

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

CLAIMANTS: Centennial Livestock Inc.; Leanne Novak; Patrick J. Novak; Peter & Marilyn Schendel Trust; Schmeltzer Rentals LLC; Eagle Mount Helena; Tamara B. Laib; Grand Valley Estates Homeowners Association; **Jean M. Horne; John L. Horne; JM Paz Helena LLC**

CASE 41I-0531-R-2026

- 41I 127790-00
- 41I 127791-00
- 41I 127792-00
- 41I 127793-00
- 41I 127794-00
- 41I 127795-00
- 41I 127796-00
- 41I 30146997
- 41I 30146999

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 Missouri River above Holter Dam (Basin 41I) issued on June 24, 2022. All claims received Department of Natural Resources and Conservation ("DNRC") issue remarks. Issue remarks are notations identifying potential legal or factual issues with water rights, and the Water Court is required to resolve these potential issues.

FINDINGS OF FACT

1. The above-captioned claimants were ordered to meet with the DNRC to address unresolved issue remarks for claims 41I 127790-00, 41I 127791-00, 41I 127792-00, 41I 127793-00, 41I 127794-00, 41I 127795-00, 41I 127796-00, 41I 30146997, and 41I 30146999.

2. Claims 41I 127790-00, 41I 127791-00, 41I 127792-00, 41I 127793-00, 41I 127794-00, 41I 30146997, and 41I 30146999 received the following DNRC issue remarks:

THE CLAIMED PERIOD OF USE EXCEEDS THE USUAL GROWING SEASON FOR THIS CLIMATIC AREA WHICH IS APRIL 15 TO OCTOBER 15.

THE LEWIS AND CLARK COUNTY WATER RESOURCES SURVEY (1957) APPEARS TO INDICATE 290.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

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

Claim 41I 127795-00 received the following issue remarks:

THE OWNERSHIP OF THIS CLAIM IS IN QUESTION. AS OF MAY 1989, A PORTION OF THE PLACE OF USE IN SECTION 2 APPEARS TO BE OWNED BY CHARLES AND MONTE JEAN BROADWATER. IT APPEARS THE WATER RIGHT TRANSFER FILED 04/26/1990 MAY BE INCORRECT AND THAT CHARLES AND MONTE JEAN BROADWATER SHOULD BE LISTED AS CO-OWNERS OF THIS CLAIM.

AS OF 08/10/2021 ACCORDING TO CADASTRAL RECORDS THE ADDITIONAL OWNERS OF THE PLACE OF USE ARE: MYRON D & TAMARA B LAIB - PATE MINOR SUB, TRACT B-1A-1A COS 3205083 IN THE SWSW SEC 2, T10N, R3W. JOHN L & JEANE M. HORNE, PATE MINOR SUB TRACT B-1A-2A-1 COS 3251494 IN SESW SEC 2 AND N2NENW SEC 11, T10N, R3W. JM PAZ HELENA LLC IN PATE MINOR SUB LOT B-2A COS 3086707 IN NENW SEC 11, T10N, R3W.

Claim 41I 127796-00 received the following issue remarks:

THE OWNERSHIP OF THIS CLAIM IS IN QUESTION. AS OF APRIL 1990, A PORTION OF THE PLACE OF USE IN SECTION 2 AND ALL OF THE PLACE OF USE IN SECTION 3 AND 11 APPEARS TO BE OWNED BY DEAN AND DONNA

SOUTH. IT APPEARS THE WATER RIGHT TRANSFER FILED 05/22/1989 MAY BE INCORRECT AND THAT DEAN AND DONNA SOUTH SHOULD BE LISTED AS CO-OWNERS OF THIS CLAIM.

AS OF 08/10/2021 ACCORDING TO CADASTRAL RECORDS THE ADDITIONAL OWNERS OF THE PLACE OF USE ARE: MYRON D & TAMARA B LAIB - PATE MINOR SUB, TRACT B-1A-1A COS 3205083 IN THE SWSW SEC 2, T10N, R3W. JOHN L & JEANE M. HORNE, PATE MINOR SUB TRACT B-1A-2A-1 COS 3251494 IN SESW SEC 2 AND N2NENW SEC 11, T10N, R3W. JM PAZ HELENA LLC IN PATE MINOR SUB LOT B-2A COS 3086707 IN NENW SEC 11, T10N, R3W.

