

Montana Water Court  
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**FILED**

03/26/2024

Sara Calkins  
CLERK

Montana Water Court  
STATE OF MONTANA

By: D'Ann CIGLER

41H-0079-R-2022

Brown, Stephen R

4.00

IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
GALLATIN RIVER BASIN (41H)  
PRELIMINARY DECREE

\*\*\*\*\*

CLAIMANTS: Michael P. Kelly; Myla L. Kelly; Carol J. Roehm; Richard R. Roehm Jr.; Barbara J. Madigan; Russell W. Madigan; Michael P. Lavery; Clayton B. Marlow; Lynn F. Marlow; Robert & Barbara Eckstein Revocable Family Trust; Carly J. Urban; Charles J. Kraft; Holm Revocable Trust; Hodgeman Homestead LLC; Sig & Donna Dehn Living Trust; Daniel N. & Ernestine T. March Living Trust; Hanton Revocable Family Trust; Davis Bos

OBJECTORS: United States of America, Department of Agriculture-Forest Service

NOTICE OF INTENT TO APPEAR: David Bos; Marilyn H. Bos

**CASE 41H-0079-R-2022**

41H 7614-00  
41H 28032-00  
41H 36768-00  
41H 103602-00  
41H 113238-00  
41H 115653-00  
41H 122621-00  
41H 122624-00  
41H 122626-00  
41H 122628-00  
41H 138833-00  
41H 138835-00  
41H 138838-00  
41H 139898-00  
41H 150740-00

**CLOSING ORDER**

The Water Court included the claims in this case in the Preliminary Decree for the Gallatin River Basin (Basin 41H). The claims received Montana Department of Natural Resources and Conservation (“DNRC”) issue remarks identifying potential issues with the claims. The United States Department of Agriculture, Forest Service (“United States”) objected to all the claims. David H. Bos and Marilyn Bos (“Bos”) filed notices of intent

to appear (“NOIA”). To address the issue remarks, objections, and NOIAs, the Water Court consolidated the claims into Water Court Case 41H-0079-R-2022.

## DISCUSSION

### *1. Decree Exceeded Issue Remarks*

The Basin 41H Preliminary Decree describes each claim in this case as a “decreed” right because each claim is based on a portion of a 100 miner’s inch water right with a June 30, 1868 priority date decreed by the district court to John P. Henry and Henry Hodgman in *Middle Creek Ditch Company v. John H. Henry*, Case No. 1772, Gallatin County. When the DNRC examined the claims, it concluded the sum of the flow rates of the claims exceeds 100 miner’s inches. As a result, the preliminary decree abstract for each claim included the following “decree exceeded” issue remark:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 100 MINER'S INCHES DECREED IN CASE NO. 1772, GALLATIN COUNTY. 41H 7614-00, 41H 28032-00, 41H 36768-00, 41H 103602-00, 41H 113238-00, 41H 115653-00, 41H 122621-00, 41H 122624-00, 41H 122626-00, 41H 122628-00, 41H 138833-00, 41H 138835-00, 41H 138838-00, 41H 139898-00, 41H 150740-00.

The Water Court previously addressed the decree exceeded remark on these claims in proceedings that followed issuance of the Basin 41H temporary preliminary decree (“TPD”). In case 41H-100, the Court approved a master’s report on March 6, 1991, that identified these same claims and allocated a portion of the decree right to the various claims, with the total allocation being equivalent to 100 miner’s inches.

The Court determined that the United States’ objection did not identify anything that calls into question the findings and conclusions approved by the Court in case 41H-100. Consequently, the Court required the United States to state why the order issued in case 41H-100 and the multiple use remarks on the companion stock water claims does not resolve its objections.

On February 29, 2024, the United States filed a response, indicating that its objections are resolved if multiple use remarks remain on the claims that were decreed

with those remarks. No one filed any response taking a position different than the United States.

