

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

CLAIMANT: Beaver Dam Ranch LLC

OBJECTORS: Beaver Dam Ranch LLC; Bring Em LLC

NOTICE OF INTENT TO APPEAR: Bring Em LLC; Valley
Garden Land and Cattle LLC

CASE 41F-0019-R-2024

41F 117348-00

41F 117354-00

41F 117355-00

41F 117356-00

41F 117364-00

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 RECOMMENDING SUMMARY JUDGMENT IN FAVOR OF BEAVER DAM RANCH LLC

Procedural History

Beaver Dam Ranch LLC (“Beaver Dam”) owns the captioned claims. Beaver Dam objected to the period of use, period of diversion, means of diversion, and point of diversion for each captioned claim. Bring Em LLC objected to all elements of irrigation claim 41F 117356-00 and Valley Garden Land & Cattle LLC (“Valley Garden”) filed a notice of intent to appear for irrigation claim 41F 117356-00. Bring Em LLC and Valley Garden filed notices of intent to appear for irrigation claims 41F 117354-00, 41F 117355-00, and 41F 117364-00. Each captioned claim received a version of the following notice issue remark:

XXXXX 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.

On June 16, 2025, Beaver Dam filed a Motion for Summary Judgment and Brief in Support. Included in its Motion was Beaver Dam’s withdrawal of objection to the period of use and period of diversion for each captioned claim. On June 17, 2025, Bring Em LLC and Valley Garden filed status reports. Neither Bring Em LLC nor Valley Garden filed any opposition to Beaver Dam’s Motion for Summary Judgment within the deadline set by Rule 56, M. R. Civ. P. The parties did not request a hearing on the motion. The motion is deemed submitted. This recommendation is based upon the record.

Issues

1. Are there any genuine issues of material fact regarding the historical accuracy of the requested modifications to the point of diversion for the captioned claims?
2. Is Beaver Dam entitled to judgment as a matter of law that the captioned claims should be modified as requested to reflect historical beneficial use?

Summary Judgment Standard of Review

Rule 56, M. R. Civ. P. and the case law interpreting this rule govern the process for filing, responding to, and determining motions for summary judgment. Summary judgment is proper only when no genuine issues of material fact exist and the moving party is entitled to judgment as a matter of law. *First Security Bank v. Abel*, 2008 MT 161, ¶ 10, 343 Mont. 313, 184 P.3d 318; Rule 56(c), M. R. Civ. P. To determine the existence or nonexistence of a genuine issue of material fact, the Court looks to the pleadings, depositions, answers to interrogatories, admissions on file, and affidavits. *First Security Bank*, ¶ 11. All reasonable inferences that might be drawn from the offered evidence are drawn in favor of the party opposing the summary judgment motion. *First Security Bank*, ¶ 11.

The party seeking summary judgment must demonstrate a complete absence of any genuine factual issues. *First Security Bank*, ¶ 12. If the moving party is able to demonstrate that no genuine issue as to any material fact remains in dispute, then the burden shifts to the party opposing the motion. *First Security Bank*, ¶ 12. “The opposing party’s facts must be material and of a substantial nature, not fanciful, frivolous, gauzy nor merely suspicious.” *Silloway v. Jorgenson*, 146 Mont. 307, 310, 406 P.2d 267, 169 (1965). If the opposing party does not establish the existence of a genuine issue of material fact or show why the legal issue should not be determined in favor of the moving party, the opposing party has not carried its burden. *Conboy v. State*, 214 Mont. 492, 500, 693 P.2d 547, 551 (1985).

Pursuant to Rule 56(e), M. R. Civ. P., the party opposing summary judgment may not depend solely upon the allegations of the pleadings, and summary judgment in favor of the moving party, if appropriate, should be granted as the court “is under no duty to anticipate proof to establish a material and substantial issue of fact.” *Conboy*, 214 Mont. at 500, 693 P.2d at 551.

Principles of law

1. A properly filed Statement of Claim for Existing Water Right or an

amended claim for Existing Water Right is prima facie proof of its content. 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 an element of the prima facie claim is incorrect. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R. A preponderance of the evidence is a “modest standard” and is evidence that demonstrates the fact to be proved is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 348, 240 P.3d 628.

2. The Montana Water Court is permitted to use information submitted by the Department of Natural Resources and Conservation, the statement of claim, information from approved compacts, and any other data obtained by the Court to evaluate water right claims. Section 85-2-231(2), MCA.

3. Pursuant to § 85-2-227(2), MCA:

A water judge may consider all relevant evidence in the determination and interpretation of existing water rights. Relevant evidence under this part may include admissible evidence arising before or after July 1, 1973.

4. Generally speaking, county Water Resources Survey information is accepted by the Court. However, “credible testimony from witnesses having actual, contemporary knowledge of the historical water use portrayed in the Water Resources Survey documents, credible testimony of experts who have reexamined the underlying Water Resources Survey data sources, or conflicting evidence from other credible historical sources have all been known to tip the balance away from an acceptance of the Water Resources Survey information.” *Dernbauch v. Bell (Dry Creek Decision)*, 2007 Mont. Water LEXIS 1 at ** 12-13 (Dec. 28, 2007).

