

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

CLAIMANT: Devonna G. Owens Family Trust

OBJECTOR: Devonna G. Owens Family Trust

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

CASE 41F-0097-R-2024

- 41F 32963-00
- 41F 32964-00
- 41F 32965-00
- 41F 32966-00
- 41F 32967-00
- 41F 32969-00
- 41F 33053-00
- 41F 33054-00
- 41F 33055-00
- 41F 33056-00
- 41F 33057-00
- 41F 35214-00
- 41F 30122456

NOTICE OF FILING OF MASTER’S REPORT

This Master’s Report was filed with the Montana Water Court on the above-stamped date. Please review this report carefully.

You have **13 days** from the service date of the notice of filing of this report to file a written objection or request an extension of the objection period. Rule 23, Water Right Adjudication Rules; Rule 6, Montana Rules of Civil Procedure. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master’s Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree

with the content of this Master's Report.

MASTER'S REPORT

Statement of the case

The above captioned claims are before the court due to a combination of self-objections from the Devonna G. Owens Family Trust ("Owens"); notices of intent to appear filed by the United States, DOI Bureau of Reclamation ("BOR"); and issue remarks placed on the claims during claims examination by the Department of Natural Resources and Conservation ("DNRC").

All elements of the above captioned claims modified by this report appeared on the Basin 41F Preliminary Decree objection list.

On March 17, 2026, the Devonna G. Owens Family Trust filed a Motion to Amend ("Motion") the above captioned claims. The BOR did not oppose the Motion.

Issues

1. Are the self-objections and concerns of the notice of intent to appear party resolved?
2. Are the issue remarks resolved?

Findings of fact

Irrigation claims 41F 32963-00, 41F 32964-00, 41F 32965-00, 41F 32966-00, 41F 32967-00, 41F 32969-00, 41F 33054-00, and 41F 35214-00

1. Irrigation claims 41F 32963-00, 41F 32964-00, 41F 32965-00, 41F 32966-00, 41F 32967-00, 41F 32969-00, 41F 33054-00, and 41F 35214-00 are decreed water rights from North Meadow Creek. The eight statements of claim were all filed by the same claimant, Lynn Owens.

2. The Devonna G. Owens Trust proposes that this group of irrigation claims was historically marshaled and should therefore reflect the same 557.00-acre place of use and the same 6 headgate points of diversion.

3. Owens provides the Affidavit of Brett L. Owens, Trustee Devonna G. Owens Family Trust, in support of the marshaling of these claims as a historical practice.

(Exhibit 1, ¶¶ 1, 3, 5, 9) Brett L. Owens attests that:

- he is 62 years old
- he “grew up working on the ranch with the rest of my family”
- his grandparents moved to the ranch in the late 1940s
- his mother’s trust now owns the ranch
- Owens has “personal knowledge of how the property has been irrigated for the past 50 years and a general knowledge of how it was irrigated prior to that time”
- the eight decreed water rights from North Meadow Creek were used “whenever and wherever they were most needed across our entire property without differentiating between specific water rights, ditches, or designated places of use. When water is short, we concentrate our early priority rights on the fields with the most important crops.”

4. Owens’ Motion explains that the eight decreed irrigation claims irrigated about 860.00 acres based upon a review of the maps in the claim files and the Preliminary Decree abstracts reflect irrigation on about 850.00 acres. (*See* Motion pp. 2-3.) Owens proposes a reduced 557.00-acre place of use for the marshaled claims.

5. The six headgate points of diversion proposed by Owens are identified by combinations of the prima facie statements of claim except for the headgate located in the SWNENE of Section 30, Township 4 South, Range 1 West, Madison County. However, the court recently found the headgate and point of diversion in the SWNENE of Section 30, Township 4 South, Range 1 West, Madison County to be historically accurate. *See ST Bar LLC v. Owens*, 2025 Mont. Water LEXIS 395 at ** 8-9, 12 (Oct. 16, 2025), adopted Nov. 6, 2025.¹

¹ The ditch name proposed by Brett Owens and Rita R. Owens for the point of diversion in the SWNENE of Section 30, Township 4 South, Range 1 West, Madison County was Lower Shellhammer Ditch. For standardization purposes, the court added the same ditch name to the same point of diversion for the marshaled group of claims.

