Montana Water Court PO Box 1389 Bozeman, MT 59771-1389 1-800-624-3270 (406) 586-4364 watercourt@mt.gov FILE D 08/29/2024 Sara Calkins CLERK Montana Water Court STATE OF MONTANA By: <u>D'Ann CIGLER</u> 41S-0004-R-2024 Block, Nathaniel 13.00

IN THE WATER COURT OF THE STATE OF MONTANA LOWER MISSOURI DIVISION JUDITH RIVER BASIN (41S) PRELIMINARY DECREE

CLAIMANTS: American Prairie Foundation; Montana State	CASE 41S-0004-R-2024
Board of Land Commissioners	418 135365-00
	418 135366-00
	418 135367-00
OBJECTOR: American Prairie Foundation	41S 135368-00
	41S 135370-00
	41S 135371-00
	41S 135372-00
	41S 135373-00
	41S 135374-00
	41S 135375-00
	41S 135376-00
	41S 135377-00
	41S 135378-00
	41S 135400-00
	41S 139433-00
	41S 139679-00
	41S 30143517

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above stamped date. <u>Please review this report carefully.</u>

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) with issue remarks and received self-objections from claimant American Prairie Foundation ("APF")

The claims were consolidated into Case 41S-0004-R-2024 on January 26, 2024,

and on June 24, 2024, APF filed 'Information to Resolve Self-Objections and Issue

Remarks' (Doc. 1 10.00) and a Memo with Exhibits (Doc. 11.00 & 12.00).

Claim 41S 135365-00 is hereby consolidated into this case for the purpose of harmonizing the 'supplemental rights' information remarks on claim 41S 135365-00 and the previously consolidated claims.

The Exhibits include maps, proposed abstracts and two Requests to Withdraw Statement of Claim.

FINDINGS OF FACT

1. Claim 41S 135366-00 was decreed with the following issue remarks:

THE MEANS OF DIVERSION DOES NOT APPEAR STANDARDIZED AND CANNOT BE CLARIFIED FROM AVAILABLE DATA. OTHER WATER RIGHTS CLAIMING THIS DIVERSION HAVE A MEANS OF DIVERSION OF DIKE.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 165.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-44, DATED 09/25/1979, APPEARS TO INDICATE 181.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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 MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

2. Pursuant to the Memo APF proposes modifying claim 41S 135366-00 as follows:

Maximum Acres: <u>-295.00</u> 187.00

^{1 &}quot;Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

Ad	dditional Proposed POUs											
ID	Acres	Govt Lot	Qtr Sec	Sec	Тwp	Rge	County					
1	9.2		SWSW	23	22N	16E	Fergus					
2	68.9		W2W2	26	22N	16E	Fergus					
3	61.6		E2E2	27	22N	16E	Fergus					
4	26.2		E2NE	34	22N	16E	Fergus					
5	21.1		W2NW	35	22N	16E	Fergus					
то	TAL: 187.0	00 acres										

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.

3. Claim 41S 135367-00 was decreed with the following issue remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THE CLAIMS FOLLOWING THIS STATEMENT USE THE SAME FILED APPROPRIATION TO DOCUMENT THE RIGHT. THE COMBINED FLOW RATE FOR THIS GROUP OF CLAIMS EXCEEDS THE TOTAL OF THE ORIGINAL APPROPRIATION. 41S 135367-00, 41S 135519-00.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 161.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-44, DATED 09/25/1979, APPEARS TO INDICATE 158.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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 MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

4. Pursuant to the Memo APF proposes modifying claim 41S 135367-00 as follows:

Flow Rate: <u>9.51 CFS</u> 7.08 cfs

Maximum Acres: <u>-251.00</u> 187.00

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	9.2		SWSW	23	22N	16E	Fergus
2	68.9		W2W2	26	22N	16E	Fergus
3	61.6		E2E2	27	22N	16E	Fergus
4	26.2		E2NE	34	22N	16E	Fergus
5	21.1		W2NW	35	22N	16E	Fergus

<u>135365-00</u> 135366-00 135367-00 135371-00 <u>135374-00</u> 135376-00 135377-00 135378-00 139679-00

5. Claim 41S 135368-00 was decreed with the following issue remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 2.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-42 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

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.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

6. Pursuant to the Memo APF proposes modifying claim 41S 135368-00 as follows:

Flow Rate: -6.06 CFS- 19.73 cfs

2 138 E2 26 23N 16E Fe 3 10 E2SW 26 23N 16E Fe 4 19 N2NE 36 23N 16E Fe 5 9 SWSW 35 23N 16E Fe 6 6 E2SENW 35 23N 16E Fe 7 5 N2N2NE 35 23N 16E Fe	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
3 10 E2SW 26 23N 16E Fe 4 19 N2NE 36 23N 16E Fe 5 9 SWSW 35 23N 16E Fe 6 6 E2SENW 35 23N 16E Fe 7 5 N2N2NE 35 23N 16E Fe	315			25	23N	16E	Fergus
4 19 N2NE 36 23N 16E Fe 5 9 SWSW 35 23N 16E Fe 6 6 E2SENW 35 23N 16E Fe 7 5 N2N2NE 35 23N 16E Fe	138		E2	26	23N	16E	Fergus
5 9 SWSW 35 23N 16E Free 6 6 E2SENW 35 23N 16E Free 7 5 N2N2NE 35 23N 16E Free	10		E2SW	26	23N	16E	Fergus
6 6 E2SENW 35 23N 16E F 7 5 N2N2NE 35 23N 16E F	19		N2NE	36	23N	16E	Fergus
7 5 N2N2NE 35 23N 16E F	9		SWSW	35	23N	16E	Fergus
	6		E2SENW	35	23N	16E	Fergus
8 12.70 NWNE 3 22N 16E Fe	5		N2N2NE	35	23N	16E	Fergus
	12.70		NWNE	3	22N	16E	Fergus
9 6.30 NENW 3 22N 16E Fe	6.30		NENW	3	22N	16E	Fergus

7. Pursuant to the Memo and Requests to Withdraw Statement of Claim (Exhibits K

& N of the Memo), claims 41S 135370-00 and 41S 135372-00 should be dismissed.

8. Claim 41S 135371-00 was decreed with the following issue remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 103.00 ACRES. THE DNRC'S RE-EXAMINATION WAS OF THESE ORIGINAL CLAIMED ACRES.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 78.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-44, DATED 09/25/1979, APPEARS TO INDICATE 81.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. PER REVIEW OF THE RE-EXAMINATION WORKSHEET AND FERGUS CO USDA AERIAL PHOTOGRAPH NO. 278-44, DATED 09/25/1979, THE POINT OF DIVERSION APPEARS TO BE IN THE NESWSE SEC 2 TWP 21N RGE 16E FERGUS CO.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

9. Pursuant to the Memo APF proposes modifying claim 41S 135371-00 as follows:

Flow Rate: <u>3.15 CFS</u> 5.00 cfs

Maximum Acres: <u>83.00</u> 187.00

 Point of Diversion and Means of Diversion:
 NESWSE Section 2, T21N R16E, Fergus

 ID
 Govt Lot
 Qtr Sec
 Sec
 Twp
 Rge
 County

 1
 SWSENE
 34
 22N
 16E
 FERGUS

 Period of Diversion:
 MAY 1 TO SEPTEMBER 30
 Headgate

ID	Acres	Govt Lot	Qtr Sec	Sec	Тwp	Rge	County
1	9.2		SWSW	23	22N	16E	Fergus
2	68.9		W2W2	26	22N	16E	Fergus
3	61.6		E2E2	27	22N	16E	Fergus
4	26.2		E2NE	34	22N	16E	Fergus
5	21.1		W2NW	35	22N	16E	Fergus
	TAL: 187.0						

10. Claim 41S 135373-00 was decreed with the following issue remarks:

THE MEANS OF DIVERSION APPEARS TO BE INCORRECT. OTHER WATER RIGHTS CLAIMING THIS DIVERSION CLAIM A HEADGATE AS THEIR MEANS OF DIVERSION.

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.

11. Pursuant to the Memo APF proposes modifying claim 41S 135373-00 as follows:

Diversion Means: DIKE headgate

12. Claim 41S 135374-00 was decreed with the following issue remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-42 AND 30027-278-44 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

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 MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

13. Pursuant to the Memo APF proposes modifying claim 41S 135374-00 as follows:

Flow Rate: -5.99 CFS- 5.6 cfs

Maximum Acres: _______59.6

*Point of Diversion and Means of Diversion: Section 15											
	<u>ID</u> 1	<u>G</u>	ovt Lot NWSWNE-	<u>Qtr S</u> SESWI			<u>Rge</u> <u>Coun</u> 16E FERG				
Ad	ditional P	roposed POUs]			
ID	Acres	Govt Lot	Qtr Sec	Sec	Тwp	Rge	County				
1	6		SESWSE	10	22N	16E	Fergus				
2	35.3		W2NE	10	22N	16E	Fergus				
3	18.3		N2SE	15	22N	16E	Fergus				
то	TAL: 59.6	acres									

135365-00 135366-00 135367-00 135371-00 135374-00 135376-00 135377-00 135378-00 139679-00

14. Claim 41S 135375-00 was decreed with the following issue remarks:

THE MEANS OF DIVERSION APPEARS TO BE INCORRECT. OTHER WATER RIGHTS CLAIMING THIS DIVERSION CLAIM A HEADGATE AS THEIR MEANS OF DIVERSION.

