

Montana Water Court  
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IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
MADISON RIVER BASIN (41F)  
PRELIMINARY DECREE

\*\*\*\*\*

CLAIMANT: George A. Bush, Jr.

OBJECTOR: Bring Em LLC

ON MOTION OF THE MONTANA WATER COURT

**CASE 41F-0095-R-2024**

41F 30071242

41F 30071332

41F 30071422

41F 30071512

**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**

### **Statement of the case**

The Water Court issued two decrees for Basin 41F - the Temporary Preliminary Decree in 1984 and the Preliminary Decree in 2023.

The captioned irrigation claims, except claim 41F 30071332, received objections to the place of use legal land description from Bring Em LLC during Preliminary Decree proceedings. Claim 41F 30071332 identifies the same place of use as the other claims in this case. The court may call in a claim or certain elements of a claim to determine whether the claim or certain elements of the claim accurately reflect pre-July 1, 1973 beneficial use. Rule 8, W.R.Adj.R. Based upon the objection filed to the place of use for the claims in this case, claim 41F 30071332 was called in on motion of the court to ensure all four claims identify the historically accurate place of use.

The captioned claims appeared in the Preliminary Decree with issue remarks. Issue remarks result from Department of Natural Resources and Conservation ("DNRC") claims examination. If claims examination cannot confirm some aspect of a claim, an issue remark is added to the claim. Issue remarks may also provide notice to water users concerning a claim.

### **Irrigation Claims 41F 30071242, 41F 30071422, and 41F 30071512**

L. GIBBS FILED A LATE OBJECTION AND MULTIPLE PARTIES FILED A STIPULATION WHICH HAS BEEN DOCKETED AS A LATE OBJECTION TO THE POINT OF DIVERSION OF THIS CLAIM. THESE LATE OBJECTIONS WILL BE HEARD AFTER PROPER NOTICE IN THE NEXT OBJECTION LIST.

DITCH 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.

## **Irrigation Claim 41F 30071332**

DITCH 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.

Montana law requires the Water Court to resolve objections, on motion concerns of the court, and issue remarks.

### **Issues**

1. Are the objections resolved?
2. Is the court's on motion concern for irrigation claim 41F 30071332 resolved?
3. Are the issue remarks resolved?

### **Findings of fact**

1. The historically accurate place of use legal land description for each claim is the SWSW of Section 8, Township 4 South, Range 1 West, Madison County.
2. The historically accurate point of diversion for claims 41F 30071242, 41F 30071422, and 41F 30071512 should be modified to include the NWNENW of Section 13, Township 4 South, Range 2 West, Madison County.
3. No one objected to the ditch names for each claim.

### **Principles of law**

1. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. Section 85-2-227, MCA. Prima facie proof may be overcome by other evidence that proves, by a preponderance of the evidence, that an element of the prima facie claim is incorrect. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R. A preponderance of the evidence is a "modest standard" and is evidence that demonstrates the fact to be proved is "more probable than

not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 348, 240 P.3d 628.

2. The Montana Water Court is permitted to use information submitted by the Department of Natural Resources and Conservation, the statement of claim, information from approved compacts, and any other data obtained by the Court to evaluate water right claims. Section 85-2-231(2), MCA.

3. Settlement, including the documents filed by a claimant where the claimant is the only party, is subject to review and approval by the Water Court. Rule 17(a), W.R.Adj.R.

4. If the settlement agreement expands or enlarges an element of a claim, the burden of proof must be met. If evidence does not meet the burden of proof, the element shall not be expanded or enlarged. Rule 17(b), W.R.Adj.R.

5. According to Rule 8, W.R.Adj.R., the Court may call in a claim/elements of a claim to determine whether its elements accurately reflect pre-July 1, 1973 beneficial use. As directed by Rule 8, W.R.Adj.R., when a claim is called in on motion of the Court, the procedures outlined in § 85-2-248, MCA shall be followed.

6. When resolving issue remarks, the Montana Water Court must weigh the information resulting in the issue remark and the issue remark against the claimed water right. Section 85-2-247(2), MCA.

7. The Montana Water Court has the authority to resolve issue remarks when the claim file and information available to the Court provide a sufficient basis to do so. Section 85-2-248(3), MCA.

8. A clerical mistake or mistake arising from omission or oversight may be corrected by the Court at any time. Rule 60(a), M.R.Civ.P.

