

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: Jack A. Pittman; Pamela J. Pittman; Malcolm  
E. Reynolds

**CASE 41S-0481-R-2025**

- 41S 142213-00
- 41S 142214-00
- 41S 142215-00
- 41S 142216-00
- 41S 142218-00
- 41S 142223-00
- 41S 142224-00
- 41S 142225-00
- 41S 142229-00

**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 have **13 days** from the service date of the notice of filing of this report to file a written objection or request an extension of the objection period. Rule 23, Water Right Adjudication Rules, Rule 6, Montana Rules of Civil Procedure. 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. Jack A. Pittman, Pamela J. Pittman, and Malcolm E. Reynolds are the record owners of claims 41S 142213-00, 41S 142214-00, 41S 142215-00, 41S 142216-00, 41S 142218-00, 41S 142223-00, 41S 142224-00, 41S 142225-00, and 41S 142229-00 (hereinafter referred to as “the Claimants”).

2. The Claimants were ordered to meet with a Montana Department of Natural Resources and Conservation (“DNRC”) employee to address unresolved issue remarks decreed on claims 41S 142213-00, 41S 142214-00, 41S 142215-00, 41S 142216-00, 41S 142218-00, 41S 142223-00, 41S 142224-00, 41S 142225-00, and 41S 142229-00:

**Claim 41S 142213-00**

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE ADDRESSED AT THE OBJECTION STAGE. IT APPEARS THAT 0 ACRES ARE ACTUALLY IRRIGATED AND PROBLEMS COULD EXIST WITH FLOW RATE AND VOLUME THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.
- THE FERGUS COUNTY WATER RESOURCES SURVEY ( 1970 ) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30027-278-266 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE FERGUS COUNTY WATER RESOURCES SURVEY ( 1970 ) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

**Claim 41S 142214-00:**

- THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 10.00 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 POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.
- THE FERGUS COUNTY WATER RESOURCES SURVEY ( 1970 ) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30027-278-266 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

**Claim 41S 142215-00:**

- THE POINT OF DIVERSION LEGAL LAND DESCRIPTION COULD NOT BE REFINED FROM INFORMATION IN THE CLAIM FILE.

**Claim 41S 142216-00:**

- THE CLAIMED MEANS OF DIVERSION DOES NOT APPEAR STANDARDIZED AND CANNOT BE CLARIFIED FROM AVAILABLE DATA.

**Claim 41S 142218-00:**

- THE FLOW RATE IS MISSING.

**Claim 41S 142223-00:**

- THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

**Claim 41S 142224-00:**

- THE WATER COURT FINDS NO LEGAL BASIS FOR THIS PURPOSE TO BE CONSIDERED A BENEFICIAL USE OR AN APPROPRIATION OF WATER.
- THE CLAIMED VOLUME EXCEEDS THE MAXIMUM FEASIBLE VOLUME. BASED ON THE FLOW RATE AND PERIOD OF USE, THE MAXIMUM VOLUME POSSIBLE IS 595.25 ACRE-FEET PER YEAR.

**Claim 41S 142225-00:**

- THE FLOW RATE IS MISSING.
- THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

**Claim 41S 142229-00:**

- THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE PUMP CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

3. DNRC Water Resource Specialist Brandon Ahlgren filed a Memorandum on April 8, 2025. (Doc.<sup>1</sup> 4.00). Mr. Ahlgren indicated he reviewed the Fergus County Water Resources Survey and aerial photographs to prepare the Memorandum. Mr. Ahlgren reported he met with attorney Oliver Urick on behalf of Malcolm Reynolds to discuss the claims.<sup>2</sup> Mr. Ahlgren indicated that Jack and Pamela Pittman are deceased.

4. **Claim 41S 142213-00:** Mr. Ahlgren did not substantiate any historical irrigation at the claimed place of use, and he recommended the claim be dismissed.

5. **Claim 41S 142214-00:** Mr. Ahlgren did not substantiate any historical irrigation at the claimed place of use, and he recommended the claim be dismissed.

6. **Claim 41S 142215-00:** Using information in the claim file, Mr. Ahlgren recommended the point of diversion be modified as follows and the issue remark be removed from claim 41S 142215-00:

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWNE	E2	12	16N	19E	FERGUS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b>	FLOWING						

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

<sup>2</sup> Mr. Urick also represents Jack Pittman.

7. **Claim 41S 142216-00:** Mr. Ahlgren was unable to determine how claim 41S 142216-00 was used for domestic purposes and recommends the claim be dismissed.

8. **Claim 41S 142218-00:** Mr. Ahlgren explained:

This water right was claimed April 30, 1982, by Estate of Elizabeth K. Pittman for stock use from a spring near Alpine Gulch.

