

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: Mulvey Gulch Ranch LLC

OBJECTORS: Mulvey Gulch Ranch LLC

CASE 41E-0195-R-2024

41E 93879-00	41E 214741-00
41E 93880-00	41E 215667-00
41E 94209-00	41E 216333-00
41E 94211-00	41E 216334-00
41E 94217-00	41E 216335-00
41E 192939-00	

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

Mulvey Gulch Ranch LLC objected to claim 41E 93879-00. Each of these claims appeared in the Preliminary Decree with one or two issue remarks which need to be addressed. On July 22, 2024 the claimant filed a Motion To Resolve Objection And DNRC Issue Remarks. This settlement document 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.

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 93879-00, the Preliminary Decree includes the following issue remark:

THE FLOW RATE OF THIS WATER RIGHT HAS BEEN REDUCED TO THE 17 GPM PER ACRE GUIDELINE. THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

The Preliminary Decree states the flow rate is 3.86 CFS. The flow rate should be 5.00 CFS. The issue remark should be removed as addressed and resolved.

The Preliminary Decree states that the period of diversion and period of use are each APRIL 15 TO OCTOBER 1. They should each be APRIL 15 TO OCTOBER 4.

2. For claim 41E 93880-00, the Preliminary Decree includes the following issue remark:

THE LEGAL LAND DESCRIPTION FOR POINT OF DIVERSION NO. 2 COULD NOT BE REFINED FROM INFORMATION IN THE FILE. THIS CLAIMED POINT OF DIVERSION CANNOT BE CONFIRMED.

The claimant reviewed and confirmed that the legal description for point of diversion number 2 is correct as it appeared in the Preliminary Decree. The issue remark should be removed as addressed and resolved.

3. For claim 41E 94209-00, the Preliminary Decree includes the following issue remark:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE SWNWSE SEC 2 TWP 4N RGE 3W JEFFERSON COUNTY.

The Preliminary Decree states that the point of diversion legal description is the NWSE section 2, T4N, R3W, JEFFERSON. The legal description should be the SWNWSE section 2, T4N, R3W, JEFFERSON. The issue remark should be removed as addressed and resolved.

The Preliminary Decree also includes the following notice remark:

THE TIMELY FILED OBJECTION OF TOM CAREY CATTLE COMPANY WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE PLACE OF USE. BECAUSE THIS ELEMENT WAS NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THIS CHANGE MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

This remark provides notice of this amendment made during the Temporary Preliminary Decree proceedings and 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 94211-00, the Preliminary Decree includes the following issue remark:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE NESESE SEC 3 TWP 4N RGE 3W JEFFERSON COUNTY.

The claimant reviewed and confirmed that the legal description for point of diversion number 2 is correct as it appeared in the Preliminary Decree. The issue remark should be removed as addressed and resolved.

5. For claim 41E 94217-00, the Preliminary Decree includes the following issue remark:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE SWNWNW SEC 22 TWP 4N RGE 3W JEFFERSON COUNTY.

The Preliminary Decree states that the point of diversion legal description is the NWNW section 22, T4N, R3W, JEFFERSON. The legal description should be the SWNWNW section 22, T4N, R3W, JEFFERSON. The issue remark should be removed as addressed and resolved.

6. For claim 41E 192939-00, the Preliminary Decree includes the following issue remark:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE NWNWNW SEC 22 TWP 4N RGE 3W JEFFERSON COUNTY.

The Preliminary Decree states that the point of diversion legal description is the NWNW section 22, T4N, R3W, JEFFERSON. The legal description should be the NWNWNW section 22, T4N, R3W, JEFFERSON. The issue remark should be removed as addressed and resolved.

7. For claim 41E 214741-00, the Preliminary Decree includes the following issue remark:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE SWSWNW SEC 13 TWP 5N RGE 4W JEFFERSON COUNTY.

The Preliminary Decree states that the point of diversion legal description is the NWNWSW section 13, T5N, R4W, JEFFERSON. The legal description should be the SWSWNW section 13, T5N, R4W, JEFFERSON. The issue remark should be removed as addressed and resolved.

