

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

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

* * * * *

CLAIMANTS: Leonard H. Lambott; Pamela K. Lambott; City of Townsend; Bruce Properties LLC; Charles P. Hahn; Hahn Ranch; Bruce Rentals LLC; Delaney Farm and Ranch LLC ; Connie Harris

OBJECTORS: Frank W. McArthur Jr.; Leisa N. McArthur; City of Townsend; Leonard H. Lambott; Bruce Properties LLC; Hahn Ranch

COUNTEROBJECTORS: Delaney Farm and Ranch LLC; Charles P. Hahn

NOTICE OF INTENT TO APPEAR: Joseph P. Nelson

CASE 41I-0027-R-2023

41I 831-00
41I 24008-00
41I 30913-00
41I 89010-00
41I 89011-00
41I 89395-00
41I 89396-00
41I 89398-00
41I 100333-00

ORDER APPROVING STIPULATION AND CLOSING CASE

This case involves the resolution of issue remarks and objections on several claims for water rights from Deep Creek. Deep Creek is a tributary of the Missouri River that flows out of the Big Belt Mountains, south of Townsend in Broadwater County. The Water Court included these claims in the Preliminary Decree for Basin 41I, which includes the Missouri River and its tributaries between Holter Dam and the Missouri's headwaters at Three Forks. For the reasons stated in this Order, the Court approves a settlement between the parties which resolves all issue remarks and objections. As noted

in the Order, several claims previously consolidated in this case already have been resolved or have been reconsolidated into another case.

BACKGROUND

A. Procedural Background.

To address issue remarks on claims in the Preliminary Decree and various objections and counterobjections, the senior water master previously assigned to this case consolidated the following fifteen claims into this case:

41I 831-00	41I 24008-00	41I 89395-00
41I 4521-00	41I 28721-00	41I 89396-00
41I 10741-00	41I 30913-00	41I 89398-00
41I 24006-00	41I 89010-00	41I 100333-00
41I 24007-00	41I 89011-00	41I 214127-00

The claims are owned by various parties. The water master based the consolidation on overlapping claimants, objectors, and counterobjectors. The consolidation order put the case on a settlement track and set settlement deadlines.

Upon the unopposed motion of Joseph P. Nelson, the Court later reconsolidated claims 41I 30117630 and 41I 30117631 from case 41I-0048-R-2023 into this case on the basis that these two claims are split claims based on information in water right claims 41I 4521-00 and 41I 214127-00. (Doc. 19.00). The Court later removed these four claims from the case after receiving notice of withdrawal of objections. (Doc. 29.00).

In June 2025, this case was reassigned to a judge and put on a hearing track.

On July 3, 2025, counsel for claimant and counterobjector Delaney Farm and Ranch LLC (“Delaney”) filed notices with the Court that include two fully executed settlement agreements. The first filing (Doc. 32.00) includes a Stipulation and Settlement Agreement (“Stipulation 1”) by and between Delaney, claimant and objector Bruce Properties LLC (“Bruce”), claimant and counterobjector Charles P. Hahn (“Hahn”), and claimant and objector Hahn Ranch (“Hahn Ranch”).

The second filing (Doc. 33.00) includes a Stipulation and Settlement Agreement (“Stipulation 2”) by and between claimant and objector Leonard H. and Pamela K. Lambott (collectively “Lambott”), and Hahn Ranch.

On January 5, 2026, the Court removed claims 41I 24006-00, 41I 24007-00, 41I 28721-00, and 41I 10741-00 from this case and reconsolidated them into case 41I-0703-R-2026. The reconsolidation leaves the following nine claims still in this case:

41I 831-00	41I 89010-00	41I 89396-00
41I 24008-00	41I 89011-00	41I 89398-00
41I 30913-00	41I 89395-00	41I 100333-00

B. Description of Claims, Issue Remarks and Objections.

Other than claim 41I 89010-00, the Preliminary Decree abstracts describe each of the nine claims remaining in this case as decreed rights to use water from Deep Creek for irrigation use. Claim 41I 89010-00 is described as a use right for irrigation use. The owners, priority dates, and decreed flow rates for each claim are as follows:

Claim	Owner	Priority	Flow Rate
41I 831-00	Leonard and Pamela Lambott	April 1, 1870	374.21 gpm
41I 24008-00	Charles Hahn; Hahn Ranch	May 1, 1869	1.88 cfs
41I 30913-00	Leonard Lambott	April 1, 1870	1.50 cfs
41I 89010-00	Bruce Properties LLC; Bruce Rentals LLC	May 15, 1964	4.00 cfs
41I 89011-00	Bruce Properties LLC; Bruce Rentals LLC	August 1, 1866	3.75 cfs
41I 89395-00	Delaney Farm & Ranch LLC	March 1, 1903	2.50 cfs
41I 89396-00	Delaney Farm & Ranch LLC	April 8, 1903	2.50 cfs
41I 89398-00	Delaney Farm & Ranch LLC	May 2, 1891	7.50 cfs
41I 100333-00	Connie Harris; Hahn Ranch	July 17, 1918	224.10 gpm

The Preliminary Decree abstracts for three of these claims include the following issue remarks:

1. *Claim 41I 831-00:*¹

THE LOW FLOW RATE TO ACRES RATIO FOR THIS CLAIM, 2.3 GPM/ACRE, MAY INDICATE AN EXPANSION OF THE HISTORICAL RIGHT.

THE CLAIMED SPRINKLER IRRIGATION SYSTEM WAS INSTALLED AFTER JUNE 30, 1973, AND DOES NOT REFLECT THE RIGHT AS IT EXISTED PRIOR TO JULY 1, 1973.

2. *Claim 41I 30913-00:*

THE LOW FLOW RATE TO ACRES RATIO FOR THIS CLAIM, 3.40 GPM/ACRE, MAY INDICATE AN EXPANSION OF THE HISTORICAL RIGHT.

3. *Claim 41I 89010-00:*

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON DEEP CREEK WITH A PRIORITY DATE POSTDATING CASE NO 465, MEAGHER COUNTY. IF NO OBJECTIONS ARE FILED TO PRIORITY DATE OR TYPE OF HISTORICAL RIGHT, THESE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS REMARK WILL BE REMOVED.

Other than these three claims, none of the abstracts for the other claims include issue remarks.

C. Terms of Stipulations.

Under the terms of the two stipulations, the parties agreed to mutually withdraw all objections. The stipulations recognize that certain issue remarks remain to be resolved,

¹ The Court notes that this claim was partially severed in February 2023, with claim 41I 30159497 created as a so-called “child” claim. That claim now is owned by Double C Properties LLC (“Double C”). Because claim 41I 831-00 had issue remarks at the time of the sever, those issue remarks carried over to claim 41I 30159497. It does not appear that claim 41I 30159497 ever was included in this case, so the claim’s issue remarks are unresolved. The Court provides Double C with a courtesy copy of this Order to make it aware of the unresolved issue remarks.

but leaves it to the claim owners to resolve the issue remarks. The stipulations themselves do not call for any modifications to any of the claims.

D. Proposed Issue Remark Resolution.

On July 15, 2025, the Lambott claimants and objectors filed a Statement and Motion to Resolve Issue Remarks. (Doc. 34.00). The filing addresses the low flow rate remarks on claims 41I 831-00 and 41I 30913-00. The filing includes a discussion of the historical bases for these claims, both procedurally and substantively. The filing also includes various supporting evidentiary documents. None of the other parties objected to or oppose anything in the filing.²

DISCUSSION

A. Stipulation Approval.

Settlement stipulations are contracts setting the terms that parties agree to resolve objections. In determining whether to accept a settlement, the Court applies Rule 17, W.R.Adj.R. Under Rule 17(a); *see also*, § 85-2-233(5)(b), MCA. The Court may rely on the terms of a stipulation as long as they are “not contrary to law, court rule, or public policy.” *In re Marriage of Hill*, 265 Mont. 52, 58, 874 P.2d 705 (1994).

