

Montana Water Court
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Bozeman, MT 59771-1389
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FILED
09/03/2024
Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: Julie Cristiani
41E-0156-R-2024
Lambert, Kathryn
7.00

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

CLAIMANT: NR & EJ Limited Partnership

CASE 41E-0156-R-2024

41E 94034-00
41E 210886-00
41E 210887-00
41E 210888-00
41E 210891-00
41E 214261-00

NOTICE OF FILING OF MASTER'S REPORT

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

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

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

MASTER’S REPORT

Claim 41E 94034-00 appeared in the Preliminary Decree with the following issue remark:

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 46.75 TIMES THE CAPACITY OF THE RESERVOIR.

Claims 41E 210886-00, 41E 210887-00, 41E 210888-00, 41E 210891-00 and 41E 214261-00 each 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 NWNESE SEC 15 TWP 6N RGE 4W JEFFERSON COUNTY.

The issue remarks were not addressed through the objection process. The Water Court is required to resolve the issues raised by each issue remark. Section 85-2-248, MCA. Under Section 85-2-248(3), MCA, information in the claim file or other information obtained by the Court can be reviewed to determine if it provides a sufficient basis to resolve the issue raised by a remark and the Court can provide the claimant an opportunity to file additional information or evidence.

The January 9, 2024 Order Consolidating Case and Order Setting Deadlines Pursuant To Section 85-2-248(5), MCA set filing deadlines for the Montana Department of Natural Resources and Conservation [“DNRC”] and the claimant. On March 22, 2024 the DNRC Memorandum was filed including recommendations to resolve the issue remarks. On May 14, 2024 Claimant NR & EJ Limited Partnership’s Endorsement Of DNRC’s Memorandum was filed. On July 18, 2024 Claimant NR & EJ Limited Statement Correcting The Point Of Diversion For Claim 41E 210888-00 was filed. 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.

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 their own claims. Rule 19, W.R.Adj.R.

FINDINGS OF FACT

1. For claim 41E 94034-00, the Preliminary Decree states the flow rate and volume are:

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

Volume: 187.00 AC-AF

Although there is an onstream reservoir, it is part of a direct flow system rather than a storage reservoir. The flow rate and volume should be:

Flow Rate : 1.88 CFS

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

PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

The volume issue remark should be removed as addressed and resolved.

The abstract also includes the following notice remark:

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

This notice remark does not raise an unresolved issue which needs to be addressed. The remark should be removed as having served its notice purpose.

2. Claims 41E 210886-00, 41E 210887-00, and 41E 210891-00 each include a point of diversion in the SESENE section 15, T6N, R4W, JEFFERSON for SLOAN DITCH. The legal description should be S2SENE section 15, T6N, R4W, JEFFERSON. The point of diversion issue remark should be removed as addressed and resolved.

3. Claim 41E 210888-00 includes a point of diversion in the NWSESW section 11, T6N, R4W, JEFFERSON for SLOAN DITCH. The legal description should be S2SENE section 15, T6N, R4W, JEFFERSON. The point of diversion issue remark should be removed as addressed and resolved.

4. Claim 41E 214261-00 include a point of diversion in the SESENE section 11, T6N, R4W, JEFFERSON for SLOAN DITCH. The legal description should be S2SENE section 15, T6N, R4W, JEFFERSON. The point of diversion issue remark should be removed as addressed and

resolved.

The abstract for claim 41E 214261-00 also includes the following notice remark:

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON MUSKRAT CREEK WITH A PRIORITY DATE PREDATING CASE NO 1249, JEFFERSON 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.

This notice remark does not raise an unresolved issue which needs to be addressed. The remark should be removed as having served its notice purpose.

