

BASIN

40L

**INTERBASIN**

**TRANSFERS**

40L

Interbasin Transfers

40LW119577  
40LW167822  
40LW167823  
40LW188601



Basin 40L

INTERBASIN TRANSFER OF POTENTIAL INTERBASIN GROUNDWATER AFFECT

Claim #	POD Basin	POU-Basin	S/G	Owner(s) Name & Address
W119577	40L	40J+40L	S	State of MT-DNRC
W167822	40L	40J	S	Frenchman Irrigation Co.
<del>W167823</del>	<del>40L</del>	<del>40J</del>	<del>S</del>	<del>Frenchman Irrigation Co.</del>
W188601	40L	40L+40J	S	Frenchman Irrigation Co.

BASIN

40L

**INTERBASIN  
TRANSFERS**



# Basin 40L

## INTERBASIN TRANSFER or POTENTIAL INTERBASIN GROUNDWATER AFFECT

Claim #	POD Basin	POU Basin	S/G	Owner(s) Name & Address
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<del>W167822</del>	<del>40L</del>	<del>40J</del>	<del>S</del>	<del>Frenchman Irrigation Co.</del>
W188601	40L	40L+40J	S	Frenchman Irrigation Co.

BASIN 40L

**NOTICE OF ENTRY OF**  
*Temporary*  
**PRELIMINARY DECREE AND**

**NOTICE OF AVAILABILITY**

January 10, 1985



IN THE WATER COURTS OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
FRENCHMAN CREEK BASIN (40L)

\* \* \* \* \*

NOTICE OF ENTRY OF TEMPORARY PRELIMINARY DECREE AND  
NOTICE OF AVAILABILITY

Since you have filed a claim for a water right existing before July 1, 1973, we are sending with this Notice your abstract of your claim entered on the Frenchman Creek Basin Temporary Preliminary Decree.

However, if you received a certificate or applied for a "water use permit to appropriate" or reserve water under the 1973 Water Use Act do not expect to receive an abstract of that document.

This Notice is being sent to others as required in 85-2-232 MCA.

WHAT IS A TEMPORARY PRELIMINARY DECREE

A Temporary Preliminary Decree decides the water rights in the Frenchman Creek Basin and lists those water rights.

If you don't agree with what it decides as to your right or any other water right which may affect your water right claims, you may file an objection, request a hearing and the Water Courts will hear it. See the general Findings of Fact and Conclusions of Law for further explanation of your right.

A water right in the Temporary Preliminary Decree remains unchanged and will be so entered in the Final Decree if it is not objected to during the objection period. However, if determinations of Indian and Federal reserved water rights present circumstances affecting that water right, additional objections may be filed.

IF A RIGHT IS NOT OBJECTED TO, IT SHALL REMAIN UNCHANGED AND BE ENTERED IN THE FINAL DECREE.

HOW YOU FILE AN OBJECTION AND REQUEST A HEARING

An objection must be filed on the forms provided by the Water Courts. The offices where these forms can be found are listed on page 2 of this Notice.

All objections must be filed and received by the 23 day of April, 1985. Objections must be sent to the Montana State Water Courts, P.O. Box 879, Bozeman, MT 59715.

CAN YOU GET AN EXTENSION?

Extension for filing objections may be granted by the Water Judge. Requests must be received by the Water Courts on or before the 23 day of April, 1985. Use the form furnished by the Water Courts.

If an extension is granted, it applies to all within this Basin. A copy of the extension may be seen at the Clerk of Court offices listed below and it will be advertised in local newspapers.

(Over Please)

WHERE YOU CAN SEE OR GET THE TEMPORARY PRELIMINARY DECREE (OR  
FINDINGS OF FACT AND CONCLUSIONS OF LAW) FOR THE  
FRENCHMAN CREEK BASIN

See it at:

1. Water Courts Office, P.O. Box 879, Bozeman, MT 59715
2. Department of Natural Resources, Water Rights Bureau, 32 South Ewing, Helena, MT 59620
3. Department of Natural Resources Field Office, 110 5th St. S., Rm 118, Glasgow, MT 59230
4. Clerk of the Court, Phillips County, Malta, MT 59538
5. Clerk and Recorder, Phillips County, Malta, MT 59538
6. Clerk of the Court, Valley County, Glasgow, MT 59230
7. Clerk and Recorder, Valley County, Glasgow, MT 59230

Microfilm of the existing water rights claimed and the abstract as reviewed by DNRC at:

1. Water Courts Office, P.O. Box 879, Bozeman, MT 59715
2. Department of Natural Resources, Water Rights Bureau, 32 South Ewing, Helena, MT 59620
3. Department of Natural Resources, Field Office, 110 5th St. S., Rm 118, Glasgow, MT 59230
4. Clerk of the Court, Phillips County, Malta, MT 59538

You can buy a copy of the Temporary Preliminary Decree at the Department of Natural Resources, Water Rights Bureau, 32 South Ewing, Helena, MT 59620.

Any questions? Call the Water Courts Office at (406) 586-4364.

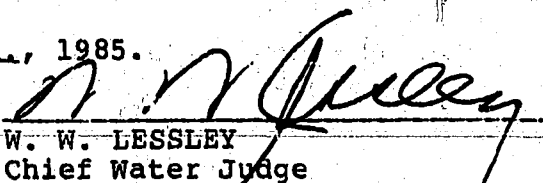
AFTER OBJECTIONS ARE FILED

After the time for filing objections has passed, the Water Courts will notify each party named in the Decree that hearings have been requested and set a date for all interested parties to notify the Water Courts of their intent to participate in any of those hearings.

THE WATER COURT RULES AND FORMS CAN BE FOUND AT THE OFFICES LISTED BELOW:

1. Water Courts Office, P.O. Box 879, Bozeman, MT 59715
2. Clerk of the Court, Phillips County, Malta, MT 59538
3. Clerk of the Court, Valley County, Glasgow, MT 59230

DATED this 16 day of Jan., 1985.

  
W. W. LESSLEY  
Chief Water Judge  
Montana State Water Courts



IN THE WATER COURTS OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
FRENCHMAN CREEK

\* \* \* \* \* STATE OF MONTANA  
Water Courts

IN THE MATTER OF THE ADJUDICATION  
OF THE EXISTING RIGHTS TO THE USE  
OF ALL THE WATER, BOTH SURFACE AND  
UNDERGROUND, WITHIN THE FRENCHMAN  
CREEK DRAINAGE AREA, INCLUDING ALL  
TRIBUTARIES OF FRENCHMAN CREEK  
IN PHILLIPS AND VALLEY COUNTIES,  
MONTANA.

I hereby certify that the instrument to  
which the certificate is affixed is a  
correct and compared copy of the original  
on file in the office of the Clerk of the  
Water Courts.

Witness my hand and the seal of the  
Water Courts of the State of Montana this

11 day of Jan 1985

Janet Lockey  
Clerk of the Water Courts

O R D E R

After having reviewed the Water Master's Report of existing  
rights in the Frenchman Creek Basin, the Court finds that the  
Report meets the requirements for the Temporary Preliminary Decree  
set forth in 85-2-231 (1) MCA 1978. The Court, being satisfied  
with the Findings of Fact and Conclusions of Law contained in the  
Report, hereby

ORDERS that the Water Master's Report (attached herein) and  
the abstracts of the individual water rights in the Frenchman  
Creek Basin be adopted as the Temporary Preliminary Decree for  
that Basin pursuant to Section 85-2-231 (3) MCA 1978.

DATED this 10th day of January, 1985.

W.W. Lessley  
W.W. Lessley  
Chief Water Judge  
Montana State Water Courts

IN THE WATER COURTS OF THE STATE OF MONTANA

LOWER MISSOURI DIVISION

FRENCHMAN CREEK

\* \* \* \* \*

IN THE MATTER OF THE ADJUDICATION )  
OF THE EXISTING RIGHTS TO THE USE )  
OF ALL THE WATER, BOTH SURFACE AND )  
UNDERGROUND, WITHIN THE FRENCHMAN )  
CREEK DRAINAGE AREA, INCLUDING ALL )  
TRIBUTARIES OF FRENCHMAN CREEK IN )  
PHILLIPS AND VALLEY COUNTIES, MONTANA. )

REPORT OF THE WATER MASTER ON THE

FRENCHMAN CREEK BASIN

This Report is submitted to the Honorable W.W. Lessley,  
Chief Water Judge, by Kathryn L.W. Lambert, Water Master for  
the Frenchman Creek Basin.

FINDINGS OF FACT

1. Authority to Act

This Decree is issued by a Water Judge as authorized by  
Chapter 697, Session Laws 1979 (85-2-201) as amended.

2. Description of Basin

Frenchman Creek Basin lies predominately in the northeastern  
portion of Phillips County with a small bend of the Creek flowing  
through Valley County. Phillips County was created on February  
5, 1915 from the western part of Valley County and the eastern  
part of Chouteau County. The County was named after Ben D.  
Phillips, one of the larger ranchers and landowners in the area.



Stock raising and farming are the main sources of the Basin's income. Cattle production primarily consists of feeder producing operations. The major grains produced are wheat and barley.

Frenchman Creek is a tributary of the Milk River. The valley of Frenchman Creek is a gorge-like depression along most of its course. It heads in Canada and flows due south a few miles west of the Phillips-Valley County line. The primary tributaries of Frenchman Creek are Cottonwood Creek, Corral Coulee, Rattlesnake Coulee and Peck Coulee. Natural flow of the stream is affected by several storage reservoirs, irrigation diversions and return flows from irrigated areas.

Approximately 424 claims of existing water rights were filed for the Basin. The claims consisted of stockwater, irrigation, domestic and wildlife claims. A map outlining the boundaries of the Basin is attached.

### 3. Water Right Owner

Generally, the Court issues a water right to the appropriator, who is usually the claimant. If there is evidence that a change of ownership has occurred, the Court issues the right in the name of the new owner. If a change has occurred and the Court was not informed, the correct name can be added at a later date.

Some water rights are claimed by more than one person on separate claim forms. When both claimants insist on ownership, each is decreed the right but a remark is added to each decree noting the conflict.

#### 4. Pre-1973 Water Rights

The general adjudication of water rights is to cover rights existing before 1973.

An existing water right includes those rights which would be protected under the law as it existed prior to July 1, 1973, pursuant to 85-2-102(7) MCA.

#### 5. Specifics of Procedure

The Court outlined and supervised the procedure of processing the claims to existing rights. A claim is examined for incomplete or inaccurate information. The Court ordered the Department of Natural Resources and Conservation to assist in the processing of the claims.

The extent of each individual water right claim is further defined by these Findings of Fact and Conclusions of Law. Where a claimant filed two or more water rights on the same claim form, each right was separated and assigned an individual water right number. If the claim did not include all the information required by 85-2-224 MCA and the information was not available, the right was decreed within the limits of the information submitted.

The specifics of each individual claim is defined by an abstract of the water right. Each individual abstract of the claimed right includes (where possible):

- (a) The name and post office address of the owner of the right;
- (b) The amount of water, rate and volume included in the right;
- (c) The date of priority of the right;



- (d) The purpose for which the water included in the right is used;
- (e) The place of use and a description of the land, if any to which the right is appurtenant;
- (f) The source of water included in the right;
- (g) The place and means of diversion;
- (h) The inclusive dates during which the water is used each year;
- (i) Any other information necessary to fully define the nature and extent of the right.

#### 6. Multiple Uses of a Water Right

Usually, a water right is decreed and the uses of the right are noted. In this general adjudication, the claimants filed separate claims for each use of the water right. Special claim forms were used for irrigation, stockwatering, domestic use and a catch-all form for all other uses. As a result of this unique filing, each use of a water right will be decreed separately. Therefore, a water right might be represented by two or more decreed uses.

A remark notation of the multiple use of a water right appears in the following instances:

1. Whenever an irrigation and an "other use" are for the same water right.
2. Whenever a water right has two or more "Other Uses."

In all cases where any multiple use of a right occurs, the combined flow rate and volume cannot exceed the original appropriation. The use of the right for several purposes does not increase the extent of the right, rather it decrees the right to alternate and interchange the use (purpose) of the water in accord with historic practices.

#### 7. Source Name

Although some sources of surface water in the Frenchman Creek Basin were claimed under several names, the source is generally designated in the Decree by the name listed in the United States Geological Survey. If the source has not been designated by the U.S.G.S., the source name of most common recognition in the locality has been used.

Commonly recognized reservoir and lake names will appear as source names. Those lakes and reservoirs that have no commonly recognized name are generally decreed under the name of the outflowing stream. The source name index of the Temporary Preliminary Decree cross-indexes any such source names for easy access.

When more than one source is claimed for a water right, the Court determines the major source and lists that source in the Decree. If more than one source is determined to be major, a separate claim is made for the claimant.

#### 8. Priority Date

The priority date claimed is recognized as prima facie and so decreed except where it is incomplete; or it would result in a clearly erroneous interpretation of the law; or the claim's supporting documentation contradicts the claimed priority date.

Priority dates were decreed in accord with the following:

Where a claimed priority date included only a year, or a year and a month, the last day of the year and the last day of the month are decreed as the priority date.



Priority dates for groundwater rights after 1961 are reviewed for compliance with the Groundwater Act. Priority dates are not changed if it appeared that the wrong form had been used.

If a claim to groundwater after 1961 is based on use, the priority date is decreed as the date of filing the claim to the existing right.

#### 9. Irrigation

Irrigation is a beneficial use of water.

Flow Rates. In this general adjudication under Chapter 697, Session Laws 1979, flow rates are decreed in gallons per minute (gpm) or in cubic feet per second (cfs) instead of the traditional miner's inches. Eleven gpm is equivalent to one miner's inch; forty miner's inches is equivalent to one cubic foot per second.

THE FLOW RATES OF ALL PREVIOUSLY DECREED WATER RIGHTS ARE UNCHANGED AND ISSUED IN ACCORD WITH THE FLOW RATE DECREED IN THE ORIGINAL ADJUDICATION.

WHEN DIFFERENT CLAIMANTS CLAIMED WATER RIGHTS BASED ON DECREES AND THE TOTAL FLOW RATE CLAIMED BETWEEN THE CLAIMANTS EXCEEDED THE AMOUNT ON THE DOCUMENT, A REMARK IS ENTERED ON EACH DECREE NOTING THOSE DECREED USES OF THE EARLIER DECREED RIGHT.

