

Montana Water Court  
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IN THE WATER COURT OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
JUDITH RIVER BASIN (41S)  
PRELIMINARY DECREE

\*\*\*\*\*

CLAIMANT: Marjorie K. Boyce

OBJECTOR: ~~United States of America (Bureau of Land  
Management)~~

NOTICE OF INTENT TO APPEAR: American Prairie  
Foundation

**CASE 41S-0216-R-2024**

41S 101812-00

41S 115304-00

41S 117529-00

41S 117530-00

41S 117531-00

**41S 122892-00**

41S 126244-00

**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

The above-captioned claims appeared in the Preliminary Decree for the Judith River (Basin 41S) with issue remarks. The American Prairie Foundation (“APF”) filed Notices of Intent to Appear (“NOIA”) for claim 41S 117529-00.

The claims were consolidated into Case 41S-0216-R-2024 on February 26, 2024, and the claimants were ordered to work with the Department of Natural Resources and Conservation to resolve the issue remarks on the claims. On June 20, 2024, a Memorandum (“Memo”) was filed (Doc.<sup>1</sup> 3.00). Attached to the Memo were proposed abstracts as well as maps. The Memo states that the claimant failed to contact DNRC as ordered. On August 7, 2024, an Order was issued requiring the claimant to file documentation stating their position on the recommendations in the Memo as well as soliciting input from APF on whether the proposed modifications in the Memo resolved their NOIA. The claimant did not file anything in response to the Order, APF filed a Notice of Appearance and Statement of Resolution of Notice of Intent to Appear stating that adoption of the recommendations in the Memo would resolve their NOIA.

## FINDINGS OF FACT

1. Claim 41S 115304-00 was decreed with the following issue remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-32 AND 30027-278-34 , DATED 09/25/1979 , APPEARS TO INDICATE 63.40 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE POINT OF DIVERSION MAY BE INCORRECT. TOPOGRAPHIC MAPS PLACE THE DITCH DIVERSION TO BE IN THE NWSWSE SEC 19 TWP 21N RGE 7E FERGUS CO. THE FERGUS CO WATER RESOURCES SURVEY HOWEVER PLACES THE DITCH DIVERSION IN THE NWNWSE SEC 19 TWP 21N RGE 17E FERGUS CO. MORE INFORMATION IS NEEDED TO DETERMINE THE HISTORIC POINT OF DIVERSION LOCATION.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

2. The Memo recommended the following modifications to claim 41S 115304-00:

**Flow Rate:** ~~2.98 CFS~~ **2.77 CFS**  
**Maximum Acres:** ~~70.00~~ **73.24**

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<sup>1</sup> “Doc.” numerical references correlate to case file docket numbers in the Water Court’s Full Court case management system.

**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	<del>40.00</del> 39.52		S2S2	18	21N	17E	FERGUS
2	<del>0.00</del> 6.44		NWNWNE	19	21N	17E	FERGUS
3	<del>20.00</del> 27.28		NW	19	21N	17E	FERGUS
<b>Total:</b>	<del>70.00</del> 73.24						

3. Claim 41S 117529-00 was decreed with the following issue remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 280.00 ACRES. THE DNRC'S RE-EXAMINATION WAS OF THESE ORIGINAL CLAIMED ACRES.

THE FERGUS COUNTY WATER RESOURCES SURVEY ( 1970 ) APPEARS TO INDICATE 114.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-32 AND 30027-278-34 , DATED 09/25/1979 , APPEARS TO INDICATE 63.40 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE POINT OF DIVERSION MAY BE INCORRECT. TOPOGRAPHIC MAPS PLACE THE DITCH DIVERSION TO BE IN THE NWSWSE SEC 19 TWP 21N RGE 7E FERGUS CO. THE FERGUS CO WATER RESOURCES SURVEY HOWEVER PLACES THE DITCH DIVERSION IN THE NWNWSE SEC 19 TWP 21N RGE 17E FERGUS CO. MORE INFORMATION IS NEEDED TO DETERMINE THE HISTORIC POINT OF DIVERSION LOCATION.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

