

Montana Water Court
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IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
SUN RIVER BASIN (41K)
PRELIMINARY DECREE

CLAIMANT: Sun River Valley Ditch Co.

OBJECTORS: Sun River Valley Ditch Co.

NOTICE OF INTENT TO APPEAR: Broken O Land
Livestock, LLC

CASE 41K-0060-R-2023

41K 210509-00

41K 210510-00

41K 210511-00

41K 210513-00

41K 210514-00

41K 210515-00

41K 210516-00

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 be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve 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 above-captioned claims appeared in the Preliminary Decree for the Sun River (Basin 41K). Claimant Sun River Valley Ditch Co. ("SRVDC") filed self-objections to the claims and Broken O Land & Livestock, LLC ("Broken O") filed Notices of Intent to Appear.

Claims 41K 210509-00 and 41K 210510-00 received the following notice-type remarks:

41K 210509-00

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON SUN RIVER WITH A PRIORITY DATE PREDATING CASE NO 4742, CASCADE 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.

41K 210510-00

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.

Claims 41K 210511-00, 41K 210513-00, 41K 210514-00, 41K 210515-00 and 41K 210516-00 received the following remarks:

41K 210511-00

THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE ADDRESSED AT THE OBJECTION STAGE. IT APPEARS THAT 5424.00 ACRES ARE ACTUALLY IRRIGATED AND PROBLEMS COULD EXIST WITH FLOW RATE AND VOLUME.

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.

41K 210513-00, 41K 210514-00, 41K 210515-00, 41K 210516-00

THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE ADDRESSED AT THE OBJECTION STAGE. IT APPEARS THAT 5703.00 ACRES ARE ACTUALLY IRRIGATED AND PROBLEMS COULD EXIST WITH FLOW RATE AND VOLUME.

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.

On August 1, 2023, the claims were consolidated into case 41K-0060-R-2023. On March 20, 2024, a Verified Motion to Amend Statements of Claim and Brief in Support

(“Motion”) (Doc.¹ 6.00) was filed by SRVDC and on July 29, 2024 an Errata to Verified Motion to Amend Statements of Claim (Doc. 8.00) was filed.

The objections seek to ‘bring the claims into conformance with their historical use’ and to correct various issues with the claims.

FINDINGS OF FACT

1. The objections to claims 41K 210509-00 and 41K 210510-00 seek to replace the place of use for the claims with a service area to reflect historic stock use. The objection to claim 41K 210509-00 additionally seeks to list the ditch name as “Sun River Valley Ditch” consistent with SRVDC’s other claims.

2. Pursuant to the Motion SRVDC seeks to replace the place of use for claim 41K 210509-00 with a service area as follows²:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1			NE	32	21N	1W	CASCADE	
2			NW	33	21N	1W	CASCADE	
3			S2	28	21N	1W	CASCADE	
4			S2	27	21N	1W	CASCADE	
5			S2	26	21N	1W	CASCADE	
6				25	21N	1W	CASCADE	
7			N2	30	21N	1W	CASCADE	
8			S2	20	21N	1W	CASCADE	
9			NW	W2	29	21N	1E	CASCADE
10			S2N2	21	21N	1E	CASCADE	
11			N2SW	22	21N	1E	CASCADE	
12			S2	22	21N	1E	CASCADE	
13	12		N2	23	21N	1E	CASCADE	
14	13		NW	24	21N	1E	CASCADE	
15	14			25	21N	1E	CASCADE	
16	15		SW	15	21N	1E	CASCADE	
17	16		N2	27	21N	1E	CASCADE	
18			N2	24	21N	1E	CASCADE	
19			SW	29	21N	1E	CASCADE	

3. Pursuant to the Motion SRVDC seeks to replace the place of use for claim 41K 210510-00 with a service area as follows:

1 “Doc.” numerical references correlate to case file docket numbers in the Water Court’s Full Court case management system.

2 The numbering of the places of use for the claims may not match the proposed abstracts due to a sorting issue with the DNRC database.

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			S2	26	21N	1W	CASCADE	
2				25	21N	1W	CASCADE	
3			N2	30	21N	1W	CASCADE	
4			S2	20	21N	1W	CASCADE	
5			NW	W2	29	21N	1E	CASCADE
6			S2	21	21N	1E	CASCADE	
7			N2SW	22	21N	1E	CASCADE	
8			S2	22	21N	1E	CASCADE	
9			N2	23	21N	1E	CASCADE	
10			NW	24	21N	1E	CASCADE	
11				25	21N	1E	CASCADE	
12			SW	15	21N	1E	CASCADE	
13			N2	27	21N	1E	CASCADE	
14			N2	21	21N	1E	CASCADE	
15			SW	29	21N	1E	CASCADE	

4. The objection to claim 41K 210511-00 seeks to replace the place of use with a service area to reflect the historical use of the claim and additionally requests that the following remark be added to the claim:

ANY USE THAT OCCURS WITHIN THE FOLLOWING SECTIONS IS LIMITED TO LAND LYING NORTH OF THE NORTH BANK OF THE SUN RIVER:

