

Montana Water Court
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MONTANA WATER COURT
LOWER MISSOURI DIVISION
MILK RIVER BELOW WHITEWATER CREEK INCLUDING PORCUPINE CREEK
BASIN 400
INTERLOCUTORY DECREE

* * * * *

CLAIMANTS: Cornwell Ranch; **State of Montana Board of Land
Commissioners**

OBJECTOR: State of Montana Board of Land Commissioners

CASE 40O-0080-I-2024

40O 30136085
40O 30137029
40O 30172458
40O 30172459

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 have **13 days** from the service date of the notice of filing of this report to file a written objection or request an extension of the objection period. Rule 23, Water Right Adjudication Rules; Rule 6, Montana Rules of Civil Procedure. 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 State of Montana Board of Land Commissioners ["TLMD"] objected to each of these claims. Claim 40O 30136085 appeared in the Interlocutory Decree with the following remark:

THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. THE PLACE OF USE APPEARS TO BE ON

STATE LAND.

Claim 400 30137029 appeared in the Interlocutory Decree with the following remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 400 30106755, 400 30136648, 400 30137029, 400 30143250.

THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OF THE PLACE OF USE APPEARS TO BE ON STATE LAND.

THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. THE PLACE OF USE APPEARS TO BE ON FEDERAL LAND.

On August 20, 2025 Cornwell Ranch's Statement And Unopposed Motion To Amend Claims To Resolve Issue Remarks And Objections ["Unopposed Motion To Amend Claims"] pursuant to section 85-2-233(6), MCA. The first paragraph of the Unopposed Motion To Amend Claims states: "*This Statement and Unopposed Motion* was provided to counsel for TLMD, who indicated that adoption of the modifications requested in Part I(c) of this *Statement and Unopposed Motion*, will resolve TLMD's objections to the above captioned claims in this case."

The Unopposed Motion To Amend is 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.

The Montana Water Court has jurisdiction to review a motion to amend pursuant to section 85-2-233(6), MCA.

Rule 15 M.R.Civ.P. restricts the scope of the amendments to the conduct, transaction, or occurrence set forth in the original pleading or, in other words, the "same set of operative facts as contained in the original pleading." *Sooy v. Petrolane Steel Gas, Inc.*, 218 Mont. 418, 422-423, 708 P.2d 1014, 1017 (1985). The requested amendment "merely makes more specific that which has already been alleged." *Prentice Lumber Company v. Hukill*, 161 Mont. 8, 15, 504 P.2d 277, 281 (1972).

Notice must be published by newspaper if the requested amendments "may adversely affect other water rights." Section 85-2-233(6)(a)(i), MCA.

If, at the time an appropriation is made, the appropriator is a lessee of school trust land

and if the lessee makes and uses the appropriation on school trust land, the appropriation is owned by the State of Montana rather than the lessee. *Department of State Lands v. Pettibone*, 216 Mont. 361, 702 P.2d 948 (1985). Implicit in this rule is the determination that the land was indeed fully vested as state land at the time the appropriation was made. *See Findings of Fact, Conclusions of Law, and Memorandum*, Case No. 43A-A, June 29, 2000; *Opinion* (page 3), Case No. 41G-190, July 19, 2005, and *Opinion*, Case No. 41G-3, August 3, 2005.

“‘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 15:

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 claimants amending their own claims. Rule 19, W.R.Adj.R.

FINDINGS OF FACT

1. The changes requested in the Unopposed Motion to Amend Claims arise out of the same conduct, transaction, or occurrence specified on the original Statements of Claim, are based on the same operative facts specified in the original Statements of Claim, and merely make more specific that which was already claimed on the original Statements of Claim.

2. Paragraph I.c. of the Unopposed Motion To Amend Claims states:

TLMD filed objections to both of the above-captioned claims in this case and asserted ownership of certain places of use and points of diversion claimed by both claims which are situated entirely upon, or on a portion of, State Lands and which have a claimed priority date post-dating the State's acquisition of these State Lands. Cornwell Ranch agrees with TLMD as to the water right claims that claimed places of use and points of diversion on State Lands that were acquired by the State prior to the priority date of each respective claim.

The Unopposed Motion To Amend Claims does not include changing any elements of the claimed rights – it is an apportionment of the claimed rights between Cornwell Ranch and TLMD.