6. A 1976 aerial photo depicts the 557.00-acre place of use and six headgate points of diversion. (Exhibit 5)

7. Owens' evidence supports the marshaling of these claims as a historical practice.

8. The supplemental rights information remark for the marshaled claims should be updated and the supplemental rights information remark should be removed from the Bonnie Hamilton Family Trust's claim 41F 32968-00 as it is no longer supplemental to the marshaled claims.² (Exhibit 1, ¶ 14 and Exhibits 2-4.)

9. The eight decreed irrigation claims except claims 41F 32964-00, 41F 32965-00, and 41F 32969-00 identify a May 1 to October 31 period of use and period of diversion. Owens proposed the May 1 to July 31 period of use and period of diversion identified by claims 41F 32964-00, 41F 32965-00, and 41F 32969-00 should match the other 5 decreed irrigation claims. This increase is supported by the Owens Affidavit. Mr. Owens attests that all eight decreed irrigation claims were used "whenever possible from May 1 to October 31." (Exhibit 1, ¶ 10)

10. The eight decreed claims except claim 41F 35214-00 identify the irrigation type as "flood" only. Owens proposes adding "sprinkler" to the type of irrigation. Owens' Affidavit supports the additional type of irrigation. (Exhibit 1, ¶ 13) Mr. Owens attests the family, throughout its ownership, "improved efficiency by shifting some of our irrigation from ditches and flood irrigation to pipelines and pivots."

11. Each of the eight decreed irrigation claims received at least one issue remark except claim 41F 35214-00. The issue remarks were all notice issue remarks, except issue remarks on 41F 32969-00 concerning ditch name and a late filed objection to the claim. The notice issue remarks served their purpose. The only objections filed to the claims are resolved by these proceedings.

Owens' self-objection to and resolution of the points of diversion for the marshaled claims resolves the substantive ditch name issue remark on claim 41F 32969-

² The updated abstract for claim 41F 32968-00 is included with this Master's Report for the administrative purposes of removing the supplemental claim information remark from claim 41F 32968-00.

00.

On August 16, 1991, Lynn Owens filed a late objection to claim 41F 32969-00. On January 16, 2025, the court held a status conference. The order setting the status conference stated Lynn Owens' failure to appear would indicate Lynn Owens' non-participation in these proceedings and result in Lynn Owens' dismissal from this case. Lynn Owens did not appear and was dismissed from these proceedings. The court provided the remaining parties an opportunity to assume Lynn Owens' late objection. No other party assumed Lynn Owens' late objection. The dismissal of Lynn Owens and the dismissal of Lynn Owens' objection resolves the late objection issue remark appearing on claim 41F 32969-00.

Stock claims 41F 33055-00 and 41F 33057-00

12. The proposed modifications to stock claims 41F 33055-00 and 41F 33057-00 are supported by the analysis applied by case proceedings for stock claims 41F 32970-00 and 41F 32971-00, where the court found the places of use and points of diversion proposed by Owens in this case to be historically accurate. *See In re Claimants Bonnie Hamilton Fam. Tr.*, 2025 Mont. Water LEXIS 453 at ** 5-7, (Nov. 17, 2025), adopted Dec. 23, 2025. Owens similarly attests in the present case proceedings that “In addition to using North Meadow Creek water for irrigation, we water our livestock from North Meadow Creek and its tributaries wherever those sources flow through our property and from the ditches that convey our irrigation water.” (Exhibit 1, ¶ 11)

A 1976 aerial photo depicts the place of use and points of diversion. (Exhibit 17)

Irrigation claim 41F 33053-00 and stock claim 41F 33056-00

13. Irrigation claim 41F 33053-00 and stock claim 41F 33056-00 are multiple uses of the same water right. A multiple use occurs when a single water right is used for multiple purposes. A source name information remark, “Also known as Schabarker Draws” appears on irrigation claim 41F 33053-00 only. Owens proposes removing the also known as information remark and replacing it with an explanatory information remark about Schabarker Draws on both claims. The Owens Affidavit supports the addition of the explanatory information remark. (Exhibit 1, ¶ 12)

14. Owens proposes reducing the maximum acres irrigated for irrigation claim 41F 33053-00 and reducing the place of use for livestock direct from source claim 41F 33056-00 to match the point of diversion.

