

IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
JEFFERSON RIVER BASIN (41G)  
PRELIMINARY DECREE

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CLAIMANTS: Jody L. Sandru; Rick R. Sandru

OBJECTORS: Jody L. Sandru; Rick R. Sandru

NOTICE OF INTENT TO APPEAR: United States of  
America (Bureau of  
Reclamation)

**CASE 41G-0524-R-2022**

41G 16808-00  
41G 16809-00  
41G 16810-00  
41G 16811-00  
41G 16812-00  
41G 16813-00  
41G 16814-00  
41G 16815-00  
41G 35202-00  
41G 35212-00  
41G 46132-00

**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. The claims in this case were consolidated to address the objections filed to the claims by Claimants Jody Sandru and Rick Sandru; the Notices of Intent to Appear filed to the claims by the United States of America (Bureau of Reclamation); and the issue remarks added to the claims by the Department of Natural Resources.

2. A settlement period was provided for the parties to determine whether the issues in the case could be resolved through mutual agreement. The Sandrus included Motions to Amend claims 41G 16808-00, 41G 16810-00, and 41G 35212-00 with their self-objections to those claims. On January 27, 2025, the Sandrus filed a Motion to Amend claims 41G 35202-00 and 41G 46132-00 (Doc.<sup>1</sup> 24.00); a Motion to Amend claim 41G 16815-00 (Doc. 25.00); a Motion to Amend claim 41G 16813-00 (Doc. 26.00); and a Motion to Amend claims 41G 16809-00, 41G 16811-00, 41G 16812-00, and 41G 16814-00 (Doc. 27.00).

3. On January 30, 2025, the United States filed a Statement on Motions to Amend. The United States indicates that if the modifications requested in the Sandrus collective Motions to Amend are approved, and no other changes are made, the United States concerns will be resolved.

#### **Claim 41G 16808-00**

4. Claim 41G 16808-00 is an irrigation claim from Round Groves Springs, Tributary of the Jefferson River. It received a DNRC issue remark stating:

THE FOLLOWING CLAIMS HAVE A COMBINED FLOW RATE OF 39.53 CFS, WHICH EXCEEDS THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM. THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM IS 600 MINER'S INCHES (15.00 CFS). 41G 16808-00, 41G 16809-00, 41G 16810-00, 41G 16811-00, 41G 16812-00, 41G 16813-00, 41G 16814-00, 41G 16815-02.

The Sandrus objected to claim 41G 16808-00 stating that the point of diversion was incorrect and that the issue remark was added to the claim in error.

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<sup>1</sup> "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

Claim 41G 16808-00 was claimed with a point of diversion in the SWSWNE of Section 31, T2N, R5W. The Sandrus explain in their Motion to Amend that Round Grove Springs are located in the NWSE of Section 31, T2S, R5W. Secondary points of diversion direct the water through ditches to the places of use. In support, the Sandrus provide a map that is more precise than the map in the claim file and shows the point of diversion in the NWSE of Section 31, T2S, R5W. The point of diversion should be corrected accordingly.

To address the issue remark on claim 41G 16808-00, the Sandrus explain that the water right uses a different set of diversions and ditches than the conveyance system noted in the remark. The system capacity issue does not apply to 41G 16808-00. The issue remark should be removed from the claim.

**Claim 41G 16810-00**

5. Claim 41G 16810-00 is an irrigation claim from Swan Spring, Tributary of the Jefferson River. It received a DNRC issue remark stating:

THE FOLLOWING CLAIMS HAVE A COMBINED FLOW RATE OF 39.53 CFS, WHICH EXCEEDS THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM. THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM IS 600 MINER'S INCHES (15.00 CFS). 41G 16808-00, 41G16809-00, 41G 16810-00, 41G 16811-00, 41G 16812-00, 41G 16813-00, 41G 16814-00, 41G 16815-02.

The Sandrus objected to claim 41G 16810-00 stating that the point of diversion was incorrect and that the issue remark was added to the claim in error.

Claim 41G 16810-00 was claimed with a point of diversion in the SENWSE of Section 31, T2N, R5W. The Sandrus explain in their Motion to Amend that Swan Spring is located in the SWSWSE of Section 31, T2S, R5W. Secondary points of diversion direct the water through ditches to the places of use. In support, the Sandrus provide a map that is more precise than the map in the claim file and shows the point of diversion in the SWSWSE of Section 31, T2S, R5W. The point of diversion should be corrected accordingly.

To address the issue remark on claim 41G 16810-00, the Sandrus explain that the water right uses a series of ditches to convey water to the place of use, which are different

from the ditches that convey Jefferson River irrigation water to its places of use. The system capacity issue does not apply to 41G 16810-00. The issue remark should be removed from the claim.

**Claim 41G 35212-00**

6. Claim 41G 35212-00 is a stock claim for Jefferson River water from the Parrot Ditch. The claimants objected to the place of use stating that it should be amended to conform with historical use. The Sandrus request that the following modifications are made to the place of use legal land descriptions:

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			N2N2	24	2S	6W	MADISON
2			S2SE	13	2S	6W	MADISON

In support, the Sandrus provide a detailed map of the place of use. The evidence is sufficient to overcome the prima facie status of the claim. The place of use should be modified as requested.

Claim 41G 35212-00 received a DNRC issue remark that provides notice that the ditch name was modified during the claim review process. The issue remark has served its purpose of providing notice and should be removed from the abstract.

