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNE	13	19N	5W	LEWIS AND CLARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 8.00 FEET

Depth: 5.00 FEET

Surface Area: 1.83 ACRES

Capacity: 3.66 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

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				13	19N	5W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 96376-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: DECEMBER 31, 1891

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:** DRY CREEK

Source Type: SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSE	12	20N	5W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		W2	13	20N	5W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		SESW	14	20N	5W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		E2NW	23	20N	5W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		W2NE	23	20N	5W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		SENE	23	20N	5W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31					

Diversion Means: LIVESTOCK DIRECT FROM SOURCE
7 W2W2 24 20N 5W LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE
8 SESW 12 20N 5W LEWIS AND CLARK

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			SWSE	12	20N	5W	LEWIS AND CLARK
2			W2	13	20N	5W	LEWIS AND CLARK
3			SESW	14	20N	5W	LEWIS AND CLARK
4			E2NW	23	20N	5W	LEWIS AND CLARK
5			W2NE	23	20N	5W	LEWIS AND CLARK
6			SENE	23	20N	5W	LEWIS AND CLARK
7			W2W2	24	20N	5W	LEWIS AND CLARK
8			SESW	12	20N	5W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 96609-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: JUNE 1, 1950

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

***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: 65.00

Source Name: UNNAMED TRIBUTARY OF CUTTING SHED COULEE

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		NESESE	30	21N	5W	TETON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESESE	30	21N	5W	TETON

Diversion to Reservoir: DIVERSION # 1

Dam Height: 11.00 FEET

Depth: 8.00 FEET

Surface Area: 0.62 ACRES

Capacity: 1.98 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

Period of Use: APRIL 15 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	60.00		S2SE	30	21N	5W	TETON

2	<u>5.00</u>	SENWSE	30	21N	5W	TETON
Total:	65.00					

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**SUN RIVER
BASIN 41K**

Water Right Number: 41K 110666-00 STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: OCTOBER 6, 1886

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 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 - MODERATE

***Maximum Acres:** 226.86

Source Name: SUN 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		NENENE	8	20N	5W	LEWIS AND CLARK

Period of Diversion: MAY 15 TO SEPTEMBER 1

Diversion Means: HEADGATE

Period of Use: MAY 15 TO SEPTEMBER 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	22.46		NENE	10	20N	5W	LEWIS AND CLARK
2	17.80		NWNE	10	20N	5W	LEWIS AND CLARK
3	17.22		NENW	10	20N	5W	LEWIS AND CLARK
4	24.28		SENE	10	20N	5W	LEWIS AND CLARK
5	21.92		SWNE	10	20N	5W	LEWIS AND CLARK
6	10.12		SENW	10	20N	5W	LEWIS AND CLARK
7	3.05		SWNW	10	20N	5W	LEWIS AND CLARK
8	2.25		NWNW	11	20N	5W	LEWIS AND CLARK
9	24.27		SENE	11	20N	5W	LEWIS AND CLARK
10	5.48		SWNE	11	20N	5W	LEWIS AND CLARK
11	0.10		SENW	11	20N	5W	LEWIS AND CLARK
12	17.51		SWNW	11	20N	5W	LEWIS AND CLARK
13	1.09		NWSW	11	20N	5W	LEWIS AND CLARK

14	11.15	NESW	11	20N	5W	LEWIS AND CLARK
15	22.21	NWSE	11	20N	5W	LEWIS AND CLARK
16	25.00	NESE	11	20N	5W	LEWIS AND CLARK
17	0.10	SWNW	12	20N	5W	LEWIS AND CLARK
18	0.85	NWSW	12	20N	5W	LEWIS AND CLARK
Total:	<u>226.86</u>					

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 110670-00 STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: DECEMBER 31, 1880

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 2.50 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:** 320.97

Source Name: ELK CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS SUN RIVER, SOUTH FORK.

