FILE D 03/26/2024 Sara Calkins CLERK Montana Water Court STATE OF MONTANA By: <u>D'Ann CIGLER</u> 41H-0079-R-2022 Brown, Stephen R 4.00

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

#### IN THE WATER COURT OF THE STATE OF MONTANA UPPER MISSOURI DIVISION GALLATIN RIVER BASIN (41H) PRELIMINARY DECREE

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

CLAIMANTS: Michael P. Kelly; Myla L. Kelly; Carol J. Roehm; Richard R. Roehm Jr.; Barbara J. Madigan; Russell W. Madigan; Michael P. Lavery; Clayton B. Marlow; Lynn F. Marlow; Robert & Barbara Eckstein Revocable Family Trust; Carly J. Urban; Charles J. Kraft; Holm Revocable Trust; Hodgeman Homestead LLC; Sig & Donna Dehn Living Trust; Daniel N. & Ernestine T. March Living Trust; Hanton Revocable Family Trust; Davis Bos

- OBJECTORS: United States of America, Department of Agriculture-Forest Service
- NOTICE OF INTENT TO APPEAR: David Bos; Marilyn H. Bos

#### CASE 41H-0079-R-2022

41H 7614-00 41H 28032-00 41H 36768-00 41H 103602-00 41H 113238-00 41H 113238-00 41H 1122621-00 41H 122624-00 41H 122624-00 41H 122628-00 41H 138833-00 41H 138838-00 41H 139898-00 41H 150740-00

#### **CLOSING ORDER**

The Water Court included the claims in this case in the Preliminary Decree for the Gallatin River Basin (Basin 41H). The claims received Montana Department of Natural Resources and Conservation ("DNRC") issue remarks identifying potential issues with the claims. The United States Department of Agriculture, Forest Service ("United States") objected to all the claims. David H. Bos and Marilyn Bos ("Bos") filed notices of intent

to appear ("NOIA"). To address the issue remarks, objections, and NOIAs, the Water Court consolidated the claims into Water Court Case 41H-0079-R-2022.

#### DISCUSSION

#### 1. Decree Exceeded Issue Remarks

The Basin 41H Preliminary Decree describes each claim in this case as a "decreed" right because each claim is based on a portion of a 100 miner's inch water right with a June 30, 1868 priority date decreed by the district court to John P. Henry and Henry Hodgman in *Middle Creek Ditch Company v. John H. Henry*, Case No. 1772, Gallatin County. When the DNRC examined the claims, it concluded the sum of the flow rates of the claims exceeds 100 miner's inches. As a result, the preliminary decree abstract for each claim included the following "decree exceeded" issue remark:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 100 MINER'S INCHES DECREED IN CASE NO. 1772, GALLATIN COUNTY. 41H 7614-00, 41H 28032-00, 41H 36768-00, 41H 103602-00, 41H 113238-00, 41H 115653-00, 41H 122621-00, 41H 122624-00, 41H 122626-00, 41H 122628-00, 41H 138833-00, 41H 138835-00, 41H 138838-00, 41H 139898-00, 41H 150740-00.

The Water Court previously addressed the decree exceeded remark on these claims in proceedings that followed issuance of the Basin 41H temporary preliminary decree ("TPD"). In case 41H-100, the Court approved a master's report on March 6, 1991, that identified these same claims and allocated a portion of the decree right to the various claims, with the total allocation being equivalent to 100 miner's inches.

The Court determined that the United States' objection did not identify anything that calls into question the findings and conclusions approved by the Court in case 41H-100. Consequently, the Court required the United States to state why the order issued in case 41H-100 and the multiple use remarks on the companion stock water claims does not resolve its objections.

On February 29, 2024, the United States filed a response, indicating that its objections are resolved if multiple use remarks remain on the claims that were decreed

with those remarks. No one filed any response taking a position different than the United States.

The following table shows the flow rate decreed in the preliminary decree for each claim in gallons per minute ("gpm"), and the amount determined by the Court in case 41H-100, either in gpm, miner's inches ("MI"), or in cubic feet per second ("cfs"):

Owner	Claim	Use	Case	Preliminary	Multiple
			41H-100	decree	use
				(gpm)	remark
Kelly	41H 7614-00	Domestic	22.44	22.44	No
5			gpm		
Roehm	41H 28032-00	Irrigation	12.22	12.22	Yes
		U	gpm		
Madigan	41H 36768-00	Irrigation	56.10	56.10	No
C		U	gpm		
Lavery; Marlow;	41H 103602-00	Irrigation	25.21	25.21	Yes
Urban; Eckstein		U U	gpm		
Family Trust			C1		
Kraft	41H 113238-00	Irrigation	0.63 cfs	282.74	Yes
Holm Revocable	41H 115653-00	Irrigation	89.76	89.76	No
Trust			gpm		
Hodgeman	41H 122621-00	Irrigation	23.04	23.04	Yes
Homestead LLC		C	gpm		
Sig Living Trust	41H 122624-00	Irrigation	7.76 gpm	7.76	Yes
Sig Living Trust	41H 122626-00	Stock			Yes
Hodgeman	41H 122628-00	Stock			Yes
Homestead LLC					
Ernestine Living	41H 138833-00	Irrigation	19.26	19.26 <sup>1</sup>	Yes
Trust		C	gpm		
Ernestine Living	41H 138835-00	Stock		NA	Yes
Trust					
Ernestine Living	41H 138838-00	Domestic	19.26	19.26	Yes
Trust			gpm		
Hanton Revocable	41H 139898-00	Irrigation	19.26	24.70	Yes
Family Trust			gpm		
Bos	41H 150740-00	Irrigation	50 MI	1.25 cfs	Yes
				(561.04	
				gpm)	
Total				1,124.27	

<sup>&</sup>lt;sup>1</sup> Claims 41H 138833-00 and 138838-00 are multiple uses of the same right, so a flow rate of 19.26 gpm is only tabulated in the total once.

The last column in the table shows the claims that currently have multiple use remarks. The term "multiple use" means "the same appropriation used for more than one purpose by a single owner." Rule 2(a)(42), W.R.C.E.R. A multiple use remark is intended to limit a water right that is being used for multiple purposes (such as irrigation and stock water) to alternate uses so long as the amount of water used does not exceed the historical use and what previously was decreed.

