

Montana Water Court  
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 1-800-624-3270  
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41H-0711-R-2020

July 20, 2021

Montana Water Court

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

\*\*\*\*\*

CLAIMANTS: Diana T. Neale; Graham Neale; John L. Stuker;  
 Lance L. Weppeler; Rebecca C. Weppeler

**CASE 41H-0711-R-2020**

41H 136597-00  
 41H 136603-00  
 41H 136612-00  
 41H 30069712  
 41H 30069713  
 41H 30069714  
 41H 30069715

**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 within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusion of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must mail a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

**MASTER'S REPORT**

INTRODUCTION

Water Court case 41H-0711-R-2020 includes water rights claims 41H 136597-00, 41H 136603-00, and 41H 136612-00, owned by Diane and Graham Neale, 41H 30069712,

41H 30069713, and 41H 30069714, owned by John Stuker, and 41H 30069715, owned by Rebecca and Lance Weppeler. The water rights claims appeared in the Preliminary Decree for Gallatin River (Basin 41H) with issue remarks from the Montana Department of Natural Resources and Conservation's (DNRC) preparation of the preliminary decree. The Water Court eventually consolidated the claims into the same case because the parent and child claims have overlapping issues requiring joint resolution.

Pursuant to § 85-2-248(5), MCA, the court ordered Diana and Graham Neale, John Stuker, and Rebecca and Lance Weppeler to contact DNRC's Bozeman Regional Office and to work with DNRC to resolve the issue marks appearing on the claims. The court's last order stated: "**This is the owners last chance to participate in the proceedings. The Water Court has extended deadlines for over a year in this case. The Water Court will decree the water rights claims consistent with DNRC's recommendations if the parties do not participate.**" The claims' owners did not contact DNRC or provide any documentation to the DNRC.

On June 17, 2021, DNRC filed a Memorandum (DNRC Memo) with the court. The Water Court presently resolves the issue in this case.

### ISSUES

1. *Whether a preponderance of the evidence supports modifying the point of diversion associated with stock water rights 41H 136603-00 (parent claim) and 41H 30069713 (child claim).*
2. *Whether a preponderance of the evidence supports modifying the legal land description for the point of diversion for water rights claims 41H 136612-00, 41H 30069714, 41H 30069715, 41H 136597-00, and 41H 30069712, and modifying the means of diversion for water rights claims 41H 136597-00 and 41H 30069712.*

### APPLICABLE LAW

"The Montana [W]ater [C]ourt has a statutory obligation and the exclusive authority to adjudicate claims of existing water rights." Rule 1(a), W.R.Adj.R. The Water Court resolves issue remarks before issuance of a final decree and 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.

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. Prima facie proof may be

contradicted and overcome by a preponderance of the evidence. Rule 19, W.R.Adj.R. 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. The party seeking to overcome the prima facie status of a statement of claim, including a claimant objecting to his or her own claim, bears the burden of proof. *Nelson v. Brooks*, 2014 MT 120, ¶¶ 34, 37, 375 Mont. 86, 329 P.3d 558.

The Water Court may correct a clerical mistake found in a judgment, order, or other part of the record on motion or on its own, with or without notice. Rule 60(a), M.R.Civ.P.

### DISCUSSION

1. *Whether a preponderance of the evidence supports modifying the point of diversion associated with stock water rights 41H 136603-00 (parent claim) and 41H 30069713 (child claim).*

Water rights claims 41H 136603-00 (parent claim) and 41H 30069713 (child claim) are decreed stock water rights for surface water from South Cottonwood Creek in Gallatin County, Montana. The issue remarks appearing on water right claims 41H 136603-00 and 41H 30069713 pertain to the claim’s ditch name, means of diversion, and point of diversion. The preliminary decree abstracts currently indicate the means of diversion is W. Herron Ditch, which diverts water from South Cottonwood Creek in the SWSESE of Section 21, Township 3S, Range 5E, Gallatin County. The issue remarks state:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE SESESE SEC 21 TWP 3S RGE 5E GALLATIN COUNTY.

CORRECT DITCH NAME. NEEDS TO BE UPDATED TO CORRECT LEGALS.

THE MEANS OF DIVERSION APPEARS TO BE INCORRECT. THE MEANS OF DIVERSION APPEARS TO BE A HEADGATE.

