

Montana Water Court
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MONTANA WATER COURT
LOWER MISSOURI DIVISION
MILK RIVER BELOW WHITEWATER CREEK INCLUDING PORCUPINE CREEK
BASIN 400
INTERLOCUTORY DECREE

* * * * *

CLAIMANT: Buggy Creek Livestock LLLP

OBJECTORS: Montana State Board of Land Commissioners - Forestry
and Trust Lands Division; United States, DOI Bureau of
Land Management

CASE 400-0071-I-2024

400 30136577

400 30136625

400 30172742

400 30172910

400 30172911

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 Montana State Board of Land Commissioners – Forestry and Trust Lands Division (“Trust Lands”) and the United States, DOI Bureau of Land Management (“BLM”) each objected

to both of these claims. These claims also have issue and/or notice remarks.

On September 16, 2025, Trust Lands filed a Sworn Statement of Non-Interest concerning a portion of claim 400 30136625 [Doc. 14]. On September 18, 2025, Buggy Creek Livestock, LLLP's Statement And Unopposed Motion To Resolve Issue Remarks And Objections ["Unopposed Motion"] was filed, which states that Trust Lands and BLM have no objection to the Unopposed Motion [Doc. 15]. The Unopposed Motion requests generation of three implied claims. On September 30, 2025, the United States' Notice Of Resolution Of Objections was filed [Doc. 16]. These documents are viewable in the Court's FullCourt Enterprise case management system.

APPLICABLE LAW

"All issue remarks to claims that are not resolved through the filing of an objection as provided in 85-2-233 must be resolved as provided in this section." Section 85-2-248(2), MCA.

"Implied Claim" means a claim authorized by the water court to be separated and individually identified when a statement of claim includes multiple rights." Rule 2(a)(33), W.R.C.E.R.

From 41P-108 "Circle S Ranch, Inc." Order On Motion To Modify Claims 5-16-19, at 2019 Mont. Water LEXIS 8, page 5:

The Water Court recognizes implied claims in certain circumstances *In re Musselshell River below Roundup*, Case 40C-47, 1994 Mont. Water LEXIS 18, *78 (July 14, 1994). However, before the Court will recognize an implied claim, the claimant must prove that several factors exist. These include: (1) proof of two or more water rights in the original claim form or the material submitted with the claim form; (2) proof of historic use corroborating the implied claim; and (3) proof that recognizing the implied claim(s) will avoid causing a change to historic water use or increase the historic burden to other water users. *In re Foss*, Case 76HF-580, 2013 Mont. Water LEXIS 17, *32 (Jan. 31, 2013); *In re Martinell*, Case 41A-148, 2018 Mont. Water LEXIS 3, *6 (June 14, 2018). These standards assure that implied claims are not used to revive a claim that was forfeited as a matter of law by missing the filing deadline. Mont. Code Ann. § 85-2-226 (establishing conclusive presumption of abandonment of for claims not timely filed); *In re Climbing Arrow Ranch*, Case 41F-A19, 2019 Mont. Water LEXIS 1 (Mar. 6, 2019). The implied claim process also cannot be used to expand the elements of a statement of claim. *In re Eliasson Ranch Company*, Order Amending and Adopting Master's Report, Case 40A-115, 2004 Mont. Water LEXIS 2, *6 (Jun. 28, 2004) ("Eliasson").

A properly filed Statement of Claim for Existing Water Right is *prima facie* proof of its

content pursuant to section 85-2-222, MCA. This *prima facie* proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect including for claimants objecting to their own claims. Rule 19, W.R.Adj.R.

FINDINGS OF FACT

1. Claim 400 30136577 appeared in the Second Preliminary Decree with the following remarks:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 400 DECREE ISSUED 05/24/1995.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 400 30136577, 400 30143255.

THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OF THE PLACE OF USE APPEARS TO BE ON STATE LAND.

THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OR ALL OF THE PLACE OF USE APPEARS TO BE ON FEDERAL LAND.

The first remark should be removed as having served its notice purpose.

The second remark provides notice of a possible issue to be pursued by objection. As it was not pursued by the parties, the remark should be removed as having served its notice purpose.

