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09/05/2024
Sara Calkins
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Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
43B-0659-R-2022
Lambert, Kathryn
31.00

43B 30160084

# MONTANA WATER COURT, YELLOWSTONE DIVISION YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN BASIN 43B PRELIMINARY DECREE

CLAIMANTS: EOB Ranch LLC

OBJECTORS: EOB Ranch LLC

OBJECTORS: EOB Ranch LLC

43B 23176-00

43B 23210-00

43B 23211-00

43B 23212-00

43B 23213-00

43B 23214-00

43B 23215-00

43B 23217-00

43B 23217-00

43B 23219-00

43B 30160082

43B 30160083

#### 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 to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must mail a copy of the objection to all parties on the service list found at the end of the Master's Report. The original

objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

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

# **MASTER'S REPORT**

EOB Ranch LLC objected to each of these claims except 43B 23176-00. Claims 43B 23176-00, 43B 23209-00, 43B 23211-00, 43B 23212-00, 43B 23213-00, 43B 23214-00, 43B 23215-00, 43B 23217-00, and 43B 23219-00 have issue remarks.

The Legislature has directed the Water Court to resolve the issue remarks using the procedures set forth in section 85-2-248, MCA.

Under Section 85-2-248(2), MCA, information in the claim file or other information obtained by the Court can be reviewed to determine if it provides a sufficient basis to resolve the issue raised by a remark. In this instance, the information in the claim files was not sufficient but additional information has been obtained by the Court which addresses and resolves the issue remarks. The July 26, 2023 Order Denying Motion For Extension and Order Setting Filing Deadlines Pursuant To Section 85-2-248(5), MCA set deadlines in September 2023 for the claimant and the Montana Department of Natural Resources and Conservation ["DNRC"] to file documentation addressing and resolving the issue remarks. On October 16, 2023 the DNRC Memorandum was filed making recommendations for some of the issue remarks. On March 29, 2024 EOB Ranch LLC filed a Proposal To Resolve Objections And Issue Remarks And Motion For Implied Claims and the Affidavit Of Eleanor Molzahn. On July 9, 2024 EOB Ranch LLC filed the Affidavit Of Joshua E. Fjare providing additional information. These settlement documents are viewable in the Court's FullCourt Enterprise case management system.

# **APPLICABLE LAW**

"All issue remarks to claims that are not resolved through the filing of an objection as provided in 85-2-233 must be resolved as provided in this section." Section 85-2-248(2), MCA. "Implied Claim' means a claim authorized by the water court to be separated and individually identified when a statement of claim includes multiple rights." Rule 2(a)(33), W.R.C.E.R.

From 41P-108 "Circle S Ranch, Inc." Order On Motion To Modify Claims 5-16-19, at 2019 Mont. Water LEXIS 8, page 5:

The Water Court recognizes implied claims in certain circumstances In re Musselshell River below Roundup, Case 40C-47, 1994 Mont. Water LEXIS 18, \*78 (July 14, 1994). However, before the Court will recognize an implied claim, the claimant must prove that several factors exist. These include: (1) proof of two or more water rights in the original claim form or the material submitted with the claim form; (2) proof of historic use corroborating the implied claim; and (3) proof that recognizing the implied claim(s) will avoid causing a change to historic water use or increase the historic burden to other water users. In re Foss, Case 76HF-580, 2013 Mont. Water LEXIS 17, \*32 (Jan. 31, 2013); In re Martinell, Case 41A-148, 2018 Mont. Water LEXIS 3, \*6 (June 14, 2018). These standards assure that implied claims are not used to revive a claim that was forfeited as a matter of law by missing the filing deadline. Mont. Code Ann. § 85-2-226 (establishing conclusive presumption of abandonment of for claims not timely filed); In re Climbing Arrow Ranch, Case 41F-A19, 2019 Mont. Water LEXIS 1 (Mar. 6, 2019). The implied claim process also cannot be used to expand the elements of a statement of claim. In re Eliasson Ranch Company, Order Amending and Adopting Master's Report, Case 40A-115, 2004 Mont. Water LEXIS 2, \*6 (Jun. 28, 2004) ("Eliasson").