**Claims 41G 35202-00 and 41G 46132-00**

7. Claims 41G 35202-00 and 41G 46132-00 are both irrigation claims from the Jefferson River. They did not receive issue remarks. The Sandrus objected to the place of use and maximum acres for both claims; they also objected to the flow rate for claim 41G 35202-00.

Both rights are filed rights originating from an agreement between Parrot Silver and Copper Co. and A.J. Sperry dated April 23, 1895. In the agreement Sperry granted

Parrot a ditch easement across his property in return for the right to divert 100 MI of Jefferson River water through the ditch for irrigation.

By April 1946, Charles M. Miller and Ruth B. Miller acquired the Sperry water right and owned property in the S2SE of Section 13, and the N2NE, SWNE, and SENW of Section 24, T2S, R6W. In an affidavit, Charles Miller provides that the Sperry water right was used across their entire property. In 1952, Charles and Ruth Miller granted Alfred Nelson a portion of the SENW of Section 24, T2S, R6W and an interest in the 100 MI Sperry right. The parties agreed to alternate the use of the 100 MI Sperry right. After purchasing the SENW of Section 24, Nelson owned the NWSE and the W2 of Section 24 and irrigated his entire property with the 100 MI Sperry right.

During the claim filing period in 1981, Miller and Nelson filed a Statement of Claim for the 100 MI Sperry right, with each claiming 50 MI of the right. The place of use was claimed as 27 acres under claim 41G 35202-00 and 35 acres under claim 41G 46132-00. The evidence attached to the Sandrus' Motion, including the deeds and the affidavit from Charles Miller, establishes that the place of use should be modified to incorporate additional acreage that was historically irrigated under the claims.

The place of use and maximum acres for claim 41G 35202-00 should be modified to reflect the following acreage and legal land descriptions.

**41G 35202 00**

<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	50.00		S2SE	13	2S	6W	Madison
2	75.00		NE	24	2S	6W	Madison
3	9.00		SENE	24	2S	6W	Madison
<b>Total:</b>		134.00					

The place of use and maximum acres for claim 41G 46132-00 should be modified to reflect the following acreage and legal land descriptions.

**41G 46132 00**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twtp</u>	<u>Rge</u>	<u>County</u>
1	95.00		NW	24	2S	6W	Madison
2	102.00		SW	24	2S	6W	Madison
3	3.00		W2NWSE	24	2S	6W	Madison
<b>Total:</b>		200.00					

8. The flow rate for claim 41G 35202-00 was reduced by the DNRC from 1.25 cfs to 1.02 cfs based on the 17 gpm/acre guideline. The claimants assert that the flow rate should be restored to 1.25 cfs. Guidelines are not evidence. The evidence supports a 1.25 cfs flow rate based on the Sperry right. The flow rate should be restored as requested.

9. The claimants indicate that as a result of negotiations with the United States, they agree to a volume quantification for their claims. The volume quantification constitutes a limitation of the rights and can be accepted without further presentation of evidence. Claim 41G 35202-00 should be decreed with a volume of 124.20 AF. Claim 41G 46132-00 should be decreed with a volume of 161 AF.

**Claim 41G 16815-00**

10. Claim 41G 16815-00 is an irrigation claim for Waste & Seepage from an Unnamed Tributary of Jefferson River. The Sandrus objected to the place of use, maximum acres, flow rate, points of diversion, means of diversion, and source type. It received the following issue remark:

THE FOLLOWING CLAIMS HAVE A COMBINED FLOW RATE OF 39.53 CFS, WHICH EXCEEDS THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM. THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM IS 600 MINER'S INCHES (15.00 CFS). 41G 16808-00, 41G16809-00, 41G 16810-00, 41G 16811-00, 41G 16812-00, 41G 16813-00, 41G 16814-00, 41G 16815-02.

The Sandrus explain that claim 41G 16815-00 is a use right for groundwater collected from two drainage ditches. While the water from the drain ditches can be commingled with Jefferson River water, it can also be used separately. Therefore, claim

41G 16815-00 is not limited by the capacity of the Jefferson River diversion.

Accordingly, the issue remark appearing on claim 41G 16815-00 is inaccurate and should be removed from the claim.

To address their objections to claim 41G 16815-00 the Sandrus request the following modifications:

Flow Rate:

11. The flow rate for claim 41G 16815-00 appeared in the Preliminary Decree with a flow rate of 2.50 cfs. The flow rate was claimed on the Statement of Claim form as 1120 gpm, which is equivalent to 2.495 cfs. As evidence in support of the claim, a Declaration of Vested Groundwater Rights was attached to the Statement of Claim form. The Declaration of Vested Groundwater Rights estimates the amount of groundwater claimed as 135 MI, which is equivalent to 3.38 cfs. The Sandrus request that the flow rate for claim 41G 16815-00 be increased from 2.50 cfs to 3.38 cfs. The evidence in the claim file supports the requested modification to flow rate. The flow rate should be decreed as 3.38 cfs.

Place of Use/Maximum Acres:

12. The place of use for claim 41G 16815-00 appeared in the Preliminary Decree with the same 464-acre place of use as Sandrus' Jefferson River irrigation rights. The Sandrus explain that the water under claim 41G 16815-00 can be used across the entire 464-acre place of use but has historically been used on additional acreage including property in the W2NW of Section 25, T2S, R6W and in the SE of Section 34, T2S, R6W (Doc. 25.00, Exhibit 4, ¶ 13).

