

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

MONTANA WATER COURT
UPPER MISSOURI DIVISION
MADISON RIVER
BASIN 41F
PRELIMINARY DECREE

CLAIMANTS: Paul & Karen McMullin Living Trust; Chyral L.
Robison; Katherine D. Robison; Vernon E.
Robison; Max J. Robison

OBJECTOR: Max J. Robison

NOTICE OF INTENT TO APPEAR: United States, DOI Bureau
of Reclamation

CASE 41F-0115-R-2024

41F 120519-00

41F 120520-00

41F 120521-00

41F 120522-00

41F 120523-00

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 have **13 days** from the service date of the notice of filing of this report to file a written objection or request an extension of the objection period. Rule 23, Water Right Adjudication Rules; Rule 6, Montana Rules of Civil Procedure. 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

Max J. Robison (“Robison”) filed an objection to each captioned irrigation claim. Robison objected to the ownership, maximum acres irrigated, and place of use identified by each claim. Robison also filed an objection to the period of use and period of diversion for claim 41F 120520-00. The United States, DOI Bureau of Reclamation (“BOR”) filed a notice of intent to appear for each captioned claim.

Issue remarks result from Department of Natural Resources and Conservation (“DNRC”) claims examination. Montana law requires the Water Court to resolve issue remarks. The captioned claims received the following issue remark:

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.

On July 30, 2025, Chyral L. Robison and Vernon E. Robison filed a Disclaimer of Interest for each of the captioned claims. On August 18, 2025, Robison filed a Statement Resolving Objections. Robison contacted the other parties involved in this case.¹ Neither claimant Paul McMullin on behalf of the Paul & Karen McMullin Living Trust (claimant 41F 120519-00, 41F 120520-00, and 41F 120521-00) nor notice of intent to appear party, the BOR, objected to the resolution proposed by Robison’s Statement Resolving Objections.

Issues

1. Are the objections resolved?
2. Are the notices of intent to appear resolved?
3. Should Max J. Robison’s motion to include an incidental use remark for stock on each irrigation claim abstract be granted?
4. Is the notice issue remark on each claim resolved?

¹ Katherine D. Robison is deceased. See Statement Resolving Objections (Ex. 5).

Findings of fact

1. Chyril R. Robison and Vernon E. Robison should be removed from the ownership of irrigation claims 41F 120519-00, 41F 120520-00, and 41F 120521-00.
2. Vernon E. Robison should be removed from the ownership of irrigation claims 41F 120522-00 and 41F 120523-00.
3. The maximum acres irrigated and place of use for irrigation claims 41F 120519-00 and 41F 120520-00 should be reduced.
4. The maximum acres irrigated and place of use for irrigation claims 41F 120521-00, 41F 120522-00, and 41F 120523-00 should be increased.
5. The period of use and period of diversion for irrigation claim 41F 120520-00 should be increased from June 15 to July 20 to April 15 to October 15.
6. An incidental stock use information remark should be added to each of the captioned irrigation claim abstracts.

Principles of law

1. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. Mont. Code Ann. § 85-2-227 (2025). This prima facie proof may be contradicted and 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 DNRC, the statement of claim, information from approved compacts, and any other data obtained by the Court to evaluate water right claims. § 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. The Montana Water Court may accept a settlement agreement that reduces or limits an element of a claim and need not determine whether the burden of proof is met unless there is an unresolved issue remark on the claim. Rule 17(c), W.R.Adj.R.

5. 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. § 85-2-247(2), MCA.

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

7.

It is a common practice for livestock to access irrigation ditches while diversions are taking place for irrigation. If the stock use is limited and not exercised independently from the irrigation claim, it can be considered incidental to that primary use. If the claim is not in use for irrigation, the stock use cannot take place. Unlike an implied claim, the incidental use is not separate from the primary use and does not provide a basis for a call on other water rights.

