

FILED

MAR 27 2017

BY JILL PAULL, CLERK, DEPUTY

MONTANA THIRD JUDICIAL DISTRICT COURT, POWELL COUNTY

JOHN GEARY, <i>et al.</i> , Plaintiffs, v. DAVID RAYMOND, <i>et al.</i> , Defendants.	Case No. 143 Hon. Ray Dayton PETITION FOR ENFORCEMENT OF DECREE AND APPOINTMENT OF WATER COMMISSIONER
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Pursuant to Mont. Code Ann. §§ 3-7-212, 85-2-406(4), and 85-5-101(1), Richard L. Beck (“Petitioner”), the holder of at least 15 percent of the water rights (hereinafter referred to as “Petitioner”) in Washington Creek, also known as Washington Gulch, a tributary to Nevada Creek, in the Blackfoot River Basin 76F, petitions this Court for an order to enforce the provisions of the decree entered in Geary, et al. v. David Raymond, et al., Case No. 143, Mont. 3rd Jud. Dist. Ct., Powell Co., (“Geary v. Raymond”) and to appoint a water commissioner as necessary to enforce said provisions on water rights from Washington Creek and/or Washington Gulch. Petitioner further seeks referral from this Court to the Montana Water Court to establish a tabulation of all existing rights on Washington Creek and/or Washington Gulch, within Basin 76F, and their relative priorities. Currently, Basin 76F is being adjudicated.

In support of this Petition, Petitioner states he is the owner of at least 15 percent of the Washington Creek and/or Washington Gulch water rights affected by Geary v. Raymond decree.

See, attached list from the Montana Department of Natural Resources and Conservation Water Right Query System listing all water rights on Washington Creek and/or Washington Gulch, Ex.

A.

Petitioner respectfully requests this Court to appoint Heather McAdams, 117 Cohosset Drive, Missoula, Montana 59803, as a water commissioner to enforce the decree and act as water commissioner on Washington Creek and/or Washington Gulch. Petitioner states Ms. McAdams is a summer resident of Drummond and has experience as a water commissioner on Douglas Creek. Petitioner also respectfully requests the water commissioner be paid \$25 per hour plus the standard reimbursement rate for mileage and workers' compensation.

The following proposed documents are submitted with this Petition for the Court's convenience and consideration:

1. Order Granting Petition to Enforce Decree and Appointing Water Commissioner;
2. Request for Enforcement Tabulation;
3. Oath; and
4. Water Commissioner Bond.

DATED this 21 day of MARCH, 2017.


Richard L. Beck



7/20/15 Please note that the Water Rights Query System is currently experiencing temporary technical difficulties which may produce intermittent outages or results. We are working to restore the system as quickly as possible and apologize for any inconvenience.

Query: (Basin = '76F BLACKFOOT RIVER') AND (Stream LIKE 'Washington Creek') AND ((Water Right Status = 'ACTIVE') OR (Water Right Status = 'SEVERED'))

