

Montana Water Court  
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IN THE WATER COURT OF THE STATE OF MONTANA  
YELLOWSTONE DIVISION  
SWEET GRASS CREEK - BASIN (43BV)

\* \* \* \* \*

CLAIMANT: Cremer Rodeo Land & Livestock Co.

OBJECTOR: United States Bureau of Reclamation

NOTICE OF INTENT TO APPEAR: Crazy Not To, LLC

INTERESTED PARTIES: Coulee Creek Land & Cattle,  
Inc.; JC Cattle Inc.; Cargill Land Company

**CASE 43BV-0064-R-2022**

43BV 136293-00  
43BV 150278-00  
43BV 150279-00  
43BV 150280-00  
43BV 150287-00  
43BV 150299-00  
43BV 150302-00  
43BV 150305-00  
43BV 150309-00  
43BV 150312-00  
43BV 150313-00  
43BV 150334-00  
43BV 150335-00

**ORDER APPROVING STIPULATION**

**BACKGROUND FACTS**

*General*

1. This case addresses objections and issue remarks for thirteen water right claims owned by Cremer Rodeo Land & Livestock Co. ("Cremer") in Basin 43BV, the Sweet Grass Creek Basin. Five claims are for irrigation use. The remaining eight are for stock water use. Sweet Grass Creek is the source of twelve of the claims, and Hamilton

Creek is the source of the remaining claim. As described in the Basin 43BV Preliminary Decree, the pertinent elements and claim types<sup>1</sup> are as follows (in order of priority):

Claim	Priority	Flow	Use	Type
43BV 150280-00	June 1, 1889	Narrative <sup>2</sup>	Stock	Decreed
43BV 150309-00	June 1, 1889	3.50 cfs	Irrigation	Decreed
43BV 150287-00	April 1, 1890	Narrative	Stock	Decreed
43BV 150335-00	April 1, 1890	282.74 gpm	Irrigation	Decreed
43BV 150278-00	July 1, 1902	Narrative	Stock	Decreed
43BV 150334-00	July 1, 1902	1.00 cfs	Irrigation	Decreed
43BV 150299-00	June 1, 1903	Narrative	Stock	Decreed
43BV 150312-00	June 1, 1903	2.00 cfs	Irrigation	Decreed
43BV 136293-00	December 31, 1910	Narrative	Stock	Use
43BV 150279-00	February 24, 1914	Narrative	Stock	Use
43BV 150305-00	June 29, 1973	Narrative	Stock	Decreed
43BV 150313-00	June 29, 1973	11.90 cfs	Irrigation	Decreed
43BV 150302-00	June 29, 1973	Narrative	Stock	Decreed

2. On April 6, 1906, the State District Court for Sweet Grass County entered a water rights decree in the case *W.A. Harrison et al. v. Paul L. Van Cleve et al.* (Case 342, Mont. Sixth Jud. Dist., Sweet Grass County) (“Sweet Grass Creek Decree”). The *Sweet Grass Creek Decree* decreed and tabulated rights to use water from Sweet Grass Creek and several tributaries.

3. On July 27, 1981, the State District Court for Sweet Grass County entered a supplemental water rights decree in the case *Sweet Grass Canal and Reservoir Company et al. v. Mr. and Mrs. Leo Cremer, Jr. et al.* (Cause No. 3316, Mont. Sixth Jud. Dist., Sweet Grass County) (“Sweet Grass Creek Supplemental Decree”). The *Sweet Grass Creek Supplemental Decree* decreed a number of rights to use water from Sweet Grass Creek and its tributaries that had not previously been included in a district court decree.

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<sup>1</sup> For purposes of adjudicating claims, the term “type” describes “the historical basis of an existing water right.” Rule 2(a)(70), W.R.C.E.R., incorporated by Rule 2(b), W.R.Adj.R.

<sup>2</sup> For purposes of this Order, the term “narrative” means the flow rate for the stock claims is not expressed numerically, but rather is described as: “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.” See Rule 24(b), W.R.C.E.R.