The Preliminary Decree also includes the following notice remark:

DITCH NAME 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.

This remark provides notice of a change made prior to issuance of the Preliminary Decree and does not raise an unresolved issue which needs to be addressed. The remark should be removed as having served its notice purpose.

8. For claim 41E 215667-00, the Preliminary Decree includes the following issue remark:

THE JEFFERSON COUNTY WATER RESOURCES SURVEY (1956) APPEARS TO INDICATE 320.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

The Preliminary Decree states that the maximum acres is 675.00 and the place of use includes various parcels in sections 11, 12, 13, and 14, T4N, R3W, JEFFERSON totaling 675.00 acres. The claimant reviewed and confirmed that the maximum acres and place of use are correct as they appeared in the Preliminary Decree. This is a late claim, filed after issuance of the Temporary Preliminary Decree in 1985. The prior owners, Claudette S. Shervin and Harold Shervin, amended the maximum acres and place of use in 1997. The February 3, 1997 letter from Marshall Sewell, Montana Department of Natural Resources and Conservation Water Resource Specialist in the Helena Regional Office, includes this statement: "I have redone the mylar, and refigured the acres. It appears that the total acres should be 675 for this claim." Exhibit L, attached to the July 22, 2024 Motion To Resolve Objection And DNRC Issue Remarks. The issue remark should be removed as addressed and resolved.

The Preliminary Decree also includes the following notice remarks:

CLAIM FILED LATE 06/26/96 . IN ADDITION TO BEING SUBORDINATE TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW, THIS RIGHT MAY ALSO BE SUBORDINATE TO CERTAIN PERMITS AND RESERVATIONS OF WATER. SEE SECTION 85-2-221 MCA.

POINT OF DIVERSION AND DITCH NAME WERE 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.

This remark provides notice of a change made prior to issuance of the Preliminary Decree and 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 216333-00, the Preliminary Decree includes the following issue remark:

THE IRRIGATION TYPE IS MISSING.

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE SWNWSE SEC 2 TWP 4N RGE 3W JEFFERSON COUNTY.

The Preliminary Decree does not include the irrigation type. It should be FLOOD. The irrigation type issue remark should be removed as addressed and resolved.

The Preliminary Decree states that the point of diversion legal description is the NWSE section 2, T4N, R3W, JEFFERSON. The legal description should be the SWNWSE section 2, T4N, R3W, JEFFERSON. The point of diversion issue remark should be removed as addressed and resolved.

10. For claim 41E 216334-00, the Preliminary Decree includes the following issue remark:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE NESESE SEC 3 TWP 4N RGE 3W JEFFERSON COUNTY.

NO IRRIGATION TYPE WAS CLAIMED

The Preliminary Decree does not include the irrigation type. It should be FLOOD. The irrigation type issue remark should be removed as addressed and resolved.

The claimant reviewed and confirmed that the legal description for the point of diversion is correct as it appeared in the Preliminary Decree. The point of diversion issue remark should be removed as addressed and resolved.

11. For claim 41E 216335-00, the Preliminary Decree includes the following issue remark:

NO IRRIGATION TYPE WAS CLAIMED

The Preliminary Decree does not include the irrigation type. It should be FLOOD. The issue remark should be removed as addressed and resolved.

The Preliminary Decree also includes the following notice remark:

DITCH NAME 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.

This remark provides notice of a change made prior to issuance of the Preliminary Decree and 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 settlement filed by the claimant 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 Conclusion of Law, this Master recommends that the Court grant the Motion 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

Service Via Electronic Mail:

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

Water Right Number: 41E 93879-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: MULVEY GULCH RANCH LLC
2360 MT HIGHWAY 69
BOULDER, MT 59632-9732

***Priority Date:** SEPTEMBER 28, 1889

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

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: 4 - MODERATELY LOW

***Maximum Acres:** 102.00

***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		SWNWSW	28	5N	3W	JEFFERSON

Period of Diversion: APRIL 15 TO OCTOBER 4

Diversion Means: HEADGATE

Period of Use: APRIL 15 TO OCTOBER 4

***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	46.40		S2SE	34	5N	3W	JEFFERSON
2	31.40		N2NE	3	4N	3W	JEFFERSON
3	24.20		W2NW	2	4N	3W	JEFFERSON