B. Issue Remark Resolution.

1. Low flow rate remarks (claims 41I 831-00 and 41I 30913-00).

The Preliminary Decree abstracts for claims 41I 831-00 and 41I 30913-00 both include remarks identifying a potential issue with the place of use in light of the ratio between the decreed flow rate and the decreed place of use acreage. For claim 41I 831-00 this ratio is 3.63 gallons per minute (“gpm”) per acre (374.21/103), and for claim 41I 30913-00 the ratio is 3.37 gpm per acre (673.2³/200). During claim examination, DNRC flagged these claims with low flow rate remarks in light of these ratios.

² On August 7, 2025, the Court issued an order setting an October 7, 2025 deadline for Hahn and Bruce to file evidence to resolve the issue remarks on their claims. (Doc. 39.00). When nothing was filed, the Court removed their claims from this case and reconsolidated them into case 41I-0703-R-2026. (Doc. 40.00).

³ As converted from 1.5 cfs using the standard 448.8 gpm per cfs equivalent.

The Lambott response addresses these remarks sufficiently. The response explains how the rights decreed by the district court have been allocated over time, support from the Water Resource Survey field notes, and the interrelationship of these claims with contract water supplied from the Broadwater Missouri State Water Project. Additionally, the Water Court previously adjudicated claim 41I 831-00 in case 41-336 following issuance of the Basin 41I Temporary Preliminary Decree. The Lambott explanation, together with the lack of any remaining objections, provides a sufficient basis to resolve the remarks without modifying the claims.

2. *Priority date remark (claim 41I 89010-00).*

Claim 41I 89010-00 received a P370 priority date remark because its May 15, 1964, priority date post-dates the 1891 district court decree for Deep Creek in Case 465 (Meagher County, May 2, 1891).

This remark does not necessarily call into question the validity of the priority date because district court decrees often did not include all water rights on a source, nor was there a clear mechanism for doing so. The Supreme Court has recognized the validity of non-decreed rights on a decreed source on several occasions. See, e.g., *State ex rel. McKnight v. Dist. Court*, 111 Mont. 520, 111 P.2d 292 (1941); *Tucker v. Jones*, 8 Mont. 225, 232, 19 P. 571, 574 (1888). The remark put parties with decreed rights from old district court cases on notice of a potential priority date issue. The remark on the claims in this case provided that notice and all objections have been withdrawn. The remark served its notice purpose and should be removed.

ORDER

Therefore, it is ORDERED that the settlement stipulations are APPROVED and all objections to the claims in this case are DISMISSED. The issue remarks on the claims have been addressed and resolved and are removed from the claims. Post decree abstracts are included with this Order to confirm the modifications have been made in the State's centralized water rights record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Connie Harris
PO Box 211
Townsend, MT 59644

Courtesy Copy
Double C Properties LLC
3535 MT Highway 284
Townsend, MT 59644-9624

Service via Electronic Mail:

Abigail R Brown,
Diana J Abbott
Parsons Behle & Latimer
ecf@parsonsbehle.com
dabbott@parsonsbehle.com
abbybrown@parsonsbehle.com
(atty *Delaney Farm & Lambotts*)

Breeann M Johnson
Kirsa A. Shelkey
Western Roots Law PLLC
johnson@westrootslaw.com
shelkey@westrootslaw.com
(atty *City of Townsend*)

John E. Bloomquist
Betsy R Story
Parsons Behle & Latimer
jbloomquist@parsonsbehle.com
bstory@parsonsbehle.com
ecf@parsonsbehle.com
(atty *Joseph Nelson*)

William P. Driscoll
Ryan P. McLane
Franz & Driscoll, PLLP
wpd@franzdriscoll.com
ryan@franzdriscoll.com
office@franzdriscoll.com
(atty *McArthurs*)

David L Weaver
NASH, ZIMMER & WEAVER
dweaver@daveweaverlaw.com
(atty *Bruce Properties, Charles Hahn & Hahn Ranch*)

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

Water Right Number: **41I 831-00 STATEMENT OF CLAIM**

Version: 7 -- POST DECREE

Status: SEVERED

Owners:
LEONARD H LAMBOTT
8715 US HIGHWAY 287
TOSTON, MT 59643-9603

PAMELA K LAMBOTT
8715 US HIGHWAY 287
TOSTON, MT 59643-9603

Priority Date: APRIL 1, 1870

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 374.21 GPM

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:** 103.00

Source Name: DEEP CREEK

Source Type: SURFACE WATER

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSWSE	3	6N	2E	BROADWATER

Period of Diversion: MAY 1 TO JULY 19

Diversion Means: HEADGATE

Ditch Name: HIGH WATER SPILL DITCH

THE BROADWATER-MISSOURI WATER USERS ASSOCIATION EAST SIDE CANAL IS USED AS A CARRIER TO CONVEY WATER DIVERTED FROM DEEP CREEK TO THE PLACE OF USE.

