

Montana Water Court
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FILED
08/08/2025
Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41S-0445-R-2024
Hyatt, Robert J.
11.00

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

CLAIMANT: Three Bar Ranch Inc.

CASE 41S-0445-R-2024

41S 134320-00
41S 134321-00
41S 134322-00
41S 134323-00
41S 134324-00
41S 134325-00
41S 134326-00
41S 134327-00

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

The above-captioned claims appeared in the Preliminary Decree for the Judith River (Basin 41S) with substantive issue remarks.

The claims were consolidated into Case 41S-0445-R-2024 on October 18, 2024 and on June 5, 2025 the Department of Natural Resources and Conservation ("DNRC") filed a Memo ("Memo") (Doc.¹ 8.00).

FINDINGS OF FACT

41S 134320-00

1. Claim 41S 134320-00 was claimed as an irrigation claim for use on 156.60 acres of the NENE of Section 31, Township 13N, Range 16E, Fergus County; the N2 of Section 32, Township 13N, Range 16E, Fergus County; the SE of Section 32, Township 13N, Range 16E, Fergus County; Section 4, Township 12N, Range 16E, Fergus County; the SWSW of Section 33, Township 13N, Range 16E, Fergus County.

2. The claim received the following issue remark:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE. USDA AERIAL PHOTOGRAPH NO(S). 30027-278-88 , DATED 09/25/1979 , APPEARS TO INDICATE 78.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

3. On October 18, 2024, the Court ordered the Claimant to work with the DNRC to resolve the issue remarks. (Doc.1.00).
4. On June 5, 2025, DNRC Water Resource Specialist Brandon Ahlgren filed a memorandum in this matter. (Doc. 8.00).
5. Mr. Ahlgren found that the maximum acres and flow rate issues has been resolved and recommended that the issue remark be removed from the claim abstract.

41S 134321-00

6. Claim 41S 134321-00 was claimed as a flood irrigation claim for use on 18.90 acres on the SW of Section 9, Township 12N, Range 16E, Fergus County.

7. The claim received the following issue remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE. USDA AERIAL PHOTOGRAPH NO(S). 30027-278-88 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

¹ "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

8. On June 5, 2025, DNRC Water Resource Specialist Brandon Ahlgren filed a memorandum in this matter. (Doc. 8.00).
9. Using the Fergus Co. WRS and USDA aerial photograph 30027-278-72, Mr. Ahlgren identified 0.00 acres of irrigation for claim 41S 134321-00.
10. Mr. Ahlgren found:

Due to the DNRC and the claimant not being able to substantiate any historic irrigation in the claimed place of use, the DNRC recommends this claim be dismissed.

11. The Court set a deadline for Claimant to state their position on Mr. Ahlgren's recommendations. (Doc. 9.00). The order stated that if nothing was filed by the deadline, Mr. Ahlgren's recommendations would be adopted. On June 18, 2025 Three Bar Ranch filed a notice of agreement (Doc. 10.00).

41S 134322-00

12. Claim 41S 134322-00 was claimed as an irrigation claim for use on 17.20 acres of the SW of Section 7, Township 12N, Range 17E, Fergus County.

13. The claim received the following issue remark:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE. USDA AERIAL PHOTOGRAPH NO(S). 30027-278-88 , DATED 09/25/1979 , APPEARS TO INDICATE 78.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

14. On October 18, 2024, the Court ordered the Claimant to work with the DNRC to resolve the issue remarks. (Doc.1.00).
15. Using the Fergus Co. WRS and USDA aerial photograph 30027-278-72, Mr. Ahlgren identified 0.00 acres of irrigation for claim 41S 134322-00.
16. Mr. Ahlgren found:

Due to the DNRC and the claimant not being able to substantiate any historic irrigation in the claimed place of use, the DNRC recommends this claim be dismissed.

17. The Court set a deadline for Claimant to state their position on Mr. Ahlgren's recommendations. (Doc. 9.00). The order stated that if nothing was filed by the deadline, Mr. Ahlgren's recommendations would be adopted. On June 18, 2025 Three Bar Ranch filed a notice of agreement (Doc. 10.00).