<u>TWP</u>	<u>RGE</u>	<u>SECTIONS</u>
21N	1W	35, 36
21N	1E	25, 26, 27, 28, 29, 21, 32, 33

5. Pursuant to the Motion SRVDC seeks to modify the elements of claim 41K 210511-00 as follows:

Maximum Acres: ~~6,535.00~~ 8,730.00

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	320.00		S2	25	21N	1W	CASCADE
2	160.00		S2N2	25	21N	1W	CASCADE
3	320.00		S2	26	21N	1W	CASCADE
4	80.00		E2NW	35	21N	1W	CASCADE
5	40.00		NWNW	35	21N	1W	CASCADE
6	440.00		NE	35	21N	1W	CASCADE
7	320.00		N2	35	21N	1W	CASCADE
8	160.00		N2S2	35	21N	1W	CASCADE

7	160.00	320.00	N2	36	21N	1W	CASCADE
8		40.00	N2SW	36	21N	1W	CASCADE
9		20.00	NESE	36	21N	1W	CASCADE
10		40.00	SENW	36	21N	1W	CASCADE
8		160.00	N2S2	36	21N	1W	CASCADE
9		160.00	SW	13	21N	1E	CASCADE
10		160.00	SE	14	21N	1E	CASCADE
11		80.00	S2SW	19	21N	1E	CASCADE
12		160.00	SE	19	21N	1E	CASCADE
11 13	320.00	640.00	S2	20	21N	1E	CASCADE
12 14		160.00	S2N2	21	21N	1E	CASCADE
13 15		320.00	S2	21	21N	1E	CASCADE
14 16		320.00	S2	22	21N	1E	CASCADE
15 17		160.00	S2N2	22	21N	1E	CASCADE
16 18	320.00	640.00	S2	23	21N	1E	CASCADE
17		160.00	S2N2	23	21N	1E	CASCADE
18 19	160.00	320.00	SW W2	24	21N	1E	CASCADE
19		160.00	NW	24	21N	1E	CASCADE
20		80.00	E2SE	24	21N	1E	CASCADE
21	120.00	640.00	NW	25	21N	1E	CASCADE
22		100.00	NE	25	21N	1E	CASCADE
23		10.00	SESW	25	21N	1E	CASCADE
24		15.00	SWSE	25	21N	1E	CASCADE
25 22	160.00	320.00	NE E2	26	21N	1E	CASCADE
26		40.00	SE	26	21N	1E	CASCADE
27 23		160.00	NW	26	21N	1E	CASCADE
28 24	150.00	320.00	NE N2	27	21N	1E	CASCADE
29		160.00	N2N2	27	21N	1E	CASCADE
30		140.00	S2NW	27	21N	1E	CASCADE
31 25		40.00	NWSW	27	21N	1E	CASCADE
32 26		320.00	N2	28	21N	1E	CASCADE
33 27		160.00	SW	28	21N	1E	CASCADE
34 28		80.00	N2SE	28	21N	1E	CASCADE
35 29		40.00	SWSE	28	21N	1E	CASCADE
36 30	320.00	640.00	N2	29	21N	1E	CASCADE
37		110.00	SW	29	21N	1E	CASCADE
38		110.00	SE	29	21N	1E	CASCADE
39 31	320.00	640.00	N2	30	21N	1E	CASCADE
40		160.00	N2S2	30	21N	1E	CASCADE
41		130.00	SW	30	21N	1E	CASCADE
42		140.00	SE	30	21N	1E	CASCADE
43 32	30.00	320.00	NE N2	31	21N	1E	CASCADE
44		90.00	NW	31	21N	1E	CASCADE
45 33	10.00	80.00	N2NE	32	21N	1E	CASCADE
34		10.00	NWNWNW	33	21N	1E	CASCADE
Total:	-6,535.00	8,730.00					

6. The objections to claims 41K 210513-00, 41K 210514-00, 41K 210515-00 and 41K 210516-00 seek to replace the place of use with a service area to reflect the historical use of the claims and additionally requests that the following remark be added to the claims:

ANY USE THAT OCCURS WITHIN THE FOLLOWING SECTIONS IS LIMITED TO LAND LYING NORTH OF THE NORTH BANK OF THE SUN RIVER:

<u>TWP</u>	<u>RGE</u>	<u>SECTIONS</u>
21N	1W	33, 34, 35, 36
21N	1E	25, 26, 27, 28, 29, 21, 32, 33

7. Pursuant to the Motion SRVDC seeks to modify the maximum acres and place of use elements for claims 41K 210513-00, 41K 210514-00, 41K 210515-00 and 41K 210516-00 as follows:

Maximum Acres: ~~7,185.00~~ 10,050.00

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	320.00		S2	25	21N	1W	CASCADE
2	160.00		S2N2	25	21N	1W	CASCADE
3	320.00		S2	26	21N	1W	CASCADE
4	320.00		S2	27	21N	1W	CASCADE
5	80.00		S2SE	28	21N	1W	CASCADE
6	40.00		SESW	28	21N	1W	CASCADE
7	160.00		NE	32	21N	1W	CASCADE
8	80.00		N2SE	32	21N	1W	CASCADE
7 9	420.00 320.00		NW N2	33	21N	1W	CASCADE