4. On July 11, 2019, Cremer filed a motion to amend many of its claims. The gist of the motion was Cremer's request that the Court modify the claims by undoing the marshaled points of diversion and places of use. Other than claim 43BV 136293-00, all of the claims in this case were part of that motion. On October 1, 2019, the Court granted the motion in part in a Final Order on Motion to Amend in Case 43BV-6014-A-2019. The Order reduced the number of points of diversion for the claims, so they are specific to each claim rather than marshaled across all claims. The preliminary decree abstracts for the amended claims include the following information remark that references the Order:

THIS WATER RIGHT WAS AMENDED BY THE WATER COURT  
PURSUANT TO SECTION 85-2-22-(6), MCA. THE ORDER  
ADDRESSING THE MOTION TO AMEND WAS FILED IN WATER  
COURT CASE 43BV-6014-A-2019 PRIOR TO THE ISSUANCE OF THE  
PRELIMINARY DECREE.

5. On May 27, 2021, the Water Court issued the Basin 43BV Preliminary Decree. The Preliminary Decree included abstracts for all the claims in this case. The abstract for each claim includes issue remarks. The claims also received objections. The following paragraphs describe the issue remarks and objections for each claim. (For ease of reference, the claims are described in order of priority for each set of irrigation and stock claims rather than by claim number.)

6. Other than claim 43BV 136293-00, which is a direct from source claim for stock water use, the five irrigation claims in this case were decreed in the Preliminary Decree with one or more of the following points of diversion and ditches:

Ditch name <sup>3</sup>	Qtr Sec	Sec	Twp	Rge	Claims
Cremer-Nollmeyer	SWNESW	5	4N	14E	43BV 150335-00
Van Cleve-Howe	SESESE	5	4N	14E	43BV 150313-00
Cremer	NESWNE	9	4N	14E	43BV 150335-00
North Franklin	NENWSW	14	4N	14E	43BV 150309-00; 43BV 150335-00
South Franklin	SWNESW	14	4N	14E	43BV 150309-00; 43BV 150335-00

<sup>3</sup> The points of diversion on this table are sequenced from upstream to downstream on Sweet Grass Creek.

Upper Medley	SENESE	1	3N	15E	43BV 150312-00; 43BV 150334-00
Stocker	SESESE	7	3N	16E	43BV 150312-00; 43BV 150334-00
Lower Medley	SENESE	18	3N	16E	43BV 150312-00; 43BV 150334-00 <sup>4</sup>

7. These points of diversion reflect what the Court ordered in the motion to amend in Case 43BV-6014-A-2019. The Court also amended the points of diversion for the companion stock claims, but they were described in the Preliminary Decree without ditch names even though the legal descriptions match those of their companion irrigation claims.

*Description of claims, issue remarks, and objections*

*June 1, 1889 Claims*

8. The Preliminary Decree describes water right claims 43BV 150280-00 and 43BV 150309-00 as decreed rights based on 140 miner's inches (3.5 cfs) decreed to Matilda Medley in the *Sweet Grass Creek Decree* with a June 1, 1889 priority date.

9. Claim 43BV 150280-00 is a claim for stock water use from Sweet Grass Creek at two points of diversion. Although the ditches are not named, the points of diversion have the same legal descriptions as the ditches named in claim 43BV 150309-00 (South Franklin Ditch and North Franklin Ditch). The preliminary decree abstract includes the following issue remarks:

THE POINTS OF DIVERSION APPEAR TO BE INCORRECT. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

RESERVOIR RECORD WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

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<sup>4</sup> The abstract for claim 43BV 150334-00 describes the Lower Medley Ditch point of diversion as located in the SWNESW of Section 18. This description is erroneous because Sweet Grass Creek does not flow through that aliquot part of the section.

10. Claim 43BV 150309-00 is a claim for irrigation use from Sweet Grass Creek at the same two points of diversion as claim 43BV 150280-00, with the ditches identified. The preliminary decree abstract includes the following issue remarks:

THE POINTS OF DIVERSION APPEAR TO BE INCORRECT. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

DITCH NAME AND RESERVOIR RECORD WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

11. The United States objected to claim 43BV 150309-00, based primarily on the decreed year round periods of use and diversion.

12. Claims 43BV 150280-00 and 43BV 150309-00 both have reciprocal multiple use remarks that refer to the other claim.

*April 1, 1890 Claims*

13. The Preliminary Decree describes water right claims 43BV 150287-00 and 43BV 150335-00 as decreed rights based on 25 miner's inches (0.625 cfs or 282.74 gpm) decreed to Matilda Medley in the *Sweet Grass Creek Decree* with an April 1, 1890 priority date.

