

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

CLAIMANT: Coyote Creek

CASE 41S-0778-R-2024

41S 141253-00

41S 141254-00

41S 141255-00

41S 141256-00

41S 141257-00

NOTICE OF FILING OF MASTER’S REPORT

This Master’s Report was filed with the Montana Water Court on the above-stamped date. Please review this report carefully.

You may file a written objection to this Master’s Report within **10 days** of the stamped date if you disagree or find errors with the Master’s findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master’s Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master’s Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master’s Report.

MASTER'S REPORT

FINDINGS OF FACT

1. Coyote Creek (the Claimant) is the record owner of claims 41S 141253-00, 41S 141254-00, 41S 141255-00, 41S 141256, and 41S 141257-00.

2. Claims 41S 141253-00, 41S 141254-00, 41S 141255-00, 41S 141256, and 41S 141257-00 were decreed with DNRC issue remarks:

Claim 41S 141253-00:

- THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THE CLAIMS FOLLOWING THIS STATEMENT USE THE SAME FILED APPROPRIATION TO DOCUMENT THE RIGHT. THE COMBINED FLOW RATE FOR THIS GROUP OF CLAIMS EXCEEDS THE TOTAL OF THE ORIGINAL APPROPRIATION. 41S 141253-00, 41S 141255-00.

Claim 41S 141254-00:

- THE DNRC MEMORANDUM FILED ON 10/06/2005 AND THE RESERVOIR DATA SHEET FILED ON 08/02/2005 INDICATE THAT A RESERVOIR SHOULD BE ADDED TO THE POINT OF DIVERSION AND MEANS OF DIVERSION, THAT THE SOURCE NAME SHOULD BE CHANGED, AND THAT THE PRIORITY DATE MAY BE INCORRECT. THESE WILL BE ADDRESSED AFTER PROPER NOTICE ON THE NEXT OBJECTION LIST.

Claim 41S 141255-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THE CLAIMS FOLLOWING THIS STATEMENT USE THE SAME FILED APPROPRIATION TO DOCUMENT THE RIGHT. THE COMBINED FLOW RATE FOR THIS GROUP OF CLAIMS EXCEEDS THE TOTAL OF THE ORIGINAL APPROPRIATION. 41S 141253-00, 41S 141255-00 .
- USDA AERIAL PHOTOGRAPH NO. 30045-179-38 , DATED 09/17/1979 APPEARS TO INDICATE 3.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

Claim 41S 141256-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO. 30045-179-38 , DATED 09/17/1979 APPEARS TO INDICATE 28.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE SWSENE SEC 5 TWP 12N RGE 14E JUDITH BASIN COUNTY.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

Claim 41S 141257-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO. 30045-179-38 , DATED 09/17/1979 APPEARS TO INDICATE 28.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

- POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

3. Coyote Creek was ordered to meet with a DNRC employee to address the unresolved issue remarks. (Doc.¹1.00).

4. DNRC Water Resource Specialist Carli Bluhm filed a Memorandum stating Claimant Hope Bradley met with the DNRC. (Doc. 3.00). Ms. Bluhm indicated she reviewed the Judith Basin County Water Resource Survey and aerial photos to prepare the Memorandum; maps and proposed abstracts were attached to the filing.

5. **41S 141253-00:** Ms. Bluhm explained that the GW2 form attached to Statement of Claim 41S 141253-00 was filed on June 24, 1971 – not June 17, 1971, as claimed. Additionally, the GW2 form indicated the flow rate is 25.00 gallons per minute (gpm) – not 40.00 gpm, as claimed. Ms. Bluhm recommended the following modifications be made to claim 41S 141253-00:

Priority Date: ~~JUNE 10, 1971~~ JUNE 24, 1971
 Flow Rate: ~~40.00 GPM~~ 25.00 GPM

6. **41S 141254-00:** Ms. Bluhm reported that the DNRC met with then-Claimant Don McKinlay on August 2, 2005 regarding the point of diversion and means of diversion. Based on the record, Ms. Bluhm recommended a second point of diversion be added to claim 41S 141254-00:

SWNENW 4 12N 14E JUDITH BASIN
 Period of Diversion: JANUARY 1 TO DECEMBER 31
 Diversion Means: DAM
 Reservoir Record:
 Dam Height: 8.00 FEET
 Area: .30 ACRES
 Depth: 8.00 FEET
 Capacity: .96 AC-FT

7. **41S 141255-00:** Ms. Bluhm confirmed the claimed acres irrigated and place of use. Further, Ms. Bluhm explained that the GW2 form attached to Statement of

¹ “Doc.” numerical references correlate to case file docket numbers in the Water Court’s Full Court case management system.