A flow rate was claimed, and during initial examination it was replaced by rule with standardized language by the DNRC due to the claim being "Livestock Direct from Source". During this investigation, using information in the claim file, the DNRC has determined that the flow rate of this claim should be the DNRC guideline of 35.00 GPM. For clarity, it would be ideal to modify the means of diversion to "Developed Spring" however that recommendation would be outside the scope of this Order.

Mr. Ahlgren recommends a 35.00 gallon per minute (gpm) flow rate be added to claim 41S 142218-00 and the issue remark be removed.

9. **Claim 41S 142223-00:** Using the resources available to him, Mr. Ahlgren was unable to locate a point of diversion for claim 41S 142223-00, and he recommended the claim be dismissed.

10. **Claim 41S 142224-00:** Mr. Ahlgren addressed the volume issue remark decreed on claim 41S 142224-00:

The claimed volume does exceed the maximum feasible volume. Without clarification from the claimant, the DNRC will apply its guidelines regarding maximum possible volume.

$(\text{Flow rate} * \text{Days used}) / 226.28542 = \text{Feasible volume}$

$(368.02 * 365) / 226.28542 = \mathbf{595.25 \text{ Acre-Feet}}$

Mr. Ahlgren did address whether aesthetic use was a legal basis for use of water, likely because it is a legal issue.

11. **Claim 41S 142225-00:** Mr. Ahlgren explained that the flow rate (and volume) of claim 41S 142225-00 was previously addressed in a Master's Report filed on October 11, 1990 in Case 41S-69 during adjudication of the Temporary Preliminary Decree in Basin 41S. The Master's Report indicated that the following remark should be added to the abstract of claim 41S 142225-00:

AS THE QUANTITY OF WATER HISTORICALLY USED FOR OCCASIONAL RECREATIONAL GOLD PANNING IS SO MINISCULE AS TO BE VIRTUALLY NON-CONSUMPTIVE, THE FLOW RATE AND VOLUME WILL NOT BE QUANTIFIED. THIS RIGHT IS LIMITED TO THE AMOUNTS USED FOR OCCASIONAL RECREATIONAL GOLD PANNING.

The remark was decreed under the volume element of claim 41S 142225-00 in the Preliminary Decree. Mr. Ahlgren recommended the remark be added to the flow rate element of claim 41S 142225-00. To avoid duplicative remarks, this Water Master will only recommend that the flow rate issue remark be removed from the claim.

Mr. Ahlgren indicated that he does not think claim 41S 142225-00 uses a headgate as a means of diversion and there is no evidence in the file that a ditch/headgate is involved; Mr. Ahlgren stated: “Besides the claim form, there is no evidence in the file to indicate a ditch/headgate is involved.” However, Mr. Ahlgren only recommended the means of diversion issue remark be removed.

In the Temporary Preliminary Decree, claim 41S 142225-00 received an Objection from the Department of Fish, Wildlife & Parks and a Notice of Intent to Appear from Robert L. Johnson. After a June 1, 1988 hearing, the October 11, 1990 Master’s Report was issued Case 41S-69. The Water Master in Case 41S-69 reviewed claims, testimony, exhibits, and post-trial briefs and made no mention of the means of diversion for claim 41S 142225-00 being incorrect. The Water Master did not remove the headgate from claim 41S 142225-00. After an Objection to the Master’s Report was filed, then-Chief Water Judge Loble issued an Order Adopting Master’s Report and Memorandum on February 1, 1991 in which he adopted the Master’s Report. Again, no mention was made of the means of diversion being incorrect.

Claim 41S 142225-00 has been through ample procedure at the Water Court, including a hearing. This Water Master will not upset the decision made by Water Master Lambert in Case 41S-69 and will only recommend the issue remark be removed.

12. **Claim 41S 142229-00:** Mr. Ahlgren determined that the pump described by claim 41S 142229-00 is moveable, and he recommended a remark be added to claim 41S 142229-00: “PUMP IS MOVEABLE ALL ALONG SOURCE WITHIN LEGAL LAND DESCRIPTION.” And the issue remark be removed.

13. Water Master Nathaniel Block issued an Order Setting Filing Deadline, ordering the Claimant to “file documentation regarding their position on the recommendations in the April 8, 2025 Memorandum” on April 11, 2025.” The Order indicated that if nothing were filed by the deadline, it would be determined the Claimants

agreed with the recommendations in the Memorandum. (Doc. 5.00). Nothing was filed in response to the Order.

