

Montana Water Court
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IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
MADISON RIVER BASIN (41F)
PRELIMINARY DECREE

CLAIMANT: Wyatt H. Gibbs

CASE 41F-0112-R-2024

41F 14391-00

41F 215641-00

41F 215642-00

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

Statement of the case

The captioned claims appeared in the Preliminary Decree with the following issue remarks:

Irrigation claim 41F 14391-00

POINT OF DIVERSION NO. 2 APPEARS TO BE IN THE SENWSE SEC 29, T4S, R1W, MADISON COUNTY.

POINTS OF DIVERSION 3 & 4, IN THE NWSW SEC 28 & SENWSW SEC 29 APPEAR TO BE INVALID DIVERSIONS BECAUSE THEY ARE MOVABLE. THE INFORMATION REMARK ABOUT THE DIVERSIONS EVERY 100 FT DESCRIBES THESE ADDITIONAL DIVERSIONS FOR A FUTURE WATER COMMISSIONER.

Irrigation claim 41F 215641-00

THE MADISON COUNTY WATER RESOURCES SURVEY (1954) APPEARS TO INDICATE 50.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE CLAIMED PERIOD OF USE EXCEEDS THE USUAL PERIOD OF USE FOR THE CLAIMED PURPOSE WHICH IS APRIL 20 TO OCTOBER 14.

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41F TEMPORARY PRELIMINARY DECREE ISSUED 07/25/1984.

CLAIM FILED LATE 07/01/1996. IN ADDITION TO BEING SUBORDINATE TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW, THIS RIGHT MAY ALSO BE SUBORDINATE TO CERTAIN PERMITS AND RESERVATIONS OF WATER. SEE SECTION 85-2-221 MCA.

POINT OF DIVERSION AND DITCH NAME WERE 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 PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON NORTH MEADOW CREEK WITH A PRIORITY DATE THAT MAY PREDATE CASE NO 1236, MADISON COUNTY. IF NO OBJECTIONS ARE FILED TO PRIORITY DATE OR TYPE OF HISTORICAL RIGHT, THESE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS REMARK WILL BE REMOVED.

Irrigation claim 41F 215642-00

THE MADISON COUNTY WATER RESOURCES SURVEY (1954) APPEARS TO INDICATE 30.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO. 178-319, DATED 09/09/1979 APPEARS TO INDICATE 50.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE CLAIMED PERIOD OF USE EXCEEDS THE USUAL PERIOD OF USE FOR THE CLAIMED PURPOSE WHICH IS APRIL 20 TO OCTOBER 14.

THE FLOW RATE OF THIS WATER RIGHT HAS BEEN REDUCED TO THE 17 GPM PER ACRE GUIDELINE. THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41F TEMPORARY PRELIMINARY DECREE ISSUED 07/25/1984. CLAIM FILED LATE 07/01/1996.

IN ADDITION TO BEING SUBORDINATE TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW, THIS RIGHT MAY ALSO BE SUBORDINATE TO CERTAIN PERMITS AND RESERVATIONS OF WATER. SEE SECTION 85-2-221 MCA.

POINT OF DIVERSION AND DITCH NAME WERE 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 PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON NORTH MEADOW CREEK WITH A PRIORITY DATE THAT MAY PREDATE CASE NO 1236, MADISON COUNTY. IF NO OBJECTIONS ARE FILED TO PRIORITY DATE OR TYPE OF HISTORICAL RIGHT, THESE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS REMARK WILL BE REMOVED.

Issue remarks result from Department of Natural Resources and Conservation (“DNRC”) claims examination. If claims examination cannot confirm some aspect of a claim, an issue remark is added to the claim.

Montana law requires the Water Court to resolve issue remarks. Claimant, Wyatt H. Gibbs, completed the issue remark resolution process.

Issue

What modifications to each claim should be implemented to accurately reflect historical beneficial use and resolve the issue remarks on the claims?

Findings of fact

1. On May 5, 2025, Mr. Gibbs filed a response agreeing with the DNRC’s recommendations except the recommendation reducing the flow rate for irrigation claim 41F 215642-00.

2. Mr. Gibbs filed a declaration supporting the 2.77 CFS flow rate identified by the Preliminary Decree abstract for irrigation claim 41F 215642-00.

3. Irrigation claim 41F 215642-00 historically irrigated a 50.00-acre place of use with a 2.77 CFS flow rate. No other elements identified by the Preliminary Decree abstract for claim 41F 215642-00 require modification.

4. The Preliminary Decree abstracts for irrigation claims 41F 14391-00 and 41F 215641-00 do not require modification.

Principles of law

1. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. Section 85-2-227, MCA. Prima facie proof may be overcome by other evidence that proves, by a preponderance of the evidence, that an element of the prima facie claim is incorrect. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R. A preponderance of the evidence is a “modest standard” and is evidence that demonstrates the fact to be proved is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 348, 240 P.3d 628.

2. The Montana Water Court is permitted to use information submitted by the Department of Natural Resources and Conservation, the statement of claim, information from approved compacts, and any other data obtained by the Court to evaluate water right claims. Section 85-2-231(2), MCA.