A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content pursuant to section 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect including for claimants objecting to their own claims. Rule 19, W.R.Adj.R.

## **FINDINGS OF FACT**

1. Claim 43B 23176-00 appeared in the Preliminary Decree with the following issue remark:

THE LEGAL LAND DESCRIPTION FOR POINTS OF DIVERSION NO. 8 AND 10 COULD NOT BE REFINED FROM INFORMATION IN THE FILE. THE CLAIMED POINTS OF DIVERSION CANNOT BE CONFIRMED.

The settlement states that the points of diversion are on Lower Deer Creek and three different unnamed tributaries of Lower Deer Creek, and requests generation of an implied claim for each of the unnamed tributaries.

- 2. A review of the Statement of Claim and its attachments shows that points of diversion from these four sources and their correlative places of use were combined as a single claim.
  - 3. Claim 43B 23176-00 should be used for the Lower Deer Creek diversions. Implied

claims 43B 30160082, 43B 30160083, and 43B 30160084 should be used for each of the unnamed tributary diversions.

4. For claim 43B 23176-00, the Preliminary Decree states that the point of diversion and place of use are:

<b>QTRSEC</b>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
SW	14	<b>1</b> S	15E	SWEET GRASS
SESE	15	<b>1</b> S	15E	SWEET GRASS
N2	22	<b>1</b> S	15E	SWEET GRASS
S2	22	<b>1</b> S	15E	SWEET GRASS
W2	27	<b>1</b> S	15E	SWEET GRASS
E2NE	28	<b>1</b> S	15E	SWEET GRASS
NWNE	28	<b>1</b> S	15E	SWEET GRASS
SE	28	<b>1</b> S	15E	SWEET GRASS
E2	33	<b>1</b> S	15E	SWEET GRASS
NENW	34	<b>1</b> S	15E	SWEET GRASS
W2NW	34	<b>1</b> S	15E	<b>SWEET GRASS</b>

The point of diversion and place of use should be:

<b>QTRSEC</b>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
SW	14	<b>1</b> S	15E	SWEET GRASS
SESE	15	<b>1</b> S	15E	SWEET GRASS
N2	22	<b>1</b> S	15E	SWEET GRASS
S2	22	<b>1</b> S	15E	SWEET GRASS
W2	27	<b>1</b> S	15E	SWEET GRASS
E2SE	28	<b>1</b> S	15E	SWEET GRASS
E2	33	<b>1</b> S	15E	SWEET GRASS
W2NW	34	<b>1</b> S	15E	<b>SWEET GRASS</b>

The issue remark should be removed as addressed and resolved.

5. The elements of implied claim 43B 30160082 should be the same as 43B 23176-00 except the source should be UNNAMED TRIBUTARY OF LOWER DEER CREEK, and the point of diversion and place of use should be:

6. The elements of implied claim 43B 30160083 should be the same as 43B 23176-00 except the source should be UNNAMED TRIBUTARY OF LOWER DEER CREEK, and the point of diversion and place of use should be:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
NWNE	28	<b>1</b> S	15E	<b>SWEET GRASS</b>

7. The elements of implied claim 43B 30160084 should be the same as 43B 23176-00 except the source should be UNNAMED TRIBUTARY OF LOWER DEER CREEK, and the point of diversion and place of use should be:

8. For claim 43B 23209-00, the settlement states the objection is withdrawn.

This claim appeared in the Preliminary Decree with the following notice remark:

POINT OF DIVERSION 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 remark does not raise an unresolved issue which needs to be addressed. There are no proceedings required for this remark. The remark should be removed as having served its notice purpose.

9. For claim 43B 23210-00, the Preliminary Decree states that the flow rate is 2.88 CFS. The flow rate should be 3.85 CFS as originally claimed.

