

Montana Water Court  
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ELECTRONICALLY FILED

40K-0037-R-2020

January 7, 2021

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
WHITEWATER CREEK (BASIN 40K)  
PRELIMINARY DECREE

\* \* \* \* \*

CLAIMANT: Michael D. Hammond

**40K-0037-R-2020**

40K 182770-00 40K 182787-00  
40K 182771-00 40K 182788-00  
40K 182773-00 40K 182789-00  
40K 182774-00 40K 182790-00  
40K 182776-00 40K 182791-00  
40K 182777-00 40K 182792-00  
40K 182778-00 40K 182794-00  
40K 182781-00 40K 182795-00  
40K 182782-00 40K 182796-00  
40K 182783-00 40K 182797-00  
40K 182784-00 40K 184711-00  
40K 182785-00  
40K 182786-00

**NOTICE OF FILING OF MASTER'S REPORT**

This Master's Report was filed with the Clerk of the Montana Water Court. Please review this Report carefully.

You may file a written objection to this Master's Report if you disagree or find errors with the Master's Findings of Fact, Conclusions of Law, or Recommendations.

The above stamped date indicates the date this Master's Report was filed and mailed.

Rule 23 of the Water Right Adjudication Rules requires written objections to a Master's

Report be filed within 10 days of the date of the Master's Report. If this Master's Report was mailed to you, Rule 6(d) of the Montana Rules of Civil Procedure provides an additional 3 days to the 10-day objection period.

If you file an objection, you must mail a copy of the objection to all parties on the Service List found at the end of this Master's Report. The original objection and a certificate of mailing to all parties on the Service List must be filed with the Water Court. *If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.*

### **MASTER'S REPORT**

The above-captioned claims appeared in the Preliminary Decree for Whitewater Creek (Basin 40K) issued on March 7, 2019. The claims are owned by Michael D. Hammond. The claims did not receive objections, counterobjections, or notices of intent to appear but did receive issue remarks during the DNRC's claims reexamination.

All the claims received notice-type issue remarks regarding elements that were modified by the DNRC during preparation of the Preliminary Decree. These issue remarks will be removed without further changes to the claims.

### **FINDINGS OF FACT**

#### **40K 182771-00**

1. Claim 40K 182771-00 is a sprinkler/flood irrigation that diverts water through a dam in the S2NWNE of Section 20 and a diversion dam in the NESWNE of Section 20. Both dams are associated with onstream reservoir.

2. The claim received an issue remark stating that the decreed volume of 389.80 acre-feet-per-year (AFY) exceeds the capacity of the reservoirs. The capacity of the reservoirs was determined by the DNRC during its reexamination.

3. The Court ordered Claimant to file information or evidence showing whether there is a storage component to the reservoir associated with the claim. The Order stated that if no information was filed, the volume would remain as it appeared in the Basin 40K Preliminary Decree. Nothing was filed by the deadline.

#### **Notice-Type Issue Remarks**

4. All the claims received notice-type remarks regarding modifications made by the DNRC prior to the issuance of the Basin 40K Preliminary Decree. These remarks served their notice purposes.

### PRINCIPLES OF LAW

1. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA; Rule 10, W.R.Adj.R.

2. Prima facie proof may be contradicted and overcome by a preponderance of the evidence. Rule 19, W.R.Adj.R.

3. A preponderance of the evidence is evidence that shows a fact is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.

4. If prima facie status is overcome, the burden shifts back to the claimant to demonstrate historical use. *79 Ranch v. Pitsch*, 204 Mont. 426, 432-33, 666 P.2d 215, 218 (1983).

5. Section 85-2-248(2), MCA, requires that the Water Court resolve all issue remarks that are not resolved through the objection process. *See also* Rule 7, W.R.Adj.R.

6. The Water Court may use information submitted by the DNRC, the Statement of Claim, and any other data obtained by the Court to evaluate a water right. Sections 85-2-227, -231(2), MCA.

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

### CONCLUSIONS OF LAW

#### **40K 182771-00**

1. The volume issue remark does not overcome the prima facie status of claim 40K 182771-00. There is no evidence supporting the remark and there is no evidence in the claim or case files showing there is a storage component to the reservoir. The volume

remark should be removed from the claim and the volume should remain as it appeared in the Basin 40K Preliminary Decree.

**Notice-Type Remarks**

2. The notice-type remarks served their notice purposes and should be removed from each claim.

**RECOMMENDATIONS**

Based on the foregoing Findings of Fact and Conclusions of Law, this Master recommends that the Court adopt the changes as outlined above.

