

Montana Water Court  
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**IN THE WATER COURT OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
MUSSELSHELL RIVER ABOVE ROUNDUP BASIN (40A)  
PRELIMINARY DECREE**

\* \* \* \* \*

CLAIMANTS: McFarland White Ranch Inc.

OBJECTOR: McFarland White Ranch Inc.

ON MOTION OF THE MONTANA WATER COURT

**CASE 40A-0364-R-2022**

40A 110011-00	40A 145870-00
40A 110017-00	40A 145871-00
40A 110018-00	40A 145872-00
40A 110019-00	40A 145873-00
40A 110021-00	40A 145874-00
40A 110022-00	40A 145875-00
40A 110024-00	40A 211043-00
40A 110025-00	40A 211587-00
40A 110026-00	40A 211592-00
40A 110027-00	40A 211593-00
40A 110028-00	40A 211594-00
40A 110031-00	40A 211596-00
40A 110033-00	40A 211597-00
40A 110034-00	40A 211598-00
40A 110038-00	40A 211600-00
40A 110039-00	40A 211603-00

**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 to 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 claims listed above appeared in the Preliminary Decree for the Musselshell River, above Roundup (Basin 40A). McFarland White Ranch Inc. ("McFarland") filed objections to some of the claims in this case. Each claim also received one or more issue remarks from the Department of Natural Resources and Conservation ("DNRC") identifying potential legal or factual issues with the claim. The Court called certain claims in on its own motion to provide notice of potential issues raised by a February 11, 2002, Stipulation in Case 40A-264. The Court consolidated the above-captioned claims into Case 40A-364-R-2022 to address the issues and objections.

McFarland requested amendments to the claims to resolve the issue remarks and objections. Docs. 5.00, 9.00, 15.00.<sup>1</sup>

Certain amendments requested by McFarland had the potential to adversely affect other water rights, so the Court required McFarland to publish notice of those changes once a week for three consecutive weeks in two newspapers of general circulation in the basin pursuant to §85-2-33(6), MCA. After publication, no parties objected to the amendments requested by McFarland.

### **FINDINGS OF FACT**

#### On Motion Issue:

1. The Water Court called claims 40A 211587-00, 40A 211592-00, 40A 211593-00, 40A 211594-00, 40A 211596-00, 40A 211597-00, 40A 211598-00, 40A 211600-00, 40A 211603-00 in on its own motion to provide notice of potential issues raised by a February 11, 2002 stipulation involving the claims. The Court stated that the

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<sup>1</sup> "Doc." refers to the docket number of a document filed in the Water Court's Full Court Enterprise Case Management system.

on-motion issue was solely to provide notice in the Preliminary Decree, and that if the notice did not result in objections or notices of intent to appear, the Court would take no further action pertaining to the on-motion issue. Order Calling Claims in on Motion of the Water Court, March 13, 2018. Notice was provided on the objection list in the Preliminary Decree, and it did not draw objections or notices of intent to appear.

Late Objection Issue Remarks:

2. A February 11, 2004, Stipulation filed in Case 40A-81A requested changes to elements of the following claims following the Temporary Preliminary Decree: 40A 110039-00, 40A 145872-00, 40A 145873-00, 40A 145874-00. Each of these claims received a late objection issue remark providing notice of the requested modifications in the Preliminary Decree. The requested modifications are supported by the Stipulation, supporting map, decree documents, and findings and conclusions of the Master's Report in case 40A-81A.

Decree Exceeded Issue Remarks:

3. The following claims received issue remarks stating that they are filed on the same formerly decreed water right, but the sum of the claimed flow exceeds the amount decreed ("Decree Exceeded Remarks"): 40A 110021-00 and 40A 211597-00, 40A 110026-00 and 40A 211603-00, 40A 110033-00 and 40A 211594-00, 40A 110034-00 and 40A 211596-00, 40A 145875-00 and 40A 211592-00.

Each of these claim numbers beginning with 211xxx is a late-filed claim with a priority date of June 30, 1973, but states that it is based on the same decreed right as a corresponding timely-filed claim. McFarland explains that while each timely-filed claim correctly claimed a decreed right, the late claim in each pair was intended to reflect McFarland's historical use of high water in the source over the decreed amount. McFarland's historical use of highwater has been previously recognized by the Court, and no party opposed McFarland's request to amend the claims in this Case. See, Case 40A-264, Order Adopting Master's Report Regarding Highwater, May 4, 2017, at 4. McFarland has supplied evidence in support of the historical flow rate and period of diversion, which further delineate the late-filed claims as highwater use claims limited by

early-season use and ditch capacity. Docs. 9.00 and 15.00. Each of the late claims should be modified as requested to reflect highwater use and resolve the decree exceeded issues.

Point of Diversion and Flow Rate Issue Remarks:

4. Some claims also received issue remarks questioning their points of diversion or flow rates. The remarks on claims 40A 110018-00 and 40A 145874-00 questioning flow rates based on DNRC guidelines are insufficient to outweigh the prima facie weight of the decreed claims. McFarland submitted a response explaining that a reduction in the flow rate of claim 40A 110039-00 is appropriate to reflect the decreed amount.

McFarland agrees with the DNRC's proposed point of diversion modifications to claims 40A 110021-00 and 40A 211043-00. MacFarland explains that the point of diversion issue remark on 40A 110038-00 is partially correct, and the claim should be corrected by adding a secondary point of diversion recognized in 40A-264. Doc. 5.00 at 9-12.

McFarland Objections:

5. McFarland objected to the following claims to correct elements to reflect the claims as adjudicated in Case 40A-264: 40A 110011-00, 40A 110017-00, 40A 110018-00, 40A 110019-00, 40A 110021-00, 40A 110022-00, 40A 110024-00, 40A 110025-00, 40A 110026, 40A 110027-00, 40A 110028-00, 40A 110031-00, 40A 110033-00, 40A 110034-00, 40A 110038-00, 40A 145870-00, 40A 145871-00, and 40A 145875-00, and 40A 211043-00. McFarland's requested corrections are supported by the March 8, 2011 Master's Report and February 8, 2017 Order Amending and Adopting Master's Report In Part for McFarland White Ranch Inc. claims in Case 40A 264.

McFarland also objected to the following claims to correct elements to reflect the claims as adjudicated in Case 40A-81A: 40A 110039-00 and 40A 145872-00.

McFarland's requested corrections are supported by the April 22, 2004 Master's Report in Case 40A-81A.

Corrections:

6. The claims should be corrected as follows:

40A 110011-00

**Maximum Acres:** ~~100.00~~ **168.85**

**Period of Use:** ~~March 1 to November 15~~  
**March 1 to November 19**

**Period of Diversion:** ~~March 1 to November 15~~  
**March 1 to November 19**

40A 110017-00:

**Period of Use:** ~~March 1 to November 15~~  
**March 1 to November 19**

**Period of Diversion:** ~~March 1 to November 15~~  
**March 1 to November 19**

40A 110018-00

**Maximum Acres:** ~~126.87~~ **180.07**

**Period of Use:** ~~March 1 to November 15~~  
**March 1 to November 19**

**Period of Diversion:** ~~March 1 to November 15~~  
**March 1 to November 19**

**Place of Use**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
<del>1</del> 1	<del>53.20</del> 53.20		S	2S2	24	8N	13E	WHEATLAND
<del>2</del> 2	3.53		NW	NE	25	8N	13E	WHEATLAND
<del>3</del> 3	30.71		N	NE	25	8N	13E	WHEATLAND
<del>4</del> 4	6.43		NW	NW	25	8N	13E	WHEATLAND
<del>5</del> 5	7.93		S	EW	25	8N	13E	WHEATLAND
<del>6</del> 6	13.16		S	WNW	25	8N	13E	WHEATLAND
<del>7</del> 7	2.58		N	NE	26	8N	13E	WHEATLAND
<del>8</del> 8	2.80		NW	NE	26	8N	13E	WHEATLAND
<del>9</del> 9	31.47		S	E	26	8N	13E	WHEATLAND
<del>10</del> 10	16.06		S	WNE	26	8N	13E	WHEATLAND
<del>11</del> 11	3.93		N	ESE	26	8N	13E	WHEATLAND
<del>12</del> 12	8.27		NW	SE	26	8N	13E	WHEATLAND
<b>Total:</b>	<del>126.87</del> <b>180.07</b>							

40A 110019-00

**Maximum Acres:** ~~53.00~~ **139.00**

**Period of Use:** ~~March 1 to November 15~~  
**March 1 to November 19**

**Period of Diversion:** ~~March 1 to November 15~~  
**March 1 to November 19**

40A 110021-00

**Maximum Acres:** ~~103.00~~ **159.38**  
**Period of Use:** ~~March 1 to November 15~~  
**March 1 to November 19**  
**Period of Diversion:** ~~March 1 to November 15~~  
**March 1 to November 19**

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				SESWSE	2	7N	13E Wheatland
Diversion Means: Headgate							
2			NWSENW	35	<del>7N</del> <b><u>8N</u></b>	13E	Wheatland
Diversion Means: <del>Pump</del> <b><u>Headgate</u></b>							
<b><u>3</u></b>			<b><u>NESENW</u></b>	<b><u>35</u></b>	<b><u>8N</u></b>	<b><u>13</u></b>	<b><u>Wheatland</u></b>
Diversion Means: <b><u>Pump</u></b>							

40A 110022-00:

**Period of Use:** ~~March 1 to November 15~~  
**March 1 to November 19**  
**Period of Diversion:** ~~March 1 to November 15~~  
**March 1 to November 19**

40A 110024-00:

**Period of Use:** ~~March 1 to November 15~~  
**March 1 to November 19**  
**Period of Diversion:** ~~March 1 to November 15~~  
**March 1 to November 19**

40A 110025-00,

**Period of Use:** ~~March 1 to November 15~~  
**March 1 to November 19**  
**Period of Diversion:** ~~March 1 to November 15~~  
**March 1 to November 19**

40A 110026-00:

**Maximum Acres:** ~~126.87~~ **180.07**  
**Period of Use:** ~~March 1 to November 15~~  
**March 1 to November 19**  
**Period of Diversion:** ~~March 1 to November 15~~  
**March 1 to November 19**

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	53.20		S2S2	24	8N	13E	WHEATLAND
<del>4</del> 2	3.53		NWNE	25	8N	13E	WHEATLAND
<del>2</del> 3	30.71		NENW	25	8N	13E	WHEATLAND
<del>3</del> 4	6.43		NWNW	25	8N	13E	WHEATLAND
45	7.93		SENE	25	8N	13E	WHEATLAND
<del>5</del> 6	13.16		SWNW	25	8N	13E	WHEATLAND
<del>6</del> 7	2.58		NENE	26	8N	13E	WHEATLAND
<del>7</del> 8	2.80		NWNE	26	8N	13E	WHEATLAND
<del>8</del> 9	31.47		SENE	26	8N	13E	WHEATLAND
<del>9</del> 10	16.06		SWNE	26	8N	13E	WHEATLAND
<del>10</del> 11	3.93		NESE	26	8N	13E	WHEATLAND
<del>11</del> 12	8.27		NWSE	26	8N	13E	WHEATLAND
<b>Total:</b>	<del>426.87</del> <b>180.07</b>						

