

Montana Water Court
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FILED
03/20/2025
Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41S-0623-R-2024
Stern, Anika
19.00

IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
JUDITH RIVER BASIN (41S)
PRELIMINARY DECREE

CLAIMANTS: Bruce J. Turner; Pamela R. Turner; Joyce A.
Turner; James H. Turner

NOTICE OF INTENT TO APPEAR: State of Montana Dept of
Fish Wildlife & Parks

CASE 41S-0623-R-2024

41S 13385-00
41S 13389-00
41S 13390-00
41S 13391-00
41S 13428-00

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. Bruce J. Turner, Joyce A. Turner, and Pamela R. Turner are the record co-owners of claim 41S 13385-00. Bruce J. Turner and Joyce A. Turner (the Claimants) are the record co-owners of claims 41S 13389-00, 41S 13390-00, 41S 13391-00, and 41S 13428-00.

2. Claims 41S 13385-00, 41S 13389-00, 41S 13390-00, 41S 13391-00, and 41S 13428-00 were decreed with DNRC issue remarks:

Claim 41S 13385-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO. 30045-279-17 , DATED 09/18/1979 APPEARS TO INDICATE 140.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

Claim 41S 13389-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-279-17 , DATED 09/18/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

Claim 41S 13390-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO. 30045-279-17 , DATED 09/18/1979 APPEARS TO INDICATE 18.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

Claim 41S 13391-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO. 30045-279-17 , DATED 09/18/1979 APPEARS TO INDICATE 18.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

- THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE NWNENW SEC 33 TWP 15N RGE 15E JUDITH BASIN COUNTY.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

Claim 41S 13428-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-279-17 , DATED 09/18/1979 , APPEARS TO INDICATE 29.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE SWSESW SEC 28 TWP 15N RGE 15E JUDITH BASIN COUNTY.
- SOURCE NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

3. The State of Montana Department of Fish, Wildlife & Parks (DFWP) filed Notices of Intent to Appear (NOIAs) for each of the above-captioned claims.¹

4. On January 16, 2025, the parties filed a Memorandum to Resolve Issue Remarks addressing all the claims. (Doc.² 14.00). A Stipulation and Agreement addressing claims 41S 13390-00, 41S 13391-00, and 41S 13428-00 was also filed on January 16, 2025. (Doc. 15.00).

5. As the January 16, 2025 filings left issue remarks on claim 41S 13385-00 unresolved and failed to address the NOIAs filed for claims 41S 13385-00 and 41S 13389-00, an Order was issued on January 23, 2025 setting deadlines for both to be addressed. (Doc. 16.00).

6. On January 27, 2025, the Claimants filed their First supplement to Memorandum to Resolve Issue Remarks. (Doc. 17.00). The filing addressed the issue remarks decreed on claim 41S 13385-00 and withdrew claim 41S 13389-00.

¹ Claims 41S 13427-00 and 41S 13438-00 were initially consolidated in this Case and have been reconsolidated into Case 41S-0523-R-2024. DFWP did not file NOIAs to claims 41S 13427-00 and 41S 13438-00.

² “Doc.” numerical references correlate to case file docket numbers in the Water Court’s Full Court case management system.

7. On March 3, 2025, DFWP filed a Status Report stating that it concurs with the resolution proposed by Claimants on January 27, 2025, as to claims 41S 13385-00 and 41S 13389-00. (Doc. 18.00).

8. The Claimants provided an Affidavit from consultant Scott Irvin, explaining that he reviewed water right files and aerial images, conducted site inspections, and consulted with Bruce Turner and current lessee of the Turner property, Greg Grove, regarding water use practices to support the Affidavit. The Affidavit suggested corrections for claims in this Case. The Affidavit was attached to the January 16, 2025 Memorandum as “Exhibit A.” Proposed abstracts and maps were attached to Mr. Irvin’s Affidavit.

Additionally, “Exhibit B” is the Affidavit of Bruce Turner, son of James and Joyce Turner (both are deceased). In his Affidavit, Bruce Turner describes water use/rights at both the “Home Place” and the “Murray Place.”

