

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: HRMT Land LLC

~~OBJECTOR: Roger H. Smith~~

CASE 41F-0134-R-2025

41F 13824-00

41F 13828-00

41F 13830-00

41F 13831-00

41F 136441-00

41F 211123-00

41F 30147033

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

Roger H. Smith filed an objection to claim 41F 211123-00. The captioned claims received issue remarks placed on the claims during examination by the Department of Natural Resources and Conservation ("DNRC"). Irrigation claims 41F 13824-00, 41F 13828-00, and 41F 13830-00 received a substantive issue remark concerning point of diversion and irrigation claim 41F 211123-00 received a substantive issue remark concerning type of historical right. Irrigation claims 41F 13824-00, 41F 13831-00, 41F 211123-00, and 41F 30147033 and stock claim 41F 136441-00 received notice issue remarks.

The Water Master held a status conference March 27, 2025. Both claimant HRMT Land LLC and objector Roger H. Smith failed to appear. The Order Setting Status Conference stated:

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.
[underlining in original]

A 30-day deadline was set for claimant HRMT Land LLC to file evidence sufficient to show cause why the legal land description for the point of diversion for irrigation claims 41F 13824-00, 41F 13828-00, and 41F 13830-00 should not be amended and the type of historical right for claim 41F 211123-00 should not be amended. The order setting the deadline stated that the failure to comply with the filing deadline would be viewed as agreement that the claims should be amended as identified by the order.

A 30-day deadline was also set for objector Roger H. Smith to file a statement sufficient to show cause why he should not be dismissed from these proceedings.

Neither HRMT Land LLC nor Roger H. Smith filed any documentation by the deadline.

Issues

1. What point of diversion legal land description should irrigation claims 41F 13824-00, 41F 13828-00, and 41F 13830-00 identify?
2. What type of historical right should irrigation claim 41F 211123-00 identify?
3. Should objector Roger H. Smith be dismissed from these proceedings?
4. Are the notice issue remarks on each claim resolved?

Findings of fact

1. The point of diversion legal land description for the Hutchinson Ditch, identified by irrigation claims 41F 13824-00, 41F 13828-00, and 41F 13830-00 should be the NWSESW of Section 7, Township 2 South, 2 East.
2. The type of historical right for claim 41F 211123-00 should be “filed.”
3. Objector Roger H. Smith should be dismissed from these proceedings.

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. 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.

4. 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.

5. All parties subject to the jurisdiction of the Montana Water Court in this adjudication have the obligation to comply with Orders of this Court, including Orders issued by a Master appointed by the Court. If a claimant fails to comply with an Order issued by the Court in its review of issue remarks, the Court may amend the claim to conform with information found in the claim file and information before the Court. Section 85-2-248(9)(a),(b), MCA.

If an objector fails to comply with an Order issued by the Court, Rule 22, W.R.Adj.R., allows the Water Court to apply appropriate sanctions, up to and including dismissal of an objector.

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

Analysis

Issues 1 and 2 – point of diversion issue remark resolution and type of historical right issue remark resolution

The captioned claims were subject to the court's December 14, 2012 Order Addressing Reexamination. The court ordered DNRC, to amongst other items, standardize legal land descriptions for points of diversion and standardize ditch names associated with those standardized points of diversion, and to add an issue remark to the abstract providing notice to the claimant and other water users about the modifications. The captioned claims, except irrigation claims 41F 13824-00, 41F 13828-00, and 41F 13830-00, appeared in the Preliminary Decree with a standardized point of diversion and a standardized ditch name – Hutchinson Ditch located in the NWSESW of Section 7, Township 2 South, 2 East. Irrigation claims 41F 13824-00, 41F 13828-00, and 41F 13830-00 received an issue remark noting the point of diversion for the Hutchinson Ditch should be the standardized point of diversion - the NWSESW of Section 7, Township 2

South, 2 East.

Claim 41F 211123-00 received an issue remark noting the type of historical right appeared to be “filed” instead of “use.” Upon review of claim file 41F 211123-00, the statement of claim attachments included a filed notice of appropriation in support of the claim. In addition, all other claims in the multiple use information remark located at the end of the claim abstract, except claim 41F 211123-00, identify the type of historical right as “filed,” indicating that the type of historical right for irrigation claim 41F 211123-00 should be “filed.”

Claimant HRMT Land LLC failed to appear at the status conference and also failed to comply with the show cause filing deadline. HRMT Land LLC failed to provide any evidence to address or resolve the issue remarks thereby leaving the point of diversion issue remark on claims 41F 13824-00, 41F 13828-00, and 41F 13830-00 and the type of historical right issue remark on claim 41F 211123-00, and the DNRC claim examination worksheets as strong evidence that the claims should be amended as indicated by the issue remarks.

