

IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
MISSOURI RIVER BELOW FORT PECK DAM BASIN 40S
INTERLOCUTORY

* * * * *

CLAIMANTS: Tina Chappell; Justin Hagen; Penny S. Hagen;
Rick Hoistad; Jill A. Meiers; Pickthorn Farms

CASE 40S-0017-I-2024

40S 30133976
40S 30133978
40S 30133982
40S 30133986
40S 30133987
40S 30133990
40S 30133992

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. Rick Hoistad and Pickthorn Farms are the present record owners of claims of claims 40S 30133976, 40S 30133978, 40S 30133982, 40S 30133986, 40S 30133987, and 40S 30133992. Tina Chappell, Justin Hagen, Penny S. Hagen, Rick Hoistad, Jill A. Meiers, and Pickthorn Farms are the present record owners of claim 40S 30133990.

2. Claims 40S 30133976, 40S 30133978, 40S 30133982, 40S 30133986, 40S 30133987, 40S 30133990, and 40S 30133992 were decreed with DNRC issue remarks:

Claim 40S 30133976:

- TWO SEPARATE MEANS OF DIVERSION HAVE BEEN CLAIMED FOR THE POINT OF DIVERSION IN THE NW SEC 26 TWP 27N RGE 41E VALLEY COUNTY.
- THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40S DECREE ISSUED 12/29/1999.
- ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 10/23/2021 , A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY RICK HOISTAD & CRAIG EGELAND.
- THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OF THE PLACE OF USE APPEARS TO BE ON FEDERAL LAND.
- THE POINT OF DIVERSION LEGAL LAND DESCRIPTION COULD NOT BE REFINED FROM INFORMATION IN THE CLAIM FILE.
- THE PLACE OF USE LEGAL LAND DESCRIPTION COULD NOT BE REFINED FROM INFORMATION IN THE CLAIM FILE.
- THIS CLAIM DOES NOT APPEAR TO MEET THE DEFINITION OF AN EXEMPT RIGHT UNDER SECTION 85-2-222 (1), MCA..

Claim 40S 30133978:

- TWO SEPARATE MEANS OF DIVERSION HAVE BEEN CLAIMED FOR THE POINT OF DIVERSION IN THE SE SEC 23 TWP 27N RGE 41E VALLEY COUNTY.
- THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40S DECREE ISSUED 12/29/1999.
- ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 10/19/2021 , THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY RICK HOISTAD & CRAIG EGELAND.
- THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE STREAM CANNOT BE IDENTIFIED FROM AVAILABLE DATA.
- THE CLAIMED PLACE OF USE COULD NOT BE IDENTIFIED FROM DATA SUBMITTED WITH THE CLAIM.
- THIS CLAIM DOES NOT APPEAR TO MEET THE DEFINITION OF AN EXEMPT RIGHT UNDER SECTION 85-2-222 (1), MCA.

Claim 40S 30133982:

- THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40S DECREE ISSUED 12/29/1999.
- ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 10/19/2021 , THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY RICK HOISTAD & CRAIG EGELAND.
- THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE WELL CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

- THE CLAIMED PLACE OF USE COULD NOT BE IDENTIFIED FROM DATA SUBMITTED WITH THE CLAIM.
- THE CLAIMED PLACE OF USE DOES NOT APPEAR TO BE USED FOR DOMESTIC IRRIGATION PURPOSES.
- THE CLAIMED VOLUME APPEARS TO BE INADEQUATE FOR THE CLAIMED PURPOSE.

Claim 40S 30133986:

- THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40S DECREE ISSUED 12/29/1999.
- ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 10/19/2021 , THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY RICK HOISTAD & CRAIG EGELUND.
- THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE WELL CANNOT BE IDENTIFIED FROM AVAILABLE DATA.
- THE CLAIMED PLACE OF USE COULD NOT BE IDENTIFIED FROM DATA SUBMITTED WITH THE CLAIM

Claim 40S 30133987:

- THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40S DECREE ISSUED 12/29/1999.
- ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 10/20/2021 , A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY RICK HOISTAD AND CRAIG EGELAND.
- ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 10/20/2021 , A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY TED W REIMCHE.

Claim 40S 30133990:

- THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40S DECREE ISSUED 12/29/1999.
- ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 10/22/2021 , A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY RICK HOISTAD AND CRAIG EGELAND.
- ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 10/22/2021 , A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY ROBERT K MEIERS.
- ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 10/22/2021 , A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY GORDON W REIMCHE.¹

Claim 40S 30133992:

- THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40S DECREE ISSUED 12/29/1999.
- ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 10/25/2021 , A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY JOYCE A HILL LIVING TRUST.
- ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 10/25/2021 , A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY RICK HOISTAD AND CRAIG EGELAND.

