

IN THE WATER COURT OF THE STATE OF MONTANA
CLARK FORK DIVISION
WESTSIDE SUBBASIN OF THE BITTERROOT RIVER BASIN (76HF)

CLAIMANT: YC Properties LLC

OBJECTORS: Sharon Connolly; Bernard J. Spaan; Patrick
O. Connell

CASE 76HF-6002-P-2023

76H 147812-00

76H 214439-00

ORDER ON MOTIONS FOR SUMMARY JUDGMENT

This case began with a motion to amend water right claims 76H 147812-00 and 76H 214439-00. The motion asks the Court to add a “historic groundwater pond” to a claim for commercial water use. (Doc. 1.00). YC Properties, LLC (“YC Properties”) filed the motion to amend.

Patrick O. Connell (Connell”), Sharron Connolly (“Connolly”) and Bernard J. Spaan (“Spaan”) all oppose the motion to amend. They contend the two claims are abandoned.

The parties filed dispositive motions. The motions for summary judgment filed by Connell and jointly by Connolly and Spaan ask the Court to dismiss the two claims as abandoned. The motion for summary judgment filed by YC Properties asks the Court to reject the abandonment contentions and to grant the motion to amend.

For the reasons stated in this order, the Court concludes the motions are dispositive and the claims are abandoned and should be dismissed.

UNDISPUTED FACTS

1. On March 30, 1982, Charles E. and Alma R. Vining filed a statement of claim for commercial use from two separate groundwater wells in Ravalli County. The statement of claim describes the commercial use as “Beaver Pens” without saying much more about what that meant. The statement of claim does not identify a pond as being part of the claim. The Montana Department of Natural Resources and Conservation (“DNRC”) assigned claim number 76H 147812-00 to the statement of claim.

2. The Vinings attached to the statement of claim a Declaration of Vested Groundwater Rights executed by Sam A. Downing on December 30, 1963, and recorded with the Ravalli County Clerk and Recorder on December 31, 1963. The groundwater declaration lists the physical characteristics of the wells and describes their uses as “domestic, stock water, and irrigation.”

3. The Water Court included claim 76H 147812-00 in the Basin 76HF (Westside Subbasin of the Bitterroot River) Preliminary Decree issued on January 14, 1998. The Preliminary Decree abstract describes the claim as a filed right to use groundwater from a well for commercial use. The decree abstract also describes the commercial use as “beaver pens.” The abstract identifies the flow rate as 100.00 gpm, the volume as 162.22 acre feet (“AF”), and the point of diversion as located in the SENWSE of Section 35, T6N, R21W, Ravalli County.

4. The decree abstract for claim 76H 147812-00 included the following issue remark:

THE CLAIMED VOLUME EXCEEDS THE MAXIMUM FEASIBLE
VOLUME BASED ON THE FLOW RATE AND PERIOD OF USE, THE
MAXIMUM VOLUME POSSIBLE IS 161.74 ACRE-FEET.

5. No one objected to the claim. Thomas Fox filed a notice of intent to appear.

6. To resolve the issue remark, the Water Court consolidated claim 76H 147812-00 into Water Court Case 76HF-660. On January 28, 2005, Alma Vining filed an affidavit explaining why the volume should be reduced to 39.77 AF. The Water Court

issued a Master's Report and Order Adopting Master's Report reducing the volume of the claim to 39.77 AF.¹

7. On January 1, 1994, prior to the date of the Preliminary Decree, a DNRC claims examiner met with Alma Vining and her consultant Lee Yelin. Based on this meeting, DNRC concluded that an implied claim should be generated for the well identified in the statement of claim. DNRC assigned claim number 76H 214439-00 to the implied claim.

8. The Water Court included implied claim 76H 214439-00 in the Basin 76HF Preliminary Decree. The abstract describes the claim as a use right to use groundwater from a well for commercial use also specified as "beaver pens." The abstract identifies the flow rate as 100.00 gpm and the volume as 161.30 AF with a point of diversion in the SWNWSE of Section 35, T6N, R21W, Ravalli County. The decree abstract does not identify a pond. The claim did not receive any issue remarks or objections.

9. In 2020, YC Properties purchased the property to which claims 76H 147812-00 and 76H 214439-00 are appurtenant. (Doc. 47.00, Ex. B). The State's water rights database identifies YC Properties as the current owner of claims 76H 147812-00 and 76H 214439-00.

