

Montana Water Court
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FILED
01/16/2024
Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
40A-0308-R-2022
Lockman, Melissa
12.00

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

* * * * *

CLAIMANT: The Glennie Ranches Inc.

CASE 40A-0308-R-2022

40A 143297-00
40A 143299-00
40A 143300-00
40A 143301-00
40A 143302-00
40A 143303-00
40A 143304-00

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 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 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) issued on June 7, 2017. The claims are

owned by The Glennie Ranches, Inc. The claims did not receive objections, counterobjections, or notices of intent to appear but did receive issue remarks during the DNRC's claims reexamination. Issue remarks are notations identifying potential legal or factual issues with water rights and the Water Court is required to resolve these potential issues.

FINDINGS OF FACT

1. Claims 40A 143297-00, 40A 143299-00, 40A 143300-00, 40A 143301-00, 40A 143302-00, 40A 143303-00, and 40A 143304-00 are claims for flood irrigation from Agnes Creek and American Fork.

2. Claim 40A 143297-00 has points of diversion on Agnes Creek and American Fork. The remaining claims only have points of diversion on American Fork but do have an information remark stating that water diverted from American Fork is exchanged for water diverted from Agnes Creek.

3. The only issue remarks the claims received are related to their points of diversion. The claims received issue remarks as follows:

40A 143297-00

POINT OF DIVERSION NO. 1 APPEARS INCORRECT. THE ACTUAL LOCATION OF THE DIVERSION APPEARS TO BE IN THE NWNWNW SEC 25 TWP 6N RGE 13E WHEATLAND CO.
IT APPEARS POINT OF DIVERSION NOS. 2 AND 3 COULD BE REFINED TO THE NWSNW AND THE NESWNW SEC 27 TWP 6N RGE 13E WHEATLAND CO.
POINTS OF DIVERSION NOS. 4 AND 5 ARE IN QUESTION. THE LOCATION OF THE DITCHES CANNOT BE IDENTIFIED FROM AVAILABLE DATA.
POINT OF DIVERSION NO. 6 APPEARS INCORRECT. THE ACTUAL LOCATION OF THE DIVERSION APPEARS TO BE IN THE NESWNW SEC 20 TWP 6N RGE 14E WHEATLAND CO.

40A 143299-00

POINT OF DIVERSION NO. 1 APPEARS INCORRECT. THE ACTUAL LOCATION OF THE DIVERSION APPEARS TO BE IN THE NWNWNW SEC 25 TWP 6N RGE 13E WHEATLAND CO.
POINT OF DIVERSION NO. 2 IS IN QUESTION. THE LOCATION OF THE DITCH CANNOT BE IDENTIFIED FROM AVAILABLE DATA.
POINT OF DIVERSION NO. 3 APPEARS INCORRECT. THE ACTUAL LOCATION OF THE DIVERSION APPEARS TO BE IN THE NESWNW SEC 20 TWP 6N RGE 14E WHEATLAND CO.

40A 143300-00

POINT OF DIVERSION NO. 1 APPEARS INCORRECT. THE ACTUAL LOCATION OF THE DIVERSION APPEARS TO BE IN THE NWNWNW SEC 25 TWP 6N RGE 13E WHEATLAND CO.
POINT OF DIVERSION NO. 2 IS IN QUESTION. THE LOCATION OF THE DITCH CANNOT BE IDENTIFIED FROM AVAILABLE DATA.
POINT OF DIVERSION NO. 3 APPEARS INCORRECT. THE ACTUAL LOCATION OF THE DIVERSION APPEARS TO BE IN THE NESWNW SEC 20 TWP 6N RGE 14E WHEATLAND CO.

40A 143301-00

POINT OF DIVERSION NO. 1 APPEARS INCORRECT. THE ACTUAL LOCATION OF THE DIVERSION APPEARS TO BE IN THE NWNWNW SEC 25 TWP 6N RGE 13E WHEATLAND CO.

POINT OF DIVERSION NO. 2 IS IN QUESTION. THE LOCATION OF THE DITCH CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

POINT OF DIVERSION NO. 3 APPEARS INCORRECT. THE ACTUAL LOCATION OF THE DIVERSION APPEARS TO BE IN THE NESWNW SEC 20 TWP 6N RGE 14E WHEATLAND CO.

40A 143302-00

POINT OF DIVERSION NO. 1 APPEARS INCORRECT. THE ACTUAL LOCATION OF THE DIVERSION APPEARS TO BE IN THE NWNWNW SEC 25 TWP 6N RGE 13E WHEATLAND CO.

