

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

CLAIMANTS: Alton Living Trust; Ruby F. Gleason; Shawn A. Gleason

OBJECTORS: Alton Living Trust; Ruby F. Gleason; Shawn A. Gleason; United States, DOI Bureau of Reclamation

COUNTEROBJECTOR: Alton Living Trust

NOTICE OF INTENT TO APPEAR: Alton Living Trust

CASE 41F-0008-R-2024

41F 18694-00

41F 40104-00

41F 40106-00

41F 133922-00

41F 136436-00

41F 210913-00

41F 210965-00

41F 30132466

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

The claims in this case include Alton Living Trust ("Alton") irrigation claims 41F 18694-00, 41F 40104-00, and 41F 210965-00, and stock claim 41F 133922-00; Ruby F. Gleason and Shawn A. Gleason ("Gleason") irrigation claims 41F 40106-00 and 41F 210913-00, and stock claim 41F 136436-00; and Ruby F. Gleason stock claim 41F 30132466.

Alton filed self-objections to each of its claims and assumed late objections to its irrigation claims 41F 40104-00 and 41F 210965-00. Alton filed counterobjections to each of the Gleason claims, except stock claim 41F 30132466 to which it filed a notice of intent to appear. Shawn A. Gleason filed an objection to Alton irrigation claims 41F 18694-00 and 41F 40104-00. Shawn A. Gleason filed self-objections to irrigation claims 41F 40106-00 and 41F 201913-00. Ruby F. Gleason filed a self-objection to stock claim 41F 30132466. The United States, DOI Bureau of Reclamation ("BOR") filed an objection to Gleason irrigation claim 41F 40106-00.

Alton irrigation claims 41F 18694-00 and 41F 40104-00, and Gleason irrigation claim 41F 40106-00 appeared in the Preliminary Decree for this Basin with the following issue remark:

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 60 MINER'S INCHES DECREED IN CASE NO. 1185, MADISON COUNTY. 41F 40106-00, 41F 40104-00, 41F 18694-00.

Alton irrigation claim 41F 18694-00 and Gleason irrigation claim 41F 40106-00 appeared with the following additional issue remark:

DITCH 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.

Alton irrigation claim 41F 40104-00 appeared with the following additional issue remarks:

THE FOLLOWING ELEMENT WAS AMENDED BY ORDER OF THE MONTANA WATER COURT GRANTING A MOTION TO AMEND FILED UNDER SECTION 85-2-233(6) MCA: PLACE OF USE.

VIOLET A. THEXTON FILED A LATE OBJECTION TO THE PLACE OF USE, MAXIMUM ACRES IRRIGATED, PERIOD OF USE AND FLOW RATE. THE OBJECTION SPECIFIES INCREASING THE FLOW RATE TO 1.25 CFS (50.00 MINERS' INCHES) AND ADDING A REMARK CONCERNING THE ROTATIONAL USE OF THE FLOW RATE BETWEEN THIS CLAIM AND 41F-W-210965-00. THIS OBJECTION WILL BE HEARD AFTER PROPER NOTICE IN THE NEXT OBJECTION LIST.

DITCH 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.

Alton stock claim 41F 133922-00 and Gleason stock claim 41F 136436-00

appeared with the following issue remark:

MEANS OF DIVERSION AND DITCH NAME 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.

Gleason irrigation claim 41F 210913-00 appeared with the following issue remark:

DITCH 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.

Alton irrigation claim 41F 210965-00 appeared with the following issue remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY ORDER OF THE MONTANA WATER COURT GRANTING A MOTION TO AMEND FILED UNDER SECTION 85-2-233(6) MCA: OWNERSHIP, FLOW RATE, PLACE OF USE.

