



Operations Manual

Musselshell River Distribution Project

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Write on Point

Photos by Leon Hammond

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Cover Photo by Leon Hammond: Deadman's Basin Reservoir Inlet Canal Diversion Dam west of Shawmut

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HISTORY

Water shortages have been a way of life in the Musselshell River basin since early settlers began diverting water for livestock and crops, and then subsequent years of drought during the early 1900s left the lower reaches of the river channel dry during most of the summer months. Though many water users on the mainstem downstream of Roundup, the approximate mid-point of the river's length, held water rights senior to those exercised upstream, water seldom made it to their diversion infrastructure in useful quantities. Battles over water raged on, even after numerous water storage projects were completed in the basin during the mid-1930s and early 1940s. There was no process in place for managing the fair distribution of water accessed either through decreed right, or by contract for stored water releases. Contract water users were especially upset that they could not access water for which they had paid. Irrigators who drew water from the Delphia-Melstone Canal system threatened to file suit in 1990 against Deadman's Basin Water Users Association for failing to deliver stored water purchased under contract. Something had to be done to reduce acrimony that was rampant on the lower reaches of the Musselshell.

Deadman's Basin Water Users Association

Deadman's Basin Reservoir is the storage facility for an irrigation water project owned by the State of Montana and managed by agreement between Montana Department of Natural Resources and Conservation and the Deadman's Basin Water Users Association. Water is diverted from the Musselshell River under a 1934 Water Right, and in cooperation with the Upper Musselshell Water Users Association which manages water diverted and stored in Bair and Martinsdale reservoirs. As the result of a dispute between the two water user associations over the adjudicated seniority date for water diversion from the Musselshell, a formal Water Management Agreement between UMWUA and DBWUA was drafted by Glen McDonald of DNRC and signed in the spring of 1995 (see Addendum D). In recent years, as communication between the project managers of the two associations improved, the agreement has not been strictly enforced. All three reservoirs are typically filled during the winter and early spring months when other irrigation water rights on the Musselshell River are not being exercised. The Upper Musselshell Water Users Association has not chosen to participate in an enforcement project for delivery of stored water. Disputes over delivery of water from Bair and Martinsdale reservoirs are rare.

In 1992, the Musselshell River was designated as chronically de-watered under the Montana Water Measurement Program established by 1991 statute, which required development and implementation of a water measurement plan for the watershed. Deadman's Basin Water Users



Ramp Flume with Staff Gauge

Association (DBWUA) had arranged to install several river streamflow gages in cooperation with USGS, and in 1992 required all shareholders in the association to install measuring devices at the point of their water diversions in order to more accurately track distribution of stored water. The Delphia/Melstone Canal Water Users Association had already adopted a requirement for measuring

devices in 1990. There was, however, no official enforcement of the individual irrigator requirements at the time. Teri Hice, the Project Manager for DBWUA, was appointed by District Court Judge Randal Spaulding in April 2001 to serve as the first Chief Water Commissioner



Waterman Ditch Gate Device

hired by the Association to enforce the water measurement rule under Section 85-5-107 Montana Code Annotated. All purchasers of water delivered from the Deadman’s Basin storage reservoir had to have headgates or other means to ensure water could be shut off at the diversions, as well as totalizers for measurement of water delivered, or they were not allowed to access the water they paid for as shareholders in the Association. Also in 2001 a rotational plan for delivering water was instituted for the first time due to drought, limiting water availability to two-week periods that were scheduled for sections of the river and repeated if sufficient water remained in the Deadman’s Basin reservoir. The new Chief Water Commissioner, with the help of two assistant commissioners, was tasked with accepting orders for water delivery and tracking that delivery on a daily basis.



Totalizer on Pump

Decreed Water

Temporary Preliminary Adjudication decrees were issued for the Upper Musselshell River Basin in 1985, and for the Lower Basin in 1990. The rights of these decreed water users had to be meshed with distributions of stored water, as there is no way to identify water in the river channel as decreed or stored. Problems arose when decreed water users accessed water that had been released by either the Upper Musselshell Water Users Association from Bair and Martinsdale reservoirs or by the Deadman’s Basin Water Users Association from Deadman’s Basin Reservoir. The Montana Water Court held a number of meetings in the watershed to prepare the way for a Water Enforcement Project, and for mandated water measurement devices for all forms of diversion. The meetings were occasionally contentious, but after two years of living with the Deadman’s Basin Water Users Association rules for water distribution, irrigators were slightly more receptive to a basin-wide enforcement project. Chief Water Court Judge Bruce Loble’s reminder that Montana water rights law is based on the adage, “First in time, not first in line!” was emphasized at the meetings. A petition requesting creation of a water distribution enforcement project was circulated, and the signatures representing 15% of the water rights decreed in Basins 40A and 40C of the Musselshell River were collected for presentation to the 14th Judicial District Court (Musselshell County, Golden Valley County, Wheatland County, and Meagher County). To make sure all requirements of Section 85-5-101, M.C.A. were met, signatures representing 15% of the acreage watered and 15% of the owners in the basins were also collected. Nearly all the signers held water rights in the river below Roundup.

In February of 2002, District Court Judge Randal Spaulding issued an order granting a petition for an enforcement project and requesting from the Montana Water Court a tabulation of all existing water rights and their priority dates previously adjudicated for Basins 40A and 40C in the Musselshell River watershed. Public informational meetings were scheduled and held to explain the planned enforcement project to water users in the entire basin. Senior Water Court Master Colleen Coyle prepared the tabulations and attended the meetings along with Judge Spaulding to answer questions about the enforcement process. By early May the water right tabulations were complete, and by mid-month, Judge Spaulding issued the Enforcement Order that named a Chief Water Commissioner and five additional water commissioners to deliver and distribute down the river the water rights as tabulated in Musselshell Basins 40A and 40C. Five zones were created to help manage water use, with a water commissioner assigned to each. The Musselshell River Enforcement Project encompassed the North and South Forks of the Musselshell River, and the mainstem downstream to the Mosby Bridge. The project was to begin on May 23, 2002, and any water user who objected to the quantity or method of delivery of his/her water could file a written complaint with the District Court detailing the reasons for the complaint. The initial Order for Enforcement required that all water users install measuring devices with totalizing capacity by April 3, 2003. A meeting held in Harlowton on January 7, 2003, attended by Chief Water Court Judge Bruce Loble, Judge Spaulding, and various other representatives of agencies and experts in totalizer technology was held to reconsider the requirement for totalizer devices in the Upper Musselshell Water Users Association zones.

In February of 2003, petitioners again requested an Enforcement Order from District Court Judge Spaulding, and such order, also appointing water commissioners for the upcoming season, was issued in April. The order was modified from the 2002 order to no longer require installation of totalizers on water measuring devices, however in installations without totalizers, accurate logs of water use were required to be present at the point of diversion, accessible by water commissioners.



Triangular V-Notch Weir

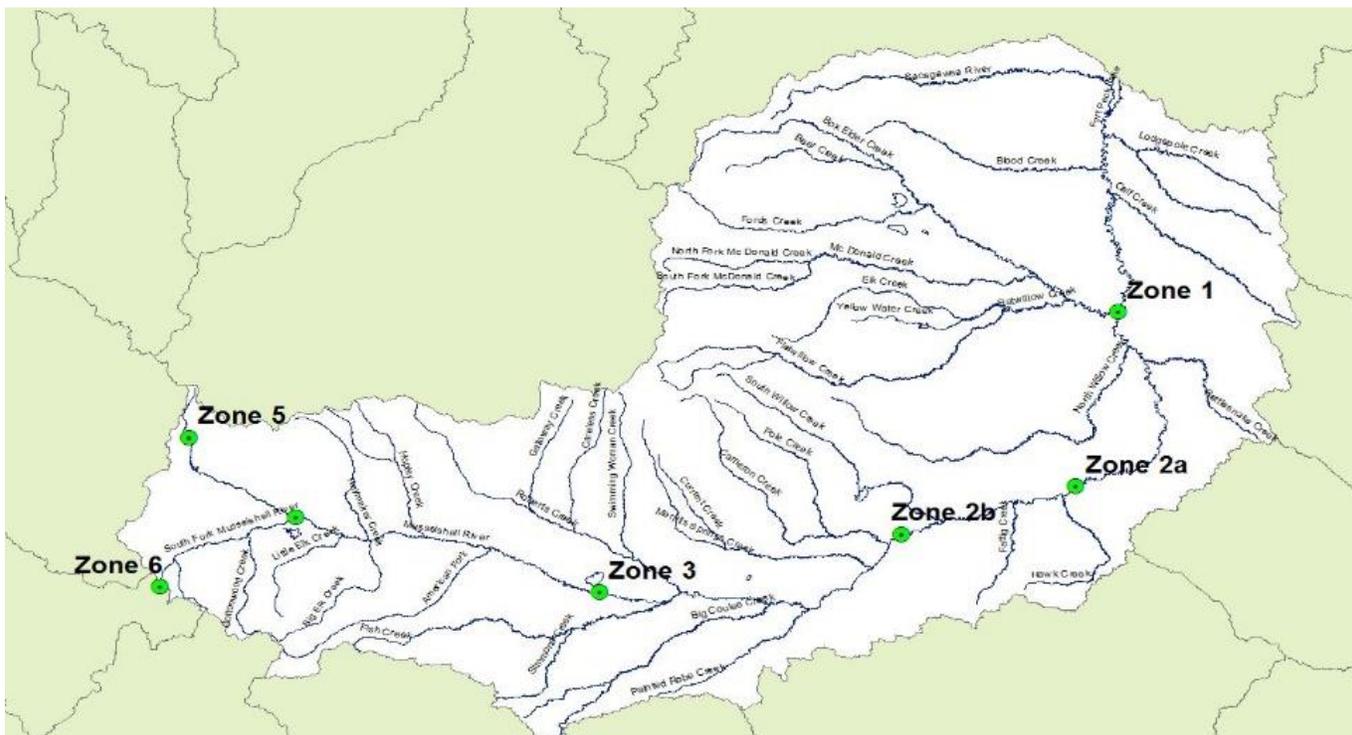
The effective hour of the Enforcement Order was also changed from midnight to 6:00 a.m., a time more convenient for irrigators to access their headgates and pumps. Orders for water delivery were required to be submitted to the Chief Water Commissioner by phone, email or letter as were notifications of early shutoff of water during a given water delivery window. Decreed water use priority dates were posted at all post offices in the enforcement order area, and it was the responsibility of the individual water user to check those dates whenever he/she contemplated placing an order for water. Water commissioners were tasked with the duty to inspect water use logs; check the accuracy of measuring devices and totalizer; make sure that headgates, measuring devices and totalizers were in good repair; and order repairs at the expense of the water user if repairs were not made in a timely manner; report, with cooperation of project managers for Upper Musselshell, Deadman's Basin, and Delphia-Melstone Water

Users Associations, water measured and released in the river, reservoirs, and canals in the basin; work with water users to resolve disputes in water delivery before any official complaint could be filed with the District Court; file daily reports of water use with the Chief Water Commissioner; and

file reports of the season's water use with the court at the end of the irrigation season. The enforcement project created a website that could be accessed to check current priority dates and fill out water order forms.