40A 110027-00:

**Period of Use:** ~~March 1 to November 15~~  
March 1 to November 19

**Period of Diversion:** ~~March 1 to November 15~~  
March 1 to November 19

40A 110028-00:

**Period of Use:** ~~March 1 to November 15~~  
March 1 to November 19

**Period of Diversion:** ~~March 1 to November 15~~  
March 1 to November 19

40A 110031-00:

**Period of Use:** ~~March 1 to November 15~~  
March 1 to November 19

**Period of Diversion:** ~~March 1 to November 15~~  
March 1 to November 19

40A 110033-00:

**Period of Use:** ~~March 1 to November 15~~  
March 1 to November 19

**Period of Diversion:** ~~March 1 to November 15~~  
March 1 to November 19

40A 110034-00:

**Period of Use:** ~~March 1 to November 15~~  
March 1 to November 19

**Period of Diversion:** ~~March 1 to November 15~~  
March 1 to November 19

40A 110038-00:

**Period of Use:** ~~March 1 to November 15~~  
**March 1 to November 19**  
**Period of Diversion:** ~~March 1 to November 15~~  
**March 1 to November 19**

**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		NWNENW	2	7N	13	Wheatland
Diversion Means: Headgate						
<u>2</u>		<u>SENWSW</u>	<u>35</u>	<u>8N</u>	<u>13E</u>	<u>Wheatland</u>
Diversion Means: <b><u>Pump</u></b>						

40A 110039-00:<sup>2</sup>

**Flow Rate:** ~~1.50~~ **1.25 CFS**  
**Source Name:** ~~Ohearn Creek~~ **American Fork**

**Point 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		NESESW	4	5N	12E	Sweet
		<u>SESWNE</u>	<u>10</u>			Grass

**Ditch Name:** **Riesland #2**

40A 145870-00:

**Maximum Acre:** ~~116.00~~ **457.69**  
**Period of Use:** ~~March 1 to November 15~~  
**March 1 to November 19**  
**Period of Diversion:** ~~March 1 to November 15~~  
**March 1 to November 19**

40A 145871-00:

**Period of Use:** ~~March 1 to November 15~~  
**March 1 to November 19**  
**Period of Diversion:** ~~March 1 to November 15~~  
**March 1 to November 19**

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<sup>2</sup> The 2004 Master's Report in Case 40A-81A did modify the flow rate of 40A 110039-00 to "1.50 cfs (50 miner's inches." Master's Report, Case 81A (April 22, 2004) at 2. This appears to have been a typo. 50 miner's inches is 1.25 cfs. The flow rate should be corrected (reduced) as requested by MacFarland to correct this clerical error.



40A 145872-00:

Maximum Acres: ~~50.30~~ **201.60**

Source Name: ~~Spring, Unnamed Tributary of Ohearn Creek~~  
**American Fork, North Fork**

Source Type: ~~Groundwater~~ **Surface Water**

Point 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		<del>NESWNW</del>	<del>10</del>	<del>5N</del>	<del>12E</del>	<del>Sweet</del>
		<b><u>SWSWSE</u></b>	<b><u>9</u></b>			<b>Grass</b>

Ditch Name: **Hopkins #3**

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>
<del>4</del>	<del>50.30</del>		<del>N2</del>	<del>10</del>	<del>5N</del>	<del>12E</del>	<del>SWEET GRASS</del>
<del>1</del>	<del>51.00</del>		<del>NW</del>	<del>10</del>	<del>5N</del>	<del>12E</del>	<del>SWEET GRASS</del>
<del>2</del>	<del>88.60</del>		<del>N2SW</del>	<del>10</del>	<del>5N</del>	<del>12E</del>	<del>SWEET GRASS</del>
<del>3</del>	<del>13.00</del>		<del>S2SW</del>	<del>10</del>	<del>5N</del>	<del>12E</del>	<del>SWEET GRASS</del>
<del>4</del>	<del>36.00</del>		<del>W2NE</del>	<del>10</del>	<del>5N</del>	<del>12E</del>	<del>SWEET GRASS</del>
<del>5</del>	<del>13.00</del>		<del>N2SE</del>	<del>10</del>	<del>5N</del>	<del>12E</del>	<del>SWEET GRASS</del>
<b>Total:</b>	<del>50.30</del> <b>201.60</b>						

40A 145873-00:

Maximum Acres: ~~101.90~~ **201.60**

Point 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		<del>NENENW</del>	<del>10</del>	<del>5N</del>	<del>12E</del>	<del>Sweet</del>
		<b><u>SWSWSE</u></b>	<b><u>9</u></b>			<b>Grass</b>

Ditch Name: **Hopkins #3**

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
<del>1</del>	<del>15.00</del>	<del>W2E2</del>	<del>10</del>	<del>5N</del>	<del>12E</del>	<del>SWEET GRASS</del>
<del>2</del>	<del>86.90</del>	<del>SW</del>	<del>10</del>	<del>5N</del>	<del>12W</del>	<del>SWEET GRASS</del>
<del>1</del>	<del>51.00</del>	<del>NW</del>	<del>10</del>	<del>5N</del>	<del>12E</del>	<del>SWEET GRASS</del>
<del>2</del>	<del>88.60</del>	<del>N2SW</del>	<del>10</del>	<del>5N</del>	<del>12E</del>	<del>SWEET GRASS</del>
<del>3</del>	<del>13.00</del>	<del>S2SW</del>	<del>10</del>	<del>5N</del>	<del>12E</del>	<del>SWEET GRASS</del>
<del>4</del>	<del>36.00</del>	<del>W2NE</del>	<del>10</del>	<del>5N</del>	<del>12E</del>	<del>SWEET GRASS</del>
<del>5</del>	<del>13.00</del>	<del>N2SE</del>	<del>10</del>	<del>5N</del>	<del>12E</del>	<del>SWEET GRASS</del>
<b>Total Acres:</b>	<del>101.90</del> <b>201.60</b>					

**Information Remark:** THE STIPULATION FILED FEBRUARY 11, 2004 IN CASE 40A-81A INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE FOLLOWING WATER RIGHTS MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS CLAIMED POINTS OF DIVERSION AND PLACES OF USE OF ANY OF THESE RIGHTS AS LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110039-00, 40A 145872-00, 40A 145873-00, 40A 145874-00.

40A 145874-00:

**Maximum Acres:** ~~101.90~~ **201.60**

**Point 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		NENENW	10	5N	12E	Sweet
		SWSWSE	9			Grass

**Ditch Name:** Hopkins #3

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
<del>1</del>	<del>15.00</del>	<del>W2E2</del>	<del>10</del>	<del>5N</del>	<del>12E</del>	<del>SWEET GRASS</del>
<del>2</del>	<del>86.90</del>	<del>SW</del>	<del>10</del>	<del>5N</del>	<del>12W</del>	<del>SWEET GRASS</del>
1	51.00	NW	10	5N	12E	SWEET GRASS
2	88.60	N2SW	10	5N	12E	SWEET GRASS
3	13.00	S2SW	10	5N	12E	SWEET GRASS
4	36.00	W2NE	10	5N	12E	SWEET GRASS
5	13.00	N2SE	10	5N	12E	SWEET GRASS

**Total Acres:** ~~101.90~~ **201.60**

**Information Remark:** THE STIPULATION FILED FEBRUARY 11, 2004 IN CASE 40A-81A INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE FOLLOWING WATER RIGHTS MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS CLAIMED POINTS OF DIVERSION AND PLACES OF USE OF ANY OF THESE RIGHTS AS LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110039-00, 40A 145872-00, 40A 145873-00, 40A 145874-00.

40A 145875-00:

**Maximum Acres:**

~~311.00~~ **506.52**

**Period of Use:**

March 1 to November 15

**March 1 to November 19**

**Period of Diversion:** ~~March 1 to November 15~~  
**March 1 to November 19**

40A 211043-00

**Period of Use:** ~~March 1 to November 15~~  
**March 1 to November 19**

**Period of Diversion:** ~~March 1 to November 15~~  
**March 1 to November 19**

**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		NWSE	35	8N	13E	Wheatland
Diversion Means: <del>Pump</del> <b><u>Headgate</u></b>						
<u>2</u>		<u>NESE</u>	<u>35</u>	<u>8N</u>	<u>13E</u>	<u>Wheatland</u>
Diversion Means: <b><u>Pump</u></b>						

40A 211592-00

**Priority Date:** ~~July 1, 1900~~ **June 30, 1973**

~~Enforceable Priority Date: June 30, 1973~~

**Type of Historical Right:** ~~Decreed~~ **Use**

**Flow Rate:** ~~5.83~~ **24.00** CFS

**Period of Diversion:** ~~April 15 to October 1~~ **July 1**

**Period of Use:** ~~April 15 to October 1~~ **July 1**

**Information Remark:** THE FOLLOWING HIGHWATER RIGHTS ARE DIVERTED INTO THE HILINE, ARTHUR-HARTT, JOHN CAMPBELL, AND MOORE WILLIAMS DITCHES: 40A 211592-00, 40A 211594-00, 40A 211596-00, AND 40A 211597-00. THE TOTAL DIVERTED FLOW RATE UNDER ANY INDIVIDUAL OR MARSHALLED COMBINATION OF THE HIGHWATER RIGHTS SHALL NOT EXCEED THE MAXIMUM DITCH CAPACITY FOR EACH RESPECTIVE DITCH.

40A 211593-00:

**Priority Date:** ~~June 30, 1898~~ **June 30, 1973**

~~Enforceable Priority Date: June 30, 1973~~

**Type of Historical Right:** ~~Decreed~~ **Use**

40A 211594-00

**Priority Date:** ~~June 15, 1897~~ **June 30, 1973**

~~Enforceable Priority Date: June 30, 1973~~

**Type of Historical Right:** ~~Decreed~~ **Use**

**Flow Rate:** ~~1.50~~ **8.10** CFS

**Period of Diversion:** ~~April 15 to October 1~~ **July 1**

**Period of Use:** April 15 to ~~October 1~~ July 1  
**Information Remark:** THE FOLLOWING HIGHWATER RIGHTS ARE DIVERTED INTO THE HILINE, ARTHUR-HARTT, JOHN CAMPBELL, AND MOORE WILLIAMS DITCHES: 40A 211592-00, 40A 211594-00, 40A 211596-00, AND 40A 211597-00. THE TOTAL DIVERTED FLOW RATE UNDER ANY INDIVIDUAL OR MARSHALLED COMBINATION OF THE HIGHWATER RIGHTS SHALL NOT EXCEED THE MAXIMUM DITCH CAPACITY FOR EACH RESPECTIVE DITCH.

