

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
WILLOW CREEK BASIN (41N)
PRELIMINARY DECREE

CLAIMANT: Sisk Ranch, Inc.

OBJECTOR: USA (Dept of Interior Bureau of Reclamation)

CASE: 41N-0418-R-2023
41N 153351-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the 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

All water right claims that appeared in the Preliminary Decree for Willow Creek (Basin 41N) were subject to "issue remarks" resulting from pre-decree examination by the DNRC, objections, and counterobjections. Claim 41N 153351-00 received an objection from the United States Bureau of Reclamation ("BOR").

Claim 41N 153351-00 was consolidated into Case 41N-0418-R-2023 and a filing deadline was issued by the Water Court to resolve the objection.

FINDINGS OF FACT

1. On August 28, 2023, claimant Sisk Ranch, Inc. filed a *Motion to Amend* water right claim 41N 153351-00. The *Motion* proposes the following modifications to the claim to resolve the objection:

Source Name: Unnamed Tributaries of Willow 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		N2NE	23	31N	3E	TOOLE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
2		NWNWSE	23	31N	3E	TOOLE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				
3		S2NWSE	23	31N	3E	TOOLE
	Period of Diversion:	JANUARY 1 TO DECEMBER 31				
	Diversion Means:	LIVESTOCK DIRECT FROM SOURCE				

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>
4		SWNW	25	31N	3E	TOOLE
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		LIVESTOCK DIRECT FROM SOURCE				
5		S2NWNW	25	31N	3E	TOOLE
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		LIVESTOCK DIRECT FROM SOURCE				
6		NWNWNW	25	31N	3E	TOOLE
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		LIVESTOCK DIRECT FROM SOURCE				

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			N2NE	23	31N	3E	TOOLE
2			NWNWSE	23	31N	3E	TOOLE
3			S2NWSE	23	31N	3E	TOOLE
4			SWNW	25	31N	3E	TOOLE
5			S2NWNW	25	31N	3E	TOOLE
6			NWNWNW	25	31N	3E	TOOLE

2. On August 29, 2023, objector BOR filed a *Notice of Resolution of Objections*. The *Notice* states that, “the amendments specified in the Motion to Amend resolve the United States’ objections to Claim No. 41N 153351-00.”

PRINCIPLES OF LAW

1. The Water Court may use information submitted by the DNRC, the Statement of Claim, and any other data obtained by the Court to evaluate a water right. Sections 85-2-227, -231(2), MCA.

CONCLUSIONS OF LAW

1. The information in the record is sufficient to resolve the objection to the claim. Based on the information contained in the Claimant's *Motion to Amend*, and the *Notice of Resolution of Objections* filed by objector BOR, the claim should be modified as described in Finding of Fact No. 1 and the BOR's objection should be considered resolved.

RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Water Master recommends that the Court adopt the changes as outlined in Finding of Fact No. 1.

A post decree abstract of the water right claim reflecting the recommended changes is attached to this Report.

ELECTRONICALLY SIGNED AND DATED BELOW.

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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
WILLOW CREEK
BASIN 41N

Water Right Number: 41N 153351-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: SISK RANCH INC
PO BOX 16
GALATA, MT 59444

Priority Date: DECEMBER 31, 1900

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 WILLOW CREEK

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>Twp</u>	<u>Rge</u>	<u>County</u>
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