## **Analysis**

### **Issues 1 and 2 – objection resolution and on motion resolution**

Bring Em LLC filed a Proposed Resolution of Objections explaining that the legal

land description identified by the Preliminary Decree abstracts requires correction. The place of use legal land description identified by the Preliminary Decree abstracts results in the place of use being on Bring Em LLC's property, instead of Lot 67AA of Shining Mountains West Subdivision owned by claimant George A. Bush, Jr. which is "approximately six miles to the north and east of Bring Em's Land." Claimant George A. Bush, Jr. agreed with Bring Em LLC's proposed correction to the place of use legal land description for each captioned claim.

Bring Em LLC's Proposed Resolution of Objections and Exhibits may be viewed on the court's case management system, FullCourt Enterprise, at document sequence 5.00.

### **Conclusions of law**

Clerical errors may be corrected at any time. The agreed upon proposed correction to the place of use legal land description is supported by each captioned prima facie statement of claim, justifies the correction to the captioned claims, resolves Bring Em LLC's objection to irrigation claims 41F 30071242, 41F 30071422, and 41F 30071512, and resolves the court's on motion concern for irrigation claim 41F 30071332.

### **Issue 3 - Issue remark resolution**

The claims in this case were split from irrigation claims 41F 138553-00, 41F 138554-00, 41F 138555-00, and 41F 138556-00. A predecessor in interest to George A. Bush, Jr. stipulated to the same modified point of diversion for these four irrigation claims utilized by water users in Shining Mountains West Subdivision. The stipulation slightly modified the legal land description for the two points of diversion identified by the Temporary Preliminary Decree abstracts and added a third point of diversion and information remarks concerning the third point of diversion.

During Temporary Preliminary Decree proceedings, the Water Court adopted the stipulated point of diversion modifications in their entirety for claim 41F 138554-00.

Later, during proceedings for a case certified from the district court to the Water Court, the Water Court partially adopted the stipulated point of diversion modifications for irrigation claims 41F 138553-00, 41F 138555-00, and 41F 138556-00, slightly modifying the two points of diversion already identified by claims 41F 138553-00, 41F 138555-00, and 41F 138556-00 and the split claims created from these claims and adding the stipulated third point of diversion and information remarks concerning the third point of diversion to the split claims created from claim 41F 138554-00, but did not add the stipulated third point of diversion or stipulated information remarks concerning the third point of diversion to irrigation claims 41F 138553-00, 41F 138555-00, and 41F 138556-00 or to the split claims created from claims 41F 138553-00, 41F 138555-00, and 41F 138556-00 during the certification case. (*See Shining Mountains West, et al v. Lawrence Gibbs*, Case 41F-68 at p. 2-3, (MT Water Court Master's Report Apr. 19, 1999); *See 178 Bald Eagle..., et al Shining Mountains West Subdivision*, Case WC-2007-02 at p. 4-6, (MT Water Court Order Creating Split Claims and Final Response to District Court Certification Jan. 9, 2015.)) The Water Court added a notice issue remark concerning the stipulated third point of diversion, deeming it a late objection to irrigation claims 41F 138553-00, 41F 138555-00, and 41F 138556-00. The split claims created for each lot owner from claims 41F 138553-00, 41F 138555-00, and 41F 138556-00 also received the notice issue remark concerning the stipulated third point of diversion, including the split claims created from claims 41F 138553-00, 41F 138555-00, and 41F 138556-00 in this case.

The point of diversion for claims 41F 30071242, 41F 30071422, and 41F 30071512 should be modified to implement the stipulated agreement of George A. Bush, Jr.'s predecessor in interest and to reflect the same stipulated modified point of diversion already adopted as historically accurate by the court for irrigation claim 41F 138554-00 and the split claims created from irrigation claim 41F 138554-00 for Shining Mountains West Subdivision.

The ditch name issue remark on each captioned claim instructed George A. Bush, Jr. and other water users that if no objections were filed to the modification, the ditch names would remain as they appear on the Preliminary Decree abstracts. No one objected to the ditch names for these claims.

### **Conclusions of law**

The court previously adjudicated the stipulated point of diversion, finding the stipulated point of diversion to be historically accurate. The point of diversion for irrigation claims 41F 30071242, 41F 30071422, and 41F 30071512 should reflect the point of diversion stipulated to by George A. Bush, Jr.'s predecessor in interest.

The late objection to point of diversion issue remark and ditch name issue remark served their notice purpose.

### **Recommendations**

The captioned claims, except claim 41F 30071332 which already reflects the stipulated point of diversion modifications, should be modified as follows to accurately reflect historical use.

