

Montana Water Court
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MONTANA WATER COURT
LOWER MISSOURI DIVISION
JUDITH RIVER
BASIN 41S
PRELIMINARY DECREE

CLAIMANTS: Darrell J. Stevenson; ~~Duane A. Stevenson~~;
Keith A. Stevenson; Roberta A. Stevenson;
Robert J. Stevenson; ~~Terry A. Thompson~~;
BRS Estates

CASE 41S-0351-R-2024

- 41S 2148-00
- 41S 13317-00
- 41S 13319-00
- 41S 13321-00
- 41S 13322-00
- 41S 13323-00
- 41S 13324-00
- 41S 13326-00
- 41S 14314-00
- 41S 14326-00
- 41S 14327-00
- 41S 14328-00
- 41S 141259-00
- 41S 141260-00
- 41S 210693-00

NOTICE OF FILING OF MASTER’S REPORT

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

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

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

MASTER’S REPORT

FINDINGS OF FACT

1. Darrell J. Stevenson; Keith A. Stevenson; Roberta A. Stevenson; Robert J Stevenson; and BRS Estates LLC (hereinafter referred to as “the Claimants”) are the record owners of claims 41S 2148-00, 41S 13317-00, 41S 13319-00, 41S 13321-00, 41S 13322-00, 41S 13323-00, 41S 13324-00, 41S 13326, 41S 14314-00, 41S 14326-00 , 41S 14327-00, 41S 14328-00, 41S 141259-00, 41S 141260-00, and 41S 210693-00.

2. The Claimants were ordered to meet with the Montana Department of Natural Resources and Conservation (“DNRC”) to address unresolved issue remarks decreed on claims within the above captioned case. (Doc.¹ 1.00).

3. DNRC Water Resource Specialist Brandon Ahlgren filed a Memorandum on October 28, 2024, regarding his review of the claims. (Doc. 3.00). Mr. Ahlgren reported he met with Claimants Terry Thompson, Keith Stevenson, and Darrell Stevenson to discuss the claims. Mr. Ahlgren explained he reviewed aerial photographs to prepare the Memorandum. Additionally, Mr. Ahlgren stated: “The claimants do not oppose any of the DNRC findings. No other claimants contacted the DNRC to discuss the case.”

4. **Claim 41S 2148-00:** This claim received the following issue remarks:

THE CLAIMED MEANS OF DIVERSION DOES NOT APPEAR STANDARDIZED AND CANNOT BE CLARIFIED FROM AVAILABLE DATA.

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.

Mr. Ahlgren reported that claim 41S 2148-00 should not reflect a pump as means of diversion, as the “[C]laimants clarified that a pump was not involved.” Further, no

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

objection was filed in regard to this claim; therefore, these elements should remain as they appear on the abstract.

Mr. Ahlgren recommends that that the diversion means be made “Gravity Flow”. Based on the record, it appears the following modifications are appropriate to reflect the historical use of claim 41S 2148-00:

***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	6	14N	15E	JUDITH BASIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: ~~PUMP~~/GRAVITY FLOW

This resolves the issue remark.

5. **Claim 41S 13317-00:** This claim received the following notice-based issue remark:

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED APPROPRIATION ON AN UNNAMED TRIBUTARY OF ROSS' FORK CREEK WITH A PRIORITY DATE PREDATING CASE NO 756, 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.

No objection was filed; therefore, these elements should remain as they appear on the abstract.

6. **Claim 41S 13319-00:** This claim received the following notice-based issue remark:

MEANS 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.

No objection was filed; therefore, the element should remain as it appears on the abstract.

7. **Claim 41S 13321-00:** This claim received the following issue remarks:

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

THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THE CLAIMS FOLLOWING THIS STATEMENT USE THE SAME FILED APPROPRIATION TO DOCUMENT THE RIGHT. THE COMBINED FLOW RATE FOR THIS GROUP OF CLAIMS EXCEEDS THE TOTAL OF THE ORIGINAL APPROPRIATION. 41S 13321-00, 41S 14314-00, 41S 14327-00.

THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 72.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 30045-179-112 , DATED 09/17/1979 , APPEARS TO INDICATE 108.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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

SOURCE NAME 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.

During the DNRC investigation the DNRC was able to use the claim map to locate the headgate and recommended the point of diversion issue remark to be removed.