The following table shows the flow rate decreed in the preliminary decree for each claim in gallons per minute (“gpm”), and the amount determined by the Court in case 41H-100, either in gpm, miner’s inches (“MI”), or in cubic feet per second (“cfs”):

Owner	Claim	Use	Case 41H-100	Preliminary decree (gpm)	Multiple use remark
Kelly	41H 7614-00	Domestic	22.44 gpm	22.44	No
Roehm	41H 28032-00	Irrigation	12.22 gpm	12.22	Yes
Madigan	41H 36768-00	Irrigation	56.10 gpm	56.10	No
Lavery; Marlow; Urban; Eckstein Family Trust	41H 103602-00	Irrigation	25.21 gpm	25.21	Yes
Kraft	41H 113238-00	Irrigation	0.63 cfs	282.74	Yes
Holm Revocable Trust	41H 115653-00	Irrigation	89.76 gpm	89.76	No
Hodgeman Homestead LLC	41H 122621-00	Irrigation	23.04 gpm	23.04	Yes
Sig Living Trust	41H 122624-00	Irrigation	7.76 gpm	7.76	Yes
Sig Living Trust	41H 122626-00	Stock			Yes
Hodgeman Homestead LLC	41H 122628-00	Stock			Yes
Ernestine Living Trust	41H 138833-00	Irrigation	19.26 gpm	19.26 <sup>1</sup>	Yes
Ernestine Living Trust	41H 138835-00	Stock		NA	Yes
Ernestine Living Trust	41H 138838-00	Domestic	19.26 gpm	19.26	Yes
Hanton Revocable Family Trust	41H 139898-00	Irrigation	19.26 gpm	24.70	Yes
Bos	41H 150740-00	Irrigation	50 MI	1.25 cfs (561.04 gpm)	Yes
Total				1,124.27	

<sup>1</sup> Claims 41H 138833-00 and 138838-00 are multiple uses of the same right, so a flow rate of 19.26 gpm is only tabulated in the total once.

The last column in the table shows the claims that currently have multiple use remarks. The term “multiple use” means “the same appropriation used for more than one purpose by a single owner.” Rule 2(a)(42), W.R.C.E.R. A multiple use remark is intended to limit a water right that is being used for multiple purposes (such as irrigation and stock water) to alternate uses so long as the amount of water used does not exceed the historical use and what previously was decreed.

The claims that have multiple use remarks in this case represent irrigation and stock use of a singular water right, except for claims 41H 138833-00 and 41H 138838-00. Stock claims do not receive a numeric flow rate to be tabulated as a portion of the 100 miner’s inches, so the Court did not make any conclusions about the stock claims in case 41H-100.

Claims 41H 138833-00 and 41H 138838-00 are irrigation and domestic claims representing a single water right with a flow rate of 19.26 gpm. The preliminary decree abstracts for both claims reflect a flow rate of 19.26 gpm. Because these claims are multiple uses of one another, the Court in case 41H-100 specifically placed a multiple use remark on the claims so that the flow rate of 19.26 gpm is only accounted for once in the sum of the claims that claim a portion of the 100 miner’s inches decree to Henry and Hodgman. It appears that the DNRC accounted for a flow rate of 19.26 gpm twice which led to the placement of the decree exceeded issue remarks.

The multiple use remarks already placed on the claims resolve the decree exceeded issue remarks and the United States’ objections without the need to modify further the flow rate elements of any claim from what was already done in case 41H-100. The sum of the flow rates, with the multiple use limitation, and as converted to gallons per minute, is approximately the district court decreed amount of 100 miner’s inches.

## *2. Point of Diversion Issue Remarks*

Some of the claims also received incorrect point of diversion issue remarks. Claims 41H 7614-00 (Kelly), 41H 28032-00 (Roehm), 41H 36768-00 (Madigan), and 41H 138838-00 (March) received the following issue remark:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE NENENW SEC 23 TWP 3S RGE 5E GALLATIN COUNTY.

