FILED
10/26/2026
*Melissa Lockman*
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41E-0123-R-2024
Lambert, Kathryn
38.00

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

MONTANA WATER COURT
UPPER MISSOURI DIVISION
BOULDER RIVER, TRIBUTARY OF THE JEFFERSON RIVER
BASIN 41E
PRELIMINARY DECREE

* * * * * * * * * * * * * * * * * * * * * * * * *

CLAIMANT: Kountz-Spire Rock LLC

OBJECTORS: United States, DOA Forest Service; John D. Kountz

**CASE 41E-0123-R-2024**
41E 93921-00
41E 93922-00
41E 93923-00
41E 94021-00
41E 94022-00
41E 30129693

**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 United States, DOA Forest Service ["United States"] objected to each of these claims. Claims 41E 93921-00 and 41E 94021-00 each appeared in the Preliminary Decree with an issue remark. Claims 41E 93921-00, 41E 93922-00, and 41E 93923-00 also have remarks

providing notice of the late objection to each filed by John D. Kountz. The claimant also filed an Amendment to claims 41E 93921-00 and 41E 93923-00 on June 17, 2022, during ReExamination.

On October 28, 2024 the parties filed a Stipulation To Resolve Objections for the United States objections; however, it does not include the objection to claim 41E 93921-00. (FCE Doc. 13.00) On October 29, 2024 the claimant filed a Stipulation To Resolve Objections to address and resolve the John D. Kountz late objections, Amendments, and issue remarks ["Kountz-Spire Stipulation"]. (FCE Doc. 14.00) On January 16, 2025 the Orders Setting Filing Deadlines and Order Rejecting Portion Of The Kountz-Spire Rock LLC Stipulation To Resolve Objections was entered identifying additional evidence needed to support some of the requested changes. (FCE Doc. 15.00) On February 28, 2025 the parties filed their Joint Response To Order providing some of the needed additional evidence, including settlement of the United States objection to claim 41E 93921-00. (FCE Doc. 16.00) At this point, the Court had everything it needed to address all of the claims except 41E 93921-00.

On June 6, 2025 the Order Setting Filing Deadline was entered providing another opportunity for the claimant to file documentation supporting the requested changes to claim 41E 93921-00. (FCE Doc. 19.00) On July 7, 2025 the Claimant Response To Order was filed providing no new information. (FCE Doc. 20.00) On November 17, 2025 the Order Setting Filing Deadline was entered providing a detailed review of the evidence needed to support the requested resolution. (FCE. Doc. 23.00) On December 23, 2025 Claimant Response To Order Setting Final Filing was filed. (FCE Doc. 24.00) On January 14, 2026 the United States' Response to Claimant's December 23, 2025 Filing was filed. (FCE Doc. 25.00) The last deadline for filing documentation fully resolving the objections and issue remark was September 25, 2026 and the Order states that the Case will be placed on the hearing track if that documentation was not filed by the deadline. (FCE Doc. 32.00)

On September 23, 2026 Kountz filed an Abstract Of Water Right Claim ["Abstract"] for 41E 93921-00 with multiple supporting documents. (FCE Doc. 33.00) Nothing was filed by the United States. On October 2, 2026 the Order Placing Case On The Hearing Track and Order Setting Scheduling Conference was issued. (FCE Doc. 34.00) On October 15, 2026 the United States' Status Report was filed stating that the parties intended the Abstract filed on September

23, 2026 to be the claimant's motion to amend and intended it to be dispositive of the United States objection to claim 41E 93921-00, whether said motion was granted or denied. (FCE Doc. 36.00). The scheduling conference was vacated.

These documents are viewable in the Court's FullCourt Enterprise case management system.

APPLICABLE LAW

"All issue remarks to claims that are not resolved through the filing of an objection as provided in 85-2-233 must be resolved as provided in this section." Section 85-2-248(2), MCA.