¹Issue remark references Gordon W. Reimche, based on research, this appears to be an error – it should reference Ted W. Reimche.

3. Claimants Rick Hoistad and Pickthorn Farms were ordered to meet with the DNRC to address the issue remarks. (Doc.²1.00).

4. DNRC Water Resource Specialist Ryan Hartwell filed a Memorandum stating he telephoned with Colleen Coyle on behalf of Rick Hoistad and Craig Egeland, but she did not submit any documentation on their behalf. (Doc.7.00). Mr. Hartwell indicated he reviewed the documents in the claim files to prepare the Memorandum. Mr. Hartwell made recommendations for each of the claims in the Case. Mr. Hartwell recommended the following:

- **40S 30133976:**

As of the date of this memo no supporting documents have been received by the DNRC from the claimants or their representative. No ownership update has been received by the DNRC to clarify the ownership issue. Claim 40S 30133976 is for a pump diverting water directly from the Missouri River to what appears to be two stock tanks. Pumping from surface water to stock tanks does not qualify for an exempt right under section 85-2-222(1) MCA. One of the marked "X" on the map appears to be on federal land. In order for the claimant to put a pump into the river to pump to stock tanks, federal land would have to be crossed. According to an email from the USACE the claimant does not have permission to cross this government property. See Exhibits 1 & 2. No information was received by the DNRC to clarify the means of diversion or where the point of diversion and place of use are located.

- Claim should be dismissed.

- **40S 30133978:**

As of the date of this memo no supporting documents have been received by the DNRC from the claimants or representation. No ownership update has been received by the DNRC to clarify the ownership issue. Claim 40S 30133978 appears to be for water diverted from the Missouri River to a stock pit. A stock pit does not qualify for an exempt right under section 85-2-222(1) MCA. In order for the claimant to divert water from the river to a stock pit, federal land would have to be crossed. According to an email from the USACE the claimant does not have permission to cross this government property. See Exhibits 1 & 3. No information was received by the DNRC to clarify the means of diversion or where the point of diversion and place of use are located.

- Claim should be dismissed.

- **40S 30133982:**

As of the date of this memo no supporting documents or map has been received by the DNRC from the claimants or representation. No ownership update has been received by the DNRC to clarify the ownership issue. No claimant contact is needed to resolve the volume issue. Claimants can claim up to 1.5 acre-feet (AF) per household, and up to 2.5 AF/acre of lawn and garden. The acceptable standard volume for one household and 5 acres of lawn and garden is 14 AF ((1.5 AF x 1 house) + (2.5 AF x 5 acres) = 14 AF). The total claimed volume of 10 AF is within the DNRC's standard of up to 14 AF. The map submitted with the claim has one area marked with an "X". It is not clear whether the X represents the well, household, or acres of lawn and garden. See Exhibit 4. A map is needed with the well, household and acres of lawn and garden clearly marked.

- Claim should be dismissed.

² "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

- **40S 30133986:**
As of the date of this memo no supporting documents or map has been received by the DNRC from the claimants or representation. No ownership update has been received by the DNRC to clarify the ownership issue. The two maps submitted with 40S 30133982 and 40S 30133986 are supposedly for the same well but have different locations marked on the maps. See Exhibits 4 & 5.
 - Claim should be dismissed.
- **40S 30133987:**
 - Potential ownership issues.
- **40S 30133990:**
 - Potential ownership issues.
- **40S 30133992:**
 - Potential ownership issues.

5. On March 19, 2025, an Order Setting Show Cause Filing Deadline was issued. The Order set deadlines for Claimants Tina Chappell, Justin Hagen, Penny Hagen, Rick Hoistad, Jill Meiers, and Pickthorn Farms show cause why claims 40S 30133976, 40S 30133978, 40S 30133982, and 40S 30133986 should not be dismissed.

6. On April 18, 2025, attorney Colleen Coyle, filed a Response to Order Setting Filing Deadline on behalf of Rick Hoistad. (Doc. 9.00). The Response indicated Hoistad agrees claims 40S 30133976 and 40S 30133978 should be dismissed. Additionally, the filing agreed with Mr. Hartwell's analysis regarding the volume issue decreed on claim 40S 30133982 – 10.00 acre feet is within the DNRC's guideline and no volume modification is needed. Finally, on April 28, 2025, Maps in Support of Response were filed by Hoistad. (Doc. 10.00). The April 28, 2025 filing shows the well referenced by claims 40S 30133982 and 30133986 is as noted on the August 20, 1962 Declaration of Vested Groundwater Right that was attached to the Statement of Claim form and resolves the point of diversion and place of use issue remarks decreed on the claims.