The final decree for an existing water right can include “information necessary to fully define the nature and extent of the right.” Section 85-2-234(6)(b)(i), MCA. When the historical use of an irrigation right includes incidental stock use, a remark noting this use can be appropriate.

Broken O Land & Livestock LLC v. Tee Bar Ranch Co., 2017 Mont. Water LEXIS 10 at ** 2-3 (Apr. 7, 2017).

8. 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. § 85-2-247(2), MCA.

9. 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. § 85-2-248(3), MCA.

Analysis

Issues 1, 2, and 3 – objection resolution and notice of intent to appear resolution, incidental stock use information remark

The Affidavit of Max J. Robison, attached to the Statement Resolving Objections (Ex. 1) supports all modifications to the captioned claims. Mr. Robison attests:

- he is 67 years old and lives in Madison County, Montana,
- his grandparents and parents began purchasing property near McAllister, Montana in the 1940s and purchased the property he owns in 1951,
- he lived on and grew up working on the ranch, and by age 11 helped with irrigation resulting in 55 years of personal knowledge of how the property was irrigated,
- two decreed water rights from North Meadow Creek transferred with the property when his family purchased the property, and his family appropriated a high water right for North Meadow Creek in 1962, utilizing water whenever it was available throughout the irrigation season,
- the flow of each water right was concentrated into an entire flow which was rotated over the ranch property to minimize loss and maximize efficiency,
- no irrigation occurred north of Squires Ditch,
- eventually Max and his brother Vernon purchased the SE of Section 18 and the NE of Section 19, Township 4 South, Range 1 West from their parents – their parents retained the N2 of Section 18, Township 4 South, Range 1 West – the family continued to operate the property as a single operation, rotating the water rights across the ranch property,
- in 1982, Max's father filed statements of claim for the water rights, filing separately for the northern portion of the property and the portion eventually owned by Max and his brother Vernon instead of the entire property,
- in 1990 Max acquired his brother Vernon's portion of the property and in the mid-to late-1990s Max began leasing the northern portion of the ranch from his

parents, continuing the practice of rotating all the water rights across the entire ranch property,

- in 2008 Max's parents conveyed the property in the NE of Section 18, east of Max's Lane to Max and in 2024, the ground west of Max's Lane was sold to the Paul & Karen McMullin Living Trust, land now leased by Max,
- the only change in the current operation of the ranch from historical use was to reduce the area on which the 1888 decreed water rights are used, covering only property currently owned by Max, and finally
- stock were also watered out of the irrigation ditches whenever the ditches were not frozen.

The Statement Resolving Objections explains:

- Chryal L. Robison and Vernon E. Robison should not appear as owners of any of the captioned claims. When Vernon transferred his portion of the property to Max, the paperwork was filed with the DNRC. The DNRC mistakenly kept Vernon on the claims, and at some time also added Chryal L. Robison to the ownership of the claims. Currently, Max owns part, or all, of the place of use for the captioned claims. Max should be the sole owner for claims 41F 120521-00, 41F 120522-00, and 41F 120523-00. Max and the Trust co-own claims 41F 120519-00 and 41F 120520-00.
- The period of use and period of diversion for irrigation claim 41F² 120520-00 (a 1962 use right) should not reflect high water use, but the historical practice of using the water whenever it was available during the irrigation season identified by the four other claims in this case, April 15 to October 15.
- Each captioned claim was historically used across the property now owned by Max Robison and the McMullin Trust – the N2 and SE of Section 18 and the NE of Section 19, all in Township 4 South, Range 1 West,

² The Statement Resolving Objections identifies claim **76G** 120520-00. This is a clerical error.

excluding property in Section 18 that is north of Squires Ditch. This results in a reduced place of use for four of the five captioned claims.

- Max J. Robison, based upon personal pre- and post-1973 knowledge, established that the captioned irrigation claims were historically, and are currently, incidentally used to water stock.

