

Montana Water Court
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FILED
07/02/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41S-0046-R-2024
Stern, Anika
25.00

MONTANA WATER COURT
LOWER MISSOURI DIVISION
JUDITH RIVER
BASIN (41S)
PRELIMINARY DECREE

CLAIMANT: J & L River Ranch LLC

OBJECTORS: J & L River Ranch LLC; United States of
America (Bureau of Land Management)

CASE 41S-0046-R-2024

41S 135559-00
41S 138205-00
41S 138206-00
41S 154048-00

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

FINDINGS OF FACT

1. J & L River Ranch, LLC ("J & L") is the record owner of claims 41S 135559-00, 41S 138205-00, 41S 138206-00, and 41S 154048-00.
2. Claim 41S 154048-00 was decreed with Montana Department of Natural Resources and Conservation ("DNRC") issue remarks:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.
- THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30027-278-32 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

3. J & L and the United States of America (Bureau of Land Management) objected to claims 41S 135559-00, 41S 138205-00, 41S 138206-00, and 41S 154048-00.

4. On July 21, 2025, J & L and the BLM filed a Stipulation for the purpose of resolving the Objections to claims 41S 135559-00, 41S 138205-00, and 41S 138206-00. (Doc.¹ 14.00). Pursuant to the Stipulation, the point of diversion and place of use for claim 41S 135559-00 should be:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		<u>E2</u>	32	20N	17E	FERGUS
<u>2</u>	<u>2</u>	<u>S2SESW</u>	<u>32</u>	<u>20N</u>	<u>17E</u>	<u>FERGUS</u>
<u>3</u>		<u>NW</u>	33	20N	17E	FERGUS
<u>4</u>		<u>W2W2</u>	28	20N	17E	FERGUS
<u>5</u>		<u>E2</u>	29	20N	17E	FERGUS
<u>6</u>		<u>SE</u>	20	20N	17E	FERGUS
<u>7</u>		<u>S2NE</u>	<u>20</u>	<u>20N</u>	<u>17E</u>	<u>FERGUS</u>
<u>8</u>		<u>E2NW</u>	<u>20</u>	<u>20N</u>	<u>17E</u>	<u>FERGUS</u>

All means of diversion should be “livestock direct from source,” and the periods of diversion and period of use should be “January 1 to December 31.” Additionally, the following information remark should be added to claim 41S 135559-00:

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. GOVERNMENT LOTS 3 AND 4, SWNW, AND NWSW SEC 3, GOVERNMENT LOTS 1, 2, 3, 4, S2N2, S2 SEC 4, GOVERNMENT LOTS 1, SENE, E2SWNE, NESE, N2SESE SEC 5, ALL IN TWP 19N RGE 17E FERGUS CO; SW, S2SE SEC 21, W2SW SEC 27, SENE, W2E2, NENW, SWNW, SW, E2SE SEC 28, SWNE, SE SEC 29, NE SEC 32, GOVERNMENT LOTS 1, 2, 3, 4, NESW, N2SE, N2 SEC 33, GOVERNMENT LOTS 1, 2, N2SW, NW SEC 34, ALL IN TWP 20N RGE 17E FERGUS CO.

Pursuant to the Stipulation, the following information remark should be added to claim 41S 138205-00:

FEDERAL PUBLIC LANDS. THE WATER RIGHT USED ON THE PUBLIC LANDS IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS. E2 AND SESW SEC 12 AND GOVERNMENT LOTS 1, 2, 3 IN SEC 13 ALL IN TWP 20N RGE 16E FERGUS CO; S2SW,

¹ “Doc.” numerical references correlate to case file docket numbers in the Water Court’s Full Court case management system.

SWSE, PT SESE (34.2 ACRES) SEC 4, GOVERNMENT LOT 12, N2SW, SWSW, SE SEC 5, SESW AND S2SE SEC 6, ALL SEC 7, E2, NWSW, SESW, NWNW SEC 8, ALL SEC 9, NW SEC 10, NWNW, S2NW, N2SW SEC 17, AND E2, E2W2, GOVERNMENT LOTS 1, 2, 4 SEC 18, ALL IN TWP 20N RGE 17E FERGUS CO.