Period of Use: MAY 1 TO JULY 19

***Place of Use:**

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	103.00		SE	21	7N	2E	BROADWATER
Total:	103.00						

THIS WATER RIGHT HAS BEEN SEVERED FROM THE PLACE OF USE. CONTINUED USE OF THIS WATER RIGHT IN ACCORD WITH HISTORICAL PRACTICES IS ALLOWED. YOU MUST CONTACT DNRC AND OBTAIN A CHANGE AUTHORIZATION PRIOR TO CHANGING THE PLACE OF USE OF THIS WATER RIGHT.

Remarks:

SPLIT CLAIM NO. 41I 30159497 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

THIS WATER RIGHT IS SUPPLEMENTAL TO WATER DELIVERED UNDER CONTRACT TO THIS CLAIMANT BY THE BROADWATER MISSOURI CANAL.

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

Water Right Number: **41I 24008-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners:
CHARLES P HAHN
7996 US HWY 287
TOWNSEND, MT 59644-9732

HAHN RANCH
7996 US HIGHWAY 287
TOWNSEND, MT 59644-2107

Priority Date: MAY 1, 1869

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

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: 3 - MODERATE

Maximum Acres: 195.00

Source Name: DEEP 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		SESWNE	9	6N	2E	BROADWATER

Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: SECTION 9 DITCH

2		NENESE	9	6N	2E	BROADWATER
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Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: MILLER-POST-SCOFIELD-VERCILLIN DITCH

Period of Use: APRIL 1 TO NOVEMBER 1

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	11.00		W2SWNE	9	6N	2E	BROADWATER
2	36.00		SENW	9	6N	2E	BROADWATER
3	7.00		W2SESE	9	6N	2E	BROADWATER
4	80.00		W2SE	9	6N	2E	BROADWATER

5 61.00
Total: 195.00

W2SW 9 6N 2E BROADWATER

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

Water Right Number: **41I 30913-00 STATEMENT OF CLAIM**

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: LEONARD H LAMBOTT
8715 US HIGHWAY 287
TOSTON, MT 59643-9603

Priority Date: APRIL 1, 1870

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 1.50 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: 200.00

Source Name: DEEP CREEK

Source Type: SURFACE WATER

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSWSE	3	6N	2E	BROADWATER

Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: HIGH WATER SPILL DITCH

THE BROADWATER-MISSOURI WATER USERS ASSOCIATION EAST SIDE CANAL IS USED TO CONVEY WATER DIVERTED FROM DEEP CREEK TO A SECONDARY POINT OF DIVERSION IN THE SENENW SEC 22 TWP 07N RGE 02E, BROADWATER COUNTY.

Period of Use: APRIL 1 TO NOVEMBER 1

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	115.00		NE	21	7N	2E	BROADWATER
2	85.00		NW	21	7N	2E	BROADWATER
Total:	200.00						

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

Water Right Number: **41I 89010-00** STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners:
BRUCE PROPERTIES LLC
91 LOWER DEEP CREEK RD
TOWNSEND, MT 59644-9772

BRUCE RENTALS LLC
13436 TUSCALEE WAY
DRAPER, UT 84020-8868

Priority Date: MAY 15, 1964

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 4.00 CFS

THE FLOW RATE IS LIMITED TO AVAILABLE CAPACITY IN THE HIGH WATER SPILL DITCH.

***Volume:** 450.00 AC-FT

THE WATER COURT HAS DETERMINED THAT A VOLUME QUANTIFICATION IS REQUIRED TO ADEQUATELY ADMINISTER THIS RIGHT.