8 10	80.00	160.00	N2NW	N2N2	34	21N	1W	CASCADE		
9		40.00		N2NE	34	21N	4W	CASCADE		
11		80.00		SWNE	34	21N	1W	CASCADE		
12		80.00		NESE	34	21N	1W	CASCADE		
40 13	80.00	320.00		E2NW	N2	35	21N	1W	CASCADE	
41 14	40.00	160.00		NWNW	N2S2	35	21N	1W	CASCADE	
42		440.00			NE	36	24N	4W	CASCADE	
43 15	460.00	320.00			N2	36	21N	1W	CASCADE	
44 16	40.00	160.00		N2SW	N2S2	36	21N	1W	CASCADE	
45		20.00			NESE	36	24N	4W	CASCADE	
46		40.00			SENW	36	24N	4W	CASCADE	
17		160.00			SW	13	21N	1E	CASCADE	
18		160.00			SE	14	21N	1E	CASCADE	
19		80.00			S2SW	19	21N	1E	CASCADE	
20		160.00			SE	19	21N	1E	CASCADE	
47 21	320.00	640.00			S2	20	21N	1E	CASCADE	
48 22		160.00			S2N2	21	21N	1E	CASCADE	
49 23		320.00			S2	21	21N	1E	CASCADE	
20 24		320.00			S2	22	21N	1E	CASCADE	
24 25		160.00			S2N2	22	21N	1E	CASCADE	
22 26	320.00	640.00			S2	23	21N	1E	CASCADE	
23		460.00			S2N2	23	24N	4E	CASCADE	
24 27	460.00	320.00			SW	W2	24	21N	1E	CASCADE
25		460.00			NW	24	24N	4E	CASCADE	
26 28		80.00			E2SE	24	21N	1E	CASCADE	
27 29	420.00	640.00			NW	25	21N	1E	CASCADE	
28		400.00			NE	25	24N	4E	CASCADE	
29		40.00			SESW	25	24N	4E	CASCADE	
30		45.00			SWSE	25	24N	4E	CASCADE	
31 30	460.00	320.00			NE	E2	26	21N	1E	CASCADE
32		40.00			SE	26	24N	4E	CASCADE	
33 31		160.00			NW	26	21N	1E	CASCADE	
34 33	450.00	320.00			NE	N2	27	21N	1E	CASCADE
35		460.00			N2N2	27	24N	4E	CASCADE	
36		440.00			S2NW	27	24N	4E	CASCADE	
37 33		40.00			NWSW	27	21N	1E	CASCADE	
38 34		320.00			N2	28	21N	1E	CASCADE	
39 35		160.00			SW	28	21N	1E	CASCADE	
40 36		80.00			N2SE	28	21N	1E	CASCADE	
41 37		40.00			SWSE	28	21N	1E	CASCADE	
42 38	320.00	640.00			N2	29	21N	1E	CASCADE	
43		410.00			SW	29	24N	4E	CASCADE	
44		410.00			SE	29	24N	4E	CASCADE	
45 39	320.00	640.00			N2	30	21N	1E	CASCADE	
46		460.00			N2S2	30	24N	4E	CASCADE	
47		430.00			SW	30	24N	4E	CASCADE	
48		440.00			SE	30	24N	4E	CASCADE	
49 40	30.00	320.00			NE	N2	31	21N	1E	CASCADE
50		90.00			NW	34	24N	4E	CASCADE	
51 41	40.00	80.00			N2NE	32	21N	1E	CASCADE	
42		10.00			NWNWNW	33	21N	1E	CASCADE	

Total: -7,185.00 10,050

8. The objections finally seek to modify the following remark for all of SRVDC's irrigation claims as follows:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME PLACE OF USE.

10557-00 210511-00 210513-00 210514-00 210515-00
210516-00

9. In Water Court case 41K-271, SRVDC's irrigation claims were decreed with remarks quantifying acreage limitations for the claims.

PRINCIPLES OF LAW

1. The Montana Water Court has the authority to determine the extent of all water rights in the state as they existed prior to July 1, 1973. *Fellows v. Saylor*, 2016 MT 45, ¶ 25, 382 Mont. 298, 367 P.3d 732; §§ 85-2-233, -102(13), MCA.

2. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. § 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. Rule 19, W.R.Adj.R. A preponderance of the evidence is evidence that shows a fact is "more probable than not." *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.

3. Service areas are a useful and practical way to describe the limitations on water rights that are held by entities that do not also own the land being irrigated. *Or. Vacating Master's Order & Approving Stipulation*, Case 40J-99, p. 7 (MT Water Court, Nov. 16, 2018). As noted by the Montana Supreme Court:

[E]ntities, such as irrigation districts, state water projects, and private corporations, also may own water rights, but at the same time it is possible they do not own the land upon which the water is put to use. These entities define the relationship between the water right owner and the water user in their organization's documents (i.e., bylaws, contracts, shares of stock, etc.).

Curry v. Pondera Cnty. Canal & Reservoir Co., 2016 MT 77, ¶ 41, 383 Mont. 93, 370 P.3d 440 (emphasis added); see also Stephen R. Brown, Michelle L. Bryan & Russ McElyea, *Montana Water Law*, 104–108 (Rocky Mt. Min. L. Fdn. 2021) (discussing water rights developed for third-party use, including appropriateness of a service area for water supply companies).

