

BASIN

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**ORDER AND
WATER MASTER
REPORT**

IN THE WATER COURTS OF THE STATE OF MONTANA

UPPER MISSOURI RIVER DIVISION

DEARBORN RIVER BASIN

IN THE MATTER OF THE ADJUDICATION)
OF THE EXISTING RIGHTS TO THE USE)
OF ALL THE WATER, BOTH SURFACE AND)
UNDERGROUND, WITHIN THE DEARBORN)
RIVER DRAINAGE AREA, INCLUDING ALL)
TRIBUTARIES OF THE DEARBORN RIVER IN)
CASCADE AND LEWIS AND CLARK COUNTIES,)
MONTANA.)

STATE OF MONTANA
Water Courts

I hereby certify that the instrument to
which the certificate is affixed is a true,
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

25 day of April 1984

M. J. Smith
Clerk of the Water Courts

DEARBORN RIVER BASIN TEMPORARY PRELIMINARY DECREE

General Findings of Fact and Conclusions of Law

These Findings of Fact and Conclusions of Law are made a
part of the Dearborn River Temporary Preliminary Decree.

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 - Dearborn River

The Dearborn River, formed by Welcome and Falls Creeks,
rises high in the Scapegoat Wilderness area of Lewis and Clark
County.

The Dearborn flows east and southeast to join the Missouri
River between Helena and Great Falls. On its way, it is
increased with the tributaries of North, South and Middle Forks;

and Rock, Dog and Stickney join the River as it flows to make its joinder with the Missouri. The tributaries of the Dearborn of primary importance are Auchard Creek and Flat Creek.

The topography of the Dearborn plays a large part in the varied climate. The western part of the Basin is within the rugged mountains of the Lewis and Clark National Forest. The eastern part, which is the agricultural portion of the Basin, can be described as foothills and intermountain basins. The eastern topography of the Basin consists of smooth stony slopes, low ridges dominated by barren shale outcrops, basins and narrow entrenched stream valleys with steep sides.

The principal soils are loams and clay loams of varying depths. Many areas are stony.

Precipitation varies widely from the semi-arid conditions found near the mouth of the Basin to fairly large amounts at higher elevations. The foothills and intermountain basins receive most of the annual precipitation during the winter as snowpack.

The Basin is primarily range for cattle. Sheep ranching plays a secondary but important role. Small grain crops are produced which include winter wheat, spring wheat, oats and barley. Crops used for hay include small grains, wild hay, alfalfa and clover.

The Dearborn is part of Montana's early history. On July 18, 1805, Captain Meriwether Lewis wrote in his journal: "This handsome, bold and clear stream we named in honor of the Secretary of War - calling it Dearborn River."

There were 859 claims of existing water rights filed in the Dearborn River Basin for irrigation, stockwatering, domestic and other uses. The boundaries of this Basin are outlined in the attached map.

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. It is then reviewed for actual and beneficial use. 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 Dearborn River 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. The limits of irrigation rights are guided by reliance on crop requirements and the overall efficiency of the irrigation system.

Flow Rates. 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.

Flow rates are measured by the point 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 outlined in the following table:

<u>Climatic Area</u>	<u>Flood Systems (diversion ditch) Volumes (AF/A)</u>	<u>Sprinkler & Pumped Diversion Systems Volumes (AF/A)</u>	<u>Water Spreading Systems, Sub-irrigation and Natural Overflow Volumes (AF/A)</u>
I	5.7	3.8	2.3
II	5.3	3.5	2.1
III	5.0	3.3	2.0
IV	4.6	3.1	1.9
V	4.4	3.0	1.8

Climatic areas are delineated by reliance on the designation of Irrigation Guide for Montana, USDA, S.C.S., 1973.

Volumes are measured at the point of diversion.

Any claimed volume not exceeding those designated in the table are decreed as claimed. Those exceeding the volume designated in the table are reduced in accord with those standards. In any case, where the documentation clearly supports a greater amount, it was so decreed.

Place of Use.

A. Verification of Place of Use. Irrigation rights are decreed to a defined place of use. In delineating the place of use, the claim is verified by the use of aerial photographs, field investigation and data submitted by the Department of Natural Resources and Conservation and the claimant. The place of use for irrigation is accepted as claimed except when the land did not appear irrigated or irrigable.

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. Each water right is decreed a specific place of use, flow rate and volume. Where these rights are used jointly, the combined volume and flow rate cannot exceed the amount of water necessary for the designated beneficial use.

The water user has the right to determine the volume contribution of each source or priority up to the maximum volume.

Period of Use. Because the period of use can vary widely for each individual user, the period of use is accepted as claimed unless the claimed period of use contradicts a previously decreed or documented period of use.

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. Those seasons are as follows:

<u>Climatic Area</u>	<u>Period of Use</u>
I	3-15 to 11-15
II	4-01 to 10-30
III	4-15 to 10-15
IV	4-20 to 10-10
V	4-25 to 10-05

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.

10. Irrigation Districts

Some irrigation districts used their water rights on designated places of use and the right has become appurtenant to the land. In those cases, the claim was verified and decreed in accord with the criteria used for all other irrigation claims.

Where the irrigation district engaged in the sale of water or the place of use changed on a continuing basis, the claimed flow rate and volume were decreed as claimed without an attempt to verify usage.

The several rights on one claim form are identified as being supplemental. Water rights from separate sources that water the same land are identified as being supplemental.

11. Domestic Use

Flow Rate. The average flow rate from a groundwater source in the State of Montana is approximately 25 gallons per minute. However, a flow rate of 40 gallons per minute is acceptable. As a result, those domestic rights with a claimed flow rate of 40 gallons per minute or less are so decreed. Where the claimed flow rate and the accompanying documentation does not substantiate a flow rate, the right is decreed a flow rate of 25 gallons per minute. When a flow rate claimed had been previously decreed, the flow rate is not changed.

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.

12. Stockwater

Volume. Stockwater is a beneficial use of water. The limit of 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.

13. 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.

14. Other Uses

In the Dearborn River Basin, claims for fish, wildlife, recreation, mining and commercial use were submitted.

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

"Murphy Rights." Section 1 of Chapter 345 of the 1969 Session Laws provided for the appropriation of water in designated streams to maintain fish and wildlife habitat. The Court subjects these rights to all prior existing rights pursuant to 89-801 RCM 1947. The flow rate and volume of these rights are subject to change should the Court determine the waters are needed for a use determined to be more beneficial to the public.

Flow Rates. Flow rates are decreed as claimed unless the documentation accompanying the claim supported a different amount. The Court could not, however, determine a flow rate for the minimal amount necessary to sustain fishing, wildlife, recreation and navigation. Flow rates for mining, power

generation and fish raceways are accepted when it is determined that the amount claimed is less than the average annual stream flow. Rates in excess of the average annual stream flow are reduced to that average rate.

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

Commercial and industrial use are limited to a reasonable volume of five acre-feet unless documentation supported a higher volume.

Incidental Use. Many purposes, especially fish, wildlife and recreation, are incidental to another beneficial use of water. The extent of the water right for an incidental use is no more than the extent of the primary use of the water.

Non-Consumptive Use. The Court recognizes that several uses do not consume water. A remark is added to these uses declaring the use to be non-consumptive.

15. Standards

Standards have been used by the Water Court to aid in calculating flow rate, volume and other elements of a water right. These standards are guidelines only and can be modified to reflect an individual's own circumstances upon objection.

16. Claimed Federal Reserved Water Rights

The determination of water rights in the Dearborn River Basin shall be subject to the contents of any future compact negotiated by the Montana Reserved Water Rights Compact

Commission and the United States of America which will determine reserved water rights of the United States Forest Service. Should no compact be approved in accordance with Title 85, Part 2, Chapter 7, Montana Code Annotated (1983) or applicable law, this Preliminary Decree is subject to the determination, in accordance with State procedure, of water rights claims of the United States of America on behalf of the United States Forest Service. The general adjudication of water rights is to cover rights to the use of water which would be protected under the law as it existed prior to July 1, 1973, subject to the livestock and domestic uses exempted in 85-2-222 Montana Code Annotated (1983).

17. 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.

Based on the Findings of Fact, the Water Judge 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.

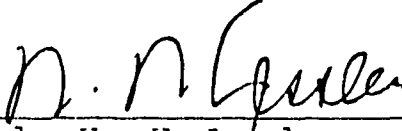
Should the reserved water rights claims of the United States of America on behalf of the United States Forest Service be determined by a compact approved in accordance with Title 85, Part 2, Chapter 7, Montana Code Annotated (1983), or approved in accordance with applicable law, objections to the Preliminary Decree may be made by the United States of America, the Department of Natural Resources and Conservation, a person named in this Decree, or any other person for good cause shown.

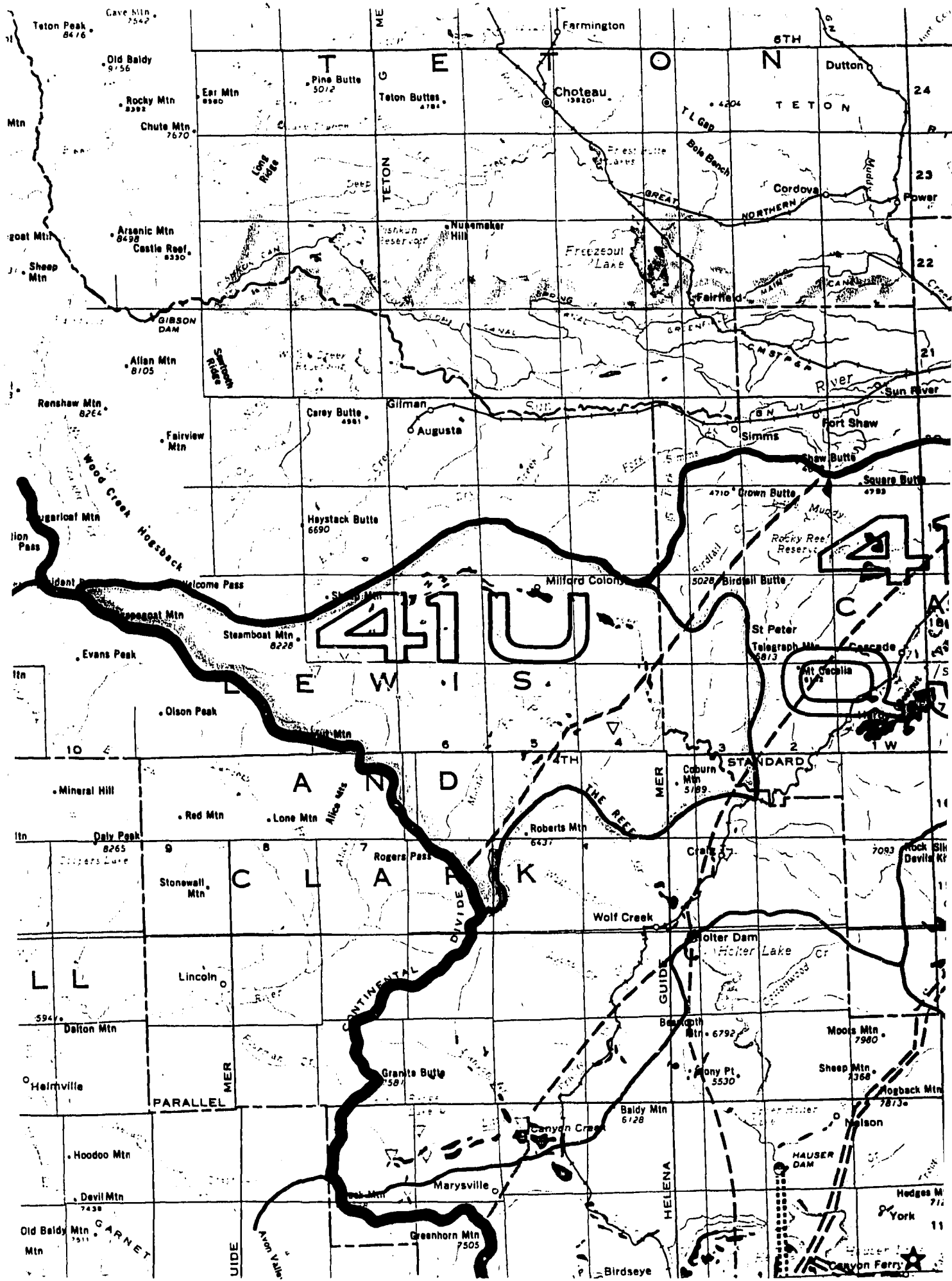
Should no compact be approved, the claim of the United States of America on behalf of the United States Forest Service will be determined by this Court in accordance with State procedure.

No Final Decree will be issued on the Dearborn River Basin until each person who has filed a claim of existing right and

the United States of America on behalf of the United States Forest Service has been notified of the determination of all water right claims in the Basin, including the reserved water rights of the United States Forest Service, and any proper objections to those determinations have been heard.

DATED this 23 day of April, 1984.


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



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LEWIS

AND

CLARK

PARALLEL

GRANITE BUTTE

MARYSVILLE

GREENHORN MOUNTAIN

STANDARD

WOLF CREEK

BOILER DAM

HELENA

BIRDSEYE

ST. PETER

ROCK BLISS

MOON MOUNTAIN

HAUSER DAM

HEDGES MOUNTAIN

CANYON FERRY

IN THE WATER COURTS OF THE STATE OF MONTANA

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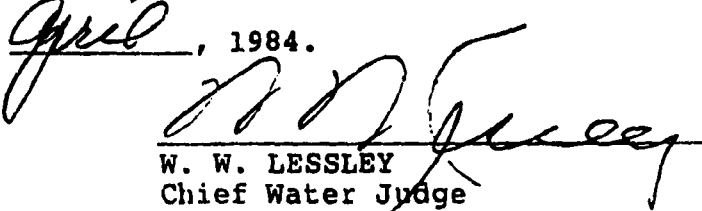
MEMORANDUM

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 23 day of April, 1984.


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

IN THE WATER COURTS OF THE STATE OF MONTANA
UPPER MISSOURI RIVER DIVISION

DEARBORN RIVER BASIN

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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 triangles 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.

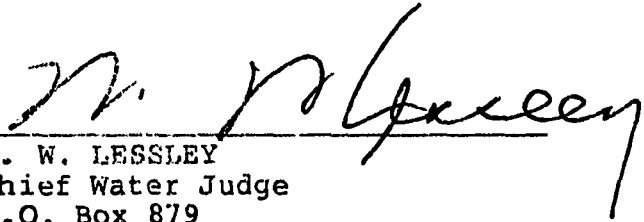
All of this procedure is considered by the Water Courts because in the words of the law, ". . . the water and water rights within each water division are interrelated, it is the intent of the legislature to conduct unified proceedings for the

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 29 day of April, 1984.


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

BASIN 414

**NOTICE OF ENTRY OF
PRELIMINARY DECREE AND
NOTICE OF AVAILABILITY**

IN THE WATER COURTS OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION - DEARBORN RIVER BASIN (41U)
* * * * *

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 Dearborn River Basin.

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 Dearborn River 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 PURSUANT TO WATER COURTS RULE #6 AND ON THE FORMS PROVIDED BY THE WATER COURTS.

ALL OBJECTIONS MUST BE FILED AND RECEIVED BY THE 9th DAY OF AUGUST, 1984. Objections must be sent to the Montana 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 9th day of August, 1984. USE THE FORM FURNISHED BY THE WATER COURTS AND FOLLOW WATER COURT RULE #7.

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

See it at:

1. Water Courts Office, P.O. Box 879, 601 Haggerty Lane, Bozeman, MT 59715
2. Department of Natural Resources, Water Rights Bureau, 32 South Ewing, Helena, MT 59620
3. Department of Natural Resources Field Office, 28 S. Rodney

(Over Please)

Helena, MT 59620

4. Clerk of the Court, Cascade County, Great Falls, MT 59401
5. Clerk and Recorder, Cascade County, Great Falls, MT 59401
6. Clerk of the Court, Lewis and Clark County, Helena, MT 59601
7. Clerk and Recorder, Lewis and Clark County, Helena, MT 59601

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

1. Water Courts Office, P.O. Box 879, 601 Haggerty Lane, Bozeman, MT 59715
2. Department of Natural Resources, Water Rights Bureau, 32 South Ewing, Helena, MT 59620
3. Department of Natural Resources, Field Office, 28 S. Rodney Helena, MT 59620
4. Clerk of the Court, Cascade County, Great Falls, MT 59401

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.