Owner

Water Right	Map	Abstract	Src	Src	WR Type	Status	Enforceable Priority Date mm/dd/yyyy	Owner	Max Flow Rate	Vol	Max Acres	Well Depth	Div Count	Use Count	Irr Count	Res Count	Record Last Updated mm/dd/yyyy
76F 117733 00	View	View	S	WASHINGTON CREEK	STATEMENT OF CLAIM	ACTIVE	8/30/1872	BECK RICHARD L	1.88 CFS		290		1	3	3	0	3/09/2017
76F 120969 00	View	View	S	WASHINGTON CREEK	STATEMENT OF CLAIM	ACTIVE	10/1/1883	BECK RICHARD L	1.25 CFS		290		1	3	3	0	3/09/2017
76F 120970 00	View	View	S	WASHINGTON CREEK	STATEMENT OF CLAIM	ACTIVE	6/2/1882	BECK RICHARD L	3.5 CFS		290		1	3	3	0	3/09/2017
76F 120971 00	View	View	S	WASHINGTON CREEK	STATEMENT OF CLAIM	ACTIVE	6/1/1898	BECK RICHARD L	2 CFS		290		1	3	3	0	3/09/2017
76F 120972 00	View	View	S	WASHINGTON CREEK	STATEMENT OF CLAIM	ACTIVE	3/1/1888	BECK RICHARD L	336.6 GPM		290		1	3	3	0	3/09/2017
76F 51984 00	View	View	S	WASHINGTON CREEK	STATEMENT OF CLAIM	ACTIVE	6/1/1928	USA (DEPT OF AGRICULTURE FOREST SERVICE)					1	1		0	3/09/2017
76F 56876 00	View	View	S	WASHINGTON CREEK	PROVISIONAL PERMIT	ACTIVE	6/21/1984	HERRIN MICHAEL A	30 GPM	4			3	3		0	3/09/2017
76F 7471 00	View	View	S	WASHINGTON CREEK	STATEMENT OF CLAIM	ACTIVE	2/28/1868	BAKER EDWARD H	250 GPM				5	6		0	3/09/2017
76F 7471 00	View	View	S	WASHINGTON CREEK	STATEMENT OF CLAIM	ACTIVE	2/28/1868	BRAZILL DUANE	250 GPM				5	6		0	3/09/2017
76F 7471 00	View	View	S	WASHINGTON CREEK	STATEMENT OF CLAIM	ACTIVE	2/28/1868	BRAZILL GEORGE	250 GPM				5	6		0	3/09/2017
76F 7471 00	View	View	S	WASHINGTON CREEK	STATEMENT OF CLAIM	ACTIVE	2/28/1868	CHRISTENSEN PHILLIP A	250 GPM				5	6		0	3/09/2017
76F 7471 00	View	View	S	WASHINGTON CREEK	STATEMENT OF CLAIM	ACTIVE	2/28/1868	GEERTZ WOODROW M	250 GPM				5	6		0	3/09/2017
76F 98208 00	View	View	S	WASHINGTON CREEK	STATEMENT OF CLAIM	ACTIVE	6/1/1938	SNODGRASS ROBERT L	1 CFS				1	5		0	3/09/2017
76F 98209 00	View	View	S	SPRING, UNNAMED TRIBUTARY OF WASHINGTON CREEK	STATEMENT OF CLAIM	ACTIVE	6/1/1938	SNODGRASS ROBERT L	20 GPM	2.13	0.25		1	1		0	3/09/2017

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EXHIBIT

A



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Query: (Basin = '76F BLACKFOOT RIVER') AND (Stream LIKE 'Washington Gulch') AND ((Water Right Status = 'ACTIVE') OR (Water Right Status = 'SEVERED'))

Default

Water Right	Map	Abstract	Doc Image	WR Type	Status	Version	Purpose	Enforceable Priority Date mm/dd/yyyy	Src	Src Name	Means of Diversion	Owner	Flow Rate	Volume	Acres	Div Count	Use Count	Irr Count	Res Count	Issue Remarks	Record Last Updated mm/dd/yyyy
76F 118167 00	View	View	View	STATEMENT OF CLAIM	ACTIVE	1	IRRIGATION	10/15/1883	S	WASHINGTON GULCH	HEADGATE	STUCKY RANCH LP	1.25 CFS		73	1	2	2	0		3/16/2017
76F 118168 00	View	View	View	STATEMENT OF CLAIM	ACTIVE	1	IRRIGATION	5/1/1880	S	WASHINGTON GULCH	HEADGATE	STUCKY RANCH LP	1.25 CFS		100	1	4	4	0		3/16/2017
76F 118170 00	View	View	View	STATEMENT OF CLAIM	ACTIVE	1	IRRIGATION	6/16/1873	S	WASHINGTON GULCH	HEADGATE	STUCKY RANCH LP	1.25 CFS		315	1	7	7	0		3/16/2017
76F 118171 00	View	View	View	STATEMENT OF CLAIM	ACTIVE	1	IRRIGATION	5/2/1884	S	WASHINGTON GULCH	HEADGATE	STUCKY RANCH LP	1.25 CFS		40	1	1	1	0		3/16/2017
76F 118172 00	View	View	View	STATEMENT OF CLAIM	ACTIVE	1	IRRIGATION	8/1/1872	S	WASHINGTON GULCH	HEADGATE	STUCKY RANCH LP	269.28 GPM		40	1	2	2	0		3/16/2017
76F 118176 00	View	View	View	STATEMENT OF CLAIM	ACTIVE	1	IRRIGATION	5/10/1900	S	WASHINGTON GULCH	HEADGATE	STUCKY RANCH LP	224.4 GPM		13	1	2	2	0		3/16/2017
76F 118178 00	View	View	View	STATEMENT OF CLAIM	ACTIVE	2	IRRIGATION	5/10/1903	S	WASHINGTON GULCH	HEADGATE	STUCKY RANCH LP	221 GPM		13	1	2	2	0		3/16/2017

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