FILED
10/06/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41S-0406-R-2024
Hyatt, Robert J.
9.00

Montana Water Court
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Bozeman, MT 59771-1389
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MONTANA WATER COURT
LOWER MISSOURI DIVISION
JUDITH RIVER
BASIN 41S
PRELIMINARY DECREE

* *

CLAIMANT: David A. Weinheimer

CASE 41S-0406-R-2024
41S 135270-00
41S 135273-00
41S 135277-00
41S 135278-00
41S 135279-00
41S 135280-00
41S 135281-00
41S 140043-00
41S 140045-00
41S 140046-00
41S 140050-00
41S 140057-00

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. David A. Weinheimer ("Claimant") is the record holder of claims 41S 135270-00, 41S 135273-00, 41S 135277-00, 41S 135278-00, 41S 135279-00, 41S 135280-00, 41S 135281-00, 41S 140043-00, 41S 140045-00, 41S 140046-00, 41S 140050-00, and 41S 140057-00.

2. The above claims each received one or more issue remarks. All claims included in the Decree were subject to pre-decree examination by the Montana Department of Natural Resources and Conservation ("DNRC").

3. On July 31, 2024, Claimant was ordered to meet with the DNRC to address the unresolved issue remarks on the above captioned claims. (Doc.[1] 1.00)

4. DNRC Water Resource Specialist Carli Bluhm filed a Memorandum on October 7, 2024. (Doc. 3.00). Ms. Bluhm reported that Claimant failed to contact the DNRC as ordered.

5. Claim 41S 135270-00 received the following substantive issue remark:

EXISTENCE OF THE CLAIMED RESERVOIR CANNOT BE CONFIRMED WITH AVAILABLE DATA.

6. During initial examination, the DNRC was unable to locate the claimed reservoir. After review of aerial images and no additional evidence being provided by the Claimant, Ms. Bluhm found no evidence substantiating the presence of a reservoir. Ms. Bluhm recommended that the claim be dismissed.

7. Claim 41S 135277-00 received the following substantive issue remarks:

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. 30027-278-22 , DATED 09/25/1979 APPEARS TO INDICATE 10.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

8. During initial examination, the DNRC was unable to identify any irrigation using the Fergus County Water Resources Survey, and 10 acres irrigated utilizing a

[1] "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

USDA aerial photograph. Ms. Bluhm in her investigation of the water right, concluded there was evidence to support 57.00 acres of irrigation. This change would appear as:

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	~~36.70~~	26.00	E2NE ~~NENE~~	18	17N	17E	FERGUS
2	~~46.20~~	31.00	S2NW	17	17N	17E	FERGUS
~~3~~	~~18.70~~		~~W2NE~~	~~17~~	~~17N~~	~~17E~~	~~FERGUS~~
Total:	99.60	57.00					

9. Due to the reduction in maximum acres irrigated for claim 41S 135277-00, a modification in the flow rate was necessary per the Montana Supreme Court Claims Examination Rules for calculating flow rate, the guideline is 17 GPM per acre. Ms. Bluhm's Memorandum recommends that it should be reduced to 969 GPM (2.16 CFS).

10. Ms. Bluhm recommends in her Memorandum that claim 41S 135277-00 should have its means of diversion modified to ditch.

11. Claim 41S Claim 41S 135278-00 received the following issue remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE DAVID SHIPMAN INTERVENTION RAISED ISSUES WITH THE PRIORITY DATE, MAXIMUM ACRES, PLACE OF USE, FLOW RATE, AND VOLUME. PROCEEDINGS ON THE INTERVENTION ARE STAYED PENDING ISSUANCE OF THE PRELIMINARY DECREE AT WHICH TIME THE INTERVENTION AND RE-EXAMINATION ISSUE REMARKS CAN BE ADDRESSED AND RESOLVED IN A SINGLE PROCEEDING.

THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

USDA AERIAL PHOTOGRAPH NO(S). 30027-278-22 , DATED 09/25/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

12. During initial examination of claim 41S 135278-00, the DNRC was unable to identify any irrigation using the Fergus County Water Resources Survey. In Ms. Bluhm's review of the claim she was unable to find any acres of irrigation from the claimed well. With no irrigation found and no additional evidence being provided by the Claimant, Ms. Bluhm recommended that claim 41S 135278-00 be dismissed.