CONCLUSIONS OF LAW

1. It is appropriate to describe SRVDC’s place of use as a service area.
2. The issue remarks questioning the number of irrigated acres on SRVDC’s irrigation claims were previously resolved in case 41K-271 and should be removed from the claims.
3. The remarks placed on SRVDC’s claims in case 41K-271 serve as a cap on irrigated acres each irrigation season.
4. The claims should otherwise be modified as discussed above.

RECOMMENDATIONS

1. “Sun River Valley Ditch” should be added as a ditch name to claim 41K 210509-00, so the point of diversion and ditch name remain consist with SRVDC’s other claims utilizing the point of diversion.
2. The following remark should be placed on claim 41K 210511-00:

ANY USE THAT OCCURS WITHIN THE FOLLOWING SECTIONS IS LIMITED TO LAND LYING NORTH OF THE NORTH BANK OF THE SUN RIVER:

<u>TWP</u>	<u>RGE</u>	<u>SECTIONS</u>
21N	1W	35, 36
21N	1E	25, 26, 27, 28, 29, 21, 32, 33

3. The following remark should be placed on claims 41K 210513-00, 41K 210514-00, 41K 210515-00 and 41K 210516-00:

ANY USE THAT OCCURS WITHIN THE FOLLOWING SECTIONS IS LIMITED TO LAND LYING NORTH OF THE NORTH BANK OF THE SUN RIVER:

<u>TWP</u>	<u>RGE</u>	<u>SECTIONS</u>
21N	1W	33, 34, 35, 36
21N	1E	25, 26, 27, 28, 29, 21, 32, 33

4. The places of use for the claims should be replaced with service areas as described above.

5. The issue remarks should be removed from the claims.

Post Decree Abstracts of Water Right Claims are attached to this Master's Report for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via Electronic Mail:

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**SUN RIVER
BASIN 41K**

Water Right Number: 41K 210509-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: SUN RIVER VALLEY DITCH CO
PO BOX 463
VAUGHN, MT 59487-0463

THIS IS A TOTAL RECORD FOR AN IRRIGATION DISTRICT CLAIM FORM.

Priority Date: MAY 1, 1868

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: SUN 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		SESENW	32	21N	1W	CASCADE

Period of Diversion: APRIL 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: SUN RIVER VALLEY DITCH

Period of Use: APRIL 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			SW	15	21N	1E	CASCADE
2			S2	20	21N	1E	CASCADE
3				21	21N	1E	CASCADE
4				22	21N	1E	CASCADE
5			N2	23	21N	1E	CASCADE
6			NW	24	21N	1E	CASCADE
7				25	21N	1E	CASCADE
8			N2	27	21N	1E	CASCADE
9			W2	29	21N	1E	CASCADE
10			N2	30	21N	1E	CASCADE
11				25	21N	1W	CASCADE

12	S2	26	21N	1W	CASCADE
13	S2	27	21N	1W	CASCADE
14	S2	28	21N	1W	CASCADE
15	NE	32	21N	1W	CASCADE
16	NW	33	21N	1W	CASCADE

PLACE OF USE ALSO INCLUDES DITCHES AND LATERALS NOT LISTED ABOVE.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**SUN RIVER
BASIN 41K**

Water Right Number: 41K 210510-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: SUN RIVER VALLEY DITCH CO
PO BOX 463
VAUGHN, MT 59487-0463

THIS IS A TOTAL RECORD FOR AN IRRIGATION DISTRICT CLAIM FORM.

Priority Date: APRIL 20, 1892

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: MILL COULEE 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		SWNWSW	26	21N	1W	CASCADE

Period of Diversion: APRIL 1 TO DECEMBER 1

Diversion Means: HEADGATE

Ditch Name: SUN RIVER VALLEY DITCH

Period of Use: APRIL 1 TO DECEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SW	15	21N	1E	CASCADE
2			S2	20	21N	1E	CASCADE
3				21	21N	1E	CASCADE
4				22	21N	1E	CASCADE
5			N2	23	21N	1E	CASCADE
6			NW	24	21N	1E	CASCADE
7				25	21N	1E	CASCADE
8			N2	27	21N	1E	CASCADE
9			W2	29	21N	1E	CASCADE
10			N2	30	21N	1E	CASCADE
11				25	21N	1W	CASCADE

12

S2 26 21N 1W CASCADE

PLACE OF USE ALSO INCLUDES DITCHES AND LATERALS NOT LISTED ABOVE.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 210511-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: SUN RIVER VALLEY DITCH CO
PO BOX 463
VAUGHN, MT 59487-0463

THIS IS A TOTAL RECORD FOR AN IRRIGATION DISTRICT CLAIM FORM.

***Priority Date:** JANUARY 1, 1921

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD/FURROW

Flow Rate: 60.00 CFS

COMBINED FLOW RATE FOR FILES NO. 41K 210511-00, 41K 210513-00, 41K 210514-00, 41K 210515-00 AND 41K 210516-00 IS LIMITED TO THE HISTORIC CAPACITY OF THE DIVERSION STRUCTURES AND CONVEYANCE SYSTEM.

