

Montana Water Court
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Bozeman, MT 59771-1389
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MONTANA WATER COURT, YELLOWSTONE DIVISION
YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN
BASIN 43B
PRELIMINARY DECREE

CLAIMANTS: Brogan LP; Western Shamballa Inc.; Church
Universal & Triumphant Inc.

OBJECTORS: United States of America (USDA Forest Service);
Brogan LP; Church Universal & Triumphant Inc.

CASE 43B-1019-R-2021

- 43B 193575-00
- 43B 193576-00
- 43B 193578-00
- 43B 193582-00
- 43B 193583-00
- 43B 193861-00
- 43B 193862-00
- 43B 193865-00
- 43B 193866-00
- 43B 193867-00

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
FINDINGS OF FACT

1. At present, the record owner of claims 43B 193575-00, 43B 193578-00, 43B 193582-00, 43B 193583-00, 43B 193862-00, 43B 193865-00, and 43B 193867-00 is Brogan LP (Brogan). Western Shamballa Inc. (WSI) is the present record owner of claim 193576-00. Church Universal & Triumphant (Church) is the present record owner of claim 43B 193861-00. Brogan and WSI are the present record co-owners of claim 43B 193866-00.

2. Claims 43B 193576-00, 43B 193578-00, 43B 193582-00, 43B 193583-00, 43B 193861-00, 43B 193862-00, 43B 193865-00, and 43B 193866-00, were decreed with DNRC issue remarks:

43B 193576-00:

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

43B 193578-00:

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.

43B 193582-00:

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.

43B 193583-00:

THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM CANNOT BE DETERMINED AND THE FLOW RATE REMAINS AS ORIGINALLY CLAIMED. THE CLAIMED FLOW RATE CAN BE CONTESTED BY PROPER OBJECTION. IF NO OBJECTIONS ARE FILED TO THIS CLAIM THE FLOW RATE WILL BE DECREED AS CLAIMED, AND THIS REMARK WILL BE REMOVED FROM THE CLAIM.

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.

THE VOLUME OF THIS CLAIM CANNOT BE DETERMINED FROM AVAILABLE INFORMATION, AND VOLUME REMAINS AS ORIGINALLY CLAIMED. THE CLAIMED VOLUME CAN BE CONTESTED BY PROPER OBJECTION. IF NO OBJECTIONS ARE FILED TO THIS CLAIM THE VOLUME WILL BE DECREED AS CLAIMED, AND THIS REMARK WILL BE REMOVED FROM THE CLAIM.

43B 193861-00:

THE TIMELY FILED OBJECTION OF UNITED STATES OF AMERICA WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE PLACE OF USE . BECAUSE THIS ELEMENT WAS NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THIS CHANGE MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

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

43B 193862-00:

THE TIMELY FILED OBJECTION OF THE DEPARTMENT OF FISH, WILDLIFE AND PARKS WAS AMENDED BY WELCH BROGAN TO INCLUDE PLACE OF USE . BECAUSE THIS ELEMENT WAS NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THIS CHANGE MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

43B 193865-00:

THE IRRIGATION TYPE IS MISSING.

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

43B 193866-00:

THE TIMELY FILED OBJECTION OF UNITED STATES OF AMERICA WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE PLACE OF USE, POINT OF DIVERSION AND MEANS OF DIVERSION BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

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

GOVT LOTS SHOULD BE ADDED TO POINTS OF DIVERSION LEGAL DESCRIPTIONS FOR THE BROGAN DITCHES FOR CONSISTENCY WITH OTHER 43B CLAIMS. GOVT LOT 12 FOR NO. 1 AND GOVT LOT 11 FOR NO. 2

3. The United States of America (Forest Service) objected to claims 43B 193575-00, 43B 193576-00, 43B 193582-00, 43B 193593-00, 43B 193561-00, 43B 193862-00, 43B 193865-00, 43B 193866-00, and 43B 193867-00; Brogan objected to claims 43B 193576-00 and 43B 193861-00; and Church objected to claim 43B 193578-00.

4. On December 15, 2023, the parties mediated Case 43B-1019-R-2021 with mediator Anna Stradley. Brogan, WSI, and Church settled and filed a Stipulation on December 15, 2023. (Doc.¹20.00). Brogan, WIS, Church, and the Forest Service also

¹ “Doc.” numerical references correlate to case file docket numbers in the Water Court’s Full Court case

settled and filed a Stipulation on February 9, 2024. (Doc. 28.00). The Stipulations resolve the Objections and address the issue remarks decreed on the claims in the Case.

