

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
1-800-624-3270
(406) 586-4364
watercourt@mt.gov

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

CLAIMANTS: Chance J. Evans; G. J. Evans Jr. Revocable
Living Trust; Gayle J. Evans Jr.

CASE 41S-0836-R-2024

41S 134235-00
41S 134236-00
41S 134237-00
41S 134238-00
41S 134239-00
41S 134240-00

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. Chance J. Evans, Gayle J. Evans, Jr., and the GJ Evans Jr. Revocable Living Trust (the Claimants) are the record owners of claims 41S 134235-00, 41S 134236-00, 41S 134237-00, 41S 134238-00, 41S 134239-00, and 41S 134240-00.

2. The claims were decreed with DNRC issue remarks:

41S 134235-00:

- 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(S). 30027-278-185 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE DIKE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

41S 134236-00:

- 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(S). 30045-179-132 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN EITHER THE NESENW OR THE SESENW SEC 26 TWP 15N RGE 12E JUDITH BASIN COUNTY.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

41S 134237-00:

- THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 139.00 ACRES. THE DNRC'S RE-EXAMINATION WAS OF THESE ORIGINAL CLAIMED ACRES.
- 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(S). 30045-179-134 , DATED 09/17/1979 , APPEARS TO INDICATE 60.50 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE DIKE AND DITCH CANNOT BE IDENTIFIED FROM AVAILABLE DATA.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

41S 134238-00:

- THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 47.00 ACRES. THE DNRC'S RE-EXAMINATION WAS OF THESE ORIGINAL CLAIMED ACRES.
- 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(S). 30045-179-134 , DATED 09/17/1979 , APPEARS TO INDICATE 1.50 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

41S 134239-00:

- THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 160.00 ACRES. THE DNRC'S RE-EXAMINATION WAS OF THESE ORIGINAL CLAIMED ACRES.
- 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(S). 30045-179-134 , DATED 09/17/1979 , APPEARS TO INDICATE 22.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

41S 134240-00:

- 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(S). 30045-179-132 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE DIKE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

3. The Claimants were ordered to meet with a DNRC employee to address the unresolved issue remarks decreed on claims 41S 134235-00, 41S 134236-00, 41S 134237-00, 41S 134238-00, 41S 134239-00, and 41S 134240-00.

4. DNRC Water Resource Specialist Carli Bluhm filed a Memorandum indicating she reviewed the Judith Basin County Water Resource Survey and an aerial photo to prepare the Memorandum; maps and proposed abstracts were attached to the filing. (Doc.¹3.00). Ms. Bluhm indicated that she spoke with Chance Evans on December 3, 2024.

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

5. **41S 134235-00:** Ms. Bluhm reported that based on information available to her, she confirmed 79.00 acres of irrigation at the claimed place of use. Ms. Bluhm recommended the following modifications to claim 41S 134235-00:

Maximum Acres:	100.00	79.00						
Place of Use:								
ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County	
1	22.00	10.00	N2NW	NENENW	26	15N	12E JUDITH BASIN	
2	8.00			NWNENW	26	15N	12E JUDITH BASIN	
3	5.00			N2SENW	26	15N	12E JUDITH BASIN	
4	3.00			NESWNW	26	15N	12E JUDITH BASIN	
5	57.00	10.00	S2SW	SESESW	23	15N	12E JUDITH BASIN	
6	10.00			SWSESW	23	15N	12E JUDITH BASIN	
7	10.00			SESWSW	23	15N	12E JUDITH BASIN	
8	10.00			NESWSW	23	15N	12E JUDITH BASIN	
9	10.00			SENWSW	23	15N	12E JUDITH BASIN	
10	3.00			SWNWSW	23	15N	12E JUDITH BASIN	
11	5.00			NWNWSW	23	15N	12E JUDITH BASIN	
12	10.00			NENWSW	23	15N	12E JUDITH BASIN	
13	2.00			NWSESW	23	15N	12E JUDITH BASIN	
14	2.00			SWNESW	23	15N	12E JUDITH BASIN	
15	2.00			NWNESW	23	15N	12E JUDITH BASIN	
16	2.00			SWSENW	23	15N	12E JUDITH BASIN	
17	2.00			NESWNW	23	15N	12E JUDITH BASIN	
18	5.00			SWSWSW	23	15N	12E JUDITH BASIN	
Total:	100.00	79.00						

6. **41S 134236-00:** Ms. Bluhm explained she was able to locate the historical point of diversion based on information provided by Chance Evans and using the map in the claim file. Additionally, Ms. Bluhm reported that based on information available to her, she confirmed 79.00 acres of irrigation at the claimed place of use. Ms. Bluhm recommended modifications to claim 41S 134236-00. Upon comparing the recommendations for claims 41S 134235-00 and 41S 134236-00, the place of use legal land descriptions proposed by Ms. Bluhm differed, but the mapping was identical; it appeared Ms. Bluhm made clerical errors in the recommended place of use legal land description for claim 41S 134236-00, and it should be identical to the place of use legal land description for claim 41S 134235-00. Based on the record, it appeared the following modifications were appropriate for claim 41S 134236-00:

Maximum Acres:	100.00	79.00					
Point of Diversion and Means of Diversion:							
ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County	
1	SESENW	SEENENW	26	15N	12E	JUDITH BASIN	
Period of Diversion:	MAY 1 TO OCTOBER 1						
Diversion Means:	HEADGATE						

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County	
1	22.00	10-00	N2NW	NENENW	26	15N	12E	JUDITH BASIN
2	8.00			NWNENW	26	15N	12E	JUDITH BASIN
3	5.00			N2SENW	26	15N	12E	JUDITH BASIN
4	3.00			NESWNW	26	15N	12E	JUDITH BASIN
5	57.00	10-00	S2SW	SESESW	23	15N	12E	JUDITH BASIN
6	10.00			SWSESW	23	15N	12E	JUDITH BASIN
7	10.00			SESWSW	23	15N	12E	JUDITH BASIN
8	10.00			NESWSW	23	15N	12E	JUDITH BASIN
9	10.00			SENWSW	23	15N	12E	JUDITH BASIN
10	3.00			SWNWSW	23	15N	12E	JUDITH BASIN
11	5.00			NWNWSW	23	15N	12E	JUDITH BASIN
12	10.00			NENWSW	23	15N	12E	JUDITH BASIN
13	2.00			NWSESW	23	15N	12E	JUDITH BASIN
14	2.00			SWNESW	23	15N	12E	JUDITH BASIN
15	2.00			NWNESW	23	15N	12E	JUDITH BASIN
16	2.00			SWSENW	23	15N	12E	JUDITH BASIN
17	2.00			NESWNW	23	15N	12E	JUDITH BASIN
18	5.00			SWSWSW	23	15N	12E	JUDITH BASIN
Total:	100.00							79.00

7. **41S 134237-00:** Ms. Bluhm confirmed the claimed acreage. Additionally, according to Ms. Bluhm, after investigation and speaking with Chance Evans, she found the correct point of diversion for claim 41S 134237-00, and she recommended the following modification:

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County	
1	NWNWSE	NWSWNW	22	32	15N	12E	JUDITH BASIN
Period of Diversion:		APRIL 1 TO OCTOBER 1					
Diversion Means:		DIKE					

8. **41S 134238-00:** Ms. Bluhm indicated that she confirmed the claimed acreage for claim 41S 134238-00.

9. **41S 134239-00:** Ms. Bluhm indicated that she confirmed the claimed acreage for claim 41S 134239-00.

10. **41S 134240-00:** Ms. Bluhm indicated that she confirmed the claimed acreage. Additionally, Ms. Bluhm confirmed the claimed point of diversion for claim 41S 134240-00.

11. An Order was issued to determine if Claimant Franzen 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 Claimants 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.

12. Claimant Chance J. Evans filed a Response forwarding email communications between Mr. Evans and Ms. Bluhm and expressed appreciation for Ms. Bluhm's service. (Doc. 5.00).

Nothing was filed by other parties.

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 issue remarks decreed on claims 41S 134235-00, 41S 134236-00, 41S 134237-00, 41S 134239-00 and 41S 134240-00 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. Claims 41S 134235-00, 41S 134236-00, and 41S 134237-00 should be modified as described in Findings of Facts 5 through 7. No modifications are being recommended to the elements of claims 41S 134238-00, 41S 134239-00, and 41S 134240-00.

2. The issue remarks should be removed from claims 41S 134235-00, 41S 134236-00, 41S 134237-00, 41S 134238-00, 41S 134239-00, and 41S 134240-00.

Abstracts are attached for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Chance J. Evans
PO Box 1366
Brookhaven, MS 39602-1366

G. J. Evans Jr. Revocable Living Trust
Gayle J. Evans Jr.
1050 Redrock Loop
Stanford, MT 59479-9549

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

Water Right Number: 41S 134235-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CHANCE J EVANS
PO BOX 1366
BROOKHAVEN, MS 39602-1366

GAYLE J EVANS JR
1050 REDROCK LOOP
STANFORD, MT 59479-9549

EVANS, G J JR REVOCABLE LIVING TRUST
1050 REDROCK LOOP
STANFORD, MT 59479-9549

Priority Date: JANUARY 1, 1927

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.50 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 79.00

Source Name: SPRING, UNNAMED TRIBUTARY OF SAGE CREEK

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		SWNENW	26	15N	12E	JUDITH BASIN

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: DIKE

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	22.00		N2NW	26	15N	12E	JUDITH BASIN
2	57.00		S2SW	23	15N	12E	JUDITH BASIN

Total: 79.00

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.

