

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

MONTANA WATER COURT, YELLOWSTONE DIVISION
YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN
BASIN 43B
PRELIMINARY DECREE

CLAIMANTS: Brogan LP; Western Shamballa Inc.; Church
Universal & Triumphant Inc.

OBJECTORS: United States of America (USDA Forest Service);
Brogan LP; Church Universal & Triumphant Inc.

CASE 43B-1019-R-2021

- 43B 193575-00
- 43B 193576-00
- 43B 193578-00
- 43B 193582-00
- 43B 193583-00
- 43B 193861-00
- 43B 193862-00
- 43B 193865-00
- 43B 193866-00
- 43B 193867-00

**ORDER AMENDING AND ADOPTING MASTER’S REPORT
AND
CORRECTING OWNERSHIP**

Pursuant to Montana Code Annotated, section 85-2-233(5), Case 43B-1019-R-2021 was assigned to Water Master Anika M. Stern. A Master’s Report was issued on March 4, 2024. Claimant and Objector Brogan LP (Brogan) objected to the Master’s Report on March 21, 2024 requesting the ownership of claims 43B 193576-00 and 43B 193861-00 be corrected. Additionally, Brogan indicates none of the other parties in the Case object to the ownership correction.

Brogan explains that it was inexplicably removed as an owner of claims 43B 193576-00 and 43B 193861-00 and it objected to the claims during the 2019 Basin 43B objection period to remedy the ownership error:

9. State the changes you think should be made to this claim and why. State the specific grounds and evidence on which the Objection is based. (Use additional paper if necessary.) This water right was proportionally split between the Royal Teton Limited/Church Universal and Triumphant (now Western Shamballa Inc.) and Welch Brogan (now Brogan Limited Partnership) in the late 1980s. As indicated in documentation contained in the claim file, the water right was split with 70% going to the Church Universal and Triumphant, and 30% being retained by Welch Brogan. This proportional ownership was confirmed in the 1997 Master's Report adopted by the Water Court on October 10, 1997. Therefore, Brogan Limited Partnership should be listed as a co-owner on this water right.

Although the parties stipulated that Brogan should be added as a co-owner to claims 43B 193576-00 and 43B 193861-00, they failed to explain why the Court should update ownership, rather than the DNRC, and to provide support documentation; that information has now been provided.

Recommendation No. 1 should be amended to reflect that Brogan LP is added as a co-owner to claims 43B 193576-00 and 43B 193861-00. Post Decree Abstracts for claims 43B 193576-00 and 43B 193861-00 are also corrected to reflect the ownership corrections.

The Court has reviewed the Water Master's Findings and Conclusions. Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report with the above-referenced amendment.

Corrected Post Decree Abstracts for claims 43B 193576-00 and 43B 193861-00 are served with this Order to confirm that the Recommendations set forth in the Master's Report, as amended by this Order, have been adopted for the claims in this Case.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via Electronic Mail

Romney S. Philpott
U.S. Dept of Justice, ENRD-NRS
999 18th Street, South Terrace Suite 370
Denver, CO 80202
(303) 844-1810
Romney.philpott@usdoj.gov
MontanaBasins.ENRD@usdoj.gov

Breeann M. Johnson
Western Roots Law PLLC
PO Box 7004
Bozeman, MT 59771
(406) 600-9389 (Johnson)
Johnson@westrootslaw.com

William Fanning
Fanning Law PLLC
15 S. Idaho St., Ste.4
Dillon, MT 59725
(406) 220-2805
william@fanninglawpllc.com
becki@fanninglawpllc.com

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193575-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROGAN LP
PO BOX 47
GARDINER, MT 59030

Priority Date: JUNE 18, 1969

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: UNNAMED TRIBUTARY OF YELLOWSTONE 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	11	NESE	19	8S	8E	PARK

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		11		19	8S	8E	PARK

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.