VIOLET A. THEXTON FILED A LATE OBJECTION TO THE PLACE OF USE, MAXIMUM ACRES IRRIGATED, PERIOD OF USE, VOLUME AND FLOW RATE. THE OBJECTION SPECIFIES INCREASING THE FLOW RATE TO 1.25 CFS (50.00 MINER'S INCHES) AND ADDING A REMARK CONCERNING THE ROTATIONAL USE OF THE FLOW RATE BETWEEN THIS CLAIM AND 41F-40104-00. THIS OBJECTION WILL BE HEARD AFTER PROPER NOTICE IN THE NEXT OBJECTION LIST.

DITCH 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.

Ruby F. Gleason stock claim 41F 30132466 appeared with the following issue remarks:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41F DECREE ISSUED 07/25/1984.

THE TYPE OF HISTORICAL RIGHT MAY BE QUESTIONABLE. DOCUMENTATION SUBMITTED WITH THE CLAIM INDICATES A USE RIGHT.

Issue remarks most often result from Department of Natural Resources and Conservation (“DNRC”) claims examination. If claims examination cannot confirm an element of a claim based upon historical resources, or water right claim examination rules require identification of an issue, or a Water Court order requires identification of an issue, an issue remark is added to the claim. The court or DNRC may also add issue remarks providing some sort of notice to water users concerning a claim. Montana law requires the Water Court to resolve issue remarks.

On June 25, 2026, Alton unconditionally withdrew its objection to Gleason claim 41F 133922-00, and Alton and Gleason filed a Stipulation for the remainder of the captioned claims. On July 8, 2026, Gleason and the BOR filed a Stipulation for claim 41F 40106-00.

Issues

1. Should the stipulated terms be accepted by the court?
2. Are the objections, counterobjections, and notices of intent to appear resolved?
3. Are the issue remarks appearing on each claim resolved?

Findings of fact

1. Alton irrigation claim 41F 18694-00 should be dismissed from the adjudication.
2. The maximum acres irrigated and place of use for Gleason irrigation claims 41F 40106-00 and 41F 210913-00 should be reduced to 85.00 acres.

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. 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.

6. 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.

Analysis

Issues 1-3 – stipulated terms; objection, counterobjection, and notice of intent to appear resolution; and issue remark resolution

The DNRC Database identifies Alton as the current claimant of water right claim 41F 18694-00. The Montana Cadastral Survey database, located online at <http://svc.mt.gov/msl/mtcadastral/>, identifies Alton as the property owner of the place of use identified by claim 41F 18694-00. Alton agreed to withdraw irrigation claim 41F 18694-00. Irrigation claim 41F 18694-00 should be dismissed from the adjudication thereby resolving the decree exceeded situation between Alton irrigation claims 41F

18694-00 and 41F 40104-00, and Gleason irrigation claim 41F 40106-00.

Alton, Gleason, and the BOR agreed that the maximum acres irrigated and place of use for Gleason irrigation claim 41F 40106-00, and Alton and Gleason agreed that the maximum acres and place of use for Gleason irrigation claim 41F 210913-00, should both be reduced to the same 85.00 acres.

The Stipulations and their attachments may be viewed on the court's case management system, FullCourt Enterprise, at document sequences 27.00 and 29.00.

Alton irrigation claims 41F 18694-00, 41F 40104-00, and 41F 210965-00 and Gleason irrigation claims 41F 40106-00 and 41F 210913-00 received an issue remark noting DNRC modified ditch name during reexamination; Alton stock claim 41F 133922-00 and Gleason stock claim 41F 136436-00 received an issue remark noting DNRC modified means of diversion and ditch name during reexamination; Alton irrigation claim 41F 40104-00 received an issue remark noting the place of use was amended; and Alton irrigation claim 41F 210965-00 received an issue remark noting that ownership, flow rate, and the place of use were amended. Each of these issue remarks provided water users the opportunity to review the claims and file an objection. The objections filed to each claim, including the late objections Alton assumed from Violet A. Thexton to its irrigation claims 41F 40104-00 and 41F 210965-00, are resolved by these case proceedings.