The Preliminary Decree states that the place of use is:

<u>ACRES</u>	<b>QTRSEC</b>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
20.00	SE	15	15	15E	SWEET GRASS
20.00	SW	14	15	15E	SWEET GRASS
6.00	SW	22	15	15E	SWEET GRASS
12.00	NW	22	15	15E	SWEET GRASS
<u>18.00</u>	NE	22	15	15E	SWEET GRASS
76.00					

The place of use should be:

<b>ACRES</b>	<b>QTRSEC</b>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
20.00	SE	15	<b>1</b> S	15E	SWEET GRASS
20.00	SW	14	<b>1</b> S	15E	SWEET GRASS
6.00	SWNE	22	<b>1</b> S	15E	SWEET GRASS
12.00	NE	22	<b>1</b> S	15E	SWEET GRASS
<u>18.00</u>	NE	22	<b>1</b> S	15E	SWEET GRASS
76.00					

10. For claim 43B 23211-00, the Preliminary Decree states the flow rate is 341.09GPM. The flow rate should be 1.00 CFS as originally claimed.

This claim appeared in the Preliminary Decree with the following issue remark:

THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

The settlement states that the headgate is located at the point of diversion legal description.

11. For claim 43B 23212-00, the Preliminary Decree states the flow rate is 2.27 CFS. The flow rate should be 5.00 CFS as originally claimed.

This claim appeared in the Preliminary Decree with the following notice remarks:

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED RIGHT ON LOWER DUCK CREEK WITH A PRIORITY DATE PREDATING CASE NO 315, SWEET GRASS COUNTY. IF NO OBJECTIONS ARE FILED TO PRIORITY DATE OR TYPE OF HISTORICAL RIGHT, THESE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS REMARK WILL BE REMOVED.

POINT OF DIVERSION 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 remarks do not raise unresolved issues which need to be addressed. There are no proceedings required for these remarks. The remarks should be removed as having served their notice purposes.

12. For claim 43B 23213-00, the settlement states there are no changes to be made to the means of diversion and point of diversion.

The abstract of this claim includes the following notice remark:

POINT OF DIVERSION 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 remark does not raise an unresolved issue which needs to be addressed. There are no proceedings required for this remark. The remark should be removed as having served its notice purpose.

13. Claim 43B 23214-00 appeared in the Preliminary Decree with the following issue remarks:

THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS 70.00 GPM PER ACRE.

THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

The settlement states that the flow rate does not require change. The flow rate issue remark should be removed as addressed and resolved.

The Preliminary Decree states that the point of diversion legal description is the SENESW section 22, T1S, R15E, SWEET GRASS and the ditch name is HOHENBERGER DITCH. The legal description should be the SWSWNW section 27, T1S, R15E, SWEET GRASS and the ditch name is BIRKELAND DITCH. The point of diversion issue remark should be removed as addressed and resolved.

14. Claim 43B 23215-00 appeared in the Preliminary Decree with the following issue remarks:

THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS 18.00 GPM PER ACRE.

THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

The settlement states that the flow rate and the point of diversion do not require change.

The issue remarks should be removed as addressed and resolved.

15. Claim 43B 23217-00 appeared in the Preliminary Decree with the following issue remark:

THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS 45.00 GPM PER ACRE.

The settlement states that the flow rate does not require change. The flow rate issue remark should be removed as addressed and resolved.

The Preliminary Decree states that the maximum acres irrigated is 10.00 and the place of use is:

The maximum acres irrigated should be 28.60 and the place of use should be:

<b>ACRES</b>	<b>QTRSEC</b>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
6.00	SW	22	15	15E	SWEET GRASS
14.30	NW	27	<b>1</b> S	15E	SWEET GRASS
1.60	NE	27	1S	15E	SWEET GRASS
6.70	SE	28	1S	15E	SWEET GRASS
28.60					

The Preliminary Decree states that the point of diversion legal description is the SWSWNW section 27, T1S, R15E, SWEET GRASS and the ditch name is BIRKELAND DITCH. The

legal description should be the NESENE section 33, T1S, R15E, SWEET GRASS and the ditch name should be HOOPER DITCH.