The Sandrus report that as a result of negotiations with the United States, they agree to reduce the place of use from 464 acres to 448 acres with the following legal land description:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	24.00		W2NW	25	2S	6W	Madison
2	26.00		E2NE	26	2S	6W	Madison
3	1.00		NWNESE	26	2S	6W	Madison
4	58.00		W2SE	26	2S	6W	Madison
5	1.00		SESESW	26	2S	6W	Maidson
6	76.00		W2E2	35	2S	6W	Madison
7	101.00		E2W2	35	2S	6W	Madison
8	5.00		S2SWNW	35	2S	6W	Madison
9	72.00		W2SW	35	2S	6W	Madison
10	84.00		SE	34	2S	6W	Madison
<b>Total: 448.00</b>							

The evidence supports the requested modifications to the place of use. The place of use should be modified as provided in the Sandrus' Motion to Amend claim 41G 16815-00.

#### Point of Diversion/Mean of Diversion

13. When claim 41G 16815-00 appeared in the Preliminary Decree, it only listed one primary point of diversion in the SWSWNW of Section 35, T2S, R6W, but included an information remark identifying additional secondary points of diversion. The Sandrus indicate that slight adjustments are needed to the legal land descriptions of the points of diversion identified in the information remark to accurately reflect historical use.

The Sandrus explain that the water claimed under 41G 16815-00 is from natural seepage and wastewater collected in two drain ditches and that the water in the drain ditches is diverted by dam at various moveable points along the ditches in Sections 34 and 35, T2S, R6W. Additionally, water is diverted to the place of use via a pump in the SESWNW of Section 35, T2S, R6W.

When needed, water from the drainage ditches is released into an old channel of the Jefferson River and diverted at secondary points of diversion in the NWSSENW (pump), NESENW (headgate), and the NENWNW (pump) of Section 35, T2S, R6W.

To reflect the actual historical points of diversion and means of diversion, the Sandrus request the following information be identified on the abstract for claim 41G 16815-00:



ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County	Diversion
1		SESWNW	35	2S	6W	Madison	Pump
2		E2E2SE	34	2S	6W	Madison	Drain Ditch
3		NWNWSW	35	2S	6W	Madison	Drain Ditch
4		W2E2SW	35	2S	6W	Madison	Drain Ditch
5		SWSENW	35	2S	6W	Madison	Drain Ditch
6		E2NE	3	3S	6W	Madison	Drain Ditch
7		W2NW	2	3S	6W	Madison	Drain Ditch

The point of diversion information remark should be corrected as follows:

AN OLD JEFFERSON RIVER CHANNEL IS USED AS A NATURAL CARRIER TO CONVEY WATER COLLECTED IN DRAIN DITCHES TO SECONDARY POINTS OF DIVERSION LOCATED IN THE NWSENW (PUMP), NESENW (HEADGATE), AND NENWNW (PUMP), SEC 35, TWP 02S, RGE 06W, MADISON COUNTY.

The Sandrus support the requested amendments to the points of diversion and means of diversion with an affidavit from Rick Sandru, as well as a topographic map and aerial imagery depicting the locations of the different points of diversion. (Doc. 25.00 Exhibits 4, 6, and 7). The point of diversion and means of diversion information should be modified accordingly.

#### Information Remark

14. To clarify that the water used from the drain ditches under claim 41G 16815-00 is distinct from the Sandrus' Jefferson River rights, the claimants ask that the following information remark be added to the claim:

NO JEFFERSON RIVER WATER IS ASSOCIATED WITH WATER RIGHT CLAIM NO. 41G 16815-00. THE DIVERTED FLOW RATE FROM THE JEFFERSON RIVER, WHICH IS USED FOR IRRIGATION PURPOSES, MAY NOT EXCEED THE FLOW RATE ENTERING THE JEFFERSON RIVER AS MEASURED AT THE DRAINAGE DITCH AT A POINT IMMEDIATELY BEFORE TERMINATING INTO THE JEFFERSON RIVER IN THE NWSENW SECTION 35, T2S, R6W, AND SESWNW SECTION 35, T2S, R6W.

Information remarks are “[r]emarks that limit, define, or explain unique aspects of a claim....” Rule 2(a)(57), W.R.C.E.R. The information remark is appropriate to better explain unique aspects of this claim and should be added to the abstract.

**Claim 41G 16813-00**

15. Claim 41G 16813-00 is an irrigation claim from Spring, Unnamed Tributary of Jefferson River, including springs sloughs and seepage waters. The Sandrus objected to the place of use, maximum acres, points of diversion, means of diversion, and other: issue/informational remark. It received the following issue remark:

THE FOLLOWING CLAIMS HAVE A COMBINED FLOW RATE OF 39.53 CFS, WHICH EXCEEDS THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM. THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM IS 600 MINER'S INCHES (15.00 CFS). 41G 16808-00, 41G16809-00, 41G 16810-00, 41G 16811-00, 41G 16812-00, 41G 16813-00, 41G 16814-00, 41G 16815-02.

The Sandrus explain that claim 41G 16813-00 is a use right for irrigation water from a complex commonly referred to as Redfern Spring. Before 1973, the Sandru's predecessor, Swan, began commingling his water rights to irrigate his ranch more efficiently. Swan could use the Redfern Spring irrigation right separately to irrigate discrete places of use, or use it in conjunction with his Jefferson River irrigation rights.

The Sandrus use claim 41G 16813-00 to supplement their Jefferson River irrigation water rights when necessary, but the Redfern Spring water is independent from the Jefferson River water and can be used separately. Therefore, claim 41G 16813-00 is not limited by the capacity of the Jefferson River diversion. Accordingly, the issue remark appearing on claim 41G 16813-00 is inaccurate and should be removed from the claim.

