# 2017 Commissioner Report Cole Creek & Barry Creek Enforcement Area

#### COMMISSIONER REPORT

#### **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name

BC001 COWGER DITCH NO. 1

Legal Description

Source

SWNENE

36 6S19E

UNNAMED TRIBUTARY OF HARNEY

**CREEK** 

Enforceable Priority Date 19730630	Owner	Water Right #	Type	Use	Acres	Pod ID	Means	From - To	Cfs	Comments
	COWGER, LLOYD N COWGER, MALINDA R	43D W 214751 00	FILE	IR	72	4*	HG	05 15 09 19	2.5	The source name appears incorrect. The source appears to be Barry Creek.

### **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name
BC002 COWGER DITCH NO. 2

Legal Description

NWSWSE 36 6S19E

**Source**UNNAMED TRIBUTARY OF HARNEY

**CREEK** 

Enforceable Priority Date 19730630	Owner	Water Right #	Type	Use	Acres	Pod ID	Means	From - To	Cfs	Comments
	COWGER, LLOYD N COWGER, MALINDA R	43D W 214751 00	FILE	IR	72	3*	HG	05 15 09 19	2.5	The source name appears incorrect. The source appears to be Barry Creek.

Cfs Total For Diversion

2.5

### **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name
BC003 COWGER DITCH NO. 3

Legal Description

SESESW 36 6S19E

**Source UNNAMED TRIBUTARY OF HARNEY** 

**CREEK** 

Enforceable Priority Date 19730630	Owner	Water Right #	Type	Use	Acres	Pod ID	Means	From - To	Cfs	Comments
	COWGER, LLOYD N COWGER, MALINDA R	43D W 214751 00	FILE	IR	72	2*	HG	05 15 09 19	2.5	The source name appears incorrect. The source appears to be Barry Creek.

### **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name
BC004 COWGER DITCH NO. 4

Legal Description

NENWNW 1 7S19E

**Source** UNNAMED TRIBUTARY OF HARNEY

**CREEK** 

2.5

Enforceable Priority Date	Owner	Water Right #	Type	Use	Acres	Pod ID	Means	From - To	Cfs	Comments
19730630										
	COWGER, LLOYD N COWGER, MALINDA R	43D W 214751 00	FILE	IR	72	1*	HG	05 15 09 19	2.5	The source name appears incorrect. The source appears to be Barry Creek. The diversion appears to be in the NWNENW Sec 1, Twp 7s, Rge 19E.

## **Based on As Modified Temporary Preliminary Decree**

<b>Enforcement</b>	Enforcement No. Diversion Name			Leg	gal De	scripti	on		Sou	rce	
BC005	ABERCOMBIE (CC	X) DITCH		NEI	NESE	2	7S19E		BAF	RRY C	REEK
Enforceable Priority Date	Owner	Water Right #	Type	Use	Acres	Pod ID	Means	From -	· To	Cfs	Comments
19200320											
	PALISADES LIVESTOCK LLC	43D W 111420 00	FILE	IR	34	2*	HG	03 15 1	11 19	1.29	A stipulation exists on this water right. See the water right abstract for more information.
19730601											
	PALISADES LIVESTOCK LLC	43D W 111419 00	FILE	IR	34	1*	HG	03 15 1	11 19	1.29	A stipulation exists on this water right. See the water right abstract for more information.
						Cfs To	tal For D	iversion	!	2.58	

# **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name BC006 TUTTLE (POPELKA			U	gal Des SESE	s <b>cripti</b> o 2	<b>n</b> 7S19E			Source BARRY CREEK		
Enforceable Priority Date 19200320	Owner	Water Right #	Type	Use	Acres	Pod ID	Means	From	- To	Cfs	Comments
19730601	PALISADES LIVESTOCK LLC	43D W 111420 00	FILE	IR	34	1*	HG	03 15	11 19	1.29	A stipulation exists on this water right. See the water right abstract for more information. The Tuttle (Popelka) Ditch appears to flow into the Barry Creek Coulee. Tuttle (Popelka) Ditch water from Cole Creek may comingle with Barry Creek water.
	PALISADES LIVESTOCK LLC	43D W 111419 00	FILE	IR	34	2*	HG	03 15	11 19	1.29	A stipulation exists on this water right. See the water right abstract for more information. The Tuttle (Popelka) Ditch appears to flow into the Barry Creek Coulee. Tuttle (Popelka) Ditch water from Cole Creek may comingle with Barry Creek water.
						Cfs Tota	al For D	iversio	n	2.58	