3. Claim 400 30136085 should be used for the Cornwell Ranch portion of the claimed right. Claim 400 30172458 should be used for the TLMD portion of the claimed right.

4. For claim 400 30136085, the Interlocutory Decree includes source name: UNNAMED TRIBUTARY OF CHERRY CREEK, WEST FORK, and includes points of diversion and places of use in the W2, NWNE, E2SW, and S2SE of section 16, T31N, R39E, VALLEY. These should all be removed. The issue remark concerning the ownership and place of use should be removed as addressed and resolved.

The abstract also includes the following notice remark:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 400 DECREE ISSUED 05/24/1995.

This remark should be removed as having served its notice purpose.

5. The elements of implied claim 400 30172458 should be the same as 400 30136085 except the owner should be MONTANA STATE BOARD OF LAND COMMISSIONERS – FORESTRY AND TRUST LANDS DIVISION; the source names should be CHERRY CREEK, WEST FORK and UNNAMED TRIBUTARY OF CHERRY CREEK, WEST FORK, and the points of diversion and places of use should be the W2, NWNE, E2SW, and S2SE of section 16, T31N, R39E, VALLEY.

6. Claim 400 30137029 should be used for the Cornwell Ranch portion of the claimed right. Claim 400 30172459 should be used for the TLMD portion of the claimed right.

7. For claim 400 30137029, the Interlocutory Decree includes points of diversion and places of use on an UNNAMED TRIBUTARY OF CROOKED CREEK in section 16, and on CROOKED CREEK in the NWNW NW of section 16, both in T32N, R39E, VALLEY. These should be removed. The issue remark concerning the ownership and place of use on State Land should be removed as addressed and resolved.

The United States of America did not object to this claim. The issue remark concerning the ownership and place of use on Federal land should be removed as the United States of America had notice of this remark and did not pursue the possible issue raised.

The abstract also includes the following notice remark:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 400 DECREE ISSUED 05/24/1995.

This remark and the notice remark concerning multiple claims with overlapping places of use should be removed as having served their notice purposes.

8. The elements of implied claim 400 30172459 should be the same as 400 30137029 except the owner should be MONTANA STATE BOARD OF LAND COMMISSIONERS – FORESTRY AND TRUST LANDS DIVISION; the source names should be CROOKED CREEK and UNNAMED TRIBUTARY OF CROOKED CREEK, and the points of diversion and places of use should be section 16 (for the UNNAMED TRIBUTARY OF CROOKED CREEK) and the NWNW NW of section 16 (for CROOKED CREEK), all in T32N, R39E, VALLEY.

CONCLUSIONS OF LAW

1. The requested amendments do not adversely affect other water rights as they are removals of claimed points of diversion which do not make any change to the actual historical use of the claimed rights on the ground. Notice by publication of these amendments is not required. Section 85-2-233(6), MCA.

2. Each requested amendment “merely makes more specific that which has already been alleged.” *Prentice Lumber Company v. Hukill*, 161 Mont. 8, 15, 504 P.2d 277, 281 (1972).

3. Statements of Claim 400 30136085 and 400 30137029 plus the information provided in the Unopposed Motion To Amend Claims are sufficient to generate implied claims, sufficient

to contradict and overcome the *prima facie* claims, and sufficient to resolve the issue remarks without evidentiary hearing. Section 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 grant the Unopposed Motion to Amend Claims, generate implied claims 400 30172458 and 400 30172459, and make the changes specified in the Findings of Fact to correct the Interlocutory Decree for this Basin. A Post Decree Abstract of Water Right Claim for each 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:

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Note: Caption Updated 12/5/2025

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK
BASIN 40O

Water Right Number: **40O 30136085 STATEMENT OF CLAIM**

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: CORNWELL RANCH
PO BOX 1031
GLASGOW, MT 59230-1031

Priority Date: AUGUST 31, 1915

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 STOCKWATERING 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: CHERRY CREEK, WEST FORK

Source Type: SURFACE WATER

***Source Name:** UNNAMED TRIBUTARY OF CHERRY CREEK

Source Type: SURFACE WATER

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

| ID | Govt Lot | Qtr | Sec | Twp | Rge | County |
|-----------|-----------------|------------|------------|------------|------------|---------------|
| 1 | | NE | 9 | 31N | 39E | VALLEY |

