

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
(406) 586-4364
1-800-624-3270
watercourt@mt.gov

FILED
06/16/2025
Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
40S-0010-I-2024
Stern, Anika
14.00

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

* * * * *

CLAIMANT: Mark D. Shumway

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

CASE 40S-0010-I-2024

40S 30132687

40S 30133750

40S 30133778

40S 30171101

40S 30171102

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. Mark D. Shumway is the record owner of claims 40S 30132687, 40S 30133750, and 40S 30133778.

2. Claims 40S 30132687, 40S 30133750, and 40S 30133778 were decreed with DNRC issue remarks noting that they were not included in the December 29, 1999 decree. Claim 40S 30132687 was decreed with an additional remark indicating the claim appears to be owned by Mark D. Shumway – the remark seemed to be outdated.

3. The United States of America (BIA) objected to claims 40S 30132687, 40S 30133750, and 40S 30133778.

4. On May 1, 2025, the Claimant Mark D. Shumway (Shumway) and Objector United States, DOI Bureau of Indian Affairs (BIA) filed a Stipulation resolving the Objections. (Doc.¹13.00).

Claim 40S 30132687 and implied claim 40S 30171101:

5. Stock claim 40S 30132687 is a use right for stock water direct from Unnamed Tributary of Wolf Creek in Section 19, Township 18 North, Range 47 East.

6. According to the information in the Stipulation, BIA technical staff conducted a desktop review of claim 40S 30132687 and determined the legal land descriptions of the points of diversion and places of use were inaccurate:

E. The United States’ investigation determined that the legal description of the lands comprising the POD/POU is not accurate. Because section 19, T28N-R47E, is a bordering section that butts against another township, the Public Land Survey System employed survey corrections to match the curvature of the earth, which resulted in the use of government lots to describe the W2 of section 19. The W2 is thus properly described as being comprised of Government Lots 1-12. And based on BIA’s review of Claim No. 30132687, unnamed tributaries of Wolf Creek are only found within Lots 2, 6, and 12 of section 19.

Stipulation, at E, pg. 2.

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

8. Based on the agreement of the parties, the following modifications should be made to claim 40S 30132682:

<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		12	W2	19	28N	47E	ROOSEVELT

<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	W2	19	28N	47E	ROOSEVELT
	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		6	W2	19	28N	47E	ROOSEVELT

3

11. According to the information in the Stipulation, BIA technical staff conducted a desktop review of claim 40S 30133750 and determined the legal land descriptions of the points of diversion and places of use were inaccurate. According to the parties, like claim 40S 30132687 and 40S 30171101, claim 40S 30133750 is best described using government lots: “Based on the BIA’s review of the claim, Wolf Creek is located only within Lots 2, 3, 4, 5, 8, and 11 of section 19.” *Stipulation*, at J, pg. 3.

12. According to the parties, the December 31, 1900 priority date is not supported for claim 40S 30133750. Based on Patent 511359, Lot 8 and 11 left the federal public domain and came into private ownership on February 3, 1916. (Doc. 13.00, Exhibit 2). Based on Patent 710721 (Exhibit 3), Lots 2, 3, 4, and 5 left the public domain and came into private ownership on October 4, 1919. (Doc. 13.00, Exhibit 3). The parties agree that an implied claim be generated for the October 4, 1919 priority date.

13. Based on the agreement of the parties, the following modifications should be made to claim 40S 30133750:

Priority Date: ~~DECEMBER 31, 1900~~ FEBRUARY 3, 1916

*Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	8	W2	19	28N	47E	ROOSEVELT

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
	11	W2	19	28N	47E	ROOSEVELT

PerOD: January 1 to December 31

Diversion Means: Livestock Direct from Source

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		8	W2	19	28N	47E	ROOSEVELT

Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
	11	W2	19	28N	47E	ROOSEVELT

And implied claim 40S 30171102 should be generated with elements identical to claim 40S 30133750, except for the following:

Priority Date: **DECEMBER 31, 1900** **OCTOBER 4, 1919**

*Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	2	W2	19	28N	47E	ROOSEVELT
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
	3		19	28N	47E	ROOSEVELT
	4		19	28N	47E	ROOSEVELT
	5		19	28N	47E	ROOSEVELT

Period: January 1 to December 31
 Diversion Means: Livestock Direct from Source

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		2	W2	19	28N	47E	ROOSEVELT
	3			19	28N	47E	ROOSEVELT
	4			19	28N	47E	ROOSEVELT
	5			19	28N	47E	ROOSEVELT

Claim 40S 30133778:

14. Stock claim 40S 30133778 is a use right for stock water direct from an Unnamed Tributary of Wolf Creek in Sections 25, 26, 35, and 36, Township 29 North, Range 45 East, and Section 31, Township 29 North, Range 46 East.

15. During its desktop review of claim 40S 30133778, the BIA determined the following:

N. The United States' investigation determined that a portion of the lands compromising POD/POU No. 3 (SE of section 26, T29N-R45E) are still held in trust status. Patent No. 1029204, issued on July 9, 1929 (copy attached as **Exhibit 6**), covers the S2SE and the NWSE of section 26, T29N-R45E, which Mr. Shumway owns in fee. However, the United States owns the NESE of section 26 in trust status for the Assiniboiné and Sioux Tribes, as shown on the Title Status Report for Tract Number T6036 (copy attached as **Exhibit 7**), and the NESE is not a part of Mr. Shumway's water-right claim.

