

Montana Water Court  
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**FILED**  
10/24/2024  
Sara Calkins  
CLERK  
Montana Water Court  
STATE OF MONTANA  
By: Julie Cristiani  
41E-0203-R-2024  
Lambert, Kathryn  
12.00

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

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CLAIMANT: William P. Rebich Living Trust DTD 3/7/2023

OBJECTOR: William P. Rebich Living Trust DTD 3/7/2023

**CASE 41E-0203-R-2024**

41E 3388-00  
41E 3389-00  
41E 94194-00  
41E 94195-00  
41E 94196-00  
41E 94197-00  
41E 94198-00

**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 to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must mail a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

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

**MASTER'S REPORT**

William P. Rebich Living Trust DTD 3/7/2023 objected to each of these claims. Claims 41E 3388-00 and 41E 3389-00 each appeared in the Preliminary Decree with the following issue remark:

THE CLAIMED MEANS OF DIVERSION CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

On January 29, 2024 the claimant filed a Verified Motion to Amend 41E 94197 00 and 41E 94198 00, a Verified Motion to Amend 41E 94195 00 and 41E 94196 00, a Verified Motion to Amend 41E 3388 00 and 41E 3389 00, and a Verified Motion to Amend 41E 94194 00. (Doc. numbers 2.00 through 5.00) With the exception of changing the source on claim 41E 94197-00, these are all settlement documents rather than motions to amend filed pursuant to section 85-2-233(6), MCA. On March 25, 2024 the claimant filed its Response to Request for Aerial Imagery. (Doc. number 7.00) On July 18, 2024 the claimant filed an Addendum to Verified Motions to Amend and Response to Request for Additional Information. (Doc. number 10.00) These documents are viewable in the Court's FullCourt Enterprise case management system.

#### APPLICABLE LAW

"All issue remarks to claims that are not resolved through the filing of an objection as provided in 85-2-233 must be resolved as provided in this section." Section 85-2-248(2), MCA.

The Montana Water Court has jurisdiction to review a motion to amend pursuant to section 85-2-233(6), MCA.

Rule 15 M.R.Civ.P. restricts the scope of the amendments to the conduct, transaction, or occurrence set forth in the original pleading or, in other words, the "same set of operative facts as contained in the original pleading." *Sooy v. Petrolane Steel Gas, Inc.*, 218 Mont. 418, 422-423 (1985). The requested amendment "merely makes more specific that which has already been alleged." *Prentice Lumber Company v. Hukill*, 161 Mont. 8, 15 (1972).

Notice must be published by newspaper if the requested amendments "may adversely affect other water rights." Section 85-2-233(6)(a)(i), MCA.

A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content pursuant to section 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect including for claimants objecting to or amending their own claims. Rule 19, W.R.Adj.R.

FINDINGS OF FACT

1. For claim 41E 3388-00, the Preliminary Decree states that the priority date is MAY 1, 1953 and the type of historical right is FILED. The priority date should be JUNE 1, 1880 and the type of historical right should be USE.

The Preliminary Decree states that the volume is 10.00 AC-FT. The volume should be 4.00 AC-FT.

The Preliminary Decree states that the source is SPRING, UNNAMED TRIBUTARY OF CANYON GULCH, ALSO KNOWN AS ROCKY CLIFF SPRING. The source should be SPRING, UNNAMED TRIBUTARY OF BISON CREEK, ALSO KNOWN AS RED PINE SPRING.

The Preliminary Decree states that the point of diversion is the SESWSE section 22, T4N, R7W, JEFFERSON and the means of diversion is FLOWING. The point of diversion should be the SENWSE section 22, T4N, R7W, JEFFERSON and the means of diversion should be PIPELINE. The means of diversion issue remark should be removed as addressed and resolved.

The Preliminary Decree states that the place of use is (unquantified acres) SESWSE section 22, T4N, R7W, JEFFERSON. The place of use should be 1.00 acre in the SWNESE section 22, T4N, R7W, JEFFERSON with the following requested clarification remark: RED PINE 9737 AND TRACT BY M&B LYING SOUTH OF RED PINE 9737.

