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FILED
03/04/2025
Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: Rebecca Rodgers
41N-0001-R-2019
Block, Nathaniel
71.00

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
WILLOW CREEK BASIN (41N)
PRELIMINARY DECREE

* * * * *

CLAIMANT: Eagle Creek Colony

OBJECTORS: Laas Farms Inc.; Eagle Creek Colony;
United States of America (Bureau of
Reclamation)

NOTICE OF INTENT TO APPEAR: Trudy L. Skari

ON MOTION OF THE MONTANA WATER COURT

CASE 41N-0001-R-2019

41N 113493-00	41N 113503-00
41N 113496-00	41N 113505-00
41N 113497-00	41N 113507-00
41N 113499-00	41N 113508-00
41N 113500-00	41N 113509-00
41N 113501-00	41N 113510-00
41N 113502-00	

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

BACKGROUND

The above-captioned claims are owned by the Eagle Creek Colony (“ECC”). The claims appeared in the Basin 41N Preliminary Decree and received objections from ECC, Laas Farms, Inc. (“Laas”) and the United States Bureau of Reclamation (“BOR”). Trudy Skari filed Notices of Intent to Appear. Claim 41N 113507-00 is hereby consolidated into case 41N-0001-R-2019 for purposes of this Master’s Report.

On November 30, 2020, a Stipulation between the United States and ECC was filed (Doc.¹ 19.00). Attached to the Stipulation were proposed abstracts as well as maps.

A hearing was held in Great Falls, Montana, April 10, 2024, at the Cascade County Courthouse. Water Master Nathan Block presided; Judicial Assistant Rebecca Rodgers was in attendance for the Water Court; Nicholas Lofing was present for Trudy Skari; Patrick Watt and Heather Starnes were present for ECC; Douglas Marshall was present for Laas.

At the hearing, the issues were:

1. Should the Stipulation be approved?
2. Was sufficient evidence presented to increase the flow rate for claim 41N 113496-00?
3. Was sufficient evidence presented to modify the period of diversion for claims 41N 113496-00, 41N 113497-00 and 41N 113505-00?

FINDINGS OF FACT

1. Eagle Creek is an intermittent stream that typically goes dry during the summer. See *Order Dismissing Claim and Closing Certification Case WC 2016-09, WC-2016-09* at FOF #1.

2. The BOR and ECC filed a Stipulation to Resolve Objections on November 30, 2020. United States’ Exhibit (Ex.) R1-1.

3. The Stipulation seeks to withdraw claims 41N 113500-00, 41N 113501-00, 41N 113502-00, 41N 113503-00, 41N 113507-00, 41N 113508-00, 41N 113509-00, and 41N 113510-00. The Stipulation also seeks to decrease or modify elements of claims 41N

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

113496-00, 41N 113497-00, 41N 113499-00, and 41N 113505-00. Finally, the Stipulation seeks to increase the flow rate for claim 41N 113496-00 and expand the period of use for claims 41N 113496-00, 41N 113497-00, and 41N 113505-00 to year-round. Ex. US R1-1.

4. This Master takes judicial notice of the fact that claims 41N 113496-00, 41N 113497-00, 41N 113499-00, 41N 113500-00, 41N 113501-00, 41N 113502-00, 41N 113503-00, 113508-00, 41N 113509-00, and 41N 113510-00 were included in Water Court Case WC-2016-09.

5. ECC acquired the property from the Blair family in 1980. Blairs acquired the property from Bourne & Hamilton in 1917. The irrigation system was in place when Blairs purchased in 1917. The system includes two reservoirs capable of storing water for release later in an irrigation season. Blair Reservoir is located on Eagle Creek and had an 80.00 acre foot capacity, the Bourne & Hamilton Reservoir was located off of Little Horse Creek and had a 132.00 acre foot capacity. Historically, Blair Reservoir was filled first and then diverted all of Eagle Creek into a ditch in Section 9, T35N R4E which conveyed the water to Little Horse Creek and was ultimately diverted to the Bourne & Hamilton Reservoir. See *Order Dismissing Claim and Closing Certification Case WC 2016-09*, WC-2016-09 at FOF #3; Ex. Laas 3.

6. Blairs diverted all the flow of Eagle Creek to fill the Blair Reservoir and all the flow of Eagle Creek up to the ditch capacity of the Section 9 ditch to fill the Bourne & Hamilton Reservoir. Blair did not measure flow rates accurately; they took the entire flow of the source. The practice of taking the entire flow of the source began before Blairs acquired the ranch in 1917 and lasted until they sold in 1980. See *Order Dismissing Claim and Closing Certification Case WC 2016-09*, WC-2016-09 at FOF #5; Ex. ECC 11A.

