

To: Chairman Zach Brown
Members of the Water Policy Interim Committee

From: Jean Bergeson, attorney
Suenram & Bergeson

Date: November 19, 2019

Re: DNRC geocode and ownership updates

HB No 22, passed by the Montana 59th Legislature titled, in part, “An Act Providing the Findings and Purpose of Implementing a Water Adjudication Fee; Providing Benchmarks and Action, Including Elimination of the Fee, That Must be Taken if Benchmarks Are Not Met by the Department of Natural Resources and Conservation ALLOWING the Reexamination, Prior to the Issuance of a Final Decree, of Claims in Basins that were Verified; . . .”, identifies as one of the purposes:

[T]o generate revenue to adequately fund Montana’s water adjudication program to:

- (a) complete claims examination and the initial decree phase;
- (b) reexamine claims in basins that were verified and were not subject to the supreme court examination rules . . .
- (c) **ensure that the product of the adjudication is ENFORCEABLE decrees.**

HB 22 further provides at ¶ 3 that “it is essential to preserve the **trust** that the water users of Montana have placed in the legislature by ensuring that the revenue generated by the water adjudication fee established in [section 5] is used only for the purpose of adjudicating Montana’s water rights.

HB 22 defined a water right as “a legal right to the beneficial use of water as recorded in the centralized water recording system by a water court decree, provisional permit, ground water certificate, filed exempt right, Powder River declaration, statement of claim, stockwater permit, temporary provisional permit, OR 1962 to 1973 ground water filings as recorded with the department, or that portion of a water reservation that has been put to beneficial use.”

No where in this definition of a water right does it provide that a legal right to the beneficial use of water is established by a geocode or by someone at DNRC that is interpreting a report from the Department of Revenue that a deed was filed.

In 2007 HB No 39, passed by the 60th Montana Legislature, titled in part “An Act Revising the Water Right Ownership Update Process; Providing that the Division, Severance, or Exempting of a Water Right Requires the Filing of a Form; Providing that the Department of Natural Resources and Conservation and the Department of Revenue will Coordinate to Update Other Water Right Ownership Records Based on Property Transfers; Providing that a Transferee of a Water Right is Liable for Payment of the Fee After Receiving Notice; . . . Increasing the Penalty for Not

Updating Water Right Ownership Records with the Department of Natural Resources and Conservation . . .”

Under HB 39, Section 85-2-422, MCA was amended, to provide that “the purpose of 85-2-421 and 85-2-426 is to facilitate the maintenance of a reliable record of water right ownership.” (emphasis added). Further, Section 85-2-422 provides, “as used in Section 85-2-421 through 85-2-424 and 85-2-426, “water right” means the right to use water as documented by a claim to an existing right, a permit, a certificate of water right, a state water reservation, or a compact.”

Again, no where in this definition of a water right does it provide that a water right is established by a geocode or that there is any authority of DNRC, even working in coordination with the Department of Revenue to add owners, change owners or reemove owners from a water right based on a report from the Department of Revenue. No where in HB 39 is DNRC given the authority to override and ignore a validly existing water right in their system and change ownership.

At this time, the Big Hole, Beaverhead and Red Rock River Basins are significantly adjudicated. Water right owners in these basins, as well as other basins across the State, have been working through the adjudication process with the Water Court in order to ensure that, as provided in HB 22, at the end of the day, these water right owners will be insured that the product of the adjudication is an enforceable decree. It would also ensure under HB 39 that their ownership, place of use, point of diversion, priority date and flow rates will be defined and protected, and that the outcome of the adjudication will be “a reliable record of water right ownership”. The task of keeping and maintaining an accurate system of water right ownership in Montana falls on DNRC. In addition to the owner of a water right, the DNRC system would provide clear and concise documentation of water rights in Montana that could be relied upon in real estate transactions, property appraisals, water disputes, water consulting, change applications, Water Court Orders, District Court Orders, and the uninterrupted and unquestionable *legal right* of the owners to the beneficial use of the water right as adjudicated.