13. Claim 41S 135279-00 received the following substantive issue remarks:

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 NOS. 30027-278-22 AND 30027-278-58 , DATED 09/25/1979 , APPEAR TO INDICATE 8.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

14. During initial examination of claim 41S 135279-00, the DNRC was unable to identify any irrigation using the Fergus County Water Resources Survey, and 8.00 acres irrigated utilizing USDA aerial photographs. Ms. Bluhm, in her investigation of the water right, concluded there was evidence to support 48.20 acres of irrigation. This change would appear as:

ID	Acres		Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	~~80.00~~	37.50		S2NE	18	17N	17E	FERGUS
2	~~40.00~~	10.70		SENW	18	17N	17E	FERGUS
~~3~~	~~5.60~~			~~SWSE~~	~~13~~	~~17N~~	~~18E~~	~~FERGUS~~
~~4~~	~~30.00~~			~~SE~~	~~18~~	~~17N~~	~~17E~~	~~FERGUS~~
~~5~~	~~80.00~~			~~E2SW~~	~~18~~	~~17N~~	~~17E~~	~~FERGUS~~
Total:	~~235.60~~	48.20						

15. Due to the reduction in maximum acres irrigated of claim 41S 135279-00, a modification in the flow rate was necessary per the Montana Supreme Court Claims Examination Rules for calculating flow rate. The stated guideline is 17 GPM per acre. Ms. Bluhm's Memorandum recommends that it should be modified to 819.4 GPM (1.83 CFS).

16. Ms. Bluhm recommends in her Memorandum that claim 41S 135279-00 should have its means of diversion modified to ditch.

17. Claim 41S 135280-00 received the following substantive issue remarks:

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 NOS. 30027-278-22 AND 30027-278-58 , DATED 09/25/1979 , APPEAR TO INDICATE 8.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

18. During initial examination of claim 41S 135280-00, the DNRC was unable to identify any irrigation using the Fergus County Water Resources Survey, and 8.00 acres irrigated utilizing USDA aerial photographs. In Ms. Bluhm's review of the water right, she concluded there was evidence to support 48.20 acres of irrigation. This change would appear as:

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	~~80.00~~ 37.50		S2NE	18	17N	17E	FERGUS
2	~~40.00~~ 10.70		SENW	18	17N	17E	FERGUS
~~3~~	~~6.60~~		~~SWSE~~	~~13~~	~~17N~~	~~18E~~	~~FERGUS~~
~~4~~	~~30.00~~		~~SE~~	~~18~~	~~17N~~	~~17E~~	~~FERGUS~~
~~5~~	~~00.00~~		E2SW	~~18~~	~~17N~~	~~17E~~	~~FERGUS~~
Total:	~~235.60~~ 48.20						

19. Due to the reduction in maximum acres irrigated of claim 41S 135280-00, a modification in the flowrate was necessary. The Montana Supreme Court Claims Examination Rules for calculating flow rate, states that the guideline is 17 GPM per acre. In the Memorandum Ms. Bluhm recommends that it should be modified to 819.4 GPM (1.83 CFS).

20. Ms. Bluhm recommends in her Memorandum that claim 41S 135280-00 should have its means of diversion modified to ditch.

21. Claim 41S 135281-00 received the following substantive issue remarks:

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 NOS. 30027-278-22 AND 30027-278-58 , DATED 09/25/1979 , APPEAR TO INDICATE 8.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

22. During initial examination of claim 41S 135281-00, the DNRC was unable to identify any irrigation using the Fergus County Water Resources Survey, and 8 acres irrigated utilizing USDA aerial photographs. Ms. Bluhm in her review of the claim found there was evidence to support 48.20 acres of irrigation. This change would appear as:

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
~~1~~	~~80.00~~	40.00	S2NE	18	17N	17E	FERGUS
~~2~~	~~40.00~~	8.20	SENW	18	17N	17E	FERGUS
~~3~~	~~6.60~~		~~SWSE~~	~~13~~	~~17N~~	~~18E~~	~~FERGUS~~
~~4~~	~~30.00~~		~~SE~~	~~18~~	~~17N~~	~~17E~~	~~FERGUS~~
~~5~~	~~00.00~~		E2SW	~~18~~	~~17N~~	~~17E~~	~~FERGUS~~
Total:	235.60						

23. Due to the reduction in maximum acres irrigated for claim 41S 135281-00, a modification in the flow rate was necessary. The Montana Supreme Court Claims Examination Rules for calculating flow rate, states that the guideline is 17 GPM per acre.