9. **Claim 41S 13385-00:** Claim 41S 13385-00 was decreed with 130.00 acres irrigated in the SE of Section 31, Township 15 North, Range 14 East, Judith Basin County. Mr. Irvin identified 119.00 acres as historically irrigated at the claimed place of use on a 1977 aerial photograph.

Based on available information and the agreement of the parties, the following modifications should be made to claim 41S 13385-00 to reflect the historical use of the claim:

Maximum Acres:	130.00	119.00					
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	119.00	130.00	SE	31	15N	15E	JUDITH BASIN
Total:	130.00	119.00					

10. **Claim 41S 13389-00:** The Claimants withdrew claim 41S 13389-00 on January 27, 2025. (Doc. 17.00).

11. **Claims 41S 13390-00 and 41S 13391-00:** The Stipulation filed by DFWP and the Claimants addresses claims 41S 13390-00 and 41S 13391-00. Based on 1979 aerial imagery, the parties agree the place of use (POU) for claims 41S 13390-00 and 41S 13391-00 should be modified to 42.40 acres, consistent with historical use. Further, the parties agree modifications are needed to the points of diversion for both claims:

41S 13390-00:

Maximum Acres: 00.00 **42.40**

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	S2NW	S2S WNW	33	15N	15E	JUDITH BASIN

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

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	42.40	00.00	NE	33	15N	15E	JUDITH BASIN

Total: 00.00 **42.40**

41S 13391-00:

Maximum Acres: 00.00 **42.40**

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	NENW	W2N NENW	33	15N	15E	JUDITH BASIN

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

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	42.40	00.00	NE	33	15N	15E	JUDITH BASIN

Total: 00.00 **42.40**

12. **Claim 41S 13428-00:** The Stipulation filed by DFWP and the Claimants addresses claim 41S 13428-00. Based on aerial imagery, the parties agree the POU for claim 41S 13428-00 is 29.00 acres. The parties agreed the flow rate should be modified consistent with the 17.00 gallon per minute guideline. Rule 14(b), W.R.C.E.R. Further, the parties agree the point of diversion for claim 41S 13428-00 should be modified:

Flow Rate: 4.38 CFS **1.10 CFS**

Maximum Acres: 115.00 **29.00**

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	SWSESW	SESESW	28	15N	15E	JUDITH BASIN

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

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	29.00	35.00	SWSW	27	15N	15E	JUDITH BASIN
2	00.00		NE	33	15N	15E	JUDITH BASIN

Total: 115.00 **29.00**

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court is required to address all issue remarks decreed on a claim as well as any objections the claim receives. Sections 85-2-233, 85-2-247, and 85-2-248, MCA.

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.

3. Settlement agreements are subject to review and approval of the Water Court. Rule 17(a), W.R.Adj.R. 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, unless there is an unresolved issue remark on the claim, in which case § 85-2-248, MCA must be applied. Rule 17(c), W.R.Adj.R. The settlement documentation in this Case should be accepted by the Court.

5. The issue remarks decreed on claims in this Case indicating the "maximum combined acres for this group of supplemental claims may require modification..." is not relevant because supplemental rights remarks on claims no longer include a quantified acreage figure.

RECOMMENDATIONS

1. Claims 41S 13385-00, 41S 13390-00, 13391-00, and 41S 13428-00, should be modified as described in the Findings of Facts. The issue remarks should be removed from the claims.

2. Claim 41S 13389-00 should be dismissed.

3. The Notices of Intent to Appear filed for claims 41S 13385-00, 41S 13389-00, 41S 13390-00, 41S 13391-00, and 41S 13428-00 should be dismissed.

