

Montana Water Court
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IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
MUSSELSHELL RIVER ABOVE ROUNDUP BASIN (40A)
PRELIMINARY DECREE

CLAIMANT: Loweth LLC

OBJECTOR: Loweth LLC

ON MOTION OF THE MONTANA WATER COURT

CASE 40A-0436-R-2022

40A 203076-00	40A 30110434
40A 203077-00	40A 30110436
40A 203084-00	40A 30110437
40A 30110431	40A 30110438
40A 30110432	40A 30110439
40A 30110433	40A 30110440

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 may file a written objection to this Master’s Report within **10 days** of the stamped date if you disagree or find errors with the Master’s findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master’s Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master’s Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

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

MASTER’S REPORT

The above-captioned claims appeared in the Preliminary Decree for the Musselshell River, above Roundup (Basin 40A). Several of these claims received issue

remarks. Issue remarks result from Department of Natural Resources and Conservation (“DNRC”) claims examination or by Water Court order. Claims examination confirms the historical use of water right claims and identifies issues with claims. If claims examination cannot confirm some aspect of a claim, an issue remark is added to the claim. Claims 40A 203076-00, 40A 203084-00, 40A 30110431, 40A 30110432, 40A 30110433, 40A 30110434, 40A 30110436, 40A 30110437, 40A 30110438, 40A 30110439, and 40A 30110440 received objections filed by Claimant Loweth LLC. The Court called in on its own motion Claims 40A 30110431, 40A 30110432, 40A 30110433, 40A 30110434, 40A 30110436, 40A 30110437, 40A 30110438, 40A 30110439, and 40A 30110440.

On June 13, 2022, the Court consolidated these claims into Water Court Case 40A-0436-R-2022. The consolidation order set a filing deadline by which Claimant was to file information resolving the on motion issues, issue remarks, and objections.

Claimant filed responsive information on August 3, 2022.

FINDINGS OF FACT

1. Claimant states that a March 10, 1989 Master’s Report in Case 40A-187 made certain changes to Claim 40A 203076-00. Upon review, the subject Master’s Report recommended the following changes to Claim 40A 203076-00:

Flow Rate: 2.26 CFS

Volume: Will not be decreed

Maximum Acres: 59.7

Place of Use:

- | | | | | |
|----|------------|------|----|-------------------|
| 1. | 51.6 acres | SE | 18 | T07N R09E Meagher |
| 2. | 8.1 acres | SESW | 18 | T07N R09E Meagher |
| T. | 59.7 | | | |

2. The March 10, 1989 Master’s Report was adopted by the Court on March 19, 1989. There is no indication in the claim file as to why these changes adopted by the Court were not made to the claim abstract of Claim 40A 203076-00.

3. The relevant elements of Claim 40A 203076-00 should be described as follows:

Flow Rate: 2.26 CFS

Volume:

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

Acres: 59.70

Place of Use:

1. 51.60 acres SE 18 T7N R9E Meagher
 2. 8.10 acres SESW 18 T7N R9E Meagher
- 59.70 acres

4. Claim 40A 203077-00 appeared with the following issue remark:

THE SOURCE AND POINT OF DIVERSION MAY BE INCORRECT. LOCATION OF THE HEADGATE, AS CLAIMED, CANNOT BE IDENTIFIED FROM AVAILABLE DATA. THE DIVERSION APPEARS TO BE LOCATED IN THE SWSWSW SEC 30 TWP 7N RGE 9E MEAGHER COUNTY WHICH APPEARS TO BE ON AN UNNAMED TRIBUTARY OF MUSSELSHELL RIVER, SOUTH FORK.

5. Claimant states the point of diversion of Claim 40A 203077-00 is located in the SWSWSW of Section 30, T7N, R9E. Claimant's motion to amend this claim requests the Court modify the claimed point of diversion as such.

6. The point of diversion of claim 40A 203077-00 should be described as SWSWSW of Section 30, T7N, R9E.

7. Claim 40A 203084-00 appeared with the following issue remark:

THE SOURCE NAME MAY NOT BE CORRECT AND DOES NOT APPEAR TO BE STANDARDIZED. BASED ON THE CLAIMED DIVERSION POINT, IT APPEARS THE SOURCE NAME SHOULD ACTUALLY BE UNNAMED TRIBUTARY OF MUSSELSHELL RIVER, DRY FORK.

8. Claimant states the following regarding previous modifications made to the claim:

DNRC objected to the Claim during the adjudication of the Basin 40A Temporary Preliminary Decree and conducted a field investigation. *See Memo re: Field Investigation* (11/26/1986). David A. Voldseth agreed with the findings of DNRC's memorandum and the Court adopted them in a Master's Report for Case 40A-187, filed on March 10, 1989. However, the legal land description for the place of use adopted in the Master's Report does not match the place of use in DNRC's memorandum.

DNRC's memorandum includes a map, Exhibit B, that depicts the verified place of use located. *See Exhibit B to DNRC Memo, attached hereto*. The map identifies a place of use in the S2S2N2 of Sec. 18, Twp. 7N, Rge. 9E.

Place of Use:

1. 20.6 acres S2S2N2 18 T07N R09E Meagher
T. 20.6

9. Claimant also indicates agreement with the DNRC issue remark that the claimed source should be described as an unnamed tributary of the Musselshell River, South Fork. However, the issue remark states the source is "Dry Fork" and the Claimant-supplied map depicts the place of use as on an unnamed tributary of the Musselshell River, Dry Fork. Claimant's motion to amend this claim and the relevant map attached to that motion support the above-described modifications.

10. The place of use of Claim 40A 203084-00 should be described as follows:

Place of Use:

1. 20.6 acres S2S2N2 18 T07N R09E Meagher

11. The source should be described as "Unnamed Tributary of Dry Fork Musselshell River."

12. Claimant states certain elements of Claim 40A 30110431 should be described, and points of diversion/places of use should be added, as follows:

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.

Point of Diversion and Means of Diversion:

<u>Id</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
NEW	S2NENE	13	7N	8E	MEAGHER
NEW	S2NWNE	13	7N	8E	MEAGHER

Place of Use:

<u>Id</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
NEW	S2NENE	13	7N	8E	MEAGHER
NEW	S2NWNE	13	7N	8E	MEAGHER

13. Claimant's motion to amend this claim and the relevant map attached to that motion support the above-described modifications. Claim 40A 30110431 should be modified as described above.

14. Claimant states certain elements of Claim 40A 30110432 should be described, and points of diversion/places of use should be added, as follows:

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.

Point of Diversion and Means of Diversion:

<u>Id</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
2		NESWNE	13	7N	8E	MEAGHER
						Period of Diversion: JANUARY 1 TO DECEMBER 31
NEW		SESESW	13	7N	8E	MEAGHER
						Period of Diversion: JANUARY 1 TO DECEMBER 31
NEW		W2NESW	13	7N	8E	MEAGHER
						Period of Diversion: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>Id</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
NEW		SESESW	13	7N	8E	MEAGHER
NEW		W2NESW	13	7N	8E	MEAGHER

15. The legal land descriptions noted in Claimant's motion to amend Claim 40A 30110432 differ from those in Claimant's response. A review of the map attached to the motion to amend appears to support the above-described legal land descriptions except for the second "new" point of diversion/place of use. According to the map, the legal land description should be E2NESW of Section 13, T7N, R8E.