The Court set a deadline for the owners of water to provide evidence as to why the legal description of the point of diversion for the claims should not be modified to the description stated in the remark. If nothing was filed by the deadline, the Court advised that it would conclude the point of diversion should be modified to the description listed in the remark.

Claim 41H 150740-00 also received the following issue remark:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE SWSNW SEC 14 TWP 3S RGE 5E GALLATIN COUNTY.

The Court advised that it appears the issue remark was placed in error because the Court previously corrected the point of diversion in case 41H-A14 in 2018. The Court set a deadline for Bos to confirm the decreed point of diversion for claim 41H 150740-00 is accurate.

Claimants Kelly, Roehm, Madigan, and March did not respond to the Court's deadline, so the Court will update the point of diversion legal land description for their claims to the description provided in the issue remark. On February 29, 2024, Bos filed a Status Report, agreeing that the proper legal land description for the point of diversion of water right claim is accurate as decreed, and the issue remark should be removed from the claim.

### *3. Means of Diversion Issue Remarks*

Claims 41H 7614-00 and 41H 36768-00 received the following issue remark questioning the means of diversion:

THE MEANS OF DIVERSION APPEARS TO BE INCORRECT. THE MEANS OF DIVERSION APPEARS TO BE A HEADGATE.

The two claims have the same point of diversion in the NENENW of Section 23, T3S, R5E, Gallatin County for the Flander Millpond Ditch. Claims 41H 28032-00, 41H 115653-00, 41H 122621-00, 41H 122624-00, 41H 122626-00, 41H 122628-00, 41H 138833-00, 41H 138835-00, 41H 138838-00, and 41H 139898-00 also share that point of diversion but claim the means of diversion as a headgate. A comparison of the

preliminary decree abstracts and the claim files for these claims show that the correct means of diversion in the NENENW of Section 23 is a headgate, not a ditch.

*4 Generic Point of Diversion Issue Remark*

Claims 41H 103602-00, 41H 113238-00, 41H 115653-00, 41H 122621-00, 41H 122624-00, 41H 122626-00, 41H 122628-00, 41H 138833-00, 41H 138835-00, and 41H 139898-00 received the following issue remark:

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

No one filed objections to any claim specifically based on this remark. The United States filed the only objection that could potentially implicate the remark, so the Court provided the United States the opportunity to state whether its objections implicate this remark. The United States did not identify any issues in its response, so the remark can be removed.

**ORDER**

Therefore, based on the foregoing, it is ORDERED that the claims are modified as provided in this Order, with all issue remarks removed and all objections DISMISSED as resolved. This Order closes the case.

This Order includes post-decree abstracts of all the claims to confirm the modifications to the claims are made in the State's centralized water rights record system.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via USPS Mail:**

Sig & Donna Dehn Living Trust  
Sig & Donna Dehn, Trustees  
50 Hodgeman Canyon Dr  
Bozeman, MT 59718-9527

Michael P. Lavery  
Carly J. Urban  
475 Hodgeman Canyon Dr  
Bozeman, MT 59718-7321

Hanton Revocable Family Trust  
414 Hodgeman Canyon Dr  
Bozeman, MT 59718

Barbara J. Madigan  
Russell W. Madigan  
257 E Hodgeman Rd  
Bozeman, MT 59718-8427

Hodgeman Homestead LLC  
1105 S Tracy Ave  
Bozeman, MT 59715-5331

Daniel N. & Ernestine T. March Living  
Trust  
220 Hodgeman Canyon Dr  
Bozeman, MT 59718-7319

Holm Revocable Trust  
% Roger D. & Patricia H. Holm, Trustees  
3300 E Graf St Unit 65  
Bozeman, MT 59715-7196

Clayton B. Marlow  
Lynn F. Marlow  
277 Hodgeman Canyon Dr  
Bozeman, MT 59718

Michael P. Kelly  
Myla L. Kelly  
264 E Hodgeman Rd  
Bozeman, MT 59718

Robert & Barbara Eckstein Rev Family  
Trust  
Robert & Barbara Eckstein, Trustees  
145 Hodgeman Canyon Dr  
Bozeman, MT 59718-7318

