

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

FILED
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Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41S-0033-R-2024
Stern, Anika
11.00

IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
JUDITH RIVER BASIN (41S)
PRELIMINARY DECREE

CLAIMANT: DTC Ranch, LLC; Bar N Bar, LLC

OBJECTOR: Stacie Arntzen

CASE 41S-0033-R-2024

41S 139337-00
41S 139340-00
41S 139343-00
41S 30130840
41S 30130861
41S 30130890

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. DTC Ranch LLC ("DTC") is the record owner of claims 41S 139337-00, 41S 139340-00, 41S 139343-00, 41S 30130861, and 41S 30130890. Bar N Bar LLC ("Bar N Bar") is the record owner of claim 41S 30130840.

2. Claims 41S 139337-00, 41S 139340-00, 41S 139343-00, 41S 30130840, 41S 30130861, and 41S 30130890 were decreed with Montana Department of Natural Resources and Conservation (“DNRC”) issue remarks:

Claim 41S 139337-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 138.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-179-61 , DATED 09/17/1979 , APPEARS TO INDICATE 116.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

Claim 41S 139340-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 104.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-179-61 , DATED 09/17/1979 , APPEARS TO INDICATE 54.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE

Claim 41S 139343-00:

- SOURCE NAME AND POINT OF DIVERSION WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

Claim 41S 30130840:

- THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41S DECREE ISSUED 05/17/1984.

Claims 41S 30130861 and 41S 30130890:

- THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41S DECREE ISSUED 05/17/1984.
- THE PRIORITY DATE MAY BE QUESTIONABLE. THE SOURCE DESCRIBED ON THE FILED NOTICE OF APPROPRIATION IS INCONSISTENT WITH THE CLAIMED SOURCE.

3. Stacie Arntzen (“Arntzen”), Special Administrator of the Estate of John Flanagan, DTC’s predecessor in interest, objected to claims 41S 139337-00, 41S 139340-00, 41S 139343-00, 41S 30130840, 41S 30130861, and 41S 30130890 stating:

Claim 41S 139337-00 (Objection based on flow rate/volume, place of use/maximum acres, and point of diversion/means of diversion):

The place of use and flow rate does not reflect the historically irrigated acreage. There are additional places of use not identified in the decree. On sight evidence, aerial photography and Judith Basin Water Right Survey show evidence of additional acreage.

Claim 41S 139340-00 (Objection based on point of diversion/means of diversion):

The preliminary decree did not reflect all the diversions associated with this water right. An additional POD needs to be added. On sight evidence, aerial photography and Judith Basin Water Right Survey show evidence of additional diversion.

Claim 41S 139343-00 (Objection based on place of use/maximum acres, and point of diversion/means of diversion):

The place of use and does not reflect the historically irrigated acreage. There are additional places of use not identified in the decree. On sight evidence, aerial photography and Judith Basin Water Right Survey show evidence of additional acreage.

Claim 41S 30130840 (Objection based on period of diversion, period of use, place of use/maximum acres, point of diversion/means of diversion, and source):

Period of diversion and use should be changed to January 1 - December 31, based on historical management practices. The place of use and point of diversion should be changed to include land descriptions and unnamed tributary of Pagil Gulch should be added as a source name. The basis for the source, POD, and POU changes is to identify the full reach of drainage that stock have historically accessed for their watering needs.

Claim 41S 30130861 (Objection based on place of use/maximum acres, point of diversion, means of diversion, and source):

The place of use and point of diversion should be changed to include land descriptions, and Antelope Creek should be added as a Source Name. The basis for these changes is to identify the full reach of the drainage/stream that stock have historically watered from. Also, the statement of claim form implies the intent of a more expansive POD/POU/Source.

Claim 41S 30130890 (Objection based on place of use/maximum acres, point of diversion/means of diversion, priority date, and source):

The place of use and point of diversion should be changed to include land descriptions, and the West Fork Antelope Creek should be added as a Source Name. The basis for these changes is to identify the full reach of the drainage/stream that stock have historically watered from. Also, the statement of claim form implies the intent of a more expansive POD/POU/Source. The Priority Date should also be changed to a more senior date, based on the evidence existing in the file record.

4. On July 24, 2024, a September 14, 2024 deadline was set for then-Claimant John Flanagan to address the issue remarks and Objections in the Case. (Doc.¹1.00).