16. The flow rate and volume should be described as requested. The modifications to the point of diversion and place of use described above should be made with the exception of the second "new" point of diversion/place of use, which should be E2NESW of Section 13, T7N, R8E.

17. Claimant states the volume and flow rate of Claims 40A 30110433, 40A 30110434, 40A 30110437 should be described with informational remarks as follows:

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.

18. The flow rate of volume of Claims 40A 30110433, 40A 30110434, 40A 30110437 should be described with the above information remarks.

19. Claimant states the flow rate, volume, source, point of diversion, and place of use of Claim 40A 30110436 should be described, and points of diversion/places of use should be added, as follows:

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: Unnamed Tributary of Musselshell River, South Fork

Point of Diversion and Means of Diversion:

<u>Id</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
NEW	E	2SWNW	31	7N	9E	MEAGHER

Place of Use:

<u>Id</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
NEW	E	2SWNW	31	7N	9E	MEAGHER

20. Claimant's motion to amend this claim and the relevant map attached to that motion support the above-described modifications. Claim 40A 30110436 should be modified as described above.

21. Claimant states that the following modifications should be made to Claim 40A 30110438:

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.

Point of Diversion and Means of Diversion:

<u>Id</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
NEW	E2NESW	28	7N	9E	MEAGHER
NEW	SESWSW	28	7N	9E	MEAGHER
NEW	NENENE	32	7N	9E	MEAGHER
NEW	NESENE	32	7N	9E	MEAGHER
NEW	SESENW	32	7N	9E	MEAGHER

Place of Use:

<u>Id</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
NEW	E2NESW	28	7N	9E	MEAGHER
NEW	SESWSW	28	7N	9E	MEAGHER
NEW	NENENE	32	7N	9E	MEAGHER
NEW	NESENE	32	7N	9E	MEAGHER
NEW	SESENW	32	7N	9E	MEAGHER

22. Claimant's motion to amend this claim and the relevant map attached to that motion support the above-described modifications. Claim 40A 30110438 should be modified as described above.

23. Claimant states that the following modifications should be made to Claim 40A 30110439:

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.

Point of Diversion and Means of Diversion:

<u>Id</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
6	NENWSE	30	7N	9E	MEAGHER
7	SENWSE	30	7N	9E	MEAGHER
NEW	NESWNE	19	7N	9E	MEAGHER
NEW	NENWSE	19	7N	9E	MEAGHER
NEW	W2NESE	19	7N	9E	MEAGHER
NEW	SENESE	19	7N	9E	MEAGHER
NEW	NESESE	19	7N	9E	MEAGHER
NEW	NENWNW	29	7N	9E	MEAGHER
NEW	W2NENW	29	7N	9E	MEAGHER

Place of Use:

<u>Id</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u>	<u>Tw</u> <u>p</u>	<u>Rge</u>	<u>County</u>
6	NENWSE	30	7N	9E	MEAGHER
7	SENWSE	30	7N	9E	MEAGHER
NEW	NESWNE	19	7N	9E	MEAGHER
NEW	NENWSE	19	7N	9E	MEAGHER
NEW	W2NESE	19	7N	9E	MEAGHER
NEW	SENESE	19	7N	9E	MEAGHER
NEW	NESESE	19	7N	9E	MEAGHER
NEW	NENWNW	29	7N	9E	MEAGHER
NEW	W2NENW	29	7N	9E	MEAGHER

24. The legal land descriptions noted in Claimant's motion to amend Claim 40A 30110439 differ from those in Claimant's response. A review of the map attached to the motion to amend appears to support the above-described legal land descriptions.

25. The modifications described above should be made to Claim 40A 30110439.

26. Claimant states that the following modifications should be made to Claim 40A 30110440:

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.

Point of Diversion and Place of Use (correct to):

<u>Id</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	S2NESE	18	7N	9E	Meagher
2	N2SESE	18	7N	9E	Meagher
3	SWSESE	18	7N	9E	Meagher
4	E2SWSE	18	7N	9E	Meagher
5	SWSWSE	18	7N	9E	Meagher
6	SESESW	18	7N	9E	Meagher
7	LOT 1	19	7N	9E	Meagher
8	N2NENW	19	7N	9E	Meagher
9	SENENW	19	7N	9E	Meagher
10	E2SENW	19	7N	9E	Meagher
11	SWSENW	19	7N	9E	Meagher
12	LOT 2	19	7N	9E	Meagher
13	N2NWNE	19	7N	9E	Meagher
14	SWNWNE	19	7N	9E	Meagher
15	L3	19	7N	9E	Meagher
16	W2NESW	19	7N	9E	Meagher
17	W2SESW	19	7N	9E	Meagher
18	S2NWNE	24	7N	9E	Meagher
19	S2NENE	24	7N	9E	Meagher
20	N2SENE	24	7N	9E	Meagher
21	NESWNE	24	7N	9E	Meagher
22	E2NESE	24	7N	9E	Meagher
23	SWNESE	24	7N	9E	Meagher

27. The above-described changes are supported by the map attached to Claimant's motion to amend Claim 40A 30110440. These modifications should be made.

APPLICABLE LAW

1. A properly filed statement of claim is prima facie proof of its content. Section 85-2-227, MCA. The prima facie status of a claim may be overcome by a preponderance of the evidence. Section 85-2-227, MCA; Rule 19, W.R.Adj.R. A preponderance of the evidence is evidence that shows a fact is "more probable than not." *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.

2. The Water Court must weigh an issue remark, and the information resulting in that issue remark, against the claimed water right. Section 85-2-247(2), MCA.

3. The Water Court must resolve all issue remarks not resolved through the objection process. Section 85-2-248, MCA. The Court must review information in the claim file or obtained by the Court to determine if there is a sufficient basis to resolve the remarks. 85-2-248(3), MCA.

CONCLUSIONS OF LAW

1. The changes described in the Findings of Fact may be made because the evidence in the record overcomes the prima facie status of each relevant claim by a preponderance of the evidence.

2. The evidence in the record and the proposed changes provide the Court with a sufficient basis to resolve and remove each issue remark from each relevant above-captioned claim. The changes described in the Findings of Fact are also sufficient to resolve the Court's on motion issues.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusions 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. Post-decree Abstracts of Water Right Claims are served with this Report to confirm the recommended changes have been made in the state's centralized record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

Christopher T. Scoones
Lund Law PLLC
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Bozeman, MT 59718
(406) 586-6254
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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A**

Water Right Number: 40A 203076-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: LOWETH LLC
143 VOLDSETH RD
MARTINSDALE, MT 59053 8756

Priority Date: MAY 10, 1910

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.26 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: 59.70

Source Name: SOUTH FORK MUSSELSHELL RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESENW	19	7N	9E	MEAGHER

***Period of Diversion:** APRIL 20 TO OCTOBER 10

Diversion Means: HEADGATE

Ditch Name: WILSON DITCH

***Period of Use:** APRIL 20 TO OCTOBER 10

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	51.60		SE	18	7N	9E	MEAGHER
2	8.10		SESW	18	7N	9E	MEAGHER
Total:	<u>59.70</u>						

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A**

Water Right Number: 40A 203077-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: LOWETH LLC
 143 VOLDSETH RD
 MARTINSDALE, MT 59053 8756

Priority Date: JULY 20, 1908

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:** 135.00

Source Name: SOUTH FORK MUSSELSHELL RIVER
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		SWSWSW	30	7N	9E	MEAGHER

***Period of Diversion:** APRIL 20 TO OCTOBER 10

Diversion Means: HEADGATE

***Period of Use:** APRIL 20 TO OCTOBER 10

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	135.00		E2	24	7N	8E	MEAGHER
Total:	135.00						

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.

