

Montana Water Court
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FILED
04/04/2025
Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
40S-0009-I-2024
Nordlund, Julia
9.00

IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
MISSOURI RIVER BELOW FORT PECK DAM BASIN 40S
INTERLOCUTORY

* * * * *

CLAIMANTS: Roger M. Nygaard; Ruby A. Nygaard; ~~YDOC~~
~~Land & Livestock LLC~~

OBJECTOR: United States of America (Dept of Interior
Bureau of Indian Affairs)

CASE 40S-0009-I-2024
40S 30132659
40S 30160127
40S 30160128
40S 30160129
40S 30160130
40S 30160131

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
FINDINGS OF FACT

1. On January 22, 2025, the Claimants Roger and Ruby Nygaard and Objector United States of America (BIA) filed a Stipulation resolving the Objections and the DNRC issue remark.¹

2. Claimant YDOC Land & Livestock did not sign the Stipulation and has not participated in this case. YDOC has no ownership interest in any of the lands appurtenant to claim 40S 30132659. The parties request YDOC be removed from this claim and this case.

3. Claim 40S 30132659 is a use right for stock water direct from Littleman Creek and an unnamed tributary of Littleman Creek.

4. The parties stipulate that the lands compromising POD/POU IDs 1-3 are still held in Trust status and should be removed from the claim.

5. The parties also state the priority date of December 19, 1913 is not supported by evidence of use. It appears the lands underlying this water right have patents with various dates.

6. The parties request separate implied claims be generated for each of the separate priority dates.

7. Claim 40S 30132659 should have a priority date of April 29, 1926 pursuant to Patent 978448. The point of diversion, source, and place of use are as follows:

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Section</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>County</u>
1		N2NE	35	28N	46E	ROOSEVELT

Source Name:	UNNAMED TRIBUTARY OF LITTLEMAN CREEK
Period of Diversion:	JANUARY 1 TO DECEMBER 31
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE

2		SEnw	35	28N	46E	ROOSEVELT
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Source Name:	UNNAMED TRIBUTARY OF LITTLEMAN CREEK
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 Section</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>County</u>
1			N2NE	35	28N	46E	ROOSEVELT
2			SEnw	35	28N	46E	ROOSEVELT

8. Claim 40S 30160127 is implied and should have a priority date of May 25, 1953 pursuant to Patent 1139423. The point of diversion, source, and place of use are as follows:

¹ The Stipulation and all other case documents are viewable in the Water Court's FullCourt Enterprise case management system.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Section</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>County</u>
1		SE	35	28N	46E	ROOSEVELT

Source Name: UNNAMED TRIBUTARY OF LITTLEMAN CREEK
 Period of Diversion: JANUARY 1 TO DECEMBER 31
 Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		NWSW	35	28N	46E	ROOSEVELT
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Source Name: UNNAMED TRIBUTARY OF LITTLEMAN CREEK
 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 Section</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>County</u>
1			SE	35	28N	46E	ROOSEVELT
2			NWSW	35	28N	46E	ROOSEVELT

9. Claim 40S 30160128 is implied and should have a priority date October 10, 1961 pursuant to Patent 1223252. The point of diversion, source, and place of use are as follows:

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Section</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>County</u>
1		S2NE	35	28N	46E	ROOSEVELT

Source Name: UNNAMED TRIBUTARY OF LITTLEMAN CREEK
 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 Section</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>County</u>
1			S2NE	35	28N	46E	ROOSEVELT

10. Claim 40S 30160129 is implied and should have a priority date February 9, 1922 pursuant to Patent 848217. The point of diversion, source, and place of use are as follows:

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Section</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>County</u>
1		N2	2	27N	46E	ROOSEVELT

Source Name: LITTLEMAN CREEK
 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 Section</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>County</u>
1			N2	2	27N	46E	ROOSEVELT

11. Claim 40S 30160130 is implied and should have a priority date July 22, 1954 pursuant to Patent 1145669. The point of diversion, source, and place of use are as follows:

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Section	Sec.	Twp.	Rge.	County
1		SE	2	27N	46E	ROOSEVELT

Source Name: LITTLEMAN CREEK
 Period of Diversion: JANUARY 1 TO DECEMBER 31
 Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Place of Use:

ID	Acres	Govt Lot	Qtr Section	Sec.	Twp.	Rge.	County
1			SE	2	27N	46E	ROOSEVELT

12. Claim 40S 30160131 is implied and should have a priority date February 8, 1955 pursuant to Deed to Restricted Indian Land 206-1307. The point of diversion, source, and place of use are as follows:

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Section	Sec.	Twp.	Rge.	County
1		SW	2	27N	46E	ROOSEVELT

Source Name: LITTLEMAN CREEK
 Period of Diversion: JANUARY 1 TO DECEMBER 31
 Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Place of Use:

ID	Acres	Govt Lot	Qtr Section	Sec.	Twp.	Rge.	County
1			SW	2	27N	46E	ROOSEVELT

13. The parties stipulate these changes resolve all issue remarks and objections.

CONCLUSIONS OF LAW

1. Section 85-2-248(2), MCA requires the Water Court to resolve all issue remarks that are not resolved through the objection process. When resolving issue remarks, the Water Court must weigh the information resulting in the issue remark and the issue remark against the claimed water right. Section 85-2-247(2), MCA.

2. 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.

3. 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.

