

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

CLAIMANTS: Danielle M. Neal; Lloyd Neal

CASE 41K-0455-R-2023

41K 10764-00
41K 10765-00
41K 10766-00
41K 10767-00
41K 10769-00
41K 10774-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above stamped date. 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, conclusions 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 serve 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

All water right claims that appeared in the Preliminary Decree for Sun River (Basin 41K) were subject to "issue remarks" resulting from pre-decree examination by

the DNRC, objections, and counterobjections. The above-captioned claims received issue remarks during the DNRC's review of the claims.

The claims were consolidated into Case 41K-0455-R-2023 and an Order requiring the Claimants to work with the DNRC was issued by the Water Court to resolve the issue remarks.

FINDINGS OF FACT

1. Claim 41K 10764-00 received the following substantive issue remarks:

THE CLAIMS LISTED FOLLOWING THIS STATEMENT MAY BE A MULTIPLE USE OF THE SAME RIGHT. THESE CLAIMS MAY NEED A MULTIPLE USE REMARK. 41K 10764-00, 41K 10774-00.

THE CLAIMED PRIORITY DATE MAY BE QUESTIONABLE. THE PRIORITY DATE ON THE SUBMITTED DECLARATION OF VESTED GROUNDWATER RIGHTS IS 1870.

Claim 41K 10765-00 received the following substantive issue remarks:

IT APPEARS POINT OF DIVERSION NO. 2 MAY BE INCORRECT. THE EXISTENCE OF A HEADGATE CANNOT BE CONFIRMED FROM AVAILABLE DATA.

Claim 41K 10766-00 received the following substantive issue remarks:

IT APPEARS POINT OF DIVERSION NO. 2 MAY BE INCORRECT. THE EXISTENCE OF A HEADGATE CANNOT BE CONFIRMED FROM AVAILABLE DATA.

Claim 41K 10767-00 received the following substantive issue remarks:

IT APPEARS POINT OF DIVERSION NO. 2 MAY BE INCORRECT. THE EXISTENCE OF A HEADGATE CANNOT BE CONFIRMED FROM AVAILABLE DATA.

POINT OF DIVERSION NO. 3 APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE SENESW SEC 33 TWP 21N RGE 7W LEWIS AND CLARK COUNTY.

Claim 41K 10769-00 received the following substantive issue remarks:

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE SENESW SEC 33 TWP 21N RGE 7W LEWIS AND CLARK COUNTY.

Claim 41K 10774-00 received the following substantive issue remarks:

THIS CLAIM SHOULD HAVE RECEIVED A FLOW RATE QUANTIFICATION IN THE TEMPORARY PRELIMINARY DECREE. THE CLAIMANT CLAIMED A FLOW RATE OF

15.00 GPM.

THE FLOW RATE IS MISSING.

THE CLAIMS LISTED FOLLOWING THIS STATEMENT MAY BE A MULTIPLE USE OF THE SAME RIGHT. THESE CLAIMS MAY NEED A MULTIPLE USE REMARK. 41K 10764-00, 41K 10774-00.

2. On September 14, 2023, the Court consolidated the claims and issued an order requiring the Claimants to work with the DNRC to address and resolve the issue remarks.

3. On November 17, 2023, DNRC Water Resource Specialist Dixie Brough filed a *Memorandum* pursuant to the Court's September 14, 2023 Order Requiring DNRC Conference. In her *Memo*, Ms. Brough notes that at the time of filing, the DNRC had received no contact or information from the Claimants. Ms. Brough goes on to state that the DNRC makes the following recommendation to resolve the issue remarks appearing on claims 41K 10764-00 and 41K 10774-00:

Claim 41K 10764-00:

Based on the above discussion, DNRC recommends the priority date be modified to 12/31/1870, and the priority date issue remark be removed as it is resolved.

Claim 41K 10774-00:

Based on the above discussion, DNRC recommends the flow rate be corrected to 15.00 gallons per minute (gpm), and the FRIS and G10 flow rate issue remarks be removed as they are now resolved.

Claims 41K 10764-00 and 41K 10774-00:

After the priority date and flow rate are corrected for Claims 41K 10764-00 and 41K 10774-00, the DNRC recommends the Multiple Use claims be added to the related rights tab in the DNRC database, and the M20 issue remarks be removed as they are now resolved.

4. On April 23, 2024, the Court set a filing deadline for the claimants to file information or evidence if they disagreed with either the recommendations made by the DNRC, or the proposed modifications found in the issue remarks. Nothing was filed by the ordered deadline.

