

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
CUT BANK CREEK BASIN 41L

CLAIMANTS: Barbara B. Broberg; David J. Broberg; Frank E.
Jarvenpaa; James C. Jarvenpaa; Douglas M. Norman;
Kim E. Norman; Shirley M. Shurtleff

OBJECTORS: Blackfeet Tribe; United States of America (Bureau of
Indian Affairs)

NOTICE OF INTENT TO APPEAR: United States of America (Bureau
of Indian Affairs); City of Cut
Bank

41L-0003-P-2017
41L 1827-00
41L 144272-00
41L 183378-00
41L 184572-00
41L 185995-00

Split Claims:
41L 30151596
41L 30151597
41L 30151598
41L 30151599

NOTICE OF FILING OF MASTER'S REPORT

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

The above stamped date indicates the date the Master's Report was filed and mailed. Rule 23 of the Water Right Adjudication Rules requires that written objections to a Master's Report must be filed within 10 days of the date of the Master's Report. Because the 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. This means your objection must be received no later than 13 days from the above stamped date.

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
FINDINGS OF FACT

1. The above-captioned claims appeared in the Preliminary Decree for Cut Bank Creek (Basin 41L). The Blackfeet Tribe and the United States of America Bureau of Indian Affairs ("BIA") filed objections, the BIA and the City of Cut Bank filed Notices of Intent to Appear.

2. On September 20, 2017 the above captioned claims were consolidated into Case 41L-0003-P-2017.

3. Stipulations were filed with Court on April 30, 2020 and February 3, 2021. The Stipulations indicated that the Claimants had agreed to the modification or dismissal of the above-captioned claims as well as the creation of several implied claims and that the proposed modifications and dismissals and implied claim creation would resolve the objections in the case.

4. On April 1, 2021, an Order was issued by this giving notice to Donald Sollars of a potential ownership interest in a claim. Nothing was filed in response to the Order.

5. Pursuant to the Stipulation, the parties propose the following modifications to claim 41L 1827-00:

Priority Date: **January 1, 1946**

Point of Diversion and Place of Use:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSW	11	34N	6W	Glacier

6. Pursuant to the Stipulation, the parties propose to dismiss claim 41L 144272-00.

7. Pursuant to the Stipulation, the parties propose the following modifications to claim 41L 183378-00:

Priority Date: **December 26, 1963**

Maximum Flow Rate: **85.00 GPM**

Point 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>
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1 **NWNESW** **20** **34N** **6W** **Glacier**

Place of Use:

ID Acres Govt Lot Qtr Sec Sec Twp Rge County

1 **2.00** **SWSESW** **20** **34N** **6W** **Glacier**

2 **3.00** **NWNENW** **20** **34N** **6W** **Glacier**

Total Acres: **5.00**

8. Pursuant to the Stipulation, the parties propose the following modifications to claim 41L 184572-00:

Owner: **Randy Atwood**

Priority Date: **May 2, 1940**

Type of Historical Right: **Use**

Point of Diversion:

ID Govt Lot Qtr Sec Sec Twp Rge County

1 **10** **SWNW** **2** **33N** **6W** **Glacier**

Source: **Cut Bank Creek**

2 **10** **NWNW** **2** **33N** **6W** **Glacier**

Source: **Unnamed Tributary of Cut Bank Creek**

Place of Use:

ID Govt Lot Qtr Sec Sec Twp Rge County

1 **10** **SWNW** **2** **33N** **6W** **Glacier**

2 **10** **NWNW** **2** **33N** **6W** **Glacier**

9. Pursuant to the Stipulation, the parties propose the creation of an implied claim, number 41L 30151596 based upon claim 41L 184572-00 except as follows:

Owner: **Frank Jarvenpaa**

Priority Date: **May 2, 1940**

Type of Historical Right: **Use**

Point of Diversion:

ID Govt Lot Qtr Sec Sec Twp Rge County

1 **2** **NENE** **3** **33N** **6W** **Glacier**

Source: **Cut Bank Creek**

2 **2** **SENE** **3** **33N** **6W** **Glacier**

Source: **Unnamed Tributary of Cut Bank Creek**

Place of Use:

ID Govt Lot Qtr Sec Sec Twp Rge County

1 **2** **NENE** **3** **33N** **6W** **Glacier**

2 2 SENE 3 33N 6W Glacier

10. Pursuant to the Stipulation, the parties propose the creation of an implied claim, number 41L 30151597 based upon claim 41L 184572-00 except as follows:

Owner: **James Jarvenpaa**
Priority Date: **May 2, 1940**
Type of Historical Right: **Use**
Point 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>
<u>1</u>	<u>3</u>	<u>NWNE</u>	<u>3</u>	<u>33N</u>	<u>6W</u>	<u>Glacier</u>

Source: **Unnamed Tributary of Cut Bank Creek**

2 4 NENW 3 33N 6W Glacier

Source: **Unnamed Tributary of Cut Bank Creek**

Place of Use:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
<u>1</u>	<u>3</u>	<u>NWNE</u>	<u>3</u>	<u>33N</u>	<u>6W</u>	<u>Glacier</u>
<u>2</u>	<u>4</u>	<u>NENW</u>	<u>3</u>	<u>33N</u>	<u>6W</u>	<u>Glacier</u>

11. Pursuant to the Stipulation, the parties propose the creation of an implied claim, number 41L 30151598 based upon claim 41L 184572-00 except as follows:

Owner: **Douglas and Kim Norman**
Priority Date: **May 2, 1940**
Type of Historical Right: **Use**
Point 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>
<u>1</u>		<u>SENE</u>	<u>3</u>	<u>33N</u>	<u>6W</u>	<u>Glacier</u>

Source: **Unnamed Tributary of Cut Bank Creek**

Place of Use:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
<u>1</u>		<u>SENE</u>	<u>3</u>	<u>33N</u>	<u>6W</u>	<u>Glacier</u>

12. Pursuant to the Stipulation, the parties propose the creation of an implied claim, number 41L 30151599 based upon claim 41L 184572-00 except as follows:

Owner: **David and Barbara Broberg**
Priority Date: **May 2, 1940**
Type of Historical Right: **Use**
Point 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>
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1 S2SE 20 34N 6W Glacier

Source: Cut Bank Creek

2 SESW 20 34N 6W Glacier

Source: Cut Bank Creek

3 N2NE 29 33N 6W Glacier

Source: Cut Bank Creek

Place of Use:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
<u>1</u>		<u>S2SE</u>	<u>20</u>	<u>34N</u>	<u>6W</u>	<u>Glacier</u>
<u>2</u>		<u>SESW</u>	<u>20</u>	<u>34N</u>	<u>6W</u>	<u>Glacier</u>
<u>3</u>		<u>N2NE</u>	<u>29</u>	<u>33N</u>	<u>6W</u>	<u>Glacier</u>

13. Pursuant to the Stipulation, the parties propose the following modifications to claim 41L 185995-00:

Priority Date: November 15, 1918

PRINCIPLES OF LAW

1. The Montana Water Court has the authority to determine the extent of all water rights in the state as they existed prior to July 1, 1973. *Fellows v. Saylor*, 2016 MT 45, ¶ 25, 382 Mont. 298, 367 P.3d 732; §§ 85-2-233, -102(12), MCA. The purpose of the Water Court is to adjudicate rights to the use of water as they existed on July 1, 1973. *In re Clark Fork River*, 254 Mont. 11, 17, 833 P.3d 1120 (Mont. 1992).

2. “The Water Court is not bound by settlement agreements. Any settlement reached by the parties is subject to review and approval by the Water Court.” Rule 17(a), W.R.Adj.R; *In re Argabright*, 2014 Mont. Water LEXIS 9, 41I 265 (December 12, 2014).

CONCLUSIONS OF LAW

1. The Stipulations entered into by the parties are signed by the Claimants and the Objectors, conforms to applicable law and, accordingly, the record supports the resolution of the objections to the above-captioned claims, as well as the modification of the above-captioned claims and the generation of implied claims. The issue remarks have been resolved and should be removed from the claims.

RECOMMENDATION

1. Upon review of the record in this case, the claims should be modified as discussed above. The issue remarks should be removed from the claims. Implied claims should be generated as discussed above. The objections and NOIAs should be resolved.

Post Decree Abstracts of Water Right Claims are attached to this Master's Report for review.

Nathan Block
Water Master

Service via Electronic Mail:

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James C. Jarvenpaa
P.O. Box 193321
San Francisco, CA 94119

Douglas M. Norman
Kim E. Norman
P.O. Box 1345
Cut Bank, MT 59427-1345
(406) 873-5313

Potential Owner:
Donald Sollars
PO Box 2222
Cut Bank, MT 59427-2222

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CUT BANK CREEK
BASIN 41L**

Water Right Number: 41L 1827-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: CASSANDRA STOLTZ
233 4TH AVE SE
CUT BANK, MT 59427