Source Name: UNNAMED TRIBUTARY OF CHERRY CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

| | | | | | |
|---|------|---|-----|-----|--------|
| 2 | W2SE | 9 | 31N | 39E | VALLEY |
|---|------|---|-----|-----|--------|

Source Name: CHERRY CREEK, WEST FORK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

| | | | | | |
|---|------|---|-----|-----|--------|
| 3 | S2SE | 4 | 31N | 39E | VALLEY |
|---|------|---|-----|-----|--------|

***Source Name:** UNNAMED TRIBUTARY OF CHERRY CREEK

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 | Twp | Rge | County |
|-----------|--------------|-----------------|------------|------------|------------|------------|---------------|
| 1 | | | NE | 9 | 31N | 39E | VALLEY |

| | | | | | |
|---|------|---|-----|-----|--------|
| 2 | W2SE | 9 | 31N | 39E | VALLEY |
| 3 | S2SE | 4 | 31N | 39E | VALLEY |

Remarks:

IMPLIED CLAIM NO. 40O 30172458 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK
BASIN 40O

Water Right Number: **40O 30172458** STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: MONTANA STATE BOARD OF LAND COMMISSIONERS
FORESTRY AND TRUST LANDS DIVISION
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: AUGUST 31, 1915

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 STOCKWATERING 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: CHERRY CREEK, WEST FORK

Source Type: SURFACE WATER

Source Name: UNNAMED TRIBUTARY OF CHERRY CREEK, WEST FORK

Source Type: SURFACE WATER

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

| ID | Govt Lot | Qtr | Sec | Twp | Rge | County |
|-----------|-----------------|------------|------------|------------|------------|---------------|
| 1 | | W2 | 16 | 31N | 39E | VALLEY |

Source Name: CHERRY CREEK, WEST FORK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

| | | | | | | |
|---|--|------|----|-----|-----|--------|
| 2 | | NWNE | 16 | 31N | 39E | VALLEY |
|---|--|------|----|-----|-----|--------|

Source Name: CHERRY CREEK, WEST FORK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

| | | | | | | |
|---|--|------|----|-----|-----|--------|
| 3 | | E2SW | 16 | 31N | 39E | VALLEY |
|---|--|------|----|-----|-----|--------|

Source Name: UNNAMED TRIBUTARY OF CHERRY CREEK, WEST FORK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

| | | | | | | |
|---|--|------|----|-----|-----|--------|
| 4 | | S2SE | 16 | 31N | 39E | VALLEY |
|---|--|------|----|-----|-----|--------|

Source Name: UNNAMED TRIBUTARY OF CHERRY CREEK, WEST FORK

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 | | | W2 | 16 | 31N | 39E | VALLEY |
| 2 | | | NWNE | 16 | 31N | 39E | VALLEY |
| 3 | | | E2SW | 16 | 31N | 39E | VALLEY |
| 4 | | | S2SE | 16 | 31N | 39E | VALLEY |

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 400 30136085.

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40O INTERLOCUTORY DECREE ISSUED 01/11/2024.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK
BASIN 40O

Water Right Number: **40O 30137029** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: CORNWELL RANCH
PO BOX 1031
GLASGOW, MT 59230-1031

Priority Date: AUGUST 31, 1915

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 STOCKWATERING 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:** CROOKED CREEK

Source Type: SURFACE WATER

***Source Name:** UNNAMED TRIBUTARY OF SPRING CREEK

Source Type: SURFACE WATER

***Source Name:** UNNAMED TRIBUTARY OF CROOKED CREEK

Source Type: SURFACE WATER

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

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------------------|------------------------------------|------------|------------|------------|---------------|
| 1 | | E2SE | 22 | 31N | 38E | VALLEY |
| | Source Name: | CROOKED CREEK | | | | |
| | Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| | Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 2 | | W2 | 23 | 31N | 38E | VALLEY |
| | Source Name: | CROOKED CREEK | | | | |
| | Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| | Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 3 | | NWNE | 23 | 31N | 38E | VALLEY |
| | Source Name: | CROOKED CREEK | | | | |
| | Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| | Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 4 | | E2E2 | 14 | 31N | 38E | VALLEY |
| | Source Name: | UNNAMED TRIBUTARY OF CROOKED CREEK | | | | |

