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40J-0618-P-2019

September 28, 2021

Montana Water Court

**MONTANA WATER COURT, LOWER MISSOURI DIVISION**  
**MILK RIVER BETWEEN FRESNO RESERVOIR AND WHITEWATER CREEK**  
**BASIN 40J**

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CLAIMANTS: Alfalfa Valley Irrigation District;  
Fort Belknap Irrigation District; United States of America (Bureau  
of Reclamation); Zurich Irrigation District

OBJECTORS: United States of America (Bureau of Reclamation);  
Blackfeet Tribe; Fort Belknap Indian Community

COUNTER OBJECTORS: Davies Ranch Company; Richard E.  
Grabofsky; Ross 8 Bar 7 Ranch, Inc.; S Bar B Ranch Company

ON MOTION OF THE MONTANA WATER COURT

**CASE 40J-0618-P-2019**

40J 40828-00

40J 40829-00

40J 40830-00

40J 40831-00

40J 40832-00

40J 40833-00

40J 40844-00

40J 40847-00

**ORDER APPROVING STIPULATION**

**INTRODUCTION**

This order is the last of several orders entered by the Water Court approving settlements of water right claims jointly owned by the United States of America, Bureau of Reclamation (“Reclamation”) and various private irrigation districts along the Milk River.<sup>1</sup> The order in this case resolves issue remarks and objections to eight water right

<sup>1</sup> See *In re Glasgow Irrigation Dist.*, Case 40O-24, 2016 Mont. Water LEXIS 21 (Master’s Report, May 31, 2016); *In re Dodson Irrigation Dist. and Malta Irrigation Dist.*, Case 40J-99, Order Vacating Master’s Report and Approving Stipulation (Nov. 16, 2018); *In re Paradise Valley Irrigation Dist.*, Case

claims Reclamation owns jointly the Alfalfa Valley Irrigation District (“AVID”), Fort Belknap Irrigation District (“FBID”), and Zurich Irrigation District (“ZID”) (collectively, the “Districts”).

The Districts are private irrigation districts included in the Chinook Division of the Milk River Project. The Districts and Reclamation claim rights to divert water from the Milk River for irrigation and other uses. Reclamation and various parties objected or counterobjected to the claims. The parties resolved the objections under the terms of a Stipulation to Resolve Objections (“Stipulation”) signed by all parties. The Stipulation proposes modifications to certain claims, and requests that other claims be withdrawn. This Order addresses the request for approval of the Stipulation, including the proposed resolution of the issue remarks and objections.

### **PROCEDURAL BACKGROUND**

Reclamation filed statements of claim for claims 40J 40828-00, 40J 40829-00, 40J 40830-00, 40J 40831-00, 40J 40832-00, 40J 40833-00, 40J 40844-00, and 40J 40847-00, on December 10, 1981.<sup>2</sup> The Water Court included the claims in the Preliminary Decree for the Milk River between Fresno Reservoir and Whitewater Creek (Basin 40J) issued on June 24, 2010. The preliminary decree abstracts for these claims list the Districts as co-owners. The claim abstracts include various issue and information remarks.

The Blackfeet Tribe objected to all the claims. Reclamation objected to all claims except 40J 40844-00. The Fort Belknap Indian Community Council (“FBIC”) objected to all claims except 40J 40844-00 and 40J 40847-00. Davies Ranch Company, Richard E. Grabofsky, Ross 8 Bar 7 Ranch Inc., and S Bar B Ranch Company counterobjected to the same claims as FBIC.

Reclamation supports the Stipulation with the “Declaration of Rita Frasure in Support of Water Right Claims for Milk River Project, Alfalfa Valley Irrigation District,

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40J-617, 2020 Mont. Water LEXIS 306 (May 21, 2020); *In re Harlem Irrigation Dist.*, Case 40J-619, 2020 Mont. Water LEXIS 302 (May 21, 2020).

<sup>2</sup> The United States also filed a “Z-Right” claim for irrigation districts under claim no. 40J 40839-00. The claim form lists AVID, FBID and ZID as joint owners. No separate right to use water is associated with the Z-Right claim.

Fort Belknap Irrigation District, and Zurich Irrigation District” (“Frasure decl.”). The declaration includes several documents as evidentiary support for the Stipulation and statements made in the declaration. No party objected to the Stipulation, the declaration, or the supporting documents.

The Water Court initially consolidated the claims into several cases that also included claims owned by other irrigation districts. These included cases 40J-154 (40J 40828-00 and 40J 40829-00); 40J-155 (40J 40830-00); 40J-156 (40J 40831-00); 40J-157 (40J 40832-00); 40J-158 (40J 40833-00); and 40J-159 (40J 40844-00 and 40J 40847-00). On October 9, 2019, the Court reconsolidated the claims into this case.<sup>3</sup> (Doc. 1.00).

As part of the Stipulation, Reclamation and the Districts have withdrawn claims 40J 40829-00, 40J 40831-00, 40J 40833-00, and 40J 40847-00. They previously withdrew claim 40J 40832-00. (Doc. 5.00.) The Stipulation proposes to retain claims 40J 40828-00, 40J 40830-00, and 40J 40844-00, with certain modifications.

## **FINDINGS OF FACT**

### **A. Background.**

1. ZID is an irrigation district established by an order of the Montana Eighteenth Judicial District Court, Blaine County entered April 1, 1920, pursuant to the Montana irrigation district statute in place at the time. (40J 40828-00 claim file, pt. 1 at 296.)

2. AVID is an irrigation district established by an order of the Montana Eighteenth Judicial District Court, Blaine County entered June 19, 1920, pursuant to the Montana irrigation district statute in place at the time. (40J 40828-00 claim file, pt. 1 at 166.)

3. FBID is an irrigation district established by an order of the Montana Eighteenth Judicial District Court, Blaine County entered November 8, 1920, pursuant to

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<sup>3</sup> The Court also issued separate orders reconsolidating the claims co-owned by Reclamation and PVID into case 40J-617, and those co-owned by Reclamation, and HID into case 40J-619. The Court previously issued orders approving stipulations with these parties. *See In re United States (Bureau of Reclamation)*, 2020 Mont. Water LEXIS 302; *In re Paradise Valley Irrigation Dist.*, 2020 Mont. Water LEXIS 306.

the Montana irrigation district statute in place at the time. (40J 40828-00 claim file, pt. 1 at 141.)

4. The land within the Districts generally is on the north side of the Milk River, in Blaine County. The boundaries of the Districts have been adjusted and corrected in subsequent district court orders.

5. The Districts historically diverted water from the Milk River at the Fort Belknap Canal. The canal's point of diversion is in Section 20, Township 33 North, Range 18 East, west of Chinook, Montana. Water diverted to the canal is conveyed to users within the Districts. As of 1905, the maximum capacity of the canal was 130 cubic feet per second ("cfs"). (40J 40828-00 claim file, pt. 1 at 15-16.)

6. Prior to 1973 the Fort Belknap Canal was enlarged to 400 cfs, its current capacity.

**B. The Claims and the Milk River Project.**

7. On December 9, 1981, Reclamation filed a package of statements of claim for water rights relating to the Milk River Project. The package included claims for the individual components of diversions, storage projects and water use generally extending west to east from Lake Sherburne in the St. Mary River Basin (Basin 40T) to the Glasgow Irrigation District in the Milk River Below Whitewater Creek Including Porcupine Creek Basin (Basin 40O).<sup>4</sup> The filing included the claims for the "Chinook Division." The Chinook Division includes claims consolidated in this case and claims Reclamation filed for neighboring irrigation districts. The supporting materials in Reclamation's Milk River Project filing included material common to all claims, and other material specific to individual components and districts. Most of this material is contained in the 40J 40828-00 claim file.

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<sup>4</sup> In addition to the orders referenced in footnote 1, the Water Court also has issued master's reports approving stipulations for other Milk River Project water rights for facilities operated by Reclamation. See Case 40I-28 (Master's Report, Aug. 27, 2019) (Fresno Reservoir); *United States v. Davies Ranch Co.*, Case 40T-33, 2020 Mont. Water LEXIS 332 (May 20, 2020) (Lake Sherburne and St. Mary River). Each master's report has been approved in orders entered by the Court.

8. Each claim in this case claims the right to divert water from the Milk River. Lands within the Districts also receive supplemental water from water Reclamation diverts and stores pursuant to other Reclamation water right claims associated with the Milk River Project.

**Claim 40J 40828-00**

9. Claim 40J 40828-00 was included in the preliminary decree as claim to use water from the Milk River for irrigation use with a March 21, 1889, priority date. The claim is a filed appropriation right based upon a notice of appropriation filed by Thomas C. Burns. The Fort Belknap Canal and Irrigation Co. later acquired the Burns appropriation. The Fort Belknap Canal and Irrigation Co. is the predecessor of FBID.

10. The 40J 40828-00 preliminary decree abstract includes several issue remarks.

**Claim 40J 40830-00**

11. Claim 40J 40830-00 was included in the preliminary decree as claim to use water from the Milk River for irrigation with a December 31, 1905, priority date. The claim is a filed appropriation right based upon an unsigned notice of appropriation that evidently never was filed in the county records.

12. The claim 40J 40830-00 preliminary decree abstract includes fourteen issue remarks. Twelve of the issue remarks mirror those included on the claim 40J 40828-00 abstract.

**Claim 40J 40844-00**

13. Claim 40J 40844-00 was included in the preliminary decree as claim to use water from the Milk River for stock use with a May 25, 1912, priority date. The claim is a filed appropriation right based upon a notice of appropriation filed by the United States. The preliminary decree abstract did not include any issue remarks.