In 2005, Zone 1, downstream from the Mosby Bridge to Fort Peck Reservoir, was created and added by petition of water users to the Enforcement Project. The only other significant changes made in the enforcement order language were to require petitions every five years instead of one or two; and to remind water users that a change in use of water required approval from Montana Department of Natural Resources and Conservation. Annual enforcement orders continue to be issued, listing beginning and end dates and appointing water commissioners for each season. The name of the Musselshell River Enforcement Project was changed to the Musselshell River Distribution Project when Peter Marchi was appointed as Chief Water Commissioner in 2005. Most water users are well-satisfied with the MRDP and recognize that it is the best way to fairly distribute a limited resource in the Musselshell River basin. The project continues to evolve as water commissioners, the District Court, and water users refine estimates of water available and improve communication among all parties involved.

Map of Musselshell River Distribution Project Enforcement Zones



OPERATIONS, PRE-SEASON

Pre-Season Meeting of Judge Spaulding and Water Commissioners

Each year, a meeting is scheduled at the offices of the 14th Judicial District Court in Roundup so that water commissioners appointed for the ensuing irrigation season can meet to discuss water supply issues that will be likely to arise. Project managers for the stored water in Bair, Martinsdale, and Deadman's Basin reservoirs must deliver to the Court written reports on (1) The capacity of each reservoir; (2) The quantity of water in each reservoir; (3) The projected amount of water to be distributed for the ensuing season expressed as a percentage of the total available water for distribution from each reservoir; and (4) The amount of water distribution loss each reservoir will be using and whether or not said amount is included in the total projected delivery amount. The water commissioners are to distribute both decreed water and stored water from Deadman's Basin to water users, and users of both types of water share in the expense of management of water delivery.

While it is impossible to accurately predict what exact quantity of water will be available during any irrigation season, an informed estimate must at least be made so that the Court, water commissioners and water users have some level of confidence about what to expect during the coming season. Data used to make estimates are mountain snowpack, water content of that snowpack, temperature and precipitation forecasts, measured levels in the reservoirs, USGS streamflow predictions, and knowledge gained through the combined years of experience of water commissioners and stored water project managers. Useful websites for gathering information include: <https://www.wcc.nrcs.usda.gov/snow/snotel-wedata.html>, <https://www.nrcs.usda.gov/wps/portal/nrcs/mt/snow/waterproducts/forecasts/>, <https://www.wcc.nrcs.usda.gov/basin.html>, <http://www.cpc.ncep.noaa.gov/>

Pre-Season Training of Water Commissioners

Water commissioners are appointed by Judge Spaulding to serve one season (see sample Enforcement Orders issued by District Court, Addenda A and B.) Recommendations for individuals who wish to be appointed are made by the Chief Water Commissioner, and qualifications are discussed before the final roster is set. Traits and skills that predict the success of a water commissioner include extensive knowledge of the river and its behavior; acquaintance with water users in his/her zone of responsibility; respect for water users and their agricultural operations; basic knowledge of Montana water right law; comfort with use of computer technology; excellent communication skills; and ability to act as an impartial mediator rather than an enforcer.

The Montana Department of Natural Resources and Conservation provides annual training classes for water commissioners. Copies of training materials can be obtained at the following url: <http://dnrc.mt.gov/divisions/water/management/training-education/water-commissioner-information>. Section 85-5-111, Montana Code Annotated, includes the following requirement: "Unless a district court judge having jurisdiction determines otherwise, a water commissioner

appointed pursuant to [85-5-101](#) shall complete at least one educational program as provided in subsection (1) prior to administering water.”

In addition to the training provided by the State, the Chief Water Commissioner and Assistant Chief Water Commissioners provide on-site training to newly-appointed Deputy Stored/Decreed Water Commissioners, showing them where points of diversion, water measuring devices, totalizers, access to infrastructure, river gages and project water level markers are located. Each river zone may have different types of measuring devices and/or totalizers in place, so specific training is necessary. New water commissioners should be introduced to the water users in their assigned zones when appropriate. Water commissioners must be familiar with an Excel spreadsheet format for tracking and reporting daily water use associated with each water right in their zone.

Pre-Season Tasks of District Court

One of the reasons for the success of the MRDP, in spite of its implementation on a very long river, is that administrative oversight is provided by only one District Court office of the. Montana law does not specify how to handle a situation where an enforcement project is enacted in more than one judicial district, so Judge Randal Spaulding contacted district court judges in District 16 (east, including Rosebud and Garfield Counties) and District 10 (north including Petroleum County) to make sure there was no objection to handling the court-related business of MRDP in Roundup alone. The 14th Judicial District serves as a fiduciary agent for funds collected and disbursed for the benefit of MRDP. The court is also responsible for publishing any legal notices required by MRDP; for issuing annual Enforcement Orders setting dates of beginning and ending; ordering a current Tabulation of Existing Water Rights (see Addendum I for sample page); appointment of all water commissioners; setting details of the Deadman’s Basin Water Users Association participation in the project by Enforcement Order (see Addenda A and B.); and invoicing participating water user associations for season start-up costs (see Addendum J).

Pre-Season Duties of Chief Water Commissioner

The Chief Water Commissioner is responsible for obtaining an updated Tabulation of Existing Water Rights (previously known as the “Red Book”) either in hard-copy or digital form and distributing notice of any changes in water rights, by zone, to the Deputy Stored/Decreed Water Commissioners. Channels of communication are established (email and/or telephone) among water association project managers, water commissioners, District Court, and water users that may be accessed up to several times a day to manage water distribution through the season. New owners of water rights that are included in the MRDP are visited to be sure they understand Montana water rights laws and procedures for the distribution of water. Water commissioners are reminded of their specific duties and encouraged to make sure they are prepared to begin implementing each year’s enforcement order from District Court. Any changes procedures for submitting timesheets and expense reports are passed along to Deputy Decreed/Stored Water Commissioners, Assistant Chief Water Commissioner, and Administrative Assistant Chief Water Commissioner. Enforcement order for the season is posted by link on the MRDP website before the effective date of the order.

Pre-Season Duties of Assistant and Deputy Water Commissioners

Before the implementation date of the MRDP each year, water commissioners note any changes for their respective zones in the Tabulation of Existing Water Rights provided by the Montana Water Court and distributed by the Chief Water Commissioner. They are required by the District Court Enforcement Order to make sure that all water users' headgates, measuring devices, and totalizers are in good repair with full rolls of paper installed in devices that use that method for totalizing volume, and any repairs ordered during the prior season have been accomplished before water may be delivered. Water user logbooks must be in place at each headgate or point of diversion that does not have a totalizer installed. Totalizer readings should be recorded on the date the current year's MRDP effective period begins. USGS and DNRC streamflow gages used to help manage water distribution must be checked against manual measurements of water in the river or ditches to make sure they are accurately recording water flow. Staff gages set by MRDP must also be checked to make sure they were not disturbed by high water flows or ice jams over the winter and early spring runoff.

OPERATIONS, DURING IRRIGATION SEASON

District Court Tasks During Irrigation Season

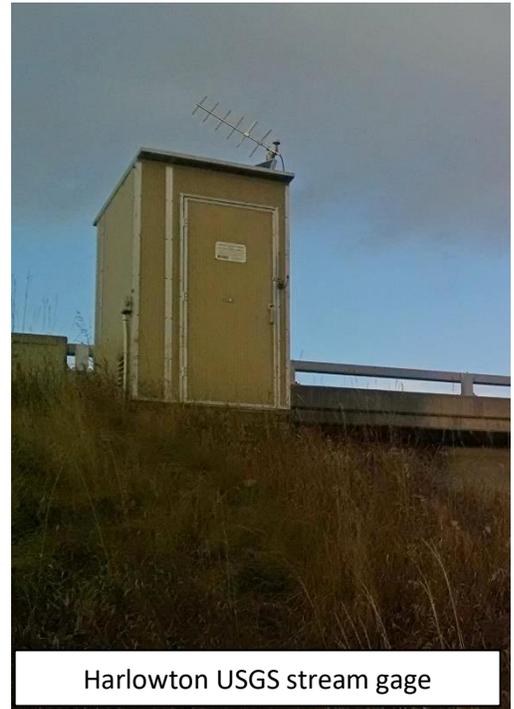
Judge Randal Spaulding of the 14th Judicial District provides season-long oversight for the MRDP. With the assistance of his Court Administrator, the following tasks are accomplished:

1. Communicate with Chief Water Commissioner to set priority dates on all seven zones (1, 2a, 2b, 3, 4, 5, 6) on the river;
2. Receive and track mid-season payments that allow water commissioners to be reimbursed for time and expense part way through the irrigation season;
3. Review water commissioner timesheets and authorize disbursement of funds to water commissioners as they become available, in coordination with Chief Water Commissioner and Administrative Assistant Chief Water Commissioner;
4. Issue Disbursement Orders to pay for legal advertisements required by MRDP (see sample at Addendum C);
5. Review year-end summaries of water delivered to water users listed in the annual Tabulation of Water Rights prepared by the Water Court at the beginning of the irrigation season;
6. Authorize year-end invoicing for all water delivered during the irrigation season;
7. Review and approve the MRDP Final Report prepared by the Chief Water Commissioner;
8. Act on and issue Orders for any written verified complaints filed pursuant to the current year's Enforcement Order (section 6 in the 2018 Enforcement Order, Addendum A);
9. Review any proposed invoices to water users for repairs to water measurement devices, totalizers, headgates or ditches when the water user does not heed the notice of the necessity for such repairs by the Chief Water Commissioner;
10. Review and approve or deny all proposed communications relating to MRDP drafted by water commissioners before they are sent or delivered to any water user.