To address their objections to claim 41G 16813-00 the Sandrus request the following modifications:

**Place of Use/Maximum Acres**

16. The Sandrus indicate that claim 41G 16813-00 was assigned the same place of use as the other Jefferson River water rights based on Swan's explanation of his practice of marshalling the water rights during prior proceedings. However, Swan further explained during those proceedings that he could not irrigate acreage in the W2SW of Section 35, T2S, R6W, and that additional acreage was served by the Redfern Spring

ditch in the NW of Section 25, T2S, R6W. The place of use decreed for claim 41G 16813-00 did not account for the ways in which Redfern Spring was used differently from Swan's Jefferson River rights.

The Sandrus provide evidence that the full historical place of use for claim 41G 16813-00 is approximately 406 acres, but as a result of negotiations with the United States, they agree to reduce the place of use and maximum acres for claim 41G 16813-00 to 263 acres within the historical place of use. The motion to amend requests the place of use be modified to:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	24.00		W2NW	25	2S	6W	Madison
2	26.00		E2NE	26	2S	6W	Madison
3	1.00		NWNESE	26	2S	6W	Madison
4	58.00		W2SE	26	2S	6W	Madison
5	1.00		SESESW	26	2S	6W	Maidson
6	76.00		W2E2	35	2S	6W	Madison
7	77.00		E2W2	35	2S	6W	Madison
<b>Total:</b>	<b>263.00</b>						

The evidence supports the requested modifications to the place of use. The place of use should be modified as provided in the Sandrus' Motion to Amend claim 41G 16813-00.

#### Point of Diversion/Mean of Diversion

17. When claim 41G 16813-00 appeared in the Preliminary Decree, it only listed one primary point of diversion in the SENENW of Section 2, T3S, R6W, but included an information remark identifying additional secondary points of diversion. The Sandrus indicate that slight adjustments are needed to the legal land descriptions of the points of diversion identified in the information remark to accurately reflect historical use.

When needed, water from the drainage ditches is released into an old channel of the Jefferson River and diverted at secondary points of diversion in the NWSENE (pump), NESENE (headgate), and the NENWNW (pump) of Section 35, T2S, R6W.

To better describe how the water right is conveyed, the Sandrus request that the information remark be slightly modified as follows to be more accurate:

AN OLD JEFFERSON RIVER CHANNEL IS USED AS A NATURAL CARRIER TO CONVEY WATER COLLECTED IN DRAIN DITCHES TO SECONDARY POINTS OF DIVERSION LOCATED IN THE NWSENW (PUMP), NESENW (HEADGATE), AND NENWNW (PUMP), SEC 35, TWP 02S, RGE 06W, MADISON COUNTY.

The Sandrus support the requested modifications with an affidavit from Rick Sandru, as well as a topographic map and aerial imagery depicting the locations of the different points of diversion. (Doc. 26.00 Exhibits 5,8, and 9). The point of diversion and means of diversion information should be modified accordingly.

Information Remark

18. To clarify that the water used from the drain ditches under claim 41G 16813-00 is distinct from the Sandrus' Jefferson River rights, the claimants ask that the following information remark be added to the claim:

NO JEFFERSON RIVER WATER IS ASSOCIATED WITH WATER RIGHT CLAIM NO. 41G 16813-00. THE DIVERTED FLOW RATE FROM THE JEFFERSON RIVER, WHICH IS USED FOR IRRIGATION PURPOSES, MAY NOT EXCEED THE FLOW RATE ENTERING THE JEFFERSON RIVER AS MEASURED AT THE DRAINAGE DITCH AT A POINT IMMEDIATELY BEFORE TERMINATING INTO THE JEFFERSON RIVER IN THE NWSENW SECTION 35, T2S, R6W.

Information remarks are “[r]emarks that limit, define, or explain unique aspects of a claim....” Rule 2(a)(57), W.R.C.E.R. The information remark is appropriate to better explain unique aspects of this claim and should be added to the abstract.

**Claims 41G 16809-00, 41G 16811-00, 41G 16812-00 and 41G 16814-00**

19. Claims 41G 16809-00, 41G 16811-00, 41G 16812-00, and 41G 16814-00 are use and filed rights for irrigation water from the Jefferson River. The Sandrus objected to the point of diversion and means of diversion for all four claims. The Sandrus explain that the water right claims are diverted from the main channel of the Jefferson River into an old river channel that then delivers the water to four secondary points of diversion. The secondary points of diversion include three pumps and the Gideon-Root Ditch. The Sandrus explain that when the water rights were first claimed, their

predecessor, George Swan, described the system by listing the pumps and ditch as primary points of diversion, but that in reality the pumps and ditch are secondary points of diversion.

The primary point of diversion is a diversion dam on the main channel of the Jefferson River. The precise location of the diversion dam changes annually with the movement of the river, but remains somewhere in the W2SE, NWNESE, and SENE of Section 34, T2S, R6W. The Sandrus obtain a 310 permit from the local Conservation District to maintain or reinstall their diversion dam with annual adjustments in the location to account for changes in the river channel.

To accurately describe historic use on the abstracts for claims 41G 16809-00, 41G 16811-00, 41G 16812-00, and 41G 16814-00, the Sandrus request that all three legal land descriptions (W2SE, NWNESE, and SENE of Section 34, T2S, R6W ) are listed under primary point of diversion; the means of diversion is described as a “diversion dam;” an information remark is added stating, “point of diversion is transitory and moves with source within legal land description;” and that an additional information remark is added explaining, “an Old Jefferson River Channel is used as a natural carrier to convey water diverted from the Jefferson River to Secondary points of diversion located in the SESWNW (pump), NWSENW (pump), NESENW (headgate) and NENWNW (pump), Sec 35, T2S, R6W, Madison County.”

