

41H-1164-R-2021

December 28, 2021

Montana Water Court

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

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CLAIMANTS: Deanne Stalnaker; Stephen Stalnaker

CASE 41H-1164-R-2021

41H 141876-00

**ORDER MODIFYING PLACE OF USE AND POINT OF DIVERSION FOR
CLAIM 41H 141876-00 AND CLOSING CASE**

Groundwater well claim 41H 141876-00 owned by Stephen Stalnaker and Deanne Stalnaker was consolidated into Case 41H-1164-R-2021 to address an ownership issue remark. Mr. Stalnaker appeared at the December 15, 2021 status conference to discuss the issue remark.

Claimants indicate there is an error in the post decree abstract for claim 41H 141876-00. The abstract describes the place of use and point of diversion as the SWSWNW of Section 20, T4S, R4E in Gallatin County. The Certificate of Survey and other exhibits filed by Mr. Stalnaker in preparation for the status conference indicate that the correct legal land description for place of use and point of diversion is Tract 1 of COS 2712 in the NE of Section 29, T4S, R4E in Gallatin County.

The point of diversion and place of use in the SWSWNW of Section 20 is inaccurate. This error is corrected by this Order.

Therefore, it is

ORDERED that a post decree abstract of claim 41H 141876-00 is attached to this Order to confirm the modifications have been made in the state's centralized record system.

ORDEDED that the ownership issue remark is resolved and Case 41H-1164-R-2021 is closed.

Russ McElyea
Chief Water Judge

Service via USPS Mail:

Deanne Stalnaker
Stephen Stalnaker
65840 Gallatin Rd
Gallatin Gateway, MT 59730

Potential Owner:
USA (Dept of Agriculture Forest Service)
Water Rights Program Manager, Northern Region
26 Fort Missoula Rd
Missoula, MT 59804

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H

Water Right Number: **41H 141876-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners:
DEANNE STALNAKER
65840 GALLATIN RD
GALLATIN GATEWAY, MT 59730 9657

STEPHEN STALNAKER
65840 GALLATIN RD
GALLATIN GATEWAY, MT 59730 9657

Priority Date: NOVEMBER 6, 1953

Type of Historical Right: USE

Purpose (Use): COMMERCIAL

Flow Rate: 30.00 GPM

Volume: 5.00 AC-FT

Source Name: GROUNDWATER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Otr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NE	29	4S	4E	GALLATIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Otr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NE	29	4S	4E	GALLATIN

Remarks:

POINT OF DIVERSION AND PLACE OF USE ARE LOCATED IN TRACT 1 OF CERTIFICATE OF SURVEY NO. 2712, GALLATIN COUNTY.