

Montana Water Court
PO Box 1389
Bozeman, MT 59711-1389
1-800-624-3270
(406) 586-4364
watercourt@mt.gov

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

CLAIMANT: DTC Ranch LLC; Layton R. Perry; Heather
Perry; Kash L. Perry; Bar N Bar, LLC

CASE 41S-0228-R-2024

- 41S 139341-00 41S 30130868
- 41S 139342-00 41S 30130870
- 41S 139344-00 41S 30130875
- 41S 30130833 41S 30130876
- 41S 30130836 41S 30130877
- 41S 30130846 41S 30130884
- 41S 30130850 41S 30130886
- 41S 30130851 41S 30130887
- 41S 30130855 41S 30130889
- 41S 30130856 41S 30130891
- 41S 30130857 41S 30130892
- 41S 30130858 41S 30130894
- 41S 30130859 41S 30130895
- 41S 30130860 41S 30130896
- 41S 30130862 41S 30130897

NOTICE OF FILING OF MASTER’S REPORT

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

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

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master’s Report.

MASTER’S REPORT

The above-captioned claims appeared in the Preliminary Decree for the Judith River (Basin 41S) issued on August 18, 2022. The following claims are owned by DTC Ranch LLC (“DTC”):

41S 139341-00	41S 30130857	41S 30130875	41S 30130891
41S 139342-00	41S 30130858	41S 30130876	41S 30130892
41S 139344-00	41S 30130859	41S 30130877	41S 30130894
41S 30130850	41S 30130860	41S 30130884	41S 30130895
41S 30130851	41S 30130862	41S 30130886	41S 30130896
41S 30130855	41S 30130868	41S 30130887	41S 30130897
41S 30130856	41S 30130870	41S 30130889	

Claims 41S 30130833 and 41S 30130836 are owned by Heather Perry, Kash L. Perry, and Layton R. Perry (“the Perrys”). Claim 41S 30130846 is owned by Bar N Bar LLC (“Bar N Bar”). The claims were decreed with Montana Department of Natural Resources and Conservation (“DNRC”) issue remarks. Issue remarks identify potential legal or factual issues and the Water Court is required to resolve these potential issues.

FINDINGS OF FACT

1. On July 22, 2024, the Court consolidated the claims and ordered Claimants to file documentation resolving issue remarks on the claims. (Doc.¹ 1.00).

2. On November 18, 2024, the Perrys filed a Combined Memorandum to Resolve Issue Remarks and Motion to Amend (“Perry Memo”). (Doc. 6.00). The issue remarks on the following claims will be resolved upon the adoption of the corrections proposed in the Perry Memo: 41S 30130833 and 41S 30130836.

41S 30130833:

a. Statement of claim 41S 30130833 identified a livestock direct from source claim with a point of diversion and place of use in the NENENW of Section 9,

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

Township 12N, Range 12E, Judith Basin County. The claim was decreed with the following issue remarks:

THE PLACE OF USE LEGAL LAND DESCRIPTION COULD NOT BE REFINED FROM INFORMATION IN THE CLAIM FILE.

THE POINT OF DIVERSION LEGAL LAND DESCRIPTION COULD NOT BE REFINED FROM INFORMATION IN THE CLAIM FILE.

b. Layton Perry visited the claimed point of diversion and place of use and confirmed that the source runs in the NENENW of Section 9, Township 12N, Range 12E thereby confirming the historical accuracy of the claimed place of use and point of diversion. Mr. Perry’s affidavit outlining his confirmation of the historically accurate point of diversion and place of use was submitted with the Perry Memo as evidence. (Doc. 6.00). No modifications to stock claim 41S 30130833 should be made.

41S 30130836:

c. Claim 41S 30130836 was decreed as a domestic claim from “Spring, Unnamed Tributary of Pagil Gulch” with a point of diversion in the SWSWNE of Section 9, Township 12N, Range 12E, Judith Basin County. The claim was decreed with the following issue remarks:

THE CLAIMED SPRING COULD NOT BE IDENTIFIED FROM DATA SUBMITTED WITH THE CLAIM.

THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE SPRING BOX CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

d. Mr. Perry confirmed that the accurate legal land description for the spring and spring box is the SESWNE of Section 9, Township 12N, Range 12E, Judith Basin County. Mr. Perry’s affidavit outlining his confirmation of the historically accurate point of diversion and place of use was submitted with the Perry Memo as evidence. (Doc. 6.00). The Perrys ask that the Court modify the point of diversion and place of use to the SESWNE of Section 9, Township 12N, Range 12E, Judith Basin County to resolve the issue remarks decreed on claim 41S 30130836. The point of diversion and place of use for domestic claim 41S 30130836 should be modified.

