

Montana Water Court  
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Bozeman, MT 59771-1389  
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IN THE WATER COURT OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
JUDITH RIVER BASIN (41S)  
PRELIMINARY DECREE

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CLAIMANT: Bokma Grain Inc.

**CASE 41S-0701-R-2024**

- 41S 3324-00
- 41S 3325-00
- 41S 3326-00
- 41S 3327-00
- 41S 3328-00
- 41S 3329-00
- 41S 3330-00
- 41S 3331-00
- 41S 3332-00

**NOTICE OF FILING OF MASTER’S REPORT**

This Master’s Report was filed with the Montana Water Court on the above-stamped date. Please review this report carefully.

You may file a written objection to this Master’s Report within **10 days** of the stamped date if you disagree or find errors with the Master’s findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master’s Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master’s Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

## **MASTER'S REPORT**

### **FINDINGS OF FACT**

1. Bokma Grain Inc. (hereinafter referred to as "Bokma" and "the Claimant") is the record owner of claims 41S 3324-00, 41S 3325-00, 41S 3326-00, 41S 3327-00, 41S 3328-00, 41S 3329-00, 41S 3330-00, 41S 3331-00, and 41S 3332-00.

2. Bokma was ordered to meet with the DNRC to address unresolved issue remarks decreed on Claims 41S 3324-00, 41S 3325-00, 41S 3326-00, 41S 3327-00, 41S 3328-00, 41S 3329-00, 41S 3330-00, 41S 3331-00, and 41S 3332-00:

#### **Claims 41S 3324-00, 41S 3325-00, and 41S 3331-00**

- THE FERGUS COUNTY WATER RESOURCES SURVEY ( 1970 ) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30027-278-156 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE PLACE OF USE SHOULD BE CORRECTED. THE PLACE OF USE IS ACTUALLY LOCATED IN FERGUS COUNTY RATHER THAN JUDITH BASIN COUNTY.
- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

#### **Claims 41S 3326-00:**

- ON 02/17/2010 THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FILED A MEMORANDUM NOTING POSSIBLE ERROS IN THE MAXIMUM ACRES IRRIGATED AND PLACE OF USE. THIS WILL BE HEARD AFTER PROPER NOTICE ON THE NEXT OBJECTION LIST.
- THE FERGUS COUNTY WATER RESOURCES SURVEY ( 1970 ) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30027-278-156 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

#### **Claims 41S 3327-00 and 41S 3330-00:**

- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY ( 1963 ) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-279-67 , DATED 09/18/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

**Claim 41S 3328-00:**

- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY ( 1963 ) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-279-67 , DATED 09/18/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.
- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

**Claim 41S 3329-00:**

- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY ( 1963 ) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-279-67 , DATED 09/18/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.
- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

**Claim 41S 3332-00:**

- THE FERGUS COUNTY WATER RESOURCES SURVEY ( 1970 ) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30027-278-156 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

3. DNRC Water Resource Specialist Brandon Ahlgren filed a Memorandum on July 9, 2024. (Doc.\* 2.00). Mr. Ahlgren indicated he reviewed scanned claim files, the Fergus County and Judith Water Resources Surveys, and aerial photographs to prepare the Memorandum. Mr. Ahlgren reported he was contacted by “a representative” of Bokma to discuss the claims.

4. **Claim 41S 3324-00:** Claim 41S 3324-00 was claimed for 200.00 acres of irrigation from Wolf Creek. During verification of the claim, the DNRC reduced the place of use to 129.00 acres and never reinstated the claimed 200.00-acre place of use. Mr. Ahlgren recommended the following modifications be made to claim 41S 3324-00, addressing the issue remarks:

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

Flow Rate: 4.83 4.80-CFS

Maximum Acres: 127.54 120.00

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	90.00		NW	29	18N	13E	JUDITH-BASIN <span style="border: 1px solid red; padding: 2px;">FERGUS</span>
2	<span style="border: 1px solid red; padding: 2px;">37.54</span> 90.00		NWNW	28	18N	13E	JUDITH-BASIN <span style="border: 1px solid red; padding: 2px;">FERGUS</span>
<b>Total:</b>	<b>120.00</b>						<span style="border: 1px solid red; padding: 2px;">127.54</span>

5. **Claim 41S 3325-00:** Claim 41S 3325-00 was claimed for 240.00 acres of irrigation from Wolf Creek. During verification of the claim, the DNRC reduced the place of use to 95.00 acres and never reinstated the claimed 240.00-acre place of use. Mr. Ahlgren recommended the following modifications be made to claim 41S 3325-00, addressing the issue remarks:

Flow Rate: 8.19 3.80 CFS

Maximum Acres: 95.00 163.36

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	<span style="border: 1px solid red; padding: 2px;">73.36</span> 5.00		E2NE	30	18N	13E	JUDITH-BASIN <span style="border: 1px solid red; padding: 2px;">FERGUS</span>
2	90.00		NW	29	18N	13E	JUDITH-BASIN <span style="border: 1px solid red; padding: 2px;">FERGUS</span>
<b>Total:</b>	<b>95.00</b>						<span style="border: 1px solid red; padding: 2px;">163.36</span>

6. **Claim 41S 3326-00:** Claim 41S 3326-00 was claimed for 160.00 acres of irrigation from Wolf Creek. During verification of the claim, the DNRC reduced the place of use to 5.00 acres and never reinstated the claimed 160.00-acre place of use. Mr. Ahlgren recommended the following modifications be made to claim 41S 3326-00, addressing the issue remarks:

Flow Rate: 5.76 CFS 86.27-GPM

Maximum Acres: 5.00 152.05

\*Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	<span style="border: 1px solid red; padding: 2px;">152.05</span> 5.00		NE	30	18N	13E	FERGUS
<b>Total:</b>	<b>5.00</b>						<span style="border: 1px solid red; padding: 2px;">152.05</span>

7. **Claim 41S 3327-00:** Claim 41S 3327-00 was claimed for 160.00 acres of irrigation from an Unnamed Tributary of Spring Creek. During verification of the claim, the DNRC reduced the place of use to 55.00 acres and never reinstated the claimed

160.00-acre place of use. Mr. Ahlgren recommended the following modifications be made to claim 41S 3327-00, addressing the issue remarks:

**Flow Rate:** 1.72 2.08-CFS

**Maximum Acres:** 66.00 45.48

**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	34.38 46.00		SE	17	17N	13E	JUDITH BASIN
2	11.10 40.00		SENE	17	17N	13E	JUDITH BASIN
<b>Total:</b>	<b>66.00 45.48</b>						

In addition to the place of use and corresponding flow rate issue remarks, claim 41S 3327-00 was decreed with an issue remark indicating that DNRC was unable to locate the headgate. DNRC failed to provide any information to substantiate the basis of the issue remark.

8. **Claim 41S 3328-00:** Claim 41S 3328-00 was claimed for 40.00 acres of irrigation from Spring Creek. Using the available resources, Mr. Ahlgren could not confirm irrigation at the claimed place of use. Additionally, Mr. Ahlgren reported that the point of diversion sits at a lower elevation than the claimed place of use. Mr. Ahlgren recommended claim 41S 3328-00 be dismissed.

9. **Claim 41S 3329-00:** Claim 41S 3329-00 was claimed for 280.00 acres of irrigation from Spring Creek. During verification of the claim, the DNRC reduced the place of use to 139.00 acres and never reinstated the claimed 280.00-acre place of use. Mr. Ahlgren recommended the following modifications be made to claim 41S 3329-00, addressing the issue remarks:

**Maximum Acres:** 130.00 139.59

**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	82.12 86.00		NE	17	17N	13E	JUDITH BASIN
2	33.02 40.00		N2SE	17	17N	13E	JUDITH BASIN
3	24.45 4.00		NESW	17	17N	13E	JUDITH BASIN
<b>Total:</b>	<b>130.00 139.59</b>						

10. **Claim 41S 3330-00:** Claim 41S 3330-00 was claimed for 200.00 acres of irrigation from Spring Creek. During verification of the claim, the DNRC reduced the place of use to 59.00 acres and never reinstated the claimed 200.00-acre place of use. In

the July 9, 2024 Memorandum, Mr. Ahlgren recommended the following modifications be made to claim 41S 3330-00, addressing the issue remarks:

<b>Maximum Acres:</b>	50.00	32.99					
<b>Place of Use:</b>							
<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rce</u>	<u>County</u>
4	4.00		SESW	47	17N	13E	JUDITH BASIN
2	32.99	46.00	SE	17	17N	13E	JUDITH BASIN
3	10.00		SENW	17	17N	13E	JUDITH BASIN
<b>Total:</b>	50.00	32.99					

Claim 41S 3330-00 was also decreed with a volume issue remark that this Water Master neglected to include in the May 28, 2024 issue remark resolution Memorandum:

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 41.88 TIMES THE CAPACITY OF THE RESERVOIR.

On July 9, 2024, this Water Master requested Mr. Ahlgren send a recommendation to address the volume issue remark, and Mr. Ahlgren responded:

Regarding 41S 3330-00, this claim is for an onstream reservoir. When an onstream reservoir is involved, DNRC guidelines for volume are "the capacity of the reservoir x 2.5 fills". Since this reservoir is 7.0 Acre Feet in size, times 2.5 fills, it results in a volume of 17.5 Acre-Feet. The DNRC recommends the volume of the claim be reduced to 17.5 Acre-Feet. If the Court accepts this, the DNRC recommends the issue remark be removed.