CONCLUSION OF LAW

The information provided by the DNRC and the claimant is sufficient 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 Conclusion of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim for each 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:

John W. Tietz
Browning Kaleczyc Berry & Hoven PC
PO Box 1697
Helena, MT 59624-1697
(406) 443-6820
john@bkbh.com
hallee@bkbh.com
megan@bkbh.com

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

Water Right Number: 41E 94034-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: NR & EJ LIMITED PARTNERSHIP
PO BOX 1715
33 LAST CHANCE GULCH
HELENA, MT 59624

Priority Date: JULY 27, 1874

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.88 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 100.00

Source Name: UNNAMED TRIBUTARY OF MUSKRAT CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS SPRUCE CREEK

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	10	6N	4W	JEFFERSON

***Period of Diversion:** APRIL 15 TO JUNE 15

Diversion Means: DIKE

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SENE	10	6N	4W	JEFFERSON

Diversion to Reservoir: DIVERSION # 1

Surface Area: 1.00 ACRES

Period of Use: APRIL 15 TO JUNE 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	20.00		S2SENE	10	6N	4W	JEFFERSON
2	40.00		NESE	10	6N	4W	JEFFERSON
3	40.00		SESE	10	6N	4W	JEFFERSON

Total: 100.00

Remarks:

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

94024-00	94025-00	94026-00	94027-00	94028-00	94029-00
94030-00	94031-00	94032-00	94033-00	94034-00	94035-00
210886-00	210887-00	210888-00	210889-00	210890-00	210891-00
214261-00					

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

Water Right Number: 41E 210886-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: NR & EJ LIMITED PARTNERSHIP
PO BOX 1715
33 LAST CHANCE GULCH
HELENA, MT 59624

Priority Date: APRIL 1, 1873

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.75 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:** 1,248.00

Source Name: MUSKRAT 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		S2SENE	15	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SLOAN DITCH					
2		SWSENE	11	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	ANDREWS DITCH(NOW BANNOCK TRADING CO)					
3		NWNESE	11	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	PATTERSON DITCH					
4		NWSESW	11	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
5		SEWNWE	22	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					

Diversion Means: HEADGATE
6 SESESW 22 6N 4W JEFFERSON

Period of Diversion: MAY 15 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: RIEDER DITCH

DITCH NAME FOR ANDREWS DITCH (NOW BANNOCK TRADING CO) IS KNOWN AS THE WARREN DITCH.

Period of Use: MAY 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	35.00		S2S2NE	10	6N	4W	JEFFERSON
2	11.00		SWSW	10	6N	4W	JEFFERSON
3	59.00		E2SW	10	6N	4W	JEFFERSON
4	160.00		SE	10	6N	4W	JEFFERSON
5	12.00		S2SENE	11	6N	4W	JEFFERSON
6	10.00		W2NESE	11	6N	4W	JEFFERSON
7	35.00		W2SE	11	6N	4W	JEFFERSON
8	17.00		S2NESW	11	6N	4W	JEFFERSON
9	24.00		SESW	11	6N	4W	JEFFERSON
10	74.00		W2SW	11	6N	4W	JEFFERSON
11	22.00		W2NW	14	6N	4W	JEFFERSON
12	2.00		NWNWSE	14	6N	4W	JEFFERSON
13	300.00		E2	15	6N	4W	JEFFERSON
14	122.00		NE	22	6N	4W	JEFFERSON
15	80.00		E2NW	22	6N	4W	JEFFERSON
16	40.00		NESW	22	6N	4W	JEFFERSON
17	40.00		NWSE	22	6N	4W	JEFFERSON
18	25.00		W2E2SE	22	6N	4W	JEFFERSON
19	110.00		E2	27	6N	4W	JEFFERSON
20	70.00		NWSE	27	6N	4W	JEFFERSON

Total: 1248.00

Remarks:

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

94024-00	94025-00	94026-00	94027-00	94028-00	94029-00
94030-00	94031-00	94032-00	94033-00	94034-00	94035-00
210886-00	210887-00	210888-00	210889-00	210890-00	210891-00
214261-00					

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

Water Right Number: 41E 210887-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: NR & EJ LIMITED PARTNERSHIP
PO BOX 1715
33 LAST CHANCE GULCH
HELENA, MT 59624

Priority Date: MARCH 2, 1914

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: 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:** 1,248.00

Source Name: MUSKRAT 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		S2SENE	15	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SLOAN DITCH					
2		SWSENE	11	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	ANDREWS DITCH(NOW BANNOCK TRADING CO)					
3		NWNESE	11	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	PATTERSON DITCH					
4		NWSESW	11	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
5		SENWNE	22	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					

Diversion Means: HEADGATE
6 SESESW 22 6N 4W JEFFERSON

Period of Diversion: MAY 15 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: RIEDER DITCH

DITCH NAME FOR ANDREWS DITCH (NOW BANNOCK TRADING CO) IS KNOWN AS THE WARREN DITCH.