The abstract for this claim includes the following notice remark:

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 remark does not raise an unresolved issue which needs to be addressed. There are no proceedings required for this remark. The remark should be removed as having served its notice purpose.

16. For claim 43B 23219-00, the settlement states there are no changes to be made to the maximum acres, place of use, means of diversion, and pint off diversion.

The abstract of this claim includes the following notice remark:

DITCH NAME AND POINT OF DIVERSION 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 remark does not raise an unresolved issue which needs to be addressed. There are no proceedings required for this remark. The remark should be removed as having served its notice purpose.

#### **CONCLUSIONS OF LAW**

- 1. Statement of Claim 43B 23176-00 and its attachments plus the settlement filed by the claimant are sufficient to generate the implied claims.
- 2. The settlement filed by the claimant is sufficient to contradict and overcome the prima facie claims and to resolve the issue remarks without evidentiary hearing. Sections 85-2-248(3) and (11), MCA.

### **RECOMMENDATIONS**

Based upon the above Findings of Fact and Conclusions of Law, this Master recommends that the Court generate implied claims 43B 30160082, 43B 30160083, and 43B 30160084, and make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim for each claim is served with this Report

to confirm the recommended changes have been made in the state's centralized record system.

# **ELECTRONICALLY SIGNED AND DATED BELOW**

# Service Via Electronic Mail:

Peter G. Scott Attorney at Law 682 Ferguson #4 Bozeman, MT 59718 peter@scott-law.com office@scott-law.com

### ABSTRACT OF WATER RIGHT CLAIM

# YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK BASIN 43B

Water Right Number: 43B 23176-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

Status: ACTIVE

Owners: EOB RANCH LLC

373 LOWER DEER CREEK RD

BIG TIMBER, MT 59011

Priority Date: JULY 2, 1898

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: LOWER DEER CREEK

Source Type: SURFACE WATER

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

<u>ID</u>	Govt Lot	<b>Qtr Sec</b>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<b>County</b>				
1		SW	14	1S	15E	SWEET GRASS				
Period of Diversion:	JANUARY 1 TO DEC	JANUARY 1 TO DECEMBER 31								
<b>Diversion Means:</b>	LIVESTOCK DIREC	T FROM SO	URCE							
2		SESE	15	1S	15E	SWEET GRASS				
Period of Diversion:	JANUARY 1 TO DEC	CEMBER 31								
<b>Diversion Means:</b>	LIVESTOCK DIREC	T FROM SO	URCE							
3		N2	22	1S	15E	SWEET GRASS				
Period of Diversion:	JANUARY 1 TO DECEMBER 31									
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE									
4		S2	22	1S	15E	SWEET GRASS				
Period of Diversion:	JANUARY 1 TO DEC	CEMBER 31								
<b>Diversion Means:</b>	LIVESTOCK DIREC	T FROM SO	URCE							
5		W2	27	1S	15E	SWEET GRASS				
Period of Diversion:	JANUARY 1 TO DEC	CEMBER 31								
<b>Diversion Means:</b>	LIVESTOCK DIREC	T FROM SO	URCE							
6		E2SE	28	1S	15E	SWEET GRASS				
Period of Diversion:	JANUARY 1 TO DEC	CEMBER 31								
<b>Diversion Means:</b>	LIVESTOCK DIRECT	T FROM SO	URCE							

7 E2 33 1S 15E SWEET GRASS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

8 W2NW 34 1S 15E SWEET GRASS

**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>	Govt Lot	Qtr Sec	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<b>County</b>
1			SW	14	1S	15E	SWEET GRASS
2			SESE	15	1S	15E	SWEET GRASS
3			N2	22	1S	15E	SWEET GRASS
4			S2	22	1S	15E	SWEET GRASS
5			W2	27	1S	15E	SWEET GRASS
6			E2SE	28	1S	15E	SWEET GRASS
7			E2	33	1S	15E	SWEET GRASS
8			W2NW	34	1S	15E	SWEET GRASS