Total: 102.00

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

Water Right Number: 41E 93880-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MULVEY GULCH RANCH LLC
2360 MT HIGHWAY 69
BOULDER, MT 59632-9732

***Priority Date:** JUNE 30, 1973

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

***Flow Rate:** 4.50 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:** 265.00

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		SWNWSW	28	5N	3W	JEFFERSON

Period of Diversion: APRIL 15 TO OCTOBER 1

Diversion Means: HEADGATE

2		W2NWNW	2	4N	3W	JEFFERSON
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Period of Diversion: APRIL 15 TO OCTOBER 1

Diversion Means: HEADGATE

Period of Use: APRIL 15 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	80.00		E2SW	35	5N	3W	JEFFERSON
2	160.00		NW	35	5N	3W	JEFFERSON
3	25.00		S2SW	26	5N	3W	JEFFERSON

Total: 265.00

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

Water Right Number: 41E 94209-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MULVEY GULCH RANCH LLC
2360 MT HIGHWAY 69
BOULDER, MT 59632-9732

***Priority Date:** FEBRUARY 7, 1890

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 2.81 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:** 75.00

***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		SWNWSE	2	4N	3W	JEFFERSON

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Ditch Name: MCCAULEY-QUAINTANCE DITCH

Period of Use: MAY 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	20.00		S2SW	1	4N	3W	JEFFERSON
2	55.00		N2NW	12	4N	3W	JEFFERSON
Total:	75.00						

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.

94209-00

216333-00

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

Water Right Number: 41E 94211-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MULVEY GULCH RANCH LLC
2360 MT HIGHWAY 69
BOULDER, MT 59632-9732

***Priority Date:** OCTOBER 5, 1902

Type of Historical Right: FILED

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: 4 - MODERATELY LOW

***Maximum Acres:** 356.40

***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		SENESE	3	4N	3W	JEFFERSON

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Ditch Name: MURPHY-QUAINTANCE DITCH

Period of Use: MAY 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	5.00		S2S2NE	11	4N	3W	JEFFERSON
2	129.50		SE	11	4N	3W	JEFFERSON
3	14.80		SWSW	12	4N	3W	JEFFERSON
4	107.50		NW	13	4N	3W	JEFFERSON
5	25.50		NWSW	13	4N	3W	JEFFERSON
6	74.10		NE	14	4N	3W	JEFFERSON

Total: 356.40

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.

94211-00 216334-00

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.

94211-00 94222-00

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

Water Right Number: 41E 94217-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: MULVEY GULCH RANCH LLC
2360 MT HIGHWAY 69
BOULDER, MT 59632-9732

Priority Date: JUNE 17, 1912

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 269.28 GPM

Volume: 182.04 AC-FT

Climatic Area: 4 - MODERATELY LOW

***Maximum Acres:** 36.00

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		SWNWNW	22	4N	3W	JEFFERSON

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: DIKE

Period of Use: MAY 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	36.00		S2SW	15	4N	3W	JEFFERSON

Total: 36.00

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.

94217-00 192939-00

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

Water Right Number: 41E 192939-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MULVEY GULCH RANCH LLC
2360 MT HIGHWAY 69
BOULDER, MT 59632-9732

***Priority Date:** JUNE 17, 1912

***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: 4 - MODERATELY LOW

***Maximum Acres:** 36.00

***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		NWNWNW	22	4N	3W	JEFFERSON

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: DIKE

***Period of Use:** MAY 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	36.00		S2SW	15	4N	3W	JEFFERSON

Total: 36.00

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.

94217-00 192939-00

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.

