

Montana Water Court
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FILED
03/12/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41I-2056-R-2024
Peters, Bina
19.00

MONTANA WATER COURT
UPPER MISSOURI DIVISION
MISSOURI RIVER ABOVE HOLTER DAM
BASIN (41I)
PRELIMINARY DECREE

CLAIMANTS: Cynthia M. Sanderson; Jeffery Sanderson; Roger Sanderson

OBJECTORS: United States, DOI Bureau of Reclamation;
United States, DOI Bureau of Land Management;
United States, DOA Forest Service

CASE 41I-2056-R-2024

41I 2232-00
41I 2234-00
41I 2235-00
41I 2237-00
41I 2242-00
41I 2243-00
41I 5081-00
41I 5082-00
41I 5083-00

CLOSING ORDER

The claims in this case were included in the Preliminary Decree for the Missouri River above Holter Dam (Basin 41I) on June 24, 2022. The claims are owned by Cynthia M. Sanderson, Jeffery Sanderson and Roger Sanderson (“Sandersons”). All the claims received an objection from the United States Bureau of Reclamation, Bureau of Land Management, and/or Forest Service (collectively, “United States”). The claims were also subject to issue remarks resulting from examination by the Department of Natural Resources and Conservation (“DNRC”). This Order addresses the resolution of objections and issue remarks.

Background

All the claims in this case were subject to issue remarks that required additional evidence to be resolved. The issue remarks that required additional information are as follows:

Claims 41I 2232-00 and 41I 2242-00:

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

THE BROADWATER COUNTY WATER RESOURCES SURVEY (1956) APPEARS TO INDICATE 95.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

Claims 41I 2234-00, 41I 2235-00, and 41I 2243-00:

THE BROADWATER COUNTY WATER RESOURCES SURVEY (1956) APPEARS TO INDICATE 667.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

Claim 41I 5082-00:

THE BROADWATER COUNTY WATER RESOURCES SURVEY (1956) APPEARS TO INDICATE 208.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 379-231, DATED 08/28/1979, APPEARS TO INDICATE 283.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

Claims 41I 5081-00 and 41I 5083-00:

THE BROADWATER COUNTY WATER RESOURCES SURVEY (1956) APPEARS TO INDICATE 123.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

Claim 41I 5081-00 also received the following issue remark:

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

Claim 41I 2237-00:

THE BROADWATER COUNTY WATER RESOURCES SURVEY (1956) APPEARS TO INDICATE 85.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

On June 12, 2025, the Sandersons and the United States filed a Stipulation to Resolve Objections (“Stipulation”). (Doc. 12.00). The Stipulation proposed to resolve the United States’ objections to all claims except 41I 2237-00.

According to the Stipulation, the parties agreed to modify the maximum irrigated acres and place of use for claims 41I 2232-00, 41I 2242-00, 41I 2234-00, 41I 2235-00, and 41I 2243-00; the point of diversion for claims 41I 5081-00 and 41I 5083-00; and

points of diversion, maximum acres, and place of use for claim 41I 5082-00. The Stipulation specified that the points of diversion for the Doughty Ditch is on federal land is no longer used to divert water for irrigation. (Doc. 12.00).

The parties agreed that the maximum acres and place of use for claims 41I 2232-00 and 41I 2242-00 should be modified as follows:

ID	Acres	Govt Lot	Qtr	Sec	Twp	Rge	County
1	80.00		NE	11	5N	1E	BROADWATER
2 1	120.00 120.00	 23.00	 S2NW	NW	11	5N	1E BROADWATER
3 2	50.00 50.00	 39.00	 SWSW	SW	12	5N	1E BROADWATER
Total:	250.00 250.00	 62.00					

The parties agreed the maximum acres and place of use for claims 41I 2234-00, 41I 2235-00, and 41I 2243-00 should be modified as follows:

ID	Acres	Govt Lot	Qtr	Sec	Twp	Rge	County
1	160.00	27.00	S2NE	NE	13	5N	1E BROADWATER
2	160.00	75.00		NW	13	5N	1E BROADWATER
3	160.00	136.00		SE	13	5N	1E BROADWATER
4	160.00	151.00		SW	13	5N	1E BROADWATER
5	1320.00	174.00		E2	14	5N	1E BROADWATER
Total:	960.00	563.00					

