

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

CLAIMANT: Lockhart Meadows LLC

OBJECTOR: United States of America (USDA Forest Service)

CASE 41E-0189-R-2024

- 41E 94276-00
- 41E 94277-00
- 41E 94293-00
- 41E 94295-00
- 41E 94308-00
- 41E 94309-00
- 41E 30128569
- 41E 30128591

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

The United States of America (USDA Forest Service) objected to each of these claims. On July 22, 2024 the parties filed a Stipulation To Resolve Objections which includes a request to change the maximum acres and place of use for claim 41E 94308-00. As those elements are not

at issue by objection or issue remark, this is deemed the claimant's motion to amend pursuant to section 85-2-233(6), MCA. The Stipulation is 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 amending their own claims. Rule 19, W.R.Adj.R.

FINDINGS OF FACT

1. For claim 41E 94276-00, the Preliminary Decree states that the point of diversion legal description is the NENE section 25, T6N, R8W, JEFFERSON. The legal description should be the NESENE section 25, T6N, R8W, JEFFERSON.

The Preliminary Decree states that the legal description for the section 25 parcel in the place of use is the NENE section 25, T6N, R8W, JEFFERSON. The legal description should be the E2SENE section 25, T6N, R8W, Jefferson.

As requested, the following general remark should be added: POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

2. Claim 41E 94277-00 appeared in the Preliminary Decree with the following issue remark:

THE PLACE OF USE NO. 2 APPEARS INCORRECT. THE PLACE OF USE NO. 2 APPEARS TO BE NW SEC 30 TWP 6N RGE 7W JEFFERSON COUNTY.

The Preliminary Decree states that the legal description for the point of diversion in section 25 is the NE section 25, T6N, R8W, JEFFERSON. The legal description should be the NESENE section 25, T6N, R8W, JEFFERSON.

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>
NE	25	6N	8W	JEFFERSON
NW	30	6N	8W	JEFFERSON

The place of use should be:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
NESENE	25	6N	8W	JEFFERSON
NW	30	6N	7W	JEFFERSON

The place of use issue remark should be removed as addressed and resolved.

As requested, the following general remark should be added: POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

3. Claim 41E 94293-00 appeared in the Preliminary Decree with the following issue remark:

THE PRIORITY DATE APPEARS TO BE INCORRECT. IT APPEARS FROM INFORMATION IN THE CLAIM FILE THAT THE PRIORITY DATE SHOULD BE 12/31/1881.

According to the state's centralized record system (the DNRC database), this issue remark was added in 2021 during the ReExamination of this claim. ReExamination is a very focused review limited to the specific items identified in the Montana Water Court Order Addressing ReExamination issued December 14, 2012. Priority date is not on the list of items for ReExamination. The priority date might be looked at to determine if there is a decree exceeded issue, over-filed notice of appropriation issue, or if a claim is a multiple use with another claim or claims - items identified for review during ReExamination - but there is no authority to conduct a second review of the priority date and add an issue remark. The time to add an issue remark concerning the priority date was during Verification or Examination, prior to issuance of the first Water Court Decree for the claim. The addition of this issue remark during

ReExamination is unauthorized as it is beyond the scope of ReExamination. The remark should be removed without any further proceedings.

The Preliminary Decree states that the legal description for the 17.00 acre parcel in section 30 of the place of use is the SENE section 30, T6N, R7W, JEFFERSON. The legal description should be the SENW section 30, T6N, R7W, Jefferson.

As requested, the following general remark should be added: POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

This claim appeared in the Preliminary Decree with the following notice 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.

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

4. For claim 41E 94295-00, the Preliminary Decree states that the legal description for the 17.00 acre parcel in section 30 of the place of use is the SENE section 30, T6N, R7W, JEFFERSON. The legal description should be the SENW section 30, T6N, R7W, JEFFERSON.

As requested, the following general remark should be added: POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

This claim appeared in the Preliminary Decree with the following notice 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.

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

5. The changes requested in the motion to amend claim 41E 94308-00 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.

6. For claim 41E 94308-00, the Preliminary Decree states that the maximum acres irrigated is 30.00 and the place of use is 30.00 acres in the N2NE section 30, T6N, R7W,

JEFFERSON. The maximum acres irrigated should be 15.00 and the place of use should be 15.00 acres in the NWNE section 30, T6N, R7W, JEFFERSON.

The Preliminary Decree states that the point of diversion legal description is the NENWNE section 30, T6N, R7W, JEFFERSON. The legal description should be the SWNWNE section 30, T6N, R7W, Jefferson.

