

IN THE WATER COURT OF THE STATE OF MONTANA  
ST. MARY RIVER – BASIN 40T

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CLAIMANT: United States of America (Bureau of Reclamation)

COUNTEROBJECTORS: Davies Ranch Co.; Richard E. Grabofsky;  
Ross 8 Bar 7 Ranch; S Bar B Ranch Co.

CASE 40T-33  
40T 40955-00  
40T 40958-00  
40T 40959-00  
40T 40960-00

**ORDER AMENDING AND ADOPTING MASTER’S REPORT**

Pursuant to Montana Code Annotated, section 85-2-233(5), the above entitled Case was assigned to Water Master Madeleine Weisz. The Water Master filed a Report containing Findings of Fact and Conclusions of Law with the Clerk of Court. Copies of the Report were served upon the parties on May 20, 2020.

In reviewing the Master’s Report, it came to the Court’s attention that an interbasin transfer remark describing the claims’ interbasin features did not appear on the abstracts for claims 40T 40955-00 and 40T 40959-00. The following interbasin transfer remark appeared on claims 40T 40955-00 and 40T 40959-00 in the 40T Preliminary Decree and will be added back on to the claims:

THIS APPROPRIATION OF WATER TAKES FROM THE ST. MARY RIVER DRAINAGE (BASIN 40T) AND USES IT IN THE ST. MARY RIVER DRAINAGE (BASIN 40T), THE UPPER MILK RIVER DRAINAGE (BASIN 40F), THE MIDDLE MILK RIVER DRAINAGE (BASIN 40J), THE LOWER MILK MILK RIVER DRAINAGE (BASIN 40O), THE BIG SANDY CREEK DRAINAGE (BASIN 40H), THE BEAVER CREEK DRAINAGE (BASIN 40M), THE PEOPLES CREEK DRAINAGE (BASIN 40I), THE ROCK CREEK DRAINAGE (BASIN 40N), THE MISSOURI RIVER DRAINAGE BELOW FORT PECK RESERVOIR (BASIN 40S), THE FRENCHMAN CREEK DRAINAGE (BASIN 40L), AND THE WHITEWATER CREEK DRAINAGE (BASIN 40K) . ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

The Court has reviewed the Water Master's Findings and Conclusions. Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report with the above referenced amendments.

Post decree abstracts of the water right claims are attached to confirm that the above corrections have been made in the state's centralized water right record system.

DATED this 5<sup>th</sup> day of June, 2020.

  
Russ McElyea  
Chief Water Judge

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