5. According to the Stipulations, ownership of some claims in Case 43B-1019-R-2021 should be updated consistent with deeds.

It is unclear whether the parties attempted to update ownership of the claims with the DNRC; however, no ownership update is documented in the DNRC Water Rights Information System database – it appears no ownership update forms have been submitted to the DNRC.

6. According to the record, the following modification should be made to claim 43B 193575-00:

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		11		19	8S	8E	PARK
2		11		30	8S	8E	PARK

7. According to the record, the following modifications should be made to claim 43B 193576-00:²

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	12	SWNWSE	29	8S	8E	PARK	
Period of Diversion:		JANUARY 1 TO DECEMBER 1					
Diversion Means:		PIPELINE					
Ditch Name:		BROGAN DITCH					
2	11	SWNE	30	8S	8E	PARK	
Period of Diversion:		JANUARY 1 TO DECEMBER 1					
Diversion Means:		HEADGATE					
Ditch Name:		BROGAN DITCH					
Period of Use:		JANUARY 1 TO DECEMBER 1					
Place of Use:							
<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		6	SW	19	8S	8E	PARK
2		13	SE	19	8S	8E	PARK
3			NESW	19			
Remarks:							
4		1	NW	30			
5		10	NE	30			

management system.

² The Stipulations quantified the place of use for stock water claim 43B 193576-00. Stock water claims are traditionally not quantified; as such, this Master is concluding the quantifications on the Stipulations were oversight.

CMPU: THE PLACE OF USE IS ENTIRELY ON PRIVATE LANDS.
CMGI: USE OF THIS RIGHT IS GOVERNED BY A PRIVATE WATER USE AGREEMENT AND A STIPULATION ON FILE WITH THE MONTANA WATER COURT.

8. According to the record, the following modifications should be made to claim 43B 193578-00:

Diversion Means: HEADGATE PIPELINE
Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		12	NWNE	30	8S	8E	PARK

CMPU: THE PLACE OF USE IS ENTIRELY ON PRIVATE LANDS.
CMGI: USE OF THIS RIGHT IS GOVERNED BY A PRIVATE WATER USE AGREEMENT AND A STIPULATION ON FILE WITH THE MONTANA WATER COURT.

9. According to the record, the following modifications should be made to claim 43B 193582-00:

Volume: 8.24 AC-FT
Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		11	NESE	19	8S	8E	PARK
2			SENE	40	8S	8E	PARK
3				40	8S	8E	PARK
4				30	8S	8E	PARK

10. According to the record, the following modifications should be made to claim 43B 193583-00:

Volume: 180.70 AC-FT
Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NESE	19	8S	8E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE
Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			NESW	19	8S	8E	PARK
2			SENE	19	8S	8E	PARK
3				40	8S	8E	PARK
4				30	8S	8E	PARK

11. According to the record, the following modifications should be made to claim 43B 193861-00:

Irrigation Type: FLOOD **FLOOD/SPRINKLER**

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	42	SWNWSE	29	8S	8E	PARK
Period of Diversion: MAY 1 TO OCTOBER 1						
Diversion Means: PIPELINE						
Ditch Name: BROGAN DITCH						
2	11	SWNE	30	8S	8E	PARK
Period of Diversion: MAY 1 TO OCTOBER 1						
Diversion Means: HEADGATE						
Ditch Name: BROGAN DITCH						

The following place of use should replace the place of use decreed on claim 43B 193861-00:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rg	County
1	30.9	6	SW	19	8S	8E	PARK
2	2.3	13	SE	19	8S	8E	PARK
3	10.8		NESW	19	8S	8E	PARK
4	14.7	1	NW	30	8S	8E	PARK
5	9.8	10	NE	30	8S	8E	PARK
Total:	68.50						

CMPU: THE PLACE OF USE IS ENTIRELY ON PRIVATE LANDS.

CMGI: USE OF THIS RIGHT IS GOVERNED BY A PRIVATE WATER USE AGREEMENT AND A STIPULATION ON FILE WITH THE MONTANA WATER COURT.

12. According to the record, the following modifications should be made to claim 43B 193862-00:

Flow Rate: **382.38 GPM**

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	14	NESE	19	8S	8E	PARK
Period of Diversion: MAY 1 TO OCTOBER 1						
Diversion Means: HEADGATE						

*Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	7.00		S2S2	19	8S	8E	PARK
2	8.00		NWNE	30	8S	8E	PARK
Total:	15.00						

CMPU: THE PLACE OF USE IS COMPLETELY ON PRIVATE LAND.

