

Montana Water Court
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FILED

JUN 25 2014

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
MISSOURI RIVER FROM MARIAS RIVER
TO AND INCLUDING BULLWHACKER CREEK (BASIN 41T)

CLAIMANT: Ann K. Bitz

41T-29

41T 131148-00
41T 131150-00
41T 131154-00
41T 131158-00
41T 131167-00
41T 131169-00
41T 131171-00
41T 131172-00

ORDER AMENDING AND ADOPTING MASTER'S REPORT

Claims 41T 131148-00, 41T 131150-00, 41T 131154-00, 41T 131158-00, 41T 131167-00, 41T 131169-00, 41T 131171-00 and 41T 131172-00 appeared in the Preliminary Decree for Basin 41T with a variety of issue remarks. Ann K. Bitz owns these claims. No objections were filed to any of these claims.

The Water Master consolidated these claims into case 41T-29 and set deadlines on November 8, 2013. Claimant Ann Bitz (hereafter Claimant) was ordered to meet with the Department of Natural Resources and Conservation (DNRC) no later than January 3, 2014. The DNRC was to file its memorandum of recommendations by January 17, 2014.

The DNRC submitted its memorandum on January 17, 2014. Melissa Norris, Water Resource Specialist of the DNRC's Lewistown Regional office, reported that Claimant had not contacted the office. Ms. Norris provided recommendations that most of the issue remarks should remain on the claims. Only a few issue remarks could be removed based on information available from scanned images, aerial photograph review via GWRAT (GIS tool) and Chouteau County Water Resources Survey.

The Master issued a Master's Report on February 4, 2014 using DNRC's recommendations and available information. The Master resolved the issue remarks for claims 41T 131148-00, 41T 131150-00, 41T 131154-00, 41T 131158-00, 41T 131167-00 and 41T 131169-00. The Master terminated claims 41T 131171-00 and 41T 131172-00 based on her review of the issue remarks and the Chouteau County Water Resources Survey.

Claimant filed a request for more time to object on February 11, 2014. The Master granted the request, and Claimant had until March 4, 2014 to file any objection. On February 6, 2014, Claimant met with Ms. Norris and provided more information for these claims. The Court received a second DNRC Memorandum with attached motions to correct and two withdrawals of claim. The following summarizes Claimant's changes to these claims.

Claim 41T 131148-00

Claim 41T 131148-00 is a stock water right. It appeared in the Preliminary Decree with a flow rate issue remark as the claimed flow exceeded the DNRC guideline of 35 gallons per minute (gpm). The Master resolved the issue remark by changing the flow rate to 35 gpm. Claimant filed a verified motion to correct the flow rate to 35 gpm. Since the Master's recommendations are the same as Claimant's motion, the Court adopts the Master's Findings of Fact for this claim.

Claim 41T 131150-00

Claim 41T 131150-00 appeared in the Preliminary Decree as a filed stock right with an August 1, 1914 priority date. It had a priority date issue remark. The GW4 form filed with the statement of claim had the year 1915, not 1914. The Master resolved the issue remark by changing the priority date to December 31, 1915.

Claimant submitted a verified motion to correct priority date with the DNRC on February 6, 2014. Claimant corrected the priority date to August 1, 1914 and changed the type of right to use. She stated: "I know this because in those days, when they dug a well, they used it immediately." Verified Motion To Correct Water Right Claim, p. 1. The Court received an affidavit by Helen Hannum on February 24, 2014. The affidavit

provides that Ms. Hannum's family lived on the property where the well was developed. She attested to the well being dug in 1914 and used immediately.

The Court amends the Master's Finding of Fact. The Court changes the priority date to the claimed date of August 1, 1914 and corrects the type of right from filed to use.

Claims 41T 131154-00 and 41T 131158-00

Claims 41T 131154-00 and 41T 131158-00 appeared in the Preliminary Decree without a period of diversion. Both are stock claims. The claims received an issue remark indicating that the period of diversion from the source into storage could not be identified. The Master resolved the issue remark by adding the period of diversion as year-round to both claims. Claimant submitted a motion to correct these claims and changed the period of diversion to year-round. Since the Master's recommendation and Claimant's corrections are the same, the Court adopts the Master's Findings of Fact for these two claims.

