

Montana Water Court  
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**FILED**  
10/21/2025  
Sara Calkins  
CLERK  
Montana Water Court  
STATE OF MONTANA  
By: D'Ann CIGLER  
41I-0077-R-2023  
Lockman, Melissa  
20.00

**MONTANA WATER COURT  
UPPER MISSOURI DIVISION  
MISSOURI RIVER ABOVE HOLTER DAM  
BASIN (41I)  
PRELIMINARY DECREE**

\* \* \* \* \*

CLAIMANTS: Hensley Farms LLC: Hensley & Daughters LLC

OBJECTOR: Jorja H. Munns

**CASE 41I-0077-R-2023**

41I 29222-00

41I 29224-00

41I 29228-00

41I 29233-00

**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**

The above captioned claims appeared in the Preliminary Decree for Missouri River above Holter Dam (Basin 41I) issued on June 24, 2022. Claims 41I 29222-00 and 41I 29224-00 are owned by Hensley Farms LLC. Jorja H. Munns, the sole member of Hensley Farms LLC, objected to both claims. Claims 41I 29228-00 and 41I 29233-00 are

owned by Hensley & Daughters LLC. Claims 41I 29224-00, 41I 29228-00, and 41I 29233-00 received issue remarks. Issue remarks are notations identifying potential legal or factual issues with water rights and the Water Court is required to resolve these potential issues.

## FINDINGS OF FACT

### **41I 29224-00**

1. Claim 41I 29224-00 was decreed as a flood irrigation for 5.00 CFS on 206.00 acres as follows:

**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             | 120.00        |                 | NE             | 27         | 5N         | 1E         | BROADWATER    |
| 2             | 6.00          |                 | E2SENW         | 27         | 5N         | 1E         | BROADWATER    |
| 3             | 80.00         |                 | N2SE           | 27         | 5N         | 1E         | BROADWATER    |
| <b>Total:</b> | <b>206.00</b> |                 |                |            |            |            |               |

2. Claimant objected to the place of use, stating the place of use should be 214.13 acres as follows:

Place of Use:

| ID                                      | Acres  | Qtr Sec | Sec | Township | Range | County     |
|-----------------------------------------|--------|---------|-----|----------|-------|------------|
| Current description:                    |        |         |     |          |       |            |
| 1                                       | 120.00 | NE      | 27  | 5N       | 1E    | Broadwater |
| 2                                       | 6.00   | E2SENW  | 27  | 5N       | 1E    | Broadwater |
| 3                                       | 80.00  | N2SE    | 27  | 5N       | 1E    | Broadwater |
| Changes to description of place of use: |        |         |     |          |       |            |
| Add to #2                               | 5.00   | E2SENW  | 27  | 5N       | 1E    | Broadwater |
| 4                                       | 3.13   | NESW    | 27  | 5N       | 1E    | Broadwater |

Reasons for the changes:

There have been two boundary adjustments that should be reflected in the place of use.

Addition to #2: In 2007 I discovered that the legal description of my boundary line did not match the fence line. The fence line was long ago established and accepted by landowners as the boundary and the land was cared for and irrigated by Hensley Farms, LLC, and its predecessors, long before the boundary alignment took place. I purchased five acres from my neighbor so that the land within my fence line was mine. Hence the number of acres for #2 should be increased to 11 acres.

#4: In 2011 I wanted to move my pivot so that it would not irrigate the road. I did a boundary adjustment with my neighbor, acquiring 3.13 acres so that I could move the pivot.

3. Claim 41I 29224-00 also received the following acres irrigated issue remarks:

THE BROADWATER COUNTY WATER RESOURCES SURVEY ( 1956 ) APPEARS TO INDICATE 165.00 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.