As requested, the following remark should be added to the place of use:

ALL OR A PART OF THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT USED ON THE PUBLIC LANDS IS APPURTEnant TO THE FOLLOWING PRIVATE LANDS. SW SECTION 10, SE SECTION 11, NE SECTION 14, NW AND N2SW SECTION 15, TOWNSHIP 29N, RANGE 40E.

The fourth remark should be removed as having served its notice purpose.

2. Claim 400 30136577 includes the portion of the claimed right owned by Trust Lands. The claim should be apportioned between the two ownerships. Claim 400 30136577 should be used for the Buggy Creek Livestock LLLP portion. Implied claim 400 30172909 should be generated for the Trust Lands portion. The third remark should be removed as having served its notice purpose.

3. For claim 400 30136577, the Second Preliminary Decree includes a point of diversion

and place of use in section 36, T30N, R40E, VALLEY. These should be removed.

4. The elements of implied claim 400 30172909 should be the same as 400 30136577, except the owner should be Trust Lands, the source should be UNNAMED TRIBUTARY OF CHERRY CREEK, EAST FORK, and the point of diversion and place of use should each be section 36, T30N, R40E, VALLEY.

5. Claim 400 30136625 appeared in the Second Preliminary Decree with the following remarks:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 400 DECREE ISSUED 05/24/1995.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 05/22/2023, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY M LEE CORNWELL, PO BOX 1031, GLASGOW, MT 59230-1031.

THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OF THE PLACE OF USE APPEARS TO BE ON STATE LANDS.

THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OR ALL OF THE PLACE OF USE APPEARS TO BE ON FEDERAL LAND.

A PORTION OF THE CLAIMED POINT OF DIVERSION AND PLACE OF USE DOES NOT MEET THE DEFINITION OF AN EXEMPT RIGHT UNDER 85-2-222, MCA, AND INVOLVES AN ON-STREAM RESERVOIR.

The first remark should be removed as having served its notice purpose.

As requested, the following remark should be added to the place of use:

ALL OR A PART OF THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT USED ON THE PUBLIC LANDS IS APPURTEnant TO THE FOLLOWING PRIVATE LANDS. LOT 3 AND LOT 4 IN SECTION 3, LOT 1, LOT 2, AND SENE IN SECTION 4, TOWNSHIP 27N, RANGE 40E AND SENE AND E2SE IN SECTION 32, ALL OF SECTION 33, LOT 5, LOT 6, LOT 8, LOT 13, LOT 14, LOT 15, AND SWSW IN SECTION 34, TOWNSHIP 28N, RANGE 40E.

The fourth remark should be removed as having served its notice purpose.

There is no onstream reservoir on this claim. The fifth remark is irrelevant and should be removed as erroneous.

6. Claim 400 30136625 includes the portions of the claimed right owned by Trust Lands and owned by Miles Lee Cornwell. The claim should be apportioned between the three ownerships. Claim 400 30136625 should be used for the Buggy Creek Livestock LLLP portion. Implied claim 400 30172910 should be generated for the Trust Lands portion. Implied claim 400 30172911 should be generated for the Miles Lee Cornwell portion. The second and third

issue remarks concerning Miles Lee Cornwell and Trust Lands ownership should be removed as having served their notice purposes.

7. For claim 40O 30136625, some points of diversion and places of use need to be removed (the Trust Lands portion), others need to be modified (to reflect the removal of the Miles Lee Cornwell portion), and others need to be added (omitted on the Statement of Claim).

For generating the Trust Lands implied claim, the following points of diversion and places of use should be removed: section 36, T33N, R38E, VALLEY; W2W2 section 36, T33N, R38E, VALLEY, and NENW section 36, T33N, R38E, VALLEY.

For generating the Miles Lee Cornwell implied claim, the following points of diversion and places of use legal descriptions should be modified:

- the two entries for the NE section 12, T32N, R38E, VALLEY should each be the W2NE section 12, T32N, R38, VALLEY
- the N2 section 7, T32N, R39E, VALLEY should be the NE section 7, T32N, R39E, VALLEY
- the SW section 7, T32N, R39E, VALLEY should be the W2SW section 7, T32N, R39E, VALLEY.

For the points of diversion and places of use that were omitted from the Statement of Claim, the following points of diversion and places of use should be added: W2SE section 12, T32N, R38E, VALLEY; NENW section 13, T32N, R38E, VALLEY; and NWNE section 13, T32N, R38E, VALLEY.