2. For claim 41E 3389-00, the Preliminary Decree states that the priority date is MAY 1, 1969 and the type of historical right is FILED. The priority date should be JUNE 1, 1880 and the type of historical right should be USE.

The Preliminary Decree includes the standard volume remark for livestock direct from source claims. As requested, the volume should be 6.00 AC-FT.

The Preliminary Decree states that the source is ALSO KNOWN AS RED PINE SPRING. The source remark should state: ALSO KNOWN AS ROCKY CLIFF SPRING.

The Preliminary Decree states that the point of diversion and means of diversion are:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
SESWSE	22	4N	7W	JEFFERSON

Means of Diversion: FLOWING

The point of diversion and means of diversion should be:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
SESESE	22	4N	7W	JEFFERSON
Means of Diversion: PIPELINE				
SESESE	22	4N	7W	JEFFERSON
Means of Diversion: LIVESTOCK DIRECT FROM SOURCE				
S2S2SW	23	4N	7W	JEFFERSON
Means of Diversion: LIVESTOCK DIRECT FROM SOURCE				
GOLD NUGGET LODGE MS 10306				

The means of diversion issue remark should be removed as addressed and resolved.

The Preliminary Decree states that the place of use is:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
SESWSE	22	4N	7W	JEFFERSON

The place of use should be:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
SESESE	22	4N	7W	JEFFERSON
S2S2SW	23	4N	7W	JEFFERSON

3. For claim 41E 94194-00, the Preliminary Decree states that the flow rate is 3.03 CFS.

The flow rate should be 5.00 CFS.

The Preliminary Decree states that the source type is GROUNDWATER. The source type should be SURFACE.

The Preliminary Decree states that the point of diversion and means of diversion are:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
SESWNW	23	4N	7W	JEFFERSON
Means of Diversion: HEADGATE				

The point of diversion and means of diversion should be:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
NESWSW	23	4N	7W	JEFFERSON
Means of Diversion: DITCH				
SENESE	22	4N	7W	JEFFERSON
Means of Diversion: DITCH				

THE POINTS OF DIVERSION IN THE SENESE SECTION 22 AND NWSWSW SECTION 23 ARE LOCATED ON RED PINE LODGE MS 9737.

The Preliminary Decree state that the maximum acres irrigated is 80.00 and the place of use is:

<u>ACRES</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
10.00	SESWNW	23	4N	7W	JEFFERSON
20.00	S2SENW	23	4N	7W	JEFFERSON
20.00	S2SWNE	23	4N	7W	JEFFERSON
10.00	N2NWSW	23	4N	7W	JEFFERSON
10.00	N2NESW	23	4N	7W	JEFFERSON
<u>10.00</u>	N2SWNE	23	4N	7W	JEFFERSON
80.00					

The maximum acres should be 200.00 and the place of use should be:

<u>ACRES</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
175.00	S2	23	4N	7W	JEFFERSON
<u>25.00</u>	S2NE	23	4N	7W	JEFFERSON
200.00					

4. For claim 41E 94195-00, the Preliminary Decree states that the volume is 1.50 AC-FT.

The volume should be 15.50 AC-FT.

The Preliminary Decree states that the point of diversion and means of diversion are:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
SESWNW	23	4N	7W	JEFFERSON

Means of Diversion: FLOWING

The point of diversion and means of diversion should be:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
SENWSE	22	4N	7W	JEFFERSON

Means of Diversion: PIPELINE

NWSWSW	23	4N	7W	JEFFERSON
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Means of Diversion: DITCH

SENESE	22	4N	7W	JEFFERSON
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Means of Diversion: DITCH

The Preliminary Decree states that the place of use is the SESWNW section 23, T4N, R7W, JEFFERSON. The place of use should be the N2SWSW section 23, T4N, R7W, JEFFERSON.

5. For claim 41E 94196-00, the Preliminary Decree states that the source type is GROUNDWATER. The source type should be SURFACE.

