FILED
10/29/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41S-0462-R-2024
Hyatt, Robert J.
5.00

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MONTANA WATER COURT
LOWER MISSOURI DIVISION
JUDITH RIVER
BASIN 41S
PRELIMINARY DECREE

* *

CLAIMANT: James Simac

CASE 41S-0462-R-2024
41S 16481-00
41S 16482-00
41S 16483-00
41S 16489-00
41S 30130757

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. James Simac ("Claimant") is the record holder of claims 41S 16481-00, 41S 16482-00, 41S 16483-00, 41S 16489-00, and 41S 30130757.

2. All captioned claims received issue remarks. All claims included in the Decree were subject to pre-decree examination by the Montana Department of Natural Resources and Conservation ("DNRC"). If during claims examination the DNRC cannot confirm some aspect of a claim, an issue remark is added to the claim for review by the Water Court.

3. On November 8, 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 Brandon Ahlgren filed a memorandum on February 26, 2025. (Doc. 3.00). Mr. Ahlgren reported that Claimant contacted the DNRC as ordered

5. Claim 41S 16481-00 received the following substantive issue remarks:

THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 37.00 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 APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE SWSESE SEC 16 TWP 15N RGE 15E FERGUS COUNTY.

THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 24.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 30045-279-17 , DATED 09/18/1979 , APPEARS TO INDICATE 8.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

6. Claim 41S 16481-00 was claimed as a flood irrigation right with a claimed acreage of 37.00 acres. This claim was decreed as having a maximum acreage of 28.00 acres during the 1984 Temporary Preliminary Decree. Utilizing 1979 aerial photographs and Water Resource Survey photographs, Mr. Ahlgren was able to substantiate 28.00 acres of irrigation, but could not substantiate all 37.00 of the originally claimed acres. The memorandum stated that because maximum acres do not require modification, neither does the flow rate.

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

7. This claim was originally decreed with a point of diversion in the SWSWSE of section 16, township 15N, range 15 east. During the initial examination of claim 41S 16481-00 the DNRC had found that the point of diversion appears to be incorrect. Using information in the claim file as well as information provided by the claimant, Mr. Ahlgren determined that the location of the point of diversion, a dike located at SWSESE section 16, township 15N, range 15E.

8. Claim 41S 16482-00 received the following substantive issue remarks:

THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 37.00 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 JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 24.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 30045-279-17 , DATED 09/18/1979 , APPEARS TO INDICATE 8.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

9. Claim 41S 16482-00 was decreed as a flood irrigation right with a maximum acreage of 28.00 acres. Utilizing 1979 aerial photographs and Water Resource Survey photographs, Mr. Ahlgren was able to substantiate 28.00 acres of irrigation. The memorandum stated that because maximum acres do not require modification, neither does the flow rate.

10. Claim 41S 16483-00 received the following substantive issue remarks:

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

THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 27.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 30045-279-17 , DATED 09/18/1979 , APPEARS TO INDICATE 7.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 16.89 TIMES THE CAPACITY OF THE RESERVOIR.

11. Claim 41S 16483-00 was claimed for 40.00 acres of irrigation from an unnamed tributary of the Judith River. Utilizing 1979 aerial photographs and Water Resource Survey photographs, Mr. Ahlgren was able to substantiate all the claimed acres of irrigation. The memorandum stated that because a flow rate was not decreed due to the claim being from an onstream reservoir the flow rate does not require modification.

12. Using the maps in the case file for claim 41S 16483-00, Mr. Ahlgren stated that the claimed place of use extends further than section 15, down into section 22. The memorandum states:

> Regarding the maximum acres issues, the DNRC recommends the place of use be modified to 29.03 acres in the S2SE Sec. 15, T15N, R15E and 10.97 acres in Sec. 22, T15N, R15E. If the Court accepts this recommendation, the DNRC recommends the issue remarks be removed.