**C. Proposed Claim Modifications**

14. The Stipulation asks the Court to make several amendments to claims 40J 40828-00, 40J 40830-00 and 40J 40844-00 to resolve the objections and issue remarks. The proposed amendments include:

- modifying the claim 40J 40830-00 priority date from December 31, 1905, to May 25, 1912;
- decreasing the claim 40J 40828-00 flow rate from 195.40 cfs to 130.00 cfs, and increasing the claim 40J 40830-00 flow rate from 174.00 cfs to 400.00 cfs;
- including an information remark on irrigation claims 40J 40828-00 and 40J 40830-00 limiting the flow rate for all sources of supply diverted into the Fort Belknap Canal to a maximum 400.00 cfs;
- reducing the maximum acreage on the irrigation claims from 23,005.38 acres to 17,810 acres, with a portion of the acreages allocated to each of the three Districts;
- including a service area place of use for the irrigation claims;
- modifying the period of diversion and period of use for all three claims;
- revising the claims 40J 40830-00 and 40J 40844-00 multiple use remark;
- revising the supplemental use information remarks for the irrigation claims; and
- adding a parent claim remark to all claims.

#### **Priority Date Modification**

15. Reclamation claimed December 31, 1905, as the priority date for claim 40J 40830-00. The original filing was based upon an unsigned and unrecorded notice of appropriation.<sup>5</sup> As a result, the claim 40J 40830-00 preliminary decree abstract includes the following issue remark:

THE TYPE OF HISTORICAL RIGHT AND PRIORITY DATE MAY BE QUESTIONABLE. DOCUMENTATION TO SUPPORT THE TYPE OF HISTORICAL RIGHT AND PRIORITY DATE WAS NOT SUBMITTED WITH THIS CLAIM.

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<sup>5</sup> The same unsigned, unrecorded notice of appropriation was included in the claim file for PVID claim 40J 40838-00. As described in the order approving the PVID stipulation, the priority date for claim 40J 40838-00 was changed to May 5, 1912, based upon evidence of a different notice of appropriation.

16. The claim also includes the following duplicate claim remark:

THIS CLAIM APPEARS TO BE DUPLICATED BY CLAIM NO. 40838-00, 40841-00, 40843-00 WHICH IS BASED ON THE SAME FILED RIGHT. IT APPEARS ONLY ONE WATER RIGHT IS INVOLVED.

17. The Stipulation asks the Water Court to modify the claim 40J 40830-00 priority date to May 25, 1912, aligning with the 40J 40844-00 priority date. The Stipulation also the Court to continue to describe the claim as a filed right. As evidentiary support, the Frasure declaration cites a different notice of appropriation that Reclamation recorded on June 5, 1912. (Frasure decl., ¶ 12.) This notice states the “United States appropriated said water on the 25th, day of May, A.D. 1912.” (40J 40828-00 claim file, vol. 2, p. 232.)

18. The June 5, 1912, notice of appropriation, which the Stipulation refers to as the “Yantic NOA,” describes a 2,000 cfs flow rate to be diverted on both sides of the Milk River in Section 20, Township 33 North, Range 18 East. This point of diversion approximately describes the point of diversion for the Fort Belknap Canal.

19. Approving requests in the Stipulation will cause the claim 40J 40830-00 priority date to be more junior (May 25, 1912) than what is set forth in the preliminary decree (December 31, 1905). This will cause the priority date to be the same as the priority dates for claims 40J 40838-00, co-owned by Reclamation and PVID (*see* case 40J-617), and 40J 40841-00, co-owned by Reclamation and HID (*see* case 40J-619), both of which are referenced in the duplicate claim remark. As explained in the Order for case 40J-619, claim 40J 40838-00 is based on a different notice of appropriation, so is not duplicative with claim 40J 40830-00, even with the May 25, 1912, modified priority date. *See In re United States (Bureau of Reclamation)*, 2020 Mont. Water LEXIS 302, \*3 (case 40J-619 discussion of relationship between claims 40J 40838-00 and 40J 40841-00).

20. Claim 40J 40841-00 is based on the same notice of appropriation as the notice cited as the evidentiary basis for claim 40J 40830-00. The Stipulation does not include a specific arrangement to allocate water shortage between the two claims when there is not sufficient water available in priority to satisfy both claims. However, as

explained in the Frasure declaration, the notice of appropriation was for two canals of 1,000 cfs each, one on the south side and one on the north. Reclamation states the north side canal now is allocated between claims 40J 40841-00 (200 cfs) and 40J 40830-00 (400 cfs), which is less than the flow rate stated on the notice. None of the other parties dispute this interpretation and it resolves the duplicate claim issue remark.

21. The Stipulation's request to modify the priority date to May 25, 1912, based on the signed and filed notice of appropriation is supported by the evidence, is not inconsistent with other cases involved Chinook Division irrigation districts, and resolves the issue remarks.

### **Flow Rate Modifications**

22. The claims 40J 40828-00 and 40J 40830-00 preliminary decree abstracts include the following issue remark:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON  
RESOLUTION OF MAXIMUM ACRES ISSUE.

23. As part of the resolution of objections and issue remarks, the Stipulation proposes to modify the preliminary decree flow as follows:

Claim	Preliminary decree	Proposed modification
40J 40828-00	195.4 cfs	130.0 cfs
40J 40829-00	130.0 cfs	(withdrawn) 0.0 cfs
40J 40830-00	174.0 cfs	400.0 cfs
40J 40831-00	19.20 cfs	(withdrawn) 0.0 cfs
40J 40832-00	4.40 cfs	(withdrawn) 0.0 cfs
Total:	523.0 cfs	400.0 cfs <sup>6</sup>

24. In addition to the flow rate modifications, the Stipulation proposes two additional limitations. First, in addition to reducing the claim 40J 40828-00 flow rate from 195.4 cfs to 130.0 cfs, the Stipulation proposes to include the following additional limitation in the form of an information remark:

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<sup>6</sup> Even though the sum of the irrigation claim flow rates as modified is 530.00 cfs, the Stipulation proposes a 400.00 limit on the flow diverted to the Fort Belknap Canal at any time.



THE COMBINED FLOW RATE FOR 40J 40828-00 AND 40J 40944-00  
SHALL NOT EXCEED 130 CFS.

Claim 40J 40944-00 was addressed by the Court in 2015 in case 40J-98. The claim is owned by Reclamation and is for 3.74 cfs from the Milk River for irrigation use at several pump site points of diversion near the FBID boundary. Stipulation, Recital J.a. The claim has the same priority date as 40J 40828-00. The claim is a filed right with a March 21, 1889, priority date, based upon the same Thomas C. Burns notice of appropriation as what Reclamation cites as evidentiary support for claim 40J 40828-00. The Stipulation proposes the following flow rate information remark:

THE COMBINED FLOW RATE FOR 40J 40828-00 AND 40J 40944-00  
SHALL NOT EXCEED 130 CFS.

25. The second limitation limits the total flow that may be diverted at any time to the Fort Belknap Canal to 400.0 cfs. The 400.0 cfs cumulative flow rate is less than the summed 523.0 cfs flow rate for the irrigation claims set forth in the preliminary decree. Therefore, even though the flow rate for claim 40J 40830-00 increases to 400.0 cfs under the Stipulation, the cumulative flow rate cap and the claim withdrawals effectively result in a flow rate reduction for the irrigation claims.

26. Reclamation provided evidentiary support for the modified flow rates. The reduction to 130.0 cfs for claim 40J 40828-00 is consistent with findings about the Fort Belknap Canal made in a "Report on Private Canal Systems" prepared in 1905 by Cyrus O. Babb, a Reclamation engineer. (Claim 40J 40828-00 claim file, pt. 2, p. 293.) Based upon records maintained by the Districts, the flow rate diverted into the Fort Belknap Canal prior to July 1, 1973, was at least 400 cfs. (Frasure decl., ¶8 & Attach. 4.)

**Service Area Place of Use and Maximum Acres**

27. The Preliminary Decree abstracts for claims 40J 40828-00 and 40J 40830-00 each contain identical legal descriptions for a 23,005.38 acre place of use.