10. On February 15, 2023, YC Properties filed a verified motion to amend claims 76HF 147812-00 and 76HF 214439-00. The motion asks the Court to add a pond record to the claims. The motion describes a historical pond as covering 0.68 surface acres with a maximum depth of 10 feet, and a capacity of 2.72 AF. The motion states the two groundwater wells described by each claim historically supplemented the pond for the beaver pens. Specifically, the motion states:

Water was pumped from the wells and stored in the groundwater pond and water would run from the pond down to the beaver pens. This created additional beaver habitat.

(Doc. 1.00.)

¹ Appearing party Thomas Fox does not appear to have been included on the service list for the Master's Report, or the Order adopting the report.

11. YC Properties supports its motion to amend with an affidavit executed by Robert Vining, Alma Vining's son. (Doc. 1.00). Mr. Vining was 69 years old when he signed the affidavit in January 2023. The affidavit describes the beaver pen water use as follows:

Specifically, the water from the wells could either be pumped into the pond (via pipes) or directly to the beaver pens, and eventually back to the Bitterroot River. As far back as I can remember, the pond was part of the beaver pen system. I remember that it would stay relatively full without water from the wells, but water from the wells was needed to provide enough flow to supply the down-gradient beaver pens.

12. Aerial imagery dating back to as recent as 2005 seems to document the existence of the pond. However, other aerials filed in support of the motion dating back to 1954 are inconclusive as to the pond's existence or nonexistence. (Doc. 47.00, Ex. A-1 to A-15.). Nonetheless, the facts are undisputed that the pond has been in existence for quite some time without being mentioned on any water right.

13. YC Properties included a second affidavit of Robert Vining to support its summary judgment motion. This affidavit provides additional detail about historical water use, and states water was "switched" from the commercial "beaver operation" use to stock and irrigation use "around the mid-1990s." (Doc. 47.00, Ex. B). Vining states his mother "never got to filing the change application before she passed on." Vining also states that beginning in 1995 and continuing for a number of years the property was leased to third parties from who used water from the pond for stock water and irrigation.

14. Neither YC Properties nor its predecessors filed statements of claim for either stock or irrigation use of water from the wells or the pond.

15. After the beaver pen commercial use ceased in the 1990s little, if any, maintenance of the former beaver pens or any other commercial water use occurred. According to an expert report filed by objectors Connolly and Spaan, as of June 2024, there "were no beaver pens remaining and only an open area where they were located east and down gradient from the wells." (Doc. 49.00, at 7 (Report p. 5)). The same report also notes the two wells either do not have power to them or have been buried, although the pond still exists.

16. The Water Court has not issued a final decree that includes subbasin 76HF.

PROCEDURAL BACKGROUND

After the Court received the YC Properties motion to amend, the Senior Water Master previously assigned to this case ordered YC Properties to publish notice of the motion under the provisions of § 85-2-233(6), MCA. YC Properties complied with the publication requirement. Several parties filed objections in response to the notice, including Connolly (Doc. 5.00), Spaan (Doc. 6.00), and Connell (Doc. 8.00) (these parties are referred to collectively as “objectors”). The Senior Water Master put the case on a hearing track and issued a scheduling order. (Doc. 16.00).

Connell then filed a Request for Preliminary Injunction. (Doc. 29.00). YC Properties moved to dismiss Connell’s objection based on lack of standing. On May 29, 2024, after the case was reassigned to a judge, the Court issued an Order on Pending Motions denying both motions. (Doc. 43.00).

Objector Connell next filed a Request for Summary Judgment. (Doc. 44.00). YC Properties responded and filed a Response and Cross-Motion for Summary Judgment. (Doc. 47.00). Connell, Connolly, and Spaan all filed responses to YC Properties’ motion for summary judgment. Connolly and Spaan also collectively filed their own motion for summary judgment. (Doc. 52.00). The Connell motion and the joint Connolly and Spaan motion ask the Court to issue an order concluding the two claims are abandoned. The YC Properties’ motion asks the Court to grant the motion to amend. YC Properties also disputes the abandonment contentions. The motions are all fully briefed. YC Properties also filed a notice of supplemental authority, to which Connolly and Spaan responded.