The requested modifications are supported by evidence attached to the Motion to Amend (Doc. 27.00) including an Affidavit of Rick Sandru, affidavits of George Swan, and an aerial photograph depicting the transitory nature of the primary point of diversion and the location of the secondary points of diversion. The points of diversion and means of diversion should be modified pursuant to the Sandrus’ Motion to Amend. The requested information remarks serve to explain unique aspects of the claim and should be added to the claim abstracts.

20. Claims 41G 16809-00, 41G 16811-00, 41G 16812-00, and 41G 16814-00 each received an issue remark stating:

THE FOLLOWING CLAIMS HAVE A COMBINED FLOW RATE OF 39.53 CFS, WHICH EXCEEDS THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM. THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM IS 600 MINER'S INCHES

(15.00 CFS). 41G 16808-00, 41G16809-00, 41G 16810-00, 41G 16811-00, 41G 16812-00, 41G 16813-00, 41G 16814-00, 41G 16815-02.

The Sandrus explain that claims 41G 16809-00, 41G 16811-00, 41G 16812-00, and 41G 16814-00 are the only water rights for which the combined flow rate is limited by the capacity of the diversion and conveyance system on the old Jefferson River channel. The combined flow rate of the four water rights claims is 29.53 cfs.

The issue remark originates from prior proceedings when George Swan estimated the flow rate of his Jefferson River irrigation system in regular operation at 15 cfs. However, the Sandrus report that the capacity of the diversion and conveyance system has a measured capacity of 80 cfs and has not changed since the Swans purchased the property in 1965 (Doc. 27.00, Exhibit 1, ¶8). There is one other water right that uses the conveyance system (41G 16792-00), and it has a flow rate of 12.5 cfs. (Doc. 27.00, p.3). The combined flow rate of the Sandrus water rights and 41G 16792-00 is well below the capacity of the system. The issue remark should be removed from all four claims.

### CONCLUSIONS OF LAW

1. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. § 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R. The claimant provided sufficient evidence to overcome the prima facie status of the claims in this case by a preponderance of the evidence. The modifications discussed above should be approved for each of the claims.

2. The Water Court is required to address and resolve all issue remarks appearing on claims. Section 85-2-233(11), MCA. The Sandrus provided sufficient information and evidence to address and resolve the issue remarks appearing on the claims in this case.

3. If a claimant agrees to reduce or limit an element of a claim, the water court may accept the claimant's requested reduction or limitation without further presentation of evidence. Rule 17(c), W.R.Adj.R. The reductions requested by the Sandrus should be accepted by the Court.

### RECOMMENDATIONS

1. The Sandrus' Motions to Amend should be accepted by the Court.
2. The issue remarks should be removed from the claims in this case.

Post Decree Abstracts of Water Right Claims are served with the Report to confirm that the recommended modifications have been made in the state's centralized record system.

### **ELECTRONICALLY SIGNED AND DATED BELOW.**

#### **Service via Electronic Mail:**

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**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G**

**Water Right Number:** 41G 16808-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** JODY L SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615

RICK R SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615

**Priority Date:** JUNE 30, 1883

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 2.00 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:** 340.00

**Source Name:** SPRING, UNNAMED TRIBUTARY OF JEFFERSON RIVER

**Source Type:** GROUNDWATER

ALSO KNOWN AS ROUND GROVE SPRINGS

**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		NWSE	31	2S	5W	MADISON

**Period of Diversion:** APRIL 20 TO NOVEMBER 1

**Diversion Means:** DITCH

**Period of Use:** APRIL 20 TO NOVEMBER 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	280.00		E2	35	2S	6W	MADISON
2	40.00		E2E2SW	35	2S	6W	MADISON
3	20.00		E2SENW	35	2S	6W	MADISON

**Total:** 340.00

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**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.

16808-00	16809-00	16810-00	16811-00	16812-00	16813-00
16814-00	16815-00				

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G**

**Water Right Number:** 41G 16809-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** JODY L SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615

RICK R SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615

**Priority Date:** APRIL 3, 1871

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**\*Flow Rate:** 7.50 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:** 464.00

**\*Source Name:** JEFFERSON 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		W2SE	34	2S	6W	MADISON

**Period of Diversion:** APRIL 15 TO NOVEMBER 15

**Diversion Means:** DIVERSION DAM

2		NWNESE	34	2S	6W	MADISON
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**Period of Diversion:** APRIL 15 TO NOVEMBER 15

**Diversion Means:** DIVERSION DAM

3		SENE	34	2S	6W	MADISON
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**Period of Diversion:** APRIL 15 TO NOVEMBER 15

**Diversion Means:** DIVERSION DAM

POINT OF DIVERSION IS TRANSITORY AND MOVES WITH SOURCE WITHIN LEGAL LAND DESCRIPTION

**Period of Use:** APRIL 15 TO NOVEMBER 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	134.00		SW	26	2S	6W	MADISON
2	64.00		W2SE	26	2S	6W	MADISON

3	80.00	W2E2	35	2S	6W	MADISON
4	43.00	NW	35	2S	6W	MADISON
5	143.00	SW	35	2S	6W	MADISON
Total:						464.00

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.