5. Ownership of the claims transferred to DTC and Bar N Bar in August of 2024. On October 22, 2024, counsel for Claimant DTC filed a Notice of Appearance & Notice to Court, notifying the Court that attorney Oliver J. Urick represents Claimant DTC for its claims in this Case; DTC did not assume the objections. (Doc. 2.00). On February 14, 2025, attorney Oliver J. Urick appeared on behalf of Claimant Bar N Bar.

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

6. On January 21, 2025, DTC filed its Memorandum to Resolve Issue Remarks for the issue remarks decreed on claims 41S 139337-00, 41S 139340-00, 41S 139343-00, 41S 30130861, and 41S 30130890. (“DTC Memo”) (Doc. 5.00). The affidavit of Scott Irvin, consultant/owner of Big Sky Water Rights, LLC (Exhibit A), marked aerial photographs for each claim, proposed abstracts for each claim, and attached other documents to the Memorandum (Exhibits B-F and 1-18).

7. On February 14, 2025, DTC filed its Memorandum to Resolve Issue Remarks and Objection (“Bar N Bar Memo”) for the issue remarks decreed on claim 41S 30130840. (Doc. 6.00).

8. An Order on Status of Case and Order Setting Filing Deadlines was issued on March 3, 2026. (Doc. 8.00). The Order set a deadline for Claimant Bar N Bar to file evidence substantiating proposed period of diversion and period of use modifications for claim 41S 30130840. The Order also set a deadline for Objector Stacie Arntzen to agree or disagree that the modifications proposed by DTC and Bar N Bar for the claims in this Case resolve the issue remarks and address the Objections in the Case.²

9. On March 25, 2026, counsel for Stacie Arntzen filed a Notice of Agreement and Withdrawal of Objections. (Doc. 9.00). The March 25, 2026 filing stated that

Stacie Arntzen agrees with the proposed changes to the claims made by both Bar N Bar, LLC and DTC Ranch, LLC through their Memorandums to Resolve Issue Remarks.

Stacie Arntzen notifies the Court she withdraws her objections to all claims in this matter. This withdrawal shall be effective regardless of whether the Court accepts the Memorandums submitted by Bar N Bar, LLC and DTC Ranch, LLC or not.

10. On March 26, 2026, counsel for DTC and Bar N Bar filed a Notice to Court. (Doc. 10.00). The March 26, 2026 Notice explains that

Bar N Bar, LLC cannot provide any additional information to substantiate a year around priority date for 41S 30130840. Bar N Bar, LLC will agree to leave the period of diversion and period of use as May 20th to February 1st.

Additionally, the filing points to errors in this Water Master’s March 3, 2026 Order on Status of Case and Order Setting Filing Deadlines:

² The Order included an error as to claim 41S 139343-00. It listed the proposed flow rate as 6.55 cfs, rather than 2.00 cfs. If the parties disagree that the flow rate for claim 41S 139343-00 should be 2.00 cfs, they may object to this Master’s Report and provide evidence substantiating the flow rate.

Claimant DTC Ranch, L.L.C. has two (2) corrects to be made to the Court's March 3rd, 2026 Order:

1. 41S 139337-00 & 41S 139343-00: Place of Use #2 is listed incorrectly as the SWNE of section 26 in the Court's Order. The correct description for POU #2 is the NWNE of section 26.
2. 41S 139340-00: Place of Use #2 for claim 41S 139340-00 is listed incorrectly as the S2NE of section 23 in the Court's Order. The correct description for POU #2 is the SWNE of section 23.

(Doc. 10.00).

Claims 41S 139337-00 and 139343-00:

11. The DTC Memo addresses the acres irrigated issue remarks on claim 41S 139337-00:

Historically, the place of use consists of two tracts, the south tract in section 35 and the north tract in sections 23 and 26. The Judith Basin WRS field notes indicate there were 173 acres in irrigation in 1962, and it notes the irrigation occurring in sections 23, 26 and 35. *Exhibit A, Aff. of Scott Irvin, ¶ 9.*

The DTC Memo explains that the historically irrigated acreage in the N2NE of Section 26 and the SWSE of Section 23, Township 13N, Range 13E was inadvertently omitted from claim 41S 139337-00 and should be added to the claim to reflect the historical accurate maximum acres and place of use, as follows:

Maximum Acres:		173.00		448.00					
Place of Use:									
ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County		
1	23.00	5.00	SWSE	S2E2W	23	26	13N	13E	JUDITH BASIN
2	15.00	10.00	NWNE	E2NESW	28	26	13N	13E	JUDITH BASIN
3	48.00	28.00	E2W2	E2NW	35	35	13N	13E	JUDITH BASIN
4	87.00	55.00	W2E2	W2NE	35	35	13N	13E	JUDITH BASIN
5		40.00		W2SE	35	35	13N	13E	JUDITH BASIN
Total:		148.00	173.00						

(Doc. 5.00).