5. Circumstantial evidence is often the only evidence available in a Water Court proceeding. ““Circumstantial evidence” is that which tends to establish a fact by proving another and which, though true, does not of itself conclusively establish that fact but affords an inference or presumption of its existence.” Section 26-1-102(1), MCA.

While a single piece of circumstantial evidence such as a historical document may not be sufficient to overcome the proof established by a prima facie statement of claim, a

historical document supplemented by additional circumstantial evidence may be enough to determine that the evidence as a whole demonstrates the fact to be proved is “more probable than not,” thereby meeting the burden of proof to overcome a prima facie statement of claim. *See Giese v. Teton Cooperative Canal Company*, Case 41O-435 at p. 4, (MT Water Court Order Amending and Adopting Master’s Report May 3, 2012).

6. When resolving issue remarks, the Montana Water Court must weigh the information resulting in the issue remark and the issue remark against the claimed water right. Section 85-2-247(2), MCA.

7. The Montana Water Court has the authority to resolve issue remarks when the claim file and information available to the Court provide a sufficient basis to do so. Section 85-2-248(3), MCA.

Discussion

A. Beaver Dam’s Establishment that No Genuine Issues of Material Fact Exist Concerning Point of Diversion

Beaver Dam asserts that two different ditches within the historical point of diversion legal land description divert water to the historical place of use located on both sides of South Meadow Creek.

No adverse party opposed Beaver Dam’s rendition of the historical beneficial use of the claims.

Conclusion

Bring Em LLC and Valley Garden did not provide any evidence contradicting Beaver Dam’s assertion of historical beneficial use. Bring Em LLC and Valley Garden did not demonstrate the existence of genuine issues of material fact concerning the historical point of diversion for the claims. Therefore, there are no genuine issues of material fact regarding the historical point of diversion for the captioned water right claims. Beaver Dam established the historical accuracy of two ditches serving the historical place of use.

B. Judgment as a Matter of Law

Asserting the historical inaccuracy of the point of diversion for each claim, Beaver Dam had the burden of proof to overcome each prima facie statement of claim. Beaver Dam provided the Declaration of Tim Cashman, manager for Beaver Dam and a map from the 1954 Madison County Water Resources Survey (Reprinted 1965) to support its assertion. The map provided by Beaver Dam is the same map attached to each statement of claim. Beaver Dam's Motion for Summary Judgment and Brief in Support and Mr. Cashman's Declaration may be viewed on the court's case management system, FullCourt Enterprise, at document sequences 8.00 and 9.00.

Mr. Cashman declares:

- There are 2 points of diversion for each claim within the same legal land description.
- One point of diversion on the north side of South Meadow Creek and one point of diversion on the south side of South Meadow Creek.
- The Water Resources Survey map shows the diversions, although the depiction is not accurate.
- Both ditches end in the same field, but neither ditch can cover the entire place of use.

The Madison County Water Resources Survey's depiction of how the water historically flowed and how the water was historically diverted is contradicted by Mr. Cashman's Declaration. Although Mr. Cashman does not establish his actual historical knowledge of the place of use¹, as the manager of Beaver Dam, Mr. Cashman's Declaration does provide credible circumstantial evidence, along with the Water Resources Survey depiction of the place of use, that the Madison County Water Resources Survey does not accurately depict the diversions from South Meadow Creek to the captioned claims' place of use. Beaver Dam is entitled to summary judgment as a

¹ Based upon a review of the claim files, it appears Mr. Cashman has been involved with the use of the water identified by the captioned claims at least since an ownership update was filed for the claims in 2001.

matter of law that two ditches within the historical point of diversion legal land description serve the historical place of use identified by the captioned claims.

C. Conclusion

The motion for summary judgment and addition of a point of diversion are supported by information in the claim files, the Madison County Water Resources Survey, and the Tim Cashman Declaration. Beaver Dam met the burden of proof to overcome the prima facie statements of claim.

The captioned claims should be modified as follows:

ADD POINT OF DIVERSION AND MEANS OF DIVERSION:

<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	NESENW	31	4S	1W	MADISON

Diversion Means: HEADGATE

Conclusions of law

The circumstantial evidence provided by Beaver Dam supports the historical accuracy of the requested modification to the captioned claims and overcomes, by a preponderance of evidence, the prima facie proof afforded the point of diversion identified by each statement of claim. Bring Em LLC and Valley Garden did not raise any genuine issues of material fact concerning the historical accuracy of the requested modification to each claim, or demonstrate why, as a matter of law, the modification should not be made to the claims to accurately reflect historical beneficial use. The captioned claims should be modified as requested by Beaver Dam to reflect historical beneficial use.