The McMullin Trust and the BOR do not object to the resolutions proposed by Max J. Robison.

The Statement Resolving Objections and its attachments, the Affidavit of Max J. Robison (Ex. 1), chain of title (Ex. 2-5), 1991 DNRC ownership update documents (Ex. 6-7), and proposed abstracts and maps (Ex. 8-14) may be viewed on the court's case management system, FullCourt Enterprise, at document sequence 7.00.

Conclusions of law

The reduced maximum acres irrigated and place of use for claims 41F 120519-00 and 41F 120520-00 are within the parameters of the statements of claim. The evidence entered into the record for the maximum acres irrigated and place of use, overcomes by a preponderance of evidence, the maximum acres irrigated and place of use identified by statements of claim 41F 120521-00, 41F 120522-00, and 41F 120523-00, and the increased period of use and period of diversion identified by statement of claim 41F 120520-00. The ownership should be modified to reflect the current ownership of the place of use for each claim.³ The modifications should be made to the claims, thereby resolving the objections and notices of intent to appear for each claim.

Max J. Robison established that stock historically and incidentally used the water identified by the captioned irrigation claims. An incidental stock use information remark should be added to each claim abstract.

³ Due to the modified ownership and place of use, the Bozeman Regional Office, DNRC is added to the service list of this report as a courtesy.

Issue 4 – issue remark resolution

Each of the captioned claims received an issue remark, noting modifications to the ditch name made by the DNRC during claims examination. The issue remark instructed claimants and other water users that if no objections were filed to the ditch name, the modified element would remain as it appears on the Preliminary Decree abstracts.

Water users were given the opportunity to review the claims and file an objection. No water user, including claimants, filed an objection to the ditch name.

Conclusion of law

The issue remark on each captioned claim noting modification of the ditch name by the DNRC served its notice purpose.

Recommendations

Irrigation claim 41F 120519-00 should be modified as follows to accurately reflect historical use.

OWNERSHIP: PAUL & KAREN MCMULLIN LIVING TRUST
 MAX J. ROBISON
 ~~CHYRAL L. ROBISON~~
 ~~KATHERINE D. ROBISON~~
 ~~VERNON E. ROBISON~~

PURPOSE: IRRIGATION

Add Remark:

THE INCIDENTAL USE OF THIS RIGHT FOR STOCK IS LIMITED TO TIMES WHEN WATER IS DIVERTED FOR IRRIGATION AND DOES NOT PROVIDE AN INDEPENDENT BASIS FOR A CALL ON OTHER WATER RIGHTS.

MAXIMUM ACRES: ~~320.00~~ 268.00

<u>PLACE OF USE:</u>	<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
268.00	320.00		N2	18	4S	1W	MADISON

TOTAL: 268.00 ~~320.00~~

Add Remark:

THE PLACE OF USE DOES NOT INCLUDE LOTS 1, 4, AND 5 OF COS 7-1539-FC; LOT 2A OF COS 7-1909-BA; LOTS 3A AND 3B OF COS 7-2616-FC, AND TRACT M-1-A OF COS 7-2438-BA.

Irrigation claim 41F 120520-00 should be modified as follows to accurately reflect historical use.

OWNERSHIP: PAUL & KAREN MCMULLIN LIVING TRUST
MAX J. ROBISON
~~CHYRAL L. ROBISON~~
~~KATHERINE D. ROBISON~~
~~VERNON E. ROBISON~~

PURPOSE: IRRIGATION

Add Remark:

THE INCIDENTAL USE OF THIS RIGHT FOR STOCK IS LIMITED TO TIMES WHEN WATER IS DIVERTED FOR IRRIGATION AND DOES NOT PROVIDE AN INDEPENDENT BASIS FOR A CALL ON OTHER WATER RIGHTS.

