

40E-0028-R-2022

July 14, 2022

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
MISSOURI RIVER BASIN BETWEEN MUSSELSHELL RIVER
AND FORT PECK DAM - BASIN (40E)
PRELIMINARY DECREE

CLAIMANT: Horse Ranch Inc.

CASE 40E-0028-R-2022
40E 186530-00
Implied Claim
40E 30153478

ORDER AMENDING AND ADOPTING MASTER'S REPORT

Pursuant to Montana Code Annotated, Section 85-2-233(5), Case 40E-0028-R-2022 was assigned to Water Master Eyvind Ostrem. 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 on the parties June 9, 2022. On June 17, 2022, claimant Horse Ranch Inc. filed an Objection to Master's Report to Correct Clerical Mistake.

Horse Ranch Inc. points out that the Master's Report and attached abstracts contained a clerical error in the informational remark it sought to add to the claims. Specifically, the word "use" was omitted from the phrase "irrigate the place of use with a system of dikes." Horse Ranch therefore requests that the abstracts be corrected in the Court's adoption of the master's report. The time frame for filing objections has elapsed and no other objections to the Findings and Conclusion have been filed.

The abstracts are corrected to resolve the clerical error and objection to the Master's Report. No other amendments to the June 9, 2022 Master's Report are needed.

Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report and its Recommendations with the above-referenced amendments, and **APPROVES** the changes to the centralized computer record system that are reflected on each abstract served with this order.

Russ McElyea
Chief Water Judge

Service via Electronic Mail

Jack G. Connors
Jacqueline Papez
Doney Crowley PC
PO Box 1185
Helena, MT 59624-1185
(406) 443-2211
jconnors@doneylaw.com
jpapez@doneylaw.com
legalsec@doneylaw.com

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, BETWEEN MUSSELSHELL RIVER AND FORT PECK DAM
BASIN 40E

Water Right Number: 40E 186530-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: HORSE RANCH INC
PO BOX 37
HINSDALE, MT 59241 0037

Priority Date: DECEMBER 31, 1895

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 375.00 AC-FT

Climatic Area: 1 - HIGH

Maximum Acres: 250.00

Source Name SQUARE 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			2	24N	34E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	DIKE					
2			3	24N	34E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	DIKE					
3		N2	4	24N	34E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	DIKE					
4			5	24N	34E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	DIKE					
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	43.00			5	24N	34E	VALLEY
2	12.00			4	24N	34E	VALLEY
3	129.00		S2	33	25N	34E	VALLEY
4	40.00			3	24N	34E	VALLEY

5	8.67	SWSE	2	24N	34E	VALLEY
6	8.67	SESW	2	24N	34E	VALLEY
7	8.66	SWSW	2	24N	34E	VALLEY
Total:						250.00

Remarks:

WATER RIGHT 40E 186530-00 AND 40E 30153478 REPRESENT THE SAME HISTORIC WATER RIGHT USED TO IRRIGATE THE PLACE OF USE WITH A SYSTEM OF DIKES LOCATED ON SQUARE CREEK AND FRENCHMAN COULEE. THE TWO RIGHTS ARE LIMITED TO THE HISTORICAL AND BENEFICIAL USE OF THE SYSTEM.

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, BETWEEN MUSSELSHELL RIVER AND FORT PECK DAM
BASIN 40E

Water Right Number: 40E 30153478 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: HORSE RANCH INC
PO BOX 37
HINSDALE, MT 59241 0037

Priority Date: DECEMBER 31, 1895

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 375.00 AC-FT

Climatic Area: 1 - HIGH

Maximum Acres: 250.00

Source Name FRENCHMAN COULEE

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			33	25N	34E	VALLEY

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIKE

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	8.67		SWSE	2	24N	34E	VALLEY
2	8.67		SESW	2	24N	34E	VALLEY
3	8.66		SWSW	2	24N	34E	VALLEY
4	40.00			3	24N	34E	VALLEY
5	12.00			4	24N	34E	VALLEY
6	43.00			5	24N	34E	VALLEY
7	129.00		S2	33	25N	34E	VALLEY

Total: 250.00

Remarks:

WATER RIGHT 40E 186530-00 AND 40E 30153478 REPRESENT THE SAME HISTORIC WATER RIGHT USED TO IRRIGATE THE PLACE OF USE WITH A SYSTEM OF DIKES LOCATED ON SQUARE CREEK AND FRENCHMAN COULEE. THE TWO RIGHTS ARE LIMITED TO THE HISTORICAL AND BENEFICIAL USE OF THE SYSTEM.