In the Memorandum Ms. Bluhm recommends that the flow rate should be modified to 819.4 GPM (1.83 CFS[2]).

24. During her review, Ms. Bluhm determined that the means of diversion for claim 41S 135281-00 should be modified to ditch.

25. Claim 41S 140043-00 received the following issue remarks:

THE MEANS OF DIVERSION DOES NOT APPEAR TO BE STANDARDIZED. THE MEANS OF DIVERSION APPEAR TO BE A HEADGATES.

26. During the initial examination of claim 41S 140043-00, the means of diversion being recorded as gravity flow was called into question. During her review, Ms. Bluhm determined that the means of diversion should be modified to ditch.

27. Claim 41S 140057-00 received the following substantive issue remarks:

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. 30027-278-22 , DATED 09/25/1979 APPEARS TO INDICATE 10.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

28. During initial examination of claim 140057-00, the DNRC was unable to identify any irrigation using the Fergus County Water Resources Survey, and 10.00 acres irrigated utilizing a USDA aerial photograph. Ms. Bluhm in her review of the water right, concluded there was evidence to support 51.00 acres of irrigation. This modification would appear as:

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
~~1~~	~~36.70~~		~~NENE~~	~~18~~	~~17N~~	~~17E~~	~~FERGUS~~
2	~~45.20~~	49.50	S2NW	17	17N	17E	FERGUS
3	~~18.70~~	1.50	W2NE	17	17N	17E	FERGUS
Total:	~~00.60~~	51.00					

29. Due to the reduction in maximum acres irrigated of claim 140057-00, a modification in the flow rate was necessary. Ms. Bluhm, in the Memorandum, details that the flow rate should be modified to 867 GPM (1.93 CFS).

[2] The memorandum states that the flow rate should be modified to 1.82 CFS. The calculation done by Ms. Bluhm states it should be 819.4 GPM or 1.8256 CFS, for other claims 819.4 GPM was rounded to 1.83, which is more appropriate for this claim.

30. During her review, Ms. Bluhm determined that the means of diversion should be modified to ditch.

31. On October 11, 2024, an order setting filing deadline was issued stating:

> On October 7, 2024, the Department of Natural Resources filed a Memorandum making several recommendations for modifications to the claims. The Memo stated that claimant David Weinheimer failed to contact the DNRC as required by this Court's previous Order.
>
> It is therefore
>
> **ORDERED** that the claimant shall file documentation regarding their position on the recommendations in the Memo by **October 31, 2024**.

(Doc. 4.00). Nothing was filed.

32. The following claims received the following notice-type issue remarks:

41S 135273-00

MEANS OF DIVERSION 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 135277-00

POINT OF DIVERSION AND DITCH NAME WERE 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 135279-00

POINT OF DIVERSION AND DITCH NAME WERE 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 135280-00

POINT OF DIVERSION AND DITCH NAME WERE 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 135281-00

POINT OF DIVERSION AND DITCH NAME WERE 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 140043-00

DITCH 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.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED APPRPRIATION ON WARM SPRINGS CREEK WITH A PRIORITY DATE PREDATING CASE NO 3649, FERGUS COUNTY. IF NO OBJECTIONS ARE FILED TO PRIORITY DATE OR TYPE OF HISTORICAL RIGHT, THESE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS REMARK WILL BE REMOVED.

41S 140045-00

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 140046-00

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

RESERVOIR RECORD 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 140050-00

DITCH 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 140057-00

POINT OF DIVERSION AND DITCH NAME WERE 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.

31. The above notice-type issue remarks serve to inform interested parties that changes have been made to the above claims' abstracts.