An incidental use remark may be added when the record clearly establishes a second purpose (use) of the claimed right; however, that incidental use is limited to precisely the same elements as the claimed right. The decision which allows for the addition of an incidental use remark is the April 7, 2017 Order Denying Implied Claims And Order Adding Remarks, Case 41K-A3, which states:

> Incidental Stock Use Remarks
>
> 2. *Are remarks noting incidental stock use appropriate for these claims*?
>
> In the present case, Broken O is seeking remarks noting incidental stock use as an alternative to implied claims. The record supports stock use as a historical practice within these irrigation claims. That stock use only occurs when water is diverted for irrigation and does not increase the amount of water diverted. Adding a remark acknowledging the historical practice would serve to more fully define the nature and extent of the rights.
>
> At the same time, a remark noting incidental stock use must clearly state the inherent limitations that apply to this use. Incidental stock use does not expand the use of the original irrigation claim and can only take place when Broken O is diverting water for irrigation. Incidental stock use through these claims does not provide an independent basis for a call on other water rights.
>
> * * * * *
>
> ORDERED that the following remark be added to all four claims:
>
> THE INCIDENTAL USE OF THIS RIGHT FOR STOCK IS LIMITED TO TIMES WHEN WATER IS DIVERTED FOR IRRIGATION AND DOES NOT PROVIDE AN INDEPENDENT BASIS FOR A CALL ON OTHER WATER RIGHTS.

2017 Mont. Water LEXIS 10. (*Italics* in original)

A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content pursuant to sections 85-2-222 and 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence,

that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect including for claimants objecting to their own claims. Rule 19, W.R.Adj.R.

## FINDINGS OF FACT

1. Claim 41E 93921-00 appeared in the Preliminary Decree with the following remarks:

> A LATE OBJECTION HAS BEEN FILED TO THE PURPOSE OF RIGHT, PLACE OF USE, SOURCE, AND POINT OF DIVERSION OF THIS WATER RIGHT CLAIM. IT WILL BE RESOLVED DURING THE ADJUDICATION OF OBJECTIONS TO THE PRELIMINARY DECREE.
>
> THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

The late objection was filed by John D. Kountz. This notice remark should be removed as having served its notice purpose. The point of diversion issue remark should be removed as addressed and resolved.

The Kountz-Spire Stipulation (FCE Doc. 14.00), the Abstract (FCE Doc. 33.00), and the Order Granting In Part And Denying In Part September 23, 2026 Abstract For Claim 41E 93921-00 (entered the same date as this Master's Report) are the documents used to determine the changes recommended for this claim.

The Preliminary Decree states that the type of historical right is FILED. The type of historical right should be USE.

The Preliminary Decree states that the source is ALTA GULCH. The source should be FINN GULCH.

The Preliminary Decree states that the means of diversion is HEADGATE and the point of diversion is in the NENESE section 23, T6N, R7W, JEFFERSON. The means of diversion should be OTHER with the following clarification remark: THE MEANS OF DIVERSION IS A TARP. The point of diversion legal description should be the NENESW section 23, T6N, R7W, JEFFERSON.

The Preliminary Decree states the place of use is 40.00 acres in the E2SE section 23, T6N, R7W, JEFFERSON. The place of use should be 10.00 acres in the E2SW and 30.00 acres in the S2S2SE, section 23, T6N, R7W, JEFFERSON.

Instead of the requested remark text about the point of diversion and place of use being on private land, the following remark the parties requested for claim 41E 30129693 should be added: THE POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

The requested remark concerning placing a call on United States claims should have text added to identify the origin of the remark if needed in the future: THE USE OF THIS WATER RIGHT SHALL NOT BE UTILIZED TO PLACE A CALL ON THE UNITED STATES DEP'T OF AGRICULTURE USFS WATER RIGHT CLAIMS. SEE FCE DOC. NUMBERS 34.00 AND 35.00 FILED IN CASE 41E-0123-R-2024.

2. Claim 41E 93922-00 appeared in the Preliminary Decree with the following remark:

> A LATE OBJECTION HAS BEEN FILED TO THE PLACE OF USE AND POINT OF DIVERSION OF THIS WATER RIGHT CLAIM. IT WILL BE RESOLVED DURING THE ADJUDICATION OF OBJECTIONS TO THE PRELIMINARY DECREE.

The late objection was filed by John D. Kountz. This notice remark should be removed as having served its notice purpose.

The Preliminary Decree states that the point of diversion is:

| QTRSEC | SEC | TWP | RGE | COUNTY |
|---|---|---|---|---|
| NENWNW | 26 | 6N | 7W | JEFFERSON |

The point of diversion should be:

| QTRSEC | SEC | TWP | RGE | COUNTY |
|---|---|---|---|---|
| NENWNW | 26 | 6N | 7W | JEFFERSON |
| SESE | 22 | 6N | 7W | JEFFERSON |

The Preliminary Decree states that the place of use is:

| ACRES | QTRSEC | SEC | TWP | RGE | COUNTY |
|---|---|---|---|---|---|
| 60.00 | W2SW | 23 | 6N | 7W | JEFFERSON |
| 7.00 | NWNW | 26 | 6N | 7W | JEFFERSON |
| 67.00 | | | | | |