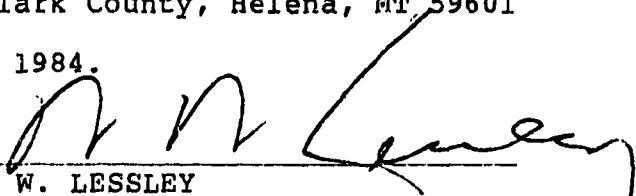
AFTER OBJECTIONS ARE FILED

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, 601 Haggerty Lane, Bozeman, MT 59715
2. Clerk of the Court, Cascade County, Great Falls, MT 59401
3. Clerk of the Court, Lewis and Clark County, Helena, MT 59601

DATED this 10th day of May, 1984.


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

BASIN 414

**ACCEPTABLE LAKE AND
RESERVOIR NAMES**

BASIN 41U

Acceptable Lake Name

Outflowing Stream

1) Bean Lake

Dearborn River

BASIN 414

**CERTIFICATE
OF MAILING**

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION
WATER RESOURCES DIVISION



TED SCHWINDEN, GOVERNOR

32 SOUTH EWING

STATE OF MONTANA

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

HELENA, MONTANA 59620

May 14, 1984

Ms Chris Jenson
Water Courts
Box 879
Bozeman, MT 59715

Dear Chris:

Enclosed is the certificate of mailing for the Dearborn River Basin (Basin 41U). This mailing was completed May 10, 1984.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Kindle".

Jim Kindle
Records Section Supervisor
Water Rights Bureau

Enclosure
JK/jg

publison 6 graph

DEARBORN RIVER BASIN (Basin 41U)

CERTIFICATE OF MAILING

The Notice of Entry of Temporary Preliminary Decree and Notice of Availability
for the Dearborn River Basin (Basin 41U)

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 Dearborn River Basin (Basin 41U) 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, May 10,
1984.

B. The Notice of Entry of Temporary Preliminary Decree and Notice of
Availability for the Dearborn River Basin (Basin 41U) 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, May 10, 1984 for (1) all parties in the Dearborn River 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 Dearborn River Basin pursuant to 85-2-301 MCA 1978;

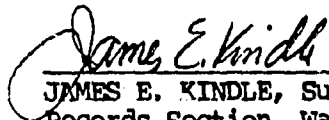
(3) all parties who have been granted a reservation in the Dearborn River Basin pursuant to 85-2-316 MCA 1978; (4) all parties in the Dearborn River Basin who have received certificates of water rights pursuant to 85-2-306 MCA 1978 for wells under 100 gallons per minute; (5) all federal land management agencies in the Missouri Water Division; (6) all Indian Tribes in the Missouri Water Division; (7) all neighboring states of the Missouri Water Division; (8) the County Clerk of Court and Clerk and Recorder of Cascade, and Lewis & Clark Counties, Montana; (9) 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 Cascade and Lewis & Clark Counties entire copies of the Temporary Preliminary Decree for the Dearborn River Basin and indexes thereto.

D. The Department of Natural Resources and Conservation sent to the Clerk of Court of Cascade County (Great Falls, MT) microfilm copies of prima facia claims and Department records for all claims submitted in the Dearborn River Basin.

This mailing and distribution was made under my direction and control on May 11, 1984.

Dated this 14th day of MAY, 1984.

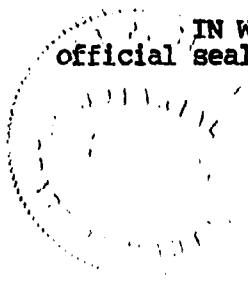


JAMES E. KINDLE, Supervisor
Records Section, Water Rights Bureau
Water Resources Division
Department of Natural Resources and
Conservation
State of Montana

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

On this 14 day of May, 1984, 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.



John P. Gibbons
Notary Public for the State of Montana
Residing at Helena
My Commission expires 1-21-1987

NOTICE TO INTERESTED PARTIES

Basin 41U

(5)
All Federal Land Management Agencies in the Upper 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 Upper Missouri Division

Director
Department of Water Resources
450 West State Street
Boise, ID 83720

George L. Christopulos
State Engineer
State Office Building East
Cheyenne, WY 82002

(7)
All Indian Tribes in the Upper Missouri Division

Mr. Michael Fairbanks
Superintendent
Blackfeet Agency
Browning, MT 59417

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

(8)
County Officials

Mrs. Florence McGiboney
Clerk of the Court
Cascade County Courthouse
Great Falls, MT 59401

Mr. Joe Tropila
Clerk and Recorder
Cascade County Courthouse
Great Falls, MT 59401

Mrs. Clara Gilbreath
Clerk of the Court
Lewis and Clark Co. Courthouse
Helena, MT 59601

Miss Sue Bartlett
Clerk and Recorder
Lewis and Clark Co. Courthouse
Helena, MT 59601

(9)

Other Interested Parties

Department of Natural Resources
Field Office
28 South Rodney
Helena, MT 59620

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

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

Regional Director
U.S. Fish and Wildlife Service
P.O. Box 25486
Denver Federal Center
Denver, CO 80225

U.S. Attorney General
Department of Justice Building
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 and Courthouse
Omaha, NE 68102

G. Steven Brown
Attorney for Montana Dept.
Fish, Wildlife & Parks
1313 11th Avenue
Helena, MT 59601

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

Rich Munger
1007 North Warren
Helena, MT 59601

Tez Doney
Attorney at Law
314 N. Last Chance Gulch
Helena, MT 59601

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

11A

U.S. ...

6-29-77

Form No. 101

(Rev. 11/74)

RECEIVED

JUN 29 1977

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
12 Smith Drive, Helena, Montana 59601

HU

NOTICE OF COMPLETION OF GROUND-WATER DEVELOPMENT
(For ground-water developments with a maximum yield less than 100 gpm)

IMPORTANT
The right to the use of ground water is not automatic. Your priority will be determined by the date of filing this form; however, DO NOT SIGN THIS FORM UNTIL THE DEVELOPMENT IS COMPLETED, WITH PUMP OR OTHER MEANS OF WITHDRAWAL INSTALLED. Attach the appropriate filing fee, payable to the Department of Natural Resources and Conservation.

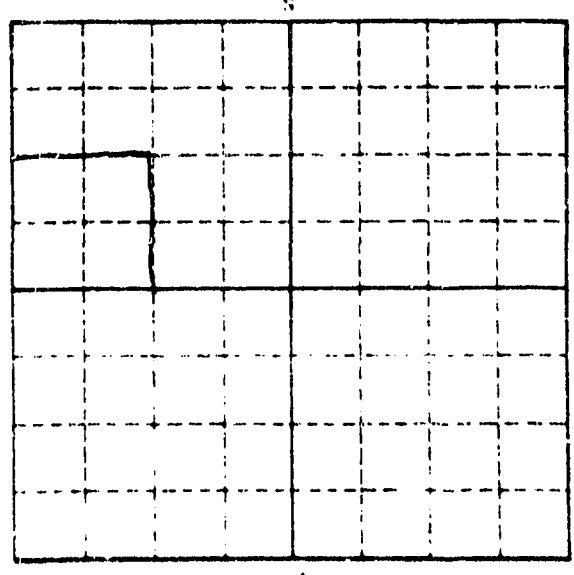
FOR DEPARTMENT USE ONLY
Notice No. 13736-9414
Date received June 29, 1977
(month) (day) (year)
Time 1:55 by John V. ...
Transmittal No. 77-249
Fee received \$5.00
3/130/92mk

(Please type or print in ink)

1. Name(s) Philip L. Paul
Mailing address 804. 4th Ave. So.
City or town Great Falls State Mont 59405
Home phone no. 453-9123 Other phone No. _____

2. Source of water supply Well
(well, pit, developed spring, sump, etc.)

3. Point of withdrawal:
Lot _____ Block _____
Subdivision _____
SW 1/4 NW 1/4 Section 27
Range 16 North
County Lewis & Clark



Scale: 1 inch = 100 feet

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U

**** OWNER LIST ****

ALT BOX 211 AUGUSTA	CARLIN	J	MT	59410
ALT BOX 124 AUGUSTA	PAULINE	B	MT	59410
APS CORP 710 10TH AVE SW GREAT FALLS			MT	59404
BARRETT BOX 288 AUGUSTA	PHYLLIS	A	MT	59410
BARRETT BOX 288 AUGUSTA	WARREN		MT	59410
BARRETT LAND & LIVESTOCK CO BOX B AUGUSTA			MT	59410
BAY WOLF CREEK	BETTY	A	MT	59648
BEAN BOX B AUGUSTA	ETHEL	M	MT	59410
BEAN AUGUSTA	FERN	L	MT	59410
BEAN AUGUSTA	WALLACE	R	MT	59410
BROWN WOLF CREEK	HELEN	G	MT	59648

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U

**** OWNER LIST ****

BURGGRAFF	JUDY	B	
WOLF CREEK		MT	59648
BURGGRAFF	JUDY	B	
PO BOX 173		MT	59648
WOLF CREEK			
BURGGRAFF	PETER	A	
WOLF CREEK		MT	59648
BURGGRAFF	PETER	A	
PO BOX 173		MT	59648
WOLF CREEK			
C BAR N MISSION BOARD			
BOX 444		MT	59410
AUGUSTA			
CANFIELD	ALICE	M	
WOLF CREEK		MT	59648
CANFIELD	LESTER	F	
WOLF CREEK		MT	59648
CRABTREE	BOBBY JEAN		
MISSION RT		MT	59421
CASCADE			
CRABTREE	FRANK	C	
MISSION RT		MT	59421
CASCADE			
CURRAN	D	M	
% FIRST NATIONAL BANK BLDG			
SUITE 500		MT	59401
GREAT FALLS			
CURRAN	D MICHAEL		
FIRST NATIONAL BANK BLDG			
SUITE 500		MT	59401
GREAT FALLS			

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 4TU

**** OWNER LIST ****

CURRAN 1ST NATIONAL BANK BLDG SUITE 500 GREAT FALLS	D MICHAEL MT	59401	CURRAN 1ST NATIONAL BANK BLDG STE 500 GREAT FALLS	D MICHAEL MT	59401	CURRAN 1ST NATIONAL BANK BLDG SUITE 500 GREAT FALLS	D MICHAEL MT	59401
CURRAN 1ST NATIONAL BANK BLDG STE 500 GREAT FALLS	D MICHAEL MT	59401						
CURRAN OIL CO 1ST NATIONAL BANK BLDG SUITE 500 GREAT FALLS	MT	59401						
DEARBORN CANAL & WATER CO % ED BARRETT DEARBORN RANCH WOLF CREEK	MT	59648						
DEBUS 1501 CHESTNUT HELENA	DOROTHY MT	59601						
DELLMO BOWMANS CORNER WOLF CREEK	ROBERT MT	59648						
DIEZIGER 3604 5TH AVE S GREAT FALLS	DELBERT MT	59405						
DIEZIGER 3604 5TH AVE S GREAT FALLS	SHARON MT	59405						
DURR 710 10TH AVE SW GREAT FALLS	CHARLES MT	59404						
DURR 710 10TH AVE SW GREAT FALLS	SYLVIA MT	59404						
ELDER 1400 HAUSER BLVD HELENA	KATHIE MT	59601						

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
 BASIN 41U

**** OWNER LIST ****

ELDER 1400 HAUSER BLVD HELENA	KENNETH MT	S 59601
FRANKLIN 4428 6TH AVE S GREAT FALLS	GARY MT	J 59405
FRANKLIN 4428 6TH AVE S GREAT FALLS	RUTH MT	E 59405
GIBSON, TOM LIVESTOCK CO WOLF CREEK	MT	59648
GILBERT 2920 NATIONAL AVE HELENA	ROBERT MT	N 59601
HARMAN 14817 HAYMARKET LN CENTREVILLE	LAURINDA VA	B 22020
HEYDWEILLER WOLF CREEK	THOMAS MT	D 59648
HICKS L Y RANCH WOLF CREEK	BILL MT	C 59648
HICKS L Y RANCH WOLF CREEK	SHIRLEY MT	E 59648
HILGER WOLF CRE	DON MT	W 59648
HILGER WOLF CREEK	SARA MT	B 59648

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U

**** OWNER LIST ****

HOWE	GRACE	M	
WOLF CREEK		MT	59648
INGERSOLL	WILMER	Z	
WOLF CREEK		MT	59648
JACKSON	JOYCE	L	
4 NORTHWESTERN DR		MT	59715
BOZEMAN			
JACKSON	M	J	
4 NORTHWESTERN DR		MT	59715
BOZEMAN			
JACKSON	MIKE	J	
4 NORTHWESTERN DR		MT	59715
BOZEMAN			
KELLY	MATILDA	A	
4725 N MONTANA AVE		MT	59601
HELENA			
KELLY	VICTOR	R	
4725 N MONTANA AVE		MT	59601
HELENA			
KENCK, JR	OSCAR	A	
AUGUSTA		MT	59401 59410
KERKES	ELEANOR		
STAR RT BOX 40		MT	59672
SAND COULEE			
KRONE RANCH INC			
BOX 275		MT	59410
AUGUSTA			
KYLER	EDWARD	W	
MISSION RT		MT	59421
CASCADE			

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41'

**** OWNER LIST ****

KYLER MISSION RT CASCADE	MARY	K	
		MT	59421
LARKIN 105 RIVERVIEW DR W GREAT FALLS	GLORADON	S	
		MT	59404
LEVINE LAND & CATTLE CO WOLF CREEK			
		MT	59648
MASONIC HOME OF MONTANA 425 N PARK AVE HELENA			
		MT	59601
MCAULEY RT 1 S BOX 2329 CASCADE	JOE	R	
		MT	59421
MCAULEY RT 1 S BOX 2329 CASCADE	MARY	L	
		MT	59421
MCCANN 2805 BONITA GREAT FALLS	ANNE	M	
		MT	59404
MCDONOUGH WOLF CREEK	NORMAN	L	
		MT	59648
MCGILLIS 4401 RIVER DR N GREAT FALLS	DONALD		
		MT	59401
MCGILLIS 4401 RIVER DR N GREAT FALLS	PATRICIA	H	
		MT	59401
MCKELVEY 829 N RODNEY HELENA	NORA	B	
		MT	59601

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U

**** OWNER LIST ****

MELANEY NW OF WOLF CREEK WOLF CREEK	CHARLES	F	
	MT		59648
MELANEY NW OF WOLF CREEK WOLF CREEK	SUSAN	M	
	MT		59648
MILFORD COLONY INC WOLF CREEK			
	MT		59648
MONTANA, STATE OF BOARD OF LAND COMMISSIONER DEPARTMENT OF STATE LANDS CAPITOL STATION HELENA			
	MT		59620
MONTANA, STATE OF DEPT OF FISH WLDLFE & PARK 1420 E 6TH AVE HELENA			
	MT		59620
MONTANA, STATE OF DEPT OF HIGHWAYS 2701 PROSPECT HELENA			
	MT		59620
MOSHER BOX 285 AUGUSTA	FERN	V	
	MT		59410
MOSHER BOX 285 AUGUSTA	RICHARD	M	
	MT		59410
MOSHER BOX 385 AUGUSTA	S WILLIAM		
	MT		59410
MOSHER, STEPHEN RANCH INC BOX 385 AUGUSTA			
	MT		59410
MURPHY WOLF CREEK	ARTHUR	J	
	MT		59648