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

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Melissa Lockman  
Water Master

**Service via USPS**

Michael D. Hammond  
PO Box 1271  
Malta, MT 59538

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182770-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** DECEMBER 31, 1956

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** WATER SPREADING

**Flow Rate:** NO FLOW RATE HAS BEEN DECREED BECAUSE THIS USE CONSISTS OF  
DIRECT FLOW WATER SPREADING.

**\*Volume:** 104.20 AC-FT

**Climatic Area:** 2 - MODERATELY HIGH

**\*Maximum Acres:** 52.10

**Source Name:** INTERIOR DRAINAGE

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWNWNW	24	37N	32E	PHILLIPS

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

**Diversion Means:** DIKE

2			SWSESE	14	37N	32E	PHILLIPS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DIKE

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

**\*Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	14.40			S2SE	14	37N	32E	PHILLIPS
2	4.50			N2NENE	23	37N	32E	PHILLIPS
3	15.90			NWNW	24	37N	32E	PHILLIPS
4	13.80			W2SW	24	37N	32E	PHILLIPS
5	3.50			E2E2SE	23	37N	32E	PHILLIPS

**Total:** 52.10

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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.

182770-00 184711-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182771-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** APRIL 1, 1950

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

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

**Volume:** 389.80 AC-FT

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 194.90

**Source Name:** INTERIOR DRAINAGE

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2NWNE	20 37N	33E	PHILLIPS

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

**Diversion Means:** DAM

2		NESWNE	20 37N	33E	PHILLIPS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DIVERSION DAM

A PUMP LOCATED AT THE RESERVOIR IS A SECONDARY MEANS OF  
DIVERSION.

**Reservoir:** ONSTREAM

	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		S2NWNE	20	37N	33E	PHILLIPS
<b>Diversion to Reservoir:</b> DIVERSION # 1						
<b>Dam Height:</b>	13.00	FEET				
<b>Depth:</b>	10.00	FEET				
<b>Surface Area:</b>	5.48	ACRES				
<b>Capacity:</b>	21.92	ACRE-FEET				

**Reservoir:** ONSTREAM

	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		NESWNE	20	37N	33E	PHILLIPS
<b>Diversion to Reservoir:</b> DIVERSION # 2						
<b>Dam Height:</b>	13.00	FEET				
<b>Depth:</b>	10.00	FEET				
<b>Surface Area:</b>	7.39	ACRES				
<b>Capacity:</b>	29.56	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	37.00		N2N2	20	37N	33E	PHILLIPS
2	152.00			17	37N	33E	PHILLIPS
3	5.90		E2SE	18	37N	33E	PHILLIPS
<b>Total:</b>	194.90						

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**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.

182771-00 182774-00



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182773-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** APRIL 1, 1954

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

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

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNWSE	20	37N	33E	PHILLIPS

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

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWSE	20	37N	33E	PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 13.00 FEET

**Depth:** 10.00 FEET

**Surface Area:** 3.24 ACRES

**Capacity:** 12.96 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</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			E2NESW	20	37N	33E	PHILLIPS
2			NWNWSE	20	37N	33E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182774-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** APRIL 1, 1950

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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:** INTERIOR DRAINAGE  
**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2NWNE	20	37N	33E	PHILLIPS

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

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	S2NWNE	20	37N	33E	PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 13.00 FEET

**Depth:** 10.00 FEET

**Surface Area:** 5.48 ACRES

**Capacity:** 21.92 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</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWNE	20	37N	33E	PHILLIPS

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**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.

182771-00 182774-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182776-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** DECEMBER 31, 1939

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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:** INTERIOR DRAINAGE  
**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSESE	11 37N	32E	PHILLIPS

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

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSESE	11 37N	32E	PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWSESE	11 37N	32E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182777-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**\*Owners:**

MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)  
5001 SOUTHGATE DR  
BILLINGS, MT 59101 4669

**Priority Date:** DECEMBER 31, 1956

**Type of Historical Right:** USE

**Purpose (use):** STOCK

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

**Volume:** THIS 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 INTERIOR DRAINAGE

**Source Type:** SURFACE WATER  
POTHOLE LAKE

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		W2	SWNE	14 37N	32E	PHILLIPS

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

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

2		E2	SE	NW	14 37N	32E	PHILLIPS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1			W2	SWNE	14 37N	32E	PHILLIPS	
2			E2	SE	NW	14 37N	32E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182778-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** APRIL 1, 1972

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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:** INTERIOR DRAINAGE  
**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESW	17 37N	33E	PHILLIPS

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

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENESW	17 37N	33E	PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENESW	17 37N	33E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182781-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** APRIL 1, 1972

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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:** MANMADE PIT, UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENENE	18	37N	33E	PHILLIPS

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

**Diversion Means:** PIT

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SENENE	18	37N	33E	PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SENENE	18	37N	33E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182782-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** DECEMBER 31, 1969

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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:** MANMADE PIT, UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENESE	18 37N	33E	PHILLIPS

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

**Diversion Means:** PIT

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
	SENESE	18 37N	33E	PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SENESE	18 37N	33E	PHILLIPS



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182783-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** APRIL 1, 1954

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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:** INTERIOR DRAINAGE  
**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENWSE	19	37N	33E	PHILLIPS

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

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SENWSE	19	37N	33E	PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 11.00 FEET

**Depth:** 8.00 FEET

**Surface Area:** 2.82 ACRES

**Capacity:** 9.02 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</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SENWSE	19	37N	33E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182784-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** APRIL 1, 1950