40A 211596-00

**Priority Date:** ~~June 30, 1898~~ June 30, 1973  
~~Enforceable Priority Date: June 30, 1973~~  
**Type of Historical Right:** ~~Decreed~~ Use  
**Flow Rate:** ~~2.40~~ 15.00 CFS  
**Period of Diversion:** April 15 to ~~October 1~~ July 1  
**Period of Use:** April 15 to ~~October 1~~ July 1  
**Information Remark:** THE FOLLOWING HIGHWATER RIGHTS ARE DIVERTED INTO THE HILINE, ARTHUR-HARTT, JOHN CAMPBELL, AND MOORE WILLIAMS DITCHES: 40A 211592-00, 40A 211594-00, 40A 211596-00, AND 40A 211597-00. THE TOTAL DIVERTED FLOW RATE UNDER ANY INDIVIDUAL OR MARSHALLED COMBINATION OF THE HIGHWATER RIGHTS SHALL NOT EXCEED THE MAXIMUM DITCH CAPACITY FOR EACH RESPECTIVE DITCH.

40A 211597-00

**Priority Date:** ~~June 1, 1890~~ June 30, 1973  
~~Enforceable Priority Date: June 30, 1973~~  
**Type of Historical Right:** ~~Decreed~~ Use  
**Flow Rate:** ~~1.00~~ 24.00 CFS  
**Period of Diversion:** April 15 to ~~October 1~~ July 1  
**Period of Use:** April 15 to ~~October 1~~ July 1  
**Information Remark:** THE FOLLOWING HIGHWATER RIGHTS ARE DIVERTED INTO THE HILINE, ARTHUR-HARTT, JOHN CAMPBELL, AND MOORE WILLIAMS DITCHES: 40A 211592-00, 40A 211594-00, 40A 211596-00, AND 40A 211597-00. THE TOTAL DIVERTED FLOW RATE UNDER ANY INDIVIDUAL OR MARSHALLED COMBINATION OF THE HIGHWATER RIGHTS SHALL NOT EXCEED THE MAXIMUM DITCH CAPACITY FOR EACH RESPECTIVE DITCH.

40A 211603-00

**Priority Date:** ~~May 1, 1889~~ June 30, 1973  
~~Enforceable Priority Date: June 30, 1973~~  
**Type of Historical Right:** ~~Decreed~~ Use

**Flow Rate:** ~~2.30~~24.00 CFS  
**Period of Diversion:** April 15 to ~~October 5~~ July 1  
**Period of Use:** April 15 to ~~October 5~~ July 1  
**Information Remark:** THE FOLLOWING HIGHWATER RIGHTS ARE DIVERTED INTO THE MONTGOMERY FREESER, MONTGOMERY #2, MONTGOMERY #3, AND DUNNING #1 DITCHES: 40A 211603-00 AND 40A 211604-00. THE TOTAL DIVERTED FLOW RATE UNDER ANY INDIVIDUAL OR MARSHALLED COMBINATION OF THE HIGHWATER RIGHTS SHALL NOT EXCEED THE MAXIMUM DITCH CAPACITY FOR EACH RESPECTIVE DITCH.

### PRINCIPLES OF LAW

1. A properly filed claim of an existing right or an amended claim of existing 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.

2. The Water Court is not bound by settlement agreements. Settlement agreements are subject to review and approval of the Water Court. Rule 17, W.R.Adj.R. Where a settlement seeks to enlarge or expand an element of a claim, the documentation supporting the settlement must include sufficient evidence to meet the burden of proof. Rule 17(b), W.R.Adj.R.

3. Section 85-2-248(2), MCA requires the Water Court to resolve all issue remarks that are not resolved through the objection process. 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. § 85-2-248(3), MCA.

### CONCLUSIONS OF LAW

1. The Findings of Fact above are supported by a preponderance of the evidence. The claims should be modified as described above. The objections in this case are resolved.

2. The flow rate remark on claim 40A 110018-00 fails to overcome the prima facie status of the claim. The remaining substantive remarks are resolved by the

modifications described above. Some claims also received issue remarks that served only to provide notice to the claimants and other water users at the Preliminary Decree. Those remarks have served their notice purpose. The issue remarks should be removed from the claims.

3. The On Motion issue in this case is resolved. Notice of potential issues was provided on the Preliminary Decree objection list, and that notice did not draw objections.

### RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Master recommends that the Court modify the claims as described above and remove the issue remarks from the claims.

Abstracts reflecting the recommended changes is attached to this Report for review.

### **ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service Via Electronic Mail**

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Aislinn.brown@mt.gov

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 110011-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** JUNE 15, 1896

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.90 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110011-00, 40A 110033-00, AND 40A 110034-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

**\*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:** 168.85

**Source Name:** BIG ELK 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	14	6N	12E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** ARTHUR-HARTT DITCH

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 SPECIFIES THE ADDITION OF THE FOLLOWING REMARK: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

BEAR CREEK IS USED AS A NATURAL CARRIER TO DELIVER WATER TO A PORTION OF THE PLACE OF USE.

**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	0.55		NESE	12	6N	12E	WHEATLAND
2	7.95		SESE	12	6N	12E	WHEATLAND
3	10.41		NENE	13	6N	12E	WHEATLAND
4	15.58		NWNE	13	6N	12E	WHEATLAND
5	17.40		SENE	13	6N	12E	WHEATLAND
6	16.49		SWNE	13	6N	12E	WHEATLAND
7	1.36		NENW	13	6N	12E	WHEATLAND
8	6.56		SENE	13	6N	12E	WHEATLAND
9	13.58		NWSE	13	6N	12E	WHEATLAND
10	18.10		NESW	13	6N	12E	WHEATLAND
11	5.45		NWSW	13	6N	12E	WHEATLAND
12	1.27		SENE	14	6N	12E	WHEATLAND
13	0.56		SWNE	14	6N	12E	WHEATLAND
14	14.04		NESE	14	6N	12E	WHEATLAND
15	28.25		NWSE	14	6N	12E	WHEATLAND
16	5.44		SWSE	14	6N	12E	WHEATLAND
17	0.95		NESW	14	6N	12E	WHEATLAND
18	4.91		SESW	14	6N	12E	WHEATLAND
<b>Total:</b>	<u>168.85</u>						

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: WITH RESPECT TO WATER RIGHT 40A 110011-00, THE WATER USER CAN IRRIGATE NO MORE THAN 100.00 ACRES WITHIN THE LARGER TRACT OF LAND COMPRISING THE PLACE OF USE FOR THIS WATER RIGHT WHEN THERE IS ONLY WATER AVAILABLE SUFFICIENT TO SATISFY THIS RIGHT; PROVIDED, HOWEVER, THAT THE WATER USER MAY, IN ITS SOLE DISCRETION, SELECT THE PARTICULAR 100.00 ACRE PARCEL OF LAND WITHIN THE LARGER TRACTS OF LAND COMPRISING THE PLACE OF USE FOR THIS WATER RIGHT TO BE IRRIGATED UNDER THESE CIRCUMSTANCES, WHICH PARCEL, ONCE DESIGNATED, SHALL BE THE ONLY PARCEL IRRIGATED WITH SUCH WATER RIGHT FOR THE BALANCE OF THE IRRIGATION SEASON IN WHICH THE SELECTION WAS MADE.

**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.

110011-00      110033-00      110034-00



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 110017-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** JULY 15, 1884

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 4.70 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110017-00, 40A 110019-00, AND 40A 110038-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

**\*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:** 139.00

**Source Name:** BIG ELK 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		NWNENW	2	7N	13E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** MONTGOMERY DITCH NO. 2

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 SPECIFIES THE ADDITION OF THE FOLLOWING REMARK: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

MONTGOMERY NO. 2 DITCH TRANSPORTS BIG ELK WATER TO BUSHA-HEATON DITCH WHICH CARRIES THE WATER TO THE PLACE OF USE.

**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	23.00		SEnw	26	8N	13E	WHEATLAND
2	8.00		SWNW	26	8N	13E	WHEATLAND
3	7.00		NEsw	26	8N	13E	WHEATLAND
4	30.00		NWsw	26	8N	13E	WHEATLAND
5	27.00		SWSW	26	8N	13E	WHEATLAND
6	1.00		NEwN	35	8N	13E	WHEATLAND
7	15.00		NWNw	35	8N	13E	WHEATLAND
8	13.00		SEnw	35	8N	13E	WHEATLAND
9	2.00		SWNW	35	8N	13E	WHEATLAND
10	13.00		NEsw	35	8N	13E	WHEATLAND
<b>Total:</b>	<u>139.00</u>						

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**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.

110017-00

110019-00

110038-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 110018-00 STATEMENT OF CLAIM

**Version:** 6 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** MARCH 15, 1880

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 6.25 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110018-00, 40A 110020-00, 40A 110021-00, 40A 110026-00, 40A 211043-00, AND 40A 30002022. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

**\*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:** 180.07

**Source Name:** BIG ELK 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		SESW	26	8N	13E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** CHARLES E. DUNNING DITCH NO. 1

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 SPECIFIES THE ADDITION OF THE FOLLOWING REMARK: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	3.53		NWNE	25	8N	13E	WHEATLAND
2	30.71		NENW	25	8N	13E	WHEATLAND
3	6.43		NWNW	25	8N	13E	WHEATLAND
4	7.93		SEnw	25	8N	13E	WHEATLAND
5	13.16		SWNW	25	8N	13E	WHEATLAND
6	2.58		NENE	26	8N	13E	WHEATLAND
7	2.80		NWNE	26	8N	13E	WHEATLAND
8	31.47		SENE	26	8N	13E	WHEATLAND
9	16.06		SWNE	26	8N	13E	WHEATLAND
10	3.93		NESE	26	8N	13E	WHEATLAND
11	8.27		NWSE	26	8N	13E	WHEATLAND
12	53.20		S2S2	24	8N	13E	WHEATLAND
<b>Total:</b>	<u>180.07</u>						

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**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.

110018-00

110026-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 110019-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** JUNE 1, 1888

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.00 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110017-00, 40A 110019-00, AND 40A 110038-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

**\*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:** 139.00

**Source Name:** BIG ELK 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		NWNENW	2	7N	13E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** MONTGOMERY DITCH NO. 2

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 SPECIFIES THE ADDITION OF THE FOLLOWING REMARK: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

MONTGOMERY NO. 2 DITCH TRANSPORTS BIG ELK WATER TO BUSHA-HEATON DITCH WHICH CARRIES THE WATER TO THE PLACE OF USE.