(Doc. 3.00). Mr. Ahlgren recommended the volume for claim 41S 3330-00 be reduced to 17.50 acre-feet, resolving the volume issue remark decreed on the claim.

11. **Claim 41S 3331-00:** Claim 41S 3331-00 was claimed for 80.00 acres of irrigation from Wolf Creek. During verification of the claim, the DNRC reduced the place of use to 60.00 acres and never reinstated the claimed 80.00-acre place of use. Mr. Ahlgren recommended the following modifications be made to claim 41S 3331-00, addressing the issue remarks:

<b>Flow Rate:</b>	1.06	1.88 CFS					
<b>Maximum Acres:</b>	80.00	27.97					
<b>Place of Use:</b>							
<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rce</u>	<u>County</u>
1	27.97	80.00	N2SE	29	18N	13E	JUDITH BASIN
<b>Total:</b>	80.00	27.97					

12. **Claim 41S 3332-00:** Claim 41S 3332-00 was claimed for 160.00 acres of irrigation from Wolf Creek. During verification of the claim, the DNRC reduced the place of use to 90.00 acres and never reinstated the claimed 160.00-acre place of use.

Mr. Ahlgren recommended the following modifications be made to claim 41S 3332-00, addressing the issue remarks:

Flow Rate:	4.57	3.41-CFS						
Maximum Acres:	00.00	120.75						
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	120.75	00.00	NW	29	18N	13E	FERGUS	
<b>Total:</b>	<b>00.00</b>	<b>120.75</b>						

13. An Order was issued to determine if Bokma agreed or disagreed with Mr. Ahlgren’s recommendations regarding the claims. The Order indicated that if nothing were filed by the deadline, this Water Master would conclude that Claimant Bokma Grain Inc. agreed that claim 41S 3328-00 should be dismissed and the other claims should be modified as recommended by Mr. Ahlgren. The following language was included in the Order:

Failure to comply with the terms of this Order may result in sanctions, up to and including entry of default and termination of a water right claim or dismissal of objections. Rule 22, W.R.Adj.R.

Nothing was filed.

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court must address all issue remarks decreed on a claim. Section 85-2-248, MCA.
2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.
3. The period of diversion and means of diversion issue remarks decreed on claim 41S 3330-00 are notice-type remarks. No objections were filed, and no further proceedings are required.

4. The issue remarks decreed on claims 41S 3324-00, 41S 3325-00, 41S 3326-00, 41S 3327-00, 41S 3328-00, 41S 3329-00, 41S 3330-00, and 41S 3332-00 indicating the “maximum combined acres for this group of supplemental claims may require modification...” is not relevant because supplemental rights remarks no longer include a quantified acreage figure. Furthermore, supplemental rights remarks will be removed at the final decree stage.

### RECOMMENDATIONS

1. Claims 41S 3324-00, 41S 3325-00, 41S 3326-00, 41S 3327-00, 41S 3329-00, 41S 3330-00, 41S 3331-00, and 41S 3332-00 should be modified as follows:

**Claim 41S 3324-00:**

Flow Rate: 4.83 4.80 CFS

Maximum Acres: 127.54 120.00

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	90.00		NW	29	18N	13E	JUDITH BASIN <span style="border: 1px solid red; padding: 2px;">FERGUS</span>
2	<span style="border: 1px solid red; padding: 2px;">37.54</span> 30.00		NWNW	28	18N	13E	JUDITH BASIN <span style="border: 1px solid red; padding: 2px;">FERGUS</span>
<b>Total:</b>	<b>120.00</b>	<b>127.54</b>					

**Claim 41S 3325-00:**

Flow Rate: 6.19 3.60 CFS

Maximum Acres: 183.36 95.00

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	<span style="border: 1px solid red; padding: 2px;">73.36</span> 5.00		E2NE	30	18N	13E	JUDITH BASIN <span style="border: 1px solid red; padding: 2px;">FERGUS</span>
2	90.00		NW	29	18N	13E	JUDITH BASIN <span style="border: 1px solid red; padding: 2px;">FERGUS</span>
<b>Total:</b>	<b>95.00</b>	<b>183.36</b>					

**Claims 41S 3326-00:**

Flow Rate: 5.76 CFS 86.27 GPM

Maximum Acres: 152.05 5.00

\*Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	<span style="border: 1px solid red; padding: 2px;">152.05</span> 5.00		NE	30	18N	13E	FERGUS
<b>Total:</b>	<b>5.00</b>	<b>152.05</b>					

**Claims 41S 3327-00:**

Flow Rate: 1.72 2.08 CFS

Maximum Acres: 45.48 55.00

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	<span style="border: 1px solid red; padding: 2px;">34.38</span> 45.00		SE	17	17N	13E	JUDITH BASIN
2	<span style="border: 1px solid red; padding: 2px;">11.10</span> 10.00		SENE	17	17N	13E	JUDITH BASIN
<b>Total:</b>	<b>55.00</b>	<b>45.48</b>					