Claim 41S 141253-00 was filed on June 24, 1971 – not June 17, 1971, as claimed. Additionally, the GW2 form indicated the flow rate is 25.00 gallons per minute (gpm) – not 40.00 gpm, as claimed. Ms. Bluhm recommended the following modifications be made to claim 41S 141253-00:

Priority Date: ~~JUNE 10, 1971~~ JUNE 24, 1971
 Flow Rate: ~~40.00 GPM~~ 25.00 GPM

8. **41S 141256-00:** Ms. Bluhm stated she confirmed 28.00 acres of irrigation at the claimed place of use. She recommended the following modifications be made to claim 41S 141256-00:

Flow Rate: ~~1.40 CFS~~ 1.06 CFS
 Maximum Acres: ~~37.00~~ 28.00
 Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	17.00 15.00		S2NE	5	12N	14E	JUDITH BASIN
2	20.00 13.00		W2NW	4	12N	14E	JUDITH BASIN
Total:	37.00 28.00						

9. **41S 141257-00:** Ms. Bluhm stated she confirmed 28.00 acres of irrigation at the claimed place of use. She recommended the following modifications be made to claim 41S 141257-00:

Flow Rate: ~~1.40 CFS~~ 1.06 CFS
 Maximum Acres: ~~37.00~~ 28.00
 Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	17.00 15.00		S2NE	5	12N	14E	JUDITH BASIN
2	20.00 13.00		W2NW	4	12N	14E	JUDITH BASIN
Total:	37.00 28.00						

8. An Order was issued to determine if Claimant Coyote Creek agreed or disagreed with the recommendations made by Ms. Bluhm. (Doc. 4.00). The Order indicated that if nothing were filed by the deadline, this Water Master would conclude the Claimant agreed with the recommended modifications. The following language was included in the Order:

Failure to comply with the terms of this Order may result in sanctions, up to and including entry of default and termination of a water right claim or dismissal of objections. Rule 22, W.R.Adj.R.

Nothing was filed.

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court must address all issue remarks decreed on a claim.
Section 85-2-248, MCA.
2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.
3. Pursuant to Rule 22, W.R.Adj.R., if a claimant, objector, or intervenor fails to appear at a scheduled conference or hearing or fails to comply with an order issued by the Water Court, the Water Court may issue such orders of sanction with regard thereto as are just.
4. The point of diversion issue remark decreed on claim 41S 141257-00 is a notice-type issue remark. As no objections was filed, no further proceedings are required.
5. The issue remark decreed on claim 41S 141257-00 indicating the “maximum combined acres for this group of supplemental claims may require modification...” is not relevant because supplemental rights remarks on claims no longer include a quantified acreage figure.

RECOMMENDATIONS

1. Claim 41S 141253-00 should be modified as follows:
Priority Date: ~~JUNE 10, 1974~~ **JUNE 24, 1971**
Flow Rate: ~~40.00 GPM~~ **25.00 GPM**
2. A second point of diversion should be added to claim 41S 141254-00:

SWNENW 4 12N 14E JUDITH BASIN
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: DAM

Reservoir Record:
Dam Height: 8.00 FEET
Area: .30 ACRES
Depth: 8.00 FEET
Capacity: .98 AC-FT

3. Claim 41S 141255-00 should be modified as follows:

Priority Date: ~~JUNE 10, 1971~~ JUNE 24, 1971
 Flow Rate: ~~40.00 GPM~~ 25.00 GPM

4. Claim 41S 141256-00 should be modified as follows:

Flow Rate: ~~1.40 CFS~~ 1.06 CFS
 Maximum Acres: ~~37.00~~ 28.00

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	17.00 15.00		S2NE	5	12N	14E	JUDITH BASIN
2	20.00 13.00		W2NW	4	12N	14E	JUDITH BASIN
Total:	37.00 28.00						

