

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
1-800-624-3270
(406) 586-4364
watercourt@mt.gov

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

* * * * *

CLAIMANTS: Buffalo Creek Grain, LLC; Thomas J.
Wichman; Kristine U. Wichman; Leo J.
Horan; Daniel J. Horan; Sam Walton; Julie
Walton

CASE 41S-0737-R-2024

41S 132885-00
41S 132886-00
41S 132887-00
41S 132888-00
41S 132889-00

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. Buffalo Creek Grain, LLC, Daniel J. Horan, Leo J. Horan, Julie Walton, Sam Walton, Kristine U. Wichman, and Thomas J. Wichman (the Claimants) are the record owners of claims 41S 132885-00, 41S 132886-00, 41S 132887-00, 41S 132888-00, and 41S 132889-00.

2. Claims 41S 132885-00, 41S 132886-00, 41S 132887-00, 41S 132888-00, and 41S 132889-000 were decreed with DNRC issue remarks:

41S 132885-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE FERGUS COUNTY WATER RESOURCES SURVEY(1970)APPEARS TO INDICATE 86.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- USDA AERIAL PHOTOGRAPH NOS. 30027-278-88 AND 30027-278-90 DATED 09/25/1979 AND 30045-179-67 DATED 09/17/1979 APPEAR TO INDICATE 231.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 79.67 TIMES THE CAPACITY OF THE RESERVOIR.

41S 132886-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE FERGUS COUNTY WATER RESOURCES SURVEY(1970)APPEARS TO INDICATE 86.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- USDA AERIAL PHOTOGRAPH NOS. 30027-278-88 AND 30027-278-90 DATED 09/25/1979 AND 30045-179-67 DATED 09/17/1979 APPEAR TO INDICATE 231.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 34.14 TIMES THE CAPACITY OF THE RESERVOIR.

41S 132887-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- USDA AERIAL PHOTOGRAPH NOS. 30027-278-88 AND 30027-278-90 DATED 09/25/1979 AND 30045-179-67 DATED 09/17/1979 APPEAR TO INDICATE 231.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 8.55 TIMES THE CAPACITY OF THE RESERVOIR.

41S 132888-00:

- THE FERGUS COUNTY WATER RESOURCES SURVEY(1970)APPEARS TO INDICATE 86.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- USDA AERIAL PHOTOGRAPH NOS. 30027-278-88 AND 30027-278-90 DATED 09/25/1979 AND 30045-179-67 DATED 09/17/1979 APPEAR TO INDICATE 231.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 11.38 TIMES THE CAPACITY OF THE RESERVOIR.

41S 132889-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE FERGUS COUNTY WATER RESOURCES SURVEY(1970)APPEARS TO INDICATE 86.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- USDA AERIAL PHOTOGRAPH NOS. 30027-278-88 AND 30027-278-90 DATED 09/25/1979 AND 30045-179-67 DATED 09/17/1979 APPEAR TO INDICATE 231.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 45.53 TIMES THE CAPACITY OF THE RESERVOIR.

Additionally, all the claims were decreed with the following notice-type issue remarks:

- THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.
- RESERVOIR RECORD 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 Claimants were ordered to meet with a DNRC employee to address the unresolved issue remarks. (Doc.¹1.00).

4. DNRC Water Resources Specialist Carli Bluhm filed a Memorandum on January 28, 2025. (Doc. 3.00). Ms. Bluhm reported that she met with Leo Horan on January 8, 2025. Ms. Bluhm stated she reviewed the Judith County Water Resource Survey field notes, and aerial photos to prepare the Memorandum.

Although the issue remarks on the claims varied slightly, the issues Ms. Bluhm was asked to address were similar – all the claims described the same reservoir and the same place of use. Consequently, the recommendations Ms. Bluhm made were identical for each of the claims.

Volume:

Ms. Bluhm indicated the following regarding claims 41S 132885-00, 41S 132886-00, 41S 132887-00, 41S 132888-00, and 41S 132889-00:

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

The DNRC estimated the holding capacity of the reservoir to be 53.14 AC-FT. Following the DNRC's 2.5 fills per year per guideline, the DNRC estimated the volume to be 132.85 AC-FT.

(Doc 3.00).

Place of use:

Ms. Bluhm recommended the place of use for claims 41S 132885-00, 41S 132886-00, 41S 132887-00, 41S 132888-00, and 41S 132889-00 be modified to the following place of use:

Place of Use:								
ID		Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	246.00	345.00		W2	29	13N	16E	FERGUS
2	278.00	348.00		W2	19	13N	16E	FERGUS
3	365.00	638.00			30	13N	16E	FERGUS
4	161.00	320.00		E2	24	13N	15E	FERGUS
5	228.00	320.00		E2	25	13N	15E	FERGUS
Total:		1911.00	1,278.00					

5. Orders were issued to determine if the Claimants agreed or disagreed with the recommendations made by Ms. Bluhm. (Docs. 4.00 and 5.00). The Orders indicated that if nothing were filed by the February 28, 2025 deadline, this Water Master would conclude the Claimants agreed with the recommended modifications. The following language was included in the Order:

Failure to comply with the terms of this Order may result in sanctions, up to and including entry of default and termination of a water right claim or dismissal of objections. Rule 22, W.R.Adj.R.