#### **POINT OF DIVERSION AND MEANS OF DIVERSION:**

<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	SWNESW	2	4S	2W	MADISON

**Diversion Means:** HEADGATE  
**Ditch Name:** NUGGET DITCH

<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	NWNENE	11	4S	2W	MADISON

**Diversion Means:** HEADGATE  
**Ditch Name:** WALTON OR CLARK DITCH

**ADD:**

<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	NWNENW	13	4S	2W	MADISON

**Diversion Means:** HEADGATE  
**Ditch Name:** WARING DITCH

**ADD POINT OF DIVERSION INFORMATION REMARK:**

POINT OF DIVERSION NO. 3 IS ON PARKER CREEK, A TRIBUTARY OF NORTH MEADOW CREEK.

**ADD GENERAL INFORMATION REMARK:**

THE 06/09/1987 STIPULATION FILED BY THE PARTIES SPECIFIES: "PROVIDED THAT WHEN THE WATERS HEREIN ALLOCATED SHALL BE USED FROM THE POINT OF DIVERSION IN PARKER CREEK DESIGNATED AS NW 1/4 NE 1/4 NW 1/4 SECTION 13, T4S, R2W, M.P.M. PRIORITY OF THIS CLAIM AT THIS POINT SHALL BE DEEMED JUNIOR TO THE WATER RIGHTS CLAIMED UNDER CLAIMS NUMBERED 41F 136397-00 AND 41F 136398-00."

The captioned claims should be modified as follows to accurately reflect historical use.

**PLACE OF USE:**

	<u>ACRES</u>	<u>GOVT LOT</u>		<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	5.00		SWSW	S2SE	8...36	4S	1W 2W	MADISON
TOTAL:	5.00							

Subdivision: SHINING MOUNTAINS WEST TRACT/LOT 67AA

The issue remarks should be removed from the claim abstracts.

Post Decree Abstracts of Water Right Claim accompany this report to confirm implementation of the recommendations in the state's centralized water right record system.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service Via USPS Mail:**

George A. Bush Jr.  
226 S 18th Ave Unit C  
Bozeman, MT 59715  
~~(406) 220-7760~~

**Service Via Email:**

Breeann M. Johnson  
Western Roots Law PLLC  
~~PO Box 7004~~  
~~Bozeman, MT 59771~~  
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~~Belgrade, MT 59714~~  
~~(406) 600-9389~~  
johnson@westrootslaw.com

**Service List Updated 5/21/2025**



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MADISON RIVER  
BASIN 41F**

**Water Right Number:** 41F 30071242 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** GEORGE A BUSH JR  
226 S 18TH AVE UNIT C  
BOZEMAN, MT 59715

**\*Priority Date:** MAY 31, 1881

**\*Type of Historical Right:** DECREED

**\*Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**\*Flow Rate:** 7.62 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:** 5.00

**Source Name:** PARKER CREEK

**Source Type:** SURFACE WATER

**\*Source Name:** NORTH MEADOW 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		SWNESW	2	4S	2W	MADISON

**\*Source Name:** NORTH MEADOW CREEK

**Period of Diversion:** MAY 15 TO SEPTEMBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** NUGGET DITCH

2		NWNENE	11	4S	2W	MADISON
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**\*Source Name:** NORTH MEADOW CREEK

**Period of Diversion:** MAY 15 TO SEPTEMBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** WALTON OR CLARK DITCH

3		NWNENW	13	4S	2W	MADISON
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**Source Name:** PARKER CREEK

**Period of Diversion:** MAY 15 TO SEPTEMBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** WARING DITCH

POINT OF DIVERSION NO. 3 IS ON PARKER CREEK, A TRIBUTARY OF NORTH MEADOW CREEK.

**\*Period of Use:** MAY 15 TO SEPTEMBER 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	5.00		SWSW	8	4S	1W	MADISON
<b>Subdivision:</b>		SHINING MOUNTAINS WEST TRACT/LOT: 67AA					
<b>Total:</b>		5.00					

**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.

30071242                      30071332                      30071422                      30071512

THE 06/09/1987 STIPULATION FILED BY THE PARTIES SPECIFIES: "PROVIDED THAT WHEN THE WATERS HEREIN ALLOCATED SHALL BE USED FROM THE POINT OF DIVERSION IN PARKER CREEK DESIGNATED AS NW1/4NE1/4NW1/4 SECTION 13, T4S, R2W, M.P.M. PRIORITY OF THIS CLAIM AT THIS POINT SHALL BE DEEMED JUNIOR TO THE WATER RIGHTS CLAIMED UNDER CLAIMS NUMBERED 41F 136397-00 AND 41F 136398-00."