3. On December 4, 2024, DTC filed a Memorandum to Resolve Issue Remarks (“DTC Memo”). (Doc. 8.00). The DTC Memo indicates that the Perrys were contacted and do not object to the resolutions proposed therein. The issue remarks on the

following claims will be resolved upon the adoption of the corrections proposed in the DTC Memo:

41S 139341-00	41S 30130857	41S 30130875	41S 30130891
41S 139342-00	41S 30130858	41S 30130876	41S 30130892
41S 139344-00	41S 30130859	41S 30130877	41S 30130894
41S 30130850	41S 30130860	41S 30130884	41S 30130895
41S 30130851	41S 30130862	41S 30130886	41S 30130896
41S 30130855	41S 30130868	41S 30130887	41S 30130897
41S 30130856	41S 30130870	41S 30130889	

41S 139341-00:

a. Claim 41S 139341-00 is a flood irrigation claim with no claimed flow rate and a volume of 162.00 acre-feet for use on 50.00 acres in the NE of Section 23, Township 13N, Range 13E. The claim was decreed with the following flow rate, volume, and acres irrigated issue remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 30045-179-61 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 33.8 TIMES THE CAPACITY OF THE RESERVOIR.

b. Claim 41S 139341-00 is a “use right” with an onstream reservoir as the diversion method. Therefore, it does not need to have a quantified flow rate, and the flow rate issue remark should be removed.

c. The DTC Memo provides evidence supporting the historical irrigation of 38.10 acres, as identified by Scott Irvin, consultant/owner of Big Sky Water Rights, LLC.

d. The DTC Memo explains the system in place for this claim, thereby supporting the historical accuracy of the prima facie volume identified by statement of claim 41S 139341-00.

5) *System Description.* The means of diversion is an onstream reservoir in the SESWNE Section 23, T13N, R13E. Irrigation occurs by closing a headgate on the dam, allowing water level to rise within the impoundment and spill appropriations to the west.² A few acres in the vicinity of the reservoir are irrigated via water spreading or wild flood. Additionally, as the applied water moves westerly it is captured in the Warren Ditch.³ The Warren Ditch then supplies water northerly to irrigate the remainder of the POU. Exhibit 1 is an unobstructed view of a 1957 aerial photo, with callouts, showing the irrigation system.⁴

9) *Volume.* An issue remark indicates the claimed volume appears excessive. The claimed volume is 162 acre-feet (AF), or 4.25 AF/acre (162 AF ÷ 38.1 acres = 4.25 AF/acre). The general claim examination guideline for systems involving reservoirs is 9.4 AF/acre.⁹ In this instance the claimed volume is less than the standard guideline. In my opinion, a volume of 162 AF is reasonable and the issue remark should be removed.

Based on the foregoing description of the system and the explanation provided for volume, no modification to the volume is necessary.

41S 139342-00:

e. Claim 41S 139342-00 was decreed as a flood irrigation claim without a quantified flow rate and with a reservoir in the SWNWSE of Section 23, Township 13N, Range 13E, for use on 57.00 acres as follows:

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	47.00		W2NE	23	13N	13E	JUDITH BASIN
2	10.00		N2NWSE	23	13N	13E	JUDITH BASIN
Total:	57.00						

f. The claim was decreed with the following flow rate, acres irrigated, and reservoir issue remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
 THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 47.00 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 0.00 ACRES IRRIGATED.
 EXISTENCE OF THE CLAIMED RESERVOIR CANNOT BE CONFIRMED WITH AVAILABLE DATA.
 THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

g. The DTC Memo provides evidence supporting the historical irrigation of 38.90 acres, as identified by Mr. Irvin.

h. Claimant indicates a flow rate of 1.47 CFS should be decreed for claim 41S 139342-00 and provides the following calculation to account for the proper flow rate: $(38.9 \text{ acres} \times 17 \text{ GPM/acre} \div 448.8 \text{ GPM/CFS})$. *Rule 14, W.R.C.E.R.* The proposed flow rate is a reduction within the parameters of statement of claim 41S 139342-00.

i. The DTC Memo provides evidence that there is no storage of water happening at claim 41S 139342-00 and that any reference to a reservoir should be removed from the claim abstract.

j. Because there is no reservoir for claim 41S 139342-00, the DTC Memo provides evidence that a quantified volume should not be decreed for the claim.

41S 139344-00:

k. Claim 41S 139344-00 was decreed as a flood irrigation claim with a 5.00 CFS flow rate for use on 57.00 acres in the W2E2 of Section 23, Township 13N, Range 13E, Judith Basin County. The claim was decreed with the following flow rate and acres irrigated issue remarks:

THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS 39.00 GPM PER ACRE.

THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 47.00 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 0.00 ACRES IRRIGATED.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

l. The DTC Memo provides evidence supporting the historical irrigation of 38.90 acres, as identified by Mr. Irvin.

m. The flow rate issue remark provided water users notice of the GPM/acre ratio. No water users objected. Furthermore, information in the claim file does not indicate the claimed flow rate is historically inaccurate. A guideline, without further explanation, is not evidence sufficient to overcome the prima facie proof afforded the flow rate for this claim. No modification to the flow rate should be made.