As requested, the following general remark should be added: POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

7. For claim 41E 94309-00, the Preliminary Decree states that the legal description for the point of diversion and the place of use is the N2NE section 30, T6N, R7W, JEFFERSON. The legal descriptions should both be the S2NWNE section 30, T6N, R7W, JEFFERSON.

As requested, the following general remark should be added: POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

8. For claim 41E 30128569, the Preliminary Decree states that the legal description for the point of diversion is the SWSW section 31, T6N, R7W, JEFFERSON. The legal description should be the SWSWSW section 31, T6N, R7W, JEFFERSON.

As requested, the following general remark should be added: POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

This claim appeared in the Preliminary Decree with the following notice remark:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41E DECREE ISSUED
06/20/1985.

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

9. For claim 41E 30128591, the Preliminary Decree states that the legal description for the point of diversion is the NWSWSW section 31, T6N, R7W, JEFFERSON. The legal description should be the SWSWSW section 31, T6N, R7W, JEFFERSON.

As requested, the following general remark should be added: POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

This claim appeared in the Preliminary Decree with the following notice remark:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41E DECREE ISSUED
06/20/1985.

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

CONCLUSIONS OF LAW

1. As the requested amendment is a reduction in the number of acres irrigated and the related adjustments to the place of use, this amendment does not adversely affect other water rights. Notice by publication of this amendment is not required. Section 85-2-233(6), MCA.

2. 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 filed by the parties is sufficient to contradict and overcome the prima facie claims 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 grant the motion to amend and 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

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

Water Right Number: 41E 94276-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: LOCKHART MEADOWS LLC
502 LOWER VALLEY RD
BOULDER, MT 59632-9728

Priority Date: JANUARY 1, 1881

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: NATURAL SUBIRRIGATION

Flow Rate: NO FLOW RATE HAS BEEN DECREED FOR THIS USE OF NATURAL SUBIRRIGATION.

***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:** 91.00

Source Name: UNNAMED TRIBUTARY OF CABIN CREEK

Source Type: GROUNDWATER

Source Name: SUBIRRIGATION, UNNAMED TRIBUTARY OF CABIN CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESENE	25	6N	8W	JEFFERSON

Source Name: SUBIRRIGATION, UNNAMED TRIBUTARY OF CABIN CREEK

Period of Diversion: JUNE 1 TO SEPTEMBER 30

Diversion Means: SUBIRRIGATION

2		NW	30	6N	7W	JEFFERSON
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Source Name: UNNAMED TRIBUTARY OF CABIN CREEK

Period of Diversion: JUNE 1 TO SEPTEMBER 30

Diversion Means: SUBIRRIGATION

Period of Use: JUNE 1 TO SEPTEMBER 30

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	15.00		E2SENE	25	6N	8W	JEFFERSON
2	76.00		NW	30	6N	7W	JEFFERSON
Total:	<u>91.00</u>						

Remarks:

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

94274-00	94276-00	94293-00	94295-00	94297-00	94299-00
94301-00	94303-00	94306-00	94310-00	94318-00	94320-00
94322-00	94324-00				

POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

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

Water Right Number: 41E 94277-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: LOCKHART MEADOWS LLC
502 LOWER VALLEY RD
BOULDER, MT 59632-9728

Priority Date: JANUARY 1, 1881

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: CABIN 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		NESENE	25	6N	8W	JEFFERSON

Period of Diversion: JUNE 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		NW	30	6N	7W	JEFFERSON
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Period of Diversion: JUNE 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JUNE 1 TO OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NESENE	25	6N	8W	JEFFERSON
2			NW	30	6N	7W	JEFFERSON

Remarks:

POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

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

Water Right Number: 41E 94293-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: LOCKHART MEADOWS LLC
502 LOWER VALLEY RD
BOULDER, MT 59632-9728

Priority Date: JANUARY 31, 1881

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 7.50 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:** 137.00

Source Name: BOULDER 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		SWSESE	36	6N	8W	JEFFERSON
Period of Diversion:	JUNE 1 TO SEPTEMBER 30					
Diversion Means:	HEADGATE					
2		NWSESE	36	6N	8W	JEFFERSON
Period of Diversion:	JUNE 1 TO SEPTEMBER 30					
Diversion Means:	HEADGATE					
3		NWSWSW	30	6N	7W	JEFFERSON
Period of Diversion:	JUNE 1 TO SEPTEMBER 30					
Diversion Means:	HEADGATE					
4		NENENE	36	6N	8W	JEFFERSON
Period of Diversion:	JUNE 1 TO SEPTEMBER 30					
Diversion Means:	HEADGATE					

Period of Use: JUNE 1 TO SEPTEMBER 30

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	17.00		SENW	30	6N	7W	JEFFERSON
2	20.00		SESE	25	6N	8W	JEFFERSON
3	40.00		S2	36	6N	8W	JEFFERSON
4	25.00		N2	36	6N	8W	JEFFERSON

5	<u>35.00</u>	SW	30	6N	7W	JEFFERSON
Total:	137.00					

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.