### **Based on As Modified Temporary Preliminary Decree**

**Enforcement No. Diversion Name BCLS001** 

Legal Description

Source

E2

36 6S19E

**BARRY CREEK** 

Enforceable Priority Date 18801231	Owner	Water Right #	Type	Use Acres	Pod ID	Means From - To	Cfs	Comments
	COWGER, LLOYD N	43D W 106856 00	USE	ST	2*	LS 01 01 12 31		
	COWGER, MALINDA R							

### **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name BCLS002

Legal Description

Source

SESW

36 6S19E

**BARRY CREEK** 

Enforceable Priority Date 18801231	Owner	Water Right #	Type	Use Acres	Pod ID	Means From - To	Cfs	Comments
	COWGER, LLOYD N	43D W 106856 00	USE	ST	1*	LS 01 01 12 31		
	COWGER, MALINDA R							

### **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name BCLS003

Legal Description

NWNENW 1 7S19E

**UNNAMED TRIBUTARY OF HARNEY** 

**CREEK** 

Source

Enforceable Priority Date 18881231	Owner	Water Right #	Type	Use	Acres	Pod ID	Means	From	- To	Cfs	Comments
	PALISADES LIVESTOCK LLC	43D W 111379 00	USE	ST		3*	LS	01 01	12 31		The source name appears incorrect. The source appears to be Barry Creek.

### **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name BCLS004

Legal Description

E2NWNW 1 7S19E

**UNNAMED TRIBUTARY OF HARNEY** 

**CREEK** 

Source

Enforceable Priority Date	Owner	Water Right #	Type	Use	Acres	Pod ID	Means	From - To	Cfs	Comments
18881231	PALISADES LIVESTOCK LLC	43D W 111379 00	USE	ST		2*	LS	01 01 12 31		The source name appears incorrect. The source appears to be Barry Creek.

### **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name BCLS005

Legal Description

NESWNW 1 7S19E

**Source** UNNAMED TRIBUTARY OF HARNEY

**CREEK** 

Enforceable Priority Date	Owner	Water Right #	Туре	Use	Acres	Pod ID	Means	From	- To	Cfs	Comments
18881231											
	PALISADES LIVESTOCK LLC	43D W 111379 00	USE	ST		1*	LS	01 01	12 31		The source name appears incorrect. The source appears to be Barry Creek.

### **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name BCLS006

Legal Description

S2SWNW 1 7S19E

**Source** UNNAMED TRIBUTARY OF HARNEY

**CREEK** 

Enforceable Priority Date 18881231	Owner	Water Right #	Type	Use	Acres	Pod ID	Means	From -	- То	Cfs	Comments
10001231	PALISADES LIVESTOCK LLC	43D W 111379 00	USE	ST		4*	LS	01 01	12 31		The source name appears incorrect. The source appears to be Barry Creek.

### **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name BCLS007

Legal Description

W2NWSW 1 7S19E

**Source** UNNAMED TRIBUTARY OF HARNEY

**CREEK** 

Enforceable Priority Date	Owner	Water Right #	Type	Use	Acres	Pod ID	Means	From .	- <i>To</i>	Cfs	Comments
18881231	PALISADES LIVESTOCK LLC	43D W 111379 00	USE	ST		5*	LS	01 01	12 31		The source name appears incorrect. The source appears to be Barry Creek.

### **Based on As Modified Temporary Preliminary Decree**

**Enforcement No. Diversion Name BCLS008** 

Legal Description

Source

SENESE 2 7S19E

UNNAMED TRIBUTARY OF HARNEY

**CREEK** 

Enforceable Priority Date 18881231	Owner	Water Right #	Type	Use	Acres	Pod ID	Means	From	- To	Cfs	Comments
10001231	PALISADES LIVESTOCK LLC	43D W 111379 00	USE	ST		8*	LS	01 01	12 31		The source name appears incorrect. The source appears to be Barry Creek.