41S 30130850, 41S 30130851, and 41S 30130855:

n. The DTC Memo states that Claimant is unable to provide evidence to substantiate the historical use of claims 41S 30130850, 41S 30130851, and 41S 30130855 and requested the claims be withdrawn.

41S 30130856 and 41S 30130857:

o. Claims 41S 30130856 and 41S 30130857 were decreed with December 31, 1888, priority dates and have overlapping points of diversion and places of use. The claims received the same priority date issue remark:

THE PRIORITY DATE MAY BE QUESTIONABLE. THE SOURCE DESCRIBED ON THE FILED NOTICE OF APPROPRIATION IS INCONSISTENT WITH THE CLAIMED SOURCE.

p. Using the homestead patent filed by the original settler of the area, John Brinkman, Mr. Irvin determined that January 13, 1913, is the accurate priority date for claims 41S 30130856 and 41S 30130857. Claimant overlooked modifying the type of historical right based upon the evidence provided to substantiate the priority date. The type of historical right for claims 41S 30130856 and 41S 30130857 should be corrected to “use.”

41S 30130858 and 41S 30130859:

q. Claims 41S 30130858 and 41S 30130859 were decreed with December 31, 1888, priority dates and have overlapping points of diversion and places of use. The claims received the same priority date issue remark:

THE PRIORITY DATE MAY BE QUESTIONABLE. THE SOURCE DESCRIBED ON THE FILED NOTICE OF APPROPRIATION IS INCONSISTENT WITH THE CLAIMED SOURCE.

r. Using the homestead patent filed by the original settler of the area, Matthew J. Reiley, Mr. Irvin determined that October 25, 1897, is the accurate priority date for claims 41S 30130858 and 41S 30130859. Claimant overlooked modifying the type of historical right based upon the evidence provided to substantiate the priority date. The type of historical right for claims 41S 30130858 and 41S 30130859 should be corrected to “use.”

41S 30130860:

s. The DTC Memo states that Claimant is unable to provide evidence to substantiate the historical use of claim 41S 30130860 and requested the claim be withdrawn.

41S 30130862:

t. Claim 41S 30130862 was decreed with a December 31, 1888, priority date. The claim was decreed with the following priority date issue remark:

THE PRIORITY DATE MAY BE QUESTIONABLE. THE SOURCE DESCRIBED ON THE FILED NOTICE OF APPROPRIATION IS INCONSISTENT WITH THE CLAIMED SOURCE.

u. Using the homestead patent filed by the original settler of the area, Andrew Kessler, Mr. Irvin determined that July 20, 1908, is the accurate priority date for claim 41S 30130862. Claimant overlooked modifying the type of historical right based upon the evidence provided to substantiate the priority date. The type of historical right for claim 41S 30130862 should be corrected to “use.”

41S 30130868:

v. Claim 41S 30130868 was decreed as a filed livestock direct from source claim with a priority date of December 31, 1879. The claim was decreed with the following historical right and priority date issue remark:

THE TYPE OF HISTORICAL RIGHT AND PRIORITY DATE MAY BE QUESTIONABLE. DOCUMENTATION TO SUPPORT THE TYPE OF HISTORICAL RIGHT AND PRIORITY DATE WAS NOT SUBMITTED WITH THIS CLAIM.

w. Using the homestead patent filed by the original settler of the area, Matthew J. Reiley, Mr. Irvin determined that April 18, 1898, is the accurate priority date for claim 41S 30130868. Claimant overlooked modifying the type of historical right based upon the evidence provided to substantiate the priority date. The type of historical right for claim 41S 30130868 should be corrected to “use.”

41S 30130870:

x. Claim 41S 30130870 was decreed as a filed livestock direct from source claim with a priority date of December 31, 1879. The claim was decreed with the following historical right and priority date issue remark:

THE TYPE OF HISTORICAL RIGHT AND PRIORITY DATE MAY BE QUESTIONABLE. DOCUMENTATION TO SUPPORT THE TYPE OF HISTORICAL RIGHT AND PRIORITY DATE WAS NOT SUBMITTED WITH THIS CLAIM.

y. Using the Patent issued to the State of Montana, Mr. Irvin determined that February 15, 1901, is the accurate priority date for claim 41S 30130870. Claimant overlooked modifying the type of historical right based upon the evidence provided to substantiate the priority date. The type of historical right for claim 41S 30130870 should be corrected to “use.”

41S 30130875, 41S 30130876, and 41S 30130877:

z. The DTC Memo states that Claimant is unable to provide evidence to substantiate the historic use of claims 41S 30130875, 41S 30130876, and 41S 30130877 and that they have been withdrawn.

41S 30130884 and 41S 30130886:

aa. Claims 41S 30130884 and 41S 30130886 were decreed with the same point of diversion in the NWSESW of Section 23, Township 13N, Range 13E, from the same source, “Spring, Unnamed Tributary of Antelope Creek, West Fork.” The claims were decreed with the same source and point of diversion issue remarks:

THE CLAIMED SPRING COULD NOT BE IDENTIFIED FROM DATA SUBMITTED WITH THE CLAIM.

THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE SPRING CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

bb. The DTC Memo provides evidence of the existence and location of the spring as well as the location of the point of diversion from the spring, confirming the historical accuracy of the prima facie statements of claim. No modifications to the claims should be made.

41S 30130887 and 41S 30130889:

cc. Claims 41S 30130887 and 41S 30130889 were decreed as groundwater claims with a priority date of December 31, 1888. The claims received the same source and priority date issue remark:

THE PRIORITY DATE MAY BE QUESTIONABLE. THE SOURCE DESCRIBED ON THE FILED NOTICE OF APPROPRIATION IS INCONSISTENT WITH THE CLAIMED SOURCE.

dd. Claimant confirmed the existence and location of the well. Using the homestead patent filed by the original settler of the area, Harvey A. McFadden, Mr. Irvin

determined that June 22, 1914, is the accurate priority date for claims 41S 30130887 and 41S 30130889. Claimant overlooked modifying the type of historical right based upon the evidence provided to substantiate the priority date. The type of historical right for claims 41S 30130887 and 41S 30130889 should be corrected to “use.”

41S 30130891, 41S 30130892, 41S 30130894, 41S 30130895, and 41S 30130896:

ee. The DTC Memo states that Claimant is unable to provide evidence to substantiate the historical use of claims 41S 30130891, 41S 30130892, 41S 30130894, 41S 30130895, and 41S 30130896 and that have been withdrawn.

41S 30130897:

ff. Claim 41S 30130897 was decreed as a livestock direct from source claim from “Spring, Unnamed Tributary of Antelope Creek, West Fork,” with a point of diversion in the SWNWSW of Section 26, Township 13N, Range 13E, and a priority date of December 31, 1888. The claim was decreed with the following source, point of diversion, and priority date issue remarks:

THE CLAIMED SPRING COULD NOT BE IDENTIFIED FROM DATA SUBMITTED WITH THE CLAIM.

THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE SPRING CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

THE PRIORITY DATE MAY BE QUESTIONABLE. THE SOURCE DESCRIBED ON THE FILED NOTICE OF APPROPRIATION IS INCONSISTENT WITH THE CLAIMED SOURCE.

gg. Using a 1957 aerial photograph showing the spring tributary to the claimed location of the point of diversion, Mr. Irvin determined that the point of diversion and source were correct, confirming the historical accuracy of the prima facie statement of claim. No modifications to the point of diversion should be made.

hh. Using the homestead patent filed by the original settler of the area, Andrew Kessler, Mr. Irvin determined that July 20, 1908, is the accurate priority date for claim 41S 30130897. Claimant overlooked modifying the type of historical right based upon the evidence provided to substantiate the priority date. The type of historical right for claim 41S 30130897 should be corrected to “use.”

4. While not necessary, on February 14, 2025, Bar N Bar filed a Memorandum to Resolve Issue Remarks on claim 41S 30130846 (“Bar N Bar Memo”).

(Doc. 10.00). The claim was decreed with two notice issue remarks providing water users the opportunity to object to the claim. No objections were filed to the claim. No modifications are necessary to the claim to resolve the issue remarks.

The Bar N Bar Memo proposed an amendment to the claim. Bar N Bar requested that the period of use be increased from May 20 to February 1 to year-round.

5. On May 20, 2026, an Order was issued, setting a deadline for Bar N Bar to substantiate the historical beneficial use of the proposed period of use amendment. (Doc. 11.00). On May 21, 2026, counsel for the Claimants filed the following Statement:

COMES NOW Claimant Bar N Bar, LLC, a Montana limited liability company (herein “BNB”), and hereby notifies the Court they have reviewed the Court’s May 20th, 2026 Order, and BNB does not intend to file any further documentation. BNB will accept the period of diversion as claimed. Although they believe a year around period of diversion is more appropriate, there is no additional evidence and no other witnesses they can obtain to support the position.

(Doc. 12.00).

Notice-type Issue Remarks

6. Claims 41S 30130836, 41S 30130846, 41S 30130856, 41S 30130857, 41S 30130858, 41S 30130859, 41S 30130860, 41S 30130862, 41S 30130868, 41S 30130870, 41S 30130884, 41S 30130886, and 41S 30130897 received the following notice type issue remarks:

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

7. Claim 41S 139341-00 received the following notice type issue remarks:

MEANS OF DIVERSION AND RESERVOIR RECORD 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.

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

8. Claim 41S 30130846 received the following notice type issue remark:

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON WAITE CREEK WITH A PRIORITY DATE PREDATING CASE NO 982, FERGUS COUNTY. IF NO OBJECTIONS ARE FILED TO PRIORITY DATE OR TYPE OF HISTORICAL RIGHT, THESE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS REMARK WILL BE REMOVED.