3. Settlement, including the documents filed by a claimant where the claimant is the only party, is subject to review and approval by the Water Court. Rule 17(a), W.R.Adj.R.

4. The Water Court may accept a settlement agreement that reduces or limits an element of a claim and need not determine whether the burden of proof is met unless there is an unresolved issue remark on the claim. Rule 17(c), W.R.Adj.R.

5. When resolving issue remarks, the Montana Water Court must weigh the information resulting in the issue remark and the issue remark against the claimed water right. Section 85-2-247(2), MCA.

6. If the Montana Water Court cannot resolve issue remarks based upon information in the claim file or information available to the Court, claimants shall be required to confer with the DNRC to attempt resolution of the issue remarks. Claimants shall file documentation to resolve the issue remarks, and the DNRC shall submit recommendations regarding disposition of the issue remarks. Section 85-2-248(5), MCA.

7. 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. Section 85-2-248(3), MCA.

8. Late claim fees may be waived by the court. Rule 30, W.R.Adj.R.

Analysis

Historical elements and issue remark resolution

The court ordered Mr. Gibbs to meet with DNRC to attempt resolution of the issue remarks on the captioned irrigation claims.

For irrigation claim 41F 14391-00, DNRC filed a Memorandum on January 14, 2025. DNRC reported that the point of diversion issue remark on claim 41F 14391-00 refers to the legal land description identified by point of diversion #2. DNRC reported that the legal land description identified by point of diversion #2 is historically accurate and the point of diversion issue remark was unnecessary. DNRC recommended that the point of diversion issue remark be removed from the claim.

On March 28, 2025, DNRC filed a Memorandum concerning issue remark resolution for irrigation claims 41F 215641-00 and 41F 215642-00. The DNRC Memorandum reported that Mr. Gibbs contacted DNRC but did not complete the issue remark resolution process for these claims. DNRC reviewed the claim files, 1947 and 1979 aerial photos, the 1954 Madison County Water Resources Survey, and visited with Mr. Gibbs. DNRC recommended the issue remarks be removed from claim 41F 215641-00 without modification of any elements, and for claim 41F 215642-00 the maximum acres irrigated be reduced to 50.00 acres and the flow rate be reduced to 1.89 CFS to resolve the issue remarks appearing on the claim.

DNRC did not include Mr. Gibbs' agreement with its recommendations. The court provided Mr. Gibbs the opportunity to comment on DNRC's issue remark resolution recommendations. Mr. Gibbs responded that he agreed with DNRC's recommendations except the reduced flow rate for irrigation claim 41F 215642-00. Mr. Gibbs filed a Declaration concerning the flow rate for claim 41F 215642-00. Mr. Gibbs declared he is familiar with the historic beneficial use, and continued beneficial use, of claim 41F 215642-00. His family, including his uncle, father, and grandfather owned and used what is now identified as claim 41F 215642-00 for years, as has Mr. Gibbs himself. The place of use historically served by and currently served by irrigation claim 41F 215642-00 is sandy and "a significant portion of water flow is lost to sand." Based upon Mr. Gibbs' Declaration, claim 41F 215642-00 historically used, and continues to use, the entirety of the 2.77 CFS flow rate due to the sandy nature of the soils irrigated by the claim.

The DNRC Memoranda and attachments may be viewed on the court's case management system, FullCourt Enterprise, at document sequences 2.00 and 3.00. Mr. Gibbs' Declaration may be viewed at on the court's case management system, FullCourt Enterprise, at document sequence 7.00.

The remainder of the above recited issue remarks on the captioned claims were resolved based upon information before the court. See below.

- The point of diversion issue remark concerning points of diversion #3 and #4 on claim 41F 14391-00 does not raise an issue requiring resolution by the court.
- Claims 41F 215641-00 and 41F 215642-00 were filed after the April 30, 1982 claim filing deadline expired. As a result, the claims meet the "late claim" definition under § 85-2-102(15), MCA, and were deemed forfeit pursuant to § 85-2-226, MCA. In 1993, the Montana Legislature enacted § 85-2-221(3), MCA, and provided for the remission of forfeiture of late claims, subject to specified terms and conditions. These claims are "remitted" late claims. The issue remark citing § 85-2-221(3), MCA, advised water users that the claims may be subordinate, and

therefore junior, to certain permits and reservations of water. Persons holding a post-June 30, 1973 permit or reservation, who relied to their detriment on the failure of a claimant to timely file a claim, were required to file an objection and thereby seek the subordination of any remitted late filed claim to their permit or reservation. No water users filed objections against the claims, and the referenced notice issue remarks served their purpose.

- The point of diversion, ditch name, and priority date issue remarks on claims 41F 215641-00 and 41F 215642-00 provided notice to other water users that they may wish to review these elements and file an objection to the elements if necessary. The deadline to file objections passed. No water users filed objections against the claims, and the referenced notice issue remarks served their purpose.