Flow rates based on a "filed notice of appropriation" or "use" right shall not exceed a reasonable application rate. A reasonable application rate for flood, sprinkling and pump systems which is in keeping with the general requirement of most users in the Basin shall not exceed 17 gpm per acre (1.5 miner's inches). The Court has decreed all claimed flow rates of 17 gpm

per acre or less on such systems. HOWEVER, IF THE SUBMITTED DOCUMENTATION CLEARLY DOCUMENTS A LARGER CLAIMED FLOW RATE, IT WAS SO DECREED.

Water spreading, subirrigation and natural overflow and other irrigation systems not subject to quantification do not generally have a constant or consistent flow rate. The extent of the right is limited by the decreed volume. While the water rights for subirrigation and natural overflow are decreed, the owner of the right does not have a right to demand continued right of the water by these means of diversion.

Volume. Volume is decreed in acre-feet beneficially used in one year. An acre-foot of water will cover one acre to a depth of one foot. Net crop consumption requirements are considered to be the total amount of irrigation water a crop will use during an average growing season. Water usage is dependent on the overall efficiency of the irrigation system. General maximum requirements of differing systems are as follows:

Flood Systems (diversion ditch) Volumes (AF/A)	Sprinkler & Pumped Diver- sion Systems Volumes (AF/A)	Water Spreading Systems, Sub- irrigation and Natural overflow Volumes* (AF/A)
10.2	4.0	2.0

Volumes are measured at the point of diversion.

Period of Use. Because the period of use can vary widely for each individual user, the period of use is accepted as claimed.

If a period of use was not designated by the claimant, a period of use for irrigation claims was assigned in accord with a reasonable irrigation season for the climatic area. For Frenchman Creek Basin the period of use is from April 1 to October 30.



Place of Use.

A. Verification of Place of Use. Irrigation rights are decreed to a defined place of use. The place of use for irrigation is accepted as claimed.

The place of use is designated by legal land description and can be further defined by reference to the maps and referenced aerial photographs included in the Court records.

B. Supplemental Water Rights and Place of Use. In many cases, several water rights with differing priority dates or different sources are combined to supplement the irrigation requirements of all or part of the same acreage. Supplemental rights means the rights have overlapping places of use. The rights can be combined to irrigate only overlapping parcels of the claimant's total acres. The combined volume of these rights shall not exceed the given acre-feet per year. Each right is limited to the flow rate, volume and place of use.

Place and Means of Diversion. The place and means of diversion are designated. The place of diversion is specifically designated by legal land description.

Secondary points of diversion are noted when possible; however, the claim and claimant's map in many cases will more specifically define the point of diversion.

When a point of diversion is found on a source other than the one claimed, the other source points of diversion are decreed when that source is determined to be an incidental part of the original source. A remark will appear with the other source points of diversion that identifies the incidental source. If the other source is not considered incidental, a

separate claim is created.

THIS INFORMATION IN THIS FINDING IS ONLY A GUIDELINE AND IS SO USED. THEY CAN AND WILL BE MODIFIED TO SHOW THE WATER CLAIMANT'S OWN CIRCUMSTANCES. THIS CAN BE DONE ON CLAIMANT'S OBJECTIONS OR WATER COURT'S OWN MOTION.

#### 10. Domestic Use

Flow Rate. The average flow rate from a groundwater source in the State of Montana is approximately 25 gallons per minute.

Volume. A reasonable volume of water for domestic use is calculated at 1.0 acre-feet per household with an additional .5 acre-foot for each quarter acre of yard.

Flow rates and volumes are measured at the point of diversion.

Place of Use. Land irrigated as part of the domestic use is decreed as part of the place of use. If a claim for domestic use included irrigation separate from the domestic use, the irrigated land was decreed separately.

Period of Use. The period of use claimed is the period of use decreed.

#### 11. Stockwater

Volume. Stockwater is a beneficial use of water. The right is based on a consumptive use of 30 gallons per day per animal unit. An animal unit is described as a cow/calf pair or equivalent. The number of animal units is in most instances limited to the reasonable carrying capacity of the area historically serviced by the water source. In those cases when historically the source is utilized more intensively, for instance, in the case of a confined stockyard, the right increases based

on the number of animal units. Finally, where the stockwater is impounded in a reservoir, a right to reasonable carryover for use in future years is acknowledged.

Flow Rate. The flow rates for groundwater developments for stockwatering purposes were governed by the same principles on domestic groundwater sources. Those rights involving stock drinking directly from instream surface water sources do not reflect a specific flow rate. The instream flow rate shall be reasonable and shall not exceed the extent of the right as historically utilized.

Place of Use. Where stock drink directly from the surface water source, the point of diversion and place of use seek to show all land adjacent to the source.

## 12. Reservoirs and Storage of Water

A storage right can exist for water that would otherwise go to waste. This right is dependent upon the lack of interference with other rights.

The right to appropriate water by storage in a reservoir is a right separate from a water right. Actual beneficial use of stored water creates a water right. The Court decrees the limits of that right.

## 13. Other Uses

In the Frenchman Creek Basin, water use claims for wildlife were submitted.

The Court finds that no individual nor Department filed any valid instream claims for fish, wildlife and recreational



instream uses.

Flow Rates. Flow rates are decreed as claimed unless the documentation accompanying the claim supported a different amount.

Volumes. Volumes are decreed as claimed unless the documentation accompanying the claim support a different amount.

#### 14. Standards

The standards used by the Water Court to aid it in calculating flow rate, volume and other elements of a water right are merely yardsticks to serve as a means to what should or should not be.

THEY ARE NOT ABSOLUTE: THEY ARE NOT UNCHANGEABLE: THEY ARE NOT INFLEXIBLE. THEY ARE SUBJECT TO MODIFICATION TO REFLECT AN INDIVIDUAL CLAIMANT'S WATER RIGHT IN ITS TRUE AND CORRECT SENSE.

#### 15. Terminated Claim

The Water Court takes judicial notice of water claims that have been terminated during this adjudication process.

Instances are:

1. A claim filed with the adjudication Field Office and withdrawn and terminated by the claimant because of self-confessed errors and filed anew.
2. Claims filed and then withdrawn at claimant's request.
3. Claims that appear in the abstracts of water rights as part of the Temporary Preliminary Decree because they were assigned a "number" by the Helena, Montana office, and later returned to the forwarding Field Office; and these claims have a remark on the abstract of their termination for one reason or another from claimant. These claims are "alphabetized" and

stored in the archives of the Department of Natural Resources and Conservation by Field Offices.

The claims are printed in both decrees. The "0" prefix will tell the computer to print a statement saying, "the Court finds no right for this claim, as it has been withdrawn at the request of the claimant."

4. Claims terminated by the Field Offices and the DNRC before an Order of this Court of April 22, 1982, ordering that these claims were not to be terminated but stamped at the time of filing and processed as all other claims, even though there was a failure of payment of fees. All claims terminated because of lack of payment will be considered specially by this Court at the time of Temporary Preliminary Decree hearings.

#### 16. Supreme Court

That there is pending in the Supreme Court of the State of Montana, Case #83281, entitled Department of State Lands vs. Walter Pettibone and Others; that an opinion has not been issued in that case.

Based on the above Findings of Fact, the Water Master makes the following:

#### CONCLUSIONS OF LAW

1.

This Report meets the requirements for a Preliminary Decree as required by 85-2-321 MCA 1979.

2.

For each person who claims an existing water right in this Basin, there is attached to this Temporary Preliminary Decree a

statement defining the nature and extent of his claimed right, as found by the Water Court and as requested by 85-2-231 MCA and 85-2-234 MCA; these Conclusions make all these attached statements a part of this Report.

3.

All notices, all substantive and procedural requirements of court adjudication of water claims and requirements for hearing and decision have been fulfilled.

4.

The water adjudicated in this cause is a water use that is of a beneficial use and is the property of the State of Montana and for the use of these named water claimants, subject to their appropriative rights as specified in this Report.


5.

All Findings are merged with these Conclusions of Law to give them the force of law in this Report.

6.

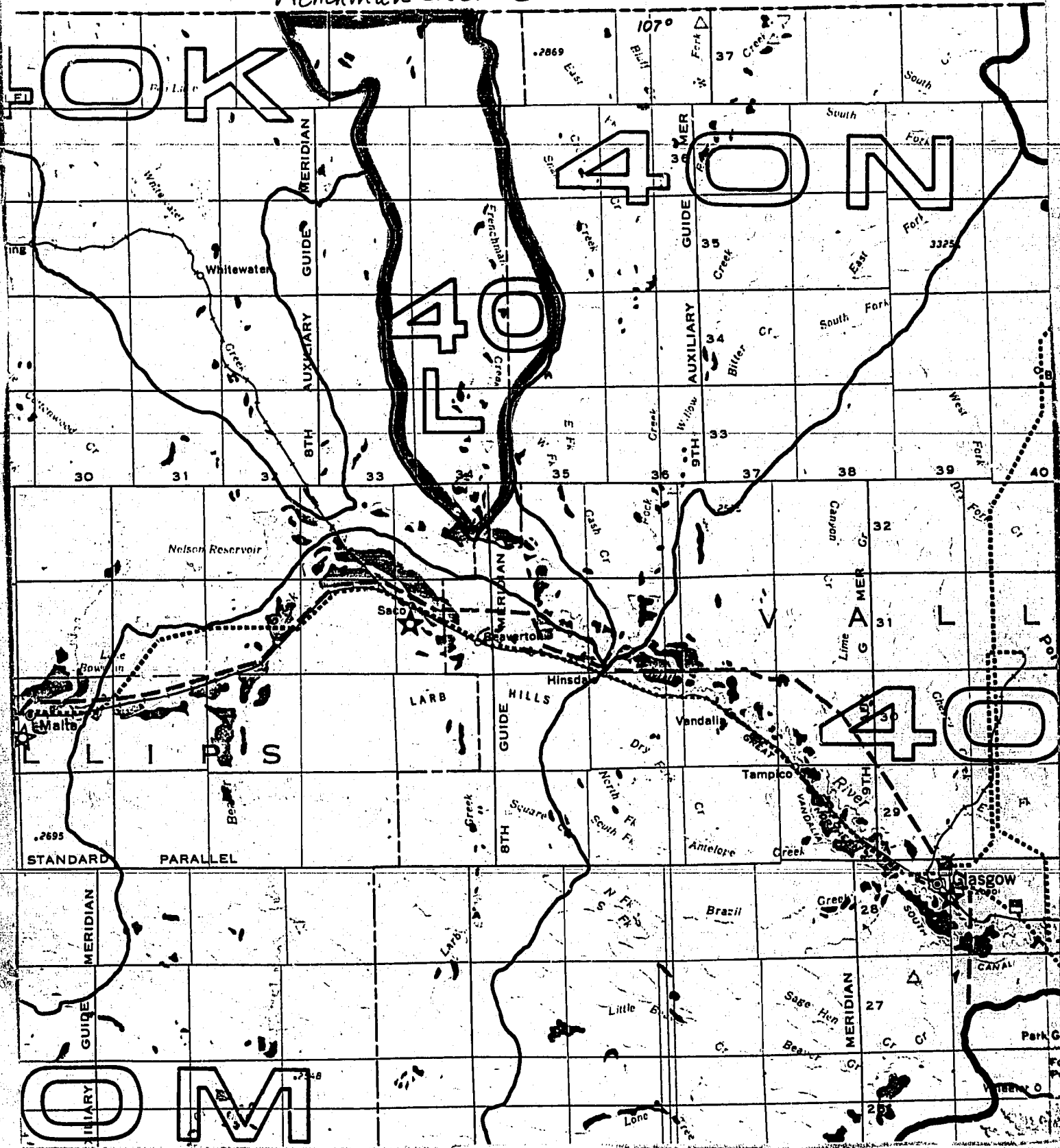
All Decrees, both Preliminary and Final, shall be amended to conform to the final decision in Case #83281, entitled Department of State Lands vs. Walter Pettibone and Others.

DATED this 10<sup>th</sup> day of January, 1985.

  
KATHRYN L.W. LAMBERT  
Water Master  
P.O. Box 879  
Bozeman, MT 59715



Frenchman Creek Basin



IN THE WATER COURTS OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
FRENCHMAN CREEK BASIN

\*\*\*\*\*

IN THE MATTER OF THE ADJUDICATION )  
OF THE EXISTING RIGHTS TO THE USE )  
OF ALL THE WATER, BOTH SURFACE AND )  
UNDERGROUND, WITHIN THE FRENCHMAN )  
CREEK DRAINAGE AREA, INCLUDING ALL )  
TRIBUTARIES OF THE FRENCHMAN CREEK )  
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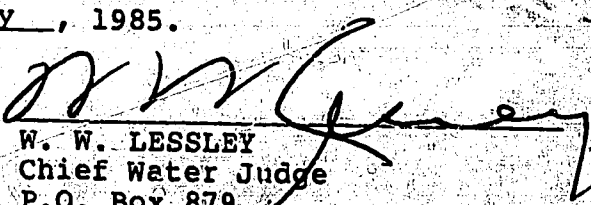
MEMORANDUM

Early in our State's history (March 12, 1885) we were concerned about measurement of Montana water.

85-5-302 MCA, whose genesis was a statute of 1905, is still our guiding law. It states "... shall be required to have suitable headgates at the point wherein a ditch taps a stream and shall also, at some suitable place on the ditch and as near the head thereof as practicable, place and maintain a proper measuring box, weir or other appliance for the measurement of water flowing in such ditch."

Now, as we move into the present and future of water and its management, measurement of that water is most important.

DATED this 10 day of January, 1985.

  
W. W. LESSLEY  
Chief Water Judge  
P.O. Box 879  
Bozeman, MT 59715

IN THE WATER COURTS OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
FRENCHMAN CREEK BASIN

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IN THE MATTER OF THE ADJUDICATION )  
OF THE EXISTING RIGHTS TO THE USE )  
OF ALL THE WATER, BOTH SURFACE AND )  
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IN PHILLIPS AND VALLEY COUNTIES, )  
MONTANA. )

MEMORANDUM

The command of the Legislature was to "expedite" and facilitate the adjudication of the water rights of Montana.