193575-00 193860-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193576-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROGAN LP
PO BOX 47
GARDINER, MT 59030

WESTERN SHAMBALLA INC
63 SUMMIT WAY
GARDINER, MT 59030

Priority Date: MAY 1, 1882

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: BASSETT 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		SWNWSE	29	8S	8E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 1

Diversion Means: PIPELINE

2	11	SWNE	30	8S	8E	PARK
---	----	------	----	----	----	------

Period of Diversion: JANUARY 1 TO DECEMBER 1

Diversion Means: HEADGATE

Ditch Name: BROGAN DITCH

Period of Use: JANUARY 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		6	SW	19	8S	8E	PARK
2		13	SE	19	8S	8E	PARK
3			NESW	19	8S	8E	PARK
4		1	NW	30	8S	8E	PARK
5		10	NE	30	8S	8E	PARK

THE PLACE OF USE IS ENTIRELY ON PRIVATE LANDS.

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.

193574-00 193576-00 193861-00

USE OF THIS RIGHT IS GOVERNED BY A PRIVATE WATER USE AGREEMENT AND STIPULATION ON FILE WITH THE MONTANA WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193578-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: BROGAN LP
PO BOX 47
GARDINER, MT 59030

Priority Date: JANUARY 21, 1909

Type of Historical Right: FILED

Purpose (Use): POWER GENERATION

Flow Rate: 12.50 CFS

Volume: 9,072.23 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: BASSETT 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		SWNWSE	29	8S	8E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIPELINE

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		12		30	8S	8E	PARK

THE PLACE OF USE IS ENTIRELY ON PRIVATE LANDS.

Remarks:

USE OF THIS RIGHT IS GOVERNED BY A PRIVATE WATER USE AGREEMENT AND A STIPULATION ON FILE WITH THE MONTANA WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193582-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROGAN LP
PO BOX 47
GARDINER, MT 59030

Priority Date: JUNE 18, 1969

Type of Historical Right: FILED

Purpose (Use): FISH AND WILDLIFE

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

Volume: 6.24 AC-FT
THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

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	11	NESE	19	8S	8E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
11	NESE	19	8S	8E	PARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 20.00 FEET

Depth: 15.00 FEET

Surface Area: 0.52 ACRES

Capacity: 3.12 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		11	NESE	19	8S	8E	PARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B**

Water Right Number: 43B 193583-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROGAN LP
PO BOX 47
GARDINER, MT 59030

Priority Date: JUNE 18, 1969

Type of Historical Right: FILED

Purpose (Use): FISH AND WILDLIFE

Flow Rate: 224.40 GPM

Volume: 180.70 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: SPRING, UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

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		NESE	19	8S	8E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

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			SESW	19	8S	8E	PARK
2			NESW	19	8S	8E	PARK

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193861-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROGAN LP
PO BOX 47
GARDINER, MT 59030

CHURCH UNIVERSAL & TRIUMPHANT INC
63 SUMMIT WAY
GARDINER, MT 59030-9314

Priority Date: MAY 1, 1882

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

***Flow Rate:** 2.59 CFS

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

Climatic Area: 5 - LOW

***Maximum Acres:** 68.50

Source Name: BASSETT 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		SWNWSE	29	8S	8E	PARK

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: PIPELINE

2	11	SWNE	30	8S	8E	PARK
---	----	------	----	----	----	------

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: BROGAN DITCH

Period of Use: MAY 1 TO OCTOBER 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	30.90	6	SW	19	8S	8E	PARK
2	2.30	13	SE	19	8S	8E	PARK
3	10.80		NESW	19	8S	8E	PARK
4	14.70	1	NW	30	8S	8E	PARK
5	9.80	10	NE	30	8S	8E	PARK

Total: 68.50

THE PLACE OF USE IS ENTIRELY ON PRIVATE LANDS.

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.

193861-00 193866-00

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.