203073-00 203077-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A**

Water Right Number: 40A 203084-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: LOWETH LLC
143 VOLDSETH RD
MARTINSDALE, MT 59053 8756

Priority Date: APRIL 11, 1912

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

***Flow Rate:** 350.00 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:** 20.60

***Source Name:** UNNAMED TRIBUTARY OF DRY FORK MUSSELSHELL RIVER
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		NENWNW	24	7N	8E	MEAGHER

***Period of Diversion:** APRIL 20 TO OCTOBER 10

Diversion Means: DIVERSION DAM

***Period of Use:** APRIL 20 TO OCTOBER 10

***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	20.60		S2S2N2	18	7N	9E	MEAGHER
Total:	<u>20.60</u>						

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A**

Water Right Number: 40A 30110431 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: LOWETH LLC
143 VOLDSETH RD
MARTINSDALE, MT 59053 8756

Priority Date: AUGUST 16, 1877

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 WATER 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: DRY FORK MUSSELSHELL RIVER

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		SENE	18	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		NWSE	18	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		NESW	18	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		NWSW	18	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		SENEW	18	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		SWNEW	18	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

7	SENWNW	18	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
8	SWNWNW	18	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
9	S2NENE	13	9N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
10	S2NWNE	13	9N	8E	MEAGHER
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			SENE	18	7N	9E	MEAGHER
2			NWSE	18	7N	9E	MEAGHER
3			NESW	18	7N	9E	MEAGHER
4			NWSW	18	7N	9E	MEAGHER
5			SENE	18	7N	9E	MEAGHER
6			SWNE	18	7N	9E	MEAGHER
7			SENE	18	7N	9E	MEAGHER
8			SWNE	18	7N	9E	MEAGHER
9			S2NE	13	9N	8E	MEAGHER
10			S2NW	13	9N	8E	MEAGHER

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A**

Water Right Number: 40A 30110432 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: LOWETH LLC
143 VOLDSETH RD
MARTINSDALE, MT 59053 8756

Priority Date: AUGUST 16, 1877

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 WATER 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 DRY FORK MUSSELSHELL RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SE	13	7N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		NE	13	7N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		NW	13	7N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		SW	13	7N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		SW	13	7N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		NW	13	7N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

7		SWNWSE	13	7N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
8		NESESW	13	7N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
9		SWSESW	13	7N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
10		SESESW	13	7N	8E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
11		E2NESW	13	7N	8E	MEAGHER
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			SEWNNE	13	7N	8E	MEAGHER
2			NESWNE	13	7N	8E	MEAGHER
3			NWSWNE	13	7N	8E	MEAGHER
4			SWSWNE	13	7N	8E	MEAGHER
5			SWSWNE	13	7N	8E	MEAGHER
6			NWNWSE	13	7N	8E	MEAGHER
7			SWNWSE	13	7N	8E	MEAGHER
8			NESESW	13	7N	8E	MEAGHER
9			SWSESW	13	7N	8E	MEAGHER
10			SESESW	13	7N	8E	MEAGHER
11			E2NESW	13	7N	8E	MEAGHER

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A**

Water Right Number: 40A 30110433 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: LOWETH LLC
143 VOLDSETH RD
MARTINSDALE, MT 59053 8756

Priority Date: AUGUST 16, 1877

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 WATER 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 SOUTH FORK MUSSELSHELL RIVER

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		SWNE	31	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		NWNWNE	31	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		SENE	31	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		SWNWNE	31	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		NWSENE	31	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		SESENE	31	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

7 NENENW 31 7N 9E MEAGHER

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			SWNE	31	7N	9E	MEAGHER
2			NWNWNE	31	7N	9E	MEAGHER
3			SENE	31	7N	9E	MEAGHER
4			SWNE	31	7N	9E	MEAGHER
5			NWSE	31	7N	9E	MEAGHER
6			SENE	31	7N	9E	MEAGHER
7			NENENW	31	7N	9E	MEAGHER

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: 40A 30110434 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: LOWETH LLC
143 VOLDSETH RD
MARTINSDALE, MT 59053 8756

Priority Date: AUGUST 16, 1877

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 WATER 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 DRY FORK MUSSELSHELL RIVER

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		SWSENE	14	7N	8E	MEAGHER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		SWSENE	14	7N	8E	MEAGHER
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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			SWSENE	14	7N	8E	MEAGHER
2			SWSENE	14	7N	8E	MEAGHER

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A**

Water Right Number: 40A 30110436 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: LOWETH LLC
143 VOLDSETH RD
MARTINSDALE, MT 59053 8756

Priority Date: AUGUST 16, 1877

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 WATER 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 SOUTH FORK MUSSELSHELL RIVER

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		NENWNW	31	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		NWNWNW	31	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		SENWNW	31	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		SWNWNW	31	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		NWSWNW	31	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		SWSWNW	31	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

7 E2SWNW 31 7N 9E MEAGHER

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			NENWNW	31	7N	9E	MEAGHER
2			NWNWNW	31	7N	9E	MEAGHER
3			SENWNW	31	7N	9E	MEAGHER
4			SWNWNW	31	7N	9E	MEAGHER
5			NWSWNW	31	7N	9E	MEAGHER
6			SWSWNW	31	7N	9E	MEAGHER
7			E2SWNW	31	7N	9E	MEAGHER

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: 40A 30110437 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: LOWETH LLC
143 VOLDSETH RD
MARTINSDALE, MT 59053 8756

Priority Date: AUGUST 16, 1877

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 WATER 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 BOZEMAN FORK MUSSELSHELL RIVER

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		SENENW	28	7N	9E	MEAGHER

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			SENENW	28	7N	9E	MEAGHER

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: 40A 30110438 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: LOWETH LLC
143 VOLDSETH RD
MARTINSDALE, MT 59053 8756

Priority Date: AUGUST 16, 1877

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 WATER 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: BOZEMAN FORK MUSSELSHELL RIVER

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		NENSW	28	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		NESWSW	28	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		SWSWSW	28	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		NESWSW	28	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		NWSWSW	28	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		SENE	32	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