9. The issue remarks provided notice to water users of their opportunity to object to the claims. None of the claims received objections.

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; Rule 10, W.R.Adj.R.

2. Prima facie proof may be contradicted and overcome by a preponderance of the evidence. Rule 19, W.R.Adj.R.

3. A preponderance of the evidence is evidence that shows a fact is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.

4. 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

5. If prima facie status is overcome, the burden shifts back to the claimant to demonstrate historical use. *79 Ranch v. Pitsch*, 204 Mont. 426, 432-33, 666 P.2d 215, 218 (1983).

6. The Water Court is not bound by parties’ settlement agreements. Any settlement reached by the parties is subject to review and approval by the Water Court. Rule 17(a), W.R.Adj.R.

7. If claimant agrees to expand or enlarge an element of a claim, evidence meeting the burden of proof must be provided. If the evidence does not meet the burden of proof, the element shall not be expanded or enlarged. Rule 17(b), W.R.Adj.R.

8. If a claimant agrees to reduce or limit a claim, the Water Court may accept the reduction or limitation without reviewing further evidence, unless an unresolved issue remark remains. Rule 17(c), W.R.Adj.R.

9. 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.

10. 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.

11. A claimant asserting an amendment to its claim has the burden to show that the historical use of the claim is accurately reflected by the requested amendment. *Nelson v. Brooks*, 2014 MT 120, ¶ 34, 375 Mont. 86, 329 P.3d 558.

12. A clerical mistake or mistake arising from omission or oversight may be corrected by the court at any time. Rule 60(a), M.R.Civ.P.

CONCLUSIONS OF LAW

41S 30130833:

1. The place of use and point of diversion issue remarks on claim 41S 30130833 do not overcome the prima facie status of the claim. Evidence in the Perry Memo supports the claimed place of use and point of diversion, the NENENW of Section 9, Township 12N, Range 12E, Judith Basin County. No modifications should be made to the elements of this claim.

41S 30130836:

2. The spring location and point of diversion issue remarks on claim 41S 30130836 overcome the prima facie status of the claim. Evidence in the Perry Memo supports a modified point of diversion and place of use to the SESWNE of Section 9, Township 12N, Range 12E, Judith Basin County.

41S 139341-00:

3. The flow rate issue remark on claim 41S 139341-00 does not overcome the prima facie status of the claim. Evidence in the DTC Memo supports the removal of the issue remark because the type of right is a “use right” with an onstream reservoir as the diversion method.

4. The acres irrigation issue remark on claim 41S 139341-00 overcomes the prima facie status of the claim. Evidence in the DTC Memo supports the reduction of the maximum acres and place of use from 50.00 acres to 38.10 acres.

5. The volume issue remark on claim 41S 139341-00 does not overcome the prima facie status of the claim. Evidence in the DTC Memo supports the claimed volume of 162.00 acre-feet.

41S 139342-00:

6. The acres irrigated issue remark on claim 41S 139342-00 overcomes the prima facie status of the claim. Evidence in the DTC Memo supports the reduction of the maximum acres and place of use from 57.00 acres to 38.90 acres.

7. The flow rate issue remark on claim 41S 139342-00 overcomes the prima facie status of the claim. Evidence in the DTC Memo supports a reduced flow rate of 1.47 CFS.

8. The reservoir issue remark on claim 41S 139342-00 overcomes the prima facie status of the claim. Evidence in the DTC Memo supports that any reference to a reservoir should be removed from the claim abstract and, accordingly, no quantified volume should be decreed.

41S 139344-00:

9. The acres irrigated issue remark on claim 41S 139344-00 overcomes the prima facie status of the claim. Evidence in the DTC Memo supports the reduction of the maximum acres and place of use from 57.00 acres to 38.90 acres.

10. The flow rate issue remark on claim 41S 139344-00 does not overcome the prima facie status of the claim. Evidence in the DTC Memo supports the claimed flow rate.

41S 30130850, 41S 30130851, and 41S 30130855:

11. The DTC Memo supports the withdrawal of claims 41S 30130850, 41S 30130851, and 41S 30130855.

41S 30130856 and 41S 30130857:

12. The priority date issue remark on claims 41S 30130856 and 41S 30130857 overcomes the prima facie status of the claims. Evidence in the DTC Memo supports a reduced priority date of January 13, 1913, and supports correcting the type of historical right to “use” for both claims.

41S 30130858 and 41S 30130859:

13. The priority date issue remark on claims 41S 30130858 and 41S 30130859 overcomes the prima facie status of the claims. Evidence in the DTC Memo supports a reduced priority date of October 25, 1897, and supports correcting the type of historical right to “use” for both claims.

41S 30130860:

14. The DTC Memo supports the withdrawal of claim 41S 30130860.

41S 30130862:

15. The priority date issue remark on claim 41S 30130862 overcomes the prima facie status of the claim. Evidence from the DTC Memo supports a reduced priority date of July 20, 1908, and supports correcting the type of historical right to “use.”