| | | | | | |
|-----------------------------|------------------------------------|-----|-----|--------|--------|
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 5 | SE | 14 | 31N | 38E | VALLEY |
| Source Name: | CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 6 | E2SE | 11 | 31N | 38E | VALLEY |
| Source Name: | UNNAMED TRIBUTARY OF CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 7 | S2N2 | 12 | 31N | 38E | VALLEY |
| Source Name: | UNNAMED TRIBUTARY OF CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 8 | S2 | 12 | 31N | 38E | VALLEY |
| Source Name: | UNNAMED TRIBUTARY OF CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 9 | 13 | 31N | 38E | VALLEY | |
| Source Name: | UNNAMED TRIBUTARY OF CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 10 | S2 | 13 | 31N | 38E | VALLEY |
| *Source Name: | CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 11 | 7 | 31N | 39E | VALLEY | |
| Source Name: | UNNAMED TRIBUTARY OF CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 12 | SESESE | 7 | 31N | 39E | VALLEY |
| Source Name: | CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 13 | S2 | 6 | 31N | 39E | VALLEY |
| Source Name: | UNNAMED TRIBUTARY OF CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 14 | 18 | 31N | 39E | VALLEY | |
| Source Name: | UNNAMED TRIBUTARY OF CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |

| | | | | | | |
|-----------------------------|------------------------------------|------|----|-----|-----|--------|
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | | |
| 15 | | S2N2 | 18 | 31N | 39E | VALLEY |
| Source Name: | CROOKED CREEK | | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | | |
| 16 | | N2S2 | 18 | 31N | 39E | VALLEY |
| Source Name: | CROOKED CREEK | | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | | |
| 17 | | NENE | 18 | 31N | 39E | VALLEY |
| Source Name: | CROOKED CREEK | | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | | |
| 18 | | W2NW | 17 | 31N | 39E | VALLEY |
| Source Name: | CROOKED CREEK | | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | | |
| 19 | | W2 | 17 | 31N | 39E | VALLEY |
| *Source Name: | UNNAMED TRIBUTARY OF SPRING CREEK | | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | | |
| 20 | | N2NW | 17 | 31N | 39E | VALLEY |
| *Source Name: | UNNAMED TRIBUTARY OF CROOKED CREEK | | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | | |
| 21 | | W2W2 | 8 | 31N | 39E | VALLEY |
| Source Name: | CROOKED CREEK | | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | | |
| 22 | | W2 | 8 | 31N | 39E | VALLEY |
| Source Name: | UNNAMED TRIBUTARY OF CROOKED CREEK | | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | | |
| 23 | | W2 | 5 | 31N | 39E | VALLEY |
| Source Name: | CROOKED CREEK | | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | | |
| 24 | | W2SW | 5 | 31N | 39E | VALLEY |
| Source Name: | UNNAMED TRIBUTARY OF CROOKED CREEK | | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | | |
| 25 | | W2E2 | 32 | 32N | 39E | VALLEY |

| | | | | | |
|-----------------------------|------------------------------------|----|-----|-----|--------|
| Source Name: | CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 26 | SESW | 32 | 32N | 39E | VALLEY |
| Source Name: | CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 27 | S2NE | 32 | 32N | 39E | VALLEY |
| Source Name: | UNNAMED TRIBUTARY OF CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 28 | E2 | 29 | 32N | 39E | VALLEY |
| Source Name: | CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 29 | E2 | 20 | 32N | 39E | VALLEY |
| Source Name: | CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 30 | E2 | 20 | 32N | 39E | VALLEY |
| Source Name: | UNNAMED TRIBUTARY OF CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 31 | E2 | 17 | 32N | 39E | VALLEY |
| Source Name: | UNNAMED TRIBUTARY OF CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 32 | E2E2 | 17 | 32N | 39E | VALLEY |
| Source Name: | CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 33 | E2SE | 8 | 32N | 39E | VALLEY |
| Source Name: | UNNAMED TRIBUTARY OF CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 34 | S2 | 9 | 32N | 39E | VALLEY |
| Source Name: | UNNAMED TRIBUTARY OF CROOKED CREEK | | | | |
| Period of Diversion: | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 35 | W2SW | 9 | 32N | 39E | VALLEY |
| Source Name: | CROOKED CREEK | | | | |