28. The Preliminary Decree abstracts for the two irrigation claims include the following issue remarks pertaining to irrigated acreage:

THE BLAINE COUNTY WATER RESOURCES SURVEY (1967) APPEARS TO INDICATE 9042.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE BLAINE COUNTY WATER RESOURCES SURVEY (1967) APPEARS TO INDICATE 15830 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDA AERIAL PHOTOGRAPH NO(S). 578-15, 578-17, 578-19, 578-21, 578-23, 578-25, 578-27, 578-39, 578-41, 578-43, 678-182, 678-184, DATED 07/03/1981, APPEARS TO INDICATE 16415 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

ACCORDING TO INFORMATION IN THE CLAIM FILE THERE ARE APPROXIMATELY 1421.00 CLAIMED ACRES THAT DO NOT APPEAR ON THE JUNE 14, 1920 DISTRICT COURT ORDER ESTABLISHING THE ZURICH IRRIGATION DISTRICT AND SUBSEQUENT AMENDMENTS. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

ACCORDING TO INFORMATION IN THE CLAIM FILE THERE ARE APPROXIMATELY 3416.00 CLAIMED ACRES THAT DO NOT APPEAR ON THE NOVEMBER 8, 1920 DISTRICT COURT ORDER ESTABLISHING THE FORT BELKNAP IRRIGATION DISTRICT. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

ACCORDING TO INFORMATION IN THE CLAIM FILE THERE ARE APPROXIMATELY 102.5 CLAIMED ACRES THAT DO NOT APPEAR ON THE JUNE 14, 1920 DISTRICT COURT ORDER ESTABLISHING THE ALFALFA VALLEY IRRIGATION DISTRICT AND SUBSEQUENT AMENDMENTS. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

FOR THE ALFALFA VALLEY IRRIGATION DISTRICT, USDA AERIAL PHOTOGRAPH NO (S). 578-15, 578-17, 578-19, 578-21, 578-23, 578-25, 578-27, 578-39, 578-41, 578-43, 678-182, 678-184 DATED 7/3/1981, APPEARS TO INDICATE 3805.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

FOR THE ALFALFA VALLEY IRRIGATION DISTRICT, THE BLAINE COUNTY WATER RESOURCES SURVEY (1967) APPEARS TO

INDICATE 3631.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

FOR THE FORT BELKNAP IRRIGATION DISTRICT, USDA AERIAL PHOTOGRAPH NO (S). 578-23, 578-25, 578-27, 578-39, 578-41, 578-43, DATED 7/3/1981, APPEARS TO INDICATE 6067.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

FOR THE FORT BELKNAP IRRIGATION DISTRICT, THE BLAINE COUNTY WATER RESOURCES SURVEY (1967) APPEARS TO INDICATE 6019.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

FOR THE ZURICH IRRIGATION DISTRICT, USDA AERIAL PHOTOGRAPH NO (S). 578-15, 578-17, 578-19, 578-21, 578-23, 578-43, 678-182, 678-184 DATED 7/3/1981, APPEARS TO INDICATE 6543.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

FOR THE ZURICH IRRIGATION DISTRICT, THE BLAINE COUNTY WATER RESOURCES SURVEY (1967) APPEARS TO INDICATE 6280.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

29. The Stipulation proposes that these figures be revised to reduce the maximum acres irrigated from 23,005.38 acres to 17,810 acres, with a portion of the acreages allocated to each of the three Districts as follows:<sup>7</sup>

District	Preliminary Decree	Stipulation
FBID	10,435.23	6,482.00
AVID	4,574.23	3,664.00
ZID	7,985.95	7,664.00
Total:	22,995.41	17,810.00

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<sup>7</sup> The preliminary decree abstracts include information remarks stating: (1) ONLY 23005.38 ACRES ARE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON WITHIN THE 28086.00 ACRES DESCRIBED UNDER THIS RIGHT; and (2) PLACE OF USE IS MORE SPECIFICALLY IDENTIFIED AS: FORT BELKNAP IRRIGATION DISTRICT 10435.23 ACRES, ALFALFA VALLEY IRRIGATION DISTRICT 4574.23 ACRES AND ZURICH IRRIGATION DISTRICT 7985.95 ACRES. The remarks do not explain the small discrepancy between the summed acreage of the three districts (22,995.41), and the 23,005.38 acre figure in the maximum acres element on the abstracts. The revisions proposed in the Stipulation make this discrepancy immaterial.

30. The Stipulation also proposes a service area place of use but does not propose an acreage figure for the service area that differs from the sum of the historically irrigated acres allocated to each district.

31. The proposed maximum 17,810 acres irrigated is a reduction from the number of acres claimed in the original claims and what is stated in the preliminary decree abstracts. Although 17,810 acres is greater than the number of acres referenced in some of the acreage issue remarks, Reclamation provided evidence for the figure by referring to limitations contained in its water contracts with the Districts.

32. The objectors accepted the service area figure by signing the Stipulation.

#### **Period of Diversion and Period of Use Modifications**

33. The preliminary decree period of diversion and period of use for the two irrigation claims is March 15 to October 31. The Stipulation proposes to extend the annual irrigation season through October 31. As evidentiary support, Reclamation says it reviewed project histories up through 1973 and determined that diversions to the Fort Belknap Canal did not begin earlier than April 1 and occurred as late as December 17. (Frasure decl., ¶ 19.) The Stipulation proposes to retain the October 31 end date and adjust the beginning date from March 15 to April 1. This modification is supported by evidence.

34. The preliminary decree period of diversion and period of use for stock water claim 40J 40844-00 is April 1 to October 15. The Stipulation proposes to extend the period of diversion to October 31. The proposed period of diversion matches that proposed for the irrigation claims, which is consistent with the statements in the Stipulation that “stockwater use within the Irrigation Districts has been an incidental use of irrigation deliveries.” (Frasure decl., ¶ 19.)

35. The Stipulation proposes a period of use that extends from January 1 to December 31 each year, which is longer than the period of diversion. The Stipulation recitals state livestock “drink out of the Irrigation Districts’ ditches year-round.” (Stip., Recital J.g.) Because stockwater diversions are incidental to irrigation diversions, and the

modification will not allow any diversions for stockwater use outside the period of diversion for the other claims, the modification is not likely to increase the burden on the source to the detriment of other water users.

### **Supplemental Use Remark**

36. The preliminary decree abstracts for the irrigation claims include standard supplemental rights information remarks that reference claims 40J 40828-00, 40J 40829-00, 40J 40830-00, 40J 40831-00, 40J 40832-00 and 40J 40833-00.

37. The Stipulation proposes modifying the supplemental rights remark to delete references to claims 40J 40842-00 and 40J 40843-00 and replace the remark with the following:

THIS CLAIM IS ASSOCIATED WITH THE BUREAU OF RECLAMATION'S MILK RIVER PROJECT. THE UNITED STATES' MILK RIVER PROJECT STORAGE AND INTERBASIN TRANSFER RIGHTS ARE SUPPLEMENTAL TO EACH OTHER AND TO THE PROJECT'S DIRECT FLOW RIGHTS WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

40J 40828-00 40J 40830-00 40F 40948-00 40T 40955-00 40T 40959-00

38. Claim 40F 40948-00 is Reclamation's claimed storage right for Fresno Reservoir, which was included in case 40I-28. Claim 40T 40955-00 is Reclamation's claimed storage right for Lake Sherburne. Claim 40T 40959-00 is Reclamation's claim to divert water from the St. Mary River to the St. Mary Canal, which conveys water to the Milk River basin. The Court addressed 40T 40955-00 and 40T 40959-00 in case 40T-33.

39. The claimed places of use for claims 40F 40948-00, 40T 40955-00, and 40T 40959-00 describe the lands where Reclamation delivers water as part of the Milk River Project. The places of use for the claims in this case are within the more extensive places of use for claims 40F 40948-00, 40T 40955-00, and 40T 40959-00.

### **Multiple Use Remark**

40. The Stipulation proposes that the following multiple use information remark be included on claims 40J 40830-00 and 40J 40844-00:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

40J 40830-00 40J 40844-00

41. The remark should be included on both claims because they are based upon the same notice of appropriation, and therefore share a common origin. The remark makes clear that they should not be administered as separate water rights.

### **Other Remarks**

42. The Stipulation requests an information remark pointing to claim 40J 40827-00 as the “parent claim.” This proposed remark is not necessary to define the nature or extent of the water rights in this case.

43. The Stipulation requests a modification of the remark regarding the establishment of the irrigation districts. This remark, in both its preliminary decree form and proposed modification form, also is not necessary to define the nature or extent of the water rights in this case.

44. The preliminary decree abstract for claim 40J 40828-00 includes the following remark:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 40828-00, 150584-00, 150585-00.

The remark is resolved because claims 40J 150584-00 and 40J 150585-00 have since been withdrawn.

## PRINCIPLES OF LAW

1. The Water Court adjudicates various elements of water rights so they may be included in a final decree. Section 85-2-234(6) & (7), MCA. Adjudication includes resolution of objections and issue remarks. Sections 85-2-233; 85-2-248, MCA.

2. A properly filed statement of claim is prima facie proof of its content. Section 85-2-227, MCA. The prima facie status of a claim may be overcome by a preponderance of the evidence. Section 85-2-227, MCA; Rule 19, W.R.Adj.R.

3. The Water Court promotes resolution of objections and issue remarks by settlement. Rule 16(a), W.R.Adj.R.

4. A properly drafted stipulation is a form of contract to be interpreted according to contract principles. *Jensen v. Department of Labor & Indus., Job Serv. Div.*, 221 Mont. 42, 47, 718 P.2d 1335, 1338 (1986). As applied to Water Court proceedings, a stipulation serves as the terms under which the parties agree to resolve objections and may include a claimant's legally binding commitment to modify claims to resolve objections and issue remarks, and an objector's agreement to withdraw objections conditioned upon the Court's acceptance of the claim modifications. *E.g., In re Pondera Cty. Canal & Reservoir Co.*, Case 41M-202, 2020 Mont. Water LEXIS 19 (Jan. 9, 2020).

5. "A court can rely on the terms of a stipulation provided the stipulation is not contrary to law, court rule, or public policy." *In re Marriage of Hill*, 265 Mont. 52, 58, 874 P.2d 705, 708 (1994). However, any settlement reached by parties is subject to review and approval by the Court. Section 85-2-233(5)(b), MCA; Rule 17(a), W.R.Adj.R.

6. In addition to the specific water right elements that must be included in a final decree, the Water Court also may include "any other information necessary to fully define the nature and extent of the right." Section 85-2-234(6)(i), MCA. This information typically takes the form of an "information remark." The purpose of an information remark is to "provide facts regarding prior use of a right that are critical to its administration in accord with historical use." *In re Clark Fork Coal.*, Case 76G-A8, 2014 Mont. Water LEXIS 15, \*10 (Oct. 29, 2014).