At the Water Law CLE held in Helena earlier this year, I had asked Judge Brown what the effect of DNRC’s changing owners will have on the end goal of issuing a final decree. At the break I happened to be in proximity to a Missoula DNRC employee. She asked me if I was pro geocoding or anti geocoding. I responded that I was 100% anti geocoding. She asked me why, but then immediately began to let me know how wrong I was and tried diligently to sell me on how accurate to use geocodes and mapping to identify owners of water . She failed in that effort, as when I was finally able to ask her when, during this geocode/mapping process, “do they review your own water right system to determine historic ownership.” She asked me “who is they”, to which I said “DNRC”. She said they do not review the records, they do not have time or enough people to do that, and it is so easy for “us” because if the mapping is done right, the ownership will be right. Again, I take exception to the assertion that geocoding and mapping can accurately identify water right ownership. DNRC should not have the right to change the ownership of a 100 plus year old water right that has been on the same land since appropriated and/or decreed and a chain of title would show the neighbor had never been on the water right, even though their land is in the same quarter/quarter section. As provided in the letter from the

Water Court submitted to this committee, "geocodes . . . are not evidence of any of the elements of a water right that the Water Use Act requires the Court to adjudicate. The Water Court adjudicates ownership. DNRC does not have the legal authority to change water right ownership on its own initiative based on geocoding.

Just how ridiculously inaccurate this geocoding process is can be found in the attached letter to DNRC written on behalf of David and Shelli Schuett and offered here with their approval. The property transaction closed and a deed was recorded on January 18, 2019 on the Madison County property. At closing a DNRC Form 608, DNRC Water Right Ownership Update, was prepared and was sent to DNRC along with a copy of the deed and a check in the amount of \$130 (\$50 + \$10 x 8), to transfer the nine (9) water rights historically owned by Circle 9 Ranch in Madison County. On March 22, 2019, DNRC issued a Water Right Ownership Update Fee Statement, a bill with a \$180 amount due. The Water Right Ownership Update provided the following:

The Department of Revenue has reported the filing of a deed on November 15, 2018 listing you as the property owner to which the water rights listed in the table are appurtenant. At closing, a Water Right Ownership Update fee must be sent to DNRC . . . Our records show the update processing fee for these water right(s) has not been paid. Please submit the processing fee for the following water rights:

The Ownership Update lists fourteen (14) water rights, including the nine (9) water rights submitted for ownership transfer on the DNRC Form 608. But, for a mere \$50 more, DNRC was also generously offering Schuetts an ownership interest in five (5) additional water rights of their new neighbors. There are a few obvious errors. Schuetts did not own the property on November 15, 2018. As such, Schuetts could not be the Transferee liable for payment as provided in HB 39. The appropriate ownership update and payment had been submitted. One of the new claims being offered was a domestic and lawn and garden well used on the neighbors property located across the county road. There is no means of conveyance from this well to the Schuetts property. A second water right is for irrigation of 5 acres in the SE of Section 15, T1S, R5W. Schuetts do not own any property in the SE of Sec 5. The property is owned by Skirgaila, Teodoras & Giedre Trust. In addition, DNRC offered ownership interests in three other water right claims of Skirgaila, one mining and two more domestic, located in T3N, R7W in Jefferson County, miles from Schuetts' property.

The Schuetts did not pay the additional fee to acquire an ownership interest in the five water rights offered by the DNRC. However, that is not generally the case when other property owners receive these Ownership Update Fee Statements from the DNRC. In addition this is one of five DNRC ownership change errors dealt with by the Schuetts. This brings up the second problem with the DNRC process. DNRC is collecting fees for ownership updates that DNRC has no authority to make. Those fees need to be refunded until full, complete and accurate review of ownership updates can be confirmed.

It is unconscionable that DNRC is changing ownership of water rights, without due process and without even so much as a cursory review of their own water right records. While at the same time, in order for a water right owner to defend against an erroneous ownership change made by

DNRC, they would have to go to court, even if the falsity of the change in ownership can be found in the DNRC record. Clearly, the DNRC's process of changing ownership of water rights frustrates the goal of the adjudication process, to ensure accurate water right records, decreases property value, results in escalating costs to have a foreign owner removed, loss of relations between neighbors, anger, and certainly the *loss of trust that the water users of Montana have placed in the legislature*. At this time no one can trust the information that DNRC has in its system. Neither can anyone assume that once a water right owner has successfully defended their ownership, there is a guarantee that the recording of another deed within the same area will not trigger a new change in ownership.