4. On May 29, 2025, Claimants filed *Evidence to Resolve Issue Remarks on Claim 41I 29224-00*. (Doc.<sup>1</sup> 17.00).

5. Supported by historical and more recent aerial photographs, Claimant's filing requests the place of use be reduced to 191.12 acres as follows:

| ID    | Acres  | Gov. Lot | Qtr Sec | Sec | Twp | Rge | County     |
|-------|--------|----------|---------|-----|-----|-----|------------|
| 1     | 13.41  |          | SENW    | 27  | 5N  | 1E  | Broadwater |
| 2     | 19.92  |          | NWNE    | 27  | 5N  | 1E  | Broadwater |
| 3     | 39.0   |          | SWNE    | 27  | 5N  | 1E  | Broadwater |
| 4     | 37.0   |          | SENE    | 27  | 5N  | 1E  | Broadwater |
| 5     | 3.79   |          | NESW    | 27  | 5N  | 1E  | Broadwater |
| 6     | 38.0   |          | NWSE    | 27  | 5N  | 1E  | Broadwater |
| 7     | 40.0   |          | NESE    | 27  | 5N  | 1E  | Broadwater |
| Total | 191.12 |          |         |     |     |     |            |

6. Despite requesting the acreage be reduced to 191.12 acres, Claimant argues the flow rate should remain as 5.00 cubic feet per second (CFS).

7. Claimants filed a statement indicating reduction of the place of use and maximum acres to 191.12 acres resolves their self-objection to claim 41I 29224-00. (Doc. 19.00).

8. Claim 41I 29224-00 also received the following point of diversion issue remarks:

THE POINT OF DIVERSION APPEARS TO BE ON CROW CREEK DIVERTING CROW CREEK WATER INTO AN UNNAMED DITCH, CONVEYED TO SWAMP CREEK WHERE SWAMP CREEK SERVES AS A NATURAL CARRIER TO HENSLEY DITCH AND CONVEYED TO PLACE OF USE.  
  
THE TIMELY FILED OBJECTION OF GEORGE HENSLEY WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE POINT OF DIVERSION BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

9. On March 7, 2025, Claimants filed a *Motion to Resolve Objections and Issue Remarks*. (Doc. 9.00).

10. The *Motion* states Claimants agree with the description of the point of diversion issue remark.

#### **41I 29222-00**

11. Claim 41I 29222-00 was decreed as a flood irrigation for use on 206.00 acres as follows:

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<sup>1</sup> "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

**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             | 120.00        |                 | NE             | 27         | 5N         | 1E         | BROADWATER    |
| 2             | 6.00          |                 | E2SENW         | 27         | 5N         | 1E         | BROADWATER    |
| 3             | 80.00         |                 | N2SE           | 27         | 5N         | 1E         | BROADWATER    |
| <b>Total:</b> | <b>206.00</b> |                 |                |            |            |            |               |

12. Claimant objected to the place of use, stating the place of use should be 214.13 as follows:

**Place of Use:**

| ID                                      | Acres  | Qtr Sec | Sec | Township | Range | County     |
|-----------------------------------------|--------|---------|-----|----------|-------|------------|
| Current description:                    |        |         |     |          |       |            |
| 1                                       | 120.00 | NE      | 27  | 5N       | 1E    | Broadwater |
| 2                                       | 6.00   | E2SENW  | 27  | 5N       | 1E    | Broadwater |
| 3                                       | 80.00  | N2SE    | 27  | 5N       | 1E    | Broadwater |
| Changes to description of place of use: |        |         |     |          |       |            |
| Add to #2                               | 5.00   | E2SENW  | 27  | 5N       | 1E    | Broadwater |
| 4                                       | 3.13   | NESW    | 27  | 5N       | 1E    | Broadwater |

**Reasons for the changes:**

There have been two boundary adjustments that should be reflected in the place of use.

Addition to #2: In 2007 I discovered that the legal description of my boundary line did not match the fence line. The fence line was long ago established and accepted by landowners as the boundary and the land was cared for and irrigated by Hensley Farms, LLC, and its predecessors, long before the boundary alignment took place. I purchased five acres from my neighbor so that the land within my fence line was mine. Hence the number of acres for #2 should be increased to 11 acres.