Claim 41T 131167-00

Claim 41T 131167-00 appeared in the Preliminary Decree with place of use, maximum irrigated acres and volume issue remarks. The Master changed the acreage and place of use on the claim as follows:

MAXIMUM ACRES: ~~35.00~~**18.00**

PLACE OF USE:

<u>ACRES</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
10.00	S2SWNE	16	24N	15E	CHOUTEAU
4.00 2.00	SESENW	16	24N	15E	CHOUTEAU
10.00 5.00	N2NWSE	16	24N	15E	CHOUTEAU
11.00	N2NESW	16	24N	15E	CHOUTEAU

The Master revised the volume based on the guideline for water spreading systems in climatic area 2. The volume for the claim is 36.00 acre-feet or 2 acre-feet per acre. Rule 15(e), W.R.C.E.R.

Claimant submitted a motion to correct water right claim 41T 131167-00. She requests the total acreage equals 21 acres and the historic volume should be 42 acre-feet. Claimant's place of use is listed below.

MAXIMUM ACRES: 21.00

PLACE OF USE:

<u>ACRES</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
1.00	SWSWNE	16	24N	15E	CHOUTEAU
3.00	SESENW	16	24N	15E	CHOUTEAU
5.00	N2NWSE	16	24N	15E	CHOUTEAU
12.00	N2NESW	16	24N	15E	CHOUTEAU

Based on the information and motion presented, the Court amends the Master's Findings of Fact for claim 41T 131167-00 to reflect Claimant's corrections.

Claim 41T 131169-00

Claim 41T 131169-00 appeared in the Preliminary Decree with place of use, maximum irrigated acres and volume issue remarks. The Master changed the acreage and place of use on the claim as follows:

MAXIMUM ACRES: ~~14.00~~ **6.00**

PLACE OF USE:

<u>ACRES</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
10.00 5.00	S2NWSW	10	24N	15E	CHOUTEAU
4.00 1.00	N2SWSW	10	24N	15E	CHOUTEAU

The Master revised the volume based on the guideline for water spreading systems in climatic area 2. The volume for the claim is 12.00 acre-feet or 2 acre-feet per acre. Rule 15(e), W.R.C.E.R.

Claimant submitted a motion to correct for water right claim 41T 131169-00. She requests the total acreage equals 10.5 acres and the historic volume should be 21 acre-feet. Claimant's place of use is listed below.

MAXIMUM ACRES: 10.50

PLACE OF USE:

<u>ACRES</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
6.20	S2NWSW	10	24N	15E	CHOUTEAU
4.30	SWSW	10	24N	15E	CHOUTEAU

Claimant also requested correction of the points of diversion. The points of diversion should be:

POINTS OF DIVERSION:

<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
SENWSW	10	24N	15E	CHOUTEAU
SENWSW	10	24N	15E	CHOUTEAU
NESWSW	10	24N	15E	CHOUTEAU
NWSWSW	10	24N	15E	CHOUTEAU
NWSWSW	10	24N	15E	CHOUTEAU

Based on the information and motion presented, the Court amends the Master's Findings of Fact for claim 41T 131167-00 to reflect Claimant's corrections.

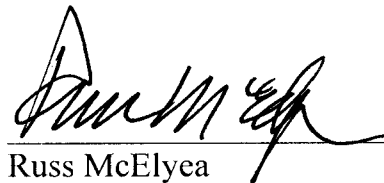
Claims 41T 131171-00 and 41T 131172-00

These two claims appeared in the Preliminary Decree with several issue remarks including 0.00 acres irrigated. The Master recommended termination of both claims based upon the Chouteau County Water Resources Survey where no acres were being irrigated in 1964. On February 6, 2014, Claimant submitted withdrawals of claim for both 41T 131171-00 and 41T 131172-00. Claimant provided that no irrigation had occurred with either claim. The Court adopts the Master's Findings of Fact for these two claims, and the claims are dismissed.

The Court has reviewed the Water Master's Findings, Conclusions, and Recommendations in the Master's Report. Pursuant to Rule 53(c) of the Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Reports and its Recommendations as **AMENDED**, and **APPROVES** the changes to the abstracts as reflected above and attached to this Order.