To assure a speedy, simple and effective program for adjudication of Montana water, there was created a specific statewide program, operated by a newly created Water Courts system, all under the supervision of the Montana Supreme Court.

The Act creating the adjudication program and its Water Courts became law May 11, 1979; immediately on June 8, 1979, the Supreme Court promulgated its rules and prescribed forms and set in motion a statewide filing of water right claims.

Meanwhile, between May 11, 1979 and June 12, 1979, Water Judges were elected. Present Water Judges are Bernard W. Thomas, Robert M. Holter and Roy C. Rodeghiero. Early in June, 1979, these Water Judges met and began supervising (under Supreme Court direction) the preparing, filing and collecting of more than 200,000 water claims in the State of Montana. These Judges met and elected Judge W. W. Lessley to act as a Chief



Water Judge to give direction and unity to their work. (In 1981 a statute amending the original Adjudication Act was passed and Lessley was appointed Chief Water Judge by Chief Justice Haswell of the Supreme Court.)

On April 30, 1982, all water claims were in under the direction of the Water Courts and clarification by field personnel began.

In early November, 1980, the first Water Master was appointed and adjudication began in two large basins of the Powder River. 10,302 water claims were adjudicated, 316 objections were filed; hearings held on 146 cases. A final decree on both basins was filed April 14, 1983, and only one appeal from all that adjudication has been filed in the Supreme Court.

Meanwhile in June, 1983, the Water Courts had the 200,000 claims computerized and in a single master computer located in Helena. The Courts are now supervising the final verification of all claims for the final computer run for all preliminary decrees.

The organization and staff of the Water Courts has grown. As directed by the Legislature, it has three Water Judges, a Chief Water Judge, three Water Masters, an engineer assigned to and actively working with the Water Courts, and two office employees skilled in office skills, word processing, docket-base computer work and in Water Courts procedures and forms.

The Water Courts have established their own Rules of Court, specialized forms for objections, pre-pre trial and pre-trial

procedure for water case hearings and trials; all objections are heard promptly and accurate recording machines prepare Court records and transcripts of all hearings.

As of now, final decrees have been issued in three Basins.

The Water Courts in 1984 will adjudicate at least sixteen Basins; there is a real possibility to adjudicate 20 Basins.

Specifically, 13,506 individual water claims have been clarified, verified and adjudicated by preliminary decrees as of January, 1984, with final decrees ahead.

This comprehensive Water Court program has been challenged in Federal Courts. The words of the District Federal Judges who first heard the challenge are significant. The key phrase of the evaluation of Montana's program by Chief District Judge Battin and District Judge Hatfield is: "It is clear that the adjudication contemplated by the Bill is both comprehensive and efficient." Federal Judges Battin and Hatfield spell out the specifics of the working of the Montana Water Courts in this clear and practical language:

"By enactment of the last legislature of the State of Montana, Senate Bill 76, as yet uncoded, has provided the vehicle for adjudicating claims of existing water rights in Montana. The provisions of that Bill bear heavily upon this Court's decision to dismiss these cases on the basis of wise judicial administration.

In essence the Bill provides for adjudication of all existing water rights in the State of Montana. Section 6 of the Bill provides that:

- 1) The action for the adjudication of all existing water rights under [this act] is commenced with the issuing of the order by the Montana Supreme Court to file a statement of a claim of an existing water right as provided in [section 16].
- (2) The water judge for each division shall exercise jurisdiction over all matters concerning the determination and interpretation of existing water rights within his division.

(4) All matters concerning the determination and interpretation of existing water rights shall be brought before or immediately transferred to the water judge in the proper water division unless witnesses have been sworn and testimony has been taken by a district court prior to the date of the Montana Supreme Court order as provided in [section 16].

Section 16 of the Bill provides that:

- (1) The Montana Supreme Court shall within 10 days of the filing of the petition by the attorney general issue an order to file a statement of a claim of an existing water right in substantially the following form:

"WATER RIGHTS ORDER

FAILURE TO FILE A CLAIM AS REQUIRED BY LAW WILL RESULT IN A CONCLUSIVE PRESUMPTION THAT THE WATER RIGHT OR CLAIMED WATER RIGHT HAS BEEN ABANDONED.

. . . This order is notice of commencement of procedures for the general adjudication of existing rights to the use of water and of the requirement to file a claim for certain existing rights to the use of water. Every person, including but not limited to an individual, partnership, association, public or private corporation, city or other municipality, county, state agency of the State of Montana, and federal agency of the United States of America on its own behalf or as trustee for any Indian or Indian tribe, asserting a claim to an existing right to the use of water arising prior to July 1, 1973, is ordered to file a statement of claim to that right with the department no later than June 30, 1983. . . ."

- [3] The above-cited sections reflect both the policy and the essential mechanism for adjudication of state water rights. Adjudication by adversary proceeding initiated by one claimant against all others in his drainage has been for-



saken in favor of blanket adjudication of all claims, including federal and federal trust claims, in a systematic manner. The procedure outlined in the Bill is that of: (1) filing of an order by the Supreme Court requiring the filing by all claimants of statements of each claim; (2) upon filing of all claims, submission of the claims to the water judge in the division or district in which the claimed water is diverted; (3) through utilization of special masters, the rendering, by the water judge, on the basis of the filed claims, of a preliminary decree of water right; (4) after passage of time without objection to the preliminary decree, entry of a final decree of water right which is binding upon all parties; (5) if objection is timely taken by the claimant to the preliminary decree, judicial determination of the right, but without the necessity of joining all users in the claimant's drainage.

And the Court concludes:

As the general adjudication has been initiated by recent order of the Montana Supreme Court, it would seem that the greater wisdom lies in following Colorado River, and on the basis of wise judicial administration, deferring to the comprehensive state proceedings. The federal proceedings are all in their infancy; service of process has been but recently completed. The state adjudication is thorough, as opposed to the piecemeal proceedings initiated by the Government. There is no jurisdictional question preliminarily attending the state adjudication; all such questions have been eliminated by the McCarran Amendment. The state forum will likely be more convenient, geographically, than the federal forum.

The original hearing before the 9th Circuit carried the minority opinion of Circuit Judge Merrill. His statements are significant as bearing on the need and practicality of the Montana Water Courts operation:

I agree with the district court. Water adjudication is essentially a local concern, and in every western state water scarcity poses a problem not just to Indians but to everyone. In

my view, it is highly important that each state be accorded room for an effort to solve its water scarcity problem in the manner it regards as most appropriate. Here so long as Montana gives recognition to Indian water rights and their establishment pursuant to federal law, I see no good reason why Indians shouldn't be joined with other water users in the state in order to achieve a comprehensive state adjudication.

Finally, the federal law on the Montana Water Courts, as spoken by the Supreme Court of the United States, through Justice Brennan for the Majority:

In light of this history, the parties in this case have engaged in a vigorous debate as to the exact meaning and significance of the Arizona and Montana Enabling Acts. We need not resolve that debate, however, nor need we resort to the more general doctrines that have developed to chart the limits of state authority over Indians, because we are convinced that, whatever limitation the Enabling Acts or federal policy may have originally placed on state court jurisdiction over Indian water rights, those limitations were removed by the McCarran Amendment.

And on specific problems of Indian rights and federal reservations vis-a-vis Montana State program by adjudication, the Justice continued:

But the most important consideration in Colorado River, and the most important consideration in any federal water suit concurrent to a comprehensive state proceeding, must be the "policy underlying the McCarran Amendment," 424 U.S., at 820; see Moses H. Cone Hospital, supra, at \_\_\_\_\_, and, despite the strong arguments raised by the respondents, we cannot conclude that water rights suits brought by Indians and seeking adjudication only of Indian rights should be excepted from the application of that policy or from the general principles set out in Colorado River.

Even more important is Justice Brennan's clear approval of what the Montana Water Courts can do:

. . . assuming that the state adjudications are adequate to quantify the rights at issue in the federal suits, and taking into account the McCarran Amendment policies we have just discussed, the expertise and administrative machinery available to the state courts, the infancy of the federal suits, the general judicial bias against piecemeal litigation, and the convenience to the parties, we must conclude that the District Courts were correct in deferring to the state proceedings.

We here at the Montana Water Courts know the Justice is not retreating from general principles of Indian rights, and federal reservations. In these words he makes the understanding clear:

Nothing we say today should be understood to represent even the slightest retreat from the general proposition we expressed so recently in New Mexico v. Mescalero Apache Tribe, ante, at \_\_\_\_\_, (1983): "Because of their sovereign status, [Indian] tribes and their reservation lands are insulated in some respects by an 'historic immunity from state and local control,' Mescalero Apache Tribe v. Jones, 411 U.S. 145, 152 (1973), and tribes retain any aspect of their historical sovereignty not 'inconsistent with the overriding interests of the National Government.' Washington v. Confederated Tribes, [447 U.S. 134, 153 (1980)]." Nor should we be understood to retreat from the general proposition, expressed in Colorado River, that federal courts have a "virtually unflagging obligation. . . to exercise the jurisdiction given them." 424 U.S., at 817. See generally Moses H. Cone Hospital, supra, at \_\_\_\_\_. But water rights adjudication is a virtually unique type of proceeding, and the McCarran Amendment is a virtually unique federal statute, and we cannot in this contract be guided by general propositions.



Further:

We also emphasize, as we did in Colorado River that our decision in no way changes the substantive law by which Indian rights in state water adjudication must be judged. State courts, as much as federal courts, have a solemn obligation to follow federal law. Moreover, any state court decision alleged to abridge Indian water rights protected by federal law can expect to receive, if brought for review before this Court, a particularized and exacting scrutiny commensurate with the powerful federal interest in safeguarding those rights from state encroachment.

The Act creating the Water Courts and its jurisdiction and its operation meets the caveats of Justice Brennan's opinion. This is evident in the careful adjustment of the general adjudication process to special problems of Indian and federal reserved rights.

85-2-701. Legislative intent. Because the water and water rights within each water division are interrelated, it is the intent of the legislature to conduct unified proceedings for the general adjudication of existing water rights under the Montana Water Use Act. Therefore, it is the intent of the legislature that the attorney general's petition required in 85-2-211 include all claimants of reserved Indian water rights as necessary and indispensable parties under authority granted the state by 43 USC 666. However, it is further intended that the state of Montana proceed under the provisions of this part in an effort to conclude compacts for the equitable division and apportionment of waters between the state and its people and the several Indian tribes claiming reserved water rights within the state.

85-2-702. Negotiation with Indian tribes. (1) The reserved water rights compact commission, created by 2-15-212, may negotiate with the Indian tribes or their authorized representatives jointly or severally to conclude compacts under 85-2-701. Compact proceedings shall be commenced by the commission. The commission shall serve by

certified mail directed to the governing body of each tribe a written request for the initiation of negotiations of an authorized representative of the tribe to conduct compact negotiations. Upon receipt of such written designation from the governing body of a tribe, compact negotiations shall be considered to have commenced.

(2) When the compact commission and the Indian tribes or their authorized representatives have agreed to a compact, they shall sign a copy and file an original copy with the department of state of the United States of America and copies with the secretary of the state of Montana and with the governing body for the tribe involved. The compact is effective and binding upon all parties upon ratification by the legislature of Montana, any affected tribal governing body, and the congress of the United States.

(3) Upon its approval by the Montana legislature and the tribe or federal agency, the terms of a compact must be included in the preliminary decree as provided by 85-2-231. However, if approval of the state legislature and tribe or federal agency has not been accomplished by July 1, 1985, all federal and Indian claims for reserved water rights that have not been resolved by a compact must be filed with the department within 60 days. These new filings shall be used in the formulation of the preliminary decree and shall be given treatment similar to that given to all other filings.

85-2-703. Negotiation with federal government. The compact commission may also enter into separate negotiations with the federal government for the conclusion of compacts concerning the equitable division and apportionment of water between the state and its people and the federal government claiming non-Indian reserved waters within the state. The terms and conditions of such negotiations shall be the same as provided in this section for negotiations with Indian tribes.

85-2-704. Termination of negotiations. The commission or any other party to the negotiations may terminate negotiations by providing notice to all parties 30 days in advance of the termination date. On the termination date, the suspension of the application of part 2 provided for in 85-2-217 shall also terminate. The tribe or federal agency shall file all of the claims for reserved rights within 60 days of the termination of negotiations.

A strict construction of the language used in 85-2-231(d) which states, "The preliminary decree shall be issued within 90 days after the close of the special filing period.", read together with 85-2-270(3), which says that the reserved rights not resolved by an approved compact "must be filed" and "shall be used in the formulation of a preliminary decree" indicates that either approved compacts or filed claims are technically necessary to issue a preliminary decree. However, this strict construction of the legislation could frustrate the clear legislative purpose underlying SB76, which is to "expedite and facilitate" the general adjudication of water rights, by slowing the adjudication process.

The Legislature has authorized the use of an interlocutory decree or "other temporary decrees" prior to the issuance of a preliminary decree when it is needed for "the orderly administration of water rights," 85-2-231. The inclusion of this procedure supports the argument that a preliminary decree should not be issued lacking an approved compact or filed reserved right claims. On the other hand, it also supports the argument that the Court should proceed expeditiously to adjudicate basins even though the extent and quantity of federal reserved right claims is undetermined and unknown.

After close study of the language pertaining to preliminary decrees in the Water Use Act, we should conclude that 85-2-231 technically requires inclusion of approved compacts or filed claims for reserved rights. But as a practical matter it is insignificant whether the decree is called a preliminary or a



temporary decree if they both do the same thing. Furthermore, if both decrees have the same legal effect, the use of the normal procedure, which involves issuance of a preliminary decree, makes sense because it is consistent with the general adjudication procedures established by the Legislature and the Water Courts, and, therefore best serves the orderly administration of water rights.

All pertinent case law in talking of state adjudication programs speak of a "state-wide unified adjudication" of water.

As stated, our Federal District Court of Montana, (Chief Judge James F. Battin and Judge Paul G. Hatfield), have characterized Montana's adjudication of water with these words:

"It is clear that the adjudication contemplated by the Bill is both comprehensive and efficient."

And the 9th Circuit granted a stay of Federal actions as preferable to dismissal. The Court clearly states:

"Moreover the question of adequacy of the State proceedings is one best decided by the State Courts in the first instance."