41S 30130868:

16. The priority date and historical right issue remark on claim 41S 30130868 overcomes the prima facie status of the claim. Evidence from the DTC Memo supports a reduced priority date of April 18, 1898, and supports correcting the type of historical right to “use.”

41S 30130870:

17. The priority date and historical right issue remark on claim 41S 30130870 overcomes the prima facie status of the claim. Evidence from the DTC Memo supports a reduced priority date of February 15, 1901, and supports correcting the type of historical right to “use.”

41S 30130875, 41S 30130876, and 41S 30130877:

18. The DTC Memo supports the withdrawal of claims 41S 30130875, 41S 30130876, and 41S 30130877.

41S 30130884 and 41S 30130886:

19. The spring location and point of diversion issue remarks on claims 41S 30130884 and 41S 30130886 do not overcome the prima facie status of the claims. Evidence in the DTC Memo supports the claimed spring location and point of diversion on the claims. No modifications should be made to the elements of these claims.

41S 30130887 and 41S 30130889:

20. The priority date issue remark on claims 41S 30130887 and 41S 30130889 overcomes the prima facie status of the claims. Evidence in the DTC Memo supports a reduced priority date of June 22, 1914, and supports correcting the type of historical right to “use.”

41S 30130891, 41S 30130892, 41S 30130894, 41S 30130895, and 41S 30130896:

21. The DTC Memo supports the withdrawal of claims 41S 30130891, 41S 30130892, 41S 30130894, 41S 30130895, and 41S 30130896.

41S 30130897:

22. The spring location and point of diversion issue remarks on claim 41S 30130897 do not overcome the prima facie status of the claim. Evidence in the DTC Memo supports the claimed spring location and point of diversion. These elements do not require modification.

23. The priority date issue remark on claim 41S 30130897 overcomes the prima facie status of the claim. Evidence in the DTC Memo supports a reduced priority date of July 20, 1908, and supports correcting the type of historical right to “use.”

Notice Type Issue Remarks

24. The notice-type issue remarks found in Findings of Fact Nos. 6 through 9 served their purpose.

RECOMMENDATIONS

41S 30130836:

1. The point of diversion and place of use for claim 41S 30130836 should be the SESWNE of Section 9, Township 12N, Range 12E, Judith Basin County.

41S 139341-00:

2. The maximum acres of claim 41S 139341-00 should be 38.10 acres.

41S 139342-00:

3. The maximum acres of claim 41S 139342-00 should be 38.90 acres and the place of use legal land descriptions modified as depicted by the abstract included with this Report.

4. The flow rate of claim 41S 139342-00 should be 1.47 CFS.

5. Any reference to a reservoir on the abstract of claim 41S 139342-00 should be removed.

6. Claim 41S 139342-00 should have the following volume remark on it instead of a quantified volume:

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

41S 139344-00:

7. The maximum acres of claim 41S 139344-00 should be 38.90 acres and the place of use legal land descriptions modified as depicted by the abstract included with this Report.

41S 30130850, 41S 30130851, 41S 30130855, 41S 30130860, 41S 30130875, 41S 30130876, 41S 30130877, 41S 30130891, 41S 30130892, 41S 30130894, 41S 30130895, and 41S 30130896:

8. Claims 41S 30130850, 41S 30130851, 41S 30130855, 41S 30130860, 41S 30130875, 41S 30130876, 41S 30130877, 41S 30130891, 41S 30130892, 41S 30130894, 41S 30130895, and 41S 30130896 should be dismissed.

41S 30130856 and 41S 30130857:

9. The priority date for claims 41S 30130856 and 41S 30130857 should be January 13, 1913. The type of historical right should be “use.”

41S 30130858 and 41S 30130859:

10. The priority date for claims 41S 30130858 and 41S 30130859 should be October 25, 1897. The type of historical right should be “use.”

41S 30130862:

11. The priority date for claim 41S 30130862 should be July 20, 1908. The type of historical right should be “use.”

41S 30130868:

12. The priority date for claim 41S 30130868 should be April 18, 1898. The type of historical right should be “use.”

41S 30130870:

13. The priority date for claim 41S 30130870 should be February 15, 1901. The type of historical right should be “use.”

41S 30130887 and 41S 30130889:

14. The priority date for claims 41S 30130887 and 41S 30130889 should be June 22, 1914. The type of historical right should be “use.”