The claims that have multiple use remarks in this case represent irrigation and stock use of a singular water right, except for claims 41H 138833-00 and 41H 138838-00. Stock claims do not receive a numeric flow rate to be tabulated as a portion of the 100 miner's inches, so the Court did not make any conclusions about the stock claims in case 41H-100.

Claims 41H 138833-00 and 41H 138838-00 are irrigation and domestic claims representing a single water right with a flow rate of 19.26 gpm. The preliminary decree abstracts for both claims reflect a flow rate of 19.26 gpm. Because these claims are multiple uses of one another, the Court in case 41H-100 specifically placed a multiple use remark on the claims so that the flow rate of 19.26 gpm is only accounted for once in the sum of the claims that claim a portion of the 100 miner's inches decree to Henry and Hodgman. It appears that the DNRC accounted for a flow rate of 19.26 gpm twice which led to the placement of the decree exceeded issue remarks.

The multiple use remarks already placed on the claims resolve the decree exceeded issue remarks and the United States' objections without the need to modify further the flow rate elements of any claim from what was already done in case 41H-100. The sum of the flow rates, with the multiple use limitation, and as converted to gallons per minute, is approximately the district court decreed amount of 100 miner's inches.

2. Point of Diversion Issue Remarks

Some of the claims also received incorrect point of diversion issue remarks. Claims 41H 7614-00 (Kelly), 41H 28032-00 (Roehm), 41H 36768-00 (Madigan), and 41H 138838-00 (March) received the following issue remark:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE NENENW SEC 23 TWP 3S RGE 5E GALLATIN COUNTY.

The Court set a deadline for the owners of water to provide evidence as to why the legal description of the point of diversion for the claims should not be modified to the description stated in the remark. If nothing was filed by the deadline, the Court advised that it would conclude the point of diversion should be modified to the description listed in the remark.

Claim 41H 150740-00 also received the following issue remark:

# THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE SWSENW SEC 14 TWP 3S RGE 5E GALLATIN COUNTY.

The Court advised that it appears the issue remark was placed in error because the Court previously corrected the point of diversion in case 41H-A14 in 2018. The Court set a deadline for Bos to confirm the decreed point of diversion for claim 41H 150740-00 is accurate.

Claimants Kelly, Roehm, Madigan, and March did not respond to the Court's deadline, so the Court will update the point of diversion legal land description for their claims to the description provided in the issue remark. On February 29, 2024, Bos filed a Status Report, agreeing that the proper legal land description for the point of diversion of water right claim is accurate as decreed, and the issue remark should be removed from the claim.

#### 3. Means of Diversion Issue Remarks

Claims 41H 7614-00 and 41H 36768-00 received the following issue remark questioning the means of diversion:

# THE MEANS OF DIVERSION APPEARS TO BE INCORRECT. THE MEANS OF DIVERSION APPEARS TO BE A HEADGATE.

The two claims have the same point of diversion in the NENENW of Section 23, T3S, R5E, Gallatin County for the Flander Millpond Ditch. Claims 41H 28032-00, 41H 115653-00, 41H 122621-00, 41H 122624-00, 41H 122626-00, 41H 122628-00, 41H 138833-00, 41H 138835-00, 41H 138838-00, and 41H 139898-00 also share that point of diversion but claim the means of diversion as a headgate. A comparison of the

preliminary decree abstracts and the claim files for these claims show that the correct means of diversion in the NENENW of Section 23 is a headgate, not a ditch.

*4 Generic Point of Diversion Issue Remark* 

Claims 41H 103602-00, 41H 113238-00, 41H 115653-00, 41H 122621-00, 41H 122624-00, 41H 122626-00, 41H 122628-00, 41H 138833-00, 41H 138835-00, and 41H 139898-00 received the following issue remark:

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

No one filed objections to any claim specifically based on this remark. The United States filed the only objection that could potentially implicate the remark, so the Court provided the United States the opportunity to state whether its objections implicate this remark. The United States did not identify any issues in its response, so the remark can be removed.

## ORDER

Therefore, based on the foregoing, it is ORDERED that the claims are modified as provided in this Order, with all issue remarks removed and all objections DISMISSED as resolved. This Order closes the case.

This Order includes post-decree abstracts of all the claims to confirm the modifications to the claims are made in the State's centralized water rights record system.

# ELECTRONICALLY SIGNED AND DATED BELOW.

#### Service via USPS Mail:

Sig & Donna Dehn Living Trust Sig & Donna Dehn, Trustees 50 Hodgeman Canyon Dr Bozeman, MT 59718-9527

Hanton Revocable Family Trust 414 Hodgeman Canyon Dr Bozeman, MT 59718

Hodgeman Homestead LLC 1105 S Tracy Ave Bozeman, MT 59715-5331

Holm Revocable Trust % Roger D. & Patricia H. Holm, Trustees 3300 E Graf St Unit 65 Bozeman, MT 59715-7196

Michael P. Kelly Myla L. Kelly 264 E Hodgeman Rd Bozeman, MT 59718

J. Charles Kraft 7777 S 19th Bozeman, MT 59718 Michael P. Lavery Carly J. Urban 475 Hodgeman Canyon Dr Bozeman, MT 59718-7321

Barbara J. Madigan Russell W. Madigan 257 E Hodgeman Rd Bozeman, MT 59718-8427

Daniel N. & Ernestine T. March Living Trust 220 Hodgeman Canyon Dr Bozeman, MT 59718-7319

Clayton B. Marlow Lynn F. Marlow 277 Hodgeman Canyon Dr Bozeman, MT 59718

Robert & Barbara Eckstein Rev Family Trust Robert & Barbara Eckstein, Trustees 145 Hodgeman Canyon Dr Bozeman, MT 59718-7318

Carol J. Roehm Richard R. Roehm Jr. 31 Hodgeman Canyon Dr Bozeman, MT 59718

#### Service Via Electronic Mail:

Ryan K. Mattick Jeremy A. Michael Cusick Favre Mattick & Refling PC PO Box 1288 Bozeman, MT 59771-1288 406-587-5511 W office@cmrlawmt.com Romney S. Philpott DOJ-ENRD 999 18<sup>th</sup> Street, South Terrace Suite 370 Denver, CO 80202 (303) 844-1810 <u>Romney.Philpott@usdoj.gov</u> <u>MontanaBasins.ENRD@USDOJ.GOV</u>

