

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

CLAIMANTS: Marilyn S. Kalina;
Fowler Irrevocable Living Trust

CASE 41S-0895-R-2024

41S 139417-00
41S 139419-00
41S 139424-00
41S 139432-00
41S 154046-00
41S 167938-00

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
FINDINGS OF FACT

1. The Fowler Irrevocable Living Trust is the record owner of claims 41S 139417-00, 41S 139419-00, 41S 139424-00, 41S 154046-00, and 41S 167938-00; the Fowler Irrevocable Living Trust and Marilyn S. Kalina (the Claimants) co-own claim 41S 139432-00.

2. Claims 41S 139417-00, 41S 139419-00, 41S 139424-00, 41S 139432-00, 41S 154046-00, and 41S 167938-00 were decreed with DNRC issue remarks:

41S 139417-00:

- THE SOURCE NAME DOES NOT APPEAR TO BE STANDARDIZED. IT APPEARS THE SOURCE NAME SHOULD ACTUALLY BE SPRING, UNNAMED TRIBUTARY OF MUSKRAT CREEK.
- AS OF 08/28/2021 , THIS WATER RIGHT APPEARS TO BE OWNED BY FOWLER IRRREVOCABLE LIVING TRUST , 1428 NEW YEAR GULCH , LEWISTOWN , MT 59457-8054.

41S 139419-00:

- EXISTENCE OF THE CLAIMED RESERVOIR CANNOT BE CONFIRMED WITH AVAILABLE DATA.
- AS OF 08/28/2021 , THIS WATER RIGHT APPEARS TO BE OWNED BY FOWLER IRRREVOCABLE LIVING TRUST , 1428 NEW YEAR GULCH , LEWISTOWN , MT 59457-8054.

41S 139424-00:

- THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.
- THE CLAIMED VOLUME EXCEEDS THE MAXIMUM FEASIBLE VOLUME. BASED ON THE FLOW RATE AND PERIOD OF USE, THE MAXIMUM VOLUME POSSIBLE IS 43.91 ACRE-FEET PER YEAR.
- THE TIMELY FILED OBJECTION OF DEPARTMENT OF FISH, WILDLIFE AND PARKS WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE PERIOD OF USE . BECAUSE THIS ELEMENT WAS NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THIS CHANGE MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

41S 139432-00:

- THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 40.00 ACRES. THE DNRC'S RE-EXAMINATION WAS OF THESE ORIGINAL CLAIMED ACRES.
- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30027-278-190 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- EXISTENCE OF THE CLAIMED RESERVOIR CANNOT BE CONFIRMED WITH AVAILABLE DATA.
- ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 08/28/2021 , THIS WATER RIGHT APPEARS TO BE OWNED BY FOWLER IRRREVOCABLE LIVING TRUST , 1428 NEW YEAR GULCH , LEWISTOWN , MT 59457-8054.

- SOURCE NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

41S 154046-00:

- THE PURPOSE OF THIS CLAIM IS UNCLEAR AS MULTIPLE PURPOSES HAVE BEEN CLAIMED. THE CLAIMED PURPOSES INCLUDE DOMESTIC . MORE THAN ONE WATER RIGHT MAY BE INVOLVED.
- THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.
- AS OF 08/28/2021 , THIS WATER RIGHT APPEARS TO BE OWNED BY FOWLER IRREVOCABLE LIVING TRUST , 1428 NEW YEAR GULCH , LEWISTOWN , MT 59457-8054.
- SOURCE NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

41S 167938-00:

- THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 35.00 ACRES. THE DNRC'S RE-EXAMINATION WAS OF THESE ORIGINAL CLAIMED ACRES.
- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30027-278-216 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.
- AS OF 08/28/2021 , THIS WATER RIGHT APPEARS TO BE OWNED BY FOWLER IRREVOCABLE LIVING TRUST , 1428 NEW YEAR GULCH , LEWISTOWN , MT 59457-8054.

3. The Claimants were ordered to meet with a DNRC employee to address the unresolved issue remarks decreed on claims 41S 139417-00, 41S 139419-00, 41S 139424-00, 41S 139432-00, 41S 154046-00, and 41S 167938-00. (Doc.¹1.00).

4. DNRC Water Resource Specialist Carli Bluhm filed a Memorandum stating she met with the Claimants on November 8, 2024. (Doc. 2.00). Ms. Bluhm indicated she reviewed the Fergus County Water Resource Survey field notes and aerial photos to prepare the Memorandum.