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U

***** OWNER LIST *****

MURPHY	BETTY	C	
WOLF CREEK		MT	59648
MURPHY	GARY	E	
WOLF CREEK		MT	59648
MURPHY	MABEL	E	
WOLF CREEK		MT	59648
MYLES 57 INC 611 N JACKSON ST HELENA		MT	59601
NELSON 710 10TH AVE SW GREAT FALLS	BRUCE	A	
		MT	59404
NELSON 611 N JACKSON HELENA	MICHAEL	E	
		MT	59601
NELSON 611 N JACKSON ST HELENA	MICHAEL	E	
		MT	59601
NELSON, BRUCE HOMES 1401 11TH AVE S GREAT FALLS		MT	59404
NICHOLS 1901 9TH AVE HELENA	HARRY	V	
		MT	59601
NOEL	BETH	M	
WOLF CREEK		MT	59648
NOEL	ROY	D	
WOLF CREEK		MT	59648

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U

**** OWNER LIST ****

OBRIEN 2120 5TH AVE N GREAT FALLS	MARY MT	J 59401
OBRIEN 2120 5TH AVE N GREAT FALLS	PATRICK MT	J 59401
OLSON 3433 8TH AVE N GREAT FALLS	FAYE MT	M 59401
ONEILL CASCADE	GENE MT	 59421
ONEILL CASCADE	HOWARD MT	P 59421
PAUL 2422 WALNUT ST BUTTE	COLLEEN MT	A 59701
PAUL 504 4TH AVE S GREAT FALLS	PHILIP MT	L 59405
POTTER 2020 1ST AVE SW GREAT FALLS	FRANK MT	A 59404
POTTER 2020 1ST AVE SW GREAT FALLS	JOELLEN MT	A 59404
QUIRK 1712 13TH AVE S GREAT FALLS	JAMES MT	J 59405
RITTEL BLACK TAIL RANCH WOLF CREEK	JOHN MT	F 59648

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U

**** OWNER LIST ****

ROWE 3411 7TH AVE S GREAT FALLS	CLARENCE MT	J 59405
ROWE 3411 7TH AVE S GREAT FALLS	CONRAD MT	J 59405
RUGWELL 1313 15TH AVE S GREAT FALLS	ARTHUR MT	W 59405
RUGWELL 1313 15TH AVE S GREAT FALLS	RUTH MT	J 59405
SCHOEDEL STAR RT WOLF CREEK	KAREN MT	L 59648
SCHOEDEL STAR RT WOLF CREEK	TIMOTHY MT	P 59648
SEMAN 105 RIVERVIEW DR W GREAT FALLS	ARLEN MT	 59404
SEVERTSON 309 26TH ST NW GREAT FALLS	JOHN MT	M 59404
SHOQUIST 3433 8TH AVE N GREAT FALLS	SHIRLEY MT	R 59401
SKEES 1117 1 AVE S GREAT FALLS	JOHN MT	R 59403
SOAP CREEK CATTLE CO PO BOX 275 AUGUSTA	 MT	 59410

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U

**** OWNER LIST ****

STEINBACH MARVIN H
WOLF CREEK MT 59648

STEINBACH RANCH CO
WOLF CREEK MT 59648

TANNEHILL NANCY S
BOX 557
CASCADE MT 59421

TAYLOR JUDITH W
WOLF CREEK MT 59648

THOMPSON ARTHUR D
WOLF CREEK MT 59648

THOMPSON FAY E
WOLF CREEK MT 59648

THOMPSON FRANK C
WOLF CREEK MT 59648

THOMPSON MARGIE A
WOLF CREEK MT 59648

US AIRFORCE
US ARMY CORPS OF ENGINEERS
SEATTLE DISTRICT PO BOX C3755
SEATTLE WA 98124

US DEPT OF AGRICULTURE FOREST SERVICE
REGION 1
PO BOX 7669
MISSOULA MT 59807

US DEPT OF ARMY CORP OF ENGINEERS
SEATTLE DISTRICT
PO BOX C3755
SEATTLE WA 98124

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U

**** OWNER LIST ****

VACURA 2625 HOWARD AVE BILLINGS	JERRY	MT	59102
VACURA 2625 HOWARD AVE BILLINGS	MARTHA	MT	E 59102
WILLIAMS WOLF CREEK	LUCILE	MT	J 59646
WILSON DIAMOND DOT RANCH WOLF CREEK	ANITA	MT	J 59648
WILSON DIAMOND DOT RANCH WOLF CREEK	JOHNNY	MT	R 59648
WISEMAN BOX 116 STAR RT VAUGHN	GLENN	MT	R 59487
WISEMAN BOX 115 STAR RT VAUGHN	LEROY	MT	G 59487

BASIN 414

**WATER COURT ORDERS
AND CORRESPONDENCE
PRELIMINARY DECREE**



MONTANA WATER COURTS

STATE OF MONTANA

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 938
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

April 17, 1984

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

Re: Dearborn River Basin

Dear Jim:

Enclosed is a copy of the Order designat-
ing the Department to mail the Notice of
Availability on this Basin.

If you have any questions, please give
me a call. Judge Lessley will be handling
this Basin himself.

Thank you.

Sincerely,

Chris

Chris Jensen
Clerk

caj
encl.

RECEIVED
APR 19 1984

MONT. DEPT. OF NATURAL
RESOURCES & CONSERVATION

IN THE WATER COURTS OF THE STATE OF MONTANA

UPPER MISSOURI DIVISION

DEARBORN RIVER BASIN

* * * * *

IN THE MATTER OF THE ADJUDICATION)
OF THE EXISTING RIGHTS TO THE USE)
OF ALL THE WATER, BOTH SURFACE AND)
UNDERGROUND, WITHIN THE DEARBORN)
RIVER DRAINAGE AREA, INCLUDING ALL)
TRIBUTARIES OF THE DEARBORN RIVER)
IN CASCADE AND LEWIS AND CLARK)
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 Dearborn River Basin (Basin 41U), 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 Dearborn River 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 Dearborn
River Basin pursuant to 85-2-301 MCA 1978; (3) all parties who
have been granted a reservation in the Dearborn River Basin
pursuant to 85-2-316 MCA 1978; (4) all parties in the Dearborn

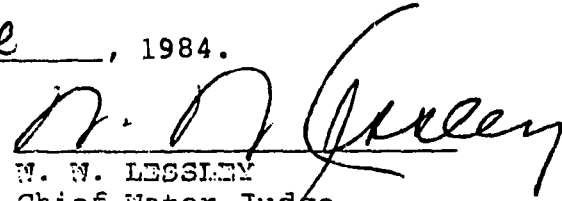
River Basin who have received certificates of water rights pursuant to 85-2-306 MCA 1978 for wells under 100 gallons per minute; (5) all federal land management agencies in the Upper Missouri Water Division; (6) all neighboring states of the Upper Missouri Water Division; (7) all Indian tribes of the Upper Missouri Water Division; (8) the County Clerk of Court and Clerk and Recorder of Cascade County and Lewis and Clark County, 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 Dearborn River Basin, including the Great Falls Tribune and the Helena Independent Record; including any advertisement which may bring the Notice of Availability to the attention of the public.

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 17 day of April, 1984.


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



MONTANA WATER COURTS

STATE OF MONTANA

WATER JUDGES:

April 30, 1984

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 938
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

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

Re: Dearborn River Basin 41U

Dear Jim;

The review copy of the Dearborn River Basin 41U, which the Water Court received, has been thoroughly reviewed and is now ready for printing.

Bob has told me that you would like to plan on issuing the decree May 9th or 10th. We think this is fine.

Best Personal Wishes,


W. W. Lessley,
Chief Water Judge

WWL/nf

RECEIVED

MAY 02 1984

MONTANA DEPT. OF NATURAL
RESOURCES & CONSERVATION



MONTANA WATER COURTS

STATE OF MONTANA

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 938
Chinook, MT 59523

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

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

M E M O R A N D U M

TO: Jim Kindle
FROM: Tim Sullivan
DATE: May 18, 1984
RE: Claims W-10969, W-117742 and W-117743

RECEIVED

MAY 21 1984

MONTANA DEPT. OF NATURAL
RESOURCES & CONSERVATION

The above-listed water right claims were brought to the attention of Judge Lessley by the Havre Water Rights Bureau Field Office. These claims were mistakenly placed in the Sun River Basin (41K) but they belong in the Dearborn River Basin (41U).

Please correct the abstracts for these claims so that they indicate the claims are in Basin 41U. We will send the corrected abstracts to the owners with a Notice of Availability of the Dearborn River Basin Temporary Preliminary Decree, and a letter of explanation from the Water Courts.

Thank you.

Timothy J. Sullivan
Timothy J. Sullivan
Water Master

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION
WATER RESOURCES DIVISION

41U



TED SCHWINDEN, GOVERNOR

STATE OF MONTANA

(406) 449-2872 ADMINISTRATOR
(406) 449-2864 ENGINEERING BUREAU
(406) 449-3760 WATER DEVELOPMENT BUREAU
(406) 449-2872 WATER MANAGEMENT BUREAU
(406) 449-3962 WATER RIGHTS BUREAU

HELENA, MONTANA 59620

June 12, 1984

Honorable Judge W. W. Lessley
Montana State Water Court
PO Box 879
Bozeman, MT 59715

RE: Updates to Dearborn River Temporary
Preliminary Decree, Basin 41U

Dear Judge Lessley:

Tim Sullivan asked that the enclosed updates be sent to your attention. These updates are for claims that were missed when the Dearborn River Temporary Preliminary Decree was issued.

The updates are in two formats. One is the owner abstract that is sent to individual water right owners. The other is a decree abstract, in the same format as the decree is issued. I believe Tim has spoken to you about updating the decrees at the courthouses with this new information.

If you have any questions regarding this, please call me.

Sincerely,

A handwritten signature in cursive script that reads "Jim Kindle".

Jim Kindle
Records Supervisor
Water Rights Bureau

Enclosures

JK:jg

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

FILE OWNER: MONTANA, STATE OF BOARD OF LAND COMMISSIONER
DEPARTMENT OF STATE LANDS
CAPITOL STATION
HELENA MT 59620

WATER RIGHT NUMBER 41U -#-010269-00

OWNERS: MONTANA, STATE OF BOARD OF LAND COMMISSIONER
DEPARTMENT OF STATE LANDS
CAPITOL STATION
HELENA MT 59620

PRIORITY DATE: AUG 15, 1961

ELEV. RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: SPRING, TRIBUTARY OF HOGAN CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QTR SEC SEC TWP RGE COUNTY

NWSNW 30 19N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LOT BLK QTR SEC SEC TWP RGE COUNTY

001 NWSNW 30 19N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION
WATER RESOURCES DIVISION

41U



TED SCHWINDEN, GOVERNOR

STATE OF MONTANA

(406) 449-2872 ADMINISTRATOR
(406) 449-2864 ENGINEERING BUREAU
(406) 449-3760 WATER DEVELOPMENT BUREAU
(406) 449-2872 WATER MANAGEMENT BUREAU
(406) 449-3962 WATER RIGHTS BUREAU

HELENA, MONTANA 59620

June 12, 1984

Honorable Judge W. W. Lessley
Montana State Water Court
PO Box 879
Bozeman, MT 59715

RE: Updates to Dearborn River Temporary
Preliminary Decree, Basin 41U

Dear Judge Lessley:

Tim Sullivan asked that the enclosed updates be sent to your attention. These updates are for claims that were missed when the Dearborn River Temporary Preliminary Decree was issued.

The updates are in two formats. One is the owner abstract that is sent to individual water right owners. The other is a decree abstract, in the same format as the decree is issued. I believe Tim has spoken to you about updating the decrees at the courthouses with this new information.

If you have any questions regarding this, please call me.

Sincerely,

A handwritten signature in cursive script that reads "Jim Kindle".

Jim Kindle
Records Supervisor
Water Rights Bureau

enclosures

JK:jg

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

WR_OWNER: MYLES S7 INC
611 N JACKSON ST
HELENA MT 59601

WATER_RIGHT_NUMBER_41U_4-117742-20

OWNERS: MYLES S7 INC
611 N JACKSON ST
HELENA MT 59601

NELSON MICHAEL E
611 N JACKSON ST
HELENA MT 59601

PRIORITY_DATE: APR 1, 1904

FLOW_RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: SPRING, TRIBUTARY OF HENRY CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT_BLK_QTR_SEC_SEC_TWP_RGE_COUNTY
NESWSW 03 18N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LOT_BLK_QTR_SEC_SEC_TWP_RGE_COUNTY
001 NESWSW 03 18N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

BASIN 414

**CERTIFICATE
OF MAILING**



MONTANA WATER COURTS

STATE OF MONTANA

M E M O R A N D U M

WATER JUDGES:

Upper Missouri River Basin
Chief Judge W. W. Lessley
P.O. Box 878
Bozeman, MT 59715

Lower Missouri River Basin
Judge Bernard W. Thomas
P.O. Box 938
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

TO: Jim Kindle, Records Section
DNRC Water Rights Bureau

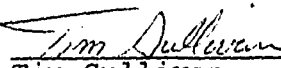
FROM: T. Sullivan

DATE: June 18, 1984

RE: Claims 41K-W-096374 and 41K-W-183445

The above claims were mistakenly assigned to the Sun River Basin (41K0) but they belong in the Dearborn River Basin (41U). Please correct the abstracts to show they belong in the Dearborn Basin (41U).

We will need corrected copies to send to the owners and to be placed on record with the Temporary Preliminary Decrees already issued. Please send the corrected copies to the Water Courts.



Tim Sullivan,
Water Master

Enclosures (Abstracts)

RECEIVED
JUN 19 1984
MONT. DEPT. of NATURAL
RESOURCES & CONSERVATION

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 41U -W-096374-00

OWNERS: MCGILL IS DONALD
4401 RIVER DR N
GREAT FALLS MT 59401

PRIORITY DATE: DEC 31, 1891

FLOW RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: UNNAMED TRIBUTARY OF HOGAN CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QTR SEC SEC TWP RGE COUNTY
NESWSW 27 19N 05W LEWIS & CLARK DAM

PLACE OF USE FOR STOCK

ACRES LOT BLK QTR SEC SEC TWP RGE COUNTY
001 NESWSW 27 19N 05W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

06 22/84

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

CLAIM RECEIVED: 04/28/82 FEE PAID: \$0
MAX ACRE : 0.00

CLAIM ID 41J -M-096374-00 PRIORITY DATE: 00:00 12/31/1891 TYPE OF RIGHT: USE CLAIM RECEIVED: 04/28/82 FEE PAID: \$0
TYPE CODE: S MAX RATE: 0.00 (STD) MAX VOLUME: 0.00 AF/YEAR (STD) MAX ACRE : 0.00

OWNERS: (M) I MCGILLIS DONALD
WATERIVER FR N

SPEAR FALLS MT 59403

SHIPPERS: DV 01 MT HOGAN FERRER

LOT BLK QTR SEC SEC TWP RGE CO
N6S2W 27 39N 05W LC MEANS DIVPFD-04

USFR: ST 01 9,500.0 411 PARTIEN OF USFR 10000000007 (OK) LOT BLK QTR SEC SEC TWP RGE CO
ACRES N6S2W 27 39N 05W LC

PARCELS: 011 0.00
TOTAL 0.00

REFERENCE STANDARDS & FEASIBILITY CHECK - MAX RATE: 0.25 C MAX VOLUME: 270.00 AF/YEAR PER. OF USE: 1000000 900007

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

12/13/83

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

CLAIM ID ~~414~~ ⁴¹¹⁴ -W-096374-00 PRIORITY DATE: 00:00 ~~06/08/1891~~ ^{06/23/1891} TYPE OF RIGHT: USE CLAIM RECEIVED: 04/28/82 FEE PAID: 30