Duties of Chief Water Commissioner, Irrigation Season

The Chief Water Commissioner is responsible for making sure the legal distribution of all decreed water, and stored water from the Deadman's Basin Reservoir, is fair and equitable during the irrigation season set forth in a given year's Enforcement Order issued by the District Court. Duties include:

1. Communicating with all water commissioners and water association project managers on the Musselshell River to be sure all are ready to begin distributing water, are keeping track of time and expenses on timesheets issued by the District Court, and have completed the pre-season requirements enumerated above;
2. Monitoring streamflow data and stored water releases in order to set water right priority dates in all seven zones of the Musselshell River to deliver as much water as possible while maintaining at least minimal flow in the entire mainstem channel (see more detailed instructions below);
3. Communicating daily with the Assistant Chief Water Commissioner to obtain water orders from users on the river;
4. Communicating with Judge Randal Spaulding, 14th Judicial District in Roundup, when changing priority dates for water delivery;
5. Monitoring water losses due to evaporation, seepage, or unauthorized water use to identify causes and advise water commissioners of a problem, then adjust deliveries to equalize the impact of natural losses;
6. Reporting any repair or maintenance costs associated with headgates, diversion ditches, measuring devices, or totalizers incurred when water users neglect to make repairs to the Administrative Assistant Chief Water Commissioner and District Court;
7. Reviewing for accuracy all Excel spreadsheets of water delivery and assisting with season-end compilation of data for delivery to the District Court;
8. Mediating complaints from water users to try to resolve them before the official District Court complaint process is instituted.



Details of Setting Priority Dates:

- a) The way water moves downriver can change from year to year, depending on winter ice jam movement, washouts due to localized heavy precipitation, spring snowmelt, road repairs, permitted bank stabilization projects, and basin-wide flood events. Careful observation of all gages (USGS, DNRC, staffs placed by MRDP) is necessary to see how fast water moves from zone to zone, and how long it takes stored water releases to reach water users. USGS

streamflow gage information is available for all gages on the Musselshell here (a click on the icons on the Montana map is all it takes): https://waterwatch.usgs.gov/index.php?r=mt&id=ww_current

- b) Early in the irrigation season, it is normal for all water right demands to be met, and priority dates for all zones are set at the most junior found in the annual Water Court Tabulations of Existing Water Rights. As weather warms, relative humidity levels drop, evaporative losses grow, and orders for water delivery increase in number, it may become necessary to check streamflow data several times a day and adjust priority dates accordingly. Frequent email and telephone contact with all the water commissioners and water user association managers is necessary for timely monitoring of streamflow; the length of the river's mainstem prohibits daily on-site monitoring by the Chief Water Commissioner, so frequent communication of streamflow data by zone water commissioners is critical.
- c) When adjusting priority dates, water available in the Upper Musselshell zones is observed, and calls for water added together to see if there is sufficient water to meet calls in that zone while leaving enough flow to meet calls of equal seniority in the next zone downstream. Each zone's water is examined in sequence, making sure that stored water released is subtracted from the total streamflow so that decreed water is properly estimated. Tributaries, irrigation return flows, and groundwater additions to the mainstem flow add water to the system, but the goal is to always have enough decreed water leaving a zone to meet the requirements of rights downstream with seniority equal to those receiving decreed water upstream.
- d) Natural losses of water due to seepage, evaporation, and vegetation (especially cottonwood trees), are generally calculated at 10-15% on the Upper Musselshell and 25-40% on the Lower, and are shared equally by decreed and contract water users.
- e) In the case where all water right orders of the same priority date cannot be met because of insufficient flow, water first ordered has priority over orders received at a later date or time of day.
- f) If, when tracking water movement down the river, the Chief Water Commissioner notices an unexplained loss not accounted for by natural changes in evaporation or seepage, the appropriate water commissioner for the affected zone must be contacted and advised to determine the cause of water loss if possible.
- g) At points of diversion for major ditches that serve multiple irrigators and at the Deadman's Basin inlet canal diversion, an effort is made to maintain at least a minimal flow below the diversion point.
- h) Whenever possible, a flow of 70 cfs should be maintained when a priority date of 7/1/1985 is in place for Zone 1, to meet the water right of Montana Fish Wildlife and Parks at the Mosby Bridge. Generally, when the flow at that gaging station drops below 70 cfs, there is insufficient water to meet the needs of all downstream decreed and stored water users, and priority dates have already been adjusted to those earlier than 7/1/1985. Although MFWP has similar water rights in other places on the mainstem of the river, the Mosby right is the only one currently being recognized and met, by agreement at the beginning of MRDP implementation. It is the only right that has a co-located streamflow gage in place so water can be accurately tracked and delivered.

Duties of Assistant Chief Water Commissioners, Irrigation Season

The Assistant Chief Water Commissioner and Administrative Assistant Chief Water Commissioner are responsible for maintaining accurate water delivery data and sharing information among all water commissioners, water user project managers, and the District Court during and at the end of the irrigation season. Duties include:

Assistant Chief Water Commissioner

1. Receiving decreed water orders daily by phone, text, or email from the website order form.
2. Receiving notifications of stored water releases from water user association project managers.
3. Reporting decreed water order and stored water release information to appropriate zone water commissioners and to Chief Water Commissioner at least once per day, or as activity requires.
4. Receiving information daily from zone water commissioners concerning headgates opened, pumps turned on, water flow rates, water volume totals, headgates/diversions closed, pumps turned off.
5. Maintaining daily Excel spreadsheet records of water ordered, turned on, flow rates, volumes delivered, and turned off in zones assigned (see Addenda E (a) and (b) for samples.)
6. At the end of the irrigation season, forwarding summaries of water use to Chief Water Commissioner and Administrative Assistant Chief Water Commissioner.

Administrative Assistant Chief Water Commissioner

1. Receiving water use Excel spreadsheet information from zone commissioners (Deputy Stored/Decreed Water Commissioners) and compiling it into season-end total water delivery summary to send to District Court (see Addendum F.)
2. Receiving and reviewing time and expense details from all water commissioners, using established timesheet forms to record information for transmittal to District Court for payment authorization (see Addendum G.)
3. Sending out mid-season invoices to water users at a rate not to exceed 80% (by statute) of charges invoiced for total water deliveries from the prior season. Percentage invoiced may be set below 80% by Chief Water Commissioner based on estimates of water to be delivered during current irrigation season.
4. Crediting Deadman's Basin Water Users Association for 50% of mileage charges for vehicle used by DBWUA Project Manager/Deputy Stored/Decreed Water Commissioner during irrigation season.
5. Invoicing Upper Musselshell Water Users Association, Deadman's Basin Water Users Association and Delphia/Melstone Water Users Association for decreed water deliveries to reservoirs and/or canals during irrigation season.
6. Invoicing Deadman's Basin Water Users Association for 50% of water commissioner time spent in MRDP zones 2a, 2b, and 3, where stored and decreed water is delivered to water users from the river (not through use of Delphia-Melstone Canals.)

7. Invoicing water users at end of irrigation season: After the volume of total decreed water delivered has been calculated for the season, all decreed expenses are summarized and cost per acre foot of delivered water is calculated. This value is then multiplied by the acre feet of water diverted at each individual point of diversion. An Excel spreadsheet of all charges is sent to the District Court for approval, and then invoices are sent to water users for payment. In the case of multi-user ditches, an invoice for the total cost of delivered water is sent to each of the users on the ditch, and division of the cost is left up to the users who share the water.
8. Assisting Chief Water Commissioner and Assistant Chief Water Commissioner with preparation of year-end water delivery report (see Addendum H.)

Duties of Deputy Stored/Decreed Water Commissioners, Irrigation Season

All Deputy Stored/Decreed Water Commissioners are responsible for the fair and equitable distribution of water in their respective assigned zones, based on the season's Tabulations of Existing Water Rights, and advice and seniority dates set by the Chief Water Commissioner. Duties include:

1. Maintaining a daily detailed record of water distributed to each water user that includes flow, volume, time of beginning and end of delivery period;
2. Communicating as often deemed necessary by the Chief Water Commissioner streamflows as recorded by devices located within their enforcement zone;
3. Inspecting water measuring devices equipped with water totalizing devices within their enforcement zone not less than a) When the devices are turned on; b) When the devices are turned off; c) When any changes are made while the water is on (e.g. change in flow rate, switching from stored to decreed water or vice versa); d) As otherwise determined necessary or appropriate and on a random basis from time to time. These requirements may increase or decrease as the Court deems necessary as the season progresses.
4. Notifying a water user if headgates, flumes or measuring devices are not working properly and need repair. If such repairs are not made in a timely manner, the water commissioner is authorized, in consultation with the Chief Water Commissioner and Assistant Chief Water Commissioner, to order such repairs and report the expense to the Chief Water Commissioner, Administrative Assistant Chief Water Commissioner, and District Court.
5. Distributing stored water released from Deadman's Basin Reservoir and charging 50% of total season time and expense to Deadman's Basin Water Users Association, for zones 2a, 2b, and 3, per agreement between the Court and DBWUA Board of Directors;
6. Maintaining Excel spreadsheet information of water deliveries made to each water right holder within his/her assigned zone with details including flow, volume, time of beginning of use and time of ending of use and forwarding them to the Assistant Chief Water Commissioner (see Addenda E (a) and (b) for samples.)
7. Submitting any proposed letters to water users that directly involve the MRDP or contain information crucial to the operation of the MRDP for inspection and written approval by the District Judge and/or Chief Water Commissioner before those letters are posted or delivered in person.

Duties of All Water Commissioners After Irrigation Season Ends

After water delivery has ended for the season, water commissioners inspect and inventory all irrigation infrastructure while collecting water delivery logbooks. This is the time to notify water users if there are any unresolved problems that need to be taken care of before the next season begins. Generally, repairs are easier to accomplish during the fall low-water period.