13. The memorandum stated that the volume for claim 41S 16483-00 is excessive for the size of the reservoir. Utilizing information from the claimant and measurements from the Water Resource Survey aerial photographs the DNRC recommends that the following adjustments be made to the reservoir record:

> Dam Height: 14.5 Feet
> Depth: 11.5 Feet
> Surface Area: 2.70 Acres
> Capacity: 12.42 Acre-Feet

Mr. Ahlgren states that after discussion with the claimant concerning the reservoir on claim 41S 16483-00 it was determined that springs assist in the filling of the reservoir and that the reservoir fills 4-5 times per year. Multiplying the new capacity times the 4.5 fills per year (12.42 Acre Feet x 4.5 fills/year) yields a volume of 55.89 Acre Feet.

14. On March 3, 2025, an Order Setting Filing Deadline was issued stating:

> It is therefore
>
> **ORDERED** that the claimant shall file documentation regarding their position on the recommendations in the Memo by **March 21, 2025**. If nothing is filed, it will be viewed as agreement with the recommendations in the Memo.

(Doc.10.00). Nothing was filed.

15. The following claims received notice-type or other non-substantive issue remarks:

41S 16481-00

> THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

41S 16482-00

> 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.

THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

41S 16483-00

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.

SOURCE NAME AND RESERVOIR RECORD 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.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED APPROPRIATION ON UNNAMED TRIBUTARY OF THE JUDITH RIVER WITH A PRIORITY DATE PREDATING CASE NO 982, 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 16489-00

SOURCE NAME, POINT OF DIVERSION AND PLACE OF USE 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.

16. No objections were filed on any of the claims; and the remarks served their notice purpose. Therefore, their elements in relation to the remarks should remain as they appear on the abstract, and the issue remarks should be removed.

17. Claims 41S 16481-00 and 41S 16482-00 was also decreed with a remark indicating "the combined acres" for the group of supplemental claims may need to be adjusted. Supplemental rights remarks no longer included a quantified acreage figure; the remark is obsolete and can be removed.

18. Claim 41S 30130757 received the following issue remark:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41S DECREE ISSUED 05/17/1984.

This issue remark served to notify potential objectors or interested parties that claim 41S 30130757 was not in the 1984 Basin 41S decree. The remark has served its purpose and should be removed.

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, Claimant shall be required to confer with the DNRC to attempt resolution of the issue remarks. Claimant 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.

CONCLUSIONS OF LAW

1. Based upon the claim file, input from the claimant to the DNRC, and DNRC's recommendation, the point of diversion of claim 41S 16481-00 should be modified as suggested by the memorandum to reflect the historical use and resolve the issue remark.

2. Based upon the claim file, calculations included with DNRC's memorandum, and DNRC's recommendation, the volume of claim 41S 16483-00 should be reduced as suggested by the memorandum to reflect the historical use and resolve the volume issue remark.

3. Based upon the claim file, evidence reviewed in the DNRC's memorandum, and DNRC's recommendation, the place of use for claim 41S 16483-00 should be modified as suggested by the memorandum to reflect the historical use and resolve the volume issue remark.

4. The notice type issue remarks received on claims 41S 16482-00, 41S 16483-00, 41S 16489-00, and 41S 30130757 have served their purposes.

RECOMMENDATIONS

1. The point of diversion legal land description for claim 41S 16481-00 should be modified as follows:

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	SWSESE	~~SWSWSE~~	16	15N	15E	JUDITH BASIN

2. The volume for claim 41S 16483-00 should be reduced to 55.89 Acre-Feet.

3. The reservoir record for claim 41S 16483-00 should be modified as follows:

Diversion to Reservoir: DIVERSION # 1

Dam Height:	14.50	~~12.00~~ FEET
Depth:	11.50	~~9.00~~ FEET
Surface Area:	2.70	~~2.13~~ ACRES
Capacity:	12.42	~~7.67~~ ACRE-FEET

4. The place of use for claim 41S 16483-00 should be modified as follows:

Place of Use:

ID		Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		~~40.00~~	29.03	S2SE	15	15N	15E	JUDITH BASIN
2.	~~Total:~~	~~40.00~~	10.97	N2NE	22	15N	15E	JUDITH BASIN
			TOTAL: 40.00					

5. The issue remarks on claims 41S 16481-00, 41S 16482-00, 41S 16483-00, 41S 16489-00, and 41S 30130757 should be removed.

Post decree abstracts of water right claim reflecting the recommendations are attached to this Report.