TYPE CODE: S MAX RATE: 0.25 C (10.00 MI) MAX VOLUME: 270.00 AF/YEAR MAX ACRES: 0.00

OWNERS: (M) ~~1 MCGILLIS~~ ^{1 MCGILLIS} PATRICIA H (M) 1 MCGILLIS DONALD
4401 RIVER DR N 4401 RIVER DR N

GREAT FALLS MT 59401 GREAT FALLS MT 59401

SOURCES: DV 01 UT HOLLOW CREEK LOT BLK QTR SEC SEC TWP RGE CD
NESWS/27 19N 05W LC MEANS DIVRS ~~5~~ DM

USE: ST 01 9.500.0 AU PERIOD OF USE 199999999997

ACRES VER. ACRES WRS 19 19 LOT BLK QTR SEC SEC TWP RGE CD

PARCELS: 001 0.00 _____ NESWS/27 19N 05W LC 11595 + adjacent

TOTAL 0.00 _____

ADDENDUMS: YES NO (DVRS VRSRV POU RMRK OWNER) COMMENTS _____

SUPPLEMENTAL IF REF. RIGHT, MAX COMBINED VOLUME FOR ALL RIGHTS _____ AF MAX COMBINED ACRES FOR ALL RIGHTS _____

RIGHTS: IF SUPPLEMENTAL RIGHT, PURPOSE ID _____ AND CLAIM ID _____ OF REF. RIGHT _____

***** FIELD VERIFICATION FORM *****

COMPARISON STATISTICS: FLOW RATE 0.25 C (0.012 GPM/AU) VOLUME 270.00 (0.028 AF/AU) 324.520 AF/YR - OVER CLAIMED VOLUME

VOLUME BASED ON AU MONTHS USED AND S/G CODE

BASIN OK: YES NO COMMENTS _____

SOURCE NAME OK: YES NO (FROM: USGS TOPO MAP Barron's Farms, WR SURVEY) COMMENTS _____

TYPE CD (S/G) OK: YES NO COMMENTS _____

POD OK: DV 01 YES NO APPEARS CORRECT UNVERIFIED (FROM: CLMNTS MAP GRID ON FLNG) COMMENTS 11595 + Claimant's affidavit

MEANS DIVRS OK: YES NO APPEARS CORRECT UNVERIFIED COMMENTS Reservoir

PROOF OF USE: CLAIMED FLOW RATE OK: YES NO NONE GIVEN COMMENTS _____

CLAIMED PRY DATE OK: YES NO COMMENTS made given in affidavit

FLOW RATE OK: YES NO APPLY STANDARD COMMENTS _____

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

12/13/83

CLAIM ID 41K -W-096374-00 (CONTINUED)

VOLUME OK:	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> APPLY STANDARD	COMMENTS					
PRIORITY DATE OK:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	(<input checked="" type="checkbox"/> APPLIED LAST MONTH OF YR	<input checked="" type="checkbox"/> APPLIED LAST DAY OF MONTH)	COMMENTS				
TELEPHONE CONTACT:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	DATE COMPLETED	BY	COMMENTS				
LETTER CONTACT:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	DATE COMPLETED	BY	COMMENTS				
OWNERSHIP:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	DATE COMPLETED	BY	COMMENTS				
INTERVIEW:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	DATE COMPLETED	BY	COMMENTS				
FIELD INVESTIGATION:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	APPROVED BY	DATE CHECKED	BY	COMMENTS			

GENERAL REMARKS:

INVESTIGATED BY *Page Jones* DATE 6, 2, 84
REVIEWED BY _____ DATE ____/____/____

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 41U -W-183445-00

OWNERS: MC MILLIS DONALD
4401 RIVER DR N
GREAT FALLS MT 59401

PRIORITY DATE: DEC 31, 1891

FLOW RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: UNNAMED TRIBUTARY OF HOGAN CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QTR SEC SEC TWP RGE COUNTY

29 19N 05W LEWIS & CLARK DIRECT FROM SRC

PLACE OF USE FOR STOCK

ACRES LOT BLK QTR SEC SEC TWP RGE COUNTY

001

29 19N 05W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

06 22/84

CLAIM ID 433 -M-183445-00 PRIORITY DATE: 00:00 12/31/1891 TYPE OF RIGHT: USE CLAIM RECEIVED: 04/20/82 FEE AID: \$0
 TYPE CODE: S MAX DATE: 00:00 (STD) MAX VOLUME: 00:00 AF/YEAR (STD) MAX ACRF: 00:00

OWNERS: (4) : MCGILLIS DONALD
 2601 RIVER RD N

SUPPGRS: DV 01 JT HOGAN CRRFK WT F9403 LNT PLK 0TR SEC SEC TWP RGE CN MEANS DIVFC-LS

USF:	ST 01	1,000.0 AU	PRIOR	CF	USE	1999999999999	(OK)	LCT	BLK	QTR	SEC	SEC	TWP	RGE	CD
		ACRES													
PARCELS:		001								20	19N	05W	LC		
TOTAL		001													

REGDGR STANDRDGR & FEASIBILITY CHECK - MAX DATE: 00:03 0 MAX VOLUME: 2700 AF/YEAR DEP. OF USE: 19999 99997

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

12/13/83

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

CLAIM ID ~~414~~ ⁴¹⁴ -W-183445-00 PRIORITY DATE: 00:00 ~~06/00/1891~~ ^{12/13/83} TYPE OF RIGHT: USE CLAIM RECEIVED: 04/20/82 FEE PAID: \$0

TYPE CODE: S MAX RATE: 0.03 C (1.20 MI) MAX VOLUME: 27.00 AF/YEAR MAX ACRES: 0.00

OWNERS: (M) I MCGILLIS 4401 RIVER DR N DONALD (M) I MCGILLIS 4401 RIVER DR N PATRICIA H

GREAT FALLS MT 59401 GREAT FALLS MT 59401

HOGAN CREEK

SOURCES: DV 01 UT ~~SM RIVER~~ *HOGAN CREEK* LOT BLK QTR SEC SEC TWP RGE CO 29 19N 05W LC MEANS DIVRS-LS

USE: ST 01 1.000.0 AU PERIOD OF USE 199999999997

ACRES VER. ACRES WRS 19 19 LOT BLK QTR SEC SEC TWP RGE CO 29 19N 05W LC

PARCELS: 001 0.00 29 19N 05W LC

TOTAL 0.00

ADDENDUMS: YES NO (DVRS RSRV POU RMRK OWNER) COMMENTS

SUPPLEMENTAL IF REF. RIGHT, MAX COMBINED VOLUME FOR ALL RIGHTS AF MAX COMBINED ACRES FOR ALL RIGHTS

RIGHTS: IF SUPPLEMENTAL RIGHT, PURPOSE ID AND CLAIM ID OF REF. RIGHT

***** FIELD VERIFICATION FORM *****

COMPARISON STATISTICS: FLOW RATE 0.03 C (0.013 GPM/AU)

VOLUME 27.00 (0.027 AF/AU) VOLUME BASED ON AU MONTHS USED AND S/G CODE 34.160 AF/YR - OVER CLAIMED VOLUME

BASIN OK: YES NO COMMENTS

SOURCE NAME OK: YES NO (FROM: USGS TOPO MAP *HOONE RIVER* & *6000* SURVEY) COMMENTS

TYPE CD (S/G) OK: YES NO COMMENTS

POD OK: DV 01 YES NO APPEARS CORRECT UNVERIFIED (FROM: CLMNTS MAP GRID ON FLNG) COMMENTS

MEANS DIVRS OK: YES NO APPEARS CORRECT UNVERIFIED COMMENTS

PROOF OF USE: CLAIMED FLOW RATE OK: YES NO NONE GIVEN COMMENTS

CLAIMED PRTY DATE OK: YES NO COMMENTS

FLOW RATE OK: YES NO APPLY STANDARD COMMENTS

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

12/13/83

CLAIM ID 41K -W-183445-00 (CONTINUED)

VOLUME OK: YES NO APPLY STANDARD COMMENTS _____
PRIORITY DATE OK: YES NO APPLIED LAST MONTH OF YR APPLIED LAST DAY OF MONTH) COMMENTS _____
TELEPHONE CONTACT: YES NO DATE COMPLETED ___/___/___ BY ___ COMMENTS _____
LETTER CONTACT: YES NO DATE COMPLETED ___/___/___ BY ___ COMMENTS _____
OWNERSHIP: YES NO DATE COMPLETED ___/___/___ BY ___ COMMENTS _____
INTERVIEW: YES NO DATE COMPLETED ___/___/___ BY ___ COMMENTS _____
FIELD INVESTIGATION: YES NO APPROVED BY ___ DATE CHECKED ___/___/___ BY ___ COMMENTS _____
GENERAL REMARKS:

Original Claim is 41K-W-096371-00

INVESTIGATED BY *R. L. Jones* DATE *6, 2, 84*
REVIEWED BY _____ DATE ___/___/___

BASIN

4/4

**CERTIFICATE
OF MAILING**

October 1, 1984

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION
WATER RESOURCES DIVISION



TED SCHWINDEN, GOVERNOR

32 SOUTH EWING

STATE OF MONTANA

(406) 444-6603 ADMINISTRATOR
(406) 444-6646 ENGINEERING BUREAU
(406) 444-6668 WATER DEVELOPMENT BUREAU
(406) 444-6601 WATER MANAGEMENT BUREAU
(406) 444-6610 WATER RIGHTS BUREAU

HELENA, MONTANA 59620

October 1, 1984

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

Dear Chris:

Enclosed is the certificate of mailing for the hearing notice for the Dearborn River Basin (Basin 41U) sent on September 27, 1984.

Sincerely,

Jim

Jim Kindle
Records Section Supervisor
Water Rights Bureau

Enclosure
JK/jg

JP

DEARBORN RIVER BASIN (Basin 41U)

CERTIFICATE OF MAILING

The Notice of Objection and Request for Preliminary Hearing
on the Dearborn River Basin Preliminary Decree (Basin 41U)

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 Objection and Request for Preliminary Hearing for
each person filing a claim for the Dearborn River Basin (Basin 41U) 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, September 27, 1984, and updated records of May 10, 1984.

B. The Notice of Objection and Request for Preliminary Hearing for
the Dearborn River Basin (Basin 41U) 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, September 27,
1984, and updated records of May 10, 1984, for (1) all parties in the Dearborn
River issued permits for water use in that basin pursuant to 85-2-301 MCA 1978
or their successor in interest, if know; (2) all parties who have applied for
permits for use of water in the Dearborn River Basin pursuant to 85-2-301 MCA
1978; (3) all parties who have been granted a reservation in the Dearborn
River Basin pursuant to 85-2-316 MCA 1978; (4) all parties in the Dearborn
River 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 Upper Missouri Water Division; (6) all Indian Tribes in the Upper Missouri Water Division; (7) all neighboring states of the Upper Missouri Water Division; (8) the County Clerk of Court and Clerk and Recorder of Cascade and Lewis & Clark 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 September 27, 1984.

Dated this 1st day of OCTOBER, 1984.

James E. Kindle

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 1st day of OCTOBER, 1984, 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. Gibson
Notary Public for the State of
Montana

Residing at Helena

My commission expires 1-21-1987



MONTANA WATER COURTS
STATE OF MONTANA

WATER JUDGES:

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

Lower Missouri River Basin
Judge Bernard W. Thomas
P.O. Box 938
Chinook, MT 59523

Clerk 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

September 20, 1984

RECEIVED

SEP 21 1984

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 a copy of the Order designating
DNRC to mail the Notices of Objection and
Request for Preliminary Hearing.

If you have any questions, please call.

Sincerely,

A handwritten signature in cursive script that reads "Janet".

Janet Lackey
Clerk

j1
encl.

"... to 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
UPPER MISSOURI RIVER DIVISION

DEARBORN RIVER BASIN

IN THE MATTER OF THE ADJUDICATION)
OF THE EXISTING RIGHTS TO THE USE)
OF ALL THE WATER, BOTH SURFACE AND)
UNDERGROUND, WITHIN THE DEARBORN)
DRAINAGE AREA, INCLUDING ALL TRIB-)
UTARIES OF THE DEARBORN RIVER)
IN CASCADE AND LEWIS AND CLARK)
COUNTIES, MONTANA.)

O R D E R

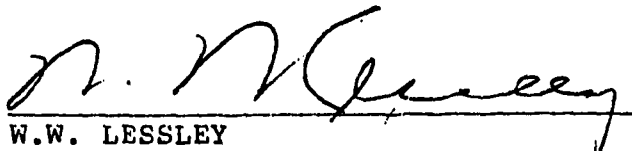
DESIGNATING THE DNRC TO MAIL NOTICES OF OBJECTION
AND REQUEST FOR PRELIMINARY HEARING

ORDERED that the Department of Natural Resources and Conservation send by mail to each person and their successor in interest, if known, who was named in the Temporary Preliminary Decree in the Dearborn River Basin (#41U), a copy of the Notice of Objection and Request for Preliminary Hearing.

ORDERED that the Department of Natural Resources and Conservation 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 mailing be filed with the Montana State Water Courts.

DATED this 26 day of Sept, 1984.



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

41 a

MASTER LIST - UPPER MISSOURI DIVISION

NOTICE TO INTERESTED PARTIES

(5)*

All Federal Land Management Agencies in the Upper 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 Upper Missouri Division

Director
Department of Water Resources
450 West State Street
Boise, ID 83720

George L. Christopoulos
State Engineer
State Office Building East
Cheyenne, WY 82002

(7)

All Indian Tribes in the Upper Missouri Division

Mr. Michael Fairbanks
Superintendent
Blackfeet Agency
Browning, MT 59417

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

(8)

County Officials

Mrs. Florence McGiboney
Clerk of the Court
Cascade County Courthouse
Great Falls, MT 59401

Mr. Joe Tropila
Clerk and Recorder
Cascade County Courthouse
Great Falls, MT 59401

Mrs. Clara Gilreath
Clerk of the Court
Lewis and Clark Co. Courthouse
Helena, MT 59601

Miss Sue Bartlett
Clerk and Recorder
Lewis and Clark Co. Courthouse
Helena, MT 59601

(9)

Other Interested Parties

Department of Natural Resources
Field Office
28 South Rodney
Helena, MT 59620

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

U.S. Attorney General
Dept. of Justice Building
Washington, D.C. 20530

Field Solicitor
Room 5931
Federal Building
Billings, MT 59103

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

Ted Doney
Attorney At Law
314 N. Last Chance Gulch
Helena, MT 59601

Rhonda Hunt
Crowley Law Firm
P.O. Box 2529
Billings, MT 59103

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

Rich Munger
1007 North Warren
Helena, MT 59601

David C. Moon
601 Haggerty Suite 10
Bozeman, MT 59715

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 Serv.
P.O. Box 25486
Denver Federal Center
Denver, CO 80225

U.S. Attorney
Federal Building
Butte, MT 80225

Aaron Hostyk
U.S. Army Engineer Dist. Omaha
Corps of Engineers
6014 U.S. P.O. & Courthouse
Omaha, NE 68102

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

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

John P. Paul
P.O. Box 2629
Great Falls, MT 59403

Michael E. Zimmerman
40 East Broadway
Butte, MT 59701

Gary Bjelland
P.O. Box 2269
Great Falls, MT 59403

Lyle Manley
Dept. State Lands
Capital Station
Helena, MT 59620

John Hill
U.S. Dept. of Justice
1961 Stout St, Drawer 3607
Denver, CO 80294

Robert Vermillion
P.O. Box 2567
Great Falls, MT 59403

Lawrence Jakub
P.O. Box 7669
Missoula, MT 59807

Robert Sewell Jr.
P.O. Box 604
26 W. 6th Ave.
Helena, MT 59601

BASIN

412

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

September 27, 1984

IN THE WATER COURTS OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION - DEARBORN RIVER BASIN
* * * * *

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 Dearborn 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 DEARBORN RIVER 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 2nd DAY OF November, 1984.

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, 601 Haggerty Lane, Bozeman, Montana 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, 28 South Rodney, Helena, MT 59620
4. Clerk of Court, Cascade County Courthouse, Great Falls, MT 59401
5. Clerk and Recorder, Cascade County Courthouse, Great Falls, MT 59401
6. Clerk of Court, Lewis and Clark County Courthouse, Helena, MT 59601
7. Clerk and Recorder, Lewis and Clark County Courthouse, Helena, MT 59601

(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; phone 586-4364.