Stock claim 41F 30122456

15. Owens proposes adding a place of use to stock claim 41F 30122456. The Owens Affidavit supports the addition of the place of use. Mr. Owens attests that he continues “to operate the ranch in the same manner as it was operated by my parents.” (Exhibit 1, ¶ 15)

An aerial photo depicts the place of use. (Exhibit 21)

16. The Motion and its exhibits may be viewed on the court’s case management system, FullCourt Enterprise, at document sequence 16.00.

Principles of law

1. A properly filed Statement of Claim for Existing Water Right or an amended claim for Existing Water Right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that an element of the prima facie claim is incorrect. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R. A preponderance of the evidence is evidence that demonstrates the fact to be proved is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 348, 240 P.3d 628.

2. The Montana Water Court is permitted to use information submitted by the Department of Natural Resources and Conservation, the statement of claim, information from approved compacts, and any other data obtained by the Court to evaluate water right claims. Section 85-2-231(2), MCA.

3. Pursuant to § 85-2-227(2), MCA:

A water judge may consider all relevant evidence in the determination and interpretation of existing water rights. Relevant evidence under this part may include admissible evidence arising before or after July 1, 1973.

4. The Montana Water Court may accept a settlement agreement that reduces or limits an element of a claim and need not determine whether the burden of proof is met unless there is an unresolved issue remark on the claim. Rule 17(c), W.R.Adj.R.

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

6. When resolving issue remarks, the Montana Water Court must weigh the information resulting in the issue remark and the issue remark against the claimed water right. Section 85-2-247(2), MCA.

7. The Montana Water Court has the authority to resolve issue remarks when the claim file and information available to the Court provide a sufficient basis to do so. Section 85-2-248(3), MCA.

8. Marshaling is the consolidation or commingling of water rights, typically resulting in a changed pattern of historical water use. Marshaled water rights may be:

- used through different points of diversion than historically claimed, and/or
- used on a different or expanded place of use than historically claimed.

Such a change is allowed if it does not cause injury to other water users. The burden is on the party claiming an injury to prove the change to the water rights at issue adversely impacts their ability to exercise their water rights. Section 89-803, RCM (1947) (repealed 1973); *Quigley v. McIntosh*, 110 Mont. 495, 103 P.2d 1067 (1940); *Thrasher v. Mannix & Wilson*, 95 Mont. 273, 26 P.2d 370 (1933); *Tucker v. Missoula Light & Railway Co.*, 77 Mont. 91, 99, 250 P. 11, 11 (1926); *Head v. Hale*, 38 Mont. 302, 100 P. 222 (1909); *In re Adjudication of the Existing Rights to the Use of All Water (Wales Bros.)*, 2010 Mont. Water LEXIS 2 at ** 10-12, (Oct. 15, 2010).

9. Facts that support marshaling as a historical practice are:

- the water rights and places of use were owned by a single owner at the time statements of claim were filed, resulting in the rights being supplemental to one another, and
- the lack of an increase in the overall flow rate and volume, or burden on a

source, signaling that no incremental development has occurred by marshaling the rights.

Wales Bros., 2010 Mont. Water LEXIS 2 at **15-18.

10. Prior to July 1, 1973, when the Montana Water Use Act became law, a water user could change the point of diversion, place of use, or even purpose of a water right by simply implementing the change. The only restriction was that the change could not cause injury to other water users. Section 89-803, RCM (1947) (repealed 1973). The burden was on the party claiming injury to prove the change to the water right at issue adversely impacted their ability to exercise their water rights. *Hansen v. Larsen*, 44 Mont. 350, 353, 120 P. 229, 231 (1911).

Conclusion of law

The documents provided by Owens meet the required burden of proof and provide sufficient evidence to modify the claims, thereby resolving the self-objections, concerns of the notice of intent to appear party, and the issue remarks, where they appear, on the claims.

Recommendations

Based upon the foregoing, each claim should be modified as follows to accurately reflect historical use. All issue remarks, if any appeared on a claim, should be removed as they have been resolved. Post Decree Abstracts of Water Right Claim accompany this report to confirm implementation of the recommendations in the state's centralized water right record system.

Irrigation claims 41F 32963-00, 41F 32964-00, 41F 32965-00, 41F 32966-00, 41F 32967-00, 41F 32969-00, 41F 33054-00, and 41F 35214-00

POINT OF DIVERSION, MEANS OF DIVERSION, MAXIMUM ACRES, AND PLACE OF USE:

SEE MODIFIED ABSTRACTS ATTACHED TO THIS MASTER'S REPORT.