Adjusting for the historically accurate maximum acres and place of use of the claims, the DTC Memo addresses the flow rate issue remark and objection on claim 41S 139337-00, indicating the flow rate should be 6.55 cubic feet per second (cfs):

Using the guideline of 17 gpm/acre, the flow rate should be modified to 6.55 CFS for 173.0 acres. (173.0 acres x 17 GPM/acre ÷ 448.8 GPM/CFS). *Rule 14, W.R.C.E.R.* Water right claim 41S 139337-00 should be decreed a flow rate of 6.55 CFS.

The DTC Memo provides evidence that a second point of diversion necessary to supply the historically irrigated acreage was omitted:

SWSWNE 26 13N 13E JUDITH BASIN
 Period of Use: APRIL 15 TO OCTOBER 20
 Diversion Means: HEADGATE

Claim 41S 139340-00:

12. The DTC Memo addresses the acres irrigated issue remarks and contains evidence supporting the reduction of the maximum acres to 86.10 acres:

Maximum Acres:	86.10	121.00					
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	9.00	75.00	N2S2	W2NE	23	13N	13E JUDITH BASIN
2	24.80	20.00	SWNE	NWSE	23	13N	13E JUDITH BASIN
3	40.70	8.00	N2NE	NENESW	23	13N	13E JUDITH BASIN
4	11.60	18.00		E2E2NW	23	13N	13E JUDITH BASIN
Total:	121.00	86.10					

Adjusting for the historically accurate maximum acres and place of use for the claim, the DTC Memo addresses the flow rate issue remark, indicating the flow rate should be 3.26 cfs:

Using the guideline of 17 gpm/acre, the flow rate should be reduced to 3.26 CFS for 86.1 acres. (86.1 acres x 17 GPM/acre ÷ 448.8 GPM/CFS). *Rule 14, W.R.C.E.R.* Water right claim 41S 139340-00 should be decreed a flow rate of 3.26 CFS and this issue remark should be removed.

Claim 41S 30130840:

13. Based on the record, the period of diversion and period of use for the direct from source stock claim should be May 20 to February 1.

Claim 41S 30130861:

10. Three appropriation documents were included with the 2019 Statement of Claim for 41S 30130861, all identifying Antelope Creek as the source. As explained by DTC:

One of the documents is a Notice of Water Appropriation recorded by Mathew J. Riley on August 8, 1888, claiming a right to use the water for "irrigation and other purposes." *Id.* at ¶45. Scott Irvin located a homestead Patent issued to Mathew J. Riley in 1897 covering the NWNE of section 35, DTC's property and a parcel which contains Antelope Creek. *Id.* at ¶46. It's likely Riley would have been living on the property prior to the issuance of the patent. Additionally, Riley's Notice of Water Appropriation specifies water was first appropriated in April of 1885. *Id.* at ¶47. The date of earliest appropriation should be the priority date for this claim. Based on the patent and the Notice of Water Appropriation of Mathew J. Riley, the priority date should be modified to April 30th, 1885. The issue remark should be resolved.

Based on the record, it appears the priority date for claim 41S 30130861 should be modified from December 31, 1888 to April 30, 1885 and the decreed point of diversion and place of use should be modified to:

1	E2S2	35	13N	13E	JUDITH BASIN
2	W2E2	35	13N	13E	JUDITH BASIN
3	E2W2	26	13N	13E	JUDITH BASIN
4	W2E2	26	13N	13E	JUDITH BASIN
5	SE	23	13N	13E	JUDITH BASIN
6	S2NE	23	13N	13E	JUDITH BASIN

Claim 41S 30130890:

11. Two appropriation documents were included with the Statement of Claim for claim 41S 30130890. Based on the record, it appears the priority date for claim 41S 30130890 should be modified from December 31, 1888 to April 30, 1885, consistent with the patent and the Notice of Water Appropriation of Mathew J. Riley attached to the DTC Memo.

