

Montana Water Court
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IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
SHIELDS RIVER BASIN 43A
PRELIMINARY DECREE

CLAIMANTS: Cache Creek Ranch, LLC; Robert Richard
Waddell; ~~Sharon L. Waddell~~

OBJECTOR: David K. Mabie; Virgil Wesley Isbell;
Family Trust; Garth A. Isbell; Woosley
Land and Livestock LLC; Red Dog Ranch
LLC

NOTICE OF INTENT TO APPEAR: Behnam-Gamble
Trust

CASE 43A-0323-R-2021

43A 167035-00

43A 167036-00

43A 167042-00

43A 191814-00

**ORDER AMENDING AND ADOPTING MASTER’S REPORT
AND
ORDER CORRECTING ABSTRACTS**

Pursuant to Montana Code Annotated, section 85-2-233(5), Case 43A-0323-R-2021 was assigned to Water Master Anika M. Stern. A Master’s Report was issued on October 16, 2023. Woosley Land and Livestock, LLC (Woosley) objected to the Master’s Report on October 25, 2023 and Red Dog Ranch, LLC (Red Dog) Objected on October 26, 2023. The Objections to the Master’s Report identify clerical errors in the Master’s Report and Post Decree Abstracts.

Red Dog’s Objection notes a clerical error in the information remark listed in Finding of Fact No. 7 and on the Post Decree Abstracts for claims 43B 167035-00, 43B 167036-00, and 43B 167042-00. The information remark erroneously includes an extra “4” in the claim number

for claim 43B 167042-00. Any references to claim “43B 1464072-00” should be amended to reference claim “43B 167042-00.” The Post Decree Abstracts for claims 43B 167035-00, 43B 167036-00, and 43B 167042-00 have been corrected.

Both Objections noted priority date errors as to claim 43B 191814-00. The October 16, 2023 Master’s Report should be amended, adding an additional sentence to Finding of Fact No. 16:

16. On September 27, 2023, R. Richard Waddell filed a Notice of Filing of Settlement Agreement and Settlement Agreement executed by R. Richard Waddell, Woosley Land and Livestock, and Red Dog Ranch, LLC. (Docs. 58.00 and 59.00). Pursuant to the Settlement Agreement, Woosley Land and Livestock and Red Dog Ranch, LLC withdraw their Objections to the Motion to Amend Claim 43A 191814-00. The priority date for claim 43A 191814-00 should be changed from July 1, 1898 to December 31, 1970.

And Recommendation No. 3 should be amended, reflecting the same priority date change:

3. Sharon Waddell should be removed as a co-owner of claim 43A 191814-00. And the following additional modification should be made to claim 43A 191814-00:

Priority Date: ~~JULY 1, 1898~~ **DECEMBER 31, 1970**

Purpose (use): IRRIGATION
THIS WATER RIGHT IS INCIDENTALLY USED FOR STOCK WATER.

Flow Rate: ~~1.60 CFS~~ **338.60 GPM**

Maximum Acres: ~~46.00~~ **70.00**

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NWNESW	16	2N	7E	GALLATIN

Period of Diversion: MAY 1 TO OCTOBER 15
 Diversion Means: HEADGATE
 Ditch Name: ARMSTRONG DITCH

Please add second point of diversion:

NENESE 9 2N 7E GALLATIN

Period of Diversion: MAY 1 TO OCTOBER 15
 Diversion Means: HEADGATE
 Ditch Name: ROBINSON-ARMSTRONG DITCH
 Period of Use: MAY 1 TO OCTOBER 15

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	46.00 70.00		NW SWNE	10	2N	7E	GALLATIN
Total:	46.00						

THE INCIDENTAL USE OF THIS RIGHT FOR STOCK IS LIMITED TO WHEN WATER IS DIVERTED FROM THE POINT OF DIVERSION AND CONVEYED TO THE PLACE OF USE FOR IRRIGATION USE AND DOES NOT PROVIDE AN INDEPENDENT BASIS FOR A CALL ON OTHER WATER RIGHTS.

The amendment to Finding of Fact No. 16 and Recommendation No. 3 address the priority date omission in the Master’s Report. The Post Decree Abstract for claim 43A 191814-00 has been corrected.

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 amendments.

Post Decree Abstracts for the claims in this Case are served with this Order to confirm that the Recommendations set forth in the Master's Report, as amended by this Order, have been adopted for the claims in this Case.

ELECTRONICALLY SIGNED AND DATED BELOW.

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