Pursuant to the Stipulation, the point of diversion and place of use for claim 41S 138206-00 should be:

<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			<u>SW</u>	<u>W2</u>	5	20N	17E FERGUS
<u>2</u>		<u>11</u>		<u>5</u>	<u>20N</u>	<u>17E</u>	<u>FERGUS</u>
<u>3</u>		<u>12</u>		<u>5</u>	<u>20N</u>	<u>17E</u>	<u>FERGUS</u>
<u>4</u>			SE	7	20N	17E	FERGUS
<u>5</u>			W2	8	20N	17E	FERGUS
<u>6</u>				17	20N	17E	FERGUS
<u>7</u>			E2	18	20N	17E	FERGUS

All means of diversion should be “livestock direct from source,” and the periods of diversion and period of use should be “January 1 to December 31.” Additionally, the following information remark should be added to claim 41S 138206-00:

FEDERAL PUBLIC LANDS. THE WATER RIGHT USED ON THE PUBLIC LANDS IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS. E2 AND SESW SEC 12 AND GOVERNMENT LOTS 1, 2, 3 IN SEC 13 ALL IN TWP 20N RGE 16E FERGUS CO; S2SW, SWSE, PT SESE (34.2 ACRES) SEC 4, GOVERNMENT LOT 12, N2SW, SWSW, SE SEC 5, SESW AND S2SE SEC 6, ALL SEC 7, E2, NWSW, SESW, NWNW SEC 8, ALL SEC 9, NW SEC 10, NWNW, S2NW, N2SW SEC 17, AND E2, E2W2, GOVERNMENT LOTS 1, 2, 4 SEC 18, ALL IN TWP 20N RGE 17E FERGUS CO.

5. An Order Reassigning Case, Order Setting Filing Deadline, and Order Setting Deadlines Pursuant to Section 85-2-248(5), MCA was issued on March 9, 2026. (Doc. 18.00). The Order set a deadline for the parties to file maps showing the modified points of diversion and places of use proposed in the Stipulation and ordered J & L to meet with a DNRC employee to address unresolved issue remarks decreed on 41S 154048-00.

6. On May 7, 2026, J & L filed maps showing the modified points of diversion and places of use for Claim Nos. 41S 135559-00 and 41S 138206-00 as proposed in the July 21, 2025 Stipulation. (Doc. 20.00).

7. DNRC Water Resource Specialist Brandon Ahlgren filed a Memorandum on May 8, 2026. (Doc. 22.00). Mr. Ahlgren indicated he reviewed the Fergus County Water Resources Survey and an aerial photograph to prepare the Memorandum. Mr.

Ahlgren reported he was contacted by Betsy Story on behalf of J & L to discuss claim 41S 154048-00.

8. Claim 41S 154048-00 was claimed for 15.00 acres and was reduced to 10.00 during “verification.” Mr. Ahlgren examined the 15.00 acres originally claimed. Using the available resources, Mr. Ahlgren was unable to confirm any historical irrigation at the claimed place of use, and Mr. Ahlgren recommended claim 41S 154048-00 be dismissed.

9. An Order was issued to determine if J & L agreed or disagreed with Mr. Ahlgren’s recommendation to dismiss claim 41S 154058-00. (Doc. 23.00). The Order indicated that if nothing were filed by the deadline, this Water Mater would conclude that Claimant J & L agreed that claim 41S 54048-00 should be dismissed. The following language was included in the Order:

Failure to comply with the terms of this Order may result in sanctions, up to and including entry of default and termination of a water right claim or dismissal of objections. Rule 22, W.R.Adj.R.

Nothing was filed.

10. A deadline was also set to determine if the proposed dismissal of claim 41S 154058-00 would resolve the Objections to claim 41S 154058-00. The Order indicated that if nothing were filed by the deadline, it would be determined that the dismissal of claim 41S 154048-00 resolves the Objections.

On June 26, 2026, the BLM filed its Response to Court Order, indicating that the dismissal of claim 41S 154058-00 will resolve its Objection. (Doc. 24.00).

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court must address all issue remarks decreed on a claim. Mont. Code Ann. § 85-2-248 (2025). The dismissal of claim 41S 154058-00 resolves the issue remarks decreed on the claim.

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. § 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard

of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R.; *Nelson v. Brooks*, 2014 MT 120, ¶ 34, 375 Mont. 86, 329 P.3d 558.

3. Pursuant to Rule 22, W.R.Adj.R., if a claimant, objector, or intervenor fails to appear at a scheduled conference or hearing or fails to comply with an order issued by the Water Court, the Water Court may issue such orders of sanction with regard thereto as are just.

