

IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
BIGHORN RIVER, BELOW GREYBULL RIVER (43P)

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CLAIMANTS: Big Horn Low Line Ditch Co.; Webber Farms Inc.

OBJECTORS: United States of America (Bureau of Indian
Affairs); Apsaalooke (Crow) Tribe; Timothy A.
Webber

CASE 43P-0237-P-2019

43P 165-00

43P 20997-00

Implied Claim

43P 30155759

ORDER AMENDING AND ADOPTING MASTER'S REPORT

Pursuant to Montana Code Annotated, § 85-2-233(5), the above entitled case was assigned to Water Master Nathan Block. 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 upon the parties on November 4, 2022. On November 10, 2022, the United States filed an Objection to the Master's Report concerning an error on the abstract for claim 43P 20997-00 attached to the Master's Report.

Specifically, claim 43P 20997-00 should be described as a 'statement of claim' instead of a 'reserved claim' and the remark placed on the claim should be corrected to the following:

A TOTAL OF UP TO 5,062.55 ACRES MAY BE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON WITHIN THE HISTORICAL SERVICE AREA DESCRIBED IMMEDIATELY ABOVE.

The Court has reviewed the Water Master's Findings and Conclusions. Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report with the above referenced modifications.

Stephen Brown
Associate Water Judge

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BIGHORN RIVER, BELOW GREYBULL RIVER
BASIN 43P**

Water Right Number: 43P 165-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: DISMISSED

Owners: WEBBER FARMS INC
% DARELL R WEBBER
RT 1 BOX 1103
HARDIN, MT 59034 9713

Priority Date:

Type of Historical Right:

Purpose (use): IRRIGATION

Flow Rate:

Volume:

Source Name: WASTE & SEEPAGE, UNNAMED TRIBUTARY OF BIGHORN 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
BIGHORN RIVER, BELOW GREYBULL RIVER
BASIN 43P

Water Right Number: 43P 20997-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: BIG HORN LOW LINE DITCH CO
% BECKY TORSKE
208 N CENTER
HARDIN, MT 59034

Priority Date: NOVEMBER 2, 1907

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 191.75 CFS

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

Climatic Area: 1 - HIGH

Maximum Acres: 5,062.55

Source Name: BIGHORN 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		SWNESW	34	1N	33E	BIG HORN

Period of Diversion: MARCH 15 TO NOVEMBER 15

Diversion Means: HEADGATE

Ditch Name: BIG HORN LOW LINE CANAL

Period of Use: MARCH 15 TO NOVEMBER 15

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				2	1N	33E	BIG HORN
2			NE	3	1N	33E	BIG HORN
3			NW	3	1N	33E	BIG HORN
4			SE	3	1N	33E	BIG HORN
5			SE	9	1N	33E	BIG HORN
6				10	1N	33E	BIG HORN
7			NW	11	1N	33E	BIG HORN
8			N2N2	15	1N	33E	BIG HORN
9			SE	21	1N	33E	BIG HORN
10			SW	22	1N	33E	BIG HORN
11			N2	27	1N	33E	BIG HORN
12			NE	28	1N	33E	BIG HORN

13	NW	34	1N	33E	BIG HORN
14	NW	1	2N	33E	BIG HORN
15		2	2N	33E	BIG HORN
16	E2	10	2N	33E	BIG HORN
17		11	2N	33E	BIG HORN
18		14	2N	33E	BIG HORN
19	S2	15	2N	33E	BIG HORN
20		22	2N	33E	BIG HORN
21	NW	23	2N	33E	BIG HORN
22	S2	23	2N	33E	BIG HORN
23	W2	24	2N	33E	BIG HORN
24	NW	25	2N	33E	BIG HORN
25		26	2N	33E	BIG HORN
26		27	2N	33E	BIG HORN
27	E2	28	2N	33E	BIG HORN
28		34	2N	33E	BIG HORN
29		35	2N	33E	BIG HORN
30	SE	35	3N	33E	BIG HORN
31	SW	36	3N	33E	BIG HORN

A TOTAL OF UP TO 5,062.55 ACRES MAY BE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON WITHIN THE HISTORICAL SERVICE AREA DESCRIBED IMMEDIATELY ABOVE.

Remarks:

IMPLIED CLAIM NO. 43P 30155759 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

A PORTION OF THE WATER RIGHT INCLUDED IN THIS CLAIM IS USED FOR IRRIGATING LAWNS AND GARDENS WITHIN THE CLAIMED PLACE OF USE AND WITHIN THE CLAIMED FLOW RATE.

CLAIMANT ADDITIONALLY DIVERTS AND CONVEYS WATER OWNED BY THE BIG HORN CONSERVATION DISTRICT UNDER THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT THROUGH THE BIG HORN LOW LINE CANAL TO IRRIGATE 39.40 POST-1973 EXPANSION ACRES OWNED BY CLAIMANT'S SHAREHOLDERS AND SITUATED WITHIN CLAIMANT'S SERVICE AREA.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BIGHORN RIVER, BELOW GREYBULL RIVER
BASIN 43P

Water Right Number: 43P 30155759 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: BIG HORN LOW LINE DITCH CO
% BECKY TORSKE
208 N CENTER
HARDIN, MT 59034

Priority Date: MAY 7, 1868

Type of Historical Right: RESERVED

THIS WATER RIGHT IS A WALTON RIGHT.

THIS WATER RIGHT IS NOT PART OF THE TRIBAL WATER RIGHT AS DEFINED IN THE CROW COMPACT.

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 15.63 CFS

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

Climatic Area: 1 - HIGH

Maximum Acres: 412.55

Source Name: BIGHORN 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		SWNESW	34	1N	33E	BIG HORN

Period of Diversion: MARCH 15 TO NOVEMBER 15

Diversion Means: HEADGATE

Ditch Name: BIG HORN LOW LINE CANAL

Period of Use: MARCH 15 TO NOVEMBER 15

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	52.80		N2SE	9	1N	33E	BIG HORN
2	68.25		S2NE	10	1N	33E	BIG HORN
3	66.60		N2SE	10	1N	33E	BIG HORN
4	71.50		N2SW	10	1N	33E	BIG HORN
5	26.70		N2SW	11	1N	33E	BIG HORN
6	6.00	2	SWNE	15	1N	33E	BIG HORN
7	65.20		S2NW	15	1N	33E	BIG HORN
8	28.60		N2SW	15	1N	33E	BIG HORN

9	26.90	E2NE	16	1N	33E	BIG HORN
Total:	412.55					

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43P 20997-00.

A PORTION OF THE WATER RIGHT INCLUDED IN THIS CLAIM IS USED FOR IRRIGATING LAWNS AND GARDENS WITHIN THE CLAIMED PLACE OF USE AND WITHIN THE CLAIMED FLOW RATE.