Mr. Ahlgren stated that the DNRC was unable to substantiate any more than 108.00 acres using aerial photographs and that the Claimants were unable to supply any evidence to substantiate more acreage than what was identified. This resolves the maximum acres irrigated issue.

Further, Mr. Ahlgren states that the flow rate should be adjusted for the change in minimum acreage. Based on DNRC guidelines this works out to be 1,836.00 GPM (4.09 CFS).

With the reduction in flow rate, the recommended dismissal for 41S 14327-00 and the fact that 41S 14314-00 is a stock claim decreed without a quantified flow rate the memorandum states the DNRC is satisfied that the filed appropriation issue is resolved.

No objection was filed in regard to the source name on this claim; therefore, these elements should remain as they appear on the abstract.

8. **Claim 41S 13322-00:** This claim received the following 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). 30045-179-112 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

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

During the DNRC examination 0.00 acres of irrigation were identified. Mr. Alhgren's memorandum states that in the investigation the DNRC as well as the claimants were unable to substantiate any historic irrigation on the claimed place of use.

The DNRC therefore recommends the claim be dismissed.

9. **Claims 41S 13323-00:** This claim received the following issue remarks:

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

ADDITIONAL PROCEEDINGS ON THE KEITH A. STEVENSON OBJECTION TO ACRES IRRIGATED, FLOW RATE, AND VOLUME ARE STAYED PENDING ISSUANCE OF THE PRELIMINARY DECREE AT WHICH TIME THE OBJECTION AND THE ISSUE REMARKS CONCERNING THESE SAME ELEMENTS CAN BE ADDRESSED AND RESOLVED.

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.

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

USDA AERIAL PHOTOGRAPH NO(S). 30045-179-112 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

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.

During the Mr. Alhgren's examination 0.00 acres of irrigation were identified. The memorandum further states that in the investigation the DNRC as well as the claimants were unable to substantiate any historic irrigation on the claimed place of use.

The DNRC therefore recommends the claim be dismissed.

11. **41S 13324-00** This claim received the following 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 82.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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

SOURCE NAME 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.

During the DNRC's examination 452.7 acres were identified utilizing USDA aerial photographs. During the investigation, Mr. Algren was able to substantiate this finding for the maximum acres irrigated and further was able to identify the location of the headgate.

No objection was filed in regard to the source name on this claim; therefore, these elements should remain as they appear on the abstract. Therefore, the DNRC recommends the issue remarks be removed.

12. 41S 13326-00 This claim received the following issue remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 130 MINER'S INCHES DECREED IN CASE NO. 982 , FERGUS COUNTY. 41S 13326-00, 41S 16512-00.

ON 04/19/1985 WILLIAM K. FRENCH AND MARCELINE L. FRENCH FILED A LATE OBJECTION TO THE OWNERSHIP, PLACE OF USE, ACRES IRRIGATED, POINT OF DIVERSION, MEANS OF DIVERSION, VOLUME, AND FLOW RATE. THIS WILL BE HEARD AFTER PROPER NOTICE ON THE NEXT OBJECTION LIST.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 41S 13326-00, 41S 138240-00.

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

USDA AERIAL PHOTOGRAPH NO(S). 30045-179-112 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE CLAIMED PLACE OF USE DOES NOT APPEAR TO BE IRRIGATED BY WATER FROM THE CLAIMED SOURCE.

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

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

During examination the DNRC identified 0.00 acres of irrigation in the place of use utilizing USDA aerial photographs and 59.07 acres utilizing the Judith Basin Co WRS. The claimant was unable to supply any evidence substantiating more acreage. The flow rate was recommended to be adjusted to 2.24 CFS (1004.19 GPM).

The overlapping place of use place of use remark concerned a place of use in section 18, and since no historic use was substantiated in section 18, this issue remark is no longer applicable. During the investigation, the memorandum states that the headgate was located and that the point of diversion should be modified to SWSWNW of section 13

This claim further received an issue remark concerning a 1985 William K. French and Marceline L. French objection to ownership, place of use, acres irrigated, point of diversion, means of diversion, volume, and flow rate. This objection was not assumed by any parties or the Frenchs.

