

STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

# GENERAL ABSTRACT

**See most recent Authorization for current water right details.**

**Water Right Number:** 42M 154368-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** JEFFREY W BERGER  
PO BOX 1104  
WILLISTON, ND 58802-1104

TAMI M BERGER  
PO BOX 1104  
WILLISTON, ND 58802-1104

**Priority Date:** MAY 1, 1961

**Enforceable Priority Date:** MAY 1, 1961

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Maximum 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.

**Maximum 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 CABIN CREEK, NORTH FORK

**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         |                 | SWSWSE         | 35         | 11N        | 58E        | FALLON        |

**Period of Diversion:**

**Diversion Means:** DAM

**Reservoir:** ON STREAM

| <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------------|----------------|------------|------------|------------|---------------|
|                 | SWSWSE         | 35         | 11N        | 58E        | FALLON        |

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 13.00 FEET

**Depth:** 10.00 FEET

**Surface Area:** 2.50 ACRES

**Current Capacity:** 10.00 ACRE-FEET

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

**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         |              |                 | SESESE         | 35         | 11N        | 58E        | WIBAUX        |
| 2         |              |                 | SWSWSE         | 35         | 11N        | 58E        | WIBAUX        |

**Geocodes/Valid:** 39-2072-35-1-01-01-0000 - Y

**Remarks:**

WATER RIGHT OWNERSHIP UPDATE RECEIVED 03/06/1995.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 03/30/2000.

**OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 119485 RECEIVED 03/21/2013.

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**Remarks:**

AS OF 08/04/2010 , THIS WATER RIGHT APPEARS TO BE OWNED BY LOST IN TIME RANCH LLC, 1234 PINE UNIT RD, WIBAUX, MT 59353,.

THE PERIOD OF DIVERSION FROM THE SOURCE INTO STORAGE CANNOT BE IDENTIFIED.