7. The Blair Reservoir had no mechanism that would allow water from the outlet of the dam to return to Eagle Creek. The water could only return to Eagle Creek by coming over the spillway at the top of the dam which could only occur when the reservoir was full. When Blair Reservoir was full, water was diverted through the Section 9 ditch into the Bourne & Hamilton Reservoir for storage. On most years there was insufficient

water to fill both reservoirs. See *Order Dismissing Claim and Closing Certification Case WC 2016-09*, WC-2016-09 at FOF #4.

8. Documentation in the claim file states that the Section 9 ditch had a 20 CFS carrying capacity. Ex. Skari 3.

9. Claims 41N 113499-00, 41N 113501-00, 41N 113502-00, 41N 113503-00, and 41N 113505-00 all claim priority dates which are senior to or equal to the priority date for claim 41N 113496-00. The Notices of Appropriation which form the underlying historical basis for the claims claimed a total of 46.5 CFS (50.5 CFS including 41N 113496-00). The Statement of Claim forms claimed the entirety of the flow listed on the Notices for the respective claims and the claims all appeared in the Preliminary Decree with the same points of diversion and place of use.

10. There is no evidence indicating that there was less than 50.5 CFS being diverted from Eagle Creek on July 3, 1901, the priority date for claim 41N 113496-00.

11. The Stipulation seeks to replace the numerical flow rate for claim 41N 113505-00 with the following language:

A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

The Stipulation further seeks to reduce the flow rate for claim 41N 113499-00 to 7.3 CFS and to dismiss claims 41N 113501-00, 41N 113502-00, 41N 113503-00. Accordingly, and without accounting for the proposed modification to the flow rate for claim 41N 113505-00, the Stipulation seeks to reduce 26.7 CFS of flow claimed by the Notices of Appropriation which are senior to or co-equal in priority with July 3, 1901. Ex. US R1-1.

12. Given the “flashy” nature of the stream, the intermittent flow of Eagle Creek, the ‘onstream’ nature of the Blair Reservoir and Blairs practice of diverting the entire flow of the river when water was available the period of diversion for the claims filling Blair Reservoir and Bourne-Hamilton Reservoir was very likely year-round.

13. Claims 41N 113497-00, 41N 113500-00, 41N 113508-00, 41N 113509-00, 41N 113510-00 all claim priority dates which are senior to May 18, 1911. The claims are

all based on filed rights and the Statement of Claim filings claimed the entire flow rate of the notices.

14. The Stipulation seeks to modify the Type of Historical Right to ‘Use’ and the priority date to May 18, 1911, for claim 41N 113497-00. Ex. US R1-1.

15. This Court has previously rejected a stipulation where the parties attempted to resolve ‘notice exceeded’ issue remarks by changing the Type of Historical Right for a claim from ‘Filed’ to ‘Use’. See *BFR Fam. Ltd.. P'ship LLLP v. Hall*, Case 41G-0080-R-2021, 2024 Mont. Water LEXIS 12 (Order Denying Joint Objection to the Water Judge and Motion to Transfer Matter to Water Judge).

16. Here, ample evidence exists to support the use of water on May 18, 1911, in the form of the five filed notices senior to May 18, 1911. No evidence was presented showing that the claims had not been put to beneficial use or that the flow claimed by the notices had otherwise been overclaimed.

PRINCIPLES OF LAW

The Water Court adjudicates existing water rights as they were used historically. An existing right is a “right to the use of water that would be protected under the law as it existed prior to July 1, 1973.” § 85-2-102(13), MCA. Existing water rights are defined by the substantive law in effect when they were appropriated. *Claimant: Lockwood Area Yellowstone County Water & Sewer Dist.*, 2015 Mont. Water LEXIS 12, *7 (June 8, 2015). They can also be defined in accord with lawful changes that occurred before July 1, 1973.

The law in Montana has always contemplated that the extent of a water right is “such amount of water as, by pattern of use and means of use, the owners or their predecessors put to beneficial use.” *McDonald v. State*, 220 Mont. 519, 529, 722 P.2d 598, 604 (Apr. 8, 1986). “Beneficial use shall be the basis, the measure and the limit of all rights to the use of water.” *Id.* at 530, 722 P.2d at 605 (emphasis omitted). Historical beneficial use is the yardstick by which all claims are judged.

A statement of claim for an existing water right or an amended claim of an existing right “constitutes prima facie proof of its content until the issuance of a final decree.” § 85-2-227(1), MCA. Anyone seeking to modify a claim or amended claim has

the burden of showing by a preponderance of the evidence that the elements of the claim are incorrect. Preponderance of the evidence is a relatively modest standard that requires a party to prove the existence of a fact is more probable than not. *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628. This is the applicable burden of proof for every assertion that a claim is incorrect, regardless of whether the party seeking the modification is an adverse party or the claimant objecting to its own claim. Rule 19, W.R.Adj.R.; *Nelson v. Brooks*, 2014 MT 120, ¶ 34, 375 Mont. 86, 329 P.3d 558; *Dana Ranch Co. v. Montana Attorney Gen.*, 2017 Mont. Water LEXIS 13, *4.