Irrigation claim 41F 33053-00

MAXIMUM ACRES: 355.00 117.00

PLACE OF USE:

	<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	140.00 117.00			20	4S	1W	MADISON
TOTAL:	140.00 117.00						

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.

32963-00 32964-00 32965-00 32966-00 32967-00 ~~32968-00~~ 32969-00 33053-00 33054-00 35214-00

Stock claim 41F 33056-00

PLACE OF USE:

<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	N2	20	4S	1W	MADISON

Irrigation claim 41F 33053-00 and stock claim 41F 33056-00

SOURCE INFORMATION REMARK:

~~ALSO KNOWN AS SCHARBARKER DRAWS~~

THE SOURCE INCLUDES WATER FROM THE NO. 68 SPRING IN THE SWSW OF SECTION 8, T4S, R1W, A SERIES OF SPRINGS THAT BEGIN WITH THE NO. 13 SPRING IN THE SWNWNE OF SECTION 17, T4S, R1W, AND A SPRING IN THE NENENW OF SECTION 20, T4S, R1W.

Stock claim 41F 30122456

PLACE OF USE:

<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	SWSWSE	20	4S	1W	MADISON
	SESESW	20	4S	1W	MADISON

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

Calli J. Michaels

Michaels Law, PLLC

cmichaels@mlawmt.com

(Atty for: Devonna G. Owens Family Trust; courtesy copy for Bonnie Hamilton Family Trust)

Alexa Penalosa, Trial Attorney

U.S. Dept of Justice, ENRD-NRS

Alexa.Penalosa@usdoj.gov

MontanaBasins.ENRD@usdoj.gov

(Atty for: United States, DOI Bureau of Reclamation)

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

Water Right Number: 41F 32963-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: OWENS DEVONNA G FAMILY TRUST
BRETT L OWENS TRUSTEE
PO BOX 126
MCALLISTER, MT 59740

Priority Date: APRIL 15, 1868

Type of Historical Right: DECREEED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

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: 4 - MODERATELY LOW

Maximum Acres: 557.00

Source Name: NORTH MEADOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESESW	12	4S	2W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	BOWERSOX-BAUER DITCH					
2		SESESW	12	4S	2W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SCHABARKER DITCH					
3		NWNWSE	19	4S	1W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SHINGLETON DITCH NO. 2					
4		NWSWSE	19	4S	1W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	BAUER DITCH NO. 2					
5		NWNENE	30	4S	1W	MADISON

Period of Diversion: MAY 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: ALLEN-VINCENT DITCH
 6 SWNENE 30 4S 1W MADISON

Period of Diversion: MAY 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: LOWER SHELLHAMER DITCH

Period of Use: MAY 1 TO OCTOBER 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	70.00		E2SE	19	4S	1W	MADISON
2	12.00		E2NWSE	19	4S	1W	MADISON
3	164.00			20	4S	1W	MADISON
4	283.00		N2	29	4S	1W	MADISON
5	28.00		NENE	30	4S	1W	MADISON
Total:	557.00						

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.

32963-00 32964-00 32965-00 32966-00 32967-00 32969-00
 33053-00 33054-00 35214-00

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.

32963-00 32970-00

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

Water Right Number: 41F 32964-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: OWENS DEVONNA G FAMILY TRUST
BRETT L OWENS TRUSTEE
PO BOX 126
MCALLISTER, MT 59740

Priority Date: MAY 1, 1903

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/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: 4 - MODERATELY LOW

Maximum Acres: 557.00

Source Name: NORTH MEADOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESESW	12	4S	2W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	BOWERSOX-BAUER DITCH					
2		SESESW	12	4S	2W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SCHABARKER DITCH					
3		NWNWSE	19	4S	1W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SHINGLETON DITCH NO. 2					
4		NWSWSE	19	4S	1W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	BAUER DITCH NO. 2					
5		NWNENE	30	4S	1W	MADISON

Period of Diversion: MAY 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: ALLEN-VINCENT DITCH
 6 SWNENE 30 4S 1W MADISON

Period of Diversion: MAY 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: LOWER SHELLHAMER DITCH
 BOWERSOX-BAUER DITCH IS ALSO KNOWN AS PINCKNEY DITCH

Period of Use: MAY 1 TO OCTOBER 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	70.00		E2SE	19	4S	1W	MADISON
2	12.00		E2NWSE	19	4S	1W	MADISON
3	164.00			20	4S	1W	MADISON
4	283.00		N2	29	4S	1W	MADISON
5	28.00		NENE	30	4S	1W	MADISON
Total:	557.00						

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.