94274-00	94276-00	94293-00	94295-00	94297-00	94299-00
94301-00	94303-00	94306-00	94310-00	94318-00	94320-00
94322-00	94324-00				

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.

94293-00	94294-00	94297-00	94298-00	94303-00	94304-00
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POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

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

Water Right Number: 41E 94295-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: LOCKHART MEADOWS LLC
502 LOWER VALLEY RD
BOULDER, MT 59632-9728

Priority Date: DECEMBER 31, 1881

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 7.50 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:** 137.00

Source Name: BOULDER 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		SWSESE	36	6N	8W	JEFFERSON
Period of Diversion:		JUNE 1 TO SEPTEMBER 30				
Diversion Means:		HEADGATE				
2		NWSESE	36	6N	8W	JEFFERSON
Period of Diversion:		JUNE 1 TO SEPTEMBER 30				
Diversion Means:		HEADGATE				
3		NWSWSW	30	6N	7W	JEFFERSON
Period of Diversion:		JUNE 1 TO SEPTEMBER 30				
Diversion Means:		HEADGATE				
4		NENENE	36	6N	8W	JEFFERSON
Period of Diversion:		JUNE 1 TO SEPTEMBER 30				
Diversion Means:		HEADGATE				

Period of Use: JUNE 1 TO SEPTEMBER 30

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	17.00		SENW	30	6N	7W	JEFFERSON
2	20.00		SESE	25	6N	8W	JEFFERSON
3	40.00		S2	36	6N	8W	JEFFERSON
4	25.00		N2	36	6N	8W	JEFFERSON

5	<u>35.00</u>	SW	30	6N	7W	JEFFERSON
Total:	137.00					

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.

94274-00	94276-00	94293-00	94295-00	94297-00	94299-00
94301-00	94303-00	94306-00	94310-00	94318-00	94320-00
94322-00	94324-00				

POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

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

Water Right Number: 41E 94308-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: LOCKHART MEADOWS LLC
502 LOWER VALLEY RD
BOULDER, MT 59632-9728

Priority Date: SEPTEMBER 5, 1887

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 1.13 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: 15.00

Source Name: BOULDER 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		SWNWNE	30	6N	7W	JEFFERSON

Period of Diversion: JUNE 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Period of Use: JUNE 1 TO SEPTEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	15.00		NWNE	30	6N	7W	JEFFERSON
Total:	15.00						

Remarks:

POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

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

Water Right Number: 41E 94309-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: LOCKHART MEADOWS LLC
502 LOWER VALLEY RD
BOULDER, MT 59632-9728

Priority Date: SEPTEMBER 5, 1887

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: BOULDER 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		S2NWNE	30	6N	7W	JEFFERSON

Period of Diversion: JUNE 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JUNE 1 TO OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2NWNE	30	6N	7W	JEFFERSON

Remarks:

POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

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

Water Right Number: 41E 30128569 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: LOCKHART MEADOWS LLC
502 LOWER VALLEY RD
BOULDER, MT 59632-9728

Priority Date: AUGUST 19, 1895

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 15.00 GPM

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

Source Name: SPRING, UNNAMED TRIBUTARY OF BOULDER 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		SWSWSW	31	6N	7W	JEFFERSON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

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			SESE	36	6N	8W	JEFFERSON

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.

30128569 30128591

POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

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

Water Right Number: 41E 30128591 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: LOCKHART MEADOWS LLC
502 LOWER VALLEY RD
BOULDER, MT 59632-9728

Priority Date: AUGUST 19, 1895

Type of Historical Right: USE

Purpose (Use): DOMESTIC

Flow Rate: 15.00 GPM

Volume: 1.50 AC-FT

Households: 1

Source Name: SPRING, UNNAMED TRIBUTARY OF BOULDER 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		SWSWSW	31	6N	7W	JEFFERSON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

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			NWSWSW	31	6N	7W	JEFFERSON

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.

30128569 30128591

POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.