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 | | | E2SE | 22 | 31N | 38E | VALLEY |
| 2 | | | W2 | 23 | 31N | 38E | VALLEY |
| 3 | | | NWNE | 23 | 31N | 38E | VALLEY |
| 4 | | | E2E2 | 14 | 31N | 38E | VALLEY |
| 5 | | | SE | 14 | 31N | 38E | VALLEY |
| 6 | | | E2SE | 11 | 31N | 38E | VALLEY |
| 7 | | | S2N2 | 12 | 31N | 38E | VALLEY |
| 8 | | | S2 | 12 | 31N | 38E | VALLEY |
| 9 | | | | 13 | 31N | 38E | VALLEY |
| 10 | | | S2 | 13 | 31N | 38E | VALLEY |
| 11 | | | | 7 | 31N | 39E | VALLEY |
| 12 | | | SESESE | 7 | 31N | 39E | VALLEY |
| 13 | | | S2 | 6 | 31N | 39E | VALLEY |
| 14 | | | | 18 | 31N | 39E | VALLEY |
| 15 | | | S2N2 | 18 | 31N | 39E | VALLEY |
| 16 | | | N2S2 | 18 | 31N | 39E | VALLEY |
| 17 | | | NENE | 18 | 31N | 39E | VALLEY |
| 18 | | | W2NW | 17 | 31N | 39E | VALLEY |
| 19 | | | W2 | 17 | 31N | 39E | VALLEY |
| 20 | | | N2NW | 17 | 31N | 39E | VALLEY |
| 21 | | | W2W2 | 8 | 31N | 39E | VALLEY |
| 22 | | | W2 | 8 | 31N | 39E | VALLEY |
| 23 | | | W2 | 5 | 31N | 39E | VALLEY |
| 24 | | | W2SW | 5 | 31N | 39E | VALLEY |
| 25 | | | W2E2 | 32 | 32N | 39E | VALLEY |
| 26 | | | SESW | 32 | 32N | 39E | VALLEY |
| 27 | | | S2NE | 32 | 32N | 39E | VALLEY |
| 28 | | | E2 | 29 | 32N | 39E | VALLEY |
| 29 | | | E2 | 20 | 32N | 39E | VALLEY |
| 30 | | | E2 | 20 | 32N | 39E | VALLEY |
| 31 | | | E2 | 17 | 32N | 39E | VALLEY |
| 32 | | | E2E2 | 17 | 32N | 39E | VALLEY |
| 33 | | | E2SE | 8 | 32N | 39E | VALLEY |
| 34 | | | S2 | 9 | 32N | 39E | VALLEY |
| 35 | | | W2SW | 9 | 32N | 39E | VALLEY |

Remarks:

IMPLIED CLAIM NO. 40O 30172459 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK
BASIN 40O

Water Right Number: **40O 30172459** STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: MONTANA STATE BOARD OF LAND COMMISSIONERS
FORESTRY AND TRUST LANDS DIVISION
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: AUGUST 31, 1915

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 STOCKWATERING 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: CROOKED CREEK

Source Type: SURFACE WATER

Source Name: UNNAMED TRIBUTARY OF CROOKED CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| ID | Govt Lot | Qtr | Sec | Twp | Rge | County |
|-----------|-----------------|------------|------------|------------|------------|---------------|
| 1 | | | 16 | 32N | 39E | VALLEY |

Source Name: UNNAMED TRIBUTARY OF CROOKED CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

| | | | | | |
|---|--------|----|-----|-----|--------|
| 2 | NWNWNW | 16 | 32N | 39E | VALLEY |
|---|--------|----|-----|-----|--------|

Source Name: CROOKED CREEK

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 | Twp | Rge | County |
|-----------|--------------|-----------------|------------|------------|------------|------------|---------------|
| 1 | | | | 16 | 32N | 39E | VALLEY |
| 2 | | NWNWNW | | 16 | 32N | 39E | VALLEY |

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40O 30137029.

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40O INTERLOCUTORY DECREE ISSUED 01/11/2024.