7. Place of use is a water right element to be determined by the Water Court. Section 85-2-234(6)(e), MCA; *Curry v. Pondera Cnty. Canal & Reservoir Co.*, 2016 MT 77, ¶ 45, 383 Mont. 93, 370 P.3d 440 (“where water is put to use is an element of a water right”). The Court may define the place of use for a water service company that holds water rights for sale as a “service area.” *Curry*, ¶¶ 45-48; *Bailey v. Tintinger*, 45 Mont. 154, 177, 122 P. 575, 583 (1912). The service area methodology to define place of use also applies to irrigation districts. *In re Dodson Irr. Dist.*, Case 40J-99, Order Vacating Master’s Order and Approving Stipulation (Nov. 16, 2018). The particular boundaries of a service area is a factual determination to be made by the Court based upon the evidence. *Curry*, ¶ 49.

### **CONCLUSIONS OF LAW**

1. Each of the findings of fact is supported by a preponderance of evidence.
2. Proper foundation exists for the documents filed as evidentiary support of the Stipulation.
3. The Stipulation is not contrary to law, court rule, or public policy. The Stipulation has been fully executed by all of the parties and is enforceable by and against each of the parties.
4. Reclamation and the districts proved that the preliminary decree abstracts for claim 40J 40828-00, 40J 40830-00, and 40J 40844-00 should be modified as provided in this Order.
5. The following flow rate information remark is necessary on claims 40J 40828-00, 40J 40830-00, and 40J 40844-00 to fully define the nature and extent of the rights:

**THE COMBINED FLOW RATE FOR ALL SOURCES OF SUPPLY  
DIVERTED INTO THE FORT BELKNAP CANAL SHALL NOT  
EXCEED 400 CFS.**

6. The following place of use information remark is necessary on each of the irrigation claims to fully define the nature and extent of the right:



DURING ANY GIVEN IRRIGATION SEASON, THE FORT BELKNAP IRRIGATION DISTRICT IS LIMITED TO IRRIGATION OF 6,482 ACRES; THE ALFALFA VALLEY IRRIGATION DISTRICT IS LIMITED TO IRRIGATION OF 3,664 ACRES; AND THE ZURICH IRRIGATION DISTRICT IS LIMITED TO IRRIGATION OF 7,664 ACRES.

This remark is modified slightly from what was proposed to make it more clear for purposes of future administration.

7. The following multiple use information remark is necessary on claims 40J 40828-00 and 40J 40830-00 to fully define the nature and extent of the rights:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

40J 40830-00 40J 40844-00

8. The modified supplemental rights information remark proposed in the Stipulation is necessary on claims 40J 40828-00 and 40J 40830-00 to fully define the nature and extent of the rights.

9. The remaining information remarks on the Preliminary Decree abstracts are not necessary to fully define the nature and extent of the rights and should be removed.

10. All of the issue remarks are resolved. The issue remarks either did not require additional information to be resolved or did not identify issues significant enough to overcome the decreed elements. Pursuant to § 85-2-248(12), MCA, the issue remarks are removed.

11. Except as modified by this Order, the elements of the claims consolidated in this case are unchanged from what appear in the Preliminary Decree.

## **ORDER**

Based upon the foregoing, it hereby is ORDERED that:

1. The Stipulation is APPROVED.
2. Claims 40J 40829-00, 40J 40831-00, 40J 40832-00, 40J 40833-00 and 40J 40847-00 are DISMISSED.
3. Claims 40J 40828-00, 40J 40830-00, and 40J 40844-00 are modified as provided in this Order. The issue remarks are removed from each claim and the information remarks are retained, modified, or removed as provided in this Order.
4. All objections to claims 40J 40828-00, 40J 40830-00, and 40J 40844-00 are DISMISSED.
5. A copy of the Stipulation shall be placed in the claim file for claim 40J 40828-00 and shall be maintained in that file as part of the permanent water rights record.
6. This case is CLOSED.

A modified version of the abstract for each claim addressed in this Order is attached to confirm that the changes identified in this Order have been made in the State's centralized water right record system.



Digitally signed by  
Stephen Brown  
Date: 2021.09.28  
06:31:13 -06'00'

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Stephen R. Brown  
Associate Water Judge

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**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MILK RIVER BETWEEN FRESNO RESERVOIR & WHITEWATER CREEK  
BASIN 40J**

**Water Right Number:** 40J 40828-00 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** ALFALFA VALLEY IRRIGATION DISTRICT  
355 BAKAN RD  
CHINOOK, MT 59523  
  
FORT BELKNAP IRRIGATION DISTRICT  
PO BOX 583  
CHINOOK, MT 59523  
  
USA (DEPT OF INTERIOR BUREAU OF RECLAMATION)  
PO BOX 30137  
BILLINGS, MT 59107 0137  
  
ZURICH IRRIGATION DISTRICT  
PO BOX 881  
CHINOOK, MT 59523

**Priority Date:** MARCH 21, 1889

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Flow Rate:** 130.00 CFS

THE COMBINED FLOW RATE FOR 40J 40828-00 AND 40J 40944-00 SHALL NOT EXCEED 130.00 CFS. THE COMBINED FLOW RATE FOR ALL SOURCES DIVERTED INTO THE FORT BELKNAP CANAL SHALL NOT EXCEED 400.00 CFS.

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

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 17,810.00

**Source Name:** MILK RIVER

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Tw</u>	<u>Rge</u>	<u>County</u>
1		SWNWSE	20	33N	18E	BLAINE

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** DIVERSION DAM

**Ditch Name:** FORT BELKNAP CANAL

**Period of Use:** APRIL 1 TO OCTOBER 31

**\*Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Tw</u>	<u>Rge</u>	<u>County</u>
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1	SESE	10	33N	18E	BLAINE
2	SWSW	11	33N	18E	BLAINE
3		13	33N	18E	BLAINE
4		14	33N	18E	BLAINE
5	NE	15	33N	18E	BLAINE
6	W2NW	15	33N	18E	BLAINE
7	S2	15	33N	18E	BLAINE
8	NE	16	33N	18E	BLAINE
9	S2	16	33N	18E	BLAINE
10	E2NE	20	33N	18E	BLAINE
11	N2	21	33N	18E	BLAINE
12	NWSW	21	33N	18E	BLAINE
13	E2SE	21	33N	18E	BLAINE
14		22	33N	18E	BLAINE
15		23	33N	18E	BLAINE
16		24	33N	18E	BLAINE
17	N2	25	33N	18E	BLAINE
18	N2	26	33N	18E	BLAINE
19	N2SE	26	33N	18E	BLAINE
20	NE	27	33N	18E	BLAINE
21	SWNE	18	33N	19E	BLAINE
22	W2	18	33N	19E	BLAINE
23	W2SE	18	33N	19E	BLAINE
24		19	33N	19E	BLAINE
25	S2NW	20	33N	19E	BLAINE
26	S2	20	33N	19E	BLAINE
27	S2NENE	21	33N	19E	BLAINE
28	S2NE	21	33N	19E	BLAINE
29	S2	21	33N	19E	BLAINE
30	W2W2	22	33N	19E	BLAINE
31	SESW	22	33N	19E	BLAINE
32	SE	22	33N	19E	BLAINE
33	W2SW	25	33N	19E	BLAINE
34	W2NW	26	33N	19E	BLAINE
35	S2SENW	26	33N	19E	BLAINE
36	W2	26	33N	19E	BLAINE
37	S2	26	33N	19E	BLAINE
38	E2E2	27	33N	19E	BLAINE
39	W2W2	27	33N	19E	BLAINE
40		28	33N	19E	BLAINE
41	N2	29	33N	19E	BLAINE
42	N2SW	29	33N	19E	BLAINE
43	SE	29	33N	19E	BLAINE
44	N2	30	33N	19E	BLAINE
45	N2S2	30	33N	19E	BLAINE

46	NE	33	33N	19E	BLAINE
47	N2NW	33	33N	19E	BLAINE
48	SENW	33	33N	19E	BLAINE
49	NESW	33	33N	19E	BLAINE
50	N2SE	33	33N	19E	BLAINE
51	N2	34	33N	19E	BLAINE
52	N2SW	34	33N	19E	BLAINE
53	NE	35	33N	19E	BLAINE
54	NENW	35	33N	19E	BLAINE
55	N2	36	33N	19E	BLAINE
56	NESW	36	33N	19E	BLAINE
57	SE	36	33N	19E	BLAINE
58	SWNWNW	15	33N	19E	BLAINE
59	SWNE	15	33N	19E	BLAINE
60	NW	15	33N	19E	BLAINE
61	SW	15	33N	19E	BLAINE
62	SWSE	15	33N	19E	BLAINE
63	NENE	21	33N	19E	BLAINE
64	W2NE	22	33N	19E	BLAINE
65	SENE	22	33N	19E	BLAINE
66	NW	22	33N	19E	BLAINE
67	N2SW	22	33N	19E	BLAINE
68	N2S2SW	22	33N	19E	BLAINE
69	N2SE	22	33N	19E	BLAINE
70	SWNESW	23	33N	19E	BLAINE
71	SWNWSW	23	33N	19E	BLAINE
72	S2S2	23	33N	19E	BLAINE
73	S2NE	24	33N	19E	BLAINE
74	SENWSW	24	33N	19E	BLAINE
75	NESW	24	33N	19E	BLAINE
76	S2SW	24	33N	19E	BLAINE
77	SE	24	33N	19E	BLAINE
78		25	33N	19E	BLAINE
79	NE	26	33N	19E	BLAINE
80	N2NW	26	33N	19E	BLAINE
81	SENW	26	33N	19E	BLAINE
82	NWSE	26	33N	19E	BLAINE
83	N2SE	26	33N	19E	BLAINE
84	NE	36	33N	19E	BLAINE
85	N2NW	36	33N	19E	BLAINE
86	E2SENW	36	33N	19E	BLAINE
87	N2SE	36	33N	19E	BLAINE
88		19	33N	20E	BLAINE
89	SW	19	33N	20E	BLAINE
90	S2SE	19	33N	20E	BLAINE