MAXIMUM ACRES: 640.00 588.00

PERIOD OF USE AND PERIOD OF DIVERSION:

~~JUNE 15 TO JULY 20~~

APRIL 15 TO OCTOBER 15

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>
268.00	320.00		N2	18	4S	1W	MADISON
	160.00		SE	18	4S	1W	MADISON
	<u>160.00</u>		NE	19	4S	1W	MADISON
TOTAL:	588.00						
	640.00						

Add Remark:

THE PLACE OF USE DOES NOT INCLUDE LOTS 1, 4, AND 5 OF COS 7-1539-FC; LOT 2A OF COS 7-1909-BA; LOTS 3A AND 3B OF COS 7-2616-FC, AND TRACT M-1-A OF COS 7-2438-BA.

Irrigation claim 41F 120521-00 should be modified as follows to accurately reflect historical use.

OWNERSHIP: PAUL & KAREN MCMULLIN LIVING TRUST
MAX J. ROBISON
~~CHYRAL L. ROBISON~~
~~KATHERINE D. ROBISON~~
~~VERNON E. ROBISON~~

PURPOSE: IRRIGATION

Add Remark:

THE INCIDENTAL USE OF THIS RIGHT FOR STOCK IS LIMITED TO TIMES WHEN WATER IS DIVERTED FOR IRRIGATION AND DOES NOT PROVIDE AN INDEPENDENT BASIS FOR A CALL ON OTHER WATER RIGHTS.

MAXIMUM ACRES: 320.00 399.00

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>
239.00	320.00	E2	NE	18	4S	1W	MADISON
	<u>160.00</u>		NE	19	4S	1W	MADISON
TOTAL: 399.00	320.00						

Add Remark:

THE PLACE OF USE IS LIMITED TO THE NE OF SECTION 19 AND TRACT J-1-A OF COS 7-2665-BA IN SECTION 18, T4S, R1W.

Irrigation claim 41F 120522-00 should be modified as follows to accurately reflect historical use.

OWNERSHIP:

MAX J. ROBISON

~~VERNON E. ROBISON~~~~UNDIVIDED 1/2 INTEREST TRANSFER~~**PURPOSE:** IRRIGATION**Add Remark:**

THE INCIDENTAL USE OF THIS RIGHT FOR STOCK IS LIMITED TO TIMES WHEN WATER IS DIVERTED FOR IRRIGATION AND DOES NOT PROVIDE AN INDEPENDENT BASIS FOR A CALL ON OTHER WATER RIGHTS.

MAXIMUM ACRES:~~290.00~~

399.00

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>
239.00	160.00	E2	SE	18	4S	1W	MADISON
	<u>160.00</u>		NE	19	4S	1W	MADISON
TOTAL: 399.00	320.00						

Add Remark:

THE PLACE OF USE IS LIMITED TO THE NE OF SECTION 19 AND TRACT J-1-A OF COS 7-2665-BA IN SECTION 18, T4S, R1W.

Irrigation claim 41F 120523-00 should be modified as follows to accurately reflect historical use.

OWNERSHIP:

MAX J. ROBISON

~~VERNON E. ROBISON~~~~UNDIVIDED 1/2 INTEREST TRANSFER~~**PURPOSE:** IRRIGATION**Add Remark:**

THE INCIDENTAL USE OF THIS RIGHT FOR STOCK IS LIMITED TO TIMES WHEN WATER IS DIVERTED FOR IRRIGATION AND DOES NOT PROVIDE AN INDEPENDENT BASIS FOR A CALL ON OTHER WATER RIGHTS.

MAXIMUM ACRES:~~290.00~~

399.00

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>
	239.00	160.00	E2	SE	18	4S	MADISON
	<u>160.00</u>	<u>130.00</u>		NE	19	4S	MADISON
TOTAL:	399.00 ⁴	320.00					

Add Remark:

THE PLACE OF USE IS LIMITED TO THE NE OF SECTION 19 AND TRACT J-1-A OF COS 7-2665-BA IN SECTION 18, T4S, R1W.