### **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name BCLS009

Legal Description

NESESE 2 7S19E

Source
UNNAMED TRIBUTARY OF HARNEY

**CREEK** 

Enforceable Priority Date 18881231	Owner	Water Right #	Type	Use Acr	es Pod ID	Means	From - To	Cfs	Comments
10001231	PALISADES LIVESTOCK LLC	43D W 111379 00	USE	ST	7*	LS	01 01 12 31		The source name appears incorrect. The source appears to be Barry Creek.

### **Based on As Modified Temporary Preliminary Decree**

**Enforcement No. Diversion Name** BCLS010

Legal Description

Source

S2SESE

2 7S19E

UNNAMED TRIBUTARY OF HARNEY

**CREEK** 

Enforceable Priority Date	Owner	Water Right #	Туре	Use Acres	Pod ID	Means	From - To	Cfs	Comments
18881231	PALISADES LIVESTOCK LLC	43D W 111379 00	USE	ST	6*	LS	01 01 12 31		The source name appears incorrect. The source appears to be Barry Creek.

### **Based on As Modified Temporary Preliminary Decree**

Enforcement CC001	No. Diversion Name SHANNON DITCH			U	gal Des 'NWNW	-	<i>ion</i> 7S20E		<i>Source</i> COLE (	
Enforceable Priority Date 18880514	Owner	Water Right #	Type	Use	Acres	Pod ID	Means	From -	To Cj	s Comments
10000314	PALISADES LIVESTOCK LLC	43D W 14941 00	DECR	IR	11.2	1	HG	04 20 1	0 04 .	75 The point of diversion appears to be in the NWNWNW Sec 6, Twp 7S, Rge 20E.
	COWGER, LLOYD N	43D W 30005827	DECR	IR	13.8	1	HG	04 20 1	0 04 .	The point of diversion appears to be in the NWNWNW Sec 6, Twp 7S, Rge 20E.

Cfs Total For Diversion 1.1

COWGER, MALINDA R

## **Based on As Modified Temporary Preliminary Decree**

Enforcement	No. Diversion Name			Leg	gal Des	cripti	ion	, L	Sour	rce	
CC002	HENRY DITCH			NEI	NENE	1	7S19E	(	COL	E CR	REEK
Enforceable Priority Date	Owner	Water Right #	Type	Use	Acres	Pod ID	Means	From -	То	Cfs	Comments
18880508	3										
	PALISADES LIVESTOCK LLC	43D W 14940 00	DECR	IR	81.7	1	HG	04 20 10	0 04	1.38	The point of diversion appears to be in the NENENE Sec 1, Twp 7S, Rge 19E.
	PALISADES LIVESTOCK LLC	43D W 14942 00	DECR	IR	61	2*	HG	04 20 10	0 04	.58	
	COWGER, LLOYD N COWGER, MALINDA R	43D W 30007143	DECR	IR	83	2*	HG	04 20 10	0 04	2.82	
18920616											
.002001	ECKERT RANCH CO	43D W 197760 00	FILE	ST		1	HG	04 15 09	9 19		

### **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name **COWGER DITCH NO. 5** CC003

Legal Description

Source

NWNWSE 1 7S19E

**COLE CREEK** 

Enforceable Priority Date	Owner	Water Right #	Туре	Use	Acres	Pod ID	Means From - To	Cfs	Comments
18850810									
	COWGER, LLOYD N COWGER, MALINDA R	43D W 10204 00	DECR	IR	155	1	HG 05 01 09 19	2.5	This claim may use Barry Creek as a natural carrier; however, the secondary points of diversion are not clear from information in the claim file.

Cfs Total For Diversion

2.5

Tuesday, March 21, 2017

### **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name
CC004 NORTH FARM SUPPLY DITCH

Legal Description

Source

SENWNW 12 7S19E

**COLE CREEK** 

Enforceable Priority Date 19301231	Owner	Water Right #	Type	Use	Acres	Pod ID	Means	From	- To	Cfs	Comments
	PALISADES LIVESTOCK LLC	43D W 111370 00	USE	ST		1	DT	01 01	12 31		A ditch can't be seen on aerial photographs; the diversion has been placed as claimed.
	PALISADES LIVESTOCK LLC	43D W 111393 00	USE	IR	40	1	HG	03 15	11 19	1.25	A ditch can't be seen on aerial photographs; the diversion has been placed as claimed.