The parties agreed that the point of diversion for claims 41I 5081-00 and 41I 5083-00 should be modified from SESENE of Section 23, Township 6 North, Range 1 West to SWNWNW Section 32, Township 6 North, Range 1 East. The maximum irrigated acres and place of use for claims 41I 5081-00 and 41I 5083-00 were agreed to be modified as follows:

ID	Acres	Govt Lot	Qtr	Sec	Twp	Rge	County
1	30.00	23.02	SWSW	S2SW	29	6N	1E BROADWATER
2	28.00	17.62	SESE	S2SE	30	6N	1E BROADWATER
3	102.00	105.85		N2	32	6N	1E BROADWATER
Total:	160.00	146.49					

The points of diversion for claim 41I 5082-00 were amended to remove the point of diversion from Doughty Ditch and correct the legal description of the remaining point of diversion from SWSWSE to SWSESW, Section 30, Township 6 North, Range 1 East. The maximum acres and place of use were modified as follows:

ID	Acres	Govt Lot	Qtr	Sec	Twp	Rge	County
1	138.00	<u>83.00</u>	W2W2	5	5N	1E	BROADWATER
2	41.00	<u>8.00</u>	E2SE	6	5N	1E	BROADWATER
3	30.00		W2NW	8	5N	1E	BROADWATER
4	30.00		S2SW	29	6N	1E	BROADWATER
5	28.00		SE	30	6N	1E	BROADWATER
6	102.00		N2	32	6N	1E	BROADWATER
Total:	330.00	<u>121.00</u>					

To address the remaining objection and issue remarks on claim 41I 2237-00, the Sandersons filed a Motion to Amend. Sandersons' amendments propose to modify the irrigated acres from 108.00 to 112.49 acres. The Sandersons also propose to correct the source name and point of diversion. Two points of diversion were removed, and the remaining point of diversion was amended to NWSWSE¹ Section 16, Township 5 North, Range 2 East.

The acres were amended as follows:

ID	Acres	Govt Lot	Qtr	Sec	Twp	Rge	County
1	60.00	<u>63.78</u>	N2NE	8	5N	1E	BROADWATER
2	40.00	<u>44.73</u>	S2NE	8	5N	1E	BROADWATER
3	8.00	<u>3.98</u>	NW	9	5N	1E	BROADWATER
Total:	108.00	<u>112.49</u>					

On January 22, 2025, the Sandersons filed a statement explaining the research conducted to assure the modifications to 41I 2237-00 reflected historical use. (Doc. 13.00). Filed with the statement was information from consultant Myles VanHemelryck

¹ The Motion states that the point of diversion for claim 41I 2237-00 is NWSWSE, but the proposed abstract listed NSWSE of Section 16, T5N, R2E. The United States concurred that the correct location is NWSWSE of Section 16.

with analysis of a 1955 aerial photo. VanHemelryck's analysis concluded 112.49 acres as irrigated and provided conclusions regarding the correct source name and point of diversion.

The United States agreed that the proposed corrections in the Motion to Amend resolve the remaining objection to claim 41I 2237-00. (Doc. 14.00)

Applicable Law

Issue remarks are statements added to the abstracts of claims that identify potential factual and legal issues. Pursuant to the procedures set forth in Sections 85-2-227 – 231(2), the Water Court is required to resolve issue remarks.

Settlement stipulations are subject to review and approval by the Court. Rule 17(a), W.R.Adj.R. If a claimant agrees to reduce or limit an element of a claim, the Water Court may accept the limitation contingent on resolution of the issue remarks. Similarly, motions to amend may be accepted when they reduce or limit an element of a claim, subject to the resolution of issue remarks that require additional evidence to be resolved. Rule 17(c), W.R.Adj.R.

Application

Based on the Stipulation, the parties agreed to reduce the places of use for claims 41I 2232-00, 41I 2234-00, 41I 2235-00, 41I 2242-00, 41I 2243-00, 41I 5082-00 beyond what was identified in the issue remarks. For claims 41I 5081-00 and 41I 5083-00, the reduction in acreage as stipulated is less than DNRC found on the 1979 aerial photo. (See claim file 41I 5081-00). Therefore, the stipulated reductions are also sufficient to resolve the issue remarks on claims 41I 5081-00 and 41I 5083-00.

Sandersons' motion to amend claim 41I 2237-00 and the statement with Mr. VanHemelryck's conclusions is sufficient to resolve the issue remark and accept the amendment. All objections have been resolved.