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		NWSESE	2	20N	6W	LEWIS AND CLARK

Period of Diversion: MAY 15 TO SEPTEMBER 1

Diversion Means: HEADGATE

Ditch Name: LYTLE-CLEMONS DITCH

Period of Use: MAY 15 TO SEPTEMBER 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	20.62		SENE	7	20N	5W	LEWIS AND CLARK
2	37.94		SWNE	7	20N	5W	LEWIS AND CLARK
3	37.32		SENE	7	20N	5W	LEWIS AND CLARK
4	31.05		NESE	7	20N	5W	LEWIS AND CLARK
5	33.73		NWSE	7	20N	5W	LEWIS AND CLARK
6	4.58		SESE	7	20N	5W	LEWIS AND CLARK
7	1.02		SWSE	7	20N	5W	LEWIS AND CLARK
8	15.20	2	SWNW	7	20N	5W	LEWIS AND CLARK
9	14.36		NESW	7	20N	5W	LEWIS AND CLARK
10	38.73		NWSW	8	20N	5W	LEWIS AND CLARK

11	32.11	NESW	8	20N	5W	LEWIS AND CLARK
12	1.45	NESE	8	20N	5W	LEWIS AND CLARK
13	3.71	NWSE	8	20N	5W	LEWIS AND CLARK
14	6.69	SWSW	8	20N	5W	LEWIS AND CLARK
15	10.46	SESW	8	20N	5W	LEWIS AND CLARK
16	16.02	SWSE	8	20N	5W	LEWIS AND CLARK
17	13.15	SESE	8	20N	5W	LEWIS AND CLARK
18	0.37	NWSW	9	20N	5W	LEWIS AND CLARK
19	2.46	SWSW	9	20N	5W	LEWIS AND CLARK
Total:	<u>320.97</u>					

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.

110669-00

110670-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 160362-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: DECEMBER 31, 1900

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: SUN 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		NWNESW	20	21N	6W	TETON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: FLOWEREE (HAMILTON) CANAL

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			S2SW	21	21N	6W	TETON
2			SE	20	21N	6W	TETON
3			N2	28	21N	6W	TETON
4			S2NWNW	27	21N	6W	TETON

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K

Water Right Number: 41K 183441-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: DECEMBER 31, 1891

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 SIMMS CREEK, NORTH FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			29	20N	4W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2			31	20N	4W	LEWIS AND CLARK
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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				29	20N	4W	LEWIS AND CLARK
2				31	20N	4W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 183443-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: DECEMBER 31, 1891

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 DRY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			24	20N	5W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2			25	20N	5W	LEWIS AND CLARK
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3		NE	36	20N	5W	LEWIS AND CLARK
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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</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				24	20N	5W	LEWIS AND CLARK
2				25	20N	5W	LEWIS AND CLARK
3			NE	36	20N	5W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 183444-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: DECEMBER 31, 1891

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 DRY 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		NW	15	20N	5W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		NWNE	15	20N	5W	LEWIS AND CLARK
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3		S2	15	20N	5W	LEWIS AND CLARK
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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			NW	15	20N	5W	LEWIS AND CLARK
2			NWNE	15	20N	5W	LEWIS AND CLARK
3			S2	15	20N	5W	LEWIS AND CLARK

Remarks:

IMPLIED CLAIM NO. 41K 216321-00 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 183447-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: DECEMBER 31, 1891

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 DRY 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	13	20N	5W	LEWIS AND CLARK

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			SW	13	20N	5W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**SUN RIVER
BASIN 41K**

Water Right Number: 41K 183448-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: DECEMBER 31, 1891

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 DRY 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		N2	13	20N	5W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		NESE	13	20N	5W	LEWIS AND CLARK
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2	13	20N	5W	LEWIS AND CLARK
2			NESE	13	20N	5W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 183451-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: DECEMBER 31, 1891

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 SIMMS CREEK, NORTH FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		E2	23	20N	4W	LEWIS AND CLARK
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		LIVESTOCK DIRECT FROM SOURCE				
2		W2SW	24	20N	4W	LEWIS AND CLARK
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		LIVESTOCK DIRECT FROM SOURCE				
3		W2NW	25	20N	4W	LEWIS AND CLARK
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</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			E2	23	20N	4W	LEWIS AND CLARK
2			W2SW	24	20N	4W	LEWIS AND CLARK
3			W2NW	25	20N	4W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 183452-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: DECEMBER 31, 1891

