

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
1-800-624-3270
(406) 586-4364
watercourt@mt.gov

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

CLAIMANTS: American Prairie Foundation; ~~Montana State~~
~~Board of Land Commissioners~~

OBJECTOR: American Prairie Foundation

CASE 41S-0004-R-2024

41S 135365-00

41S 135366-00

41S 135367-00

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. 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) 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:

Flow Rate: ~~–11.18 cfs–~~ **7.08 cfs**

Maximum Acres: ~~–295.00—~~ **187.00**

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

Diversion Means: ~~PUMP/HEADGATE W/DITCH OR PIPELINE~~ Headgate

Additional Proposed POUs							
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
TOTAL: 187.00 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 ~~135374-00~~ 135376-00 135377-00
135378-00 139679-00

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: ~~9.51 CFS~~ 7.08 cfs

Maximum Acres: ~~251.00~~ 187.00

Diversion Means: ~~DIKE~~ Headgate

Additional Proposed POUs							
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
TOTAL: 187.00 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 ~~135374-00~~ 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

Maximum Acres: ~~160.00~~ 521.00

Additional Proposed POU's							
ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	315			25	23N	16E	Fergus
2	138		E2	26	23N	16E	Fergus
3	10		E2SW	26	23N	16E	Fergus
4	19		N2NE	36	23N	16E	Fergus
5	9		SWSW	35	23N	16E	Fergus
6	6		E2SENW	35	23N	16E	Fergus
7	5		N2N2NE	35	23N	16E	Fergus
8	12.70		NWNE	3	22N	16E	Fergus
9	6.30		NENW	3	22N	16E	Fergus
TOTAL: 521.00 acres							

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: ~~3.15 cfs~~ 5.00 cfs

Maximum Acres: ~~83.00~~ 187.00

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSW	34	22N	16E	FERGUS

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: ~~DIKE~~ Headgate

Additional Proposed POUs							
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
TOTAL: 187.00 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 ~~135374-00~~ 135376-00 135377-00
135378-00 139679-00

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: ~~158.00~~ 59.6

*Point of Diversion and Means of Diversion:

Section 15

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	NWSWNE	SESWNE	22	22N	16E	FERGUS

Additional Proposed POUs							
ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	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
TOTAL: 59.6 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 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:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSESE	3	22N	16E	FERGUS

~~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

Period of Use: MAY 1 TO SEPTEMBER 30

Ditch Name: P.N. Grazing Association Ditch

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: ~~140.00~~ 187.00

Diversion Means: ~~DIKE~~ Headgate

Additional Proposed POUs							
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
TOTAL: 187.00 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 ~~135374-00~~ 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: ~~3.98 CFS~~ 7.08 cfs

Maximum Acres: ~~140.00~~ 187.00

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESENE	27	22N	16E	FERGUS

Additional Proposed POUs							
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
TOTAL: 187.00 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 ~~135374-00~~ 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: ~~125.00~~ 187.00

Diversion Means: ~~DIKE~~ Headgate

Additional Proposed POUs							
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
TOTAL: 187.00 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 ~~135374-00~~ 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:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.00 22.00		E2SW	10	22N	16E	FERGUS
2	4.00 2.00		NWSWSE W2W2SE	10	22N	16E	FERGUS
Total:	24.00						

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

Diversion Means: ~~FLOWING~~ Pipeline

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		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:

Flow Rate: ~~11.18 CFS~~ 7.08 cfs

Maximum Acres: ~~295.00~~ 187.00

Diversion Means: ~~DIKE~~ Headgate

Additional Proposed POUs							
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
TOTAL: 187.00 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 ~~135374-00~~ 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:

Additional Proposed PODs

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
----	---	----	----	-----	-----	--------

Source Name: Judith River

Period of Diversion: January 1 to December 31

Diversion Means: Livestock Direct from 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:

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	135374-00	135376-00
135377-00	135378-00	139679-00			

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.

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

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.