### ABSTRACT OF WATER RIGHT CLAIM

# YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK BASIN 43B

Water Right Number: 43B 30160082 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: EOB RANCH LLC

373 LOWER DEER CREEK RD

BIG TIMBER, MT 59011

**Priority Date:** JULY 2, 1898

Type of Historical Right: USE

July 12, 2024

43B 30160082

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 WATER 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: UNNAMED TRIBUTARY OF LOWER DEER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID Govt Lot Qtr Sec Sec Twp Rge County

1 E2NE 28 1S 15E SWEET GRASS

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 Govt Lot Qtr Sec Sec Twp Rge County</u>

1 E2NE 28 1S 15E SWEET GRASS

### ABSTRACT OF WATER RIGHT CLAIM

# YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK BASIN 43B

Water Right Number: 43B 30160083 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: EOB RANCH LLC

373 LOWER DEER CREEK RD

BIG TIMBER, MT 59011

**Priority Date:** JULY 2, 1898

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 WATER 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: UNNAMED TRIBUTARY OF LOWER DEER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID Govt Lot Qtr Sec Sec Twp Rge County

1 NWNE 28 1S 15E SWEET GRASS

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 Govt Lot Qtr Sec Sec Twp Rge County</u>

1 NWNE 28 1S 15E SWEET GRASS

### ABSTRACT OF WATER RIGHT CLAIM

# YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK BASIN 43B

Water Right Number: 43B 30160084 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: EOB RANCH LLC

373 LOWER DEER CREEK RD

BIG TIMBER, MT 59011

**Priority Date:** JULY 2, 1898

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 WATER 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: UNNAMED TRIBUTARY OF LOWER DEER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID Govt Lot Qtr Sec Sec Twp Rge County

1 NENW 34 1S 15E SWEET GRASS

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 Acres Govt Lot Qtr Sec Sec Twp Rge County

1 NENW 34 1S 15E SWEET GRASS

### ABSTRACT OF WATER RIGHT CLAIM

# YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK BASIN 43B

Water Right Number: 43B 23209-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: EOB RANCH LLC

373 LOWER DEER CREEK RD

BIG TIMBER, MT 59011

**Priority Date:** AUGUST 15, 1953

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD
Flow Rate: 2.27 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: 60.00

Source Name: LOWER DEER CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID Govt Lot Otr Sec Sec Twp Rge County

1 SWSWNW 27 1S 15E SWEET GRASS

Period of Diversion: AUGUST 15 TO OCTOBER 15

**Diversion Means:** HEADGATE

Ditch Name: BIRKELAND DITCH

Period of Use: AUGUST 15 TO OCTOBER 15

Place of Use:

<u>ID</u>		<u>Acres</u>	Govt Lot	<b>Qtr Sec</b>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<b>County</b>
1		3.00		SW	27	1S	15E	SWEET GRASS
2		7.00		NW	27	1S	15E	SWEET GRASS
3		12.00		SE	22	1S	15E	SWEET GRASS
4		30.00		NE	22	1S	15E	SWEET GRASS
5		8.00		SW	22	1S	15E	SWEET GRASS
	Total:	60.00						

#### 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.

### ABSTRACT OF WATER RIGHT CLAIM

# YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK BASIN 43B

Water Right Number: 43B 23210-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: EOB RANCH LLC

373 LOWER DEER CREEK RD

BIG TIMBER, MT 59011

**Priority Date:** AUGUST 15, 1953

Type of Historical Right: USE

Purpose (Use): IRRIGATION

**Irrigation Type:** FLOOD

Flow Rate: 3.85 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: 76.00

Source Name: LOWER DEER CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID Govt Lot Otr Sec Sec Twp Rge County

1 SESENW 22 1S 15E SWEET GRASS

Period of Diversion: AUGUST 15 TO OCTOBER 15

**Diversion Means:** HEADGATE

Ditch Name: HOHENBERGER-NEVIN DITCH

Period of Use: AUGUST 15 TO OCTOBER 15

Place of Use:

<u>ID</u>		<u>Acres</u>	Govt Lot	<b>Qtr Sec</b>	<u>Sec</u>	<u>Twp</u>	Rge	<b>County</b>
1		20.00		SE	15	1S	15E	SWEET GRASS
2		20.00		SW	14	1S	15E	SWEET GRASS
3		6.00		SWNE	22	1S	15E	SWEET GRASS
4		12.00		NE	22	1S	15E	SWEET GRASS
5		18.00		NE	22	1S	15E	SWEET GRASS
	Total:	76.00						

#### 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.

23210-00 23218-00 23220-00

#### ABSTRACT OF WATER RIGHT CLAIM

# YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK BASIN 43B

Water Right Number: 43B 23211-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: EOB RANCH LLC

373 LOWER DEER CREEK RD

BIG TIMBER, MT 59011

**Priority Date:** AUGUST 15, 1953

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.00 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: 20.00

Source Name: LOWER DEER CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID Govt Lot Otr Sec Sec Twp Rge County

1 SENWNE 22 1S 15E SWEET GRASS

Period of Diversion: AUGUST 15 TO OCTOBER 15

**Diversion Means:** HEADGATE

Ditch Name: HOHENBERGER DITCH

Period of Use: AUGUST 15 TO OCTOBER 15

Place of Use:

ID Acres Govt Lot Otr Sec Sec Twp Rge County

1 20.00 SW 14 1S 15E SWEET GRASS

**Total:** 20.00

#### 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.

23211-00 23215-00

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

### ABSTRACT OF WATER RIGHT CLAIM

# YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK BASIN 43B

Water Right Number: 43B 23212-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: EOB RANCH LLC

373 LOWER DEER CREEK RD

BIG TIMBER, MT 59011

Priority Date: OCTOBER 20, 1901

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: 60.00

Source Name: LOWER DEER CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID Govt Lot Otr Sec Sec Twp Rge County

1 SWSWNW 27 1S 15E SWEET GRASS

Period of Diversion: APRIL 15 TO OCTOBER 15

**Diversion Means:** HEADGATE

Ditch Name: BIRKELAND DITCH

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

<u>ID</u>		<u>Acres</u>	Govt Lot	<b>Qtr Sec</b>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<b>County</b>
1		3.00		SW	27	1S	15E	SWEET GRASS
2		7.00		NW	27	1S	15E	SWEET GRASS
3		30.00		NE	22	1S	15E	SWEET GRASS
4		12.00		SE	22	1S	15E	SWEET GRASS
5		8.00		SW	22	1S	15E	SWEET GRASS
	Total:	60.00						

#### 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.

### ABSTRACT OF WATER RIGHT CLAIM

# YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK BASIN 43B

Water Right Number: 43B 23213-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

Status: ACTIVE

Owners: EOB RANCH LLC

373 LOWER DEER CREEK RD

BIG TIMBER, MT 59011

**Priority Date:** APRIL 1, 1896

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

**Irrigation Type:** FLOOD

Flow Rate: 1.13 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: 60.00

Source Name: LOWER DEER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID Govt Lot Qtr Sec Sec Twp Rge County

1 SWSWNW 27 1S 15E SWEET GRASS

Period of Diversion: APRIL 15 TO OCTOBER 15

**Diversion Means:** HEADGATE

Ditch Name: BIRKELAND DITCH

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

<u>ID</u>		<u>Acres</u>	Govt Lot	<b>Qtr Sec</b>	<u>Sec</u>	<u>Twp</u>	Rge	<b>County</b>
1		3.00		SW	27	1S	15E	SWEET GRASS
2		7.00		NW	27	1S	15E	SWEET GRASS
3		12.00		SE	22	1S	15E	SWEET GRASS
4		30.00		NE	22	1S	15E	SWEET GRASS
5		8.00		SW	22	1S	15E	SWEET GRASS
	Total:	60.00						

#### 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.

#### ABSTRACT OF WATER RIGHT CLAIM

# YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK BASIN 43B

Water Right Number: 43B 23214-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: EOB RANCH LLC