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

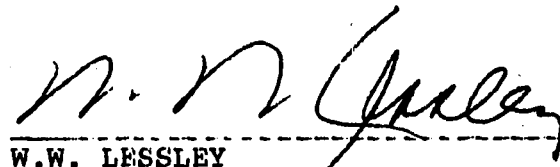
WHAT HAPPENS AFTER?

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, 601 Haggerty Lane, Bozeman, Mt 59715
2. Clerk of Court, Cascade County Courthouse, Great Falls, MT 59401
3. Clerk of Court, Lewis and Clark County Courthouse, Helena, MT 59601

DATED this 27th day of September, 1984.



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

OBJECTIONS TO THE DEARBORN RIVER TEMPORARY PRELIMINARY DECREE

<u>Water Right Number</u>	<u>Source</u>	<u>Name of Party Objecting</u>	<u>Party Right Issued to in Decree</u>	<u>Nature of Objection</u>
000669	Dearborn River	D. Michael Curran	Wallace R. Bean	Priority Date, Acres Irrigated, Volume or Flow Rate
009897	Flat Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009897	Flat Creek	D. Michael Curran	Milford Colony, Inc.	Priority Date, Acres Irrigated, Volume or Flow Rate
009899	Hogan Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009899	Hogan Creek	Barrett Land & Livestock Company	Milford Colony, Inc.	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
009900 (Suppl. to 009987)	Waste & Seepage, Tributary of Flat Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009900	Waste & Seepage, Tributary of Flat Creek	D. Michael Curran	Milford Colony, Inc.	Priority Date, Acres Irrigated, Volume or Flow Rate
009901 (Suppl. to 009899)	Hogan Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009901	Hogan Creek	Barrett Land & Livestock Company	Milford Colony, Inc.	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
009902 (Suppl. to 009899)	Hogan Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009902	Hogan Creek	Barrett Land & Livestock Company	Milford Colony, Inc.	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
009903 (Suppl. to 009899)	Hogan Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009903	Hogan Creek	Barrett Land & Livestock Company	Milford Colony, Inc.	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
009904 (Suppl. to 009899)	Hogan Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009904	Hogan Creek	Barrett Land & Livestock Company	Milford Colony, Inc.	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate

<u>Water Right Number</u>	<u>Source</u>	<u>Name of Party Objecting</u>	<u>Party Right Issued to in Decree</u>	<u>Nature of Objection</u>
009905(Suppl. to 009899)	Hogan Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009905	Hogan Creek	Barrett Land & Livestock Company	Milford Colony, Inc.	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
009906(Suppl. to 009899)	Hogan Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009906	Hogan Creek	Barrett Land & Livestock Company	Milford Colony, Inc.	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
009907(Suppl. to 009899)	Hogan Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009907	Hogan Creek	Barrett Land & Livestock Company	Milford Colony, Inc.	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
009908(Suppl. to 009899)	Hogan Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009908	Hogan Creek	Barrett Land & Livestock Company	Milford Colony, Inc.	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
009909(Suppl. to 009899)	Hogan Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009909	Hogan Creek	Barrett Land & Livestock Company	Milford Colony, Inc.	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
009910(Suppl. to 009899)	Hogan Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009910	Hogan Creek	Barrett Land & Livestock Company	Milford Colony, Inc.	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
009911(Suppl. to 009899)	Hogan Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009911	Hogan Creek	Barrett Land & Livestock Company	Milford Colony, Inc.	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate

<u>Water Right Number</u>	<u>Source</u>	<u>Name of Party Objecting</u>	<u>Party Right Issued to in Decree</u>	<u>Nature of Objection</u>
009912 (Suppl. to 009899)	Hogan Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009912	Hogan Creek	Barrett Land & Livestock Company	Milford Colony, Inc.	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
009913 (Suppl. to 009899)	Hogan Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009913	Hogan Creek	Barrett Land & Livestock Company	Milford Colony, Inc.	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
009914 (Suppl. to 009899)	Hogan Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009914	Hogan Creek	Barrett Land & Livestock Company	Milford Colony, Inc.	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
009915 (Suppl. to 009897)	Flat Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009915	Flat Creek	D. Michael Curran	Milford Colony, Inc.	Priority Date, Acres Irrigated, Volume or Flow Rate
009916 (Suppl. to 009897)	Flat Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009916	Flat Creek	D. Michael Curran	Milford Colony, Inc.	Priority Date, Acres Irrigated, Volume or Flow Rate
009932 (Suppl. to 009899)	Flat Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009932	Flat Creek	D. Michael Curran	Milford Colony, Inc.	Priority Date
009933 (Suppl. to 009897)	Flat Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009933	Flat Creek	D. Michael Curran	Milford Colony, Inc.	Priority Date, Acres Irrigated, Volume or Flow Rate
009934 (Suppl. to 009897)	Auchard Creek	Dept. Natural Resources & Conservation	Milford Colony, Inc.	Volume or Flow Rate
009934	Auchard Creek	Soap Creek Cattle Company	Milford Colony, Inc.	Ownership, Source, Point of Diversion

<u>Water Right Number</u>	<u>Source</u>	<u>Name of Party Objecting</u>	<u>Party Right Issued to in Decree</u>	<u>Nature of Objection</u>
010969	Spring, Tributary Hogan Creek	Department of State Lands	Department of State Lands	Placed in wrong Basin, omitted from Temp. Prel. Decree 41U
010969	Spring, Tributary Hogan Creek	Dept. Natural Resources & Conservation	Department of State Lands	Placed in wrong Basin, omitted from Temp. Prel. Decree 41U
013599	UT Flat Creek	Department of State Lands	Department of State Lands	Point of Diversion
013600	UT Flat Creek	Department of State Lands	Department of State Lands	Place of Use, Point of Diversion
028038	Little Skunk Creek	Dept. Natural Resources & Conservation	Steinbach Ranch Company	Volume or Flow Rate
028039	Little Skunk Creek	Dept. Natural Resources & Conservation	Steinbach Ranch Company	Volume or Flow Rate
028050	Dearborn River	D. Michael Curran	Steinbach Ranch Company	Priority Date
035774	Dearborn River	D. Michael Curran	Harry V. Nichols	Priority Date
049984	UT Flat Creek	D. Michael Curran	Harry V. Nichols	Priority Date
056231	Cuniff Creek	USDA Forest Service	USDA Forest Service	Point of Diversion
096374	UT Hogan Creek	A. Donald McGillis	A. Donald McGillis	Volume or Flow Rate
096374	UT Hogan Creek	Dept. Natural Resources & Conservation	A. Donald McGillis	Placed in wrong Basin, omitted from Temp. Prel. Decree 41U
096692	Deadman Creek	USDA Forest Service	Betty A. Bay	Place of Use
096752	Flat Creek	D. Michael Curran	D. Michael Curran	Place of Use, Point of Diversion
096755	UT Dearborn River	D. Michael Curran	D. Michael Curran	Priority Date
096806	Myles Creek	Department of State Lands	D. Michael Curran	Ownership, Place of Use, Point of Diversion
096817	Deadman Creek	D. Michael Curran	D. Michael Curran	Place of Use, Acres Irrigated, Volume or Flow Rate
096818	Deadman Creek	D. Michael Curran	D. Michael Curran	Place of Use, Acres Irrigated, Volume or Flow Rate
096824	Dearborn River	Department of State Lands	D. Michael Curran	Ownership, Place of Use, Point of Diversion
096831	Flat Creek	D. Michael Curran	D. Michael Curran	Priority Date, Acres Irrigated, Volume or Flow Rate
096863	Falls Creek	D. Michael Curran	Levine Land & Cattle Company	Acres Irrigated, Source, Point of Diversion, Means of Diversion, Ownership, Priority Date, Purpose of Right, Place of Use, Volume or Flow Rate

<u>Water Right Number</u>	<u>Source</u>	<u>Name of Party Objecting</u>	<u>Party Right Issued to in Decree</u>	<u>Nature of Objection</u>
096865	Flat Creek	Dearborn Canal & Water Company	Levine Land & Cattle Company	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
096865	Flat Creek	D. Michael Curran	Levine Land & Cattle Company	Priority Date, Acres Irrigated, Volume or Flow Rate
096869	Willow Creek	D. Michael Curran	Levine Land & Cattle Company	Priority Date, Acres Irrigated, Volume or Flow Rate
096875	Flat Creek	Dearborn Canal & Water Company	Levine Land & Cattle Company	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
096875	Flat Creek	D. Michael Curran	Levine Land & Cattle Company	Priority Date, Acres Irrigated, Volume or Flow Rate
096875	Flat Creek	Levine Land & Cattle Company	Levine Land & Cattle Company	Volume or Flow Rate
096878	Flat Creek	Dearborn Canal & Water Company	Levine Land & Cattle Company	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
096882	Stream, UT Blackrock Creek	Masonic Home of Montana	Masonic Home of Montana	Ownership, Priority Date, Purpose of Right, Place of Use, Acres Irrigated, Source, Point of Diversion, Means of Diversion, Volume or Flow Rate
096884	Stream, UT Blackrock Creek	Masonic Home of Montana	Masonic Home of Montana	Point of Diversion
096901	Spring, Tributary Flat Creek	Masonic Home of Montana	Masonic Home of Montana	Place of Use
096913	Spring, Tributary Big Skunk Creek	Masonic Home of Montana	Masonic Home of Montana	Place of Use, Point of Diversion
096936	Bean Lake	Dept. Fish, Wildlife & Parks	Dept. Fish, Wildlife & Parks	Ownership, Purpose of Right, #14 of Water Master's Report
096953	Dearborn River	Department of State Lands	Richard M. and Fern V. Mosher	Place of Use, Point of Diversion, Ownership
096966	Spring, Tributary Flat Creek	Richard M. and Fern V. Mosher	Richard M. and Fern V. Mosher	Place of Use
096979	Flat Creek	D. Michael Curran	Richard M. and Fern V. Mosher	Priority Date, Acres Irrigated, Volume or Flow Rate

<u>Water Right Number</u>	<u>Source</u>	<u>Name of Party Objecting</u>	<u>Party Right Issued to in Decree</u>	<u>Nature of Objection</u>
096986	UT Dearborn River	D. Michael Curran	Richard M. and Fern V. Mosher	Priority Date, Acres Irrigated, Volume or Flow Rate
096987	Flat Creek	D. Michael Curran	Richard M. and Fern V. Mosher	Priority Date, Acres Irrigated, Volume or Flow Rate
096988	UT Flat Creek	D. Michael Curran	Richard M. and Fern V. Mosher	Priority Date, Acres Irrigated, Volume or Flow Rate
097041	Middle Fork Dearborn River	Dept. Fish Wildlife & Parks	Colleen A. Paul	Ownership, Purpose of Right, Volume or Flow Rate
097042	Little Fork Dearborn River	Phillip L. Paul	Phillip L. Paul	Acres Irrigated
097044	South Fork Dearborn River	USDA Forest Service	John F. Rittel	Place of Use, Point of Diversion
097092	UT Closed Basin	Soap Creek Cattle Company	Soap Creek Cattle Company	Priority Date
097129	Flat Creek	Dearborn Canal & Water Company	Margie A. and Arthur D. Thompson	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
097129	Flat Creek	D. Michael Curran	Margie A. and Arthur D. Thompson	Priority Date
101775	Spring, Tributary Flat Creek	D. Michael Curran	Ethel M. Bean	Priority Date
113691	UT Flat Creek, West Lake	D. Michael Curran	Harry V. Nichols	Priority Date
117742	Spring, Tributary Henry Creek	Dept. Natural Resources & Conservation	Myles 57 Inc.	Placed in wrong Basin, omitted from Temp. Prel. Decree 41U
117743	Spring, Tributary Henry Creek	Dept. Natural Resources & Conservation	Myles 57, Inc.	Placed in wrong Basin, omitted from Temp. Prel. Decree 41U
120732	UT Flat Creek	D. Michael Curran	Warren and Phyllis A. Barrett	Priority Date
120764	Dearborn River	Department of State Lands	Warren and Phyllis A. Barrett	Point of Diversion
123357	Flat Creek	D. Michael Curran	Barrett Land & Livestock Company	Priority Date
127880	Dearborn River	Dearborn Canal & Water Company	Dearborn Canal & Water Company	Change of Address
127881	Dearborn River	Dearborn Canal & Water Company	Dearborn Canal & Water Company	Change of Address
127882	Dearborn River	Dearborn Canal & Water Company	Dearborn Canal & Water Company	Change of Address
127883	Dearborn River	Dearborn Canal & Water Company	Dearborn Canal & Water Company	Change of Address

<u>Water Right Number</u>	<u>Source</u>	<u>Name of Party Objecting</u>	<u>Party Right Issued to in Decree</u>	<u>Nature of Objection</u>
127884	Dearborn River	D. Michael Curran	Peter A. and Judy B. Burggraf	Priority Date
164172	Stream, UT Blackrock Creek	Masonic Home of Montana	Masonic Home of Montana	Source
164173	Stream, UT Blackrock Creek	Masonic Home of Montana	Masonic Home of Montana	Source
164174	Stream, UT Blackrock Creek	Masonic Home of Montana	Masonic Home of Montana	Source
164194	UT Auchard Creek	Masonic Home of Montana	Masonic Home of Montana	Place of Use
164195	UT Auchard Creek	Masonic Home of Montana	Masonic Home of Montana	Place of Use
179281	UT Dearborn River	Department of State Lands	D. Michael Curran	Ownership, Place of Use, Point of Diversion
179323	Dearborn River	D. Michael Curran	Johnny R. and Anita J. Wilson	Priority Date, Acres Irrigated, Volume or Flow Rate
179324	Dearborn River	D. Michael Curran	Johnny R. and Anita J. Wilson	Priority Date, Acres Irrigated, Volume or Flow Rate
180966	Dearborn River	D. Michael Curran	Levine Land & Cattle Company	Ownership, Priority Date, Purpose of Right, Place of Use, Acres Irrigated, Source, Point of Div- ersion, Means of Diversion, Vol- ume or Flow Rate
180967	Flat Creek	Dearborn Canal & Water Company	Levine Land & Cattle Company	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
180968	Flat Creek	Dearborn Canal & Water Company	Levine Land & Cattle Company	Ownership, Priority Date, Place of Use, Acres Irrigated, Volume or Flow Rate
183445	UT Hogan Creek	A. Donald McGillis	A. Donald McGillis	Volume or Flow Rate
183445	UT Hogan Creek	Dept. Natural Resources & Conservation	A. Donald McGillis	Placed in wrong Basin, omitted from Temp. Prel. Decree 41U
200805	Dearborn River	Dearborn Canal & Water Company	Faye M. Olson and Shirley R. Shoquist	Ownership, Priority Date
207179	Spring, Tributary Trout Creek	Department of State Lands	Edward W. & Mary K. Kyler	Ownership, Place of Use, Point of Diversion
207754	Dearborn River	D. Michael Curran	Arthur W. and Ruth J. Ruggwell	Priority Date, Acres Irrigated, Volume or Flow Rate
210097	UT Flat Creek	D. Michael Curran	Barrett Land & Livestock Company	Priority Date

<u>Water Right Number</u>	<u>Source</u>	<u>Name of Party Objecting</u>	<u>Party Right Issued to in Decree</u>	<u>Nature of Objection</u>
210892	Falls Creek	Scott A. & Dean F. Warden	Scott A. Dean F. Warden	Request to file late claim
211087	Falls Creek	Lloyd & Joan J. Watson	Lloyd & Joan J. Watson	Request to file late claim

DEFINITION: UT - Unnamed Tributary
 Suppl. - Supplemental to

THESE OBJECTIONS TO THE DEARBORN RIVER TEMPORARY PRELIMINARY DECREE DO NOT CONTAIN ALL OF THE INFORMATION FILED BY AN OBJECTING PARTY. TO OBTAIN A COPY OF THE OBJECTION IN ITS ENTIRETY, CONTACT THE WATER COURTS AT P.O. BOX 879, BOZEMAN, MT 59715, (406) 586-4364