3. DNRC Water Resource Specialist Jason Larsen filed a memorandum on March 10, 2026. (Doc.¹ 3.00). Mr. Larsen reported he met with representatives of Centennial Livestock Inc. (“Centennial”), Grand Valley Estates Homeowners Association, and Tamara B. Laib (“Laib”). The DNRC was not contacted by the other claimants listed in this case. Mr. Larsen indicated that he reviewed aerial photographs, the 1957 Lewis and Clark County Water Resources Survey (“WRS”), and a map provided by Hydro Solutions Inc. to prepare the memorandum.

4. **Claims 41I 127790-00, 41I 127791-00, 41I 127792-00, 41I 127793-00, and 41I 127794-00:** During the investigation of these claims the DNRC measured 290.00 acres based on the map in the 1957 Lewis and Clark County WRS book; 292.00 acres based on the 1955 WRS aerial photo; 333.12 acres based on 1964 WRS aerial photos; and 320.58 acres of irrigated area based on the 1970 aerial photo. Mr. Larsen noted that the low-end claimant contact point for a 342-acre claim is 315.50 acres.

Per an email received from Hydro Solutions Inc. on January 15, 2026, Mr. Larsen stated that Centennial agrees to modifying the period of diversion and the period of use to “April 15 to October 15” for claims 41I 127790-00, 41I 127791-00, 41I 127792-00, 41I 127793-00, and 41I 127794-00. Mr. Larsen recommends modifying the periods of diversion and use to “APRIL 15 TO OCTOBER 15” and no modifications to the maximum acres for the above claims.

5. **Claims 41I 127795-00 and 41I 127796-00:** According to the DNRC issue remarks, John L Horne, Jeane M. Horne, and JM Paz Helena LLC may also be co-owners of claims 41I 127795-00 and 41I 127796-00. Mr. Larsen stated that determining

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

ownership based on the place of use requires landowners with an interest in these claims to work with the DNRC to validate geocodes and process 608 ownership updates.

Mr. Larsen noted that some potential owners have already been added and that Laib would continue working with the DNRC to correct the ownership of both claims. John L Horne, Jeane M. Horne, and JM Paz Helena LLC were ordered to file an ownership update with the DNRC if they have an ownership interest in either claim 41I 127795-00 or 41I 127796-00. (Doc. 5.00).

6. **Claims 41I 30146997 and 41I 30146999:** Mr. Larsen explained that claims 41I 30146997 and 41I 30146999 are severed child rights split from claims 41I 127791-00 and 41I 127792-00, respectively, and that the acres appear accurate for both claims. Per an email received from Hydro Solutions Inc., Mr. Larsen stated that Centennial agrees to modifying the periods of diversion and use to “APRIL 15 TO OCTOBER 15.” Mr. Larsen recommends modifying the periods of diversion and use to “APRIL 15 TO OCTOBER 15” and no modifications to the maximum acres.

7. On March 12, 2026, Centennial filed a Notice of Concurrence With DNRC Memorandum. (Doc. 4.00). Centennial stated that it agrees with the DNRC’s recommendations to modify the periods of diversion and use and to retain the 342.00 maximum acres for claims 41I 127790-00, 41I 127791-00, 41I 127792-00, 41I 127793-00, 41I 127794-00.

8. An order was issued to claimants Leanne Novak; Patrick J Novak; Schendel, Peter & Marilyn Trust; Schmeltzer Rentals LLC; Eagle Mount Helena; Tamara B Laib; and Grand Valley Estates Homeowners Association to file a statement indicating whether they agree or disagree with Mr. Larsen’s recommendations regarding the above-captioned claims. The order indicated that if nothing was filed by the April 27, 2026, deadline it would be determined that the claimants agreed with the recommended modifications. 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.

Nothing was filed by the deadline.