91	W2NW	27	33N	20E	BLAINE
92	SW	27	33N	20E	BLAINE
93	S2NE	28	33N	20E	BLAINE
94	NW	28	33N	20E	BLAINE
95	N2S2	28	33N	20E	BLAINE
96	NE	29	33N	20E	BLAINE
97	E2NW	29	33N	20E	BLAINE
98	SWNW	29	33N	20E	BLAINE
99	S2	29	33N	20E	BLAINE
100		30	33N	20E	BLAINE
101		31	33N	20E	BLAINE
102		32	33N	20E	BLAINE
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104	NWSW	33	33N	20E	BLAINE
105	N2N2	5	32N	20E	BLAINE
106	N2SE	19	33N	20E	BLAINE
107	S2SE	19	33N	20E	BLAINE
108	S2S2	20	33N	20E	BLAINE
109	S2SW	21	33N	20E	BLAINE
110	SWSE	21	33N	20E	BLAINE
111	SESESE	22	33N	20E	BLAINE
112	SWSW	23	33N	20E	BLAINE
113	SWSESW	23	33N	20E	BLAINE
114	S2NE	25	33N	20E	BLAINE
115	W2NW	25	33N	20E	BLAINE
116	SENW	25	33N	20E	BLAINE
117	S2	25	33N	20E	BLAINE
118		26	33N	20E	BLAINE
119	N2	27	33N	20E	BLAINE
120	N2SW	27	33N	20E	BLAINE
121	NESESW	27	33N	20E	BLAINE
122	N2SE	27	33N	20E	BLAINE
123	N2S2SE	27	33N	20E	BLAINE
124	NE	28	33N	20E	BLAINE
125	N2NW	28	33N	20E	BLAINE
126	NENE	29	33N	20E	BLAINE
127	N2NW	29	33N	20E	BLAINE
128	NENE	30	33N	20E	BLAINE
129	N2NE	35	33N	20E	BLAINE
130	SENE	35	33N	20E	BLAINE
131	NW	35	33N	20E	BLAINE
132	N2	36	33N	20E	BLAINE
133	S2NWSW	28	33N	21E	BLAINE
134	S2SW	28	33N	21E	BLAINE
135	SWSE	28	33N	21E	BLAINE



136		W2NW	29	33N	21E	BLAINE
137		S2	29	33N	21E	BLAINE
138	2		30	33N	21E	BLAINE
139		SW	30	33N	21E	BLAINE
140		NESE	30	33N	21E	BLAINE
141		S2SE	30	33N	21E	BLAINE
142		NE	31	33N	21E	BLAINE
143		W2W2NW	31	33N	21E	BLAINE
144		N2	32	33N	21E	BLAINE
145		N2SW	32	33N	21E	BLAINE
146		SE	32	33N	21E	BLAINE
147		N2	33	33N	21E	BLAINE
148		W2SW	33	33N	21E	BLAINE
149		SESW	33	33N	21E	BLAINE
150		S2SE	33	33N	21E	BLAINE
151		N2	34	33N	21E	BLAINE
152		N2SW	34	33N	21E	BLAINE
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159		S2	36	33N	21E	BLAINE
160		S2NW	31	33N	22E	BLAINE
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177		NENW	12	32N	21E	BLAINE
178		SESE	1	32N	22E	BLAINE
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180		S2SW	2	32N	22E	BLAINE

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184		S2	3	32N	22E	BLAINE
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191		N2SW	5	32N	22E	BLAINE
192		SESW	5	32N	22E	BLAINE
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195		S2NW	6	32N	22E	BLAINE
196		NESE	6	32N	22E	BLAINE
197		N2NE	10	32N	22E	BLAINE
198		NENW	10	32N	22E	BLAINE
199		N2	11	32N	22E	BLAINE
200		N2SE	11	32N	22E	BLAINE
201			12	32N	22E	BLAINE
202		E2	13	32N	22E	BLAINE
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205		SE	6	32N	23E	BLAINE
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209		NWSE	7	32N	23E	BLAINE
210		S2SE	7	32N	23E	BLAINE
211		SWSWSW	8	32N	23E	BLAINE
212		SWNW	15	32N	23E	BLAINE
213		S2	15	32N	23E	BLAINE
214		S2NE	16	32N	23E	BLAINE
215		W2	16	32N	23E	BLAINE
216		SE	16	32N	23E	BLAINE
217			17	32N	23E	BLAINE
218			18	32N	23E	BLAINE
219		N2	19	32N	23E	BLAINE
220		N2NE	20	32N	23E	BLAINE
221		N2S2NE	20	32N	23E	BLAINE
222		NW	20	32N	23E	BLAINE
223		NE	22	32N	23E	BLAINE
224		E2NW	22	32N	23E	BLAINE
225		W2NE	23	32N	23E	BLAINE

226	NW	23	32N	23E	BLAINE
227	NESW	23	32N	23E	BLAINE
228	NWSE	23	32N	23E	BLAINE
229	W2NE	24	32N	23E	BLAINE
230	E2NW	24	32N	23E	BLAINE

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**Remarks:**

DURING ANY GIVEN IRRIGATION SEASON, THE FORT BELKNAP IRRIGATION DISTRICT IS LIMITED TO IRRIGATION OF 6,482 ACRES; THE ALFALFA VALLEY IRRIGATION DISTRICT IS LIMITED TO IRRIGATION OF 3,664 ACRES; AND THE ZURICH IRRIGATION DISTRICT IS LIMITED TO IRRIGATION OF 7,664 ACRES.

THIS CLAIM IS ASSOCIATED WITH THE BUREAU OF RECLAMATIONS MILK RIVER PROJECT. THE UNITED STATES MILK RIVER PROJECT STORAGE AND INTERBASIN TRANSFER RIGHTS ARE SUPPLEMENTAL TO EACH OTHER AND TO THE PROJECTS DIRECT FLOW RIGHTS WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

40828-00 40830-00 40948-00 40955-00 40959-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MILK RIVER BETWEEN FRESNO RESERVOIR & WHITEWATER CREEK  
BASIN 40J**

**Water Right Number:**      **40J 40829-00**      STATEMENT OF CLAIM

**Version:**      2 -- POST DECREE

**Status:**      **DISMISSED**

**Owners:**      ALFALFA VALLEY IRRIGATION DISTRICT  
355 BAGAN RD  
CHINOOK, MT 59523  
  
FORT BELKNAP IRRIGATION DISTRICT  
PO BOX 583  
CHINOOK, MT 59523  
  
USA (DEPT OF INTERIOR BUREAU OF RECLAMATION)  
PO BOX 30137  
BILLINGS, MT 59107 0137  
  
ZURICH IRRIGATION DISTRICT  
PO BOX 881  
CHINOOK, MT 59523

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):**      IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:**      MILK RIVER

**Source Type:**      SURFACE WATER

**Point of Diversion and Means of Diversion:**

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MILK RIVER BETWEEN FRESNO RESERVOIR & WHITEWATER CREEK  
BASIN 40J**

**Water Right Number:** 40J 40830-00 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** ALFALFA VALLEY IRRIGATION DISTRICT  
355 BAGAN RD  
CHINOOK, MT 59523

FORT BELKNAP IRRIGATION DISTRICT  
PO BOX 583  
CHINOOK, MT 59523

USA (DEPT OF INTERIOR BUREAU OF RECLAMATION)  
PO BOX 30137  
BILLINGS, MT 59107 0137

ZURICH IRRIGATION DISTRICT  
PO BOX 881  
CHINOOK, MT 59523

**Priority Date:** MAY 25, 1912

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Flow Rate:** 400.00 CFS

THE COMBINED FLOW RATE FOR ALL SOURCES DIVERTED INTO THE FORT  
BELKNAP CANAL SHALL NOT EXCEED 400.00 CFS

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

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 17,810.00

**Source Name:** MILK RIVER

**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		SWNWSE	20	33N	18E	BLAINE

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** DIVERSION DAM

**Ditch Name:** FORT BELKNAP CANAL

**Period of Use:** APRIL 1 TO OCTOBER 31

**\*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			SESE	10	33N	18E	BLAINE

2	SWSW	11	33N	18E	BLAINE
3		13	33N	18E	BLAINE
4		14	33N	18E	BLAINE
5	NE	15	33N	18E	BLAINE
6	W2NW	15	33N	18E	BLAINE
7	S2	15	33N	18E	BLAINE
8	NE	16	33N	18E	BLAINE
9	S2	16	33N	18E	BLAINE
10	E2NE	20	33N	18E	BLAINE
11	N2	21	33N	18E	BLAINE
12	NWSW	21	33N	18E	BLAINE
13	E2SE	21	33N	18E	BLAINE
14		22	33N	18E	BLAINE
15		23	33N	18E	BLAINE
16		24	33N	18E	BLAINE
17	N2	25	33N	18E	BLAINE
18	N2	26	33N	18E	BLAINE
19	N2SE	26	33N	18E	BLAINE
20	NE	27	33N	18E	BLAINE
21	SWNE	18	33N	19E	BLAINE
22	W2	18	33N	19E	BLAINE
23	W2SE	18	33N	19E	BLAINE
24		19	33N	19E	BLAINE
25	S2NW	20	33N	19E	BLAINE
26	S2	20	33N	19E	BLAINE
27	S2NENE	21	33N	19E	BLAINE
28	S2NE	21	33N	19E	BLAINE
29	S2	21	33N	19E	BLAINE
30	W2W2	22	33N	19E	BLAINE
31	SESW	22	33N	19E	BLAINE
32	SE	22	33N	19E	BLAINE
33	W2SW	25	33N	19E	BLAINE
34	W2NW	26	33N	19E	BLAINE
35	S2SENW	26	33N	19E	BLAINE
36	W2	26	33N	19E	BLAINE
37	S2	26	33N	19E	BLAINE
38	E2E2	27	33N	19E	BLAINE
39	W2W2	27	33N	19E	BLAINE
40		28	33N	19E	BLAINE
41	N2	29	33N	19E	BLAINE
42	N2SW	29	33N	19E	BLAINE
43	SE	29	33N	19E	BLAINE
44	N2	30	33N	19E	BLAINE
45	N2S2	30	33N	19E	BLAINE
46	NE	33	33N	19E	BLAINE