7	NWSENE	32	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
8	SWSENE	32	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
9	SESWNE	32	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
10	SWSWNE	32	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
11	E2NESW	28	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
12	SESWSW	28	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
13	NENENE	32	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
14	NESENE	32	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
15	SESENW	32	7N	9E	MEAGHER
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			NENESW	28	7N	9E	MEAGHER
2			NESWSW	28	7N	9E	MEAGHER
3			NESWSW	28	7N	9E	MEAGHER
4			NWSWSW	28	7N	9E	MEAGHER
5			SWSWSW	28	7N	9E	MEAGHER
6			SENE	32	7N	9E	MEAGHER
7			NWSENE	32	7N	9E	MEAGHER
8			SWSENE	32	7N	9E	MEAGHER
9			SESWNE	32	7N	9E	MEAGHER
10			SWSWNE	32	7N	9E	MEAGHER
11			E2NESW	28	7N	9E	MEAGHER
12			SESWSW	28	7N	9E	MEAGHER
13			NENENE	32	7N	9E	MEAGHER
14			NESENE	32	7N	9E	MEAGHER

15

SESENW 32 7N 9E MEAGHER

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A**

Water Right Number: 40A 30110439 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: LOWETH LLC
143 VOLDSETH RD
MARTINSDALE, MT 59053 8756

Priority Date: AUGUST 16, 1877

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 WATER 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: SOUTH FORK MUSSELSHELL RIVER

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		NENWNE	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		SEWNE	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		NESENE	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		NWSENE	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		SESWNE	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		NESWNE	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

7	NENWSE	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
8	W2NESE	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
9	SENESE	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
10	NESESE	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
11	NENWNW	29	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31				
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
12	W2NENW	29	7N	9E	MEAGHER
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			NENWNE	19	7N	9E	MEAGHER
2			SEWNE	19	7N	9E	MEAGHER
3			NESENE	19	7N	9E	MEAGHER
4			NWSENE	19	7N	9E	MEAGHER
5			SESWNE	19	7N	9E	MEAGHER
6			NESWNE	19	7N	9E	MEAGHER
7			NENWSE	19	7N	9E	MEAGHER
8			W2NESE	19	7N	9E	MEAGHER
9			SENESE	19	7N	9E	MEAGHER
10			NESESE	19	7N	9E	MEAGHER
11			NENWNW	29	7N	9E	MEAGHER
12			W2NENW	29	7N	9E	MEAGHER

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A**

Water Right Number: 40A 30110440 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: LOWETH LLC
143 VOLDSETH RD
MARTINSDALE, MT 59053 8756

Priority Date: AUGUST 16, 1877

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 WATER 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: SOUTH FORK MUSSELSHELL RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		S2	NESE	18	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE						
2		N2	SESE	18	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE						
3		SW	SESE	18	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE						
4		E2	SWSE	18	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE						
5		SWS	SWSE	18	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE						
6		SE	SESW	18	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31						
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE						

7	1	SWNE	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
8		N2NENW	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
9		SENE	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
10		E2SE	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
11		SWE	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
12	2	NWSE	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
13		N2NWS	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
14		SWNWE	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
15	3	SESW	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
16		W2NE	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
17		W2SE	19	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
18		S2NWE	24	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
19		S2NE	24	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
20		N2SE	24	7N	9E	MEAGHER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

21 NESWNE 24 7N 9E MEAGHER
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE

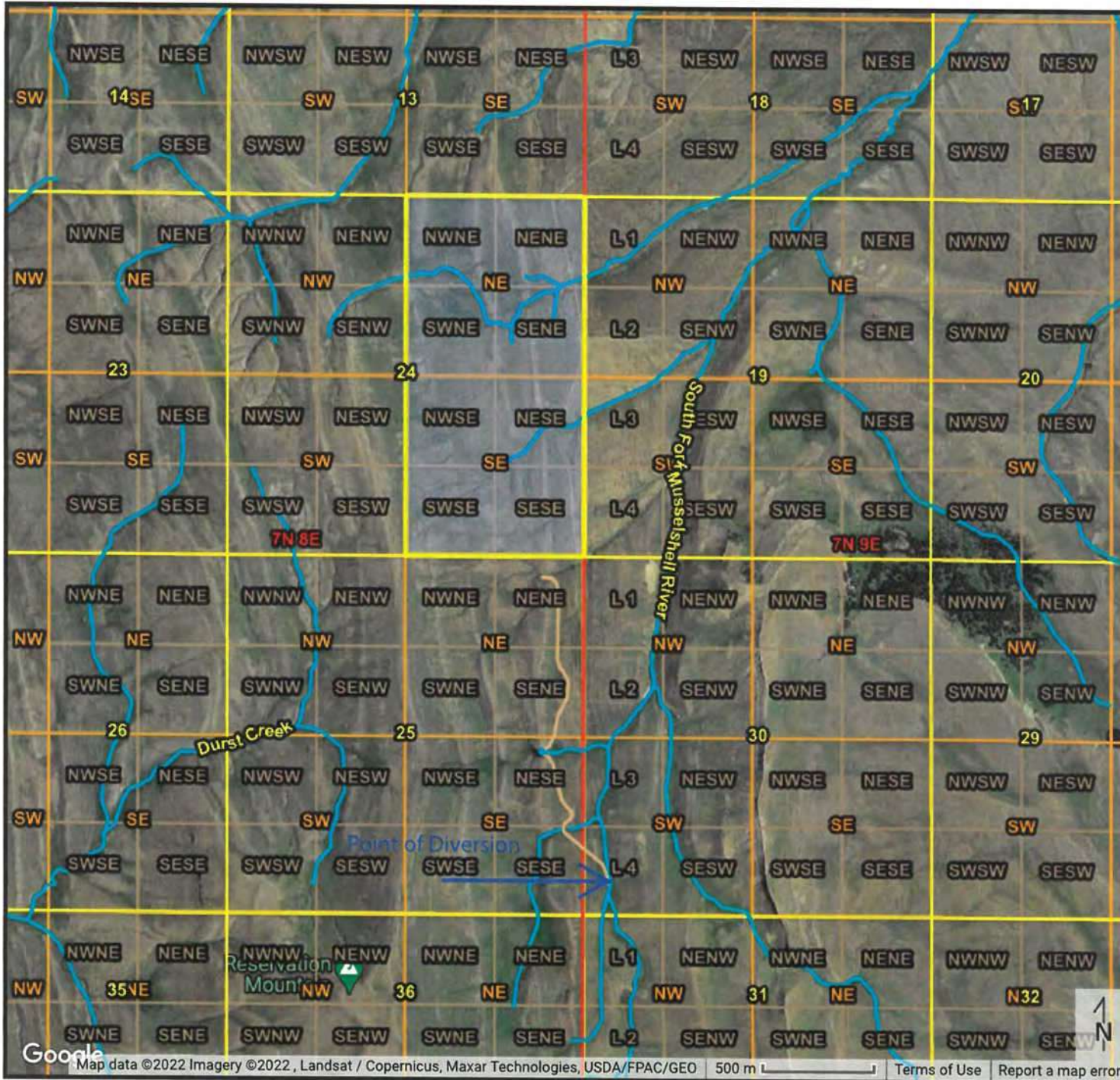
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Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE

23 SWNESE 24 7N 9E MEAGHER
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			S2NESE	18	7N	9E	MEAGHER
2			N2SESE	18	7N	9E	MEAGHER
3			SWSESE	18	7N	9E	MEAGHER
4			E2SWSE	18	7N	9E	MEAGHER
5			SWSWSE	18	7N	9E	MEAGHER
6			SESESW	18	7N	9E	MEAGHER
7		1	SWNENE	19	7N	9E	MEAGHER
8			N2NENW	19	7N	9E	MEAGHER
9			SENENW	19	7N	9E	MEAGHER
10			E2SENW	19	7N	9E	MEAGHER
11			SWSENW	19	7N	9E	MEAGHER
12		2	NWNESW	19	7N	9E	MEAGHER
13			N2NWSW	19	7N	9E	MEAGHER
14			SWNWNE	19	7N	9E	MEAGHER
15		3	SESWSW	19	7N	9E	MEAGHER
16			W2NESW	19	7N	9E	MEAGHER
17			W2SESW	19	7N	9E	MEAGHER
18			S2NWNE	24	7N	9E	MEAGHER
19			S2NENE	24	7N	9E	MEAGHER
20			N2SENE	24	7N	9E	MEAGHER
21			NESWNE	24	7N	9E	MEAGHER
22			E2NESE	24	7N	9E	MEAGHER
23			SWNESE	24	7N	9E	MEAGHER