#4: In 2011 I wanted to move my pivot so that it would not irrigate the road. I did a boundary adjustment with my neighbor, acquiring 3.13 acres so that I could move the pivot.

13. Claimants filed a statement indicating reduction of the place of use and maximum acres to 191.12 acres, consistent with claim 41I 29224-00, resolves their self-objection to claim 41I 29222-00. (Doc. 19.00).

**41I 29228-00**

14. Claim 41I 29228-00 was decreed as a domestic claim for use of 24.00 acre-feet (AC-FT) on 5.00 acres in the SESWNE of Section 28, Township 10N, Range 1E, Broadwater County.

15. The claim received the following volume issue remark:

THE CLAIMED VOLUME EXCEEDS THE 15.5 ACRE-FEET GUIDELINE FOR THIS PURPOSE. ITS ACCURACY CANNOT BE CONFIRMED DUE TO LACK OF DATA.

16. Claimants agree that the volume of the claim should be reduced to 15.5 AC-FT. (Doc. 9.00).

**41I 29233-00**

17. Claim 41I 29233-00 received the following issue remark:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 41I 29231-00, 41I 29232-00, 41I 29233-00, 41I 29234-00, 41I 215594-00.

19. Claims 41I 29231-00, 41I 29232-00, 41I 29233-00, and 41I 29234-00 are owned by Hensley & Daughters LLC. Claim 41I215594-00 is owned by the State of Montana and has been withdrawn.

#### PRINCIPLES OF LAW

1. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Mont. Code Ann. § 85-2-227 (2025); Rule 10, W.R.Adj.R.

2. Prima facie proof may be contradicted and overcome by a preponderance of the evidence. Rule 19, W.R.Adj.R.

3. A preponderance of the evidence is evidence that shows a fact is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.

4. If prima facie status is overcome, the burden shifts back to the claimant to demonstrate historical use. *79 Ranch v. Pitsch*, 204 Mont. 426, 432-33, 666 P.2d 215, 218 (1983).

5. Section 85-2-248(2), MCA, requires that the Water Court resolve all issue remarks that are not resolved through the objection process. *See also* Rule 7, W.R.Adj.R.

6. The Water Court may use information submitted by the DNRC, the Statement of Claim, and any other data obtained by the Court to evaluate a water right. §§ 85-2-227, -231(2), MCA.

7. When resolving issue remarks, the 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. The factual evidence on which an issue remark is based must meet the preponderance of evidence standard before the prima facie status of a claim is overcome. 43Q 200996-00 et al., Order Establishing Volume and Order Closing Case, at 18, June 8, 2015.

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

## CONCLUSIONS OF LAW

### **41I 29224-00**

1. The point of diversion issue remark overcomes the prima facie status of claim 41I 29224-00. The evidence submitted by Claimants supports the decreed location of the point of diversion as historically accurate; however, an information remark should be added to the claim describing Swamp Creek as a natural carrier to Hensley Ditch.

2. The acres irrigated issue remark overcomes the prima facie status of claim 41I 29224-00. The evidence submitted by Claimants supports the reduction in maximum acres and place of use from 206.00 acres to 191.12 acres.

3. The flow rate issue remark does not overcome the prima facie status of the claim. The evidence in the claim file supports the claimed flow rate.

### **41I 29222-00**

4. The acres irrigated issue remark overcomes the prima facie status of claim 41I 29224-00. The evidence submitted by Claimants supports the reduction in maximum acres and place of use from 206.00 acres to 191.12 acres.

### **41I 29228-00**

5. The volume issue remark overcomes the prima facie status of claim 41I 29228-00. Claimant agreed to reduce the volume from 24.00 AC-FT to 15.5 AC-FT.

