

Montana Water Court
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IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
BOULDER RIVER—TRIBUTARY OF THE JEFFERSON RIVER (BASIN 41E)
PRELIMINARY DECREE

CLAIMANTS: Deborah W. Corette; William P. Corette; Donald
L. Hanley; Joan C. Hanley

CASE 41E-0238-R-2024
41E 118153-00

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 Boulder River (Basin 41E) were subject to “issue remarks” resulting from pre-decree examination by the DNRC, objections, and counterobjections. Claim 41E 118153-00 received an issue remark during the DNRC’s review of the claims.

The claim was consolidated into Case 41E-0238-R-2024 and an Order Requiring the Claimants to consult with the DNRC to resolve the issue remark was issued by the Water Court.

FINDINGS OF FACT

1. Claim 41E 118153-00 appeared in the Preliminary Decree with the following issue remark:

THE MEANS OF DIVERSION APPEARS TO BE INCORRECT. THE MEANS OF DIVERSION APPEARS TO BE A DIVERSION DAM AND PIPELINE.

2. On May 20, 2024, DNRC Water Resources Specialist Jason Larsen filed a *Memorandum* in this matter. The *Memo* states that the DNRC was contacted by Kara Corette, on behalf of claimants Deborah and William Corette, and Elise Hanley on behalf of claimants Donald and Joan Hanley regarding the aforementioned issue remark. The *Memo* goes on to note that Kara Corette stated that the means of diversion is a diversion dam that diverts water through a pipeline. Therefore, the DNRC made the following recommendations regarding the disposition of the issue remark:

RECOMMENDATION(S):

Claim 41E 118153-00:

The DNRC recommends changing the means of diversion to “diversion dam” as that means of diversion has been verified by the claimant.

The DNRC recommends removing the D55 issue remark.

PRINCIPLES OF LAW

1. Section 85-2-248(2), MCA, requires that the Water Court resolve all issue remarks that are not resolved through the objection process. *See also* Rule 7, W.R.Adj.R.

2. 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.

CONCLUSION OF LAW

1. The information in the record is sufficient to resolve the issue remark appearing on claim 41E 118153-00. Based on the information contained Mr. Larsen’s *Memo*, the means of diversion for claim 41E 118153-00 should be modified to “diversion

dam” as described in Finding of Fact No. 2, and the issue remark should be removed from the claim.

RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusion of Law, this Water Master recommends that the Court modify claim 41E 118153-00 as described in Finding of Fact No. 2 and remove the issue remark from the claim.

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

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Deborah W. Corette
William P. Corette
13 Lariat Loop
Bozeman, MT 59715

Donald L. Hanley
Joan C. Hanley
44875 Deep Canyon Rd Ste 1
Palm Desert, CA 92260

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER
BASIN 41E

Water Right Number: 41E 118153-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: DEBORAH W CORETTE
13 LARIAT LOOP
BOZEMAN, MT 59715

WILLIAM P CORETTE
% KARA MADDEN
6918 MAJESTIC CT
BOZEMAN, MT 59715

DONALD L HANLEY
44875 DEEP CANYON RD STE 1
PALM DESERT, CA 92260

JOAN C HANLEY
44875 DEEP CANYON RD STE 1
PALM DESERT, CA 92260

***Priority Date:** APRIL 1, 1920

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: MIDDLE CAMP 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		NENENW	20	4N	6W	JEFFERSON

Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: DIVERSION DAM

Period of Use: APRIL 1 TO NOVEMBER 1

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			SESW	17	4N	6W	JEFFERSON

PLACE OF USE IS LOCATED ON LAKE PALMER PLACER CLAIM, MINERAL SURVEY NO. 6455, MINERAL ENTRY NO. 4266.