Dataset Layers

- MT Water Rights
 - Points of Use

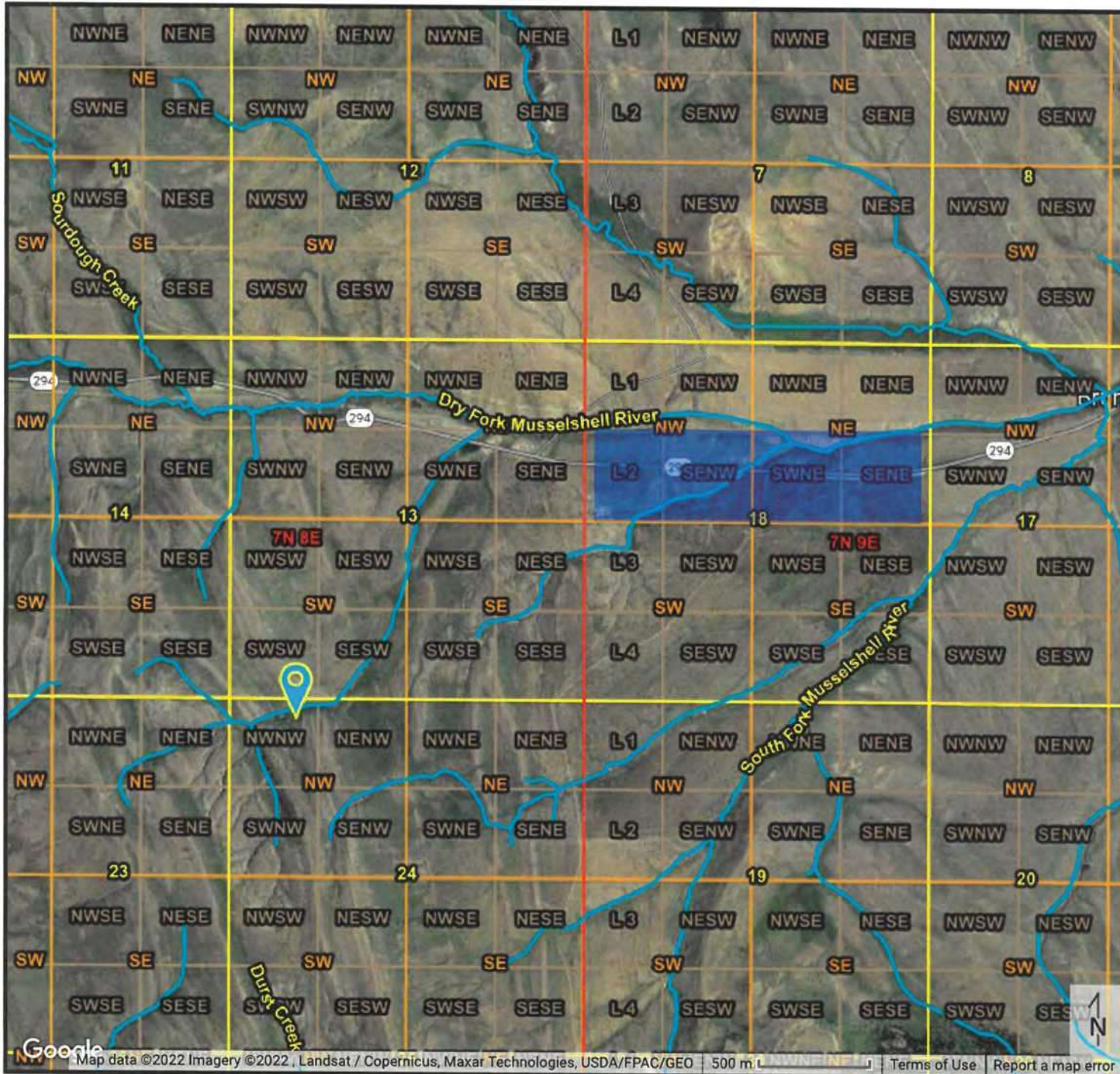
Montana Layers

Land Grids

- PLSS
 - PLSS Township Ranges
 - Sections
 - Quarters
 - Second Divisions

Hydrography

- Stream Network
 - Streams
 - Canals/Ditches
 - Pipelines



Dataset Layers

- MT Water Rights
- Points of Diversion
- Surface

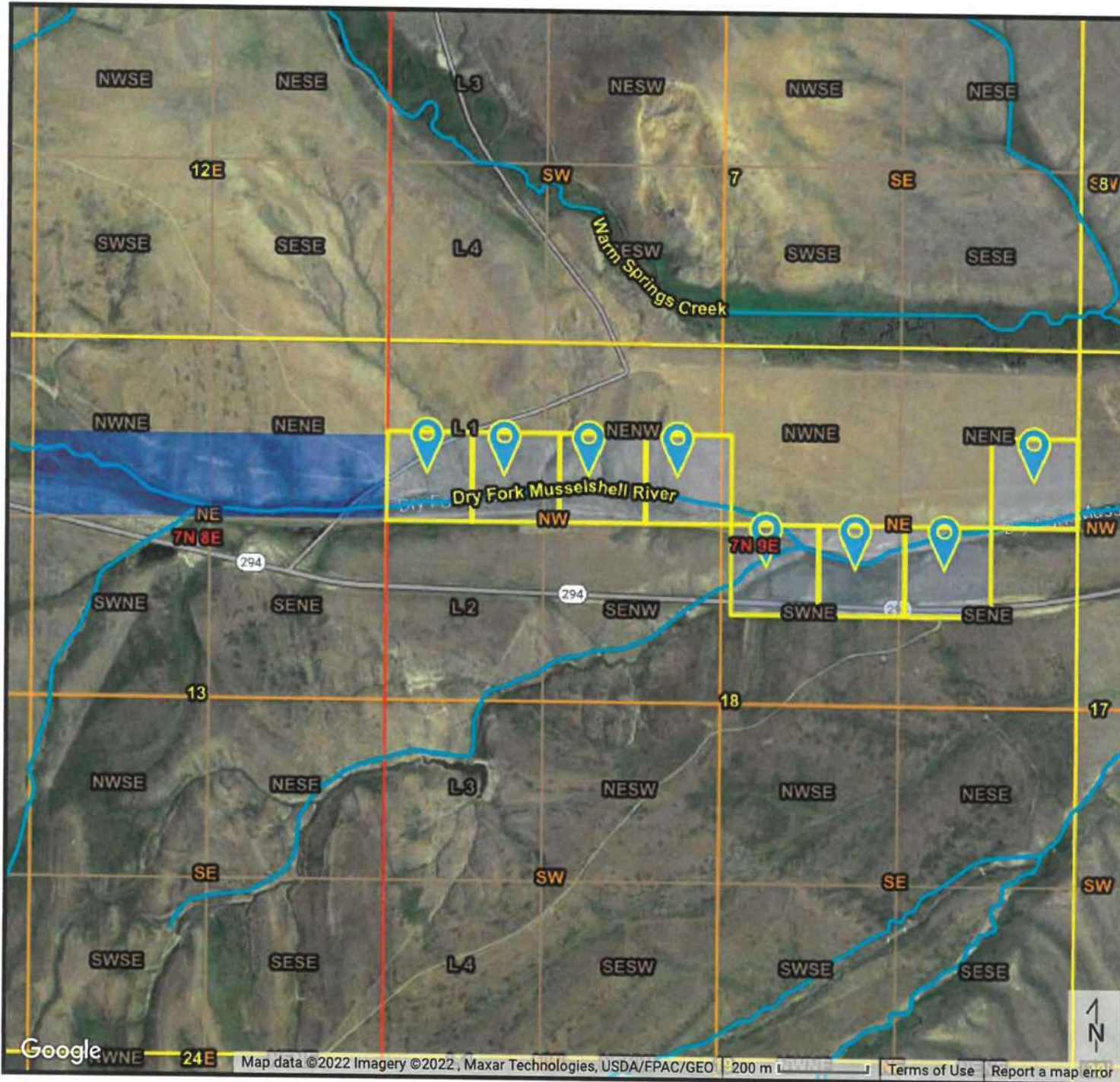
Montana Layers

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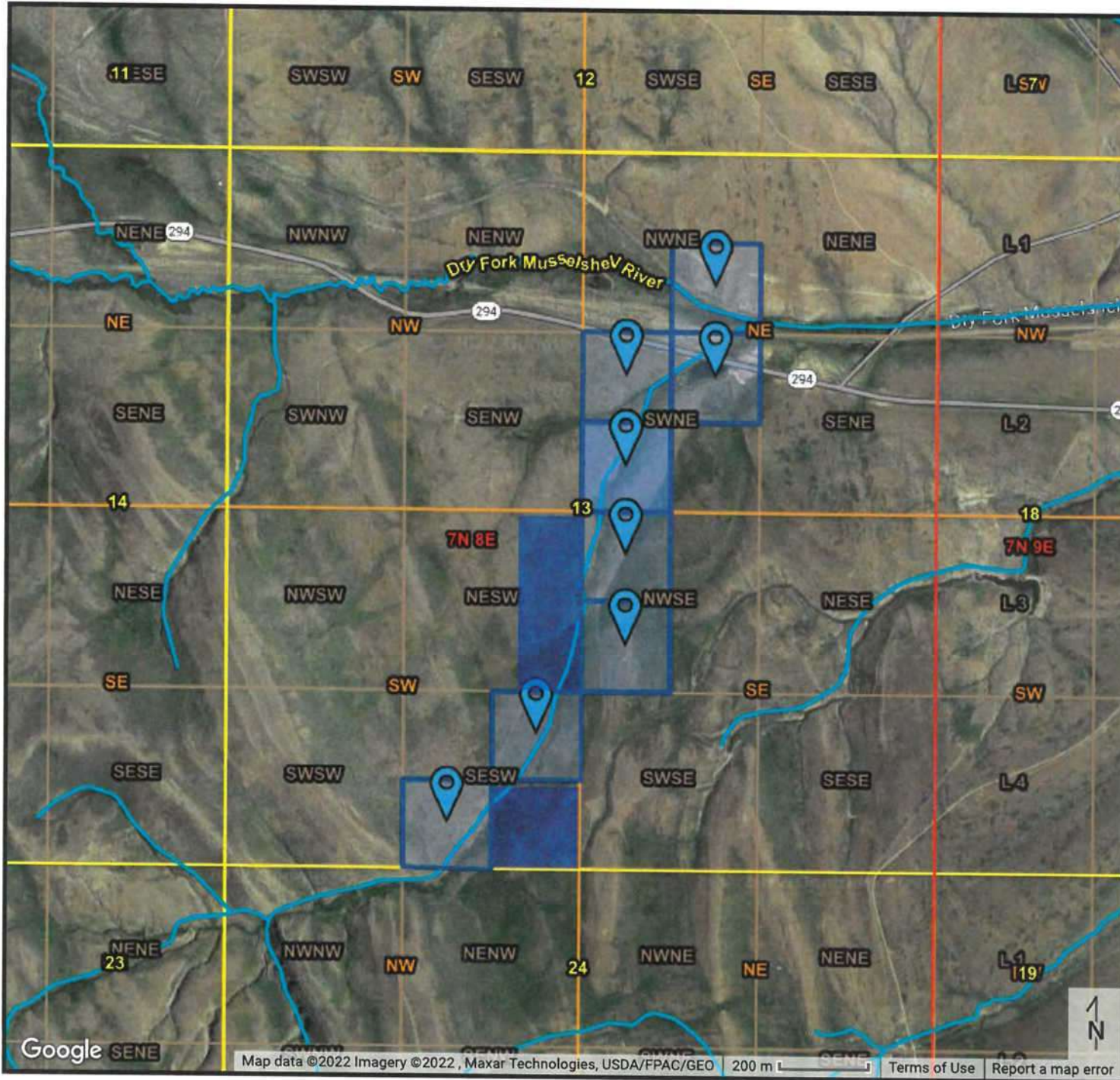
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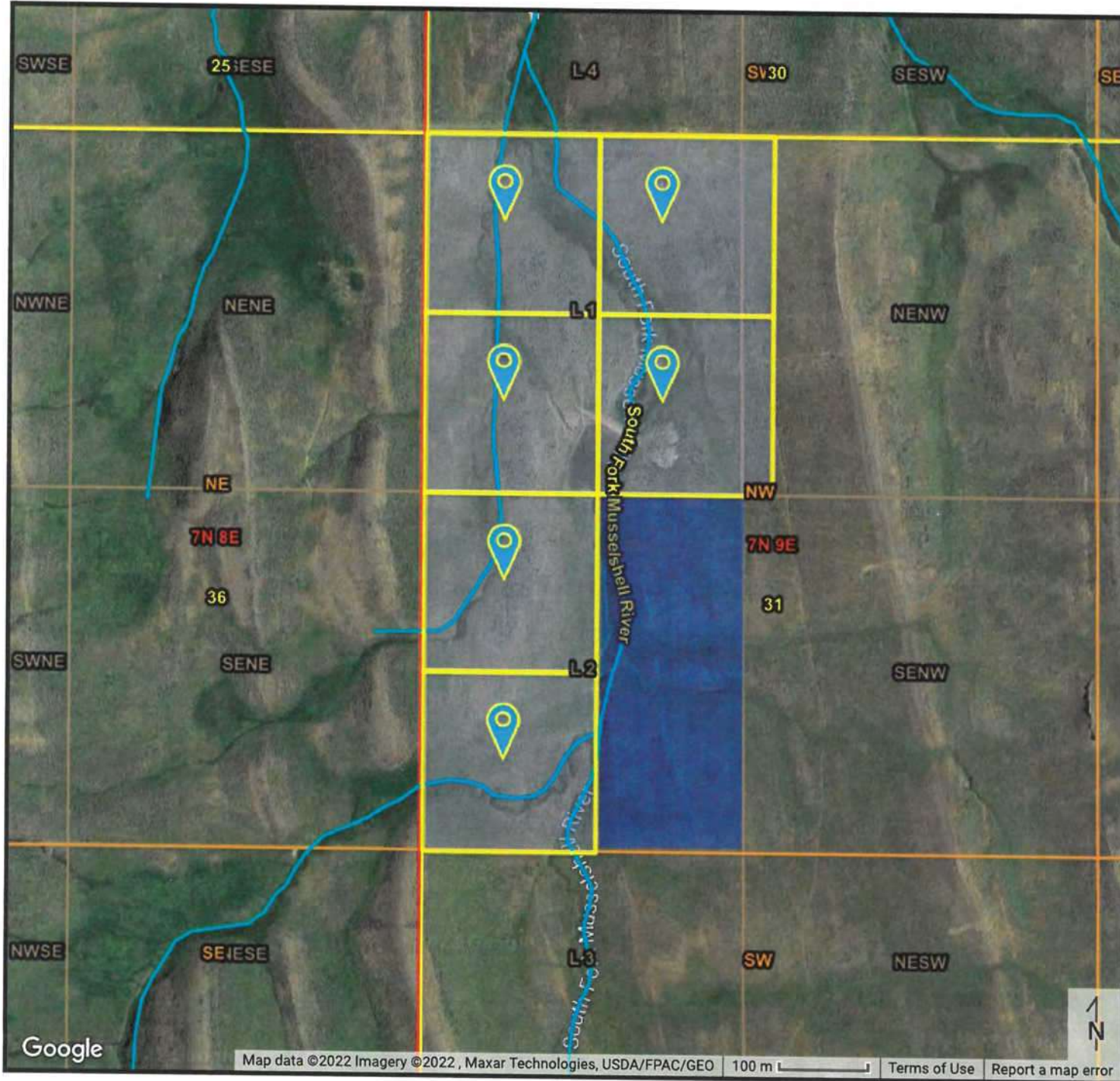
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 - Surface