Period of Use: MAY 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	35.00		S2S2NE	10	6N	4W	JEFFERSON
2	11.00		SWSW	10	6N	4W	JEFFERSON
3	59.00		E2SW	10	6N	4W	JEFFERSON
4	160.00		SE	10	6N	4W	JEFFERSON
5	12.00		S2SENE	11	6N	4W	JEFFERSON
6	10.00		W2NESE	11	6N	4W	JEFFERSON
7	35.00		W2SE	11	6N	4W	JEFFERSON
8	17.00		S2NESW	11	6N	4W	JEFFERSON
9	24.00		SESW	11	6N	4W	JEFFERSON
10	74.00		W2SW	11	6N	4W	JEFFERSON
11	22.00		W2NW	14	6N	4W	JEFFERSON
12	2.00		NWNWSE	14	6N	4W	JEFFERSON
13	300.00		E2	15	6N	4W	JEFFERSON
14	122.00		NE	22	6N	4W	JEFFERSON
15	80.00		E2NW	22	6N	4W	JEFFERSON
16	40.00		NESW	22	6N	4W	JEFFERSON
17	40.00		NWSE	22	6N	4W	JEFFERSON
18	25.00		W2E2SE	22	6N	4W	JEFFERSON
19	110.00		E2	27	6N	4W	JEFFERSON
20	70.00		NWSE	27	6N	4W	JEFFERSON

Total: 1248.00

Remarks:

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

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214261-00					

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

Water Right Number: 41E 210888-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: NR & EJ LIMITED PARTNERSHIP
PO BOX 1715
33 LAST CHANCE GULCH
HELENA, MT 59624

Priority Date: JANUARY 4, 1934

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: 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:** 1,248.00

Source Name: MUSKRAT 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		SESENE	15	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	ANDREWS DITCH(NOW BANNOCK TRADING CO)					
2		SWSENE	11	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	PATTERSON DITCH					
3		NWNESE	11	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
4		S2SENE	15	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SLOAN DITCH					
5		SEWNNE	22	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					

Diversion Means: HEADGATE
6 SESESW 22 6N 4W JEFFERSON

Period of Diversion: MAY 15 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: RIEDER DITCH

DITCH NAME FOR ANDREWS DITCH (NOW BANNOCK TRADING CO) IS KNOWN AS THE WARREN DITCH.

Period of Use: MAY 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	35.00		S2S2NE	10	6N	4W	JEFFERSON
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3	59.00		E2SW	10	6N	4W	JEFFERSON
4	160.00		SE	10	6N	4W	JEFFERSON
5	12.00		S2SENE	11	6N	4W	JEFFERSON
6	10.00		W2NESE	11	6N	4W	JEFFERSON
7	35.00		W2SE	11	6N	4W	JEFFERSON
8	17.00		S2NESW	11	6N	4W	JEFFERSON
9	24.00		SESW	11	6N	4W	JEFFERSON
10	74.00		W2SW	11	6N	4W	JEFFERSON
11	22.00		W2NW	14	6N	4W	JEFFERSON
12	2.00		NWNWSE	14	6N	4W	JEFFERSON
13	300.00		E2	15	6N	4W	JEFFERSON
14	122.00		NE	22	6N	4W	JEFFERSON
15	80.00		E2NW	22	6N	4W	JEFFERSON
16	40.00		NESW	22	6N	4W	JEFFERSON
17	40.00		NWSE	22	6N	4W	JEFFERSON
18	25.00		W2E2SE	22	6N	4W	JEFFERSON
19	110.00		E2	27	6N	4W	JEFFERSON
20	70.00		NWSE	27	6N	4W	JEFFERSON

Total: 1248.00

Remarks:

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

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210886-00	210887-00	210888-00	210889-00	210890-00	210891-00
214261-00					

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

Water Right Number: 41E 210891-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: NR & EJ LIMITED PARTNERSHIP
PO BOX 1715
33 LAST CHANCE GULCH
HELENA, MT 59624

Priority Date: JUNE 30, 1902

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.75 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:** 1,248.00

Source Name: MUSKRAT 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		S2SENE	15	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SLOAN DITCH					
2		SWSENE	11	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	ANDREWS DITCH(NOW BANNOCK TRADING CO)					
3		NWNESE	11	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	PATTERSON DITCH					
4		NWSESW	11	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
5		SEWNNE	22	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					

Diversion Means: HEADGATE
6 SESESW 22 6N 4W JEFFERSON

Period of Diversion: MAY 15 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: RIEDER DITCH

DITCH NAME FOR ANDREWS DITCH (NOW BANNOCK TRADING CO) IS KNOWN AS THE WARREN DITCH.