14. Claim 43BV 150287-00 is a claim for stock water use from Sweet Grass Creek at four points of diversion. Although the ditches are not named, two of the points of diversion have the same legal descriptions as the ditches named in claim 43BV 150309-00 (Cremer-Nollmeyer Ditch and North Franklin Ditch). The remaining two ditches (point of diversion id. nos. 2 and 3 have different legal descriptions than the corresponding descriptions in the companion irrigation claim. Review of the 2019 motion to amend indicates these points of diversion should be corrected to match the descriptions for the Cremer Ditch and the South Franklin Ditch.<sup>5</sup>

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<sup>5</sup> See Case 43BV-6014-A-2019, Motion to Amend (Doc. 1.00), at pdf pp. 357-367 (proposed abstracts).

15. The preliminary decree abstract for claim 43BV 150287-00 includes the following issue remarks:

THE POINTS OF DIVERSION APPEAR TO BE INCORRECT. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

RESERVOIR RECORD WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

16. Claim 43BV 150335-00 is a claim for irrigation use from Sweet Grass Creek at four points of diversion (Cremer-Nollmeyer Ditch, Cremer Ditch, South Franklin Ditch, and North Franklin Ditch). The preliminary decree abstract includes the following issue remarks:

THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUR [sic] TO LACK OF DATA. THE FLOW RATE EQUALS 282.74 GMP [sic] PER ACRE.

THE POINTS OF DIVERSION APPEAR TO BE INCORRECT. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

DITCH NAME AND RESERVOIR RECORD WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

17. The first issue remark is factually incorrect because it incorrectly assumes the flow rate is expressed in units of cubic feet per second (“cfs”) rather than gallons per minute (“gpm”). Using the appropriate units of gpm resolves the issue.

18. The United States objected to claim 43BV 150335-00, based primarily on the decreed year round periods of use and diversion.

19. Claims 43BV 150287-00 and 43BV 150335-00 both have reciprocal multiple use remarks that refer to the other claim.

*July 1, 1902 Claims*

20. The Preliminary Decree describes water right claims 43BV 150278-00 and 43BV 150334-00 as decreed rights based on 40 miner's inches (1.00 cfs) decreed to A.F. Wilkinson and P.M. Kittle in the *Sweet Grass Creek Decree* with a July 1, 1902 priority date.

21. Claim 43BV 150278-00 is a claim for stock water use from Sweet Grass Creek at two points of diversion.

22. The preliminary decree abstract includes the following issue remarks:

THE POINTS OF DIVERSION APPEAR TO BE INCORRECT. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

RESERVOIR RECORD WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

23. The first point of diversion describes the location of the Stocker Ditch headgate, which also is a point of diversion for irrigation claim 43BV 150334-00.

24. The second point of diversion describes a diversion in the NWSWSW of Section 6, Township 3 North, Range 16 East. This diversion does not match any of the points of diversion for the associated irrigation claim. It does match the point of diversion of four stock water claims that Cremer recently withdrew in Case 43BV-0209-R-2023.

25. Claim 43BV 150334-00 is a claim for irrigation use from Sweet Grass Creek at the three points of diversion (Upper Medley Ditch, Stocker Ditch, and Lower Medley Ditch). The preliminary decree abstract includes the following issue remarks:

THE POINTS OF DIVERSION APPEAR TO BE INCORRECT. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

DITCH NAME AND RESERVOIR RECORD WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT

REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

26. The United States objected to claim 43BV 150334-00, based primarily on the decreed year round periods of use and diversion.

27. Claims 43BV 150278-00 and 43BV 150334-00 both have reciprocal multiple use irrigation remarks that refer to the other claim.

*June 1, 1903 Claims*

28. The Preliminary Decree describes water right claims 43BV 150299-00 and 43BV 150312-00 as decreed rights based on 80 miner's inches (2.00 cfs) decreed to A.F. Wilkinson and P.M. Kittle in the *Sweet Grass Creek Decree* with a June 1, 1903 priority date.

29. Claim 43BV 150299-00 is a claim for stock water use from Sweet Grass Creek at three points of diversion. The legal description for these three points of diversion match those for the Upper Medley Ditch, the Stocker Ditch, and the Lower Medley Ditch.