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# GALLATIN RIVER BASIN 41H

Water Right Number:	41H 76	14-00 ST	ATEMENT OF	- CLAII	N				
	Version:	3 PC	OST DECREE						
		Status	ACTIVE						
Owners:	264 E H	MICHAEL P KELLY 264 E HODGEMAN RD BOZEMAN, MT 59718							
	264 HO	MYLA L KELLY 264 HODGEMAN RD BOZEMAN, MT 59718							
Priority Date:	JUNE 3	JUNE 30, 1868							
Type of Historical Right:	DECRE	DECREED							
Purpose (Use):	DOMES	DOMESTIC							
*Flow Rate:	22.44 G	22.44 GPM							
Volume:	2.00 AC	2.00 AC-FT							
Households:	1	1							
Maximum Acres:	0.50	0.50							
Source Name:	HYALIT	HYALITE CREEK							
Source Type:	SU	RFACE WA	TER						
Point of Diversion and M	leans of Divers	ion:							
ID	<u>Govt</u>	Lot	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>		
1 Deviad of Diversions			NENENW	23	3S	5E	GALLATIN		
Period of Diversion: Diversion Means:			CEMBER 31						
	-								
Subdivision: Ditch Name:	-	ASPEN HEIGHTS TRACT/LOT: 005							
Period of Use:		FLANDERS MILLPOND DITCH JANUARY 1 TO DECEMBER 31							
	JANUAr	KT TO DE	CEIVIDER 31						
Place of Use:	A amon C and	T of	Otr See	Can	Т	Dee	Corretor		
<u>ID</u> <u>/</u>	<u>Acres Govt</u> 0.50	LOL	<u>Qtr Sec</u> SWNESE	<u>Sec</u> 11	<u>Twp</u> 3S	<u>Rge</u> 5E	<u>County</u> GALLATIN		
Subdivision:		HEIGHTS	TRACT/LOT						
Total:	0.50								

# GALLATIN RIVER BASIN 41H

Water Right Number:		41H 28032-00	) STA	TEMENT	OF CLA	IM		
		Version: 4	POS	T DECRE	E			
		S	tatus:	ACTIVE	Ξ			
Owners:		CAROL J ROE 31 HODGEMA BOZEMAN, M	N CAN					
		RICHARD R R 31 HODGEMA BOZEMAN, M	N CAN	YON DR				
Priority Date:		JUNE 30, 186	3					
Type of Historical Right	t <b>:</b>	DECREED						
Purpose (Use):		IRRIGATION						
Irrigation Type:		SPRINKLER						
Flow Rate:		12.22 GPM						
*Volume:		THE TOTAL V TO HISTORIC					SHALL	NOT EXCEED THE AMOUNT PUT
Climatic Area:		4 - MODERAT	ELY LC	W0				
Maximum Acres:		4.29						
Source Name:		HYALITE CRE	ΕK					
Source Type:		SURFAC	E WATE	ER				
*Point of Diversion and N	<b>Aeans</b>	of Diversion:						
ID		<u>Govt Lot</u>		<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1					23	3S	5E	GALLATIN
Period of Diversion:		APRIL 15 TO	NOVEN	IBER 15				
Diversion Means:		HEADGATE						
Subdivision: Ditch Name:		HODGEMAN (			1			
Period of Use:		APRIL 15 TO I	-	-	1			
Period of Use: Place of Use:		AFRIL 15 TO I	NUVEIV	IDER 13				
	Aoros	<u>Govt Lot</u>		Otr Soo	See	Tum	Dao	<u>County</u>
<u>1</u>	<u>Acres</u> 2.18		N	<u>Qtr Sec</u> ENWSE	<u>Sec</u> 11	<u>Twp</u> 3S	<u>Rge</u> 5E	GALLATIN
Subdivision:		HODGEMAN						
2	2.11		N١	WNWSE	11	3S	5E	GALLATIN
Subdivision:		HODGEMAN	CANYO	N SUBD	TRACT	/LOT: 00	4 BLO	CK: 001
Total:	4.29	-						

**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.

28031-00 28032-00 28033-00 210922-00

# GALLATIN RIVER BASIN 41H

Water Right Number:		41H 36768-0	0 ST.	ATEMENT (	OF CLA	IM		
		Version:	3 PO	ST DECRE	Ξ			
		5	Status:	ACTIVE				
Owners:		BARBARA J 257 E HODG BOZEMAN, N	EMAN	RD				
		RUSSELL W 257 E HODG BOZEMAN, N	EMAN	RD				
*Priority Date:		JUNE 30, 186	88					
Type of Historical Right:	:	DECREED						
Purpose (Use):		IRRIGATION						
Irrigation Type:		SPRINKLER						
*Flow Rate:		56.10 GPM						
*Volume:		THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.						
Climatic Area:		4 - MODERATELY LOW						
Maximum Acres:		4.00						
*Source Name:		HYALITE CR	EEK					
Source Type:		SURFAC	E WA	ΓER				
*Point of Diversion and M	leans o	of Diversion:						
<u>ID</u> 1		<u>Govt Lot</u>	1	<u>Qtr Sec</u> NENENW	<u>Sec</u> 23	<u>Twp</u> 3S	<u>Rge</u> 5E	<u>County</u> GALLATIN
Period of Diversion:		MAY 1 TO NO	OVEME	BER 1				
<b>Diversion Means:</b>		HEADGATE						
Ditch Name:		FLANDERS N	/IILLPC	ND DITCH				
Period of Use:		MAY 1 TO NO	OVEME	BER 1				
Place of Use:								
<u>ID</u>	Acres 4.00	<u>Govt Lot</u>		<u>Qtr Sec</u> SENESE	<u>Sec</u> 11	<u>Twp</u> 3S	<u>Rge</u> 5E	<u>County</u> GALLATIN