Further, the McCarran Amendment as interpreted in Colorado River allows and encourages a comprehensive water adjudication to quantify Indian water rights.

And Justice Brennan said:

"... and, despite the strong arguments raised by the respondents, we cannot conclude that water rights suits brought by Indians and seeking adjudication only of Indian rights should be excepted from

the application of that policy or from the general principles set out in Colorado River. In the cases before us, assuming that the state adjudications are adequate to quantify the rights at issue in the federal suits, and taking into account the McCarran Amendment policies we have just discussed, the expertise and administrative machinery available to the the state courts, the infancy of the federal suits, the general judicial bias against piecemeal litigation, and the convenience to the parties, we must conclude that the District Courts were correct in deferring to the state proceedings."

What of our general adjudication of Montana water? Is it comprehensive? Is it effective? Clearly SB76 (C. 697) is comprehensive. Its mandate from the Legislature is to adjudicate all the water resources. It seeks and will quantify all of Montana's water. The water of individuals, municipal corporations, other corporate entitles, Indian water rights, and other Federal reserved rights in Montana - all of this to the end that statewide we will have certainty as to our water - where it is, who owns it, what it is used for, how long it is used, the source. In fact, the caption item of the water right issued by the Water Courts best shows its comprehensive character of over 200,000 individual and corporate water claims and unnumbered Indian rights and Federal reserved rights. Here is a caption of the water right issued:

CERTIFICATE OF WATER RIGHT NO. W-1005050-00

OWNER:

PRIORITY DATE:

FLOW RATE:

VOLUME:

SOURCE:

PURPOSE:

PERIOD OF USE:

POINT OF DIVERSION AND MEANS OF DIVERSION:

PLACE OF USE:

GENERAL REMARKS:

Comprehensive is the key description of the Water Courts plan.

Long before actual gathering of the thousands of water claims, the Court with the help of the Department of Natural Resources and Conservation prepared an Atlas of Water Resources by Hydrologic Basins. This inventory of surface water resources consists of drainage basin maps showing location and relation to each other.

From the three major Continental Basins, a division was made within the State of six major drainage basins based on the streams which flow out of the State and do not reenter: the Kootenai, Clark Fork of the Columbia, St. Mary, Missouri, Yellowstone and Little Missouri. The Belle Fourche drainage of the Cheyenne River in South Dakota extends into a small area of the southeast corner of Montana.

Then the six major drainage basins were divided into 15 sub-major drainage basins consisting of the Upper Clark Fork, Lower Clark Fork; Flathead and Kootenai River Basins in the Columbia River drainage; the Upper Missouri tributaries; Missouri-Smith, Missouri-Sun-Marias; Missouri-Musselshell; Milk; and Missouri-Fork Peck Basins in the Missouri River drainage; the Upper Yellowstone; Middle Yellowstone; and Lower Yellowstone



River Basins in the Yellowstone drainage; the St. Mary River Basin in the Hudson Bay drainage; and the Little Missouri River Basin.

Then again the 15 sub-major basins were divided into 85 minor drainage basins representing the minor tributaries within the State. On a statewide plan of 85 basins, the Court began its statewide adjudication. All of these are based on the work of the Office of Water Data Coordination; U.S. Department of the Interior; Geological Survey Atlas of stream gaging stations. Slight modifications clearly do not significantly change any of the OWDC basins.

The Atlas includes twelve maps showing the 15 sub-major drainage basins with two of these maps showing more than one of the drainage basins on one map page. The maps show culture in black, power lines in grey, and streams and stream names in blue. The major, sub-major, and minor drainage basin boundary lines are shown in three significant widths of red lines. Existing and proposed flood control projects are located by red stars with open stars representing potential projects while closed stars designate existing projects. Blue triangle represent U.S.G.S. stream discharge gaging stations with righted triangles representing stations active as of January 1, 1970, and inverted triangles representing those stations, used in the past, but now discontinued. Green areas on the maps represent presently irrigated land according to the county-wide surveys being conducted by the water resources survey division, Montana Water Resources Board.

The last two maps in the Atlas are prepared by the Montana Water Resources Board staff from information supplied by cooperating agencies.

The first is one prepared through a joint effort of the Water Board and the Montana Fish and Game Department. Shown in green are the fishing access sites, state parks and monuments, and state recreation areas maintained by the Fish and Game Department throughout the State. An index to this map provides the proper names of each of these sites as of January 1, 1970.

The last map in the Atlas shows mountain precipitation by colored isohyet lines representing increments of annual precipitation above 20 inches. This map was prepared in cooperation with the Soil Conservation Service and the National Weather Service.

This detailed information should make clear the detailed planning of our comprehensive, statewide program.

The unification of our statewide plan of state court adjudication of water rights is evident in our approach toward Indian water rights and Federal reserved rights.

The Compact Commission is organized; is working; is talking with the Indian tribes concerning compacts on their water. The Compact Commission is attempting to secure talks with the Forest Service.

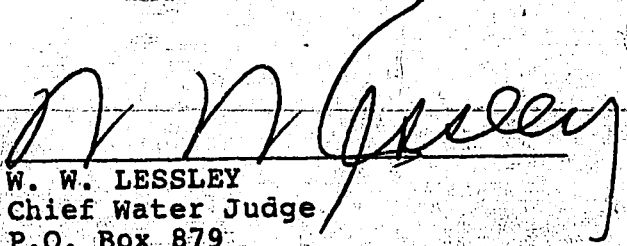
All of this procedure is considered by the Water Courts because in the words of the law, "... the water and water rights within each water division are interrelated, it is the intent of the legislature to conduct unified proceedings for the

general adjudication of existing water rights. . ."

And so the Water Courts Rule of Court Number 10 and its findings of fact on compacts and federal reservations meet the requirement for unified proceedings. And in some extreme cases to meet what the words of the statute call "the orderly administration of water rights prior to the issuance of a preliminary decree" the Water Court can use an "interlocutory" or "temporary" decree.

In any event, the statewide unified adjudication of water goes on.

DATED this 10th day of January, 1985.

  
W. W. LESSLEY  
Chief Water Judge  
P.O. Box 879  
Bozeman, MT 59715



**BASIN** 4DL

*Temporary Preliminary*

**CERTIFICATE  
OF MAILING**

*January 16, 1985*

DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION  
WATER RESOURCES DIVISION



TED SCHWINDEN, GOVERNOR

STATE OF MONTANA

32 SOUTH EWING

HELENA, MONTANA 59620

(406) 444-6601 ADMINISTRATOR  
(406) 444-6640 ENGINEERING BUREAU  
(406) 444-6668 WATER DEVELOPMENT BUREAU  
(406) 444-6601 WATER MANAGEMENT BUREAU  
(406) 444-6610 WATER RIGHTS BUREAU

January 22, 1985

Ms. Chris Jenson  
Water Courts  
Box 879  
Bozeman, MT 59715

Dear Chris:

Enclosed is the certificate of mailing for the Temporary Preliminary Decree for the Frenchman Creek Basin (Basin 40L). This mailing was conducted January 16, 1985.

Sincerely,

*Jim*

Jim Kindle  
Records Section Supervisor  
Water Rights Bureau

Enclosure  
JK/jg

AN EQUAL OPPORTUNITY EMPLOYER

FRENCHMAN CREEK BASIN (Basin 40L)

CERTIFICATE OF MAILING

The Notice of Entry of Temporary  
Preliminary Decree and Notice of Availability  
for the Frenchman Creek Basin (Basin 40L)

\*\*\*\*\*  
\*\*

State of Montana                    )  
                                      ) SS:  
County of Lewis and Clark        )

I, JAMES E. KINDLE, Records Supervisor for the Water Resources  
Division of the Department of Natural Resources and Conservation of the State  
of Montana, hereby certify that:

A. The Notice of Entry of Temporary Preliminary Decree, Notice of  
Availability, and abstracts showing dispositions of each person filing a claim  
for the Frenchman Creek Basin (Basin 40L) has been placed in the United States  
Mail, postage prepaid and addressed to each party as per the records of the  
Water Rights Bureau, Department of Natural Resources and Conservation, January  
16, 1985.

B. The Notice of Entry of Temporary Preliminary Decree and Notice of  
Availability for the Frenchman Creek Basin (Basin 40L) has been placed in the  
United States Mail, postage prepaid and addressed to each party as per the  
records of the Water Rights Bureau, Department of Natural Resources and  
Conservation, January 16, 1985 for; (1) all parties in the Frenchman Creek  
issued permits for water use in that basin pursuant to 85-2-301, MCA, 1978, or  
their successor in interest, if known; (2) all parties who have applied for  
permits for use of water in the Frenchman Creek Basin pursuant to 85-2-301,  
MCA, 1978; (3) all parties who have been granted a reservation in the  
Frenchman Creek Basin pursuant to 85-2-316, MCA, 1978; (4) all parties in the  
Frenchman Creek Basin who have received certificates of water rights pursuant



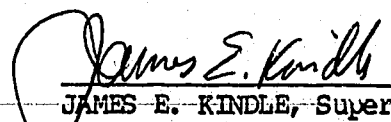
to 85-2-306, MCA, 1978, for wells under 100 gallons per minute; (5) all holders of claims terminated by the Field Offices and the Department of Natural Resources and Conservation before an Order of the Water Court of April 22, 1982, ordering that these claims were not to be terminated but stamped at the time of filing and processed as all other claims, even though there was a failure of payment of fees; (6) all federal land management agencies in the Lower Missouri Water Division; (7) all Indian Tribes in the Lower Missouri Water Division; (8) all neighboring states of the Lower Missouri Water Division; (9) the County Clerk of Court and Clerk and Recorder of Phillips and Valley Counties, Montana; (10) any other persons who have requested service of notice from the Water Judge.

C. The Department of Natural Resources and Conservation sent to the Clerk of Court and Clerk and Recorder of Phillips and Valley Counties entire copies of the Temporary Preliminary Decree for the Frenchman Creek Basin and indexes thereto.

D. The Department of Natural Resources and Conservation sent to the Clerk of Court of Phillips County County (Malta, MT) microfilm copies of prima facia claims and Department records for all claims submitted in the Frenchman Creek Basin.

This mailing and distribution was made under my direction and control on January 16, 1985.


Dated this 22<sup>nd</sup> day of JANUARY 1985.

  
JAMES E. KINDLE, Supervisor  
Records Section, Water Rights Bureau  
Water Resources Division  
Dept. of Natural Resources and  
Conservation  
State of Montana

State of Montana       )  
                              : ss.  
County of Lewis & Clark)

On this 22<sup>nd</sup> day of JANUARY 1985, before me, a Notary Public in and for said state, personally appeared James E. Kindle, known to me to be a Supervisor for the Water Resources Division of the Department of Natural Resources and Conservation, and acknowledges to me that he, in his official capacity, executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal, the day and year in this certificate first above written.

  
Notary Public for the State of Montana  
Residing at Helena  
My commission expires 1-21-1987

PRELIMINARY DECREE ON FRENCHMAN CREEK  
BASIN 40L

01/02/85

PAGE 1

\*\*\*\* OWNER LIST \*\*\*\*

ALBUS BOX 306 HINSDALE	RICHARD	L	MT	59241
ARNOLD RR HINSDALE	JOHN	M	MT	59241
BAKKE SACO	EDNA	E	MT	59261
BAKKE SACO	HELMER	E	MT	59261
BARNARD STAR RT BOX 17 HINSDALE	ELDON		MT	59241
BARTON BOX 328 SACO	JOHN	H	MT	59261
BARTON 1000 ASHBURY ST SAN FRANCISCO	ROGER	W	CA	94117
BERGTOLL BOX 194 SACO	ALDON		MT	59261
BERGTOLL BOX 194 SACO	LEO	O	MT	59261
BI-LO-JI FARMS INC BOX 108 SACO			MT	59261
BROADBROOKS BOX 256 SACO	LYLE	A	MT	59261



PRELIMINARY DECREE ON FRENCHMAN CREEK  
BASIN 40L

01/02/85

PAGE 2

\*\*\*\* OWNER LIST \*\*\*\*

3ROOKIE G WILLIAM  
BOX 56  
SACO MT 59261

CANEN RANCH INC  
BOX 183  
SACO MT 59261

CAVES RICHARD I  
BOX 26  
SACO MT 59261

COVINGTON HENRY C  
3035 CARMEL RD  
CHARLOTTE NC 28226

COVINGTON, LILLIAN D ESTATE OF  
2715 NORMANDY RD  
CHARLOTTE NC 28209

COX CONRAD L  
WHITEWATER MT 59544

COX MARJORIE E  
WHITEWATER MT 59544

DARTMAN ELLA M  
BOX 415  
HINSDALE MT 59241

DEPUYDT BRIAN E  
PO BOX 232  
SACO MT 59261

EKLUND ADOLPH J  
SACO MT 59261

EKLUND ALVIN C  
BOX 154  
SACO MT 59261

PRELIMINARY DECREE ON FRENCHMAN CREEK  
BASIN 40L

01/02/35

PAGE 3

\*\*\*\* OWNER LIST \*\*\*\*

EKLUND BOX 53 SACO	WILLIAM	L	MT	59261
ENGLUND PO BOX 68 RAINTER	ARNOLD	R	WA	98576
ERICKSON BOX 103 SACO	DAVID	W	MT	59261
FRENCHMAN IRRIGATION CO % G WILLIAM BROOKIE BOX 56 SACO			MT	59261
FRENCHMAN IRRIGATION CO % GUSTAV A YESKA SACO			MT	59261
FRENCHMAN IRRIGATION CO % LOUIE KORMAN BOX 172 SACO			MT	59261
FRENCHMAN IRRIGATION CO BOX 347 SACO			MT	59261
GRADY HINSDALE	FLORENCE	C	MT	59241
GRADY HINSDALE	PHILLIP	F	MT	59241
GWINN 2715 NORMANDY RD CHARLOTTE	MARIAN	C	NC	28209
HATTON HINSDALE	A	L	MT	59241