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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:** INTERIOR DRAINAGE  
**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWNE	7 37N	33E	PHILLIPS

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

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESWNE	7 37N	33E	PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 13.00 FEET

**Depth:** 10.00 FEET

**Surface Area:** 11.92 ACRES

**Capacity:** 47.68 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</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
1			E2SWNE	7 37N	33E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182785-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** APRIL 1, 1970

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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:** NATURAL PIT, UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	SENWNW	6	37N	33E	PHILLIPS	

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

**Diversion Means:** PIT

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
SENWNW	6	37N	33E	PHILLIPS	

**Diversion to Reservoir:** DIVERSION # 1

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENWNW	6	37N	33E	PHILLIPS	

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182786-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** DECEMBER 31, 1960

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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:** MANMADE PIT, UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	23 37N	32E	PHILLIPS

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

**Diversion Means:** PIT

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENENE	23 37N	32E	PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENENE	23 37N	32E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182787-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** DECEMBER 31, 1960

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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:** NATURAL PIT, UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSENE	13 37N	32E	PHILLIPS

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

**Diversion Means:** PIT

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSENE	13 37N	32E	PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWSENE	13 37N	32E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182788-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** DECEMBER 31, 1952

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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:** INTERIOR DRAINAGE  
**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWSW	24	37N	32E	PHILLIPS

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

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESWSW	24	37N	32E	PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NESWSW	24	37N	32E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182789-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** APRIL 1, 1940

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

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

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESE	24	37N	32E	PHILLIPS

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

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENESE	24	37N	32E	PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 11.00 FEET

**Depth:** 8.00 FEET

**Surface Area:** 1.04 ACRES

**Capacity:** 3.32 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</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENESE	24	37N	32E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182790-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** DECEMBER 31, 1960

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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:** MANMADE PIT, UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWSW	11	37N	32E	PHILLIPS

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

**Diversion Means:** PIT

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESWSW	11	37N	32E	PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NESWSW	11	37N	32E	PHILLIPS



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182791-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** DECEMBER 31, 1964

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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:** MANMADE PIT, UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNESE	11 37N	32E	PHILLIPS

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

**Diversion Means:** PIT

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNESE	11 37N	32E	PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWNESE	11 37N	32E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182792-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** DECEMBER 31, 1960

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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:** MANMADE PIT, UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENWNW	11	37N	32E	PHILLIPS

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

**Diversion Means:** PIT

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENWNW	11	37N	32E	PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENWNW	11	37N	32E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182794-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** JUNE 15, 1972

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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:** NATURAL PIT, UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWW	1 37N	32E	PHILLIPS

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

**Diversion Means:** PIT

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESWW	1 37N	32E	PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u> <u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SESWW	1 37N	32E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182795-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** DECEMBER 31, 1936

**Type of Historical Right:** USE

**Purpose (use):** STOCK

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

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNENW	12	37N	32E	PHILLIPS

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

**Diversion Means:** PIT

**\*Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
NWNENW	12	37N	32E	PHILLIPS	

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 11.00 FEET

**Depth:** 8.00 FEET

**Surface Area:** 0.71 ACRES

**Capacity:** 2.84 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</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNENW	12	37N	32E	PHILLIPS	

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182796-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** DECEMBER 31, 1952

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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:** INTERIOR DRAINAGE  
**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNWNE	12	37N	32E	PHILLIPS

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

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNWNE	12	37N	32E	PHILLIPS

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 13.00 FEET

**Depth:** 10.00 FEET

**Surface Area:** 12.96 ACRES

**Capacity:** 51.84 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</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWNE	12	37N	32E	PHILLIPS
2			N2SWNE	12	37N	32E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 182797-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** DECEMBER 31, 1915

**Type of Historical Right:** USE

**Purpose (use):** STOCK

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

**Volume:** THIS 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 INTERIOR DRAINAGE

**Source Type:** SURFACE WATER  
POTHOLE LAKE

**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		E2NW	1	37N	32E	PHILLIPS

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

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

2		W2NE	1	37N	32E	PHILLIPS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

3		SW	1	37N	32E	PHILLIPS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			E2NW	1	37N	32E	PHILLIPS
2			W2NE	1	37N	32E	PHILLIPS
3			SW	1	37N	32E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 184711-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MICHAEL D HAMMOND  
PO BOX 1271  
MALTA, MT 59538

**Priority Date:** DECEMBER 31, 1952

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** WATER SPREADING

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE  
CONSISTS OF DIRECT FLOW WATER SPREADING.

**Volume:** 21.00 AC-FT

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 14.00

**Source Name:** INTERIOR DRAINAGE

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWN	NWNW	24 37N	32E	PHILLIPS

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

**Diversion Means:** DIKE

2		SWS	WSW	13 37N	32E	PHILLIPS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DIKE

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	11.00		S2S	ESE	14 37N	32E	PHILLIPS
2	3.00		N2N	E	23 37N	32E	PHILLIPS

**Total:** 14.00

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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.

182770-00 184711-00