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 SIMMS CREEK, NORTH FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		N2	25	20N	4W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2	25	20N	4W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 187135-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: DECEMBER 31, 1915

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 200.00 GPM

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 SCHOOL SECTION COULEE

Source Type: GROUNDWATER

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	1	SWNE	5	20N	4W	TETON

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			NW	4	20N	4W	TETON

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 187137-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

***Priority Date:** APRIL 1, 1871

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: SUN 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		NESE	5	20N	3W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		NESW	5	20N	3W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		NWSE	5	20N	3W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		SENW	5	20N	3W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		SESE	5	20N	3W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		SWNW	5	20N	3W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					

Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
7	NESW	6	20N	3W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
8	NWSE	6	20N	3W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
9	SENE	6	20N	3W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
10	SWNE	6	20N	3W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
11	NESE	1	20N	4W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
12	NESW	1	20N	4W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
13	NWSE	1	20N	4W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
14	NWSW	1	20N	4W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
15	SENW	1	20N	4W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
16	SWNE	1	20N	4W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
17	SWNW	1	20N	4W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
18	NESE	2	20N	4W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
19	NESW	2	20N	4W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
20	NWSE	2	20N	4W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31				

Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
21	NWSW	2	20N	4W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
22	SENW	2	20N	4W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
23	SWNE	2	20N	4W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
24	NESE	3	20N	4W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
25	NWSE	3	20N	4W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
26	SESE	3	20N	4W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
27	SESW	3	20N	4W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
28	SWSE	3	20N	4W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
29	SWSW	3	20N	4W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
30	NESE	4	20N	4W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
31	NWSW	4	20N	4W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
32	SESE	4	20N	4W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
33	SESW	4	20N	4W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
34	SWSE	4	20N	4W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					

Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
35	SWSW	4	20N	4W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
36	NESE	5	20N	4W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
37	NESW	5	20N	4W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
38	NWSE	5	20N	4W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
39	NWSW	5	20N	4W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
40	SENW	5	20N	4W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
41	SWSW	5	20N	4W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
42	7	6	20N	4W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
43	NESE	6	20N	4W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
44	SESE	6	20N	4W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
45	SESW	6	20N	4W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
46	SWSE	6	20N	4W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
47	1	7	20N	4W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
48	NENE	7	20N	4W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					

Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
49	NENW	7	20N	4W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
50	NWNE	7	20N	4W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
51	NENE	9	20N	4W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
52	NWNE	9	20N	4W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
53	NENW	10	20N	4W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
54	NWNW	10	20N	4W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
55	NESE	1	20N	5W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
56	NWSE	1	20N	5W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
57	SESE	1	20N	5W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
58	SESW	1	20N	5W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
59	SWSE	1	20N	5W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
60	SESW	4	20N	5W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
61	SWSE	4	20N	5W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
62	SWSW	4	20N	5W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					

Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
63	SESE	5	20N	5W	TETON	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
64	NENE	8	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
65	NENW	8	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
66	NWNE	8	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
67	NWNW	8	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
68	NENE	9	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
69	NWNE	9	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
70	NWNW	9	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
71	NENE	10	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
72	NENW	10	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
73	NWNE	10	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
74	NWNW	10	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
75	NENE	11	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
76	NESW	11	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					

Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
77	NWNE	11	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
78	NWNW	11	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
79	NWSE	11	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
80	SENW	11	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
81	SWNE	11	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
82	SWNW	11	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
83	NENW	12	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
84	NWNW	12	20N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
85	4	31	21N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
86	SESW	31	21N	5W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
87	NESW	25	21N	6W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
88	NWSW	25	21N	6W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
89	SESW	25	21N	6W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
90	SWSE	25	21N	6W	LEWIS AND CLARK	
Period of Diversion:	JANUARY 1 TO DECEMBER 31					

Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
91	NENW	26	21N	6W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
92	NESE	26	21N	6W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
93	NWNW	26	21N	6W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
94	NWSE	26	21N	6W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
95	NWSW	26	21N	6W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
96	SENW	26	21N	6W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
97	SESE	26	21N	6W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
98	SESW	26	21N	6W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
99	SWNW	26	21N	6W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
100	SWSE	26	21N	6W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
101	SWSW	26	21N	6W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
102	NENE	27	21N	6W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
103	NENW	27	21N	6W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
104	NWNE	27	21N	6W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31				

Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 105 SENW 27 21N 6W LEWIS AND CLARK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 106 SWNE 27 21N 6W LEWIS AND CLARK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 107 SWNW 27 21N 6W LEWIS AND CLARK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 108 NENW 28 21N 6W LEWIS AND CLARK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 109 NWNE 28 21N 6W LEWIS AND CLARK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 110 NWNW 28 21N 6W LEWIS AND CLARK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 111 SENE 28 21N 6W LEWIS AND CLARK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 112 SWNE 28 21N 6W LEWIS AND CLARK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE

THE BORDER BETWEEN TETON AND LEWIS AND CLARK COUNTY IS THE SUN RIVER. THE CLAIMANT'S LIVESTOCK ACCESS THE SUN RIVER FOR STOCKWATER ON BOTH SIDES OF THE SUN RIVER. THEREFORE, MOST OF THE POD AND POU S IDENTIFIED ON 41K 187137-00 ARE WITHIN BOTH LEWIS & CLARK AND TETON COUNTIES.

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	5	20N	3W	TETON
2			NESW	5	20N	3W	TETON
3			NWSE	5	20N	3W	TETON
4			SENE	5	20N	3W	TETON
5			SESE	5	20N	3W	TETON
6			SWNW	5	20N	3W	TETON
7			NESW	6	20N	3W	TETON
8			NWSE	6	20N	3W	TETON
9			SENE	6	20N	3W	TETON
10			SWNE	6	20N	3W	TETON
11			NESE	1	20N	4W	TETON
12			NESW	1	20N	4W	TETON

13		NWSE	1	20N	4W	TETON
14		NWSW	1	20N	4W	TETON
15		SEW	1	20N	4W	LEWIS AND CLARK
16		SWNE	1	20N	4W	TETON
17		SWNW	1	20N	4W	TETON
18		NESE	2	20N	4W	LEWIS AND CLARK
19		NESW	2	20N	4W	TETON
20		NWSE	2	20N	4W	LEWIS AND CLARK
21		NWSW	2	20N	4W	TETON
22		SEW	2	20N	4W	LEWIS AND CLARK
23		SWNE	2	20N	4W	TETON
24		NESE	3	20N	4W	TETON
25		NWSE	3	20N	4W	LEWIS AND CLARK
26		SESE	3	20N	4W	LEWIS AND CLARK
27		SESW	3	20N	4W	LEWIS AND CLARK
28		SWSE	3	20N	4W	LEWIS AND CLARK
29		SWSW	3	20N	4W	LEWIS AND CLARK
30		NESE	4	20N	4W	TETON
31		NWSW	4	20N	4W	TETON
32		SESE	4	20N	4W	TETON
33		SESW	4	20N	4W	TETON
34		SWSE	4	20N	4W	TETON
35		SWSW	4	20N	4W	TETON
36		NESE	5	20N	4W	LEWIS AND CLARK
37		NESW	5	20N	4W	LEWIS AND CLARK
38		NWSE	5	20N	4W	LEWIS AND CLARK
39		NWSW	5	20N	4W	TETON
40		SEW	5	20N	4W	TETON
41		SWSW	5	20N	4W	LEWIS AND CLARK
42	7		6	20N	4W	TETON
43		NESE	6	20N	4W	TETON
44		SESE	6	20N	4W	TETON
45		SESW	6	20N	4W	TETON
46		SWSE	6	20N	4W	TETON
47	1		7	20N	4W	LEWIS AND CLARK
48		NENE	7	20N	4W	LEWIS AND CLARK
49		NENW	7	20N	4W	LEWIS AND CLARK
50		NWNE	7	20N	4W	LEWIS AND CLARK
51		NENE	9	20N	4W	LEWIS AND CLARK
52		NWNE	9	20N	4W	LEWIS AND CLARK
53		NENW	10	20N	4W	LEWIS AND CLARK
54		NWNW	10	20N	4W	LEWIS AND CLARK
55		NESE	1	20N	5W	TETON
56		NWSE	1	20N	5W	TETON
57		SESE	1	20N	5W	TETON
58		SESW	1	20N	5W	TETON
59		SWSE	1	20N	5W	TETON