THE POINT OF DIVERSION MAY BE INCORRECT. IT APPEARS THE P.N. GRAZING ASSOCIATION DITCH IS CLAIMED WHICH INVOLVES ONLY ONE DIVERSION. ACCORDING TO INFORMATION IN THE FERGUS CO WATER RESOURCES SURVEY, THE DITCH ORIGINATES IN THE SESWSE SEC 3 TWP 22N RGE 16E FERGUS CO.

15. Pursuant to the Memo APF proposes modifying claim 41S 135375-00 as follows:

Point of Diversion and Means of Diversion: D Govt Lot Qtr Sec Sec Twp Rge County **NWSESE** 22N 16E FERGUS 3 Period of Diversion: MAY 1 TO SEPTEMBER 30 Diversion Means: PUMP/HEADGATE W/DITCH OR PIPELINE 2 SESWSE 3 22N 16E FERGUS Period of Diversion: MAY 1 TO SEPTEMBER 30 Diversion Means: PUMP/HEADGATE W/DITCH OR PIPELINE headgate Ditch Name: P.N. Grazing Association Ditch MAY 1 TO SEPTEMBER 30 Period of Use:

16. Claim 41S 135376-00 was decreed with the following issue 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.

17. Pursuant to the Memo APF proposes modifying claim 41S 135376-00 as follows:

Maximum Acres: <u>-140.00</u> 187.00

Diversion Means: DIKE

Headgate

D	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	9.2		SWSW	23	22N	16E	Fergus
2	68.9		W2W2	26	22N	16E	Fergus
3	61.6		E2E2	27	22N	16E	Fergus
4	26.2		E2NE	34	22N	16E	Fergus
5	21.1		W2NW	35	22N	16E	Fergus

<u>135365-00</u> 135366-00 135367-00 135371-00 <u>135374-00</u> 135376-00 135377-00 135378-00 139679-00

18. Claim 41S 135377-00 was decreed with the following issue remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 22.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-44, DATED 09/25/1979, APPEARS TO INDICATE 16.50 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. PER REVIEW OF THE RE-EXAMINATION WORKSHEET AND FERGUS CO USDA AERIAL PHOTOGRAPH NO. 278-44, DATED 09/25/1979, THE POINT OF DIVERSION APPEARS TO BE IN THE NESWSE SEC 2 TWP 21N RGE 16E FERGUS CO.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

19. Pursuant to the Memo APF proposes modifying claim 41S 135377-00 as follows:

Flow Rate: <u>-3.98 CFS</u> 7.08 cfs

Maximum Acres: <u>140.00</u> 187.00

Point of Div	ersion and Means of Diversion:	NESW	SE Se	ction 2	, T21N	R16E, Fergus
<u>ID</u>	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	<u> </u>	ESENE	-27	-22N	-16E	FERGUS

	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
9.2		SWSW	23	22N	16E	Fergus
68.9		W2W2	26	22N	16E	Fergu
61.6		E2E2	27	22N	16E	Fergus
26.2		E2NE	34	22N	16E	Fergus
21.1		W2NW	35	22N	16E	Fergus
6 2 2	58.9 51.6 26.2 21.1	58.9 51.6 26.2	58.9 W2W2 51.6 E2E2 26.2 E2NE 21.1 W2NW	58.9W2W22651.6E2E22726.2E2NE3421.1W2NW35	58.9W2W22622N51.6E2E22722N26.2E2NE3422N21.1W2NW3522N	58.9W2W22622N16E51.6E2E22722N16E26.2E2NE3422N16E21.1W2NW3522N16E

<u>135365-00</u> 135366-00 135367-00 135371-00 <u>135374-00</u> 135376-00 135377-00 135378-00 139679-00

20. Claim 41S 135378-00 was decreed with the following issue 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.

21. Pursuant to the Memo APF proposes modifying claim 41S 135378-00 as follows:

Flow Rate: -4.74 CFS 5.00 cfs

Maximum Acres: <u>125.00</u> 187.00

Diversion Means: DIKE

——— Headgate

Ad	ditional P	roposed POUs					
ID	Acres	Govt Lot	Qtr Sec	Sec	Тwp	Rge	County
1	9.2		SWSW	23	22N	16E	Fergus
2	68.9		W2W2	26	22N	16E	Fergus
3	61.6		E2E2	27	22N	16E	Fergus
4	26.2		E2NE	34	22N	16E	Fergus
5	21.1		W2NW	35	22N	16E	Fergus
то	TAL: 187.0	00 acres					

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.

135365-00 135366-00 135367-00 135371-00 <u>135374-00</u> 135376-00 135377-00 135378-00 139679-00 22. Claim 41S 135400-00 was decreed with the following issue remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THE CLAIMS FOLLOWING THIS STATEMENT USE THE SAME FILED APPROPRIATION TO DOCUMENT THE RIGHT. THE COMBINED FLOW RATE FOR THIS GROUP OF CLAIMS EXCEEDS THE TOTAL OF THE ORIGINAL APPROPRIATION. 41S 135372-00, 41S 135400-00.

THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 27.00 ACRES. THE DNRC'S RE-EXAMINATION WAS OF THESE ORIGINAL CLAIMED ACRES.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-42 AND 30027-278-44 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

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.

23. Pursuant to the Memo APF proposes modifying claim 41S 135400-00 as follows:

Flow Rate: -6.68 CFS- 2.50 cfs

Place of Use:

Flow Rate:

D		Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge County
1	20.00	22.00-		E2SW	10	22N	16E FERGUS
2	4.00	2.00			10	22N	16E FERGUS
Tot	al:	24.00		W2W2SE			

24. Pursuant to the Memo APF proposes modifying claim 41S 135433-00 as follows:

Diversion Means: ELOWING Pipeline

ID	Acres	Cort Lot	Ota See	-	_	Country	
Place of Use:				 			

D	Acres	Govt Lot	Qtr Sec	<u>Sec</u>	Twp	<u>Rge</u>	County
1		NENESW	NWNEOW	13	22N	15E	FERGUS

25. Claim 41S 139679-00 was decreed with the following issue remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 165.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-44, DATED 09/25/1979, APPEARS TO INDICATE 181.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

26. Pursuant to the Memo APF proposes modifying claim 41S 139679-00 as follows:

Maximum Acres: <u>-295.00</u> 187.00

Diversion Means: -DIKE Headgate

-11.18 CFS- 7.08 cfs

D	Acres	Govt Lot	Qtr Sec	Sec	Тwp	Rge	County
1	9.2		SWSW	23	22N	16E	Fergus
2	68.9		W2W2	26	22N	16E	Fergus
3	61.6		E2E2	27	22N	16E	Fergus
4	26.2		E2NE	34	22N	16E	Fergus
5	21.1		W2NW	35	22N	16E	Fergus
	TAL: 187.0						

<u>135365-00</u> 135366-00 135367-00 135371-00 <u>135374-00</u> 135376-00 135377-00 135378-00 139679-00

27. Claim 41S 30143517 was decreed with the following issue remark:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41S DECREE ISSUED 05/17/1984.

28. Pursuant to the Memo APF proposes modifying claim 41S 30143517 as follows:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County					
35	1	NE	27	23N	16E	Fergus					
	Source Name: Judith River										
		Period of Diversion: January 1 to December 31 Diversion Means: Livestock Direct from Source									
36	2	NE	27	23N	16E	Fergus					
Sour	ce Name: Juditł	n River									
	Period of Di	version: Januar	y 1 to Dec	ember 31	L						
	Diversion M	eans: Livestock	Direct fro	m Source	-						

Additional Proposed POUs										
ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County				
35	1	NE	27	23N	16E	Fergus				
36	2	NE	27	23N	16E	Fergus				

29. The Memo recommends the removal of the 'acres irrigated' issue remark on claim 41K 200233-00 based on the adoption of the modifications described in the Motion to Amend.

30. The remaining issue remark on claim 41K 200232-00 is a notice-type remark that states that if no objections were filed that the remark would be removed. No objections were filed, the remarks should be removed as it has served its purpose and require no additional proceedings to resolve.

31. The supplemental rights remark on claim 41S 135365-00 should be modified as follows:

HAVE OVERLAP PARCELS. EAC THE SUM TOTA	PPING PLACES OF H RIGHT IS LIMITE	USE. THE RIGHTS D TO THE FLOW F ESE WATER RIGH	T ARE SUPPLEMEN S CAN BE COMBIN RATE AND PLACE (TS SHALL NOT EX(ED TO IRRIGATE O DF USE OF THAT I	ONLY OVERLAPPIN NDIVIDUAL RIGHT	
135365-00	135366-00	135367-00	135371-00	135374-00	135376-00	
135377-00	135378-00	139679-00				

PRINCIPLES OF LAW

 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.