PRELIMINARY DECREE ON FRENCHMAN CREEK  
BASIN 40L

01/02/85

PAGE 4

\*\*\*\* OWNER LIST \*\*\*\*

HATTON MARY A  
HINSDALE MT 59241  
HAYNES CHARLES L  
BOX 14 MT 59261  
SACO

HERRING JOANNE C  
647 N CONFEDERATE AVE SC 29730  
ROCK HILL

HILLMAN NORMA G  
PO BOX 776 CA 95327  
JAMESTOWN

JOHNSON JOHN K  
SACO MT 59261

JOHNSON RANCH  
BOX 4573 MT 59601  
MISSOULA

KIENITZ LECNA M  
BOX 461 MT 59538  
MALTA

LASAR BARBARA L  
1024 ALKALI CREEK RD MT 59105  
BILLINGS

LASAR JOHN D  
1024 ALKALI CREEK RD MT 59105  
BILLINGS

MAVENCAMP ANN M  
BOX 145 MT 59538  
MALTA

MAVENCAMP DIANE E  
425 STEPHANS APT 3C MT 59801  
MISSOULA



PRELIMINARY DECREE ON FRENCHMAN CREEK  
BASIN 40L

01/02/85

PAGE 5

\*\*\*\* OWNER LIST \*\*\*\*

MAVENCAMP 425 STEPHENS APT 3C MISSOULA	DIANE	E	MT	59801
MAVENCAMP SACO	DONALD	D	MT	59261
MAVENCAMP BOX 145 MALTA	DONNA	M	MT	59538
MAVENCAMP WHITEWATER	HELEN	L	MT	59544
MAVENCAMP WHITEWATER	HELEN	M	MT	59544
MAVENCAMP BOX 145 MALTA	JOSEPH	A	MT	59538
MAVENCAMP 1023 DAKOTA CT MINOT AFB	JOSEPH	R	ND	58704
MAVENCAMP BOX 145 MALTA	JULIE	K	MT	59538
MAVENCAMP SACO	KATHERINE	R	MT	59261
MAVENCAMP 616 N CENTER MILES CITY	LYNN	H	MT	59301
MAVENCAMP 616 N CENTER MILES CITY	LYNN	H	MT	59538

PRELIMINARY DECREE ON FRENCHMAN CREEK  
BASIN 40L

01/02/85

\*\*\*\* OWNER LIST \*\*\*\*

PAGE 6

MAVENCAMP MONTE W

WHITEWATER MT 5954

MAVENCAMP NORMAN J

BOX 216 MT 59261

SACO

MAVENCAMP RICHARD M

920 AVE B NW MT 59401

GREAT FALLS

MONTANA, STATE OF BOARD OF LAND COMMISSIONER

DEPT OF STATE LANDS

CAPITOL STATION

HELENA MT 59620

MONTANA, STATE OF DEPT OF NATURAL RESOURCES

32 S EWING

HELENA MT 59620

NELSON MANVILLE R

MALTA MT 59538

OLSON LILLIAN A

BOX 912 MT 59538

MALTA

O'REILLY JANET M

812 HARRISON MT 59801

MISSOULA

REITAN ALICE M

BOX 557 MT 59261

SACO

REITAN DUANE

BOX 557 MT 59261

SACO

REITAN RODNEY

BOX 557 MT 59261

SACO

PRELIMINARY DECREE ON FRENCHMAN CREEK  
BASIN 40L

01/02/85

PAGE 7

\*\*\*\* OWNER LIST \*\*\*\*

SALSBERY CATHERINE A  
BOX 103  
MALTA MT 59538

SALSBERY CATHERINE A  
PO BOX 103  
MALTA MT 59538

SUNFORD BARBARA A  
OX 336  
SACO MT 59261

SUNFORD JOHN I  
BOX 336  
SACO MT 59261

SUNFORD OSCAR  
BOX 127  
SACO MT 59261

SUNFORD VIRGINIA I  
BOX 127  
SACO MT 59261

TURKEY TRACK RANCHERS ASSN  
SACO MT 59261

US DEPT OF INTERIOR BUREAU OF LAND MGMT  
PO BOX 36800  
BILLINGS MT 59107

WALKER RANCH LTD  
PO BOX 737  
SWIFT CURRENT SASKATCHEWAN  
CANADA S9H 3W7

WHITAKER RANCH  
BOX 155  
SACO MT 59261

WHITE KENNETH O  
BOX 18  
SACO MT 59261



PRELIMINARY DECREE ON FRENCHMAN CREEK  
BASIN 40L

01/02/85

PAGE 8

\*\*\*\* OWNER LIST \*\*\*\*

YESKA DELLA M  
SACO MT 59261

YESKA DELLA M  
BOX 488  
SACO MT 59261

YESKA GUSTAV A  
BOX 488  
SACO MT 59261

NUMBER OF OWNERS = 80



406

MASTER LIST - LOWER MISSOURI DIVISION

NOTICE TO INTERESTED PARTIES

(5)\*

All Federal Land Management Agencies in the Lower Missouri Division

Area Director  
U.S.D.A. Forest Service  
Federal Building  
Missoula, MT 59807

Director  
Bureau of Land Management  
P.O. Box 38600  
Billings, MT 59107

Division Engineer  
U.S. Army Corps of Engineers  
P.O. Box 103  
Downtown Station  
Omaha, NE 68101

Regional Director  
Bureau of Reclamation  
316 North 26th Street  
Room 3035  
Billings, MT 59101

Soil Conservation Service  
10 West Babcock  
Room 443, Federal Building  
Bozeman, MT 59715

(6)

All Neighboring States of the Lower Missouri Division

Vernon Fahy  
State Engineer  
North Dakota State Water Commission  
900 East Boulevard  
Bismark, ND 58503

(7)

All Indian Tribes in the Lower Missouri Water Division

Mr. Michael Fairbanks  
Superintendent  
Blackfeet Agency  
Browning, MT 59417

Mr. Earl Old Person  
Chairman  
Blackfeet Tribal Business Council  
Blackfeet Agency  
Browning, MT 59417

Mr. Elmer Main  
Superintendent  
Fort Belknap Agency  
P.O. Box 80  
Harlem, MT 59526

Mr. Henry Brockie, Sr.  
Fort Belknap Community Council  
Gros Ventre & Assiniboine Tribes  
Harlem, MT 59526

Mr. Dennis Whiteman  
Superintendent  
P.O. Box 637  
Poplar, MT 59255

Mr. Norman Hollow  
Chairman  
Fort Peck Tribal Executive Board  
Assiniboine & Sioux Tribes  
Poplar, MT 59255

Mr. John Pereau  
Superintendent  
Rocky Boy Agency  
Box Elder, MT 59521

Mr. John Windy Boy  
Chairman  
Chippewa Cree Business Committee  
Box Elder, MT 59521

(8)  
County Officials

Mrs. Frances M. Webb  
Clerk of the Court  
Phillips County Courthouse  
Malta, MT 59538

Mrs. Ingelef I. Schwartz  
Clerk and Recorder  
Phillips County Courthouse  
Malta, MT 59538

Mrs. Manan Estrem  
Clerk of the Court  
Valley County Courthouse  
Glasgow, MT 59230

Mrs. Mary Lou Eide  
Clerk and Recorder  
Valley County Courthouse  
Glasgow, MT 59230

(9)  
Other Interested Parties

Department of Natural Resources  
Field Office  
P.O. Box 894  
Glasgow, MT 59230

John C. Chaffin  
Dept. of Interior  
SOJ/DER/6045  
h and C Streets NW  
Washington, D.C. 20240

Pat Berry  
Indian Resource Section  
U.S. Dept. of Justice  
10th and Pennsylvania Ave. NW  
Washington, D.C. 20530

Regional Director  
U.S. Fish and Wildlife Service  
Denver Federal Center  
Denver, CO 80225

U.S. Attorney General  
Department of Justice Bldg.  
Washington, D.C. 20530

U.S. Attorney  
Federal Building  
Great Falls, MT 59401

Field Solicitor  
Room 5931  
Federal Building  
Billings, MT 59103

Aaron Hostyk  
U.S. Army Engineer District Omaha  
Corps of Engineers  
6014 U.S. Post Office & Courthse.  
Omaha, NE 68102

G. Steven Brown  
Attorney for Mt. Dept. of  
Fish, Wildlife and Parks  
1313 11th Avenue  
Helena, MT 59601

Tom Luebben  
Attorney at Law  
P.O. Box 25686  
Albuquerque, NM 87125

Ted Doney  
Attorney at Law  
314 North Last Chance Gulch  
Helena, MT 59601

HKM Associates  
Ralph Saunders  
P.O. Box 31318  
Billings, MT 59107



Sherry Matteucci  
Crowley Law Firm  
P.O. Box 2529  
Billings, MT 59103

Swanberg, Coby, Swanberg  
and Matteucci  
P.O. Box 2567  
Great Falls, MT 59403

Dr. S.L. Ponce  
Nat'l Park Service  
Federal Building, Room 343  
301 S. Howes Street  
Fort Collins, CO 80521

Mike Whittington  
Nat'l Park Service  
301 S. Howes Street  
Fort Collins, Co 80521

Tom Hopgood  
Loble & Pauly, P.C.  
Box 176  
Helena, MT 59624

Verr House  
Extension Economics  
210 Linfield Hall  
MSU  
Bozeman, MT 59717

David C. Moon  
P.O. Box 1288  
Bozeman, MT 59715

Lester Loble, attorney  
Box 176  
Helena, MT 59624



**BASIN**

40L

**MISCELLANEOUS  
CORRESPONDENCE,  
WATER COURT**



MONTANA WATER COURTS  
STATE OF MONTANA

January 9, 1985

WATER JUDGES:

Upper Missouri River Basin  
Chief Judge W. W. Lessley  
P.O. Box 878  
Bozeman, MT 59716

Lower Missouri River Basin  
Judge Bernard W. Thomas  
P.O. Box 838  
Chinook, MT 59523

Clark Fork River Basin  
Judge Robert M. Holter  
Lincoln County Courthouse  
Libby, MT 59923

Yellowstone River Basin  
Judge Roy C. Rodeghiero  
P.O. Box 448  
Roundup, MT 59072

RECEIVED  
JAN 10 1985  
MONTANA DEPT. OF NATURAL  
RESOURCES & CONSERVATION

Jim Kindle  
Records Section  
Department of Natural Resources and Conservation  
32 South Ewing  
Helena, MT 59620

Dear Jim:

Enclosed is copy of the new order for Frenchman Creek designating DNRC to mail Notice of Availability and of the order appointing Kathryn Lambert as Master for Frenchman Creek Basin.

If you have any questions, please call.

Sincerely,

*Janet Lackey*  
Janet Lackey  
Clerk

j1  
encl.

expedite and facilitate the adjudication of existing water rights.  
CH. 697 L. 1979

"AN EQUAL OPPORTUNITY EMPLOYER"



IN THE WATER COURTS OF THE STATE OF MONTANA

LOWER MISSOURI DIVISION

FRENCHMAN CREEK

\*\*\*\*\*

IN THE MATTER OF THE ADJUDICATION )  
OF THE EXISTING RIGHTS TO THE USE )  
OF ALL THE WATER, BOTH SURFACE AND )  
UNDERGROUND, WITHIN THE FRENCHMAN )  
CREEK DRAINAGE AREA, INCLUDING ALL )  
TRIBUTARIES OF FRENCHMAN CREEK )  
IN PHILLIPS AND VALLEY COUNTIES, )  
MONTANA. )

O R D E R

DESIGNATING THE DNRC TO MAIL NOTICE OF  
AVAILABILITY OF THE TEMPORARY PRELIMINARY DECREE

This Order complies with the requirements of 85-2-232  
MCA 1978.

ORDERED that the Department of Natural Resources and  
Conservation send by mail to each person and their successor in  
interest, if known, who has filed a claim of existing right in  
the Frenchman Creek Basin (40L), a copy of the Notice of  
Availability of the Temporary Preliminary Decree on that Basin  
and an abstract of the disposition of such person's claim of  
existing right.

ORDERED specifically that the Notice of Availability be  
mailed to: (1) all parties in the Frenchman Creek Basin issued  
permits for water use in that Basin pursuant to 85-2-301 MCA 1978  
or their successor in interest, if known; (2) all parties who have  
applied for permits for use of water in the Frenchman Creek Basin  
pursuant to 85-2-301 MCA 1978; (3) all parties who have been granted  
a reservation in the Frenchman Creek Basin pursuant to 85-2-316  
MCA 1978; (4) all parties in the Frenchman Creek Basin who have

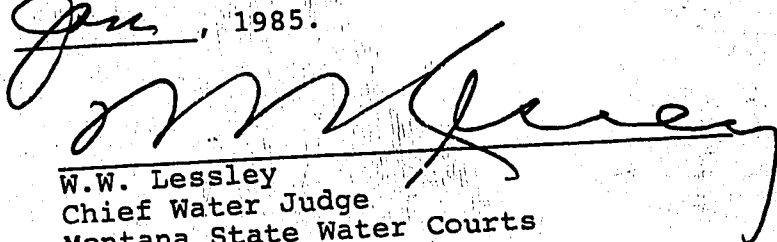
received certificates of water rights pursuant to 85-2-306 MCA 1978 for wells under 100 gallons per minute; (5) all federal land management agencies in the Lower Missouri Division; (6) all neighboring states of the Lower Missouri Division; (7) all Indian tribes of the Lower Missouri Division; (8) the County Clerk of Court and Clerk and Recorder of Phillips and Valley Counties, Montana; (9) any other persons who have requested service of notice from the Water Judge.

ORDERED that the Montana State Water Courts publish the Notice of Availability in newspapers of general circulation in the Frenchman Creek Basin, including the Billings Gazette, the Glasgow Courier and the Phillips County News.

ORDERED that the Department shall make a general certificate of mailing certifying that a copy of notice has been placed in the United States Mail, postage prepaid and addressed to each party required by this Order to be served notice of the Temporary Preliminary Decree.

FINALLY IT IS ORDERED that the original certificate of mailing be filed with the Montana State Water Courts.

DATED this 9 day of June, 1985.