Nothing was filed.

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court must address all issue remarks decreed on a claim. Section 85-2-248, MCA.
2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.

4. The issue remarks decreed on claims 41S 132885-00, 41S 132886-00, 41S 132887-00, 41S 132888-00, and 41S 132889-00 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.

1. The volume for claims 41S 132885-00, 41S 132886-00, 41S 132887-00, 41S 132888-00, and 41S 132889-00 should be modified to 132.85 acre-feet.
2. The maximum acres and place of use for claims 41S 132885-00, 41S 132886-00, 41S 132887-00, 41S 132888-00, and 41S 132889-00 should be modified to:

3. The issue remarks should be removed from claims 41S 132885-00, 41S 132886-00, 41S 132887-00, 41S 132888-00, and 41S 132889-00.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Buffalo Creek Grain, LLC
Thomas J. Wichman
Kristine U. Wichman
1100 Straw Rd
Moore, MT 59464

Leo J. Horan
Daniel J. Horan
1611 Straw Rd
Moore, MT 59464

Sam Walton
Julie Walton
1255 Shiell Canyon Rd
Moore, MT 59464

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

Water Right Number: 41S 132885-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners:

DANIEL J HORAN
1611 STRAW RD
MOORE, MT 59464

LEO J HORAN
1611 STRAW RD
MOORE, MT 59464

JULIE WALTON
1255 SHIELL CANYON RD
MOORE, MT 59464

SAM WALTON
1255 SHIELL CANYON RD
MOORE, MT 59464

KRISTINE U WICHMAN
1100 STRAW RD
MOORE, MT 59464

THOMAS J WICHMAN
1100 STRAW RD
MOORE, MT 59464

BUFFALO CREEK GRAIN LLC
1100 STRAW RD
MOORE, MT 59464-9476

Priority Date: JULY 1, 1903

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 8.75 CFS

Volume: 132.85 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 1,278.00

Source Name: EAST BUFFALO 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		SENESE	32	13N	16E	FERGUS

*Period of Diversion: APRIL 1 TO NOVEMBER 30
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>
	E2SWSW	29	13N	16E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Dam Height: 16.00 FEET
Depth: 13.00 FEET
Surface Area: 10.22 ACRES
Capacity: 53.14 ACRE-FEET

Period of Use: APRIL 1 TO NOVEMBER 30

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	246.00		W2	29	13N	16E	FERGUS
2	278.00		W2	19	13N	16E	FERGUS
3	365.00			30	13N	16E	FERGUS
4	161.00		E2	24	13N	15E	FERGUS
5	228.00		E2	25	13N	15E	FERGUS
Total:	1278.00						

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.

132884-00

132885-00

132886-00

132887-00

132888-00

132889-00

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

Water Right Number: 41S 132886-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners:

DANIEL J HORAN
1611 STRAW RD
MOORE, MT 59464

LEO J HORAN
1611 STRAW RD
MOORE, MT 59464

JULIE WALTON
1255 SHIELL CANYON RD
MOORE, MT 59464

SAM WALTON
1255 SHIELL CANYON RD
MOORE, MT 59464

KRISTINE U WICHMAN
1100 STRAW RD
MOORE, MT 59464

THOMAS J WICHMAN
1100 STRAW RD
MOORE, MT 59464

BUFFALO CREEK GRAIN LLC
1100 STRAW RD
MOORE, MT 59464-9476

Priority Date: JUNE 15, 1897

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 3.75 CFS

Volume: 132.85 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 1,278.00

Source Name: EAST BUFFALO 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		SENESE	32	13N	16E	FERGUS

*Period of Diversion: APRIL 1 TO NOVEMBER 30
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>
	E2SWSW	29	13N	16E	FERGUS

Diversion to Reservoir: DIVERSION # 1
Dam Height: 16.00 FEET
Depth: 13.00 FEET
Surface Area: 10.22 ACRES
Capacity: 53.14 ACRE-FEET

Period of Use: APRIL 1 TO NOVEMBER 30
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	246.00		W2	29	13N	16E	FERGUS
2	278.00		W2	19	13N	16E	FERGUS
3	365.00			30	13N	16E	FERGUS
4	161.00		E2	24	13N	15E	FERGUS
5	228.00		E2	25	13N	15E	FERGUS
Total:	1278.00						

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.

