

Montana Water Court
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41H-0312-R-2021

July 1, 2021

Montana Water Court

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

* * * * *

CLAIMANT: United States of America (USDA Forest Service)

OBJECTOR: United States of America (USDA Forest Service)

CASE 41H-0312-R-2021

41H 54989-00

41H 54990-00

41H 55006-00

41H 55007-00

41H 55069-00

41H 55109-00

41H 55110-00

41H 55111-00

41H 55112-00

41H 55137-00

41H 55214-00

41H 55215-00

41H 138953-00

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 claims in this case appeared in the Preliminary Decree for Basin 41H with Montana Department of Natural Resources and Conservation (DNRC) issue remarks. Most of the issue remarks involved previous amendments submitted by Claimant United States of America Department of Agriculture Forest Service (USA) that had not yet been processed. One claim received objections from USA as well. All of the claims were consolidated into case 41H-0312-R-2021.

FINDINGS OF FACT

1. On May 3, 2021, the USA submitted a Proposed Resolution to its issue remarks, amendments, and objection.
2. USA submitted a Declaration of Thor Burbach¹ to support the changes to its claims.
3. Claim 41H 54989-00 is a direct from source stock claim from an unnamed tributary of Sage Creek. USA moved to amend the points of diversion and the places of use for this claim to correctly coincide with the unnamed tributary. The map attached to the Declaration shows that locations of the claim's POD and POU are as follows:

<u>ID</u>	<u>GOV LT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
1		N2NESE	28	9S	4E	GALLATIN
2		S2N2	27	9S	4E	GALLATIN
3		N2S2	27	9S	4E	GALLATIN

4. Claim 41H 54990-00 is a direct from source stock claim from Canyon Creek. USA moved to add a point of diversion and place of use to fully capture the location of Canyon Creek. The additional POD and POU is located in the W2E2 Sec. 2, Twp. 10S, Rge. 4E.
5. USA moved to reduce the flow rate of claims 41H 55006-00 and 41H 55007-00 to 10 GPM each. This reduction resolves the issue remarks on these claims.

¹ Mr. Burbach has been employed by the Forest Service since 2010 and prepared the original Amendments to these claims in 2018.

6. USA moved to reduce the flow rate of claim 41H 55069-00 to 35 GPM. This reduction resolves the issue remark on the claim.
7. Claims 41H 55109-00, 41H 55110-00, 41H 55111-00, 41H 55112-00 are related to or used for camp sites or camping purposes. To align with DNRC guidelines, USA moved to amend the purpose of these claims to “institutional” and reduce the flow rate to 10 GPM.
8. Claim 41H 55137-00 had a late objection filed by USA to the point of diversion. USA now states that this late objection has been resolved and needs no further attention.
9. Claim 41H 55214-00 and 41H 55215-00 are domestic claims from Swan Creek. USA moved to amend the point of diversion and place of use. These changes are supported by the original filing which was then changed by DNRC for an unknown reason. The POD for claims 41H 55214-00 and 41H 55215-00 is NWNWSW Sec. 30, Twp. 5S, Rge. 5E. The POU for claim 41H 55214-00 is SWSWNE Sec. 25, Twp. 5S, Rge. 4E in the Swan Creek Subdivision, Tract Lot 2. The POU for claim 41H 55215-00 is SESWNE Sec. 25, Twp. 5S, Rge. 4E in the Swan Creek Subdivision Tract Lot 4.
10. Claim 41H 138953-00 is also a campsite claim. To align with DNRC guidelines, USA moved to amend the purpose to “institutional.” This claim also had an issue remark questioning the claim’s priority date. USA submits evidence that the claimed priority date should be amended to October 2, 1907, which is junior to all the decreed water rights in Case No. 3850.

CONCLUSIONS OF LAW

1. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that an element of the prima facie claim is incorrect. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R.
2. The degree or weight of evidence needed to contradict or overcome the prima facie proof statute is a preponderance of the evidence. *Burkhartsmeyer et al. v. Burkhartsmeyer et al.*, Case 40G-2, (MT Water Court Memorandum Opinion and Order

Adopting Master’s Report, Mar. 11, 1997). The Montana Supreme Court has defined preponderance as “a relatively modest standard that the statutory criteria are ‘more probable than not’ to have been met.” *Hohenlohe v. State*, 2010 MT 203 ¶ 33, 357 Mont. 438, 240 P.3d 628.