47	N2NW	33	33N	19E	BLAINE
48	SEnw	33	33N	19E	BLAINE
49	NESW	33	33N	19E	BLAINE
50	N2SE	33	33N	19E	BLAINE
51	N2	34	33N	19E	BLAINE
52	N2SW	34	33N	19E	BLAINE
53	NE	35	33N	19E	BLAINE
54	NENW	35	33N	19E	BLAINE
55	N2	36	33N	19E	BLAINE
56	NESW	36	33N	19E	BLAINE
57	SE	36	33N	19E	BLAINE
58	SWNWNE	15	33N	19E	BLAINE
59	SWNE	15	33N	19E	BLAINE
60	NW	15	33N	19E	BLAINE
61	SW	15	33N	19E	BLAINE
62	SWSE	15	33N	19E	BLAINE
63	NENE	21	33N	19E	BLAINE
64	W2NE	22	33N	19E	BLAINE
65	SENE	22	33N	19E	BLAINE
66	NW	22	33N	19E	BLAINE
67	N2SW	22	33N	19E	BLAINE
68	N2S2SW	22	33N	19E	BLAINE
69	N2SE	22	33N	19E	BLAINE
70	SWNESW	23	33N	19E	BLAINE
71	SWNWSW	23	33N	19E	BLAINE
72	S2S2	23	33N	19E	BLAINE
73	S2NE	24	33N	19E	BLAINE
74	SENWSW	24	33N	19E	BLAINE
75	NESW	24	33N	19E	BLAINE
76	S2SW	24	33N	19E	BLAINE
77	SE	24	33N	19E	BLAINE
78		25	33N	19E	BLAINE
79	NE	26	33N	19E	BLAINE
80	N2NW	26	33N	19E	BLAINE
81	SEnw	26	33N	19E	BLAINE
82	NWSE	26	33N	19E	BLAINE
83	N2SE	26	33N	19E	BLAINE
84	NE	36	33N	19E	BLAINE
85	N2NW	36	33N	19E	BLAINE
86	E2SEnw	36	33N	19E	BLAINE
87	N2SE	36	33N	19E	BLAINE
88		19	33N	20E	BLAINE
89	SW	19	33N	20E	BLAINE
90	S2SE	19	33N	20E	BLAINE
91	W2NW	27	33N	20E	BLAINE

92	SW	27	33N	20E	BLAINE
93	S2NE	28	33N	20E	BLAINE
94	NW	28	33N	20E	BLAINE
95	N2S2	28	33N	20E	BLAINE
96	NE	29	33N	20E	BLAINE
97	E2NW	29	33N	20E	BLAINE
98	SWNW	29	33N	20E	BLAINE
99	S2	29	33N	20E	BLAINE
100		30	33N	20E	BLAINE
101		31	33N	20E	BLAINE
102		32	33N	20E	BLAINE
103	SWNW	33	33N	20E	BLAINE
104	NWSW	33	33N	20E	BLAINE
105	N2N2	5	32N	20E	BLAINE
106	N2SE	19	33N	20E	BLAINE
107	S2SE	19	33N	20E	BLAINE
108	S2S2	20	33N	20E	BLAINE
109	S2SW	21	33N	20E	BLAINE
110	SWSE	21	33N	20E	BLAINE
111	SESESE	22	33N	20E	BLAINE
112	SWSW	23	33N	20E	BLAINE
113	SWSESW	23	33N	20E	BLAINE
114	S2NE	25	33N	20E	BLAINE
115	W2NW	25	33N	20E	BLAINE
116	SENW	25	33N	20E	BLAINE
117	S2	25	33N	20E	BLAINE
118		26	33N	20E	BLAINE
119	N2	27	33N	20E	BLAINE
120	N2SW	27	33N	20E	BLAINE
121	NESESW	27	33N	20E	BLAINE
122	N2SE	27	33N	20E	BLAINE
123	N2S2SE	27	33N	20E	BLAINE
124	NE	28	33N	20E	BLAINE
125	N2NW	28	33N	20E	BLAINE
126	NENE	29	33N	20E	BLAINE
127	N2NW	29	33N	20E	BLAINE
128	NENE	30	33N	20E	BLAINE
129	N2NE	35	33N	20E	BLAINE
130	SENE	35	33N	20E	BLAINE
131	NW	35	33N	20E	BLAINE
132	N2	36	33N	20E	BLAINE
133	S2NWSW	28	33N	21E	BLAINE
134	S2SW	28	33N	21E	BLAINE
135	SWSE	28	33N	21E	BLAINE
136	W2NW	29	33N	21E	BLAINE



137		S2	29	33N	21E	BLAINE
138	2		30	33N	21E	BLAINE
139		SW	30	33N	21E	BLAINE
140		NESE	30	33N	21E	BLAINE
141		S2SE	30	33N	21E	BLAINE
142		NE	31	33N	21E	BLAINE
143		W2W2NW	31	33N	21E	BLAINE
144		N2	32	33N	21E	BLAINE
145		N2SW	32	33N	21E	BLAINE
146		SE	32	33N	21E	BLAINE
147		N2	33	33N	21E	BLAINE
148		W2SW	33	33N	21E	BLAINE
149		SESW	33	33N	21E	BLAINE
150		S2SE	33	33N	21E	BLAINE
151		N2	34	33N	21E	BLAINE
152		N2SW	34	33N	21E	BLAINE
153		SESW	34	33N	21E	BLAINE
154		SE	34	33N	21E	BLAINE
155		N2	35	33N	21E	BLAINE
156		SW	35	33N	21E	BLAINE
157		N2SE	35	33N	21E	BLAINE
158		S2N2	36	33N	21E	BLAINE
159		S2	36	33N	21E	BLAINE
160		S2NW	31	33N	22E	BLAINE
161		SW	31	33N	22E	BLAINE
162		SWSE	31	33N	22E	BLAINE
163		SENE	32	33N	22E	BLAINE
164		S2NW	32	33N	22E	BLAINE
165		N2SW	32	33N	22E	BLAINE
166		SESW	32	33N	22E	BLAINE
167		SE	32	33N	22E	BLAINE
168		SENE	1	32N	21E	BLAINE
169		SWNW	1	32N	21E	BLAINE
170		W2SW	1	32N	21E	BLAINE
171		SESW	1	32N	21E	BLAINE
172		SE	1	32N	21E	BLAINE
173	4		2	32N	21E	BLAINE
174		N2SE	2	32N	21E	BLAINE
175		N2NE	3	32N	21E	BLAINE
176		W2NE	12	32N	21E	BLAINE
177		NENW	12	32N	21E	BLAINE
178		SESE	1	32N	22E	BLAINE
179		NWSW	2	32N	22E	BLAINE
180		S2SW	2	32N	22E	BLAINE
181		SWSE	2	32N	22E	BLAINE

182	2		3	32N	22E	BLAINE
183		S2N2	3	32N	22E	BLAINE
184		S2	3	32N	22E	BLAINE
185		S2N2	4	32N	22E	BLAINE
186		N2SW	4	32N	22E	BLAINE
187		SE	4	32N	22E	BLAINE
188		NE	5	32N	22E	BLAINE
189		N2NW	5	32N	22E	BLAINE
190		SENW	5	32N	22E	BLAINE
191		N2SW	5	32N	22E	BLAINE
192		SESW	5	32N	22E	BLAINE
193		NE	6	32N	22E	BLAINE
194	3		6	32N	22E	BLAINE
195		S2NW	6	32N	22E	BLAINE
196		NESE	6	32N	22E	BLAINE
197		N2NE	10	32N	22E	BLAINE
198		NENW	10	32N	22E	BLAINE
199		N2	11	32N	22E	BLAINE
200		N2SE	11	32N	22E	BLAINE
201			12	32N	22E	BLAINE
202		E2	13	32N	22E	BLAINE
203		N2NW	13	32N	22E	BLAINE
204		S2SW	6	32N	23E	BLAINE
205		SE	6	32N	23E	BLAINE
206		N2NE	7	32N	23E	BLAINE
207		SWNE	7	32N	23E	BLAINE
208		W2	7	32N	23E	BLAINE
209		NWSE	7	32N	23E	BLAINE
210		S2SE	7	32N	23E	BLAINE
211		SWSWSW	8	32N	23E	BLAINE
212		SWNW	15	32N	23E	BLAINE
213		S2	15	32N	23E	BLAINE
214		S2NE	16	32N	23E	BLAINE
215		W2	16	32N	23E	BLAINE
216		SE	16	32N	23E	BLAINE
217			17	32N	23E	BLAINE
218			18	32N	23E	BLAINE
219		N2	19	32N	23E	BLAINE
220		N2NE	20	32N	23E	BLAINE
221		N2S2NE	20	32N	23E	BLAINE
222		NW	20	32N	23E	BLAINE
223		NE	22	32N	23E	BLAINE
224		E2NW	22	32N	23E	BLAINE
225		W2NE	23	32N	23E	BLAINE
226		NW	23	32N	23E	BLAINE

227	NESW	23	32N	23E	BLAINE
228	NWSE	23	32N	23E	BLAINE
229	W2NE	24	32N	23E	BLAINE
230	E2NW	24	32N	23E	BLAINE

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**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME WATER RIGHT APPROPRIATION.