Stock claim 41F 30132466 received an issue remark stating it appears the type of historical right appears to be a “use” right. The reasoning provided by the stipulation, that type of historical right is irrelevant and is not correct, but the stipulated outcome is acceptable to the court. *See BFR Family Ltd. P'ship. v. Hall*, 2024 Mont. Water LEXIS 12, (Jan. 5, 2024). The parties did not propose changing the type of historical right for stock claim 41F 30132466, leaving the type of historical right as “decreed” based upon the May 1, 1881, 40.00 miner's inches of Warm Spring Creek, aka Blaine Spring Creek, decreed to Albert E. Thexton and Violet A. Thexton by Cause No. 1185, *Valley Garden Ranch Co. v. Thexton*, Fifth Judicial District, Apr. 14, 1913, as the historical basis (reaffirmed by Cause No. 5526, *Win-Del Ranches, Inc. v. Lehman Ranch Co.*, Fifth

Judicial District, Sep. 4, 1963). Accordingly, an information remark shall be added to Gleason stock claim 41F 30132466, identifying Gleason stock claim 41F 30132466, Gleason stock claim 41F 136436-00, and Gleason irrigation claim 41F 210913-00 as multiple uses, and the multiple use information remark shall be updated on Gleason stock claim 41F 136436-00 and Gleason irrigation claim 41F 210913-00 to include Gleason stock claim 41F 30132466.

Stock claim 41F 30132466 received an additional issue remark noting it missed the first decree for Basin 41F issued in 1984. This issue remark provided notice to water users that the claim was not previously decreed. Water users were provided the opportunity to review the claim and file an objection. The objection filed to the claim is resolved by these case proceedings.

Conclusions of law

The Request to Withdraw Statement of Claim 41F 18694-00 is properly filed and the claim should be dismissed. Dismissal of Alton irrigation claim 41F 18694-00 resolves the decree exceeded situation with Alton irrigation claim 41F 40104-00 and Gleason claim 41F 40106-00,.

The evidence entered into the record results in maximum acres irrigated and place of use reductions within the parameters of irrigation statements of claim 41F 40106-00 and 41F 210913-00. There is no burden of proof to meet.

Alton's objections (including the late objections it assumed from Violet Thexton), counterobjections, and notice of intent to appear; Gleason's objections; and the BOR's objection are resolved. The late objection issue remarks appearing on Alton irrigation claims 41F 40104-00 and 41F 210965-00 are resolved.

The stipulated terms should be accepted by the court.

The issue remarks on claims 41F 18694-00, 41F 40104-00, 41F 40106-00, 41F 133922-00, 41F 136436-00, 41F 210913-00, and 41F 210965-00 noting modification of elements, and the issue remark noting claim 41F 30132466 was not included in the previous Basin 41F decree served their notice purpose.

Recommendations

Alton irrigation claim 41F 18694-00 should be dismissed from the adjudication. The dismissal of claim 41F 18694-00 moots the issue remarks appearing on the claim.

Gleason irrigation claims 41F 40106-00 and 41F 210913-00 should be modified as follows to accurately reflect historical use:

<u>MAXIMUM ACRES:</u>	~~120.00~~	85.00					
<u>PLACE OF USE:</u>							
	<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	60.00		NE	31	6S	1W	MADISON
	~~60.00~~		NW	31	6S	1W	MADISON
TOTAL:	85.00	~~120.00~~					

The following multiple use remark should appear on Gleason claims 41F 136436-00, 41F 210913-00, and 41F 30132466:

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.
136436-00 210913-00 **30132466**

Alton irrigation claims 41F 40104-00 and 41F 201965-00, and stock claim 41F 133922-00; Ruby F. Gleason and Shawn A. Gleason stock claim 41F 136436-00; and Ruby F. Gleason stock claim 41F 30132466 accurately reflect historical use. No changes to the elements of the claims should be made.