16808-00	16809-00	16810-00	16811-00	16812-00	16813-00
16814-00	16815-00				

OLD JEFFERSON RIVER CHANNEL IS USED AS A NATURAL CARRIER TO CONVEY WATER DIVERTED FROM THE JEFFERSON RIVER TO SECONDARY POINTS OF DIVERSION LOCATED IN THE SESWNW (PUMP), NWSENW (PUMP), NESENW (HEADGATE) AND NENWNW (PUMP), SEC 35, T2S, R6W, MADISON COUNTY.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G**

**Water Right Number:** 41G 16810-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** JODY L SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615  
  
RICK R SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615

**Priority Date:** JUNE 30, 1883  
**Type of Historical Right:** USE  
**Purpose (Use):** IRRIGATION  
**Irrigation Type:** FLOOD  
**Flow Rate:** 224.40 GPM  
**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.  
**Climatic Area:** 4 - MODERATELY LOW  
**Maximum Acres:** 340.00  
**Source Name:** SPRING, UNNAMED TRIBUTARY OF JEFFERSON RIVER  
**Source Type:** GROUNDWATER  
ALSO KNOWN AS SWAN SPRING

**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		SWSWSE	31	2S	5W	MADISON

**Period of Diversion:** APRIL 20 TO NOVEMBER 1  
**Diversion Means:** DITCH

**Period of Use:** APRIL 20 TO NOVEMBER 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	280.00		E2	35	2S	6W	MADISON
2	40.00		E2E2SW	35	2S	6W	MADISON
3	20.00		E2SENW	35	2S	6W	MADISON
<b>Total:</b>	<b>340.00</b>						

**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.

16808-00	16809-00	16810-00	16811-00	16812-00	16813-00
16814-00	16815-00				

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G**

**Water Right Number:** 41G 16811-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** JODY L SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615

RICK R SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615

**Priority Date:** SEPTEMBER 25, 1939

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**\*Flow Rate:** 7.50 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:** 464.00

**\*Source Name:** JEFFERSON 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		W2SE	34	2S	6W	MADISON

**Period of Diversion:** APRIL 20 TO NOVEMBER 1

**Diversion Means:** DIVERSION DAM

2		NWNESE	34	2S	6W	MADISON
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**Period of Diversion:** APRIL 20 TO NOVEMBER 1

**Diversion Means:** DIVERSION DAM

3		SENE	34	2S	6W	MADISON
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**Period of Diversion:** APRIL 20 TO NOVEMBER 1

**Diversion Means:** DIVERSION DAM

POINT OF DIVERSION IS TRANSITORY AND MOVES WITH SOURCE WITHIN LEGAL LAND DESCRIPTION

**Period of Use:** APRIL 20 TO NOVEMBER 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	134.00		SW	26	2S	6W	MADISON
2	64.00		W2SE	26	2S	6W	MADISON

3	80.00	W2E2	35	2S	6W	MADISON
4	43.00	NW	35	2S	6W	MADISON
5	143.00	SW	35	2S	6W	MADISON
Total:						464.00

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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.

16808-00	16809-00	16810-00	16811-00	16812-00	16813-00
16814-00	16815-00				

OLD JEFFERSON RIVER CHANNEL IS USED AS A NATURAL CARRIER TO CONVEY WATER DIVERTED FROM THE JEFFERSON RIVER TO SECONDARY POINTS OF DIVERSION LOCATED IN THE SESWNW (PUMP), NWSENW (PUMP), NESENW (HEADGATE) AND NENWNW (PUMP), SEC 35, T2S, R6W, MADISON COUNTY.

AUTHORIZATION TO CHANGE POINT OF DIVERSION AND PLACE OF USE COMPLETED 12/03/1976. FILE REFLECTS RIGHT AS IT EXISTED PRIOR TO JULY 1973. APPROVED CHANGES WILL BE RECORDED AFTER FINAL DECREE.

AUTHORIZATION TO CHANGE POINT OF DIVERSION COMPLETED 01/17/1984. FILE REFLECTS RIGHT AS IT EXISTED PRIOR TO JULY 1973. APPROVED CHANGES WILL BE RECORDED AFTER FINAL DECREE.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G**

**Water Right Number:** 41G 16812-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** JODY L SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615

RICK R SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615

**Priority Date:** DECEMBER 31, 1947

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Flow Rate:** 4.50 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:** 464.00

**\*Source Name:** JEFFERSON 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		W2SE	34	2S	6W	MADISON

**Period of Diversion:** APRIL 20 TO OCTOBER 1

**Diversion Means:** DIVERSION DAM

2		NWNESE	34	2S	6W	MADISON
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**Period of Diversion:** APRIL 20 TO OCTOBER 1

**Diversion Means:** DIVERSION DAM

3		SENE	34	2S	6W	MADISON
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**Period of Diversion:** APRIL 20 TO OCTOBER 1

**Diversion Means:** DIVERSION DAM

POINT OF DIVERSION IS TRANSITORY AND MOVES WITH SOURCE WITHIN LEGAL LAND DESCRIPTION

**Period of Use:** APRIL 20 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	134.00		SW	26	2S	6W	MADISON
2	64.00		W2SE	26	2S	6W	MADISON



3	80.00	W2E2	35	2S	6W	MADISON
4	43.00	NW	35	2S	6W	MADISON
5	143.00	SW	35	2S	6W	MADISON
Total:						464.00

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.