The DTC Memo addressed the source objection by providing evidence that the correct source for claim 41S 30130890 is the West Fork Antelope Creek.

The DTC Memo explained the point of diversion and place of use for claim 41S 30130890-00 should be expanded to include the entire 2.5 mile stretch of the West Fork Antelope Creek in the NWSWNE of Section 23, Township 13N, Range 13E:

When initially filed on June 28th, 2019, claimant narrowly defined the legal description for the POD and POU as the NWNWSW, section 27, T13N, R13E. This location is in the northern portion of DTC’s property and is the point where West Fork Antelope Creek enters DTC’s property. In the Statement of Claim, a notation was made stating “West Fork Antelope Creek in Service to NW1/4SW1/4NE1/4 Sec. 23 T13N R13E.” *Exh. A., Aff. of Scott Irvin*, ¶51. The NESWNE is the legal description for the point where West Fork Antelope Creek exits DTC’s property. There is approximately 2.5 miles of West Fork Antelope Creek in that stretch not reflected on the claim. This statement implies the claimant intended for the POD and POU on the claim to cover the entire stretch of the creek. Scott Irvin has identified the legal descriptions within his Affidavit. *Id.* at ¶43. The legal description for the POD and POU of claim 41S 30130890 should be expanded to include this entire stretch of West Fork Antelope Creek.

Based on the record, the decreed point of diversion and place of use for claim 41S 30130890 should be replaced with:

1	N2NWSW	27	13N	13E	JUDITH BASIN
2	N2	27	13N	13E	JUDITH BASIN
3	W2NWNW	26	13N	13E	JUDITH BASIN
4	S2	23	13N	13E	JUDITH BASIN
5	SWNE	23	13N	13E	JUDITH BASIN

PRINCIPLES OF LAW

1. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Mont. Code Ann. § 85-2-227. 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.

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

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

4. When resolving issue remarks, the Water Court must weigh the information resulting in the issue remark and the issue remark against the claimed water right. § 85-2-247(2), MCA. The factual evidence on which an issue remark is based must meet the preponderance of evidence standard before the prima facie status of a claim is overcome. 43Q 200996-00 et al., Order Establishing Volume and Order Closing Case, at 18, June 8, 2015.

CONCLUSIONS OF LAW

1. The period of diversion issue remark decreed on claim 41S 139337-00 and the source name and point of diversion issue remark decreed on claim 41S 139343-00 are notice-type remarks. The only Objections to claims 41S 139337-00 and 41S 139343-00 have been withdrawn, and the notice-type issues remark can be removed.

2. Claims 41S 30130861 and 41S 30130890 were decreed with a DNRC issue remark:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41S DECREE ISSUED
05/17/1984.

The issue remark provided notice that the claim was filed as an “exempt” claim under the provisions of House Bill 110 (“HB 110”) passed by the 2017 Montana Legislature (codified at § 85-2-222, MCA). HB 110 provided owners of certain exempt claims the

option of filing the claims before a June 30, 2019 filing deadline. Based on the DNRC examination, the issue remark was placed on the claim, providing notice that the claim did not appear in the temporary preliminary decree (“TPD”) for Basin 41S issued in 1984, because the TPD predated the exempt claim filing deadline.

The Objections to claims 41S 30130861 and 41S 30130890 have been resolved, and no further proceedings are required to resolve the remark.

3. Claims 41S 139337-00 and 41S 139340-00 were also decreed with a remark indicating “the combined acres” for the group of supplemental claims may need to be adjusted. Supplemental rights remarks no longer included a quantified acreage figure; the remark is obsolete and can be removed.

4. The information in the record overcomes the prima facie status of claims 41S 139337-00, 41S 139340-00, 41S 139343-00, 41S 30130861, 41S 30130890, and the claims should be modified to reflect the elements as noted in the Findings of Fact.