32963-00	32964-00	32965-00	32966-00	32967-00	32969-00
33053-00	33054-00	35214-00			

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

Water Right Number: 41F 32965-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: OWENS DEVONNA G FAMILY TRUST
BRETT L OWENS TRUSTEE
PO BOX 126
MCALLISTER, MT 59740

Priority Date: MAY 1, 1903

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 3.75 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 557.00

Source Name: NORTH MEADOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESESW	12	4S	2W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	BOWERSOX-BAUER DITCH					
2		SESESW	12	4S	2W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SCHABARKER DITCH					
3		NWNWSE	19	4S	1W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SHINGLETON DITCH NO. 2					
4		NWSWSE	19	4S	1W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	BAUER DITCH NO. 2					
5		NWNENE	30	4S	1W	MADISON

Period of Diversion: MAY 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: ALLEN-VINCENT DITCH
 6 SWNENE 30 4S 1W MADISON

Period of Diversion: MAY 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: LOWER SHELLHAMER DITCH

Period of Use: MAY 1 TO OCTOBER 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	70.00		E2SE	19	4S	1W	MADISON
2	12.00		E2NWSE	19	4S	1W	MADISON
3	164.00			20	4S	1W	MADISON
4	283.00		N2	29	4S	1W	MADISON
5	28.00		NENE	30	4S	1W	MADISON
Total:	557.00						

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.

32963-00	32964-00	32965-00	32966-00	32967-00	32969-00
33053-00	33054-00	35214-00			

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

Water Right Number: 41F 32966-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: OWENS DEVONNA G FAMILY TRUST
BRETT L OWENS TRUSTEE
PO BOX 126
MCALLISTER, MT 59740

Priority Date: APRIL 1, 1902

Type of Historical Right: DECREEED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

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: 4 - MODERATELY LOW

Maximum Acres: 557.00

Source Name: NORTH MEADOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESESW	12	4S	2W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	BOWERSOX-BAUER DITCH					
2		SESESW	12	4S	2W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SCHABARKER DITCH					
3		NWNWSE	19	4S	1W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SHINGLETON DITCH NO. 2					
4		NWSWSE	19	4S	1W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	BAUER DITCH NO. 2					
5		NWNE	30	4S	1W	MADISON

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: ALLEN-VINCENT DITCH

6 SWNENE 30 4S 1W MADISON

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: LOWER SHELLHAMER DITCH

Period of Use: MAY 1 TO OCTOBER 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	70.00		E2SE	19	4S	1W	MADISON
2	12.00		E2NWSE	19	4S	1W	MADISON
3	164.00			20	4S	1W	MADISON
4	283.00		N2	29	4S	1W	MADISON
5	28.00		NENE	30	4S	1W	MADISON
Total:	557.00						

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.

32963-00 32964-00 32965-00 32966-00 32967-00 32969-00
33053-00 33054-00 35214-00

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.

32966-00 33055-00

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

Water Right Number: 41F 32967-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: OWENS DEVONNA G FAMILY TRUST
BRETT L OWENS TRUSTEE
PO BOX 126
MCALLISTER, MT 59740

Priority Date: MAY 1, 1897

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 58.00 GPM

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 557.00

Source Name: NORTH MEADOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESESW	12	4S	2W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	BOWERSOX-BAUER DITCH					
2		SESESW	12	4S	2W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SCHABARKER DITCH					
3		NWNWSE	19	4S	1W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SHINGLETON DITCH NO. 2					
4		NWSWSE	19	4S	1W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	BAUER DITCH NO. 2					
5		NWNENE	30	4S	1W	MADISON

Period of Diversion: MAY 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: ALLEN-VINCENT DITCH
 6 SWNENE 30 4S 1W MADISON

Period of Diversion: MAY 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: LOWER SHELLHAMER DITCH

Period of Use: MAY 1 TO OCTOBER 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	70.00		E2SE	19	4S	1W	MADISON
2	12.00		E2NWSE	19	4S	1W	MADISON
3	164.00			20	4S	1W	MADISON
4	283.00		N2	29	4S	1W	MADISON
5	28.00		NENE	30	4S	1W	MADISON
Total:	557.00						

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.