**Total:** 4.00

# GALLATIN RIVER BASIN 41H

Water Right Number:	41H 10360	<b>2-00</b> S⁻	TATEMENT	OF CL/	۹IM				
-	Version:	3 PO	ST DECRE	Ξ					
		Status:	ACTIVE						
Owners:	475 HODGI	MICHAEL P LAVERY 475 HODGEMAN CANYON DR BOZEMAN, MT 59718-7321							
	277 HODGE	CLAYTON B MARLOW 277 HODGEMAN CANYON DR BOZEMAN, MT 59718							
	277 HODGE	LYNN F MARLOW 277 HODGEMAN CANYON DR BOZEMAN, MT 59718							
	475 HODG	CARLY J URBAN 475 HODGEMAN CANYON DR BOZEMAN, MT 59718-7321							
	ROBERT & 145 HODGI ROBERT & BOZEMAN,	EMAN CA BARBAF	ANYON DR RA ECKSTE			' TRUST	r		
	TRANSFER						IE WATER RIGHT WILL BE SPLIT EE.		
Priority Date:	JUNE 30, 1	868							
Type of Historical Right:	DECREED								
Purpose (Use):	IRRIGATIO	N							
Irrigation Type:	FLOOD								
*Flow Rate:	25.21 GPM								
*Volume:	THE TOTAL					SHALL	NOT EXCEED THE AMOUNT PUT		
Climatic Area:	4 - MODER	ATELY L	WO						
*Maximum Acres:	13.20								
Source Name:	HYALITE C	REEK							
Source Type:	SURF/	ACE WAT	ſER						
Point of Diversion and Means	of Diversion:								
ID	Govt Lot	<u>t</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>		
1			NENESW	14	3S	5E	GALLATIN		
Period of Diversion:	APRIL 1 TC								
<b>Diversion Means:</b>	HEADGATE		0.1. 0. ··						
Subdivision:	HODGEMA	N CANY	ON SUBD						

March 12, 2024 41H 103602-00

Ditch Name:		HODGEMAN DI	HODGEMAN DITCH							
2			NENENW	23	3S	5E	GALLATIN			
Period of Diversion:	:	APRIL 1 TO JUN	APRIL 1 TO JUNE 1							
<b>Diversion Means:</b>		HEADGATE	HEADGATE							
Subdivision:		HODGEMAN CANYON SUBD								
Ditch Name:		FLANDERS MILLPOND DITCH								
Period of Use:		APRIL 1 TO JUN	NE 1							
*Place of Use:										
ID	<u>Acres</u>	Govt Lot	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	Rge	<u>County</u>			
1	3.27		NWSE	11	3S	5E	GALLATIN			
Subdivision:		HODGEMAN CA	ANYON SUBD	TRACT	/LOT: 1	BLOCK	: 4			
					_					

2	3.35	W2SE	11	3S	5E	GALLATIN
Subdivision:	HODGEM	IAN CANYON SUBD	TRACT/I	LOT: 2	BLOCK	: 4
3	3.34	W2SE	11	3S	5E	GALLATIN
Subdivision:	HODGEN	IAN CANYON SUBD	TRACT/I	LOT: 3	BLOCK	: 4
4	3.24	W2SE	11	3S	5E	GALLATIN
Subdivision:	HODGEM	IAN CANYON SUBD	TRACT/I	LOT: 4	BLOCK	: 4
Total:	13.20					

#### **Remarks:**

103601-00 103602-00 103603-00 10	103604-00 103605-00
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# GALLATIN RIVER BASIN 41H

Water Right Number:	41H 11323	8-00 ST	ATEMEN	F OF CL	AIM			
	Version:	3 POS	T DECRE	E				
		Status:	ACTIVE					
Owners:	J CHARLE 7777 S 197 BOZEMAN	Ή	8					
Priority Date:	JUNE 30, 1	868						
Type of Historical Right:	DECREED							
Purpose (Use):	IRRIGATIC	N						
Irrigation Type:	SPRINKLE	R/FLOOD						
Flow Rate:	282.74 GPI	N						
*Volume:	THE TOTA TO HISTOR					「 SHALL	NOT EXCEED THE AMOUNT PUT	
<b>Climatic Area:</b>	4 - MODER	4 - MODERATELY LOW						
Maximum Acres:	169.00	169.00						
Source Name:	HYALITE C	HYALITE CREEK						
Source Type:	SURF	ACE WAT	ER					
Point of Diversion and Mean	s of Diversion	:						
ID	<u>Govt Lo</u>	<u>t</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	County	
1			ENESW	14	3S	5E	GALLATIN	
Period of Diversion:	APRIL 1 TO		BER 1					
<b>Diversion Means:</b>	HEADGAT	_						
Ditch Name:	HODGEMA							
Period of Use:	APRIL 1 TO		BER 1					
Place of Use:								
ID <u>Acr</u>		<u>t</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	County	
1 160.0 2 9.0			NE SENW	11 11	3S 3S	5E 5E	GALLATIN GALLATIN	
<b>Total:</b> 169.0			GLINV	11	33	JE		

#### **Remarks:**

113236-00	113237-00	113238-00	113239-00	113240-00	113241-00
113242-00					

# GALLATIN RIVER BASIN 41H

Water Right Number:	41H 1156	53-00 STATE	MENT OF C	LAIM					
-	Version:	3 POST DE	CREE						
		Status: AC	TIVE						
Owners:	%ROGER 3300 E GI	HOLM REVOCABLE TRUST %ROGER D & PATRICIA H HOLM, TRUSTEES 3300 E GRAF ST UNIT 65 BOZEMAN, MT 59715-7196							
*Priority Date:	JUNE 30,	IUNE 30, 1868							
Type of Historical Right:	DECREEL	)							
Purpose (Use):	IRRIGATI	NC							
Irrigation Type:	SPRINKLI	SPRINKLER							
*Flow Rate:	89.76 GPI	39.76 GPM							
*Volume:		THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.							
Climatic Area:	4 - MODE	4 - MODERATELY LOW							
Maximum Acres:	10.00								
Source Name:	HYALITE	CREEK							
Source Type:	SURI	FACE WATER							
Point of Diversion and Me	eans of Diversion	n:							
<u>ID</u> 1	<u>Govt L</u>	ot Qtr NENE			<u>Rge</u> 5E	<u>County</u> GALLATIN			
Period of Diversion:	MAY 1 TC	SEPTEMBER 1		33	JE	GALLATIN			
Diversion Means:	HEADGA	-	-						
Ditch Name:		S MILLPOND D	ІТСН						
Period of Use:	MAY 1 TC	SEPTEMBER 1	5						
Place of Use:									
<u>ID</u> A	<u>cres</u> <u>Govt L</u>	ot Otr	<u>Sec Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>			
	2.00	SENE		_	5E	GALLATIN			
2 8	8.00	SE	SE 11	3S	5E	GALLATIN			
Total: 10	0.00								