Therefore, it is

ORDERED that the stipulation is APPROVED.

ORDERED that the amendments to 41I 2237-00 are APPROVED.

ORDERED that the issue remarks are resolved and proceedings in this case are CLOSED. Abstracts are provided for reference with this Order.

ELECTRONICALLY SIGNED AND DATED BELOW.

SERVICE VIA USPS MAIL

Cynthia M Sanderson
Roger Sanderson
152 Montana Hwy 437
Toston, MT 59643

Jeffery Sanderson
50 Montana Hwy 437
Toston, MT 59643

SERVICE VIA ELECTRONIC MAIL

Judith E. Coleman, Senior Attorney
Michelle Ramus, Trial Attorney
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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, ABOVE HOLTER DAM
BASIN 41I**

Water Right Number: 411 2232-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: CYNTHIA M SANDERSON
152 MONTANA HWY 437
TOSTON, MT 59643-9736

JEFFERY SANDERSON
50 MONTANA HWY 437
TOSTON, MT 59643-9736

ROGER SANDERSON
152 MONTANA HWY 437
TOSTON, MT 59643-9736

Priority Date: MAY 1, 1902

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 5.00 CFS

THE WATER RIGHTS FOLLOWING THIS STATEMENT HAVE AN UNDIVIDED INTEREST IN A SINGLE WATER RIGHT FOR 5.0 CFS . 411 2232-00, 411 132479-00.

***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: 62.00

Source Name: CROW 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		SENWSE	32	6N	1E	BROADWATER

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BARRINGER DITCH

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		S2NW	11	5N	1E	BROADWATER
2	39.00		SWSW	12	5N	1E	BROADWATER

Total: 62.00

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.

2232-00

2242-00

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

Water Right Number: 411 2234-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: CYNTHIA M SANDERSON
152 MONTANA HWY 437
TOSTON, MT 59643-9736

JEFFERY SANDERSON
50 MONTANA HWY 437
TOSTON, MT 59643-9736

ROGER SANDERSON
152 MONTANA HWY 437
TOSTON, MT 59643-9736

Priority Date: MAY 1, 1888

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 12.50 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 563.00

Source Name: CROW 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		NWNWNW	9	5N	1E	BROADWATER

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: MCMULLAN DITCH

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	27.00		S2NE	13	5N	1E	BROADWATER
2	75.00		NW	13	5N	1E	BROADWATER
3	136.00		SE	13	5N	1E	BROADWATER
4	151.00		SW	13	5N	1E	BROADWATER
5	174.00		E2	14	5N	1E	BROADWATER

Total: 563.00

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.

2234-00

2235-00

2243-00

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

Water Right Number: 411 2235-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: CYNTHIA M SANDERSON
152 MONTANA HWY 437
TOSTON, MT 59643-9736

JEFFERY SANDERSON
50 MONTANA HWY 437
TOSTON, MT 59643-9736

ROGER SANDERSON
152 MONTANA HWY 437
TOSTON, MT 59643-9736

Priority Date: MAY 1, 1891

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 7.50 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 563.00

Source Name: CROW 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		NWNWNW	9	5N	1E	BROADWATER

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: MCMULLAN DITCH

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	27.00		S2NE	13	5N	1E	BROADWATER
2	75.00		NW	13	5N	1E	BROADWATER
3	136.00		SE	13	5N	1E	BROADWATER
4	151.00		SW	13	5N	1E	BROADWATER
5	174.00		E2	14	5N	1E	BROADWATER

Total: 563.00

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.

2234-00

2235-00

2243-00

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

Water Right Number: 411 2237-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CYNTHIA M SANDERSON
152 MONTANA HWY 437
TOSTON, MT 59643-9736

ROGER SANDERSON
152 MONTANA HWY 437
TOSTON, MT 59643-9736

Priority Date: MAY 1, 1885

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.20 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: 112.49

Source Name: LOWER CROW CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS WARM SPRING CREEK

Crow Creek and Swamp Creek have commingled waters. Lower Crow Creek Channel splits from Crow Creek (aka Upper Crow Creek Channel) in the NENESE Sec 5 TWP 6N RGE 1E Broadwater County flowing south to commingle water with Swamp Creek beginning in the NENESW Sec 16 TWP 5N RGE 1 E Broadwater County and separating at SENESE Sec 22 TWP 5N RGE 1E Broadwater County. Crow Creek water then travels to SWSWSW Sec 21 TWP 5n RGE 2E Broadwater County to the confluence with Warm Springs Creek.

