

Montana Water Court
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Bozeman, MT 59771-1389
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(406) 586-4364

ELECTRONICALLY FILED

41J-0500-S-2021

September 9, 2021

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
SMITH RIVER - BASIN (41J)

CLAIMANTS: Nona Munroe; Bald Eagle Land Inc.

41J-0500-S-2021
41J 206191-00

Split Claim:
41J 30151601

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 (W.R.Adj.R) requires that written objections to a Master’s Report be filed within 10 days of the date of the Master’s Report. If this Master’s Report was mailed to you, Rule 6(d) of the Montana Rules of Civil Procedure (M.R.Civ.P.) provides an additional 3 days to the 10-day objection period. This means your objection must be received no later than 13 days from the above stamped date.

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

On May 28, 2021, a Memorandum was filed along with a DNRC Ownership Update Divided Interest Forms (641 form). The 641 forms requested that the above-captioned claims be split. The current owners of the claims are Nona Monroe and Bald Eagle Land Inc.

On August 10, 2021, a Status Conference was held. The owners of the above-captioned claim requested that the claim be split pursuant to the ownership of the appurtenant land.

FINDINGS OF FACT

1. The following modifications were requested by the parties

41J 206191-00:

Owner:

Nona Monroe

Point of Diversion and Place of Use:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3	NW	6	15N	1E	Cascade
2	6	NW	6	15N	1E	Cascade
3		SENW	6	15N	1E	Cascade
4		SW	6	15N	1E	Cascade
5		SWSE	1	15N	1W	Cascade
6		N2	12	15N	1W	Cascade

41J 30151601 (Child Claim):

Owner:

Bald Eagle Land Inc.

Point of Diversion and Place of Use:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		E2	6	15N	1E	Cascade

CONCLUSIONS OF LAW

1. The Water Court may split claims into separate claims, by request or on its own initiative, at any time prior to the entry of the final decree. Rule 26, W.R.Adj.R.
2. The above-referenced split does not constitute an increase to any of the elements of the effected claims. The requested splits accurately reflect the ownership of the

underlying places of use and the proportions of water appurtenant. The information provided by the 641 form is complete and sufficient to accurately split the claim.

RECOMMENDATIONS

Based upon the above Finding of Fact and Conclusions of Law, this Master recommends that the Court accept the modifications discussed above.

Post decree abstracts of the water right claims addressed in this Master's Report are attached to confirm that the above correction has been made in the state's centralized water right record system.

Nathan Block
Water Master

Service via USPS Mail:

Nona Munroe
PO Box 184
Cascade, MT 59421-0189

Larsen Law Firm, PLLC
Attn: Dirk Larsen
Attorney at Law
PO Box 1692
Great Falls, MT 59403-1692
(406) 727-2220

Bald Eagle Land Inc.
51 Hillcrest Dr.
Clancy, MT 59634

Service via Electronic Mail:

Last Order:

Melissa Norris
DNRC Water Resources
Lewistown Regional Office
613 NE Main, Suite E
Lewistown, MT 59457-2020
mnorris@mt.gov

Note: Service List Updated 8-20-2021

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SMITH RIVER
BASIN 41J**

Water Right Number: 41J 206191-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: NONA K MUNROE
PO BOX 184
CASCADE, MT 59421 0184

Priority Date: JUNE 1, 1927

Type of Historical Right: USE

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.

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: UNNAMED TRIBUTARY OF HOUND CREEK, WEST FORK

Source Type: SURFACE WATER

Source Name: HOUND CREEK, WEST FORK

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	3	NW	6	15N	1E	CASCADE

Source Name: UNNAMED TRIBUTARY OF HOUND CREEK, WEST FORK

Period of Diversion: MAY 1 TO DECEMBER 1

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2	6	NW	6	15N	1E	CASCADE
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Source Name: UNNAMED TRIBUTARY OF HOUND CREEK, WEST FORK

Period of Diversion: MAY 1 TO DECEMBER 1

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3		SENW	6	15N	1E	CASCADE
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Source Name: UNNAMED TRIBUTARY OF HOUND CREEK, WEST FORK

Period of Diversion: MAY 1 TO DECEMBER 1

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4 SW 6 15N 1E CASCADE

Source Name: UNNAMED TRIBUTARY OF HOUND CREEK, WEST FORK

Period of Diversion: MAY 1 TO DECEMBER 1

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

5 SWSE 1 15N 1W CASCADE

Source Name: UNNAMED TRIBUTARY OF HOUND CREEK, WEST FORK

Period of Diversion: MAY 1 TO DECEMBER 1

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

6 N2 12 15N 1W CASCADE

Source Name: HOUND CREEK, WEST FORK

Period of Diversion: MAY 1 TO DECEMBER 1

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: MAY 1 TO DECEMBER 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			NW	6	15N	1E	CASCADE
2			NW	6	15N	1E	CASCADE
3			SENW	6	15N	1E	CASCADE
4			SW	6	15N	1E	CASCADE
5			SWSE	1	15N	1W	CASCADE
6			N2	12	15N	1W	CASCADE

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SMITH RIVER
BASIN 41J**

Water Right Number: 41J 30151601 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Status: ACTIVE

Owners: BALD EAGLE LAND INC
51 HILLCREST DR
CLANCY, MT 59634

Priority Date: JUNE 1, 1927

Type of Historical Right: USE

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.

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Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

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1		E2	6	15N	1E	CASCADE

Period of Diversion: MAY 1 TO DECEMBER 1

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: MAY 1 TO DECEMBER 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			E2	6	15N	1E	CASCADE