

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

CLAIMANTS: ~~Christine A. Volf, Jeffrey T. Volf,~~
Volf Landholdings LLC

CASE 41S-0422-R-2024

41S 110101-00
41S 110111-00
41S 110112-00
41S 132878-00
41S 132881-00
41S 132883-00

NOTICE OF FILING OF MASTER'S REPORT

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

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

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

MASTER'S REPORT

FINDINGS OF FACT

1. Volf Landholdings LLC ("Claimant") is the record holder of claims 41S 110101-00, 41S 110111-00, 41S 110112-00, 41S 132878-00, 41S 132881-00 and 41S 132883-00.

2. All captioned claims received issue remarks. All claims included in the Decree were subject to pre-decree examination by the Montana Department of Natural Resources and Conservation ("DNRC"). If during claims examination the DNRC cannot confirm some aspect of a claim, an issue remark is added to the claim for review by the Water Court.

3. On September 5, 2024, Claimant was ordered to meet with the DNRC to address the unresolved issue remarks on the above captioned claims. (Doc.¹ 1.00)

4. DNRC Water Resource Specialist Brandon Ahlgren filed a Memorandum on December 18, 2024. (Doc. 3.00). Mr. Ahlgren reported that Claimant contacted the DNRC as ordered and did not oppose the findings of the DNRC (Doc. 3.00).

5. Claim 41S 110101-00 received the following issue remarks:

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

THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 10.00 ACRES. THE DNRC'S RE-EXAMINATION WAS OF THESE ORIGINAL CLAIMED ACRES.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-4 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

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

6. During initial examination of claim 41S 110101-00, the DNRC was unable to identify any irrigation using the Fergus County Water Resource Survey or a 1979 USDA aerial photograph. Mr. Ahlgren was also unable to substantiate any historical irrigation using the same sources as the initial examination. The Claimant was unable to provide any evidence to substantiate the claim.

¹ "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

7. Because Mr. Ahlgren was unable to confirm historical irrigation of the claimed place of use, he recommended claim 41S 110101-00 be dismissed.

8. Claim 41S 132881-00 received the following substantive issue remarks:

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

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-76 , DATED 09/25/1979 , APPEARS TO INDICATE 6.20 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

9. During initial examination of claim 41S 132881-00, the DNRC was unable to identify irrigation of the place of use using the Fergus County Water Resource Survey. However, the DNRC was able to verify 6.20 acres of irrigation using a 1979 USDA aerial photograph. Mr. Ahlgren confirmed the findings of the initial examination. Based on these findings, Mr. Ahlgren recommended the maximum acres be reduced to 6.20 acres and the place of use be modified as follows:

Place of Use:							
<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	~~6.00~~ 2.80		SENW	7	11N	17E	FERGUS
2	~~8.00~~ 1.00		NESW	7	11N	17E	FERGUS
3	~~22.00~~ 2.40		NWSW	7	11N	17E	FERGUS
~~4~~	~~12.00~~		~~NESE~~	~~12~~	~~11N~~	~~18E~~	~~FERGUS~~
Total:	~~48.00~~ 6.20						

10. Based on his recommendation to reduce the maximum acres, Mr. Ahlgren also recommended reducing the flow rate of claim 41S 132881-00. The memorandum stated that a change in the flow rate is necessary to account for the change in maximum acres. Utilizing the DNRC guideline of 17.00 Gallons Per Minute (GPM)/Acre/Year the flow rate should be reduced to 105.40 GPM per 14(b)(1), W.R.C.E.R.

11. Claim 41S 132883-00 received the following issue remarks:

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

THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 17.00 ACRES. THE DNRC'S RE-EXAMINATION WAS OF THESE ORIGINAL CLAIMED ACRES.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-76 , DATED 09/25/1979 , APPEARS TO INDICATE 9.50 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

SOURCE NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

12. During initial examination, the DNRC was able to identify 0.00 acres of irrigation using the Fergus County Water Resource Survey and 9.50 acres using a 1979 USDA aerial photograph. Mr. Ahlgren was unable to substantiate any more historical irrigation using the same sources as the initial examination. Mr. Ahlgren recommended reducing the maximum acres to 9.50 acres.