  
W.W. Lessley  
Chief Water Judge  
Montana State Water Courts

IN THE WATER COURTS OF THE STATE OF MONTANA

LOWER MISSOURI DIVISION

\*\*\*\*\*

IN RE THE MATTER OF THE )  
APPOINTMENT OF A WATER )  
MASTER FOR THE WATER COURTS )  
OF THE LOWER MISSOURI DIVISION )

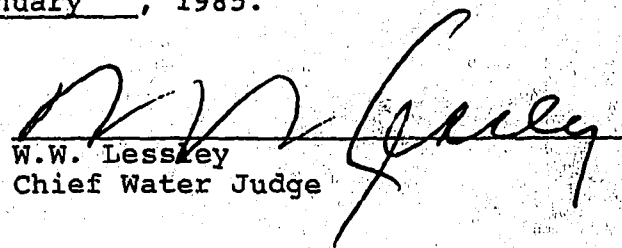
O R D E R

The undersigned, as Water Judge of the Lower Missouri Division, ORDERS that Kathryn L.W. Lambertbe, and she is, hereby appointed Water Master of the Lower Missouri Division for the specific purpose of preparing a Water Master's Report for the Frenchman Creek Basin (Basin 40L) to be submitted to me.

ORDERED that Kathryn L.W. Lambert is appointed as the Water Master of the Lower Missouri Division for the additional and specific purpose of hearing all matters on the Temporary Preliminary Decree and related subjects of the Frenchman Creek Basin.

ORDERED that this appointment takes effect as of the date of this Order.

DATED this 9 day of January, 1985.

  
W.W. Lessley  
Chief Water Judge





CHIEF WATER JUDGE  
MONTANA WATER COURTS  
STATE OF MONTANA  
P.O. BOX 879  
BOZEMAN, MONTANA 59715



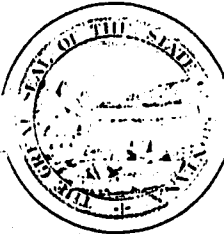
Jim Kindle  
Records Section  
Department of Natural Resources & Conservation  
32 South Ewing  
Helena, MT 59620



BASIN *HOL*

**AMENDED CERTIFICATE**  
**OF MAILING**  
*Temp.*  
**PRELIMINARY DECREE**

DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION  
WATER RESOURCES DIVISION



TED SCHWINDEN, GOVERNOR

32 SOUTH EWING

HELENA, MONTANA 59620

(406) 444-6601 ADMINISTRATION  
(406) 444-6646 ENGINEERING BUREAU  
(406) 444-6668 WATER DEVELOPMENT BUREAU  
(406) 444-6601 WATER MANAGEMENT BUREAU  
(406) 444-6610 WATER RIGHTS BUREAU

June 11, 1985

Ms. Chris Jenson  
Water Courts  
Box 879  
Bozeman, MT 59715

Dear Chris:

Enclosed is the amended certificate of mailing for the Temporary Preliminary Decree for the Frenchman Creek Basin (Basin 401). This mailing was conducted from January 16, 1985 to June 11, 1985.

Sincerely,

*Jim*

Jim Kindle  
Records Section Supervisor  
Water Rights Bureau

Enclosure  
JK/jg

FRENCHMAN CREEK BASIN (Basin 40L)

AMENDED CERTIFICATE OF MAILING

Notice of Entry of Temporary Preliminary Decree and  
Notice of Availability for the Frenchman Creek Basin (Basin 40L)

\*\*\*\*\*

State of Montana )  
County of Lewis and Clark ) ss:

I, JAMES E. KINDLE, Records Supervisor for the Water Resources  
Division of the Department of Natural Resources and Conservation of the State  
of Montana, hereby certify that all return mail for the Notice of Entry of  
Temporary Preliminary Decree and Notice of Availability for the Frenchman Creek  
Basin (Basin 40L) has been researched by the water rights field offices and  
that based on their research the following has been sent, postage prepaid,  
first class, United States Mail:

A. For persons filing claims;

1. owner address changes only. Based on research, all parties  
have been sent the Notice of Entry of Temporary Preliminary Decree and Notice  
of Availability of the Temporary Preliminary Decree. When address changes were  
confirmed by the claimants to the Department, abstracts showing dispositions of  
each party's filings have also been sent;

2. transferred owners. Based on research, all apparent successors  
in interest for water rights concerning return mail have been sent the Notice  
of Entry of Temporary Preliminary Decree and Notice of Availability of the  
Temporary Preliminary Decree and Water Right Transfer Certificate forms.

B. For post July 1, 1973 water rights;

1. all parties in the Frenchman Creek issued permits for water  
use in that Basin pursuant to 85-2-301, MCA, 1978, or their successor in  
interest;

2. all parties who have applied for permits for the use of water in the Frenchman Creek Basin pursuant to 85-2-301, MCA, 1978;

3. all parties who have been granted a reservation in the Frenchman Creek Basin pursuant to 85-2-316, MCA, 1978;

4. all parties in the Frenchman Creek Basin who have received certificates of water rights pursuant to 85-2-306, MCA, 1978, for wells under 100 gallons per minute; the following has been sent:

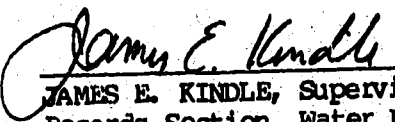
a. owner address changes only. Based on research, all parties have been sent the Notice of Entry of Temporary Preliminary Decree and Notice of Availability of the Temporary Preliminary Decree;

b. transferred owners. Based on research, all apparent successor in interest for water rights concerning return mail have been sent the Notice of Entry of Temporary Preliminary Decree and Notice of Availability of the Temporary Preliminary Decree and Water Right Transfer Certificate form.

This mailing and distribution was made under my direction and control from January 16, 1985 to June 11, 1985.

Original documents concerning return mail, envelopes, research, correspondence, field office confirmation and field office certification of mailing can be found in original files and microfilm files.

Dated this 11th day of JUNE 1985.

  
JAMES E. KINDLE, Supervisor  
Records Section, Water Rights Bureau  
Water Resources Division  
Dept. of Natural Resources and  
Conservation  
State of Montana

attachment

Log of noticed water right owners in the basin



State of Montana )  
: ss.  
County of Lewis & Clark)

On this 11<sup>th</sup> day of June 1985, before me, a Notary Public in and for said state, personally appeared James E. Kindle, known to me to be a Supervisor for the Water Resources Division of the Department of Natural Resources and Conservation, and acknowledges to me that he, in his official capacity, executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal, the day and year in this certificate first above written.

Jim P. Gilman  
Notary Public for the State of Montana  
Residing at HELENA  
My commission expires 1-21-1987

PAGE

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1



BASIN

40L

**CERTIFICATE  
OF MAILING  
NOTICE OF OBJECTION  
AND REQUEST FOR  
PRELIMINARY HEARING**



DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION  
WATER RESOURCES DIVISION



TED SCHWINDEN, GOVERNOR

32 SOUTH EWING

STATE OF MONTANA

HELENA, MONTANA 59620

(406) 444-6631 ADMINISTRATOR  
(406) 444-6646 ENGINEERING BUREAU  
(406) 444-6668 WATER DEVELOPMENT BUREAU  
(406) 444-6601 WATER MANAGEMENT BUREAU  
(406) 444-6610 WATER RIGHTS BUREAU

June 12, 1985

Ms. Chris Jenson  
Water Courts  
Box 879  
Bozeman, MT 59715

Dear Chris:

Enclosed is the certificate of mailing for the Notice of Objections and Request for Preliminary Hearing for Frenchman Creek Basin (Basin 401). This mailing was conducted June 12, 1985.

Sincerely,

*Jim*

Jim Kindle  
Records Section Supervisor  
Water Rights Bureau

Enclosure  
JK/jg

FRENCHMAN CREEK BASIN (Basin 40L)

CERTIFICATE OF MAILING

The Notice of Objection and Request for Preliminary Hearing  
on the Frenchman Creek Basin Temporary Preliminary Decree (Basin 40L)

\*\*\*\*\*

State of Montana )  
County of Lewis and Clark ) ss:

I, JAMES E. KINDLE, Records Supervisor for the Water Resources  
Division of the Department of Natural Resources and Conservation of the State  
of Montana, hereby certify that:

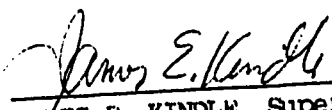
A. The Notice of Objection and Request for Preliminary Hearing for  
each person filing a claim for the Frenchman Creek Basin (Basin 40L) has been  
placed in the United States Mail, postage prepaid and addressed to each party  
as per the records of the Water Rights Bureau, Department of Natural Resources  
and Conservation, June 12, 1985, and updated records of January 16, 1985.

B. The Notice of Objection and Request for Preliminary Hearing for  
the Frenchman Creek Basin (Basin 40L) has been placed in the United States  
Mail, postage prepaid and addressed to each party as per the records of the  
Water Rights Bureau, Department of Natural Resources and Conservation, June 12,  
1985, and updated records of January 16, 1985, for; (1) all parties in the  
Frenchman Creek Basin issued permits for water use in that basin pursuant to  
85-2-301, MCA, 1978, or their successor in interest, if known; (2) all parties  
who have applied for permits for use of water in the Frenchman Creek Basin  
pursuant to 85-2-301, MCA, 1978; (3) all parties who have been granted a  
reservation in the Frenchman Creek Basin pursuant to 85-2-316, MCA, 1978; (4)  
all parties in the Frenchman Creek Basin who have received certificates of

water rights pursuant to 85-2-306, MCA, 1978, for wells under 100 gallons per minute; (5) all federal land management agencies in the Lower Missouri Water Division; (6) all Indian Tribes in the Lower Missouri Water Division; (7) all neighboring states of the Lower Missouri Water Division; (8) the County Clerk of Court and Clerk and Recorder of Phillips and Valley Counties, Montana; (9) any other persons who have requested service of notice from the Water Judge.

This mailing and distribution was made under my direction and control on June 12, 1985.

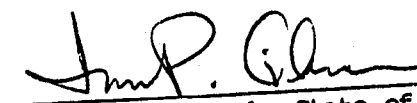
Dated this 12<sup>th</sup> day of JUNE 1985.

  
JAMES E. KINDLE, Supervisor  
Records Section, Water Rights Bureau  
Water Resources Division  
Dept. of Natural Resources and  
Conservation  
State of Montana

State of Montana )  
: ss.  
County of Lewis & Clark)

On this 12<sup>th</sup> day of June 1985, before me, a Notary Public in and for said state, personally appeared James E. Kindle, known to me to be a Supervisor for the Water Resources Division of the Department of Natural Resources and Conservation, and acknowledges to me that he, in his official capacity, executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal, the day and year in this certificate first above written.

  
Notary Public for the State of Montana  
Residing at Helena  
My commission expires 1-21-1987



MONTANA WATER COURTS  
STATE OF MONTANA

June 10, 1985

WATER JUDGES:

Upper Missouri River Basin  
Chief Judge W. W. Lessley  
P.O. Box 879  
Bozeman, MT 59715

Lower Missouri River Basin  
Judge Bernard W. Thomas  
P.O. Box 838  
Chinook, MT 59523

Clark Fork River Basin  
Judge Robert M. Holler  
Lincoln County Courthouse  
Libby, MT 59923

Yellowstone River Basin  
Judge Roy C. Rodeghiero  
P.O. Box 448  
Roundup, MT 59072

RECEIVED

JUN 11 1985

MONT. DEPT. of NATURAL  
RESOURCES & CONSERVATION

Jim Kindle  
Records Section  
DNRC  
32 South Ewing  
Helena, MT 59620

Dear Jim:

Enclosed is the Order Designating the DNRC  
to Mail Notices of Objections and Request for  
Preliminary Hearing and the Notice to Interested  
Parties for Frenchman Creek Basin (40L).

If you have any questions, please contact Kathryn  
Lambert.

Sincerely,

*Janet*  
Janet Lackey  
Clerk

j1  
encl.

"... to expedite and facilitate the adjudication of existing water rights."  
CH. 697 L. 1979

"AN EQUAL OPPORTUNITY EMPLOYER"



RECEIVED

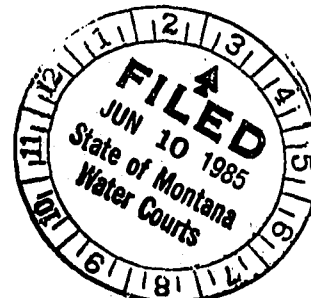
JUN 11 1985

MONT. DEPT. of NATURAL  
RESOURCES & CONSERVATION

IN THE WATER COURTS OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
FRENCHMAN CREEK BASIN (40L)

\*\*\*\*\*

IN THE MATTER OF THE ADJUDICATION )  
OF THE EXISTING RIGHTS TO THE USE )  
OF ALL THE WATER, BOTH SURFACE AND )  
UNDERGROUND WITHIN THE FRENCHMAN )  
CREEK DRAINAGE AREA, INCLUDING ALL )  
TRIBUTARIES OF FRENCHMAN CREEK IN )  
PHILLIPS AND VALLEY COUNTIES, )  
MONTANA. )



ORDER

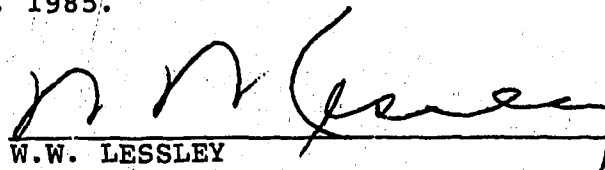
DESIGNATING THE DNRC TO MAIL NOTICES OF OBJECTION  
AND REQUEST FOR PRELIMINARY HEARING

ORDERED that the Department of Natural Resources and Conser-  
vation send by mail to each person and their successor in interest,  
if known, who was named in the Temporary Preliminary Decree in the  
Frenchman Creek Basin (40L), a copy of the Notice of Objection and  
Request for Preliminary Hearing.

ORDERED that the Department of Natural Resources and Conser-  
vation shall make a general certificate of mailing certifying  
that a copy of the Notice has been placed in the United States  
Mail, postage prepaid, and addressed to each party to be  
served by this Order.

FINALLY IT IS ORDERED that the original certificate of mail-  
ing be filed with the Montana State Water Courts.

DATED this 10th day of June, 1985.