41S 30130897:

15. The priority date for claim 30130897 should be July 20, 1908. The type of historical right should be “use.”

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

An abstract of each claim is attached.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

(Last Order)

Stacie Arntzen
Special Administrator to Estate of John Flanagan
224 W. Main St. #600
Lewistown, MT 59457

(Last Order)

Bar N Bar, LLC
931 Wertheimer Drive
Hobson, MT 59452-8627

Service Via Electronic Mail:

Oliver J. Urick
Urlick Law Firm PLLC
ourick@uricklawfirm.com
(Atty for: DTC Ranch LLC; Layton R. Perry; Heather Perry; Kash L. Perry; Bar N Bar, LLC)

****Note: Service List Updated 6-16-2026****

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

Water Right Number: 41S 139341-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

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

Priority Date: DECEMBER 31, 1941

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 162.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 38.10

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		SESWNE	23	13N	13E	JUDITH BASIN

***Period of Diversion:** APRIL 15 TO OCTOBER 20

Diversion Means: DAM

***Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESWNE	23	13N	13E	JUDITH BASIN

Diversion to Reservoir: DIVERSION # 1

Dam Height: 12.00 FEET

Depth: 9.00 FEET

Surface Area: 1.33 ACRES

Capacity: 4.79 ACRE-FEET

THE DAM EXTENDS INTO THE NENWSE , SEC 23 TWP 13N RGE 13E JUDITH BASIN COUNTY.

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	38.10		NE	23	13N	13E	JUDITH BASIN

Total: 38.10

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 139342-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

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

Priority Date: JUNE 19, 1941

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.47 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: 38.90

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 1 TO OCTOBER 15

Diversion Means: DIKE

Period of Use: APRIL 1 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	16.60		SWNE	23	13N	13E	JUDITH BASIN
2	5.60		W2NWSE	23	13N	13E	JUDITH BASIN
3	16.70		N2NE	23	13N	13E	JUDITH BASIN

Total: 38.90

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 139344-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

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

Priority Date: MARCH 15, 1887

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: 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: 3 - MODERATE

Maximum Acres: 38.90

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 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	16.60		SWNE	23	13N	13E	JUDITH BASIN
2	5.60		W2NWSE	23	13N	13E	JUDITH BASIN
3	16.70		N2NE	23	13N	13E	JUDITH BASIN
Total:	38.90						

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 30130833 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: HEATHER PERRY
6726 ACKLEY LAKE RD
HOBSON, MT 59452-8664

KASH L PERRY
6726 ACKLEY LAKE RD
HOBSON, MT 59452-8664

LAYTON R PERRY
6726 ACKLEY LAKE RD
HOBSON, MT 59452-8664

***Priority Date:** DECEMBER 31, 1919

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: 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		NENENW	9	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			NENENW	9	12N	12E	JUDITH BASIN

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

Water Right Number: 41S 30130836 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: HEATHER PERRY
6726 ACKLEY LAKE RD
HOBSON, MT 59452-8664

KASH L PERRY
6726 ACKLEY LAKE RD
HOBSON, MT 59452-8664

LAYTON R PERRY
6726 ACKLEY LAKE RD
HOBSON, MT 59452-8664

***Priority Date:** DECEMBER 31, 1901

Type of Historical Right: USE

***Purpose (Use):** MULTIPLE DOMESTIC

Flow Rate: 10.00 GPM

Volume: 0.52 AC-FT

Households: 2

Source Name: SPRING, UNNAMED TRIBUTARY OF PAGIL GULCH

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		SESWNE	9	12N	12E	JUDITH BASIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

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			SESWNE	9	12N	12E	JUDITH BASIN

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

Water Right Number: 41S 30130846 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, 1920

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: UNNAMED TRIBUTARY OF WAITE 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		NWNWNE	11	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			NWNWNE	11	12N	12E	JUDITH BASIN

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

Water Right Number: 41S 30130850 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

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

***Priority Date:**

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF ANTELOPE CREEK, WEST FORK

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.

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

Water Right Number: 41S 30130851 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

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

***Priority Date:**

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: UNNAMED TRIBUTARY OF ANTELOPE CREEK, WEST FORK

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.

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

Water Right Number: 41S 30130855 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

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

***Priority Date:**

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF ANTELOPE CREEK, WEST FORK

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.

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

Water Right Number: 41S 30130856 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

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

***Priority Date:** JANUARY 13, 1913

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 10.00 GPM

***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:** 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		SESESE	34	13N	13E	JUDITH BASIN

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			SESESE	34	13N	13E	JUDITH BASIN

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.

30130856 30130857

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

Water Right Number: 41S 30130857 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

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

Priority Date: JANUARY 13, 1913

Type of Historical Right: USE

***Purpose (Use):** MULTIPLE DOMESTIC

Flow Rate: 10.00 GPM

Volume: 0.52 AC-FT

Households: 2

***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		SESESE	34	13N	13E	JUDITH BASIN

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			SESESE	34	13N	13E	JUDITH BASIN

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.

30130856 30130857

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

Water Right Number: 41S 30130858 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

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

Priority Date: OCTOBER 25, 1897

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 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		SWNWNE	35	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			SWNWNE	35	13N	13E	JUDITH BASIN

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.