Conclusions of law

Based upon information in the claim files, DNRC's Memoranda and recommendations, and Mr. Gibbs' response, no modifications should be made to irrigation claims 41F 14391-00 and 41F 215641-00. The issue remarks on the claims are resolved.

Based upon information in claim file 41F 215642-00, DNRC's Memorandum and recommendations, and Mr. Gibbs' Declaration, the proposed modifications to the historical maximum acres irrigated and place of use and the flow rate remaining 2.77 CFS, are reductions within the parameters of statement of claim 41F 215642-00. No other modifications should be made to the claim. The issue remarks on the claim are resolved.

Recommendations

Irrigation claim 41F 215642-00 should be modified as follows to accurately reflect historical use.

<u>MAXIMUM ACRES:</u>	73.00	50.00
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PLACE OF USE:

	<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	10.00		N2NWNW	33	4S	1W	GALLATIN
	<u>40.00</u>		W2SW	28	4S	1W	GALLATIN
TOTAL:	50.00						
	63.00						
	-73.00						

The issue remarks should be removed from the claim abstracts.

A *de minimis* amount of time was spent adjudicating late claims 41F 215641-00 and 41F 215642-00. The late claim fee assessment for claims 41F 215641-00 and 41F 215642-00 should be waived as authorized by Rule 30, W.R.Adj.R.

Post Decree Abstracts of Water Right Claim accompany this report to confirm the recommendations have been implemented in the state's centralized water right record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via Electronic Mail

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F**

Water Right Number: 41F 14391-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: WYATT H GIBBS
PO BOX 531
THREE FORKS, MT 59752

Priority Date: APRIL 1, 1869

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

THIS RIGHT HAS ALSO BEEN HISTORICALLY USED FOR MINING, POWER GENERATION, STOCK AND DOMESTIC USES.

Flow Rate: 224.40 GPM

Volume: 362.00 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 223.00

Source Name: NORTH MEADOW 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		SWNE	30	4S	1W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: LOWER SHELLHAMER DITCH

2		SWNE	29	4S	1W	MADISON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: ALLEN-DEUBLE DITCH

3		NWSW	28	4S	1W	MADISON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

4		SENWSW	29	4S	1W	MADISON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

DIVERSIONS EXIST EVERY 100 FT WITHIN CREEK CHANNEL IN THE N2SE SEC 29 AND NWSW SEC 28 TWP 4S RGE 1W MADISON COUNTY.

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	80.00		N2SE	29	4S	1W	MADISON
2	80.00		W2SW	28	4S	1W	MADISON
3	63.00		W2NW	33	4S	1W	MADISON
Total:		223.00					

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.

14391-00	14392-00	14393-00	14394-00	14395-00	14396-00
215641-00	215642-00				

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F**

Water Right Number: 41F 215641-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Late Claim: B

Owners: WYATT H GIBBS
PO BOX 531
THREE FORKS, MT 59752

Priority Date: APRIL 1, 1869

Enforceable Priority Date: JUNE 30, 1973

CLAIM FILED LATE 07/01/1996. 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: 5.00 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: 132.00

Source Name: NORTH MEADOW CREEK

Source Type: SURFACE WATER

THIS RIGHT IS LIMITED TO HIGH OR FLOOD WATERS OF NORTH MEADOW CREEK.

***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	29	4S	1W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: ALLEN-DEUBLE DITCH

2		SWNENE	30	4S	1W	MADISON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: LOWER SHELLHAMER DITCH

DIVERSIONS EXIST EVERY 100 FT WITHIN CREEK CHANNEL IN THE N2SE SEC 29 AND NWSW SEC 28 TWP 4S RGE 1W MADISON COUNTY.

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	81.00		SE	29	4S	1W	MADISON
2	41.00		W2SW	28	4S	1W	MADISON
3	10.00		NWNW	33	4S	1W	MADISON
Total:		132.00					

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.

14391-00	14392-00	14393-00	14394-00	14395-00	14396-00
215641-00	215642-00				

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F**

Water Right Number: 41F 215642-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Late Claim: B

Owners: WYATT H GIBBS
PO BOX 531
THREE FORKS, MT 59752

Priority Date: APRIL 1, 1869

Enforceable Priority Date: JUNE 30, 1973

CLAIM FILED LATE 07/01/1996. 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:** 2.77 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: 50.00

Source Name: NORTH MEADOW CREEK

Source Type: SURFACE WATER

THIS RIGHT IS LIMITED TO HIGH OR FLOOD WATERS OF NORTH MEADOW CREEK.

***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	29	4S	1W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: ALLEN-DEUBLE DITCH

2		SWNENE	30	4S	1W	MADISON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: LOWER SHELLHAMER DITCH

DIVERSIONS EXIST EVERY 100 FT WITHIN CREEK CHANNEL IN THE N2SE SEC 29 AND NWSW SEC 28 TWP 4S RGE 1W MADISON COUNTY.

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	10.00		N2NWNW	33	4S	1W	MADISON
2	40.00		W2SW	28	4S	1W	MADISON
Total:	50.00						

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.

14391-00	14392-00	14393-00	14394-00	14395-00	14396-00
215641-00	215642-00				