OUTLOOK FOR MRDP

There are many reasons that MRDP has worked so well since it was first implemented;

1. A chronically de-watered river that failed to deliver contract-purchased stored water to users downstream of Roundup and encouraged cooperative efforts to create a fair way to distribute a scarce natural resource;
2. Preliminary work accomplished in the Musselshell Watershed to improve effectiveness of stored water deliveries for Deadman's Basin Water Users Association;
3. Mandated installation of water measuring devices and totalizers for continued delivery of Deadman's Basin stored water;
4. Assistance provided at no cost to water users by Montana Dept. of Natural Resources and Conservation in installation of measuring devices that provide better accuracy in water distribution;
5. Two District Court judges (Judge Roy Rodeghiero and Judge Randal Spaulding) willing to interpret Montana law with flexibility necessary to success of the project and consider annual project adjustments suggested by water commissioners and stored water project managers;
6. The District Court's ability to issue contempt orders as a last resort in cases of non-compliance;
7. Cooperation of the Montana Water Court Chief Judge and Senior Water Court Master (Judge Bruce Loble and Colleen Coyle) who came to the watershed for informational public meetings and prepared tabulations of all water rights adjudicated on the mainstem of the Musselshell River for use by project water commissioners;
8. Care taken in appointing water commissioners who understand the river, know its residents, and work cooperatively with water users, other water commissioners, the Court, and stored water project managers;
9. Establishment of a Musselshell River Advisory Group in April of 2003, replaced by the Musselshell Watershed Coalition in 2009, has encouraged regular communication among water users, stored water project managers, state agencies, and federal agencies who partner to address water resource issues in the Musselshell Basin.

Procedures, policies and channels of communication are in place that will help water users adapt in the future as conditions change in the basin. Hydrology experts can estimate the effects of drought in the basin, how climate change may affect water resources, and how changing methods of delivering water to crops will also change the way water flows down the Musselshell, but no one knows for sure what the future holds. The combined experience of all those who have been involved in MRDP will help water users accommodate whatever changes come their way. Communication among partners has proven to be key in the successful management, sharing, and delivery of precious water since 2002, and will continue to be crucial for generations to come.

ADDENDA

Addendum A

1			CLERK OF THE
2			DISTRICT COURT
3			BARB HALVERSON
4			2018 APR 18 AM 9 36
5			FILED
6			BY <i>Barb Halverson</i>
7			CLERK/DEPUTY
8			
9	IN THE MATTER OF THE PETITION OF)	Cause No. DV-11-35
10	THE MUSSELSHELL RIVER WATER USERS)	
11	TO ENFORCE WATER COURT DECREES)	
12	AND APPOINT WATER COMMISSIONERS)	
13			
14	ORDER TO ENFORCE WATER COURT DECREES AND		
15	ORDER APPOINTING WATER COMMISSIONERS		
16	On March 10, 2017, holders of 15% of the water rights affected by the Montana Water Court		
17	Temporary Preliminary Water Decrees for Basins 40A and 40C petitioned this Court, pursuant to		
18	Mont. Codes Ann. §§ 3-7-212, 85-2-406(4), and 85-5-101, to issue an order to enforce said		
19	Temporary Preliminary Water Decrees for five years for the following portion of the Musselshell		
20	River in Basins 40A and 40C:		
21	[W]ater rights in the Musselshell River basin diverted or beneficially used from the		
22	entire South Fork of the Musselshell River from and between its headwaters and its		
23	confluence with the Musselshell River; the entire North Fork of the Musselshell		
24	River from and between its headwaters and its confluence with the Musselshell		
25	River; and the mainstem of the Musselshell River from and between its confluence		
26	with the North and South Forks of the Musselshell River to the U.S.G.S. gauge		
27	station at Mosby, and all waters considered by the Montana Water Court to be a part		
28	of the lower Musselshell River below the U.S.G.S. gauge station at Mosby, Montana.		

1 to take approximately two (2) years. As such and until further order, water enforcement shall
 2 continue to be confined to the mainstem of the Musselshell River.

3 **ACCORDINGLY**, and for good cause appearing, **IT IS HEREBY ORDERED:**

- 4 1. The Temporary Preliminary Decrees of the Montana Water Court for Basins 40A and
 5 40C shall be enforced within the area described above. This distribution project shall
 6 continue to be known as the **Musselshell River Distribution Project**.
- 7 2. That **PETER T. MARCHI** (P.O. Box 96, Martinsdale, Montana 59053, telephone
 8 number (406) 572-3410, email- petert@mtintouch.net) is hereby appointed Chief
 9 Water Commissioner for decreed water for the 2018 irrigation season.
- 10 3. **LEON HAMMOND** (P.O. 643, Harlowton, Montana 59036, telephone number
 11 (406) 220-2093 (Cell), email- deadmansbasin@itstriangle.com; **EARL**
 12 **MAINWARING**, (P.O. Box 635, Harlowton, Montana 59036, telephone number
 13 (406) 632-4266 (Home) 406-350-0627 (Cell), email- ewaring53@hotmail.com);
 14 **BONNIE STENSVAD** (P.O. Box 285, Melstone, Montana 59054, telephone number
 15 (406) 358-2235, email- bstensvad@wildblue.net; **KRISTOPHER SCHAFF** (924
 16 5th Street West, Roundup, Montana 59072), email- kschaff@mtech.edu; **CRAIG**
 17 **DALGARNO** (P.O. Box 467, Harlowton, Montana 59036, telephone number (406)
 18 208-2946, email- dalgarnoc78@gmail.com) and are hereby appointed as Deputy
 19 Stored/Decreed Water Commissioners for the 2018 irrigation season. **EARL**
 20 **MAINWARING** (P.O. Box 635, Harlowton, Montana 59036, telephone number
 21 (406) 632-4266 (Home) 406-350-0627 (Cell), email- ewaring53@hotmail.com) and
 22 **BILLETA MAINWARING** ((P.O. Box 635, Harlowton, Montana 59036, telephone
 23 number (406) 632-4266 (Home) 406-350-0113 (Cell), email-
 24 billleta@itstriangle.com) are also appointed as Assistant Chief Water Commissioners
 25 for the 2018 irrigation season in order to take care of administrative duties in addition
 26 to enforcement duties. The Deputy Decreed Water Commissioners' duties shall
 27 generally include enforcement of that portion of the temporary preliminary decree
 28 falling in the following zones as indicated and any questions regarding enforcement
 should be directed to those indicated:

ZONE 1	North Willow Creek and Downstream	Bonnie Stensvad
ZONE 2(a)	Mouth of Flatwillow Creek to but not including Musselshell Ditch	Leon Hammond and/or Bonnie Stensvad

1	ZONE 2(b)	Musselshell Ditch to and including the Town of Roundup	Leon Hammond and/or Bonnie Stensvad
2			
3	ZONE 3	The Town of Roundup to and including the Barber Canal	Leon Hammond
4			
5	ZONES 4, 5, & 6	Immediately above Barber Canal to the headwaters of the North and South Forks	Earl Mainwaring and/or Craig Dalgarno
6			
7			

8 **Enforcement zones are created solely for managerial purposes and will not be utilized**
9 **separately for billing purposes. Appointed water commissioners' enforcement authority is not**
10 **exclusively limited to the designated enforcement zones and may extend, from time to time,**
11 **into other enforcement zones as circumstances may require.**

- 12 4. Said Chief Water Commissioner and Deputy Decreed Water Commissioner(s)
13 subsequently appointed by this Court shall have those powers and duties attenuate
14 to their office as provided by law including, but not limited to, those powers
15 conferred by §§ 85-5-108, 85-5-201, 85-5-202, and 85-5-404, Montana Code
16 Annotated. Assistant Deputy Stored Water Commissioners' duties shall be confined
17 to conducting meter readings, measuring water, and investigating and reporting as
18 directed by the Deputy Stored Water Commissioner(s).
- 19 5. Said Chief Water Commissioner and any Deputy Decreed Water Commissioner(s)
20 appointed and subsequently appointed by this Court shall deliver and distribute down
21 river the water in accordance with the water rights set forth in the Tabulations of
22 Existing Water Rights and associated lists provided by the Montana Water Court for
23 the areas of Basins 40A and 40C described above, during the time of their
24 appointment and under the authority of § 85-5-101(3), Montana Code Annotated and
25 other related statutes.
- 26 6. Pursuant to §85-5-301, Montana Code Annotated, any water user owning or using
27 any of the waters of the stream or ditch or extension of the ditch who is dissatisfied
28 with the method of distribution of the waters of the stream or ditch by the water
commissioner or water commissioners and who claims to be entitled to more water
than he is receiving or to a right prior to that allowed him by the water
commissioner(s) may file his written complaint, duly verified, setting forth the facts
of the claim. **Commencing on April 23, 2018 at 6:00 a.m.**, no water user may use
any water flowing in the above described area of the Musselshell River except: (1)

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as distributed by Water Commissioner(s) delivering water rights set forth in the Tabulation of Existing Water Rights and associated lists; or (2) as distributed by the Water Commissioner(s) distributing stored water purchased by the Deadman’s Basin Water Users Association; or (3) as distributed by the Project Manager for distributing stored water purchased by the Upper Musselshell Water User’s Association; or (4) as otherwise provided by law.

7. The compensation of the **Chief Water Commissioner** is hereby fixed in the sum of Thirty-Two Dollars and Fifty Cents (\$32.50) per hour for services actually rendered. The compensation of **LEON HAMMOND, BONNIE STENSVAD, EARL MAINWARING, KRISTOPHER SCHAFF and CRAIG DALGARNO** is hereby fixed in the sum of Twenty-Four Dollars (\$24.00) per hour for services actually rendered. The compensation of **BILLETA MAINWARING** is hereby fixed in the sum of Fifteen Dollars (\$15.00) per hour for services actually rendered.

8. That during the term of his or her appointment and in accordance with § 85-5-107, Montana Code Annotated, each water commissioner must keep a daily record of the amount of water distributed to each water user pursuant to the Tabulation of Existing Water Rights and associated lists and file a summary of such record with the Chief Water Commissioner in Excel format at the end of the 2018 irrigation season. Upon receipt thereof, the Chief Water Commissioner shall promptly prepare a summary of such records to be filed with the Clerk of this Court at the end of the 2018 irrigation season showing in detail the amount of water distributed daily to each water user during the irrigation season and the cost therefore, based upon the water commissioners’ wages per hour and other costs of the water commissioner approved by the district judge, and the proportionate amount of water distributed. The Chief Water Commissioner’s draft final report shall be circulated to the various water commissioners for review and input prior to its submission to the Court.