30130858 30130859

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

Water Right Number: 41S 30130859 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

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

Priority Date: OCTOBER 25, 1897

Type of Historical Right: USE

***Purpose (Use):** MULTIPLE DOMESTIC

Flow Rate: 15.00 GPM

Volume: 3.92 AC-FT

Households: 2

Maximum Acres: 1.00

***Source Name:** SPRING, 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 Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNWNE	35	13N	13E	JUDITH BASIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: UNDEVELOPED SPRING

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	1.00		SWNWNE	35	13N	13E	JUDITH BASIN

Total: 1.00

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.

30130858 30130859

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

Water Right Number: 41S 30130860 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

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

***Priority Date:**

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF ANTELOPE 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.

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

Water Right Number: 41S 30130862 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

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

Priority Date: JULY 20, 1908

Type of Historical Right: USE

Purpose (Use): STOCK

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

***Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR 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 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		NESWNW	26	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			NESWNW	26	13N	13E	JUDITH BASIN

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

Water Right Number: 41S 30130868 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

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

Priority Date: APRIL 18, 1898

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: UNNAMED TRIBUTARY OF ANTELOPE CREEK, WEST FORK

Source Type: SURFACE WATER

ALSO KNOWN AS 1.22.3S CLAIM

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	22	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			SWSWSE	22	13N	13E	JUDITH BASIN

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

Water Right Number: 41S 30130870 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

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

Priority Date: FEBRUARY 15, 1901

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: UNNAMED TRIBUTARY OF ANTELOPE CREEK, WEST FORK

Source Type: SURFACE WATER

ALSO KNOWN AS 1.22.2S CLAIM

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		SENESE	22	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			SENESE	22	13N	13E	JUDITH BASIN

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

Water Right Number: 41S 30130875 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

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

***Priority Date:**

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF ANTELOPE 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.

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

Water Right Number: 41S 30130876 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

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

***Priority Date:**

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF ANTELOPE 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.

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

Water Right Number: 41S 30130877 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

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

***Priority Date:**

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF ANTELOPE 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.

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

Water Right Number: 41S 30130884 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

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

***Priority Date:** DECEMBER 31, 1896

Type of Historical Right: USE

***Purpose (Use):** MULTIPLE DOMESTIC

Flow Rate: 15.00 GPM

Volume: 3.92 AC-FT

Households: 2

Maximum Acres: 1.00

Source Name: SPRING, UNNAMED TRIBUTARY OF ANTELOPE CREEK, WEST FORK

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		NWSESW	23	13N	13E	JUDITH BASIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

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	1.00		NWSESW	23	13N	13E	JUDITH BASIN

Total: 1.00

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.

30130884 30130885

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

Water Right Number: 41S 30130886 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

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

***Priority Date:** DECEMBER 31, 1896

Type of Historical Right: USE

***Purpose (Use):** MULTIPLE DOMESTIC

Flow Rate: 15.00 GPM

Volume: 3.92 AC-FT

Households: 2

Maximum Acres: 1.00

***Source Name:** SPRING, UNNAMED TRIBUTARY OF 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		NWSESW	23	13N	13E	JUDITH BASIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

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			NWSESW	23	13N	13E	JUDITH BASIN

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

Water Right Number: 41S 30130887 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

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

Priority Date: JUNE 22, 1914

Type of Historical Right: USE

***Purpose (Use):** MULTIPLE DOMESTIC

Flow Rate: 10.00 GPM

Volume: 0.52 AC-FT

Households: 2

Maximum Acres: 1.00

***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		SWSESW	27	13N	13E	JUDITH BASIN

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	1.00		SWSESW	27	13N	13E	JUDITH BASIN

Total: 1.00

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.

30130887 30130889

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

Water Right Number: 41S 30130889 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

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

Priority Date: JUNE 22, 1914

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 10.00 GPM

***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:** GROUNDWATER

Source Type: GROUNDWATER
ALSO KNOWN AS 1.27.7S WELL

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		SWSESW	27	13N	13E	JUDITH BASIN

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			SWSESW	27	13N	13E	JUDITH BASIN

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.

30130887 30130889

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

Water Right Number: 41S 30130891 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

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

***Priority Date:**

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF ANTELOPE CREEK, WEST FORK

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.

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

Water Right Number: 41S 30130892 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

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

***Priority Date:**

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF ANTELOPE CREEK, WEST FORK

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.

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

Water Right Number: 41S 30130894 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

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

***Priority Date:**

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF ANTELOPE CREEK, WEST FORK

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.

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

Water Right Number: 41S 30130895 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

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

***Priority Date:**

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF ANTELOPE CREEK, WEST FORK

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.

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

Water Right Number: 41S 30130896 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

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

***Priority Date:**

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF ANTELOPE CREEK, WEST FORK

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.

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

Water Right Number: 41S 30130897 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

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

Priority Date: JULY 20, 1908

Type of Historical Right: USE

Purpose (Use): STOCK

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

***Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR 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 ANTELOPE CREEK, WEST FORK

Source Type: SURFACE WATER

ALSO KNOWN AS 1.26.5S CLAIM

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		SWNWSW	26	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			SWNWSW	26	13N	13E	JUDITH BASIN