If a claimant agrees to reduce or limit a claim, the Water Court may accept the reduction or limitation without reviewing further evidence, unless an unresolved issue remark remains. Rule 17(c), W.R.Adj.R.

CONCLUSIONS OF LAW

1. The Type of Historical Right for claim 41N 113496-00 should be changed to ‘Use’. The Stipulation effectively seeks to combine some of the flow claimed under numerous filed appropriations with senior or co-equal priority dates into claim 41N 113496-00. Laas and Skari failed to overcome the prima facie status of the claims. No evidence was submitted that overcame the presumption that on July 3, 1901, at least 20 CFS was being appropriated under claim 41N 113496-00 and the senior or co-equal claims. The available evidence supports at least 20 CFS being appropriated by July 3, 1901.

However, the Stipulation fails to modify the Type of Historical Right to correctly reflect the nature of the modified right and the Type of Historical Right for claim 41N 113496-00 should be modified accordingly.

2. Adoption of the modifications to the claims discussed above resolve the ‘acres irrigated’ and ‘volume’ issue remarks on the claims. The issue remarks should be removed from the claims.

RECOMMENDATIONS

1. Claims 41N 113500-00, 41N 113501-00, 41N 113502-00, 41N 113503-00, 41N 113507-00, 41N 113508-00, 41N 113509-00, and 41N 113510-00 should be dismissed.

2. Claim 41N 113496-00 should be modified as follows:

Type of Historical Right: ~~FILED~~ **USE**

Flow Rate: ~~4.00 CFS~~ **20.00 CFS**

Volume: ~~1,483.28 AC-FT~~ **132.00 AC-FT**

THE COMBINED VOLUME FOR CLAIM NO.'S 41N 113505-00 AND 41N 113496-00 IS CUMULATIVE AND SHALL NOT EXCEED 212 AF.

Maximum Acres: ~~363.00~~ **131.00**

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		NENENE	9	35N	4E	LIBERTY

Period of Diversion: ~~APRIL 1 TO OCTOBER 4~~ **JANUARY 1 TO DECEMBER 31**

Diversion Means: HEADGATE

~~2~~ SWSESE ~~16~~ ~~34N~~ ~~4E~~ LIBERTY

~~Period of Diversion: APRIL 1 TO OCTOBER 4~~

~~Diversion Means: DAM~~

~~3~~ S2SWNW ~~27~~ ~~34N~~ ~~4E~~ LIBERTY

~~Period of Diversion: APRIL 1 TO OCTOBER 4~~

~~Diversion Means: DIKE~~

~~4~~ N2NE ~~16~~ ~~34N~~ ~~4E~~ LIBERTY

~~Period of Diversion: APRIL 1 TO OCTOBER 4~~

~~Diversion Means: DAM~~

~~5~~ NESENE ~~21~~ ~~34N~~ ~~4E~~ LIBERTY

~~Period of Diversion: APRIL 1 TO OCTOBER 4~~

~~Diversion Means: DAM~~

WATER IS DIVERTED FROM EAGLE CREEK TO LITTLE HORSE CREEK. LITTLE HORSE CREEK IS USED AS A NATURAL CARRIER TO BOURNE-HAMILTON RESERVOIR AT A POINT IN SENENW SECTION 11, T34N, R4E.

Reservoir: OFFSTREAM Reservoir Name: BOURNE-HAMILTON

Govt Lot Qtr Sec Sec Twp Rge County
 NWNWSE 11 34N 4E LIBERTY

Diversion to Reservoir: DIVERSION # 1
 Capacity: 132.00 ACRE-FEET

~~Reservoir: ONSTREAM~~

~~Govt Lot Qtr Sec Sec Twp Rge County
~~NESENE 21 34N 4E LIBERTY~~~~

~~Diversion to Reservoir: DIVERSION # 1
 Dam Height: 13.00 FEET
 Depth: 10.00 FEET
 Surface Area: 1.00 ACRES
 Capacity: 4.00 ACRE-FEET~~

~~Reservoir: ONSTREAM~~

~~Govt Lot Qtr Sec Sec Twp Rge County
~~SWSESE 16 34N 4E LIBERTY~~~~

~~Diversion to Reservoir: DIVERSION # 1
 Dam Height: 13.00 FEET
 Depth: 10.00 FEET
 Surface Area: 2.50 ACRES
 Capacity: 10.00 ACRE-FEET~~