The issue remark 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:

Paul & Karen McMullin Living Trust
% Paul & Karen McMullin, Trustees
PO Box 55
Ennis, MT 59729

Chyral L. Robison
Vernon E. Robison
PO Box 84
McAllister, MT 59740-0084

Katherine D. Robison
PO Box 82
McAllister, MT 59740-0082

Service Via Email:

Calli J. Michaels
Michaels Law, PLLC
cmichaels@mlawmt.com
(Atty for: Max J. Robison)

Alexa Penalosa, Trial Attorney
U.S. Dept of Justice, ENRD-NRS
Alexa.Penalosa@usdoj.gov
MontanaBasins.ENRD@usdoj.gov
(Atty for: United States, DOI Bureau of Reclamation)

Courtesy Copy:
Bozeman Regional Office, DNRC
kstrasheim@mt.gov
jackson.alvey@mt.gov
james.fleming@mt.gov

****Note: Service List Updated 11-17-2025****

⁴ The proposed abstract includes a clerical error in the total place of use – 369.00 acres instead of 399.00 acres.

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

Water Right Number: 41F 120519-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MAX J ROBISON
PO BOX 82
MCALLISTER, MT 59740-0082

MCMULLIN, PAUL & KAREN LIVING TRUST
%MCMULLIN, PAUL & KAREN TRUSTEES
PO BOX 55
ENNIS, MT 59729

Priority Date: MAY 1, 1903

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

THE INCIDENTAL USE OF THIS RIGHT FOR STOCK IS LIMITED TO TIMES WHEN WATER IS DIVERTED FOR IRRIGATION AND DOES NOT PROVIDE AN INDEPENDENT BASIS FOR A CALL ON OTHER WATER RIGHTS.

Flow Rate: 2.19 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 268.00

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		SENESW	12	4S	2W	MADISON

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: SQUIRES DITCH

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	268.00		N2	18	4S	1W	MADISON

Total: 268.00

THE PLACE OF USE DOES NOT INCLUDE LOTS 1, 4, AND 5 OF COS 7-1539-FC; LOT 2A OF COS 7-1909-BA; LOTS 3A AND 3B OF COS 7-2616-FC, AND TRACT M-1-A OF COS 7-2438-BA.

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.

120519-00	120520-00	120521-00	120522-00	120523-00
-----------	-----------	-----------	-----------	-----------

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

Water Right Number: 41F 120520-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MAX J ROBISON
PO BOX 82
MCALLISTER, MT 59740-0082

MCMULLIN, PAUL & KAREN LIVING TRUST
%MCMULLIN, PAUL & KAREN TRUSTEES
PO BOX 55
ENNIS, MT 59729

Priority Date: JUNE 15, 1962

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

THE INCIDENTAL USE OF THIS RIGHT FOR STOCK IS LIMITED TO TIMES WHEN WATER IS DIVERTED FOR IRRIGATION AND DOES NOT PROVIDE AN INDEPENDENT BASIS FOR A CALL ON OTHER WATER RIGHTS.

Flow Rate: 5.00 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 588.00

Source Name: NORTH MEADOW CREEK

Source Type: SURFACE WATER

THIS RIGHT INCLUDES HIGH OR FLOOD WATERS OF NORTH MEADOW CREEK.

***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		SENESW	12	4S	2W	MADISON
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	SQUIRES DITCH					
Period of Use:	APRIL 15 TO OCTOBER 15					
Place of Use:						

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	268.00		N2	18	4S	1W	MADISON
2	160.00		SE	18	4S	1W	MADISON
3	160.00		NE	19	4S	1W	MADISON
Total:	588.00						

THE PLACE OF USE DOES NOT INCLUDE LOTS 1, 4, AND 5 OF COS 7-1539-FC; LOT 2A OF COS 7-1909-BA; LOTS 3A AND 3B OF COS 7-2616-FC, AND TRACT M-1-A OF COS 7-2438-BA.