Climatic Area: 3 - MODERATE

Maximum Acres: 624.00

Source Name: DEEP 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		SWSWSE	3	6N	2E	BROADWATER

Period of Diversion: APRIL 15 TO AUGUST 1

Diversion Means: HEADGATE

Ditch Name: HIGH WATER SPILL DITCH

THE BROADWATER-MISSOURI WATER USERS ASSOCIATION EAST SIDE CANAL IS USED TO CONVEY WATER DIVERTED FROM DEEP CREEK TO THE PLACE OF USE.

Period of Use: APRIL 15 TO AUGUST 1

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	131.00		NE	4	6N	2E	BROADWATER
2	80.00		S2NW	4	6N	2E	BROADWATER
3	126.00		SE	4	6N	2E	BROADWATER
4	160.00		SW	4	6N	2E	BROADWATER
5	57.00		N2NE	9	6N	2E	BROADWATER

6	70.00	N2NW	9	6N	2E	BROADWATER
Total:	<hr/>	624.00				

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.

89010-00 89011-00 210914-00

ADMINISTRATION OF THIS RIGHT IS SUBJECT TO AN AGREEMENT ON FILE WITH THE MONTANA WATER COURT. SEE CASE WC 2016-06.

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

Water Right Number: **41I 89011-00 STATEMENT OF CLAIM**

Version: 4 -- POST DECREE

Status: ACTIVE

Owners:
BRUCE PROPERTIES LLC
91 LOWER DEEP CREEK RD
TOWNSEND, MT 59644-9772

BRUCE RENTALS LLC
13436 TUSCALEE WAY
DRAPER, UT 84020-8868

Priority Date: AUGUST 1, 1866

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 3.75 CFS

***Volume:** 750.00 AC-FT

THE WATER COURT HAS DETERMINED THAT A VOLUME QUANTIFICATION IS REQUIRED TO ADEQUATELY ADMINISTER THIS RIGHT.

Climatic Area: 3 - MODERATE

***Maximum Acres:** 368.00

Source Name: DEEP CREEK

Source Type: SURFACE WATER

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

ID	Govt Lot	Otr Sec	Sec	Twp	Rge	County	
1		SWSWSE		3	6N	2E	BROADWATER

Period of Diversion: APRIL 15 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: HIGH WATER SPILL DITCH

THE BROADWATER-MISSOURI WATER USERS ASSOCIATION EAST SIDE CANAL IS USED TO CONVEY WATER DIVERTED FROM DEEP CREEK TO THE PLACE OF USE.

Period of Use: APRIL 15 TO NOVEMBER 1

***Place of Use:**

ID	Acres	Govt Lot	Otr Sec	Sec	Twp	Rge	County
1	70.00		N2NW	9	6N	2E	BROADWATER
2	50.00		N2NE	9	6N	2E	BROADWATER
3	55.00		SE	4	6N	2E	BROADWATER
4	68.00		NE	4	6N	2E	BROADWATER
5	125.00		SW	4	6N	2E	BROADWATER
Total:	368.00						

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.

89010-00 89011-00 210914-00

ADMINISTRATION OF THIS RIGHT IS SUBJECT TO AN AGREEMENT ON FILE WITH THE MONTANA WATER COURT. SEE CASE WC 2016-06.

THIS CLAIM IS CURRENTLY ADMINISTERED AS A PART OF A HISTORICAL EXCHANGE PRACTICE WITH THE BROADWATER-MISSOURI CANAL.

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

Water Right Number: **41I 89395-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DELANEY FARM & RANCH LLC
300 DESCHUTES WAY SW
STE 208MC-CSC1
TUMWATER, WA 98501-7719

Priority Date: MARCH 1, 1903

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

***Flow Rate:** 2.50 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: 672.00

Source Name: DEEP CREEK

Source Type: SURFACE WATER

CONTRACT WATER FROM THE BROADWATER-MISSOURI CANAL IS USED TO SUPPLEMENT THIS RIGHT.

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSWSE	3	6N	2E	BROADWATER

Period of Diversion: APRIL 15 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: HIGH WATER SPILL

Period of Use: APRIL 15 TO NOVEMBER 1

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	71.00		NW	2	6N	2E	BROADWATER
2	270.00			3	6N	2E	BROADWATER
3	173.00			34	7N	2E	BROADWATER
4	158.00		W2	35	7N	2E	BROADWATER
Total:	672.00						

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.