~~Reservoir: ONSTREAM Reservoir Name: BLAIR~~

~~Govt Lot Qtr Sec Sec Twp Rge County
~~N2NE 16 34N 4E LIBERTY~~~~

~~Diversion to Reservoir: DIVERSION # 1
 Capacity: 80.00 ACRE-FEET~~

~~SMALLER RESERVOIRS ESTIMATED BY DNRC.~~

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	79.00 35.00		E2	16	34N	4E	LIBERTY
2	230.00 77.00		NE E2	21	34N	4E	LIBERTY
3	30.00 18.00	W2W2NW	NW	22	34N	4E	LIBERTY
4	1.00		SWSWSW	15	34N	4E	LIBERTY
5	5.00		E2SENE	28	34N	4E	LIBERTY
6	18.00		W2SWNW	27	34N	4E	LIBERTY
Total:	363.00 131.00						

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.

~~113495-00~~ 113496-00 113497-00 ~~113498-00~~ 113499-00 ~~113500-00~~ ~~113501-00~~
~~113502-00~~ ~~113503-00~~ ~~113504-00~~ 113505-00 ~~113506-00~~ ~~113507-00~~ ~~113508-00~~
~~113509-00~~ ~~113510-00~~

3. The reduction of the maximum acres and place of use resolve the ‘acres irrigated’ remarks on the claim. The reduction of the volume resolves the issue remark questioning the volume of the claim. Given the storage components of the ‘supplemental rights’, the remark questioning the flow rate of the claims fails to overcome the prima facie status of the claims. The remarks should be removed from the claim.

4. Claim 113497-00 should be modified as follows:

Priority Date: ~~MAY 10, 1909~~ **MAY 18, 1911**

Type of Historical Right: ~~FILED~~ **USE**

Flow Rate: ~~6.00 CFS~~ **NO FLOW RATE HAS BEEN DECREED FOR THIS ONSTREAM RESERVOIR**

Volume: ~~4,845.00 AC-FT~~ **10.00 AC-FT**

Climatic Area: 3 - MODERATE

Maximum Acres: ~~363.00~~ **50.50**

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		N2NE	16	34N	4E	LIBERTY

~~Period of Diversion: APRIL 1 TO OCTOBER 4~~

~~Diversion Means: DAM~~

2 1		SWSESE	16	34N	4E	LIBERTY
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Period of Diversion: ~~APRIL 1 TO OCTOBER 4~~ **JANUARY 1 TO DECEMBER 31**

Diversion Means: DAM

3		NESENE	21	34N	4E	LIBERTY
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~~Period of Diversion: APRIL 1 TO OCTOBER 4~~

~~Diversion Means: DAM~~

4		S2SWNW	27	34N	4E	LIBERTY
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~~Period of Diversion: APRIL 1 TO OCTOBER 4~~

~~Diversion Means: DIKE~~

5		NENENE	9	35N	4E	LIBERTY
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~~Period of Diversion: APRIL 1 TO OCTOBER 4~~

~~Diversion Means: HEADGATE~~

~~Reservoir: OFFSTREAM Reservoir Name: BOURNE HAMILTON~~

~~Govt Lot Qtr Sec Sec Twp Rge County
NWNWSE 11 34N 4E LIBERTY~~

~~Diversion to Reservoir: DIVERSION # 1~~

~~Capacity: 132.00 ACRE-FEET~~

~~Reservoir: ONSTREAM Reservoir Name: BLAIR~~

~~Govt Lot Qtr Sec Sec Twp Rge County
N2NE 16 34N 4E LIBERTY~~

~~Diversion to Reservoir: DIVERSION # 1~~

~~Capacity: 80.00 ACRE-FEET~~

Reservoir: ONSTREAM

Govt Lot Qtr Sec Sec Twp Rge County
SWSESE 16 34N 4E LIBERTY

Diversion to Reservoir: DIVERSION # ~~2~~ 1

Dam Height: 13.00 FEET

Depth: 10.00 FEET

Surface Area: 2.50 ACRES

Capacity: **5.00** ~~10.00~~ ACRE-FEET

~~Reservoir: ONSTREAM~~

~~Govt Lot Qtr Sec Sec Twp Rge County
NESENE 21 34N 4E LIBERTY~~

~~Diversion to Reservoir: DIVERSION # 3~~

~~Dam Height: 13.00 FEET~~

~~Depth: 10.00 FEET~~

~~Surface Area: 1.00 ACRES~~

~~Capacity: 4.00 ACRE-FEET~~

~~DAM ON RESERVOIR #1 EXTENDS INTO NENESW SEC 11 TWP 34N RGE 04E LIBERTY CNTY.~~

~~THE CAPACITY, DAM HEIGHT, AND SURFACE AREA OF THE 2 SMALLER RESERVOIRS HAVE BEEN ESTIMATED BY DNRC.~~

HAS

Period of Use: APRIL 1 TO OCTOBER 4

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	1.00		SWSWSW	15	34N	4E	LIBERTY
2	79.00		E2	16	34N	4E	LIBERTY
3	230.00 50.50		NE E2	21	34N	4E	LIBERTY
4	30.00		NW	22	34N	4E	LIBERTY
5	18.00		W2SWNW	27	34N	4E	LIBERTY
6	5.00		E2SENE	28	34N	4E	LIBERTY

Total: ~~363.00~~ **50.50**

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.