16808-00	16809-00	16810-00	16811-00	16812-00	16813-00
16814-00	16815-00				

OLD JEFFERSON RIVER CHANNEL IS USED AS A NATURAL CARRIER TO CONVEY WATER DIVERTED FROM THE JEFFERSON RIVER TO SECONDARY POINTS OF DIVERSION LOCATED IN THE SESWNW (PUMP), NWSENW (PUMP), NESENW (HEADGATE) AND NENWNW (PUMP), SEC 35, T2S, R6W, MADISON COUNTY.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G**

**Water Right Number:** 41G 16813-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** JODY L SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615  
  
RICK R SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615

**Priority Date:** JUNE 6, 1905

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/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:** 263.00

**\*Source Name:** SPRING, UNNAMED TRIBUTARY OF JEFFERSON RIVER

**Source Type:** GROUNDWATER

ALSO KNOWN AS REDFERN SPRING

THE SOURCE IS COMPOSED OF SPRINGS, SLOUGHS AND SEEPAGE WATERS.

**\*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		SENENW	2	3S	6W	MADISON

**Period of Diversion:** APRIL 15 TO NOVEMBER 15

**Diversion Means:** DITCH

**Period of Use:** APRIL 15 TO NOVEMBER 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	24.00		W2NW	25	2S	6W	MADISON
2	26.00		E2NE	26	2S	6W	MADISON
3	1.00		NWNESE	26	2S	6W	MADISON
4	58.00		W2SE	26	2S	6W	MADISON
5	1.00		SESESW	26	2S	6W	MADISON
6	76.00		W2E2	35	2S	6W	MADISON
7	77.00		E2W2	35	2S	6W	MADISON

**Total:** 263.00

**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.

16808-00	16809-00	16810-00	16811-00	16812-00	16813-00
16814-00	16815-00				

AN OLD JEFFERSON RIVER CHANNEL IS USED AS A NATURAL CARRIER TO CONVEY WATER COLLECTED IN DRAIN DITCHES TO SECONDARY POINTS OF DIVERSION LOCATED IN THE NWSNW (PUMP), NESNW (HEADGATE), AND NENWNW (PUMP), SEC 35, TWP 02S, RGE 06W, MADISON COUNTY.

NO JEFFERSON RIVER WATER IS ASSOCIATED WITH WATER RIGHT CLAIM NO. 41G 16813-00. THE DIVERTED FLOW RATE FROM THE JEFFERSON RIVER, WHICH IS USED FOR IRRIGATION PURPOSES, MAY NOT EXCEED THE FLOW RATE ENTERING THE JEFFERSON RIVER AS MEASURED AT THE DRAINAGE DITCH AT A POINT IMMEDIATELY BEFORE TERMINATING INTO THE JEFFERSON RIVER IN THE NWSNW SECTION 35, T2S, R6W.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G**

**Water Right Number:** 41G 16814-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** JODY L SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615

RICK R SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615

**Priority Date:** JANUARY 10, 1905

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**\*Flow Rate:** 10.03 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:** 464.00

**\*Source Name:** JEFFERSON 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		W2SE	34	2S	6W	MADISON

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

**Diversion Means:** DIVERSION DAM

2		NWNESE	34	2S	6W	MADISON
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**Period of Diversion:** APRIL 15 TO NOVEMBER 1

**Diversion Means:** DIVERSION DAM

3		SENE	34	2S	6W	MADISON
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**Period of Diversion:** APRIL 15 TO NOVEMBER 1

**Diversion Means:** DIVERSION DAM

POINT OF DIVERSION IS TRANSITORY AND MOVES WITH SOURCE WITHIN LEGAL LAND DESCRIPTION

**Period of Use:** APRIL 15 TO NOVEMBER 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	134.00		SW	26	2S	6W	MADISON
2	64.00		W2SE	26	2S	6W	MADISON

3	80.00	W2E2	35	2S	6W	MADISON
4	43.00	NW	35	2S	6W	MADISON
5	143.00	SW	35	2S	6W	MADISON
Total:						464.00

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.

16808-00	16809-00	16810-00	16811-00	16812-00	16813-00
16814-00	16815-00				

OLD JEFFERSON RIVER CHANNEL IS USED AS A NATURAL CARRIER TO CONVEY WATER DIVERTED FROM THE JEFFERSON RIVER TO SECONDARY POINTS OF DIVERSION LOCATED IN THE SESWNW (PUMP), NWSENW (PUMP), NESENW (HEADGATE) AND NENWNW (PUMP), SEC 35, T2S, R6W, MADISON COUNTY.

AUTHORIZATION TO CHANGE POINT OF DIVERSION AND PLACE OF USE COMPLETED 03/27/1981. FILE REFLECTS RIGHT AS IT EXISTED PRIOR TO JULY 1973. APPROVED CHANGES WILL BE RECORDED AFTER FINAL DECREE. SEE 41G 016814-00.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G**

**Water Right Number:** 41G 16815-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** JODY L SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615

RICK R SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615

**Priority Date:** JUNE 10, 1968

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER

**Flow Rate:** 3.38 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:** 448.00

**\*Source Name:** WASTE & SEEPAGE, UNNAMED TRIBUTARY OF JEFFERSON RIVER

**Source Type:** GROUNDWATER

THIS WATER RIGHT INCLUDES WATER COLLECTED IN A SECOND DRAIN DITCH LOCATED IN THE W2E2W2, SEC 35, TWP 02S, RGE 06W, MADISON COUNTY.