# GALLATIN RIVER BASIN 41H

Water Right Number:	4	41H 122621-0	0 STATEMENT	OF CL	AIM			
			POST DECREE					
			tatus: ACTIVE	-				
Owners:	1	HODGEMAN HOMESTEAD LLC 1105 S TRACY AVE BOZEMAN, MT 59715-5331						
<b>Priority Date:</b>	,	JUNE 30, 1868	3					
Type of Historical Right	t: [	DECREED						
Purpose (Use):	I	RRIGATION						
Irrigation Type:	S	SPRINKLER						
*Flow Rate:	2	23.04 GPM						
*Volume:		THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.						
Climatic Area:	2	4 - MODERATELY LOW						
Maximum Acres:	1	10.00						
Source Name:	ŀ	HYALITE CREEK						
Source Type:		SURFACI	E WATER					
Point of Diversion and N	Means of	f Diversion:						
<u>ID</u> 1		<u>Govt Lot</u>	<u>Qtr Sec</u> NENENW	<u>Sec</u> 23	<u>Twp</u> 3S	<u>Rge</u> 5E	<u>County</u> GALLATIN	
Period of Diversion:	ŀ	APRIL 1 TO O	CTOBER 20					
<b>Diversion Means:</b>	ŀ	HEADGATE						
Subdivision:	ŀ	HODGEMAN (	CANYON SUBD					
Ditch Name:	F	FLANDERS M	ILLPOND DITCH					
Period of Use:	A	APRIL 1 TO O	CTOBER 20					
Place of Use:								
ID	<u>Acres</u>	Govt Lot	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	County	
1	10.00		SE	11	3S	5E	GALLATIN	
Subdivision:		HODGEMAN (	CANYON SUBD	BLOCK	: 008			
Total:	10.00							

#### **Remarks:**

115519-00	122621-00	122622-00	122625-00	138831-00	138832-00
138833-00					

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.

122621-00 122628-00

# GALLATIN RIVER BASIN 41H

Water Right Number:		41H 12262	4-00	STATEMEN	T OF CL	AIM			
		Version:	3 P0	OST DECRE	E				
			Status	: ACTIVE	-				
Owners:		DEHN SIG 50 HODGE	DEHN, SIG & DONNA LIVING TRUST DEHN SIG & DONNA TRUSTEES 50 HODGEMAN CANYON DR BOZEMAN, MT 59718-9527						
Priority Date:		JUNE 30, 1	UNE 30, 1868						
Type of Historical Right	t:	DECREED	DECREED						
Purpose (Use):		IRRIGATIO	RRIGATION						
Irrigation Type:		SPRINKLE	२						
*Flow Rate:		7.76 GPM							
*Volume:				ME OF THIS ND BENEFI			SHALL	NOT EXCEED THE AMOUNT PUT	
Climatic Area:		4 - MODER	- MODERATELY LOW						
Maximum Acres:		2.00							
Source Name:		HYALITE C	REEK						
Source Type:		SURF	ACE WA	ATER					
Point of Diversion and N	Means	of Diversion:							
<u>ID</u>		Govt Lo	<u>t</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	County	
1				NENENW	23	3S	5E	GALLATIN	
Period of Diversion:		APRIL 1 TO		BER 20					
<b>Diversion Means:</b>		HEADGATE							
Subdivision:		HODGEMA							
Ditch Name:		FLANDERS	MILLP	OND DITCH	1				
Period of Use:		APRIL 1 TO	осто	BER 20					
Place of Use:									
<u>ID</u>	<u>Acres</u>		<u>t</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	County	
1	2.00			NENWSE	11 TD 4 OT	3S	5E	GALLATIN	
Subdivision:	0.00	-		YON SUBD	TRACT	/LOT: 00	I BLO		
Total:	2.00								

#### **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.

122624-00 122626-00

#### GALLATIN RIVER

#### **BASIN 41H**

Water Right Number:	41H 12262	2 <b>6-00</b> ST/	ATEMENT	OF CL	AIM		
	Version:	3 POS	T DECREI	E			
		Status:	ACTIVE				
Owners:	DEHN, SIG & DONNA LIVING TRUST DEHN SIG & DONNA TRUSTEES 50 HODGEMAN CANYON DR BOZEMAN, MT 59718-9527						
Priority Date:	JUNE 30, 1	868					
Type of Historical Right:	DECREED						
Purpose (Use):	STOCK						
Flow Rate:	OF STOCK	CDRINKING / RATE IS I	G DIRECT LIMITED 1	LY FRO	M THE S	SOURCI	BECAUSE THIS USE CONSISTS E, OR FROM A DITCH SYSTEM. JNT HISTORICALLY NECESSARY
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:	HYALITE C	REEK					
Source Type:	SURF	ACE WATE	R				
Point of Diversion and Means	s of Diversion	:					
ID	<u>Govt Lo</u>	<u>'t</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	County
1			ENENW	23	3S	5E	GALLATIN
Period of Diversion:	JANUARY		EMBER 31	1			
<b>Diversion Means:</b>	HEADGAT	E					
Subdivision:	HODGEMA	N CANYO	N SUBD				
Ditch Name:	FLANDER	3 MILLPON	ID DITCH				
Period of Use:	JANUARY	1 TO DECE	EMBER 31	1			
Place of Use:							
<u>ID</u> <u>Acre</u>	<u>s</u> <u>Govt Lo</u>		<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	County
1 Subdivision:	HODGEMA		ENWSE N SUBD	11 TRACT	3S /LOT: 00 <sup>-</sup>	5E 1 BLO	GALLATIN CK: 002