8. 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
blewatercourt@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
megan@bkbh.com
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

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 135365-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: AMERICAN PRAIRIE FOUNDATION
PO BOX 908
BOZEMAN, MT 59771-0908

Priority Date: MAY 1, 1915

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

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 - MODERATELY HIGH

Maximum Acres: 59.60

Source Name: JUDITH 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		NWSWNE	15	22N	16E	FERGUS

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: PUMP

Period of Use: MAY 1 TO SEPTEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	6.00		SESWSE	10	22N	16E	FERGUS
2	35.30		W2NE	15	22N	16E	FERGUS
3	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

**POST DECREE
 ABSTRACT OF WATER RIGHT CLAIM
 JUDITH RIVER
 BASIN 41S**

Water Right Number: 41S 135366-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: AMERICAN PRAIRIE FOUNDATION
 PO BOX 908
 BOZEMAN, MT 59771-0908

Priority Date: MAY 2, 1889

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

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 - MODERATELY HIGH

Maximum Acres: 187.00

Source Name: JUDITH 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		NESWSE	2	21N	16E	FERGUS

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Period of Use: MAY 1 TO SEPTEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	9.20		SWSW	23	22N	16E	FERGUS
2	68.90		W2W2	26	22N	16E	FERGUS
3	61.60		E2E2	27	22N	16E	FERGUS
4	26.20		E2NE	34	22N	16E	FERGUS
5	21.10		W2NW	35	22N	16E	FERGUS

Total: 187.00

Remarks:

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

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

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 135367-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: AMERICAN PRAIRIE FOUNDATION
PO BOX 908
BOZEMAN, MT 59771-0908

Priority Date: JUNE 1, 1908

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

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 - MODERATELY HIGH

Maximum Acres: 187.00

Source Name: JUDITH 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		NESWSE	2	21N	16E	FERGUS

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Period of Use: MAY 1 TO SEPTEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	9.20		SWSW	23	22N	16E	FERGUS
2	68.90		W2W2	26	22N	16E	FERGUS
3	61.60		E2E2	27	22N	16E	FERGUS
4	26.20		E2NE	34	22N	16E	FERGUS
5	21.10		W2NW	35	22N	16E	FERGUS

Total: 187.00

Remarks:

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

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

**POST DECREE
 ABSTRACT OF WATER RIGHT CLAIM
 JUDITH RIVER
 BASIN 41S**

Water Right Number: 41S 135368-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: AMERICAN PRAIRIE FOUNDATION
 PO BOX 908
 BOZEMAN, MT 59771-0908

Priority Date: JULY 15, 1886

Type of Historical Right: FILED

Purpose (Use): IRRIGATION
Irrigation Type: FLOOD

Flow Rate: 19.73 CFS

Volume: 640.00 AC-FT
Climatic Area: 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>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWSE	3	22N	16E	FERGUS
Period of Diversion:		MAY 1 TO SEPTEMBER 30				
Diversion Means:		HEADGATE				
Ditch Name:		P. N. GRAZING ASSOCIATION DITCH				
Period of Use:		MAY 1 TO SEPTEMBER 30				

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	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		N2NE	36	23N	16E	FERGUS
5	9.00		SWSW	35	23N	16E	FERGUS
6	6.00		E2SE	35	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:	<u>521.00</u>						

Remarks:

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

135368-00

135373-00

135375-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
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:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 135371-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: AMERICAN PRAIRIE FOUNDATION
PO BOX 908
BOZEMAN, MT 59771-0908

Priority Date: APRIL 2, 1903

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 5.00 CFS

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

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 187.00

Source Name: JUDITH 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		NESWSE	2	21N	16E	FERGUS

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Period of Use: MAY 1 TO SEPTEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	9.20		SWSW	23	22N	16E	FERGUS
2	68.90		W2W2	26	22N	16E	FERGUS
3	61.60		E2E2	27	22N	16E	FERGUS
4	26.20		E2NE	34	22N	16E	FERGUS
5	21.10		W2NW	35	22N	16E	FERGUS

Total: 187.00

Remarks:

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

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

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 135372-00 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:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 135373-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: AMERICAN PRAIRIE FOUNDATION
PO BOX 908
BOZEMAN, MT 59771-0908

Priority Date: JUNE 24, 1905

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 102.00 GPM

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

Climatic Area: 2 - MODERATELY HIGH

***Maximum Acres:** 6.00

Source Name: JUDITH 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		SESWSE	3	22N	16E	FERGUS

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Ditch Name: P. N. GRAZING ASSOCIATION DITCH

Period of Use: MAY 1 TO SEPTEMBER 30

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	6.00		N2NE	35	23N	16E	FERGUS

Total: 6.00

Remarks:

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

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.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 135374-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: AMERICAN PRAIRIE FOUNDATION
PO BOX 908
BOZEMAN, MT 59771-0908

Priority Date: JUNE 1, 1907

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

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 - MODERATELY HIGH

Maximum Acres: 59.60

Source Name: JUDITH 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		NWSWNE	15	22N	16E	FERGUS