41S 134323-00

18. Claim 41S 134323-00 was claimed as an irrigation claim for use on 46.00 acres of the NWNW of Section 23, Township 12N, Range 16E, Fergus County and the N2N2 of Section 22, Township 12N, Range 16E, Fergus County.

19. The claim received the following issue remark:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE. USDA AERIAL PHOTOGRAPH NO(S). 30027-278-74 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE POINTS OF DIVERSION MAY BE INCORRECT. THE LOCATIONS OF THE HEADGATES CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

SOURCE NAME FOR POINT OF DIVERSION NO. 1 COULD NOT BE CORRECTED AS IT IS A SPRING AS DIRECTED BY WATER COURT, NOT TO BE CORRECTED. IT APPEARS FROM THE TOPOGRAPHICAL MAP MOORE SW, THE SOURCE NAME SHOULD BE UNNAMED TRIBUTARY OF DRY CREEK.

20. Using the Fergus Co. WRS and USDA aerial photograph 30027-278-74, Mr. Ahlgren identified 0.00 acres of irrigation for claim 41S 134323-00.

21. Mr. Ahlgren found:

Due to the DNRC and the claimant not being able to substantiate any historic irrigation in the claimed place of use, the DNRC recommends this claim be dismissed.

22. The Court set a deadline for Claimant to state their position on Mr. Ahlgren's recommendations. (Doc. 9.00). The order stated that if nothing was filed by the deadline, Mr. Ahlgren's recommendations would be adopted. On June 18, 2025 Three Bar Ranch filed a notice of agreement (Doc. 10.00).

41S 134324-00

23. Claim 41S 134324-00 was claimed as an irrigation claim for use on 50.20 acres of the NE of Section 4, Township 12N, Range 16E, Fergus County.

24. The claim received the following issue remark:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE. USDA AERIAL PHOTOGRAPH NO(S). 30027-278-88 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

25. On October 18, 2024, the Court ordered the Claimant to work with the DNRC to resolve the issue remarks. (Doc.1.00).

26. On June 5, 2025, DNRC Water Resource Specialist Brandon Ahlgren filed a memorandum in this matter. (Doc. 8.00).

27. Mr. Ahlgren found that the maximum acres and flow rate issues has been resolved and recommended that the issue remark be removed from the claim abstract.

41S 134325-00

28. Claim 41S 134325-00 was claimed as an irrigation claim for use on 100.30 acres of the NENE of Section 31, Township 13N, Range 16E, Fergus County; the N2 of Section 32, Township 13N, Range 16E, Fergus County; the SE of Section 32, Township 13N, Range 16E, Fergus County; the NE of Section 4, Township 12N, Range 16E, Fergus County; the SWSW of Section 33, Township 13N, Range 16E, Fergus County.

29. The claim received the following issue remark:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE. USDA AERIAL PHOTOGRAPH NO(S). 30027-278-88 , DATED 09/25/1979 , APPEARS TO INDICATE 79.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

30. On October 18, 2024, the Court ordered the Claimant to work with the DNRC to resolve the issue remarks. (Doc. 1.00).

31. On June 5, 2025, DNRC Water Resource Specialist Brandon Ahlgren filed a memorandum in this matter. (Doc. 8.00).

32. Mr. Ahlgren found that the maximum acres and flow rate issues have been resolved and recommended that the issue remark be removed from the claim abstract.

41S 134326-00

33. Claim 41S 124326-00 was claimed as an irrigation claim for use on 156.60 of the SENESE of Section 32, Township 13N, Range 16E, Fergus County.

34. The claim received the following issue remark:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE. USDA AERIAL PHOTOGRAPH NO(S). 30027-278-88 , DATED 09/25/1979 , APPEARS TO INDICATE 78.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

35. On October 18, 2024, the Court ordered the Claimant to work with the DNRC to resolve the issue remarks. (Doc.1.00).

36. On June 5, 2025, DNRC Water Resource Specialist Brandon Ahlgren filed a memorandum in this matter. (Doc. 8.00).

37. Mr. Ahlgren found that the maximum acres and flow rate issues have been resolved and recommended that the issue remark be removed from the claim abstract.

41S 134327-00

38. Claim 41S 134327-00 was claimed as an irrigation claim for use on 156.60 of the SENESE of Section 32, Township 13N, Range 16E, Fergus County.