CONCLUSIONS OF LAW

1. The evidence presented regarding place of use and flow rate for claims 41S 135367-00, 41S 135371-00, 41S 135376-00, 41S 135377-00 and 41S 135378-00 is sufficient to overcome the prima facie status of the claims and should be modified to 187 acres as discussed above. Likewise, the evidence overcomes the 'acres irrigated' and 'flow rate' issue remarks on the claims and those remarks should be removed.

2. The evidence likewise supports modification of the points of diversion for claims 41S 135367-00, 41S 135371-00, 41S 135376-00, 41S 135377-00 and 41S 135378-00 as the claims historically diverted water from the same point of diversion.

3. Modification of the flow rate for claim 41S 135367-00 resolves the overfiled

12

notice issue remark on the claim and the remark should be removed.

4. The proposed modifications and evidence presented regarding place of use and flow rate for claims 41S 135368-00 and 41S 135375-00 overcome the prima facie status of the claims and resolve the 'acres irrigated' and flow rate issue remarks on the claims and the remarks should be removed.

5. Claims 41S 135370-00 and 41S 135372-00 should be dismissed pursuant to the Requests to Withdraw attached to the Memo.

6. The proposed modification to the means of diversion for claim 41S 135373-00 resolves the substantive issue remark on the claim and the remark should be removed.

7. The proposed modifications and evidence presented regarding place of use and flow rate for claim 41S 135374-00 is overcomes the 'acres irrigated' and 'flow rate' issue remarks on the claims and those remarks should be removed.

 The proposed modification to the means of diversion and ditch name for claim
 41S 135375-00 resolves the substantive issue remark on the claim and the remark should be removed.

9. The evidence presented regarding place of use for claim 41S 135376-00 is sufficient to overcome the prima facie status of the claim and the claim should be modified as discussed above.

10. The proposed modifications for claim 41S 135400-00 resolve the substantive issue remarks on the claim and those remarks should be removed.

11. The proposed modifications and evidence presented for claim 41S 139679-00 is sufficient to resolve the 'acres irrigated' and 'flow rate' issue remarks on the claims and the remarks should be removed.

12. The evidence presented regarding place of use for claim 41S 30143517 is sufficient to overcome the prima facie status of the claim and the claim should be modified as discussed above.

13. The proposed modifications should be adopted. The remaining issue remarks do not require additional information or proceedings to resolve and should be removed from the claims.

RECOMMENDATION

1. Upon review the record in this case, the above-captioned claims should be modified as discussed above. 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:

Last Order: Aislinn Brown Terisa Oomens Agency Legal Services Bureau PO Box 201440 Helena MT 59620-1440 (406) 444-7375 blcwatercourt@mt.gov Aislinn.brown@mt.gov Terisa.oomens@mt.gov kayla.churchill@mt.gov

W. John Tietz Hallee C. Frandsen Browning, Kaleczyc, Berry & Hoven PC P.O. Box 1697 Helena, MT 59624-1697 john@bkbh.com <u>megan@bkbh.com</u> hallee@bkbh.com

Note: Caption and Service List Updated 8-23-2024

\JUDHLNSRV-DATA\Share\JUDGALH2OSRV (Datavol)\Share\WC-BASIN FOLDERS\41S PD\Cases\4\NB 41S-0004-R-2024 MR - Resolution of Objections_IRs 248 (NEW, multiple claims, dismiss, issue remarks) 8-23-2024 rr.docx

JUDITH RIVER

BASIN 41S

Water Right Number:		41S 13536	5-00 S ⁻	TATEMEN	F OF CL	AIM		
		Version:	4 PO	ST DECRE	E			
			Status:	ACTIVE				
Owners:		AMERICAN PO BOX 90 BOZEMAN	8		TION			
Priority Date:		MAY 1, 191	5					
Type of Historical Right	ical Right: FILED							
Purpose (Use):	IRRIGATIO	N						
Irrigation Type:		FLOOD						
Flow Rate:		5.60 CFS						
*Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AM TO HISTORICAL AND BENEFICIAL USE.						NOT EXCEED THE AMOUNT PUT		
Climatic Area:		2 - MODERATELY HIGH						
Maximum Acres:		59.60						
Source Name:		JUDITH RI	/ER					
Source Type:		SURF	ACE WAT	ΓER				
*Point of Diversion and N	Jeans	of Diversion	:					
ID		<u>Govt Lo</u>	<u>t</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			-	IWSWNE	15	22N	16E	FERGUS
Period of Diversion:		MAY 1 TO	SEPTEM	BER 30				
Diversion Means:		PUMP						
Period of Use:		MAY 1 TO	SEPTEM	BER 30				
Place of Use:								
	<u>Acres</u>	<u>Govt Lo</u>		<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	County
1	6.00		:	SESWSE	10	22N	16E	FERGUS
	35.30			W2NE	15	22N	16E	FERGUS
	18.30			N2SE	15	22N	16E	FERGUS
Total:	59.60							

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.

135365-00 135374-00

JUDITH RIVER

BASIN 41S

Water Right Number:	41S 13536	6-00 STATEMEN	T OF CL	AIM		
	Version:	3 POST DECRE	ΞE			
		Status: ACTIVI	Ξ			
Owners:	PO BOX 90	PRAIRIE FOUND/ 8 MT 59771-0908	ATION			
Priority Date:	MAY 2, 188	9				
Type of Historical Right:	FILED					
Purpose (Use):	IRRIGATIO	N				
Irrigation Type:	FLOOD					
Flow Rate:	7.08 CFS					
*Volume:	-	VOLUME OF THI	-	-	「 SHALL	NOT EXCEED THE AMOUNT PUT
Climatic Area:	2 - MODER	ATELY HIGH				
Maximum Acres:	187.00					
Source Name:	JUDITH RI\	/ER				
Source Type:	SURF	ACE WATER				
Point of Diversion and Mea	ns of Diversion:					
ID	<u>Govt Lot</u>	Qtr Sec	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWSE	2	21N	16E	FERGUS
Period of Diversion:	MAY 1 TO S	SEPTEMBER 30				
Diversion Means:	HEADGATE	E				
Period of Use:	MAY 1 TO S	SEPTEMBER 30				
Place of Use:						
<u>ID</u> <u>Ac</u>	res <u>Govt Lot</u>	Qtr Sec	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1 9.1		SWSW	23	22N	16E	FERGUS
2 68.		W2W2	26	22N	16E	FERGUS
3 61.		E2E2	27	22N	16E	FERGUS
4 26. 5 21.		E2NE W2NW	34 35	22N 22N	16E 16E	FERGUS FERGUS
Total: 187.		VVZINVV	55	221N	IUL	

Remarks:

135366-00	135367-00	135371-00	135376-00	135377-00	135378-00

JUDITH RIVER

BASIN 41S

Water Right Number:	41S 13536	7-00 ST	ATEMENT	OF CL	AIM		
	Version:	3 POS	T DECRE	E			
		Status:	ACTIVE				
Owners:	AMERICAN PO BOX 90 BOZEMAN	8		TION			
Priority Date:	JUNE 1, 19	08					
Type of Historical Right:	FILED						
Purpose (Use):	IRRIGATIO	N					
Irrigation Type:	FLOOD						
Flow Rate:	7.08 CFS						
*Volume:	THE TOTA TO HISTOR					「 SHALL	NOT EXCEED THE AMOUNT PUT
Climatic Area:	2 - MODER	ATELY H	IGH				
Maximum Acres:	187.00						
Source Name:	JUDITH RI	/ER					
Source Type:	SURF	ACE WAT	ER				
Point of Diversion and Mean	s of Diversion	:					
ID	<u>Govt Lo</u>	t	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		Ν	IESWSE	2	21N	16E	FERGUS
Period of Diversion:	MAY 1 TO	SEPTEME	BER 30				
Diversion Means:	HEADGAT	Ē					
Period of Use:	MAY 1 TO	SEPTEME	3ER 30				
Place of Use:							
<u>ID</u> <u>Acre</u>	<u>s Govt Lo</u>	<u>t</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1 9.2			SWSW	23	22N	16E	FERGUS
2 68.9			W2W2	26	22N	16E	FERGUS
3 61.6			E2E2	27	22N	16E	FERGUS
4 26.2 5 21.1			E2NE W2NW	34 35	22N 22N	16E 16E	FERGUS
5 <u>21.1</u> Total: 187.0	_		VVZINVV	30	ZZIN	IOE	FERGUS

Remarks:

135366-00	135367-00	135371-00	135376-00	135377-00	135378-00

Water Right Number:

POST DECREE ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

41S 135368-00 STATEMENT OF CLAIM

Water Right Humber	•	413 133300-00 STATEMENT OF CEANN								
		Version:	3 POS	T DECRE	E					
			Status:	ACTIVE						
Owners:		AMERICAN PRAIRIE FOUNDATION								
		PO BOX 90	-							
		BOZEMAN, MT 59771-0908								
Priority Date:		JULY 15, 1886								
Type of Historical Ri	ght:	FILED								
Purpose (Use):		IRRIGATIO	N							
Irrigation Type	:	FLOOD								
Flow Rate:		19.73 CFS								
Volume:		640.00 AC-l	FT							
Climatic Area:		2 - MODER	ATELY HI	GH						
Maximum Acres:		521.00								
Source Name:		JUDITH RIVER								
Source Type:		SURFACE WATER								
*Point of Diversion an	d Means o	of Diversion:								
<u>ID</u> 1		<u>Govt Lot</u>	-	<u>Qtr Sec</u>	Sec 2	<u>Twp</u> 22N	<u>Rge</u>	<u>County</u>		
1	m:		S	ESWSE	<u>Sec</u> 3	<u>Twp</u> 22N	<u>Rge</u> 16E	<u>County</u> FERGUS		
1 Period of Diversio		MAY 1 TO S	S SEPTEMB	ESWSE		-		-		
1 Period of Diversio Diversion Means:		MAY 1 TO S HEADGATE	SEPTEMB	ESWSE BER 30	3	-		-		
1 Period of Diversio Diversion Means: Ditch Name:		MAY 1 TO S HEADGATE P. N. GRAZ	SEPTEMB E ING ASSO	SESWSE SER 30 DCIATION	3	-		-		
1 Period of Diversio Diversion Means: Ditch Name: Period of Use:		MAY 1 TO S HEADGATE	SEPTEMB E ING ASSO	SESWSE SER 30 DCIATION	3	-		-		
1 Period of Diversio Diversion Means: Ditch Name: Period of Use: Place of Use:		MAY 1 TO S HEADGATE P. N. GRAZ MAY 1 TO S	SEPTEME E ING ASSO SEPTEME	ESWSE ER 30 DCIATION ER 30	3 DITCH	22N	16E	FERGUS		
1 Period of Diversio Diversion Means: Ditch Name: Period of Use:		MAY 1 TO S HEADGATE P. N. GRAZ	SEPTEME E ING ASSO SEPTEME	SESWSE SER 30 DCIATION	3	-		-		
1 Period of Diversio Diversion Means: Ditch Name: Period of Use: Place of Use: <u>ID</u>	<u>Acres</u>	MAY 1 TO S HEADGATE P. N. GRAZ MAY 1 TO S	SEPTEME E ING ASSO SEPTEME	ESWSE ER 30 DCIATION ER 30	3 DITCH <u>Sec</u>	22N <u>Twp</u>	16E <u>Rge</u>	FERGUS <u>County</u>		
1 Period of Diversio Diversion Means: Ditch Name: Period of Use: Place of Use: <u>ID</u> 1	<u>Acres</u> 315.00	MAY 1 TO S HEADGATE P. N. GRAZ MAY 1 TO S	SEPTEME E ING ASSO SEPTEME	ESWSE ER 30 DCIATION ER 30 <u>Qtr Sec</u>	3 DITCH <u>Sec</u> 25	22N <u>Twp</u> 23N	16E <u>Rge</u> 16E	FERGUS <u>County</u> FERGUS		
1 Period of Diversion Diversion Means: Ditch Name: Period of Use: Place of Use: <u>ID</u> 1 2	<u>Acres</u> 315.00 138.00	MAY 1 TO S HEADGATE P. N. GRAZ MAY 1 TO S	SEPTEME E ING ASSO SEPTEME	ESWSE ER 30 DCIATION ER 30 <u>Qtr Sec</u> E2	3 DITCH <u>Sec</u> 25 26	22N <u>Twp</u> 23N 23N	16E <u>Rge</u> 16E 16E	FERGUS <u>County</u> FERGUS FERGUS		
1 Period of Diversion Diversion Means: Ditch Name: Period of Use: Place of Use: 1 2 3 4 5	<u>Acres</u> 315.00 138.00 10.00	MAY 1 TO S HEADGATE P. N. GRAZ MAY 1 TO S	SEPTEME E ING ASSO SEPTEME	ESWSE ER 30 DCIATION ER 30 <u>Qtr Sec</u> E2 E2SW	3 DITCH <u>Sec</u> 25 26 26	22N <u>Twp</u> 23N 23N 23N	16E <u>Rge</u> 16E 16E 16E	FERGUS <u>County</u> FERGUS FERGUS FERGUS		
1 Period of Diversion Diversion Means: Ditch Name: Period of Use: Place of Use: <u>ID</u> 1 2 3 4	<u>Acres</u> 315.00 138.00 10.00 19.00	MAY 1 TO S HEADGATE P. N. GRAZ MAY 1 TO S	S SEPTEMB ING ASS SEPTEMB	ESWSE ER 30 DCIATION ER 30 <u>Qtr Sec</u> E2 E2SW N2NE	3 DITCH <u>Sec</u> 25 26 26 36	22N <u>Twp</u> 23N 23N 23N 23N	16E 16E 16E 16E 16E 16E	FERGUS <u>County</u> FERGUS FERGUS FERGUS FERGUS		
1 Period of Diversion Diversion Means: Ditch Name: Period of Use: Place of Use: 1 2 3 4 5 6 7	Acres 315.00 138.00 10.00 19.00 9.00 6.00 5.00	MAY 1 TO S HEADGATE P. N. GRAZ MAY 1 TO S	S SEPTEMB ING ASSO SEPTEMB	ESWSE ER 30 DCIATION ER 30 <u>Otr Sec</u> E2 E2SW N2NE SWSW S2SENW N2N2NE	3 DITCH <u>Sec</u> 25 26 26 36 35 35 35	22N 22N 23N 23N 23N 23N 23N 23N 23N 23N	16E 16E 16E 16E 16E 16E 16E 16E 16E	FERGUS FERGUS FERGUS FERGUS FERGUS FERGUS FERGUS FERGUS		
1 Period of Diversion Diversion Means: Ditch Name: Period of Use: Place of Use: 1 2 3 4 5 6 7 8	Acres 315.00 138.00 10.00 19.00 9.00 6.00 5.00 12.70	MAY 1 TO S HEADGATE P. N. GRAZ MAY 1 TO S	S SEPTEMB ING ASSO SEPTEMB	ESWSE ER 30 DCIATION ER 30 <u>Otr Sec</u> E2 E2SW N2NE SWSW 22SENW N2N2NE NWNE	3 DITCH 25 26 26 36 35 35 35 35 35 35 35 35	22N 22N 23N 23N 23N 23N 23N 23N 23N 23N	16E 16E 16E 16E 16E 16E 16E 16E 16E 16E	FERGUS FERGUS FERGUS FERGUS FERGUS FERGUS FERGUS FERGUS FERGUS		
1 Period of Diversion Diversion Means: Ditch Name: Period of Use: Place of Use: 1 2 3 4 5 6 7	Acres 315.00 138.00 10.00 19.00 9.00 6.00 5.00	MAY 1 TO S HEADGATE P. N. GRAZ MAY 1 TO S	S SEPTEMB ING ASSO SEPTEMB	ESWSE ER 30 DCIATION ER 30 <u>Otr Sec</u> E2 E2SW N2NE SWSW S2SENW N2N2NE	3 DITCH <u>Sec</u> 25 26 26 36 35 35 35	22N 22N 23N 23N 23N 23N 23N 23N 23N 23N	16E 16E 16E 16E 16E 16E 16E 16E 16E	FERGUS FERGUS FERGUS FERGUS FERGUS FERGUS FERGUS FERGUS		

135368-00 135373-00 135375-00

JUDITH RIVER

BASIN 41S

Water Right Number:	41S 135370-00 STATEMENT OF CLAIM
	Version: 3 POST DECREE
	Status: DISMISSED
Owners:	AMERICAN PRAIRIE FOUNDATION PO BOX 908 BOZEMAN, MT 59771-0908
Priority Date:	
Type of Historical Right:	
Purpose (Use):	IRRIGATION
Flow Rate:	
Volume:	
Source Name:	JUDITH RIVER
Source Type:	SURFACE WATER
Point of Diversion and Means	of Diversion:
Period of Use:	
Place of Use:	
Domoniza	

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

JUDITH RIVER

BASIN 41S

Water Right Number:	41S 13537	1-00 ST	ATEMENT	OF CL	AIM				
	Version:	3 POS	T DECRE	E					
		Status:	ACTIVE						
Owners:	PO BOX 90	AMERICAN PRAIRIE FOUNDATION PO BOX 908 BOZEMAN, MT 59771-0908							
Priority Date:	APRIL 2, 19	APRIL 2, 1903							
Type of Historical Right:	FILED	ILED							
Purpose (Use):	IRRIGATIO	N							
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:	2 - MODER	2 - MODERATELY HIGH							
Maximum Acres:	187.00	187.00							
Source Name:	JUDITH RI	JUDITH RIVER							
Source Type:	SURF	ACE WAT	ER						
Point of Diversion and Mean	s of Diversion	:							
ID	<u>Govt Lo</u>	t	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>		
1		Ν	IESWSE	2	21N	16E	FERGUS		
Period of Diversion:	MAY 1 TO	SEPTEME	3ER 30						
Diversion Means:	HEADGAT	Ē							
Period of Use:	MAY 1 TO	SEPTEME	3ER 30						
Place of Use:									
<u>ID</u> <u>Acre</u>	<u>es Govt Lo</u>	<u>t</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>		
1 9.2			SWSW	23	22N	16E	FERGUS		
2 68.9			W2W2	26	22N	16E	FERGUS		
3 61.6			E2E2	27	22N	16E	FERGUS		
4 26.2 5 21.1			E2NE W2NW	34 35	22N 22N	16E 16E	FERGUS		
5 <u>21.1</u> Total: 187.0			VVZINVV	30	ZZIN	IDE	FERGUS		