The Preliminary Decree states that the point of diversion, period of diversion, and means of diversion are:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
SESWNW	23	4N	7W	JEFFERSON

Period of Diversion: MAY 15 TO OCTOBER 15

Means of Diversion: LIVESTOCK DIRECT FROM SOURCE

The point of diversion, period of diversion, and means of diversion should be:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
S2S2	23	4N	7W	JEFFERSON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Means of Diversion: LIVESTOCK DIRECT FROM SOURCE

SENESE	22	4N	7W	JEFFERSON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Means of Diversion: DITCH

NESWSW	23	4N	7W	JEFFERSON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Means of Diversion: DITCH

SE	22	4N	7W	JEFFERSON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Means of Diversion: LIVESTOCK DIRECT FROM SOURCE

The Preliminary Decree states that the period of use is MAY 15 TO OCTOBER 15. The period of use should be JANUARY 1 TO DECEMBER 31.

The Preliminary Decree states that the place of use is:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
SESWNW	23	4N	7W	JEFFERSON

The place of use should be:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	S2S2	23	4N	7W	JEFFERSON
6	NWSW	23	4N	7W	JEFFERSON
	SE	22	4N	7W	JEFFERSON

6. For claim 41E 94197-00, the source changes requested in the Verified Motion to Amend arise out of the same conduct, transaction, or occurrence specified on the original Statement of Claim, are based on the same operative facts specified in the Statement of Claim, and merely make more specific that which was already claimed on the original Statement of Claim.

7. For claim 41E 94197-00, the Preliminary Decree states that the source is SPRING, UNNAMED TRIBUTARY OF BISON CREEK, the source type is GROUNDWATER, and ALSO KNOWN AS HILLSIDE SPRING. The source should be UNNAMED TRIBUTARY OF BISON CREEK, the source type should be SURFACE, and the clarification remark should be removed.

The Preliminary Decree states that the point of diversion, period of diversion, and means of diversion are:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
NWSWSW	23	4N	7W	JEFFERSON

Period of Diversion: MAY 15 TO OCTOBER 15

Means of Diversion: LIVESTOCK DIRECT FROM SOURCE

The point of diversion, period of diversion, and means of diversion should be:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
NE	23	4N	7W	JEFFERSON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Means of Diversion: LIVESTOCK DIRECT FROM SOURCE

E2NESE	23	4N	7W	JEFFERSON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Means of Diversion: LIVESTOCK DIRECT FROM SOURCE

W2W2NW	24	4N	7W	JEFFERSON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Means of Diversion: LIVESTOCK DIRECT FROM SOURCE

The Preliminary Decree states that the period of use is MAY 15 TO OCTOBER 15. The period of use should be JANUARY 1 TO DECEMBER 31.

The Preliminary Decree states that the place of use is:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
NWSWSW	23	4N	7W	JEFFERSON

The place of use should be:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
NE	23	4N	7W	JEFFERSON
E2NESE	23	4N	7W	JEFFERSON
W2W2NW	24	4N	7W	JEFFERSON

As requested, the following information remark should be added: THIS WATER RIGHT ALSO INCLUDES PONDING IN LOW AREAS ALONG EASTERN BOUNDARY OF PROPERTY.

8. For claim 41E 94198-00, the Preliminary Decree states that the point of diversion, period of diversion, and means of diversion are:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
NWSWSW	23	4N	7W	JEFFERSON

Period of Diversion: MAY 15 TO OCTOBER 15

Means of Diversion: LIVESTOCK DIRECT FROM SOURCE

The point of diversion, period of diversion, and means of diversion should be:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
NWNWSW	23	4N	7W	JEFFERSON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Means of Diversion: DEVELOPED SPRING

N2S2	23	4N	7W	JEFFERSON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Means of Diversion: LIVESTOCK DIRECT FROM SOURCE

S2SENE	23	4N	7W	JEFFERSON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Means of Diversion: LIVESTOCK DIRECT FROM SOURCE

The Preliminary Decree states that the period of use is MAY 15 TO OCTOBER 15. The period of use should be JANUARY 1 TO DECEMBER 31.