3. The Montana Water Court is permitted to use information submitted by the Department of Natural Resources and Conservation, the statement of claim, information from approved compacts, and any other data obtained by the Court to evaluate water right claims. Section 85-2-231(2), MCA.

4. If a claimant agrees to reduce or limit an element of a claim, the Water Court does not need to determine whether the burden of proof has been met. The Water Court may accept a claimant’s requested reduction or limitation without further presentation of evidence. Rule 17(c) W.R.Adj.R.

5. DNRC Claims Examination Manual VI(C), Figure VI-1, states institutional claims include government campgrounds, parks, or other government facilities.

6. The evidence entered into the record is sufficient to resolve the issue remarks, amendments, and objections that appeared on the above captioned claims. The issue remarks should be removed.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusions of Law, this Master recommends the Court make the changes specified above to correct the Preliminary Decree for this Basin. Post Decree Abstracts of Water Right Claims are served with this Report to confirm the recommended corrections have been made in the state’s centralized record system.

Julia J. Nordlund
Senior Water Master

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

Water Right Number: **41H 54989-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JUNE 1, 1900

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 SAGE 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		N2NESE	28	9S	4E	GALLATIN

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		S2N2	27	9S	4E	GALLATIN
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Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3		N2S2	27	9S	4E	GALLATIN
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Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: MAY 1 TO OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2NESE	28	9S	4E	GALLATIN
2			S2N2	27	9S	4E	GALLATIN
3			N2S2	27	9S	4E	GALLATIN

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

Water Right Number: 41H 54990-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JUNE 1, 1900

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: CANYON 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		SE	27	9S	4E	GALLATIN

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		W2	2	10S	4E	GALLATIN
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Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3		SW	35	9S	4E	GALLATIN
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Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

4		E2	34	9S	4E	GALLATIN
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Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

5		W2E2	2	10S	4E	GALLATIN
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Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: MAY 1 TO OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SE	27	9S	4E	GALLATIN
2			W2	2	10S	4E	GALLATIN
3			SW	35	9S	4E	GALLATIN
4			E2	34	9S	4E	GALLATIN
5			W2E2	2	10S	4E	GALLATIN

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

Water Right Number: **41H 55006-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JULY 1, 1959

Type of Historical Right: USE

***Purpose (Use):** INSTITUTIONAL
THIS WATER RIGHT IS INCIDENTALLY USED FOR STOCK.

***Flow Rate:** 10.00 GPM

***Volume:** 1.50 AC-FT

Source Name: ALP 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		SESWNE	1	10S	2E	MADISON

Period of Diversion: JUNE 30 TO JULY 31

Diversion Means: BUCKET

Period of Use: JUNE 30 TO JULY 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			SESWNE	1	10S	2E	MADISON

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

Water Right Number: **41H 55007-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: AUGUST 1, 1967

Type of Historical Right: USE

***Purpose (Use):** INSTITUTIONAL
THIS WATER RIGHT IS INCIDENTALLY USED FOR STOCK.

***Flow Rate:** 10.00 GPM

***Volume:** 1.50 AC-FT

Source Name: UNNAMED TRIBUTARY OF TAYLOR FORK 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		SESENW	27	9S	2E	MADISON

Period of Diversion: JULY 31 TO AUGUST 31

Diversion Means: BUCKET

Period of Use: JULY 31 TO AUGUST 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			SESENW	27	9S	2E	MADISON

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

Water Right Number: **41H 55069-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JULY 1, 1898

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 35.00 GPM

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: PAGE PARK SPRING

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		SENWNW	29	9S	4E	GALLATIN

Period of Diversion: JULY 1 TO SEPTEMBER 30

Diversion Means: SPRING BOX

Period of Use: JULY 1 TO SEPTEMBER 30

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			SENWNW	29	9S	4E	GALLATIN

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

Water Right Number: **41H 55109-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: OCTOBER 1, 1970

Type of Historical Right: USE

Purpose (Use): INSTITUTIONAL

Flow Rate: 10.00 GPM

Volume: 0.01 AC-FT

Source Name: BUCK 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		NESWSW	14	8S	3E	GALLATIN

Period of Diversion: OCTOBER 1 TO NOVEMBER 30

Diversion Means: OTHER DIVERSION

THE MEANS OF DIVERSION IS A BUCKET OR OTHER CONTAINER.