14. On June 3, 2025, Water Master Nathaniel Block issued an Order Setting Show Cause Deadline. The Order stated:

...before a Master’s Report can be drafted in Water Court Case 41S-0481-R-2025, the Court will afford Claimant the opportunity to submit evidence regarding the use of claim 41S 142224-00. Claim 41S 142224-00 has a listed use of “unknown.” Evidence in the claim file suggests that the list was originally filed as “aesthetic.” The claim file notes—as does the issue remark attached to claim 41S 142224-00—that there is “no legal basis for this purpose to be considered a beneficial use.” Aesthetic use is not considered beneficial use pursuant to MCA § 85-2-102(5). The claim will be dismissed if evidence of appropriate beneficial use is not provided to the Court by the below date.

A deadline was set for the Claimant to file evidence showing cause why claim 41S 142224-00 should not be dismissed. The Order also stated:

...failure to comply with this filing deadline will be viewed as Claimant’s acknowledgement and agreement that “aesthetic use” for claim 41S 142224-00 is not considered beneficial use pursuant to MCA § 85-2-102(5), and that claim 41S 142224-00 will therefore be dismissed.

(Doc. 6.00). Nothing was filed by the deadline.

#### PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court must address all issue remarks decreed on a claim. Mont. Code Ann. § 85-2-248.
2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. § 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, ¶ 34, 375 Mont. 86, 329 P.3d 558.
3. The issue remark regarding whether a headgate is the means of diversion for claim 41S 142225-00 has not overcome the prima facie statement of claim.

RECOMMENDATIONS

1. Claims 41S 142213-00, 41S 142214-00, 41S 142215-00, 41S 142216-00, 41S 142218-00, 41S 142223-00, 41S 142224-00, 41S 142225-00, and 41S 142229-00 should be modified as follows:

- **Claim 41S 142215-00:**

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWNE	E2	12	16N	19E	FERGUS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

- **Claim 41S 142218-00:**

- A 35.00 gpm flow rate be added to claim 41S 142218-00

- **Claim 41S 142225-00:**

- No modifications.

- **Claim 41S 142229-00:**

- A remark should be added to claim:
  - PUMP IS MOVEABLE ALL ALONG SOURCE WITHIN LEGAL LAND DESCRIPTION.

2. Claims 41S 142213-00, 41S 142214-00, 41S 142216-00, 41S 142223-00, 41S 142224-00, should be dismissed.

3. The issue remarks should be removed from claims 41S 142215-00, 41S 142218-00, 41S 142225-00, and 41S 142229-00.

Abstracts are attached for review.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via USPS Mail:**

Pamelia J. Pittman  
PO Box 214  
Jonesport, ME 04649-0214

**Service via Electronic Mail:**

Oliver J. Urick  
Urlick Law Firm, PLLC  
ourick@uricklawfirm.com  
(Attorney for Jack Pittman and Malcolm Reynolds)

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

**Water Right Number:** 41S 142213-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** DISMISSED

**Owners:**

JACK A PITTMAN  
3910 HULMAN ST  
TERRE HAUTE, IN 47803

PAMELIA J PITTMAN  
PO BOX 214  
JONESPORT, ME 04649-0214

MALCOLM E REYNOLDS  
10100 WALLER HILL RD  
POSEYVILLE, IN 47633-9458

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:** ALPINE GULCH

**Source Type:** SURFACE WATER

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

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

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

**Water Right Number:** 41S 142214-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** DISMISSED

**Owners:**

JACK A PITTMAN  
3910 HULMAN ST  
TERRE HAUTE, IN 47803

PAMELIA J PITTMAN  
PO BOX 214  
JONESPORT, ME 04649-0214

MALCOLM E REYNOLDS  
10100 WALLER HILL RD  
POSEYVILLE, IN 47633-9458

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:** SPRING, UNNAMED TRIBUTARY OF ALPINE GULCH

**Source Type:** GROUNDWATER

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

**Period of Use:**

**Place of Use:**

---

**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

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

**Water Right Number:** 41S 142215-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** JACK A PITTMAN  
3910 HULMAN ST  
TERRE HAUTE, IN 47803  
  
PAMELIA J PITTMAN  
PO BOX 214  
JONESPORT, ME 04649-0214  
  
MALCOLM E REYNOLDS  
10100 WALLER HILL RD  
POSEYVILLE, IN 47633-9458

**Priority Date:** JUNE 4, 1932

**Type of Historical Right:** FILED

**Purpose (Use):** DOMESTIC

**Flow Rate:** 26.93 GPM

**Volume:** 5.00 AC-FT

**Households:** 1

**Maximum Acres:** 2.00

**Source Name:** SPRING, UNNAMED TRIBUTARY OF ALPINE GULCH

**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		SESWNE	12	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	2.00		E2	12	16N	19E	FERGUS

