

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
TWO MEDICINE RIVER – BASIN 41M

CLAIMANT: Pondera County Canal & Reservoir Co.

OBJECTORS: Blackfeet Tribe; United States of America
(Bureau of Indian Affairs); Pondera County
Canal & Reservoir Co.

NOTICE OF INTENT TO APPEAR: Blackfeet Tribe

CASE 41M-0185-P-2017
41M 120074-00
41M 199803-00

**ORDER INCORPORATING TERMS OF SETTLEMENT AGREEMENTS AND
CLOSING CASE**

Water right claims 41M 120074-00 and 41M 199803-00 are owned by Pondera County Canal & Reservoir Co. (“PCCRC”). For 41M 120074-00, the Blackfeet Tribe objected, Daryle E. Swanson counterobjected, and Gene R. Curry filed a notice of intent to appear (“NOIA”). For 41M 199803-00, PCCRC and the United States (Bureau of Indian Affairs) (“BIA”) objected, Gene R. Curry and Daryle E. Swanson counterobjected, and the Blackfeet Tribe filed an NOIA.

On April 14, 2021, Curry filed a withdrawal of his NOIA to 41M 120074-00 and his counterobjection to 41M 199803-00. The Court dismissed Swanson during the August 2, 2021 pretrial conference as a sanction for failure to appear at the pretrial conference and failure to file a proposed pretrial order.

On July 9, 2021, the BIA, the Blackfeet Tribe, and PCCRC filed a Stipulation to Resolve Objections which addressed 41M 120074-00. The Court issued an order approving the July 9 stipulation on July 15, 2021.

On August 12, 2021, the BIA, the Blackfoot Tribe, and PCCRC filed a Stipulation to Resolve Objections which addressed 41M 199803-00. The Court issued an order approving the August 12 stipulation on August 13, 2021.

Pursuant to the July 9 stipulation, claim 41M 120074-00 should be dismissed. The Blackfoot Tribe's objection to the claim is resolved by dismissal of the claim. The issue remarks that appeared on the claim in the 41M Preliminary Decree are mooted by dismissal of the claim.

Pursuant to the August 12 stipulation, claim 41M 199803-00 should be dismissed. PCCRC's and the BIA's objections and the Blackfoot Tribe's NOIA are resolved by dismissal of the claim. The issue remarks that appeared on the claim in the 41M Preliminary Decree are mooted by dismissal of the claim.

Claims 41M 120074-00 and 41M 199803-00 are dismissed and will not appear in the Basin 41M Final Decree. Post decree abstracts are attached to confirm the dismissal of both claims.

This case is CLOSED.

Russ McElyea
Chief Water Judge

Service Via Email:

John E. Bloomquist
Rick C. Tappan
Bloomquist Law Firm, P.C.
3355 Colton Drive, Suite A
Helena, MT 59602
(406) 502-1244
blf@helenalaw.com

Katherine M. Kane
Samuel D. Gollis
US Department of Justice - ENRD Indian
Resources Section
999 18th St., South Terrace, Ste 370
Denver, CO 80202
(303) 844-1378 (Kane)
(303) 844-1451 (Gollis)
(303) 844-1350 (Fax)
samuel.gollis@usdoj.gov
katherine.kane@usdoj.gov
efile_denver.enrd@usdoj.gov

Jeanne S. Whiteing
Whiteing & Smith
1628 5th Street
Boulder, CO 80302
(303) 444-2549
jwhiteing@whiteinglaw.com

Derek E. Kline
Blackfeet Legal Department
PO Box 849
Browning, MT 59417
(406) 338-7777
dkline@blackfeetnation.com
tgilham@blackfeetnation.com

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
TWO MEDICINE RIVER
BASIN 41M**

Water Right Number: 41M 120074-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: **DISMISSED**

Owners: PONDERA COUNTY CANAL & RESERVOIR CO
PO BOX 245
VALIER, MT 59486

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: BIRCH CREEK

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
TWO MEDICINE RIVER
BASIN 41M**

Water Right Number: 41M 199803-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: **DISMISSED**

Owners: PONDERA COUNTY CANAL & RESERVOIR CO
PO BOX 245
VALIER, MT 59486

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: BIRCH CREEK

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.