***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: 8,730.00

Source Name: MILL COULEE 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		SWNWSW	26	21N	1W	CASCADE

Period of Diversion: APRIL 15 TO DECEMBER 1

Diversion Means: HEADGATE

Ditch Name: SUN RIVER VALLEY DITCH

Period of Use: APRIL 15 TO DECEMBER 1

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	640.00			20	21N	1E	CASCADE
2	160.00		S2N2	21	21N	1E	CASCADE
3	320.00		S2	21	21N	1E	CASCADE
4	160.00		S2N2	22	21N	1E	CASCADE
5	320.00		S2	22	21N	1E	CASCADE
6	640.00			23	21N	1E	CASCADE
7	80.00		E2SE	24	21N	1E	CASCADE
8	320.00		W2	24	21N	1E	CASCADE
9	640.00			25	21N	1E	CASCADE

10	320.00	E2	26	21N	1E	CASCADE
11	160.00	NW	26	21N	1E	CASCADE
12	320.00	N2	27	21N	1E	CASCADE
13	40.00	NWSW	27	21N	1E	CASCADE
14	320.00	N2	28	21N	1E	CASCADE
15	80.00	N2SE	28	21N	1E	CASCADE
16	40.00	SWSE	28	21N	1E	CASCADE
17	160.00	SW	28	21N	1E	CASCADE
18	640.00		29	21N	1E	CASCADE
19	640.00		30	21N	1E	CASCADE
20	320.00	N2	31	21N	1E	CASCADE
21	80.00	N2NE	32	21N	1E	CASCADE
22	160.00	S2N2	25	21N	1W	CASCADE
23	320.00	S2	25	21N	1W	CASCADE
24	320.00	S2	26	21N	1W	CASCADE
25	320.00	N2	36	21N	1W	CASCADE
26	320.00	N2	35	21N	1W	CASCADE
27	160.00	N2S2	35	21N	1W	CASCADE
28	160.00	N2S2	36	21N	1W	CASCADE
29	160.00	SW	13	21N	1E	CASCADE
30	160.00	SE	14	21N	1E	CASCADE
31	80.00	S2SW	19	21N	1E	CASCADE
32	160.00	SE	19	21N	1E	CASCADE
33	10.00	NWNWNW	33	21N	1E	CASCADE

Total: 8730.00

ANY USE THAT OCCURS WITHIN THE FOLLOWING SECTIONS IS LIMITED TO LAND LYING NORTH OF THE NORTH BANK OF THE SUN RIVER:

TWP RGE SECTIONS

21N 1W 35, 36

21N 1E 25, 26, 27, 28, 29, 21, 32, 33

THIS WATER RIGHT IS LIMITED TO IRRIGATION OF 2,392.00 ACRES WITHIN THE TOTAL PLACE OF USE IN ANY IRRIGATION SEASON. SEE CLAIM FILE OR WATER COURT CASE 41K 271-00 FILE FOR MORE INFORMATION.

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.

210511-00 210513-00 210514-00 210515-00 210516-00

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME PLACE OF USE.

10557-00 210511-00 210513-00 210514-00 210515-00 210516-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**SUN RIVER
BASIN 41K**

Water Right Number: 41K 210513-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: SUN RIVER VALLEY DITCH CO
PO BOX 463
VAUGHN, MT 59487-0463

Priority Date: MAY 1, 1868

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 46.00 CFS

COMBINED FLOW RATE FOR FILES NO. 41K 210511-00, 41K 210513-00, 41K 210514-00, 41K 210515-00 AND 41K 210516-00 IS LIMITED TO THE HISTORIC CAPACITY OF THE DIVERSION STRUCTURES AND CONVEYANCE SYSTEM.

***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: 10,050.00

Source Name: SUN 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		SESENW	32	21N	1W	CASCADE

Period of Diversion: APRIL 15 TO DECEMBER 1

Diversion Means: HEADGATE

Ditch Name: SUN RIVER VALLEY DITCH

Period of Use: APRIL 15 TO DECEMBER 1

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	160.00		SW	13	21N	1E	CASCADE
2	160.00		SE	14	21N	1E	CASCADE
3	160.00		SE	19	21N	1E	CASCADE
4	80.00		S2SW	19	21N	1E	CASCADE
5	640.00			20	21N	1E	CASCADE
6	160.00		S2N2	21	21N	1E	CASCADE
7	320.00		S2	21	21N	1E	CASCADE
8	160.00		S2N2	22	21N	1E	CASCADE
9	320.00		S2	22	21N	1E	CASCADE
10	640.00			23	21N	1E	CASCADE