5. Claim 41S 141257-00 should be modified as follows:

Flow Rate: ~~1.40 CFS~~ 1.06 CFS
 Maximum Acres: ~~37.00~~ 28.00

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	17.00 15.00		S2NE	5	12N	14E	JUDITH BASIN
2	20.00 13.00		W2NW	4	12N	14E	JUDITH BASIN
Total:	37.00 28.00						

6. The issue remarks should be removed from the claims.
 Abstracts are attached for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Coyote Creek
 c/o Trustee, Donald N. McKinlay
 PO Box 513
 Lewistown, MT 59457

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

Water Right Number: 41S 141253-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: COYOTE CREEK
DONALD N MCKINLAY, CO TRUSTEE
PO BOX 513
LEWISTOWN, MT 59457-0513

Priority Date: JUNE 24, 1971

Type of Historical Right: FILED

Purpose (Use): STOCK

Flow Rate: 25.00 GPM

***Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: GROUNDWATER

Source Type: GROUNDWATER

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		NENWNW	4	12N	14E	JUDITH BASIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENWNW	4	12N	14E	JUDITH BASIN
2			NESENW	4	12N	14E	JUDITH BASIN
3			NWNESW	4	12N	14E	JUDITH BASIN
4			NENWSE	4	12N	14E	JUDITH BASIN
5			NWNWNW	4	12N	14E	JUDITH BASIN
6			NESWSE	32	13N	14E	JUDITH BASIN

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

141253-00 141255-00

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

Water Right Number: 41S 141254-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: COYOTE CREEK
DONALD N MCKINLAY, CO TRUSTEE
PO BOX 513
LEWISTOWN, MT 59457-0513

Priority Date: JULY 1, 1972

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 224.40 GPM

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 20.00

Source Name: COYOTE 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		SWNENW	4	12N	14E	JUDITH BASIN

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: HEADGATE

2		SWNENW	4	12N	14E	JUDITH BASIN
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNENW	4	12N	14E	JUDITH BASIN

Diversion to Reservoir: DIVERSION # 2

Dam Height: 8.00 FEET

Depth: 8.00 FEET

Surface Area: 0.30 ACRES

Capacity: 0.96 ACRE-FEET

Period of Use: MAY 1 TO OCTOBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	10.00		N2NWNE	4	12N	14E	JUDITH BASIN
2	10.00		NENW	4	12N	14E	JUDITH BASIN
Total:	<u>20.00</u>						

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

Water Right Number: 41S 141255-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: COYOTE CREEK
 DONALD N MCKINLAY, CO TRUSTEE
 PO BOX 513
 LEWISTOWN, MT 59457-0513

Priority Date: JUNE 24, 1971

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 25.00 GPM

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 6.00

Source Name: GROUNDWATER

Source Type: GROUNDWATER

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		NENWNW	4	12N	14E	JUDITH BASIN

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: WELL

Period of Use: MAY 1 TO OCTOBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	6.00		NWNW	4	12N	14E	JUDITH BASIN

Total: 6.00

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

141253-00 141255-00

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

Water Right Number: 41S 141256-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: COYOTE CREEK
DONALD N MCKINLAY, CO TRUSTEE
PO BOX 513
LEWISTOWN, MT 59457-0513

Priority Date: MARCH 16, 1889

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.06 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: 28.00

Source Name: COYOTE 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	5	12N	14E	JUDITH BASIN

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: HEADGATE

Period of Use: MAY 1 TO OCTOBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	15.00		S2NE	5	12N	14E	JUDITH BASIN
2	13.00		W2NW	4	12N	14E	JUDITH BASIN

Total: 28.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

141256-00 141257-00

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

Water Right Number: 41S 141257-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: COYOTE CREEK
DONALD N MCKINLAY, CO TRUSTEE
PO BOX 513
LEWISTOWN, MT 59457-0513

Priority Date: SEPTEMBER 23, 1970

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.06 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: 28.00

Source Name: COYOTE 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		SWSENE	5	12N	14E	JUDITH BASIN

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: HEADGATE

Period of Use: MAY 1 TO OCTOBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	15.00		S2NE	5	12N	14E	JUDITH BASIN
2	13.00		W2NW	4	12N	14E	JUDITH BASIN

Total: 28.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

141256-00 141257-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

135542-00

141257-00