08/23/84 18/49

NAME VARIATION CHECK ON NEW APP & SB76 OWNERS - BASIN 41U

PAGE

NAME	STATE	DEPT OF HIGHWAYS	ADDRESS	DATE	TYPE	LOCATION
MONTANA	STATE	DEPT OF HIGHWAYS	2701 PROSPECT			HELENA
MOSHER		FERN	BOX 285			AUGUSTA
MOSHER		RICHARD	BOX 285			AUGUSTA
MOSHER		S WILLIAM	BOX 385			AUGUSTA
MOSHER		RANCH INC	BOX 385			AUGUSTA
MURPHY		ARTHUR				WOLF CREEK
MURPHY		BETTY				WOLF CREEK
MURPHY		GARY				WOLF CREEK
MURPHY		MABEL				WOLF CREEK
MYLES		BRUCE	611 N JACKSON ST			HELENA
NELSON		MICHAEL	710 10TH AVE SW			GREAT FALLS
NELSON		MICHAEL	(611 N JACKSON ST			HELENA
NELSON		HARRY	1401 11TH AVE S			HELENA
NELSON		HARRY	1901 9TH AVE			HELENA
NISBET		MARY	208 SMELTER AVE			HELENA
NISBET		MARY	208 SMELTER AVE			HELENA
NOEL		BETH				HELENA
NOEL		ROY				HELENA
NOEL		MANY	2120 5TH AVE N			HELENA
O'BRIEN		PATRICK	2120 5TH AVE N			HELENA
OLSON		FAYE	3433 8TH AVE N			HELENA
ONEILL		GENE				HELENA
ONEILL		HOWARD				HELENA
ONEILL		WILEY	TR 2511 GENTRY LANE			HELENA
PALMER		COLLEEN	2422 WALNUT ST			HELENA
PAUL		PHILIP	504 4TH AVE S	5-16-84		HELENA
PAUL		PHILIP	504 5TH AVE S			HELENA
PAUL		DELBERT	300 38TH ST N			HELENA
PECK		KATHRYN	300 38TH ST N			HELENA
PECK		FRANK	2020 1ST AVE SW			HELENA
POTTER		JOELLEN	2020 1ST AVE SW			HELENA
POTTERS		PATRICK	120 RIVERVIEW S			HELENA
POWERS		JAMES	1712 13TH AVE S			HELENA
QUIRK		PAT	RT 1 SOUTH			HELENA
RAMBO		CHARLENE	708 7TH ST N			HELENA
REEHL		CHARLENE	708 7TH ST NO			HELENA
REEHL		FREDRICK	708 7TH ST N			HELENA
REEHL		FREDRICK	708 7TH ST NO			HELENA
RITTEL		JOHN	BLACK TAIL RANCH			HELENA
ROWE		CLARENCE	3411 7TH AVE S			HELENA
ROWE		CONRAD	3411 7TH AVE S			HELENA
ROWE		CONRAD				HELENA
RUGWELL		DALE	1313 13TH ST SOUTH	5-15-84		HELENA
RUGWELL		ROBERT	1313 13TH ST SOUTH			HELENA
RUGWELL		RUTH	1313 15TH ST SO			HELENA
RUGWELL		RUTH	1313 15TH ST SO			HELENA
SALMENS		GARROLL	PO BOX 608			HELENA
SALMENS		LINDA	PO BOX 608			HELENA
SALMENS		KAREN	STAR RT			HELENA
SALMENS		TIMOTHY	STAR RT			HELENA
SALMENS		MICHAEL	1301 2ND WEST HILL			HELENA
SALMENS		MICHAEL	1301 2ND WEST HILL			HELENA
SECHENA		JOHN	106 RIVERVIEW DR			HELENA
SEVERTSON		JOHN	309 20TH ST NW			HELENA
SHOQUIST		JOHN	3433 8TH AVE NORTH			HELENA
SHOQUIST		SHIRLEY	3433 8TH AVE NORTH			HELENA
SHOQUIST		SHIRLEY	3433 8TH AVE N			HELENA

BASIN 414

Amended
**CERTIFICATE
OF MAILING**

October 1, 1984

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION
WATER RESOURCES DIVISION



TED SCHWINDEN, GOVERNOR

32 SOUTH EWING

STATE OF MONTANA

(406) 444-6603 ADMINISTRATOR
(406) 444-6646 ENGINEERING BUREAU
(406) 444-6868 WATER DEVELOPMENT BUREAU
(406) 444-6601 WATER MANAGEMENT BUREAU
(406) 444-6610 WATER RIGHTS BUREAU

HELENA, MONTANA 59620

October 1, 1984

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

Dear Chris:

Enclosed is the amended certificate of mailing because of returned mail for the Preliminary Decree for the Dearborn River Basin (Basin 41U).

Sincerely,

Jim

Jim Kindle
Records Section Supervisor
Water Rights Bureau

Enclosure
JK/jg

90

DEARBORN RIVER BASIN (Basin 41U)

AMENDED CERTIFICATE OF MAILING

The Notice of Objection and Request for Preliminary Hearing
on the Dearborn River Basin Preliminary Decree (Basin 41U)

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 all return mail for the Notice of Entry of Preliminary Decree and Notice of Availability for the Dearborn River Basin (Basin 41U) 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 Preliminary Decree and Notice of Availability of the 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 Preliminary Decree and Notice of Availability of the Preliminary Decree and Water Right Transfer Certificate forms.

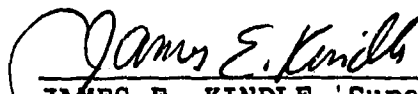
B. For post July 1, 1973 water rights: (1) all parties in the Dearborn River issued permits for water use in that Basin pursuant to 85-2-301 MCA or their successor in interest; (2) all parties who have applied for permits for the use of water in the Dearborn River Basin pursuant to 85-2-301 MCA 1978; (3) all parties who have been granted a reservation in the Dearborn River Basin pursuant to 85-2-316 MCA 1978; (4) all parties in the Dearborn River 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;

1. Owner address changes only. Based on research, all parties have been sent the Notice of Entry of Preliminary Decree and Notice of Availability of the Preliminary Decree.

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

This mailing and distribution was made under my direction and control from 5-10-84 to 9-27-84.

Dated this 1st day of OCTOBER, 1984.



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

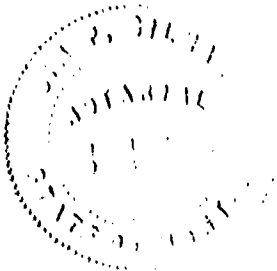
attachments

- 1.) Original Affidavit of Service
- 2.) Copies of return mail envelopes

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

On this 1st day of OCTOBER, 1984, 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

AFFIDAVIT OF SERVICE

STATE OF MONTANA)
County of Lewis and Clark) ss.

Jan Gerke, an employee of the Montana Department of Natural Resources and Conservation, being duly sworn on oath, deposes and says that on September 19, 1984, he/she deposited in the United States mail, regular mail, Notice of Entry of Preliminary Decree and Notice of Availability for the Neeshorn Decree, and abstract of disposition of claim of water right to the following persons or agencies:

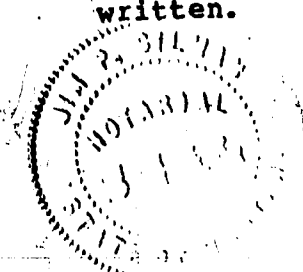
Arthur W. & Ruth J. Rugwell
1313 15th St. S
Great Falls, MT 59405

Department of Natural Resources and Conservation by Jan Gerke

STATE OF MONTANA)
County of Lewis and Clark) ss.

On this 1st day of October, 1984, before me, a Notary Public in and for said state, personally appeared Jan Gerke, known to me to be the Records Clerk of the Department executed this instrument or the persons who executed the instrument on behalf of said Department, and acknowledged to me that such Department executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my 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, Montana
My Commission expires 1-21-1987

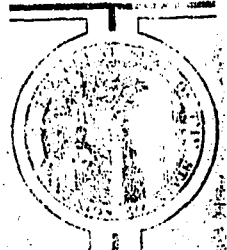
Memorandum

To: Jim Kindle From: D. Richard Date: 6/12/84

Re: Return Mail - 41U

Please correct the address on this claim to 1313 15th Street S. and mail the Notices of Availability for 41U etc. I verified this correction with the claim form (see item 2) and with the County Assessor's office.
Thank you.





DEPARTMENT OF NATURAL
RESOURCES & CONSERVATION

STATE OF MONTANA

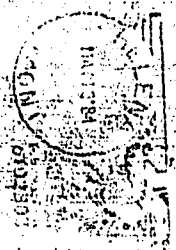
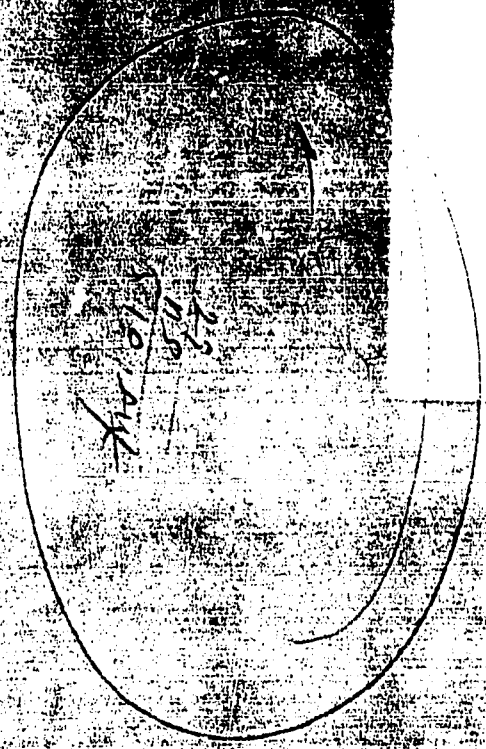
NATURAL RESOURCES BUILDING
32 SOUTH EWING
HELENA, MONTANA 59620

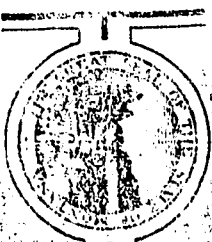
RECEIVED
MAY 15 1984
DEPARTMENT OF NATURAL
RESOURCES & CONSERVATION

W207754-4114

RUGWELL
1313 15TH AVE S
GREAT FALLS
MT 59405

ARTHUR





DEPARTMENT OF NATURAL
RESOURCES & CONSERVATION

STATE OF MONTANA

NATURAL RESOURCES BUILDING

32 SOUTHWING

HELENA, MONTANA 59620

W2207754-4114

RUGWELL
1313 15TH AVE S
GREAT FALLS

RUTH

MT

J

59405

Handwritten notes:
10/25/52
10/25/52
10/25/52

KEY TO
CLASS

NATION

2207

AFFIDAVIT OF SERVICE

STATE OF MONTANA)
) ss.
County of Lewis and Clark)

Jan Gerke, an employee of the Montana Department of Natural Resources and Conservation, being duly sworn on oath, deposes and says that on September 19, 1984, he/she deposited in the United States mail, regular mail, Notice of Entry of Preliminary Decree and Notice of Availability for the Dearborn Decree, and abstract of disposition of claim of water right to the following persons or agencies:

Arlen Semen
c/o Gloradon S. Larkin
105 Riverview Dr. W
Great Falls, MT 59404

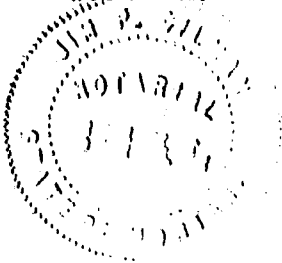
Department of Natural Resources and Conservation by

Jan Gerke

STATE OF MONTANA)
) ss.
County of Lewis and Clark)

On this 1st day of October, 1984, before me, a Notary Public in and for said state, personally appeared Jan Gerke, known to me to be the Records Clerk of the Department executed this instrument or the persons who executed the instrument on behalf of said Department, and acknowledged to me that such Department executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my 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, Montana
My Commission expires 1-21-1987

Memorandum

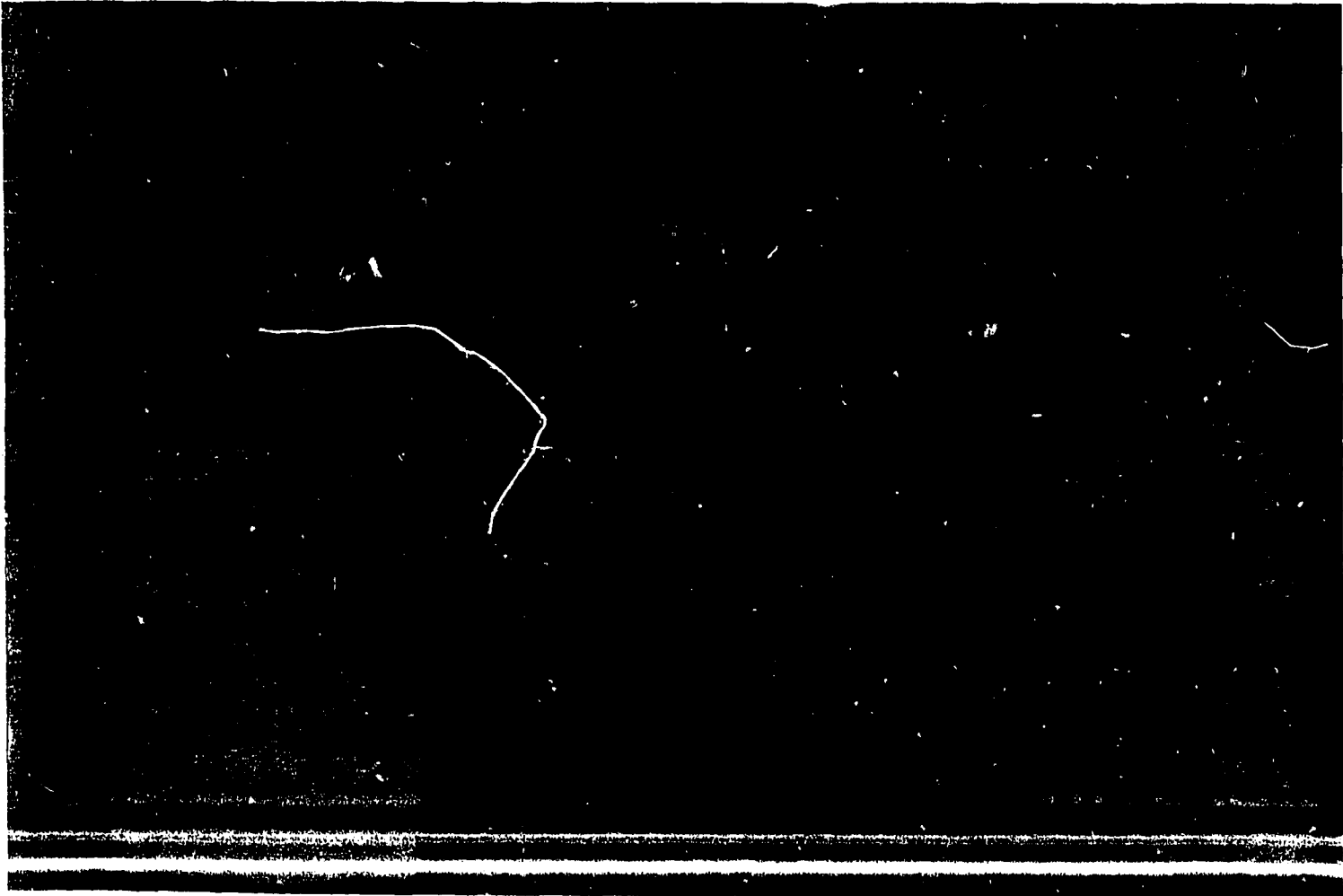
DNRC

To: Jim Kindle From: D. Richard Date: 6/13/84

RE: Return mail for 411

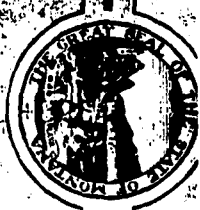
I checked the Assessor for this one they don't have an address for him. Larkin's phone has been disconnected so I can't call and get an address. Try sending this one

c/o Gloradon S. Larkin ^{co-owner}
105 Riverview Dr. W.
Great Falls, MT 59404



SEMAN ARLEN
105 RIVERVIEW DR W
GREAT FALLS MT 59404

NO DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
RETURN TO SENDER
JUL 21 1984



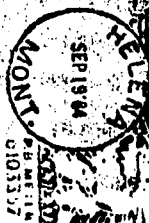
DEPARTMENT OF NATURAL
RESOURCES & CONSERVATION
— STATE OF MONTANA —
NATURAL RESOURCES BUILDING
32 SOUTH EWING
HELENA, MONTANA 59620

MONT. DEPT. OF NATURAL
RESOURCES & CONSERVATION

Robert S. ...
...
...
...