32963-00 32964-00 32965-00 32966-00 32967-00 32969-00
 33053-00 33054-00 35214-00

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.

32967-00 32971-00

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

Water Right Number: 41F 32968-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: HAMILTON, BONNIE FAMILY TRUST
%HAMILTON, RYAN T TRUSTEE
PO BOX 462
MCALLISTER, MT 59740-0462

Priority Date: MAY 1, 1903

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 1.25 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 32.00

Source Name: NORTH MEADOW CREEK

Source Type: SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNWSE	19	4S	1W	MADISON

Period of Diversion: MAY 1 TO JULY 31

Diversion Means: HEADGATE

Ditch Name: BAUER DITCH NO. 1

2		NWSWSE	19	4S	1W	MADISON
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Period of Diversion: MAY 1 TO JULY 31

Diversion Means: HEADGATE

Ditch Name: BAUER DITCH NO. 2

Period of Use: MAY 1 TO JULY 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	30.00		SWSE	19	4S	1W	MADISON
2	1.00		SWNWSE	19	4S	1W	MADISON
3	1.00		NESES	19	4S	1W	MADISON

Total: 32.00

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

Water Right Number: 41F 32969-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: OWENS DEVONNA G FAMILY TRUST
BRETT L OWENS TRUSTEE
PO BOX 126
MCALLISTER, MT 59740

Priority Date: MAY 1, 1903

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 2.50 CFS

Volume: 446.20 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 557.00

***Source Name:** NORTH MEADOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESESW	12	4S	2W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	BOWERSOX-BAUER DITCH					
2		SESESW	12	4S	2W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SCHABARKER DITCH					
3		NWNWSE	19	4S	1W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SHINGLETON DITCH NO. 2					
4		NWSWSE	19	4S	1W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	BAUER DITCH NO. 2					
5		NWNENE	30	4S	1W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					

Diversion Means: HEADGATE
Ditch Name: ALLEN-VINCENT DITCH
 6 SWNE 30 4S 1W MADISON
Period of Diversion: MAY 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: LOWER SHELLHAMER DITCH
Period of Use: MAY 1 TO OCTOBER 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	70.00		E2SE	19	4S	1W	MADISON
2	12.00		E2NWSE	19	4S	1W	MADISON
3	164.00			20	4S	1W	MADISON
4	283.00		N2	29	4S	1W	MADISON
5	28.00		NENE	30	4S	1W	MADISON
Total:	557.00						

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.

32963-00	32964-00	32965-00	32966-00	32967-00	32969-00
33053-00	33054-00	35214-00			

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

Water Right Number: 41F 33053-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: OWENS DEVONNA G FAMILY TRUST
BRETT L OWENS TRUSTEE
PO BOX 126
MCALLISTER, MT 59740

Priority Date: JANUARY 15, 1973

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 1.34 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 117.00

Source Name: UNNAMED TRIBUTARY OF NORTH MEADOW CREEK

Source Type: SURFACE WATER

THE SOURCE INCLUDES WATER FROM THE NO. 68 SPRING IN THE SWSW OF SECTION 8, T4S, R1W, A SERIES OF SPRINGS THAT BEGIN WITH THE NO. 13 SPRING IN THE SWNWNE OF SECTION 17, T4S, R1W, AND A SPRING IN THE NENENW OF SECTION 20, T4S, R1W.

***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		SWSENE	20	4S	1W	MADISON

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: SCHABARKER DRAW DITCH NO. 2

2		SESENE	20	4S	1W	MADISON
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Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: SCHABARKER DRAW DITCH NO. 1

MEANS OF DIVERSION INCLUDES PUMPS AND PIPELINES.

WATER DIVERTED FROM THE NORTHERN MOST DRAW IS CONVEYED BY SCHABARKER DRAW DITCH NO. 1 TO THE DIVERSION ON THE SOUTHERN MOST DRAW, THEN CONVEYED THROUGH SCHABARKER DITCH NO. 2 TO A PUMP & PIPELINE WHICH CONVEYS WATER TO THE PLACE OF USE.