J. Charles Kraft  
7777 S 19th  
Bozeman, MT 59718

Carol J. Roehm  
Richard R. Roehm Jr.  
31 Hodgeman Canyon Dr  
Bozeman, MT 59718

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**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 7614-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL P KELLY  
264 E HODGEMAN RD  
BOZEMAN, MT 59718  
  
MYLA L KELLY  
264 HODGEMAN RD  
BOZEMAN, MT 59718

**Priority Date:** JUNE 30, 1868

**Type of Historical Right:** DECREED

**Purpose (Use):** DOMESTIC

**\*Flow Rate:** 22.44 GPM

**Volume:** 2.00 AC-FT

**Households:** 1

**Maximum Acres:** 0.50

**Source Name:** HYALITE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	23	3S	5E	GALLATIN

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

**Diversion Means:** HEADGATE

**Subdivision:** ASPEN HEIGHTS TRACT/LOT: 005

**Ditch Name:** FLANDERS MILLPOND DITCH

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	0.50		SWNESE	11	3S	5E	GALLATIN

**Subdivision:** ASPEN HEIGHTS TRACT/LOT: 005

**Total:** 0.50



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 28032-00 STATEMENT OF CLAIM  
**Version:** 4 -- POST DECREE  
**Status:** ACTIVE

**Owners:** CAROL J ROEHM  
31 HODGEMAN CANYON DR  
BOZEMAN, MT 59718  
  
RICHARD R ROEHM JR  
31 HODGEMAN CANYON DR  
BOZEMAN, MT 59718-9527

**Priority Date:** JUNE 30, 1868

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER

**Flow Rate:** 12.22 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:** 4.29

**Source Name:** HYALITE CREEK

**Source Type:** SURFACE WATER

**\*Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	23	3S	5E	GALLATIN

**Period of Diversion:** APRIL 15 TO NOVEMBER 15

**Diversion Means:** HEADGATE

**Subdivision:** HODGEMAN CANYON SUBD

**Ditch Name:** FLANDERS MILLPOND DITCH

**Period of Use:** APRIL 15 TO NOVEMBER 15

**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	2.18		NENWSE	11	3S	5E	GALLATIN

**Subdivision:** HODGEMAN CANYON SUBD TRACT/LOT: 003 BLOCK: 001

2	2.11		NWNWSE	11	3S	5E	GALLATIN
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**Subdivision:** HODGEMAN CANYON SUBD TRACT/LOT: 004 BLOCK: 001

**Total:** 4.29

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**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.

28031-00

28032-00

28033-00

210922-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 36768-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** BARBARA J MADIGAN  
257 E HODGEMAN RD  
BOZEMAN, MT 59718-8427

RUSSELL W MADIGAN  
257 E HODGEMAN RD  
BOZEMAN, MT 59718-8427

**\*Priority Date:** JUNE 30, 1868

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER

**\*Flow Rate:** 56.10 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:** 4.00

**\*Source Name:** HYALITE CREEK

**Source Type:** SURFACE WATER

**\*Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	23	3S	5E	GALLATIN

**Period of Diversion:** MAY 1 TO NOVEMBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** FLANDERS MILLPOND DITCH

**Period of Use:** MAY 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	4.00		SENESE	11	3S	5E	GALLATIN

**Total:** 4.00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 103602-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:**

MICHAEL P LAVERY  
475 HODGEMAN CANYON DR  
BOZEMAN, MT 59718-7321

CLAYTON B MARLOW  
277 HODGEMAN CANYON DR  
BOZEMAN, MT 59718

LYNN F MARLOW  
277 HODGEMAN CANYON DR  
BOZEMAN, MT 59718

CARLY J URBAN  
475 HODGEMAN CANYON DR  
BOZEMAN, MT 59718-7321

ROBERT & BARBARA ECKSTEIN REV FAMILY TRUST  
145 HODGEMAN CANYON DR  
ROBERT & BARBARA ECKSTEIN TRUSTEES  
BOZEMAN, MT 59718-7318

TRANSFER PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT WILL BE SPLIT INTO SEPARATE OWNERSHIPS AFTER FINAL DECREE.