9. That pursuant to Mont. Codes Ann. § 85-5-302, all persons using water rights set forth in the Tabulation of Existing Rights and related lists are required to have and maintain suitable head gates, or other means to assure that water can be shut off. Also, at some suitable place on the delivery system, and each of their ditches, as near the Musselshell River as practicable, said person or persons shall place and maintain a proper measuring device to allow for the measurement of flow rates of the water flowing in such delivery system, ditch, or ditches (**Water totalizing meters will not be required**). **In the event that any person or persons shall fail to place or maintain a proper measuring device as required hereby, it shall be the duty of**

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appointed Water Commissioner(s) not to apportion or distribute any water to said person or persons unless and until they have complied with this mandate.

10. That the Chief Water Commissioner's, as well as the other various water commissioner's terms shall commence upon appointment and end upon further order of the Court. Each Water Commissioner appointed by this Court shall sign and file with the Clerk of this Court the usual and customary constitutional oath of office and proof of worker's compensation coverage before commencing the discharge of his or her duties as water commissioner, and shall likewise file with said Clerk, after approval by the Court, a good and sufficient bond executed by said water commissioner with two or more sureties or a bonding company, in the sum of One Thousand and no/100's Dollars (\$1000.00) for each water commissioner to insure the faithful discharge of his or her duties (At present, Key Insurance is providing the required bond(s) which are submitted to the Court for payment with reimbursement by the water users at the end of the irrigation season).
11. Pursuant to Mont. Codes Ann. § 85-5-101, water commissioners appointed by the Court must purchase a worker's compensation insurance policy and elect coverage upon themselves prior to starting his/her duties as a commissioner. The Court orders that the cost of worker's compensation insurance purchased by said water commissioners shall be reimbursed by water users on a proportionate basis. Water commissioners appointed by the Court are not employees of the judicial branch, a local government, or a water user.
12. **Active enforcement** by Court appointed water commissioners of the Temporary Preliminary Decrees on the Musselshell River in Basins 40A and 40C **will commence on April 23, 2018, at 6:00 o'clock a.m.** and continue until further order of the Court.
13. Water users without totalizing devices shall keep an accurate water log book of water consumed throughout the season. Said log book shall be placed in a water tight container of the water user's choosing and kept at measuring device locations for inspection or audit by water commissioners as they determine necessary. Water users on multiple owner canals may, in the discretion of the Court appointed water commissioner(s), be required to maintain a journal for inspection by the appointed water commissioner(s) that includes the date and time when water users turn on, shut off, or otherwise adjust their headgate(s) or other devices to divert water, whether the water is decreed water or contract water, and meter readings, flow, and /or rates of use.

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14. All water orders must be placed with **EARL MAINWARING**, Assistant Chief Water Commissioner, either personally, by telephone, or by email. Within 24 hours of placing a water order, water users shall submit a written order form documenting such order to the assigned Deputy Decreed Water Commissioner for their enforcement zone or the Assistant Water Commissioner. Said order forms may be obtained from the Assistant Chief Water Commissioner, Water Commissioners, from the Chief Water Commissioner, or from the computer website listed below. All orders must, at a minimum, contain the information on the order form provided.
15. The Court and water commissioners will presume that water users ordering water for a window of time (c.g. May 1 - May 25) are using the water for the entire period at the rate ordered. Water users who do not utilize water during the entirety of such period or at the rate ordered must timely notify the water commissioner assigned to their enforcement zone(s), the Assistant Water Commissioner, or the Chief Water Commissioner of changes to either. Such notification by water users shall be in writing and delivered to the water commissioner assigned to the enforcement zone(s), the Assistant Water Commissioner, or the Chief Water Commissioner. **Failure to timely notify the water commissioner(s) of any change of use will result in the water user being billed for the entire window ordered and at the rate so ordered.**
16. As with last season, the Chief Water Commissioner in consultation with the Court and commissioners (as required) will determine and post water priority dates for water user consumption within the various enforcement zones in the Musselshell River Distribution Project (MRDP). The priority dates will fluctuate with river flow and **it is the water users' responsibility to check the posted priority date for their zone(s) daily in order to ensure their compliance.** Priority dates will be posted at the following locations:
- White Sulphur Springs - Meagher County Courthouse**
 - Martinsdale - U.S. Post Office**
 - Two Dot - U.S. Post Office**
 - Harlowton - United States Post Office**
 - Shawmut - U.S. Post Office**
 - Ryegate - U.S. Post Office**
 - Lavina - U.S. Post Office**
 - Roundup -U.S. Post Office**
 - Musselshell - U.S. Post Office**

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Melstone - U.S. Post Office

- * The above-listed posting sites are the only official posting sites. Water users assume the risk of utilizing information from any other source or location. Water priority dates may also be obtained by contacting the assigned water commissioner for your enforcement zone, the Assistant Water Commissioner, the Chief Water Commissioner, or the computer website listed below.
- 17. Water commissioners shall inspect water measuring devices equipped with water totalizing devices within their enforcement zone not less than: (1) When the devices are turned on, 2) When the devices are turned off, (3) When any changes are made while the water is on (e.g. change in flow rate, switching from stored to decreed water or vice versa), and (4) As otherwise determined necessary or appropriate and on a random basis from time to time. As the season progresses the Court may increase or decrease these requirements as circumstances dictate.
- 18. On open ditches with measuring devices but not equipped with water totalizing devices, water commissioners are required to inspect such locations approximately: (1) every 2 to 3 days, (2) when any changes are made while the water is on (e.g. change in flow rate, switching from stored to decreed water or vice versa), and (3) as otherwise deemed necessary or appropriate and on a random basis from time to time. As the season progresses the Court and/or water commissioners may increase or decrease these requirements as circumstances dictate.
- 19. Pursuant to Mont. Codes Ann. §§ 85-5-201 and 85-5-202, water commissioners are hereby required and authorized by the Court to repair ditches and keep in repair necessary headgates, ditches, or flumes. The water commissioner, in case the parties fail or refuse to do so, may incur necessary expenses in the making of headgates or dams for the distribution of water and/or for the repair of dams, headgates, ditches or flumes. The water commissioner shall report all such expenses, and the cost thereof shall be taxed against the party or parties for whose benefit the same were incurred.
- 20. Water commissioners shall periodically and, prior to enforcement commencing, measure water at various locations in the MRDP in order to verify the accuracy/data and amount of water provided by DNRC and/or USGS gaging devices within the MRDP. In addition, the Project Managers for Bair Reservoir, Martinsdale Reservoir, and Deadman’s Basin Reservoir shall, prior to the commencement of enforcement, make written report to this Court of: (1) The capacity of each reservoir; (2) The quantity of water in each reservoir; (3) The projected amount of water to be

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distributed for the 2018 irrigation season expressed as a percentage of the total available water for distribution from each reservoir; and (4) The amount of water distribution loss each reservoir will be using and whether or not said amount is included in the total projected delivery amount.

- 21. Court appointed water commissioners with enforcement zones from Deadman's Basin Reservoir and east will be required to admeasure and distribute both so-called "Decreed Water" and stored water from Deadman's Basin to water users. The Deadman's Basin Water User's Association water users shall pay any and all costs incurred relative to the distribution of Deadman's Basin Reservoir waters.
- 22. Water Commissioners shall communicate with the Chief Water Commissioner at least weekly and at other times as determined necessary in order to ensure the success of the project. If a meeting is called for water commissioners, **all water commissioners must attend.**
- 23. Water commissioners shall not post or send letters to clients that directly involve the MRDP or contain information crucial to the operation of the MRDP without inspection and written approval of the District Judge and/or the Chief Water Commissioner.
- 24. Water users shall first attempt to resolve any water disputes with the water commissioner assigned to their enforcement zone(s). If the parties can not resolve such disputes they shall then attempt to resolve them with the Chief Water Commissioner. In the event that the matter can not be resolved with the Chief Water Commissioner, water users may file a dissatisfied water user complaint pursuant to Mont. Codes Ann. § 85-5-301.
- 25. **Water users shall not directly or indirectly communicate with the Court or its staff regarding substantive disputes involving irrigation/water matters. Rather, water users shall file their complaint(s) with the Clerk of the District Court and pay any requisite filing fee. The Clerk of Court shall in turn relay such information to the Judge of the District Court who will take the necessary action on such complaint. The Court can not and will not suffer ex-parte communications with it regarding matters that may ultimately be brought before it for its unbiased consideration.**
- 26. A copy of this season's updated enforcement tabulations will be available for water users' inspection at the District Court at 506 Main Street, Roundup, Montana.
- 27. The computer website address is <https://musselshelldist.wixsite.com/mrdp> and can be accessed by water users with home computers. The website will have current

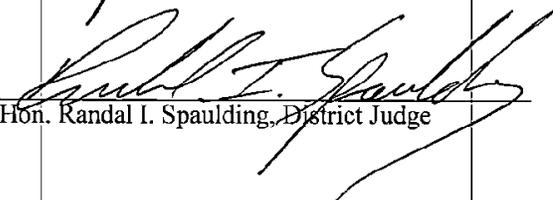
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enforcement priority dates, water order forms, links to other water websites and various other information for interested water users. As new information becomes available we will make every effort to get it posted to the website.

28. Water users are reminded that they must seek and obtain a change of use permit prior to utilizing or authorizing others to utilize water for a non-designated use (i.e. a water right designated for agricultural use may not be utilized for an industrial use such as "Induced Hydraulic Fracturing" "Hydrofracking", or "Fracking" until a change of use permit has been sought and obtained from the Montana Department of Natural Resources or as otherwise provided by law).

DISOBEDIENCE OF THIS ORDER SHALL BE PUNISHABLE AS A CONTEMPT OF COURT.

IT IS SO ORDERED this 18th day of April, 20 18.