Service via USPS Mail

James Simac
4639 Pioneer Road
Moccasin, MT 59462-9708

Electronically Signed By:
Hon. Judge Robert John Hyatt, III
Thu, Oct 29 2026 12:54:55 PM

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 16481-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: JAMES SIMAC
4639 PIONEER RD
MOCCASIN, MT 59462-9708

Priority Date: DECEMBER 31, 1934

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 200.00 GPM

Volume: 59.94 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 28.00

Source Name: SPRING, UNNAMED TRIBUTARY OF PORTER CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSESE	16	15N	15E	JUDITH BASIN

Period of Diversion: APRIL 15 TO NOVEMBER 15

Diversion Means: DIKE

Period of Use: APRIL 15 TO NOVEMBER 15

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	8.00		S2SESE	16	15N	15E	JUDITH BASIN
2	20.00		S2SW	15	15N	15E	JUDITH BASIN
Total:	28.00						

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.

16481-00 16482-00

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 16482-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: JAMES SIMAC
4639 PIONEER RD
MOCCASIN, MT 59462-9708

Priority Date: NOVEMBER 2, 1882

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.06 CFS

Volume: 59.94 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 28.00

***Source Name:** UNNAMED TRIBUTARY OF JUDITH RIVER

Source Type: SURFACE WATER

ALSO KNOWN AS PORTER CREEK

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSESE	16	15N	15E	JUDITH BASIN

Period of Diversion: APRIL 15 TO NOVEMBER 15

Diversion Means: HEADGATE

Period of Use: APRIL 15 TO NOVEMBER 15

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	8.00		S2SESE	16	15N	15E	JUDITH BASIN
2	20.00		S2SW	15	15N	15E	JUDITH BASIN
Total:	28.00						

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.

16481-00 16482-00

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.

16482-00 16489-00

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 16483-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: JAMES SIMAC
4639 PIONEER RD
MOCCASIN, MT 59462-9708

Priority Date: MAY 17, 1905

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 55.89 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 40.00

***Source Name:** UNNAMED TRIBUTARY OF JUDITH RIVER

Source Type: SURFACE WATER

ALSO KNOWN AS UNNAMED TRIBUTARY OF PORTER CREEK

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NESESW	15	15N	15E	JUDITH BASIN

***Period of Diversion:** APRIL 15 TO NOVEMBER 15

Diversion Means: HEADGATE

Reservoir: ONSTREAM **Reservoir Name:** DALE'S RESERVOIR

Govt Lot	Qtr Sec	Sec	Twp	Rge	County
	NESESW	15	15N	15E	JUDITH BASIN

Diversion to Reservoir: DIVERSION # 1

Dam Height: 14.50 FEET

Depth: 11.50 FEET

Surface Area: 2.70 ACRES

Capacity: 12.42 ACRE-FEET

Period of Use: APRIL 15 TO NOVEMBER 15

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	29.03		S2SE	15	15N	15E	JUDITH BASIN
2	10.97		N2NE	22	15N	15E	JUDITH BASIN
Total:	40.00						

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 16489-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: JAMES SIMAC
4639 PIONEER RD
MOCCASIN, MT 59462-9708

Priority Date: NOVEMBER 2, 1882

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:** UNNAMED TRIBUTARY OF JUDITH RIVER

Source Type: SURFACE WATER

ALSO KNOWN AS PORTER CREEK

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		S2SE	16	15N	15E	JUDITH BASIN
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		S2SW	15	15N	15E	JUDITH BASIN
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		SWSE	15	15N	15E	JUDITH BASIN
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		NENE	22	15N	15E	JUDITH BASIN
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:**

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			S2SE	16	15N	15E	JUDITH BASIN
2			S2SW	15	15N	15E	JUDITH BASIN
3			SWSE	15	15N	15E	JUDITH BASIN

4	NENE	22	15N	15E	JUDITH BASIN

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.

16482-00 16489-00

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 30130757** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: JAMES SIMAC
4639 PIONEER RD
MOCCASIN, MT 59462-9708

***Priority Date:** DECEMBER 31, 1955

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 12.00 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 JUDITH RIVER

Source Type: GROUNDWATER

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NESENW	14	15N	16E	FERGUS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIPELINE

Period of Use: JANUARY 1 TO DECEMBER 31

***Place of Use:**

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			SWNWNW	13	15N	16E	FERGUS