Again, I request a cease and desist order be issued, stopping DNRC from making any ownership updates based on information received from the Department of Revenue and geocodes. If information is received from the Department of Revenue, DNRC should be required to first review their own system and backlogged documents to see if they have the appropriate forms and fees. This should be followed by review of the actual deed, owner information, not the geocode grid, and the DNRC system. No other geocode for surrounding property should be used.

I did discover in preparing for this committee meeting today that DNRC identifies the type of ownership update received, on the water right abstracts. If a DNRC form, such as a 608 form, is used for the update, the abstract will provide "OWNERSHIP UPDATE TYPE 608 # _____ RECEIVED [DATE]. If the ownership change is as the result of a report received from the Department of Revenue, the abstract will provide "OWNERSHIP UPDATE TYPE DOR # _____ RECEIVED [DATE]. This would indicate that the ownership update types are searchable through a computer program.

Failing that, there are damages being incurred by property and water right owners by DNRCs actions with every change in water right ownership based on Department of Revenue reports and those damages are escalating. Rule 23 of the Montana Rules of Civil Procedure governs certification of a class action and ensures that the named plaintiffs are appropriate representatives of the class. The four requirements found in Rule 23(a) provide the threshold inquiry courts engage in when considering a putative class. Specifically, Rule 23(a) requires that:

- (1) the class is so numerous that joinder of all members is impracticable;
- (2) there are questions of law or fact common to the class;
- (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class; and
- (4) the representative parties will fairly and adequately protect the interests of the class.

These prerequisites are intended to protect the due process rights of absent class members, *Hansberry v. Lee*, 311 U.S. 32, 42-43, 61 S. Ct. 115, 85 L.Ed.22 (1940). The class in this instance is every water right owner in the State of Montana as they have no guarantee that their historic water right ownership interest has not been or will not shortly or in the future be changed by the DNRC based on a Department of Revenue report. The valuable property ownership

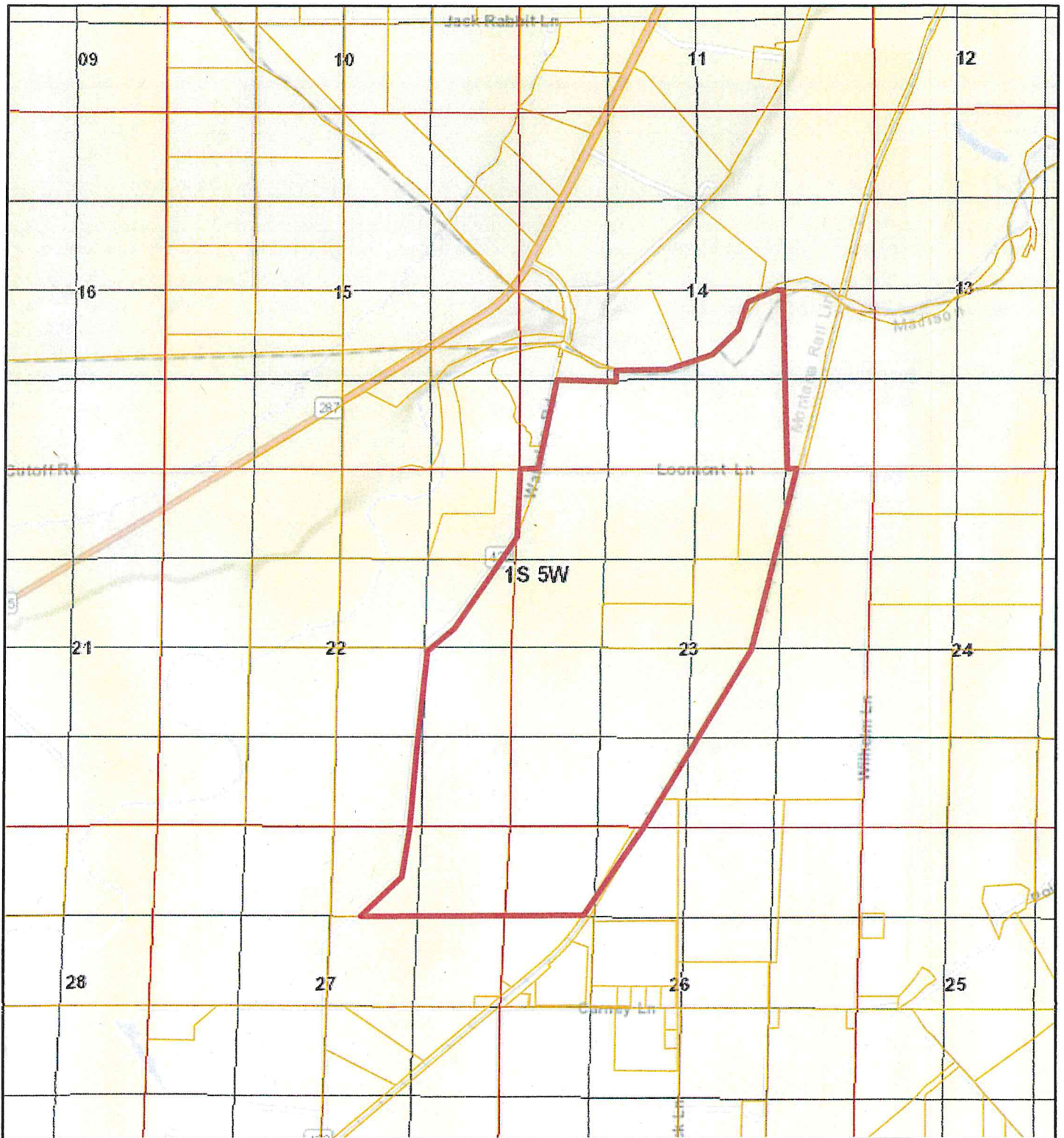
interests of every water right owner is in jeopardy by the actions of the DNRC in changing ownership of water rights, without due process, without review of the history of the water right, without regard to the cloud the actions of the DNRC have placed on both the land and the water right of the rightful owner, and certainly without regard to the costs incurred by a water right owner forced to defend a water right against a new owner and the DNRC.