**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	23.00		SENW	26	8N	13E	WHEATLAND
2	8.00		SWNW	26	8N	13E	WHEATLAND
3	7.00		NESW	26	8N	13E	WHEATLAND
4	30.00		NWSW	26	8N	13E	WHEATLAND
5	27.00		SWSW	26	8N	13E	WHEATLAND
6	1.00		NENW	35	8N	13E	WHEATLAND
7	15.00		NWNW	35	8N	13E	WHEATLAND
8	13.00		SENW	35	8N	13E	WHEATLAND
9	2.00		SWNW	35	8N	13E	WHEATLAND
10	13.00		NESW	35	8N	13E	WHEATLAND
<b>Total:</b>	<u>139.00</u>						

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: WITH RESPECT TO WATER RIGHT 40A 110019-00, THE WATER USER CAN IRRIGATE NO MORE THAN 53.00 ACRES WITHIN THE LARGER TRACT OF LAND COMPRISING THE PLACE OF USE FOR THIS WATER RIGHT WHEN THERE IS ONLY WATER AVAILABLE SUFFICIENT TO SATISFY THIS RIGHT; PROVIDED, HOWEVER, THAT THE WATER USER MAY, IN ITS SOLE DISCRETION, SELECT THE PARTICULAR 53.00 ACRE PARCEL OF LAND WITHIN THE LARGER TRACTS OF LAND COMPRISING THE PLACE OF USE FOR THIS WATER RIGHT TO BE IRRIGATED UNDER THESE CIRCUMSTANCES, WHICH PARCEL, ONCE DESIGNATED, SHALL BE THE ONLY PARCEL IRRIGATED WITH SUCH WATER FOR THE BALANCE OF THE IRRIGATION SEASON IN WHICH THE SELECTION WAS MADE.

**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.

110017-00            110019-00            110038-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 110021-00 STATEMENT OF CLAIM

**Version:** 5 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** JUNE 1, 1890

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.93 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110018-00, 40A 110020-00, 40A 110021-00, 40A 110026-00, 40A 211043-00, AND 40A 30002022. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

**\*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:** 159.38

**Source Name:** BIG ELK 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		SESWSE	2	7N	13E	WHEATLAND
<b>Period of Diversion:</b>	MARCH 1 TO NOVEMBER 19					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	UPPER MONTGOMERY DITCH NO. 3					
2		NWSENW	35	8N	13E	WHEATLAND
<b>Period of Diversion:</b>	MARCH 1 TO NOVEMBER 19					
<b>Diversion Means:</b>	HEADGATE					
3		NESENW	35	8N	13E	WHEATLAND
<b>Period of Diversion:</b>	MARCH 1 TO NOVEMBER 19					
<b>Diversion Means:</b>	PUMP					

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	2.34		NWNE	2	7N	13E	WHEATLAND
2	17.50		SWNE	2	7N	13E	WHEATLAND
3	21.35		NENW	2	7N	13E	WHEATLAND
4	4.46		NESE	26	8N	13E	WHEATLAND
5	15.38		NWSE	26	8N	13E	WHEATLAND
6	1.68		SESE	26	8N	13E	WHEATLAND
7	33.48		SWSE	26	8N	13E	WHEATLAND
8	2.63		NESW	26	8N	13E	WHEATLAND
9	18.70		SESW	26	8N	13E	WHEATLAND
10	6.72		NWNE	35	8N	13E	WHEATLAND
11	20.07		NENW	35	8N	13E	WHEATLAND
12	0.45		NESW	35	8N	13E	WHEATLAND
13	14.62		SESW	35	8N	13E	WHEATLAND
<b>Total:</b>	<b>159.38</b>						

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: WITH RESPECT TO WATER RIGHT 40A 110021-00, THE WATER USER CAN IRRIGATE NO MORE THAN 103.00 ACRES WITHIN THE LARGER TRACT OF LAND COMPRISING THE PLACE OF USE FOR THIS WATER RIGHT WHEN THERE IS ONLY WATER AVAILABLE SUFFICIENT TO SATISFY THIS RIGHT; PROVIDED, HOWEVER, THAT THE WATER USER MAY, IN ITS SOLE DISCRETION, SELECT THE PARTICULAR 103.00 ACRE PARCEL OF LAND WITHIN THE LARGER TRACTS OF LAND COMPRISING THE PLACE OF USE FOR THIS WATER RIGHT TO BE IRRIGATED UNDER THESE CIRCUMSTANCES, WHICH PARCEL, ONCE DESIGNATED, SHALL BE THE ONLY PARCEL IRRIGATED WITH SUCH WATER RIGHT FOR THE BALANCE OF THE IRRIGATION SEASON IN WHICH THE SELECTION WAS MADE.

**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.

110020-00      110021-00      211043-00      30002022



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 110022-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** JUNE 1, 1890

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.00 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110016-00, 40A 110022-00, 40A 110024-00, 40A 110025-00, 40A 110027-00, 40A 110028-00, 40A 110031-00, 40A 145870-00, 40A 145871-00, AND 40A 145875-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

**\*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:** 47.20

**Source Name:** BEAR 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		SENENW	7	6N	13E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** MCKENZIE DITCH

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

THE MEANS OF DIVERSION ALSO INCLUDES A CANVAS DAM.

**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	15.30		SWSE	6	6N	13E	WHEATLAND
2	6.90		SESW	6	6N	13E	WHEATLAND
3	3.00		NWNE	7	6N	13E	WHEATLAND
4	22.00		NENW	7	6N	13E	WHEATLAND
<b>Total:</b>	<u>47.20</u>						

**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.

110016-00	110022-00	110024-00	110025-00	110027-00	110028-00
110031-00	145870-00	145871-00	145875-00		

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 110024-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** MAY 10, 1889

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 1.00 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110016-00, 40A 110022-00, 40A 110024-00, 40A 110025-00, 40A 110027-00, 40A 110028-00, 40A 110031-00, 40A 145870-00, 40A 145871-00, AND 40A 145875-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

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

**Climatic Area:** 4 - MODERATELY LOW

**\*Maximum Acres:** 64.10

**Source Name:** BEAR 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		NWNESE	6	6N	13E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** OLD WEBER DITCH

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

THE MEANS OF DIVERSION ALSO INCLUDES A CANVAS DAM.

**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	31.60		N2NE	5	6N	13E	WHEATLAND
2	1.50		SWNE	5	6N	13E	WHEATLAND
3	13.00		SENE	5	6N	13E	WHEATLAND
4	16.00		NWSWNW	5	6N	13E	WHEATLAND
5	2.00		SWSESE	32	7N	13E	WHEATLAND
<b>Total:</b>	<b>64.10</b>						

**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.

110016-00	110022-00	110024-00	110025-00	110027-00	110028-00
110031-00	145870-00	145871-00	145875-00		

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 110025-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**\*Priority Date:** JULY 15, 1889

**\*Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 1.30 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110016-00, 40A 110022-00, 40A 110024-00, 40A 110025-00, 40A 110027-00, 40A 110028-00, 40A 110031-00, 40A 145870-00, 40A 145871-00, AND 40A 145875-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

**\*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:** 98.80

**\*Source Name:** CROOKED 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		SESWSE	5	6N	13E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** ROBERT CLARK DITCH

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

A PORTION OF MOORE-WILLIAMS DITCH IS USED TO CONVEY AND DISTRIBUTE THE WATER

THE MEANS OF DIVERSION ALSO INCLUDES A DAM.

**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	26.70		NENE	4	6N	13E	WHEATLAND
2	39.13		NWNE	4	6N	13E	WHEATLAND
3	8.52		SWNE	4	6N	13E	WHEATLAND
4	7.07		NENW	4	6N	13E	WHEATLAND
5	16.30		SENE	4	6N	13E	WHEATLAND
6	1.08		SESE	33	7N	13E	WHEATLAND
<b>Total:</b>	<u>98.80</u>						

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**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.

110016-00	110022-00	110024-00	110025-00	110027-00	110028-00
110031-00	145870-00	145871-00	145875-00		

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 110026-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**\*Priority Date:** MAY 1, 1889

**\*Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 2.30 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110018-00, 40A 110020-00, 40A 110021-00, 40A 110026-00, 40A 211043-00, AND 40A 30002022. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

**\*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:** 180.07

**\*Source Name:** BIG ELK 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		SESW	26	8N	13E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** CHARLES E. DUNNING DITCH NO. 1

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	3.53		NWNE	25	8N	13E	WHEATLAND
2	30.71		NENW	25	8N	13E	WHEATLAND
3	6.43		NWNW	25	8N	13E	WHEATLAND
4	7.93		SEnw	25	8N	13E	WHEATLAND
5	13.16		SWNW	25	8N	13E	WHEATLAND
6	2.58		NENE	26	8N	13E	WHEATLAND
7	2.80		NWNE	26	8N	13E	WHEATLAND
8	31.47		SENE	26	8N	13E	WHEATLAND
9	16.06		SWNE	26	8N	13E	WHEATLAND
10	3.93		NESE	26	8N	13E	WHEATLAND
11	8.27		NWSE	26	8N	13E	WHEATLAND
12	53.20		S2S2	24	8N	13E	WHEATLAND
<b>Total:</b>	<u>180.07</u>						

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**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.

110018-00

110026-00



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 110027-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**\*Priority Date:** JUNE 30, 1898

**\*Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.33 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110016-00, 40A 110022-00, 40A 110024-00, 40A 110025-00, 40A 110027-00, 40A 110028-00, 40A 110031-00, 40A 145870-00, 40A 145871-00, AND 40A 145875-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

**\*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:** 135.11

**Source Name:** BEAR 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		NENWSW	7	6N	13E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** KARNOP DITCH

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	3.78		SWSW	5	6N	13E	WHEATLAND
2	18.38		SESE	6	6N	13E	WHEATLAND
3	1.12		SWSE	6	6N	13E	WHEATLAND
4	39.68		NENE	7	6N	13E	WHEATLAND
5	24.45		NWNE	7	6N	13E	WHEATLAND
6	19.43		SENE	7	6N	13E	WHEATLAND
7	22.98		SWNE	7	6N	13E	WHEATLAND
8	5.29		SENE	7	6N	13E	WHEATLAND
<b>Total:</b>	<u>135.11</u>						

**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.

110016-00	110022-00	110024-00	110025-00	110027-00	110028-00
110031-00	145870-00	145871-00	145875-00		

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 110028-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**\*Priority Date:** JUNE 15, 1899

**\*Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 2.00 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110016-00, 40A 110022-00, 40A 110024-00, 40A 110025-00, 40A 110027-00, 40A 110028-00, 40A 110031-00, 40A 145870-00, 40A 145871-00, AND 40A 145875-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

**\*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:** 98.80

**\*Source Name:** CROOKED 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		SESWSE	5	6N	13E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** ROBERT CLARK DITCH

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

A PORTION OF MOORE-WILLIAMS DITCH IS USED TO CONVEY AND DISTRIBUTE THE WATER

THE MEANS OF DIVERSION ALSO INCLUDES A DAM.

**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	26.70		NENE	4	6N	13E	WHEATLAND
2	39.13		NWNE	4	6N	13E	WHEATLAND
3	8.52		SWNE	4	6N	13E	WHEATLAND
4	7.07		NENW	4	6N	13E	WHEATLAND
5	16.30		SENE	4	6N	13E	WHEATLAND
6	1.08		SESE	33	7N	13E	WHEATLAND
<b>Total:</b>	<u>98.80</u>						

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**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.