132884-00 132885-00 132886-00 132887-00 132888-00 132889-00

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

Water Right Number: 41S 132887-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners:

DANIEL J HORAN
1611 STRAW RD
MOORE, MT 59464

LEO J HORAN
1611 STRAW RD
MOORE, MT 59464

JULIE WALTON
1255 SHIELL CANYON RD
MOORE, MT 59464

SAM WALTON
1255 SHIELL CANYON RD
MOORE, MT 59464

KRISTINE U WICHMAN
1100 STRAW RD
MOORE, MT 59464

THOMAS J WICHMAN
1100 STRAW RD
MOORE, MT 59464

BUFFALO CREEK GRAIN LLC
1100 STRAW RD
MOORE, MT 59464-9476

Priority Date: MAY 31, 1892

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 421.90 GPM

Volume: 132.85 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 1,278.00

Source Name: EAST BUFFALO 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		SENESE	32	13N	16E	FERGUS

*Period of Diversion: APRIL 1 TO NOVEMBER 30
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>
	E2SWSW	29	13N	16E	FERGUS

Diversion to Reservoir: DIVERSION # 1
Dam Height: 16.00 FEET
Depth: 13.00 FEET
Surface Area: 10.22 ACRES
Capacity: 53.14 ACRE-FEET

Period of Use: APRIL 1 TO NOVEMBER 30
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	246.00		W2	29	13N	16E	FERGUS
2	278.00		W2	19	13N	16E	FERGUS
3	365.00			30	13N	16E	FERGUS
4	161.00		E2	24	13N	15E	FERGUS
5	228.00		E2	25	13N	15E	FERGUS
Total:	1278.00						

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.

132884-00 132885-00 132886-00 132887-00 132888-00 132889-00

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

Water Right Number: 41S 132888-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners:

DANIEL J HORAN
1611 STRAW RD
MOORE, MT 59464

LEO J HORAN
1611 STRAW RD
MOORE, MT 59464

JULIE WALTON
1255 SHIELL CANYON RD
MOORE, MT 59464

SAM WALTON
1255 SHIELL CANYON RD
MOORE, MT 59464

KRISTINE U WICHMAN
1100 STRAW RD
MOORE, MT 59464

THOMAS J WICHMAN
1100 STRAW RD
MOORE, MT 59464

BUFFALO CREEK GRAIN LLC
1100 STRAW RD
MOORE, MT 59464-9476

Priority Date: SEPTEMBER 22, 1902

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 1.25 CFS

Volume: 132.85 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 1,278.00

Source Name: EAST BUFFALO 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		SENESE	32	13N	16E	FERGUS

*Period of Diversion: APRIL 1 TO NOVEMBER 30
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>
	E2SWSW	29	13N	16E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Dam Height: 16.00 FEET
Depth: 13.00 FEET
Surface Area: 10.22 ACRES
Capacity: 53.14 ACRE-FEET

Period of Use: APRIL 1 TO NOVEMBER 30

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	246.00		W2	29	13N	16E	FERGUS
2	278.00		W2	19	13N	16E	FERGUS
3	365.00			30	13N	16E	FERGUS
4	161.00		E2	24	13N	15E	FERGUS
5	228.00		E2	25	13N	15E	FERGUS
Total:	1278.00						

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.

132884-00 132885-00 132886-00 132887-00 132888-00 132889-00

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

Water Right Number: 41S 132889-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners:

JULIE WALTON
1255 SHIELL CANYON RD
MOORE, MT 59464

SAM WALTON
1255 SHIELL CANYON RD
MOORE, MT 59464

KRISTINE U WICHMAN
1100 STRAW RD
MOORE, MT 59464

THOMAS J WICHMAN
1100 STRAW RD
MOORE, MT 59464

BUFFALO CREEK GRAIN LLC
1100 STRAW RD
MOORE, MT 59464-9476

Priority Date: JUNE 15, 1901

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 5.00 CFS

Volume: 132.85 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 1,278.00

Source Name: EAST BUFFALO 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		SENESE	32	13N	16E	FERGUS

***Period of Diversion:** APRIL 1 TO NOVEMBER 30

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>
		E2SWSW	29	13N	16E	FERGUS
Diversion to Reservoir: DIVERSION # 1						
Dam Height:	16.00 FEET					
Depth:	13.00 FEET					
Surface Area:	10.22 ACRES					
Capacity:	53.14 ACRE-FEET					

Period of Use: APRIL 1 TO NOVEMBER 30

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	246.00		W2	29	13N	16E	FERGUS
2	278.00		W2	19	13N	16E	FERGUS
3	365.00			30	13N	16E	FERGUS
4	161.00		E2	24	13N	15E	FERGUS
5	228.00		E2	25	13N	15E	FERGUS
Total:	1278.00						

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.

132884-00

132885-00

132886-00

132887-00

132888-00

132889-00