Based on the record, it appears the following modifications are appropriate to reflect the historical use of claim 41S 13326-00:

Flow Rate: 3.25-GFS **2.24**

*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: ~~460.00~~ **59.07**

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		SWSWNE SWSWNW	13	14N	13E	JUDITH BASIN

Period of Diversion: JUNE 1 TO AUGUST 31

<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	40.00 16.17		SWSE	7	14N	15E	JUDITH BASIN
2	160.00		SW	9	14N	15E	JUDITH BASIN
3	80.00 42.90		E2NE	17	14N	15E	JUDITH BASIN
4	20.00		NESE	17	14N	15E	JUDITH BASIN
5	40.00		NWNE	18	14N	15E	JUDITH BASIN
6	80.00		N2SE	8	14N	15E	JUDITH BASIN
7	40.00		SESE	8	14N	15E	JUDITH BASIN
Total:	460.00 59.07						

This resolves the issue remarks.

13. **41S 14314-00** This claim received the following issue remarks:

THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THE CLAIMS FOLLOWING THIS STATEMENT USE THE SAME FILED APPROPRIATION TO DOCUMENT THE RIGHT. THE COMBINED FLOW RATE FOR THIS GROUP OF CLAIMS EXCEEDS THE TOTAL OF THE ORIGINAL APPROPRIATION. 41S 13321-00, 41S 14314-00, 41S 14327-00.

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

SOURCE NAME 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 PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED APPROPRIATION ON LAKE CREEK WITH A PRIORITY DATE PREDATING CASE NO 756, 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.

Mr. Ahlgren states with the recommended dismissal of irrigation claim 41S 14327-00, the over filed appropriation issue is resolved. Further, Mr. Ahlgren states that the DNRC was able to locate the headgate where it was claimed. No objection was filed in regard to the source name on this claim or priority date; therefore, these elements should remain as they appear on the abstract.

The DNRC recommends the issue remarks be removed.

14. 41S 14326-00 This claim received the following 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). 30045-179-112 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

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

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

The Memorandum states that due to a lack of evidence to substantiate any historic irrigation in the claimed place of use, the DNRC recommends the claim be dismissed.

15. 41S 14327-00 This claim received the following issue remarks:

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

THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THE CLAIMS FOLLOWING THIS STATEMENT USE THE SAME FILED APPROPRIATION TO DOCUMENT THE RIGHT. THE COMBINED FLOW RATE FOR THIS GROUP OF CLAIMS EXCEEDS THE TOTAL OF THE ORIGINAL APPROPRIATION. 41S 13321-00, 41S 14314-00, 41S 14327-00.

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

USDA AERIAL PHOTOGRAPH NO(S). 30045-179-112 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

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

SOURCE NAME 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 PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED APPROPRIATION ON LAKE CREEK WITH A PRIORITY DATE PREDATING CASE NO 756, 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.

The Memorandum states that due to a lack of evidence to substantiate any historic irrigation in the claimed place of use, the DNRC recommends the claim be dismissed.

16. 41S 14328-00 This claim received the following 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). 30045-179-112 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

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

The Memorandum states that due to a lack of evidence to substantiate any historic irrigation in the claimed place of use, the DNRC recommends the claim be dismissed.

17. 41S 141259-00 This claim received the following 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). 30045-179-112 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

The Memorandum states that due to a lack of evidence to substantiate any historic irrigation in the claimed place of use, the DNRC recommends the claim be dismissed.

18. **41S 141260-00** This claim received the following issue remarks:

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

THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 130.00 ACRES. THE DNRC'S RE-EXAMINATION WAS OF THESE ORIGINAL CLAIMED ACRES.

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

USDA AERIAL PHOTOGRAPH NO(S). 30045-179-112 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

The Memorandum states that due to a lack of evidence to substantiate any historic irrigation in the claimed place of use, the DNRC recommends the claim be dismissed.

19. **41S 210693-00** This claim received the following issue remarks:

THE CLAIMED MEANS OF DIVERSION CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

FILING FEE INSUFFICIENT TO COVER CLAIM. TOTAL AMOUNT DUE \$40.00.

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.

THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE DIVERSION CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

During the DNRC investigation the location of the point of diversion was confidently located at NWNWSE Section 15, T14N,R15E. Further in investigation, it became clear to Mr. Ahlgren that the means of diversion on the claim was intended to be a pump. Based on the record, it appears the following modifications are appropriate to reflect the historical use of claim 41S 210693-00:

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		E2 NWNWSE	15	14N	15E	JUDITH BASIN

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: PUMP/~~FLOOD AND DIKE~~

20. An Order was issued to determine if the Claimants agreed or disagreed with Mr. Ahlgren's recommendations regarding the claims. (Doc. 4.00) The Order indicated that if nothing were filed by the deadline, it would be determined that the Claimants agreed the claims should be modified as recommended by Mr. Ahlgren. The following language was included in the Order:

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

21. On March 6, 2026, Terry A. Thompson filed a response stating that he does not oppose any finding in the DNRC memorandum, and that the ownership of claims associated with Terry A. Thompson and Duane A. Stevenson were transferred to new owner BRS Estates LLC. BRS Estates LLC has the same mailing address as Robert J. Stevenson who is a party to the case. If BRS Estates LLC has any objections to this Master's Report it may object within the deadline.