110016-00	110022-00	110024-00	110025-00	110027-00	110028-00
110031-00	145870-00	145871-00	145875-00		

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 110031-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**\*Priority Date:** MAY 15, 1889

**\*Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 1.00 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110016-00, 40A 110022-00, 40A 110024-00, 40A 110025-00, 40A 110027-00, 40A 110028-00, 40A 110031-00, 40A 145870-00, 40A 145871-00, AND 40A 145875-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

**\*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:** 41.14

**Source Name:** BIG ELK 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		SWSESE	1	6N	12E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** OLD WEBER DITCH

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

THE MEANS OF DIVERSION ALSO INCLUDES A CANVAS DAM.

**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	12.02		NENW	5	6N	13E	WHEATLAND
2	10.82		NWNW	5	6N	13E	WHEATLAND
3	18.30		NENE	6	6N	13E	WHEATLAND
<b>Total:</b>	41.14						

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**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.

110016-00	110022-00	110024-00	110025-00	110027-00	110028-00
110031-00	145870-00	145871-00	145875-00		

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 110033-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**\*Priority Date:** JUNE 15, 1897

**\*Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 1.50 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110011-00, 40A 110033-00, AND 40A 110034-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921 ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

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

**Climatic Area:** 4 - MODERATELY LOW

**\*Maximum Acres:** 168.85

**\*Source Name:** BIG ELK 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	14	6N	12E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** ARTHUR-HARTT DITCH

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

BEAR CREEK IS USED AS A NATURAL CARRIER TO DELIVER WATER TO A PORTION OF THE PLACE OF USE.

**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	0.55		NESE	12	6N	12E	WHEATLAND
2	7.95		SESE	12	6N	12E	WHEATLAND
3	10.41		NENE	13	6N	12E	WHEATLAND
4	15.58		NWNE	13	6N	12E	WHEATLAND
5	17.40		SENE	13	6N	12E	WHEATLAND
6	16.49		SWNE	13	6N	12E	WHEATLAND
7	1.36		NENW	13	6N	12E	WHEATLAND
8	6.56		SENE	13	6N	12E	WHEATLAND
9	13.58		NWSE	13	6N	12E	WHEATLAND
10	18.10		NESW	13	6N	12E	WHEATLAND
11	5.45		NWSW	13	6N	12E	WHEATLAND
12	1.27		SENE	14	6N	12E	WHEATLAND
13	0.56		SWNE	14	6N	12E	WHEATLAND
14	14.04		NESE	14	6N	12E	WHEATLAND
15	28.25		NWSE	14	6N	12E	WHEATLAND
16	5.44		SWSE	14	6N	12E	WHEATLAND
17	0.95		NESW	14	6N	12E	WHEATLAND
18	4.91		SESW	14	6N	12E	WHEATLAND
<b>Total:</b>	<u>168.85</u>						

**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.

110011-00      110033-00      110034-00



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 110034-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**\*Priority Date:** JUNE 30, 1898

**\*Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 2.40 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110011-00, 40A 110033-00, AND 40A 110034-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921 ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

**\*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:** 168.85

**\*Source Name:** BIG ELK 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	14	6N	12E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** ARTHUR-HARTT DITCH

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

BEAR CREEK IS USED AS A NATURAL CARRIER TO DELIVER WATER TO A PORTION OF THE PLACE OF USE.

**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	0.55		NESE	12	6N	12E	WHEATLAND
2	7.95		SESE	12	6N	12E	WHEATLAND
3	10.41		NENE	13	6N	12E	WHEATLAND
4	15.58		NWNE	13	6N	12E	WHEATLAND
5	17.40		SENE	13	6N	12E	WHEATLAND
6	16.49		SWNE	13	6N	12E	WHEATLAND
7	1.36		NENW	13	6N	12E	WHEATLAND
8	6.56		SENE	13	6N	12E	WHEATLAND
9	13.58		NWSE	13	6N	12E	WHEATLAND
10	18.10		NESW	13	6N	12E	WHEATLAND
11	5.45		NWSW	13	6N	12E	WHEATLAND
12	1.27		SENE	14	6N	12E	WHEATLAND
13	0.56		SWNE	14	6N	12E	WHEATLAND
14	14.04		NESE	14	6N	12E	WHEATLAND
15	28.25		NWSE	14	6N	12E	WHEATLAND
16	5.44		SWSE	14	6N	12E	WHEATLAND
17	0.95		NESW	14	6N	12E	WHEATLAND
18	4.91		SESW	14	6N	12E	WHEATLAND
<b>Total:</b>	<u>168.85</u>						

**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.

110011-00      110033-00      110034-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 110038-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** MAY 31, 1959

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 4.46 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110017-00, 40A 110019-00, AND 40A 110038-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

**\*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:** 80.00

**Source Name:** BIG ELK 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		NWNENW	2	7N	13E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** MONTGOMERY DITCH NO. 2

2		SENWSW	35	8N	13E	WHEATLAND
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**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** PUMP

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

A PUMP LOCATED ON MONTGOMERY NO. 2 DITCH (IN THE SENWSW 35, T8N, R13E)  
PUMPS WATER INTO THE WESTERN BRANCH OF THE DITCH TO DELIVER THE  
WATER TO THE PLACE OF USE.

**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	11.00		SESE	27	8N	13E	WHEATLAND
2	9.00		SWSE	27	8N	13E	WHEATLAND
3	31.00		NENE	34	8N	13E	WHEATLAND
4	13.00		SENE	34	8N	13E	WHEATLAND
5	2.00		NWNW	35	8N	13E	WHEATLAND
6	9.00		SWNW	35	8N	13E	WHEATLAND
7	5.00		NWSW	35	8N	13E	WHEATLAND
<b>Total:</b>	<u>80.00</u>						

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**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.

110017-00      110019-00      110038-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 110039-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**\*Priority Date:** JULY 1, 1900

**\*Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 1.25 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2004 IN CASE 40A-81A INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE FOLLOWING WATER RIGHTS MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS CLAIMED POINTS OF DIVERSION AND PLACES OF USE OF ANY OF THESE RIGHTS AS LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THE RIGHTS ARE HELD BY A COMMON OWNER. 40A 110039-00, 40A 145872-00, 40A 145873-00, 40A 145874-00

**\*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:** 42.50

**Source Name:** AMERICAN FORK

**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		SESWNE	10	5N	12E	SWEET GRASS

**Period of Diversion:** APRIL 15 TO OCTOBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** RIESLAND #2

**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	42.50		NE	10	5N	12E	SWEET GRASS

**Total:** 42.50

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 145870-00 STATEMENT OF CLAIM

**Version:** 5 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** MAY 15, 1900

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 2.18 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110016-00, 40A 110022-00, 40A 110024-00, 40A 110025-00, 40A 110027-00, 40A 110028-00, 40A 110031-00, 40A 145870-00, 40A 145871-00, AND 40A 145875-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

**\*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:** 457.69

**Source Name:** BIG ELK 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		NWNENW	13	6N	12E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** MOORE-WILLIAMS DITCH

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

PORTIONS OF THE PLACE OF USE ARE IRRIGATED OUT OF MOORE-WILLIAMS DITCH. MOORE-WILLIAMS DITCH THEN CARRIES THE WATER TO BEAR CREEK FOR SECONDARY DIVERSIONS OUT OF BEAR CREEK TO IRRIGATE OTHER PORTIONS OF THE PLACE OF USE.

**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	29.30		NENE	4	6N	13E	WHEATLAND
2	39.72		NWNE	4	6N	13E	WHEATLAND
3	8.52		SWNE	4	6N	13E	WHEATLAND
4	23.38		NENW	4	6N	13E	WHEATLAND
5	1.63		NWNW	4	6N	13E	WHEATLAND
6	19.85		SENE	4	6N	13E	WHEATLAND
7	53.98		SWNW	4	6N	13E	WHEATLAND
8	4.76		NWSW	4	6N	13E	WHEATLAND
9	1.18		NENE	5	6N	13E	WHEATLAND
10	26.20		NWNE	5	6N	13E	WHEATLAND
11	20.74		SENE	5	6N	13E	WHEATLAND
12	18.24		NENW	5	6N	13E	WHEATLAND
13	10.82		NWNW	5	6N	13E	WHEATLAND
14	13.70		SENE	5	6N	13E	WHEATLAND
15	14.56		SWNW	5	6N	13E	WHEATLAND
16	30.12		NESE	5	6N	13E	WHEATLAND
17	41.23		NWSE	5	6N	13E	WHEATLAND
18	2.88		SWSE	5	6N	13E	WHEATLAND
19	15.00		NESW	5	6N	13E	WHEATLAND
20	0.99		NWSW	5	6N	13E	WHEATLAND
21	23.19		SESW	5	6N	13E	WHEATLAND
22	17.94		SWSW	5	6N	13E	WHEATLAND
23	18.30		NENE	6	6N	13E	WHEATLAND
24	9.26		NESE	6	6N	13E	WHEATLAND
25	11.12		NWSE	6	6N	13E	WHEATLAND
26	1.08		SESE	33	7N	13E	WHEATLAND
<b>Total:</b>	<u>457.69</u>						

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: WITH RESPECT TO WATER RIGHT 40A 145870-00, THE WATER USER CAN IRRIGATE NO MORE THAN 116.00 ACRES WITHIN THE LARGER TRACT OF LAND COMPRISING THE PLACE OF USE FOR THIS WATER RIGHT WHEN THERE IS ONLY WATER AVAILABLE SUFFICIENT TO SATISFY THIS RIGHT; PROVIDED, HOWEVER, THAT THE WATER USER MAY, IN ITS SOLE DISCRETION, SELECT THE PARTICULAR 116.00 ACRE PARCEL OF LAND WITHIN THE LARGER TRACTS OF LAND COMPRISING THE PLACE OF USE FOR THIS WATER RIGHT TO BE IRRIGATED UNDER THESE CIRCUMSTANCES, WHICH PARCEL, ONCE DESIGNATED, SHALL BE THE ONLY PARCEL IRRIGATED WITH SUCH WATER FOR THE BALANCE OF THE IRRIGATION SEASON IN WHICH THE SELECTION WAS MADE.

**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.

110016-00	110022-00	110024-00	110025-00	110027-00	110028-00
110031-00	145870-00	145871-00	145875-00		

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 145871-00 STATEMENT OF CLAIM

**Version:** 5 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** JUNE 15, 1901

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 8.88 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110016-00, 40A 110022-00, 40A 110024-00, 40A 110025-00, 40A 110027-00, 40A 110028-00, 40A 110031-00, 40A 145870-00, 40A 145871-00, AND 40A 145875-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

**\*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:** 457.69

**Source Name:** BIG ELK 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		NWNENW	13	6N	12E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** MOORE-WILLIAMS DITCH

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

PORTIONS OF THE PLACE OF USE ARE IRRIGATED OUT OF MOORE-WILLIAMS DITCH. MOORE-WILLIAMS DITCH THEN CARRIES THE WATER TO BEAR CREEK FOR SECONDARY DIVERSIONS OUT OF BEAR CREEK TO IRRIGATE OTHER PORTIONS OF THE PLACE OF USE.