The Preliminary Decree states that the place of use is:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
NWSWSW	23	4N	7W	JEFFERSON

The place of use should be:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
N2S2	23	4N	7W	JEFFERSON
S2SENE	23	4N	7W	JEFFERSON

#### CONCLUSIONS OF LAW

1. For claim 41E 94197-00, the requested amendment does not adversely affect other water rights as it is a correction to the abstract which does not make any change to the actual historical use of the claimed right on the ground. Notice by publication of this amendment is not required. Section 85-2-233(6), MCA.
2. For claim 41E 94197-00, the requested amendment “merely makes more specific that which has already been alleged.” *Prentice Lumber Company v. Hukill*, 161 Mont. 8, 15 (1972).
3. The settlement documents are sufficient to contradict and overcome the prima facie claims as they appeared in the Preliminary Decree and to resolve the issue remarks without evidentiary hearing. Sections 85-2-248(3) and (11), MCA.

#### RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusions of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Preliminary



Decree for this Basin. A Post Decree Abstract of Water Right Claim for each claim is served with this Report to confirm the recommended changes have been made in the state's centralized record system.

**ELECTRONICALLY SIGNED AND DATED BELOW**

**Service Via Electronic Mail:**

Calli J. Michaels  
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**Note: Service List Updated 10-17-24**

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

**Water Right Number:** 41E 3388-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** REBICH, WILLIAM P LIVING TRUST DTD 3/7/2023  
WILLIAM & KATHLEEN REBICH & DEEDEE ANTIS TRUSTEES  
2325 BOND RD  
DILLON, MT 59725-9528

**Priority Date:** JUNE 1, 1880

**Type of Historical Right:** USE

**Purpose (Use):** DOMESTIC

**\*Flow Rate:** 112.20 GPM

**Volume:** 4.00 AC-FT

**Households:** 1

**Maximum Acres:** 1.00

**Source Name:** SPRING, UNNAMED TRIBUTARY OF BISON CREEK

**Source Type:** GROUNDWATER  
ALSO KNOWN AS RED PINE SPRING

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENWSE	22	4N	7W	JEFFERSON

**\*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	1.00		SWNESE	22	4N	7W	JEFFERSON

**Total:** 1.00

RED PINE 9737 AND TRACT BY M&B LYING SOUTH OF RED PINE 9737

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

**Water Right Number:** 41E 3389-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** REBICH, WILLIAM P LIVING TRUST DTD 3/7/2023  
WILLIAM & KATHLEEN REBICH & DEEDEE ANTIS TRUSTEES  
2325 BOND RD  
DILLON, MT 59725-9528

**Priority Date:** JUNE 1, 1880

**Type of Historical Right:** USE

**Purpose (Use):** STOCK

**\*Flow Rate:** 67.32 GPM

**Volume:** 6.00 AC-FT

**\*Source Name:** SPRING, UNNAMED TRIBUTARY OF BISON CREEK

**Source Type:** GROUNDWATER  
ALSO KNOWN AS ROCKY CLIFF SPRING

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESESE	22	4N	7W	JEFFERSON

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

**Diversion Means:** PIPELINE

2		SESESE	22	4N	7W	JEFFERSON
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

3		S2S2SW	23	4N	7W	JEFFERSON
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE  
GOLD NUGGET LODGE MS 10306

**\*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			SESESE	22	4N	7W	JEFFERSON
2			S2S2SW	23	4N	7W	JEFFERSON

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

**Water Right Number:** 41E 94194-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** REBICH, WILLIAM P LIVING TRUST DTD 3/7/2023  
WILLIAM & KATHLEEN REBICH & DEEDEE ANTIS TRUSTEES  
2325 BOND RD  
DILLON, MT 59725-9528

**Priority Date:** JUNE 1, 1880

**Type of Historical Right:** USE

**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:** 5 - LOW

**Maximum Acres:** 200.00

**Source Name:** SPRING, UNNAMED TRIBUTARY OF BISON CREEK

**Source Type:** SURFACE WATER

ALSO KNOWN AS RED PINE SPRING

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWSW	23	4N	7W	JEFFERSON

**Period of Diversion:** APRIL 15 TO OCTOBER 31

**Diversion Means:** DITCH

2		SENESE	22	4N	7W	JEFFERSON
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**Period of Diversion:** APRIL 15 TO OCTOBER 31

**Diversion Means:** DITCH

THE POINTS OF DIVERSION IN THE SENESE SECTION 22 AND NWSWSW SECTION 23 ARE LOCATED ON RED PINE LODGE MS 9737.