Hon. Randal I. Spaulding, District Judge

cc: Deadmans Basin Water Users Assoc.
Upper Musselshell Water Users Assoc.
Lower Musselshell Water Users Assoc.
Water Commissioners
Water Users
Montana Water Court

CERTIFICATE OF SERVICE
This is to certify that the foregoing document was duly served by mail, fax, e-mail, personal service or office inbox upon all attorneys of record and necessary parties this 18 day of April, 2018.
Clerk of Court
by Bruce Johnson

Addendum B

CLERK OF THE
DISTRICT COURT
BARB HALVERSON

2018 APR 18 AM 9 46

FILED

BY Barb Laperriere

MONTANA FOURTEENTH JUDICIAL DISTRICT COURT
MUSSELSHELL COUNTY, MONTANA

IN THE MATTER OF THE PETITION OF THE DEADMAN'S BASIN WATER USERS ASSOCIATION TO APPOINT A WATER COMMISSIONER TO DISTRIBUTE STORED WATERS	} Cause No. DV-18-20 } ORDER APPOINTING } WATER COMMISSIONER(S)
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Upon the Petition of the Deadman's Basin Water Users Association (hereinafter "Association"), filed with this Court on March 9, 2018, and the Court being fully advised in premises thereof, **IT IS HEREBY ORDERED:**

1. That **LEON HAMMOND** (P.O. Box 643, Harlowton, Montana 59036, telephone number (406) 220-2093, email- deadmansbasin@itstriangle.com) is hereby appointed Chief Stored Water Commissioner for the 2018 irrigation season.
2. That **KRISTOPHER SCHAFF** (924 5th Street West, Roundup, Montana 59066, email- kschafl@mtech.edu.), is hereby appointed Deputy Stored Water Commissioner for the 2018 irrigation season.
3. Said Chief Water Commissioner and any Deputy Stored Water Commissioner subsequently appointed by this Court shall have those powers and duties attendant to their office as provided by law including, but not limited to, those powers conferred by Mont. Codes Ann. §§ 85-5-108 and 85-5-404. The Deputy Stored Water Commissioner's duties shall be confined to conducting meter readings, measuring water, adjusting releases, and investigating and reporting as directed by the Chief Stored Water Commissioner.
4. That the Stored Water Commissioners shall deliver and distribute down river stored water from Deadman's Basin Reservoir in accordance with the water user's water purchase contracts with Deadman's Basin Water User's Association and

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accordance with the rules and regulations of the Association's Board of Directors as promulgated from time to time and as tentatively set forth below. **The authority of the water commissioners duly appointed by this Court shall also extend into and include the supply canal to Deadman's Basin Reservoir located between the main stem of the Musselshell River and Deadman's Basin Reservoir.** Pursuant to Mont. Codes Ann. § 85-5-301, any water user owning or using any of the waters of the stream or ditch or extension of the ditch who is dissatisfied with the method of distribution of the waters of the stream or ditch by the Stored Water Commissioners and who claims to be entitled to more water than they are receiving or to a right prior to that allowed them by the Stored Water Commissioners may file their written complaint, duly verified, setting forth the facts of the claim. No water user may use any stored water flowing in the Musselshell River except as distributed by the Stored Water Commissioners.

5. The compensation of **LEON HAMMOND** as Chief Stored Water Commissioner shall be that amount previously set for the former Chief Stored Water Commissioner (i.e., "At no added costs to the water users"). The compensation of **KRISTOPHER SCHAFF** is hereby fixed in the amount of Twenty-Four Dollars (\$24.00) dollars per hour for services actually rendered.
6. That during the term of his or her appointment and in accordance with Mont. Codes Ann. § 85-5-107, each Stored Water Commissioner must keep daily record of the amount of water distributed to each water user when under rotation, and the Chief Water Commissioner must file a summary of such records with the Clerk of this Court at the conclusion of the irrigation season or as otherwise directed by the Court.
7. That all persons using water under water purchase contract from Deadman's Basin Reservoir whereon said Stored Water Commissioners are appointed are required to have and maintain suitable head gates, or other means to assure that water can be shut off. Also, at some suitable place on the delivery system, and each of their ditches, and as near the Musselshell River as practicable, said person or persons shall place and maintain a proper measuring device which totals and reads flow rates of the water flowing in such delivery system, ditch, or ditches. In the event that any person or persons shall fail to place or maintain a proper measuring appliance as required

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hereby, it shall be the duty of said Stored Water Commissioners not to apportion or distribute any water to said person or persons.

Water users on multiple owner ditches may, in the discretion of the Court appointed Stored Water Commissioners, be required to maintain a journal for inspection by the appointed water commissioners that includes the date and time when water users turn on, shut off, or otherwise adjust their headgate(s) or other devices to divert water, whether the water is decreed water or contract water, and meter readings, flow, and /or rates of use.

- 8. That the Water Commissioners' terms shall commence upon appointment and end upon further order of this Court. Each water commissioner appointed by this Court shall sign and file with the Clerk of this Court the usual and customary constitutional oath of office and proof of worker's compensation coverage before commencing the discharge of his or her duties as water commissioner, and shall likewise file with said Clerk, after approval by the Court or Judge thereof, a good and sufficient bond executed by said water commissioner with two or more sureties or a bonding company, in the sum of One Thousand and no/100's Dollars (\$1,000.00) for each water commissioner, to insure the faithful discharge of his duties (At present, Key Insurance is providing the required bond(s) which are submitted to Leon Hammond for payment with reimbursement by the water users at the end of the irrigation season).

2018 Rules for Water Distribution (Tentative)

- a. Active flow rate and totalizing measuring devices and recorders must be installed at each location that Contract Water is diverted from the Musselshell River, the Barber Outlet Canal, the Careless Creek Outlet. (As per the Deadman's Basin Water Management Plan of March 1991).
- b. Each Contract holder shall provide maps with the location of the point(s) of diversion and the location of his/hers/their measuring device(s) to the Deadman's Basin Manager/Chief Stored Water Commissioner. Current maps on file are valid. Each must also receive Board approval if the point of diversion or the measuring device locations are changed.
- c. Any violation of the above rule will mean that the contract holder will not be able to

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divert any contract water until the infraction is corrected.

d. All contract water must be ordered and meter readings given when ordering water and **PRIOR** to diverting water. All water orders must be placed on the Musselshell River Distribution Project Website on the stored water order form provided at: <https://deadmansbasin.wixsite.com/orders>. The Court and water commissioners will presume that water users ordering water for a window of time (e.g. May 1 - May 25) are using the water for the entire period at the rate ordered. Water users who do not utilize water during the entirety of such period or at the rate ordered must timely notify the water commissioner assigned to their enforcement zone(s) or the Chief Water Commissioner of changes to either. Such notification by water users shall be in writing and delivered to the water commissioner assigned to the enforcement zone(s) or the Chief Water Commissioner. **Failure to timely notify the water commissioner(s) of any change of use will result in the water user being billed for the entire window ordered and at the rate so ordered.**

e. During the 2018 irrigation season, each shareholder will be allowed to divert seventy-five (75%) of their original contract shares. **This diversion percentage may be adjusted due to changes in conditions.**

f. The Board may choose to implement the rotation plan at any time during irrigation season. If the rotation plan is implemented, contract holders will be allowed to divert as follows:

A maximum of 5% per day

For flood irrigation, 10 days on and 4 days off

For sprinkler irrigation, on continuous; or

A maximum of 3.5% per day steady flow of the total contract water within a canal; or

If either of the above is an undue hardship and cannot provide adequate irrigation, the water commissioner can work out usage days to allow for equitable distribution.

9. Water commissioners may be required to administer decreed water in addition to their stored water duties. Zones will be as follows:

Zone 2: Flatwillow Creek to Roundup

Zone 3: Roundup to Deadman's Basin

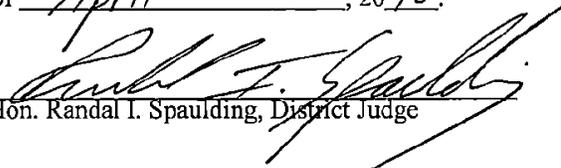
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The duties of court appointed water commissioners shall extend into and include the Deadman's Basin supply canal.

- 10. Water Commissioners and the Deadman's Basin Project Manager shall have unlimited access to measuring devices.
- 11. The Deadman's Basin Board of Directors may develop or modify the foregoing rules of distribution with this Court's approval.
- 12. Water users are reminded that they must seek and obtain a change of use permit prior to utilizing or authorizing others to utilize water for a non-designated use (i.e. a water right designated for agricultural use may not be utilized for an industrial use such as "Induced Hydraulic Fracturing" "Hydrofracking", or "Fracking" until a change of use permit has been sought and obtained from the Montana Department of Natural Resources or as otherwise provided by law).

DISOBEDIENCE OF THIS ORDER SHALL BE PUNISHABLE AS A CONTEMPT OF COURT.

DONE AND DATED this 18th day of April, 2018.


 Hon. Randal I. Spaulding, District Judge

cc: Leon Hammond (DBWA)
Kristopher Schaff

CERTIFICATE OF SERVICE
 This is to certify that the foregoing document was duly served by mail, fax, e-mail, personal service or office inbox upon all attorneys of record and necessary parties this 18th day of April, 2018.
 Clerk of Court
 by Barb J. Reine

Addendum C

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FILED this 7th 56/ No. DV-02-03 day of April 20 11
By: Connie Mattfield Clerk of District Court
Jesse Hawth Deputy Clerk

MONTANA FOURTEENTH JUDICIAL DISTRICT COURT
MUSSELSHELL COUNTY, MONTANA

IN THE MATTER OF THE PETITION OF) Cause No. DV-02-03
THE MUSSELSHELL RIVER WATER USERS)
TO ENFORCE WATER COURT DECREES)
AND APPOINT WATER COMMISSIONERS)

ORDER DIRECTING DISBURSEMENT OF FUNDS

IT IS HEREBY ORDERED that funds currently being held in the Musselshell County Clerk of District Court Trust Account, which said funds total \$982.77, and represent a water violator penalty for irrigation season 2002, shall be disbursed as follows:

To the Musselshell County Clerk of Court, 506 Main Street, Roundup, MT 59072, the sum of \$147.49 for the postage to mail the enforcement order "In the Matter of the Petition of the Musselshell River Water Users to Enforce Water Court Decrees and Appoint Water Commissioners", Musselshell County Cause No. DV-11-35.

DATED this 7th day of April, 2011.