The place of use should be:

| ACRES | QTRSEC | SEC | TWP | RGE | COUNTY |
|---|---|---|---|---|---|
| 50.00 | SWSW | 23 | 6N | 7W | JEFFERSON |
| 7.00 | N2NWNW | 26 | 6N | 7W | JEFFERSON |
| 10.00 | SESE | 22 | 6N | 7W | JEFFERSON |
| 67.00 | | | | | |

3. Claim 41E 93923-00 appeared in the Preliminary Decree with the following remark:

> A LATE OBJECTION HAS BEEN FILED TO THE PLACE OF USE AND POINT OF DIVERSION OF THIS WATER RIGHT CLAIM. IT WILL BE RESOLVED DURING THE ADJUDICATION OF OBJECTIONS TO THE PRELIMINARY DECREE.

The late objection was filed by John D. Kountz. This notice remark should be removed as having served its notice purpose.

The Preliminary Decree states that the point of diversion is:

| QTRSEC | SEC | TWP | RGE | COUNTY |
|---|---|---|---|---|
| NENWNW | 26 | 6N | 7W | JEFFERSON |

The point of diversion should be:

| QTRSEC | SEC | TWP | RGE | COUNTY |
|---|---|---|---|---|
| N2NWNW | 26 | 6N | 7W | JEFFERSON |
| SWSW | 23 | 6N | 7W | JEFFERSON |
| SESE | 22 | 6N | 7W | JEFFERSON |

The Preliminary Decree states that the place of use is:

| QTRSEC | SEC | TWP | RGE | COUNTY |
|---|---|---|---|---|
| W2SW | 23 | 6N | 7W | JEFFERSON |
| NWNW | 26 | 6N | 7W | JEFFERSON |

The place of use should be:

| QTRSEC | SEC | TWP | RGE | COUNTY |
|---|---|---|---|---|
| SWSW | 23 | 6N | 7W | JEFFERSON |
| N2NWNW | 26 | 6N | 7W | JEFFERSON |
| SESE | 22 | 6N | 7W | JEFFERSON |

The remark text concerning incidental use provided in the Kountz-Spire Stipulation is not the current standard remark text determined in the April 7, 2017 Order Denying Implied Claims And Order Adding Remarks, Case 41K-A3, at 2017 Mont. Water LEXIS 10. The standard remark text should be added: THE INCIDENTAL USE OF THIS RIGHT FOR DOMESTIC PURPOSE IS LIMITED TO TIMES WHEN WATER IS DIVERTED FOR STOCK AND DOES NOT PROVIDE AN INDEPENDENT BASIS FOR A CALL ON OTHER WATER RIGHTS.

4. Claim 41E 94021-00 appeared in the Preliminary Decree with the following issue remark:

> THE CLAIMED VOLUME EXCEEDS THE MAXIMUM FEASIBLE VOLUME. BASED ON THE FLOW RATE AND PERIOD OF USE, THE MAXIMUM VOLUME POSSIBLE IS 305.43 ACRE-FEET PER YEAR.

The Preliminary Decree states that the volume is 311.33 AC-FT. The volume should be 305.43 AC-FT. The issue remark should be removed as addressed and resolved.

The Preliminary Decree states that the point of diversion is:

| QTRSEC | SEC | TWP | RGE | COUNTY |
|---|---|---|---|---|
| NESWNW | 13 | 6N | 7W | JEFFERSON |

The point of diversion should be:

| QTRSEC | SEC | TWP | RGE | COUNTY |
|---|---|---|---|---|
| SESESE | 14 | 6N | 7W | JEFFERSON |

The Preliminary Decree states that the place of use is:

| ACRES | QTRSEC | SEC | TWP | RGE | COUNTY |
|---|---|---|---|---|---|
| 30.00 | SW | 13 | 6N | 7W | JEFFERSON |
| 30.00 | E2 | 14 | 6N | 7W | JEFFERSON |
| 3.00 | NENE | 14 | 6N | 7W | JEFFERSON |
| 63.00 | | | | | |

The place of use should be:

| ACRES | QTRSEC | SEC | TWP | RGE | COUNTY |
|---|---|---|---|---|---|
| 30.00 | SWSW | 13 | 6N | 7W | JEFFERSON |
| 30.00 | SESESE | 14 | 6N | 7W | JEFFERSON |
| 3.00 | E2E2NE | 23 | 6N | 7W | JEFFERSON |
| 63.00 | | | | | |

5. For claim 41E 94022-00, the Preliminary Decree states that the priority date is MAY 16, 1921 based on the copy of the Frank Cassela notice of appropriation attached to the Statement of Claim. The claimant states that this is the wrong notice of appropriation, that this claim should be based on the A. H. Beattie et al. notice of appropriation attached to the Kountz-Spire Stipulation. The priority date should be JULY 27, 1882 based on the A. H. Beattie et al. notice of appropriation.