PRINCIPLES OF LAW

1. Section 85-2-248(2), MCA, requires the Water Court resolve all issue remarks not resolved through the objection process. *See also* Rule 7, W.R.Adj.R.
2. 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.
3. Prima facie proof may be contradicted and overcome by a preponderance of the evidence. Rule 19, W.R.Adj.R. 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 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.

CONCLUSIONS OF LAW

1. The evidence in the case and claim files support the claimed maximum irrigated acres for claims 41I 127790-00, 41I 127791-00, 41I 127792-00, 41I 127793-00, 41I 127794-00, 41I 30146997, and 41I 30146999. The maximum irrigated acres should remain as they appeared in the Basin 41I Preliminary Decree, and the acres irrigated issue remarks should be removed from the claims.
2. The proposed modifications to the period of diversion and period of use for claims 41I 127790-00, 41I 127791-00, 41I 127792-00, 41I 127793-00, 41I 127794-00, 41I 30146997, and 41I 30146999 are reductions. These reductions resolve the period of diversion and period of use issue remarks on the claims.

RECOMMENDATIONS

1. The period of diversion and the period of use for claims 41I 127790-00, 41I 127791-00, 41I 127792-00, 41I 127793-00, 41I 127794-00, 41I 30146997, and 41I

30146999 should be reduced from “MARCH 15 TO DECEMBER 1” to “APRIL 15 TO OCTOBER 15.”

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

Post Decree Abstracts of Water Right Claim reflecting these recommendations are attached to this Report.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Leanne Novak
Patrick J. Novak
PO Box 4935
Helena, MT 59604

Peter & Marilyn Schendel Trust
4062 Helberg Dr
Helena, MT 59602

Schmeltzer Rentals LLC
1920 Sierra Rd E
Helena, MT 59602

Eagle Mount Helena
3400 Centennial Dr
Helena, MT 59601

Tamara B. Laib
1310 Bitterroot Rd
Helena, MT 59602

Grand Valley Estates Homeowners Association
7504 Grand Valley Loop
Helena, MT 59602

John L. Horne
Jean M. Horne
1316 Bozeman Ave
Helena, MT 59601

JM Paz Helena LLC
1333 3rd Ave S Ste 507
Naples, FL 34102

Service Via Electronic Mail:

Jean Bergeson
Jacy D. Suenram
Suenram & Bergeson, PLLC
jsuenram@swmtlaw.com
jbergeson@swmtlaw.com

Note: Caption Updated: 4-29-2026

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

Water Right Number: 41I 127790-00 STATEMENT OF CLAIM

Version: 6 -- POST DECREE

Status: ACTIVE

Owners:

LEANNE NOVAK
PO BOX 4935
HELENA, MT 59604-4935

PATRICK J NOVAK
PO BOX 4935
HELENA, MT 59604-4935

CENTENNIAL LIVESTOCK INC
900 MANSFIELD LN
DILLON, MT 59725-9710

SCHENDEL, PETER & MARILYN TRUST
4062 HELBERG DR
HELENA, MT 59602-5609

SCHMELTZER RENTALS LLC
1920 SIERRA RD E
HELENA, MT 59602-8834

***Priority Date:** APRIL 8, 1866

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 4.60 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: 342.00

Source Name: PRICKLY PEAR 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		SESENW	25	10N	3W	LEWIS AND CLARK

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: PRICKLY PEAR DITCH

COMPANY SLOUGH DITCH IS USED TO CONVEY WATER FROM THE PRICKLY PEAR DITCH TO THE PLACE OF USE.

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	40.00	4	NWNW	2	10N	3W	LEWIS AND CLARK
2	22.00		SWNW	2	10N	3W	LEWIS AND CLARK
3	160.00		SW	2	10N	3W	LEWIS AND CLARK
4	40.00		NESE	3	10N	3W	LEWIS AND CLARK
5	80.00		N2NW	11	10N	3W	LEWIS AND CLARK
Total:	<u>342.00</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.