30. The preliminary decree abstract for claim 43BV 150299-00 includes the following issue remarks:

THE POINTS OF DIVERSION APPEAR TO BE INCORRECT. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

RESERVOIR RECORD WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

31. Claim 43BV 150312-00 is a claim for irrigation use from Sweet Grass Creek at the same three points of diversion as claim 43BV 150299-00. The preliminary decree abstract includes the following issue remarks:

THE POINTS OF DIVERSION APPEAR TO BE INCORRECT. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

DITCH NAME AND RESERVOIR RECORD WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

32. The United States objected to claim 43BV 150312-00, based primarily on the decreed year round periods of use and diversion.

33. Claims 43BV 150299-00 and 43BV 150312-00 both have reciprocal multiple use irrigation remarks that refer to the other claim.

*Stock Water Use Rights*

34. The Court included in this case two stock water claims that did not receive objections but do have unresolved issue remarks. The first is claim 43BV 136293-00, which is a claim to use water from Hamilton Creek for direct from source stock water use with a December 31, 1910 priority date. Hamilton Creek is a minor tributary of Sweet Grass Creek. The preliminary decree abstract includes one issue remark:

THE POINT OF DIVERSION NO. 1 APPEARS TO BE INCORRECT. THE POINT OF DIVERSION NO. 1 APPEARS TO BE IN THE SENE SEC 18 TWP 3N RGE 16E SWEET GRASS COUNTY.

35. Although Cremer did not file an objection or other information to resolve the remark, it appears from DNRC mapping that the remark is proper to more accurately describe the course of Hamilton Creek.

36. The second claim is 43BV 150279-00, which the preliminary decree abstract describes as a right to use water from Sweet Grass Creek for stock water use. The abstract includes three issue remarks:

THE POINTS OF DIVERSION APPEAR TO BE INCORRECT. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

RESERVOIR RECORD WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT

AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON SWEET GRASS CREEK WITH A PRIORITY DATE PREDATING CASE NO. 342 , SWEET GRASS COUNTY.

37. The legal description of the point of diversion is the same as that of the Van Cleve-Howe Ditch. Based on the place of use description in the abstract, the claim describes stock use from a ditch, so the ditch name should be added to describe the claim more accurately.

*June 29, 1973 Claims*

38. The Preliminary Decree describes claims 43BV 150305-00, 43BV 150313-00, and 43BV 150302-00 as decreed rights to use water from Sweet Grass Creek with a June 29, 1973 priority date. The claims were decreed in the *Supplemental Sweet Grass Creek Decree*.

39. The preliminary decree abstract for claim 43BV 150305-00 describes a right to use stock water from a ditch located in the SESESE of Section 5, Township 4 North, Range 14 East. The abstract does not name the ditch. The abstract has two issue remarks:

THE POINTS OF DIVERSION APPEAR TO BE INCORRECT. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

RESERVOIR RECORD WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

40. The preliminary decree abstract for claim 43BV 150313-00 is a claim for irrigation use from Sweet Grass Creek at the same point of diversion as claim 43BV 150305-00, with the ditches identified as the Van Cleve-Howe Ditch. The preliminary decree abstract includes the following issue remarks:

THE POINTS OF DIVERSION APPEAR TO BE INCORRECT. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

DITCH NAME AND RESERVOIR RECORD WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

41. The United States objected to claim 43BV 150313-00, based primarily on the decreed year round periods of use and diversion.

42. Claims 43BV 150305-00 and 43BV 150313-00 both have reciprocal multiple use remarks that refer to the other claim.

43. The preliminary decree abstract for claim 43BV 150302-00 describes a right to use stock water from a ditch located in the SWNW NW of Section 14, Township 4 North, Range 14 East. The abstract does not name the ditch. The abstract has two issue remarks:

THE POINTS OF DIVERSION APPEAR TO BE INCORRECT. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

RESERVOIR RECORD WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

44. Claim 43BV 150302-00 has a multiple use remark that refers to claim 43BV 150324-00. Claim 43BV 150324-00 is a claim to use water for irrigation use owned by Cremer. Claim 43BV 150324-00 currently is consolidated in case 43BV-0229-R-2024. The preliminary decree abstract for claim 43BV 150324-00 describes the point of diversion located in the SWNW NW of Section 14, Township 4N, Range 14 East, identified as the "Southside Franklin (West) Ditch. The legal description for the point of diversion is the same as the point of diversion description for claim 43BV 150302-00, other than the ditch name.