The Preliminary Decree states that the point of diversion is:

| QTRSEC | SEC | TWP | RGE | COUNTY |
|---|---|---|---|---|
| SWSESW | 14 | 5N | 7W | JEFFERSON |

The point of diversion should be:

| QTRSEC | SEC | TWP | RGE | COUNTY |
|---|---|---|---|---|
| SWNESW | 14 | 5N | 7W | JEFFERSON |

The Preliminary Decree states that the place of use is:

| ACRES | QTRSEC | SEC | TWP | RGE | COUNTY |
|---|---|---|---|---|---|
| 30.00 | E2W2 | 14 | 5N | 7W | JEFFERSON |
| 49.00 | W2 | 11 | 5N | 7W | JEFFERSON |
| 6.00 | SESWSW | 2 | 5N | 7W | JEFFERSON |
| 85.00 | | | | | |

The place of use should be:

| ACRES | QTRSEC | SEC | TWP | RGE | COUNTY |
|---|---|---|---|---|---|
| 30.00 | E2W2 | 14 | 5N | 7W | JEFFERSON |
| 49.00 | W2 | 11 | 5N | 7W | JEFFERSON |
| 2.00 | SESWSW | 2 | 5N | 7W | JEFFERSON |
| 1.00 | NESWSW | 2 | 5N | 7W | JEFFERSON |
| 1.00 | N2SW | 2 | 5N | 7W | JEFFERSON |
| 1.00 | E2NW | 2 | 5N | 7W | JEFFERSON |
| 1.00 | W2NE | 2 | 5N | 7W | JEFFERSON |
| 85.00 | | | | | |

6. For claim 41E 30129693, the Preliminary Decree includes the following clarification remark at the place of use:

> ALL OR A PART OF THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THE WATER RIGHT USED ON THE PUBLIC LANDS IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: SEC 33 TWP 02N RGE 05W SEE THE CLAIM FILE FOR THE COMPLETE LEGAL LAND DESCRIPTION OF THE PRIVATE LAND TO WHICH THIS WATER RIGHT IS APPURTENANT.

As requested, this remark should be removed and the following information remark should be added: THE POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

The Preliminary Decree also includes the following notice remark on the abstract for this claim:

> THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41E DECREE ISSUED 06/20/1985.

The remark should be removed as having served its notice purpose.

## CONCLUSION OF LAW

The settlement documentation filed by the parties is sufficient to contradict and overcome the prima facie claims and to resolve the issue remarks without evidentiary hearing. Sections 85-2-248(3) and (11), MCA.

## RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusion of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim for each claim is served with this Report to confirm the recommended changes have been made in the state's centralized record system.



Electronically Signed By:
Hon. Judge Kathryn Lambert
Mon, Oct 26 2026 01:03:43 PM

**Service via Electronic Mail**

Katharine L. Laubach
US Dept of Justice
katharine.laubach@usdoj.gov
montanabasins.enrd@usdoj.gov
*(Attorney for United States, DOA Forest Service)*

Ryan K. Mattick
Mattick Law Firm, P.C.
ryan@matticklawfirm.com
*(Attorney for Kountz-Spire Rock LLC and John D. Kountz)*

**POST DECREE**

**ABSTRACT OF WATER RIGHT CLAIM**

**BOUNDER RIVER, TRIBUTARY TO JEFFERSON RIVER**

**BASIN 41E**

**Water Right Number:** **41E 93921-00** STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** KOUNTZ-SPIRE ROCK LLC
12 RANCH LAND RD
WHITEHALL, MT 59759-8640

**Priority Date:** FEBRUARY 28, 1912

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.00 CFS

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

**Climatic Area:** 5 - LOW

**Maximum Acres:** 40.00

**Source Name:** FINN GULCH

**Source Type:** SURFACE WATER

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

| ID | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|---|---|---|---|---|---|---|
| 1 | | NENESW | 23 | 6N | 7W | JEFFERSON |

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** OTHER

THE MEANS OF DIVERSION IS A TARP.