Conclusions of law

Based on information in the claim files and before the court, and the claimant’s failure to comply with orders issued by the Water Master, claims 41F 13824-00, 41F 13828-00, 41F 13830-00, and 41F 211123-00 should be amended as recommended by the order setting show cause filing deadline. The point of diversion issue remark on claims 41F 13824-00, 41F 13828-00, and 41F 13830-00 is resolved. The type of historical right issue remark on claim 41F 211123-00 is resolved.

Issue 3 – dismissal of objector Roger H. Smith and notice issue remark resolution

Objector Roger H. Smith failed to appear at the scheduled status conference. A 30-day deadline was set for Roger H. Smith to file a statement sufficient to show cause why he should not be dismissed from these proceedings. The order setting the deadline stated that the failure to comply with the filing deadline would result in objector Roger H. Smith’s dismissal from these proceedings. Roger H. Smith failed to comply with the

filing deadline.

Conclusions of law

Based on objector Roger H. Smith's failure to comply with orders issued by the Water Master and failure to participate in these proceedings, objector Roger H. Smith should be dismissed from these proceedings. The dismissal of Roger H. Smith from these proceedings resolves the notice issue remark on claim 41F 211123-00 concerning Mr. Smith's objection.

Issue 4 – notice issue remark resolution

The notice issue remark on irrigation claim 41F 13824-00 noted an amendment was filed but not processed. The amendment concerned the point of diversion which is resolved by these case proceedings.

Notice issue remarks on irrigation claims 41F 13831-00 and 41F 211123-00 and stock claim 41F 136441-00 noted elements were modified by DNRC pursuant to the court's December 14, 2012 Order Addressing Reexamination, and for irrigation claim 41F 30147033 a timely filed objection was amended to include additional elements. The issue remarks provided notice to other water users that they may object to these elements. No water users filed objections to the elements noted by the remarks.

Irrigation claim 41F 211123-00 was filed after the April 30, 1982 claim filing deadline expired. As a result, the claim is defined as a "late claim" under § 85-2-102(15), MCA, and was 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. This claim is a "remitted" late claim. The abstract of irrigation claim 41F 211123-00 appeared with an issue remark citing § 85-2-221(3), MCA, advising water users that the claim 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. The claim

received an additional issue remark noting it missed the first decree for Basin 41F issued in 1984. This notice issue remark provided notice to water users that the claim was not previously decreed. Water users were given the opportunity to review the claim and file an objection. The deadline to file objections passed. The only objection filed to claim 41F 211123-00 was dismissed during these case proceedings.

Conclusion of law

The issue remarks discussed in this section served their notice purpose.

Recommendations

Objector Roger H. Smith and Roger H. Smith's objection should be dismissed.

Based upon the foregoing, claims 41F 13824-00, 41F 13828-00, and 41F 13830-00 should be amended as follows to accurately reflect historical use.

POINT OF DIVERSION:

<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
NWSESW	SWNESW	7	2S	2E	GALLATIN

Diversion Means: HEADGATE

Ditch Name: HUTCHINSON DITCH

Based upon the foregoing, claim 41F 211123-00 should be amended as follows to accurately reflect historical use.

TYPE OF HISTORICAL RIGHT:

~~USE~~

FILED

The issue remarks appearing on the captioned claims should be removed.

Post Decree Abstracts of Water Right Claim accompany this Report to confirm implementation of the recommendations in the state's centralized water right record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail

Last Order:

**Roger H Smith
7003 Jackson Creek Rd
Bozeman, MT 59715-9642**

Service via Email:

Renee L. Coppock
Crowley Fleck PLLP
rcoppock@crowleyfleck.com
jbonvillain@crowleyfleck.com

Caption and Service List Updated 7/10/2025

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

Water Right Number: 41F 13824-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: HRMT LAND, LLC
101 N MAIN STREET, SUITE 410
ANN ARBOR, MI 48104

Priority Date: JUNE 10, 1882

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 4.80 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: 176.00

Source Name: MADISON RIVER

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		SENESE	31	1S	2E	GALLATIN

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

Diversion Means: HEADGATE

Ditch Name: DELL DITCH

2		NWSESW	7	2S	2E	GALLATIN
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Period of Diversion: APRIL 15 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: HUTCHINSON 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	28.00		E2NW	15	1S	2E	GALLATIN
2	5.00		SESESE	16	1S	2E	GALLATIN
3	76.00		N2	21	1S	2E	GALLATIN
4	67.00		S2	21	1S	2E	GALLATIN