Period of Use: MAY 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	35.00		S2S2NE	10	6N	4W	JEFFERSON
2	11.00		SWSW	10	6N	4W	JEFFERSON
3	59.00		E2SW	10	6N	4W	JEFFERSON
4	160.00		SE	10	6N	4W	JEFFERSON
5	12.00		S2SENE	11	6N	4W	JEFFERSON
6	10.00		W2NESE	11	6N	4W	JEFFERSON
7	35.00		W2SE	11	6N	4W	JEFFERSON
8	17.00		S2NESW	11	6N	4W	JEFFERSON
9	24.00		SESW	11	6N	4W	JEFFERSON
10	74.00		W2SW	11	6N	4W	JEFFERSON
11	22.00		W2NW	14	6N	4W	JEFFERSON
12	2.00		NWNWSE	14	6N	4W	JEFFERSON
13	300.00		E2	15	6N	4W	JEFFERSON
14	122.00		NE	22	6N	4W	JEFFERSON
15	80.00		E2NW	22	6N	4W	JEFFERSON
16	40.00		NESW	22	6N	4W	JEFFERSON
17	40.00		NWSE	22	6N	4W	JEFFERSON
18	25.00		W2E2SE	22	6N	4W	JEFFERSON
19	110.00		E2	27	6N	4W	JEFFERSON
20	70.00		NWSE	27	6N	4W	JEFFERSON

Total: 1248.00

Remarks:

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

94024-00	94025-00	94026-00	94027-00	94028-00	94029-00
94030-00	94031-00	94032-00	94033-00	94034-00	94035-00
210886-00	210887-00	210888-00	210889-00	210890-00	210891-00
214261-00					

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

Water Right Number: 41E 214261-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: NR & EJ LIMITED PARTNERSHIP
PO BOX 1715
33 LAST CHANCE GULCH
HELENA, MT 59624

***Priority Date:** DECEMBER 31, 1866

THIS RIGHT IS JUNIOR TO WATER RIGHT NUMBER 41E 94024-00.

***Type of Historical Right:** USE

***Purpose (Use):** IRRIGATION

***Flow Rate:** 1.60 CFS

FLOW RATE EQUALS 64 1/6TH MINER'S INCHES.

THE WATER RIGHTS FOLLOWING THIS STATEMENT HAVE AN UNDIVIDED INTEREST IN A SINGLE WATER RIGHT FOR 1.60 CFS. 214261-00, 93587-00, 93965-00.

***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:** 1,248.00

***Source Name:** MUSKRAT 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		S2SENE	15	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SLOAN DITCH					
2		SWSENE	11	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	ANDREWS DITCH(NOW BANNOCK TRADING CO)					
3		NWNESE	11	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	PATTERSON DITCH					
4		NWSESW	11	6N	4W	JEFFERSON
Period of Diversion:	MAY 15 TO OCTOBER 31					
Diversion Means:	HEADGATE					

5 SENWNE 22 6N 4W JEFFERSON

Period of Diversion: MAY 15 TO OCTOBER 31

Diversion Means: HEADGATE

6 SESESW 22 6N 4W JEFFERSON

Period of Diversion: MAY 15 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: RIEDER DITCH

ACCORDING TO AN AGREEMENT OF THE PARTIES FILED 05/23/1995, AND CASE NO. 1484 JEFFERSON COUNTY, FOR PURPOSES OF DISTRIBUTION THE PERIOD OF USE OF THIS RIGHT IS THE FIRST DAY OF EACH MONTH AT 12:00 P.M. (NOON), UNTIL THE ELEVENTH DAY OF EACH MONTH AT 12:00 P.M. (NOON).

DITCH NAME FOR ANDREWS DITCH (NOW BANNOCK TRADING CO) IS KNOWN AS THE WARREN DITCH.

***Period of Use:** MAY 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>
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Total:	1248.00						

Remarks:

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