The DNRC Memo indicates the remarks were:

added due to DNRC’s inability to modify the database record at the same time the Ditch Name was corrected to W. HERRON DITCH and appears to be accurate. . . . Reviewing the claim file shows the diversion is reasonably a headgate located directly on South Cottonwood Creek. This is consistent with other claims that use W. HERRON DITCH as their means of conveyance, with the headgate as the Means of Diversion.

DNRC therefore recommends the court to modify the legal land description identifying the point of diversion from the SWSESE of Section 21, Township 3S, Range 5E, Gallatin County, to the SESESE of Section 21, Township 3S, Range 5E, Gallatin County, and to reflect that the claims' means of diversion is a headgate on W. Herron Ditch.

A preponderance of the evidence supports the recommended changes and the Water Court modifies the legal land description identifying the claims' point of diversion and means of diversion accordingly.

Water right claim 41H 136603-00 additionally received an issue remark stating:

AN AMENDMENT WAS SUBMITTED ON REQUESTING TO AMEND THE. THE AMENDMENT WAS NOT PROCESSED. THE AMENDMENT WILL BE REVIEWED AFTER THE ISSUANCE OF THE PRELIMINARY DECREE.

No amendment request appears in the record. The DNRC Memo states:

No Amendment was found by DNRC, although mention in a phone conversation in 2017 between Graham Neale and DNRC indicates that an Amendment to the Point of Diversion and Ditch Name may have been forthcoming. As the above issue remarks appear to resolve the issues raised in that phone conversation which would have precipitated the Amendment, and the fact that no Amendment appears to have been received, DNRC believes this remark may be removed from the claim file abstract.

The Water Court removes the issue remark from the decree abstract.

2. *Whether a preponderance of the evidence supports modifying the legal land description for the point of diversion for water rights claims 41H 136612-00, 41H 30069714, 41H 30069715, 41H 136597-00, and 41H 30069712, and modifying the means of diversion for water rights claims 41H 136597-00 and 41H 30069712.*

Parent water right claim 41H 136612-00, owned by the Neales, and child water right claims 41H 30069714 and 41H 30069715, owned by Stuker, are flood-irrigation use rights for surface water from Big Bear Creek in Gallatin County. The claims' preliminary decree abstracts indicate the claims' means of diversion is a headgate on Holloway-Woodworth Ditch diverting water from the source in the SESWSW of Section 29, Township 3S, Range 5E, Gallatin County.

Likewise, parent water right claim 41H 136597-00, owned by the Neales, and child water right claim 41H 30069712, owned by Stuker, are stock-use rights for surface water

from Big Bear Creek in Gallatin County. The claims’ preliminary decree abstracts indicate the claims’ means of diversion are “DITCH” and “DAM,” respectively, diverting water from the source in the SESWSW of Section 29, Township 3S, Range 5E, Gallatin County.

The water rights claims received an issue remark stating: “THE LEGAL LAND DESCRIPTION FOR THE HOLLOWAY-WOODWORTH DITCH<sup>1</sup> IS NWSESW, COULD NOT BE ADDED AS POINT OF DIVERSION IS SUSTAINED.”

The DNRC Memo recommends the court to modify the legal land description for the point of diversion associated with the water rights claims to the NWSESW of Section 29, Township 3S, Range 5E, Gallatin County. The DNRC Memo further recommends the court to reflect the means of diversion—the headgate on the Holloway-Woodworth Ditch—consistently for the irrigation and stock use claims. DNRC attached a map depicting the point of diversion on the source in the NWSESW of Section 29, Township 3S, Range 5E, Gallatin County.

The DNRC Memo further notes:

However, the original claim documents also state that the ‘water flows from point of diversion through ditches into Wortman Creek in Section 19 where Stock are watered...’ This natural carrier conveyance is not clear to DNRC despite reviewing multiple aerial photos over a range of years. Without further information from the claimants, DNRC cannot determine exactly how water is moved between the Holloway-Woodworth Ditch system and the Place of Use.

The claims’ owners have not provided information sufficient for the court to further modify the claims.

The water rights claims consolidated in this case additionally received similar issue remarks providing notice certain elements of the claims were modified or corrected during reexamination of the basin. The issue remarks state if no objections are filed to the claims, the remarks will be removed. The water right claims did not receive objections, no proceedings are required, and the issue remarks are hereby removed.

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<sup>1</sup> The issue remarks appearing on water rights claims 41H 30069712 and 41H 30069714 refer to the Holloway-Stewart Ditch. This appears to be error. The claims’ preliminary decree abstracts state water is diverted in the Holloway-Woodworth Ditch.

