

Montana Water Court
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FILED
01/14/2025
Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
40K-0107-I-2024
White, Eugene
5.00

IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
WHITEWATER CREEK - BASIN (40K)
INTERLOCUTORY DECREE

CLAIMANT: United States of America (Bureau of Land
Management)

CASE 40K-0107-I-2024
40K 30142170
40K 30142171
40K 30142174
40K 30142175
40K 30142180

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 Interlocutory Decree for the Lower Missouri River Division, Whitewater Creek. The claims did not receive objections or

notices of intent to appear, but did receive issue remarks during the DNRC’s claims reexamination.

FINDINGS OF FACT

1. Claim 40K 30142171 received the following substantive issue remark:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT APPEAR TO BE REDUNDANT FILINGS. IT APPEARS ONLY ONE WATER RIGHT IS INVOLVED. 30142170, 30142171.

Claim 40K 30142174 received the following substantive issue remark:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT APPEAR TO BE REDUNDANT FILINGS. IT APPEARS ONLY ONE WATER RIGHT IS INVOLVED. 30142174, 30142175.

Claim 40K 30142180 received the following substantive issue remark:

THE CLAIM DOES NOT APPEAR TO MEET THE DEFINITION OF AN EXEMPT RIGHT UNDER SECTION 85-2-222(1), MCA.

2. On July 9, 2024, the Court set a filing deadline requiring claimant United States Bureau of Land Management (“BLM”) to file information or evidence addressing the issue remarks on the claims.

3. On October 16, 2024, BLM filed a *Response* to the Court’s Order Setting Filing Deadline. Attached with the *Response* was the Declaration of Melissa Norris, a BLM Water Resources Specialist, whose statements in her declaration corroborate the information contained in the *Response*. The *Response* addresses each of the above-listed issue remarks as follows:

40K 30142170 and 40K 30142171

BLM states that claim 40K 30142170 is a stockwater right from Dunham Coulee and Unnamed Tributaries of Dunham Coulee and is associated with grazing allotment number MT03113 and claim 40K 30142171 is a stockwater right from Dunham Coulee and is associated with grazing allotment number MT05015. Further, BLM notes that while the claims share a fence line and an overlapping legal land description in the NWSW of Sec 10, the claims do not overlap and are not redundant as each claim is unique to each grazing allotment.

40K 30142174 and 40K 30142175

BLM states that claim 40K 30142174 is a stockwater right from Whitewater Creek, East Fork and is associated with grazing allotment number MT03113 and claim 40K 30142171 is a stockwater right from Whitewater Creek, East Fork and Unnamed Tributaries of Whitewater Creek, East Fork and is associated with grazing allotment number MT05015. Further, BLM notes that while the claims also share a fence line and an overlapping legal land description in the SWNW of Sec 10, the claims do not overlap and are not redundant as each claim is unique to each grazing allotment.

40K 30142180

BLM states that claim 40K 30142180 reflects exempt use by stock drinking directly from the natural stream course of Whitewater Creek, East Fork, because that use occurred historically prior to the construction of the dam that forms Whitewater Lake. Additionally, to clarify that the use is not from the lake itself, BLM proposes the addition of the following information remark: “ONLY THE NATURAL STREAM COURSE OF WHITEWATER CREEK, EAST FORK WHICH IS EXPOSED DURING DRY YEARS WHEN THE LAKE IS NOT IMPOUNDING WATER IS CLAIMED.”

BLM states that if these proposals are implemented, the substantive issue remarks appearing on the claims would be resolved.

4. Each claim also received notice-type issue remarks from the DNRC during its reexamination of claims. No objections were filed.

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. 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. The factual evidence on which an issue remark is based must meet the preponderance of evidence standard before the prima facie status of a claim is

overcome. 43Q 200996-00 et al., Order Establishing Volume and Order Closing Case, at 18, June 8, 2015.

CONCLUSIONS OF LAW

1. The evidence in the record is sufficient to resolve the issue remarks placed on the above-captioned claims.

2. Based on the information contained in BLM's *Response* and the attached Declaration of Melissa Norris, claims 40K 30142170 and 40K 30142171 and claims 40K 30142174 and 40K 30142175 are not redundant filings as each is associated with its specific grazing allotment. Therefore, the redundant filing issue remarks appearing the claims should be removed.