40830-00 40844-00

DURING ANY GIVEN IRRIGATION SEASON, THE FORT BELKNAP IRRIGATION DISTRICT IS LIMITED TO IRRIGATION OF 6,482 ACRES; THE ALFALFA VALLEY IRRIGATION DISTRICT IS LIMITED TO IRRIGATION OF 3,664 ACRES; AND THE ZURICH IRRIGATION DISTRICT IS LIMITED TO IRRIGATION OF 7,664 ACRES.

THIS CLAIM IS ASSOCIATED WITH THE BUREAU OF RECLAMATIONS MILK RIVER PROJECT. THE UNITED STATES MILK RIVER PROJECT STORAGE AND INTERBASIN TRANSFER RIGHTS ARE SUPPLEMENTAL TO EACH OTHER AND TO THE PROJECTS DIRECT FLOW RIGHTS WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

40828-00 40830-00 40948-00 40955-00 40959-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MILK RIVER BETWEEN FRESNO RESERVOIR & WHITEWATER CREEK  
BASIN 40J**

**Water Right Number:** 40J 40831-00 STATEMENT OF CLAIM  
**Version:** 2 -- POST DECREE  
**Status:** DISMISSED

**Owners:** ALFALFA VALLEY IRRIGATION DISTRICT  
355 BAGAN RD  
CHINOOK, MT 59523

FORT BELKNAP IRRIGATION DISTRICT  
PO BOX 583  
CHINOOK, MT 59523

USA (DEPT OF INTERIOR BUREAU OF RECLAMATION)  
PO BOX 30137  
BILLINGS, MT 59107 0137

ZURICH IRRIGATION DISTRICT  
PO BOX 881  
CHINOOK, MT 59523

**Priority Date:**  
**Type of Historical Right:**  
**Purpose (Use):** IRRIGATION  
**Flow Rate:**  
**Volume:**  
**Source Name:** MILK RIVER  
**Source Type:** SURFACE WATER  
**Point of Diversion and Means of Diversion:**  
**Period of Use:**  
**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MILK RIVER BETWEEN FRESNO RESERVOIR & WHITEWATER CREEK  
BASIN 40J**

**Water Right Number:**      **40J 40832-00**      STATEMENT OF CLAIM

**Version:**      2 -- POST DECREE

**Status:**   **DISMISSED**

**Owners:**                      ALFALFA VALLEY IRRIGATION DISTRICT  
   355 BAGAN RD  
   CHINOOK, MT 59523  
  
   FORT BELKNAP IRRIGATION DISTRICT  
   PO BOX 583  
   CHINOOK, MT 59523  
  
   USA (DEPT OF INTERIOR BUREAU OF RECLAMATION)  
   PO BOX 30137  
   BILLINGS, MT 59107 0137  
  
   ZURICH IRRIGATION DISTRICT  
   PO BOX 881  
   CHINOOK, MT 59523

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):**                      IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:**                      MILK RIVER

**Source Type:**                      SURFACE WATER

**Point of Diversion and Means of Diversion:**

**Period of Use:**

**Place of Use:**

---

**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MILK RIVER BETWEEN FRESNO RESERVOIR & WHITEWATER CREEK  
BASIN 40J**

**Water Right Number:**      **40J 40833-00**      STATEMENT OF CLAIM

**Version:**      2 -- POST DECREE

**Status:**      **DISMISSED**

**Owners:**      ALFALFA VALLEY IRRIGATION DISTRICT  
355 BAGAN RD  
CHINOOK, MT 59523  
  
FORT BELKNAP IRRIGATION DISTRICT  
PO BOX 583  
CHINOOK, MT 59523  
  
USA (DEPT OF INTERIOR BUREAU OF RECLAMATION)  
PO BOX 30137  
BILLINGS, MT 59107 0137  
  
ZURICH IRRIGATION DISTRICT  
PO BOX 881  
CHINOOK, MT 59523

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):**      IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:**      MILK RIVER

**Source Type:**      SURFACE WATER

**Point of Diversion and Means of Diversion:**

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MILK RIVER BETWEEN FRESNO RESERVOIR & WHITEWATER CREEK  
BASIN 40J**

**Water Right Number:** 40J 40844-00 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** ALFALFA VALLEY IRRIGATION DISTRICT  
355 BAGAN RD  
CHINOOK, MT 59523  
  
FORT BELKNAP IRRIGATION DISTRICT  
PO BOX 583  
CHINOOK, MT 59523  
  
USA (DEPT OF INTERIOR BUREAU OF RECLAMATION)  
PO BOX 30137  
BILLINGS, MT 59107 0137  
  
ZURICH IRRIGATION DISTRICT  
PO BOX 881  
CHINOOK, MT 59523

**Priority Date:** MAY 25, 1912

**Type of Historical Right:** FILED

**Purpose (Use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE  
CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A  
DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT  
HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

THE COMBINED FLOW RATE FOR 40J 40828-00 AND 40J 40944-00 SHALL NOT  
EXCEED 130.00 CFS  
THE COMBINED FLOW RATE FOR ALL SOURCES DIVERTED INTO THE FORT  
BELKNAP CANAL SHALL NOT EXCEED 400.00 CFS

**Volume:** 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 HISTORICAL USE OF THE AREA SERVICED BY THIS WATER  
SOURCE.

**Source Name:** MILK RIVER

**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		SWNWSE	20	33N	18E	BLAINE

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** FORT BELKNAP CANAL

**Period of Use:** JANUARY 1 TO DECEMBER 31

**\*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			SESE	10	33N	18E	BLAINE
2			SWSW	11	33N	18E	BLAINE
3				13	33N	18E	BLAINE
4				14	33N	18E	BLAINE
5			NE	15	33N	18E	BLAINE
6			W2NW	15	33N	18E	BLAINE
7			S2	15	33N	18E	BLAINE
8			NE	16	33N	18E	BLAINE
9			S2	16	33N	18E	BLAINE
10			E2NE	20	33N	18E	BLAINE
11			N2	21	33N	18E	BLAINE
12			NWSW	21	33N	18E	BLAINE
13			E2SE	21	33N	18E	BLAINE
14				22	33N	18E	BLAINE
15				23	33N	18E	BLAINE
16				24	33N	18E	BLAINE
17			N2	25	33N	18E	BLAINE
18			N2	26	33N	18E	BLAINE
19			N2SE	26	33N	18E	BLAINE
20			NE	27	33N	18E	BLAINE
21			SWNE	18	33N	19E	BLAINE
22			W2	18	33N	19E	BLAINE
23			W2SE	18	33N	19E	BLAINE
24				19	33N	19E	BLAINE
25			S2NW	20	33N	19E	BLAINE
26			S2	20	33N	19E	BLAINE
27			S2NENE	21	33N	19E	BLAINE
28			S2NE	21	33N	19E	BLAINE
29			S2	21	33N	19E	BLAINE
30			W2W2	22	33N	19E	BLAINE
31			SESW	22	33N	19E	BLAINE
32			SE	22	33N	19E	BLAINE
33			W2SW	25	33N	19E	BLAINE
34			W2NW	26	33N	19E	BLAINE
35			S2SENW	26	33N	19E	BLAINE
36			W2	26	33N	19E	BLAINE
37			S2	26	33N	19E	BLAINE
38			E2E2	27	33N	19E	BLAINE
39			W2W2	27	33N	19E	BLAINE
40				28	33N	19E	BLAINE
41			N2	29	33N	19E	BLAINE
42			N2SW	29	33N	19E	BLAINE
43			SE	29	33N	19E	BLAINE
44			N2	30	33N	19E	BLAINE



