FILED
10/08/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41F-0204-R-2025
Stradley, Anna
6.00

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MONTANA WATER COURT
UPPER MISSOURI DIVISION
MADISON RIVER
BASIN 41F
PRELIMINARY DECREE

* *

CLAIMANT: Valley Garden Land & Cattle LLC OBJECTOR: Valley Garden Land & Cattle LLC	**CASE 41F-0204-R-2025** 41F 45987-00 41F 101041-00

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

Statement of the case

Each captioned claim received issue remarks. Issue remarks result from Department of Natural Resources and Conservation ("DNRC") claims examination. Montana law requires the Water Court to resolve issue remarks. The claims received the following issue remarks:

41F 45987-00

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. 41F 101041-00 AND 41F 45987-00.

41F 101041-00

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. 41F 45987-00, 41F 101041-00.

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.

Valley Garden Land & Cattle Co. ("Valley Garden") filed self-objections to the captioned claims. Valley Garden objected to the point of diversion, means of diversion, and the overfiled notice of appropriation issue remark on irrigation claim 41F 45987-00. Valley Garden objected to the maximum acres irrigated, place of use, point of diversion, means of diversion, purpose, source, type of right, and the overfiled notice of appropriation issue remark on domestic claim 41F 101041-00.

On July 1, 2026, Valley Garden filed Modified Proposed Resolutions for the captioned claims.

Issues

1. Are the self-objections to claims 41F 45987-00 and 41F 101041-00 resolved?

2. Are the issue remarks resolved?

Findings of fact

1. The means of diversion and points of diversion for irrigation claim 41F 45987-00 should be modified to a dike in the SWSESE of Section 8, and natural overflow in the S2S2SE of Section 8, and the SWNE, SESENW, and SW of Section 9, all in Township 5 South, Range 1 West, Madison County.

2. Domestic claim 41F 101041-00 should be modified as follows:

- type of historical right to "use,"
- priority date to December 31, 1909,
- source to Spring Unnamed Tributary of Haines Creek,
- source type to groundwater,
- point of diversion to the SESENE of Section 18, Township 5 South, Range 1 West, Madison County,
- place of use to the S2SWSE of Section 8 and the N2NWNE of Section 17, Township 5 South, Range 1 West, Madison County, and
- add incidental stock use information remark.

Principles of law

1. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. Section 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 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.

2. 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.

3. 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.

4. 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.

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

6. 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.

7. The Montana Water Court has the authority to resolve issue remarks when the claim file and information available to the Court provide a sufficient basis to do so. Section 85-2-248(3), MCA.

8. Circumstantial evidence is often the only evidence available in a Water Court proceeding. “"Circumstantial evidence" is that which tends to establish a fact by proving another and which, though true, does not of itself conclusively establish that fact but affords an inference or presumption of its existence.” Section 26-1-102(1), MCA.

While a single piece of circumstantial evidence such as a historical document may not be sufficient to overcome the proof established by a prima facie statement of claim, a historical document supplemented by additional circumstantial evidence may be enough

to determine that the evidence as a whole demonstrates the fact to be proved is "more probable than not," thereby meeting the burden of proof to overcome a prima facie statement of claim. *See Giese v. Teton Cooperative Canal Company*, Case 41O-435 at p. 4, (MT Water Court Order Amending and Adopting Master's Report May 3, 2012).

9. The Water Court has acknowledged its authority to generate implied claims during adjudication. *Bergin v. Nelson*, 2001 Mont. Water LEXIS 5 at *24 (Feb. 21, 2001); *See* Rule 35, W.R.C.E.R. If a statement of claim was timely filed, and the form contains multiple rights, the statutory deadline set by § 85-2-221, MCA has been met for the multiple rights. *Bergin*, 2001 Mont. Water LEXIS 5 at *24.

10. Pursuant to *Eliasson Ranch Company v. Rodeghiero,* 2004 Mont. Water LEXIS 2 at *6-7 (Jun. 28, 2004). When generating an implied claim the following guidelines apply.

- An implied claim may be generated based only on the attachments to a statement of claim, but typically it is based on the statement of claim itself.
- There is usually evidence of two or more claims on the face of the statement of claim, most commonly indicated by an overstatement of an element, or the identification of multiple purposes, multiple priority dates, or multiple sources.
- The generation of an implied claim must come from the statement of claim as originally filed.