The notice issue remark on each claim provided the opportunity for claimant and other water users to object to the claim. Beaver Dam's objections to the point of diversion and means of diversion identified by each claim and the notices of intent to appear filed for each of these claims, except claim 41F 117356-00, are resolved by these proceedings.² The issue remark appearing on each claim served its notice purpose.

² Claim 41F 117356-00 has an unresolved objection from Bring Em LLC and an unresolved notice of intent to appear from Valley Garden.

RECOMMENDATIONS

Beaver Dam's Motion for Summary Judgment should be **GRANTED** and judgment should be entered that the captioned claims should be **MODIFIED** as indicated above.

The issue remark should be removed from the claim abstracts.

Post Decree Abstracts of Water Right Claim accompany this report to confirm implementation of the recommendations in the state's centralized water right record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via Electronic Mail

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Service List Updated 8/25/2025

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F**

Water Right Number: 41F 117348-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BEAVER DAM RANCH LLC
1140 N TOWN CENTER DR STE 120
LAS VEGAS, NV 89144-0605

Priority Date: APRIL 1, 1872

Type of Historical Right: DECREED

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: SOUTH MEADOW 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		NESENW	31	4S	1W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: REMINGTON DITCH

2		NESENW	31	4S	1W	MADISON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

3		N2	32	4S	1W	MADISON
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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			S2NE	32	4S	1W	MADISON
2			N2S2	32	4S	1W	MADISON
3			S2NW	32	4S	1W	MADISON

Remarks:

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.

117348-00

117364-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F**

Water Right Number: 41F 117354-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BEAVER DAM RANCH LLC
1140 N TOWN CENTER DR STE 120
LAS VEGAS, NV 89144-0605

Priority Date: APRIL 1, 1876

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 224.40 GPM

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 125.00

Source Name: SOUTH MEADOW 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		NESENW	31	4S	1W	MADISON

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: REMINGTON DITCH

2		NESENW	31	4S	1W	MADISON
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Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: HEADGATE

Period of Use: MAY 1 TO OCTOBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	55.00		N2NW	32	4S	1W	MADISON
2	50.00		S2NW	32	4S	1W	MADISON
3	20.00		N2SW	32	4S	1W	MADISON

Total: 125.00

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.

117354-00	117355-00	117356-00	117357-00	117364-00
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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F**

Water Right Number: 41F 117355-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BEAVER DAM RANCH LLC
1140 N TOWN CENTER DR STE 120
LAS VEGAS, NV 89144-0605

Priority Date: APRIL 1, 1887

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 282.74 GPM

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 125.00

Source Name: SOUTH MEADOW 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		NESENW	31	4S	1W	MADISON

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: REMINGTON DITCH

2		NESENW	31	4S	1W	MADISON
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Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: HEADGATE

Period of Use: MAY 1 TO OCTOBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	55.00		N2NW	32	4S	1W	MADISON
2	50.00		S2NW	32	4S	1W	MADISON
3	20.00		N2SW	32	4S	1W	MADISON

Total: 125.00

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.

117354-00	117355-00	117356-00	117357-00	117364-00
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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F**

Water Right Number: 41F 117356-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BEAVER DAM RANCH LLC
1140 N TOWN CENTER DR STE 120
LAS VEGAS, NV 89144-0605

Priority Date: JUNE 1, 1909

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 CFS

THIS RIGHT IS LIMITED TO HIGH OR FLOOD WATERS OF SOUTH MEADOW CREEK.

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 125.00

Source Name: SOUTH MEADOW 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		NESENW	31	4S	1W	MADISON

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: REMINGTON DITCH

2		NESENW	31	4S	1W	MADISON
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Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: HEADGATE

Period of Use: MAY 1 TO OCTOBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	50.00		S2NW	32	4S	1W	MADISON
2	55.00		N2NW	32	4S	1W	MADISON
3	20.00		N2SW	32	4S	1W	MADISON

Total: 125.00

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.

117354-00	117355-00	117356-00	117357-00	117364-00
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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F

Water Right Number: 41F 117364-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BEAVER DAM RANCH LLC
1140 N TOWN CENTER DR STE 120
LAS VEGAS, NV 89144-0605

Priority Date: APRIL 1, 1872

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: 4 - MODERATELY LOW

Maximum Acres: 125.00

Source Name: SOUTH MEADOW 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		NESENW	31	4S	1W	MADISON	
Period of Diversion:	MAY 1 TO OCTOBER 1						
Diversion Means:	HEADGATE						
Ditch Name:	REMINGTON DITCH						
2		NESENW	31	4S	1W	MADISON	
Period of Diversion:	MAY 1 TO OCTOBER 1						
Diversion Means:	HEADGATE						
Period of Use:	MAY 1 TO OCTOBER 1						
Place of Use:							
<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	105.00		NW	32	4S	1W	MADISON
2	20.00		N2N2SW	32	4S	1W	MADISON
Total:	125.00						

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.

117354-00 117355-00 117356-00 117357-00 117364-00

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.

117348-00 117364-00