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court must address all issue remarks decreed on a claim. Section 85-2-248, MCA.

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

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

4. Settlement, including the documents filed by a claimant where the claimant is the only party, is subject to review and approval by the Water Court. Rule 17(a), W.R.Adj.R.

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

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

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

8. If the Montana Water Court cannot resolve issue remarks based upon information in the claim file or information available to the Court, claimants shall be required to confer with the DNRC to attempt resolution of the issue remarks. Claimants shall file documentation to resolve the issue remarks, and the DNRC shall submit recommendations regarding disposition of the issue remarks. Section 85-2-248(5), MCA.

9. The evidence in the record overcomes by a preponderance of evidence the point of diversion identified by statement of claims 41S 2148-00, 41S 13321-00, 41S 13326-00, and 41S 210693-00, and results in reductions or refinements within the parameters of the statements of claim for all other modifications, thereby justifying the modifications to the claims, and resolving the issue remarks appearing on the claims.

RECOMMENDATIONS

1. Claims 41S 2148-00, 41S 13321-00, 41S 13326-00, and 41S 210693-00 should be modified as follows and have their issue remarks removed:

- 41S 2148-00:

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SW	SE	SW	6	14N 15E JUDITH BASIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: ~~PUMP~~/GRAVITY FLOW

- 41S 13321-00:

1	137.00	95.00	NE	17	14N	15E	JUDITH BASIN
2	40.00		NENW	17	14N	15E	JUDITH BASIN
3	50.00	13.0	N2SE	17	14N	15E	JUDITH BASIN
Total:	227.00	108.00					

- 41S 13326-00:

Irrigation Type: FLOOD
 Flow Rate: 3.25-CFS **2.24**
 *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: 460.00 **59.07**

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		SWSWNE SWSWNW	13	14N	13E	JUDITH BASIN

Period of Diversion: JUNE 1 TO AUGUST 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	40.00 16.17		SWSE	7	14N	15E	JUDITH BASIN
2	100.00		SW	9	14N	15E	JUDITH BASIN
3	80.00 42.90		E2NE	17	14N	15E	JUDITH BASIN
4	20.00		NESE	17	14N	15E	JUDITH BASIN
5	40.00		NWNE	16	14N	15E	JUDITH BASIN
6	80.00		N2SE	8	14N	15E	JUDITH BASIN
7	40.00		SESE	8	14N	15E	JUDITH BASIN
Total:	460.00 59.07						

- 41S 210693-00:

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		NWNWSE	E2	15	14N	15E JUDITH BASIN

Period of Diversion: APRIL 1 TO OCTOBER 31
 Diversion Means: PUMP/~~FLOOD AND DIKE~~

2. The issue remarks should be removed from claims 41S 13317-00, 41S 13319-00, 41S 13324-00, and 41S 14314-00.

3. Claims 41S 13322-00, 41S 13323-00, 41S 14326-00, 41S 14327-00, 41S 14328-00, 41S 141259-00, and 41S 141260-00 due to a lack of evidence to substantiate any historic irrigation in the claimed place of use these claims should be dismissed.

Abstracts are attached for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Darrell J. Stevenson
PO Box 321
Hobson, MT 59452

(Last Order)

Duane A. Stevenson
32124 116th St. SE
Sultan, WA 98294-9663

Keith A. Stevenson
Roberta A. Stevenson
PO Box 307
Hobson, MT 59452-0307

Robert J. Stevenson
PO Box 292
Hobson, MT 59452

(Last Order)

Terry A. Thompson
317 34th Ave. NE
Great Falls, MT 59404-4216

BRS Estates LLC
PO Box 292
Hobson, MT 59452-0292

****Note: Caption and Service List Updated 3/12/2026****

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

Water Right Number: 41S 2148-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: KEITH A STEVENSON
PO BOX 307
HOBSON, MT 59452-0307