~~113495-00~~ 113496-00 113497-00 ~~113498-00~~ 113499-00 ~~113500-00~~ ~~113501-00~~
~~113502-00~~ ~~113503-00~~ ~~113504-00~~ 113505-00 ~~113506-00~~ ~~113507-00~~ ~~113508-00~~
~~113509-00~~ ~~113510-00~~

5. The reduction of the maximum acres and place of use resolve the ‘acres irrigated’ remarks on the claim. The reduction of the volume resolves the issue remark questioning the volume of the claim. Given the storage components of the ‘supplemental rights’, the remark questioning the flow rate of the claims fails to overcome the prima facie status of the claims. The remarks should be removed from the claim.

6. Claim 41N 113499-00 should be modified as follows:

Flow Rate: ~~13.76 CFS~~ **7.3 CFS**
Volume: ~~1,815.00 AC-FT~~ **393.00**
Climatic Area: 3 - MODERATE
Maximum Acres: ~~363.00~~ **131.00**

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		N2NE	16	34N	4E	LIBERTY
Period of Diversion: APRIL 1 TO OCTOBER 4						
Diversion Means: DAM						
2		SWSESE	16	34N	4E	LIBERTY
Period of Diversion: APRIL 1 TO OCTOBER 4						
Diversion Means: DAM						
3		NESENE	21	34N	4E	LIBERTY
Period of Diversion: APRIL 1 TO OCTOBER 4						
Diversion Means: DAM						
4		S2SWNW	27	34N	4E	LIBERTY
Period of Diversion: APRIL 1 TO OCTOBER 4						
Diversion Means: DIKE						
5		NENENE	9	35N	4E	LIBERTY
Period of Diversion: APRIL 1 TO OCTOBER 4						
Diversion Means: HEADGATE						

~~Reservoir: ONSTREAM Reservoir Name: BLAIR~~

Govt Lot Qtr Sec Sec Twp Rge County
 N2NE 16 34N 4E LIBERTY

~~Diversion to Reservoir: DIVERSION # 1
Capacity: 80.00 ACRE-FEET~~

~~Reservoir: OFFSTREAM Reservoir Name: BOURNE HAMILTON~~

Govt Lot Qtr Sec Sec Twp Rge County
 NWNWSE 11 34N 4E LIBERTY

~~Diversion to Reservoir: DIVERSION # 1
Capacity: 132.00 ACRE-FEET~~

~~Reservoir: ONSTREAM~~

Govt Lot Qtr Sec Sec Twp Rge County
 SWSESE 16 34N 4E LIBERTY

~~Diversion to Reservoir: DIVERSION # 2
Dam Height: 13.00 FEET
Depth: 10.00 FEET
Surface Area: 2.50 ACRES
Capacity: 10.00 ACRE-FEET~~

~~Reservoir: ONSTREAM~~

Govt Lot Qtr Sec Sec Twp Rge County
 NESENE 21 34N 4E LIBERTY

~~Diversion to Reservoir: DIVERSION # 3
Dam Height: 13.00 FEET
Depth: 10.00 FEET
Surface Area: 1.00 ACRES
Capacity: 4.00 ACRE-FEET~~

SMALLER RESERVOIRS ESTIMATED BY DNRC

~~DAM ON RESERVOIR #1 EXTENDS INTO NENESW SEC 11 TWP 34N RGE 04E LIBERTY CO.~~

Period of Use: APRIL 1 TO OCTOBER 4

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	1.00		SWSWSW	15	34N	4E	LIBERTY
2	79.00 35.00			E2	16	34N	4E LIBERTY
3	230.00 77.00		NE	E2	21	34N	4E LIBERTY
4	30.00 18.00	W2W2NW	NW		22	34N	4E LIBERTY
5	18.00		W2SWNW	27	34N	4E	LIBERTY
6	5.00		E2SENE	28	34N	4E	LIBERTY
Total:	363.00 131.00						

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.

~~113495-00 113496-00 113497-00 113498-00 113499-00 113500-00 113501-00~~
~~113502-00 113503-00 113504-00 113505-00 113506-00 113507-00 113508-00~~
~~113509-00 113510-00~~

7. The reduction of the maximum acres and place of use resolve the ‘acres irrigated’ remarks on the claim. The reduction of the volume resolves the issue remark questioning the volume of the claim. Given the storage components of the ‘supplemental rights’, the remark questioning the flow rate of the claims fails to overcome the prima facie status of the claims. The remarks should be removed from the claim.