POINT OF DIVERSION NO. 2 IS IN QUESTION. THE LOCATION OF THE DITCH CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

POINT OF DIVERSION NO. 3 APPEARS INCORRECT. THE ACTUAL LOCATION OF THE DIVERSION APPEARS TO BE IN THE NESWNW SEC 20 TWP 6N RGE 14E WHEATLAND CO.

40A 143303-00

THE POINTS OF DIVERSION APPEAR TO BE INCORRECT. POINT OF DIVERSION NO. 1 APPEARS TO BE IN THE NESWNW SEC 20 TWP 6N RGE 14E WHEATLAND CO. POINT OF DIVERSION NO. 2 APPEARS TO BE IN THE NENENE SEC 21 TWP 6N RGE 14E WHEATLAND CO.

40A 143304-00

THE POINTS OF DIVERSION APPEAR TO BE INCORRECT. POINT OF DIVERSION NO. 1 APPEARS TO BE IN THE NESWNW SEC 20 TWP 6N RGE 14E WHEATLAND CO. POINT OF DIVERSION NO. 2 APPEARS TO BE IN THE NENENE SEC 21 TWP 6N RGE 14E WHEATLAND CO.

4. The point of diversion for each claim was adjudicated during the Basin 40A Temporary Preliminary Decree. After extensive litigation, the Senior Water Master accepted a stipulation from the parties and recommended that the Court modify the points of diversion as requested in the stipulation. The Master's Report makes specific findings regarding the historically accurate legal land descriptions of each point of diversion. The Master's Report was adopted by Associate Water Judge Douglas Ritter in 2017.

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 and the issue remark against the claimed water right. Section 85-2-247(2), MCA. The factual evidence on which an issue remark is based must meet the preponderance of evidence standard before the prima facie status of a claim is overcome. 43Q 200996-00 et al., Order Establishing Volume and Order Closing Case, at 18, June 8, 2015.

CONCLUSION OF LAW

1. The point of diversion issue remarks do not overcome the prima facie status of the claims. The points of diversion were extensively litigated during adjudication of the Basin 40A Temporary Preliminary Decree, and the Water Court has already established the historically accurate location of each point of diversion.

RECOMMENDATION

1. The issue remarks should be removed from claims 40A 143297-00, 40A 143299-00, 40A 143300-00, 40A 143301-00, 40A 143302-00, 40A 143303-00, and 40A 143304-00.

A post decree abstract of each water right claim reflecting the recommendation is attached to this Report.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via Electronic Mail

Benjamin S Sudduth
SUDDUTH LAW PLLC
PO Box 507
Bozeman, MT 59771-0507
406-272-2390
benjamin@sudduthlaw.com

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

Water Right Number: 40A 143297-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: GLENNIE RANCHES INC, THE
% JANE GLENNIE, PRES
PO BOX 207
TWO DOT, MT 59085-0207

Priority Date: MAY 1, 1882

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.75 CFS

THE STIPULATION FILED ON FEBRUARY 18, 2004 IN CASE 40A-124 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE FOLLOWING WATER RIGHTS MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS POINTS OF DIVERSION AND PLACES OF USE OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 143297-00, 40A 143298-00, 40A 143299-00, 40A 143300-00, 40A 143301-00, 40A 143302-00, 40A 143303-00, 40A 143304-00, 40A 143305-00 AND 40A 143306-00.

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 784.00

Source Name: AGNES CREEK

Source Type: SURFACE WATER

Source Name: AMERICAN FORK

Source Type: SURFACE WATER

WATER FROM AMERICAN FORK IS EXCHANGED FOR WATER DIVERTED FROM AGNES 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		SWSESW	24	6N	13E	WHEATLAND

Source Name: AMERICAN FORK

Period of Diversion: MARCH 1 TO NOVEMBER 1

Diversion Means: DITCH

2		SENW	27	6N	13E	WHEATLAND
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Source Name: AGNES CREEK

Period of Diversion: MARCH 1 TO NOVEMBER 1

Diversion Means: DITCH

3 SWNW 27 6N 13E WHEATLAND
Source Name: AMERICAN FORK
Period of Diversion: MARCH 1 TO NOVEMBER 1
Diversion Means: DITCH

4 SWSENE 28 6N 13E WHEATLAND
Source Name: AMERICAN FORK
Period of Diversion: MARCH 1 TO NOVEMBER 1
Diversion Means: DITCH

5 SENWSE 28 6N 13E WHEATLAND
Source Name: AGNES CREEK
Period of Diversion: MARCH 1 TO NOVEMBER 1
Diversion Means: DITCH

6 SWNENW 20 6N 14E WHEATLAND
Source Name: AMERICAN FORK
Period of Diversion: MARCH 1 TO NOVEMBER 1
Diversion Means: DITCH

POINTS OF DIVERSION 02 AND 05 ARE ON AGNES CREEK.