Abstracts are attached.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Brendan Deegan
Sigrid Deegan
PO Box 350
Hobson, MT 59452
(Potential Owners)

Service via Electronic Mail:

Oliver J. Urick
Urick Law Firm PLLC
P.O. Box 556
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Helena, MT 59620
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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S

Water Right Number: 41S 13385-00 STATEMENT OF CLAIM
Version: 5 -- POST DECREE
Status: ACTIVE

Owners: BRUCE J TURNER
PO BOX 332
HOBSON, MT 59452-0332

PAMELA R TURNER
PO BOX 370
HOBSON, MT 59452

Priority Date: JULY 1, 1886

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 4.00 CFS

*Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 119.00

Source Name: JUDITH RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr	Sec	Twp	Rge	County
1		NENWNE	6	14N	15E	JUDITH BASIN

Period of Diversion: APRIL 15 TO OCTOBER 1

Diversion Means: PUMP

Period of Use: APRIL 15 TO OCTOBER 1

Place of Use:

ID	Acres	Govt Lot	Qtr	Sec	Twp	Rge	County
1	119.00		SE	31	15N	15E	JUDITH BASIN
Total:	119.00						

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.

13385-00	13386-00	13389-00	13390-00	13391-00	13428-00
13430-00	13433-00	13434-00	13436-00	13437-00	13440-00
13441-00					

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 13389-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: DISMISSED

Owners: BRUCE J TURNER
PO BOX 332
HOBSON, MT 59452-0332

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF SPRING CREEK

Source Type: GROUNDWATER

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
JUDITH RIVER
BASIN 41S

Water Right Number: 41S 13390-00 STATEMENT OF CLAIM
Version: 5 -- POST DECREE
Status: ACTIVE

Owners: BRUCE J TURNER
PO BOX 332
HOBSON, MT 59452-0332

Priority Date: DECEMBER 26, 1963

Type of Historical Right: FILED

Purpose (Use): IRRIGATION
Irrigation Type: FLOOD

Flow Rate: 30.00 GPM

*Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 42.40

Source Name: SPRING, UNNAMED TRIBUTARY OF JUDITH RIVER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr	Sec	Twp	Rge	County
1		S2NW	33	15N	15E	JUDITH BASIN

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

Period of Use: APRIL 1 TO OCTOBER 15

Place of Use:

ID	Acres	Govt Lot	Qtr	Sec	Twp	Rge	County
1	42.40		NE	33	15N	15E	JUDITH BASIN
Total:	42.40						

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.

13385-00	13386-00	13389-00	13390-00	13391-00	13428-00
13430-00	13433-00	13434-00	13436-00	13437-00	13440-00
13441-00					

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.

12541-00

13390-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S

Water Right Number: 41S 13391-00 STATEMENT OF CLAIM
Version: 5 -- POST DECREE
Status: ACTIVE

Owners: BRUCE J TURNER
PO BOX 332
HOBSON, MT 59452-0332

Priority Date: DECEMBER 26, 1963

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 30.00 GPM

*Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 42.40

Source Name: SPRING, UNNAMED TRIBUTARY OF JUDITH RIVER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr	Sec	Twp	Rge	County
1		NENW	33	15N	15E	JUDITH BASIN

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

Period of Use: APRIL 1 TO OCTOBER 15

Place of Use:

ID	Acres	Govt Lot	Qtr	Sec	Twp	Rge	County
1	42.40		NE	33	15N	15E	JUDITH BASIN
Total:	42.40						

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.

13385-00	13386-00	13389-00	13390-00	13391-00	13428-00
13430-00	13433-00	13434-00	13436-00	13437-00	13440-00
13441-00					

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.

12540-00

13391-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S

Water Right Number: 41S 13428-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: BRUCE J TURNER
PO BOX 332
HOBSON, MT 59452-0332

Priority Date: AUGUST 15, 1884

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.10 CFS

*Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 29.00

*Source Name: UNNAMED TRIBUTARY OF JUDITH 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		SWSESW	28	15N	15E	JUDITH BASIN

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

Period of Use: APRIL 1 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	29.00		SWSW	27	15N	15E	JUDITH BASIN

Total: 29.00

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.

13385-00	13386-00	13389-00	13390-00	13391-00	13428-00
13430-00	13433-00	13434-00	13436-00	13437-00	13440-00
13441-00					

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.

12534-00

13428-00