**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	29.30		NENE	4	6N	13E	WHEATLAND
2	39.72		NWNE	4	6N	13E	WHEATLAND
3	8.52		SWNE	4	6N	13E	WHEATLAND
4	23.38		NENW	4	6N	13E	WHEATLAND
5	1.63		NWNW	4	6N	13E	WHEATLAND
6	19.85		SENW	4	6N	13E	WHEATLAND
7	53.98		SWNW	4	6N	13E	WHEATLAND
8	4.76		NWSW	4	6N	13E	WHEATLAND
9	1.18		NENE	5	6N	13E	WHEATLAND
10	26.20		NWNE	5	6N	13E	WHEATLAND
11	20.74		SENE	5	6N	13E	WHEATLAND
12	18.24		NENW	5	6N	13E	WHEATLAND
13	10.82		NWNW	5	6N	13E	WHEATLAND
14	13.70		SENW	5	6N	13E	WHEATLAND
15	14.56		SWNW	5	6N	13E	WHEATLAND
16	30.12		NESE	5	6N	13E	WHEATLAND
17	41.23		NWSE	5	6N	13E	WHEATLAND
18	2.88		SWSE	5	6N	13E	WHEATLAND
19	15.00		NESW	5	6N	13E	WHEATLAND
20	0.99		NWSW	5	6N	13E	WHEATLAND
21	23.19		SESW	5	6N	13E	WHEATLAND
22	17.94		SWSW	5	6N	13E	WHEATLAND
23	18.30		NENE	6	6N	13E	WHEATLAND
24	9.26		NESE	6	6N	13E	WHEATLAND
25	11.12		NWSE	6	6N	13E	WHEATLAND
26	1.08		SESE	33	7N	13E	WHEATLAND
<b>Total:</b>	<u>457.69</u>						

**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.

110016-00	110022-00	110024-00	110025-00	110027-00	110028-00
110031-00	145870-00	145871-00	145875-00		

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 145872-00 STATEMENT OF CLAIM

**Version:** 5 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** MAY 31, 1899

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.50 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2004 IN CASE 40A-81A INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE FOLLOWING WATER RIGHTS MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS CLAIMED POINTS OF DIVERSION AND PLACES OF USE OF ANY OF THESE RIGHTS AS LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THE RIGHTS ARE HELD BY A COMMON OWNER. 40A 110039-00, 40A 145872-00, 40A 145873-00, 40A 145874-00

**\*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:** 201.60

**Source Name:** AMERICAN FORK, NORTH FORK

**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		SWSWSE	9	5N	12E	SWEET GRASS

**Period of Diversion:** APRIL 15 TO OCTOBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** HOPKINS #3

**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	51.00		NW	10	5N	12E	SWEET GRASS
2	88.60		N2SW	10	5N	12E	SWEET GRASS
3	13.00		S2SW	10	5N	12E	SWEET GRASS
4	36.00		W2NE	10	5N	12E	SWEET GRASS
5	13.00		N2SE	10	5N	12E	SWEET GRASS

**Total:** 201.60

**POST DECREE  
 ABSTRACT OF WATER RIGHT CLAIM  
 MUSSELSHELL RIVER, ABOVE ROUNDUP  
 BASIN 40A**

**Water Right Number:** 40A 145873-00 STATEMENT OF CLAIM

**Version:** 5 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
 PO BOX 235  
 TWO DOT, MT 59085-0235

**Priority Date:** MAY 31, 1887

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.00 CFS

THE STIPULATION FILED FEBRUARY 11, 2004 IN CASE 40A-81A INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE FOLLOWING WATER RIGHTS MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS CLAIMED POINTS OF DIVERSION AND PLACES OF USE OF ANY OF THESE RIGHTS AS LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110039-00, 40A 145872-00, 40A 145873-00, 40A 145874-00.

**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:** 201.60

**Source Name:** AMERICAN FORK, NORTH FORK

**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		SWSWSE	9	5N	12E	SWEET GRASS

**Period of Diversion:** APRIL 15 TO OCTOBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** HOPKINS #3

**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	51.00		NW	10	5N	12E	SWEET GRASS
2	88.60		N2SW	10	5N	12E	SWEET GRASS
3	13.00		S2SW	10	5N	12E	SWEET GRASS
4	36.00		W2NE	10	5N	12E	SWEET GRASS
5	13.00		N2SE	10	5N	12E	SWEET GRASS

**Total:** 201.60

**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.

145873-00

145874-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 145874-00 STATEMENT OF CLAIM

**Version:** 5 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** JUNE 1, 1896

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 7.00 CFS

THE STIPULATION FILED FEBRUARY 11, 2004 IN CASE 40A-81A INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE FOLLOWING WATER RIGHTS MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS CLAIMED POINTS OF DIVERSION AND PLACES OF USE OF ANY OF THESE RIGHTS AS LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110039-00, 40A 145872-00, 40A 145873-00, 40A 145874-00.

**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:** 201.60

**Source Name:** AMERICAN FORK, NORTH FORK

**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		SWSWSE	9	5N	12E	SWEET GRASS

**Period of Diversion:** APRIL 15 TO OCTOBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** HOPKINS #3

**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	51.00		NW	10	5N	12E	SWEET GRASS
2	88.60		N2SW	10	5N	12E	SWEET GRASS
3	13.00		S2SW	10	5N	12E	SWEET GRASS
4	36.00		W2NE	10	5N	12E	SWEET GRASS
5	13.00		N2SE	10	5N	12E	SWEET GRASS

**Total:** 201.60

**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.

145873-00

145874-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 145875-00 STATEMENT OF CLAIM

**Version:** 5 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** JULY 1, 1900

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 5.83 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110016-00, 40A 110022-00, 40A 110024-00, 40A 110025-00, 40A 110027-00, 40A 110028-00, 40A 110031-00, 40A 145870-00, 40A 145871-00, AND 40A 145875-00. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

**\*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:** 506.52

**Source Name:** BIG ELK 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		SENWNW	13	6N	12E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

**Ditch Name:** JOHN CAMPBELL DITCH

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

JOHN CAMPBELL DITCH CARRIES THE WATER TO BEAR CREEK FOR SECONDARY DIVERSIONS OUT OF BEAR CREEK TO IRRIGATE THE PLACE OF USE.

**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	2.60		NENE	4	6N	13E	WHEATLAND
2	0.59		NWNE	4	6N	13E	WHEATLAND
3	16.31		NENW	4	6N	13E	WHEATLAND
4	1.63		NWNW	4	6N	13E	WHEATLAND
5	19.85		SENE	4	6N	13E	WHEATLAND
6	53.98		SWNW	4	6N	13E	WHEATLAND
7	4.76		NWSW	4	6N	13E	WHEATLAND
8	1.18		NENE	5	6N	13E	WHEATLAND
9	26.20		NWNE	5	6N	13E	WHEATLAND
10	20.74		SENE	5	6N	13E	WHEATLAND
11	18.24		NENW	5	6N	13E	WHEATLAND
12	10.82		NWNW	5	6N	13E	WHEATLAND
13	13.70		SENE	5	6N	13E	WHEATLAND
14	14.56		SWNW	5	6N	13E	WHEATLAND
15	30.12		NESE	5	6N	13E	WHEATLAND
16	41.23		NWSE	5	6N	13E	WHEATLAND
17	2.88		SWSE	5	6N	13E	WHEATLAND
18	15.00		NESW	5	6N	13E	WHEATLAND
19	0.99		NWSW	5	6N	13E	WHEATLAND
20	23.19		SESW	5	6N	13E	WHEATLAND
21	17.94		SWSW	5	6N	13E	WHEATLAND
22	18.30		NENE	6	6N	13E	WHEATLAND
23	9.26		NESE	6	6N	13E	WHEATLAND
24	11.12		NWSE	6	6N	13E	WHEATLAND
25	18.38		SESE	6	6N	13E	WHEATLAND
26	1.12		SWSE	6	6N	13E	WHEATLAND
27	39.68		NENE	7	6N	13E	WHEATLAND
28	24.45		NWNE	7	6N	13E	WHEATLAND
29	19.43		SENE	7	6N	13E	WHEATLAND
30	22.98		SWNE	7	6N	13E	WHEATLAND
31	5.29		SENE	7	6N	13E	WHEATLAND
<b>Total:</b>	<u>506.52</u>						

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: WITH RESPECT TO WATER RIGHT 40A 145875-00, THE WATER USER CAN IRRIGATE NO MORE THAN 311.00 ACRES WITHIN THE LARGER TRACT OF LAND COMPRISING THE PLACE OF USE FOR THIS WATER RIGHT WHEN THERE IS ONLY WATER AVAILABLE SUFFICIENT TO SATISFY THIS RIGHT; PROVIDED, HOWEVER, THAT THE WATER USER MAY, IN ITS SOLE DISCRETION, SELECT THE PARTICULAR 311.00 ACRE PARCEL OF LAND WITHIN THE LARGER TRACTS OF LAND COMPRISING THE PLACE OF USE FOR THIS WATER RIGHT TO BE IRRIGATED UNDER THESE CIRCUMSTANCES, WHICH PARCEL, ONCE DESIGNATED, SHALL BE THE ONLY PARCEL IRRIGATED WITH SUCH WATER RIGHT FOR THE BALANCE OF THE IRRIGATION SEASON IN WHICH THE SELECTION WAS MADE.

**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.

110016-00	110022-00	110024-00	110025-00	110027-00	110028-00
110031-00	145870-00	145871-00	145875-00		

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 211043-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** JULY 31, 1969

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 2.04 CFS

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE WATER RIGHTS LISTED BELOW MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS PLACES OF USE AND POINTS OF DIVERSION OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 110018-00, 40A 110020-00, 40A 110021-00, 40A 110026-00, 40A 211043-00, AND 40A 30002022. IN THE EVENT THAT THE FLOW IN BIG ELK CREEK AND ITS TRIBUTARIES IS INSUFFICIENT TO SATISFY THE WATER RIGHTS HAVING A PRIORITY DATE PRIOR TO JULY 1, 1921, ALL RIGHTS TO MARSHAL WATER RIGHTS SHALL IMMEDIATELY CEASE.

**\*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:** 103.12

**Source Name:** BIG ELK 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		NWSE	35	8N	13E	WHEATLAND

**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** HEADGATE

2		NESE	35	8N	13E	WHEATLAND
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**Period of Diversion:** MARCH 1 TO NOVEMBER 19

**Diversion Means:** PUMP

THE STIPULATION FILED ON FEBRUARY 11, 2002 IN CASE 40A-264 INCLUDES THE FOLLOWING PROVISION: "FOR PURPOSES OF ENFORCING THE BIG ELK DECREE, THE MEANS OF DIVERSION OF ALL PARTIES SHALL BE LIMITED TO THE CARRYING CAPACITY OF THE DITCHES AT THE POINT OF DIVERSION EXISTING AS OF THE DATE OF THIS STIPULATION." A COPY OF EACH PARTY'S STATEMENT HAS BEEN ADDED TO THAT PARTY'S CLAIM FILES.