8. Claim 41N 113505-00 should be modified as follows:

Flow Rate:	12.50 CFS	A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.
Volume:	1,815.00 AC-FT	80.00 AC-FT THE COMBINED VOLUME FOR CLAIM NO.'S 41N 113496-00 AND 41N 113505-00 IS CUMULATIVE AND SHALL NOT EXCEED 212 AF
Climatic Area:	3 - MODERATE	
Maximum Acres:	363.00 131.00	

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		N2NE	16	34N	4E	LIBERTY
	Period of Diversion:		APRIL 1 TO OCTOBER 4		JANUARY 1 TO DECEMBER 31	
	Diversion Means: DAM					
2		SWSESE	16	34N	4E	LIBERTY
	Period of Diversion:		APRIL 1 TO OCTOBER 4			
	Diversion Means: DAM					
3		NESENE	21	34N	4E	LIBERTY
	Period of Diversion:		APRIL 1 TO OCTOBER 4			
	Diversion Means: DAM					
4		S2SWNW	27	34N	4E	LIBERTY
	Period of Diversion:		APRIL 1 TO OCTOBER 4			
	Diversion Means: DIKE					
5		NENENE	9	35N	4E	LIBERTY
	Period of Diversion:		APRIL 1 TO OCTOBER 4			
	Diversion Means: HEADGATE					
	Reservoir:		OFFSTREAM			
	Reservoir Name:		BOURNE HAMILTON			
	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
		NWNWSE	11	34N	4E	LIBERTY
	Diversion to Reservoir:		DIVERSION # 1			
	Capacity:		132.00 ACRE-FEET			

Reservoir: ONSTREAM Reservoir Name: BLAIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	N2NE	16	34N	4E	LIBERTY
Diversion to Reservoir:		DIVERSION # 1			
Capacity:		80.00 ACRE-FEET			

~~Reservoir: ONSTREAM~~

Govt Lot	Qtr Sec	Sec	Twp	Rge	County
	SWSESE	16	34N	4E	LIBERTY
Diversion to Reservoir:		DIVERSION # 2			
Dam Height:		13.00 FEET			
Depth:		10.00 FEET			
Surface Area:		2.50 ACRES			
Capacity:		10.00 ACRE-FEET			

~~Reservoir: ONSTREAM~~

Govt Lot	Qtr Sec	Sec	Twp	Rge	County
	NESENE	21	34N	4E	LIBERTY
Diversion to Reservoir:		DIVERSION # 3			
Dam Height:		13.00 FEET			
Depth:		10.00 FEET			
Surface Area:		1.00 ACRES			
Capacity:		4.00 ACRE-FEET			

~~SMALLER RESERVOIRS ESTIMATED BY DNRC~~

~~DAM ON RESERVOIR #1 EXTENDS INTO NENESW SEC 11 TWP 34N RGE 04E LIBERTY CNTY.~~

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	1.00		SWSWSW	15	34N	4E	LIBERTY
2	79.00 35.00		E2	16	34N	4E	LIBERTY
3	230.00 77.00		NE E2	21	34N	4E	LIBERTY
4	30.00 18.00		W2W2NW NW	22	34N	4E	LIBERTY
5	18.00		W2SWNW	27	34N	4E	LIBERTY
6	5.00		E2SENE	28	34N	4E	LIBERTY
Total:	363.00 131.00						

9. The reduction of the maximum acres and place of use resolve the ‘acres irrigated’ remarks on the claim. The reduction of the volume resolves the issue remark questioning the volume of the claim. Given the storage components of the ‘supplemental rights’, the remark questioning the flow rate of the claims fails to overcome the prima facie status of the claims. The remarks should be removed from the claim.

10. Pursuant to the Notice Relating to Hearing (Doc. 65.00) the following remark should be placed on claims 41N 113493-00, 41N 113496-00, 41N 113497-00, 41N 113499-00, and 41N 113505-00:

THIS CLAIM IS SUBJECT TO A PRIVATE WATER USE AGREEMENT DATED JULY 5, 1983

A post decree abstract of each water right claim reflecting the recommended changes is attached to this Report. The parties should review the modified abstracts carefully.

ELECTRONICALLY SIGNED AND DATED BELOW.