127790-00

127791-00

127792-00

127793-00

127794-00

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

Water Right Number: 411 127791-00 STATEMENT OF CLAIM

Version: 6 -- POST DECREE

Status: ACTIVE

Owners:

LEANNE NOVAK
PO BOX 4935
HELENA, MT 59604-4935

PATRICK J NOVAK
PO BOX 4935
HELENA, MT 59604-4935

CENTENNIAL LIVESTOCK INC
900 MANSFIELD LN
DILLON, MT 59725-9710

EAGLE MOUNT HELENA
3400 CENTENNIAL DR
HELENA, MT 59601

SCHENDEL, PETER & MARILYN TRUST
4062 HELBERG DR
HELENA, MT 59602-5609

SCHMELTZER RENTALS LLC
1920 SIERRA RD E
HELENA, MT 59602-8834

Priority Date: APRIL 11, 1963

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1,247.47 GPM

Volume: 95.88 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 339.23

Source Name: GROUNDWATER

Source Type: GROUNDWATER

ALSO KNOWN AS WELL NO. 2

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		SENENW	11	10N	3W	LEWIS AND CLARK

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: WELL

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	40.00	4	NWNW	2	10N	3W	LEWIS AND CLARK
2	22.00		SWNW	2	10N	3W	LEWIS AND CLARK
3	157.23		SW	2	10N	3W	LEWIS AND CLARK
4	40.00		NESE	3	10N	3W	LEWIS AND CLARK
5	80.00		N2NW	11	10N	3W	LEWIS AND CLARK
Total:	<u>339.23</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.

127790-00 127791-00 127792-00 127793-00 127794-00

THE SPLIT CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM. 41I 30146997, 41I 30146998.

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

Water Right Number: 411 127792-00 STATEMENT OF CLAIM

Version: 6 -- POST DECREE

Status: ACTIVE

Owners:

LEANNE NOVAK
PO BOX 4935
HELENA, MT 59604-4935

PATRICK J NOVAK
PO BOX 4935
HELENA, MT 59604-4935

CENTENNIAL LIVESTOCK INC
900 MANSFIELD LN
DILLON, MT 59725-9710

EAGLE MOUNT HELENA
3400 CENTENNIAL DR
HELENA, MT 59601

SCHENDEL, PETER & MARILYN TRUST
4062 HELBERG DR
HELENA, MT 59602-5609

SCHMELTZER RENTALS LLC
1920 SIERRA RD E
HELENA, MT 59602-8834

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

***Priority Date:** MARCH 19, 1937

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1,247.47 GPM

***Volume:** 95.88 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 339.23

Source Name: GROUNDWATER

Source Type: GROUNDWATER

ALSO KNOWN AS WELL NO. 1

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Tw</u>	<u>Rge</u>	<u>County</u>
1		SE	11	10N	3W	LEWIS AND CLARK	

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: WELL

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	40.00	4	NWNW	2	10N	3W	LEWIS AND CLARK
2	22.00		SWNW	2	10N	3W	LEWIS AND CLARK
3	157.23		SW	2	10N	3W	LEWIS AND CLARK
4	40.00		NESE	3	10N	3W	LEWIS AND CLARK
5	80.00		N2NW	11	10N	3W	LEWIS AND CLARK
Total:	<u>339.23</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.

127790-00 127791-00 127792-00 127793-00 127794-00

THE SPLIT CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM. 411 30146999, 411 30147000.

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

Water Right Number: 41I 127793-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners:

LEANNE NOVAK
PO BOX 4935
HELENA, MT 59604-4935

PATRICK J NOVAK
PO BOX 4935
HELENA, MT 59604-4935

CENTENNIAL LIVESTOCK INC
900 MANSFIELD LN
DILLON, MT 59725-9710

SCHENDEL, PETER & MARILYN TRUST
4062 HELBERG DR
HELENA, MT 59602-5609

SCHMELTZER RENTALS LLC
1920 SIERRA RD E
HELENA, MT 59602-8834

***Priority Date:** OCTOBER 7, 1918

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 4.60 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: 342.00

Source Name: PRICKLY PEAR 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		SESENW	25	10N	3W	LEWIS AND CLARK

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: PRICKLY PEAR DITCH

COMPANY SLOUGH DITCH IS USED TO CONVEY WATER FROM THE PRICKLY PEAR DITCH TO THE PLACE OF USE.