193574-00 193576-00 193861-00

USE OF THIS RIGHT IS GOVERNED BY A PRIVATE WATER USE AGREEMENT AND A STIPULATION ON FILE WITH THE MONTANA WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193862-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROGAN LP
PO BOX 47
GARDINER, MT 59030

Priority Date: JUNE 18, 1969

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 382.38 GPM

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

Climatic Area: 5 - LOW

***Maximum Acres:** 15.00

Source Name: SPRING, UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

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	14	NESE	19	8S	8E	PARK

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: HEADGATE

Period of Use: MAY 1 TO OCTOBER 1

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	7.00		S2S2	19	8S	8E	PARK
2	8.00		NWNE	30	8S	8E	PARK

Total: 15.00

PLACE OF USE ID # 1 INCLUDES GOV. LOT 6 AND 13. PLACE OF USE ID # 2 INCLUDES GOV. LOT 1 AND 10.

THE PLACE OF USE IS COMPLETELY ON PRIVATE LAND.

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B**

Water Right Number: 43B 193865-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROGAN LP
PO BOX 47
GARDINER, MT 59030

Priority Date: JUNE 1, 1952

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Flow Rate: 336.60 GPM

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

Climatic Area: 5 - LOW

Maximum Acres: 20.00

Source Name: YELLOWSTONE 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			30	8S	8E	PARK

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: PUMP

THE POINT OF DIVERSION IS APPROXIMATELY 1,400 FEET SOUTH OF THE CORWIN SPRINGS BRIDGE ABUTMENT.

Period of Use: MAY 1 TO OCTOBER 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	10.00		N2SE	30	8S	8E	PARK
2	10.00		SESE	30	8S	8E	PARK

Total: 20.00

PLACE OF USE ID # 1 INCLUDES GOV. LOT 13 AND 14. PLACE OF USE ID # 2 INCLUDES GOV. LOT 15.

THE PLACE OF USE IS LOCATED ENTIRELY ON PRIVATE LANDS.

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.

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.

193581-00

193865-00

193867-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B**

Water Right Number: 43B 193866-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROGAN LP
PO BOX 47
GARDINER, MT 59030

WESTERN SHAMBALLA INC
63 SUMMIT WAY
GARDINER, MT 59030

Priority Date: JUNE 18, 1969

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

***Flow Rate:** 2.59 CFS

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

Climatic Area: 5 - LOW

***Maximum Acres:** 68.50

***Source Name:** BASSETT 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		SWNWSE	29	8S	8E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: PIPELINE

2	11	SWNE	30	8S	8E	PARK
---	----	------	----	----	----	------

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BROGAN DITCH

Period of Use: MAY 1 TO OCTOBER 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	30.90	6	SW	19	8S	8E	PARK
2	2.30	13	SE	19	8S	8E	PARK
3	10.80		NESW	19	8S	8E	PARK
4	14.70	1	NW	30	8S	8E	PARK
5	9.80	10	NE	30	8S	8E	PARK

Total: 68.50

THE PLACE OF USE IS ENTIRELY ON PRIVATE LANDS.

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.

193861-00 193866-00

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.

193577-00 193866-00

USE OF THIS RIGHT IS GOVERNED BY A PRIVATE WATER USE AGREEMENT AND A STIPULATION ON FILE WITH THE MONTANA WATER COURT.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B**

Water Right Number: 43B 193867-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROGAN LP
PO BOX 47
GARDINER, MT 59030

Priority Date: JUNE 1, 1952

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 336.60 GPM

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

Climatic Area: 5 - LOW

Maximum Acres: 20.00

Source Name: YELLOWSTONE 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		NESW	30	8S	8E	PARK

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: PUMP

Period of Use: MAY 1 TO OCTOBER 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	10.00		N2SE	30	8S	8E	PARK
2	10.00		SESE	30	8S	8E	PARK

Total: 20.00

PLACE OF USE ID # 1 INCLUDES GOV. LOT 13 AND 14. PLACE OF USE ID # 2 INCLUDES GOV. LOT 15.

THE PLACE OF USE IS LOCATED ENTIRELY ON PRIVATE LANDS.

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.

193860-00 193862-00 193865-00 193867-00

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.

193581-00

193865-00

193867-00