Ronald T. Spaulding
DISTRICT JUDGE

CERTIFICATE OF SERVICE
This is to certify that the foregoing document was duly served by mail, or personal service or office in box upon all attorneys of record and necessary parties this 7th day of April, 2011.
Clerk of Court
By: Jesse Hawth

cc: John Rouane, Jr.
Peter Marchi
Teri Hice

Addendum D

Water Management Agreement

AUG 8 1995

MONTANA D.N.R.
LEWISTOWN FIELD O

To settle an objection to the Deadman's Basin state water conservation project filed by the Upper Musselshell Water Users' Association, and to implement better communication and coordination between the two associations on the Musselshell River, the Deadman's Basin Water Users' Association, (sometimes hereafter, "Deadmans") and the Upper Musselshell Water Users' Association (sometimes hereafter, "Upper Musselshell"), operating both Bair and Martinsdale Reservoirs, hereby execute the following Water Management Agreement. Both water projects are owned by the State of Montana, by and through the Department of Natural Resources and Conservation (hereafter, "Department"). The Department approves of this Agreement.

This Agreement does not set forth all operating limitations on the projects, nor does it fully describe all the rights and obligations of either party to each other, the Department, or to their shareholders. It addresses only those issues that arose in settlement negotiations between the parties and arising out of the objection against the Deadman's Basin priority date by the Upper Musselshell Water Users' Association.

1. To the extent and for the periods that the parties cannot agree on the respective times for filling and respective fill rates for the Upper Musselshell and Deadman's Basin projects, upon request by either association, the Department will adjust them in accordance with its statutory authority.

2. For periods between March 1 and October 1 when the Upper Musselshell reservoirs are filled proportionally less than Deadman's Basin, Deadman's agrees not to call Upper Musselshell for water until the Upper Musselshell reservoirs have filled to an equal percentage as Deadman's Basin. Upper Musselshell agrees to provide actual notice by telephone and letter to Deadman's within one week of achieving equality in percentage filled.

3. The Upper Musselshell project agrees, subject to annual adjustments, not to divert any water through the North Fork Diversion canal between October 1 and March 1 except to the extent, and then only to that extent, that such canal use is required to supply a private prior right.

4. Upper Musselshell will not store water in Bair or Martinsdale between October 1 and March 1 unless it can do so without dewatering the river. Also, any storing by Upper Musselshell in Bair will defer to Deadman's Basin during this period. Upper Musselshell agrees to provide actual notice by telephone and letter to Deadman's within one week when storing water in either Bair or Martinsdale Reservoirs during the October 1 - March 1 period.

5. After the Upper Musselshell reservoirs are approximately equally as full in percentage as Deadman's Basin, Deadman's may call Upper Musselshell for natural flow water to store in the reservoir if necessary to satisfy demands of its users.

6. Upon notice from the Department, and after this Agreement is fully executed but before the beginning of the 1995

irrigation season, both parties agree to distribute this Agreement to their shareholders.

7. Between October 15 and April 15, Deadman's may shut off all headgates on the Deadman's Basin supply canal. Upper Musselshell will cooperate in informing its water purchase contract holders who have headgates on the Deadman's Basin supply canal of their obligation to keep their headgates shut off between October 15 and April 15 of every year except to the extent necessary to supply prior water rights in the amount and for the times those prior rights have established historic uses.

8. Both parties agree to operate and manage their respective water projects in accordance with their water marketing contracts with the Department. Both parties agree to refrain from releasing water to their shareholders in excess of the period set forth in the water purchase contracts.

9. Both parties agree to cooperate with each other and the Department to assure the water rights are used in deference to other senior water rights, and otherwise in accordance with sound and prudent water management practices to maximize storage and beneficial use of Musselshell River water.

10. This Agreement is executed knowingly and voluntarily and is not the result of improper pressure or influence on either party.

11. This Agreement may be amended in writing by mutual consent of the parties so long as the Department approves of the amendment.

12. The parties hereto agree that the terms of this stipulation are binding on the successors, administrators, executors, heirs, and assignees of the parties, as well as the shareholders, officers, and directors of both Associations. This stipulation is enforceable in the District Courts of Montana, venue being in the First and Fourteenth Judicial Districts.

Donald A. Beeg
Upper Musselshell Water Users' Association

Robert J. Jensen
Deadman's Basin Water Users' Association

5/11/95
DATE

4/20/95
DATE

DEPARTMENT APPROVAL: Stan McDonald

Addendum E (a)

RANCH NAME/OWNER	POC/LEASEE	POD#	PRIORITY DAT	FLOW RATE	METER START	METER CURRENT	AF USED	REMARKS
BAILLEY, MATTHEW		P285	19140116	0.02			0	
		P286A	19301231	0.07			0	
							0	
BERGIN L & L, LTD	BILL JR	204	19031001	8.43			947.35	
		204	19500919	17.83			0	
		204	19730630	17.83			0	
							947.35	
BIG WALL LAND COMPANY	GOFF, BRENDA/PAUL	209	19040531	15.00			0	NO METER SPLIT
		P258	19040531	15.00	103	207	104	SAME WTR RT AS 209
		P260	19120115	4.46			0	
							104	
BRAY, EDWIN & GEORGIA		P254	18981231	4.01			0	
		P254	18981231	1.25			0	
		P255	18981231	1.25			0	
		P256A	19730630	5.57			0	
							0	
BREWER, DUANE A.	ELIASSON	P280	19730630	1.45			0	
		P281	19730630	1.45			0	SAME WTR RT AS P280
		P282	19420531	0.67			0	
							0	
COOLEY, BRIAN/DANIEL/DARREN/MAR	BRIAN	207	18920113	5.35			370.915	
CRAWFORD, THOMAS H. III	PELAN, JAY	211	18910820	14.00			0	STORED USE ONLY
		P269	18860731	0.99			0	
		P270	18860731	0.99			0	
		P272	18860731	0.99			0	

Addendum E (b)

Water Right Owner	Zone	Water Right	Date	G.M.	Cost to AF per day	AF per Day	Current (1.0 cfm)	A-E	Benefit Meter	Priority Date
Anderson, Sylvan	3	Contract 281.25 af	Contract	600.00	1.60	3.17	0.00	0.00	Contract	6/25/2016
Anderson, Sylvan	3	302	4/15/1892	600.00	2.65	2.64	0.00	0.00	Decreed	
Ballard Ranch	3	Pump 1 2 3 (129.38 af)	Contract	1500.00	6.63	6.94	0.00	0.00	Contract	
Ballard Ranch	3	Pivot	Contract	520.00	2.30	2.28	0.00	0.00	Contract	
Ballard Ranch	3	Pump 2 3 P 327 P324	2/22/2001	2200.00	9.72	3.31	0.00	0.00	Decreed	reduced flow 700 gpm
Bedford	2b	P257 Wacker	3/4/1976		5.00	9.92	0.00	0.00	Decreed	
Bedford	2b	P257 Wacker	Contract	1200.00	3.00	5.95	0.00	0.00	Contract	
Bedford	2b	Fattig Creek	Contract	1400.00	4.00	7.93	0.00	0.00	Contract	
Bedford	2b	Horse Shoe 247.5 af	Contract	1800.00	7.96	7.93	0.00	0.00	Contract	
Bedford	2b	P2588 Fattig Creek Pump	5/31/1904	2100.00	0.00	8.93	0.00	0.00	Decreed	on 6/16
Bedford	2b	P2588 Fattig Crk Pump	5/31/1904	3.09					Decreed	
Bedford	2b	Delphia Pump P257A	Contract	2200.00	5.34	10.59	0.00	0.00	Decreed	
Bedford	2b	Delphia Pump P257A	5/31/1904	4500.00	19.89	6.13	0.00	0.00	Decreed	on 6/11 off 6/16?
Beke, Jim	3	Lavina N. 308	Contract		0.00	2.48	0.00	0.00	Contract	
Beke, Jim	3	Pump	Contract	1100.00	4.86	2.25	0.00	0.00	Contract	
Beke, Jim	3	Lavina N. 308	40A-130903-00		0.00	0.25	0.50	0.00	Decreed	on 7/24
Bergin Ranch	2a	Gordon Pump P243A	1/30/2004		5.00	9.92	0.00	0.00	Decreed	
Bergin, Bill Jr.	2a	Gordon Pump	Contract		0.00	1.10	2.18	0.00	Contract	
Bergin, Bill Jr.	2b	Pmp Adams	4/2/1949		0.00	0.00	0.00	0.00	Contract	
Bergin, Bill Jr.	2b	Pmp Gregg (56.25 af)	Contract	800.00	3.54	1.98	0.00	0.00	Contract	
Bergin, Bill Jr.	2b	Musselshell Ditch 204	10/1/1903		2.57	5.10	0.00	0.00	Decreed	
Bergin, Bill Jr.	2b	Musselshell Ditch	9/19/1950		6.00	15.87	0.00	0.00	Decreed	
Bergin, Bill Sr.	2b	Musselshell Ditch (956.25)	Contract		1000.00	2.00	3.97	0.00	Contract	
Bergin, Bill Sr.	2b	B. Bergin/Muss 204	10/1/1903		0.00	3.00	5.95	0.00	Contract	
Bergin, Bill Sr.	2b	Musselshell Ditch	10/19/1891		0.00	8.43	16.72	0.00	Decreed	
Bernhardt, Bill	3	Lavina N. 308	Contract	1900.00		2.57	5.10	0.00	Decreed	
Bernhardt, Bill	3	Lavina N. 308	40A-30964-00		3.00	5.95	0.00	0.00	Contract	.75 cfs on 6/1 off 6/18
Bernhardt, Bill	3	Lavina N. 308	Contract	2100.00	1.49	2.82	0.00	0.00	Contract	
Bernhardt, Bill	3	Lavina N. 308	6/15/1890		9.28	2.00	3.97	0.00	Contract	
Big Wall Land Co	2b	above Del diversion	Contract		0.00	0.67	1.33	0.00	Decreed	on 6/11 off 6/18
Big Wall Land Co	2b	Pump 209	5/31/1904		4.00	7.93	0.00	0.00	Contract	
Big Wall Land Co	2b	P260 30 hr	1/15/1912	675.00	4.46	8.85	0.00	0.00	Decreed	on 6/8 off 6/12 off 7/4
Blden, Dan	3	Lavina N. 308	Contract		3.00	5.95	0.00	0.00	Contract	combined ort
Blden, Dan	3	Lavina N. 308	5/1/1890		0.00	2.37	4.70	0.00	Decreed	
Boe, Sid	3	Lavina N. 307	Contract	800.00	0.90	1.79	0.00	0.00	Contract	
Boe, Sid	3	Lavina N. 308	5/1/1890		2.00	3.97	0.00	0.00	Decreed	on 7/4
Brown, David	3	Lavina N. 308	Contract	800.00	3.00	5.95	0.00	0.00	Contract	
Brown, David	3	Lavina N. 308	5/1/1890		1.80	3.57	0.00	0.00	Decreed	
Bruner, David	3	Simms Ditch 310	Contract		3.32	6.59	0.00	0.00	Contract	
Bruner, David	3	Simms Ditch 310	6/1/1976		1.78	3.53	0.00	0.00	Decreed	on 6/19
Bruner, Tim	3	Simms Ditch 310	Contract		1.00	1.98	0.00	0.00	Contract	
Bruner, Tim	3	Simms Ditch 310	6/1/1926	449.00	1.00	1.98	0.00	0.00	Decreed	
Bruner, Tim	3	River Lateral	9/30/1883	300.00	0.90	1.79	1.00	1.79	Decreed	on 8/1