5. The April 23, 2024, Order Setting Filing Deadline included the following language:

ORDERED that the Claimants review this order and, *if necessary*, file information or evidence addressing the point of diversion issue remarks appearing on claims 41K 10765-00, 41K 10766-00, 41K 10767-00, and 41K 10769-00 or otherwise contact the Court by **Wednesday, May 29, 2024**. *If nothing is filed by the ordered deadline, this Water Master will conclude that the Claimants believe the point of diversion No. 2 for claims 41K 10765-00, 41K 10766-00, 41K 10767-00, are historically accurate, no modifications to the points of diversion No. 2 will be made to the claims, and the issue remarks will be removed. Further, the Court will conclude that the Claimants agree with the proposed modifications to point of diversion No. 3 for claim 41K 10767-00 and the point of diversion for claim 41K 10769-00, the point of diversion No. 3 for claim 41K 10767-00 will be modified to SENESW of Sec 33, Twp 21N, Rge 7W and the point of diversion for claim 41K 10769-00 will be modified to SENESW of Sec 33, Twp 21N, Rge 7 W, and the issue remarks will be removed from the claims.*

PRINCIPLES OF LAW

1. 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.
2. 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.
3. If a claimant fails to comply with an order issued by the Water Court, the Court may, upon motion or its own initiative, issue such orders of sanction with regard thereto as are just. Rule 22, W.R.Adj.R.

CONCLUSION OF LAW

1. The information in the record is sufficient to resolve the substantive issue remarks appearing on claims 41K 210366-00 and 41K 210367-00. Based on the information contained Ms. Brough's *Memo*, along with the lack of response from the

claimants, the claims should be modified as described in Findings of Fact Nos. 3 and 5 and the issue remarks should be removed from the claims.

RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Water Master recommends that the Court modify the claims as described in Findings of Fact Nos. 3 and 5 and remove the issue remarks from the claims.

Post decree abstracts of the water right claims reflecting the recommended changes are attached to this Report.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Danielle M. Neal
Lloyd Neal
P.O. Box 293
Augusta, MT 59410

\\JUDHLNSRV-DATA\Share\JUDGALH2OSRV (Data\ol)\Share\WC-BASIN FOLDERS\41K PD\41K Cases\455\41K-0455-R-2023 MR (multiple claims, 248
memo resolves IRs make changes per memo and remove IRs) 7-9-24 jbc.docx

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 10764-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DANIELLE M NEAL
PO BOX 293
AUGUSTA, MT 59410

LLOYD NEAL
PO BOX 293
AUGUSTA, MT 59410

Priority Date: DECEMBER 31, 1870

Type of Historical Right: USE

Purpose (Use): DOMESTIC

Flow Rate: 15.00 GPM

Volume: 1.50 AC-FT

Households: 2

Maximum Acres: 1.00

Source Name: SPRING, UNNAMED TRIBUTARY OF WILLOW CREEK

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 | | SWNWSW | 26 | 21N | 7W | LEWIS AND CLARK |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PUMP

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 | 1.00 | | SWNWSW | 26 | 21N | 7W | LEWIS AND CLARK |

Total: 1.00

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.

10764-00 10774-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 10765-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: DANIELLE M NEAL
PO BOX 293
AUGUSTA, MT 59410

LLOYD NEAL
PO BOX 293
AUGUSTA, MT 59410

***Priority Date:** JUNE 1, 1903

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 1.50 CFS

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

Climatic Area: 5 - LOW

***Maximum Acres:** 170.00

***Source Name:** WILLOW CREEK, NORTH FORK

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 | | NWSWSW | 33 | 21N | 7W | LEWIS AND CLARK |

Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: HEADGATE

| | | | | | | |
|---|--|------|----|-----|----|-----------------|
| 2 | | NWSW | 34 | 21N | 7W | LEWIS AND CLARK |
|---|--|------|----|-----|----|-----------------|

Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: HEADGATE

USE OF ALTERNATIVE POINTS OF DIVERSION FOR THIS RIGHT HAS NO ADVERSE EFFECT ON DOWNSTREAM WATER USERS. THE CUMULATIVE AMOUNT OF WATER DIVERTED AT ANY TIME MAY NOT EXCEED 1.5 CFS.

Period of Use: APRIL 1 TO OCTOBER 1

***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 | 31.00 | | SWNW | 27 | 21N | 7W | LEWIS AND CLARK |
| 2 | 30.00 | | NWSW | 27 | 21N | 7W | LEWIS AND CLARK |
| 3 | 36.60 | | SENW | 27 | 21N | 7W | LEWIS AND CLARK |
| 4 | 33.90 | | NESW | 27 | 21N | 7W | LEWIS AND CLARK |

| | | | | | | |
|---------------|--------------|------|----|-----|----|-----------------|
| 5 | <u>38.50</u> | S2S2 | 28 | 21N | 7W | LEWIS AND CLARK |
| Total: | 170.00 | | | | | |

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.

10765-00 10766-00 10770-00 10771-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 10766-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: DANIELLE M NEAL
PO BOX 293
AUGUSTA, MT 59410

LLOYD NEAL
PO BOX 293
AUGUSTA, MT 59410

***Priority Date:** DECEMBER 31, 1891

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.00 CFS

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

Climatic Area: 5 - LOW

***Maximum Acres:** 207.50

***Source Name:** WILLOW CREEK, NORTH FORK

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 | | NWSWSW | 33 | 21N | 7W | LEWIS AND CLARK |

Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: HEADGATE

| | | | | | | |
|---|--|------|----|-----|----|-----------------|
| 2 | | NWSW | 34 | 21N | 7W | LEWIS AND CLARK |
|---|--|------|----|-----|----|-----------------|

Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: HEADGATE

USE OF ALTERNATIVE POINTS OF DIVERSION FOR THIS RIGHT HAS NO ADVERSE EFFECT ON DOWNSTREAM WATER USERS. THE CUMULATIVE AMOUNT OF WATER DIVERTED AT ANY TIME MAY NOT EXCEED 3.00 CFS.