134235-00

134236-00

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

Water Right Number: 41S 134236-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CHANCE J EVANS
PO BOX 1366
BROOKHAVEN, MS 39602-1366

GAYLE J EVANS JR
1050 REDROCK LOOP
STANFORD, MT 59479-9549

EVANS, G J JR REVOCABLE LIVING TRUST
1050 REDROCK LOOP
STANFORD, MT 59479-9549

Priority Date: APRIL 25, 1881

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.68 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 79.00

Source Name: SAGE 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		SEENW	26	15N	12E	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	22.00		N2NW	26	15N	12E	JUDITH BASIN
2	57.00		S2SW	23	15N	12E	JUDITH BASIN

Total: 79.00

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.

134235-00

134236-00

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

Water Right Number: 41S 134237-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CHANCE J EVANS
PO BOX 1366
BROOKHAVEN, MS 39602-1366

GAYLE J EVANS JR
1050 REDROCK LOOP
STANFORD, MT 59479-9549

EVANS, G J JR REVOCABLE LIVING TRUST
1050 REDROCK LOOP
STANFORD, MT 59479-9549

Priority Date: JUNE 4, 1892

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 67.00

Source Name: SPRING, UNNAMED TRIBUTARY OF SPRING BRANCH

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		NWNWSE	22	15N	12E	JUDITH BASIN

Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: DIKE

Period of Use: APRIL 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	25.00		NESE	22	15N	12E	JUDITH BASIN
2	15.00		NWSE	22	15N	12E	JUDITH BASIN
3	9.00		SESENE	22	15N	12E	JUDITH BASIN
4	6.00		SWSENE	22	15N	12E	JUDITH BASIN
5	2.00		NESENE	22	15N	12E	JUDITH BASIN
6	4.00		SESWNE	22	15N	12E	JUDITH BASIN
7	3.00		SWSWNE	22	15N	12E	JUDITH BASIN

8	<u>3.00</u>	NENESW	22	15N	12E	JUDITH BASIN
Total:	67.00					

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.

134237-00 134239-00

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.

134224-00 134237-00

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

Water Right Number: 41S 134238-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: CHANCE J EVANS
 PO BOX 1366
 BROOKHAVEN, MS 39602-1366
 GAYLE J EVANS JR
 1050 REDROCK LOOP
 STANFORD, MT 59479-9549
 EVANS, G J JR REVOCABLE LIVING TRUST
 1050 REDROCK LOOP
 STANFORD, MT 59479-9549

Priority Date: DECEMBER 31, 1959

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 33.00

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		NESEW	22	15N	12E	JUDITH BASIN

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: WELL

Period of Use: MAY 1 TO OCTOBER 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	14.00		S2NESW	22	15N	12E	JUDITH BASIN
2	2.00		NWNESW	22	15N	12E	JUDITH BASIN
3	3.00		NENESW	22	15N	12E	JUDITH BASIN
4	8.00		SWNWSE	22	15N	12E	JUDITH BASIN
5	6.00		SENWSE	22	15N	12E	JUDITH BASIN

Total: 33.00

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.

134229-00

134238-00

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

Water Right Number: 41S 134239-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: CHANCE J EVANS
PO BOX 1366
BROOKHAVEN, MS 39602-1366

GAYLE J EVANS JR
1050 REDROCK LOOP
STANFORD, MT 59479-9549

EVANS, G J JR REVOCABLE LIVING TRUST
1050 REDROCK LOOP
STANFORD, MT 59479-9549

Priority Date: DECEMBER 31, 1947

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 408.00 GPM

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

Climatic Area: 3 - MODERATE

Maximum Acres: 24.00

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		SENWSE	21	15N	12E	JUDITH BASIN

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: WELL

Period of Use: APRIL 1 TO OCTOBER 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	24.00		NE	22	15N	12E	JUDITH BASIN

Total: 24.00

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.

134237-00 134239-00

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.

134225-00 134239-00

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

Water Right Number: 41S 134240-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CHANCE J EVANS
PO BOX 1366
BROOKHAVEN, MS 39602-1366

GAYLE J EVANS JR
1050 REDROCK LOOP
STANFORD, MT 59479-9549

EVANS, G J JR REVOCABLE LIVING TRUST
1050 REDROCK LOOP
STANFORD, MT 59479-9549

Priority Date: SEPTEMBER 22, 1969

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 287.23 GPM

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

Climatic Area: 3 - MODERATE

Maximum Acres: 17.00

Source Name: SPRING, UNNAMED TRIBUTARY OF FLAT CREEK

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		NESWNW	23	15N	12E	JUDITH BASIN

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DIKE

Period of Use: APRIL 1 TO OCTOBER 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	3.00		NESWNW	23	15N	12E	JUDITH BASIN
2	1.00		NWSENW	23	15N	12E	JUDITH BASIN
3	4.00		SWNENW	23	15N	12E	JUDITH BASIN
4	9.00		SENWNW	23	15N	12E	JUDITH BASIN

Total: 17.00

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.

134230-00

134240-00