5. **41S 139417-00:** Ms. Bluhm recommended the source name for claim 41S 139417-00 be standardized as follows:

Source Name: MUSKRAT CREEK SPRING, UNNAMED TRIBUTARY MUSKRAT CREEK

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

6. **41S 139419-00:** Ms. Bluhm confirmed the location of the claimed reservoir and recommended no modifications be made to claim 41S 139419-00.

7. **41S 139424-00:** Ms. Bluhm confirmed the point of diversion as claimed and recommended no modifications be made to the point of diversion for claim 41S 139424-00.

Claim 41S 139424-00 was decreed with a 272.17 acre-feet volume. Ms. Bluhm recommended the quantified volume be replaced with non-quantified standardized remark for mining claims per W.R.C.E.R. 29((b)(2)(ii):

Volume: 272.17 AC-FT VF016 THIS RIGHT IS LIMITED TO THE VOLUME OF WATER HISTORICALLY USED FOR MINING PURPOSES.
THIS USE MAY CONSUME SOME WATER, BUT UNTIL THAT AMOUNT IS QUANTIFIED, IT IS PRESUMED THAT THE USE IS NON-CONSUMPTIVE.

8. **41S 139432-00:** Ms. Bluhm confirmed the claimed irrigated acres and place of use. Additionally, the Claimant identified the claimed reservoir, matching what was claimed. Ms. Bluhm recommended no modifications be made to claim 41S 139432-00.

9. **41S 154046-00:** Ms. Bluhm confirmed the purpose of claim 41S 154046-00 as “mining”:

The purpose of this water right was claimed as “MN” being mining but marked on the exam sheet as mining and municipal. The claimants explained that there was a mining town that has since been abandoned matching what was claimed. The claimant provided no necessary information regarding the town to justify that a municipal water right is necessary for this claim. The DNRC deemed the intended purpose for this right is mining.

Additionally, Ms. Bluhm confirmed the location of the point of diversion as claimed and recommended no modifications be made to claim 41S 154046-00.

10. **41S 167938-00:** Ms. Bluhm confirmed the decreed 10.00 acres at the claimed place of use and indicated no place of use or maximum acres modification are needed to claim 41S 167938-00. Ms. Bluhm explained that the point of diversion Section should be corrected for claim 41S 167938-00 as follows:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		NWNWNW	10	14	16N	19E	FERGUS

11. An Order was issued to determine if the Claimants agreed or disagreed with the recommendations to modify claims 41S 139417-00 and 41S 139424-00 made by Ms.

Bluhm. (Doc. 3.00). Due to Water Master oversight, the deadline did not order the Claimants to comment regarding the proposed Section number correction for claim number 41S 167938-00. The Order indicated that if nothing were filed by the deadline, this Water Master would conclude the Claimants agreed with the recommended modifications. The following language was included in the Order:

Failure to comply with the terms of this Order may result in sanctions, up to and including entry of default and termination of a water right claim or dismissal of objections. Rule 22, W.R.Adj.R.

12. On January 9, 2025, Sherry Dahl, with the Fowler Irrevocable Living Trust, filed a request for extension “to research and gather more information...”. (Doc. 4.00). The deadline was extended until February 14, 2025. (Doc. 5.00). Nothing was filed by the deadline.

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court must address all issue remarks decreed on a claim. Section 85-2-248, MCA.
2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.
3. Pursuant to Rule 22, W.R.Adj.R., if a claimant, objector, or intervenor fails to appear at a scheduled conference or hearing or fails to comply with an order issued by the Water Court, the Water Court may issue such orders of sanction with regard thereto as are just.
4. Claim 41S 167938-00 was decreed with an error in the point of diversion; Ms. Bluhm showed that the error could be corrected by changing the Section from Section 14 to Section 10. Pursuant to Rule 60(a), M.R.Civ.P., the Court may correct

clerical mistakes or mistakes arising from oversight or omission found in the record on motion or on its own initiative.

5. Ownership issue remarks decreed on several of the claims in this Case indicate Fowler Irrevocable Living Trust own the claims. The remark is outdated, as Fowler Irrevocable Living Trust is the record owner of the claims.

6. Claims 41S 139424-00, 41S 139432-00, 41S 154046-00 include notice-type issue remarks noting that if no objections are filed, the claims will remain as decreed. No objections were filed and the remarks should be removed.

RECOMMENDATIONS

1. Claim 41S 139417-00-00 should be modified as follows:

Source Name: MUSKRAT CREEK SPRING, UNNAMED TRIBUTARY MUSKRAT CREEK

2. Claim 41S 139424-00 should be modified as follows:

Volume: 272.47 AC FT VF016 THIS RIGHT IS LIMITED TO THE VOLUME OF WATER HISTORICALLY USED FOR MINING PURPOSES.
THIS USE MAY CONSUME SOME WATER, BUT UNTIL THAT AMOUNT IS QUANTIFIED, IT IS PRESUMED THAT THE USE IS NON-CONSUMPTIVE.