Unless stopped, the actions of DNRC in changing ownership to water rights undermines the integrity of the water right adjudication system, the legislatures intentions in trying to protect Montana's water rights, and the purposes of Montana's "first in time, first in right" priority of water rights. Please consider taking any necessary actions to put a stop to the DNRCs Department of Revenue ownership changes.

Thank you for your time and consideration in this matter.

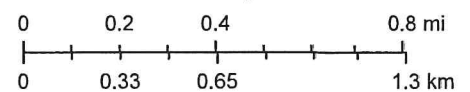
A handwritten signature in cursive script, reading "Jean Burgison". The signature is written in dark ink on a white background.

Property purchase 1/18/19



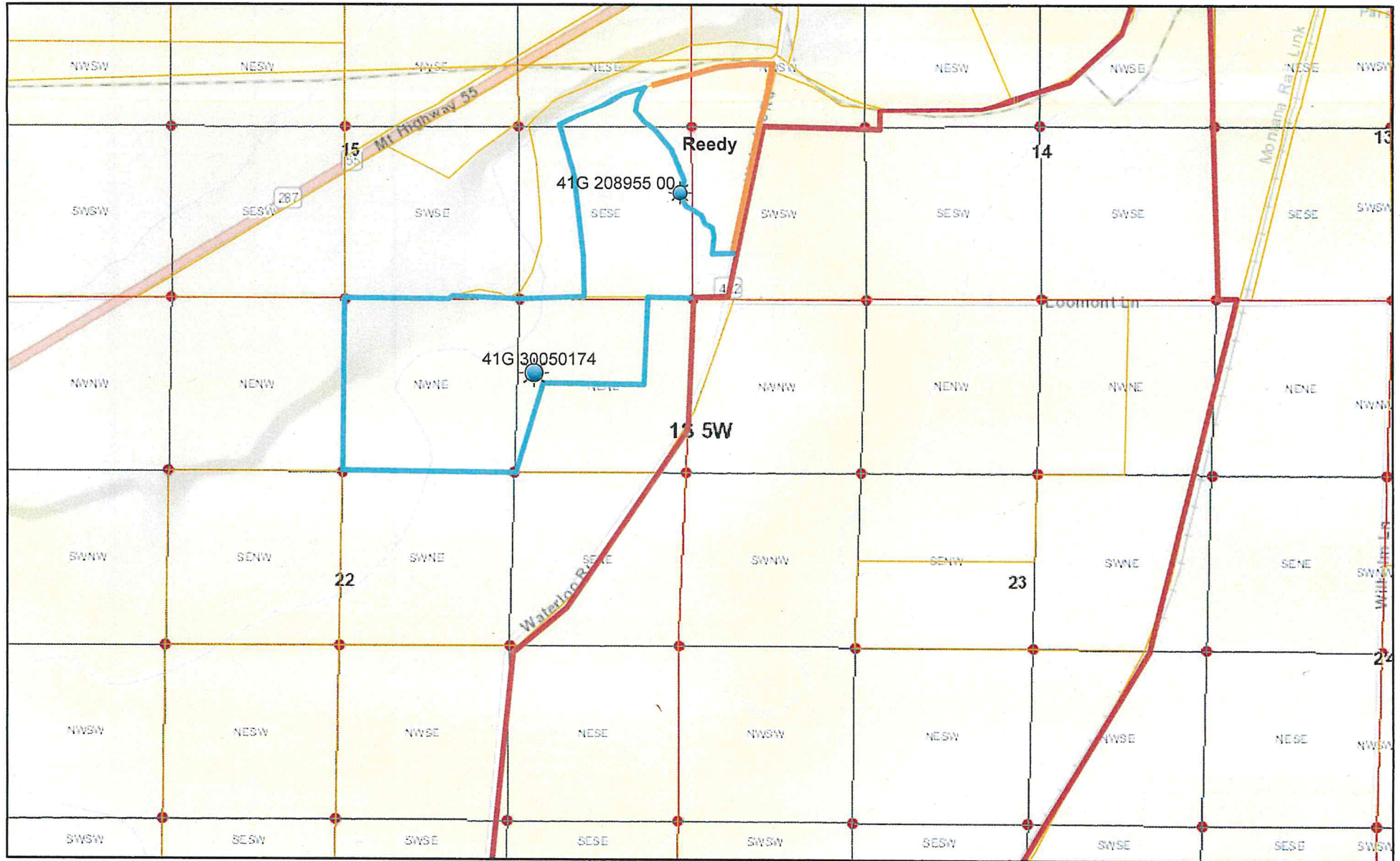
November 20, 2019

1:36,112

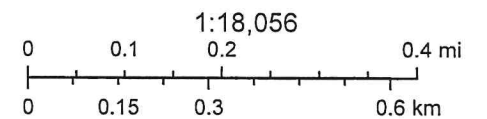


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Adjoining property



November 20, 2019



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Author Name
Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, NGA, USGS |

SUENRAM & BERGESON

Attorneys at Law

Telephone: (406)683-2391
Facsimile: (406)683-2233

117 South Idaho Street - 2nd Floor
P.O. Box 1366
Dillon, MT 59725

Andrew P. Suenram
Jean Bergeson

April 29, 2019

DNRC Water Resources
Bozeman Regional Office
2273 Boot Hill Court, Ste 110
Bozeman, MT 59715

**Re: Water Right Ownership Update Fee Statement
David E. Schuett Water Rights Claims
Skirgaila, Teodoras & Giedre Trust Water Right Claims**