A Post Decree Abstract of Water Right Claim for each claim addressed in this Order is attached to confirm that the above changes have been made in the State's centralized water right record system.

DATED this *25* day of *June*, 2014.



Russ McElyea
Chief Water Judge

Ann K. Bitz
250 D&B Ln
Big Sandy, MT 59520

**DNRC Water Resources
Lewistown Regional Office
613 NE Main, Suite E
Lewistown, MT 59457-2020**

Note: Service List Updated 5/29/2014

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**MISSOURI RIVER, FROM MARIAS RIVER TO & INCLUDING BULLWHACKER CREEK
BASIN 41T**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 41T 131148-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: ANN K BITZ
250 D&B LN
BIG SANDY, MT 59520

Priority Date: MARCH 25, 1982

THE PRIORITY DATE OF THIS WATER RIGHT HAS BEEN CHANGED TO THE FILING DATE OF THE STATEMENT OF CLAIM. THE PRIORITY DATE MAY BE CONTESTED BY PROPER OBJECTION.

THIS IS AN EXISTING RIGHT. ITS POST-1973 PRIORITY DATE IS DECREED PURSUANT TO SECTION 85-2-306(4) MCA.

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: MANMADE PIT, UNNAMED TRIBUTARY OF SANDSTONE COULEE

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		SESWNW	9	24N	15E	CHOUTEAU

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIT

THE PERIOD OF DIVERSION HAS BEEN STANDARDIZED BY DNRC FOR THIS MANMADE PIT.

Reservoir: ONSTREAM **Reservoir Name:** LANIK PIT

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESWNW	9	24N	15E	CHOUTEAU

Diversion to Reservoir: DIVERSION # 1

Dam Height: 11.00 FEET
Depth: 8.00 FEET
Surface Area: 0.90 ACRES
Capacity: 3.60 ACRE-FEET

THE CAPACITY, MAX DEPTH AND SURFACE AREA HAVE BEEN ESTIMATED BY
DNRC.

Period of Use: AUGUST 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			SESWNW	9	24N	15E	CHOUTEAU

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**MISSOURI RIVER, FROM MARIAS RIVER TO & INCLUDING BULLWHACKER CREEK
BASIN 41T**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 41T 131150-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: ANN K BITZ
250 D&B LN
BIG SANDY, MT 59520

Priority Date: AUGUST 1, 1914

***Type of Historical Right:** USE

Purpose (use): STOCK

Flow Rate: 5.00 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: GROUNDWATER

Source Type: GROUNDWATER
ALSO KNOWN AS HANNUM WELL

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		SWSWNW	15	24N	15E	CHOUTEAU

Period of Diversion: SEPTEMBER 1 TO JULY 30

Diversion Means: WELL

Period of Use: SEPTEMBER 1 TO JULY 30

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			SWSWNW	15	24N	15E	CHOUTEAU

Remarks:

THE TYPE OR RIGHT WAS AMENDED BY THE CLAIMANT ON 02/06/2014.

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**MISSOURI RIVER, FROM MARIAS RIVER TO & INCLUDING BULLWHACKER CREEK
BASIN 41T**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 41T 131154-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: ANN K BITZ
250 D&B LN
BIG SANDY, MT 59520

Priority Date: MARCH 1, 1935

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: SAGE COULEE
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		SESWNW	15	24N	15E	CHOUTEAU

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

Diversion Means: DAM

Reservoir: ONSTREAM **Reservoir Name:** HANNUM DAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESWNW	15	24N	15E	CHOUTEAU

Diversion to Reservoir: DIVERSION # 1

Dam Height: 11.00 FEET

Depth: 8.00 FEET

Surface Area: 2.50 ACRES

Capacity: 8.00 ACRE-FEET

THE CAPACITY, MAX DEPTH AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

Period of Use: FEBRUARY 1 TO NOVEMBER 30

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			S2SWNW	15	24N	15E	CHOUTEAU