4. The Memo recommends the following modifications to claim 41S 117529-00:

**Flow Rate:** ~~0.00 CFS~~ 4.10 CFS

**Maximum Acres:** ~~237.00~~ 108.16

**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	NWNWSE	<del>S2S2</del>	19	21N	17E	FERGUS

**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	<del>40.00</del> 11.59		NESE	13	21N	16E	FERGUS
2	<del>50.00</del> 21.64		S2NW	18	21N	17E	FERGUS
3	<del>57.00</del> 38.05		SW	18	21N	17E	FERGUS
4	<del>5.00</del> 3.64		SWSE	18	21N	17E	FERGUS
5	<del>20.00</del> 6.33		NWNE	19	21N	17E	FERGUS
6	<del>65.00</del> 26.91		NW	19	21N	17E	FERGUS
<b>Total:</b>	<del>237.00</del> 108.16						

5. Claim 41S 117530-00 was decreed with the following issue remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE FERGUS COUNTY WATER RESOURCES SURVEY ( 1970 ) APPEARS TO INDICATE 104.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-32 AND 30027-278-34 , DATED 09/25/1979 , APPEARS TO INDICATE 88.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

6. The Memo recommends the following modifications to claim 41S 117530-00:

**Flow Rate:** ~~7.53 CFS~~ 4.71 CFS

**Maximum Acres:** ~~200.00~~ 124.28

**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	<del>45.00</del> 36.23		S2SW	18	21N	17E	FERGUS
2	<del>155.00</del> 88.05		W2	19	21N	17E	FERGUS
<b>Total:</b>	<del>200.00</del> 124.28						

7. Claim 41S 117531-00 was decreed with the following issue remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 110.00 ACRES. THE DNRC'S RE-EXAMINATION WAS OF THESE ORIGINAL CLAIMED ACRES.

THE FERGUS COUNTY WATER RESOURCES SURVEY ( 1970 ) APPEARS TO INDICATE 57.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-34 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

THE POINT OF DIVERSION MAY BE INCORRECT. TOPOGRAPHIC MAPS PLACE THE DITCH DIVERSION TO BE IN THE NWSWSE SEC 19 TWP 21N RGE 7E FERGUS CO. THE FERGUS CO WATER RESOURCES SURVEY HOWEVER PLACES THE DITCH DIVERSION IN THE NWNWSE SEC 19 TWP 21N RGE 17E FERGUS CO. MORE INFORMATION IS NEEDED TO DETERMINE THE HISTORIC POINT OF DIVERSION LOCATION.

8. The Memo recommends the following modifications to claim 41S 117531-00:

**Flow Rate:** ~~3.00 CFS~~ 1.96 CFS

**Maximum Acres:** ~~55.00~~ 51.69

**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	<del>11.00</del> 8.78		SWSE	12	21N	16E	FERGUS
2	<del>44.00</del> 42.91		NE	13	21N	16E	FERGUS
<b>Total:</b>	<del>55.00</del> 51.69						

## **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(13), MCA.

2. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. § 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 the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R.

3. 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. §§ 85-2-227, -231(2), MCA.

## **CONCLUSION OF LAW**

1. The DNRC recommendations should be adopted.

## **RECOMMENDATIONS**

1. The DNRC recommendations should be adopted. Adoption of the recommendations resolves the substantive issue remarks on the claims as well as the NOIA filed by APF.

2. The issue remarks are resolved by adoption of the DNRC recommendations or are ‘notice’ type remarks that do not require further proceedings. The issue remarks should be removed from the claims.