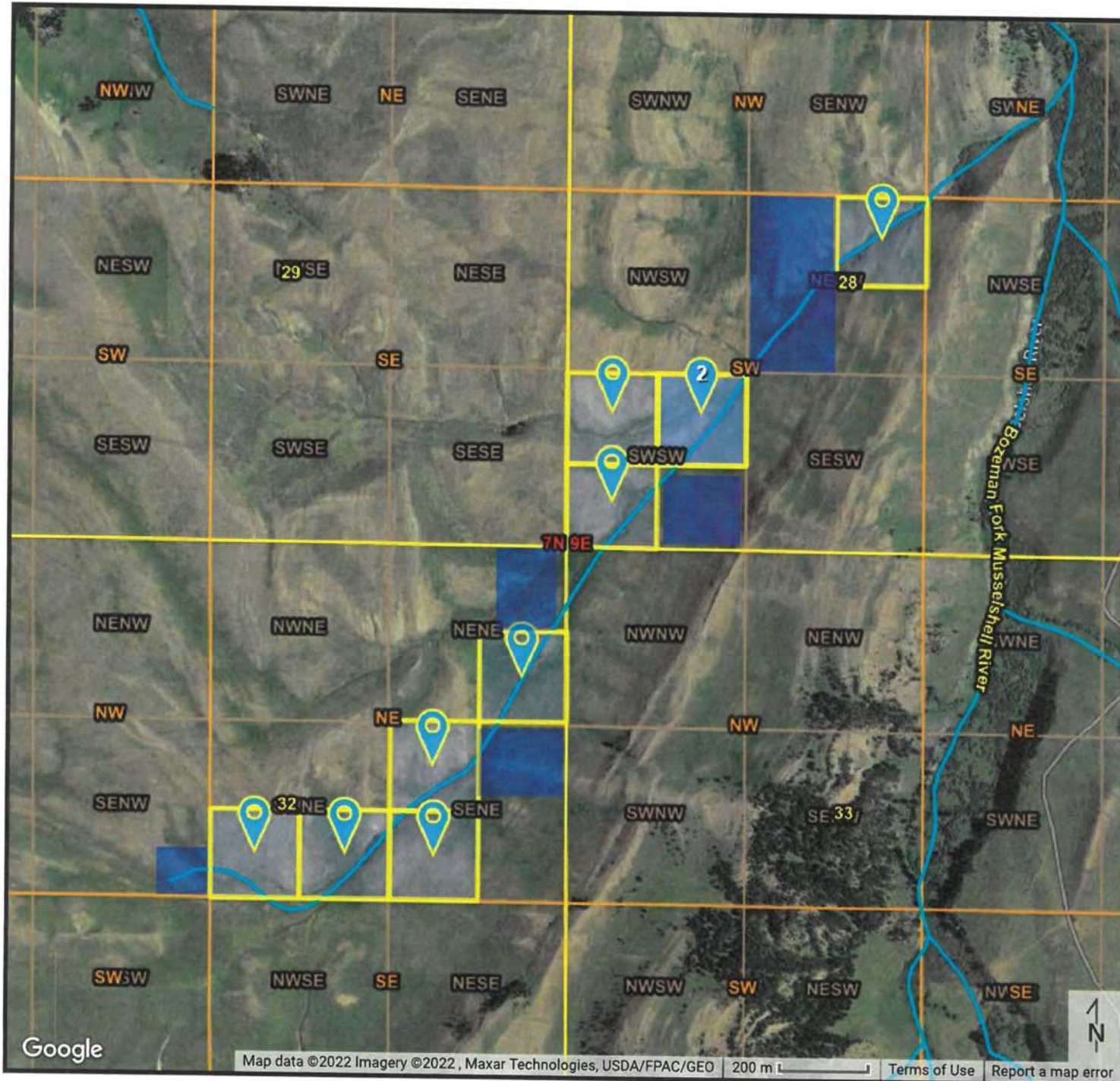
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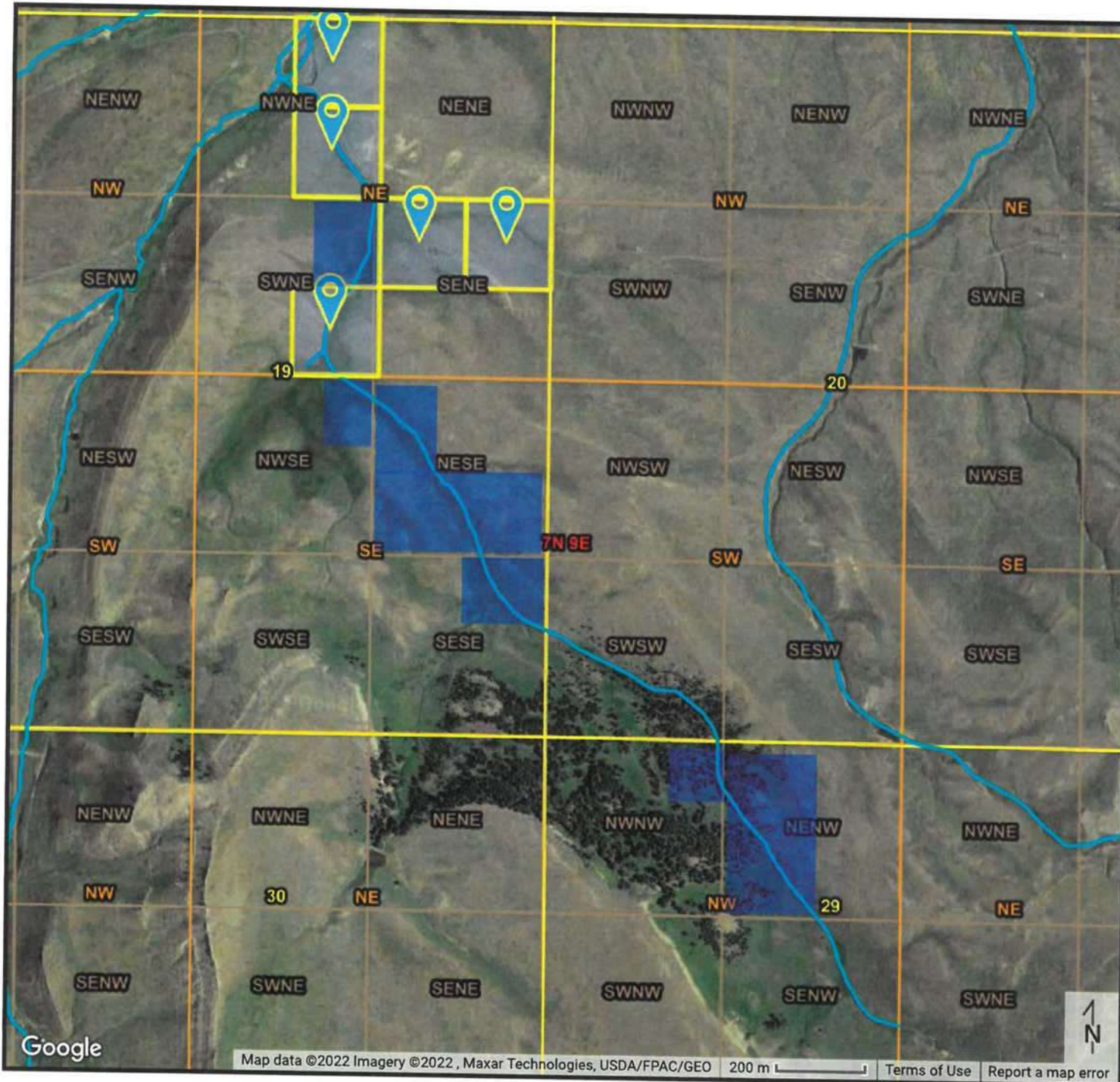
Montana Layers