RECOMMENDATIONS

1. Claims 41S 135559-00, 41S 138205-00, and 41S 138206-00 should be modified as follows:

- **Claim 41S 135559-00:**

Place of use and point 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		<u>E2</u>	32	20N	17E	FERGUS
<u>2</u>	<u>2</u>	<u>S2SESW</u>	<u>32</u>	<u>20N</u>	<u>17E</u>	<u>FERGUS</u>
<u>3</u>		<u>NW</u>	33	20N	17E	FERGUS
<u>4</u>		<u>W2W2</u>	28	20N	17E	FERGUS
<u>5</u>		<u>E2</u>	29	20N	17E	FERGUS
<u>6</u>		<u>SE</u>	20	20N	17E	FERGUS
<u>7</u>		<u>S2NE</u>	<u>20</u>	<u>20N</u>	<u>17E</u>	<u>FERGUS</u>
<u>8</u>		<u>E2NW</u>	<u>20</u>	<u>20N</u>	<u>17E</u>	<u>FERGUS</u>

All Periods of Diversion should be:

JANUARY 1 TO DECEMBER 31

All means of diversion should be:

LIVESTOCK DIRECT FROM SOURCE

The following information remark should be added:

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. GOVERNMENT LOTS 3 AND 4, SWNW, AND NWSW SEC 3, GOVERNMENT LOTS 1, 2, 3, 4, S2N2, S2 SEC 4, GOVERNMENT LOTS 1, SENE, E2SWNE, NESE, N2SESE SEC 5, ALL IN TWP 19N RGE 17E FERGUS CO; SW, S2SE SEC 21, W2SW SEC 27, SENE, W2E2, NENW, SWNW, SW, E2SE SEC 28, SWNE, SE SEC 29, NE SEC 32, GOVERNMENT LOTS 1, 2, 3, 4, NESW, N2SE, N2 SEC 33, GOVERNMENT LOTS 1, 2, N2SW, NW SEC 34, ALL IN TWP 20N RGE 17E FERGUS CO.

- **Claim 41S 138205-00:**

The following information remark should be added:

FEDERAL PUBLIC LANDS. THE WATER RIGHT USED ON THE PUBLIC LANDS IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS. E2 AND SESW SEC 12 AND GOVERNMENT LOTS 1, 2, 3 IN SEC 13 ALL IN TWP 20N RGE 16E FERGUS CO; S2SW, SWSE, PT SESE (34.2 ACRES) SEC 4, GOVERNMENT LOT 12, N2SW, SWSW, SE SEC 5, SESW AND S2SE SEC 6, ALL SEC 7, E2, NWSW, SESW, NWNW SEC 8, ALL SEC 9, NW SEC 10, NWNW, S2NW, N2SW SEC 17, AND E2, E2W2, GOVERNMENT LOTS 1, 2, 4 SEC 18, ALL IN TWP 20N RGE 17E FERGUS CO.

- **Claim 41S 138206-00:**

Place of use and point of diversion:

<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			<u>SW</u>	W2	5	20N	17E FERGUS
<u>2</u>		<u>11</u>			<u>5</u>	<u>20N</u>	<u>17E FERGUS</u>
<u>3</u>		<u>12</u>			<u>5</u>	<u>20N</u>	<u>17E FERGUS</u>
<u>4</u>			SE	7	20N	17E	FERGUS
<u>5</u>			W2	8	20N	17E	FERGUS
<u>6</u>				17	20N	17E	FERGUS
<u>7</u>			E2	18	20N	17E	FERGUS

All Periods of Diversion should be:

JANUARY 1 TO DECEMBER 31

All means of diversion should be:

LIVESTOCK DIRECT FROM SOURCE

The following information remark should be added:

FEDERAL PUBLIC LANDS. THE WATER RIGHT USED ON THE PUBLIC LANDS IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS. E2 AND SESW SEC 12 AND GOVERNMENT LOTS 1, 2, 3 IN SEC 13 ALL IN TWP 20N RGE 16E FERGUS CO; S2SW, SWSE, PT SESE (34.2 ACRES) SEC 4, GOVERNMENT LOT 12, N2SW, SWSW, SE SEC 5, SESW AND S2SE SEC 6, ALL SEC 7, E2, NWSW, SESW, NWNW SEC 8, ALL SEC 9, NW SEC 10, NWNW, S2NW, N2SW SEC 17, AND E2, E2W2, GOVERNMENT LOTS 1, 2, 4 SEC 18, ALL IN TWP 20N RGE 17E FERGUS CO.

2. Claim 41S 154048-00 should be dismissed.
3. The Objections to claim 41S 154058-00 should be dismissed.
4. The issue remarks should be removed from claims 41S 135559-00, 41S 138205-00, and 41S 138206-00.