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.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via Electronic Mail

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

Water Right Number: **41F 18694-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: **DISMISSED**

Owners: ALTON LIVING TRUST
 PO BOX 4029
 WESTLAKE VILLAGE, CA 91359

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: BLAINE SPRING 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
MADISON RIVER
BASIN 41F

Water Right Number: 41F 40104-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: ALTON LIVING TRUST
PO BOX 4029
WESTLAKE VILLAGE, CA 91359

Priority Date: JUNE 1, 1881

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 170.60 GPM

***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: 10.00

Source Name: BLAINE SPRING 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		SENESE	18	7S	1W	MADISON

Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: THEXTON DITCH

Period of Use: APRIL 1 TO NOVEMBER 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	10.00		NWNESW	31	6S	1W	MADISON
Total:	10.00						

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.

40104-00 210964-00 210965-00

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

Water Right Number: 41F 40106-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: RUBY F GLEASON
303 SELWAY VIEW RD
CORVALLIS, MT 59828

SHAWN A GLEASON
303 SELWAY VIEW RD
CORVALLIS, MT 59828-9390

Priority Date: JUNE 1, 1881

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.13 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: 85.00

Source Name: BLAINE SPRING 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		SENESE	18	7S	1W	MADISON

Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: THEXTON DITCH

Period of Use: APRIL 1 TO NOVEMBER 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	60.00		NE	31	6S	1W	MADISON
2	25.00		NW	31	6S	1W	MADISON
Total:	85.00						

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.

40106-00

210913-00

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

Water Right Number: 41F 133922-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: ALTON LIVING TRUST
PO BOX 4029
WESTLAKE VILLAGE, CA 91359

Priority Date: MAY 1, 1881

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: BLAINE SPRING 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		SENESE	18	7S	1W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: THEXTON 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				30	6S	1W	MADISON
2				31	6S	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.

133922-00 210965-00

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

Water Right Number: 41F 136436-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: RUBY F GLEASON
303 SELWAY VIEW RD
CORVALLIS, MT 59828

SHAWN A GLEASON
303 SELWAY VIEW RD
CORVALLIS, MT 59828-9390

Priority Date: MAY 1, 1881

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: BLAINE SPRING 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		SENESE	18	7S	1W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: THEXTON 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			N2	31	6S	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.

136436-00 210913-00 30132466

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

Water Right Number: 41F 210913-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: RUBY F GLEASON
303 SELWAY VIEW RD
CORVALLIS, MT 59828

SHAWN A GLEASON
303 SELWAY VIEW RD
CORVALLIS, MT 59828-9390

Priority Date: MAY 1, 1881
Type of Historical Right: DECREED
Purpose (Use): IRRIGATION
Irrigation Type: FLOOD
Flow Rate: 336.00 GPM
***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: 85.00
Source Name: BLAINE SPRING 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		SENESE	18	7S	1W	MADISON

Period of Diversion: APRIL 1 TO NOVEMBER 1
Diversion Means: HEADGATE
Ditch Name: THEXTON DITCH
Period of Use: APRIL 1 TO NOVEMBER 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	60.00		NE	31	6S	1W	MADISON
2	25.00		NW	31	6S	1W	MADISON
Total:		85.00					

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.

40106-00 210913-00

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.

136436-00 210913-00 30132466

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

Water Right Number: 41F 210965-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: ALTON LIVING TRUST
PO BOX 4029
WESTLAKE VILLAGE, CA 91359

Priority Date: MAY 1, 1881

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

*Flow Rate: 112.20 GPM

*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: 10.00

Source Name: BLAINE SPRING CREEK

Source Type: SURFACE WATER

*Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SENESE	18	7S	1W	MADISON

Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: THEXTON DITCH

Period of Use: APRIL 1 TO NOVEMBER 1

*Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	10.00		NWNESW	31	6S	1W	MADISON
Total:	10.00						

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.

40104-00 210964-00 210965-00

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.

133922-00

210965-00

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

Water Right Number: 41F 30132466 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: RUBY F GLEASON
303 SELWAY VIEW RD
CORVALLIS, MT 59828

Priority Date: MAY 1, 1881

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: BLAINE SPRING CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS WARM SPRING 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		NENE	31	6S	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:

<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			NENE	31	6S	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.

136436-00 210913-00 30132466