Remarks:

135366-00	135367-00	135371-00	135376-00	135377-00	135378-00

JUDITH RIVER

BASIN 41S

Water Right Number:	41S 13537	2-00 STA	ATEMENT OF CLAIM	
	Version:	3 POS ⁻	T DECREE	
		Status:	DISMISSED	
Owners:	AMERICAN PO BOX 90 BOZEMAN)8	FOUNDATION -0908	
Priority Date:				
Type of Historical Right:				
Purpose (Use):	IRRIGATIO	N		
Flow Rate:				
Volume:				
Source Name:	JUDITH RIV	VER		
Source Type:	SURF	ACE WATE	R	
Point of Diversion and Means	of Diversion	:		
Period of Use:				
Place of Use:				
Domoniza				

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

JUDITH RIVER

BASIN 41S

Water Right Number:	41S 1353	73-00 ST	ATEMENT	OF CLA	١M			
	Version:	4 POS	T DECRE	Ξ				
		Status:	ACTIVE					
Owners:	PO BOX 9	AMERICAN PRAIRIE FOUNDATION PO BOX 908 BOZEMAN, MT 59771-0908						
Priority Date:	JUNE 24,	1905						
Type of Historical Right:	FILED							
Purpose (Use):	IRRIGATI	ON						
Irrigation Type:	FLOOD							
*Flow Rate:	102.00 GI	PM						
*Volume:		THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.						
Climatic Area:	2 - MODE	2 - MODERATELY HIGH						
*Maximum Acres:	6.00							
Source Name:	JUDITH F	IVER						
Source Type:	SUR	FACE WAT	ER					
Point of Diversion and Me	eans of Diversio	n:						
<u>ID</u> 1	<u>Govt I</u>		<u>Qtr Sec</u> ESWSE	<u>Sec</u> 3	<u>Twp</u> 22N	<u>Rge</u> 16E	<u>County</u> FERGUS	
Period of Diversion:	MAY 1 TO	SEPTEMB	ER 30					
Diversion Means:	HEADGA	ГЕ						
Ditch Name:	P. N. GRA	ZING ASSO	DCIATION	DITCH				
Period of Use:	MAY 1 TO	SEPTEMB	ER 30					
*Place of Use:								
	<u>cres</u> <u>Govt I</u>	<u>ot</u>	Qtr Sec	Sec	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
	6.00 6.00		N2NE	35	23N	16E	FERGUS	

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.

135368-00 135373-00 135375-00

THIS APPROPRIATION OF WATER TAKES WATER FROM THE JUDITH RIVER DRAINAGE (BASIN 41S) AND USES IT IN THE JUDITH RIVER DRAINAGE (BASIN 41S) AND THE MISSOURI RIVER, FROM MARIAS RIVER TO & INCLUDING BULLWACKER CREEK DRAINAGE (BASIN 41T). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

JUDITH RIVER

BASIN 41S

Water Right Number:	41S 1353	74-00 STATEMEN	T OF CL	AIM					
	Version:	3 POST DECRE	E						
		Status: ACTIVE	-						
Owners:	PO BOX 9	AMERICAN PRAIRIE FOUNDATION PO BOX 908 BOZEMAN, MT 59771-0908							
Priority Date:	JUNE 1, 19	UNE 1, 1907							
Type of Historical Right:	FILED	ILED							
Purpose (Use):	IRRIGATIO	RRIGATION							
Irrigation Type:	FLOOD								
Flow Rate:	5.60 CFS								
*Volume:		THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.							
Climatic Area:	2 - MODER	2 - MODERATELY HIGH							
Maximum Acres:	59.60	59.60							
Source Name:	JUDITH R	JUDITH RIVER							
Source Type:	SURF	ACE WATER							
Point of Diversion and Mea	ns of Diversior	1:							
<u>ID</u>	<u>Govt L</u>	ot <u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>			
1		NWSWNE	15	22N	16E	FERGUS			
Period of Diversion:		SEPTEMBER 30							
Diversion Means:	PUMP								
Period of Use:	MAY 1 TO	SEPTEMBER 30							
Place of Use:									
ID Ac			Sec	<u>Twp</u>	<u>Rge</u>	<u>County</u>			
1 6. 2 35.	00	SESWSE W2NE	10 10	22N 22N	16E 16E	FERGUS FERGUS			
2 55. 3 18.		N2SE	10	22N 22N	16E	FERGUS			
Total: 59.			. 3						

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.

135365-00 135374-00

JUDITH RIVER

BASIN 41S

Water Right Number:		41S 13537	5-00 ST	TATEMEN ⁻	T OF CL/	AIM				
		Version:	4 PO\$	ST DECRE	E					
			Status:	ACTIVE						
Owners:		PO BOX 90	AMERICAN PRAIRIE FOUNDATION PO BOX 908 BOZEMAN, MT 59771-0908							
Priority Date:		JULY 25, 1	ULY 25, 1886							
Type of Historical Rig	ht:	FILED								
Purpose (Use):		IRRIGATIO	N							
Irrigation Type:		FLOOD								
*Flow Rate:		19.73 CFS								
*Volume:			THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.							
Climatic Area:		2 - MODER	2 - MODERATELY HIGH							
*Maximum Acres:		521.00								
Source Name:		JUDITH RIVER								
Source Type:		SURFACE WATER								
Point of Diversion and	Means	of Diversion	:							
<u>ID</u> 1		<u>Govt Lo</u>		<u>Qtr Sec</u> SESWSE	<u>Sec</u> 3	<u>Twp</u> 22N	<u>Rge</u> 16E	<u>County</u> FERGUS		
Period of Diversion	1:	MAY 1 TO	SEPTEM	BER 30						
Diversion Means:		HEADGATE	Ξ							
Ditch Name:		P. N. GRAZ	ING ASS	OCIATION	I DITCH					
Period of Use:		MAY 1 TO	SEPTEM	BER 30						
*Place of Use:										
ID	<u>Acres</u>	<u>Govt Lo</u>	<u>t</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>		
1	315.00				25	23N	16E	FERGUS		
2	138.00			E2	26	23N	16E	FERGUS		
3	10.00			E2SW	26	23N	16E	FERGUS		
4	19.00 9.00			N2NE SWSW	36 35	23N 23N	16E 16E	FERGUS FERGUS		
5 6	9.00 6.00			E2SENW	35 35	23N 23N	16E	FERGUS		
7	5.00			N2N2NE	35	23N	16E	FERGUS		
8	12.70			NWNE	3	22N	16E	FERGUS		
9	6.30			NENW	3	22N	16E	FERGUS		
Total:	521.00	-								

135368-00 135373-00 135375-00

JUDITH RIVER

BASIN 41S

Water Right Number:	41S 13537	6-00 ST.	ATEMENT	F OF CL	AIM				
	Version:	3 POS	T DECRE	E					
		Status:	ACTIVE						
Owners:	PO BOX 90	AMERICAN PRAIRIE FOUNDATION PO BOX 908 BOZEMAN, MT 59771-0908							
Priority Date:	APRIL 1, 19	APRIL 1, 1903							
Type of Historical Right:	FILED	FILED							
Purpose (Use):	IRRIGATIO	N							
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:	2 - MODER	2 - MODERATELY HIGH							
Maximum Acres:	187.00	187.00							
Source Name:	JUDITH RIV	JUDITH RIVER							
Source Type:	SURF	ACE WAT	ER						
Point of Diversion and Mean	s of Diversion								
ID	Govt Lo	<u>t</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>		
1		N	IESWSE	2	21N	16E	FERGUS		
Period of Diversion:	MAY 1 TO	SEPTEMB	BER 30						
Diversion Means:	HEADGATE								
Period of Use:	MAY 1 TO	SEPTEMB	BER 30						
Place of Use:									
<u>ID</u> <u>Acre</u>	<u>s</u> <u>Govt Lo</u>	<u>t</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>		
1 9.2			SWSW	23	22N	16E	FERGUS		
2 68.9			W2W2	26	22N	16E	FERGUS		
3 61.6			E2E2	27	22N	16E	FERGUS		
4 26.2			E2NE	34	22N	16E	FERGUS		
5 21.1 Total: 187.0			W2NW	35	22N	16E	FERGUS		

Remarks:

135366-00	135367-00	135371-00	135376-00	135377-00	135378-00

JUDITH RIVER

BASIN 41S

Water Right Number:	41S 13537	7-00 ST		r of Cl	AIM				
	Version:	3 POS	ST DECRE	E					
		Status:	ACTIVE						
Owners:	PO BOX 90	AMERICAN PRAIRIE FOUNDATION PO BOX 908 BOZEMAN, MT 59771-0908							
Priority Date:	MAY 1, 190	MAY 1, 1902							
Type of Historical Right:	FILED	FILED							
Purpose (Use):	IRRIGATIO	N							
Irrigation Type:	FLOOD								
Flow Rate:	7.08 CFS								
*Volume:	THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.								
Climatic Area:	2 - MODER	2 - MODERATELY HIGH							
Maximum Acres:	187.00	187.00							
Source Name:	JUDITH RI	JUDITH RIVER							
Source Type:	SURF	SURFACE WATER							
Point of Diversion and Mean	s of Diversion	:							
ID	<u>Govt Lo</u>	<u>t</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>		
1		Ν	IESWSE	2	21N	16E	FERGUS		
Period of Diversion:	MAY 1 TO	SEPTEME	3ER 30						
Diversion Means:	HEADGAT	Ē							
Period of Use:	MAY 1 TO	SEPTEME	BER 30						
Place of Use:									
ID Acre	<u>es Govt Lo</u>	<u>t</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>		
1 9.2	0		SWSW	23	22N	16E	FERGUS		
2 68.9			W2W2	26	22N	16E	FERGUS		
3 61.6			E2E2	27	22N	16E	FERGUS		
4 26.2			E2NE	34	22N	16E	FERGUS		
5 21.1 Total: 187.0			W2NW	35	22N	16E	FERGUS		

Remarks:

135366-00	135367-00	135371-00	135376-00	135377-00	135378-00

JUDITH RIVER

BASIN 41S

Water Right Number:	41S 13537	8-00 ST.	ATEMENT	OF CL	AIM				
	Version:	3 POS	T DECRE	E					
		Status:	ACTIVE						
Owners:	PO BOX 90	AMERICAN PRAIRIE FOUNDATION PO BOX 908 BOZEMAN, MT 59771-0908							
Priority Date:	JUNE 24, 1	UNE 24, 1905							
Type of Historical Right:	FILED	ILED							
Purpose (Use):	IRRIGATIO	N							
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:	2 - MODER	2 - MODERATELY HIGH							
Maximum Acres:	187.00	187.00							
Source Name:	JUDITH RIV	JUDITH RIVER							
Source Type:	SURF	ACE WAT	ER						
Point of Diversion and Mean	s of Diversion:								
ID	Govt Lo	-	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>		
1		N	ESWSE	2	21N	16E	FERGUS		
Period of Diversion:	MAY 1 TO S	SEPTEMB	ER 30						
Diversion Means:	HEADGATE	E							
Period of Use:	MAY 1 TO S	SEPTEMB	ER 30						
Place of Use:									
<u>ID</u> <u>Acre</u>	<u>s</u> <u>Govt Lo</u>	<u>t</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>		
1 9.2			SWSW	23	22N	16E	FERGUS		
2 68.9			W2W2	26	22N	16E	FERGUS		
3 61.6			E2E2	27	22N	16E	FERGUS		
4 26.2			E2NE	34 25	22N	16E	FERGUS		
5 21.1 Total: 187.0	_		W2NW	35	22N	16E	FERGUS		

Remarks:

139679-00

135366-00	135367-00	135371-00	135376-00	135377-00	135378-00

JUDITH RIVER

BASIN 41S

Water Right Number:	41S 13540	0-00 STA	TEMENT	OF CL/	AIM				
	Version:	3 POST	DECREE	Ξ					
		Status:	ACTIVE						
Owners:	PO BOX 90	AMERICAN PRAIRIE FOUNDATION PO BOX 908 BOZEMAN, MT 59771-0908							
Priority Date:	JULY 20, 1	915							
Type of Historical Right:	FILED								
Purpose (Use):	IRRIGATIO	N							
Irrigation Type:	SPRINKLE	R/FLOOD							
Flow Rate:	2.50 CFS								
*Volume:	THE TOTA TO HISTOF					SHALL	NOT EXCEED THE AMOUNT PUT		
Climatic Area:	2 - MODER	ATELY HIG	Н						
Maximum Acres:	24.00								
Source Name:	JUDITH RIV	JUDITH RIVER							
Source Type:	SURF	ACE WATER	२						
*Point of Diversion and Mea	ns of Diversion								
<u>ID</u> 1	<u>Govt Lo</u>		<u>Qtr Sec</u> NESW	<u>Sec</u> 10	<u>Twp</u> 22N	<u>Rge</u> 16E	<u>County</u> FERGUS		
Period of Diversion:	MAY 15 TC	SEPTEMB	ER 15						
Diversion Means:	PUMP								
Period of Use:	MAY 15 TC	SEPTEMB	ER 15						
Place of Use:									
<u>ID</u> <u>Ac</u>	<u>es Govt Lo</u>	<u>t</u>	<u> Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>		
1 20.	00		E2SW	10	22N	16E	FERGUS		
2 4.		W2	W2SE	10	22N	16E	FERGUS		
Total: 24.	00								

JUDITH RIVER

BASIN 41S

Water Right Number:	41S 139433-00 STATEMENT OF CLAIM								
	Version:	3 POST DECR	EE						
		Status: ACTIV	E						
Owners:	PO BOX 90	AMERICAN PRAIRIE FOUNDATION PO BOX 908 BOZEMAN, MT 59771-0908							
Priority Date:	AUGUST 13	3, 1960							
Type of Historical Right:	USE								
Purpose (Use):	STOCK								
Flow Rate:	5.50 GPM								
*Volume:	STOCK WA UNIT. ANIM	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, U	SPRING, UNNAMED TRIBUTARY OF THE LITTLE SAG							
Source Type:	GROU	NDWATER							
Point of Diversion and Mea	ns of Diversion:								
<u>ID</u>	Govt Lot	Qtr Sec	Sec	<u>Twp</u>	<u>Rge</u>	<u>County</u>			
1		SESWNW	13	22N	15E	FERGUS			
Period of Diversion:	JANUARY 1	TO DECEMBER	31						
Diversion Means:	PIPELINE								
Period of Use:	JANUARY 1	TO DECEMBER	31						
Place of Use:									
<u>ID</u> <u>Ac</u> 1	res <u>Govt Lot</u>	<u>Qtr Sec</u> NENESW	<u>Sec</u> 13	<u>Twp</u> 22N	<u>Rge</u> 15E	<u>County</u> FERGUS			

JUDITH RIVER

BASIN 41S

Water Right Number:	41S 13967	9-00 STATEN	IENT OF C	LAIM						
-	Version:	3 POST DE	CREE							
		Status: AC	ΓIVE							
Owners:	PO BOX 90	AMERICAN PRAIRIE FOUNDATION PO BOX 908 BOZEMAN, MT 59771-0908								
Priority Date:	SEPTEMBE	SEPTEMBER 25, 1908								
Type of Historical Right:	FILED									
Purpose (Use):	IRRIGATIO	N								
Irrigation Type:	FLOOD									
Flow Rate:	7.08 CFS									
*Volume:	THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.									
Climatic Area:	2 - MODER	ATELY HIGH								
Maximum Acres:	187.00									
Source Name:	JUDITH RIV	/ER								
Source Type:	SURF	ACE WATER								
Point of Diversion and Mean	ns of Diversion									
ID	<u>Govt Lo</u>	<u>Qtr S</u>	Sec <u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>				
1		NESW	SE 2	21N	16E	FERGUS				
Period of Diversion:	MAY 1 TO S	SEPTEMBER 3	0							
Diversion Means:	HEADGATE	Ξ								
Period of Use:	MAY 1 TO S	SEPTEMBER 30)							
Place of Use:										
<u>ID</u> <u>Acr</u>	es <u>Govt Lo</u>				<u>Rge</u>	<u>County</u>				
1 9.2		SWS			16E	FERGUS				
2 68.9		W2\		22N	16E	FERGUS				
3 61.6		E2			16E	FERGUS				
4 26.2		E21			16E	FERGUS				
5 21.1 Total: 187.0		W2N	IW 35	22N	16E	FERGUS				

Remarks:

135366-00	135367-00	135371-00	135376-00	135377-00	135378-00

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number:	41S 30143	517	STATEMENT (OF CLA	M					
	Version:	2 F	POST DECREE							
		Statu	s: ACTIVE							
Owners:	AMERICAN PRAIRIE FOUNDATION PO BOX 908 BOZEMAN, MT 59771-0908									
Priority Date:	JUNE 30, 1	878								
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:	JUDITH RI	JUDITH RIVER								
Source Type:	SURFACE WATER									
Source Name:	UNNAMED TRIBUTARY OF JUDITH RIVER									
Source Type:	SURF	ACE V	/ATER							
Point of Diversion and Means	Point of Diversion and Means of Diversion:									
<u>ID</u>	Govt Lo	_	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>			
1	2	2	<u>Qtr Sec</u> N2	<u>Sec</u> 3	<u>Twp</u> 22N	<u>Rge</u> 16E	<u>County</u> FERGUS			
1 Source Name:	2 JUDITH RIV	2 VER	N2		-	-	•			
1 Source Name: Period of Diversion:	JUDITH RIV	2 VER 1 TO [N2 DECEMBER 31	3	-	-	•			
1 Source Name: Period of Diversion: Diversion Means:	JUDITH RIV JANUARY LIVESTOCI	2 VER 1 TO E K DIRE	N2 DECEMBER 31 ECT FROM SO	3 URCE	22N	16E	FERGUS			
1 Source Name: Period of Diversion: Diversion Means: 2	JUDITH RIV JANUARY LIVESTOCI	2 VER 1 TO E K DIRE 3	N2 DECEMBER 31 ECT FROM SO	3	22N	16E	•			
1 Source Name: Period of Diversion: Diversion Means: 2 Source Name:	JUDITH RIV JANUARY LIVESTOCI JUDITH RIV	2 VER 1 TO E K DIRE 3 VER	N2 DECEMBER 31 ECT FROM SO N2	3 URCE 3	22N	16E	FERGUS			
1 Source Name: Period of Diversion: Diversion Means: 2 Source Name: Period of Diversion:	JUDITH RIV JANUARY LIVESTOCI JUDITH RIV JANUARY	2 VER 1 TO E K DIRE 3 VER 1 TO E	N2 DECEMBER 31 ECT FROM SO N2 DECEMBER 31	3 URCE 3	22N	16E	FERGUS			
1 Source Name: Period of Diversion: Diversion Means: 2 Source Name:	JUDITH RIV JANUARY LIVESTOCI JUDITH RIV JANUARY	2 VER 1 TO E K DIRE 3 VER 1 TO E	N2 DECEMBER 31 ECT FROM SO N2 DECEMBER 31 ECT FROM SO	3 URCE 3 URCE	22N 22N	16E	FERGUS			
1 Source Name: Period of Diversion: Diversion Means: 2 Source Name: Period of Diversion: Diversion Means:	JUDITH RIV JANUARY LIVESTOCI JUDITH RIV JANUARY	2 VER 1 TO E K DIRE 3 VER 1 TO E K DIRE	N2 DECEMBER 31 ECT FROM SO N2 DECEMBER 31	3 URCE 3	22N	16E	FERGUS			
1 Source Name: Period of Diversion: Diversion Means: 2 Source Name: Period of Diversion: Diversion Means: 3	JUDITH RIV JANUARY LIVESTOCI JUDITH RIV JANUARY LIVESTOCI	2 VER 1 TO E K DIRE 3 VER 1 TO E K DIRE	N2 DECEMBER 31 ECT FROM SO N2 DECEMBER 31 ECT FROM SO	3 URCE 3 URCE 3	22N 22N	16E	FERGUS			
1 Source Name: Period of Diversion: Diversion Means: 2 Source Name: Period of Diversion: Diversion Means: 3 Source Name:	JUDITH RIV JANUARY LIVESTOCI JUDITH RIV JANUARY LIVESTOCI JUDITH RIV JANUARY	2 VER 1 TO E K DIRE 3 VER 1 TO E VER 1 TO E	N2 DECEMBER 31 ECT FROM SO N2 DECEMBER 31 ECT FROM SO W2SE	3 URCE 3 URCE 3	22N 22N	16E	FERGUS			
1 Source Name: Period of Diversion: Diversion Means: 2 Source Name: Period of Diversion: 3 Source Name: Period of Diversion:	JUDITH RIV JANUARY LIVESTOCI JUDITH RIV JANUARY LIVESTOCI JUDITH RIV JANUARY	2 VER 1 TO E K DIRE 3 VER 1 TO E VER 1 TO E	N2 DECEMBER 31 ECT FROM SO N2 DECEMBER 31 ECT FROM SO W2SE DECEMBER 31	3 URCE 3 URCE 3	22N 22N	16E	FERGUS			
1Source Name:Period of Diversion:Diversion Means:2Source Name:Period of Diversion:Diversion Means:3Source Name:Period of Diversion:Diversion Means:3Source Name:Period of Diversion:Diversion Means:	JUDITH RIV JANUARY LIVESTOCI JUDITH RIV JANUARY LIVESTOCI JUDITH RIV JANUARY	2 VER 1 TO E K DIRE 3 VER 1 TO E K DIRE K DIRE	N2 DECEMBER 31 ECT FROM SO N2 DECEMBER 31 ECT FROM SO W2SE DECEMBER 31 ECT FROM SO	3 URCE 3 URCE 3 URCE	22N 22N 22N	16E 16E 16E	FERGUS			
1Source Name:Period of Diversion:Diversion Means:2Source Name:Period of Diversion:Diversion Means:3Source Name:Period of Diversion:Diversion Means:3Source Name:Period of Diversion:Diversion Means:4	JUDITH RIV JANUARY LIVESTOCI JUDITH RIV JANUARY LIVESTOCI JUDITH RIV JANUARY LIVESTOCI	2 VER 1 TO E K DIRE 3 VER 1 TO E K DIRE K DIRE	N2 DECEMBER 31 ECT FROM SO N2 DECEMBER 31 ECT FROM SO W2SE DECEMBER 31 ECT FROM SO	3 URCE 3 URCE 3 URCE 3	22N 22N 22N	16E 16E 16E	FERGUS			

Period of Diversion:JANUARY 1 TO DECEMBER 3!Diversion Means:LIVESTOCK DIRECT FROM SOURCE6E2SESW82/N16EFERGUSSource Name:UNNAMED TRIBUTARY OF JUDITH RIVERPeriod of Diversion:JANUARY 1 TO DECEMBER 3!FERGUS7S2SE92/N16EFERGUS8UNSAMED TRIBUTARY OF JUDITH RIVERIVESTOCK DIRECT FROM SOURCEFERGUS9JANUARY 1 TO DECEMBER 3!IVESTOCK DIRECT FROM SOURCEFERGUS8SESW92/N16EFERGUS8SUPPERION Means:UNNAMED TRIBUTARY OF JUDITH RIVERFERGUS9VUNAMED TRIBUTARY OF JUDITH RIVERFERGUSFERGUS9SOURCE Name:UNNAMED TRIBUTARY OF JUDITH RIVERFERGUS9VUNAMED TRIBUTARY OF JUDITH RIVERFERGUSFERGUS9VUNAMED TRIBUTARY OF JUDITH RIVERFERGUSFERGUS9VUNAMED TRIBUTARY OF JUDITH RIVERFERGUSFERGUS9VUNAMED TRIBUTARY OF JUDITH RIVERFERGUSFERGUS9JUDITH RIVERJUDITH RIVERFERGUS9JUNARY 1 TO DECEMBER 3!FERGUS9JANUARY 1 TO DECEMBER 3!FERGUS9JANUARY 1 TO DECEMBER 3!FERGUS9JANUARY 1 TO DECEMBER 3!FERGUS9Source Name:JANUARY 1 TO DECEMBER 3!9Period of Diversion:JANUARY 1 TO DECEMBER 3!9VUNAMED TRIBUTARY OF JUDITH RIVERFERGUS9Source Name:JUNARY 1 TO DECEMBER 3	5 Source Name:	S2S2SE 8 22N 16E FERGUS UNNAMED TRIBUTARY OF JUDITH RIVER								
6E2SESW82N16EFERGUSNource Name:UNNAMED TRIBUTARY OF JUDITH RIVERIVESTOCK DIRECT FROM SUUREPreiod of Diversion:LIVESTOCK DIRECT FROM SUURE922N16EFERGUSSource Name:UNNAMED TRIBUTARY OF JUDITH RIVERIVESTOCK DIRECT FROM SUUREIVESTOCK DIRECT FROM SUUREIVESTOCK DIRECT FROM SUUREPeriod of Diversion:JANUARY 1 TO DECEMBER 3IIVESTOCK DIRECT FROM SUUREIVESTOCK DIRECT FROM SUURE9Surce Name:UNNAMED TRIBUTARY OF JUDITH RIVERIE9V2201022N16EFERGUS9V2211022N16EFERGUS9V2221022N16EFERGUS9V2221022N16EFERGUS9V2211022N16EFERGUS9JANUARY 1 TO DECEMBER 3IIIFERGUS9JUDITH RIVERIIIFERGUS9JUDITH RIVERIIIFERGUS9JANUARY 1 TO DECEMBER 3IIIFERGUS9JANUARY 1 TO DECEMBER	Period of Diversion:	JANUARY 1 TO DECEMBER 31								
Source Name:UNNAMED TRIBUTARY OF JUDITH RIVERPeriod of Diversion:JANUARY 1 TO DECEMBER 31Diversion Means:LIVESTOCK DIRECT FROM SOURCE7S2SE922N16EFERGUSSource Name:UNNAMED TRIBUTARY OF JUDITH RIVERVERVERVERPeriod of Diversion:JANUARY 1 TO DECEMBER 31VERVERVER8SESW922N16EFERGUS8SUPERSION Means:UIVESTOCK DIRECT FROM SOURCEVERVERPeriod of Diversion:JANUARY 1 TO DECEMBER 31VERVER9W2E21022N16EFERGUS9VERVERVERVER9VER1022N16EFERGUS9Source Name:JUDITH RIVERVERVERVER9VERSIOK DIRECT FROM SOURCE1022N16EFERGUS9Source Name:JUDITH RIVERVERVERVER9Outersion:JANUARY 1 TO DECEMBER 31VERVER10EXPONDERIDIVERSIOK DIRECT FROM SOURCE16EFERGUS10Source Name:JUNIARY 1 TO DECEMBER 31VERVER9Outersion:JANUARY 1 TO DECEMBER 31VERVER10SOURCE Name:JANUARY 1 TO DECEMBER 31VERVER10Source Name:UNNAMED TRIBUTARY OF JUDITH RIVERVERVER9Outersion:JANUARY 1 TO DECEMBER 31VERVER10EVESTOCK	Diversion Means:	LIVESTOCK DIRECT FROM SOURCE								
Period of Diversion: JANUJARY 1 TO DECEMBER 3: Diversion Means: LIVESTOCK DIRECT FROM SOURCE 7 \$2SE 9 2N 16E FERGUS Source Name: UNNAMED TRIBUTARY OF JUDITH RIVER Ferdud of Diversion: JANUJARY 1 TO DECEMBER 3: FERGUS Period of Diversion: JANUJARY 1 TO DECEMBER 3: FERGUS FERGUS Source Name: UNNAMED TRIBUTARY OF JUDITH RIVER FERGUS Period of Diversion: JANUJARY 1 TO DECEMBER 3: FERGUS Diversion Means: LIVESTOCK DIRECT FROM SOURCE FERGUS 9 W2E2 10 2N 16E FERGUS Source Name: JUDITH RIVER V2E2 10 2N 16E FERGUS 9 W2E2 10 2N 16E FERGUS Source Name: JUDITH RIVER INDERTSION INTERTSION INTERTSION 10 ELIVESTOCK DIRECT FROM SOURCE INAUJARY 1 TO DECEMBER 3: INTERTSION INTERTSION 10 INNAMED TRIBUTARY OF JUDITH RIVER INTERTSION INTERTSION INTERTSION 9 VIDITH RIVER INNAMED TRIBUTARY OF JUDITH	6	E2SESW 8 22N 16E FERGUS								
Diversion Means: LIVESTOCK DIRECT FROM SOURCE 7 S2SE 9 22N 16E FERGUS Source Name: UNNAMED TRIBUTARY OF JUDITH RIVER Image: Constraint of the constraint	Source Name:	UNNAMED TRIBUTARY OF JUDITH RIVER								
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	Source Name:	JUDITH RIVER								