3. Based on the information contained in BLM's *Response* and the attached Declaration of Melissa Norris, claim 40K should be modified as described in Finding of Fact No. 3, and the exempt claim issue remark should be removed.

4. The notice-type issue remarks appearing on each claim served their notice purpose and should be removed from the claims.

RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Master recommends that the Court adopt the changes as outlined above.

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

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
WHITEWATER CREEK
BASIN 40K**

Water Right Number: 40K 30142170 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)
5001 SOUTHGATE DR
BILLINGS, MT 59101-4669

Priority Date: JULY 11, 1935

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:** DUNHAM COULEE

Source Type: SURFACE WATER

***Source Name:** UNNAMED TRIBUTARY OF DUNHAM COULEE

Source Type: SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESESE	3	36N	32E	PHILLIPS

***Source Name:** UNNAMED TRIBUTARY OF DUNHAM COULEE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		NENE	10	36N	32E	PHILLIPS
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***Source Name:** UNNAMED TRIBUTARY OF DUNHAM COULEE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3		SENESE	10	36N	32E	PHILLIPS
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Source Name: DUNHAM COULEE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

4		SEWNNE	10	36N	32E	PHILLIPS
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***Source Name:** UNNAMED TRIBUTARY OF DUNHAM COULEE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
WHITEWATER CREEK
BASIN 40K**

Water Right Number: 40K 30142171 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)
5001 SOUTHGATE DR
BILLINGS, MT 59101-4669

Priority Date: JULY 11, 1935

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: DUNHAM COULEE

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	10	36N	32E	PHILLIPS

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	10	36N	32E	PHILLIPS

Remarks:

BLM FILED ELECTRONIC CLAIMS. THIS CLAIM REFERENCES BLM CLAIM ID BLM2813 AND GRAZING ALLOTMENT MT05015.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
WHITEWATER CREEK
BASIN 40K**

Water Right Number: 40K 30142174 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)
5001 SOUTHGATE DR
BILLINGS, MT 59101-4669

Priority Date: JULY 11, 1935

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: WHITEWATER CREEK, EAST 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		SWNW	10	36N	32E	PHILLIPS

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			SWNW	10	36N	32E	PHILLIPS

Remarks:

BLM FILED ELECTRONIC CLAIMS. THIS CLAIM REFERENCES BLM CLAIM ID BLM2816 AND GRAZING ALLOTMENT MT03113.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
WHITEWATER CREEK
BASIN 40K**

Water Right Number: 40K 30142175 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)
5001 SOUTHGATE DR
BILLINGS, MT 59101-4669

Priority Date: JULY 11, 1935

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:** WHITEWATER CREEK, EAST FORK

Source Type: SURFACE WATER

***Source Name:** UNNAMED TRIBUTARY OF WHITEWATER CREEK, EAST FORK

Source Type: SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	4	NWNW	4	36N	32E	PHILLIPS
Source Name: WHITEWATER CREEK, EAST FORK						
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
2		SWNWSE	4	36N	32E	PHILLIPS
Source Name: WHITEWATER CREEK, EAST FORK						
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
3		SWSESE	4	36N	32E	PHILLIPS
Source Name: WHITEWATER CREEK, EAST FORK						
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
4		SWSE	4	36N	32E	PHILLIPS
Source Name: WHITEWATER CREEK, EAST FORK						
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						