> "A statement of claim cannot be amended after the filing deadline or changed through the objection process to expand the elements of the filed statement of claim and thereby create the groundwork to add additional water rights through the implied claim process. The implied claim process cannot be used to circumvent the claim filing process in order to cure a failure to file a water right claim in a timely fashion. That practice would be contrary to the late claim provisions of the statutes." Section 85-2-221 and 85-2-225, MCA. *Adjudication*

of Water Rights of Yellowstone River, 253 Mont. 167, 832 P.2d 1210 (1992) (emphasis added).

11. *Foss v. United States*, 2013 Mont. Water LEXIS 17 at *32 (Jan. 31, 2013), added an additional layer of review to the above analysis for generating implied claims. Three criteria must be met by the party requesting an implied claim.

- Evidence corroborating the actual historic use of the implied claim must exist.
- Supplemental evidence that explains or clarifies the statement of claim may be considered.
- The creation of an implied claim should not change the historic use of water or increase the historic burden on other water users.

If these criteria are not met, water rights are lost even when "ample evidence of historic use otherwise exists" thereby establishing "an appropriate balance between recognition of legitimate claims and upholding the substance of the forfeiture statute." Section 85-2-226, MCA.

12.

It is a common practice for livestock to access irrigation ditches while diversions are taking place for irrigation. If the stock use is limited and not exercised independently from the irrigation claim, it can be considered incidental to that primary use. If the claim is not in use for irrigation, the stock use cannot take place. Unlike an implied claim, the incidental use is not separate from the primary use and does not provide a basis for a call on other water rights.

The final decree for an existing water right can include "information necessary to fully define the nature and extent of the right." Section 85-2-234(6)(b)(i), MCA. When the historical use of an irrigation right includes incidental stock use, a remark noting this use can be appropriate.

Broken O Land & Livestock LLC v. Tee Bar Ranch Co., 2017 Mont. Water LEXIS 10 at * 2-3 (Apr. 7, 2017).

Analysis

Issue 1 - self-objection resolution

Valley Garden objected to the point of diversion and means of diversion of its irrigation claim 41F 45897-00. Joel D. Leadbetter attests:

- His family owned the property currently owned by Valley Garden from 1949 to 1999. (Affidavit, ¶ 2)
- He lived on the property from 1957 to 1989. (Affidavit, ¶ 2)
- He helped manage livestock and helped irrigate the property, including assisting Carl Young (now deceased) who flood irrigated the property. (Affidavit, ¶ 2)
- "Haines Creek historically flowed through the main ranch development in the SWSE of Section 8 and the NWNE of Section 17, T5S, R1W…Haines Creek was always flumed under the West Madison Canal." (Affidavit, ¶ 4)
- "Irrigation from Haines Creek occurred primarily by means of water naturally overflowing the channel of Haines Creek as it flowed NE through the fields in the SE of Section 8, SW of Section 9, and S2N2 of Section 9, T5S, R1W…." (Affidavit, ¶ 5)
- A metal check dam also diverted water from Haines Creek in the SWSESE of Section 8, T5S, R1W. (Affidavit, ¶ 6)

Valley Garden objected to the maximum acres irrigated, place of use, point of diversion, means of diversion, purpose, source, and the type of right identified by its domestic claim 41F 101041-00. Joel D. Leadbetter attests:

- "…the primary source of domestic and stock water at the main ranch development, located in the SWSE of Section 8 and the NWNE of Section 17, T5S, R1W, was a groundwater spring located adjacent to Haines Creek in the SESENE of Section 18, T5S, R1W." (Affidavit, ¶ 8)

- The means of diversion was a spring box and pipeline serving four houses, irrigation of the lawn and the garden, and livestock at the main ranch. (Affidavit, ¶ 9-11)
- The system was "installed and in use long before my family purchased the MVGR property." (Affidavit, ¶ 12)

Mr. Leadbetter's personal pre-1973 knowledge is not sufficient to establish the priority date for claim 41F 101041-00. Valley Garden points to the Thomas P. Lane and Robert L. Lane Notice of Appropriation and the Win-Del Ranches Notice of Completion of Groundwater Appropriation Without Well. This circumstantial evidence provides some support that water from Haines Creek and the surrounding area was put to beneficial use by Valley Garden's predecessors in interest during the 1900s. This circumstantial evidence provides that the claim was more probably than not used by the end of the decade, thereby supporting a priority date of December 31, 1909.[1] This evidence also supports modifying the type of historical right from "filed" to "use."