**Priority Date:** JUNE 30, 1868

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 25.21 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:** 13.20

**Source Name:** HYALITE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESW	14	3S	5E	GALLATIN

**Period of Diversion:** APRIL 1 TO JUNE 1

**Diversion Means:** HEADGATE

**Subdivision:** HODGEMAN CANYON SUBD

**Ditch Name:** HODGEMAN DITCH  
2 NENENW 23 3S 5E GALLATIN

**Period of Diversion:** APRIL 1 TO JUNE 1

**Diversion Means:** HEADGATE

**Subdivision:** HODGEMAN CANYON SUBD

**Ditch Name:** FLANDERS MILLPOND DITCH

**Period of Use:** APRIL 1 TO JUNE 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	3.27		NWSE	11	3S	5E	GALLATIN
<b>Subdivision:</b>		HODGEMAN CANYON SUBD TRACT/LOT: 1 BLOCK: 4					
2	3.35		W2SE	11	3S	5E	GALLATIN
<b>Subdivision:</b>		HODGEMAN CANYON SUBD TRACT/LOT: 2 BLOCK: 4					
3	3.34		W2SE	11	3S	5E	GALLATIN
<b>Subdivision:</b>		HODGEMAN CANYON SUBD TRACT/LOT: 3 BLOCK: 4					
4	3.24		W2SE	11	3S	5E	GALLATIN
<b>Subdivision:</b>		HODGEMAN CANYON SUBD TRACT/LOT: 4 BLOCK: 4					
<b>Total:</b>	13.20						

**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.

103601-00      103602-00      103603-00      103604-00      103605-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 113238-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** J CHARLES KRAFT  
7777 S 19TH  
BOZEMAN, MT 59718

**Priority Date:** JUNE 30, 1868

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Flow Rate:** 282.74 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:** 169.00

**Source Name:** HYALITE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENSW	14	3S	5E	GALLATIN

**Period of Diversion:** APRIL 1 TO NOVEMBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** HODGEMAN DITCH

**Period of Use:** APRIL 1 TO NOVEMBER 1

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	160.00		NE	11	3S	5E	GALLATIN
2	9.00		SENW	11	3S	5E	GALLATIN

**Total:** 169.00

**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.

113236-00      113237-00      113238-00      113239-00      113240-00      113241-00  
113242-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 115653-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** HOLM REVOCABLE TRUST  
%ROGER D & PATRICIA H HOLM, TRUSTEES  
3300 E GRAF ST UNIT 65  
BOZEMAN, MT 59715-7196

**\*Priority Date:** JUNE 30, 1868

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER

**\*Flow Rate:** 89.76 GPM

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

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 10.00

**Source Name:** HYALITE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	23	3S	5E	GALLATIN

**Period of Diversion:** MAY 1 TO SEPTEMBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** FLANDERS MILLPOND DITCH

**Period of Use:** MAY 1 TO SEPTEMBER 15

**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	2.00		SENESE	11	3S	5E	GALLATIN
2	8.00		SESE	11	3S	5E	GALLATIN

**Total:** 10.00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 122621-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** HODGEMAN HOMESTEAD LLC  
1105 S TRACY AVE  
BOZEMAN, MT 59715-5331

**Priority Date:** JUNE 30, 1868

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER

**\*Flow Rate:** 23.04 GPM

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

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 10.00

**Source Name:** HYALITE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	23	3S	5E	GALLATIN

**Period of Diversion:** APRIL 1 TO OCTOBER 20

**Diversion Means:** HEADGATE

**Subdivision:** HODGEMAN CANYON SUBD

**Ditch Name:** FLANDERS MILLPOND DITCH

**Period of Use:** APRIL 1 TO OCTOBER 20

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	10.00		SE	11	3S	5E	GALLATIN