#### **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.

122624-00 122626-00

#### GALLATIN RIVER

#### **BASIN 41H**

Water Right Number:	41H 12262	8-00 ST	ATEMENT	OF CL	AIM		
	Version:	3 POS	T DECREE	1			
		Status:	ACTIVE				
Owners:	HODGEMAN HOMESTEAD LLC 1105 S TRACY AVE BOZEMAN, MT 59715-5331						
Priority Date:	JUNE 30, 1	868					
Type of Historical Right:	DECREED						
Purpose (Use):	STOCK						
Flow Rate:	OF STOCK	DRINKIN RATE IS	G DIRECTI LIMITED T	_Y FRC	M THE S	SOURC	BECAUSE THIS USE CONSISTS E, OR FROM A DITCH SYSTEM. UNT HISTORICALLY NECESSARY
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:	HYALITE C	REEK					
Source Type:	SURF	ACE WAT	ER				
Point of Diversion and Mean	s of Diversion	:					
ID	<u>Govt Lo</u>	<u>t</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			ENENW	23	3S	5E	GALLATIN
Period of Diversion:	JANUARY		EMBER 31				
Diversion Means:	HEADGAT	_					
Subdivision:	HODGEMA						
Ditch Name:	FLANDERS						
Period of Use:	JANUARY	1 TO DEC	EMBER 31				
Place of Use:							
<u>ID Acre</u> 1	<u>s Govt Lo</u>	<u>t</u>	<u>Qtr Sec</u> SE	<u>Sec</u> 11	<u>Twp</u> 3S	<u>Rge</u> 5E	<u>County</u> GALLATIN
Subdivision:	HODGEMA	N CANYC	N SUBD	BLOCK	: 008		

#### **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.

122621-00 122628-00

#### GALLATIN RIVER BASIN 41H

Water Right Number:		41H 138833-	00 STATEMENT	OF CL	AIM			
8			3 POST DECREI					
			Status: ACTIVE	_				
2								
Owners:			NIEL N & ERNESTI MAN CANYON DR	INEIL	IVING H	RUST		
			AN CANFON DR /T 59718-7319					
Priority Date:		JUNE 30, 1868						
Type of Historical Right		DECREED	-					
Purpose (Use):		IRRIGATION						
Irrigation Type:			FLOOD/FURROW					
*Flow Rate:		19.26 GPM						
*Volume:			VOLUME OF THIS	WATE	R RIGHT	SHALL	NOT EXCEED THE AMOUNT PUT	
( orunne)		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:		10.20						
Source Name:		HYALITE CR	EEK					
Source Type:		SURFAC	CE WATER					
Point of Diversion and N	Aeans o	of Diversion:						
ID		Govt Lot	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	County	
1			NENENW	23	3S	5E	GALLATIN	
Period of Diversion:		APRIL 30 TO	OCTOBER 31					
<b>Diversion Means:</b>		HEADGATE						
Subdivision:		HODGEMAN	CANYON SUBD					
Ditch Name:		FLANDERS N	MILLPOND DITCH					
Period of Use:		APRIL 30 TO	OCTOBER 31					
Place of Use:								
<u>ID</u>	<u>Acres</u>	Govt Lot	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
	10.20		SE	11	3S	5E	GALLATIN	
Subdivision:		HODGEMAN	CANYON SUBD	BLOCK	: 006			
Total:	10.20							

#### **Remarks:**

115519-00	122621-00	122622-00	122625-00	138831-00	138832-00
138833-00					

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.

138833-00 138835-00 138838-00

#### **GALLATIN RIVER**

#### **BASIN 41H**

Water Right Number:	41H 13883	5-00 ST	ATEMENT	OF CL	AIM		
	Version:	3 POS	T DECRE	Ξ			
		Status:	ACTIVE				
Owners:	MARCH, DANIEL N & ERNESTINE T LIVING TRUST 220 HODGEMAN CANYON DR BOZEMAN, MT 59718-7319						
Priority Date:	JUNE 30, 1	868					
Type of Historical Right:	DECREED						
Purpose (Use):	STOCK						
Flow Rate:	OF STOCK	DRINKIN RATE IS	G DIRECT LIMITED T	LY FRC	M THE	SOURCI	BECAUSE THIS USE CONSISTS E, OR FROM A DITCH SYSTEM. JNT HISTORICALLY NECESSARY
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:	HYALITE C	REEK					
Source Type:	SURF	CE WAT	ER				
Point of Diversion and Means	s of Diversion						
<u>ID</u>	<u>Govt Lo</u>	<u>i</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	County
1			ENENW	23	3S	5E	GALLATIN
Period of Diversion:	APRIL 30 T		3ER 31				
Diversion Means:	HEADGATE	-					
Subdivision:	HODGEMA						
Ditch Name:	FLANDERS						
Period of Use:	APRIL 30 T	O OCTOE	3ER 31				
Place of Use:							
ID <u>Acre</u>	<u>s</u> <u>Govt Lo</u>	-	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1 Subdivision:	HODGEMA	N CANYC	SE N SUBD	11 BLOCK	3S : 006	5E	GALLATIN

**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.

138833-00 138835-00 138838-00

#### GALLATIN RIVER BASIN 41H

Water Right Number:	41H	138838-00	STATEMENT	OF CL	AIM		
	Vers	ion: 3 P	OST DECRE	Ξ			
		Statu	s: ACTIVE				
Owners:	220	-	N & ERNESTI CANYON DR 9718-7319	NE T LI	VING TF	RUST	
Priority Date:	JUN	E 30, 1868					
Type of Historical Right	t: DEC	REED					
Purpose (Use):	DOM	IESTIC					
*Flow Rate:	19.2	6 GPM					
Volume:	6.00	AC-FT					
Households:	5						
Maximum Acres:	2.50						
Source Name:	HYA	LITE CREEK					
Source Type:		SURFACE W	ATER				
Point of Diversion and N	Means of Div	version:					
ID	G	Fovt Lot	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				23	3S	5E	GALLATIN
Period of Diversion:			OBER 31				
<b>Diversion Means:</b>							
Subdivision:		GEMAN CAN					
Ditch Name:			POND DITCH				
Period of Use:	APR	IL 30 TO OCT	OBER 31				
Place of Use:							
<u>ID</u> 1		ovt Lot	<u>Qtr Sec</u> SE	<u>Sec</u> 11	<u>Twp</u> 3S	<u>Rge</u>	<u>County</u>
Subdivision:	2.50 HOF					5E	GALLATIN
Total:	2.50			DECON			
I Utal.	2.00						