Period of Use: OCTOBER 1 TO NOVEMBER 30

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			NESWSW	14	8S	3E	GALLATIN

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

Water Right Number: **41H 55110-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: NOVEMBER 1, 1972

Type of Historical Right: USE

Purpose (Use): INSTITUTIONAL

Flow Rate: 10.00 GPM

Volume: 0.01 AC-FT

Source Name: BUCK 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		SWNE	8	8S	3E	MADISON

Period of Diversion: OCTOBER 31 TO NOVEMBER 30

Diversion Means: OTHER DIVERSION

THE MEANS OF DIVERSION IS A BUCKET OR OTHER CONTAINER.

Period of Use: OCTOBER 31 TO NOVEMBER 30

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			SWNE	8	8S	3E	MADISON

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

Water Right Number: **41H 55111-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JUNE 21, 1973

Type of Historical Right: USE

Purpose (Use): INSTITUTIONAL

Flow Rate: 10.00 GPM

Volume: 0.01 AC-FT

Source Name: BUCK 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		SENENE	6	8S	3E	MADISON

Period of Diversion: JUNE 1 TO JULY 31

Diversion Means: OTHER DIVERSION

MEANS OF DIVERSION INCLUDES A BUCKET OR OTHER CONTAINER.

Period of Use: JUNE 1 TO JULY 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			SENENE	6	8S	3E	MADISON

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

Water Right Number: **41H 55112-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: AUGUST 1, 1967

Type of Historical Right: USE

Purpose (Use): INSTITUTIONAL

Flow Rate: 10.00 GPM

Volume: 0.01 AC-FT

Source Name: LIZARD LAKES

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		NENWSE	20	8S	3E	MADISON

Period of Diversion: JULY 31 TO AUGUST 31

Diversion Means: OTHER

THE MEANS OF DIVERSION IS A BUCKET OR OTHER CONTAINER.

Period of Use: JULY 31 TO AUGUST 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			NESWSE	20	8S	3E	MADISON

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

Water Right Number: 41H 55137-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JUNE 1, 1890

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: CINNAMON 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		NW	27	8S	4E	GALLATIN

Period of Diversion: JULY 1 TO SEPTEMBER 30

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		S2	20	8S	4E	GALLATIN
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Period of Diversion: JULY 1 TO SEPTEMBER 30

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3		N2	28	8S	4E	GALLATIN
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Period of Diversion: JULY 1 TO SEPTEMBER 30

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JULY 1 TO SEPTEMBER 30

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			NW	27	8S	4E	GALLATIN
2			S2	20	8S	4E	GALLATIN
3			N2	28	8S	4E	GALLATIN

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

Water Right Number: **41H 55214-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JULY 1, 1924

Type of Historical Right: USE

Purpose (Use): DOMESTIC

Flow Rate: 26.93 GPM

Volume: 1.50 AC-FT

Households: 1

Source Name: SWAN 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		NWNWSW	30	5S	5E	GALLATIN

Period of Diversion: JUNE 1 TO OCTOBER 31

Diversion Means: BUCKET

THE MEANS OF DIVERSION IS A BUCKET OR OTHER CONTAINER.

Period of Use: JUNE 1 TO OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWSWNE	25	5S	4E	GALLATIN

SUBDIVISION NAME: SWAN CREEK TRACT LOT 2

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

Water Right Number: **41H 55215-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: JULY 1, 1924

Type of Historical Right: USE

Purpose (Use): DOMESTIC

Flow Rate: 26.93 GPM

Volume: 1.50 AC-FT

Source Name: SWAN 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		NWNWSW	30	5S	5E	GALLATIN

Period of Diversion: JUNE 1 TO OCTOBER 31

Diversion Means: BUCKET

THE MEANS OF DIVERSION IS A BUCKET OR OTHER CONTAINER.

Period of Use: JUNE 1 TO OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SESWNE	25	5S	4E	GALLATIN

SUBDIVISION NAME: SWAN CREEK TRACT LOT 4

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

Water Right Number: **41H 138953-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF AGRICULTURE FOREST SERVICE)
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION
26 FORT MISSOULA RD
MISSOULA, MT 59804 7203

Priority Date: OCTOBER 2, 1907

Type of Historical Right: USE

Purpose (Use): INSTITUTIONAL

Flow Rate: 179.00 GPM

Volume: 5.00 AC-FT

Source Name: TAYLOR FORK 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		N2NESE	19	9S	3E	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: BUCKET

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			NESE	19	9S	3E	MADISON