ISSUES

1. Should the Court grant the Connell and the joint Connolly and Spaan motions and conclude the claims are abandoned?
2. Should the Court grant YC Properties’ motion to amend the claims?

DISCUSSION

A. Applicable Standards.

1. Summary Judgment Standard

Summary judgment is proper when “the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and the movant is entitled to judgment as a matter of law.” M. R. Civ. P. 56(c)(3). A material fact involves the elements of the cause of action or defense at issue to such an extent that it requires resolution of the issue by a trier of fact. *Williams v. Plum Creek Timber Co.*, 2011 MT 271, ¶ 14, 362 Mont. 368, 264 P.3d 1090. In determining whether a material fact exists, the court views the evidence in the light most favorable to the non-moving party. *Lorang v. Fortis Ins. Co.*, 2008 MT 252, ¶ 38, 345 Mont. 12, 192 P.3d 186. “All reasonable inferences that may be drawn from the evidence must be drawn in favor of the party opposing summary judgment.” *Id.*

Where the moving party demonstrates there is no genuine issue as to any material fact, the burden shifts to the party opposing the motion to establish an issue of material fact. *Lee v. USAA Cas. Ins. Co.*, 2001 MT 59, ¶ 26, 304 Mont. 356, 362, 22 P.3d 631, 636. Ultimately the question of whether the moving party is entitled to summary judgment under the undisputed facts is a question of law. *Thornton v. Flathead County*, 2009 MT 367, ¶ 13, 353 Mont. 252, 255, 220 P.3d 395, 399.

2. Abandonment Standard

Under Montana water law beneficial use maintains a water right, but when an “appropriator or his successor in interest abandons or ceases to use the water for its beneficial use, the water right ceases.” *79 Ranch, Inc. v. Pitsch*, 204 Mont. 426, 666 P.2d 215 (1983); *Twin Creeks Farm & Ranch, LLC v. Petrolia Irrigation Dist.*, 2022 MT 19, ¶ 7, 407 Mont. 278, 502 P.3d 1080. The test for whether an appropriator has abandoned a water right focuses on the appropriator’s intent. *Featherman v. Hennessy*, 42 Mont. 535, 113 P. 751, 753 (1911); *Thomas v. Ball*, 66 Mont. 161, 213 P. 597 (1923).

Abandonment challenges also have procedural components that turn on several factors. The first is whether the abandonment allegation involves an existing water right

that has not yet been included in a final decree. If so, the Water Use Act states “a water judge may determine all or part of an existing water right to be abandoned based on a consideration of all admissible evidence that is relevant, including, without limitation, evidence relating to acts or intent occurring in whole or in part after July 1, 1973.”

Section 85-2-227(3), MCA. Prior to issuance of a final decree, the Water Court has sole jurisdiction to make abandonment determinations as to existing (*i.e.* pre-July 1, 1973) water rights. Section 85-2-227, MCA.

As applied to existing (*i.e.* pre-July 1, 1973) water rights, a long period of water nonuse raises a rebuttable presumption of intent to abandon the water right. *79 Ranch*, 204 Mont. at 432-33. The burden rests with the party asserting abandonment to prove a sufficiently long period of continuous nonuse to create this rebuttable presumption. *In re Klamert*, 2019 MT 110, ¶ 15, 395 Mont. 420, 443 P.3d 379. If the presumption is established by lengthy non-use, the burden shifts to the appropriator to prove a lack of intent to abandon. *In re Adjudication of Water Rights of Clark Fork River (City of Deer Lodge)*, 254 Mont. 11, 16, 833 P.2d 1120. Lengthy non-use alone is not enough to prove abandonment. Rather, whether a water right is abandoned is a question of fact that depends on the “conduct, acts, and intent of the parties claiming the usufruct of the water.” *Heavirland v. State*, 2013 MT 313, ¶ 31, 372 Mont. 300, 311 P.3d 813.