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		NWSWSE	16	5N	2E	BROADWATER

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: L. SMITH DITCH

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	63.78		N2NE	8	5N	2E	BROADWATER
2	44.73		S2NE	8	5N	2E	BROADWATER

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

Water Right Number: 411 2242-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: CYNTHIA M SANDERSON
152 MONTANA HWY 437
TOSTON, MT 59643-9736

JEFFERY SANDERSON
50 MONTANA HWY 437
TOSTON, MT 59643-9736

ROGER SANDERSON
152 MONTANA HWY 437
TOSTON, MT 59643-9736

Priority Date: SEPTEMBER 3, 1914

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 9.47 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: 62.00

Source Name: CROW 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		SENWSE	32	6N	1E	BROADWATER

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BARRINGER-MCMULLAN DITCH

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		S2NW	11	5N	1E	BROADWATER
2	39.00		SWSW	12	5N	1E	BROADWATER
Total:	62.00						

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.

2232-00

2242-00

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

Water Right Number: 411 2243-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: CYNTHIA M SANDERSON
152 MONTANA HWY 437
TOSTON, MT 59643-9736

JEFFERY SANDERSON
50 MONTANA HWY 437
TOSTON, MT 59643-9736

ROGER SANDERSON
152 MONTANA HWY 437
TOSTON, MT 59643-9736

Priority Date: AUGUST 25, 1914

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 10.00 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: 563.00

Source Name: CROW 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		NWNWNW	9	5N	1E	BROADWATER

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: MCMULLAN DITCH

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	27.00		S2NE	13	5N	1E	BROADWATER
2	75.00		NW	13	5N	1E	BROADWATER
3	136.00		SE	13	5N	1E	BROADWATER
4	151.00		SW	13	5N	1E	BROADWATER
5	174.00		E2	14	5N	1E	BROADWATER

Total: 563.00

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.

2234-00

2235-00

2243-00

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

Water Right Number: 41I 5081-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: JEFFERY SANDERSON
50 MONTANA HWY 437
TOSTON, MT 59643-9736

Priority Date: MAY 1, 1873

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 280.00 GPM

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

Climatic Area: 3 - MODERATE

Maximum Acres: 146.49

***Source Name:** CROW 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		SWNWNW	32	6N	1E	BROADWATER

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: DOWDY DITCH

Period of Use: MAY 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	23.02		SWSW	29	6N	1E	BROADWATER
2	17.62		SESE	30	6N	1E	BROADWATER
3	105.85		N2	32	6N	1E	BROADWATER

Total: 146.49

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.

5081-00

5083-00

AUTHORIZATION TO CHANGE (SEVER/SELL) THE POINT OF DIVERSION OF A PORTION, 1120 GPM UP TO 385 ACRE-FEET, COMPLETED 07/24/1984 . FILE REFLECTS RIGHT AS IT EXISTED PRIOR TO JULY 1973. APPROVED CHANGES WILL BE RECORDED AFTER FINAL DECREE.

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

Water Right Number: 411 5082-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: CYNTHIA M SANDERSON
152 MONTANA HWY 437
TOSTON, MT 59643-9736

ROGER SANDERSON
152 MONTANA HWY 437
TOSTON, MT 59643-9736

Priority Date: MAY 29, 1911

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 9.00 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: 121.00

Source Name: CROW 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		SWSESW	30	6N	1E	BROADWATER

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: HARRIS DITCH

Period of Use: MAY 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	83.00		W2W2	5	5N	1E	BROADWATER
2	8.00		E2SE	6	5N	1E	BROADWATER
3	30.00		W2NW	8	5N	1E	BROADWATER

Total: 121.00

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

Water Right Number: 411 5083-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: JEFFERY SANDERSON
50 MONTANA HWY 437
TOSTON, MT 59643-9736

Priority Date: MAY 1, 1878

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 1.87 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: 146.49

***Source Name:** CROW 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		SWNWNW	32	6N	1E	BROADWATER

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: DOWDY DITCH

Period of Use: MAY 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	23.02		SWSW	29	6N	1E	BROADWATER
2	17.62		SESE	30	6N	1E	BROADWATER
3	105.85		N2	32	6N	1E	BROADWATER

Total: 146.49

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.

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