Period of Use: MAY 1 TO OCTOBER 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	117.00			20	4S	1W	MADISON
Total:	117.00						

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.

32963-00	32964-00	32965-00	32966-00	32967-00	32969-00
33053-00	33054-00	35214-00			

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.

33053-00	33056-00
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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F**

Water Right Number: 41F 33054-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: OWENS DEVONNA G FAMILY TRUST
BRETT L OWENS TRUSTEE
PO BOX 126
MCALLISTER, MT 59740

Priority Date: MAY 1, 1892

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

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: 4 - MODERATELY LOW

Maximum Acres: 557.00

Source Name: NORTH MEADOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESESW	12	4S	2W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	BOWERSOX-BAUER DITCH					
2		SESESW	12	4S	2W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SCHABARKER DITCH					
3		NWNWSE	19	4S	1W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SHINGLETON DITCH NO. 2					
4		NWSWSE	19	4S	1W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	BAUER DITCH NO. 2					
5		NWNENE	30	4S	1W	MADISON

Period of Diversion: MAY 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: ALLEN-VINCENT DITCH
 6 SWNENE 30 4S 1W MADISON

Period of Diversion: MAY 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: LOWER SHELLHAMER DITCH
 BOWERSOX-BAUER DITCH IS ALSO KNOWN AS PINCKNEY DITCH

Period of Use: MAY 1 TO OCTOBER 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	70.00		E2SE	19	4S	1W	MADISON
2	12.00		E2NWSE	19	4S	1W	MADISON
3	164.00			20	4S	1W	MADISON
4	283.00		N2	29	4S	1W	MADISON
5	28.00		NENE	30	4S	1W	MADISON
Total:	557.00						

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.

32963-00 32964-00 32965-00 32966-00 32967-00 32969-00
 33053-00 33054-00 35214-00

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.

33054-00 33057-00

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

Water Right Number: 41F 33055-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: OWENS DEVONNA G FAMILY TRUST
BRETT L OWENS TRUSTEE
PO BOX 126
MCALLISTER, MT 59740

Priority Date: APRIL 1, 1902

Type of Historical Right: DECREED

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: NORTH MEADOW CREEK

Source Type: SURFACE WATER

Source Name: UNNAMED TRIBUTARY OF NORTH MEADOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENWNE	30	4S	1W	MADISON

Source Name: NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIRECT FROM SOURCE

2		W2NENE	30	4S	1W	MADISON
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Source Name: NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIRECT FROM SOURCE

3		SWSWNW	29	4S	1W	MADISON
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Source Name: NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIRECT FROM SOURCE

4			20	4S	1W	MADISON
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Source Name: UNNAMED TRIBUTARY OF NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIRECT FROM SOURCE

5 NE 29 4S 1W MADISON

Source Name: UNNAMED TRIBUTARY OF NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIRECT FROM SOURCE

6 NESESW 12 4S 2W MADISON

Source Name: NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: BOWERSOX-BAUER DITCH

7 SESESW 12 4S 2W MADISON

Source Name: NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: SCHABARKER DITCH

8 NWSWSE 19 4S 1W MADISON

Source Name: NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: BAUER DITCH NO. 2

9 NWNWSE 19 4S 1W MADISON

Source Name: NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: SHINGLETON DITCH NO. 2

10 NWNENE 30 4S 1W MADISON

Source Name: NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: ALLEN-VINCENT DITCH

11 SWNENE 30 4S 1W MADISON

Source Name: NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: LOWER SHELLHAMER DITCH

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			E2SE	19	4S	1W	MADISON
2				20	4S	1W	MADISON
3			N2	29	4S	1W	MADISON
4			NENWNE	30	4S	1W	MADISON

5

NENE 30 4S 1W MADISON

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.

32966-00

33055-00

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

Water Right Number: 41F 33056-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: OWENS DEVONNA G FAMILY TRUST
BRETT L OWENS TRUSTEE
PO BOX 126
MCALLISTER, MT 59740

Priority Date: JANUARY 15, 1973

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: UNNAMED TRIBUTARY OF NORTH MEADOW CREEK

Source Type: SURFACE WATER

THE SOURCE INCLUDES WATER FROM THE NO. 68 SPRING IN THE SWSW OF SECTION 8, T4S, R1W, A SERIES OF SPRINGS THAT BEGIN WITH THE NO. 13 SPRING IN THE SWNWNE OF SECTION 17, T4S, R1W, AND A SPRING IN THE NENENW OF SECTION 20, T4S, R1W.