Abstracts are attached for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via Electronic Mail:

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 135559-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J & L RIVER RANCH LLC
3200 E HAYTHORNE AVE
TERRE HAUTE, IN 47805-2108

Priority Date: AUGUST 27, 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 STOCK WATERING 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: JUDITH RIVER

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		E2	32	20N	17E	FERGUS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
2	2	S2SESW	32	20N	17E	FERGUS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
3		NW	33	20N	17E	FERGUS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
4		W2W2	28	20N	17E	FERGUS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
5		E2	29	20N	17E	FERGUS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
6		SE	20	20N	17E	FERGUS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						

7

S2NE2020N17E

FERGUS

Period of Diversion:

JANUARY 1 TO DECEMBER 31

Diversion Means:

LIVESTOCK DIRECT FROM SOURCE

8

E2NW2020N17E

FERGUS

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			E2	32	20N	17E	FERGUS
2		2	S2SESW	32	20N	17E	FERGUS
3			NW	33	20N	17E	FERGUS
4			W2W2	28	20N	17E	FERGUS
5			E2	29	20N	17E	FERGUS
6			SE	20	20N	17E	FERGUS
7			S2NE	20	20N	17E	FERGUS
8			E2NW	20	20N	17E	FERGUS

Remarks:

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. GOVERNMENT LOTS 3 AND 4, SWNW, AND NWSW SEC 3, GOVERNMENT LOTS 1, 2, 3, 4, S2N2, S2 SEC 4, GOVERNMENT LOTS 1, SENE, E2SWNE, NESE, N2SESE SEC 5, ALL IN TWP 19N RGE 17E FERGUS CO; SW, S2SE SEC 21, W2SW SEC 27, SENE, W2E2, NENW, SWNW, SW, E2SE SEC 28, SWNE, SE SEC 29, NE SEC 32, GOVERNMENT LOTS 1, 2, 3, 4, NESW, N2SE, N2 SEC 33, GOVERNMENT LOTS 1, 2, N2SW, NW SEC 34, ALL IN TWP 20N RGE 17E FERGUS CO.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 138205-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J & L RIVER RANCH LLC
3200 E HAYTHORNE AVE
TERRE HAUTE, IN 47805-2108

Priority Date: JUNE 19, 1899

Type of Historical Right: FILED

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 STOCK WATERING 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: SALT 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		S2	5	20N	17E	FERGUS

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</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2	5	20N	17E	FERGUS

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.

138205-00 154048-00

ALL OR 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. E2 AND SESW SEC 12 AND GOVERNMENT LOTS 1, 2, 3 IN SEC 13 ALL IN TWP 20N RGE 16E FERGUS CO; S2SW, SWSE, PT SESE (34.2 ACRES) SEC 4, GOVERNMENT LOT 12, N2SW, SWSW, SE SEC 5, SESW AND S2SE SEC 6, ALL SEC 7, E2, NWSW, SESW, NWNW SEC 8, ALL SEC 9, NW SEC 10, NWNW, S2NW, N2SW SEC 17, AND E2, E2W2, GOVERNMENT LOTS 1, 2, 4 SEC 18, ALL IN TWP 20N RGE 17E FERGUS CO.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 138206-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J & L RIVER RANCH LLC
3200 E HAYTHORNE AVE
TERRE HAUTE, IN 47805-2108

Priority Date: JULY 1, 1900

Type of Historical Right: FILED

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 STOCK WATERING 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: JUDITH RIVER

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		SW	5	20N	17E	FERGUS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
2	11		5	20N	17E	FERGUS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
3	12		5	20N	17E	FERGUS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
4		SE	7	20N	17E	FERGUS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
5		W2	8	20N	17E	FERGUS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
6			17	20N	17E	FERGUS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						

7

E21820N17E

FERGUS

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			SW	5	20N	17E	FERGUS
2		11		5	20N	17E	FERGUS
3		12		5	20N	17E	FERGUS
4			SE	7	20N	17E	FERGUS
5			W2	8	20N	17E	FERGUS
6				17	20N	17E	FERGUS
7			E2	18	20N	17E	FERGUS

Remarks:

ALL OR 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. E2 AND SESW SEC 12 AND GOVERNMENT LOTS 1, 2, 3 IN SEC 13 ALL IN TWP 20N RGE 16E FERGUS CO; S2SW, SWSE, PT SESE (34.2 ACRES) SEC 4, GOVERNMENT LOT 12, N2SW, SWSW, SE SEC 5, SESW AND S2SE SEC 6, ALL SEC 7, E2, NWSW, SESW, NWNW SEC 8, ALL SEC 9, NW SEC 10, NWNW, S2NW, N2SW SEC 17, AND E2, E2W2, GOVERNMENT LOTS 1, 2, 4 SEC 18, ALL IN TWP 20N RGE 17E FERGUS CO.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S

Water Right Number: 41S 154048-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: DISMISSED

Owners: J & L RIVER RANCH LLC
3200 E HAYTHORNE AVE
TERRE HAUTE, IN 47805-2108

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: SALT CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.