POINTS OF DIVERSION 03, 04, AND 06 ARE ON THE SOUTH SIDE OF AMERICAN FORK.

Period of Use: MARCH 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	63.00		SE	24	6N	13E	WHEATLAND
2	9.00		NENE	25	6N	13E	WHEATLAND
3	10.00		E2SENE	25	6N	13E	WHEATLAND
4	39.00		N2N2	26	6N	13E	WHEATLAND
5	124.00		N2	27	6N	13E	WHEATLAND
6	38.00		N2SW	27	6N	13E	WHEATLAND
7	25.00		SENE	19	6N	14E	WHEATLAND
8	222.00		S2	19	6N	14E	WHEATLAND
9	157.00		N2	20	6N	14E	WHEATLAND
10	30.00		N2SW	20	6N	14E	WHEATLAND
11	67.00		NW	30	6N	14E	WHEATLAND
Total:	784.00						

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

Water Right Number: 40A 143299-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: GLENNIE RANCHES INC, THE
% JANE GLENNIE, PRES
PO BOX 207
TWO DOT, MT 59085-0207

Priority Date: APRIL 10, 1888

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 CFS

THE STIPULATION FILED ON FEBRUARY 18, 2004 IN CASE 40A-124 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE FOLLOWING WATER RIGHTS MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS POINTS OF DIVERSION AND PLACES OF USE OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 143297-00, 40A 143298-00, 40A 143299-00, 40A 143300-00, 40A 143301-00, 40A 143302-00, 40A 143303-00, 40A 143304-00, 40A 143305-00 AND 40A 143306-00.

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 583.00

Source Name: AMERICAN FORK

Source Type: SURFACE WATER

WATER FROM AMERICAN FORK IS EXCHANGED FOR WATER DIVERTED FROM AGNES 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		SWSESW	24	6N	13E	WHEATLAND
Period of Diversion:	MARCH 1 TO NOVEMBER 1					
Diversion Means:	DITCH					
2		SWSENE	28	6N	13E	WHEATLAND
Period of Diversion:	MARCH 1 TO NOVEMBER 1					
Diversion Means:	DITCH					
3		SWNENW	20	6N	14E	WHEATLAND
Period of Diversion:	MARCH 1 TO NOVEMBER 1					
Diversion Means:	DITCH					

THE POINTS OF DIVERSION ARE ON THE SOUTH SIDE OF AMERICAN FORK.

Period of Use: MARCH 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	63.00		SE	24	6N	13E	WHEATLAND
2	9.00		NENE	25	6N	13E	WHEATLAND
3	10.00		E2SENE	25	6N	13E	WHEATLAND
4	25.00		SENE	19	6N	14E	WHEATLAND
5	222.00		S2	19	6N	14E	WHEATLAND
6	157.00		N2	20	6N	14E	WHEATLAND
7	30.00		N2SW	20	6N	14E	WHEATLAND
8	67.00		NW	30	6N	14E	WHEATLAND
Total:	<u>583.00</u>						

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

Water Right Number: 40A 143300-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: GLENNIE RANCHES INC, THE
% JANE GLENNIE, PRES
PO BOX 207
TWO DOT, MT 59085-0207

Priority Date: JUNE 1, 1889

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.75 CFS

THE STIPULATION FILED ON FEBRUARY 18, 2004 IN CASE 40A-124 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE FOLLOWING WATER RIGHTS MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS POINTS OF DIVERSION AND PLACES OF USE OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 143297-00, 40A 143298-00, 40A 143299-00, 40A 143300-00, 40A 143301-00, 40A 143302-00, 40A 143303-00, 40A 143304-00, 40A 143305-00 AND 40A 143306-00.