**Claim 41S 3329-00:**

**Maximum Acres:** 130.00 139.59

**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	82.12	05.00	NE	17	17N	13E	JUDITH BASIN
2	33.02	40.00	N2SE	17	17N	13E	JUDITH BASIN
3	24.45	4.00	NESW	17	17N	13E	JUDITH BASIN
<b>Total:</b>	<b>139.59</b>	<b>49.00</b>					

**Claim 41S 3330-00:**

**Volume:** 17.50 293.47 AC-FT

**Maximum Acres:** 60.00 32.99

**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>
4	4.00		SESW	17	17N	13E	JUDITH BASIN
2	32.99	45.00	SE	17	17N	13E	JUDITH BASIN
3	10.00		SESW	17	17N	13E	JUDITH BASIN
<b>Total:</b>	<b>32.99</b>	<b>45.00</b>					

**Claim 41S 3331-00:**

**Flow Rate:** 1.06 4.88 CFS

**Maximum Acres:** 60.00 27.97

**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	27.97	60.00	N2SE	29	18N	13E	JUDITH BASIN FERGUS
<b>Total:</b>	<b>27.97</b>	<b>60.00</b>					

**Claim 41S 3332-00:**

**Flow Rate:** 4.57 3.41 CFS

**Maximum Acres:** 00.00 120.75

**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	120.75	00.00	NW	29	18N	13E	FERGUS
<b>Total:</b>	<b>120.75</b>	<b>00.00</b>					

2. Claim 41S 3328-00 should be dismissed.
3. The issue remarks should be removed from claims 41S 3324-00, 41S 3325-00, 41S 3326-00, 41S 3327-00, 41S 3329-00, 41S 3330-00, 41S 3331-00, and 41S 3332-00.

Abstracts are attached for review.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via USPS Mail:**

Bokma Grain Inc.  
4770 S. Coffee Creek Rd  
Denton, MT 59430-9440

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

**Water Right Number:** 41S 3324-00 STATEMENT OF CLAIM  
**Version:** 4 -- POST DECREE  
**Status:** ACTIVE

**Owners:** BOKMA GRAIN INC  
4770 S COFFEE CREEK RD  
DENTON, MT 59430-9440

**Priority Date:** APRIL 15, 1888

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 4.83 CFS

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

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 127.54

**Source Name:** WOLF CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSESW	36	18N	12E	JUDITH BASIN

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Period of Use:** APRIL 1 TO OCTOBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	90.00		NW	29	18N	13E	FERGUS
2	37.54		NWNW	28	18N	13E	FERGUS

**Total:** 127.54

**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.

3324-00                  3325-00                  3326-00                  3332-00







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

**Water Right Number:** 41S 3328-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** BOKMA GRAIN INC  
4770 S COFFEE CREEK RD  
DENTON, MT 59430-9440

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:** SPRING CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

**Period of Use:**

**Place of Use:**

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**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 3330-00 STATEMENT OF CLAIM  
**Version:** 4 -- POST DECREE  
**Status:** ACTIVE

**Owners:** BOKMA GRAIN INC  
4770 S COFFEE CREEK RD  
DENTON, MT 59430-9440

**Priority Date:** DECEMBER 31, 1924

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

**Volume:** 17.50 AC-FT

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 32.99

**Source Name:** SPRING CREEK

**Source Type:** SURFACE WATER

**\*Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNESW	17	17N	13E	JUDITH BASIN

**\*Period of Diversion:** MAY 15 TO JULY 15

**Diversion Means:** DAM

**\*Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNESW	17	17N	13E	JUDITH BASIN

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 14.00 FEET

**Depth:** 11.00 FEET

**Surface Area:** 1.59 ACRES

**Capacity:** 7.00 ACRE-FEET

THE CAPACITY, DAM HEIGHT, MAXIMUM DEPTH, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

**Period of Use:** MAY 15 TO JULY 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	32.99		SE	17	17N	13E	JUDITH BASIN

**Total:** 32.99

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**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.

3327-00                      3328-00                      3329-00                      3330-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

3330-00                      3335-00

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

**Water Right Number:** 41S 3331-00 STATEMENT OF CLAIM  
**Version:** 4 -- POST DECREE  
**Status:** ACTIVE

**Owners:** BOKMA GRAIN INC  
4770 S COFFEE CREEK RD  
DENTON, MT 59430-9440

**Priority Date:** OCTOBER 10, 1890

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.06 CFS

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

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 27.97

**Source Name:** WOLF CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSESW	36	18N	12E	JUDITH BASIN

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Period of Use:** APRIL 1 TO OCTOBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	27.97		N2SE	29	18N	13E	FERGUS
<b>Total:</b>	27.97						