PRESENTED
FIRST CLASS



AFFIDAVIT OF SERVICE

STATE OF MONTANA)
) ss.
County of Lewis & Clark)

Kathleen Richard, an employee of the Montana Department of Natural Resources and Conservation, being duly sworn on oath, deposes and says that on June 14, 1984, he/she deposited in the United States mail, regular mail, Notice of Preliminary Decree/Notice of Availability of Preliminary Decree for the Dearborn River Basin Decree, a Water Right Transfer Certificate Form and a letter of inquiry concerning water right ownership addressed to the following persons or agencies:

41U-C026270-00

SHERMAN D. AND JOYCE M. MILLS
1603 2nd STREET SOUTH
GREAT FALLS, MT 59405

DEPARTMENT OF NATURAL RESOURCES AND
CONSERVATION

by Kathleen Richard

STATE OF MONTANA)
) ss.
County of Lewis & Clark)

On this 14th day of June, 1984, before me, a Notary Public in and for said state, personally appeared Kathleen Richard, known to me to be the Water Right Specialist of the Department that executed this instrument or the persons who executed the instrument on behalf of said Department, and acknowledged to me that such Department executed the same.

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



T.J. Reynolds
Notary Public for the State of Montana
Residing at _____, Montana
My Commission expires PUBLIC for the State of Montana
Residing at Helena, Montana
My Commission Expires July 15, 1986

June 14, 1984

Assessors Office
Pin #17389

Contract for deed, new
owner Sherman D. & Joyce M. Mills

Their address:

Sherman D. Mills
Joyce M. Mills
1603 2ND ST. So.
Great Falls, MT 59405

Kathleen Richard
Water Rights Specialist



DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
WATER RIGHTS BUREAU
— STATE OF MONTANA —
32 SOUTH EWING
HELENA, MONTANA 59620

MONTANA
Pride
VOTE for pride

REGISTERED
FIRST CLASS



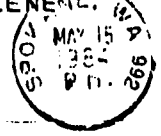
HELENA MONT
MAY 10 '84
0.20
POSTAGE

RECEIVED
MAY 18 1984
MONT. DEPT. OF NATURAL
RESOURCES & CONSERVATION

FORWARD
ORDERS
RETURN

1. LGPER DOUGLAS
2. 1626 HASTINGS AVE COEUR D'ALENE, ID
3. [Handwritten mark]

WRB-NA
K
ID 83814



AFFIDAVIT OF SERVICE

STATE OF MONTANA)
) ss.
County of Lewis & Clark)

Kathleen Richard, an employee of the Montana Department of Natural Resources and Conservation, being duly sworn on oath, deposes and says that on June 13, 1984, 1984, he/she deposited in the United States mail, Regular mail, Notice of Preliminary Decree/Notice of Availability of Preliminary Decree for the Dearborn River Basin Decree, a Water Right Transfer Certificate Form and a letter of inquiry concerning water right ownership addressed to the following persons or agencies:

41U-C003862-00

MR. CHESTER C. CLELAND
104 SUNDANCE DRIVE
LEWISTOWN, MT 59457

DEPARTMENT OF NATURAL RESOURCES AND
CONSERVATION

by Kathleen Richard

STATE OF MONTANA)
) ss.
County of Lewis & Clark)

On this 13th day of June, 1984, before me, a Notary Public in and for said state, personally appeared Kathleen Richard, known to me to be the Water Right Specialist of the Department that executed this instrument or the persons who executed the instrument on behalf of said Department, and acknowledged to me that such Department executed the same.

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

T. J. Reynolds
Notary Public for the State of Montana
Residing at _____, Montana
My Commission expires _____

NOTARY PUBLIC for the State of Montana
Residing at Helena, Montana
My Commission Expires July 16, 1985

AFFIDAVIT OF SERVICE

STATE OF MONTANA)
) ss.
County of Lewis & Clark)

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41U-C003862-00

MR. WILLIAM S. KORAN
10815 ALGONQUIN ROAD
EDMONDS, WA 98020

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

by Kathleen Richard

STATE OF MONTANA)
) ss.
County of Lewis & Clark)

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T. J. Reynolds
Notary Public for the State of Montana
Residing at _____, Montana
My Commission expires _____

NOTARY PUBLIC for the State of Montana
Residing at Helena, Montana
My Commission Expires July 16, 1986

AFFIDAVIT OF SERVICE

STATE OF MONTANA)
) ss.
County of Lewis & Clark)

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41U-C003862-00

L.D.S., INC.
315 GARDEN OF THE GODS ROAD
COLORADO SPRINGS, CO 80907

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

by Kathleen Richard

STATE OF MONTANA)
) ss.
County of Lewis & Clark)

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T.J. Reynolds
Notary Public for the State of Montana
Residing at _____, Montana
My Commission expires _____

NOTARY PUBLIC for the State of Montana
Residing at Helena, Montana
My Commission Expires July 16, 1986

AFFIDAVIT OF SERVICE

STATE OF MONTANA)
) ss.
County of Lewis & Clark)

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41U-COG3862-00

MR. DALE S. LESLIE
BOX 959
HELENA, MT 59624

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

by Kathleen Richard

STATE OF MONTANA)
) ss.
County of Lewis & Clark)

On this 13th day of June, 1984, before me, a Notary Public in and for said state, personally appeared Kathleen Richard, known to me to be the Water Right Specialist of the Department that executed this instrument or the persons who executed the instrument on behalf of said Department, and acknowledged to me that such Department executed the same.

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

T. L. Reynolds
Notary Public for the State of Montana
Residing at _____, Montana
My Commission expires _____

NOTARY PUBLIC for the State of Montana
Residing at Helena, Montana
My Commission Expires July 16, 1986

AFFIDAVIT OF SERVICE

STATE OF MONTANA)
) ss.
County of Lewis & Clark)

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41U-C003862-00

ARTHUR E. MURPHY
1100 13th AVENUE SOUTH
GREAT FALLS, MT 59405

DEPARTMENT OF NATURAL RESOURCES AND
CONSERVATION

by Kathleen Richard

STATE OF MONTANA)
) ss.
County of Lewis & Clark)

On this 13th day of June, 1984, before me, a Notary Public in and for said state, personally appeared Kathleen Richard, known to me to be the Water Right Specialist of the Department that executed this instrument or the persons who executed the instrument on behalf of said Department, and acknowledged to me that such Department executed the same.

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T.J. Reynolds
Notary Public for the State of Montana
Residing at _____, Montana
My Commission expires _____

NOTARY PUBLIC for the State of Montana
Residing at Helena, Montana
My Commission Expires July 16, 1986

AFFIDAVIT OF SERVICE

STATE OF MONTANA)
) ss.
County of Lewis & Clark)

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41U-C003862-00

MR. THOMAS J. ROHRICH
915 3rd AVENUE S.W.
GREAT FALLS, MT 59401

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

by Kathleen Richard

STATE OF MONTANA)
) ss.
County of Lewis & Clark)

On this 13th day of June, 1984, before me, a Notary Public in and for said state, personally appeared Kathleen Richard, known to me to be the Water Right Specialist of the Department that executed this instrument or the persons who executed the instrument on behalf of said Department, and acknowledged to me that such Department executed the same.

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T. J. Reynolds
Notary Public for the State of Montana
Residing at _____, Montana
My Commission expires _____

NOTARY PUBLIC for the State of Montana
Residing at Helena, Montana.
My Commission Expires July 16, 1986

AFFIDAVIT OF SERVICE

STATE OF MONTANA)
) ss.
County of Lewis & Clark)

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41U-C003862-00

MS. PATRICIA SPONHEIM
1401 2B STREET, NO. 16
GREAT FALLS, MT 59404

DEPARTMENT OF NATURAL RESOURCES AND
CONSERVATION

by Kathleen Richard

STATE OF MONTANA)
) ss.
County of Lewis & Clark)

On this 13th day of June, 1984, before me, a Notary Public in and for said state, personally appeared Kathleen Richard, known to me to be the Water Right Specialist of the Department that executed this instrument or the persons who executed the instrument on behalf of said Department, and acknowledged to me that such Department executed the same.

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

T. J. Reynolds
Notary Public for the State of Montana
Residing at _____, Montana
My Commission expires _____

NOTARY PUBLIC for the State of Montana
Residing at Helena, Montana
My Commission Expires July 16, 1986

RETURN MAIL; C003862-00 41U

6/12/84

On this day I phoned the
Cascade Co. Assessors Office
and requested all the addresses
of owners in the SW NW,
Sec. 11, T16N, R03W, Cascade
Co. The names and addresses
are listed below.

Arthur E. Murphy
1100 13th Ave. So.
Great Falls, MT 59405

Chester C. Cleland
104 Sundance Dr.
Lewistown, MT

Dale S. Leslie
Box 959
Helena, MT

William S. Koran
10815 Algonquin Rd.
Edmonds, CA 98020

Thomas J. Rohrich
915 3rd Ave. S.W.
Great Falls, MT

Patricia Sponheim

1401 2B St.

No. 16

Great Falls, MT 59404

L. S. Inc.

315 Garden of the Gods Rd.

Colorado Springs, CO 08907

Kathleen Richard



DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
WATER RIGHTS BUREAU
— STATE OF MONTANA —
32 SOUTH EWING
HELENA, MONTANA 59620

**MONTANA
Pride**
VOTE for WRE

REGISTERED
FIRST CLASS



U.S. POSTAGE
0.17

RETURN TO
TO SEND
NOT DELIVERED
AS ADDRESS
UNABLE TO FORWARD

PALMER
2511 GENTRY LANE
BILLINGS

WILEY

WRE-NA
B

MT 59102

RECEIVED
MAY 16 1984
MONTANA DEPT. OF NATURAL
RESOURCES & CONSERVATION

BASIN

414

**MISCELLANEOUS
CORRESPONDENCE,
WATER COURT**

June 12, 1984

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION
WATER RESOURCES DIVISION



TED SCHWINDEN, GOVERNOR

32 SOUTH EWING

STATE OF MONTANA

(406) 449-2872 ADMINISTRATOR
(406) 449-2864 ENGINEERING BUREAU
(406) 449-3760 WATER DEVELOPMENT BUREAU
(406) 449-2872 WATER MANAGEMENT BUREAU
(406) 449-3962 WATER RIGHTS BUREAU

HELENA, MONTANA 59620

June 12, 1984

Honorable Judge W. W. Lessley
Montana State Water Court
PO Box 879
Bozeman, MT 59715

RE: Updates to Dearborn River Temporary
Preliminary Decree, Basin 41U

Dear Judge Lessley:

Tim Sullivan asked that the enclosed updates be sent to your attention. These updates are for claims that were missed when the Dearborn River Temporary Preliminary Decree was issued.

The updates are in two formats. One is the owner abstract that is sent to individual water right owners. The other is a decree abstract, in the same format as the decree is issued. I believe Tim has spoken to you about updating the decrees at the courthouses with this new information.

If you have any questions regarding this, please call me.

Sincerely,

A handwritten signature in cursive script that reads "Jim Kindie".

Jim Kindie
Records Supervisor
Water Rights Bureau

Enclosures

JK:jg

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

FOR OWNER: MONTANA, STATE OF BOARD OF LAND COMMISSIONER
DEPARTMENT OF STATE LANDS
CAPITOL STATION
HELENA MT 59620

WATER RIGHT NUMBER: 91U-4-010269-00

OWNERS: MONTANA, STATE OF BOARD OF LAND COMMISSIONER
DEPARTMENT OF STATE LANDS
CAPITOL STATION
HELENA MT 59620

PRIORITY DATE: AUG 16, 1961

FLOW RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: SPRING, TRIBUTARY OF HOGAN CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QTR SEC SEC TWP RGE COUNTY

NWSNW 30 19N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LOT BLK QTR SEC SEC TWP RGE COUNTY

001

NWSNW 30 19N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

WRG_OWNER: MYLES S7 INC
611 N JACKSON ST
HELENA MT 59601

WATER_RIGHT_NUMBER_41U_4-117742-20

OWNERS: MYLES S7 INC
611 N JACKSON ST
HELENA MT 59601

NELSON MICHAEL E
611 N JACKSON ST
HELENA MT 59601

PRIORITY_DATE: APR 1, 1904

FLOW_RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: SPRING, TRIBUTARY OF HENRY CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT_BLK_QTR_SEC_SEC_TWP_RGE_COUNTY

NESWSW 03 18N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

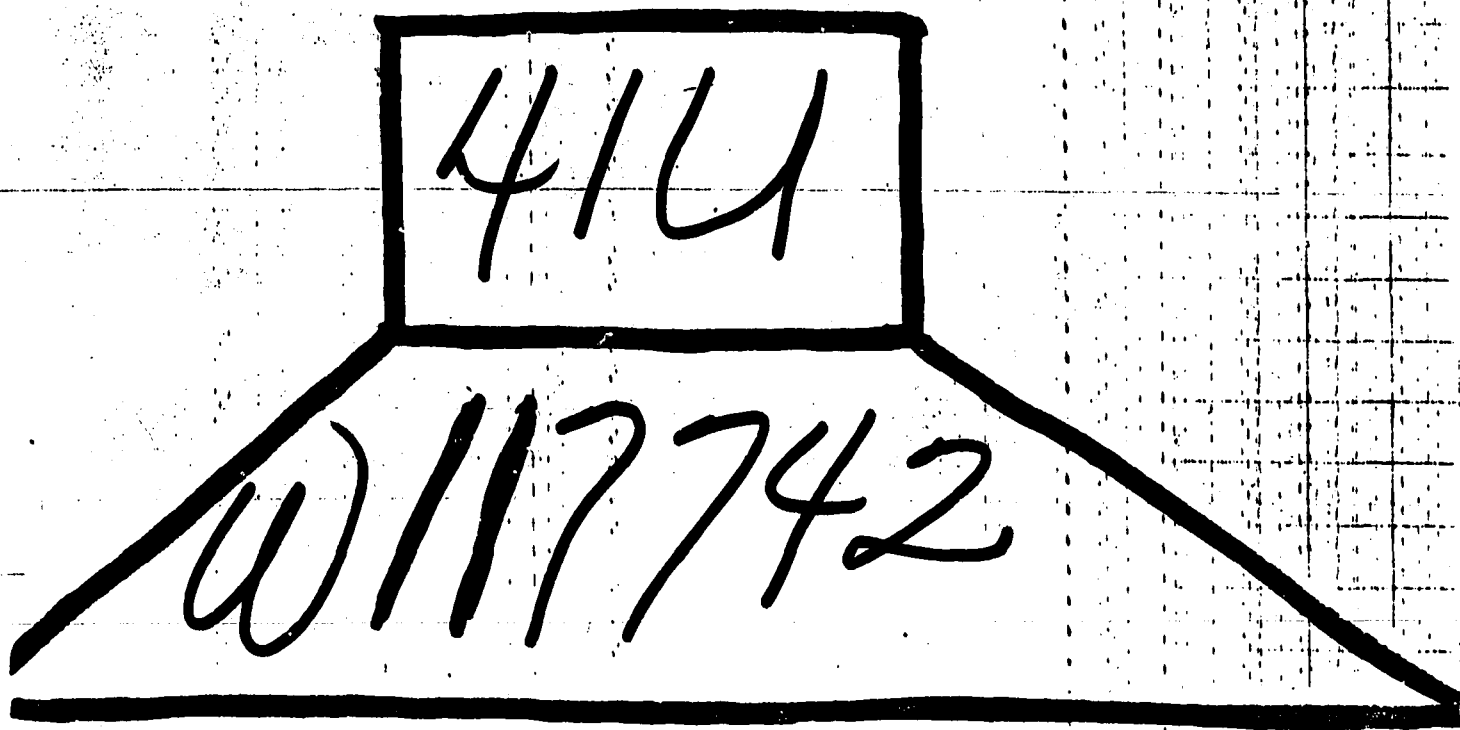
ACRES LOT_BLK_QTR_SEC_SEC_TWP_RGE_COUNTY