192939-00 192940-00

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

Water Right Number: 41E 214741-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: MULVEY GULCH RANCH LLC
2360 MT HIGHWAY 69
BOULDER, MT 59632-9732

***Priority Date:** JULY 1, 1955

***Type of Historical Right:** USE

***Purpose (Use):** IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

***Flow Rate:** 8.00 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:** 130.00

***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		SWSWNW	13	5N	4W	JEFFERSON

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: MCCAULEY-MURPHY DITCH

***Period of Use:** APRIL 15 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	130.00		S2	14	4N	3W	JEFFERSON

Total: 130.00

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

Water Right Number: 41E 215667-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Late Claim: B

Owners: MULVEY GULCH RANCH LLC
2360 MT HIGHWAY 69
BOULDER, MT 59632-9732

Priority Date: SEPTEMBER 15, 1866

Enforceable Priority Date: JUNE 30, 1973

CLAIM FILED LATE 06/26/96. AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 12.50 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 675.00

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		NESESE	3	4N	3W	JEFFERSON

Period of Diversion: MAY 1 TO SEPTEMBER 4

Diversion Means: HEADGATE

Ditch Name: MURPHY-QUAINTANCE DITCH

Period of Use: MAY 1 TO SEPTEMBER 4

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	160.00		SE	11	4N	3W	JEFFERSON
2	30.00		S2NE	11	4N	3W	JEFFERSON
3	147.00		SW	12	4N	3W	JEFFERSON
4	20.00		SWNW	12	4N	3W	JEFFERSON
5	153.00		NW	13	4N	3W	JEFFERSON
6	60.00		W2NE	13	4N	3W	JEFFERSON
7	100.00		NE	14	4N	3W	JEFFERSON

8	<u>5.00</u>	N2NESE	14	4N	3W	JEFFERSON
Total:	675.00					

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

Water Right Number: 41E 216333-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MULVEY GULCH RANCH LLC
2360 MT HIGHWAY 69
BOULDER, MT 59632-9732

***Priority Date:** MAY 1, 1947

***Type of Historical Right:** USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 422.00 GPM

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

Climatic Area: 4 - MODERATELY LOW

***Maximum Acres:** 25.00

***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		SWNWSE	2	4N	3W	JEFFERSON

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Ditch Name: MCCAULEY-QUAINTANCE DITCH

***Period of Use:** MAY 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	25.00		N2NW	12	4N	3W	JEFFERSON

Total: 25.00

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.

94209-00 216333-00

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

Water Right Number: 41E 216334-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MULVEY GULCH RANCH LLC
2360 MT HIGHWAY 69
BOULDER, MT 59632-9732

***Priority Date:** MAY 1, 1947

***Type of Historical Right:** USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 8.36 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:** 356.40

***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		SENESE	3	4N	3W	JEFFERSON

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Ditch Name: MURPHY-QUAINTANCE DITCH

***Period of Use:** MAY 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	5.00		S2S2NE	11	4N	3W	JEFFERSON
2	129.50		SE	11	4N	3W	JEFFERSON
3	14.80		SWSW	12	4N	3W	JEFFERSON
4	107.50		NW	13	4N	3W	JEFFERSON
5	25.50		NWSW	13	4N	3W	JEFFERSON
6	74.10		NE	14	4N	3W	JEFFERSON

Total: 356.40

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.

94211-00

216334-00

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

Water Right Number: 41E 216335-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MULVEY GULCH RANCH LLC
2360 MT HIGHWAY 69
BOULDER, MT 59632-9732

***Priority Date:** MAY 1, 1970

***Type of Historical Right:** USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 1.25 CFS

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

Climatic Area: 4 - MODERATELY LOW

***Maximum Acres:** 35.00

***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		SE	33	5N	3W	JEFFERSON

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Ditch Name: CAREY DITCH

WATER IS DIVERTED FROM THE BOULDER RIVER THROUGH A HEADGATE IN THE SENWSE OF SEC 33, TWP 05N, RGE 03W, JEFFERSON COUNTY, INTO A SIDE CHANNEL OF THE BOULDER RIVER. IT IS THEN DIVERTED FROM THE SIDE CHANNEL THROUGH THE CAREY DITCH HEADGATE IN THE NWSWNW SEC 03, TWP 04N, RGE 03W, JEFFERSON COUNTY.

***Period of Use:** MAY 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	35.00		S	13	4N	3W	JEFFERSON

Total: 35.00