## RECOMMENDATIONS

This Water Master recommends the Water Court to: remove the resolved issue remarks; modify the legal land description for the point of diversion for water rights claims 41H 136603-00 and 41H 30069713 from the SWSESE of Section 21, Township 3S, Range 5E, Gallatin County, to the **SESESE** of Section 21; modify the means of diversion for water right claims 41H 136603-00 and 41H 30069713 from DITCH to **HEADGATE**; modify the legal land description for the point of diversion for water rights claims 41H 136612-00, 41H 30069714, 41H 30069715, 41H 136597-00, and 41H 30069712 from the SESWSW of Section 29, Township 3S, Range 5E, Gallatin County, to the **NWSESW** of Section 29; and to modify the means of diversion for water rights claims 41H 136597-00 and 41H 30069712 from DITCH and DAM to **HEADGATE**.

The Water Court attaches post-decree abstracts to the Master's Report and files a hard copy of the DNRC Memo and attached map in the claim file for water right claim 41H 136603-00.

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Kirsia Shelkey  
Water Master  
*she/her/hers*

**Service via USPS Mail:**

Diana T. Neale  
Graham Neale  
13160 Portnell Rd  
Bozeman, MT 59718

John L. Stuker  
2204 3<sup>rd</sup> Ave N  
Great Falls, MT 59401

Lance L. Weppeler  
Rebecca C. Weppeler  
12844 Portnell Rd  
Bozeman, MT 59718

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

**Water Right Number:**      **41H 136597-00**      STATEMENT OF CLAIM

**Version:**      4 -- POST DECREE

**Status:** ACTIVE

**\*Owners:**                      DIANA T NEALE  
   13160 PORTNELL RD  
   BOZEMAN, MT 59718

   GRAHAM NEALE  
   13160 PORTNELL RD  
   BOZEMAN, MT 59718

**Priority Date:**                      JUNE 30, 1912

**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 WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED  
   FOR STOCKWATERING 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:**                      BIG BEAR 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		NWSESW	29	3S	5E	GALLATIN

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

**Diversion Means:**              HEADGATE

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

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENE	19	3S	5E	GALLATIN

**Subdivision:**                      WORTMAN CREEK MINOR SUB TRACT/LOT: 1

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**Remarks:**

SPLIT CLAIM NO. 41H 30069712 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.



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

**Water Right Number:** 41H 136603-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**\*Owners:** DIANA T NEALE  
13160 PORTNELL RD  
BOZEMAN, MT 59718

GRAHAM NEALE  
13160 PORTNELL RD  
BOZEMAN, MT 59718

**Priority Date:** JUNE 1, 1870

**Type of Historical Right:** DECREED

**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 WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING 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:** SOUTH COTTONWOOD 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		SESESE	21	3S	5E	GALLATIN

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

**Diversion Means:** HEADGATE

**Ditch Name:** W. HERRON DITCH

**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			NENE	19	3S	5E	GALLATIN

**Subdivision:** WORTMAN CREEK MINOR SUB TRACT/LOT: 1

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**Remarks:**

SPLIT CLAIM NO. 41H 30069713 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

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

**Water Right Number:** 41H 136612-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**\*Owners:** DIANA T NEALE  
13160 PORTNELL RD  
BOZEMAN, MT 59718

GRAHAM NEALE  
13160 PORTNELL RD  
BOZEMAN, MT 59718

**Priority Date:** JUNE 30, 1912

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 112.33 GPM

**\*Volume:** 8.00 AC-FT

**Climatic Area:** 4 - MODERATELY LOW

**\*Maximum Acres:** 8.00

**Source Name:** BIG BEAR 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		NWSEW	29	3S	5E	GALLATIN

**Period of Diversion:** MARCH 15 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** HOLLOWAY-WOODWORTH DITCH

**Period of Use:** MARCH 15 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	8.00		W2NENE	19	3S	5E	GALLATIN

**Subdivision:** WORTMAN CREEK MINOR SUB TRACT/LOT: 1

**Total:** 8.00

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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.

136609-00

136610-00

136612-00

THE SPLIT CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM. 41H 30069714 AND 41H 30069715.