### **41I 29233-00**

6. The overlapping place of use issue remark does not overcome the prima facie status of claim 41I 29233-00. The claims identified in the remark are either owned by Claimant or have been withdrawn.

## RECOMMENDATIONS

1. The following information remark should be added to the point of diversion for claim 41I 29224-00:

HEADGATE DIVERTS WATER FROM CROW CREEK INTO AN UNNAMED DITCH, CONVEYED TO SWAMP CREEK WHERE SWAMP CREEK SERVES AS A NATURAL CARRIER TO HENSLEY DITCH.

2. The maximum acres and place of use for claims 41I 29224-00 and 41I 29222-00 should be reduced to 191.12 acres for use as follows:

| ID    | Acres  | Gov. Lot | Qtr Sec | Sec | Twp | Rge | County     |
|-------|--------|----------|---------|-----|-----|-----|------------|
| 1     | 13.41  |          | SENW    | 27  | 5N  | 1E  | Broadwater |
| 2     | 19.92  |          | NWNE    | 27  | 5N  | 1E  | Broadwater |
| 3     | 39.0   |          | SWNE    | 27  | 5N  | 1E  | Broadwater |
| 4     | 37.0   |          | SENE    | 27  | 5N  | 1E  | Broadwater |
| 5     | 3.79   |          | NESW    | 27  | 5N  | 1E  | Broadwater |
| 6     | 38.0   |          | NWSE    | 27  | 5N  | 1E  | Broadwater |
| 7     | 40.0   |          | NESE    | 27  | 5N  | 1E  | Broadwater |
| Total | 191.12 |          |         |     |     |     |            |

3. The volume for claim 41I 29228-00 should be reduced to 15.5 acre-feet.

4. The issue remarks should be removed from all claim abstracts.

A post decree abstract of each water right claim reflecting these recommendations is attached to this Report.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via Electronic Mail**

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W John Tietz  
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Jorja H Munns  
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**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MISSOURI RIVER, ABOVE HOLTER DAM  
BASIN 41I**

**Water Right Number:** 41I 29222-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** HENSLEY FARMS LLC  
1980 MT HIGHWAY 284  
TOWNSEND, MT 59644-9501

**Priority Date:** JULY 5, 1972

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 3.34 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:** 191.12

**Source Name:** GROUNDWATER

**Source Type:** GROUNDWATER

**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         |                 | NESENW         | 27         | 5N         | 1E         | BROADWATER    |

**Period of Diversion:** APRIL 15 TO OCTOBER 15

**Diversion Means:** WELL

**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         | 13.41        |                 | SENW           | 27         | 5N         | 1E         | BROADWATER    |
| 2         | 19.92        |                 | NWNE           | 27         | 5N         | 1E         | BROADWATER    |
| 3         | 39.00        |                 | SWNE           | 27         | 5N         | 1E         | BROADWATER    |
| 4         | 37.00        |                 | SENE           | 27         | 5N         | 1E         | BROADWATER    |
| 5         | 3.79         |                 | NESW           | 27         | 5N         | 1E         | BROADWATER    |
| 6         | 38.00        |                 | NWSE           | 27         | 5N         | 1E         | BROADWATER    |
| 7         | 40.00        |                 | NESE           | 27         | 5N         | 1E         | BROADWATER    |

**Total:** 191.12

**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.

29222-00

29224-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MISSOURI RIVER, ABOVE HOLTER DAM  
BASIN 41I**

**Water Right Number:** 41I 29224-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** HENSLEY FARMS LLC  
1980 MT HIGHWAY 284  
TOWNSEND, MT 59644-9501

**Priority Date:** MAY 1, 1875

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**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:** 3 - MODERATE

**Maximum Acres:** 191.12

**\*Source Name:** CROW 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         |                 | NENWSE         | 16         | 5N         | 1E         | BROADWATER    |