WATER IS PUMPED INTO UPPER MONTGOMERY NO. 3 DITCH.

**Period of Use:** MARCH 1 TO NOVEMBER 19

**\*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	4.46		NESE	26	8N	13E	WHEATLAND
2	15.38		NWSE	26	8N	13E	WHEATLAND
3	1.68		SESE	26	8N	13E	WHEATLAND
4	33.48		SWSE	26	8N	13E	WHEATLAND
5	2.63		NESW	26	8N	13E	WHEATLAND
6	18.70		SESW	26	8N	13E	WHEATLAND
7	6.72		NWNE	35	8N	13E	WHEATLAND
8	20.07		NENW	35	8N	13E	WHEATLAND
<b>Total:</b>	<u>103.12</u>						

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**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.

110020-00      110021-00      211043-00      30002022

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 211587-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Late Claim:** B

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** JULY 15, 1889

**Enforceable Priority Date:** JUNE 30, 1973

CLAIM FILED LATE 12/02/85 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**Type of Historical Right:** DECREEED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.30 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:** 1,163.10

**Source Name:** BIG ELK 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		NWNENW	13	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO OCTOBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	MOORE-WILLIAMS DITCH					
2		SENWNW	13	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO OCTOBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	JOHN CAMPBELL DITCH					
3		SESWSW	14	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO OCTOBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	ARTHUR-HARTT DITCH					
4		SESESE	22	6N	12E	WHEATLAND

**Period of Diversion:** APRIL 15 TO OCTOBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** HILINE DITCH

**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	12.00		SE	12	6N	12E	WHEATLAND
2	90.00			13	6N	12E	WHEATLAND
3	22.00		NE	4	6N	13E	WHEATLAND
4	102.00		NE	4	6N	13E	WHEATLAND
5	120.00		NW	4	6N	13E	WHEATLAND
6	40.00		SE	4	6N	13E	WHEATLAND
7	20.00		SW	4	6N	13E	WHEATLAND
8	100.00		NE	5	6N	13E	WHEATLAND
9	60.00		NW	5	6N	13E	WHEATLAND
10	40.00		NW	5	6N	13E	WHEATLAND
11	120.00		SE	5	6N	13E	WHEATLAND
12	240.00		SW	5	6N	13E	WHEATLAND
13	91.00		E2	6	6N	13E	WHEATLAND
14	26.00		NE	6	6N	13E	WHEATLAND
15	63.00		NE	7	6N	13E	WHEATLAND
16	17.10		E2NW	7	6N	13E	WHEATLAND
<b>Total:</b>	<u>1163.10</u>						

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 211592-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Late Claim:** B

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** JUNE 30, 1973

CLAIM FILED LATE 12/02/85 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 24.00 CFS

THE FOLLOWING HIGHWATER RIGHTS ARE DIVERTED INTO THE HILINE, ARTHUR-HARTT, JOHN CAMPBELL, AND MOORE WILLIAMS DITCHES: 40A 211592-00, 40A 211594-00, 40A 211596-00, AND 40A 211597-00. THE TOTAL DIVERTED FLOW RATE UNDER ANY INDIVIDUAL OR MARSHALLED COMBINATION OF THE HIGHWATER RIGHTS SHALL NOT EXCEED THE MAXIMUM DITCH CAPACITY FOR EACH RESPECTIVE DITCH.

**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:** 1,163.10

**Source Name:** BIG ELK 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		NWNENW	13	6N	12E	WHEATLAND

**Period of Diversion:** APRIL 15 TO JULY 1

**Diversion Means:** HEADGATE

**Ditch Name:** MOORE-WILLIAMS DITCH

2		SENWNW	13	6N	12E	WHEATLAND
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**Period of Diversion:** APRIL 15 TO JULY 1

**Diversion Means:** HEADGATE

**Ditch Name:** JOHN CAMPBELL DITCH

3		SESWSW	14	6N	12E	WHEATLAND
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**Period of Diversion:** APRIL 15 TO JULY 1

**Diversion Means:** HEADGATE  
**Ditch Name:** ARTHUR-HARTT DITCH  
 4 SESESE 22 6N 12E WHEATLAND

**Period of Diversion:** APRIL 15 TO JULY 1

**Diversion Means:** HEADGATE

**Ditch Name:** HILINE DITCH

**Period of Use:** APRIL 15 TO JULY 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	12.00		SE	12	6N	12E	WHEATLAND
2	90.00			13	6N	12E	WHEATLAND
3	22.00		NE	4	6N	13E	WHEATLAND
4	102.00		NE	4	6N	13E	WHEATLAND
5	120.00		NW	4	6N	13E	WHEATLAND
6	40.00		SE	4	6N	13E	WHEATLAND
7	20.00		SW	4	6N	13E	WHEATLAND
8	100.00		NE	5	6N	13E	WHEATLAND
9	60.00		NW	5	6N	13E	WHEATLAND
10	40.00		NW	5	6N	13E	WHEATLAND
11	120.00		SE	5	6N	13E	WHEATLAND
12	240.00		SW	5	6N	13E	WHEATLAND
13	91.00		E2	6	6N	13E	WHEATLAND
14	26.00		NE	6	6N	13E	WHEATLAND
15	63.00		NE	7	6N	13E	WHEATLAND
16	17.10		E2NW	7	6N	13E	WHEATLAND
<b>Total:</b>	<b>1163.10</b>						

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 211593-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Late Claim:** B

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** JUNE 30, 1973

CLAIM FILED LATE 12/02/85 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.33 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:** 1,163.10

**Source Name:** BIG ELK 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		NWNENW	13	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO OCTOBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	MOORE-WILLIAMS DITCH					
2		SENWNW	13	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO OCTOBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	JOHN CAMPBELL DITCH					
3		SESWSW	14	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO OCTOBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	ARTHUR-HARTT DITCH					
4		SESESE	22	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO OCTOBER 1					



**Diversion Means:** HEADGATE  
**Ditch Name:** HILINE DITCH

**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	12.00		SE	12	6N	12E	WHEATLAND
2	90.00			13	6N	12E	WHEATLAND
3	22.00		NE	4	6N	13E	WHEATLAND
4	102.00		NE	4	6N	13E	WHEATLAND
5	120.00		NW	4	6N	13E	WHEATLAND
6	40.00		SE	4	6N	13E	WHEATLAND
7	20.00		SW	4	6N	13E	WHEATLAND
8	100.00		NE	5	6N	13E	WHEATLAND
9	60.00		NW	5	6N	13E	WHEATLAND
10	40.00		NW	5	6N	13E	WHEATLAND
11	120.00		SE	5	6N	13E	WHEATLAND
12	240.00		SW	5	6N	13E	WHEATLAND
13	91.00		E2	6	6N	13E	WHEATLAND
14	26.00		NE	6	6N	13E	WHEATLAND
15	63.00		NE	7	6N	13E	WHEATLAND
16	17.10		E2NW	7	6N	13E	WHEATLAND
<b>Total:</b>	<u>1163.10</u>						

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 211594-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Late Claim:** B

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** JUNE 30, 1973

CLAIM FILED LATE 12/02/85 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 8.10 CFS

THE FOLLOWING HIGHWATER RIGHTS ARE DIVERTED INTO THE HILINE, ARTHUR-HARTT, JOHN CAMPBELL, AND MOORE WILLIAMS DITCHES: 40A 211592-00, 40A 211594-00, 40A 211596-00, AND 40A 211597-00. THE TOTAL DIVERTED FLOW RATE UNDER ANY INDIVIDUAL OR MARSHALLED COMBINATION OF THE HIGHWATER RIGHTS SHALL NOT EXCEED THE MAXIMUM DITCH CAPACITY FOR EACH RESPECTIVE DITCH.

**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:** 1,163.10

**Source Name:** BIG ELK 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		NWNENW	13	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO JULY 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	MOORE-WILLIAMS DITCH					
2		SENWNW	13	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO JULY 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	JOHN CAMPBELL DITCH					
3		SESWSW	14	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO JULY 1					

**Diversion Means:** HEADGATE  
**Ditch Name:** ARTHUR-HARTT DITCH  
 4 SESESE 22 6N 12E WHEATLAND

**Period of Diversion:** APRIL 15 TO JULY 1

**Diversion Means:** HEADGATE

**Ditch Name:** HILINE DITCH

**Period of Use:** APRIL 15 TO JULY 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	12.00		SE	12	6N	12E	WHEATLAND
2	90.00			13	6N	12E	WHEATLAND
3	22.00		NE	4	6N	13E	WHEATLAND
4	102.00		NE	4	6N	13E	WHEATLAND
5	120.00		NW	4	6N	13E	WHEATLAND
6	40.00		SE	4	6N	13E	WHEATLAND
7	20.00		SW	4	6N	13E	WHEATLAND
8	100.00		NE	5	6N	13E	WHEATLAND
9	60.00		NW	5	6N	13E	WHEATLAND
10	40.00		NW	5	6N	13E	WHEATLAND
11	120.00		SE	5	6N	13E	WHEATLAND
12	240.00		SW	5	6N	13E	WHEATLAND
13	91.00		E2	6	6N	13E	WHEATLAND
14	26.00		NE	6	6N	13E	WHEATLAND
15	63.00		NE	7	6N	13E	WHEATLAND
16	17.10		E2NW	7	6N	13E	WHEATLAND
<b>Total:</b>	<b>1163.10</b>						

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 211596-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Late Claim:** B

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** JUNE 30, 1973

CLAIM FILED LATE 12/02/85 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 15.00 CFS

THE FOLLOWING HIGHWATER RIGHTS ARE DIVERTED INTO THE HILINE, ARTHUR-HARTT, JOHN CAMPBELL, AND MOORE WILLIAMS DITCHES: 40A 211592-00, 40A 211594-00, 40A 211596-00, AND 40A 211597-00. THE TOTAL DIVERTED FLOW RATE UNDER ANY INDIVIDUAL OR MARSHALLED COMBINATION OF THE HIGHWATER RIGHTS SHALL NOT EXCEED THE MAXIMUM DITCH CAPACITY FOR EACH RESPECTIVE DITCH.