60	SESW	4	20N	5W	TETON
61	SWSE	4	20N	5W	TETON
62	SWSW	4	20N	5W	TETON
63	SESE	5	20N	5W	TETON
64	NENE	8	20N	5W	LEWIS AND CLARK
65	NENW	8	20N	5W	LEWIS AND CLARK
66	NWNE	8	20N	5W	LEWIS AND CLARK
67	NWNW	8	20N	5W	LEWIS AND CLARK
68	NENE	9	20N	5W	LEWIS AND CLARK
69	NWNE	9	20N	5W	LEWIS AND CLARK
70	NWNW	9	20N	5W	LEWIS AND CLARK
71	NENE	10	20N	5W	LEWIS AND CLARK
72	NENW	10	20N	5W	LEWIS AND CLARK
73	NWNE	10	20N	5W	LEWIS AND CLARK
74	NWNW	10	20N	5W	LEWIS AND CLARK
75	NENE	11	20N	5W	LEWIS AND CLARK
76	NESW	11	20N	5W	LEWIS AND CLARK
77	NWNE	11	20N	5W	LEWIS AND CLARK
78	NWNW	11	20N	5W	LEWIS AND CLARK
79	NWSE	11	20N	5W	LEWIS AND CLARK
80	SESW	11	20N	5W	LEWIS AND CLARK
81	SWNE	11	20N	5W	LEWIS AND CLARK
82	SWNW	11	20N	5W	LEWIS AND CLARK
83	NENW	12	20N	5W	LEWIS AND CLARK
84	NWNW	12	20N	5W	LEWIS AND CLARK
85		31	21N	5W	LEWIS AND CLARK
86	SESW	31	21N	5W	LEWIS AND CLARK
87	NESW	25	21N	6W	LEWIS AND CLARK
88	NWSW	25	21N	6W	LEWIS AND CLARK
89	SESW	25	21N	6W	LEWIS AND CLARK
90	SWSE	25	21N	6W	LEWIS AND CLARK
91	NENW	26	21N	6W	LEWIS AND CLARK
92	NESE	26	21N	6W	LEWIS AND CLARK
93	NWNW	26	21N	6W	LEWIS AND CLARK
94	NWSE	26	21N	6W	LEWIS AND CLARK
95	NWSW	26	21N	6W	LEWIS AND CLARK
96	SESW	26	21N	6W	LEWIS AND CLARK
97	SESE	26	21N	6W	LEWIS AND CLARK
98	SESW	26	21N	6W	LEWIS AND CLARK
99	SWNW	26	21N	6W	LEWIS AND CLARK
100	SWSE	26	21N	6W	LEWIS AND CLARK
101	SWSW	26	21N	6W	LEWIS AND CLARK
102	NENE	27	21N	6W	LEWIS AND CLARK
103	NENW	27	21N	6W	LEWIS AND CLARK
104	NWNE	27	21N	6W	LEWIS AND CLARK
105	SESW	27	21N	6W	LEWIS AND CLARK
106	SWNE	27	21N	6W	LEWIS AND CLARK

107	SWNW	27	21N	6W	LEWIS AND CLARK
108	NENW	28	21N	6W	LEWIS AND CLARK
109	NWNE	28	21N	6W	LEWIS AND CLARK
110	NWNW	28	21N	6W	LEWIS AND CLARK
111	SENE	28	21N	6W	LEWIS AND CLARK
112	SWNE	28	21N	6W	LEWIS AND CLARK

Remarks:

THE IMPLIED CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM. 41K 30103792, 41K 30103793, AND 41K 30103808.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K

Water Right Number: 41K 187139-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: DECEMBER 31, 1891

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 BIG COULEE

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		NESE	23	21N	4W	TETON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		W2NWSW	24	21N	4W	TETON
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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			NESE	23	21N	4W	TETON
2			W2NWSW	24	21N	4W	TETON

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 187141-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

Priority Date: DECEMBER 31, 1891

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: ELBOW COULEE

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		SENE	20	21N	4W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		S2N2	21	21N	4W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		E2SE	21	21N	4W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		SWSE	21	21N	4W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		NWNE	28	21N	4W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		NENW	28	21N	4W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					

Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 7 S2NW 28 21N 4W TETON
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 8 W2SW 28 21N 4W TETON
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 9 E2SE 29 21N 4W TETON
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 10 NENE 32 21N 4W TETON
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 11 W2NE 32 21N 4W TETON
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 12 E2NW 32 21N 4W TETON
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 13 SW 32 21N 4W TETON
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			SENE	20	21N	4W	TETON
2			S2N2	21	21N	4W	TETON
3			E2SE	21	21N	4W	TETON
4			SWSE	21	21N	4W	TETON
5			NWNE	28	21N	4W	TETON
6			NENW	28	21N	4W	TETON
7			S2NW	28	21N	4W	TETON
8			W2SW	28	21N	4W	TETON
9			E2SE	29	21N	4W	TETON
10			NENE	32	21N	4W	TETON
11			W2NE	32	21N	4W	TETON
12			E2NW	32	21N	4W	TETON
13			SW	32	21N	4W	TETON

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 30103792 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

***Priority Date:** JANUARY 16, 1900

***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 STOCKWATERING 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:** SUN 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		NWNESW	20	21N	6W	TETON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DITCH

Ditch Name: FLOWEREE (HAMILTON) CANAL

***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		3		5	20N	4W	TETON
2		4		5	20N	4W	TETON
3		1		6	20N	4W	TETON
4		2		6	20N	4W	TETON
5		3		6	20N	4W	TETON
6		4		6	20N	4W	TETON
7		1		1	20N	5W	TETON
8		2		1	20N	5W	TETON
9		3		1	20N	5W	TETON
10		4		1	20N	5W	TETON
11			NESW	1	20N	5W	TETON
12			NWSE	1	20N	5W	TETON

13		NWSW	1	20N	5W	TETON
14	1		2	20N	5W	TETON
15	2		2	20N	5W	TETON
16	3		2	20N	5W	TETON
17	4		2	20N	5W	TETON
18		NESE	2	20N	5W	TETON
19		NESW	2	20N	5W	TETON
20		NWSE	2	20N	5W	TETON
21		NWSW	2	20N	5W	TETON
22		SWNW	2	20N	5W	TETON
23		SWSW	2	20N	5W	TETON
24	2		3	20N	5W	TETON
25	3		3	20N	5W	TETON
26	4		3	20N	5W	TETON
27		SENE	3	20N	5W	TETON
28		SENW	3	20N	5W	TETON
29		SWNE	3	20N	5W	TETON
30		SWNW	3	20N	5W	TETON
31	1		4	20N	5W	TETON
32	4		4	20N	5W	TETON
33		NESW	4	20N	5W	TETON
34		NWSE	4	20N	5W	TETON
35		NWSW	4	20N	5W	TETON
36		SENE	4	20N	5W	TETON
37		SWNE	4	20N	5W	TETON
38		SWNW	4	20N	5W	TETON
39	4		5	20N	5W	TETON
40		NESW	5	20N	5W	TETON
41		SENW	5	20N	5W	TETON
42		SESW	5	20N	5W	TETON
43		SWNW	5	20N	5W	TETON
44		NWNW	11	20N	5W	TETON
45		SENE	13	21N	3W	TETON
46		SENW	13	21N	3W	TETON
47		SWNE	13	21N	3W	TETON
48		SWNW	13	21N	3W	TETON
49		NENW	14	21N	3W	TETON
50		NWNE	14	21N	3W	TETON
51		NWNW	14	21N	3W	TETON
52		SENE	14	21N	3W	TETON
53		SENW	14	21N	3W	TETON
54		SWNE	14	21N	3W	TETON
55		SWNW	14	21N	3W	TETON
56		NENE	15	21N	3W	TETON
57		SENE	15	21N	3W	TETON
58		SENW	15	21N	3W	TETON
59		SWNE	15	21N	3W	TETON