**Period of Use:** APRIL 1 TO OCTOBER 31

**Place of Use:**

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|---|---|---|---|---|---|---|---|
| 1 | 10.00 | | E2SW | 23 | 6N | 7W | JEFFERSON |
| 2 | 30.00 | | S2S2SE | 23 | 6N | 7W | JEFFERSON |
| **Total:** | 40.00 | | | | | | |

**Remarks:**

THE POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

THE USE OF THIS WATER RIGHT SHALL NOT BE UTILIZED TO PLACE A CALL ON THE UNITED STATES DEP'T OF AGRICULTURE USFS WATER RIGHT CLAIMS. SEE FCE DOC. NUMBERS 34.00 AND 35.00 FILED IN CASE 41E-0123-R-2024.

**POST DECREE**

**ABSTRACT OF WATER RIGHT CLAIM**

**BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER**

**BASIN 41E**

**Water Right Number:** **41E 93922-00** STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** KOUNTZ-SPIRE ROCK LLC
12 RANCH LAND RD
WHITEHALL, MT 59759-8640

**Priority Date:** JULY 15, 1917

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.00 CFS

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

**Climatic Area:** 5 - LOW

**Maximum Acres:** 67.00

**Source Name:** BOULDER RIVER

**Source Type:** SURFACE WATER

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

| ID | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|---|---|---|---|---|---|---|
| 1 | | NENWNW | 26 | 6N | 7W | JEFFERSON |

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

| ID | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|---|---|---|---|---|---|---|
| 2 | | SESE | 22 | 6N | 7W | JEFFERSON |

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Period of Use:** APRIL 1 TO OCTOBER 31

**Place of Use:**

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|---|---|---|---|---|---|---|---|
| 1 | 50.00 | | SWSW | 23 | 6N | 7W | JEFFERSON |
| 2 | 7.00 | | N2NWNW | 26 | 6N | 7W | JEFFERSON |
| 3 | 10.00 | | SESE | 22 | 6N | 7W | JEFFERSON |
| **Total:** | 67.00 | | | | | | |

**Remarks:**

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

93922-00 93923-00

**POST DECREE**

**ABSTRACT OF WATER RIGHT CLAIM**

**BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER**

**BASIN 41E**

**Water Right Number:** **41E 93923-00** STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** KOUNTZ-SPIRE ROCK LLC
12 RANCH LAND RD
WHITEHALL, MT 59759-8640

**Priority Date:** JULY 15, 1917

**Type of Historical Right:** FILED

**Purpose (Use):** STOCK

THE INCIDENTAL USE OF THIS RIGHT FOR DOMESTIC PURPOSE IS LIMITED TO TIMES WHEN WATER IS DIVERTED FOR STOCK AND DOES NOT PROVIDE AN INDEPENDENT BASIS FOR A CALL ON OTHER WATER RIGHTS.

***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:** BOULDER RIVER

**Source Type:** SURFACE WATER

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

| ID | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|---|---|---|---|---|---|---|
| 1 | | N2NWNW | 26 | 6N | 7W | JEFFERSON |
| **Period of Diversion:** | JANUARY 1 TO DECEMBER 31 | | | | | |
| **Diversion Means:** | DITCH | | | | | |
| 2 | | SWSW | 23 | 6N | 7W | JEFFERSON |
| **Period of Diversion:** | JANUARY 1 TO DECEMBER 31 | | | | | |
| **Diversion Means:** | DITCH | | | | | |
| 3 | | SESE | 22 | 6N | 7W | JEFFERSON |
| **Period of Diversion:** | JANUARY 1 TO DECEMBER 31 | | | | | |
| **Diversion Means:** | DITCH | | | | | |

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

**Place of Use:**

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|---|---|---|---|---|---|---|---|
| 1 | | | SWSW | 23 | 6N | 7W | JEFFERSON |
| 2 | | | N2NWNW | 26 | 6N | 7W | JEFFERSON |
| 3 | | | SESE | 22 | 6N | 7W | JEFFERSON |

**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.

93922-00 93923-00

**POST DECREE**

**ABSTRACT OF WATER RIGHT CLAIM**

**BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER**

**BASIN 41E**

**Water Right Number:** **41E 94021-00** STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** KOUNTZ-SPIRE ROCK LLC
12 RANCH LAND RD
WHITEHALL, MT 59759-8640