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**MISSOURI RIVER, FROM MARIAS RIVER TO & INCLUDING BULLWHACKER CREEK
BASIN 41T**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 41T 131158-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: ANN K BITZ
250 D&B LN
BIG SANDY, MT 59520

Priority Date: MARCH 1, 1947

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 SAGE COULEE

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		SWNESE	10	24N	15E	CHOUTEAU

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

Diversion Means: DAM

Reservoir: ONSTREAM **Reservoir Name:** CECH DAM #1

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNESE	10	24N	15E	CHOUTEAU

Diversion to Reservoir: DIVERSION # 1

Dam Height: 11.00 FEET

Depth: 8.00 FEET

Surface Area: 0.30 ACRES

Capacity: 0.96 ACRE-FEET

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

Period of Use: MARCH 1 TO NOVEMBER 30

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			SWNESE	10	24N	15E	CHOUTEAU

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**MISSOURI RIVER, FROM MARIAS RIVER TO & INCLUDING BULLWHACKER CREEK
BASIN 41T**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 41T 131167-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: ANN K BITZ
250 D&B LN
BIG SANDY, MT 59520

Priority Date: AUGUST 1, 1947

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

***Volume:** 42.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

***Maximum Acres:** 21.00

Source Name: UNNAMED TRIBUTARY OF SAGE COULEE

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		SESENW	16	24N	15E	CHOUTEAU

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIVERSION DAM

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	1.00		SWSWNE	16	24N	15E	CHOUTEAU
2	3.00		SESENW	16	24N	15E	CHOUTEAU
3	5.00		N2NWSE	16	24N	15E	CHOUTEAU
4	12.00		N2NESW	16	24N	15E	CHOUTEAU

Total: 21.00

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 02/06/2014: VOLUME, MAXIMUM ACRES, PLACE OF USE.

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**MISSOURI RIVER, FROM MARIAS RIVER TO & INCLUDING BULLWHACKER CREEK
BASIN 41T**

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 41T 131169-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: ANN K BITZ
250 D&B LN
BIG SANDY, MT 59520

Priority Date: AUGUST 1, 1947

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

***Volume:** 21.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

***Maximum Acres:** 10.50

Source Name: UNNAMED TRIBUTARY OF SAGE COULEE

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		SEN	SW	10	24N	15E CHOUTEAU

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIKE

2		SEN	SW	10	24N	15E CHOUTEAU
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIKE

3		NES	SW	10	24N	15E CHOUTEAU
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIKE

4		NWS	SW	10	24N	15E CHOUTEAU
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIKE

***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>
5		NWSWSW	10	24N	15E	CHOUTEAU

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIKE

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	6.20		S2NWSW	10	24N	15E	CHOUTEAU
2	4.30		SWSW	10	24N	15E	CHOUTEAU

Total: 10.50

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 02/06/2014: VOLUME, MAXIMUM ACRES, POINTS OF DIVERSION, AND PLACES OF USE.

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**MISSOURI RIVER, FROM MARIAS RIVER TO & INCLUDING BULLWHACKER CREEK
BASIN 41T**

IMPORTANT NOTICE

*****THIS WATER RIGHT CLAIM HAS BEEN DISMISSED*****

**AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE
MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.**

Water Right Number: 41T 131171-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: DISMISSED

Owners: ANN K BITZ
250 D&B LN
BIG SANDY, MT 59520

Priority Date:

Type of Historical Right:

Purpose (use): IRRIGATION

Flow Rate:

Volume:

Source Name: CHIP 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 DURING ADJUDICATION OF THE 41T PRELIMINARY DECREE.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**MISSOURI RIVER, FROM MARIAS RIVER TO & INCLUDING BULLWHACKER CREEK
BASIN 41T**

IMPORTANT NOTICE

*****THIS WATER RIGHT CLAIM HAS BEEN DISMISSED*****

**AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE
MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.**

Water Right Number: 41T 131172-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: DISMISSED

Owners: ANN K BITZ
250 D&B LN
BIG SANDY, MT 59520

Priority Date:

Type of Historical Right:

Purpose (use): IRRIGATION

Flow Rate:

Volume:

Source Name: CHIP COULEE

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 DURING ADJUDICATION OF THE 41T PRELIMINARY DECREE.