ROBERTA A STEVENSON
PO BOX 307
HOBSON, MT 59452

Priority Date: AUGUST 1, 1927

Type of Historical Right: FILED

Purpose (Use): DOMESTIC

Flow Rate: 26.93 GPM

Volume: 1.50 AC-FT

Households: 1

Source Name: SPRING, UNNAMED TRIBUTARY OF JUDITH RIVER

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	6	14N	15E	JUDITH BASIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: GRAVITY FLOW/DIRECT

Subdivision: HOBSON TOWNSITE TRACT/LOT: 001 BLOCK: 034

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SW	6	14N	15E	JUDITH BASIN

Subdivision: HOBSON TOWNSITE TRACT/LOT: 001 BLOCK: 019

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

Water Right Number: 41S 13317-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: KEITH A STEVENSON
PO BOX 307
HOBSON, MT 59452-0307

Priority Date: APRIL 29, 1882

Type of Historical Right: FILED

Purpose (Use): STOCK

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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 ROSS FORK 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		NENWNW	15	14N	15E	JUDITH BASIN

***Period of Diversion:** JANUARY 1 TO DECEMBER 31

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>
	NENWNW	15	14N	15E	JUDITH BASIN

Diversion to Reservoir: DIVERSION # 1

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			NENWNW	15	14N	15E	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.

13317-00 13323-00

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

Water Right Number: 41S 13319-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: KEITH A STEVENSON
PO BOX 307
HOBSON, MT 59452-0307

Priority Date: SEPTEMBER 4, 1941

Type of Historical Right: USE

Purpose (Use): STOCK

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

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		SESWNW	27	14N	15E	JUDITH BASIN

***Period of Diversion:** JANUARY 1 TO DECEMBER 31

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>
	SESWNW	27	14N	15E	JUDITH BASIN

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 1 TO JUNE 30

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			SESWNW	27	14N	15E	JUDITH BASIN

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

Water Right Number: 41S 13321-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: KEITH A STEVENSON
PO BOX 307
HOBSON, MT 59452-0307

Priority Date: MAY 15, 1889

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 4.09 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: 108.00

***Source Name:** UNNAMED TRIBUTARY OF HAUCK COULEE

Source Type: SURFACE WATER
ALSO KNOWN AS LAKE 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		SWSWSW	8	14N	15E	JUDITH BASIN

Period of Diversion: JUNE 1 TO AUGUST 31

Diversion Means: HEADGATE

Period of Use: JUNE 1 TO AUGUST 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	95.00		NE	17	14N	15E	JUDITH BASIN
2	13.00		N2SE	17	14N	15E	JUDITH BASIN

Total: 108.00

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.

13321-00 13324-00 13326-00

THE CLAIMED IRRIGATED ACRES AND PLACE OF USE HAVE BEEN RE-EXAMINED BY THE DNRC UNDER MONTANA WATER COURT ORDER DATED AUGUST 29, 1997. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

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

Water Right Number: 41S 13322-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: **DISMISSED**

Owners: KEITH A STEVENSON
PO BOX 307
HOBSON, MT 59452-0307

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: HAUCK COULEE

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 13323-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: **DISMISSED**

Owners: KEITH A STEVENSON
PO BOX 307
HOBSON, MT 59452-0307

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: UNNAMED TRIBUTARY OF ROSS FORK 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 13324-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: KEITH A STEVENSON
PO BOX 307
HOBSON, MT 59452-0307

ROBERTA A STEVENSON
PO BOX 307
HOBSON, MT 59452

Priority Date: MAY 15, 1889

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 3.75 CFS

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

Climatic Area: 3 - MODERATE

Maximum Acres: 435.00

***Source Name:** UNNAMED TRIBUTARY OF HAUCK COULEE

Source Type: SURFACE WATER

ALSO KNOWN AS LAKE 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		SWSWSW	8	14N	15E	JUDITH BASIN

Period of Diversion: JUNE 1 TO AUGUST 31

Diversion Means: HEADGATE

Period of Use: JUNE 1 TO AUGUST 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	5.00		SESWSW	8	14N	15E	JUDITH BASIN
2	20.00		SESW	8	14N	15E	JUDITH BASIN
3	80.00		S2SE	8	14N	15E	JUDITH BASIN
4	150.00		SW	9	14N	15E	JUDITH BASIN
5	70.00		NW	16	14N	15E	JUDITH BASIN
6	15.00		NWSW	16	14N	15E	JUDITH BASIN
7	70.00		E2NE	17	14N	15E	JUDITH BASIN
8	15.00		NESE	17	14N	15E	JUDITH BASIN

9	10.00	E2W2NE	17	14N	15E	JUDITH BASIN
Total:	<u>435.00</u>					

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.