CMPU: PLACE OF USE ID # 1 INCLUDES GOV. LOT 6 AND 13. PLACE OF USE ID # 2 INCLUDES GOV. LOT 1 AND 10.

To address the point of diversion issue remark indicating the location of the pump could not be identified decreed on claim 43B 193862-00, the following information remark should be added to the claim:

CMDI: THE POINT OF DIVERSION IS APPROXIMATELY 1,400 FEET SOUTH OF THE CORWIN SPRINGS BRIDGE ABUTMENT.

This information remark is consistent with the following information on the Statement of Claim:

Tributary of PARK
 Point of Diversion: County PARK 1,400' FROM South buttress of Corwin Bridge
 Section 30, T 8 N/S, R 8 E/W
 7. Means of Diversion: ACTUAL LOCATION OF POINT OF DIVERSION IS APPROXIMATELY 1400 FEET SOUTH OF THE BRIDGE ABUTMENT
 Pump Capacity 1500 gpm
 Headgate and ditch or pipe

13. According to the record, the following modifications should be made to claim 43B 193865-00:

Flow Rate: 338.80 GPM
 Maximum Acres: 20.00
 Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
<u>1</u>	<u>10.00</u>		<u>N2SE</u>	30	8S	8E	PARK
<u>2</u>	<u>10.00</u>		<u>SESE</u>	30	8S	83	PARK

PLACE OF USE IS LOCATED WITHIN GOVERNMENT LOTS 1, 10, 11, 13, 14 AND 15.

CMPU: THE PLACE OF USE IS LOCATED ENTIRELY ON PRIVATE LANDS.

CMPU: PLACE OF USE ID # 1 INCLUDES GOV. LOT 13 AND 14. PLACE OF USE ID # 2 INCLUDES GOV. LOT 15.

CMDI: THE POINT OF DIVERSION IS APPROXIMATELY 1,400 FEET SOUTH OF THE CORWIN SPRINGS BRIDGE ABUTMENT.

14. According to the record, the following modifications should be made to claim 43B 193866-00:

Irrigation Type: FLOOD FLOOD/SPRINKLER
 *Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
<u>1</u>		<u>SWNWSE</u>	<u>29</u>	8S	8E	PARK
Period of Diversion: MAY 1 TO OCTOBER 15						
Diversion Means: HEADGATE <u>PIPELINE</u>						
Ditch Name: BROGAN DITCH						
<u>2</u>	<u>11</u>	<u>SWNE</u>	30	8S	8E	PARK
Period of Diversion: MAY 1 TO OCTOBER 15						
Diversion Means: HEADGATE						
Ditch Name: BROGAN DITCH						

The following place of use should replace the place of use decreed on claim 43B 193866-00:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rg</u>	<u>County</u>
1	30.9	6	SW	19	8S	8E	PARK
2	2.3	13	SE	19	8S	8E	PARK
3	10.8		NESW	19	8S	8E	PARK
4	14.7	1	NW	30	8S	8E	PARK
5	9.8	10	NE	30	8S	8E	PARK
Total:	68.50						

CMPU: THE PLACE OF USE IS ENTIRELY ON PRIVATE LANDS.

CMGI: USE OF THIS RIGHT IS GOVERNED BY A PRIVATE WATER USE AGREEMENT AND A STIPULATION ON FILE WITH THE MONTANA WATER COURT.

15. According to the record, the following modifications should be made to claim 43B 193867-00:

Flow Rate: 336.60 GPM

Maximum Acres: 20.00

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		N2SE	30	8S	8E	PARK
2	10.00		SESE	30	8S	83	PARK

CMPU: THE PLACE OF USE IS LOCATED ENTIRELY ON PRIVATE LANDS.

CMPU: PLACE OF USE ID # 1 INCLUDES GOV. LOT 13 AND 14. PLACE OF USE ID # 2 INCLUDES GOV. LOT 15.

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court is required to address all issue remarks decreed on a claim as well as any objections filed. Sections 85-2-233, 85-2-247, and 85-2-248, MCA.
2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.
3. The notice-type issue remarks decreed on several of the claims in this Case have served their purpose. As the Objections have been resolved, no further proceedings are required.

RECOMMENDATIONS

1. The requested ownership updates should not be processed at the Water Court. The parties should follow the process set by the DNRC to update ownership of the water rights.

2. The claims should be modified as described in Findings of Fact Nos. 6 through 15. Further, the issue remarks should be removed from the claims.