4. Implied claims are authorized in situations where a single statement of claim contains more than one separate water right. Rule 2(33), W.R.C.E.R. Where a

single claim form contains multiple rights and has been timely filed, the section 85-2-221, MCA statutory deadlines for filing claims is satisfied. Rule 35(c)(3), W.R.C.E.R. DNRC often identifies claims containing more than one water right during claims examination, however, not all implied claims are identified by the DNRC.

5. In some cases, implied claims are requested by a party; in other cases the need for creation of an implied claim becomes apparent from the development of evidence during proceedings. The Court has developed general guidelines for determining whether an implied claim is warranted. First, the implied claim must be justified by some evidence in the claim form or the documents attached thereto, although supplemental evidence can be used to explain or clarify the claim and its contents; second, evidence must exist of actual historic use corroborating the implied claim; third, the creation of the implied claim should not result in a change to historic water use or increase the historic burden to other water users. Case 76HF-580, OAA, January 31, 2013 at 20.

6. There are several indicators that a statement of claim contains more than one water right, justifying the creation of an implied claim. Those indicators include: listing points of diversion on two or more sources; listing two previously decreed rights with different priority dates on one claim form; combining the flow rates of multiple decreed rights on one claim; claiming a flow rate in excess of a previously decreed right; or combining multiple purposes such as irrigation, stock, and mining uses on one claim form. Case 40C-47, Memorandum Opinion, at 16 (February 22, 2011).

7. Claim 40S 30132659 meets the requirements of generating implied claims as it lists multiple sources on the statement of claim, parties provided evidence of historical use and separate priority dates for each implied claim, and the creation of the implied claims would not result in any increase to the claim.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusions of Law, this Master recommends that the issue remarks be removed and the corrections described in the Findings of Fact be applied.

Post decree abstracts of the water right claims addressed in this Master's Report are attached to confirm that the above corrections have been made in the state's water right record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Roger M. Nygaard
Ruby A. Nygaard
PO Box 593
Wolf Point, MT 59201-0593
406-650-7906
rrnygaard@yahoo.com

Last Order:

YDOC Land & Livestock LLC
100 Belle Creek Rd
Belgrade, MT 59714

Service Via Electronic Mail:

Samuel D. Gollis
US Dept of Justice IRS, ENRD
999 18th Street S. Terrace Suite 370
Denver, CO 80202
samuel.gollis@usdoj.gov
Efile_Denver.enrd@usdoj.gov

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, BELOW FORT PECK DAM
BASIN 40S

Water Right Number: 40S 30132659 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: ROGER M NYGAARD
PO BOX 593
WOLF POINT, MT 59201-0593

RUBY A NYGAARD
PO BOX 593
WOLF POINT, MT 59201-0593

Priority Date: APRIL 29, 1926

***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 LITTLEMAN 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		N2NE	35	28N	46E	ROOSEVELT

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		SEnw	35	28N	46E	ROOSEVELT
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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			N2NE	35	28N	46E	ROOSEVELT
2			SEnw	35	28N	46E	ROOSEVELT

Remarks:

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

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, BELOW FORT PECK DAM
BASIN 40S**

Water Right Number: 40S 30160127 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: ROGER M NYGAARD
PO BOX 593
WOLF POINT, MT 59201-0593

RUBY A NYGAARD
PO BOX 593
WOLF POINT, MT 59201-0593

Priority Date: MAY 25, 1953

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: UNNAMED TRIBUTARY OF LITTLEMAN 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	35	28N	46E	ROOSEVELT

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		NWSW	35	28N	46E	ROOSEVELT
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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			SE	35	28N	46E	ROOSEVELT
2			NWSW	35	28N	46E	ROOSEVELT

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40S 30132659.

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

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, BELOW FORT PECK DAM
BASIN 40S

Water Right Number: 40S 30160128 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: ROGER M NYGAARD
PO BOX 593
WOLF POINT, MT 59201-0593

RUBY A NYGAARD
PO BOX 593
WOLF POINT, MT 59201-0593

Priority Date: OCTOBER 10, 1961

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: UNNAMED TRIBUTARY OF LITTLEMAN 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		S2NE	35	28N	46E	ROOSEVELT

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			S2NE	35	28N	46E	ROOSEVELT

Remarks:

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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, BELOW FORT PECK DAM
BASIN 40S

Water Right Number: 40S 30160129 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: ROGER M NYGAARD
PO BOX 593
WOLF POINT, MT 59201-0593

RUBY A NYGAARD
PO BOX 593
WOLF POINT, MT 59201-0593

Priority Date: FEBRUARY 9, 1922

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: LITTLEMAN 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		N2	2	27N	46E	ROOSEVELT

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			N2	2	27N	46E	ROOSEVELT

Remarks:

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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, BELOW FORT PECK DAM
BASIN 40S

Water Right Number: 40S 30160130 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: ROGER M NYGAARD
PO BOX 593
WOLF POINT, MT 59201-0593

RUBY A NYGAARD
PO BOX 593
WOLF POINT, MT 59201-0593

Priority Date: JULY 22, 1954

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: LITTLEMAN 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	2	27N	46E	ROOSEVELT

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			SE	2	27N	46E	ROOSEVELT

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40S 30132659.

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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, BELOW FORT PECK DAM
BASIN 40S

Water Right Number: 40S 30160131 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: ROGER M NYGAARD
PO BOX 593
WOLF POINT, MT 59201-0593

RUBY A NYGAARD
PO BOX 593
WOLF POINT, MT 59201-0593

Priority Date: FEBRUARY 8, 1955

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: LITTLEMAN 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		SW	2	27N	46E	ROOSEVELT

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			SW	2	27N	46E	ROOSEVELT

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40S 30132659.

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