13321-00 13324-00 13326-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

13320-00 13324-00

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

Water Right Number: 41S 13326-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: KEITH A STEVENSON
PO BOX 307
HOBSON, MT 59452-0307

ROBERTA A STEVENSON
PO BOX 307
HOBSON, MT 59452

Priority Date: JUNE 17, 1888

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.24 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: 59.07

Source Name: JUDITH RIVER

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		SWSWNW	13	14N	13E	JUDITH BASIN

Period of Diversion: JUNE 1 TO AUGUST 31

Diversion Means: HEADGATE

Period of Use: JUNE 1 TO AUGUST 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	16.17		SWSE	7	14N	15E	JUDITH BASIN
2	42.90		E2NE	17	14N	15E	JUDITH BASIN

Total: 59.07

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.

13321-00 13324-00 13326-00

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

Water Right Number: 41S 14314-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DARRELL J STEVENSON
PO BOX 321
HOBSON, MT 59452

KEITH A STEVENSON
PO BOX 307
HOBSON, MT 59452-0307

ROBERT J STEVENSON
PO BOX 292
HOBSON, MT 59452

ROBERTA A STEVENSON
PO BOX 307
HOBSON, MT 59452

Priority Date: MAY 15, 1889

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 HAUCK COULEE

Source Type: SURFACE WATER
ALSO KNOWN AS LAKE 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		SWSWSW	8	14N	15E	JUDITH BASIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DITCH

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SESE	17	14N	15E	JUDITH BASIN

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

Water Right Number: 41S 14326-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: **DISMISSED**

Owners:

DARRELL J STEVENSON
PO BOX 321
HOBSON, MT 59452

KEITH A STEVENSON
PO BOX 307
HOBSON, MT 59452-0307

ROBERT J STEVENSON
PO BOX 292
HOBSON, MT 59452

ROBERTA A STEVENSON
PO BOX 307
HOBSON, MT 59452

BRS ESTATES LLC
PO BOX 292
HOBSON, MT 59452-0292

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: HAUCK COULEE

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 14327-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: **DISMISSED**

Owners:

DARRELL J STEVENSON
PO BOX 321
HOBSON, MT 59452

KEITH A STEVENSON
PO BOX 307
HOBSON, MT 59452-0307

ROBERT J STEVENSON
PO BOX 292
HOBSON, MT 59452

ROBERTA A STEVENSON
PO BOX 307
HOBSON, MT 59452

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: UNNAMED TRIBUTARY OF HAUCK COULEE

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 14328-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: **DISMISSED**

Owners: DARRELL J STEVENSON
PO BOX 321
HOBSON, MT 59452

KEITH A STEVENSON
PO BOX 307
HOBSON, MT 59452-0307

ROBERT J STEVENSON
PO BOX 292
HOBSON, MT 59452

ROBERTA A STEVENSON
PO BOX 307
HOBSON, MT 59452

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: HAUCK COULEE

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 141259-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: **DISMISSED**

Owners: KEITH A STEVENSON
PO BOX 307
HOBSON, MT 59452-0307

ROBERTA A STEVENSON
PO BOX 307
HOBSON, MT 59452

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF HAUCK COULEE

Source Type: GROUNDWATER

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 141260-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: **DISMISSED**

Owners: KEITH A STEVENSON
PO BOX 307
HOBSON, MT 59452-0307

ROBERTA A STEVENSON
PO BOX 307
HOBSON, MT 59452

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: HAUCK COULEE

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 210693-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: KEITH A STEVENSON
PO BOX 307
HOBSON, MT 59452-0307

Priority Date: JANUARY 31, 1960

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 3.34 CFS

Volume: 512.90 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 244.80

Source Name: HAUCK COULEE

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		NWNWSE	15	14N	15E	JUDITH BASIN

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: PUMP

Period of Use: APRIL 1 TO OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	69.40		NW	15	14N	15E	JUDITH BASIN
2	74.50		W2NE	15	14N	15E	JUDITH BASIN
3	100.90		SW	15	14N	15E	JUDITH BASIN
Total:	<u>244.80</u>						

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41S 101528-00.