**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:** 1,163.10

**Source Name:** BIG ELK 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		NWNENW	13	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO JULY 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	MOORE-WILLIAMS DITCH					
2		SENWNW	13	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO JULY 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	JOHN CAMPBELL DITCH					
3		SESWSW	14	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO JULY 1					

**Diversion Means:** HEADGATE  
**Ditch Name:** ARTHUR-HARTT DITCH  
 4 SESESE 22 6N 12E WHEATLAND

**Period of Diversion:** APRIL 15 TO JULY 1

**Diversion Means:** HEADGATE

**Ditch Name:** HILINE DITCH

**Period of Use:** APRIL 15 TO JULY 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	12.00		SE	12	6N	12E	WHEATLAND
2	90.00			13	6N	12E	WHEATLAND
3	22.00		NE	4	6N	13E	WHEATLAND
4	102.00		NE	4	6N	13E	WHEATLAND
5	120.00		NW	4	6N	13E	WHEATLAND
6	40.00		SE	4	6N	13E	WHEATLAND
7	20.00		SW	4	6N	13E	WHEATLAND
8	100.00		NE	5	6N	13E	WHEATLAND
9	60.00		NW	5	6N	13E	WHEATLAND
10	40.00		NW	5	6N	13E	WHEATLAND
11	120.00		SE	5	6N	13E	WHEATLAND
12	240.00		SW	5	6N	13E	WHEATLAND
13	91.00		E2	6	6N	13E	WHEATLAND
14	26.00		NE	6	6N	13E	WHEATLAND
15	63.00		NE	7	6N	13E	WHEATLAND
16	17.10		E2NW	7	6N	13E	WHEATLAND
<b>Total:</b>	<b>1163.10</b>						

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 211597-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Late Claim:** B

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** JUNE 30, 1973

CLAIM FILED LATE 12/02/85 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 24.00 CFS

THE FOLLOWING HIGHWATER RIGHTS ARE DIVERTED INTO THE HILINE, ARTHUR-HARTT, JOHN CAMPBELL, AND MOORE WILLIAMS DITCHES: 40A 211592-00, 40A 211594-00, 40A 211596-00, AND 40A 211597-00. THE TOTAL DIVERTED FLOW RATE UNDER ANY INDIVIDUAL OR MARSHALLED COMBINATION OF THE HIGHWATER RIGHTS SHALL NOT EXCEED THE MAXIMUM DITCH CAPACITY FOR EACH RESPECTIVE DITCH.

**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:** 1,163.10

**Source Name:** BIG ELK 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		NWNENW	13	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO JULY 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	MOORE-WILLIAMS DITCH					
2		SENWNW	13	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO JULY 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	JOHN CAMPBELL DITCH					
3		SESWSW	14	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO JULY 1					

**Diversion Means:** HEADGATE  
**Ditch Name:** ARTHUR-HARTT DITCH  
 4 SESESE 22 6N 12E WHEATLAND

**Period of Diversion:** APRIL 15 TO JULY 1

**Diversion Means:** HEADGATE

**Ditch Name:** HILINE DITCH

**Period of Use:** APRIL 15 TO JULY 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	12.00		SE	12	6N	12E	WHEATLAND
2	90.00			13	6N	12E	WHEATLAND
3	22.00		NE	4	6N	13E	WHEATLAND
4	102.00		NE	4	6N	13E	WHEATLAND
5	120.00		NW	4	6N	13E	WHEATLAND
6	40.00		SE	4	6N	13E	WHEATLAND
7	20.00		SW	4	6N	13E	WHEATLAND
8	100.00		NE	5	6N	13E	WHEATLAND
9	60.00		NW	5	6N	13E	WHEATLAND
10	40.00		NW	5	6N	13E	WHEATLAND
11	120.00		SE	5	6N	13E	WHEATLAND
12	240.00		SW	5	6N	13E	WHEATLAND
13	91.00		E2	6	6N	13E	WHEATLAND
14	26.00		NE	6	6N	13E	WHEATLAND
15	63.00		NE	7	6N	13E	WHEATLAND
16	17.10		E2NW	7	6N	13E	WHEATLAND
<b>Total:</b>	<b>1163.10</b>						

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 211598-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Late Claim:** B

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** MAY 15, 1889

**Enforceable Priority Date:** JUNE 30, 1973

CLAIM FILED LATE 12/02/85 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**Type of Historical Right:** DECREEED

**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:** 1,163.10

**Source Name:** BIG ELK 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		NWNENW	13	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO OCTOBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	MOORE-WILLIAMS DITCH					
2		SENWNW	13	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO OCTOBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	JOHN CAMPBELL DITCH					
3		SESWSW	14	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO OCTOBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	ARTHUR-HARTT DITCH					
4		SESESE	22	6N	12E	WHEATLAND



**Period of Diversion:** APRIL 15 TO OCTOBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** HILINE DITCH

**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	12.00		SE	12	6N	12E	WHEATLAND
2	90.00			13	6N	12E	WHEATLAND
3	22.00		NE	4	6N	13E	WHEATLAND
4	102.00		NE	4	6N	13E	WHEATLAND
5	120.00		NW	4	6N	13E	WHEATLAND
6	40.00		SE	4	6N	13E	WHEATLAND
7	20.00		SW	4	6N	13E	WHEATLAND
8	100.00		NE	5	6N	13E	WHEATLAND
9	60.00		NW	5	6N	13E	WHEATLAND
10	40.00		NW	5	6N	13E	WHEATLAND
11	120.00		SE	5	6N	13E	WHEATLAND
12	240.00		SW	5	6N	13E	WHEATLAND
13	91.00		E2	6	6N	13E	WHEATLAND
14	26.00		NE	6	6N	13E	WHEATLAND
15	63.00		NE	7	6N	13E	WHEATLAND
16	17.10		E2NW	7	6N	13E	WHEATLAND
<b>Total:</b>	<u>1163.10</u>						

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 211600-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Late Claim:** B

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** MAY 15, 1889

**Enforceable Priority Date:** JUNE 30, 1973

CLAIM FILED LATE 12/02/85 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**Type of Historical Right:** DECREEED

**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:** 1,163.10

**Source Name:** BIG ELK 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		NWNENW	13	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO OCTOBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	MOORE-WILLIAMS DITCH					
2		SENWNW	13	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO OCTOBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	JOHN CAMPBELL DITCH					
3		SESWSW	14	6N	12E	WHEATLAND
<b>Period of Diversion:</b>	APRIL 15 TO OCTOBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	ARTHUR-HARTT DITCH					
4		SESESE	22	6N	12E	WHEATLAND

**Period of Diversion:** APRIL 15 TO OCTOBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** HILINE DITCH

**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	12.00		SE	12	6N	12E	WHEATLAND
2	90.00			13	6N	12E	WHEATLAND
3	22.00		NE	4	6N	13E	WHEATLAND
4	102.00		NE	4	6N	13E	WHEATLAND
5	120.00		NW	4	6N	13E	WHEATLAND
6	40.00		SE	4	6N	13E	WHEATLAND
7	20.00		SW	4	6N	13E	WHEATLAND
8	100.00		NE	5	6N	13E	WHEATLAND
9	60.00		NW	5	6N	13E	WHEATLAND
10	40.00		NW	5	6N	13E	WHEATLAND
11	120.00		SE	5	6N	13E	WHEATLAND
12	240.00		SW	5	6N	13E	WHEATLAND
13	91.00		E2	6	6N	13E	WHEATLAND
14	26.00		NE	6	6N	13E	WHEATLAND
15	63.00		NE	7	6N	13E	WHEATLAND
16	17.10		E2NW	7	6N	13E	WHEATLAND
<b>Total:</b>	<u>1163.10</u>						

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MUSSELSHELL RIVER, ABOVE ROUNDUP  
BASIN 40A**

**Water Right Number:** 40A 211603-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Late Claim:** B

**Owners:** MCFARLAND WHITE RANCH INC  
PO BOX 235  
TWO DOT, MT 59085-0235

**Priority Date:** JUNE 30, 1973

CLAIM FILED LATE 12/02/85 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 24.00 CFS

THE FOLLOWING HIGHWATER RIGHTS ARE DIVERTED INTO THE MONTGOMERY FREESER, MONTGOMERY #2, MONTGOMERY #3, AND DUNNING #1 DITCHES: 40A 211603-00 AND 40A 211604-00. THE TOTAL DIVERTED FLOW RATE UNDER ANY INDIVIDUAL OR MARSHALLED COMBINATION OF THE HIGHWATER RIGHTS SHALL NOT EXCEED THE MAXIMUM DITCH CAPACITY FOR EACH RESPECTIVE DITCH.

**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:** 1,061.20

**Source Name:** BIG ELK 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		SENE SW	26	8N	13E	WHEATLAND

**Period of Diversion:** APRIL 15 TO JULY 1

**Diversion Means:** HEADGATE

**Ditch Name:** CHARLES E. DUNNING DITCH NO. 1

2		NWSE NW	35	8N	13E	WHEATLAND
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**Period of Diversion:** APRIL 15 TO JULY 1

**Diversion Means:** HEADGATE

3		NWNENW	2	7N	13E	WHEATLAND
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**Period of Diversion:** APRIL 15 TO JULY 1

**Diversion Means:** HEADGATE

**Ditch Name:** MONTGOMERY DITCH NO. 2

4 NWSWSE 2 7N 13E WHEATLAND  
**Period of Diversion:** APRIL 15 TO JULY 1  
**Diversion Means:** HEADGATE  
**Ditch Name:** MONTGOMERY DITCH NO.3

5 SESWSW 12 7N 13E WHEATLAND  
**Period of Diversion:** APRIL 15 TO JULY 1  
**Diversion Means:** HEADGATE  
**Ditch Name:** MONTGOMERY-FREESER DITCH

6 - SECONDARY NESENW 35 8N 13E WHEATLAND  
**Period of Diversion:** APRIL 15 TO JULY 1  
**Diversion Means:** PUMP

7 - SECONDARY NWSESW 35 8N 13E WHEATLAND  
**Period of Diversion:** APRIL 15 TO JULY 1  
**Diversion Means:** PUMP

WATER DIVERTED FROM BIG ELK CREEK IS DIVERTED VIA A ROCK DAM INTO A DITCH. THE DITCH CONVEYS WATER A SHORT DISTANCE TO A SECONDARY POINT OF DIVERSION (A PUMP) IN THE NESENW SEC 35 TWP 8N RGE 13E WHEATLAND COUNTY.

WATER DIVERTED FROM BIG ELK CREEK IS DIVERTED VIA MONGOMERY DITCH NO. 2 WHICH CONVEYS WATER TO A SECONDARY POINT OF DIVERSION (A PUMP) IN THE NWSESW SEC 35 TWP 8N RGE 13E WHEATLAND COUNTY.

**Period of Use:** APRIL 15 TO JULY 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	45.00		N2	2	7N	13E	WHEATLAND
2	80.00		S2	24	8N	13E	WHEATLAND
3	56.00		NE	25	8N	13E	WHEATLAND
4	70.00		NW	25	8N	13E	WHEATLAND
5	65.00		SE	25	8N	13E	WHEATLAND
6	34.00		SW	25	8N	13E	WHEATLAND
7	35.00		NE	26	8N	13E	WHEATLAND
8	188.00		S2	26	8N	13E	WHEATLAND
9	65.00		E2	34	8N	13E	WHEATLAND
10	172.00		E2	35	8N	13E	WHEATLAND
11	20.00		NW	35	8N	13E	WHEATLAND
12	119.00		SW	35	8N	13E	WHEATLAND
13	112.20		N2	36	8N	13E	WHEATLAND
<b>Total:</b>	<b>1061.20</b>						