

Montana Water Court
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ELECTRONICALLY FILED

43A-0534-R-2020

March 4, 2021

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
SHIELDS RIVER BASIN 43A
PRELIMINARY DECREE

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CLAIMANT: Hayhook Land, LLC

OBJECTOR: Hayhook Land, LLC

Case 43A-0534-R-2020
43A 23740-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Clerk of the Montana Water Court. Please review this Report carefully.

You may file a written objection to this Master's Report if you disagree or find errors with the Master's Findings of Fact, Conclusions of Law, or Recommendations. The above stamped date indicates the date this Master's Report was filed and mailed. Rule 23 of the Water Right Adjudication Rules requires written objections to a Master's Report be filed within 10 days of the date of the Master's Report. Because this Master's Report was mailed to you, Rule 6(d) of the Montana Rules of Civil Procedure provides an additional 3 days to the 10-day objection period.

If you file an objection, you must mail a copy of the objection to all parties on the Service List found at the end of this Master's Report. The original objection and a certificate of mailing to all parties on the Service List must be filed with the Water Court. *If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.*

MASTER'S REPORT

FINDINGS OF FACT

1. Hayhook Land, LLC (Hayhook) irrigation claim 43A 23740-00 was decreed with a single DNRC notice-type issue remark:

POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

2. Hayhook objected to claim 43A 23740-00.

3. An Order Setting Filing Deadline was issued for Hayhook to file documentation settling the Objection.

4. On February 19, 2021, Hayhook filed a Statement and Motion Affirming Corrections and Motion to Amend Water Right Claims in this Case and Case 43A-0535-R-2020. The February 19, 2021 filing affirmed the point of diversion modification the DNRC made to claim 43A 23740-00 during reexamination, resolving the Objection.

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court must address all issue remarks that appear on a claim as well as any objections the claim receives. Sections 85-2-233, 85-2-247, and 85-2-248, MCA.

2. Hayhook has confirmed the point of diversion change DNRC made to claim 43A 23740-00 during reexamination of the claim, resolving Hayhook's Objection.

RECOMMENDATION

1. The issue remark should be removed from claim 43A 23740-00.

A Post Decree Abstract of Water Right Claim is served with the Report to confirm the terms of the claim in the state's centralized record system.

Anika M. Stern
Senior Water Master

Consented to Electronic Service:

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SHIELDS RIVER
BASIN 43A**

Water Right Number: 43A 23740-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: HAYHOOK LAND LLC
1067 US HIGHWAY 89 N
LIVINGSTON, MT 59047 9340

Priority Date: JUNE 15, 1903

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.00 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 89.30

Source Name: BANGTAIL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SE	22	1N	9E	PARK

Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: HEFFERNAN DITCH

2		NW	23	1N	9E	PARK
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Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: KEYES DITCH

3		NW	24	1N	9E	PARK
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Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: HEFFERNAN DITCH

Period of Use: APRIL 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	82.00		SW	24	1N	9E	PARK
2	4.30		N2SW	24	1N	9E	PARK

3	3.00	SWNWSE	24	1N	9E	PARK
Total:	89.30					