8. The elements of implied claim 40O 30172910 should be the same as 40O 30136625, except the owner should be Trust Lands, the sources should be BUGGY CREEK and UNNAMED TRIBUTARY OF BUGGY CREEK, and the point of diversion and place of use should each be section 36, T33N, R38E, VALLEY; W2W2 section 36, T33N, R38E, VALLEY, and NENW section 36, T33N, R38E, VALLEY.

9. The elements of implied claim 40O 30172911 should be the same as 40O 30136625, except the owner should be Miles Lee Cornwell, the sources should be BUGGY CREEK and UNNAMED TRIBUTARY OF BUGGY CREEK, and the point of diversion and place of use should each be: two entries for the E2NE section 12, T32N, R38E, VALLEY; the NW section 7, T32N, R39E, VALLEY, and the E2SW section 7, T32N, R39E, VALLEY.

CONCLUSION OF LAW

The settlement documents filed by the parties are sufficient to contradict and overcome the *prima facie* claims, to generate implied claims, and to resolve the issue without evidentiary hearing. Section 85-2-248(3), (11), MCA.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusion of Law, this Master recommends that the Court generate implied claims 400 30172909, 400 30172910, and 400 30172911 and make the changes specified in the Findings of Fact to correct the Second Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim for each claim is served with this Report to confirm the recommended changes have been made in the state's centralized record system.

ELECTRONICALLY SIGNED AND DATED BELOW

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Note: Caption Updated 1/9/2026

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK
BASIN 40O

Water Right Number: 40O 30136577 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: BUGGY CREEK LIVESTOCK LLLP
PO BOX 1
GLASGOW, MT 59230

Priority Date: DECEMBER 31, 1916

Type of Historical Right: USE

Purpose (Use): STOCK

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

***Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: CHERRY CREEK, EAST FORK
Source Type: SURFACE WATER

***Source Name:** HAWK COULEE
Source Type: SURFACE WATER

Source Name: UNNAMED TRIBUTARY OF CHERRY CREEK, EAST FORK
Source Type: SURFACE WATER

***Source Name:** UNNAMED TRIBUTARY OF HAWK COULEE
Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2	11	29N	40E	VALLEY
Source Name:	CHERRY CREEK, EAST FORK						
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE						
2		W2	11	29N	40E	VALLEY	
Source Name:	UNNAMED TRIBUTARY OF CHERRY CREEK, EAST FORK						
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE						
3		SENW	3	29N	40E	VALLEY	
Source Name:	UNNAMED TRIBUTARY OF CHERRY CREEK, EAST FORK						
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE						

4 E2 3 29N 40E VALLEY

Source Name: UNNAMED TRIBUTARY OF CHERRY CREEK, EAST FORK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

5 S2SE 33 30N 40E VALLEY

***Source Name:** UNNAMED TRIBUTARY OF HAWK COULEE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

6 S2SE 33 30N 40E VALLEY

***Source Name:** HAWK COULEE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

7 E2 35 30N 40E VALLEY

Source Name: UNNAMED TRIBUTARY OF CHERRY CREEK, EAST FORK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

***Place of Use:**

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			N2	11	29N	40E	VALLEY
2			W2	11	29N	40E	VALLEY
3			SENW	3	29N	40E	VALLEY
4			E2	3	29N	40E	VALLEY
5			S2SE	33	30N	40E	VALLEY
6			S2SE	33	30N	40E	VALLEY
7			E2	35	30N	40E	VALLEY

ALL OR A PART OF THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS.
THE WATER RIGHT USED ON THE PUBLIC LANDS IS APPURTEnant TO THE
FOLLOWING PRIVATE LANDS. SW SECTION 10, SE SECTION 11, NE SECTION 14, NW
AND N2SW SECTION 15, TOWNSHIP 29N, RANGE 40E.