Dear DNRC Administrator:

This firm represented David E. Schuett in a property transaction which closed January 18, 2019, for the purchase of the Circle 9 Cattle Company LLC in Madison County. As part of the closing of that transaction a DNRC Form 608 was completed, identifying the following water right claims held by Circle 9 Cattle Company LLC to be conveyed:

41G 899-00	41G 197141-00	41G 194142-00
41G 147143-00	41G 197144-00	41G 197145-00
41G 197146-00	41G 197147-00	41G 30020206

The DNRC Form 608 and check number 22120, issued by First American Title of Ennis on January 22, 2019, was sent to the DNRC office along with the recorded deed. The amount of this check was for \$130, which would have been for a first claim fee of \$50 and \$10 for each subsequent claim.

On March 22, 2019 a Water Right Ownership Update Fee Statement was generated by the Bozeman DNRC and sent to my clients, requesting payment of \$180 with the following explanation:

The Department of Revenue has reported the filing of a deed on November 15, 2018 listing you as the property owner to which the water rights listed in the table are appurtenant. At closing, a Water Right Ownership Update fee must be sent to DNRC [§ 85-2-424 & § 85-2-426 Montana Code Annotated (MCA)]. The filing fee for updating ownership on water rights is \$50 for the first water right and \$10 for each additional water right with a maximum of \$300 per transaction.