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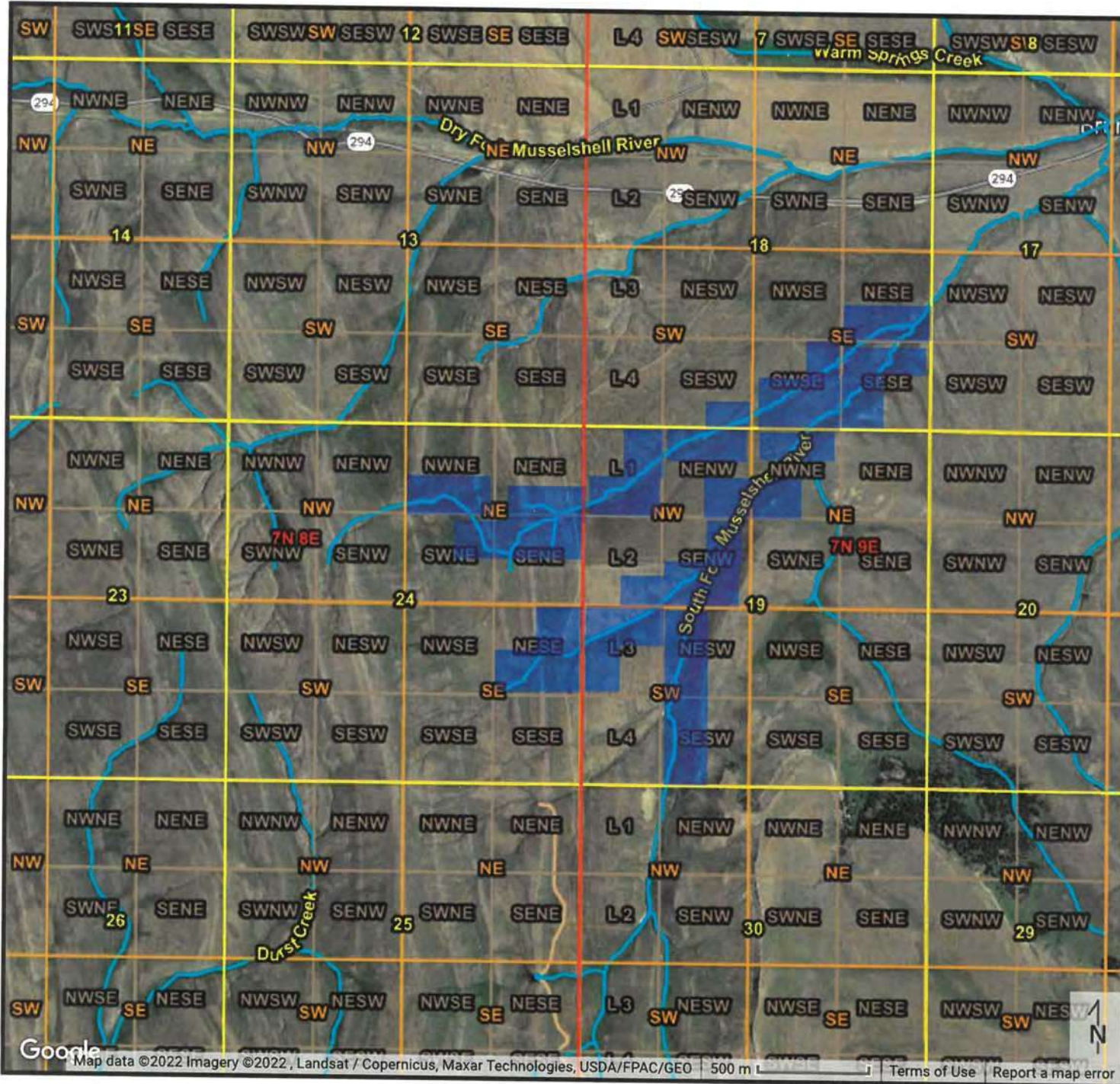
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Google



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Hydrography

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- Canals/Ditches
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