**Subdivision:** HODGEMAN CANYON SUBD BLOCK: 008

**Total:** 10.00

**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

115519-00      122621-00      122622-00      122625-00      138831-00      138832-00  
138833-00



THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

122621-00

122628-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 122624-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** DEHN, SIG & DONNA LIVING TRUST  
DEHN SIG & DONNA TRUSTEES  
50 HODGEMAN CANYON DR  
BOZEMAN, MT 59718-9527

**Priority Date:** JUNE 30, 1868

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER

**\*Flow Rate:** 7.76 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:** 2.00

**Source Name:** HYALITE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	23	3S	5E	GALLATIN

**Period of Diversion:** APRIL 1 TO OCTOBER 20

**Diversion Means:** HEADGATE

**Subdivision:** HODGEMAN CANYON SUBD

**Ditch Name:** FLANDERS MILLPOND DITCH

**Period of Use:** APRIL 1 TO OCTOBER 20

**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	2.00		NENWSE	11	3S	5E	GALLATIN

**Subdivision:** HODGEMAN CANYON SUBD TRACT/LOT: 001 BLOCK: 002

**Total:** 2.00

**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.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

122624-00

122626-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 122626-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** DEHN, SIG & DONNA LIVING TRUST  
DEHN SIG & DONNA TRUSTEES  
50 HODGEMAN CANYON DR  
BOZEMAN, MT 59718-9527

**Priority Date:** JUNE 30, 1868

**Type of Historical Right:** DECREED

**Purpose (Use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

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

**Source Name:** HYALITE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	23	3S	5E	GALLATIN

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

**Diversion Means:** HEADGATE

**Subdivision:** HODGEMAN CANYON SUBD

**Ditch Name:** FLANDERS MILLPOND DITCH

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENWSE	11	3S	5E	GALLATIN

**Subdivision:** HODGEMAN CANYON SUBD TRACT/LOT: 001 BLOCK: 002

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

122624-00      122626-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 122628-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** HODGEMAN HOMESTEAD LLC  
1105 S TRACY AVE  
BOZEMAN, MT 59715-5331

**Priority Date:** JUNE 30, 1868

**Type of Historical Right:** DECREED

**Purpose (Use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

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

**Source Name:** HYALITE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	23	3S	5E	GALLATIN

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

**Diversion Means:** HEADGATE

**Subdivision:** HODGEMAN CANYON SUBD

**Ditch Name:** FLANDERS MILLPOND DITCH

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SE	11	3S	5E	GALLATIN

**Subdivision:** HODGEMAN CANYON SUBD BLOCK: 008

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

122621-00      122628-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 138833-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** MARCH, DANIEL N & ERNESTINE T LIVING TRUST  
220 HODGEMAN CANYON DR  
BOZEMAN, MT 59718-7319

**Priority Date:** JUNE 30, 1868

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD/FURROW

**\*Flow Rate:** 19.26 GPM

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

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 10.20

**Source Name:** HYALITE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	23	3S	5E	GALLATIN

**Period of Diversion:** APRIL 30 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Subdivision:** HODGEMAN CANYON SUBD

**Ditch Name:** FLANDERS MILLPOND DITCH

**Period of Use:** APRIL 30 TO OCTOBER 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	10.20		SE	11	3S	5E	GALLATIN

**Subdivision:** HODGEMAN CANYON SUBD BLOCK: 006

**Total:** 10.20

**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.

115519-00      122621-00      122622-00      122625-00      138831-00      138832-00  
138833-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

138833-00

138835-00

138838-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 138835-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** MARCH, DANIEL N & ERNESTINE T LIVING TRUST  
220 HODGEMAN CANYON DR  
BOZEMAN, MT 59718-7319