11	80.00	E2SE	24	21N	1E	CASCADE
12	320.00	W2	24	21N	1E	CASCADE
13	640.00		25	21N	1E	CASCADE
14	320.00	E2	26	21N	1E	CASCADE
15	160.00	NW	26	21N	1E	CASCADE
16	320.00	N2	27	21N	1E	CASCADE
17	40.00	NWSW	27	21N	1E	CASCADE
18	320.00	N2	28	21N	1E	CASCADE
19	80.00	N2SE	28	21N	1E	CASCADE
20	40.00	SWSE	28	21N	1E	CASCADE
21	160.00	SW	28	21N	1E	CASCADE
22	640.00		29	21N	1E	CASCADE
23	640.00		30	21N	1E	CASCADE
24	320.00	N2	31	21N	1E	CASCADE
25	80.00	N2NE	32	21N	1E	CASCADE
26	10.00	NWNWNW	33	21N	1E	CASCADE
27	160.00	S2N2	25	21N	1W	CASCADE
28	320.00	S2	25	21N	1W	CASCADE
29	320.00	S2	26	21N	1W	CASCADE
30	320.00	S2	27	21N	1W	CASCADE
31	80.00	S2SE	28	21N	1W	CASCADE
32	40.00	SESW	28	21N	1W	CASCADE
33	320.00	N2	33	21N	1W	CASCADE
34	80.00	N2SE	32	21N	1W	CASCADE
35	160.00	N2N2	34	21N	1W	CASCADE
36	80.00	SWNE	34	21N	1W	CASCADE
37	80.00	NESE	34	21N	1W	CASCADE
38	320.00	N2	35	21N	1W	CASCADE
39	160.00	N2S2	35	21N	1W	CASCADE
40	320.00	N2	36	21N	1W	CASCADE
41	160.00	N2S2	36	21N	1W	CASCADE
42	160.00	NE	32	21N	1W	CASCADE

Total: 10050.00

ANY USE THAT OCCURS WITHIN THE FOLLOWING SECTIONS IS LIMITED TO LAND LYING NORTH OF THE NORTH BANK OF THE SUN RIVER:

TWP RGE SECTIONS

21N 1W 33, 34, 35, 36

21N 1E 25, 26, 27, 28, 29, 21, 32, 33

THIS WATER RIGHT IS LIMITED TO IRRIGATION OF 3,708.00 ACRES WITHIN THE TOTAL PLACE OF USE IN ANY IRRIGATION SEASON. SEE CLAIM FILE OR WATER COURT CASE 41K-271-00 FILE FOR MORE INFORMATION.

Remarks:

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

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME PLACE OF USE.

10557-00

210511-00

210513-00

210514-00

210515-00

210516-00

PARENT FILE FOR THIS FILE IS "Z" FILE 41K 210512-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**SUN RIVER
BASIN 41K**

Water Right Number: 41K 210514-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: SUN RIVER VALLEY DITCH CO
PO BOX 463
VAUGHN, MT 59487-0463

Priority Date: MAY 1, 1902

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 17.00 CFS

COMBINED FLOW RATE FOR FILES NO. 41K 210511-00, 41K 210513-00, 41K 210514-00, 41K 210515-00 AND 41K 210516-00 IS LIMITED TO THE HISTORIC CAPACITY OF THE DIVERSION STRUCTURES AND CONVEYANCE SYSTEM.

***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: 10,050.00

Source Name: SUN 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		SESENW	32	21N	1W	CASCADE

Period of Diversion: APRIL 15 TO DECEMBER 1

Diversion Means: HEADGATE

Ditch Name: SUN RIVER VALLEY DITCH

Period of Use: APRIL 15 TO DECEMBER 1

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	640.00			20	21N	1E	CASCADE
2	160.00		S2N2	21	21N	1E	CASCADE
3	320.00		S2	21	21N	1E	CASCADE
4	160.00		S2N2	22	21N	1E	CASCADE
5	320.00		S2	22	21N	1E	CASCADE
6	640.00			23	21N	1E	CASCADE
7	80.00		E2SE	24	21N	1E	CASCADE
8	320.00		W2	24	21N	1E	CASCADE
9	640.00			25	21N	1E	CASCADE
10	320.00		E2	26	21N	1E	CASCADE

11	160.00	NW	26	21N	1E	CASCADE
12	320.00	N2	27	21N	1E	CASCADE
13	40.00	NWSW	27	21N	1E	CASCADE
14	320.00	N2	28	21N	1E	CASCADE
15	80.00	N2SE	28	21N	1E	CASCADE
16	40.00	SWSE	28	21N	1E	CASCADE
17	160.00	SW	28	21N	1E	CASCADE
18	640.00		29	21N	1E	CASCADE
19	640.00		30	21N	1E	CASCADE
20	80.00	N2NE	32	21N	1E	CASCADE
21	160.00	S2N2	25	21N	1W	CASCADE
22	320.00	S2	25	21N	1W	CASCADE
23	320.00	S2	26	21N	1W	CASCADE
24	320.00	S2	27	21N	1W	CASCADE
25	80.00	S2SE	28	21N	1W	CASCADE
26	40.00	SESW	28	21N	1W	CASCADE
27	320.00	N2	31	21N	1W	CASCADE
28	320.00	N2	33	21N	1W	CASCADE
29	160.00	N2N2	34	21N	1W	CASCADE
30	320.00	N2	35	21N	1W	CASCADE
31	160.00	N2S2	35	21N	1W	CASCADE
32	320.00	N2	36	21N	1W	CASCADE
33	160.00	N2S2	36	21N	1W	CASCADE
34	160.00	NE	32	21N	1W	CASCADE
35	80.00	N2SE	32	21N	1W	CASCADE
36	80.00	SWNE	34	21N	1W	CASCADE
37	80.00	NESE	34	21N	1W	CASCADE
38	160.00	SW	13	21N	1E	CASCADE
39	160.00	SE	14	21N	1E	CASCADE
40	80.00	S2SW	19	21N	1E	CASCADE
41	160.00	SE	19	21N	1E	CASCADE
42	10.00	NWNWNW	33	21N	1E	CASCADE
Total:						10050.00