### **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name CC005 MULLER DITCH

Legal Description

Source

SENWNW 12 7S19E COLE CREEK

Enforceable Priority Date	Owner	Water Right #	Туре	Use	Acres	Pod ID	Means	From - To	Cfs	Comments
18880508										
	PALISADES LIVESTOCK LLC	43D W 14942 00	DECR	IR	61	1*	HG	04 20 10 04	.58	
	COWGER, LLOYD N	43D W 30007143	DECR	IR	83	1*	HG	04 20 10 04	2.82	
	COWGER, MALINDA R									
18940615										
	PALISADES LIVESTOCK LLC	43D W 111415 00	DECR	IR	355	3*	HG	03 15 11 19	3	
19001231										
	PALISADES LIVESTOCK LLC	43D W 111416 00	DECR	IR	355	2*	HG	03 15 11 19	3	
19010501										
	PALISADES LIVESTOCK LLC	43D W 111417 00	DECR	IR	355	1*	HG	03 15 11 19	1.88	

### **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name
CC006 SOUTH FARM SUPPLY DITCH

Legal Description

Source

SWSWNW 12 7S19E

**COLE CREEK** 

Enforceable Priority Date	Owner	Water Right #	Туре	Use	Acres	Pod ID	Means	From	ı - To	Cfs	Comments
18900710	)										
	PALISADES LIVESTOCK LLC	43D W 111367 00	USE	ST		1	DT	01 01	12 31		A ditch can't be seen on aerial photograph:

### **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name CC007

ITZEN (POPELKA) DITCH

Legal Description

NWNWSW 12 7S19E

**COLE CREEK** 

9.63

Source

Enforceable Priority Date	Owner	Water Right #	Туре	Use	Acres	Pod ID	Means	From - To	Cfs	Comments
18900719										
	PALISADES LIVESTOCK LLC	43D W 111412 00	DECR	IR	355	2*	HG	03 15 11 19	1.75	The diversion appears to be in the NWNWSW Sec 12, Twp 7S, Rge 19E.
18940615										
	PALISADES LIVESTOCK LLC	43D W 111415 00	DECR	IR	355	2*	HG	03 15 11 19	3	The diversion appears to be in the NWNWSW Sec 12, Twp 7S, Rge 19E.
19001231										
10001201	PALISADES LIVESTOCK LLC	43D W 111416 00	DECR	IR	355	3*	HG	03 15 11 19	3	The diversion appears to be in the NWNWSW Sec 12, Twp 7S, Rge 19E.
19010501										
13010001	PALISADES LIVESTOCK LLC	43D W 111417 00	DECR	IR	355	3*	HG	03 15 11 19	1.88	The diversion appears to be in the NWNWSW Sec 12, Twp 7S, Rge 19E.
19301231										
13301231	PALISADES LIVESTOCK LLC	43D W 111371 00	USE	ST		1	DT	01 01 12 31		The diversion appears to be in the NWNWSW Sec 12, Twp 7S, Rge 19E.