Post Decree Abstracts of Water Right Claims are served with the Report for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via Electronic Mail

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Service List Updated: 3/4/2024

\\JUDHLNSRV-DATA\Share\JUDGALH2OSRV (Datavol)\Share\WC-BASIN FOLDERS\43B PD\43B Cases\1019R\43B-1019-R-2021 MR 2.13.24 rc.docx

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193575-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROGAN LP
PO BOX 47
GARDINER, MT 59030

Priority Date: JUNE 18, 1969

Type of Historical Right: FILED

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: UNNAMED TRIBUTARY OF YELLOWSTONE 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	11	NESE	19	8S	8E	PARK

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		11		19	8S	8E	PARK

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.

193575-00 193860-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193576-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: WESTERN SHAMBALLA INC
63 SUMMIT WAY
GARDINER, MT 59030

Priority Date: MAY 1, 1882

Type of Historical Right: FILED

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: BASSETT 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		SWNWSE	29	8S	8E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 1

Diversion Means: PIPELINE

2	11	SWNE	30	8S	8E	PARK
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Period of Diversion: JANUARY 1 TO DECEMBER 1

Diversion Means: HEADGATE

Ditch Name: BROGAN DITCH

Period of Use: JANUARY 1 TO DECEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		6	SW	19	8S	8E	PARK
2		13	SE	19	8S	8E	PARK
3			NESW	19	8S	8E	PARK
4		1	NW	30	8S	8E	PARK
5		10	NE	30	8S	8E	PARK

THE PLACE OF USE IS ENTIRELY ON PRIVATE LANDS.

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.

193574-00 193576-00 193861-00

USE OF THIS RIGHT IS GOVERNED BY A PRIVATE WATER USE AGREEMENT AND STIPULATION ON FILE WITH THE MONTANA WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193578-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: BROGAN LP
PO BOX 47
GARDINER, MT 59030

Priority Date: JANUARY 21, 1909

Type of Historical Right: FILED

Purpose (Use): POWER GENERATION

Flow Rate: 12.50 CFS

Volume: 9,072.23 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: BASSETT 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		SWNWSE	29	8S	8E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIPELINE

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		12		30	8S	8E	PARK

THE PLACE OF USE IS ENTIRELY ON PRIVATE LANDS.

Remarks:

USE OF THIS RIGHT IS GOVERNED BY A PRIVATE WATER USE AGREEMENT AND A STIPULATION ON FILE WITH THE MONTANA WATER COURT.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B**

Water Right Number: 43B 193582-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROGAN LP
PO BOX 47
GARDINER, MT 59030

Priority Date: JUNE 18, 1969

Type of Historical Right: FILED

Purpose (Use): FISH AND WILDLIFE

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 6.24 AC-FT
THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: GROUNDWATER

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	11	NESE	19	8S	8E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESE	19	8S	8E	PARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 20.00 FEET

Depth: 15.00 FEET

Surface Area: 0.52 ACRES

Capacity: 3.12 ACRE-FEET

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		11	NESE	19	8S	8E	PARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B**

Water Right Number: 43B 193583-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROGAN LP
PO BOX 47
GARDINER, MT 59030

Priority Date: JUNE 18, 1969

Type of Historical Right: FILED

Purpose (Use): FISH AND WILDLIFE

Flow Rate: 224.40 GPM

Volume: 180.70 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: SPRING, UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: GROUNDWATER

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		NESE	19	8S	8E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

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			SESW	19	8S	8E	PARK
2			NESE	19	8S	8E	PARK

**POST DECREE
 ABSTRACT OF WATER RIGHT CLAIM
 YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
 BASIN 43B**

Water Right Number: 43B 193861-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: CHURCH UNIVERSAL & TRIUMPHANT INC
 63 SUMMIT WAY
 GARDINER, MT 59030-9314

Priority Date: MAY 1, 1882

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

***Flow Rate:** 2.59 CFS

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

Climatic Area: 5 - LOW

***Maximum Acres:** 68.50

Source Name: BASSETT 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		SWNWSE	29	8S	8E	PARK

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: PIPELINE

2	11	SWNE	30	8S	8E	PARK
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Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: BROGAN DITCH

Period of Use: MAY 1 TO OCTOBER 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	30.90	6	SW	19	8S	8E	PARK
2	2.30	13	SE	19	8S	8E	PARK
3	10.80		NESW	19	8S	8E	PARK
4	14.70	1	NW	30	8S	8E	PARK
5	9.80	10	NE	30	8S	8E	PARK

Total: 68.50

THE PLACE OF USE IS ENTIRELY ON PRIVATE LANDS.