39. The claim received the following issue remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE. FROM THE CLAIM AND THE DATA SUBMITTED TO THIS COURT, THE WATER COURT CANNOT DECREE THE RIGHT WITHOUT FURTHER PRESENTATION OF EVIDENCE.

THE FLOW RATE, VOLUME, MAXIMUM ACRES, AND PLACE OF USE DID NOT APPEAR ON THE ABSTRACT OF THIS CLAIM IN THE TEMPORARY PRELIMINARY DECREE DUE TO THE ISSUE REMARK CONCERNING THE VALIDITY OF THIS CLAIM. THE ELEMENTS AS CLAIMED HAVE BEEN ADDED. THE WATER COURT HAS MADE NO DETERMINATION OF THE VALIDITY OF THESE ELEMENTS.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-72 , DATED 09/25/1979 , 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.

40. Using the Fergus Co. WRS and USDA aerial photograph 30027-278-88, Mr. Ahlgren identified 0.00 acres of irrigation for claim 41S 134327-00.

41. Mr. Ahlgren found:

Due to the DNRC and the claimant not being able to substantiate any historic irrigation in the claimed place of use, the DNRC recommends this claim be dismissed.

42. The Court set a deadline for Claimant to state their position on Mr. Ahlgren's recommendations. (Doc. 9.00). The order stated that if nothing was filed by the deadline, Mr. Ahlgren's recommendations would be adopted. On June 18, 2025 Three Bar Ranch filed a notice of agreement (Doc. 10.00).

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.

3. The Water Court may use information submitted by the DNRC, the Statement of Claim, and any other data obtained by the Court to evaluate a water right. §§ 85-2-227, - 231(2), MCA.

CONCLUSIONS OF LAW

1. The issue remarks should be removed from claim 41S 134320-00 as discussed above.
2. Claim 41S 134321-00 should be dismissed as discussed in Finding of Fact No. 10.
3. Claim 41S 134322-00 should be dismissed as discussed in Finding of Fact No. 16.
4. Claim 41S 134323-00 should be dismissed as discussed in Finding of Fact No. 21.
5. The issue remarks should be removed from claim 41S 134324-00 as discussed above.
6. The issue remarks should be removed from claim 41S 134325-00 as discussed above.
7. The issue remarks should be removed from claim 41S 134326-00 as discussed above.
8. Claim 41S 134323-00 should be dismissed as discussed in Finding of Fact No. 41.

RECOMMENDATION

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

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:

Oliver J. Urick
Urlick Law Firm, PLLC
ourick@uricklawfirm.com

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

Water Right Number: 41S 134320-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: THREE BAR RANCH INC
ATTN: BIRCH, WILLIAM
PO BOX 10
MOORE, MT 59464

Priority Date: DECEMBER 31, 1919

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 5.94 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: 156.60

***Source Name:** BUFFALO 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		SENESE	32	13N	16E	FERGUS
Period of Diversion:	APRIL 10 TO OCTOBER 1					
Diversion Means:	HEADGATE					
2		SENESE	4	12N	16E	FERGUS
Period of Diversion:	APRIL 10 TO OCTOBER 1					
Diversion Means:	HEADGATE					
3		SESWW	3	12N	16E	FERGUS
Period of Diversion:	APRIL 10 TO OCTOBER 1					
Diversion Means:	HEADGATE					

Period of Use: APRIL 10 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	17.00		NENE	31	13N	16E	FERGUS
2	53.20		N2	32	13N	16E	FERGUS
3	23.80		SE	32	13N	16E	FERGUS
4	57.60			4	12N	16E	FERGUS
5	5.00		SWSW	33	13N	16E	FERGUS

Total: 156.60

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.