Our records show the update processing fee for these water right(s) has not been paid. Please submit the processing fee for the following water rights:

41G 899 00 41G 95589 00 41G 95590 00 41G 95591 00 41G 197141 00 41G 197142 00

E-mail: Andy - asuenram@swmtlaw.com; Jean - jbergeson@swmtlaw.com;
Amy - ahoward@swmtlaw.com; Bonnie - bfreebury@swmtlaw.com

41G 197143 00 41G 197144 00 41G 197145 00 41G 197146 00 41G 197147 00 41G 208955 00
41G 30020206 41G 30050174

There are a few problems with this notice. The reference to a November 15, 2018 deed, reported by the Department of Revenue, seems to be in error, as it pre-dates my clients purchase of the property. The Warranty Deed conveying the Circle 9 property to my client was recorded on January 18, 2019, under Clerk & Recorder's Document Number 181423. The previous deed recorded on this property was a Warranty Deed dated January 2, 2014. There is no November 15, 2018 deed in the chain of title for my client. Obviously, the Department of Revenue report that a deed had been recorded, which is the information that was relied on by the Bozeman DNRC to issue this Water Right Ownership Update Fee Statement, could not in any way identify water that was appurtenant to the property purchased by my clients.

In researching what property the referenced deed may have been relevant to, I also reviewed the property information for the Skirgaila property. With regard to that property, a Warranty Deed was recorded on January 18, 2019, under Clerk & Recorder's Document Number 181424. Prior to this a Warranty Deed to that property was recorded on August 14, 2013. There is no November 15 2018 deed in the chain of title for this property either.

As previously stated, at closing of the property transaction a check, number 22120, was issued by First American Title of Ennis on January 22, 2019, in the amount of \$130, and sent to the DNRC office, along with the DNRC Form 608, attached hereto as Exhibit "A". The \$130 was for the transfer of the water rights identified on the DNRC 608 form, specifically claim numbers 41G 899-00, 41G 197141-00, 41G 194142-00, 41G 147143-00, 41G 197144-00, 41G 197145-00, 41G 197146-00, 41G 197147-00 and 41G 30020206. The amount of the check was determined based on the standard DNRC fee rate of \$50 for the first water right to be transferred and \$10 for each subsequent claim. I would ask that a review of your records be completed to determine the status of the check issued in January.

The DNRC Form 608 did identify the water rights that were appurtenant to the property my client purchased. These are the same water rights which have been historically appurtenant to the property and which have been historically under the ownership of the person, persons or entities that have owned the property throughout the years. As required by the DNRC, the Department of Revenue taxing geocodes, identifying the parcels of property being conveyed, were included on the DNRC Form 608.

It is my understanding the DNRC does not receive a copy of the actual deed reported by the Department of Revenue. It is a batched data dump report, with no defining information. The deed referenced in the Water Right Ownership Update Fee Statement, what ever deed that may be, obviously does not contain the information that was provided to the DNRC in January on the 608 form. The actual Warranty Deed recorded on January 18, 2019 did not contain the information DNRC requires on the Form 608 to identify appurtenant water rights to be transferred. The DNRC 608 forms are not submitted to either the Clerk & Recorder's Office or the Department of Revenue. These forms are specifically submitted to the DNRC to provide for the orderly and correct transfer of appurtenant historic water rights in a property transaction. Therefore, it seems counterintuitive that a batch report would be sufficient to identify appurtenant water rights to a piece of property, as

opposed to DNRC's own forms and query system. There would be absolutely no way of accurately determining appurtenant water rights simply by the Department of Revenue reporting, in a data dump, that a deed was recorded, without an analysis of historic water rights for the property.

The Water Right Ownership Update Fee Statement included a charge for transfer of ownership for five additional water right claims - 41G 95589 00, 41G 95590 00, 41G 95591 00, 41G 208955 00 and 41G 30050174, for an additional fee of \$50 (\$10 each). While my clients very much appreciate the DNRC's willingness to share the Skirgaila, Teodoras & Giedre Trust's valuable property right, which it holds in their waters, I am not entirely sure that adding my clients to their claims is correct or historically accurate, for a few reasons, as follows:

1. The Circle 9 property is located in Section 14, T1S, R5W, lying east of Waterloo graveled road, less Tract A, COS 1640BA; Section 22, T1S, R5W, lying east of the county road; Section 23, T1S, R5W, east of the county road; Section 23, T1S, R5W, lying west of the railroad; Section 26, T1S, R5W, COS 7/1605BA, Parcel B2; Section 27, T1S, R5W, lying east of the county road; all in Madison County.
2. The Trust property is located in Section 15, T1S, R5W, as defined in COS 7/2320 BA and COS 7/2368BA; Section 22, T1S, R5W, COS 7/1137-BA, Parcel A1, all in Madison County.
3. Water right claim 41G 95589 00 is a surface water mining claim, located on Wissikihon Creek, with a legal place of use in Sections 13 and 14, **T3N, R7W, Jefferson County.**
4. Water right claim 41G 95590 00 is a domestic spring, identified as an unnamed tributary of Wissikihon Creek, that is conveyed through a pipeline, with a legal place of use in Section 14, **T3N, R7W, Jefferson County.**
5. Water right claim 41G 95591 00 is a domestic spring, identified as an unnamed tributary of Wissikihon Creek, with a legal place of use in Section 13, **T3N, R7W, Jefferson County.**
6. Water right claim 41G 208955 00 is an irrigation claim for 32 gpm, with a legal place of use in the SE, Section 15, T1S, R5W. This claim is at least in the correct township and range, but the source is for an unnamed tributary of the Jefferson River. This is a 32 gpm claim for irrigation on 5 acres of property surrounding a house in Section 15. My clients did not purchase any property in Section 15 and there is intervening property between my clients land and this place of use.

This claim is currently jointly owned by the Trust and Kathy Reedy. It should be noted that the Trust received a Water Right Ownership Update Fee Statement, similar to the one my client received, requesting payment of \$70 to add the Trust to this water right as well as 41G 204175 00 and 41G 30050174. The Water Right Ownership Update Fee Statement was issued **November 21, 2016**. The basis for the letter is a Department of Revenue report that a deed was recorded on **August 14, 2013**, more than 3 years earlier, which provided proof that the three water rights listed were appurtenant to the property the Trust purchased. The Trust was added to this water right on January 31, 2019. Up to that point the water right was held by Kathy Reedy, individually. The August 14, 2013 deed is identified in the chain of

title for the Reedy property. There is no August 14, 2013 deed identified in the Trust's chain of title.

7. Water right claim 41G 30050174 is a domestic groundwater right (a well) for lawn and garden use, with a legal place of use in the NWNENE of Section 22, T1S, R5W, Madison County. Amazingly the point of diversion for this well is located in the NWNENE of Section 22 T1S, R2W. I would assume this is an error. My client does own property in the E2NE and SE of Section 22, T1S, R5W, so we are getting closer, but the property is located across the county road from the Trust property. As far as can be determined there is no means of conveyance that allows water from the well to be conveyed to my client's property east of the county road and I have been unable to determine where the place of use appurtenant to my client's property is located due to the poor quality of the maps in the query system.

All that said, of course there may be some information that DNRC has in their water right files, including the query system, that would clarify how my clients would have an ownership interest in these five additional water rights. I am hopeful that there was some sort of research done before this DNRC Water Right Ownership Update Fee Statement notice was sent out, to ensure that DNRC is accurately identifying ownership interests in Montana water rights with historic accuracy, based on the correct place of use and chain of title for the property. If so, please send me that analysis so I can review it with my client. If it truly is the case that my client has an ownership interest in these five additional water rights, we will happily tender the additional \$50.

Given the issues with this Water Right Ownership Update Fee Statement, I have significant concerns that a similar Water Right Ownership Update Fee Statement was sent to the Skirgaila, Teodoras & Giedre Trust, tendering an offer to share ownership in my client's water rights. I would ask that your office search their records to determine if there has been a Fee Statement sent to the Trust and if any such notice has been sent to the Trust that DNRC take immediate action to rescind it or provide any analysis of the historic use of the water appurtenant to my client's property that would support the Trust being added to any claim held by my client.

Your assistance in this matter is appreciated. Please do not hesitate to contact me with any questions you may have.

Sincerely,

SUENRAM & BERGESON


JEAN BERGESON

cc: David E. Schuett
Senator Jeff Welborn
Representative Tom Welch
Jan Langel
John E. Tubbs

State of Montana
Department of Natural Resources and Conservation
(This invoice generated by DNRC)



DAVID E SCHUETT
2955 CARRIGAN LN
DILLON, MT 59725-8542

March 22, 2019

Ownership Update Number: 183386

WATER RIGHT OWNERSHIP UPDATE FEE STATEMENTAmount Due: **\$ 180.00**

This Statement is being mailed to only the first listed grantee/buyer on behalf of any additional grantees/buyers.