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Note: Caption Updated 3-4-2025

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
WILLOW CREEK
BASIN 41N**

Water Right Number: 41N 113493-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: EAGLE CREEK COLONY
333 2100 RD S
GALATA, MT 59444

Priority Date: NOVEMBER 2, 1892

Type of Historical Right: USE

Purpose (Use): STOCK

***Flow Rate:** 2.00 CFS

Volume: THIS WATER 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: EAGLE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	9	35N	4E	LIBERTY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Reservoir: OFFSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWSE	11	34N	4E	LIBERTY

Diversion to Reservoir: DIVERSION # 1

DAM ON RESERVOIR EXTENDS INTO NENESW SEC 11 TWP 34N RGE 04E LIBERTY CNTY.

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			SESW	11	34N	4E	LIBERTY
2			NESW	11	34N	4E	LIBERTY
3			SWNE	11	34N	4E	LIBERTY
4			NWSE	11	34N	4E	LIBERTY

Remarks:

THIS CLAIM IS SUBJECT TO A PRIVATE WATER USE AGREEMENT DATED JULY 5, 1983.

AUTHORIZATION TO CHANGE ISSUED 04-27-87 FOR CHANGE IN POINT OF DIVERSION, PLACE OF USE, PLACE OF STORAGE. NOTICE OF COMPLETION DUE 11-30-92.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
WILLOW CREEK
BASIN 41N**

Water Right Number: 41N 113496-00 STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: ACTIVE

Owners: EAGLE CREEK COLONY
333 2100 RD S
GALATA, MT 59444

Priority Date: JULY 3, 1901

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 20.00 CFS

Volume: 132.00 AC-FT

THE COMBINED VOLUME FOR CLAIM NO.'S 41N 113496-00 AND 41N 113505-00 IS CUMULATIVE AND SHALL NOT EXCEED 212 AF.

Climatic Area: 3 - MODERATE

Maximum Acres: 131.00

Source Name: EAGLE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	9	35N	4E	LIBERTY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

WATER IS DIVERTED FROM EAGLE CREEK TO LITTLE HORSE CREEK. LITTLE HORSE CREEK IS USED AS A NATURAL CARRIER TO BOURNE-HAMILTON RESERVOIR AT A POINT IN SENENW SECTION 11, T34N, R4E.

Reservoir: OFFSTREAM **Reservoir Name:** BOURNE-HAMILTON

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWSE	11	34N	4E	LIBERTY

Diversion to Reservoir: DIVERSION # 1

Capacity: 132.00 ACRE-FEET

DAM ON RESERVOIR NO.1 EXTENDS INTO NENESW SEC 11 TWP 34N RGE 04E LIBERTY COUNTY.

Period of Use: APRIL 1 TO OCTOBER 4

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	35.00		E2	16	34N	4E	LIBERTY
2	77.00		NE	21	34N	4E	LIBERTY
3	18.00		W2W2NW	22	34N	4E	LIBERTY

4	<u>1.00</u>	SWSWSW	15	34N	4E	LIBERTY
Total:	131.00					

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.

113496-00 113497-00 113499-00 113505-00

THIS CLAIM IS SUBJECT TO A PRIVATE WATER USE AGREEMENT DATED JULY 5, 1983.

AUTHORIZATION TO CHANGE ISSUED 04-27-87 FOR CHANGE IN POINT OF DIVERSION AND PLACE OF STORAGE. NOTICE OF COMPLETION DUE 11-30-89.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
WILLOW CREEK
BASIN 41N**

Water Right Number: 41N 113497-00 STATEMENT OF CLAIM
Version: 5 -- POST DECREE
Status: ACTIVE

Owners: EAGLE CREEK COLONY
333 2100 RD S
GALATA, MT 59444

Priority Date: MAY 18, 1911

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: NO FLOW RATE HAS BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 10.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 50.50

Source Name: EAGLE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSESE	16	34N	4E	LIBERTY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWSESE	16	34N	4E	LIBERTY

Diversion to Reservoir: DIVERSION # 1

Dam Height: 13.00 FEET

Depth: 10.00 FEET

Surface Area: 2.50 ACRES

Capacity: 5.00 ACRE-FEET

THE DAM HEIGHT AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

Period of Use: APRIL 1 TO OCTOBER 4

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	50.50		NE	21	34N	4E	LIBERTY

Total: 50.50

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.

113496-00 113497-00 113499-00 113505-00

THIS CLAIM IS SUBJECT TO A PRIVATE WATER USE AGREEMENT DATED JULY 5, 1983.

AUTHORIZATION TO CHANGE ISSUED 04-27-87 FOR CHANGE IN POINT OF DIVERSION AND PLACE OF STORAGE. NOTICE OF COMPLETION DUE 11-30-89.