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: PUMP

Period of Use: MAY 1 TO SEPTEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	6.00		SESWSE	10	22N	16E	FERGUS
2	35.30		W2NE	10	22N	16E	FERGUS
3	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

**POST DECREE
 ABSTRACT OF WATER RIGHT CLAIM
 JUDITH RIVER
 BASIN 41S**

Water Right Number: 41S 135375-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: AMERICAN PRAIRIE FOUNDATION
 PO BOX 908
 BOZEMAN, MT 59771-0908

Priority Date: JULY 25, 1886

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

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 - MODERATELY HIGH

***Maximum Acres:** 521.00

Source Name: JUDITH 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		SESWSE	3	22N	16E	FERGUS

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Ditch Name: P. N. GRAZING ASSOCIATION DITCH

Period of Use: MAY 1 TO SEPTEMBER 30

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	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		N2NE	36	23N	16E	FERGUS
5	9.00		SWSW	35	23N	16E	FERGUS
6	6.00		E2SE	35	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

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

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 135376-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: AMERICAN PRAIRIE FOUNDATION
PO BOX 908
BOZEMAN, MT 59771-0908

Priority Date: APRIL 1, 1903

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 5.00 CFS

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

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 187.00

Source Name: JUDITH 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		NESWSE	2	21N	16E	FERGUS

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Period of Use: MAY 1 TO SEPTEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	9.20		SWSW	23	22N	16E	FERGUS
2	68.90		W2W2	26	22N	16E	FERGUS
3	61.60		E2E2	27	22N	16E	FERGUS
4	26.20		E2NE	34	22N	16E	FERGUS
5	21.10		W2NW	35	22N	16E	FERGUS

Total: 187.00

Remarks:

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

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

**POST DECREE
 ABSTRACT OF WATER RIGHT CLAIM
 JUDITH RIVER
 BASIN 41S**

Water Right Number: 41S 135377-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: AMERICAN PRAIRIE FOUNDATION
 PO BOX 908
 BOZEMAN, MT 59771-0908

Priority Date: MAY 1, 1902

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

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 - MODERATELY HIGH

Maximum Acres: 187.00

Source Name: JUDITH 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		NESWSE	2	21N	16E	FERGUS

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Period of Use: MAY 1 TO SEPTEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	9.20		SWSW	23	22N	16E	FERGUS
2	68.90		W2W2	26	22N	16E	FERGUS
3	61.60		E2E2	27	22N	16E	FERGUS
4	26.20		E2NE	34	22N	16E	FERGUS
5	21.10		W2NW	35	22N	16E	FERGUS

Total: 187.00

Remarks:

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

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

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 135378-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: AMERICAN PRAIRIE FOUNDATION
PO BOX 908
BOZEMAN, MT 59771-0908

Priority Date: JUNE 24, 1905

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 5.00 CFS

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

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 187.00

Source Name: JUDITH 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		NESWSE	2	21N	16E	FERGUS

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Period of Use: MAY 1 TO SEPTEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	9.20		SWSW	23	22N	16E	FERGUS
2	68.90		W2W2	26	22N	16E	FERGUS
3	61.60		E2E2	27	22N	16E	FERGUS
4	26.20		E2NE	34	22N	16E	FERGUS
5	21.10		W2NW	35	22N	16E	FERGUS

Total: 187.00

Remarks:

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

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

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 135400-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: AMERICAN PRAIRIE FOUNDATION
PO BOX 908
BOZEMAN, MT 59771-0908

Priority Date: JULY 20, 1915

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 2.50 CFS

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

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 24.00

Source Name: JUDITH 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		SENE SW	10	22N	16E	FERGUS

Period of Diversion: MAY 15 TO SEPTEMBER 15

Diversion Means: PUMP

Period of Use: MAY 15 TO SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.00		E2SW	10	22N	16E	FERGUS
2	4.00		W2W2SE	10	22N	16E	FERGUS

Total: 24.00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 139433-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: AMERICAN PRAIRIE FOUNDATION
PO BOX 908
BOZEMAN, MT 59771-0908

Priority Date: AUGUST 13, 1960

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 5.50 GPM

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

Source Name: SPRING, UNNAMED TRIBUTARY OF THE LITTLE SAG

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		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>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENSW	13	22N	15E	FERGUS

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 139679-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: AMERICAN PRAIRIE FOUNDATION
PO BOX 908
BOZEMAN, MT 59771-0908