**Priority Date:** JUNE 30, 1868

**Type of Historical Right:** DECREED

**Purpose (Use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

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

**Source Name:** HYALITE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	23	3S	5E	GALLATIN

**Period of Diversion:** APRIL 30 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Subdivision:** HODGEMAN CANYON SUBD

**Ditch Name:** FLANDERS MILLPOND DITCH

**Period of Use:** APRIL 30 TO OCTOBER 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			SE	11	3S	5E	GALLATIN

**Subdivision:** HODGEMAN CANYON SUBD BLOCK: 006

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

138833-00      138835-00      138838-00



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 138838-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** MARCH, DANIEL N & ERNESTINE T LIVING TRUST  
220 HODGEMAN CANYON DR  
BOZEMAN, MT 59718-7319

**Priority Date:** JUNE 30, 1868

**Type of Historical Right:** DECREED

**Purpose (Use):** DOMESTIC

**\*Flow Rate:** 19.26 GPM

**Volume:** 6.00 AC-FT

**Households:** 5

**Maximum Acres:** 2.50

**Source Name:** HYALITE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	23	3S	5E	GALLATIN

**Period of Diversion:** APRIL 30 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Subdivision:** HODGEMAN CANYON SUBD

**Ditch Name:** FLANDERS MILLPOND DITCH

**Period of Use:** APRIL 30 TO OCTOBER 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	2.50		SE	11	3S	5E	GALLATIN

**Subdivision:** HODGEMAN CANYON SUBD BLOCK: 006

**Total:** 2.50

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

138833-00      138835-00      138838-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 139898-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** HANTON REVOCABLE FAMILY TRUST  
414 HODGEMAN CANYON DR  
BOZEMAN, MT 59718

**Priority Date:** JUNE 30, 1868

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 24.70 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:** 13.08

**Source Name:** HYALITE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	23	3S	5E	GALLATIN

**Period of Diversion:** MAY 1 TO OCTOBER 15

**Diversion Means:** HEADGATE

**Subdivision:** HODGEMAN CANYON SUBD

**Ditch Name:** FLANDERS MILLPOND DITCH

**Period of Use:** MAY 1 TO OCTOBER 15

**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	2.18			11	3S	5E	GALLATIN
<b>Subdivision:</b>		HODGEMAN CANYON SUBD			TRACT/LOT: 001	BLOCK: 005	
2	2.18			11	3S	5E	GALLATIN
<b>Subdivision:</b>		HODGEMAN CANYON SUBD			TRACT/LOT: 002	BLOCK: 005	
3	2.18			11	3S	5E	GALLATIN
<b>Subdivision:</b>		HODGEMAN CANYON SUBD			TRACT/LOT: 003	BLOCK: 005	
4	2.18			11	3S	5E	GALLATIN
<b>Subdivision:</b>		HODGEMAN CANYON SUBD			TRACT/LOT: 004	BLOCK: 005	
5	2.18			11	3S	5E	GALLATIN
<b>Subdivision:</b>		HODGEMAN CANYON SUBD			TRACT/LOT: 005	BLOCK: 005	

6	2.18	11	3S	5E	GALLATIN
<b>Subdivision:</b>		HODGEMAN CANYON SUBD TRACT/LOT: 006 BLOCK: 005			
<b>Total:</b>	13.08				

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**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.

139898-00            139899-00            139900-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 150740-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** DAVID BOS  
4121 KENT SPUR RD  
BOZEMAN, MT 59718-8335

**Priority Date:** JUNE 30, 1868

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.25 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:** 300.00

**Source Name:** HYALITE CREEK

**Source Type:** SURFACE WATER

**\*Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSE	14	3S	5E	GALLATIN

**Period of Diversion:** APRIL 1 TO OCTOBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** B-F-K DITCH

**Period of Use:** APRIL 1 TO OCTOBER 15

**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	300.00		E2	9	3S	5E	GALLATIN

**Total:** 300.00

**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.

150739-00      150740-00      150741-00      150743-00      150744-00