JAMES STOLTZ
233 4TH AVE SE
CUT BANK, MT 59427

Priority Date: JANUARY 1, 1946

Type of Historical Right: USE

Purpose (Use): DOMESTIC

Flow Rate: 10.00 GPM

Volume: 1.00 AC-FT

Households: 1

Source Name: GROUNDWATER

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		SWSW	11	34N	6W	GLACIER

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>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWSW	11	34N	6W	GLACIER

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CUT BANK CREEK
BASIN 41L**

Water Right Number: 41L 144272-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: DISMISSED

Owners: DAVID J BROBERG
191 ED WILLIAMS RD
CUT BANK, MT 59427 9118

Priority Date:

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: CUT BANK CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CUT BANK CREEK
BASIN 41L**

Water Right Number: 41L 183378-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: BARBARA B BROBERG
191 ED WILLIAMS RD
CUT BANK, MT 59427

DAVID J BROBERG
191 ED WILLIAMS RD
CUT BANK, MT 59427 9118

Priority Date: DECEMBER 26, 1963

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 85.00 GPM

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 5.00

Source Name: CUT BANK 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		NWNE	20	34N	6W	GLACIER

Period of Diversion: JULY 1 TO AUGUST 31

Diversion Means: PUMP

Period of Use: JULY 1 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	2.00		SWS	20	34N	6W	GLACIER
2	3.00		NWNE	20	34N	6W	GLACIER
Total:	5.00						

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CUT BANK CREEK
BASIN 41L**

Water Right Number: 41L 184572-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: RANDY ATWOOD
12008 101ST AVE NE I-4
KIRKLAND, WA 98034

Priority Date: MAY 2, 1940

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: CUT BANK 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	10	SWNW	2	33N	6W	GLACIER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2	10	NWNW	2	33N	6W	GLACIER
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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		10	SWNW	2	33N	6W	GLACIER
2		10	NWNW	2	33N	6W	GLACIER

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.

THE SPLIT CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM. 41L 30151596, 41L 30151597, 41L 30151598, 41L 30151599.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CUT BANK CREEK
BASIN 41L**

Water Right Number: 41L 185995-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: SHIRLEY M SHURTLEFF
% DAVID J & BARBARA BROBERG
191 ED WILLIAMS
CUT BANK, MT 59427

Priority Date: NOVEMBER 15, 1918

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: CUT BANK 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		NWSW	18	34N	6W	GLACIER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		SENE	13	34N	7W	GLACIER
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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			NWSW	18	34N	6W	GLACIER
2			SENE	13	34N	7W	GLACIER

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CUT BANK CREEK
BASIN 41L**

Water Right Number: 41L 30151596 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: FRANK E JARVENPAA
PO BOX 2
ROBERTS, MT 59070 0002

Priority Date: MAY 2, 1940

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 CUT BANK CREEK

Source Type: SURFACE WATER

Source Name: CUT BANK 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	2	SENE	3	33N	6W	GLACIER

Source Name: UNNAMED TRIBUTARY OF CUT BANK CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2	2	NENE	3	33N	6W	GLACIER
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Source Name: CUT BANK CREEK

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		2	SENE	3	33N	6W	GLACIER
2		2	NENE	3	33N	6W	GLACIER

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41L 184572-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CUT BANK CREEK
BASIN 41L**

Water Right Number: 41L 30151597 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: JAMES C JARVENPAA
PO BOX 193321
SAN FRANCISCO, CA 94119

Priority Date: MAY 2, 1940

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 CUT BANK 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	3	NWNE	3	33N	6W	GLACIER

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		3	NWNE	3	33N	6W	GLACIER

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41L 184572-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CUT BANK CREEK
BASIN 41L**

Water Right Number: 41L 30151598 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: DOUGLAS M NORMAN
PO BOX 1345
CUT BANK, MT 59427 1345

KIM E NORMAN
PO BOX 1345
CUT BANK, MT 59427 1345

Priority Date: MAY 2, 1940

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 CUT BANK 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		SENE	3	33N	6W	GLACIER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

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			SENE	3	33N	6W	GLACIER

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41L 184572-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CUT BANK CREEK
BASIN 41L**

Water Right Number: 41L 30151599 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: BARBARA B BROBERG
191 ED WILLIAMS RD
CUT BANK, MT 59427

DAVID J BROBERG
191 ED WILLIAMS RD
CUT BANK, MT 59427 9118

Priority Date: MAY 2, 1940

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: CUT BANK 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		S2SE	20	34N	6W	GLACIER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		SESW	20	34N	6W	GLACIER
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3		N2NE	29	34N	6W	GLACIER
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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			S2SE	20	34N	6W	GLACIER
2			SESW	20	34N	6W	GLACIER

3

N2NE 29 34N 6W GLACIER

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.

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