Remarks:

IMPLIED CLAIM NO. 40O 30172909 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK
BASIN 40O

Water Right Number: 40O 30136625 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: BUGGY CREEK LIVESTOCK LLLP
PO BOX 1
GLASGOW, MT 59230

Priority Date: DECEMBER 31, 1908

Type of Historical Right: USE

Purpose (Use): STOCK

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

***Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: BUGGY CREEK
Source Type: SURFACE WATER

Source Name: UNNAMED TRIBUTARY OF BUGGY CREEK
Source Type: SURFACE WATER

***Source Name:** UNNAMED TRIBUTARY OF WOLF CREEK
Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1			NESE	12	32N	38E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK						
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE						
2		W2	12	32N	38E	VALLEY	
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK						
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE						
3		W2NE	12	32N	38E	VALLEY	
Source Name:	BUGGY CREEK						
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE						
4		W2NE	12	32N	38E	VALLEY	
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK						

Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
5	NE	7	32N	39E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
6	W2SW	7	32N	39E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
7	SE	7	32N	39E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF WOLF CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
8	W2SW	8	32N	39E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF WOLF CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
9	W2NW	8	32N	39E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF WOLF CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
10	NENW	8	32N	39E	VALLEY
*Source Name:	UNNAMED TRIBUTARY OF WOLF CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
11	SESW	1	32N	38E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
12	E2	1	32N	38E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
13	SWSE	6	32N	39E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
14	E2E2	6	32N	39E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				

Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
15	SW	6	32N	39E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
16	W2	5	32N	39E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
17	SW	35	33N	38E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
18	E2	35	33N	38E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
19	E2SE	35	33N	38E	VALLEY
Source Name:	BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
20	E2	26	33N	38E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
21	25	33N	38E	VALLEY	
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
22	9	30	33N	39E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
23	SW	24	33N	38E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
24	E2	24	33N	38E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
25	E2NE	24	33N	38E	VALLEY

Source Name:	BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
26	9	19	33N	39E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
27	2	19	33N	39E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
28	SWSE	13	33N	38E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
29	E2E2	13	33N	38E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
30	9	18	33N	39E	VALLEY
Source Name:	BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
31	W2	18	33N	39E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
32	NE	18	33N	39E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
33	NW	18	33N	39E	VALLEY
Source Name:	BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
34	S2	7	33N	39E	VALLEY
Source Name:	UNNAMED TRIBUTARY OF BUGGY CREEK				
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
35	W2SW	7	33N	39E	VALLEY
Source Name:	BUGGY CREEK				

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
36 S2NE 7 33N 39E VALLEY
Source Name: UNNAMED TRIBUTARY OF BUGGY CREEK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
37 W2 8 33N 39E VALLEY
Source Name: UNNAMED TRIBUTARY OF BUGGY CREEK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
38 W2NE 8 33N 39E VALLEY
Source Name: UNNAMED TRIBUTARY OF BUGGY CREEK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
39 W2SE 12 32N 38E VALLEY
Source Name: UNNAMED TRIBUTARY OF BUGGY CREEK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
40 NENW 13 32N 38E VALLEY
Source Name: UNNAMED TRIBUTARY OF BUGGY CREEK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
41 NWNE 13 32N 38E VALLEY
Source Name: UNNAMED TRIBUTARY OF BUGGY CREEK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
Period of Use: JANUARY 1 TO DECEMBER 31

***Place of Use:**

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			NESE	12	32N	38E	VALLEY
2			W2	12	32N	38E	VALLEY
3			W2NE	12	32N	38E	VALLEY
4			W2NE	12	32N	38E	VALLEY
5			NE	7	32N	39E	VALLEY
6			W2SW	7	32N	39E	VALLEY
7			SE	7	32N	39E	VALLEY
8			W2SW	8	32N	39E	VALLEY
9			W2NW	8	32N	39E	VALLEY
10			NENW	8	32N	39E	VALLEY
11			SESW	1	32N	38E	VALLEY
12			E2	1	32N	38E	VALLEY
13			SWSE	6	32N	39E	VALLEY
14			E2E2	6	32N	39E	VALLEY