45	N2S2	30	33N	19E	BLAINE
46	NE	33	33N	19E	BLAINE
47	N2NW	33	33N	19E	BLAINE
48	SE	33	33N	19E	BLAINE
49	NESW	33	33N	19E	BLAINE
50	N2SE	33	33N	19E	BLAINE
51	N2	34	33N	19E	BLAINE
52	N2SW	34	33N	19E	BLAINE
53	NE	35	33N	19E	BLAINE
54	NENW	35	33N	19E	BLAINE
55	N2	36	33N	19E	BLAINE
56	NESW	36	33N	19E	BLAINE
57	SE	36	33N	19E	BLAINE
58	SWNWNE	15	33N	19E	BLAINE
59	SWNE	15	33N	19E	BLAINE
60	NW	15	33N	19E	BLAINE
61	SW	15	33N	19E	BLAINE
62	SWSE	15	33N	19E	BLAINE
63	NENE	21	33N	19E	BLAINE
64	W2NE	22	33N	19E	BLAINE
65	SENE	22	33N	19E	BLAINE
66	NW	22	33N	19E	BLAINE
67	N2SW	22	33N	19E	BLAINE
68	N2S2SW	22	33N	19E	BLAINE
69	N2SE	22	33N	19E	BLAINE
70	SWNESW	23	33N	19E	BLAINE
71	SWNWSW	23	33N	19E	BLAINE
72	S2S2	23	33N	19E	BLAINE
73	S2NE	24	33N	19E	BLAINE
74	SENWSW	24	33N	19E	BLAINE
75	NESW	24	33N	19E	BLAINE
76	S2SW	24	33N	19E	BLAINE
77	SE	24	33N	19E	BLAINE
78		25	33N	19E	BLAINE
79	NE	26	33N	19E	BLAINE
80	N2NW	26	33N	19E	BLAINE
81	SE	26	33N	19E	BLAINE
82	NWSE	26	33N	19E	BLAINE
83	N2SE	26	33N	19E	BLAINE
84	NE	36	33N	19E	BLAINE
85	N2NW	36	33N	19E	BLAINE
86	E2SE	36	33N	19E	BLAINE
87	N2SE	36	33N	19E	BLAINE
88		19	33N	20E	BLAINE
89	SW	19	33N	20E	BLAINE

90	S2SE	19	33N	20E	BLAINE
91	W2NW	27	33N	20E	BLAINE
92	SW	27	33N	20E	BLAINE
93	S2NE	28	33N	20E	BLAINE
94	NW	28	33N	20E	BLAINE
95	N2S2	28	33N	20E	BLAINE
96	NE	29	33N	20E	BLAINE
97	E2NW	29	33N	20E	BLAINE
98	SWNW	29	33N	20E	BLAINE
99	S2	29	33N	20E	BLAINE
100		30	33N	20E	BLAINE
101		31	33N	20E	BLAINE
102		32	33N	20E	BLAINE
103	SWNW	33	33N	20E	BLAINE
104	NWSW	33	33N	20E	BLAINE
105	N2N2	5	32N	20E	BLAINE
106	N2SE	19	33N	20E	BLAINE
107	S2SE	19	33N	20E	BLAINE
108	S2S2	20	33N	20E	BLAINE
109	S2SW	21	33N	20E	BLAINE
110	SWSE	21	33N	20E	BLAINE
111	SESESE	22	33N	20E	BLAINE
112	SWSW	23	33N	20E	BLAINE
113	SWSESW	23	33N	20E	BLAINE
114	S2NE	25	33N	20E	BLAINE
115	W2NW	25	33N	20E	BLAINE
116	SENW	25	33N	20E	BLAINE
117	S2	25	33N	20E	BLAINE
118		26	33N	20E	BLAINE
119	N2	27	33N	20E	BLAINE
120	N2SW	27	33N	20E	BLAINE
121	NESESW	27	33N	20E	BLAINE
122	N2SE	27	33N	20E	BLAINE
123	N2S2SE	27	33N	20E	BLAINE
124	NE	28	33N	20E	BLAINE
125	N2NW	28	33N	20E	BLAINE
126	NENE	29	33N	20E	BLAINE
127	N2NW	29	33N	20E	BLAINE
128	NENE	30	33N	20E	BLAINE
129	N2NE	35	33N	20E	BLAINE
130	SENE	35	33N	20E	BLAINE
131	NW	35	33N	20E	BLAINE
132	N2	36	33N	20E	BLAINE
133	S2NWSW	28	33N	21E	BLAINE
134	S2SW	28	33N	21E	BLAINE

135		SWSE	28	33N	21E	BLAINE
136		W2NW	29	33N	21E	BLAINE
137		S2	29	33N	21E	BLAINE
138	2		30	33N	21E	BLAINE
139		SW	30	33N	21E	BLAINE
140		NESE	30	33N	21E	BLAINE
141		S2SE	30	33N	21E	BLAINE
142		NE	31	33N	21E	BLAINE
143		W2W2NW	31	33N	21E	BLAINE
144		N2	32	33N	21E	BLAINE
145		N2SW	32	33N	21E	BLAINE
146		SE	32	33N	21E	BLAINE
147		N2	33	33N	21E	BLAINE
148		W2SW	33	33N	21E	BLAINE
149		SESW	33	33N	21E	BLAINE
150		S2SE	33	33N	21E	BLAINE
151		N2	34	33N	21E	BLAINE
152		N2SW	34	33N	21E	BLAINE
153		SESW	34	33N	21E	BLAINE
154		SE	34	33N	21E	BLAINE
155		N2	35	33N	21E	BLAINE
156		SW	35	33N	21E	BLAINE
157		N2SE	35	33N	21E	BLAINE
158		S2N2	36	33N	21E	BLAINE
159		S2	36	33N	21E	BLAINE
160		S2NW	31	33N	22E	BLAINE
161		SW	31	33N	22E	BLAINE
162		SWSE	31	33N	22E	BLAINE
163		SENE	32	33N	22E	BLAINE
164		S2NW	32	33N	22E	BLAINE
165		N2SW	32	33N	22E	BLAINE
166		SESW	32	33N	22E	BLAINE
167		SE	32	33N	22E	BLAINE
168		SENE	1	32N	21E	BLAINE
169		SWNW	1	32N	21E	BLAINE
170		W2SW	1	32N	21E	BLAINE
171		SESW	1	32N	21E	BLAINE
172		SE	1	32N	21E	BLAINE
173	4		2	32N	21E	BLAINE
174		N2SE	2	32N	21E	BLAINE
175		N2NE	3	32N	21E	BLAINE
176		W2NE	12	32N	21E	BLAINE
177		NENW	12	32N	21E	BLAINE
178		SESE	1	32N	22E	BLAINE
179		NWSW	2	32N	22E	BLAINE

180		S2SW	2	32N	22E	BLAINE
181		SWSE	2	32N	22E	BLAINE
182	2		3	32N	22E	BLAINE
183		S2N2	3	32N	22E	BLAINE
184		S2	3	32N	22E	BLAINE
185		S2N2	4	32N	22E	BLAINE
186		N2SW	4	32N	22E	BLAINE
187		SE	4	32N	22E	BLAINE
188		NE	5	32N	22E	BLAINE
189		N2NW	5	32N	22E	BLAINE
190		SENW	5	32N	22E	BLAINE
191		N2SW	5	32N	22E	BLAINE
192		SESW	5	32N	22E	BLAINE
193		NE	6	32N	22E	BLAINE
194	3		6	32N	22E	BLAINE
195		S2NW	6	32N	22E	BLAINE
196		NESE	6	32N	22E	BLAINE
197		N2NE	10	32N	22E	BLAINE
198		NENW	10	32N	22E	BLAINE
199		N2	11	32N	22E	BLAINE
200		N2SE	11	32N	22E	BLAINE
201			12	32N	22E	BLAINE
202		E2	13	32N	22E	BLAINE
203		N2NW	13	32N	22E	BLAINE
204		S2SW	6	32N	23E	BLAINE
205		SE	6	32N	23E	BLAINE
206		N2NE	7	32N	23E	BLAINE
207		SWNE	7	32N	23E	BLAINE
208		W2	7	32N	23E	BLAINE
209		NWSE	7	32N	23E	BLAINE
210		S2SE	7	32N	23E	BLAINE
211		SWSWSW	8	32N	23E	BLAINE
212		SWNW	15	32N	23E	BLAINE
213		S2	15	32N	23E	BLAINE
214		S2NE	16	32N	23E	BLAINE
215		W2	16	32N	23E	BLAINE
216		SE	16	32N	23E	BLAINE
217			17	32N	23E	BLAINE
218			18	32N	23E	BLAINE
219		N2	19	32N	23E	BLAINE
220		N2NE	20	32N	23E	BLAINE
221		N2S2NE	20	32N	23E	BLAINE
222		NW	20	32N	23E	BLAINE
223		NE	22	32N	23E	BLAINE
224		E2NW	22	32N	23E	BLAINE

225	W2NE	23	32N	23E	BLAINE
226	NW	23	32N	23E	BLAINE
227	NESW	23	32N	23E	BLAINE
228	NWSE	23	32N	23E	BLAINE
229	W2NE	24	32N	23E	BLAINE
230	E2NW	24	32N	23E	BLAINE

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**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME WATER RIGHT APPROPRIATION.

40830-00 40844-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MILK RIVER BETWEEN FRESNO RESERVOIR & WHITEWATER CREEK  
BASIN 40J**

**Water Right Number:**      **40J 40847-00**      STATEMENT OF CLAIM

**Version:**      2 -- POST DECREE

**Status:**      **DISMISSED**

**Owners:**      ALFALFA VALLEY IRRIGATION DISTRICT  
355 BAGAN RD  
CHINOOK, MT 59523

FORT BELKNAP IRRIGATION DISTRICT  
PO BOX 583  
CHINOOK, MT 59523

USA (DEPT OF INTERIOR BUREAU OF RECLAMATION)  
PO BOX 30137  
BILLINGS, MT 59107 0137

ZURICH IRRIGATION DISTRICT  
PO BOX 881  
CHINOOK, MT 59523

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):**      MULTIPLE DOMESTIC

**Flow Rate:**

**Volume:**

**Source Name:**      MILK RIVER

**Source Type:**      SURFACE WATER

**Point of Diversion and Means of Diversion:**

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.