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Period of Diversion:	JANUARY 1 TO DECEMBER 31								
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE								
16		N2NW	16	22N	16E	FERGUS			
Source Name:	UNNAMED TRIBUTARY OF JUDITH RIVER								
Period of Diversion:	JANUARY 1 TO DECEMBER 31								
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE								
17	N2N2SE 21 22N 16E FERGUS								
Source Name:	UNNAMED TRIBUTARY OF JUDITH RIVER								
Period of Diversion:	JANUARY 1 TO DECEMBER 31								
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE								
18	N2	NESW	21	22N	16E	FERGUS			
Source Name:	UNNAMED TRIBUTAR	RY OF JUDI	TH RI	/ER					
Period of Diversion:	JANUARY 1 TO DECE	MBER 31							
Diversion Means:	LIVESTOCK DIRECT F	FROM SOU	RCE						
19		W2NE	22	22N	16E	FERGUS			
Source Name:	JUDITH RIVER								
Period of Diversion:	JANUARY 1 TO DECEMBER 31								
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE								
20		E2NW	22	22N	16E	FERGUS			
Source Name:	JUDITH RIVER								
Period of Diversion:	JANUARY 1 TO DECEMBER 31								
Diversion Means:	LIVESTOCK DIRECT F	FROM SOU	RCE						
21		SE	22	22N	16E	FERGUS			
Source Name:	JUDITH RIVER								
Period of Diversion:	JANUARY 1 TO DECE	-							
Diversion Means:	LIVESTOCK DIRECT F	FROM SOU	RCE						
22		NE	27	22N	16E	FERGUS			
Source Name:	JUDITH RIVER								
Period of Diversion:	JANUARY 1 TO DECE	-							
Diversion Means:	LIVESTOCK DIRECT F	FROM SOU	RCE						
23	_	VSESE	27	22N	16E	FERGUS			
Source Name:	JUDITH RIVER								
Period of Diversion:	JANUARY 1 TO DECE								
Diversion Means:	LIVESTOCK DIRECT F	FROM SOU	IRCE						
24		W2SE	27	22N	16E	FERGUS			
Source Name:	JUDITH RIVER								
Period of Diversion:	JANUARY 1 TO DECE								
Diversion Means:	LIVESTOCK DIRECT F								
25 Source Normer		E2E2	34	22N	16E	FERGUS			
Source Name:									
Period of Diversion:	JANUARY 1 TO DECE	IMBER 31							

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Diversion Means:	LIVESTOCK DIRECT FROM SOURCE							
26	E2SW	VNE	34	22N	16E	FERGUS		
Source Name:	JUDITH RIVER							
Period of Diversion:	JANUARY 1 TO DECEMBER 31							
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE							
27	E2NV	VSE	34	22N	16E	FERGUS		
Source Name:	JUDITH RIVER							
Period of Diversion:	JANUARY 1 TO DECEMB	BER 31						
Diversion Means:	LIVESTOCK DIRECT FRO	OM SOU	RCE					
28	SW	VNE	26	23N	16E	FERGUS		
Source Name:	JUDITH RIVER							
Period of Diversion:	JANUARY 1 TO DECEMB	BER 31						
Diversion Means:	LIVESTOCK DIRECT FRO	OM SOU	RCE					
29	NWNV	VSE	26	23N	16E	FERGUS		
Source Name:	JUDITH RIVER							
Period of Diversion:	JANUARY 1 TO DECEMB	BER 31						
Diversion Means:	LIVESTOCK DIRECT FRO	OM SOU	RCE					
30		SW	26	23N	16E	FERGUS		
Source Name:	JUDITH RIVER							
Period of Diversion:	JANUARY 1 TO DECEMB	BER 31						
Diversion Means:	LIVESTOCK DIRECT FRO	OM SOU	RCE					
31	N2NE	ESE	27	23N	16E	FERGUS		
Source Name:	JUDITH RIVER							
Period of Diversion:	JANUARY 1 TO DECEMB	BER 31						
Diversion Means:	LIVESTOCK DIRECT FRO	OM SOU	RCE					
32		NW	35	23N	16E	FERGUS		
Source Name:	JUDITH RIVER							
Period of Diversion:	JANUARY 1 TO DECEMB	3ER 31						
Diversion Means:	LIVESTOCK DIRECT FRO	DM SOU	RCE					
33	SESW	'NW	35	23N	16E	FERGUS		
Source Name:	JUDITH RIVER							
Period of Diversion:	JANUARY 1 TO DECEMB	-						
Diversion Means:	LIVESTOCK DIRECT FRO		RCE					
34		2SW	35	23N	16E	FERGUS		
Source Name:	JUDITH RIVER							
Period of Diversion:	JANUARY 1 TO DECEMB							
Diversion Means:	LIVESTOCK DIRECT FRO		RCE					
35 	1	NE	27	23N	16E	FERGUS		
Source Name:								
Period of Diversion:	JANUARY 1 TO DECEMB		D C F					
Diversion Means:	LIVESTOCK DIRECT FRO				. –			
36	2	NE	27	23N	16E	FERGUS		

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Source Name:	JUDITH RIVER
Period of Diversion:	JANUARY 1 TO DECEMBER 31
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE
Period of Use:	JANUARY 1 TO DECEMBER 31

Place of Use:

ID	<u>Acres</u>	Govt Lot	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		2	N2	3	22N	16E	FERGUS
2		3	N2	3	22N	16E	FERGUS
3			W2SE	3	22N	16E	FERGUS
4			SESESW	3	22N	16E	FERGUS
5			S2S2SE	8	22N	16E	FERGUS
6			E2SESW	8	22N	16E	FERGUS
7			S2SE	9	22N	16E	FERGUS
8			SESW	9	22N	16E	FERGUS
9			W2E2	10	22N	16E	FERGUS
10			E2NW	10	22N	16E	FERGUS
11			S2SW	10	22N	16E	FERGUS
12			W2NE	15	22N	16E	FERGUS
13			E2SENW	15	22N	16E	FERGUS
14			SWSE	15	22N	16E	FERGUS
15			E2E2SW	15	22N	16E	FERGUS
16			N2NW	16	22N	16E	FERGUS
17			N2N2SE	21	22N	16E	FERGUS
18			N2NESW	21	22N	16E	FERGUS
19			W2NE	22	22N	16E	FERGUS
20			E2NW	22	22N	16E	FERGUS
21			SE	22	22N	16E	FERGUS
22			NE	27	22N	16E	FERGUS
23			SWSESE	27	22N	16E	FERGUS
24			W2SE	27	22N	16E	FERGUS
25			E2E2	34	22N	16E	FERGUS
26			E2SWNE	34	22N	16E	FERGUS
27			E2NWSE	34	22N	16E	FERGUS
28			SWNE	26	23N	16E	FERGUS
29			NWNWSE	26	23N	16E	FERGUS
30			SW	26	23N	16E	FERGUS
31			N2NESE	27	23N	16E	FERGUS
32			E2NW	35	23N	16E	FERGUS
33			SESWNW	35	23N	16E	FERGUS
34			W2SW	35	23N	16E	FERGUS
35		1	NE	27	23N	16E	FERGUS
36		2	NE	27	23N	16E	FERGUS