Period of Use: APRIL 15 TO OCTOBER 15

THIS RIGHT IS LIMITED TO HIGH OR FLOOD WATERS OF PRICKLY PEAR CREEK.

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	4	NWNW	2	10N	3W	LEWIS AND CLARK
2	22.00		SWNW	2	10N	3W	LEWIS AND CLARK
3	160.00		SW	2	10N	3W	LEWIS AND CLARK
4	40.00		NESE	3	10N	3W	LEWIS AND CLARK
5	80.00		N2NW	11	10N	3W	LEWIS AND CLARK
Total:	342.00						

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.

127790-00 127791-00 127792-00 127793-00 127794-00

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.

127793-00 127795-00

CAUSE NO. 15537, LEWIS & CLARK CO., PROVIDES TESTIMONY THAT INDIVIDUALS WITH DECREED RIGHTS FROM CASE NO. 4643, LEWIS & CLARK CO., HAVE HISTORICALLY USED THE HIGH, FLOOD AND SURPLUS WATERS OF PRICKLY PEAR IN ADDITION TO THEIR DECREED RIGHTS.

CASE NO. 668 DECREED THIS RIGHT TO MARTIN WOLDSON & T.W. SYNOTT.

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

Water Right Number: 411 127794-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners:

LEANNE NOVAK
PO BOX 4935
HELENA, MT 59604-4935

PATRICK J NOVAK
PO BOX 4935
HELENA, MT 59604-4935

CENTENNIAL LIVESTOCK INC
900 MANSFIELD LN
DILLON, MT 59725-9710

SCHENDEL, PETER & MARILYN TRUST
4062 HELBERG DR
HELENA, MT 59602-5609

SCHMELTZER RENTALS LLC
1920 SIERRA RD E
HELENA, MT 59602-8834

TRANSFER PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT WILL BE SPLIT INTO SEPARATE OWNERSHIPS AFTER FINAL DECREE.

Priority Date: APRIL 21, 1869

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.88 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: 342.00

Source Name: PRICKLY PEAR 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		SE	25	10N	3W	LEWIS AND CLARK

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: PRICKLY PEAR DITCH

COMPANY SLOUGH DITCH IS USED TO CONVEY WATER FROM THE PRICKLY PEAR DITCH TO THE PLACE OF USE.

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	40.00	4	NWNW	2	10N	3W	LEWIS AND CLARK
2	22.00		SWNW	2	10N	3W	LEWIS AND CLARK
3	160.00		SW	2	10N	3W	LEWIS AND CLARK
4	40.00		NESE	3	10N	3W	LEWIS AND CLARK
5	80.00		N2NW	11	10N	3W	LEWIS AND CLARK
Total:	342.00						

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.

127790-00 127791-00 127792-00 127793-00 127794-00

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.

127794-00 127796-00

DECREE EXCEEDED DUE TO FLOW RATE VALUE BEING ROUNDED TO THE HUNDREDTH PLACE VALUE FOLLOWING CONVERSION FROM MINER'S INCHES. NO ACTION REQUIRED.

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

Water Right Number: 411 127795-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners:

JEAN M HORNE
6220 DAIRY DR
HELENA, MT 59602

JOHN L HORNE
1316 BOZEMAN AVE
HELENA, MT 59601-2941

TAMARA B LAIB
1310 BITTERROOT RD
HELENA, MT 59602-9453

LEANNE NOVAK
PO BOX 4935
HELENA, MT 59604-4935

PATRICK J NOVAK
PO BOX 4935
HELENA, MT 59604-4935

SCHENDEL, PETER & MARILYN TRUST
4062 HELBERG DR
HELENA, MT 59602-5609

SCHMELTZER RENTALS LLC
1920 SIERRA RD E
HELENA, MT 59602-8834

Priority Date: APRIL 8, 1866

Type of Historical Right: DECREED

Purpose (Use): STOCK

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

***Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: PRICKLY PEAR 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		SE	25	10N	3W	LEWIS AND CLARK

Period of Diversion: MARCH 15 TO DECEMBER 1

Diversion Means: HEADGATE

Ditch Name: PRICKLY PEAR DITCH

COMPANY SLOUGH DITCH IS USED TO CONVEY WATER FROM THE PRICKLY PEAR DITCH TO THE PLACE OF USE.