Addendum F

Name of User	Ditch	Ac Ft Decreed	\$.53/Ac Ft Decreed Water MRDP COST			
Bedford 5/31/1904	Delphia Pump	196.13	\$ 103.95			
Bedford P257 3/4/1976	Wacker Pump mtr rd6/19	0	\$ -	\$ -	\$ -	
Bedford 5/31/1904	Fattig Creek	0	\$ -	\$ -	\$ -	
Bedford no decreed	Horseshoe	0	\$ -	\$ -	\$ -	
Bergin, Bill Jr. Gordon	Musselshell Ditch	1120.3	\$ 593.76	\$ -	\$ 308.75	
Bergin, Bill Jr. Muss. Ditch	Gordon Pump	110	\$ 58.30	\$ -	\$ 30.32	
Bergin, Bill Jr. (1903 WR)	Musselshell Ditch	947.35	\$ 502.10	\$ -	\$ 261.09	
Bergin, Bill Jr. (Gregg)	Gregg Pump	0	\$ -	\$ -	\$ -	
Glen & Dorothy Goffena	north pump	0	\$ -	\$ -	\$ -	
R & S Goffena Ranch	Krueger Spendiff Ditch	103.07	\$ 54.63	\$ -	\$ 28.41	
Big Wall Land Co 675 shares	Combined	104	\$ 55.12	\$ -	\$ 28.66	
Heart S Cattle Co	Pump	117.65	\$ 62.35			
Severe, Greg (Casey Smith)	Casey Pump	0	\$ -			
McCleary, Matt	Fulton Pump	0	\$ -			
McCleary, Matt (Scott Hill)	South Pump	0	\$ -			
City of Roundup	Pump	0	\$ -			
City of Roundup	Pump	0	\$ -			
Cooley, Mary	Cooley-Goffena Ditch	370.92	\$ 196.59			
Musselshell Ranch	Cooley-Goffena Ditch	614.89	\$ 325.89			
Cooley-Goffena Ditch	Cooley-Goffena Ditch	0	\$ -			
Crawford, Tom	River Pump (Sprklr)	0	\$ -			
Crawford, Tom	River Pump (flood)	0	\$ -			
Dawson, Ruth	River Pump	0	\$ -			
Delphia Canal	Delphia Ditch	2257	\$ 1,196.21			
Eliasson Ranch	Brewer, Duane	0	\$ -			
Goffena, Mike 45 Holdings	Pump (state Lease)	30.96	\$ 16.41			
Goffena, Mike 54 livestock	Krueger-Spendiff	0	\$ -			
High Butte Ranch	Goffena-Sudan Ditch	518.81	\$ 274.97			
JD Bar D (Wacker)	Musselshell Ditch	32.04	\$ 16.98			
Jennaway, Charlie	River Pump	0	\$ -			
Jennaway, Charlie	Oxbow near hq	4	\$ 2.12			
Clier (Keefer)	river pump	0	\$ -			

Addendum G

DBWUA/MREP WATER COMMISSIONER TIME CARD

Fill in hours to be paid for each day.

NAME : Earl Mainwaring

Pay Period: April 2018

TOTALS	
Regular Hours hr @\$24.00/hr	\$0.00
Mileage 0.00 miles @\$0.545/mile 0.00 miles @\$0.515/mile	\$0.00
Meals 0 lunches @ \$6.00	0.00
Miscellaneous (ie: phone, office supplies, etc.) Attach Receipts/Bills/Invoices Phone: \$ State Fund: \$	\$0.00
TOTALS	\$0.00

SUN 30	MON	TUE	WED	THUR	FRI	SAT 1
SUN 2	MON 3	TUE 4	WED 5	THUR 6	FRI 7	SAT 8
SUN 9	MON 10	TUE 11	WED 12	THUR 13	FRI 14	SAT 15
SUN 16	MON 17	TUE 18	WED 19	THUR 20	FRI 21	SAT 22
SUN 23	MON 24	TUE 25	WED 26	THUR 27	FRI 28	SAT 29

I hereby certify that the above hours are accurate.

Employee Signature _____

Dept. Head Signature _____

Addendum H

Musselshell River Distribution Project

Chief Water Commissioner
PO Box 96

406-572-3410

Peter Marchi
Martinsdale, MT 59053

MRDP 2017 Final Report

The 2017 season once again proved to be a difficult and interesting one. It started out with below average snow pack but fortunately the April through June temperatures, lack of wind and timely rains yielded an adequate and steady flow of decreed water allowing Deadman's and Marthinsdale Reservoirs to fill. Bair Reservoir reached 85% of capacity. We were able to deliver almost twice as much decreed water than in 2016. Then we went into what they are calling a "Flash Drought", with flows dropping drastically and quickly. Many areas experienced high temperatures, wind and little or no precipitation until September. In Zone 5 the North Fork the priority date was set at the most senior date of 1875 on July 15th and at times there was not enough water to fill the right. The season went from good to bad very quickly.

The 2017 Season was my last season as your Chief Water Commissioner. I want to thank you all for the opportunity to work with you and to serve you the best I could. I will be available to help with the transition of a new Chief. Once again I cannot stress enough how important it is for all to keep up and maintain your infrastructure head gates, measuring devices and ditches.

Here is a re-cap of the numbers for the 2017 season:

Zone 1 (Bonnie Stensvad) 11730.31 AF

Zone 2 (Leon Hammond) 18870.88 AF

Zone 3 (Leon Hammond) 8440.87 AF

Zone 4 (Earl Mainwaring) 51917.74 AF

Zone 5 (Peter Marchi) 7213.48 AF

Zone 6 (Peter Marchi) 23598.48 AF

Total Acre Feet Delivered 121771.76 Decreed

For a breakdown of AF per diversion point, please contact me at the above numbers.

Expenses for Zones: (including wages, mileage, workman's comp, phone and all miscellaneous charges):

Zone 1: \$6,422.26

Zone 2 & 3: \$9,431.80

Zone 4: \$12,310.35

Zone 5 & 6 and Chief Commissioner: \$29,604.26

Advertising Costs, Bond, Postage and Web Site: \$1,898.86

Deputy Clerk \$4,871.51

Total Expenses: \$64,539.03 Cost per Acre Foot = \$0.53

Addendum I

COMMISSIONER REPORT
Based on As Modified Temporary Preliminary Decree
Enforcement No. Diversion Name Legal Description Source
602 CEMETERY DITCH C SESWSW 6 8N12E SOUTH FORK MUSSELSHELL RIVER

<i>Enforceable Priority Date</i>	<i>Owner</i>	<i>Water Right #</i>	<i>Type</i>	<i>Use Acres</i>	<i>Pod ID</i>	<i>Means From - To</i>	<i>Cfs</i>	<i>Comments</i>
18800630	BERG, LAURETTA M	40A W 205965 00	FILE	IR 14.3	1	HG 03.01 11.30	.54	
18801231	BERG, LAURETTA M	40A W 205949 00	USE	ST	1	LS 01.01 12.31		stock direct from ditch
18900715	BERG, LAURETTA M	40A W 205954 00	USE	ST	1	LS 01.01 12.31		stock direct from ditch; ditch not on wfs in this se
18940410	MARTINSDALE COLONY	40A W 211304 00	FILE	IR 50	1	HG 04.15 10.31	1.9	
19211231	NINE-F RANCH CO INC	40A W 112909 00	FILE	IR 259	1	HG 04.15 10.04	9.82	not on wfs
	NINE-F RANCH CO INC	40A W 145843 00	USE	IR 108	1	HG 04.15 10.04	4.09	not on wfs

Cfs Total For Diversion 16.35

Addendum J

May 2, 2018

Deadman’s Basin Water Users Association
% Leon Hammond
P.O. Box 643
Harlowton, MT 59036
Teri Hice
125 Autumn Road
Roundup, MT 59072

Musselshell River Distribution Project
% Billeta Mainwaring
P.O. Box 635
Harlowton, MT 59036

Greetings,

Looks like we are off and running into another year of water distribution. I believe at this point, all of the advertising invoices have been paid, all the orders have been mailed out, and the bonds have been renewed.

A breakdown for start up costs:

Times Clarion (commissioner advertisements)	\$ 213.85
Roundup Record Tribune (commissioner advertisements)	\$ 335.00
Meagher County News (commissioner advertisements)	\$ 108.00
Postage for mailing of stored water orders (108 @ .47)	\$ 50.76
Postage for mailing decreed water orders (238 @ .68)	\$ 161.84
Bond Renewal (stored water: Hammond/Schaff)	\$ 100.00
Total:	\$ 987.45

The break down for start up costs by project:

DBWUA	\$ 472.61
MRDP	\$ 514.84

I have received an email from Teri Hice, indicating that there was an expense to Harlow Auto for batteries for the Stevens recorders, as a 50/50 expense for a total of \$ 119.40, which would mean that MRDP owes half of that cost to DBWUA.

For bookkeeping purposes, I will do an order that reimbursed Musselshell County Clerk of District Court the total of \$212.60, for all postage.

Deadman’s Basin Water Users Association will need to reimburse Musselshell River Distribution Project a total of **\$362.15**, which is \$472.61 less the \$59.70 for batteries.

If any of you have any questions, please don't hesitate to give me a call. Thanks and here's to a great season!

Sincerely,

Derinda Hazelton
Judicial Assistant to
Hon. Randal I. Spaulding