Priority Date: SEPTEMBER 25, 1908

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

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 - MODERATELY HIGH

Maximum Acres: 187.00

Source Name: JUDITH 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		NESWSE	2	21N	16E	FERGUS

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Period of Use: MAY 1 TO SEPTEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	9.20		SWSW	23	22N	16E	FERGUS
2	68.90		W2W2	26	22N	16E	FERGUS
3	61.60		E2E2	27	22N	16E	FERGUS
4	26.20		E2NE	34	22N	16E	FERGUS
5	21.10		W2NW	35	22N	16E	FERGUS

Total: 187.00

Remarks:

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

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

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 30143517 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: AMERICAN PRAIRIE FOUNDATION
PO BOX 908
BOZEMAN, MT 59771-0908

Priority Date: JUNE 30, 1878

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 RIVER

Source Type: SURFACE WATER

Source Name: UNNAMED TRIBUTARY OF JUDITH RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	2	N2	3	22N	16E	FERGUS
Source Name:		JUDITH RIVER				
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		LIVESTOCK DIRECT FROM SOURCE				
2	3	N2	3	22N	16E	FERGUS
Source Name:		JUDITH RIVER				
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		LIVESTOCK DIRECT FROM SOURCE				
3		W2SE	3	22N	16E	FERGUS
Source Name:		JUDITH RIVER				
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		LIVESTOCK DIRECT FROM SOURCE				
4		SESESW	3	22N	16E	FERGUS
Source Name:		JUDITH RIVER				
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		LIVESTOCK DIRECT FROM SOURCE				

5	S2S2SE	8	22N	16E	FERGUS
Source Name:	UNNAMED TRIBUTARY OF JUDITH RIVER				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
6	E2SESW	8	22N	16E	FERGUS
Source Name:	UNNAMED TRIBUTARY OF JUDITH RIVER				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
7	S2SE	9	22N	16E	FERGUS
Source Name:	UNNAMED TRIBUTARY OF JUDITH RIVER				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
8	SESW	9	22N	16E	FERGUS
Source Name:	UNNAMED TRIBUTARY OF JUDITH RIVER				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
9	W2E2	10	22N	16E	FERGUS
Source Name:	JUDITH RIVER				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
10	E2NW	10	22N	16E	FERGUS
Source Name:	JUDITH RIVER				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
11	S2SW	10	22N	16E	FERGUS
Source Name:	UNNAMED TRIBUTARY OF JUDITH RIVER				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
12	W2NE	15	22N	16E	FERGUS
Source Name:	UNNAMED TRIBUTARY OF JUDITH RIVER				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
13	E2SENW	15	22N	16E	FERGUS
Source Name:	JUDITH RIVER				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
14	SWSE	15	22N	16E	FERGUS
Source Name:	JUDITH RIVER				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
15	E2E2SW	15	22N	16E	FERGUS
Source Name:	JUDITH RIVER				

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	N2NESW	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					
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 FROM SOURCE					
21	SE	22	22N	16E	FERGUS	
Source Name:	JUDITH RIVER					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
22	NE	27	22N	16E	FERGUS	
Source Name:	JUDITH RIVER					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
23	SWSESE	27	22N	16E	FERGUS	
Source Name:	JUDITH RIVER					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
24	W2SE	27	22N	16E	FERGUS	
Source Name:	JUDITH RIVER					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
25	E2E2	34	22N	16E	FERGUS	
Source Name:	JUDITH RIVER					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					

Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
26	E2SWNE	34	22N	16E	FERGUS	
Source Name:	JUDITH RIVER					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
27	E2NWSE	34	22N	16E	FERGUS	
Source Name:	JUDITH RIVER					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
28	SWNE	26	23N	16E	FERGUS	
Source Name:	JUDITH RIVER					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
29	NWNWSE	26	23N	16E	FERGUS	
Source Name:	JUDITH RIVER					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
30	SW	26	23N	16E	FERGUS	
Source Name:	JUDITH RIVER					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
31	N2NESE	27	23N	16E	FERGUS	
Source Name:	JUDITH RIVER					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
32	E2NW	35	23N	16E	FERGUS	
Source Name:	JUDITH RIVER					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
33	SESWNW	35	23N	16E	FERGUS	
Source Name:	JUDITH RIVER					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
34	W2SW	35	23N	16E	FERGUS	
Source Name:	JUDITH RIVER					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
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

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:

<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		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