**Priority Date:** AUGUST 20, 1905

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.00 CFS

**Volume:** 305.43 AC-FT

**Climatic Area:** 5 - LOW

***Maximum Acres:** 63.00

**Source Name:** ALTA GULCH

**Source Type:** SURFACE WATER

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

| ID | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|---|---|---|---|---|---|---|
| 1 | | SESESE | 14 | 6N | 7W | JEFFERSON |

**Period of Diversion:** MAY 1 TO OCTOBER 1

**Diversion Means:** HEADGATE

**Period of Use:** MAY 1 TO OCTOBER 1

**Place of Use:**

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|---|---|---|---|---|---|---|---|
| 1 | 30.00 | | SWSW | 13 | 6N | 7W | JEFFERSON |
| 2 | 30.00 | | SESESE | 14 | 6N | 7W | JEFFERSON |
| 3 | 3.00 | | E2E2NE | 23 | 6N | 7W | JEFFERSON |
| **Total:** | 63.00 | | | | | | |

# POST DECREE
# ABSTRACT OF WATER RIGHT CLAIM
# BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER
# BASIN 41E

**Water Right Number:** **41E 94022-00** STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** KOUNTZ-SPIRE ROCK LLC
12 RANCH LAND RD
WHITEHALL, MT 59759-8640

**Priority Date:** JULY 27, 1882

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

***Flow Rate:** 3.21 CFS

***Volume:** 612.00 AC-FT

**Climatic Area:** 5 - LOW

***Maximum Acres:** 85.00

**Source Name:** LOWLAND CREEK

**Source Type:** SURFACE WATER

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

| ID | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|---|---|---|---|---|---|---|
| 1 | | SWNESW | 14 | 5N | 7W | JEFFERSON |

**Period of Diversion:** MAY 1 TO SEPTEMBER 1

**Diversion Means:** HEADGATE

**Period of Use:** MAY 1 TO SEPTEMBER 1

***Place of Use:**

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|---|---|---|---|---|---|---|---|
| 1 | 30.00 | | E2W2 | 14 | 5N | 7W | JEFFERSON |
| 2 | 49.00 | | W2 | 11 | 5N | 7W | JEFFERSON |
| 3 | 2.00 | | SESWSW | 2 | 5N | 7W | JEFFERSON |
| 4 | 1.00 | | NESWSW | 2 | 5N | 7W | JEFFERSON |
| 5 | 1.00 | | N2SW | 2 | 5N | 7W | JEFFERSON |
| 6 | 1.00 | | E2NW | 2 | 5N | 7W | JEFFERSON |
| 7 | 1.00 | | W2NE | 2 | 5N | 7W | JEFFERSON |
| **Total:** | 85.00 | | | | | | |

**POST DECREE**

**ABSTRACT OF WATER RIGHT CLAIM**

**BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER**

**BASIN 41E**

**Water Right Number:** **41E 30129693** STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** KOUNTZ-SPIRE ROCK LLC
12 RANCH LAND RD
WHITEHALL, MT 59759-8640

**Priority Date:** DECEMBER 24, 1873

**Type of Historical Right:** USE

**Purpose (Use):** STOCK

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

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

***Source Name:** UNNAMED TRIBUTARY OF BOULDER RIVER

**Source Type:** SURFACE WATER

ALSO KNOWN AS BOYLE GULCH

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

| ID | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|---|---|---|---|---|---|---|
| 1 | | E2 | 15 | 6N | 7W | JEFFERSON |
| **Period of Diversion:** | JANUARY 1 TO DECEMBER 31 | | | | | |
| **Diversion Means:** | LIVESTOCK DIRECT FROM SOURCE | | | | | |
| 2 | | E2 | 22 | 6N | 7W | JEFFERSON |
| **Period of Diversion:** | JANUARY 1 TO DECEMBER 31 | | | | | |
| **Diversion Means:** | LIVESTOCK DIRECT FROM SOURCE | | | | | |
| 3 | | W2W2 | 14 | 6N | 7W | JEFFERSON |
| **Period of Diversion:** | JANUARY 1 TO DECEMBER 31 | | | | | |
| **Diversion Means:** | LIVESTOCK DIRECT FROM SOURCE | | | | | |

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

**Place of Use:**

| ID | Acres | Govt Lot | Qtr Sec | Sec | Twp | Rge | County |
|---|---|---|---|---|---|---|---|
| 1 | | | E2 | 15 | 6N | 7W | JEFFERSON |
| 2 | | | E2 | 22 | 6N | 7W | JEFFERSON |
| 3 | | | W2W2 | 14 | 6N | 7W | JEFFERSON |

**Remarks:**

THE POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.