  
W.W. LESSLEY  
Chief Water Judge  
Montana State Water Courts

LOWER MISSOURI DIVISION  
NOTICE TO INTERESTED PARTIES

(5)\*  
All Federal Land Management Agencies in the Lower Missouri Division

Area Director  
U.S.D.A. Forest Service  
Federal Building  
Missoula, MT 59807

Division Engineer  
U.S. Army Corps of Engineers  
P.O. Box 103  
Downtown Station  
Omaha, NE 68101

Soil Conservation Service  
10 West Babcock  
Room 443, Federal Building  
Bozeman, MT 59715

Director  
Bureau of Land Management  
P.O. Box 38600  
Billings, MT 59107

Regional Director  
Bureau of Reclamation  
316 North 26th Street  
Room 3035  
Billings, MT 59101

(6)  
All Neighboring States of the Lower Missouri Division

Vernon Fahy  
State Engineer  
North Dakota State Water Commission  
900 East Boulevard  
Bismark, ND 58505

(7)  
All Indian Tribes in the Lower Missouri Water Division

Mr. Michael Fairbanks  
Superintendent  
Blackfeet Agency  
Browning, MT 59417

Mr. Elmer Main  
Superintendent  
Fort Belknap Agency  
P.O. Box 80  
Harlem, MT 59526

Mr. Dennis Whiteman  
Superintendent  
P.O. Box 637  
Poplar, MT 59255

Mr. Earl Old Person  
Chairman  
Blackfeet Tribal Business Council  
Blackfeet Agency  
Browning, MT 59417

Mr. Henry Brockie, Sr.  
Fort Belknap Community Council  
Gros Ventre & Assiniboine Tribes  
Harlem, MT 59526

Mr. Norman Hollow  
Chairman  
Fort Peck Tribal Executive Board  
Assiniboine & Sioux Tribes  
Poplar, MT 59255

G. Steven Brown  
Attorney for Mt. Dept. of  
Fish, Wildlife and Parks  
1313 11th Avenue  
Helena, MT 59601

Ted Doney  
Attorney at Law  
314 North Last Chance Gulch  
Helena, MT 59601

Sherry Matteucci  
Crowley Law Firm  
P.O. Box 2529  
Billings, MT 59103

Swanberg, Coby, Swanberg  
and Matteucci  
P.O. Box 2567  
Great Falls, MT 59403

Dr. S.L. Ponce  
Nat'l Park Service  
Federal Building, Room 343  
301 S. Howes Street  
Fort Collins, CO 80521

Mike Whittington  
Nat'l Park Service  
301 S. Howes Street  
Fort Collins, Co 80521

A. Suzanne Nellen  
Box 1412  
Bozeman, MT 59715

Gerry M. Higgins  
P. O. Box 14  
Ryegate, MT 59074

Michael E. Zimmerman  
40 East Broadway  
Butte, MT 59701

Lyle Manley  
Department of State Lands  
Capitol Station  
Helena, MT 59620

Tim D. Hall  
MT Department of Natural Resources  
and Conservation  
32 South Ewing  
Helena, MT 59620

Tom Luebben  
Attorney at Law  
P.O. Box 25686  
Albuquerque, NM 87125

HKM Associates  
Ralph Saunders  
P.O. Box 31318  
Billings, MT 59107

Tom Hopgood  
Loble & Pauly, P.C.  
Box 176  
Helena, MT 59624

Vern House  
Extension Economics  
210 Linfield Hall  
MSU  
Bozeman, MT 59717

David C. Moon  
P.O. Box 1288  
Bozeman, MT 59715

Lester Loble, attorney  
Box 176  
Helena, MT 59624

Albert E. Wilkins  
6529 East Ellis  
Mesa, AZ 85205

Josephson & Fredricks  
P. O. Box 1047  
Big Timber, MT 59011

Rick Munger  
1007 N. Warren  
Helena, MT 59601

John R. Hill, Jr.  
U.S. Department of Interior  
Bureau of Land Management  
1961 Stout Street, Drawer 3607  
Denver, CO 80294-3607

Richard K. Aldrich  
Office of Solicitor  
Box 1538  
Billings, MT 59103

Mr. John Pereau  
Superintendent  
Rocky Boy Agency  
Box Elder, MT 59521

Mr. John Windy Boy  
Chairman  
Chippewa Cree Business  
Committee  
Box Elder, MT 59521

(8)  
County Officials

Mrs. Frances Webb  
Clerk of Court  
Phillips Co. Courthouse  
Malta, MT 59538

Mrs. Marian Estrem  
Clerk of Court  
Valley County Courthouse  
Glasgow, MT 59230

Mrs. Ingelef I. Schwartz  
Clerk & Recorder  
Phillips Co. Courthouse  
Malta, MT 59538

Mrs. Mary Lou Eide  
Clerk & Recorder  
Valley County Courthouse  
Glasgow, MT 59230

(9)  
Other Interested Parties

Department of Natural Resources  
Field Office  
P. O. Box 894  
Glasgow, MT 59230

Pat Berry  
Indian Resource Section  
U.S. Dept. of Justice  
10th and Pennsylvania Ave. NW  
Washington, D.C. 20530

U.S. Attorney General  
Department of Justice Bldg.  
Washington, D.C. 20530

Field Solicitor  
Room 5931  
Federal Building  
Billings, MT 59103

John C. Chaffin  
Dept. of Interior  
SOL/DER/6045  
18th and C Streets NW  
Washington, D.C. 20240

Regional Director  
U.S. Fish and Wildlife  
Service  
Denver Federal Center  
Denver, CO 80225

U.S. Attorney  
Federal Building  
Great Falls, MT 59401

Aaron Hostyk  
U.S. Army Engineer District  
Omaha  
Corps of Engineers  
6014 U.S. Post Office  
& Courthouse  
Omaha, NE 68102



IN THE WATER COURTS OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
FRENCHMAN CREEK BASIN (40L)

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NOTICE THAT OBJECTIONS HAVE BEEN FILED AND THOSE OBJECTORS  
HAVE REQUESTED PRELIMINARY HEARINGS

This is notice that objections have been filed and hearings have been requested on several of the water rights issued in the Frenchman Creek Basin Temporary Preliminary Decree. If your water right was objected to by another party, you will receive a special notice of that objection attached to this sheet.

WHAT HAPPENS NEXT?

A hearing will be held on those water rights that have been objected to. You are notified that an individual water right may be altered as a result of a hearing requested by another party.

WE SUGGEST YOU LOOK AT ALL OF THE OBJECTIONS FILED IN THE FRENCHMAN CREEK BASIN. THEN YOU CAN DECIDE WHETHER YOU WANT TO APPEAR AND TAKE PART IN ANY HEARINGS. SEE BELOW WHERE YOU CAN SEE THE LIST OF OBJECTIONS FOR YOUR BASIN.

HOW TO APPEAR AND PARTICIPATE IN HEARINGS ON OBJECTIONS

To participate in any hearing on objections filed in this Basin, you MUST file a Notice of Intent to Appear. THAT NOTICE MUST BE ON THE FORMS PROVIDED BY THE WATER COURTS. These forms can be found at the offices listed on page 2.

ALL NOTICES TO APPEAR MUST BE FILED AND RECEIVED BY THE 19th DAY OF July, 1985.

Notices to Appear must be sent to the Water Courts, P.O. Box 879, Bozeman, MT 59715.

The failure to file a Notice may, at the discretion of the Water Judge or Water Master, result in the exclusion of the party at further proceedings or in the continuance of the hearing if the party failing to file appears at the hearing. THOSE PARTIES WHO FILED THE ORIGINAL OBJECTION DO NOT NEED TO FILE A NOTICE OF INTENT TO APPEAR AND PARTICIPATE.

WHERE TO SEE THE LIST OF OBJECTIONS

- A listing of all of the objections is available for review at:
1. Water Courts Office, P.O. Box 879, Bozeman, MT 59715
  2. Department of Natural Resources and Conservation, Water Rights Bureau, 32 South Ewing, Helena, MT 59620
  3. Department of Natural Resources and Conservation, Field Office, 110 5th St. S., Room 118, Glasgow, MT 59230
  4. Clerk of Court, Phillips County, Malta, MT 59538
  5. Clerk and Recorder, Phillips County, Malta, MT 59538
  6. Clerk of Court, Valley County, Glasgow, MT 59230
  7. Clerk and Recorder, Valley County, Glasgow, MT 59230

(Over Please)

A copy of any specific objection in its entirety can be obtained from the Water Courts, P.O. Box 879, Bozeman, MT 59715; telephone toll free in Montana 1-800-624-3270 or (406) 586-4364.

If you have other questions, you may call the Water Courts.

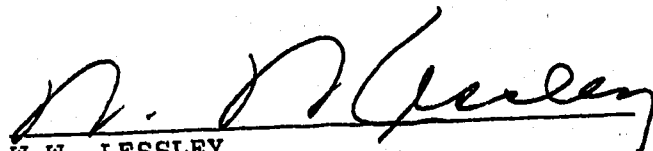
WHAT HAPPENS AFTER?

The Court shall notify those parties who filed an objection or Notice to Appear in a particular preliminary hearing before the time any proceedings are set by the Water Courts.

THE WATER COURT RULES AND FORMS ARE AVAILABLE AT THE OFFICES LISTED BELOW:

1. Water Courts Office, P.O. Box 879, Bozeman, MT 59715
2. Clerk of Court, Phillips County, Malta, MT 59538
3. Clerk of Court, Valley County, Glasgow, MT 59230

DATED this 12th day of June, 1985.

  
W.W. LESSLEY  
Chief Water Judge  
Montana State Water Courts  
P.O. Box 879  
Bozeman, MT 59715

OBJECTIONS TO THE FRENCHMAN CREEK TEMPORARY PRELIMINARY DECREE

40L

Water Right Number	Source	Name of Party Objecting	Party Right Issued To in Decree	Nature of Objection
Basin 40L				
014786	UT Corral Creek	Bureau of Land Management	Turkey Track Ranchers Assoc.	Ownership
014787	UT Cottonwood Creek	Bureau of Land Management	Turkey Track Ranchers Assoc.	Ownership
047695	UT Prestige Coulee	Montana Dept. of State Lands	Montana Dept. of State Lands	Source
068807	Corral Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
068806	Corral Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
072002	UT Sand Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
072003	UT Sand Creek	Bureau of Land Management	Bureau of Land Management	Source, Volume, Flow Rate
073980	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
073981	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
073982	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
073983	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
073984	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
073985	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate

THESE OBJECTIONS TO THE FRENCHMAN CREEK TEMPORARY PRELIMINARY DECREE DO NOT CONTAIN ALL OF THE INFORMATION FILED BY AN OBJECTING PARTY. TO OBTAIN A COPY OF AN OBJECTION IN ITS ENTIRETY, CONTACT THE WATER COURTS AT P.O. BOX 879, BOZEMAN, MONTANA 59715, (406) 586-4363, IN MONTANA, 1 (800) 624-3270.

Water Right Number	Source	Name of Party Objecting	Party Right Issued To in Decree	Basis of Objection
073986	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
073987	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
073988	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
073989	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
073990	UT Rattlesnake Coulee	Bureau of Land Management	Bureau of Land Management	Source, Volume, Flow Rate
073991	UT Rattlesnake Coulee	Bureau of Land Management	Bureau of Land Management	Source, Volume, Flow Rate
073992	UT Cottonwood Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
073993	UT Cottonwood Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
073994	UT Cottonwood Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
073995	UT Cottonwood Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
073996	UT Cottonwood Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
073997	UT Cottonwood Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
073998	UT Corral Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
073999	UT Corral Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074000	UT Corral Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate



Water Right Number	Source	Name of Party Objecting	Party Right Issued To in Decree	Basis of Objection
074001	UT Corral Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074002	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074003	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074004	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074005	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074008	UT Cottonwood Creek	Bureau of Land Management	Bureau of Land Management	Source, Volume, Flow Rate
074009	UT Cottonwood Creek	Bureau of Land Management	Bureau of Land Management	Source, Volume, Flow Rate
074010	UT Cottonwood Creek	Bureau of Land Management	Bureau of Land Management	Source, Volume, Flow Rate
074011	Horse Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074012	UT Corral Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074013	UT Corral Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074014	Shed Coulee	<b>BUREAU OF LAND MANAGEMENT</b>	Bureau of Land Management	<b>VOLUME, FLOW RATE</b>
074015	Shed Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
* 074016	Spring, Tributary Coulter Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
** 074017	Spring, Tributary Coulter Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074018	UT Rattlesnake Coulee	Bureau of Land Management	Bureau of Land Management	Source, Volume, Flow Rate
074019	UT Corral Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate

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Water Right Number	Source	Name of Party Objecting	Party Right Issued To in Decree	Basis of Objection
074020	UT Frenchman Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074021	UT Frenchman Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074022	UT Cottonwood Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074023	UT Cottonwood Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074024	Red Mud Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074025	Red Mud Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074026	Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074027	Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074028	UT Frenchman Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074029	UT Frenchman Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074030	UT School Section Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074031	UT Frenchman Creek	Bureau of Land Management	Bureau of Land Management	Place of Use, Source, Point of Diversion, Volume, Flow Rate
074032	UT Frenchman Creek	Bureau of Land Management	Bureau of Land Management	Source, Volume, Flow Rate
074033	UT Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074034	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074035	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074036	Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074037	Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074038	Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate

Water Right Number	Source	Name of Party Objecting	Party Right Issued To in Decree	Basis of Objection
074039	Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074040	Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074041	Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Point of Diversion, Volume, Flow Rate
074042	Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074043	Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074044	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074045	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074046	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074047	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074048	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074049	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074050	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074051	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074052	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074053	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074054	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074055	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate

Water Right Number	Source	Name of Party Objecting	Party Right Issued To in Decree	Basis of Objection
074056	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074057	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074058	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074059	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074060	Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074061	Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074062	UT Cottonwood Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074063	UT Cottonwood Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074064	Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074065	Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Source, Volume, Flow Rate
074066	Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Source, Volume, Flow Rate
074067	Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074068	Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074069	UT Frenchman Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074070	Dead Horse Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074071	UT Frenchman Creek	Bureau of Land Management	Bureau of Land Management	Place of Use, Point of Diversion, Volume, Flow Rate
074072	UT Frenchman Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074073	UT Frenchman Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate



Water Right Number	Source	Name of Party Objecting	Party Right Issued To in Decree	Basis of Objection
074074	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074075	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074076	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074077	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074078	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074079	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074080	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074081	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074082	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074083	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074084	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074085	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074086	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074087	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074088	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074089	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074090	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate

Water Right Number	Source	Name of Party Objecting	Party Right Issued To in Decree	Basis of Objection
074091	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074092	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074093	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074094	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074095	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074096	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074097	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074098	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074099	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074100	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074101	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074102	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074103	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074156	UT Kennedy Coulee	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074157	UT Kennedy Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074158	UT Kennedy Coulee	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074159	UT Kennedy Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate

Water Right Number	Source	Name of Party Objecting	Party Right Issued To in Decree	Basis of Objection
074160	UT Kennedy Coulee	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074161	UT Kennedy Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074162	UT Kennedy Coulee	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074163	UT Kennedy Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074164	Steelman Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074165	Steelman Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074170	Cottonwood Creek	Bureau of Land Management	Bureau of Land Management	Place of Use, Volume, Flow Rate
074171	Cottonwood Creek	Bureau of Land Management	Bureau of Land Management	Place of Use, Volume, Flow Rate
074172	Turkey Track Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074173	Turkey Track Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074176	Birch Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074177	Birch Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074178	UT of a UT	Bureau of Land Management	Bureau of Land Management	Purpose of Right, Volume, Flow Rate
074179	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074182	UT Frenchman Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
074183	UT Frenchman Creek	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
075432	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
075433	UT of a UT	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate

Water Right Number	Source	Name of Party Objecting	Party Right Issued To in Decree	Basis of Objection
075810	School Section Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
075811	School Section Coulee	Bureau of Land Management	Bureau of Land Management	Volume, Flow Rate
112577	Frenchman Creek	Montana Dept. of State Lands	Montana Dept. of State Lands	Volume, Place of Use, Source, Flow Rate, Point of Diversion
112578	Prestige Coulee	U.S. Bureau of Reclamation	Montana Dept. of State Lands	Volume, Acres Irrigated, Flow Rate
112578	Prestige Coulee	Montana Dept. of State Lands	Montana Dept. of State Lands	Source
112579	Frenchman Creek	U.S. Bureau of Reclamation	Montana Dept. of State Lands	Volume, Acres Irrigated, Flow Rate
119577	Frenchman Creek	Mont. Dept. of Natural Resources and Conservation	Mont. Dept. of Natural Resources and Conservation	Place of Use, Acres Irrigated
119578	Frenchman Creek	Mont. Dept. of Natural Resources and Conservation	Mont. Dept. of Natural Resources and Conservation	Place of Use, Point of Diversion
119580	Frenchman Creek	Mont. Dept. of Natural Resources and Conservation	Mont. Dept. of Natural Resources and Conservation	Place of Use
129630	Frenchman Creek	Motion of Water Courts	Walker Ranch Ltd.	Acres Irrigated, Volume, Flow Rate
129630	Frenchman Creek	Mont. Dept. of Natural Resources and Conservation	Mont. Dept. of Natural Resources and Conservation	Place of Use, Point of Diversion, Acres Irrigated
137560	Frenchman Creek	Montana Dept. of State Lands	Montana Dept. of State Lands	Point of Diversion
167793	UT Panhandle Coulee	Motion of Water Courts	Roger W. Barton	Acres Irrigated, Volume, Flow Rate
167822	Frenchman Creek	Lola Korman	Frenchman Irrigation Co. c/o Lola Korman	Place of Use, Acres Irrigated, Point of Diversion, Means of Diversion

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Water Right Number	Source	Name of Party Objecting	Party Right Issued To in Decree	Basis of Objection
167823	UT Frenchman Creek	Motion of Water Courts	Frenchman Irrigation Co. c/o G. William Brookie	Acres Irrigated, Volume, Flow Rate
167823	UT Frenchman Creek	G. William Brookie	Frenchman Irrigation Co. c/o G. William Brookie	Place of Use, Acres Irrigated, Flow Rate
167832	Frenchman Creek	Gustav A. Yeska	Frenchman Irrigation Co. c/o Gustav A. Yeska	Place of Use, Acres Irrigated, Point of Diversion. Means of Diversion
167853	Burnt Shed Coulee	U.S. Bureau of Reclamation	Norman J. Mavencamp	Volume, Acres Irrigated, Flow Rate
179193	UT Frenchman Creek	Gustav A. and Della M. Yeska	Gustav A. and Della M. Yeska	Source
179195	UT Frenchman Creek	Gustav A. and Della M. Yeska	Gustav A. and Della M. Yeska	Source
182626	Frenchman Creek	Montana Dept. of State Lands	Donald D. Mavencamp, Monte W. Mavencamp, Helen L. Mavencamp, Katherine B. Mavencamp	Ownership
182639	UT Frenchman Creek	U.S. Bureau of Reclamation	Estate of Lillian D. Covington; Henry C. Covington, Marian C. Gwinn, Joanne C. Herring	Acres Irrigated, Volume, Flow Rate
182839	UT Frenchman Creek	Mont. Dept. of Natural Resources and Conservation	Estate of Lillian D. Covington; Henry C. Covington, Marian C. Gwinn, Joanne C. Herring	Acres Irrigated, Volume
182641	Big Coulee Creek	Montana Dept. of State Lands	Joseph R. Mavencamp, et al.	Ownership
182646	Frenchman Creek	Monte W. Mavencamp	Helen M. Mavencamp	Place of Use, Point of Diversion
182646	Frenchman Creek	Bureau of Land Management	Helen M. Mavencamp	Place of Use, Point of Diversion
182647	Frenchman Creek	Monte W. Mavencamp	Helen M. Mavencamp	Place of Use
182669	UT School Section Coulee	Bureau of Land Management	Lyle A. Broadbrooks	Ownership, Source

Water Right Number	Source	Name of Party Objecting	Party Right Issued To in Decree	Basis of Objection
182680	Anderson Coulee	Gustav A. and Della M. Yeska	Gustav A. and Della M. Yeska	Source
182681	Spring, Tributary of Anderson Coulee	Gustav A. and Della M. Yeska	Gustav A. and Della M. Yeska	Source
182683	Spring, Tributary of Anderson Coulee	Gustav A. and Della M. Yeska	Gustav A. and Della M. Yeska	Source
182684	Anderson Coulee	Gustav A. and Della M. Yeska	Gustav A. and Della M. Yeska	Source
182686	UT Frenchman Creek	Gustav A. and Della M. Yeska	Gustav A. and Della M. Yeska	Source
182689	UT Frenchman Creek	Gustav A. and Della M. Yeska	Gustav A. and Della M. Yeska	Point of Diversion, Means of Diversion
182692	Porcupine Coulee	John H. Barton	John H. Barton	Flow Rate
182693	Poplar Coulee	John H. Barton	John H. Barton	Flow Rate
184715	UT Frenchman Creek	Monte W. Mavencamp	Katherine B. Mavencamp and Donald D. Mavencamp	Place of Use, Point of Diversion
184715	UT Frenchman Creek	Bureau of Land Management	Katherine B. Mavencamp and Donald D. Mavencamp	Point of Diversion
184716	UT Frenchman Creek	Monte W. Mavencamp	Katherine B. Mavencamp, Donald D. Mavencamp, Helen L. Mavencamp, Monte W. Mavencamp	Place of Use, Point of Diversion
184716	Ut Frenchman Creek	Bureau of Land Management	Katherine B. Mavencamp, Donald D. Mavencamp, Helen L. Mavencamp, Monte W. Mavencamp	Place of Use, Point of Diversion
188601	Frenchman Creek	Glenn C. Fisher	Frenchman Irrigation Co.	LATE OBJECTION: Place of Use, Acres Irrigated, Point of Diversion
188602	Spring, Tributary of Rattlesnake Coulee	Motion of Water Courts	Aldon C. Bergtoll and Leo O. Bergtoll	Remarks
188603	UT Corral Coulee	Motion of Water Courts	Aldon C. Bergtoll and Leo O. Bergtoll	Remarks

Water Right Number	Source	Name of Party Objecting	Party Right Issued To in Decree	Basis of Objection
188604	Frenchman Creek	Motion of Water Courts	Aldon C. Bergtoll and Leo O. Bergtoll	Remarks
188605	Frenchman Creek	Motion of Water Courts	Aldon C. Bergtoll and Leo O. Bergtoll	Remarks
188606	Frenchman Creek	Motion of Water Courts	Aldon C. Bergtoll and Leo O. Bergtoll	Remarks
188607	Frenchman Creek	Motion of Water Courts	Aldon C. Bergtoll and Leo O. Bergtoll	Remarks
188608	Frenchman Creek	Motion of Water Courts	Aldon C. Bergtoll and Leo O. Bergtoll	Remarks
188609	Corral Coulee	Motion of Water Courts	Aldon C. Bergtoll and Leo O. Bergtoll	Remarks
188610	Rattlesnake Coulee	Motion of Water Courts	Aldon C. Bergtoll and Leo O. Bergtoll	Remarks
188611	Corral Coulee	Motion of Water Courts	Aldon C. Bergtoll and Leo O. Bergtoll	Remarks
188612	Bonner Coulee	Motion of Water Courts	Aldon C. Bergtoll and Leo O. Bergtoll	Remarks
188613	Ash Coulee	Motion of Water Courts	Aldon C. Bergtoll and Leo O. Bergtoll	Remarks
188614	UT Frenchman Creek	Motion of Water Courts	Aldon C. Bergtoll and Leo O. Bergtoll	Remarks
188615	Panhandle Coulee	Motion of Water Courts	Aldon C. Bergtoll and Leo O. Bergtoll	Remarks
188617	Frenchman Creek	Bureau of Land Management	Gustav A. and Della M. Yeska	Place of Use, Point of Diversion
188617	Frenchman Creek	Montana Dept. of State Lands	Gustav A. and Della M. Yeska	Ownership, Place of Use, Point of Diversion

Water Right Number	Source	Name of Party Objecting	Party Right Issued To in Decree	Basis of Objection
* 074016	Spring, Tributary Coulter Coulee	Notice Only	Bureau of Land Management	LATE CLAIM - 5/18/82
** 074017	Spring, Tributary Coulter Coulee	Notice Only	Bureau of Land Management	LATE CLAIM - 5/18/82
*** 167794	Spring, Tributary of Frenchman Creek	Notice Only	Norma G. Hillman	LATE CLAIM - 5/3/82
**** 167795	UT Frenchman Creek	Notice Only	Norma G. Hillman	LATE CLAIM - 5/3/82
***** 167796	UT Frenchman Creek	Notice Only	Norma G. Hillman	LATE CLAIM - 5/3/82



ATTACHMENT TO THE CERTIFICATE OF MAILING FOR THE NOTICE OF OBJECTION AND  
REQUEST FOR PRELIMINARY HEARING.

BASIN

40L

FOR RETURN MAIL LIST, SEE THE NAME VARIATION LIST GENERATED AT THE TIME OF THE  
TEMP. AND/OR PRELIMINARY DECREE MAILING WHICH IS ATTACHED TO THE CERTIFICATE OF  
MAILING FOR THE AMENDED CERTIFICATE OF MAILING FOR THE TEMP. AND/OR PRELIMINARY  
DECREE.

06-107185 19129

NAME VARIATION CHECK ON NEW APP & SB76 OWNERS - BASIN 4GL

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[illegible]

**PAGE**

CAPITOL STATION

HINSDALE  
HELENA  
HELENA  
MALTA  
WHITEWATER  
MALTA  
COLUMBIA FALLS  
SACO  
SACO  
SACO  
MALTA  
SACO  
SACO  
SACO  
SACO  
MALTA  
BILLINGS  
CANADA SQH 3W77  
SACO  
SACO  
SACO

SWIFT CURRENT SASKATCHEWAN

2

RECORDS WRITTEN FOR REPORT 08 --

0

406-171



*Terminated list*

40J 4TURVER MT	59501	LOREN	A RITA	1316 2ND ST
40J 4UDAL MT	59401	LOUIS	J LEONA	817 23RD ST N
40J 7WIESE SR	59537	FRED	C	
40J 4WILLMAN MT	59523	MARILYN	J	BOX 698
40L 7BARNARD MT	59241	ELDEN		BOX 17 STAR RT
40L 7COX MT	59544	CONRAD	L MARJORIE	
40L 7MATH MT	59538	HENRY		BOX 93
40M 7BRUCKNER MT	59538			BOX 1026
40M 7FRYE MT	59538	ROBERT	H THERESA	
40M 7NORMAN MT	59524	WAYNE	H	BOX 11 STAR RT
40M 7R & R SPENCER LAND & LIVESTOCK	59538			BOX 926
40M 7ROBINSON MT	59538	F LEE		BOX 4
40N 7FAUTH MT	59250	WILLERT	M	BOX 467
40O 7BORESON MT	59230	BERNICE		BOX 295
40O 7CHRISTENSEN MT	59241	WILLIAM	J DONNA	BOX 66
40O 7COURT MT	59241	HAROLD	D	FORT PECK RT
40O 7EIDE MT	59230	OTTO	S ESTHER	E TAMPICO RT
40O 7FURMAN MT	59244	DONALD	F	BOX 406
40O 7GALLAGHER MT	59230	GARY	T	BOX 406
40O 7GALLAGHER MT	59230	EARL	H	RT 1 WEST 455
40O 7KNIERIM MT	59230	GEORGE	S	BOX 568
40O 7POWELL MT	59230	SYLVIA	M	BOX 405
40O 7WITTMAYER MT	59230	GRAZING ASSOC		BOX 1168
40P 7GIEBER MT	59214	GRASSLAND & CATTLE CO		SR 277 BOX A-43
40P 7CEDAR MT	59259	ELVINA		BOX 41 RT 1
40P 7DECKERT MT	59259	EDWARD	J DEVONA	BOX 4 RT 1
40P 7GASPER MT	59215			R BOX 21 STAR RT 279
40P 7GASPER INC	59215			BOX 21 STAR RT 279

HAVE  
 GREAT FALLS  
 LORING  
 CHINOOK  
 HINSDALE  
 WHITEWATER  
 MALTA  
 MALTA  
 MALTA  
 DODSON  
 MALTA  
 MALTA  
 OPHEIM  
 GLASGOW  
 HINSDALE  
 HINSDALE  
 GLASGOW  
 LARSLAY  
 GLASGOW  
 GLASGOW  
 GLASGOW  
 GLASGOW  
 BROCKWAY  
 RICHEY  
 RICHEY  
 CIRCLE  
 CIRCLE