The Department of Revenue has reported the filing of a deed on November 15, 2018 listing you as the property owner to which the water rights listed in the table are appurtenant. At closing, a Water Right Ownership Update fee must be sent to DNRC [§ 85-2-424 & § 85-2-426 Montana Code Annotated (MCA)]. The filing fee for updating ownership on water rights is \$50 for the first water right and \$10 for each additional water right with a maximum of \$300 per transaction. Our records show the update processing fee for these water right(s) has not been paid. Please submit the processing fee for the following water rights:

41G 899 00 41G 95589 00 41G 95590 00 41G 95591 00 41G 197141 00 41G 197142 00 41G 197143 00
41G 197144 00 41G 197145 00 41G 197146 00 41G 197147 00 41G 208955 00 41G 30020206 41G 30050174

You must return the payment coupon below along with your payment in order for the payment to be properly credited. **Please respond within 30 days of receipt of this letter.** The Water Right Ownership Update will be processed upon receipt of the processing fee. If we do not hear from you within 30 days, no change of ownership to the water right record will be made.

To view copies of water right abstracts, go to <http://wrqs.dnrc.mt.gov>. If you don't have internet access, feel you received this fee letter in error, or have any other questions, please contact:

DNRC BOZEMAN WATER RESOURCES REGIONAL OFFICE

406-586-3136

YOU MUST RETURN THE COUPON BELOW WITH YOUR PAYMENT OR THE PAYMENT WILL NOT BE CREDITED AND THE OWNERSHIP UPDATE WILL NOT BE PROCESSED.

Water Right Ownership Update Payment CouponAmount Due: **\$ 180.00**

Make checks payable to MT DNRC

MAIL TO: DNRC / PO Box 201601 / Helena MT 59620-1601

Amount Enclosed: _____

Ownership Update Number: 183386

Fee Letter Date: March 22, 2019

BOZEMAN REGIONAL OFFICE



DAVID E SCHUETT
2955 CARRIGAN LN
DILLON, MT 59725-8542

Has your address changed? _____

Blumberg No. 9119

EXHIBIT

A

DNRC WATER RIGHT OWNERSHIP UPDATE

This form is for DNRC record keeping purposes only as required by 85-2-101(2), MCA. The deed is the legal document transferring the water right.

Use a new form for each deed transaction.

Mail the completed form and fee to your local water resources office. See regional office contact information on page 7.

Filing Fee

\$50.00 for one water right and \$10.00 for each additional right with a maximum of \$300.

Make checks payable to DNRC.

FOR DEPARTMENT USE ONLY

Received By _____

Fee Received \$ _____ Check No. _____

Payor _____

Refund \$ _____ Date _____

Deposit Receipt No. _____

Coder _____ RO No. _____ OUID No. _____

For complete information, see file _____

1. CLOSING / CONTACT INFORMATION

Date of Closing _____ If applicable, provide your file number 16478-001

Name _____ Address _____ Phone _____

2. SELLER (Grantor) Circle 9 Cattle Company, LLC

Mailing Address P.O. Box 1291

City Dillon State MT Zip 59725

Phone _____ Email _____

3. BUYER (Grantee) David Schuett

Mailing Address 1025 Selway Dr.

City Dillon State MT Zip 59725

Phone _____ Email _____

4. If you attach a *recorded* deed or other document of conveyance showing transfer of the property/water rights, DNRC will process the form. If no deed is attached, DNRC will wait for transfer information from the Department of Revenue to process the update.

5. List all water rights that require updated ownership. Attach a list if additional space is needed.

If the buyer did not receive 100 % of the seller's interest in the water rights, do not use this form. File Form 641.

County	Geocode of Property being Transferred	Water Right Number
Madison County		41G 197147 00
Madison County		41G 197146 00
Madison County		41G 197145 00
Madison County		41G 197144 00
Madison County		41G 197143 00
Madison County		41G 197142 00
Madison County		41G 30020206
Madison County		41G 197141 00
Madison County		41G 899 00



[illegible]