Due to the modification to type of historical right and priority date for claim 41F 101041-00 it is no longer a multiple use with claims 41F 45982-00 and 41F 45987-00. The multiple use information remark should be removed from claim 41F 101041-00, and the multiple use information remark should be updated on claims 41F 45982-00 and 41F 45987-00.

Valley Garden failed to meet the required criteria for supporting its request to generate an implied stock claim from domestic claim 41F 101041-00. Valley Garden did not meet the first criteria for generating an implied claim. There is no information on the domestic statement of claim form, or its attachments, indicating the water right was used before July 1, 1973, for anything other than domestic use. The attachments to the statement of claim are not, as discussed by Valley Garden, filed in support of the statement of claim, but are circumstantial evidence of use in the area. This does not rise

[1] See May 2013 DNRC Water Right Claims Examination Manual, Ch. VI.J.2.c.

to the level of establishing that two claims were filed on one statement of claim.

Although there is not enough evidence to imply a stock claim from domestic claim 41F 101041-00, Mr. Leadbetter's personal pre-1973 knowledge does establish that domestic claim 41F 101041-00 was incidentally used for stock. An information remark noting the incidental stock use should be added to domestic claim 41F 101041-00.

The Modified Proposed Resolutions and its attachments, including the Leadbetter Affidavit, may be viewed on the court's case management system, FullCourt Enterprise, at document sequence 5.00.

Conclusions of law

The evidence entered into the record for the point of diversion and means of diversion for irrigation claim 41F 45987-00 overcomes the point of diversion and the means of diversion identified by prima facie statement of claim 41F 45987-00, justifies the modifications to the claim, and resolves Valley Garden's self-objection to the claim.

The evidence entered into the record for the type of historical right, source, point of diversion, and place of use for domestic claim 41F 101041-00 overcomes the type of historical right, source, point of diversion, and place of use identified by prima facie statement of claim 41F 101041-00, justifies the modifications to those elements of the claim, and resolves Valley Garden's self-objection to those elements of the claim.

Evidence entered into the record does not support Valley Garden's proposed priority date for domestic claim 41F 101041-00. The evidence provided for the priority date does not support the priority date identified by prima facie statement of claim 41F 101041-00. The evidence supports a December 31, 1909 priority date.

Evidence entered into the record does not support Valley Garden's request to generate an implied stock claim from domestic claim 41F 101041-00. Instead, Valley Garden established that stock historically and incidentally used the water identified by domestic claim 41F 101041-00. An incidental stock use information remark should be added to the claim abstract.

Issue 2 – issue remark resolution

DNRC added the overfiled notice of appropriation issue remark to claims 41F 45987-00 and 41F 101041-00 in error. The claims as filed were multiple uses of the same water right. Multiple uses of a water right occur when one water right is used for more than one purpose, and by definition cannot exceed the amount of water appropriated by the claimed water right.[2]

Claim 41F 101041-00 received an issue remark noting the means of diversion was modified by the DNRC during claims examination. The issue remark instructed claimants and other water users that if no objections were filed to the modifications, the modified elements would remain as they appear on the Preliminary Decree abstracts. Water users were given the opportunity to review the claim and file an objection. The objections filed to the claim are resolved by these case proceedings.

Conclusions of law

The overfiled notice of appropriation issue remark was placed on the abstracts of claims 41F 45987-00 and 41F 101041-00 in error.

The issue remark on claim 41F 101041-00 noting modification of the means of diversion by the DNRC served its notice purpose.

Recommendations

Irrigation claim 41F 45987-00 should be modified as follows to accurately reflect historical use.

POINT OF DIVERSION AND MEANS OF DIVERSION:

SEE POST DECREE ABSTRACT ATTACHED TO THIS REPORT.

Domestic claim 41F 101041-00 should be modified as follows to accurately reflect historical use.

[2] See Rule 41, W.R.C.E.R. and the multiple use information remark appearing on claim 41F 45987-00.