ANY USE THAT OCCURS WITHIN THE FOLLOWING SECTIONS IS LIMITED TO LAND LYING NORTH OF THE NORTH BANK OF THE SUN RIVER:

TWP RGE SECTIONS

21N 1W 33, 34, 35, 36

21N 1E 25, 26, 27, 28, 29, 21, 32, 33

THIS WATER RIGHT IS LIMITED TO IRRIGATION OF 3,708.00 ACRES WITHIN THE TOTAL PLACE OF USE IN ANY IRRIGATION SEASON. SEE CLAIM FILE OR WATER COURT CASE 41K-271-00 FILE FOR MORE INFORMATION.

Remarks:

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

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME PLACE OF USE.

10557-00

210511-00

210513-00

210514-00

210515-00

210516-00

ALL DOCUMENTATION AND MAPS CAN BE OBTAINED BY REVIEWING THE FILE FOR CLAIM NUMBER 41K 210513-00.

PARENT FILE FOR THIS FILE IS "Z" FILE 41K 210512-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**SUN RIVER
BASIN 41K**

Water Right Number: 41K 210515-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: SUN RIVER VALLEY DITCH CO
PO BOX 463
VAUGHN, MT 59487-0463

Priority Date: MARCH 1, 1933

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 12.00 CFS

COMBINED FLOW RATE FOR FILES NO. 41K 210511-00, 41K 210513-00, 41K 210514-00, 41K 210515-00 AND 41K 210516-00 IS LIMITED TO THE HISTORIC CAPACITY OF THE DIVERSION STRUCTURES AND CONVEYANCE SYSTEM.

***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: 11,010.00

Source Name: SUN 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		SESENW	32	21N	1W	CASCADE

Period of Diversion: APRIL 15 TO DECEMBER 1

Diversion Means: HEADGATE

Ditch Name: SUN RIVER VALLEY DITCH

Period of Use: APRIL 15 TO DECEMBER 1

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	160.00		SW	13	21N	1E	CASCADE
2	160.00		SE	14	21N	1E	CASCADE
3	160.00		SE	19	21N	1E	CASCADE
4	80.00		S2SW	19	21N	1E	CASCADE
5	640.00			20	21N	1E	CASCADE
6	160.00		S2N2	21	21N	1E	CASCADE
7	320.00		S2	21	21N	1E	CASCADE
8	160.00		S2N2	22	21N	1E	CASCADE
9	320.00		S2	22	21N	1E	CASCADE
10	640.00			23	21N	1E	CASCADE

11	80.00	E2SE	24	21N	1E	CASCADE
12	320.00	W2	24	21N	1E	CASCADE
13	640.00		25	21N	1E	CASCADE
14	320.00	E2	26	21N	1E	CASCADE
15	160.00	NW	26	21N	1E	CASCADE
16	320.00	N2	27	21N	1E	CASCADE
17	40.00	NWSW	27	21N	1E	CASCADE
18	320.00	N2	28	21N	1E	CASCADE
19	80.00	N2SE	28	21N	1E	CASCADE
20	40.00	SWSE	28	21N	1E	CASCADE
21	160.00	SW	28	21N	1E	CASCADE
22	640.00		29	21N	1E	CASCADE
23	640.00		30	21N	1E	CASCADE
24	320.00	N2	31	21N	1E	CASCADE
25	80.00	N2NE	32	21N	1E	CASCADE
26	10.00	NWNWNW	33	21N	1E	CASCADE
27	160.00	S2N2	25	21N	1W	CASCADE
28	320.00	S2	25	21N	1W	CASCADE
29	320.00	S2	26	21N	1W	CASCADE
30	320.00	S2	27	21N	1W	CASCADE
31	80.00	S2SE	28	21N	1W	CASCADE
32	40.00	SESW	28	21N	1W	CASCADE
33	160.00	NE	32	21N	1W	CASCADE
34	80.00	N2SE	32	21N	1W	CASCADE
35	320.00	N2	33	21N	1W	CASCADE
36	160.00	N2N2	34	21N	1W	CASCADE
37	80.00	SWNE	34	21N	1W	CASCADE
38	80.00	NESE	34	21N	1W	CASCADE
39	320.00	N2	35	21N	1W	CASCADE
40	160.00	N2S2	35	21N	1W	CASCADE
41	320.00	N2	36	21N	1W	CASCADE
42	160.00	N2S2	36	21N	1W	CASCADE
Total:						10050.00

ANY USE THAT OCCURS WITHIN THE FOLLOWING SECTIONS IS LIMITED TO LAND LYING NORTH OF THE NORTH BANK OF THE SUN RIVER:

TWP RGE SECTIONS

21N 1W 33, 34, 35, 36

21N 1E 25, 26, 27, 28, 29, 21, 32, 33

THIS WATER RIGHT IS LIMITED TO IRRIGATION OF 6,100.00 ACRES WITHIN THE PLACE OF USE IN ANY IRRIGATION SEASON. SEE CLAIM FILE OR WATER COURT CASE 41K-271-00 FILE FOR MORE INFORMATION.