#### **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.

138833-00 138835-00 138838-00

# GALLATIN RIVER BASIN 41H

Water Right Number:		41H 139898	<b>3-00</b> ST	ATEMENT	F OF CL/	AIM		
		Version:	3 POS	ST DECRE	E			
			Status:	ACTIVE				
Owners:		HANTON RE	EVOCAB	LE FAMIL	Y TRUST	Г		
		414 HODGE	MAN CA	NYON DR				
		BOZEMAN,	MT 5971	8				
Priority Date:		JUNE 30, 18	68					
Type of Historical Right	t:	DECREED						
Purpose (Use):		IRRIGATION	1					
Irrigation Type:		FLOOD						
*Flow Rate:		24.70 GPM						
*Volume:		THE TOTAL					SHALL	NOT EXCEED THE AMOUNT PUT
Climatic Area:		4 - MODERA	ATELY LO	SW				
Maximum Acres:		13.08						
Source Name:		HYALITE CF	REEK					
Source Type:		SURFA	CE WAT	ER				
Point of Diversion and N	Means	of Diversion:						
		~ -		0, 0	~			Country
ID		<u>Govt Lot</u>		<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			Ν	IENENW	<u>Sec</u> 23	<u>Twp</u> 3S	<u>Rge</u> 5E	GALLATIN
1 Period of Diversion:		MAY 1 TO C	N OCTOBEI	IENENW		-	-	•
1 Period of Diversion: Diversion Means:		MAY 1 TO C HEADGATE	N OCTOBEI	IENENW R 15		-	-	•
1 Period of Diversion: Diversion Means: Subdivision:		MAY 1 TO C HEADGATE HODGEMAN	N DCTOBER N CANYC	R 15	23	-	-	•
1 Period of Diversion: Diversion Means:		MAY 1 TO C HEADGATE HODGEMAN FLANDERS	N DCTOBER N CANYC MILLPOI	IENENW R 15 DN SUBD ND DITCH	23	-	-	•
1 Period of Diversion: Diversion Means: Subdivision:		MAY 1 TO C HEADGATE HODGEMAN	N DCTOBER N CANYC MILLPOI	IENENW R 15 DN SUBD ND DITCH	23	-	-	•
1 Period of Diversion: Diversion Means: Subdivision: Ditch Name:		MAY 1 TO C HEADGATE HODGEMAN FLANDERS	N DCTOBER N CANYC MILLPOI	IENENW R 15 DN SUBD ND DITCH	23	-	-	•
1 Period of Diversion: Diversion Means: Subdivision: Ditch Name: Period of Use: Place of Use: <u>ID</u>	Acres	MAY 1 TO C HEADGATE HODGEMAN FLANDERS MAY 1 TO C <u>Govt Lot</u>	N OCTOBER N CANYC MILLPOI OCTOBER	IENENW R 15 DN SUBD ND DITCH R 15	23 <u>Sec</u>	3S <u>Twp</u>	5E <u>Rge</u>	GALLATIN <u>County</u>
1 Period of Diversion: Diversion Means: Subdivision: Ditch Name: Period of Use: Place of Use: <u>ID</u> 1		MAY 1 TO C HEADGATE HODGEMAN FLANDERS MAY 1 TO C <u>Govt Lot</u>	N OCTOBER N CANYC MILLPOI OCTOBER	IENENW R 15 DN SUBD ND DITCH R 15 <u>Qtr Sec</u>	23 <u>Sec</u> 11	3S <u>Twp</u> 3S	5E <u>Rge</u> 5E	GALLATIN <u>County</u> GALLATIN
1 Period of Diversion: Diversion Means: Subdivision: Ditch Name: Period of Use: Place of Use: <u>ID</u> 1 Subdivision:	<u>Acres</u> 2.18	MAY 1 TO C HEADGATE HODGEMAN FLANDERS MAY 1 TO C <u>Govt Lot</u> HODGEMAN	N OCTOBER N CANYC MILLPOI OCTOBER	IENENW R 15 DN SUBD ND DITCH R 15 <u>Qtr Sec</u>	23 <u>Sec</u> 11 TRACT,	3S <u>Twp</u> 3S /LOT: 001	5E <u>Rge</u> 5E BLO	GALLATIN County GALLATIN CK: 005
1 Period of Diversion: Diversion Means: Subdivision: Ditch Name: Period of Use: Place of Use: <u>ID</u> 1 Subdivision: 2	Acres	MAY 1 TO C HEADGATE HODGEMAN FLANDERS MAY 1 TO C <u>Govt Lot</u> HODGEMAN	N OCTOBER N CANYC MILLPOI OCTOBER	IENENW R 15 DN SUBD ND DITCH R 15 <u>Qtr Sec</u> DN SUBD	23 <u>Sec</u> 11 TRACT, 11	3S <u>Twp</u> 3S /LOT: 001 3S	5E <u>Rge</u> 5E BLO 5E	GALLATIN County GALLATIN CK: 005 GALLATIN
1 Period of Diversion: Diversion Means: Subdivision: Ditch Name: Period of Use: Place of Use: <u>ID</u> 1 Subdivision: 2 Subdivision:	<u>Acres</u> 2.18 2.18	MAY 1 TO C HEADGATE HODGEMAN FLANDERS MAY 1 TO C <u>Govt Lot</u> HODGEMAN	N OCTOBER N CANYC MILLPOI OCTOBER	IENENW R 15 DN SUBD ND DITCH R 15 <u>Qtr Sec</u> DN SUBD	23 <u>Sec</u> 11 TRACT, 11 TRACT,	3S <u>Twp</u> 3S /LOT: 001 3S /LOT: 002	5E 5E 5E 8LO 5E 8LO	GALLATIN County GALLATIN CK: 005 GALLATIN CK: 005
1 Period of Diversion: Diversion Means: Subdivision: Ditch Name: Period of Use: Place of Use: <u>ID</u> 1 Subdivision: 2 Subdivision: 3	<u>Acres</u> 2.18 2.18 2.18	MAY 1 TO C HEADGATE HODGEMAN FLANDERS MAY 1 TO C <u>Govt Lot</u> HODGEMAN	N DCTOBER N CANYC MILLPOI DCTOBER N CANYC	IENENW R 15 ON SUBD ND DITCH R 15 <u>Qtr Sec</u> ON SUBD	23 <u>Sec</u> 11 TRACT/ 11 TRACT/ 11	3S <u>Twp</u> 3S /LOT: 001 3S /LOT: 002 3S	5E 5E 8LO 5E 8LO 5E 5E	GALLATIN County GALLATIN CK: 005 GALLATIN CK: 005 GALLATIN
1 Period of Diversion: Diversion Means: Subdivision: Ditch Name: Period of Use: Place of Use: <u>ID</u> 1 Subdivision: 2 Subdivision:	<u>Acres</u> 2.18 2.18 2.18	MAY 1 TO C HEADGATE HODGEMAN FLANDERS MAY 1 TO C <u>Govt Lot</u> HODGEMAN HODGEMAN	N DCTOBER N CANYC MILLPOI DCTOBER N CANYC	IENENW R 15 ON SUBD ND DITCH R 15 <u>Qtr Sec</u> ON SUBD	23 Sec 11 TRACT/ 11 TRACT/ 11 TRACT/	3S 3S /LOT: 001 3S /LOT: 002 3S /LOT: 003	SE SE BLO SE BLO SE BLO SE BLO	GALLATIN County GALLATIN CK: 005 GALLATIN CK: 005 GALLATIN CK: 005
1Period of Diversion:Diversion Means:Subdivision:Ditch Name:Ditch Name:Period of Use:Place of Use:11Subdivision:2Subdivision:3Subdivision:	<u>Acres</u> 2.18 2.18 2.18	MAY 1 TO C HEADGATE HODGEMAN FLANDERS MAY 1 TO C <u>Govt Lot</u> HODGEMAN HODGEMAN	N DCTOBER N CANYC MILLPOI DCTOBER N CANYC	IENENW R 15 DN SUBD ND DITCH R 15 <u>Otr Sec</u> DN SUBD DN SUBD	23 <u>Sec</u> 11 TRACT, 11 TRACT, 11 TRACT, 11	3S <u>Twp</u> 3S /LOT: 001 3S /LOT: 002 3S /LOT: 003 3S	5E 5E 8LO 5E 8LO 5E 8LO 5E 8LO 5E	GALLATIN County GALLATIN CK: 005 GALLATIN CK: 005 GALLATIN CK: 005 GALLATIN
1   Period of Diversion:   Diversion Means:   Subdivision:   Ditch Name:   Period of Use:   Place of Use:   1   Subdivision:   2   Subdivision:   3   Subdivision:   4	<u>Acres</u> 2.18 2.18 2.18	MAY 1 TO C HEADGATE HODGEMAN FLANDERS MAY 1 TO C <u>Govt Lot</u> HODGEMAN HODGEMAN	N DCTOBER N CANYC MILLPOI DCTOBER N CANYC	IENENW R 15 DN SUBD ND DITCH R 15 <u>Otr Sec</u> DN SUBD DN SUBD	23 <u>Sec</u> 11 TRACT, 11 TRACT, 11 TRACT, 11	3S 3S /LOT: 001 3S /LOT: 002 3S /LOT: 003 3S /LOT: 004	5E 5E 8LO 5E 8LO 5E 8LO 5E 8LO 5E	GALLATIN County GALLATIN CK: 005 GALLATIN CK: 005 GALLATIN CK: 005 GALLATIN CK: 005
1   Period of Diversion:   Diversion Means:   Subdivision:   Ditch Name:   Period of Use:   Place of Use:   1   Subdivision:   2   Subdivision:   3   Subdivision:   4   Subdivision:	Acres 2.18 2.18 2.18 2.18 2.18	MAY 1 TO C HEADGATE HODGEMAN FLANDERS MAY 1 TO C <u>Govt Lot</u> HODGEMAN HODGEMAN	N DCTOBER N CANYO DCTOBER N CANYO N CANYO	IENENW R 15 DN SUBD ND DITCH R 15 <u>Otr Sec</u> DN SUBD DN SUBD DN SUBD	23 <u>Sec</u> 11 TRACT, 11 TRACT, 11 TRACT, 11 TRACT, 11	3S 3S /LOT: 001 3S /LOT: 002 3S /LOT: 003 3S /LOT: 004 3S	5E 5E 8 BLO 5E 8 BLO 5E 8 BLO 5E 8 BLO 5E 8 BLO 5E 8 BLO 5E	GALLATIN County GALLATIN CK: 005 GALLATIN CK: 005 GALLATIN CK: 005 GALLATIN CK: 005 GALLATIN CK: 005 GALLATIN