**POST DECREE
 ABSTRACT OF WATER RIGHT CLAIM
 WILLOW CREEK
 BASIN 41N**

Water Right Number: 41N 113499-00 STATEMENT OF CLAIM
Version: 5 -- POST DECREE
Status: ACTIVE

Owners: EAGLE CREEK COLONY
 333 2100 RD S
 GALATA, MT 59444

Priority Date: NOVEMBER 2, 1892

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 7.30 CFS

Volume: 393.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 131.00

Source Name: EAGLE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		N2NE	16	34N	4E	LIBERTY

Period of Diversion: APRIL 1 TO OCTOBER 4

Diversion Means: DAM

Period of Use: APRIL 1 TO OCTOBER 4

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	1.00		SWSWSW	15	34N	4E	LIBERTY
2	35.00		E2	16	34N	4E	LIBERTY
3	77.00		NE	21	34N	4E	LIBERTY
4	18.00		W2W2NW	22	34N	4E	LIBERTY

Total: 131.00

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.

113496-00 113497-00 113499-00 113505-00

THIS CLAIM IS SUBJECT TO A PRIVATE WATER USE AGREEMENT DATED JULY 5, 1983.

AUTHORIZATION TO CHANGE ISSUED 04-27-87 FOR CHANGE IN POINT OF DIVERSION AND PLACE OF STORAGE. NOTICE OF COMPLETION DUE 11-30-89.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
WILLOW CREEK
BASIN 41N**

Water Right Number: 41N 113500-00 STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: **DISMISSED**

Owners: EAGLE CREEK COLONY
333 2100 RD S
GALATA, MT 59444

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: EAGLE CREEK

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
WILLOW CREEK
BASIN 41N**

Water Right Number: 41N 113501-00 STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: **DISMISSED**

Owners: EAGLE CREEK COLONY
333 2100 RD S
GALATA, MT 59444

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: EAGLE CREEK

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
WILLOW CREEK
BASIN 41N**

Water Right Number: 41N 113502-00 STATEMENT OF CLAIM

Version: 6 -- POST DECREE

Status: **DISMISSED**

Owners: EAGLE CREEK COLONY
333 2100 RD S
GALATA, MT 59444

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: EAGLE CREEK

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
WILLOW CREEK
BASIN 41N**

Water Right Number: 41N 113503-00 STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: **DISMISSED**

Owners: EAGLE CREEK COLONY
333 2100 RD S
GALATA, MT 59444

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: EAGLE CREEK

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
 WILLOW CREEK
 BASIN 41N**

Water Right Number: 41N 113505-00 STATEMENT OF CLAIM
Version: 5 -- POST DECREE
Status: ACTIVE

Owners: EAGLE CREEK COLONY
 333 2100 RD S
 GALATA, MT 59444

Priority Date: JUNE 1, 1892

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 80.00 AC-FT

THE COMBINED VOLUME FOR CLAIM NO.'S 41N 113496-00 AND 41N 113505-00 IS CUMULATIVE AND SHALL NOT EXCEED 212 AF.

Climatic Area: 3 - MODERATE

Maximum Acres: 131.00

Source Name: EAGLE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		N2NE	16	34N	4E	LIBERTY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM **Reservoir Name:** BLAIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	N2NE	16	34N	4E	LIBERTY

Diversion to Reservoir: DIVERSION # 1

Capacity: 80.00 ACRE-FEET

Period of Use: APRIL 1 TO OCTOBER 4

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	1.00		SWSWSW	15	34N	4E	LIBERTY
2	35.00		E2	16	34N	4E	LIBERTY
3	77.00		NE	21	34N	4E	LIBERTY
4	18.00		W2W2NW	22	34N	4E	LIBERTY

Total: 131.00

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.

113496-00 113497-00 113499-00 113505-00

THIS CLAIM IS SUBJECT TO A PRIVATE WATER USE AGREEMENT DATED JULY 5, 1983.

AUTHORIZATION TO CHANGE ISSUED 04-27-87 FOR CHANGE IN POINT OF DIVERSION AND PLACE OF STORAGE. NOTICE OF COMPLETION DUE 11-30-89.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
WILLOW CREEK
BASIN 41N**

Water Right Number: 41N 113507-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: **DISMISSED**

Owners: EAGLE CREEK COLONY
333 2100 RD S
GALATA, MT 59444

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: FLAT CREEK

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
WILLOW CREEK
BASIN 41N**

Water Right Number: 41N 113508-00 STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: **DISMISSED**

Owners: EAGLE CREEK COLONY
333 2100 RD S
GALATA, MT 59444

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: EAGLE CREEK

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
WILLOW CREEK
BASIN 41N**

Water Right Number: 41N 113509-00 STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: **DISMISSED**

Owners: EAGLE CREEK COLONY
333 2100 RD S
GALATA, MT 59444

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: EAGLE CREEK

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
WILLOW CREEK
BASIN 41N**

Water Right Number: 41N 113510-00 STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: **DISMISSED**

Owners: EAGLE CREEK COLONY
333 2100 RD S
GALATA, MT 59444

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: EAGLE CREEK

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.