Total: 176.00

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

Water Right Number: 41F 13828-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: HRMT LAND, LLC
101 N MAIN STREET, SUITE 410
ANN ARBOR, MI 48104

Priority Date: JULY 1, 1904

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 305.18 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: 89.00

Source Name: MADISON RIVER

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		SENESE	31	1S	2E	GALLATIN

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

Diversion Means: HEADGATE

Ditch Name: DELL DITCH

2		NWSESW	7	2S	2E	GALLATIN
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Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: HUTCHINSON DITCH

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	76.00		SE	16	1S	2E	GALLATIN
2	5.00		S2NW	21	1S	2E	GALLATIN
3	8.00		NWSW	21	1S	2E	GALLATIN

Total: 89.00

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.

13828-00

13830-00

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

Water Right Number: 41F 13830-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: HRMT LAND, LLC
101 N MAIN STREET, SUITE 410
ANN ARBOR, MI 48104

Priority Date: JUNE 10, 1882

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.55 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: 89.00

Source Name: MADISON RIVER

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		SENESE	31	1S	2E	GALLATIN

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

Diversion Means: HEADGATE

Ditch Name: DELL DITCH

2		NWSESW	7	2S	2E	GALLATIN
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Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: HUTCHINSON DITCH

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	76.00		SE	16	1S	2E	GALLATIN
2	5.00		S2NW	21	1S	2E	GALLATIN
3	8.00		NWSW	21	1S	2E	GALLATIN

Total: 89.00

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.

13828-00

13830-00

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

Water Right Number: 41F 13831-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: HRMT LAND, LLC
101 N MAIN STREET, SUITE 410
ANN ARBOR, MI 48104

Priority Date: JULY 1, 1904

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FURROW/FLOOD

Flow Rate: 10.35 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: 414.00

Source Name: MADISON RIVER

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		NWSESW	7	2S	2E	GALLATIN

Period of Diversion: APRIL 15 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: HUTCHINSON 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	88.00		NW	15	1S	2E	GALLATIN
2	15.00		SENE	16	1S	2E	GALLATIN
3	46.00		SE	16	1S	2E	GALLATIN
4	90.00		N2	21	1S	2E	GALLATIN
5	175.00		S2	21	1S	2E	GALLATIN

Total: 414.00

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

Water Right Number: 41F 136441-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: HRMT LAND, LLC
101 N MAIN STREET, SUITE 410
ANN ARBOR, MI 48104

Priority Date: FEBRUARY 20, 1906

Type of Historical Right: FILED

Purpose (Use): STOCK

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

***Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR 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: MADISON RIVER

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		NWSESW	7	2S	2E	GALLATIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: HUTCHINSON DITCH

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			NW	28	1S	2E	GALLATIN

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.

133697-00 136441-00 211123-00

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

Water Right Number: 41F 211123-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Late Claim: B

Owners: HRMT LAND, LLC
101 N MAIN STREET, SUITE 410
ANN ARBOR, MI 48104

Priority Date: FEBRUARY 20, 1906

Enforceable Priority Date: JUNE 30, 1973

CLAIM FILED LATE 11/27/1984. 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: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.45 CFS

Volume: 418.60 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 91.00

Source Name: MADISON RIVER

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		NWSESW	7	2S	2E	GALLATIN

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: HUTCHINSON DITCH

Period of Use: APRIL 15 TO OCTOBER 15

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	40.00		NWNW	28	1S	2E	GALLATIN
2	20.00		NENW	28	1S	2E	GALLATIN
3	31.00		SWNW	28	1S	2E	GALLATIN

Total: 91.00

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.

133697-00

136441-00

211123-00

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

Water Right Number: 41F 30147033 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: HRMT LAND, LLC
101 N MAIN STREET, SUITE 410
ANN ARBOR, MI 48104

***Priority Date:** JUNE 1, 1904

Type of Historical Right: USE

***Purpose (Use):** IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 11.50 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:** 85.00

***Source Name:** MADISON RIVER

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		NWSESW	7	2S	2E	GALLATIN

***Period of Diversion:** APRIL 15 TO OCTOBER 19

Diversion Means: HEADGATE

Ditch Name: HUTCHINSON DITCH

***Period of Use:** APRIL 15 TO OCTOBER 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	85.00		NW	28	1S	2E	GALLATIN

Total: 85.00

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41F 133699-00.