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 583.00

Source Name: AMERICAN FORK

Source Type: SURFACE WATER

WATER FROM AMERICAN FORK IS EXCHANGED FOR WATER DIVERTED FROM AGNES 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		SWSESW	24	6N	13E	WHEATLAND
Period of Diversion:	MARCH 1 TO NOVEMBER 1					
Diversion Means:	DITCH					
2		SWSENE	28	6N	13E	WHEATLAND
Period of Diversion:	MARCH 1 TO NOVEMBER 1					
Diversion Means:	DITCH					
3		SWNENW	20	6N	14E	WHEATLAND
Period of Diversion:	MARCH 1 TO NOVEMBER 1					
Diversion Means:	DITCH					

THE POINTS OF DIVERSION ARE ON THE SOUTH SIDE OF AMERICAN FORK.

Period of Use: MARCH 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	63.00		SE	24	6N	13E	WHEATLAND
2	9.00		NENE	25	6N	13E	WHEATLAND
3	10.00		E2SENE	25	6N	13E	WHEATLAND
4	25.00		SENE	19	6N	14E	WHEATLAND
5	222.00		S2	19	6N	14E	WHEATLAND
6	157.00		N2	20	6N	14E	WHEATLAND
7	30.00		N2SW	20	6N	14E	WHEATLAND
8	67.00		NW	30	6N	14E	WHEATLAND
Total:	<u>583.00</u>						

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

Water Right Number: 40A 143301-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: GLENNIE RANCHES INC, THE
% JANE GLENNIE, PRES
PO BOX 207
TWO DOT, MT 59085-0207

Priority Date: JUNE 1, 1892

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.50 CFS

THE STIPULATION FILED ON FEBRUARY 18, 2004 IN CASE 40A-124 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE FOLLOWING WATER RIGHTS MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS POINTS OF DIVERSION AND PLACES OF USE OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 143297-00, 40A 143298-00, 40A 143299-00, 40A 143300-00, 40A 143301-00, 40A 143302-00, 40A 143303-00, 40A 143304-00, 40A 143305-00, AND 40A 143306-00.

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 583.00

Source Name: AMERICAN FORK

Source Type: SURFACE WATER

WATER FROM AMERICAN FORK IS EXCHANGED FOR WATER DIVERTED FROM AGNES 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		SWSESW	24	6N	13E	WHEATLAND
Period of Diversion:	MARCH 1 TO NOVEMBER 1					
Diversion Means:	DITCH					
2		SWSENE	28	6N	13E	WHEATLAND
Period of Diversion:	MARCH 1 TO NOVEMBER 1					
Diversion Means:	DITCH					
3		SWNENW	20	6N	14E	WHEATLAND
Period of Diversion:	MARCH 1 TO NOVEMBER 1					
Diversion Means:	DITCH					

THE POINTS OF DIVERSION ARE ON THE SOUTH SIDE OF AMERICAN FORK.

Period of Use: MARCH 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	63.00		SE	24	6N	13E	WHEATLAND
2	9.00		NENE	25	6N	13E	WHEATLAND
3	10.00		E2SENE	25	6N	13E	WHEATLAND
4	25.00		SENE	19	6N	14E	WHEATLAND
5	222.00		S2	19	6N	14E	WHEATLAND
6	157.00		N2	20	6N	14E	WHEATLAND
7	30.00		N2SW	20	6N	14E	WHEATLAND
8	67.00		NW	30	6N	14E	WHEATLAND
Total:	<u>583.00</u>						

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

Water Right Number: 40A 143302-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: GLENNIE RANCHES INC, THE
% JANE GLENNIE, PRES
PO BOX 207
TWO DOT, MT 59085-0207

Priority Date: JUNE 1, 1893

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.50 CFS

THE STIPULATION FILED ON FEBRUARY 18, 2004 IN CASE 40A-124 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE FOLLOWING WATER RIGHTS MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS POINTS OF DIVERSION AND PLACES OF USE OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 143297-00, 40A 143298-00, 40A 143299-00, 40A 143300-00, 40A 143301-00, 40A 143302-00, 40A 143303-00, 40A 143304-00, 40A 143305-00 AND 40A 143306-00.

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 583.00

Source Name: AMERICAN FORK

Source Type: SURFACE WATER

WATER FROM AMERICAN FORK IS EXCHANGED FOR WATER DIVERTED FROM AGNES 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		SWSESW	24	6N	13E	WHEATLAND
Period of Diversion:	MARCH 1 TO NOVEMBER 1					
Diversion Means:	DITCH					
2		SWSENE	28	6N	13E	WHEATLAND
Period of Diversion:	MARCH 1 TO NOVEMBER 1					
Diversion Means:	DITCH					
3		SWNENW	20	6N	14E	WHEATLAND
Period of Diversion:	MARCH 1 TO NOVEMBER 1					
Diversion Means:	DITCH					

THE POINTS OF DIVERSION ARE ON THE SOUTH SIDE OF AMERICAN FORK.