Period of Use: MARCH 15 TO DECEMBER 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			NWNW	2	10N	3W	LEWIS AND CLARK
2			SWNW	2	10N	3W	LEWIS AND CLARK
3			SW	2	10N	3W	LEWIS AND CLARK
4			NESE	3	10N	3W	LEWIS AND CLARK
5			N2NW	11	10N	3W	LEWIS AND CLARK

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.

127793-00 127795-00

CASE NO. 668 DECREED THIS RIGHT TO MARTIN WOLDSON & T.W. SYNOTT.

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

Water Right Number: 411 127796-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners:

JEAN M HORNE
6220 DAIRY DR
HELENA, MT 59602

JOHN L HORNE
1316 BOZEMAN AVE
HELENA, MT 59601-2941

LEANNE NOVAK
PO BOX 4935
HELENA, MT 59604-4935

PATRICK J NOVAK
PO BOX 4935
HELENA, MT 59604-4935

SCHENDEL, PETER & MARILYN TRUST
4062 HELBERG DR
HELENA, MT 59602-5609

SCHMELTZER RENTALS LLC
1920 SIERRA RD E
HELENA, MT 59602-8834

Priority Date: APRIL 21, 1869

Type of Historical Right: DECREED

Purpose (Use): STOCK

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

***Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: PRICKLY PEAR 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		SESENW	25	10N	3W	LEWIS AND CLARK

Period of Diversion: MARCH 15 TO DECEMBER 1

Diversion Means: HEADGATE

Ditch Name: PRICKLY PEAR DITCH

COMPANY SLOUGH DITCH IS USED TO CONVEY WATER FROM THE PRICKLY PEAR DITCH TO THE PLACE OF USE.

Period of Use: MARCH 15 TO DECEMBER 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			NWNW	2	10N	3W	LEWIS AND CLARK
2			SWNW	2	10N	3W	LEWIS AND CLARK
3			SW	2	10N	3W	LEWIS AND CLARK
4			NESE	3	10N	3W	LEWIS AND CLARK
5			N2NW	11	10N	3W	LEWIS AND CLARK

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.

127794-00

127796-00

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

Water Right Number: 411 30146997 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: SEVERED

Owners: GRAND VALLEY ESTATES HOMEOWNERS ASSOCIATION
7504 GRAND VALLEY LOOP
HELENA, MT 59602-8259

Priority Date: APRIL 11, 1963

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.53 GPM

THE WATER RIGHTS FOLLOWING THIS STATEMENT SHARE AN UNDIVIDED INTEREST IN THE 2.53 GPM FLOW RATE. 411 30146997 411 30146998

Volume: 1.34 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 1.84

Source Name: GROUNDWATER

Source Type: GROUNDWATER

ALSO KNOWN AS WELL NO. 2

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		SENENW	11	10N	3W	LEWIS AND CLARK

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: WELL

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	1.84		SENENW	11	10N	3W	LEWIS AND CLARK

Total: 1.84

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 411 127791-00.

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

Water Right Number: 41I 30146999 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: SEVERED

Owners: GRAND VALLEY ESTATES HOMEOWNERS ASSOCIATION
7504 GRAND VALLEY LOOP
HELENA, MT 59602-8259

***Priority Date:** MARCH 19, 1937

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.53 GPM

THE WATER RIGHTS FOLLOWING THIS STATEMENT SHARE AN UNDIVIDED INTEREST IN THE 2.53 GPM FLOW RATE 41I 30146999 41I 30147000

***Volume:** 1.34 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 1.84

Source Name: GROUNDWATER

Source Type: GROUNDWATER
ALSO KNOWN AS WELL NO. 1

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		SENENW	11	10N	3W	LEWIS AND CLARK

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: WELL

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	1.84		SENENW	11	10N	3W	LEWIS AND CLARK

Total: 1.84

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41I 127792-00.