33. Claims 41S 135277-00, 41S 135279-00, 41S 135280-00, 41S 135281-00, 41S 140043-00, 41S 140057-00received late objection and intervention remarks:

41S 135277-00

THE WILLIAM J. SNAPP AND WILLIAM D. SNAPP LATE OBJECTION AND THE DAVID SHIPMAN INTERVENTION RAISED ISSUES WITH THE PRIORITY DATE, POINT OF DIVERSION, MEANS OF DIVERSION, MAXIMUM ACRES, PLACE OF USE, FLOW RATE, AND VOLUME. PROCEEDINGS ON THE LATE OBJECTION AND INTERVENTION ARE STAYED PENDING ISSUANCE OF THE PRELIMINARY DECREE AT WHICH TIME THE LATE OBJECTION, INTERVENTION, AND RE-EXAMINATION ISSUE REMARKS CAN BE ADDRESSED AND RESOLVED IN A SINGLE PROCEEDING.

41S 135279-00

THE WILLIAM J. SNAPP AND WILLIAM D. SNAPP LATE OBJECTION AND THE DAVID SHIPMAN INTERVENTION RAISED ISSUES WITH THE OWNERSHIP, PRIORITY DATE, POINT OF DIVERSION, MAXIMUM ACRES, PLACE OF USE, FLOW RATE, AND VOLUME. PROCEEDINGS ON THE LATE OBJECTION AND INTERVENTION ARE STAYED PENDING ISSUANCE OF THE PRELIMINARY DECREE AT WHICH TIME THE LATE OBJECTION, INTERVENTION, AND RE-EXAMINATION ISSUE REMARKS CAN BE ADDRESSED AND RESOLVED IN A SINGLE PROCEEDING.

41S 135280-00

THE WILLIAM J. SNAPP AND WILLIAM D. SNAPP LATE OBJECTION AND THE DAVID SHIPMAN INTERVENTION RAISED ISSUES WITH THE OWNERSHIP, PRIORITY DATE, POINT OF DIVERSION, MAXIMUM ACRES, PLACE OF USE, FLOW RATE, AND VOLUME. PROCEEDINGS ON THE LATE OBJECTION AND INTERVENTION ARE STAYED PENDING ISSUANCE OF THE PRELIMINARY DECREE AT WHICH TIME THE LATE OBJECTION, INTERVENTION, AND RE-EXAMINATION ISSUE REMARKS CAN BE ADDRESSED AND RESOLVED IN A SINGLE PROCEEDING.

41S 135281-00

THE WILLIAM J. SNAPP AND WILLIAM D. SNAPP LATE OBJECTION AND THE DAVID SHIPMAN INTERVENTION RAISED ISSUES WITH THE OWNERSHIP, PRIORITY DATE, POINT OF DIVERSION, MAXIMUM ACRES, PLACE OF USE, FLOW RATE, AND VOLUME. PROCEEDINGS ON THE LATE OBJECTION AND INTERVENTION ARE STAYED PENDING ISSUANCE OF THE PRELIMINARY DECREE AT WHICH TIME THE LATE OBJECTION, INTERVENTION, AND RE-EXAMINATION ISSUE REMARKS CAN BE ADDRESSED AND RESOLVED IN A SINGLE PROCEEDING.

41S 140043-00

ON 04/04/1985 WILLIAM D. SNAPP AND WILLIAM J. SNAPP FILED A LATE OBJECTION TO THE OWNERSHIP, POINT OF DIVERSION, AND MEANS OF DIVERSION. THIS WILL BE HEARD AFTER PROPER NOTICE ON THE NEXT OBJECTION LIST.

41S 140057-00

THE WILLIAM J. SNAPP AND WILLIAM D. SNAPP LATE OBJECTION AND THE DAVID SHIPMAN INTERVENTION RAISED ISSUES WITH THE OWNERSHIP, PRIORITY DATE, POINT OF DIVERSION, MAXIMUM ACRES, PLACE OF USE, FLOW RATE, AND VOLUME. PROCEEDINGS ON THE LATE OBJECTION AND INTERVENTION ARE STAYED PENDING ISSUANCE OF THE PRELIMINARY DECREE AT WHICH TIME THE LATE OBJECTION, INTERVENTION, AND RE-EXAMINATION ISSUE REMARKS CAN BE ADDRESSED AND RESOLVED IN A SINGLE PROCEEDING.