B. Abandonment Analysis.

Connell asks the Court to find claims 76H 147812-00 and 76H 214439-00 abandoned, deem YC Properties’ motion to amend moot, and direct YC Properties to return the existing pond to its historical size.² (Doc. 44.00.) Connell argues that because YC Properties admits the commercial beaver pen operation ceased in the 1990s and it failed to obtain authorization by the DNRC for a change in the beneficial use of the claims, there is no dispute the water right has been abandoned under § 85-2-404(2), MCA. To support the period of non-use, Connell cites a response from Montana Fish, Wildlife & Parks (“MT FWP”) to a subpoena that says “no record exists” for an annual

² The Court’s jurisdiction limits its determination of motion to amend based on the water rights as they existed as of July 1, 1973. The authority to address post-1973 changes to a water right is outside of the Water Court’s jurisdiction, as is fashioning a remedy for alleged illegal water use.

fur farm license to YC Properties or its predecessors for a period longer than the 10-year period of non-use to prove abandonment under § 85-2-404(2), MCA. (Doc. 44.00.)

Somewhat similarly, Connolly and Spaan argue that neither YC Properties nor its predecessors ever claimed the pond as part of a beneficial use of water until January 2023. They also document more than twenty-eight years of nonuse of water for its claimed commercial use, or without any change application for a different beneficial use.

YC Properties responds by arguing that the objectors improperly rely on § 85-2-404(2), MCA, and the statute only applies to water rights that have reached final decree and thus fails as a matter of law. *See* Section 85-2-404(5), MCA. YC Properties also argues that the objectors do not dispute that the pond has been beneficially used for stock and irrigation since the commercial beaver pen operation ceased and the pens were removed, so Connell fails to establish that there was an intent to abandon the water rights.

Whether Connell's motion is made under § 85-2-404, MCA, or § 85-2-227, MCA, is inconsequential. Under § 85-2-404(2), MCA, "if an appropriator ceases to use all or part of an appropriation right or ceases using the appropriation right according to its terms and conditions for a period of ten successive years and there was water available for use, there is a prima facie presumption that the appropriator has abandoned the right for the part not used." Under § 85-2-227, MCA, "a showing of a long period of continuous non-use raises a rebuttable presumption of abandonment." *Skelton Ranch, Inc. v. Pondera Cnty. Canal & Reservoir Co.*, 2014 MT 167, ¶ 53, 375 Mont. 327, 328 P.3d 644 (citing *79 Ranch*, 666 P.2d at 219). The period of non-use under § 85-2-227, MCA, has been developed in common law, which established that nine years of non-use can be "very potent evidence, if it stood alone, of an intention to abandon." *Smith v. Hope Mining Co.*, 18 Mont. 432, 438, 45 P. 632 (1896). The main difference between the two statutes is that § 85-2-404(2), MCA, creates a prima facie presumption of abandonment, whereas § 85-2-227, MCA, creates a rebuttable presumption of abandonment. But as the Court has already stated in this case, claims 76H 147812-00 and 76H 214439-00 have not yet been included in a final decree. Connell therefore can raise an abandonment

challenge before the Water Court despite citing the incorrect statute. Thus, the Court analyzes Connell's argument under the authority of § 85-2-227, MCA.

The parties do not dispute that water was used for the beaver pond commercial purpose, but the beaver pen commercial use ended in the mid-1990s, approximately thirty years ago. Thirty years of non-use is sufficient time to raise rebuttable presumption of abandonment under the case law followed by the Water Court, as applied to existing rights. *E.g.*, *In re Clark Fork River* (City of Deer Lodge), 254 Mont. 11, 16, 833 P.2d 1120 (1992) ("twenty-three plus years of continuous nonuse raised a rebuttable presumption that Deer Lodge had abandoned the water rights"); *79 Ranch*, 204 Mont. at 431 (forty years of nonuse "is strong evidence of an intent to abandon a water right").

Although YC Properties does not dispute the lengthy period for the commercial nonuse, it argues the Court should not accept the abandonment assertions because its predecessors leased the property for livestock and agricultural use, as stated in the Robert Vining affidavits. YC Properties contends that since stock water use and irrigation use both are recognized as beneficial uses of water, no lengthy period of nonuse occurred. YC Properties argues the beneficial use was continuous despite

Even accepting YC Properties' arguments that the property leases support a sufficient inference of water use, two factors complicate its position. First, there is no dispute that neither YC Properties nor its predecessors filed statements of claim for either the stock water use or the irrigation use that YC Properties argues qualify as beneficial use. Montana law is clear that failure to file a statement of claim "establishes a conclusive presumption of abandonment of that right." Section 85-2-226, MCA; *In re Yellowstone River*, 253 Mont. 167, 832 P.2d 1210 (1992). Because YC Properties' predecessors did not file statements of claim for either stock or irrigation use, the Preliminary Decree did not include these uses as decreed rights. That means neither YC Properties nor its predecessors ever possessed a valid pre-1973 water right authorizing the stock or irrigation water uses YC Properties claims were sufficient to maintain the claims and preclude a presumption of abandonment. Section 85-2-301, MCA. As to the water right YC Properties and its predecessors did have, YC Properties offers no evidence of

beneficial use for commercial purposes for the past thirty years, which is long enough to demonstrate abandonment.