60		SWNW	15	21N	3W	TETON
61		NESW	16	21N	3W	TETON
62		NWSW	16	21N	3W	TETON
63		NESE	17	21N	3W	TETON
64		SESE	17	21N	3W	TETON
65		SWSE	17	21N	3W	TETON
66	4		18	21N	3W	TETON
67		SESE	18	21N	3W	TETON
68		SESW	18	21N	3W	TETON
69		SWSE	18	21N	3W	TETON
70	1		19	21N	3W	TETON
71	3		19	21N	3W	TETON
72	4		19	21N	3W	TETON
73		NENE	19	21N	3W	TETON
74		NENW	19	21N	3W	TETON
75		NESE	19	21N	3W	TETON
76		NESW	19	21N	3W	TETON
77		NWSE	19	21N	3W	TETON
78		SENE	19	21N	3W	TETON
79		SENW	19	21N	3W	TETON
80		SWNE	19	21N	3W	TETON
81		NENW	20	21N	3W	TETON
82		NWNE	20	21N	3W	TETON
83		NWNW	20	21N	3W	TETON
84		SESE	13	21N	4W	TETON
85		SWSE	13	21N	4W	TETON
86		SESE	20	21N	4W	TETON
87		NESE	21	21N	4W	TETON
88		SENE	21	21N	4W	TETON
89		SESE	21	21N	4W	TETON
90		SESW	21	21N	4W	TETON
91		SWNE	21	21N	4W	TETON
92		SWSE	21	21N	4W	TETON
93		SWSW	21	21N	4W	TETON
94		SESE	22	21N	4W	TETON
95		SESW	22	21N	4W	TETON
96		SWSE	22	21N	4W	TETON
97		SWSW	22	21N	4W	TETON
98		NENE	23	21N	4W	TETON
99		NESE	23	21N	4W	TETON
100		NESW	23	21N	4W	TETON
101		NWSE	23	21N	4W	TETON
102		SENE	23	21N	4W	TETON
103		SESE	23	21N	4W	TETON
104		SESW	23	21N	4W	TETON
105		SWNE	23	21N	4W	TETON
106		SWSE	23	21N	4W	TETON

107		SWSW	23	21N	4W	TETON
108		NENE	24	21N	4W	TETON
109		NENW	24	21N	4W	TETON
110		NESE	24	21N	4W	TETON
111		NESW	24	21N	4W	TETON
112		NWNE	24	21N	4W	TETON
113		NWNW	24	21N	4W	TETON
114		NWSE	24	21N	4W	TETON
115		NWSW	24	21N	4W	TETON
116		SESE	24	21N	4W	TETON
117		SWSW	24	21N	4W	TETON
118		NWNW	26	21N	4W	TETON
119		NENE	27	21N	4W	TETON
120		NENW	28	21N	4W	TETON
121		NENE	29	21N	4W	TETON
122		NENW	29	21N	4W	TETON
123		NWNE	29	21N	4W	TETON
124		NWNW	29	21N	4W	TETON
125	2		30	21N	4W	TETON
126		NENE	30	21N	4W	TETON
127		NENW	30	21N	4W	TETON
128		NWNE	30	21N	4W	TETON
129		SENE	30	21N	4W	TETON
130		SWNE	30	21N	4W	TETON
131		SENE	25	21N	5W	TETON
132		SENE	25	21N	5W	TETON
133		SWNE	25	21N	5W	TETON
134		SWNW	25	21N	5W	TETON
135		SENE	26	21N	5W	TETON
136		SENE	26	21N	5W	TETON
137		SWNE	26	21N	5W	TETON
138		SWNW	26	21N	5W	TETON
139		NESE	27	21N	5W	TETON
140		NESW	27	21N	5W	TETON
141		NWSE	27	21N	5W	TETON
142		SESE	27	21N	5W	TETON
143		SESW	27	21N	5W	TETON
144		SWSE	27	21N	5W	TETON
145	4		30	21N	5W	TETON
146		SESW	30	21N	5W	TETON
147		SWSE	30	21N	5W	TETON
148	1		31	21N	5W	TETON
149		NENE	31	21N	5W	TETON
150		NENW	31	21N	5W	TETON
151		NWNE	31	21N	5W	TETON
152		NWSE	31	21N	5W	TETON
153		SENE	31	21N	5W	TETON