13. The Memorandum stated that a change in the flow rate is necessary to account for the change in maximum acres. Utilizing the DNRC guideline of 17 GPM/Acre/Year the flow rate should be reduced to 161.50 GPM per 14(b)(1), W.R.C.E.R.

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	~~12.00~~ 9.50		SESE	12	11N	16E	FERGUS
Total:	~~12.00~~ 9.50						

14. On December 20, 2024, a filing deadline was set by this court stating:

It is therefore

ORDERED that the claimants may file documentation regarding their position on the recommendations in the Memo by **January 21, 2025**. If nothing is filed, it will be viewed as agreement with the recommendations.

(Doc.4.00).

Nothing was filed.

15. The claims received the following notice-type issue remarks:

41S 110111-00

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

SOURCE NAME AND RESERVOIR RECORD WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

41S 110112-00

SOURCE NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

SOURCE NAME AND RESERVOIR RECORD WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

16. No objections were filed on the claims; therefore, their elements should remain as they appear on the abstract, and the issue remarks should be removed.

PRINCIPLES OF LAW

1. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA; Rule 10, W.R.Adj.R.

2. Prima facie proof may be contradicted and overcome by a preponderance of the evidence. Rule 19, W.R.Adj.R.

3. 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. If prima facie status is overcome, the burden shifts back to the claimant to demonstrate historical use. *79 Ranch v. Pitsch*, 204 Mont. 426, 432-33, 666 P.2d 215, 218 (1983).

5. Section 85-2-248(2), MCA, requires that the Water Court resolve all issue remarks that are not resolved through the objection process. *See also* Rule 7, W.R.Adj.R.

6. 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. Sections 85-2-227, -231(2), MCA.

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

8. All parties subject to the jurisdiction of the Montana Water Court in this adjudication have the obligation to comply with Orders of this Court, including Orders issued by a Master appointed by the Court. When a claimant fails to comply with an

Order issued by the Water Court, the Court upon its own initiative, can among other actions: 1) modify the elements of the claim to conform with the information in the claim file, information obtained by the Court, or information included in an objection, or 2) terminate the claim. Rule 22, W.R.Adj.R.

CONCLUSIONS OF LAW

1. The acres irrigated issue remarks overcome the prima facie status of claim 41S 110101-00. There is no evidence supporting historical irrigation of the place of use.
2. The acres irrigated issue remark overcomes the prima facie status of claim 41S 132881-00. The maximum acres should be reduced based on the USDA aerial photograph taken September 25, 1979, showing 6.20 acres of irrigation in the place of use. The corresponding flow rate of claim 41S 132881-00 should be reduced to 105.40 GPM based on the resolution of the resolution of the maximum acres issue.
3. The acres irrigated issue remark overcomes the prima facie status of claim 41S 132883-00. The maximum acres should be reduced based on USDA aerial photograph taken September 25, 1979, show 9.50 acres of irrigation in the place of use. The corresponding flow rate of claim 41S 132883-00 should be reduced to 161.50 GPM based on the resolution of the resolution of the maximum acres issue.
4. The notice type issue remarks decreed on claims 41S 113064-00, 41S 146461-00, and 41S 146463-00 served their intended notice.

RECOMMENDATIONS

1. Claim 41S 110101-00 should be dismissed.
2. The maximum acres and place of use for claim 41S 132881-00 should be

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	~~6.00~~ 2.80		SENW	7	11N	17E	FERGUS
2	~~8.00~~ 1.00		NESW	7	11N	17E	FERGUS
3	~~22.00~~ 2.40		NWSW	7	11N	17E	FERGUS
~~4~~	~~12.00~~		~~NESE~~	~~12~~	~~11N~~	~~18E~~	~~FERGUS~~
Total:	~~48.00~~ 6.20						

reduced to 6.20 acres as follows:

3. The flow rate for claim 41S 132881-00 should be reduced to 105.40 GPM.

4. The maximum acres and place of use for claim 41S 132883-00 should be reduced to 9.50 acres as follows:

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	~~12.00~~ 9.50		SESE	12	11N	16E	FERGUS
Total:	~~12.00~~ 9.50						

5. The flow rate for claim 41S 132883-00 should be modified to 161.50 GPM.

6. The issue remarks on claims 41S 110111-00, 41S 110112-00, and 41S 132878-00 should be removed.

Post decree abstracts of each water right claim reflecting the recommendations are attached to this Report.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail

Last Order:

Christine A. Volf
Jeffrey T. Volf
PO Box 69
Judith Gap, MT 59453-0069

Volf Landholdings LLC
1116 Volf Lane
Judith Gap, MT 59453-8210

Note: Caption and Service List Updated 8-28-2026

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

Water Right Number: 41S 110101-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: DISMISSED

Owners: VOLF LANDHOLDINGS LLC
1116 VOLF LANE
JUDITH GAP, MT 59453-8210

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF ROSS FORK CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

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

Water Right Number: 41S 110111-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: VOLF LANDHOLDINGS LLC
1116 VOLF LANE
JUDITH GAP, MT 59453-8210

Priority Date: JULY 31, 1960

Type of Historical Right: USE

Purpose (Use): STOCK

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

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

***Source Name:** UNNAMED TRIBUTARY OF HYDE CREEK

Source Type: SURFACE WATER
ALSO KNOWN AS JOHNSON 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		NWSWNW	20	11N	17E	FERGUS

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

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

***Reservoir:** ONSTREAM **Reservoir Name:** HOLE IN THE WALL

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSWNW	20	11N	17E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Dam Height: 13.00 FEET

Depth: 10.00 FEET

Surface Area: 2.48 ACRES

Capacity: 9.92 ACRE-FEET

THE CAPACITY, DAM HEIGHT, MAXIMUM DEPTH, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

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			W2W2NW	20	11N	17E	FERGUS

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

Water Right Number: 41S 110112-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: VOLF LANDHOLDINGS LLC
1116 VOLF LANE
JUDITH GAP, MT 59453-8210

Priority Date: JULY 31, 1947

Type of Historical Right: USE

Purpose (Use): STOCK

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

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

***Source Name:** UNNAMED TRIBUTARY OF ROSS FORK CREEK

Source Type: SURFACE WATER
ALSO KNOWN AS THORN 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		SWNWSE	4	11N	17E	FERGUS

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

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNWSE	4	11N	17E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Period of Use: JANUARY 1 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			SWNWSE	4	11N	17E	FERGUS

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

Water Right Number: 41S 132878-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: VOLF LANDHOLDINGS LLC
1116 VOLF LANE
JUDITH GAP, MT 59453-8210

Priority Date: SEPTEMBER 15, 1943

Type of Historical Right: FILED

Purpose (Use): STOCK

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

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

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

Source Type: SURFACE WATER
ALSO KNOWN AS BASIN 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		SWNE	7	11N	17E	FERGUS

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

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

***Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNE	7	11N	17E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Dam Height: 12.00 FEET

Depth: 9.00 FEET

Surface Area: 2.01 ACRES

Capacity: 7.24 ACRE-FEET

THE CAPACITY, DAM HEIGHT, MAXIMUM DEPTH, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

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			SWNE	7	11N	17E	FERGUS

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

Water Right Number: 41S 132881-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: VOLF LANDHOLDINGS LLC
1116 VOLF LANE
JUDITH GAP, MT 59453-8210

Priority Date: JULY 27, 1903

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 105.40 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: 6.20

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

Source Type: SURFACE WATER

ALSO KNOWN AS UNNAMED TRIBUTARY OF BASIN 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		SESENW	7	11N	17E	FERGUS

Period of Diversion: APRIL 1 TO NOVEMBER 30

Diversion Means: HEADGATE

Period of Use: APRIL 1 TO NOVEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	2.80		SENW	7	11N	17E	FERGUS
2	1.00		NESW	7	11N	17E	FERGUS
3	2.40		NWSW	7	11N	17E	FERGUS

Total: 6.20

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

Water Right Number: 41S 132883-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: VOLF LANDHOLDINGS LLC
1116 VOLF LANE
JUDITH GAP, MT 59453-8210

Priority Date: DECEMBER 31, 1965

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 161.50 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: 9.50

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

Source Type: SURFACE WATER
ALSO KNOWN AS UNNAMED TRIBUTARY OF BASIN 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		SENESE	12	11N	16E	FERGUS

Period of Diversion: APRIL 1 TO NOVEMBER 30

Diversion Means: HEADGATE

Period of Use: APRIL 1 TO NOVEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	9.50		SESE	12	11N	16E	FERGUS

Total: 9.50