Second, the undisputed facts demonstrate that neither YC Properties nor its predecessors ever applied for or received authorization for a new permit or change the purpose of water use from commercial use to stock, irrigation, or any other use after the beaver pen operation ceased in the 1990s, approximately thirty years ago. Absent an approved permit or change authorization, stock or irrigation water use failed to comply with the Water Use Act provisions governing new or changed water uses. Section 85-2-302, MCA. The undisputed facts that the uses YC Properties claims as beneficial use of water were not authorized under the applicable provisions of the Water Use Act. In short, for about thirty years, neither YC Properties nor its predecessors have held a valid water right for the non-commercial uses YC Properties claim as beneficial.

The Water Court has previously addressed the relationship between unauthorized water use and abandonment in *In re Zier*, Case 43N-3, 2016 Mont. Water LEXIS 5. *Zier* involved a challenge to the validity of a water right that claimed wastewater as its source. When the wastewater source diminished over time, the appropriator arranged to irrigate the property with excess water from a different source. No change application ever was filed, nor was a permit evidently ever sought. The Water Court ruled that without an approved change application, the appropriator “had no legal right to divert water from Sage Creek.” The Court went on to state that “failure to comply with applicable law is evidence of intent to abandon a water right.” *Zier*, at *11. In other words, when unauthorized water use occurs for a sufficiently long period of time, the unauthorized use becomes the functional equivalent of intent to abandon a water right.

YC Properties argues *Zier* is distinguishable because it involved a failure to seek authorization to use a different source of water rather than failure to seek authorization for a different purpose from the same source. (Doc. 51.00, at 10, n. 3). This argument is not persuasive. A change in the purpose of use is a “change in appropriation right.” Section 85-2-102(7)(a), MCA. *Zier* held that failure to obtain approval for a changed water right is evidence of abandonment. Like the appropriator in *Zier*, neither YC

Properties nor its predecessors ever sought authorization when the Water Use Act required it. *Zier* provides proper precedent to treat such failure as evidence of abandonment.

Although YC Properties offers no evidence of commercial water use after the mid-1990s, it raises several other arguments as to why the Court should not conclude the two water right claims are abandoned. YC Properties first relies on the abandonment statute which states:

If an appropriator ceases to use all or a part of an appropriation right with the intention of wholly or partially abandoning the right or if the appropriator ceases using the appropriation right according to its terms and conditions with the intention of not complying with those terms and conditions, the appropriation right is, to that extent, considered abandoned and must immediately expire.

Section 85-2-404(1), MCA.

As YC Properties interprets this statute, noncompliant water use is relevant to an abandonment analysis only after the Court issues a final decree for a basin. Because the Water Court has not yet issued a final decree in the Bitterroot basin, YC Properties reasons by negative implication that the Water Use Act tacitly precludes evidence of noncompliant water use in an intent to abandon inquiry. While creative, this argument does not stand up to scrutiny. The abandonment statute specifically says the provisions of § 85-2-404(1) do not apply to existing rights in basins prior to final decree. Section 85-2-404(5), MCA. Moreover, this argument could lead to the perverse result of rewarding parties who fail to comply with the statutory obligation to obtain a change authorization when the water use purpose changes. Section 85-2-402, MCA. The more logical approach, and one consistent with *Zier* is to treat the lack of an application to change the purpose of use as evidence of intent to abandon the only water rights that ever existed, which were limited to commercial use. This conclusion is underscored by YC Properties' failure to offer evidence of any viable excuse for the lack of a change application.³