7. On May 27, 2025, an Order on Ownership was issued regarding claims 40S 30133987, 40S 30133990, and 40S 30133992. The Order notified potential owners of their possible interest in the claims and indicated they should contact the DNRC to update ownership.

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. The claims in this Case were all decreed with a remark noting the claim was not included in the December 29, 1999 decree. The remark was a notice-type remark. No objections were received, and the remark can be removed.

RECOMMENDATIONS

1. Claims 40S 30133976 and 40S 30133978 should be dismissed.

4. The issue remarks should be removed from claims 40S 30133982, 40S 30133986, 40S 30133987, 40S 30133990, and 40S 30133992.

Abstracts are attached for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Tina Chappell
Justin Hagen
Jill A. Meiers
1340 10th Ave SW
Great Falls, MT 59404-3153

Penny S. Hagen
501 36th Ave NE
Great Falls, MT 59404-1120

Pickthorn Farms
% Rick Hoistad & Craig Egeland
PO Box 221
Forman, ND 58032

Ted W. Reimche
2587 Sage Mountain Rd
Billings, MT 59101-8974
(*Potential Owners*)

Service via USPS Mail:

Craig Egeland
PO Box 221
Forman, ND 58032-0221
(*Potential Owners*)

Joyce A. Hill Living Trust
Joyce A. Hill & Franklin B. Trustees
PO Box 215
Nashua, MT 59248-0215
(*Potential Owners*)

Service Via Electronic Mail:

Colleen Coyle
Coyle Law Firm
colleen@coylelawmt.com

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, BELOW FORT PECK DAM
BASIN 40S**

Water Right Number: **40S 30133976** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

Owners: RICK HOISTAD
 PO BOX 221
 FORMAN, ND 58032

 PICKTHORN FARMS
 C/O RICK HOISTAD & CRAIG EGELAND
 PO BOX 221
 FORMAN, ND 58032

Priority Date:

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: MISSOURI RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, BELOW FORT PECK DAM
BASIN 40S**

Water Right Number: 40S 30133978 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: DISMISSED

Owners: RICK HOISTAD
PO BOX 221
FORMAN, ND 58032

PICKTHORN FARMS
C/O RICK HOISTAD & CRAIG EGELAND
PO BOX 221
FORMAN, ND 58032

Priority Date:

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: UNNAMED TRIBUTARY OF MISSOURI RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, BELOW FORT PECK DAM
BASIN 40S

Water Right Number: 40S 30133982 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: RICK HOISTAD
PO BOX 221
FORMAN, ND 58032

PICKTHORN FARMS
C/O RICK HOISTAD & CRAIG EGELAND
PO BOX 221
FORMAN, ND 58032

Priority Date: JUNE 15, 1911

*Type of Historical Right: FILED

Purpose (Use): DOMESTIC

Flow Rate: 20.00 GPM

Volume: 10.00 AC-FT

Households: 1

Maximum Acres: 5.00

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 | | NESE | 23 | 27N | 41E | VALLEY |

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 | 5.00 | | NESE | 23 | 27N | 41E | VALLEY |
| Total: | 5.00 | | | | | | |

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.

3013398230133986

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, BELOW FORT PECK DAM
BASIN 40S

Water Right Number: 40S 30133986 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: RICK HOISTAD
PO BOX 221
FORMAN, ND 58032

PICKTHORN FARMS
C/O RICK HOISTAD & CRAIG EGELAND
PO BOX 221
FORMAN, ND 58032

Priority Date: JUNE 15, 1911

***Type of Historical Right:** FILED

Purpose (Use): STOCK

Flow Rate: 20.00 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 | | NESE | 23 | 27N | 41E | VALLEY |

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 | | | NESE | 23 | 27N | 41E | VALLEY |

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.

30133982

30133986

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, BELOW FORT PECK DAM
BASIN 40S

Water Right Number: 40S 30133987 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: RICK HOISTAD
PO BOX 221
FORMAN, ND 58032

PICKTHORN FARMS
C/O RICK HOISTAD & CRAIG EGELAND
PO BOX 221
FORMAN, ND 58032

Priority Date: NOVEMBER 2, 1902

Type of Historical Right: USE

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: UNNAMED TRIBUTARY OF MISSOURI 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 | | SWSNW | 19 | 27N | 42E | VALLEY |
| Period of Diversion: | | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 2 | 2 | SWNW | 19 | 27N | 42E | VALLEY |
| Period of Diversion: | | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 3 | | NESW | 19 | 27N | 42E | VALLEY |
| Period of Diversion: | | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | | LIVESTOCK DIRECT FROM SOURCE | | | | |

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 | | | SWSNW | 19 | 27N | 42E | VALLEY |
| 2 | | 2 | SWNW | 19 | 27N | 42E | VALLEY |
| 3 | | | NESW | 19 | 27N | 42E | VALLEY |