THIS RIGHT IS BASED ON PARENT CLAIM 41F 138553-00. THE WATER RIGHT REPRESENTED BY THE PARENT CLAIM WAS HISTORICALLY USED TO IRRIGATE A TOTAL OF 1119 ACRES WITHIN A SINGLE RANCH. THE PLACE OF USE WAS SUBSEQUENTLY SUBDIVIDED INTO 90 INDIVIDUAL LOTS. THE WATER RIGHT WAS HISTORICALLY ROTATED THROUGHOUT THE PLACE OF USE AT THE DISCRETION OF THE LAND OWNER.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MADISON RIVER  
BASIN 41F**

**Water Right Number:** 41F 30071332 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** GEORGE A BUSH JR  
226 S 18TH AVE UNIT C  
BOZEMAN, MT 59715

**\*Priority Date:** JULY 17, 1878

**\*Type of Historical Right:** DECREED

**\*Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**\*Flow Rate:** 8.10 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:** 5.00

**\*Source Name:** PARKER CREEK

**Source Type:** SURFACE WATER

**\*Source Name:** NORTH MEADOW 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		SWNESW	2	4S	2W	MADISON

**\*Source Name:** NORTH MEADOW CREEK

**\*Period of Diversion:** MAY 15 TO SEPTEMBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** NUGGET DITCH

2		NWNENE	11	4S	2W	MADISON
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**\*Source Name:** NORTH MEADOW CREEK

**\*Period of Diversion:** MAY 15 TO SEPTEMBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** WALTON OR CLARK DITCH

3		NWNENW	13	4S	2W	MADISON
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**\*Source Name:** PARKER CREEK

**\*Period of Diversion:** MAY 15 TO SEPTEMBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** WARING DITCH

POINT OF DIVERSION NO. 3 IS ON PARKER CREEK, A TRIBUTARY TO NORTH MEADOW CREEK.

**\*Period of Use:** MAY 15 TO SEPTEMBER 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	5.00		SWSW	8	4S	1W	MADISON
<b>Subdivision:</b>		SHINING MOUNTAINS WEST TRACT/LOT: 67AA					
<b>Total:</b>		5.00					

**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.

30071242                      30071332                      30071422                      30071512

THE 06/09/1987 STIPULATION FILED BY THE PARTIES SPECIFIES: "PROVIDED THAT WHEN THE WATERS HEREIN ALLOCATED SHALL BE USED FROM THE POINT OF DIVERSION IN PARKER CREEK DESIGNATED AS NW 1/4 NE 1/4 NW 1/4 SECTION 13, T4S, R2W, M.P.M. PRIORITY OF THIS CLAIM AT THIS POINT SHALL BE DEEMED JUNIOR TO THE WATER RIGHTS CLAIMED UNDER CLAIMS NUMBERED 41F 136397-00 AND 41F 136398-00."

THIS RIGHT IS BASED ON PARENT CLAIM 41F 138554-00. THE WATER RIGHT REPRESENTED BY THE PARENT CLAIM WAS HISTORICALLY USED TO IRRIGATE A TOTAL OF 1119 ACRES WITHIN A SINGLE RANCH. THE PLACE OF USE WAS SUBSEQUENTLY SUBDIVIDED INTO 90 INDIVIDUAL LOTS. THE WATER RIGHT WAS HISTORICALLY ROTATED THROUGHOUT THE PLACE OF USE AT THE DISCRETION OF THE LAND OWNER.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MADISON RIVER  
BASIN 41F**

**Water Right Number:** 41F 30071422 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** GEORGE A BUSH JR  
226 S 18TH AVE UNIT C  
BOZEMAN, MT 59715

**\*Priority Date:** MAY 1, 1903

**\*Type of Historical Right:** DECREED

**\*Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**\*Flow Rate:** 14.29 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:** 5.00

**Source Name:** PARKER CREEK

**Source Type:** SURFACE WATER

**\*Source Name:** NORTH MEADOW 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		SWNESW	2	4S	2W	MADISON

**\*Source Name:** NORTH MEADOW CREEK

**Period of Diversion:** MAY 15 TO SEPTEMBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** NUGGET DITCH

2		NWNENE	11	4S	2W	MADISON
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**\*Source Name:** NORTH MEADOW CREEK

**Period of Diversion:** MAY 15 TO SEPTEMBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** WALTON OR CLARK DITCH

3		NWNENW	13	4S	2W	MADISON
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**Source Name:** PARKER CREEK

**Period of Diversion:** MAY 15 TO SEPTEMBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** WARING DITCH

POINT OF DIVERSION NO. 3 IS ON PARKER CREEK, A TRIBUTARY OF NORTH MEADOW CREEK.