154	SESE	31	21N	5W	TETON
155	SWNE	31	21N	5W	TETON
156	SWSE	31	21N	5W	TETON
157	NESE	32	21N	5W	TETON
158	SENE	32	21N	5W	TETON
159	SESW	32	21N	5W	TETON
160	SWNE	32	21N	5W	TETON
161	SWNW	32	21N	5W	TETON
162	SWSW	32	21N	5W	TETON
163	NENE	33	21N	5W	TETON
164	NWSE	33	21N	5W	TETON
165	NWSW	33	21N	5W	TETON
166	SENE	33	21N	5W	TETON
167	SENE	33	21N	5W	TETON
168	SESE	33	21N	5W	TETON
169	SESW	33	21N	5W	TETON
170	SWNE	33	21N	5W	TETON
171	SWNW	33	21N	5W	TETON
172	SWSE	33	21N	5W	TETON
173	SWSW	33	21N	5W	TETON
174	NENW	34	21N	5W	TETON
175	NWNW	34	21N	5W	TETON
176	SESE	34	21N	5W	TETON
177	SWSW	34	21N	5W	TETON
178	SWSW	35	21N	5W	TETON
179	NESE	20	21N	6W	TETON
180	NWSE	20	21N	6W	TETON
181	SWSW	21	21N	6W	TETON
182	NENW	25	21N	6W	TETON
183	NESE	25	21N	6W	TETON
184	NESW	25	21N	6W	TETON
185	NWNW	25	21N	6W	TETON
186	NWSE	25	21N	6W	TETON
187	SENE	25	21N	6W	TETON
188	SESE	25	21N	6W	TETON
189	NENE	26	21N	6W	TETON
190	NENW	26	21N	6W	TETON
191	NWNE	26	21N	6W	TETON
192	SENE	26	21N	6W	TETON
193	NENW	27	21N	6W	TETON
194	NWNE	27	21N	6W	TETON
195	NWNW	27	21N	6W	TETON
196	NENE	28	21N	6W	TETON
197	NENW	28	21N	6W	TETON
198	NWNE	28	21N	6W	TETON
199	SENE	28	21N	6W	TETON
200	SWNE	28	21N	6W	TETON

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41K 187137-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**SUN RIVER
BASIN 41K**

Water Right Number: 41K 30103808 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROKEN O LAND & LIVESTOCK LLC
%DMS NATURAL RESOURCES LLC
602 S FERGUSON AVE STE 2
BOZEMAN, MT 59718-6483

***Priority Date:** APRIL 1, 1871

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

***Source Name:** SUN 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		NENWSW	2	20N	4W	TETON

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

Diversion Means: DITCH

Ditch Name: GARDEN DITCH

***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			SENW	5	20N	3W	TETON
2			SWNW	5	20N	3W	TETON
3		5		6	20N	3W	TETON
4			SENE	6	20N	3W	TETON
5			SENW	6	20N	3W	TETON
6			SWNE	6	20N	3W	TETON
7			SENE	1	20N	4W	TETON
8			SENW	1	20N	4W	TETON
9			SWNE	1	20N	4W	TETON
10			SWNW	1	20N	4W	TETON
11			SENE	2	20N	4W	TETON
12			SENW	2	20N	4W	TETON
13			SWNE	2	20N	4W	TETON

14

SWNW 2 20N 4W TETON

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41K 187137-00.