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, BELOW FORT PECK DAM
BASIN 40S

Water Right Number: 40S 30133990 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: TINA CHAPPELL
% JUSTIN HAGEN
1340 10TH AVE SW
GREAT FALLS, MT 59404-3153

PENNY S HAGEN
501 36TH AVE NE
GREAT FALLS, MT 59404-1120

RICK HOISTAD
PO BOX 221
FORMAN, ND 58032

JILL A MEIERS
% JUSTIN HAGEN
1340 10TH AVE SW
GREAT FALLS, MT 59404-3153

PICKTHORN FARMS
C/O RICK HOISTAD & CRAIG EGELAND
PO BOX 221
FORMAN, ND 58032

Priority Date: NOVEMBER 2, 1902

Type of Historical Right: USE

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 STOCKWATERING 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: UNNAMED TRIBUTARY OF MISSOURI 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 | | NE | 23 | 27N | 41E | VALLEY |
| Period of Diversion: | | JANUARY 1 TO DECEMBER 31 | | | | |
| Diversion Means: | | LIVESTOCK DIRECT FROM SOURCE | | | | |
| 2 | | NESE | 23 | 27N | 41E | VALLEY |

Period of Diversion:

JANUARY 1 TO DECEMBER 31

Diversion Means:

LIVESTOCK DIRECT FROM SOURCE

3

W2NW

24

27N

41E

VALLEY

Period of Diversion:

JANUARY 1 TO DECEMBER 31

Diversion Means:

LIVESTOCK DIRECT FROM SOURCE

Period of Use:

JANUARY 1 TO DECEMBER 31

*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 | | | NE | 23 | 27N | 41E | VALLEY |
| 2 | | | NESE | 23 | 27N | 41E | VALLEY |
| 3 | | | W2NW | 24 | 27N | 41E | VALLEY |

Contract for Deed Purchasers: JUSTIN HAGEN
134O 10TH AVE SW
GREAT FALLS, MT 59404-3153

THIS WATER RIGHT IS APPURTENANT TO REAL PROPERTY THAT IS THE SUBJECT OF A CONTRACT FOR DEED. THE CONTRACT FOR DEED PURCHASER IS ENTITLED TO THE SAME NOTICE AS THE OWNER OF THE PROPERTY PURSUANT TO 85-2-232(1)(C) AND 70-20-115, MCA. REFERENCE TO THE CONTRACT FOR DEED PURCHASERS IN THIS ABSTRACT IS FOR NOTICE PURPOSES ONLY AND DOES NOT AMOUNT TO A STATEMENT REGARDING OWNERSHIP. UPON TRANSFER OF THE PROPERTY IDENTIFIED AS THE PLACE OF USE FOR THIS WATER RIGHT, THE TRANSFEREE IS RESPONSIBLE FOR UPDATING OWNERSHIP AS REQUIRED BY 85-2-423 AND -424, MCA. IN THE EVENT OF A DEFAULT RESULTING IN TERMINATION OF THE CONTRACT FOR DEED AND RELEASE OF DOCUMENTS FROM ESCROW, THE OWNERS SHALL PROVIDE THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION WITH A COPY OF A QUIT CLAIM DEED OR SIMILAR INSTRUMENT INDICATING THE CONTRACT FOR DEED PURCHASERS ARE NO LONGER ENTITLED TO RECEIVE NOTICE OF PROCEEDINGS INVOLVING THIS WATER RIGHT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, BELOW FORT PECK DAM
BASIN 40S

Water Right Number: 40S 30133992 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: RICK HOISTAD
PO BOX 221
FORMAN, ND 58032

PICKTHORN FARMS
C/O RICK HOISTAD & CRAIG EGELAND
PO BOX 221
FORMAN, ND 58032

Priority Date: NOVEMBER 2, 1902

Type of Historical Right: USE

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: UNNAMED TRIBUTARY OF MISSOURI RIVER

Source Type: SURFACE WATER

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

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|------------|------------|------------|------------|---------------|
| 1 | | SENE | 22 | 27N | 41E | VALLEY |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

| | | | | | | |
|---|--|------|----|-----|-----|--------|
| 2 | | E2SE | 22 | 27N | 41E | VALLEY |
|---|--|------|----|-----|-----|--------|

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

| | | | | | | |
|---|--|------|----|-----|-----|--------|
| 3 | | SWSW | 23 | 27N | 41E | VALLEY |
|---|--|------|----|-----|-----|--------|

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

***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 | | | SENE | 22 | 27N | 41E | VALLEY |
| 2 | | | E2SE | 22 | 27N | 41E | VALLEY |
| 3 | | | SWSW | 23 | 27N | 41E | VALLEY |