**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		SESWNW	35	2S	6W	MADISON
<b>Period of Diversion:</b>	APRIL 20 TO NOVEMBER 1					
<b>Diversion Means:</b>	PUMP					
2		E2E2SE	34	2S	6W	MADISON
<b>Period of Diversion:</b>	APRIL 20 TO NOVEMBER 1					
<b>Diversion Means:</b>	DRAIN DITCH					
3		NWNWSW	35	2S	6W	MADISON
<b>Period of Diversion:</b>	APRIL 20 TO NOVEMBER 1					
<b>Diversion Means:</b>	DRAIN DITCH					
4		W2E2SW	35	2S	6W	MADISON
<b>Period of Diversion:</b>	APRIL 20 TO NOVEMBER 1					
<b>Diversion Means:</b>	DRAIN DITCH					
5		SWSENW	35	2S	6W	MADISON
<b>Period of Diversion:</b>	APRIL 20 TO NOVEMBER 1					

**Diversion Means:** DRAIN DITCH

6 E2NE 3 3S 6W MADISON

**Period of Diversion:** APRIL 20 TO NOVEMBER 1

**Diversion Means:** DRAIN DITCH

7 W2NW 2 3S 6W MADISON

**Period of Diversion:** APRIL 20 TO NOVEMBER 1

**Diversion Means:** DRAIN DITCH

**Period of Use:** APRIL 20 TO NOVEMBER 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	24.00		W2NW	25	2S	6W	MADISON
2	26.00		E2NE	26	2S	6W	MADISON
3	1.00		NWNESE	26	2S	6W	MADISON
4	58.00		W2SE	26	2S	6W	MADISON
5	1.00		SESESW	26	2S	6W	MADISON
6	76.00		W2E2	35	2S	6W	MADISON
7	101.00		E2W2	35	2S	6W	MADISON
8	5.00		S2SWNW	35	2S	6W	MADISON
9	72.00		W2SW	35	2S	6W	MADISON
10	84.00		SE	34	2S	6W	MADISON
<b>Total:</b>	<b>448.00</b>						

**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.

16808-00	16809-00	16810-00	16811-00	16812-00	16813-00
16814-00	16815-00				

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.

16807-00	16815-00
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AN OLD JEFFERSON RIVER CHANNEL IS USED AS A NATURAL CARRIER TO CONVEY WATER COLLECTED IN DRAIN DITCHES TO SECONDARY POINTS OF DIVERSION LOCATED IN THE NWSENW (PUMP), NESENW (HEADGATE), AND NENWNW (PUMP), SEC 35, TWP 02S, RGE 06W, MADISON COUNTY.

NO JEFFERSON RIVER WATER IS ASSOCIATED WITH WATER RIGHT CLAIM NO. 41G 16815-00. THE DIVERTED FLOW RATE FROM THE JEFFERSON RIVER, WHICH IS USED FOR IRRIGATION PURPOSES, MAY NOT EXCEED THE FLOW RATE ENTERING THE JEFFERSON RIVER AS MEASURED AT THE DRAINAGE DITCH AT A POINT IMMEDIATELY BEFORE TERMINATING INTO THE JEFFERSON RIVER IN THE NWSENW SECTION 35, T2S, R6W, AND SESWNW SECTION 35, T2S, R6W.

POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G

Water Right Number: 41G 35202-00 STATEMENT OF CLAIM  
Version: 3 -- POST DECREE  
Status: ACTIVE

Owners: JODY L SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615  
  
RICK R SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615

Priority Date: APRIL 23, 1895

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 1.25 CFS

Volume: 124.20 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 134.00

Source Name: JEFFERSON 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		NESENE	23	2S	6W	MADISON

Period of Diversion: APRIL 15 TO OCTOBER 31

Diversion Means: HEADGATE

Period of Use: APRIL 15 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	50.00		S2SE	13	2S	6W	MADISON
2	75.00		NE	24	2S	6W	MADISON
3	9.00		SENW	24	2S	6W	MADISON
Total:	134.00						

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.

35202-0035226-0035228-00



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.

35202-00

35212-00

AUTHORIZATION TO CHANGE 41G 35202-00 REVOKED 04/18/1984. SEE 41G T041420-00.

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**JEFFERSON RIVER**  
**BASIN 41G**

**Water Right Number:** 41G 35212-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** JODY L SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615

RICK R SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615

**Priority Date:** APRIL 23, 1895

**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:** JEFFERSON 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		NESENE	23	2S	6W	MADISON

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DITCH

**Ditch Name:** PARROT 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			N2	24	2S	6W	MADISON
2			S2SE	13	2S	6W	MADISON

**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.

35202-00

35212-00

POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JEFFERSON RIVER  
BASIN 41G

Water Right Number: 41G 46132-00 STATEMENT OF CLAIM  
Version: 3 -- POST DECREE  
Status: ACTIVE

Owners: JODY L SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615  
  
RICK R SANDRU  
480 BAYERS LN  
TWIN BRIDGES, MT 59754-9615

Priority Date: APRIL 23, 1895  
Type of Historical Right: FILED  
Purpose (Use): IRRIGATION  
Irrigation Type: SPRINKLER  
Flow Rate: 1.25 CFS  
Volume: 161.00 AC-FT  
Climatic Area: 4 - MODERATELY LOW  
Maximum Acres: 200.00  
Source Name: JEFFERSON 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		NESENE	23	2S	6W	MADISON
Period of Diversion: APRIL 15 TO OCTOBER 15						
Diversion Means: HEADGATE						
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	95.00		NW	24	2S	6W	MADISON
2	102.00		SW	24	2S	6W	MADISON
3	3.00		W2NWSE	24	2S	6W	MADISON
Total:		200.00					

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.

46132-0046134-0046135-00