RECOMMENDATIONS

1. The following claims should be modified as shown:

- **Claims 41S 139337-00**

Flow Rate: 8.55 5.00 CFS

Maximum Acres: 173.00 148.00

A second point of diversion should be added:

SWSWNE 26 13N 13E JUDITH BASIN
 Period of Use: APRIL 15 TO OCTOBER 20
 Diversion Means: HEADGATE

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	23.00	5.00	SWSE	SESW 23	36	13N 13E	JUDITH BASIN
2	15.00	40.00	NWNE	E2NESW 26	36	13N 13E	JUDITH BASIN
3	48.00	38.00	E2W2	E2NW	35	13N 13E	JUDITH BASIN
4	87.00	55.00	W2E2	W2NE	35	13N 13E	JUDITH BASIN
5	40.00			W2SE	35	13N 13E	JUDITH BASIN
Total:	148.00	173.00					

- **Claim 41S 139340-00:**

Flow Rate: 3.26 3.76 CFS

Maximum Acres: 86.10 121.00

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	9.00	75.00	N2S2	W2NE	23	13N 13E	JUDITH BASIN
2	24.80	20.00	SWNE	NWSE	23	13N 13E	JUDITH BASIN
3	40.70	8.00	N2NE	NENESW	23	13N 13E	JUDITH BASIN
4	11.60	18.00		E2E2NW	23	13N 13E	JUDITH BASIN
Total:	121.00	86.10					

- Claims 41S 139343-00

Maximum Acres: 173.00 448.00

A second point of diversion should be added:

SWSWNE 26 13N 13E JUDITH BASIN
 Period of Use: APRIL 15 TO OCTOBER 20
 Diversion Means: HEADGATE

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	23.00	6.00	SWSE	SESW 23	36	13N	13E JUDITH BASIN
2	15.00	40.00	NWNE	E2NESW 26	36	13N	13E JUDITH BASIN
3	48.00	38.00	E2W2	E2NW	35	13N	13E JUDITH BASIN
4	87.00	66.00	W2E2	W2NE	35	13N	13E JUDITH BASIN
5		48.00		W2SE	35	13N	13E JUDITH BASIN
Total:	173.00	173.00					

- Claim 41S 30130861:

*Priority Date: DECEMBER 31, 1888 APRIL 30, 1885

The decreed point of diversion and place of use should be replaced with:

1 E2SW 35 13N 13E JUDITH BASIN
 2 W2E2 35 13N 13E JUDITH BASIN
 3 E2W2 26 13N 13E JUDITH BASIN
 4 W2E2 26 13N 13E JUDITH BASIN
 5 SE 23 13N 13E JUDITH BASIN
 6 S2NE 23 13N 13E JUDITH BASIN

- Claim 41S 30130890:

*Priority Date: DECEMBER 31, 1888 APRIL 30, 1885

The decreed point of diversion and place of use should be replaced with:

1 N2NWSW 27 13N 13E JUDITH BASIN
 2 N2 27 13N 13E JUDITH BASIN
 3 W2NWNW 26 13N 13E JUDITH BASIN
 4 S2 23 13N 13E JUDITH BASIN
 5 SWNE 23 13N 13E JUDITH BASIN

2. The issue remarks should be removed from the claim abstracts.

Abstracts are enclosed.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via Electronic Mail:

Ben Sather
 Murphy Myers, PLLC
 info@murphymyers.com
 (Attorney for Stacie Arntzen)

Oliver J. Urick
 Urick Law Firm PLLC
 ourick@uricklawfirm.com
 (Atty for: DTC Ranch, LLC and Bar N Bar LLC)

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

Water Right Number: 41S 139337-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: DTC RANCH LLC
PO BOX 699
LEWISTOWN, MT 59457-0699

Priority Date: JUNE 9, 1882

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 6.55 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: 173.00

Source Name: ANTELOPE 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		NWSESW	35	13N	13E	JUDITH BASIN
Period of Diversion:		APRIL 15 TO OCTOBER 20				
Diversion Means:		HEADGATE				
2		SWSWNE	26	13N	13E	JUDITH BASIN
Period of Diversion:		APRIL 15 TO OCTOBER 20				
Diversion Means:		HEADGATE				

Period of Use: APRIL 15 TO OCTOBER 20

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	23.00		SWSE	23	13N	13E	JUDITH BASIN
2	15.00		NWNE	26	13N	13E	JUDITH BASIN
3	48.00		E2W2	35	13N	13E	JUDITH BASIN
4	87.00		W2E2	35	13N	13E	JUDITH BASIN
Total:	173.00						

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.