**\*Period of Use:** MAY 15 TO SEPTEMBER 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	5.00		SWSW	8	4S	1W	MADISON
<b>Subdivision:</b>		SHINING MOUNTAINS WEST TRACT/LOT: 67AA					
<b>Total:</b>		5.00					

**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.

30071242                      30071332                      30071422                      30071512

THE 06/09/1987 STIPULATION FILED BY THE PARTIES SPECIFIES: "PROVIDED THAT WHEN THE WATERS HEREIN ALLOCATED SHALL BE USED FROM THE POINT OF DIVERSION IN PARKER CREEK DESIGNATED AS NW1/4NE1/4NW1/4 SECTION 13, T4S, R2W, M.P.M. PRIORITY OF THIS CLAIM AT THIS POINT SHALL BE DEEMED JUNIOR TO THE WATER RIGHTS CLAIMED UNDER CLAIMS NUMBERED 41F 136397-00 AND 41F 136398-00."

THIS RIGHT IS BASED ON PARENT CLAIM 41F 138555-00. THE WATER RIGHT REPRESENTED BY THE PARENT CLAIM WAS HISTORICALLY USED TO IRRIGATE A TOTAL OF 1119 ACRES WITHIN A SINGLE RANCH. THE PLACE OF USE WAS SUBSEQUENTLY SUBDIVIDED INTO 90 INDIVIDUAL LOTS. THE WATER RIGHT WAS HISTORICALLY ROTATED THROUGHOUT THE PLACE OF USE AT THE DISCRETION OF THE LAND OWNER.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MADISON RIVER  
BASIN 41F**

**Water Right Number:** 41F 30071512 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** GEORGE A BUSH JR  
226 S 18TH AVE UNIT C  
BOZEMAN, MT 59715

**\*Priority Date:** MAY 1, 1903

**\*Type of Historical Right:** DECREED

**\*Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**\*Flow Rate:** 11.91 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:** 5.00

**Source Name:** PARKER CREEK

**Source Type:** SURFACE WATER

**\*Source Name:** NORTH MEADOW 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		SWNESW	2	4S	2W	MADISON

**\*Source Name:** NORTH MEADOW CREEK

**Period of Diversion:** MAY 15 TO SEPTEMBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** NUGGET DITCH

2		NWNENE	11	4S	2W	MADISON
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**\*Source Name:** NORTH MEADOW CREEK

**Period of Diversion:** MAY 15 TO SEPTEMBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** WALTON OR CLARK DITCH

3		NWNENW	13	4S	2W	MADISON
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**Source Name:** PARKER CREEK

**Period of Diversion:** MAY 15 TO SEPTEMBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** WARING DITCH

POINT OF DIVERSION NO. 3 IS ON PARKER CREEK, A TRIBUTARY OF NORTH MEADOW CREEK.

**\*Period of Use:** MAY 15 TO SEPTEMBER 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	5.00		SWSW	8	4S	1W	MADISON
<b>Subdivision:</b>		SHINING MOUNTAINS WEST TRACT/LOT: 67AA					
<b>Total:</b>		5.00					

**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.

30071242            30071332            30071422            30071512

THE 06/09/1987 STIPULATION FILED BY THE PARTIES SPECIFIES: "PROVIDED THAT WHEN THE WATERS HEREIN ALLOCATED SHALL BE USED FROM THE POINT OF DIVERSION IN PARKER CREEK DESIGNATED AS NW1/4NE1/4NW1/4 SECTION 13, T4S, R2W, M.P.M. PRIORITY OF THIS CLAIM AT THIS POINT SHALL BE DEEMED JUNIOR TO THE WATER RIGHTS CLAIMED UNDER CLAIMS NUMBERED 41F 136397-00 AND 41F 136398-00."

THIS RIGHT IS BASED ON PARENT CLAIM 41F 138556-00. THE WATER RIGHT REPRESENTED BY THE PARENT CLAIM WAS HISTORICALLY USED TO IRRIGATE A TOTAL OF 1119 ACRES WITHIN A SINGLE RANCH. THE PLACE OF USE WAS SUBSEQUENTLY SUBDIVIDED INTO 90 INDIVIDUAL LOTS. THE WATER RIGHT WAS HISTORICALLY ROTATED THROUGHOUT THE PLACE OF USE AT THE DISCRETION OF THE LAND OWNER.