5		NESW	4	36N	32E	PHILLIPS
Source Name:	WHITEWATER CREEK, EAST FORK					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		N2NWSW	4	36N	32E	PHILLIPS
Source Name:	WHITEWATER CREEK, EAST FORK					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
7		SESW	4	36N	32E	PHILLIPS
Source Name:	WHITEWATER CREEK, EAST FORK					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
8	1	NENE	5	36N	32E	PHILLIPS
Source Name:	WHITEWATER CREEK, EAST FORK					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
9	2	NWNE	5	36N	32E	PHILLIPS
Source Name:	WHITEWATER CREEK, EAST FORK					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
10		NWNWSE	5	36N	32E	PHILLIPS
Source Name:	WHITEWATER CREEK, EAST FORK					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
11		NWSESW	5	36N	32E	PHILLIPS
Source Name:	WHITEWATER CREEK, EAST FORK					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
12		NENE	7	36N	32E	PHILLIPS
*Source Name:	UNNAMED TRIBUTARY OF WHITEWATER CREEK, EAST FORK					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
13		NENE	7	36N	32E	PHILLIPS
Source Name:	WHITEWATER CREEK, EAST FORK					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
14		NWNWNW	8	36N	32E	PHILLIPS
Source Name:	WHITEWATER CREEK, EAST FORK					
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
15		NENE	9	36N	32E	PHILLIPS
Source Name:	WHITEWATER CREEK, EAST FORK					

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
16 E2NWNE 9 36N 32E PHILLIPS
Source Name: WHITEWATER CREEK, EAST FORK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
17 SENE 9 36N 32E PHILLIPS
Source Name: WHITEWATER CREEK, EAST FORK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
18 SWSWNW 10 36N 32E PHILLIPS
Source Name: WHITEWATER CREEK, EAST FORK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
19 NWSW 10 36N 32E PHILLIPS
Source Name: WHITEWATER CREEK, EAST FORK
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		4	NWNW	4	36N	32E	PHILLIPS
2			SWNWSE	4	36N	32E	PHILLIPS
3			SWSESE	4	36N	32E	PHILLIPS
4			SWSE	4	36N	32E	PHILLIPS
5			NESW	4	36N	32E	PHILLIPS
6			N2NWSW	4	36N	32E	PHILLIPS
7			SESW	4	36N	32E	PHILLIPS
8		1	NENE	5	36N	32E	PHILLIPS
9		2	NWNE	5	36N	32E	PHILLIPS
10			NWNWSE	5	36N	32E	PHILLIPS
11			NWSESW	5	36N	32E	PHILLIPS
12			NENE	7	36N	32E	PHILLIPS
13			NENE	7	36N	32E	PHILLIPS
14			NWNWNW	8	36N	32E	PHILLIPS
15			NENE	9	36N	32E	PHILLIPS
16			E2NWNE	9	36N	32E	PHILLIPS
17			SENE	9	36N	32E	PHILLIPS
18			SWSWNW	10	36N	32E	PHILLIPS
19			NWSW	10	36N	32E	PHILLIPS

Remarks:

BLM FILED ELECTRONIC CLAIMS. THIS CLAIM REFERENCES BLM CLAIM ID BLM2817 AND GRAZING ALLOTMENT MT05015.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
WHITEWATER CREEK
BASIN 40K**

Water Right Number: 40K 30142180 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)
5001 SOUTHGATE DR
BILLINGS, MT 59101-4669

Priority Date: JULY 11, 1935

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: WHITEWATER CREEK, EAST FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESE	2	35N	31E	PHILLIPS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		NWSE	2	35N	31E	PHILLIPS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		SESE	2	35N	31E	PHILLIPS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		SWSE	2	35N	31E	PHILLIPS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		NENE	11	35N	31E	PHILLIPS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		NWSE	35	36N	31E	PHILLIPS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

7 SESE 35 36N 31E PHILLIPS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

8 SWSE 35 36N 31E PHILLIPS

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			NESE	2	35N	31E	PHILLIPS
2			NWSE	2	35N	31E	PHILLIPS
3			SESE	2	35N	31E	PHILLIPS
4			SWSE	2	35N	31E	PHILLIPS
5			NENE	11	35N	31E	PHILLIPS
6			NWSE	35	36N	31E	PHILLIPS
7			SESE	35	36N	31E	PHILLIPS
8			SWSE	35	36N	31E	PHILLIPS

Remarks:

ONLY THE NATURAL STREAM COURSE OF WHITEWATER CREEK, EAST FORK WHICH IS EXPOSED DURING DRY YEARS WHEN THE LAKE IS NOT IMPOUNDING WATER IS CLAIMED.

BLM FILED ELECTRONIC CLAIMS. THIS CLAIM REFERENCES BLM CLAIM ID BLM2822 AND GRAZING ALLOTMENT MT05036.