001

NESWSW 03 18N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

BASIN CORRECTION



was 41K

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN.
BASIN 41U
ABSTRACT OF WATER RIGHT

EQB_OWNER: NELSON MICHAEL E
611 N JACKSON ST
HELENA MT 59601

WATER RIGHT NUMBER 41U - 1-117742-00

OWNERS: NYLES 57 INC
611 N JACKSON ST
HELENA MT 59601

NELSON MICHAEL E
611 N JACKSON ST
HELENA MT 59601

PRIORITY DATE: APR 1, 1904

CLAIM DATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

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SOURCE: SPRING, TRIBUTARY OF HENRY CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QTR SEC SEC TWP RGE COUNTY
NESWSW 03 18N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LOT BLK QTR SEC SEC TWP RGE COUNTY

001 NESWSW 03 18N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

EMR OWNER: MYLES S7 INC
611 N JACKSON ST
HELENA MT 59601

WATER RIGHT NUMBER 41U - 1-117743-20

OWNERS: MYLES S7 INC
611 N JACKSON ST
HELENA MT 59601
NELSON MICHAEL
611 N JACKSON ST
HELENA MT 59601

PRIORITY DATE: APR 1, 1904

EQUM RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: SPRING, TRIBUTARY OF HENRY CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: APR 1 TO OCT 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QTR SEC SEC TWP RGE COUNTY

SESWNE 03 18N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LOT BLK QTR SEC SEC TWP RGE COUNTY

001 SESWNE 03 18N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

EMR-OWNER: NELSON MICHAEL E
611 N JACKSON ST
HELENA MT 59601

WATER RIGHT NUMBER 41U-W-117743-00

OWNERS: MYLES 57 INC
611 N JACKSON ST
HELENA MT 59601
NELSON MICHAEL E
611 N JACKSON ST
HELENA MT 59601

PRIORITY DATE: APR 1, 1904

FEED RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

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SOURCE: SPRING, TRIBUTARY OF HENRY CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: APR 1 TO OCT 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QTR SEC SEC TWP RGE COUNTY

SESWNE 03 18N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LOT BLK QTR SEC SEC TWP RGE COUNTY

001

SESWNE 03 18N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

~~WATER RIGHT NUMBER 41U -W-010262-00~~

OWNERS: MONTANA, STATE OF BOARD OF LAND COMMISSIONER
DEPARTMENT OF STATE LANDS
CAPITOL STATION
HELENA MT 59620

PRIORITY DATE: AUG 16, 1961

~~EQU-BASE:~~

~~VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT~~

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SOURCE: SPRING, TRIBUTARY OF HOGAN CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

~~EUNTS OF DIVERSION AND MEANS OF DIVERSION:~~

~~LOT BLK QTR SEC SEC TWP RGE COUNTY~~

NWSNW 30 19N 04W LEWIS & CLARK FLOWING

~~PAGE OF USE FOR STOCK~~

~~ACRES LOT BLK QTR SEC SEC TWP RGE COUNTY~~

001 NWSNW 30 19N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 41U-1-117742-00

OWNERS: NYLES 57 INC
611 N JACKSON ST
HELENA MT 59601

NELSON MICHAEL E
611 N JACKSON ST
HELENA MT 59601

PRIORITY DATE: APR 1, 1904

FLOW RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: SPRING, TRIBUTARY OF HENRY CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QTR SEC SEC TWP RGE COUNTY
NE3WSW 03 18N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LOT BLK QTR SEC SEC TWP RGE COUNTY
001 NE3WSW 03 18N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 41U-4-117743-00

OWNERS: MYLES 57 INC
611 N JACKSON ST
HELENA MT 59601
NELSON MICHAEL E
611 N JACKSON ST
HELENA MT 59601

ELIGIBILITY DATE: APR 1, 1904

FLOW RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: SPRING, TRIBUTARY OF HENRY CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: APR 1 TO OCT 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QTR SEC SEC TWP RGE COUNTY

3E3WNE 03 18N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LOT BLK QTR SEC SEC TWP RGE COUNTY

001

3E3WNE 03 18N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.



MONTANA WATER COURTS

STATE OF MONTANA

WATER JUDGES:

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

Lower Missouri River Basin
Judge Bernard W. Thomas
P.O. Box 938
Chinook, MT 59623

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

June 19, 1984

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

Dear Jim:

I'm sending back to you four copies of the new abstracts you generated for us in the Dearborn.

I've taken the six I need. Thanks!

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Jensen".

Chris Jensen
Clerk

caj
encls.

RECEIVED
JUN 20 1984
MONT. DEPT. of NATURAL
RESOURCES & CONSERVATION

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 41U - W-110962-00

OWNER: MONTANA, STATE OF BOARD OF LAND COMMISSIONER
DEPARTMENT OF STATE LANDS
CAPITOL STATION MT 59620
HELENA

PRIORITY DATE: AUG 16, 1961

FEES PAID:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

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SOURCE: SPRING, TRIBUTARY OF HOGAN CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QIB SEC SEC TWP RGE COUNTY

N5SWNW 30 19N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LOT BLK QIB SEC SEC TWP RGE COUNTY

N5SWNW 30 19N 04W LEWIS & CLARK

001

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 41U - 1-117742-00

OWNERS: MYLES 57 INC
611 N JACKSON ST
HELENA MT 59601

NELSON MICHAEL E
611 N JACKSON ST
HELENA MT 59601

PRIORITY DATE: APR 1, 1904

FLOW RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT.

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: SPRING, TRIBUTARY OF HENRY CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QIB SEC SEC TWP RGE COUNTY
NESWSW 03 18N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LOT BLK QIB SEC SEC TWP RGE COUNTY
001 NESWSW 03 18N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 41U - Y-117743-00

OWNERS: MYLES 57 INC
611 N JACKSON ST
HELENA MT 59601
NELSON MICHAEL E
611 N JACKSON ST
HELENA MT 59601

PRIORITY DATE: APR 1, 1904

ELDER DATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: SPRING, TRIBUTARY OF HENRY CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: APR 1 TO OCT 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QTR SEC SEC TWP RGE COUNTY

SESWE 03 18N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LOT BLK QTR SEC SEC TWP RGE COUNTY

001

SESWE 03 18N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 41U - W-010262-00

OWNERS: MONTANA, STATE OF BOARD OF LAND COMMISSIONER
DEPARTMENT OF STATE LANDS
CAPITOL STATION
HELENA MT 59620

PRIORITY DATE: AUG 16, 1961

ELUV. RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: SPRING, TRIBUTARY OF HOGAN CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QTR SEC SEC TWP RGE COUNTY

N5SW4 30 19N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCKS

ACRES LOT BLK QTR SEC SEC TWP RGE COUNTY

001

N5SW4 30 19N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 41U - 117742-00

OWNERS: KYLES 57 INC
611 N JACKSON ST
HELENA MT 59601
NELSON MICHAEL E
611 N JACKSON ST
HELENA MT 59601

PRIORITY DATE: APR 1, 1904

FLOW RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: SPRING, TRIBUTARY OF HENRY CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QTR SEC SEC TWP RGE COUNTY

NESWSW 03 18N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LOT BLK QTR SEC SEC TWP RGE COUNTY

001 NESWSW 03 18N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 41U-1-117743-00

OWNERS: MYLES 57 INC
617 N JACKSON ST MT 59601
HELENA
NELSON MICHAEL E
611 N JACKSON ST MT 59601
HELENA

PRIORITY DATE: APR 1, 1904

RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: SPRING, TRIBUTARY OF HENRY CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: APR 1 TO OCT 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QTR SEC SEC TWP RGE COUNTY
SESWE 03 18N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LOT BLK QTR SEC SEC TWP RGE COUNTY
001 SESWE 03 18N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 41U-1-010262-00

OWNER: MONTANA, STATE OF BOARD OF LAND COMMISSIONER
DEPARTMENT OF STATE LANDS
CAPITOL STATION
HELENA MT 59620

PRIORITY DATE: AUG 16, 1961

FLOW RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: SPRING, TRIBUTARY OF HOGAN CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QTR SEC SEC TWP RGE COUNTY

NWSNW 30 19N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LOT BLK QTR SEC SEC TWP RGE COUNTY

001

NWSNW 30 19N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

MAI CHI NUMBER 41U - N-117742-00

1: MYLES S7 INC
611 N JACKSON ST
HELENA MT 59601

NELSON MICHAEL E
611 N JACKSON ST
HELENA MT 59601

PRIORITY DATE: APR 1, 1904

FLOW RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT.

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: SPRING, TRIBUTARY OF HENRY CREEK

PU-PURPOSE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT 866 918 SEC SEC TWP RGE COUNTY

NESWSW 03 18N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LOT 866 918 SEC SEC TWP RGE COUNTY

001

NESWSW 03 18N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

~~WATER RIGHT NUMBER 41U - 1-117743-00~~

OWNERS: MYLES 57 INC
611 N JACKSON ST
HELENA MT 59601
NELSON MICHAEL E
611 N JACKSON ST
HELENA MT 59601

PRIORITY DATE: APR 1, 1904

FLOW RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: SPRING, TRIBUTARY OF HENRY CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: APR 1 TO OCT 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LCT BLK QTR SEC SEC TWP RGE COUNTY

SESWNE 03 18N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LCT BLK QTR SEC SEC TWP RGE COUNTY

001

SESWNE 03 18N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 41U : W-010262-00

OWNER: MONTANA, STATE OF BOARD OF LAND COMMISSIONER
DEPARTMENT OF STATE LANDS
CAPITOL STATION
HELENA MT 59620

PRIORITY DATE: AUG 16, 1961

CLASS: E-11-B-1E

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: SPRING, TRIBUTARY OF HOGAN CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK Q18 SEC SEC TWP RGE COUNTY

N5SW4 30 19N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LOT BLK Q18 SEC SEC TWP RGE COUNTY

001

N5SW4 30 19N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 41U - M-117742-00

OWNERS: NYLES 57 INC
611 N JACKSON ST
HELENA MT 59601

NELSON MICHAEL E
611 N JACKSON ST
HELENA MT 59601

PRIORITY DATE: APR 1, 1904

FLOW RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: SPRING, TRIBUTARY OF HENRY CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK Q15 SEC SEC TWP RGE COUNTY

NESWSW 03 18N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LOT BLK Q15 SEC SEC TWP RGE COUNTY

001

NESWSW 03 18N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 41U-V-117743-00

OWNERS: MYLES S7 INC
611 N JACKSON ST
HELENA MT 59601
NELSON MICHAEL E
611 N JACKSON ST
HELENA MT 59601

PRIORITY DATE: APR 1, 1904

ELUV RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: SPRING, TRIBUTARY OF HENRY CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: APR 1 TO OCT 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QTR SEC SEC TWP RGE COUNTY

SESWE 03 18N 04W LEWIS & CLARK FLOWING

PLACE OF USE FOR STOCK

ACRES LOT BLK QTR SEC SEC TWP RGE COUNTY

001

SESWE 03 18N 04W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION
WATER RESOURCES DIVISION



TED SCHWINDEN, GOVERNOR

STATE OF MONTANA

32 SOUTHWING

HELENA MONTANA 59620

(406) 449-2872 ADMINISTRATOR
(406) 449-2864 ENGINEERING BUREAU
(406) 449-3760 WATER DEVELOPMENT BUREAU
(406) 449-2372 WATER MANAGEMENT BUREAU
(406) 449-3362 WATER RIGHTS BUREAU

June 27, 1984

Tim Sullivan
Water Master
Box 879
Bozeman, MT 59715

Re: Letter of June 18, 1984

Dear Tim:

Enclosed are corrected owner abstracts and decree copies for claims 41U-W-096374-00 and 41U-W-183445-00. These claims were previously in Basin 41K.

Sincerely,

Jim Kindle
Records Supervisor
Water Rights Bureau

Enclosures
JK/pg



MONTANA WATER COURTS

STATE OF MONTANA

RECEIVED

JUN 19 1984

MONT. DEPT. of NATURAL
RESOURCES & CONSERVATION

MEMORANDUM

WATER JUDGES:

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

Lower Missouri River Basin
Judge Bernard W. Thomas
P.O. Box 938
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

TO: Jim Kindle, Records Section
DNRC Water Rights Bureau

FROM: T. Sullivan

DATE: June 18, 1984

RE: Claims 41K-W-096374 and 41K-W-183445

The above claims were mistakenly assigned to the Sun River Basin (41K) but they belong in the Dearborn River Basin (41U). Please correct the abstracts to show they belong in the Dearborn Basin (41U).

We will need corrected copies to send to the owners and to be placed on record with the Temporary Preliminary Decrees already issued. Please send the corrected copies to the Water Courts.

Tim Sullivan

Tim Sullivan,
Water Master

Enclosures (Abstracts)

FILMED

JUN 26 1984

BY _____

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 41U -W-026374-00

OWNERS: MCGILL IS DONALD
4401 RIVER DR N
GREAT FALLS MT 59401

PRIORITY DATE: DEC 31, 1891

FLOW RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: UNNAMED TRIBUTARY OF HOGAN CREEK

EMBRACE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QTR SEC SEC IMP RGE COUNTY
NESWSW 27 19N 05W LEWIS & CLARK DAM

PLACE OF USE FOR STOCK

ACRES LOT BLK QTR SEC SEC IMP RGE COUNTY
001 NESWSW 27 19N 05W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

TEMPORARY PRELIMINARY DECREE ON DEARBORN RIVER BASIN
BASIN 41U
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 41U -W-183445-00

OWNERS: MCGILLIS DONALD
4401 RIVER DR N MT 59401
GREAT FALLS

PRIORITY DATE: DEC 31, 1891

FLOW RATE:

VOLUME: 30 GALLONS PER DAY PER ANIMAL UNIT

THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS WATER SOURCE.

SOURCE: UNNAMED TRIBUTARY OF HOGAN CREEK

PURPOSE (USE): STOCK

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QTR SEC SEC TWP RGE COUNTY
29 19N 05W LEWIS & CLARK DIRECT FROM SRC

PLACE OF USE FOR STOCK

ACRES LOT BLK QTR SEC SEC TWP RGE COUNTY
29 19N 05W LEWIS & CLARK

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

BASIN

414

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

Sept. 27, 1984

IN THE WATER COURTS OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION - DEARBORN RIVER BASIN

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 Dearborn 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 DEARBORN RIVER 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 2nd DAY OF November, 1984.

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, 601 Haggerty Lane, Bozeman, Montana 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, 28 South Rodney, Helena, MT 59620
4. Clerk of Court, Cascade County Courthouse, Great Falls, MT 59401
5. Clerk and Recorder, Cascade County Courthouse, Great Falls, MT 59401
6. Clerk of Court, Lewis and Clark County Courthouse, Helena, MT 59601
7. Clerk and Recorder, Lewis and Clark County Courthouse, Helena, MT 59601

(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; phone 586-4364.

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

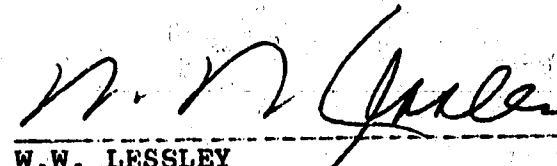
WHAT HAPPENS AFTER?

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, 601 Haggerty Lane, Bozeman, Mt 59715
2. Clerk of Court, Cascade County Courthouse, Great Falls, MT 59401
3. Clerk of Court, Lewis and Clark County Courthouse, Helena, MT 59601

DATED this 27th day of September, 1984.



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