**Total:** 2.00

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

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

**Water Right Number:** 41S 142216-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** DISMISSED

**Owners:**

JACK A PITTMAN  
3910 HULMAN ST  
TERRE HAUTE, IN 47803

PAMELIA J PITTMAN  
PO BOX 214  
JONESPORT, ME 04649-0214

MALCOLM E REYNOLDS  
10100 WALLER HILL RD  
POSEYVILLE, IN 47633-9458

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** DOMESTIC

**Flow Rate:**

**Volume:**

**Source Name:** ALPINE GULCH

**Source Type:** SURFACE WATER

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

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

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

**Water Right Number:** 41S 142218-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** JACK A PITTMAN  
3910 HULMAN ST  
TERRE HAUTE, IN 47803  
  
PAMELIA J PITTMAN  
PO BOX 214  
JONESPORT, ME 04649-0214  
  
MALCOLM E REYNOLDS  
10100 WALLER HILL RD  
POSEYVILLE, IN 47633-9458

**Priority Date:** JUNE 4, 1932

**Type of Historical Right:** FILED

**Purpose (Use):** STOCK

**Flow Rate:** 35.00 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 ALPINE GULCH

**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		SESWNE	12	16N	19E	FERGUS

**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			SESWNE	12	16N	19E	FERGUS

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

142214-00      142215-00      142218-00

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

**Water Right Number:** 41S 142223-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** **DISMISSED**

**Owners:**

JACK A PITTMAN  
3910 HULMAN ST  
TERRE HAUTE, IN 47803

PAMELIA J PITTMAN  
PO BOX 214  
JONESPORT, ME 04649-0214

MALCOLM E REYNOLDS  
10100 WALLER HILL RD  
POSEYVILLE, IN 47633-9458

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** INDUSTRIAL

**Flow Rate:**

**Volume:**

**Source Name:** ALPINE GULCH

**Source Type:** SURFACE WATER

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

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

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

**Water Right Number:** 41S 142224-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** DISMISSED

**Owners:**

JACK A PITTMAN  
3910 HULMAN ST  
TERRE HAUTE, IN 47803

PAMELIA J PITTMAN  
PO BOX 214  
JONESPORT, ME 04649-0214

MALCOLM E REYNOLDS  
10100 WALLER HILL RD  
POSEYVILLE, IN 47633-9458

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** UNKNOWN

**Flow Rate:**

**Volume:**

**Source Name:** ALPINE GULCH

**Source Type:** SURFACE WATER

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

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

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

**Water Right Number:** 41S 142225-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** JACK A PITTMAN  
3910 HULMAN ST  
TERRE HAUTE, IN 47803  
  
PAMELIA J PITTMAN  
PO BOX 214  
JONESPORT, ME 04649-0214  
  
MALCOLM E REYNOLDS  
10100 WALLER HILL RD  
POSEYVILLE, IN 47633-9458

**Priority Date:** JUNE 21, 1880

**Type of Historical Right:** FILED

**Purpose (Use):** MINING

**\*Flow Rate:**

**Volume:**

AS THE QUANTITY OF WATER HISTORICALLY USED FOR OCCASIONAL RECREATIONAL GOLD PANNING IS SO MINISCULE AS TO BE VIRTUALLY NON-CONSUMPTIVE, THE FLOW RATE AND VOLUME WILL NOT BE QUANTIFIED. THIS RIGHT IS LIMITED TO THE AMOUNTS USED FOR OCCASIONAL RECREATIONAL GOLD PANNING.

**Source Name:** ALPINE GULCH

**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		E2	12	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			E2	12	16N	19E	FERGUS

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

**Water Right Number:** 41S 142229-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** JACK A PITTMAN  
3910 HULMAN ST  
TERRE HAUTE, IN 47803  
  
PAMELIA J PITTMAN  
PO BOX 214  
JONESPORT, ME 04649-0214  
  
MALCOLM E REYNOLDS  
10100 WALLER HILL RD  
POSEYVILLE, IN 47633-9458

**Priority Date:** JUNE 21, 1880

**Type of Historical Right:** USE

**Purpose (Use):** FIRE PROTECTION

**Flow Rate:** 100.00 GPM

**\*Volume:** THE VOLUME OF THIS WATER RIGHT IS LIMITED TO THE MINIMUM AMOUNTS NECESSARY FOR FIRE PROTECTION PURPOSES.

**Source Name:** ALPINE GULCH

**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		E2	12	16N	19E	FERGUS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** PUMP

PUMP IS MOVEABLE ALL ALONG SOURCE WITHIN LEGAL LAND DESCRIPTION.

**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	16N	19E	FERGUS

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

142217-00      142224-00      142229-00