34. On May 1, 2025, Late Objectors William J. Snapp and William D. Snapp, as well as Intervenor David D. Shipman were ordered to file documentation stating whether adoption of the recommendations in the Memorandum would resolve their objections or interventions. (Doc. 5.00).

33. On July 8, 2025, William J. Snapp and William D. Snapp successors Diane B. Snapp, Maureen R. Picco, and Patricia L. Snapp filed a response stating that if the DNRC recommendations were accepted by the Court they would have no further objections. Nothing was filed by Intervenor David D. Shipman.

PRINCIPLES OF LAW

1. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA; Rule 10, W.R.Adj.R.

2. Prima facie proof may be contradicted and overcome by a preponderance of the evidence. Rule 19, W.R.Adj.R.

3. A preponderance of the evidence is evidence that shows a fact is "more probable than not." *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.

4. If prima facie status is overcome, the burden shifts back to the Claimant to demonstrate historical use. *79 Ranch v. Pitsch*, 204 Mont. 426, 432-33, 666 P.2d 215, 218 (1983).

5. 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.

6. 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.

7. When resolving issue remarks, the Water Court must weigh the information resulting in the issue remark against the claimed water right. Section 85-2-247(2), MCA.

8. The Montana Water Court has the authority to resolve issue remarks when the claim file and information available to the Court provide a sufficient basis to do so. Section 85-2-248(3), MCA.

9. If the Montana Water Court cannot resolve issue remarks based upon information in the claim file or information available to the Court, Claimants shall be required to confer with the DNRC to attempt resolution of the issue remarks. Claimants shall file documentation to resolve the issue remarks, and the DNRC shall submit recommendations regarding disposition of the issue remarks. Section 85-2-248(5), MCA.

10. All parties subject to the jurisdiction of the Montana Water Court in this adjudication have the obligation to comply with Orders of this Court, including Orders issued by a Master appointed by the Court. If a Claimant fails to comply with an Order issued by the Court in its review of issue remarks, the Court may amend the claim to

conform with information found in the claim file and information before the Court. Section 85-2-248(9)(a),(b), MCA.

CONCLUSIONS OF LAW

1. Based upon the claim file, evidence included with DNRC's Memorandum, and DNRC's recommendation, claims 41S 135270-00 and 41S 135278-00 should be dismissed.

2. Based upon the claim file, evidence included with DNRC's Memorandum, and DNRC's recommendation, the maximum acres for claims 41S 135277-00, 41S 135279-00, 41S 135280-00, 41S 135281-00, and 41S 140057-00 should be reduced as suggested by the Memorandum to reflect the historical use and resolve the acres irrigated issue remarks.

3. Based upon the claim file, evidence included with DNRC's Memorandum, and DNRC's recommendation, the flow rate for claims 41S 135277-00, 41S 135279-00, 41S 135280-00, 41S 135281-00, and 41S 140057-00 should be reduced as suggested by the Memorandum to reflect the historical use and resolve the issue remarks.

4. Based upon the claim file, evidence included with DNRC's Memorandum, and DNRC's recommendation, the diversion means for claims 41S 135277, 41S 135279-00, 41S 135280-00, 41S 135281-00, 41S 140043-00 and 41S 140057-00 should be modified to ditch as recommended by the Memorandum to reflect the historical use.

RECOMMENDATIONS

1. Claim 41S 135270-00 should be dismissed.

2. Claim 41S 135277-00 should be modified according to findings of fact 8, 9, and 10.

3. Claim 41S 135278-00 should be dismissed.

4. Claim 41S 135279-00 should be modified according to findings of fact 14, 15, and 16.

5. Claim 41S 135280-00 should be modified according to findings of facts 18, 19, and 20.

6. Claim 41S 135281-00 should be modified according to findings of fact 22, 23, and 24.

7. Claim 41S 140043-00 should be modified according to finding of fact 26.

8. Claim 41S 140057-00 should be modified according to findings of fact 28, 29, and 30.

9. Claims 41S 135273-00, 41S 135277-00, 41S 135279-00, 41S 135280-00, 41S 135281-00, 41S 140043-00, 41S 140045-00, 41S 140046-00, 41S 140050-00, and 41S 140057-00 should have their issue remarks removed.