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.

120519-00	120520-00	120521-00	120522-00	120523-00
-----------	-----------	-----------	-----------	-----------

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

Water Right Number: 41F 120521-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MAX J ROBISON
PO BOX 82
MCALLISTER, MT 59740-0082

MCMULLIN, PAUL & KAREN LIVING TRUST
%MCMULLIN, PAUL & KAREN TRUSTEES
PO BOX 55
ENNIS, MT 59729

Priority Date: MAY 4, 1888

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

THE INCIDENTAL USE OF THIS RIGHT FOR STOCK IS LIMITED TO TIMES WHEN WATER IS DIVERTED FOR IRRIGATION AND DOES NOT PROVIDE AN INDEPENDENT BASIS FOR A CALL ON OTHER WATER RIGHTS.

Flow Rate: 1.88 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 399.00

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		SENE SW	12	4S	2W	MADISON

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: SQUIRES DITCH

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	239.00		E2	18	4S	1W	MADISON
2	160.00		NE	19	4S	1W	MADISON

Total: 399.00

THE PLACE OF USE IS LIMITED TO THE NE OF SECTION 19 AND TRACT J-1-A OF COS 7-2665-BA IN SECTION 18, T42, R1W.

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.

120519-00	120520-00	120521-00	120522-00	120523-00
-----------	-----------	-----------	-----------	-----------

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

Water Right Number: 41F 120522-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MAX J ROBISON
PO BOX 82
MCALLISTER, MT 59740-0082

Priority Date: MAY 1, 1903

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

THE INCIDENTAL USE OF THIS RIGHT FOR STOCK IS LIMITED TO TIMES WHEN WATER IS DIVERTED FOR IRRIGATION AND DOES NOT PROVIDE AN INDEPENDENT BASIS FOR A CALL ON OTHER WATER RIGHTS.

Flow Rate: 2.19 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 399.00

Source Name: NORTH MEADOW CREEK

Source Type: SURFACE WATER

*Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr	Sec	Twp	Rge	County
1		SE	12	4S	2W	MADISON

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: SQUIRES DITCH

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

ID	Acres	Govt Lot	Qtr	Sec	Twp	Rge	County
1	239.00		E	18	4S	1W	MADISON
2	160.00		NE	19	4S	1W	MADISON
Total:	399.00						

THE PLACE OF USE IS LIMITED TO THE NE OF SECTION 19 AND TRACT J-1-A OF COS 7-2665-BA IN SECTION 18, T42, R1W.

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.

120519-00	120520-00	120521-00	120522-00	120523-00
-----------	-----------	-----------	-----------	-----------

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

Water Right Number: 41F 120523-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MAX J ROBISON
PO BOX 82
MCALLISTER, MT 59740-0082

Priority Date: MAY 4, 1888

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

THE INCIDENTAL USE OF THIS RIGHT FOR STOCK IS LIMITED TO TIMES WHEN WATER IS DIVERTED FOR IRRIGATION AND DOES NOT PROVIDE AN INDEPENDENT BASIS FOR A CALL ON OTHER WATER RIGHTS.

Flow Rate: 1.88 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 399.00

Source Name: NORTH MEADOW CREEK

Source Type: SURFACE WATER

*Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr	Sec	Twp	Rge	County
1		SE	12	4S	2W	MADISON

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: SQUIRES DITCH

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

ID	Acres	Govt Lot	Qtr	Sec	Twp	Rge	County
1	239.00		E	18	4S	1W	MADISON
2	160.00		NE	19	4S	1W	MADISON
Total:	399.00						

THE PLACE OF USE IS LIMITED TO THE NE OF SECTION 19 AND TRACT J-1-A OF COS 7-2665-BA IN SECTION 18, T42, R1W.

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.

120519-00	120520-00	120521-00	120522-00	120523-00
-----------	-----------	-----------	-----------	-----------