### **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name CC008

**TUTTLE (POPELKA) DITCH** 

Legal Description

SWNESE 11 7S19E

**COLE CREEK** 

Source

Enforceable Priority Date 18900719	Owner	Water Right #	Туре	Use	Acres	Pod ID	Means	From - To	Cfs	Comments
	PALISADES LIVESTOCK LLC	43D W 111412 00	DECR	IR	355	1*	HG	03 15 11 19	1.75	The diversion appears to be in the SWNESE Sec 11, Twp 7S, Rge 19E. The Tuttle (Popelka) Ditch appears to flow in the Barry Creek Coulee. Tuttle (Popelka) Ditch water from Cole Creek may coming with Barry Creek water.
18940615										
	PALISADES LIVESTOCK LLC	43D W 111381 00	USE	ST		1	HG	01 01 12 31		The diversion appears to be in the SWNESE Sec 11, Twp 7S, Rge 19E. The Tuttle (Popelka) Ditch appears to flow in the Barry Creek Coulee. Tuttle (Popelka) Ditch water from Cole Creek may coming with Barry Creek water.
19001231	PALISADES LIVESTOCK LLC	43D W 111415 00	DECR	IR	355	1*	HG	03 15 11 19	3	The diversion appears to be in the SWNESE Sec 11, Twp 7S, Rge 19E. TI Tuttle (Popelka) Ditch appears to flow in the Barry Creek Coulee. Tuttle (Popelka Ditch water from Cole Creek may coming with Barry Creek water.
13001201	PALISADES LIVESTOCK LLC	43D W 111416 00	DECR	IR	355	1*	HG	03 15 11 19	3	The diversion appears to be in the SWNESE Sec 11, Twp 7S, Rge 19E. To Tuttle (Popelka) Ditch appears to flow in the Barry Creek Coulee. Tuttle (Popelka Ditch water from Cole Creek may comin with Barry Creek water.
19010501										, , , , , , , , , , , , , , , , , , , ,
	PALISADES LIVESTOCK LLC	43D W 111417 00	DECR	IR	355	2*	HG	03 15 11 19	1.88	The diversion appears to be in the SWNESE Sec 11, Twp 7S, Rge 19E. Tuttle (Popelka) Ditch appears to flow in the Barry Creek Coulee. Tuttle (Popelka Ditch water from Cole Creek may comin with Barry Creek water.

**Based on As Modified Temporary Preliminary Decree** 

Enforcement No. Diversion Name

Legal Description

Source

CC008

**TUTTLE (POPELKA) DITCH** 

SWNESE 11 7S19E

E

**COLE CREEK** 

Enforceable Priority Date
Owner

Water Right #

Type Use Acres

Pod

Means From - To

Cfs Comments

Cfs Total For Diversion

9.63

### **Based on As Modified Temporary Preliminary Decree**

Enforcement No. Diversion Name CC009 **COWGER DITCH NO. 6**  Legal Description

Source

NWSESE 11 7S19E

**COLE CREEK** 

Enforceable Priority Date 18960812	Owner 2	Water Right #	Туре	Use	Acres	Pod ID	Means	From - To	Cfs	Comments
	COWGER, LLOYD N	43D W 106861 00	FILE	IR	160	1	HG	05 01 09 19	3.75	The diversion appears to be NWSESE, S 11, Twp 7S, Rge 19E. This ditch is also
	COWGER, MALINDA R									known as the Harney (Cowger) Ditch.

### **Based on As Modified Temporary Preliminary Decree**

**Enforcement No. Diversion Name** CCLS001

Legal Description

Source

S2

1 7S19E

**COLE CREEK** 

Enforceable Priority Date	Owner	Water Right #	Type	Use Acres	Pod ID	Means From	- To Cfs	Comments
18881231								
	PALISADES LIVESTOCK LLC	43D W 111380 00	USF	ST	2*	LS 01.01	12 31	

### **Based on As Modified Temporary Preliminary Decree**

**Enforcement No. Diversion Name** CCLS002

Legal Description

Source

W2

12 7S19E

**COLE CREEK** 

Enforceable Priority Date	Owner	Water Right #	Type	Use Acres	Pod ID	Means	From - To	Cfs	Comments	
19640206										
	MONTANA, STATE OF BOARD OF LAND COMMISSIONERS	43D W 137755 00	USE	ST	1	LS	01 01 12 31			

### **Based on As Modified Temporary Preliminary Decree**

**Enforcement No. Diversion Name** CCLS003

Legal Description

Source

SE

11 7S19E

**COLE CREEK** 

Enforceable Priority Date	Owner	Water Right #	Туре	Use	Acres	Pod ID	Means	From - To	Cfs	Comments	
19640206											
	MONTANA, STATE OF BOARD OF LAND COMMISSIONERS	43D W 137762 00	USE	ST		1	LS	01 01 12 31			

### **Based on As Modified Temporary Preliminary Decree**

**Enforcement No. Diversion Name** CCLS004

Legal Description

Source

NE

14 7S19E

**COLE CREEK** 

Enforceable Priority Date	Owner	Water Right #	Туре	Use Acres	Pod ID	Means From - To	Cfs (	Comments
18881231								
	PALISADES LIVESTOCK LLC	43D W 111380 00	USF	ST	1*	LS 01.01 12.31		