Stipulation, at N, pg. 4.

14. Additionally, the parties Stipulated that point of diversion and place of use ID No. 2 (W2 of Section 26, Township 29 North, Range 45 East), did not fully leave from trust until 1984 when it was acquired by an Indian Allottee. (Doc 13.00, Exhibits 8 and 9). Therefore, the parties agreed point of diversion and place of use ID No. 2 should be removed completely from claim 40S 30133778.

15. According to the parties, the December 31, 1915 priority date is not supported for claim 40S 30133778. Based on Patents 1029204 and 1029207, the following places of use and points of diversion left the federal public domain and came into private ownership on July 9, 1929. (Doc. 13.00, Exhibits 6 and 10):

<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			S2SW	25	29N	45E	VALLEY
2			S2SE W2	26	29N	45E	VALLEY
3			NWSE SE	26	29N	45E	VALLEY
4			NENE	35	29N	45E	VALLEY
5			N2N2	36	29N	45E	VALLEY
6			S2N2	31	29N	46E	ROOSEVELT
7			NWNW	31	29N	46E	ROOSEVELT
8			NWSE	31	29N	46E	ROOSEVELT

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. The issue remarks decreed on claims 40S 30132687, 40S 30133750, and 40S 30133778, noting that they were not included in the 1999 decree are notice-issue remarks. The remarks have served their notice purpose and can be removed from the claim.

5. 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.

6. 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.

7. 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).

8. Claim 40S 30132687 and 30133750 meet the requirements for generating implied claims as the 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 claims. Claims 40S 30171101 and 41S 30171102 should be generated.

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 Electronic Mail:

Dana Elias Pepper
Eyvind Ostrem
River and Range Law, PLLC
dana@riverandrangelaw.com
eyvind@riverandrangelaw.com
office@riverandrangelaw.com
(Attys for: Mark D. Shumway)

Samuel D. Gollis
US Dept of Justice TRS, ENRD
samuel.gollis@usdoj.gov
Efile_Denver.enrd@usdoj.gov
(Atty for: United State of America (Dept. of Interior Bureau of Indian Affairs))

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

Water Right Number: 40S 30132687 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: MARK D SHUMWAY
PO BOX 160
WOLF POINT, MT 59201-0160

Priority Date: FEBRUARY 3, 1916

***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 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	12		19	28N	47E	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		12		19	28N	47E	ROOSEVELT

Remarks:

IMPLIED CLAIM NO. 40S 30171101 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

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

Water Right Number: 40S 30133750 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: MARK D SHUMWAY
PO BOX 160
WOLF POINT, MT 59201-0160

Priority Date: FEBRUARY 3, 1916

***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: 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	8		19	28N	47E	ROOSEVELT

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2	11		19	28N	47E	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		8		19	28N	47E	ROOSEVELT
2		11		19	28N	47E	ROOSEVELT

Remarks:

IMPLIED CLAIM NO. 40S 30171102 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

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

Water Right Number: 40S 30133778 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: MARK D SHUMWAY
PO BOX 160
WOLF POINT, MT 59201-0160

Priority Date: JULY 9, 1929

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 WOLF CREEK

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		S2SW	25	29N	45E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		S2SE	26	29N	45E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		NWSE	26	29N	45E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		NENE	35	29N	45E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		N2N2	36	29N	45E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		S2N2	31	29N	46E	ROOSEVELT
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

7	NWNW	31	29N	46E	ROOSEVELT
Period of Diversion: JANUARY 1 TO DECEMBER 31					
Diversion Means: LIVESTOCK DIRECT FROM SOURCE					
8	NWSE	31	29N	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			S2SW	25	29N	45E	VALLEY
2			S2SE	26	29N	45E	VALLEY
3			NWSE	26	29N	45E	VALLEY
4			NENE	35	29N	45E	VALLEY
5			N2N2	36	29N	45E	VALLEY
6			S2N2	31	29N	46E	ROOSEVELT
7			NWNW	31	29N	46E	ROOSEVELT
8			NWSE	31	29N	46E	ROOSEVELT

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

Water Right Number: 40S 30171101 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: MARK D SHUMWAY
PO BOX 160
WOLF POINT, MT 59201-0160

Priority Date: OCTOBER 4, 1919

***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 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	2		19	28N	47E	ROOSEVELT

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2	6		19	28N	47E	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		2		19	28N	47E	ROOSEVELT
2		6		19	28N	47E	ROOSEVELT

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40S 30132687.

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

Water Right Number: 40S 30171102 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: MARK D SHUMWAY
PO BOX 160
WOLF POINT, MT 59201-0160

Priority Date: OCTOBER 4, 1919

***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: 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	2		19	28N	47E	ROOSEVELT

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2	3		19	28N	47E	ROOSEVELT
---	---	--	----	-----	-----	-----------

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3	4		19	28N	47E	ROOSEVELT
---	---	--	----	-----	-----	-----------

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

4	5		19	28N	47E	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		2		19	28N	47E	ROOSEVELT
2		3		19	28N	47E	ROOSEVELT
3		4		19	28N	47E	ROOSEVELT
4		5		19	28N	47E	ROOSEVELT

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40S 30133750.