Remarks:

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

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME PLACE OF USE.

10557-00

210511-00

210513-00

210514-00

210515-00

210516-00

ALL DOCUMENTATION AND MAPS CAN BE OBTAINED BY REVIEWING THE FILE FOR CLAIM NUMBER 41K 210513-00.

PARENT FILE FOR THIS FILE IS 41K 210512-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 210516-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: SUN RIVER VALLEY DITCH CO
PO BOX 463
VAUGHN, MT 59487-0463

Priority Date: MARCH 1, 1946

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 65.00 CFS

COMBINED FLOW RATE FOR FILES NO. 41K 210511-00, 41K 210513-00, 41K 210514-00, 41K 210515-00 AND 41K 210516-00 IS LIMITED TO THE HISTORIC CAPACITY OF THE DIVERSION STRUCTURES AND CONVEYANCE SYSTEM.

***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: 10,050.00

Source Name: SUN 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		SESENW	32	21N	1W	CASCADE

Period of Diversion: APRIL 15 TO DECEMBER 1

Diversion Means: HEADGATE

Ditch Name: SUN RIVER VALLEY DITCH

Period of Use: APRIL 15 TO DECEMBER 1

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	640.00			20	21N	1E	CASCADE
2	160.00		S2N2	21	21N	1E	CASCADE
3	320.00		S2	21	21N	1E	CASCADE
4	160.00		S2N2	22	21N	1E	CASCADE
5	320.00		S2	22	21N	1E	CASCADE
6	640.00			23	21N	1E	CASCADE
7	80.00		E2SE	24	21N	1E	CASCADE
8	320.00		W2	24	21N	1E	CASCADE
9	640.00			25	21N	1E	CASCADE
10	320.00		E2	26	21N	1E	CASCADE

11	160.00	NW	26	21N	1E	CASCADE
12	320.00	N2	27	21N	1E	CASCADE
13	40.00	NWSW	27	21N	1E	CASCADE
14	320.00	N2	28	21N	1E	CASCADE
15	80.00	N2SE	28	21N	1E	CASCADE
16	40.00	SWSE	28	21N	1E	CASCADE
17	160.00	SW	28	21N	1E	CASCADE
18	640.00		29	21N	1E	CASCADE
19	640.00		30	21N	1E	CASCADE
20	320.00	N2	31	21N	1E	CASCADE
21	80.00	N2NE	32	21N	1E	CASCADE
22	160.00	S2N2	25	21N	1W	CASCADE
23	320.00	S2	25	21N	1W	CASCADE
24	320.00	S2	26	21N	1W	CASCADE
25	320.00	S2	27	21N	1W	CASCADE
26	80.00	S2SE	28	21N	1W	CASCADE
27	40.00	SESW	28	21N	1W	CASCADE
28	320.00	N2	33	21N	1W	CASCADE
29	160.00	N2N2	34	21N	1W	CASCADE
30	320.00	N2	35	21N	1W	CASCADE
31	160.00	N2S2	35	21N	1W	CASCADE
32	320.00	N2	36	21N	1W	CASCADE
33	160.00	N2S2	36	21N	1W	CASCADE
34	160.00	NE	32	21N	1W	CASCADE
35	80.00	N2SE	32	21N	1W	CASCADE
36	80.00	SWNE	34	21N	1W	CASCADE
37	80.00	NESE	34	21N	1W	CASCADE
38	160.00	SW	13	21N	1E	CASCADE
39	160.00	SE	14	21N	1E	CASCADE
40	80.00	S2SW	19	21N	1E	CASCADE
41	160.00	SE	19	21N	1E	CASCADE
42	10.00	NWNWNW	33	21N	1E	CASCADE
Total:						10050.00

ANY USE THAT OCCURS WITHIN THE FOLLOWING SECTIONS IS LIMITED TO LAND LYING NORTH OF THE NORTH BANK OF THE SUN RIVER:

TWP RGE SECTIONS
21N 1W 33, 34, 35, 36
21N 1E 25, 26, 27, 28, 29, 21, 32, 33

THIS WATER RIGHT IS LIMITED TO IRRIGATION OF 6,100.00 ACRES WITHIN THE PLACE OF USE IN ANY IRRIGATION SEASON. SEE CLAIM FILE OR WATER COURT CASE 41K-271-00 FILE FOR MORE INFORMATION.

Remarks:

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

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME PLACE OF USE.

10557-00

210511-00

210513-00

210514-00

210515-00

210516-00

ALL DOCUMENTATION AND MAPS CAN BE OBTAINED BY REVIEWING THE FILE FOR CLAIM NUMBER 41K 210513-00.

PARENT FILE FOR THIS FILE IS "Z" FILE 41K 210512-00.