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.

193861-00 193866-00

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.

193574-00 193576-00 193861-00

USE OF THIS RIGHT IS GOVERNED BY A PRIVATE WATER USE AGREEMENT AND A STIPULATION ON FILE WITH THE MONTANA WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193862-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROGAN LP
PO BOX 47
GARDINER, MT 59030

Priority Date: JUNE 18, 1969

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 382.38 GPM

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

Climatic Area: 5 - LOW

***Maximum Acres:** 15.00

Source Name: SPRING, UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: GROUNDWATER

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	14	NESE	19	8S	8E	PARK

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: HEADGATE

Period of Use: MAY 1 TO OCTOBER 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	7.00		S2S2	19	8S	8E	PARK
2	8.00		NWNE	30	8S	8E	PARK

Total: 15.00

PLACE OF USE ID # 1 INCLUDES GOV. LOT 6 AND 13. PLACE OF USE ID # 2 INCLUDES GOV. LOT 1 AND 10.
THE PLACE OF USE IS COMPLETELY ON PRIVATE LAND.

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.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B**

Water Right Number: 43B 193865-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROGAN LP
PO BOX 47
GARDINER, MT 59030

Priority Date: JUNE 1, 1952

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Flow Rate: 336.60 GPM

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

Climatic Area: 5 - LOW

Maximum Acres: 20.00

Source Name: YELLOWSTONE 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			30	8S	8E	PARK

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: PUMP

THE POINT OF DIVERSION IS APPROXIMATELY 1,400 FEET SOUTH OF THE CORWIN SPRINGS BRIDGE ABUTMENT.

Period of Use: MAY 1 TO OCTOBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	10.00		N2SE	30	8S	8E	PARK
2	10.00		SESE	30	8S	8E	PARK

Total: 20.00

PLACE OF USE ID # 1 INCLUDES GOV. LOT 13 AND 14. PLACE OF USE ID # 2 INCLUDES GOV. LOT 15.

THE PLACE OF USE IS LOCATED ENTIRELY ON PRIVATE LANDS.

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.

193581-00

193865-00

193867-00

**POST DECREE
 ABSTRACT OF WATER RIGHT CLAIM
 YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
 BASIN 43B**

Water Right Number: 43B 193866-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROGAN LP
 PO BOX 47
 GARDINER, MT 59030

WESTERN SHAMBALLA INC
 63 SUMMIT WAY
 GARDINER, MT 59030

Priority Date: JUNE 18, 1969

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

***Flow Rate:** 2.59 CFS

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

Climatic Area: 5 - LOW

***Maximum Acres:** 68.50

***Source Name:** BASSETT 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		SWNWSE	29	8S	8E	PARK

Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: PIPELINE

2	11	SWNE	30	8S	8E	PARK
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Period of Diversion: MAY 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BROGAN 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	30.90	6	SW	19	8S	8E	PARK
2	2.30	13	SE	19	8S	8E	PARK
3	10.80		NESW	19	8S	8E	PARK
4	14.70	1	NW	30	8S	8E	PARK
5	9.80	10	NE	30	8S	8E	PARK

Total: 68.50

THE PLACE OF USE IS ENTIRELY ON PRIVATE LANDS.

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.

193861-00 193866-00

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.

193577-00 193866-00

USE OF THIS RIGHT IS GOVERNED BY A PRIVATE WATER USE AGREEMENT AND A STIPULATION ON FILE WITH THE MONTANA WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193867-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BROGAN LP
PO BOX 47
GARDINER, MT 59030

Priority Date: JUNE 1, 1952

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 336.60 GPM

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

Climatic Area: 5 - LOW

Maximum Acres: 20.00

Source Name: YELLOWSTONE 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		NESW	30	8S	8E	PARK

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: PUMP

Period of Use: MAY 1 TO OCTOBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	10.00		N2SE	30	8S	8E	PARK
2	10.00		SESE	30	8S	8E	PARK

Total: 20.00

PLACE OF USE ID # 1 INCLUDES GOV. LOT 13 AND 14. PLACE OF USE ID # 2 INCLUDES GOV. LOT 15.

THE PLACE OF USE IS LOCATED ENTIRELY ON PRIVATE LANDS.

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.

193860-00 193862-00 193865-00 193867-00

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.

193581-00

193865-00

193867-00