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

**Water Right Number:** 41H 30069712 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** JOHN L STUKER  
2204 3RD AVE N  
GREAT FALLS, MT 59401

**Priority Date:** JUNE 30, 1912

**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 STOCKWATERING 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:** BIG BEAR 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		NWSESW	29	3S	5E	GALLATIN

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

**Diversion Means:** HEADGATE

**Ditch Name:** HOLLOWAY-WOODWORTH DITCH

**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			N2NENE	19	3S	5E	GALLATIN

**Subdivision:** WORTMAN CREEK MINOR SUB TRACT/LOT: 2

2			S2SESE	18	3S	5E	GALLATIN
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**Subdivision:** WORTMAN CREEK MINOR SUB TRACT/LOT: 2

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**Remarks:**

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 136597-00.

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

**Water Right Number:**      **41H 30069713**      STATEMENT OF CLAIM

**Version:**      3 -- POST DECREE

**Status:** ACTIVE

**Owners:**                      JOHN L STUKER  
                                     2204 3RD AVE N  
                                     GREAT FALLS, MT 59401

**Priority Date:**                JUNE 1, 1870

**Type of Historical Right:**    DECREED

**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  
                                     STOCKWATERING 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:**                SOUTH COTTONWOOD 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		SESESE	21	3S	5E	GALLATIN

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

**Diversion Means:**           HEADGATE

**Ditch Name:**                W. HERRON DITCH

**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			N2NENE	19	3S	5E	GALLATIN

**Subdivision:**                WORTMAN CREEK MINOR SUB TRACT/LOT: 2

2			S2SESE	18	3S	5E	GALLATIN
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**Subdivision:**                WORTMAN CREEK MINOR SUB TRACT/LOT: 2

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**Remarks:**

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 136603-00.

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

**Water Right Number:**     **41H 30069714**     STATEMENT OF CLAIM  
**Version:**         3 -- POST DECREE  
**Status:**     ACTIVE

**Owners:**             JOHN L STUKER  
                          2204 3RD AVE N  
                          GREAT FALLS, MT 59401

**Priority Date:**         JUNE 30, 1912

**Type of Historical Right:**     USE

**Purpose (Use):**             IRRIGATION

**Irrigation Type:**         FLOOD

**Flow Rate:**             112.33 GPM

**Volume:**                8.00 AC-FT

**Climatic Area:**         4 - MODERATELY LOW

**Maximum Acres:**         8.00

**Source Name:**           BIG BEAR 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		NWSESW	29	3S	5E	GALLATIN

**Period of Diversion:**     MARCH 15 TO OCTOBER 31

**Diversion Means:**        HEADGATE

**Ditch Name:**            HOLLOWAY-WOODWORTH DITCH

**Period of Use:**            MARCH 15 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	4.00		W2NENE	19	3S	5E	GALLATIN

**Subdivision:**            WORTMAN CREEK MINOR SUB   TRACT/LOT: 2

2	4.00		W2SESE	18	3S	5E	GALLATIN
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**Subdivision:**            WORTMAN CREEK MINOR SUB   TRACT/LOT: 2

**Total:**                    8.00

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**Remarks:**

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 136612-00.

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

**Water Right Number:**      **41H 30069715**      STATEMENT OF CLAIM

**Version:**      3 -- POST DECREE

**Status:** ACTIVE

**Owners:**                      LANCE L WEPPLER  
                                     12844 PORTNELL RD  
                                     BOZEMAN, MT 59718  
  
                                     REBECCA C WEPPLER  
                                     12844 PORTNELL RD  
                                     BOZEMAN, MT 59718

**Priority Date:**              JUNE 30, 1912

**Type of Historical Right:**      USE

**Purpose (Use):**              IRRIGATION

**Irrigation Type:**          FLOOD

**Flow Rate:**                112.33 GPM

**Volume:**                  8.00 AC-FT

**Climatic Area:**            4 - MODERATELY LOW

**Maximum Acres:**          8.00

**Source Name:**            BIG BEAR 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		NWSEW	29	3S	5E	GALLATIN

**Period of Diversion:**      MARCH 15 TO OCTOBER 31

**Diversion Means:**        HEADGATE

**Ditch Name:**              HOLLOWAY-WOODWORTH DITCH

**Period of Use:**            MARCH 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	8.00		W2SESE	18	3S	5E	GALLATIN

**Subdivision:**              WORTMAN CREEK MINOR SUB    TRACT/LOT: 3

**Total:**                      8.00

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**Remarks:**

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 136612-00.