Period of Use: MARCH 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	63.00		SE	24	6N	13E	WHEATLAND
2	9.00		NENE	25	6N	13E	WHEATLAND
3	10.00		E2SENE	25	6N	13E	WHEATLAND
4	25.00		SENE	19	6N	14E	WHEATLAND
5	222.00		S2	19	6N	14E	WHEATLAND
6	157.00		N2	20	6N	14E	WHEATLAND
7	30.00		N2SW	20	6N	14E	WHEATLAND
8	67.00		NW	30	6N	14E	WHEATLAND
Total:	<u>583.00</u>						

Remarks:

THE STIPULATION FILED ON FEBRUARY 18, 2004 IN CASE 40A-124 INCLUDES THE FOLLOWING PROVISION:
THE DIVERTED FLOW OF THE FOLLOWING WATER RIGHTS MAY BE MARSHALED BETWEEN AND AMONG THE
VARIOUS POINTS OF DIVERSION AND PLACES OF USE OF ANY OF THESE RIGHTS SO LONG AS SUCH
MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS
ARE HELD BY A COMMON OWNER: 143297-00, 143298-00, 143299-00, 143300-00, 143301-00, 143302-00, 143303-
00, 143304-00, 143305-00, AND 143306-00.

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

Water Right Number: 40A 143303-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: GLENNIE RANCHES INC, THE
% JANE GLENNIE, PRES
PO BOX 207
TWO DOT, MT 59085-0207

Priority Date: JUNE 1, 1903

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 4.50 CFS

THE STIPULATION FILED ON FEBRUARY 18, 2004 IN CASE 40A-124 INCLUDES THE FOLLOWING PROVISION: THE DIVERTED FLOW OF THE FOLLOWING WATER RIGHTS MAY BE MARSHALED BETWEEN AND AMONG THE VARIOUS POINTS OF DIVERSION AND PLACES OF USE OF ANY OF THESE RIGHTS SO LONG AS SUCH MARSHALING DOES NOT ADVERSELY AFFECT ANY OTHER WATER RIGHT AND SO LONG AS THESE RIGHTS ARE HELD BY A COMMON OWNER: 40A 143297-00, 40A 143298-00, 40A 143299-00, 40A 143300-00, 40A 143301-00, 40A 143302-00, 40A 143303-00, 40A 143304-00, 40A 143305-00 AND 40A 143306-00.

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

Climatic Area: 3 - MODERATE

***Maximum Acres:** 636.00

Source Name: AMERICAN FORK

Source Type: SURFACE WATER

WATER FROM AMERICAN FORK IS EXCHANGED FOR WATER DIVERTED FROM AGNES 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		SENENW	20	6N	14E	WHEATLAND

Period of Diversion: MARCH 1 TO NOVEMBER 1

Diversion Means: HEADGATE

2		SWNWNW	22	6N	14E	WHEATLAND
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Period of Diversion: MARCH 1 TO NOVEMBER 1

Diversion Means: DITCH

POINT OF DIVERSION 01 IS ON THE SOUTH SIDE OF AMERICAN FORK.

POINT OF DIVERSION 02 IS ON THE NORTH SIDE OF AMERICAN FORK. WATER DIVERTED THROUGH THIS POINT OF DIVERSION IS TRANSPORTED TO AND CARRIED THROUGH LEBO CREEK FOR SUBSEQUENT DIVERSION TO IRRIGATE THE PLACE OF USE IN SECTION 11, T6N, R14E.

Period of Use: MARCH 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	271.00		N2	11	6N	14E	WHEATLAND
2	113.00		N2S2	11	6N	14E	WHEATLAND
3	19.00		W2NW	15	6N	14E	WHEATLAND
4	175.00		S2	15	6N	14E	WHEATLAND
5	4.00		NENENE	21	6N	14E	WHEATLAND
6	54.00		N2N2	22	6N	14E	WHEATLAND
Total:	<u>636.00</u>						

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

Water Right Number: 40A 143304-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

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<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
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Period of Diversion: MARCH 1 TO NOVEMBER 1

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