6	2.18		11	3S	5E	GALLATIN
Subdivision:	HODGEMAN	CANYON SUBD T	RACT/LC	DT: 006	BLOC	K: 005
Total:	13.08					

#### **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.

139898-00 139899-00 139900-00

#### GALLATIN RIVER BASIN 41H

Water Right Number:	41H 15074	<b>0-00</b> ST/	ATEMENT	OFCL	AIM			
	Version:	4 POS	T DECRE	E				
		Status:	ACTIVE					
Owners:	DAVID BO	S						
	4121 KENT BOZEMAN							
Priority Date:		BOZEMAN, MT 59718-8335 JUNE 30, 1868						
Type of Historical Right:	DECREED							
Purpose (Use):	IRRIGATIO	N						
Irrigation Type:	FLOOD							
Flow Rate:	1.25 CFS							
*Volume:	THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.							
Climatic Area:	4 - MODER	4 - MODERATELY LOW						
Maximum Acres:	300.00	300.00						
Source Name:	HYALITE C	REEK						
Source Type:	SURF	ACE WATE	ĒR					
*Point of Diversion and Means	of Diversion							
ID 4	<u>Govt Lo</u>		<u>Qtr Sec</u>	Sec	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1 Period of Diversion:	APRIL 1 TO	-	VSENW	14	3S	5E	GALLATIN	
Diversion Means:	HEADGATE							
Ditch Name:	B-F-K DITC	_						
Period of Use:	APRIL 1 TC		R 15					
Place of Use:								
ID Acre	s <u>Govt Lo</u>	ţ	<u> Qtr Sec</u>	<u>Sec</u>	Twp	<u>Rge</u>	<u>County</u>	
1 300.00		-	E2	9	3S	5E	GALLATIN	
<b>Total:</b> 300.00	)							

#### **Remarks:**

150739-00	150740-00	150741-00	150743-00	150744-00
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