Period of Use: APRIL 1 TO OCTOBER 1

***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 | 31.00 | | SWNW | 27 | 21N | 7W | LEWIS AND CLARK |
| 2 | 30.00 | | NWSW | 27 | 21N | 7W | LEWIS AND CLARK |
| 3 | 36.60 | | SENW | 27 | 21N | 7W | LEWIS AND CLARK |
| 4 | 33.90 | | NESW | 27 | 21N | 7W | LEWIS AND CLARK |
| 5 | 38.50 | | S2S2 | 28 | 21N | 7W | LEWIS AND CLARK |

| | | | | | | |
|---------------|---------------|------|----|-----|----|-----------------|
| 6 | 14.10 | SWNW | 33 | 21N | 7W | LEWIS AND CLARK |
| 7 | 23.40 | E2NE | 32 | 21N | 7W | LEWIS AND CLARK |
| Total: | <u>207.50</u> | | | | | |

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.

10765-00 10766-00 10770-00 10771-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 10767-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: DANIELLE M NEAL
PO BOX 293
AUGUSTA, MT 59410

LLOYD NEAL
PO BOX 293
AUGUSTA, MT 59410

***Priority Date:** DECEMBER 31, 1873

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.72 CFS

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

Climatic Area: 5 - LOW

***Maximum Acres:** 319.40

***Source Name:** WILLOW CREEK, NORTH FORK

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 | | NWSWSW | 33 | 21N | 7W | LEWIS AND CLARK |

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

| | | | | | | |
|---|--|------|----|-----|----|-----------------|
| 2 | | NWSW | 34 | 21N | 7W | LEWIS AND CLARK |
|---|--|------|----|-----|----|-----------------|

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

| | | | | | | |
|---|--|---------|----|-----|----|-----------------|
| 3 | | SENE SW | 33 | 21N | 7W | LEWIS AND CLARK |
|---|--|---------|----|-----|----|-----------------|

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

USE OF ALTERNATIVE POINTS OF DIVERSION FOR THIS RIGHT HAS NO ADVERSE EFFECT ON DOWNSTREAM WATER USERS. THE CUMULATIVE AMOUNT OF WATER DIVERTED AT ANY TIME MAY NOT EXCEED 3.72 CFS.

Period of Use: APRIL 1 TO OCTOBER 15

***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 | 45.90 | | S2NE | 27 | 21N | 7W | LEWIS AND CLARK |

| | | | | | | |
|---------------|---------------|------|----|-----|----|-----------------|
| 2 | 48.40 | N2SE | 27 | 21N | 7W | LEWIS AND CLARK |
| 3 | 72.80 | NW | 33 | 21N | 7W | LEWIS AND CLARK |
| 4 | 84.50 | SE | 33 | 21N | 7W | LEWIS AND CLARK |
| 5 | 36.60 | NWSW | 34 | 21N | 7W | LEWIS AND CLARK |
| 6 | 30.50 | SENW | 34 | 21N | 7W | LEWIS AND CLARK |
| 7 | 0.70 | SWNW | 34 | 21N | 7W | LEWIS AND CLARK |
| Total: | <u>319.40</u> | | | | | |

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 10769-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DANIELLE M NEAL
PO BOX 293
AUGUSTA, MT 59410

LLOYD NEAL
PO BOX 293
AUGUSTA, MT 59410

***Priority Date:** DECEMBER 31, 1873

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.00 CFS

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

Climatic Area: 5 - LOW

***Maximum Acres:** 158.20

***Source Name:** WILLOW CREEK, NORTH FORK

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 SW | 34 | 21N | 7W | LEWIS AND CLARK |

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

Period of Use: APRIL 1 TO OCTOBER 15

***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 | 102.00 | | NE | 34 | 21N | 7W | LEWIS AND CLARK |
| 2 | 21.20 | | NESW | 34 | 21N | 7W | LEWIS AND CLARK |
| 3 | 35.00 | | NWSE | 34 | 21N | 7W | LEWIS AND CLARK |

Total: 158.20

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 10774-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DANIELLE M NEAL
PO BOX 293
AUGUSTA, MT 59410

LLOYD NEAL
PO BOX 293
AUGUSTA, MT 59410

Priority Date: DECEMBER 31, 1870

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 15.00 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: SPRING, UNNAMED TRIBUTARY OF WILLOW CREEK

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 | | SWNWSW | 26 | 21N | 7W | LEWIS AND CLARK |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PUMP

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 | | | SWNWSW | 26 | 21N | 7W | LEWIS AND CLARK |

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.

10764-00 10774-00