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		N2	20	4S	1W	MADISON

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			N2	20	4S	1W	MADISON

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.

33053-00

33056-00

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

Water Right Number: 41F 33057-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: OWENS DEVONNA G FAMILY TRUST
BRETT L OWENS TRUSTEE
PO BOX 126
MCALLISTER, MT 59740

Priority Date: MAY 1, 1892

Type of Historical Right: DECREED

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: NORTH MEADOW CREEK

Source Type: SURFACE WATER

Source Name: UNNAMED TRIBUTARY OF NORTH MEADOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENWNE	30	4S	1W	MADISON

Source Name: NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIRECT FROM SOURCE

2		W2NENE	30	4S	1W	MADISON
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Source Name: NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIRECT FROM SOURCE

3		SWSWNW	29	4S	1W	MADISON
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Source Name: NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIRECT FROM SOURCE

4			20	4S	1W	MADISON
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Source Name: UNNAMED TRIBUTARY OF NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIRECT FROM SOURCE

5 NE 29 4S 1W MADISON

Source Name: UNNAMED TRIBUTARY OF NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIRECT FROM SOURCE

6 NESESW 12 4S 2W MADISON

Source Name: NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: BOWERSOX-BAUER DITCH

7 SESESW 12 4S 2W MADISON

Source Name: NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: SCHABARKER DITCH

8 NWSWSE 19 4S 1W MADISON

Source Name: NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: BAUER DITCH NO. 2

9 NWNWSE 19 4S 1W MADISON

Source Name: NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: SHINGLETON DITCH NO. 2

10 NWNENE 30 4S 1W MADISON

Source Name: NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: ALLEN-VINCENT DITCH

11 SWNENE 30 4S 1W MADISON

Source Name: NORTH MEADOW CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: LOWER SHELLHAMER DITCH

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			E2SE	19	4S	1W	MADISON
2				20	4S	1W	MADISON
3			N2	29	4S	1W	MADISON
4			NENWNE	30	4S	1W	MADISON

5

NENE 30 4S 1W MADISON

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.

33054-00

33057-00

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

Water Right Number: 41F 35214-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: OWENS DEVONNA G FAMILY TRUST
BRETT L OWENS TRUSTEE
PO BOX 126
MCALLISTER, MT 59740

Priority Date: MAY 1, 1896

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 1.25 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 557.00

Source Name: NORTH MEADOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESESW	12	4S	2W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	BOWERSOX-BAUER DITCH					
2		SESESW	12	4S	2W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SCHABARKER DITCH					
3		NWNWSE	19	4S	1W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	SHINGLETON DITCH NO. 2					
4		NWSWSE	19	4S	1W	MADISON
Period of Diversion:	MAY 1 TO OCTOBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	BAUER DITCH NO. 2					
5		NWNENE	30	4S	1W	MADISON

Period of Diversion: MAY 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: ALLEN-VINCENT DITCH
 6 SWNENE 30 4S 1W MADISON

Period of Diversion: MAY 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: LOWER SHELLHAMER DITCH
 BOWERSOX-BAUER DITCH IS ALSO KNOWN AS PINCKNEY DITCH

Period of Use: MAY 1 TO OCTOBER 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	70.00		E2SE	19	4S	1W	MADISON
2	12.00		E2NWSE	19	4S	1W	MADISON
3	164.00			20	4S	1W	MADISON
4	283.00		N2	29	4S	1W	MADISON
5	28.00		NENE	30	4S	1W	MADISON
Total:	557.00						

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.

32963-00	32964-00	32965-00	32966-00	32967-00	32969-00
33053-00	33054-00	35214-00			

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

Water Right Number: 41F 30122456 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: OWENS DEVONNA G FAMILY TRUST
BRETT L OWENS TRUSTEE
PO BOX 126
MCALLISTER, MT 59740

***Priority Date:** DECEMBER 31, 1955

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 30.00 GPM

***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: 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		SWSWSE	20	4S	1W	MADISON

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			SWSWSE	20	4S	1W	MADISON
2			SESESW	20	4S	1W	MADISON