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

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via USPS Mail:**

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PO Box 74  
Winifred, MT 59489-0074

**Service via Electronic Mail:**

***Last Order:***

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**Note: Caption and Service List Updated 10-9-2024**

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JUDITH RIVER  
BASIN 41S**

**Water Right Number:** 41S 101812-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** MARJORIE K BOYCE  
PO BOX 74  
WINIFRED, MT 59489-0074

**Priority Date:** DECEMBER 31, 1949

**Type of Historical Right:** USE

**Purpose (Use):** STOCK

**\*Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. 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 WOLF 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		NENESW	10	20N	16E	FERGUS

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

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

**\*Reservoir:** ONSTREAM **Reservoir Name:** WOLF CREEK NO. 4

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENESW	10	20N	16E	FERGUS

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 7.00 FEET

**Depth:** 4.00 FEET

**Surface Area:** 0.84 ACRES

**Capacity:** 1.34 ACRE-FEET

**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			NENESW	10	20N	16E	FERGUS

**POST DECREE  
 ABSTRACT OF WATER RIGHT CLAIM  
 JUDITH RIVER  
 BASIN 41S**

**Water Right Number:** 41S 115304-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MARJORIE K BOYCE  
 PO BOX 74  
 WINIFRED, MT 59489-0074

**Priority Date:** NOVEMBER 20, 1915

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 2.77 CFS

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

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 73.24

**Source Name:** JUDITH RIVER

**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		NWNWSE	19	21N	17E	FERGUS

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Period of Use:** APRIL 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	39.52		S2S2	18	21N	17E	FERGUS
2	6.44		NWNWNE	19	21N	17E	FERGUS
3	27.28		NW	19	21N	17E	FERGUS
<b>Total:</b>	<b>73.24</b>						

**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.

101814-00      115304-00      117529-00      117530-00



**POST DECREE  
 ABSTRACT OF WATER RIGHT CLAIM  
 JUDITH RIVER  
 BASIN 41S**

**Water Right Number:** 41S 117529-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MARJORIE K BOYCE  
 PO BOX 74  
 WINIFRED, MT 59489-0074

**Priority Date:** OCTOBER 7, 1908

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 4.10 CFS

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

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 108.16

**Source Name:** JUDITH RIVER

**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		NWNWSE	19	21N	17E	FERGUS

**Period of Diversion:** APRIL 1 TO NOVEMBER 1

**Diversion Means:** HEADGATE

**Period of Use:** APRIL 1 TO NOVEMBER 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	11.59		NESE	13	21N	16E	FERGUS
2	21.64		S2NW	18	21N	17E	FERGUS
3	38.05		SW	18	21N	17E	FERGUS
4	3.64		SWSE	18	21N	17E	FERGUS
5	6.33		NWNE	19	21N	17E	FERGUS
6	26.91		NW	19	21N	17E	FERGUS

**Total:** 108.16

**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.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JUDITH RIVER  
BASIN 41S**

**Water Right Number:** 41S 117530-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MARJORIE K BOYCE  
PO BOX 74  
WINIFRED, MT 59489-0074

**Priority Date:** SEPTEMBER 1, 1899

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 4.71 CFS

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

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 124.28

**Source Name:** JUDITH RIVER

**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	31	21N	17E	FERGUS

**Period of Diversion:** APRIL 1 TO NOVEMBER 1

**Diversion Means:** HEADGATE

**Period of Use:** APRIL 1 TO NOVEMBER 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	36.23		S2SW	18	21N	17E	FERGUS
2	88.05		W2	19	21N	17E	FERGUS

**Total:** 124.28

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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.

101814-00      115304-00      117529-00      117530-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JUDITH RIVER  
BASIN 41S**

**Water Right Number:** 41S 117531-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** MARJORIE K BOYCE  
PO BOX 74  
WINIFRED, MT 59489-0074

**Priority Date:** AUGUST 15, 1915

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.96 CFS

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

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 51.69

**Source Name:** JUDITH RIVER

**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		NWNWSE	19	21N	17E	FERGUS

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Period of Use:** APRIL 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	8.78		SWSE	12	21N	16E	FERGUS
2	42.91		NE	13	21N	16E	FERGUS

**Total:** 51.69

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JUDITH RIVER  
BASIN 41S**

**Water Right Number:** 41S 126244-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** MARJORIE K BOYCE  
PO BOX 74  
WINIFRED, MT 59489-0074

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** STOCK

**Flow Rate:**

**Volume:**

**Source Name:** GROUNDWATER

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.