

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
MARIAS RIVER - BASIN 41P

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CLAIMANT: Roger A. Erickson

CASE 41P-0405-P-2025
41P 178131-00

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

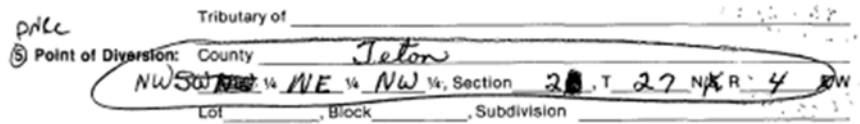
On December 12, 2024, Roger Erickson filed a request to correct the section number of the point of diversion for claim 41P 178131-00.

FINDINGS OF FACT

1. Claim 41P 178131-00 is a multiple domestic claim that diverts water from Aldrich Spring.

2. The statement of claim originally claimed the point of diversion in the NWNENW of Section 26, T27N, R4W, Teton County.

3. During their initial review of the claim, the DNRC modified the point of diversion to the NWNENW of Section 2, T27N, R4W:



4. All other water rights that divert water from Aldrich Spring claim one point of diversion – the NWNENW of Section 26, T27N, R4W, Teton County.

5. The DNRC originally modified the claimed point of diversion to the SWNENW of Section 2, T27N, R4W. The DNRC then corrected its modification to reflect the point of diversion as originally claimed. Although the quarter sections were corrected, the section number was mistakenly left as 2 instead of 26.

PRINCIPLE AND CONCLUSION OF LAW

1. The Court may correct a clerical mistake found in a judgment, order, or other part of the record on motion or on its own, with or without notice. Rule 60(a), M.R.Civ.P.

2. The DNRC made a clerical mistake when it failed to restore the originally claimed section number for the point of diversion.

RECOMMENDATION

1. The point of diversion for claim 41P 178131-00 should be corrected to the NWNENW of Section 26, T27N, R4W, Teton County.

A post decree abstract of the water right claim reflecting this recommendation is attached to this Report.

ELECTRONICALLY SIGNED AND DATED BELOW.

SERVICE VIA USPS MAIL

Roger A Erickson
424 Erickson Rd
Conrad, MT 59425

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MARIAS RIVER
BASIN 41P**

Water Right Number: 41P 178131-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: ROGER A ERICKSON
424 ERICKSON RD
CONRAD, MT 59425-8944

Priority Date: FEBRUARY 16, 1952

Type of Historical Right: USE

Purpose (Use): MULTIPLE DOMESTIC

Flow Rate: 35.00 GPM

Volume: 2.00 AC-FT

Households: 2

Source Name: SPRING, UNNAMED TRIBUTARY OF MCDONALD COULEE

Source Type: GROUNDWATER

ALSO KNOWN AS ALDRICH SPRING

THE SOURCE FOR THIS APPROPRIATION IS LOCATED ON THE DIVIDE BETWEEN ALDRICH COULEE IN BASIN 41O AND SOUTH PONDERA COULEE IN BASIN 41P. THE FLOW FROM THE SOURCE IS TRIBUTARY TO BOTH COULEES.

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		NWNENW	26	27N	4W	TETON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

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			SWSENW	26	27N	4W	TETON