**Period of Use:** APRIL 15 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	175.00		S2	23	4N	7W	JEFFERSON
2	25.00		S2NE	23	4N	7W	JEFFERSON

**Total:** 200.00

**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.

94194-00

94196-00

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

**Water Right Number:** 41E 94195-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** REBICH, WILLIAM P LIVING TRUST DTD 3/7/2023  
 WILLIAM & KATHLEEN REBICH & DEEDEE ANTIS TRUSTEES  
 2325 BOND RD  
 DILLON, MT 59725-9528

**Priority Date:** DECEMBER 31, 1880

**Type of Historical Right:** USE

**Purpose (Use):** DOMESTIC

**Flow Rate:** 10.00 GPM

**Volume:** 15.50 AC-FT

**Households:** 2

**Maximum Acres:** 5.00

**Source Name:** SPRING, UNNAMED TRIBUTARY OF BISON CREEK

**Source Type:** GROUNDWATER  
 ALSO KNOWN AS RED PINE SPRING

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENWSE	22	4N	7W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	PIPELINE					
2		NWSWSW	23	4N	7W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	DITCH					
3		SENESE	22	4N	7W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	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	5.00		N2SWSW	23	4N	7W	JEFFERSON
<b>Total:</b>	5.00						

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

**Water Right Number:** 41E 94196-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** REBICH, WILLIAM P LIVING TRUST DTD 3/7/2023  
WILLIAM & KATHLEEN REBICH & DEEDEE ANTIS TRUSTEES  
2325 BOND RD  
DILLON, MT 59725-9528

**Priority Date:** JUNE 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:** SPRING, UNNAMED TRIBUTARY OF BISON CREEK

**Source Type:** SURFACE WATER

ALSO KNOWN AS RED PINE SPRING

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2S2	23	4N	7W	JEFFERSON

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

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

2		SENESE	22	4N	7W	JEFFERSON
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DITCH

3		NESWSW	23	4N	7W	JEFFERSON
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DITCH

4		SE	22	4N	7W	JEFFERSON
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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			S2S2	23	4N	7W	JEFFERSON
2		6	NWSW	23	4N	7W	JEFFERSON

3

SE 22 4N 7W JEFFERSON

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**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.

94194-00

94196-00



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

**Water Right Number:** 41E 94197-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** REBICH, WILLIAM P LIVING TRUST DTD 3/7/2023  
WILLIAM & KATHLEEN REBICH & DEEDEE ANTIS TRUSTEES  
2325 BOND RD  
DILLON, MT 59725-9528

**Priority Date:** JUNE 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:** UNNAMED TRIBUTARY OF BISON 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		NE	23	4N	7W	JEFFERSON

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

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

2		E2NESE	23	4N	7W	JEFFERSON
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

3		W2W2NW	24	4N	7W	JEFFERSON
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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			NE	23	4N	7W	JEFFERSON
2			E2NESE	23	4N	7W	JEFFERSON
3			W2W2NW	24	4N	7W	JEFFERSON

**Remarks:**

THIS WATER RIGHT ALSO INCLUDES PONDING IN LOW AREAS ALONG EASTERN BOUNDARY OF PROPERTY.

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

**Water Right Number:** 41E 94198-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** REBICH, WILLIAM P LIVING TRUST DTD 3/7/2023  
WILLIAM & KATHLEEN REBICH & DEEDEE ANTIS TRUSTEES  
2325 BOND RD  
DILLON, MT 59725-9528

**Priority Date:** JUNE 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:** SPRING, UNNAMED TRIBUTARY OF BISON CREEK

**Source Type:** GROUNDWATER

ALSO KNOWN AS SNOWY GULCH

**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		NWNWSW	23	4N	7W	JEFFERSON

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

**Diversion Means:** DEVELOPED SPRING

2		N2S2	23	4N	7W	JEFFERSON
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

3		S2SENE	23	4N	7W	JEFFERSON
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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			N2S2	23	4N	7W	JEFFERSON
2			S2SENE	23	4N	7W	JEFFERSON