15		SW	6	32N	39E	VALLEY
16		W2	5	32N	39E	VALLEY
17		SW	35	33N	38E	VALLEY
18		E2	35	33N	38E	VALLEY
19		E2SE	35	33N	38E	VALLEY
20		E2	26	33N	38E	VALLEY
21			25	33N	38E	VALLEY
22	9		30	33N	39E	VALLEY
23		SW	24	33N	38E	VALLEY
24		E2	24	33N	38E	VALLEY
25		E2NE	24	33N	38E	VALLEY
26	9		19	33N	39E	VALLEY
27	2		19	33N	39E	VALLEY
28		SWSE	13	33N	38E	VALLEY
29		E2E2	13	33N	38E	VALLEY
30	9		18	33N	39E	VALLEY
31		W2	18	33N	39E	VALLEY
32		NE	18	33N	39E	VALLEY
33		NW	18	33N	39E	VALLEY
34		S2	7	33N	39E	VALLEY
35		W2SW	7	33N	39E	VALLEY
36		S2NE	7	33N	39E	VALLEY
37		W2	8	33N	39E	VALLEY
38		W2NE	8	33N	39E	VALLEY
39		W2SE	12	32N	38E	VALLEY
40		NENW	13	32N	38E	VALLEY
41		NWNE	13	32N	38E	VALLEY

ALL OR A PART OF THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS.
THE WATER RIGHT USED ON THE PUBLIC LANDS IS APPURTEnant TO THE
FOLLOWING PRIVATE LANDS. LOT 3 AND LOT 4 IN SECTION 3, LOT 1, LOT 2, AND
SENE IN SECTION 4, TOWNSHIP 27N, RANGE 40E AND SENE AND E2SE IN SECTION
32, ALL OF SECTION 33, LOT 5, LOT 6, LOT 8, LOT 13, LOT 14, LOT 15, AND SWSW IN
SECTION 34, TOWNSHIP 28N, RANGE 40E.

Remarks:

THE IMPLIED CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED BASED ON
INFORMATION IN THIS CLAIM. 40O 30172910, 40O 30172911.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK
BASIN 40O

Water Right Number: **40O 30172909** STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: MONTANA STATE BOARD OF LAND COMMISSIONERS
FORESTRY AND TRUST LANDS DIVISION
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: DECEMBER 31, 1916

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: UNNAMED TRIBUTARY OF CHERRY CREEK, EAST FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Otr Sec	Sec	Twp	Rge	County
1			36	30N	40E	VALLEY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Otr Sec	Sec	Twp	Rge	County
1				36	30N	40E	VALLEY

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40O 30136577.

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40O INTERLOCUTORY DECREE ISSUED 01/11/2024.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK
BASIN 40O

Water Right Number: **40O 30172910** STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: MONTANA STATE BOARD OF LAND COMMISSIONERS
FORESTRY AND TRUST LANDS DIVISION
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: DECEMBER 31, 1908

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: BUGGY CREEK

Source Type: SURFACE WATER

Source Name: UNNAMED TRIBUTARY OF BUGGY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr	Sec	Twp	Rge	County
1			36	33N	38E	VALLEY

Source Name: UNNAMED TRIBUTARY OF BUGGY CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2	W2W2	36	33N	38E	VALLEY
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Source Name: BUGGY CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3	NENW	36	33N	38E	VALLEY
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Source Name: BUGGY CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

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				36	33N	38E	VALLEY
2			W2W2	36	33N	38E	VALLEY
3			NENW	36	33N	38E	VALLEY

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 400 30136625.

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40O INTERLOCUTORY DECREE ISSUED 01/11/2024.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK
BASIN 40O

Water Right Number: **40O 30172911** STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: MILES LEE CORNWELL
PO BOX 1031
GLASGOW, MT 59230

Priority Date: DECEMBER 31, 1908

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: BUGGY CREEK

Source Type: SURFACE WATER

Source Name: UNNAMED TRIBUTARY OF BUGGY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr	Sec	Twp	Rge	County
1		E2NE	12	32N	38E	VALLEY

Source Name: BUGGY CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		E2NE	12	32N	38E	VALLEY
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Source Name: UNNAMED TRIBUTARY OF BUGGY CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3		NW	7	32N	39E	VALLEY
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Source Name: UNNAMED TRIBUTARY OF BUGGY CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

4		E2SW	7	32N	39E	VALLEY
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Source Name: UNNAMED TRIBUTARY OF BUGGY CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			E2NE	12	32N	38E	VALLEY
2			E2NE	12	32N	38E	VALLEY
3			NW	7	32N	39E	VALLEY
4			E2SW	7	32N	39E	VALLEY

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40O 30136625.

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40O INTERLOCUTORY DECREE ISSUED 01/11/2024.