**Period of Diversion:** APRIL 15 TO OCTOBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** HENSLEY DITCH

HEADGATE DIVERTS WATER FROM CROW CREEK INTO AN UNNAMED DITCH, CONVEYED TO SWAMP CREEK WHERE SWAMP CREEK SERVES AS A NATURAL CARRIER TO HENSLEY 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         | 13.41        |                 | SENW           | 27         | 5N         | 1E         | BROADWATER    |
| 2         | 19.92        |                 | NWNE           | 27         | 5N         | 1E         | BROADWATER    |
| 3         | 39.00        |                 | SWNE           | 27         | 5N         | 1E         | BROADWATER    |
| 4         | 37.00        |                 | SENE           | 27         | 5N         | 1E         | BROADWATER    |
| 5         | 3.79         |                 | NESW           | 27         | 5N         | 1E         | BROADWATER    |
| 6         | 38.00        |                 | NWSE           | 27         | 5N         | 1E         | BROADWATER    |
| 7         | 40.00        |                 | NESE           | 27         | 5N         | 1E         | BROADWATER    |

**Total:** 191.12

**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.

29222-00

29224-00

POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MISSOURI RIVER, ABOVE HOLTER DAM  
BASIN 41I

Water Right Number: 41I 29228-00 STATEMENT OF CLAIM  
Version: 3 -- POST DECREE  
Status: ACTIVE

Owners: HENSLEY & DAUGHTERS LLC  
1980 MT HIGHWAY 284  
TOWNSEND, MT 59644-9501

Priority Date: AUGUST 1, 1960

Type of Historical Right: FILED

Purpose (Use): DOMESTIC

Flow Rate: 15.00 GPM

Volume: 15.50 AC-FT

Households: 2

Maximum Acres: 5.00

Source Name: GROUNDWATER

Source Type: GROUNDWATER

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                                             |                 | SESWNE         | 28         | 10N        | 1E         | BROADWATER    |
| Period of Diversion: JANUARY 1 TO DECEMBER 31 |                 |                |            |            |            |               |
| Diversion Means: WELL                         |                 |                |            |            |            |               |

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1         | 5.00         |                 | SESWNE         | 28         | 10N        | 1E         | BROADWATER    |
| Total:    | 5.00         |                 |                |            |            |            |               |

Remarks:

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.

29228-0029229-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MISSOURI RIVER, ABOVE HOLTER DAM  
BASIN 41I**

**Water Right Number:** 41I 29233-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** HENSLEY & DAUGHTERS LLC  
1980 MT HIGHWAY 284  
TOWNSEND, MT 59644-9501

**Priority Date:** JUNE 29, 1973

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Flow Rate:** 1.11 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:** 120.00

**Source Name:** GROUNDWATER

**Source Type:** GROUNDWATER

**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         |                 | SESWNE         | 28         | 10N        | 1E         | BROADWATER    |

**Period of Diversion:** APRIL 1 TO NOVEMBER 15

**Diversion Means:** WELL

**Period of Use:** APRIL 1 TO NOVEMBER 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         | 60.00        |                 |                | 28         | 10N        | 1E         | BROADWATER    |
| 2         | 4.00         |                 | NWNE           | 33         | 10N        | 1E         | BROADWATER    |
| 3         | 37.00        |                 | NWNE           | 33         | 10N        | 1E         | BROADWATER    |
| 4         | 19.00        |                 | NENW           | 33         | 10N        | 1E         | BROADWATER    |

**Total:** 120.00

**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.

29231-00      29232-00      29233-00      29234-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 03/21/1988: PLACE OF USE, MAXIMUM ACRES.

AUTHORIZATION TO CHANGE (SEVER/SELL) PLACE OF USE COMPLETED 03/19/1990 . FILE REFLECTS RIGHT AS IT EXISTED PRIOR TO JULY 1973. APPROVED CHANGES WILL BE RECORDED AFTER FINAL DECREE.