139337-00

139343-00

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

Water Right Number: 41S 139340-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: DTC RANCH LLC
PO BOX 699
LEWISTOWN, MT 59457-0699

Priority Date: JUNE 30, 1892

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.26 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: 86.10

Source Name: ANTELOPE CREEK, WEST FORK

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	23	13N	13E	JUDITH BASIN

Period of Diversion: APRIL 15 TO OCTOBER 20

Diversion Means: HEADGATE

Period of Use: APRIL 15 TO OCTOBER 20

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	9.00		N2S2	23	13N	13E	JUDITH BASIN
2	24.80		SWNE	23	13N	13E	JUDITH BASIN
3	40.70		N2NE	23	13N	13E	JUDITH BASIN
4	11.60		E2E2NW	23	13N	13E	JUDITH BASIN

Total: 86.10

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.

139339-00 139340-00 139341-00 139342-00 139344-00

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

Water Right Number: 41S 139343-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: DTC RANCH LLC
PO BOX 699
LEWISTOWN, MT 59457-0699

Priority Date: JUNE 9, 1882

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.00 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 173.00

***Source Name:** ANTELOPE 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		NWSESW	35	13N	13E	JUDITH BASIN
Period of Diversion:		APRIL 15 TO OCTOBER 15				
Diversion Means:		HEADGATE				
2		SWSWNE	26	13N	13E	JUDITH BASIN
Period of Diversion:		APRIL 15 TO OCTOBER 15				
Diversion Means:		HEADGATE				

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	23.00		SWSE	23	13N	13E	JUDITH BASIN
2	15.00		NWNE	26	13N	13E	JUDITH BASIN
3	48.00		E2W2	35	13N	13E	JUDITH BASIN
4	87.00		W2E2	35	13N	13E	JUDITH BASIN
Total:	173.00						

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.

139337-00

139343-00

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

Water Right Number: 41S 30130840 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: BAR N BAR LLC
931 WERTHEIMER DR
HOBSON, MT 59452-8627

***Priority Date:** DECEMBER 31, 1894

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: SPRING, UNNAMED TRIBUTARY OF PAGIL GULCH

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		NWSESE	10	12N	12E	JUDITH BASIN

Period of Diversion: MAY 20 TO FEBRUARY 1

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: MAY 20 TO FEBRUARY 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			NWSESE	10	12N	12E	JUDITH BASIN

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

Water Right Number: 41S 30130861 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: DTC RANCH LLC
PO BOX 699
LEWISTOWN, MT 59457-0699

Priority Date: APRIL 30, 1885

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 ANTELOPE 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		E2SW	35	13N	13E	JUDITH BASIN
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		W2E2	35	13N	13E	JUDITH BASIN
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		E2W2	26	13N	13E	JUDITH BASIN
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		W2E2	26	13N	13E	JUDITH BASIN
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		SE	23	13N	13E	JUDITH BASIN
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		S2NE	23	13N	13E	JUDITH BASIN
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			E2SW	35	13N	13E	JUDITH BASIN
2			W2E2	35	13N	13E	JUDITH BASIN
3			E2W2	26	13N	13E	JUDITH BASIN
4			W2E2	26	13N	13E	JUDITH BASIN
5			SE	23	13N	13E	JUDITH BASIN
6			S2NE	23	13N	13E	JUDITH BASIN

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

Water Right Number: 41S 30130890 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: DTC RANCH LLC
PO BOX 699
LEWISTOWN, MT 59457-0699

Priority Date: APRIL 30, 1885

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: ANTELOPE CREEK, WEST FORK

Source Type: SURFACE WATER

ALSO KNOWN AS 1.27.6S CLAIM

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		N2N	27	13N	13E	JUDITH BASIN
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		N2	27	13N	13E	JUDITH BASIN
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		W2N	26	13N	13E	JUDITH BASIN
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		S2	23	13N	13E	JUDITH BASIN
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		SWNE	23	13N	13E	JUDITH BASIN
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			N2NWSW	27	13N	13E	JUDITH BASIN
2			N2	27	13N	13E	JUDITH BASIN
3			W2NWNW	26	13N	13E	JUDITH BASIN
4			S2	23	13N	13E	JUDITH BASIN
5			SWNE	23	13N	13E	JUDITH BASIN