Abstracts are attached for review.

Service via USPS Mail:

David A. Weinheimer
PO Box 658
Lewistown, MT 59457-0658

Late Objectors:
William J. Snapp
William D. Snapp
~~Route 3~~
~~Lewistown, MT 59457~~
(Mail Undeliverable)

Intervenor:
David D. Shipman
35732 MT Highway 81
Lewistown, MT 59457-8093

Maureen R. Picco
PO Box 653
Lewistown, MT 59457

Diane B. Snapp
72 Snapp Loop
Lewistown, MT 59457

Patricia L. Snapp
204 Snapp Loop
Lewistown, MT 59457

Electronically Signed By:
Hon. Judge Robert John Hyatt, III
Tue, Oct 06 2026 07:59:10 AM

Service via Electronic Mail:

Wilkins and Berger
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(Inactive Attorney for Snapps)

Leanne M. Schraudner
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(Inactive Attorney for David Shipman)

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 135270-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: **DISMISSED**

Owners: DAVID A WEINHEIMER
PO BOX 658
LEWISTOWN, MT 59457-0658

Priority Date:

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: UNNAMED TRIBUTARY OF WARM SPRING CREEK

Source Type: SURFACE WATER

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 135273-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DAVID A WEINHEIMER
PO BOX 658
LEWISTOWN, MT 59457-0658

Priority Date: SEPTEMBER 12, 1961

Type of Historical Right: FILED

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:**

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		W2SWNE	18	17N	17E	FERGUS

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

Diversion Means: DAM

Reservoir: ONSTREAM

Govt Lot	Qtr Sec	Sec	Twp	Rge	County
	W2SWNE	18	17N	17E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			W2SWNE	18	17N	17E	FERGUS

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 135277-00** STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: DAVID A WEINHEIMER
PO BOX 658
LEWISTOWN, MT 59457-0658

Priority Date: AUGUST 9, 1890

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.16 CFS

Volume: 344.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 57.00

Source Name: WARM SPRING CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWNENW	23	17N	17E	FERGUS

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DITCH

Ditch Name: BANK RANCH DITCH

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
2		SESWNE	23	17N	17E	FERGUS

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DITCH

Ditch Name: LINCOLN DITCH

Period of Use: APRIL 1 TO OCTOBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	26.00		E2NE	18	17N	17E	FERGUS
2	31.00		S2NW	17	17N	17E	FERGUS
Total:	57.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

135277-00 135279-00 135280-00 135281-00 140057-00

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.

135277-00 140043-00

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 135278-00** STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: **DISMISSED**

Owners: DAVID A WEINHEIMER
PO BOX 658
LEWISTOWN, MT 59457-0658

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: GROUNDWATER

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 135279-00** STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: DAVID A WEINHEIMER
PO BOX 658
LEWISTOWN, MT 59457-0658

Priority Date: APRIL 1, 1895

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.83 CFS

Volume: 537.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 48.20

Source Name: WARM SPRING CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWNENW	23	17N	17E	FERGUS

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DITCH

Ditch Name: BANK RANCH DITCH

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
2		SESWNE	23	17N	17E	FERGUS

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DITCH

Ditch Name: LINCOLN DITCH

Period of Use: APRIL 1 TO OCTOBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	37.50		S2NE	18	17N	17E	FERGUS
2	10.70		SENW	18	17N	17E	FERGUS
Total:	48.20						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

135277-00	135279-00	135280-00	135281-00	140057-00

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 135280-00** STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: DAVID A WEINHEIMER
PO BOX 658
LEWISTOWN, MT 59457-0658

Priority Date: APRIL 1, 1894

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.83 CFS

Volume: 537.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 48.20

Source Name: WARM SPRING CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWNENW	23	17N	17E	FERGUS

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DITCH

Ditch Name: BANK RANCH DITCH

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
2		SESWNE	23	17N	17E	FERGUS

