

ADJ



UPDATE TO FILE



STATEMENT OF CLAIM



***41J ***



207368



00

Current File Location: **MONTANA WATER COURT**

As of : 4/30/2012

Status: **IN**

Box Bar Code: **12321**

File Bar Code: **124018**

1/15/2015

**PRELIMINARY DECREE
SMITH RIVER
BASIN 41J
ABSTRACT OF WATER RIGHT CLAIM**

IMPORTANT NOTICE

YOUR WATER RIGHT AS SHOWN ON THIS ABSTRACT MAY HAVE CHANGES FROM YOUR WATER RIGHT AS CLAIMED OR AMENDED. AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC) DURING THE EXAMINATION PROCESS. THESE CHANGES ARE AUTHORIZED BY THE MONTANA SUPREME COURT WATER RIGHT CLAIMS EXAMINATION RULES OR BY ORDER OF THE WATER COURT.

OBJECTIONS MAY BE FILED ACCORDING TO THE PROCEDURES OUTLINED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

Water Right Number: 41J 207368-00 STATEMENT OF CLAIM

Version: 1 – ORIGINAL RIGHT

Status: ACTIVE

Owners: GENE M GUDMUNDSON
PO BOX 724
WHITE SULPHUR SPRINGS, MT 59645

Priority Date: APRIL 30, 1866

Type of Historical Right: DECREED

Purpose(use): COMMERCIAL

Flow Rate: 246.84 GPM

Volume: 398.15 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: WHITE SULPHUR SPRINGS

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		NWNWNW	18	9N	7E	MEAGHER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PUMP

Subdivision: WHITE SULPHUR SPRINGS ORIGINAL BLOCK: 00A

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			NWNWNW	18	9N	7E	MEAGHER

Subdivision: WHITE SULPHUR SPRINGS ORIGINAL BLOCK: 00A

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 09/25/2006: FLOW RATE AND VOLUME.

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

~~THE FOLLOWING ISSUES WERE IDENTIFIED BY THE DNRC DURING ITS EXAMINATION OF THIS WATER RIGHT CLAIM. THESE ISSUES MAY REMAIN UNRESOLVED IF NO OBJECTIONS ARE FILED.~~

~~AT THE TIME OF THE CLAIMED PRIORITY DATE, IT APPEARS THAT THE PLACE OF USE WAS PART OF AN INDIAN RESERVATION.~~

~~VOLUME MAY BE EXCESSIVE. BASED ON THE FLOW RATE AND PERIOD OF USE, THE SYSTEM WOULD HAVE TO RUN 23.93 HOURS PER DAY TO DELIVER THE CLAIMED VOLUME. NO INFORMATION EXISTS IN THE CLAIM FILE TO CONFIRM THIS FIGURE.~~

A BETTER UNDERSTANDING OF YOUR CLAIMED WATER RIGHT CAN BE OBTAINED BY COMPARING YOUR RIGHT WITH OTHER CLAIMS IN THE BASIN. FOR EXAMPLE, COMPARE PRIORITY DATES, FLOW RATES, VOLUMES, OR ACRES IRRIGATED. ALSO, YOUR WATER RIGHT MAY BE SUBJECT TO WATER RIGHTS IN ADJOINING BASINS OR SUBBASINS AS WELL AS BEING SUBJECT TO OTHER RIGHTS ON YOUR SOURCE OF SUPPLY. FINALLY, YOUR WATER RIGHT MAY BE SUBJECT TO INDIAN RESERVED AND FEDERAL RESERVED WATER RIGHTS.

COMPLETE DETAILS REGARDING THE DNRC EXAMINATION RESULTS AND RELATED MATERIALS CAN BE REVIEWED AT THE OFFICE LOCATIONS IDENTIFIED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER EXPLANATION OF YOUR CLAIMED WATER RIGHT. THESE FINDINGS CAN BE FOUND AS INDICATED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY." IF YOU NEED OBJECTION FORMS, OR HAVE QUESTIONS ABOUT WATER COURT PROCEDURES OR CHANGES TO YOUR RIGHT, YOU CAN CONTACT THE WATER COURT BY CALLING 1-800-624-3270 (WITHIN MONTANA ONLY) OR 1-406-586-4364, OR BY WRITING TO P.O. BOX 1389, BOZEMAN, MT 59771-1389.

12/5/14



FILED

DEC 19 2014

Montana Water Court

MONTANA WATER COURT, UPPER MISSOURI DIVISION
SMITH RIVER - BASIN 41J

CLAIMANT: Gene M. Gudmundson

41J 207368-00

CLOSING ORDER

Claim 41J 207368-00 appeared in the Preliminary Decree for Basin 41J with the following issue remark:

VOLUME MAY BE EXCESSIVE. BASED ON THE FLOW RATE AND PERIOD OF USE, THE SYSTEM WOULD HAVE TO RUN 23.93 HOURS PER DAY TO DELIVER THE CLAIMED VOLUME. NO INFORMATION EXISTS IN THE CLAIM FILE TO CONFIRM THIS FIGURE.

This claim is a decreed commercial groundwater right from a spring. The State of Montana, Department of Fish, Wildlife & Parks (DFWP) filed an objection to this claim. However, on February 17, 2012, the DFWP filed a Withdrawal of Objection. In the Withdrawal, the DFWP state they contacted DNRC regarding resolution of the above issue remark and were told the remark had been placed on the claim in error. Attached to the Withdrawal is a copy of an email from Water Resource Specialist Supervisor Arne Wick confirming the remark should not have been placed on the claim. Therefore, the issue remark should be removed.

This claim also appeared with the following issue remark:

AT THE TIME OF THE CLAIMED PRIORITY DATE, IT APPEARS THAT THE PLACE OF USE WAS PART OF AN INDIAN RESERVATION.

On September 22, 2011, Water Adjudication Chief John Peterson filed a memorandum indicating the above issue remark should be removed from all claims in Basin 41J with priority dates postdating April 15, 1856, the ratification date of the *1855 Treaty with the Blackfeet*. These claims in Basin 41J are appurtenant to lands wherein the Claimants' predecessors were early settlers upon lands originally part of the Blackfeet

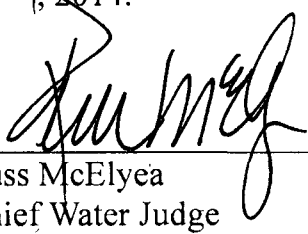
reservation in 1855, but later restored to the public domain. The April 30, 1866 priority date postdates April 15, 1856. The above issue remark was placed on the abstract in error, and should be removed. No further proceedings are required on this claim.

Therefore, it is

ORDERED that the issue remarks which appear on the abstract of the above captioned claim are STRICKEN;

A Post Decree Abstract of Water Right Claim is served with this Order to confirm the remark has been stricken in the state's centralized record system.

DATED this 19th day of December, 2014.



Russ McElyea
Chief Water Judge

Gene M. Gudmundson
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White Sulphur Springs, MT 59645

William Schenk
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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

SMITH RIVER

BASIN 41J

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: 41J 207368-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: GENE M GUDMUNDSON
PO BOX 724
WHITE SULPHUR SPRINGS, MT 59645

Priority Date: APRIL 30, 1866

Type of Historical Right: DECREED

Purpose (use): COMMERCIAL

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