³ In its response to Connolly and Spaan, YC Properties suggests that in *Hoon v. Murphy*, 2020 MT 50, 399 Mont. 110, 460 P.3d 849, the Supreme Court held the lack of change filings is not relevant to determination of historical use. (Doc. 53.00, at 13). To the extent YC Properties asserts *Zier* is inconsistent with *Hoon*, YC Properties is not correct. *Hoon* only stands for the unremarkable proposition

Next, YC Properties contends that the irrigation and stock water use were contemplated by the groundwater notice, and its predecessors “merely failed to formally change the purpose of use of the claims back to the uses originally claimed in the declaration of groundwater rights.” (Doc. 53.00, at 12). Here YC Properties seems to ask the Court to treat a groundwater declaration as legally equivalent to a statement of claim. The Supreme Court upheld the Water Court’s rejection of this theory in *In re Hurd*, 2022 MT 120, 409 Mont. 79, 512 P.3d 256. There is no evidence that YC Properties, or its predecessors timely filed a statement of claim for either irrigation or stock water use. The groundwater declaration does not cure this oversight.

Finally, after briefing was complete on the motions, YC Properties filed a notice of supplemental authority referring the Court to the case *In re Red Dog Ranch*, DCERT-0003-WC-2024, 2025 Mont. Water LEXIS 92. In *Red Dog Ranch*, the Water Court precluded an objector in a DNRC change proceeding from asserting an abandonment argument when the objector failed to raise the abandonment objection during the objection period that followed issuance of a preliminary decree.

YC Properties reads too much into the *Red Dog Ranch* case. *Red Dog Ranch* stands for the limited proposition that if an objector with knowledge of facts supporting abandonment fails to object to a claim on abandonment grounds during a decree objection phase, the objector waives the right to raise the same argument in a future change proceeding. As to the rights at issue in this case, the Subbasin 76HF Preliminary Decree objection period closed in 1998. The ruling in *Red Dog Ranch* only would be potentially applicable if the abandonment facts were available and ignored during the objection period.

The facts as to nonuse of the commercial use of water are much different today than in 1998. *Red Dog Ranch* does not stand for the proposition that abandonment always is waived if not raised during an objection period. Rather, the case is limited to situations

that the Water Court lacks authority to pursue violations of the Water Use Act. *Hoon* does not say the Court cannot consider the lack of a change application when making an abandonment determination under § 85-2-227(2), MCA, which plainly authorizes the Court to consider post-1973 evidence in making an abandonment determination.

where abandonment facts do exist during a decree objection period but are raised in an abandonment objection. If, as here, nonuse facts ripen into an abandonment period after the objection period closes, the Water Court retains jurisdiction to rule on an abandonment challenge raised prior to a final decree. Section 85-2-227, MCA. By filing its post-decree motion to amend, YC Properties put the claims at issue and opened them to abandonment objections, which the undisputed facts establish as valid objections.

C. YC Properties' Cross-Motion for Summary Judgment.

YC Properties asks the Court to grant its motion to amend on the basis that there is no dispute as to the existence of the pond before July 1, 1973, and there is no dispute the pond continued to be used for stock and irrigation after the beaver pen operation ceased. Given the Court's determination the claims are abandoned, there is nothing left to amend.

ORDER

Therefore, it is ORDERED that the motions for summary judgment filed by Connell, Connolly, and Spaan are GRANTED. The motion for summary judgment and the motion to amend are DENIED. Claims 76H 147812-00 and 76H 214439-00 are DISMISSED.

ELECTRONICALLY SIGNED AND DATED BELOW.

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
WESTSIDE SUBBASIN- BITTERROOT RIVER
BASIN 76H**

Water Right Number: **76H 147812-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: **DISMISSED**

Owners: YC PROPERTIES LLC
 1050 SATCOM LN
 MELBOURNE, FL 32940-7010

Priority Date:

Type of Historical Right:

Purpose (Use): COMMERCIAL

Flow Rate:

Volume:

Source Name: GROUNDWATER

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
WESTSIDE SUBBASIN- BITTERROOT RIVER
BASIN 76H**

Water Right Number: 76H 214439-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: DISMISSED

Owners: YC PROPERTIES LLC
1050 SATCOM LN
MELBOURNE, FL 32940-7010

Priority Date:

Type of Historical Right:

Purpose (Use): COMMERCIAL

Flow Rate:

Volume:

Source Name: GROUNDWATER

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.