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DITCH

Ditch Name: LINCOLN DITCH

Period of Use: APRIL 1 TO OCTOBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	37.50		S2NE	18	17N	17E	FERGUS
2	10.70		SENW	18	17N	17E	FERGUS
Total:	48.20						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

135277-00	135279-00	135280-00	135281-00	140057-00

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 135281-00** STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: DAVID A WEINHEIMER
PO BOX 658
LEWISTOWN, MT 59457-0658

Priority Date: JUNE 1, 1884

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.83 CFS

Volume: 537.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 48.20

Source Name: WARM SPRING CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWNENW	23	17N	17E	FERGUS

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DITCH

Ditch Name: BANK RANCH DITCH

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
2		SESWNE	23	17N	17E	FERGUS

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DITCH

Ditch Name: LINCOLN DITCH

Period of Use: APRIL 1 TO OCTOBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	40.00		S2NE	18	17N	17E	FERGUS
2	8.20		SENW	18	17N	17E	FERGUS
Total:	48.20						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

135277-00	135279-00	135280-00	135281-00	140057-00

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 140043-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DAVID A WEINHEIMER
PO BOX 658
LEWISTOWN, MT 59457-0658

Priority Date: AUGUST 9, 1890

Type of Historical Right: FILED

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: WARM SPRING CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWNENW	23	17N	17E	FERGUS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DITCH

Ditch Name: BANK RANCH DITCH

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
2		SESWNE	23	17N	17E	FERGUS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DITCH

Ditch Name: LINCOLN DITCH

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			S2NW	17	17N	17E	FERGUS
2			W2NE	17	17N	17E	FERGUS
3			S2NENE	18	18N	17E	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.

135277-00 140043-00

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 140045-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DAVID A WEINHEIMER
PO BOX 658
LEWISTOWN, MT 59457-0658

Priority Date: MAY 21, 1938

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 JUDITH RIVER

Source Type: SURFACE WATER

ALSO KNOWN AS UNNAMED TRIBUTARY DIPPING TANK CREEK

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NWSENE	24	17N	16E	FERGUS

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

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Reservoir: ONSTREAM

Govt Lot	Qtr Sec	Sec	Twp	Rge	County
	NWSENE	24	17N	16E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			NWSENE	24	17N	16E	FERGUS

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

Water Right Number: **41S 140046-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DAVID A WEINHEIMER
PO BOX 658
LEWISTOWN, MT 59457-0658

Priority Date: NOVEMBER 1, 1951

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:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NWNESW	18	17N	17E	FERGUS

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

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

***Reservoir:** ONSTREAM

Govt Lot	Qtr Sec	Sec	Twp	Rge	County
	NWNESW	18	17N	17E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Dam Height: 18.00 FEET

Depth: 15.00 FEET

Surface Area: 1.17 ACRES

Capacity: 7.02 ACRE-FEET

SEE THE AFFIDIVIT IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			W2NESW	18	17N	17E	FERGUS

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 140050-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DAVID A WEINHEIMER
PO BOX 658
LEWISTOWN, MT 59457-0658

Priority Date: DECEMBER 31, 1884

Type of Historical Right: DECREED

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: WARM SPRING CREEK

Source Type: SURFACE WATER

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWNENW	23	17N	17E	FERGUS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DITCH

Ditch Name: BANK RANCH DITCH

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			SWSE	13	17N	16E	FERGUS
2			S2NE	18	17N	17E	FERGUS
3			SENW	18	17N	17E	FERGUS

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 140057-00** STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: DAVID A WEINHEIMER
PO BOX 658
LEWISTOWN, MT 59457-0658

Priority Date: JUNE 1, 1884

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.93 CFS

Volume: 344.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 51.00

Source Name: WARM SPRING CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWNENW	23	17N	17E	FERGUS

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DITCH

Ditch Name: BANK RANCH DITCH

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
2		SESWNE	23	17N	17E	FERGUS

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DITCH

Ditch Name: LINCOLN DITCH

Period of Use: APRIL 1 TO OCTOBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	49.50		S2NW	17	17N	17E	FERGUS
2	1.50		W2NE	17	17N	17E	FERGUS
Total:	51.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

135277-00	135279-00	135280-00	135281-00	140057-00