PRIORITY DATE: ~~NOVEMBER 3, 1910~~ **DECEMBER 31, 1909**

TYPE OF HISTORICAL RIGHT: ~~FILED~~ **USE**

PURPOSE: DOMESTIC

Add Remark:

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

SOURCE NAME: **SPRING, UNNAMED TRIBUTARY OF** HAINES CREEK

Source Type: ~~SURFACE WATER~~ **GROUNDWATER**

POINT OF DIVERSION:

GOVT LOT	QTR SEC	SEC	TWP	RGE	COUNTY
SESENE	~~SWNENE~~	18	5S	1W	MADISON

PLACE OF USE:

SEE POST DECREE ABSTRACT ATTACHED TO THIS REPORT.

The multiple use information remark on stock claim 41F 45982-00[3] and irrigation claim 41F 45987-00 should be updated by removing claim 41F 101041-00 from the remark.

The issue remarks should be removed from the claim abstracts.

Post Decree Abstracts of Water Right Claim accompany this report to confirm implementation of the recommendations in the state's centralized water right record system.

Service via Electronic Mail

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(Attorney for Valley Garden Land & Cattle LLC)

[3] Stock claim 41F 45982-00 is not before the court. The updated claim abstract is included with this Master's Report for the administrative purposes of removing claim 41F 101041-00 from the multiple use information remark.

Electronically Signed By:
Hon. Judge Anna Stradley
Thu, Oct 08 2026 10:04:54 AM

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

MADISON RIVER

BASIN 41F

Water Right Number: **41F 45982-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: VALLEY GARDEN LAND & CATTLE LLC
3000 TURTLE CREEK BLVD
DALLAS, TX 75219-6268

Priority Date: NOVEMBER 3, 1910

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: HAINES CREEK

Source Type: SURFACE WATER

THE SOURCE INCLUDES UNNAMED TRIBUTARIES OF HAINES CREEK.

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		S2	13	5S	2W	MADISON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		SW	18	5S	1W	MADISON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		NWNWSE	18	5S	1W	MADISON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		NE	18	5S	1W	MADISON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		NW	17	5S	1W	MADISON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		SE	8	5S	1W	MADISON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

7 SW 9 5S 1W MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

8 SESENW 9 5S 1W MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

9 NE 9 5S 1W MADISON

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			NWNWSE	18	5S	1W	MADISON
2			SW	18	5S	1W	MADISON
3			NE	18	5S	1W	MADISON
4			S2	13	5S	2W	MADISON
5			SESENW	9	5S	1W	MADISON
6			NE	9	5S	1W	MADISON
7			NW	17	5S	1W	MADISON
8			SE	8	5S	1W	MADISON
9			SW	9	5S	1W	MADISON

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.

45982-00 45987-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F

Water Right Number: **41F 45987-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: VALLEY GARDEN LAND & CATTLE LLC
3000 TURTLE CREEK BLVD
DALLAS, TX 75219-6268

Priority Date: NOVEMBER 3, 1910

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.50 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 315.00

Source Name: HAINES CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSESE	8	5S	1W	MADISON

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: OTHER

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
2		SWNE	9	5S	1W	MADISON

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: NATURAL OVERFLOW

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
3		SESENW	9	5S	1W	MADISON

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: NATURAL OVERFLOW

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
4		SW	9	5S	1W	MADISON

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: NATURAL OVERFLOW

MEANS OF DIVERSION FOR POINT OF DIVERSION IN THE SWSESE, SEC 8, T5S, R1W: METAL CHECK DAM

Period of Use: MAY 1 TO NOVEMBER 1

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	115.00		SE	8	5S	1W	MADISON
2	160.00		SW	9	5S	1W	MADISON

3	10.00	SESENW	9	5S	1W	MADISON	
4	30.00	SWNE	9	5S	1W	MADISON	
Total:	315.00						

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.

45982-00 45987-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F

Water Right Number: **41F 101041-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: VALLEY GARDEN LAND & CATTLE LLC
3000 TURTLE CREEK BLVD
DALLAS, TX 75219-6268

Priority Date: DECEMBER 31, 1909

Type of Historical Right: USE

Purpose (Use): DOMESTIC

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

Flow Rate: 26.93 GPM

Volume: 12.00 AC-FT

Maximum Acres: 4.00

Source Name: SPRING, UNNAMED TRIBUTARY OF HAINES CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SESENE	18	5S	1W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	2.00		S2SWSE	8	5S	1W	MADISON
2	2.00		N2NWNE	17	5S	1W	MADISON
Total:	4.00						