134320-00	134324-00	134325-00	134326-00
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THE CLAIMED IRRIGATED ACRES AND PLACE OF USE HAVE BEEN RE-EXAMINED BY THE DNRC UNDER MONTANA WATER COURT ORDER DATED AUGUST 29, 1997. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

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

Water Right Number: 41S 134321-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: DISMISSED

Owners: THREE BAR RANCH INC
ATTN: BIRCH, WILLIAM
PO BOX 10
MOORE, MT 59464

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF DRY CREEK

Source Type: GROUNDWATER

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 134322-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: DISMISSED

Owners: THREE BAR RANCH INC
ATTN: BIRCH, WILLIAM
PO BOX 10
MOORE, MT 59464

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: BUFFALO CREEK

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 134323-00** STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: **DISMISSED**

Owners: THREE BAR RANCH INC
 ATTN: BIRCH, WILLIAM
 PO BOX 10
 MOORE, MT 59464

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF CARLYLE CREEK

Source Type: GROUNDWATER

Source Name: UNNAMED TRIBUTARY OF DRY CREEK

Source Type: GROUNDWATER

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 134324-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: THREE BAR RANCH INC
ATTN: BIRCH, WILLIAM
PO BOX 10
MOORE, MT 59464

***Priority Date:** SEPTEMBER 17, 1884

***Type of Historical Right:** USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.90 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: 50.20

***Source Name:** BUFFALO 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		SESWSW	3	12N	16E	FERGUS

Period of Diversion: APRIL 15 TO OCTOBER 1

Diversion Means: HEADGATE

Period of Use: APRIL 15 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	50.20		NE	4	12N	16E	FERGUS

Total: 50.20

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.

134320-00 134324-00 134325-00 134326-00

THE CLAIMED IRRIGATED ACRES AND PLACE OF USE HAVE BEEN RE-EXAMINED BY THE DNRC UNDER MONTANA WATER COURT ORDER DATED AUGUST 29, 1997. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

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

Water Right Number: 41S 134325-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: THREE BAR RANCH INC
ATTN: BIRCH, WILLIAM
PO BOX 10
MOORE, MT 59464

Priority Date: MAY 13, 1881

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.80 CFS

Volume: 275.00 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 100.30

***Source Name:** BUFFALO 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		SENESE	32	13N	16E	FERGUS

Period of Diversion: APRIL 15 TO OCTOBER 1

Diversion Means: HEADGATE

2		SENESE	4	12N	16E	FERGUS
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Period of Diversion: APRIL 15 TO OCTOBER 1

Diversion Means: HEADGATE

Period of Use: APRIL 15 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	17.00		NENE	31	13N	16E	FERGUS
2	53.20		N2	32	13N	16E	FERGUS
3	20.70		SE	32	13N	16E	FERGUS
4	7.40		NE	4	12N	16E	FERGUS
5	2.00		SWSW	33	13N	16E	FERGUS

Total: 100.30

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.

134320-00

134324-00

134325-00

134326-00

THE CLAIMED IRRIGATED ACRES AND PLACE OF USE HAVE BEEN RE-EXAMINED BY THE DNRC UNDER MONTANA WATER COURT ORDER DATED AUGUST 29, 1997. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

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

Water Right Number: 41S 134326-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: THREE BAR RANCH INC
ATTN: BIRCH, WILLIAM
PO BOX 10
MOORE, MT 59464

Priority Date: MAY 31, 1892

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.80 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: 100.30

***Source Name:** BUFFALO 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		SENESE	4	12N	16E	FERGUS

Period of Diversion: APRIL 15 TO OCTOBER 1

Diversion Means: HEADGATE

2		SENESE	32	13N	16E	FERGUS
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Period of Diversion: APRIL 15 TO OCTOBER 1

Diversion Means: HEADGATE

Period of Use: APRIL 15 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	17.00		NENE	31	13N	16E	FERGUS
2	53.20		N2	32	13N	16E	FERGUS
3	20.70		SE	32	13N	16E	FERGUS
4	7.40		NE	4	12N	16E	FERGUS
5	2.00		SWSW	33	13N	16E	FERGUS

Total: 100.30

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.

134320-00

134324-00

134325-00

134326-00

THE CLAIMED IRRIGATED ACRES AND PLACE OF USE HAVE BEEN RE-EXAMINED BY THE DNRC UNDER MONTANA WATER COURT ORDER DATED AUGUST 29, 1997. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

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

Water Right Number: 41S 134327-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: DISMISSED

Owners: THREE BAR RANCH INC
ATTN: BIRCH, WILLIAM
PO BOX 10
MOORE, MT 59464

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF EAST BUFFALO CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.