373 LOWER DEER CREEK RD

BIG TIMBER, MT 59011

Priority Date: JULY 5, 1901

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

**Irrigation Type:** FLOOD

Flow Rate: 1.88 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: 12.00

Source Name: LOWER DEER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID Govt Lot Otr Sec Sec Twp Rge County

1 SWSWNW 27 1S 15E SWEET GRASS

**Period of Diversion:** APRIL 15 TO OCTOBER 15

**Diversion Means:** HEADGATE

Ditch Name: BIRKELAND DITCH

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

ID Acres Govt Lot Otr Sec Sec Twp Rge County

1 12.00 SE 22 1S 15E SWEET GRASS

**Total:** 12.00

#### 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.

### ABSTRACT OF WATER RIGHT CLAIM

# YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK BASIN 43B

Water Right Number: 43B 23215-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: EOB RANCH LLC

373 LOWER DEER CREEK RD

BIG TIMBER, MT 59011

**Priority Date:** JULY 1, 1896

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

**Irrigation Type:** FLOOD

Flow Rate: 359.04 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: 20.00

Source Name: LOWER DEER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID Govt Lot Qtr Sec Sec Twp Rge County

1 SENWNE 22 1S 15E SWEET GRASS

**Period of Diversion:** APRIL 15 TO OCTOBER 15

**Diversion Means:** HEADGATE

Ditch Name: HOHENBERGER DITCH

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

ID Acres Govt Lot Otr Sec Sec Twp Rge County

1 20.00 SW 14 1S 15E SWEET GRASS

**Total:** 20.00

## 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.

23211-00 23215-00

### ABSTRACT OF WATER RIGHT CLAIM

# YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK BASIN 43B

Water Right Number: 43B 23217-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: EOB RANCH LLC

373 LOWER DEER CREEK RD

BIG TIMBER, MT 59011

Priority Date: JUNE 1, 1895

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

**Irrigation Type:** FLOOD

Flow Rate: 1.00 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: 28.60

Source Name: LOWER DEER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID Govt Lot Qtr Sec Sec Twp Rge County

1 NESENE 33 1S 15E SWEET GRASS

**Period of Diversion:** APRIL 15 TO OCTOBER 15

**Diversion Means:** HEADGATE

Ditch Name: HOOPER DITCH

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

<u>ID</u>		<u>Acres</u>	Govt Lot	<b>Qtr Sec</b>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<b>County</b>
1		6.00		SW	22	1S	15E	SWEET GRASS
2		14.30		NW	27	1S	15E	SWEET GRASS
3		1.60		NE	27	1S	15E	SWEET GRASS
4		6.70		SE	28	1S	15E	SWEET GRASS
	Total:	28.60						

#### 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.

23216-00 23217-00

### ABSTRACT OF WATER RIGHT CLAIM

# YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK BASIN 43B

Water Right Number: 43B 23219-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: EOB RANCH LLC

373 LOWER DEER CREEK RD

BIG TIMBER, MT 59011

Priority Date: JUNE 15, 1893

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

**Irrigation Type:** FLOOD

Flow Rate: 1.25 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT

TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 60.00

Source Name: LOWER DEER CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID Govt Lot Otr Sec Sec Twp Rge County

1 SWSWNW 27 1S 15E SWEET GRASS

Period of Diversion: APRIL 15 TO OCTOBER 15

**Diversion Means:** HEADGATE

Ditch Name: BIRKELAND DITCH

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

<u>ID</u>		<u>Acres</u>	Govt Lot	Qtr Sec	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<b>County</b>
1		3.00		SW	27	1S	15E	SWEET GRASS
2		7.00		NW	27	1S	15E	SWEET GRASS
3		12.00		SE	22	1S	15E	SWEET GRASS
4		30.00		NE	22	1S	15E	SWEET GRASS
5		8.00		SW	22	1S	15E	SWEET GRASS
	Total:	60.00						

#### 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.

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

11150-00 23211-00

23216-00

23218-00

23219-00