3. The point of diversion for claim 41S 167938-00 should be modified as follows:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWN	10-44	16N	19E	FERGUS

4. The issue remarks should be removed from claims 41S 139417-00, 41S 139419-00, 41S 139424-00, 41S 139432-00, 41S 154046-00, and 41S 167938-00.

Abstracts are attached for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Fowler Irrevocable Living Trust
1428 New Year Gulch Rd
Lewistown, MT 59457

Marilyn S. Kalina
19 Valentine Rd
Roy, MT 59471

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

Water Right Number: 41S 139417-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: FOWLER IRREVOCABLE LIVING TRUST
1428 NEW YEAR GULCH RD
LEWISTOWN, MT 59457

Priority Date: DECEMBER 18, 1894

Type of Historical Right: FILED

Purpose (Use): STOCK

Flow Rate: 26.93 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 MUSKRAT 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		NWNWSW	10	16N	19E	FERGUS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

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			NWNWSW	10	16N	19E	FERGUS

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

Water Right Number: 41S 139419-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: FOWLER IRREVOCABLE LIVING TRUST
1428 NEW YEAR GULCH RD
LEWISTOWN, MT 59457

Priority Date: DECEMBER 31, 1960

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 WARM SPRING 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	NW	4	16N	19E	FERGUS

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NW	4	16N	19E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Period of Use: MAY 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		3		4	16N	19E	FERGUS

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

Water Right Number: 41S 139424-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: FOWLER IRREVOCABLE LIVING TRUST
1428 NEW YEAR GULCH
LEWISTOWN, MT 59457-8054

Priority Date: JUNE 29, 1894

Type of Historical Right: FILED

Purpose (Use): MINING

***Flow Rate:** 54.00 GPM

Volume: THIS RIGHT IS LIMITED TO THE VOLUME OF WATER HISTORICALLY USED FOR MINING PURPOSES.
THIS USE MAY CONSUME SOME WATER, BUT UNTIL THAT AMOUNT IS QUANTIFIED, IT IS PRESUMED THAT THE USE IS NON-CONSUMPTIVE.

Source Name: MUSKRAT 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		NWNWSW	10	16N	19E	FERGUS

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

Diversion Means: HEADGATE

***Period of Use:** MAY 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			NWSW	10	16N	19E	FERGUS

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

Water Right Number: 41S 139432-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MARILYN S KALINA
 19 VALENTINE RD
 ROY, MT 59471

FOWLER IRREVOCABLE LIVING TRUST
 1428 NEW YEAR GULCH RD
 LEWISTOWN, MT 59457

Priority Date: MAY 12, 1882

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 59.80 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 13.00

***Source Name:** UNNAMED TRIBUTARY OF WARM SPRING CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS SCALP CREEK

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		NESESE	2	16N	18E	FERGUS

Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: PUMP

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESESE	2	16N	18E	FERGUS

Diversion to Reservoir: DIVERSION # 1

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	13.00		SESE	2	16N	18E	FERGUS

Total: 13.00

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

Water Right Number: 41S 154046-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: FOWLER IRREVOCABLE LIVING TRUST
1428 NEW YEAR GULCH RD
LEWISTOWN, MT 59457

Priority Date: AUGUST 21, 1900

Type of Historical Right: FILED

Purpose (Use): MINING

Flow Rate: 161.57 GPM

***Volume:** THIS RIGHT IS LIMITED TO THE VOLUME OF WATER HISTORICALLY USED FOR MINING PURPOSES.
THIS USE MAY CONSUME SOME WATER, BUT UNTIL THAT AMOUNT IS QUANTIFIED, IT IS PRESUMED THAT THE USE IS NON-CONSUMPTIVE.

***Source Name:** MUSKRAT 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		NESENE	15	16N	19E	FERGUS

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			NWNWSW	10	16N	19E	FERGUS

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

Water Right Number: 41S 167938-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: FOWLER IRREVOCABLE LIVING TRUST
1428 NEW YEAR GULCH RD
LEWISTOWN, MT 59457

Priority Date: JUNE 15, 1894

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 170.00 GPM

***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: 10.00

Source Name: SPRING, UNNAMED TRIBUTARY OF MUSKRAT 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		NWNWNW	10	16N	19E	FERGUS

Period of Diversion: APRIL 5 TO OCTOBER 31

Diversion Means: HEADGATE

Period of Use: APRIL 5 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	2.00		S2SWNW	10	16N	19E	FERGUS
2	8.00		N2SW	10	16N	19E	FERGUS
Total:	10.00						