89395-00

89396-00

89398-00

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

Water Right Number: **41I 89396-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DELANEY FARM & RANCH LLC
300 DESCHUTES WAY SW
STE 208MC-CSC1
TUMWATER, WA 98501-7719

Priority Date: APRIL 8, 1903

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 2.50 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: 672.00

Source Name: DEEP CREEK

Source Type: SURFACE WATER

CONTRACT WATER FROM THE BROADWATER-MISSOURI CANAL IS USED TO SUPPLEMENT THIS RIGHT.

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSWSE	3	6N	2E	BROADWATER

Period of Diversion: APRIL 15 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: HIGH WATER SPILL

Period of Use: APRIL 15 TO NOVEMBER 1

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	71.00		NW	2	6N	2E	BROADWATER
2	270.00			3	6N	2E	BROADWATER
3	173.00			34	7N	2E	BROADWATER
4	158.00		W2	35	7N	2E	BROADWATER
Total:	672.00						

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.

89395-00

89396-00

89398-00

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

Water Right Number: **41I 89398-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DELANEY FARM & RANCH LLC
300 DESCHUTES WAY SW
STE 208MC-CSC1
TUMWATER, WA 98501-7719

Priority Date: MAY 2, 1891

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 7.50 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: 672.00

Source Name: DEEP CREEK

Source Type: SURFACE WATER

CONTRACT WATER FROM THE BROADWATER-MISSOURI CANAL IS USED TO SUPPLEMENT THIS RIGHT.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Otr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWSE	3	6N	2E	BROADWATER

Period of Diversion: APRIL 15 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: HIGH WATER SPILL

Period of Use: APRIL 15 TO NOVEMBER 1

THIS RIGHT IS LIMITED TO HIGH OR FLOOD WATERS OF DEEP CREEK.

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Otr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	71.00		NW	2	6N	2E	BROADWATER
2	270.00			3	6N	2E	BROADWATER
3	173.00			34	7N	2E	BROADWATER
4	158.00		W2	35	7N	2E	BROADWATER
Total:	672.00						

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.

89395-00

89396-00

89398-00

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

Water Right Number: **41I 100333-00 STATEMENT OF CLAIM**

Version: 4 -- POST DECREE

Status: ACTIVE

Owners:
CONNIE HARRIS
PO BOX 211
TOWNSEND, MT 59644-0211

HAHN RANCH
7996 US HIGHWAY 287
TOWNSEND, MT 59644-2107

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT
MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

Priority Date: JULY 17, 1918

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 224.40 GPM

***Volume:** 100.00 AC-FT

THE WATER COURT HAS DETERMINED THAT A VOLUME QUANTIFICATION IS
REQUIRED TO ADEQUATELY ADMINISTER THIS RIGHT.

Climatic Area: 3 - MODERATE

Maximum Acres: 27.00

Source Name: DEEP CREEK

Source Type: SURFACE WATER

CONTRACT WATER FROM THE BROADWATER-MISSOURI CANAL IS USED TO
SUPPLEMENT THIS RIGHT.

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

ID	Govt Lot	Otr Sec	Sec	Twp	Rge	County
1		SWSWSE	3	6N	2E	BROADWATER

Period of Diversion: APRIL 15 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: HIGH WATER SPILL DITCH

THE BROADWATER-MISSOURI WATER USERS ASSOCIATION CANAL IS USED TO
CONVEY WATER FROM DEEP CREEK TO THE PLACE OF USE.

Period of Use: APRIL 15 TO NOVEMBER 1

Place of Use:

ID	Acres	Govt Lot	Otr Sec	Sec	Twp	Rge	County
1	12.00		E2SWNW	34	7N	2E	BROADWATER
2	10.00		E2NWSW	34	7N	2E	BROADWATER

3	5.00	E2SWSW	34	7N	2E	BROADWATER
Total:	<hr/>					
	27.00					

Remarks:

ADMINISTRATION OF THIS RIGHT IS SUBJECT TO AN AGREEMENT ON FILE WITH THE MONTANA WATER COURT. SEE CASE WC2016-06.