### *Case Proceedings and Filings*

45. In addition to the objections filed by the United States, notices of intent to appear (“NOIA”) were filed by J Bar L Ranches LLC, and Crazy Not To, LLC. J Bar L later withdrew its NOIAs.

46. The Court initially only consolidated the stock water claims in this case because they had no objections and only required issue remark resolution. The Court later added the five irrigation claims because they were referred to in the multiple use remarks.

47. On February 9, 2024, the Court put this case on a hearing track and issued a Hearing Track Scheduling Order. The Order called for motions by July 11, 2024, and set a July 25, 2024 mediation deadline.

48. On May 23, 2024, the United States of America, on behalf of the Bureau of Reclamation (“United States”) filed a stipulation (“Stipulation”) also executed by claimant and interested parties Cremer, Coulee Creek Land & Cattle, Inc., JC Cattle Inc., and Cargill Land Company. The Stipulation resolves the United States objections to claims 43BV 150309-00, 43BV 150312-00, 43BV 150313-00, 43BV 150334-00, and 43BV 150335-00 by requesting that the periods of use and periods of diversion be reduced to April 15 to October 15. The Stipulation references the period use standards applicable to Climactic Area III.

49. No motions were filed by the motion deadline.

## **DISCUSSION**

### **A. *United States Objections.***

Settlement stipulations are contracts setting the terms that parties agree to resolve objections. A settlement stipulation may include a claimant’s legally binding commitment to modify claims to resolve objections and issue remarks, and an objector’s agreement to withdraw objections conditioned upon the Court’s acceptance of the claim modifications. In determining whether to accept claim modifications proposed in the stipulation, the Court applies Rule 17, W.R.Adj.R. Under Rule 17(a), settlement stipulations are subject to Water Court review and approval when they resolve issues within the Court’s jurisdiction. *See also*, § 85-2-233(5)(b), MCA. The evidentiary

standard is relaxed as to terms when a settlement stipulation proposes to reduce an element of a water right claim. Rule 17(c), W.R.ADJ.R.

The Stipulation meets this standard because it proposes to reduce the periods of use and diversion for the irrigation claims. Nothing further is required to resolve the United States' objections to the irrigation claims.

B. *Issue Remark Resolution and Information Remark Modifications.*

Other than the United States, no one objected to any of the claims in this case, nor did Cremer or any successor to Cremer file evidence or a motion to resolve the issue remarks. In this situation, the Water Use Act instructs the Water Court to "review each factual or legal issue remark not resolved as a result of the filing of an objection to determine if information in the claim file or information obtained by the court provides a sufficient basis to resolve the identified issue remark or to determine if the issue remark can be corrected as a clerical error." Section 85-2-248(3), MCA. As to the claims in this case, there is sufficient information in the claim files, when viewed in light of the Court's order on Cremer's motion to amend.

The issue remark for claim 43BV 136293-00 is resolved by making the noted legal description correction, which appears to be clerical in nature. The Court notes that the right is to use direct from source stock water from Hamilton Creek, so to the extent the creek meanders slightly from its described course in the north half of section, the legal description does not constrain Cremer or its successors from using water from this source on them to water livestock.

The remaining issue remarks on the rest of the claims pertain to points of diversion and reservoir records. The remarks are relics from when the claims were marshaled together with common points of diversion across all claims. The motion to amend information remark provided notice to potentially interested parties that the claims had been modified to specific points of diversion. No other party objected, nor did Cremer. To avoid future confusion as to the effect of the multiple use remarks, the Court modifies the stock claims so they include the same ditch names as the irrigation claims, and makes the additional modifications noted to align the descriptions with the motion to amend.

The Court also corrects the Lower Medley Ditch legal description for claim 43BV 150334-00. Additionally, the Court removes the P370 priority date remark from claim 43BV 150279-00 as it has served its notice purpose and drew no objections.

As to the information remarks, the Court also removes the motion to amend information remark as it has served its notice purpose. The irrigation claims include information remarks referencing change authorizations issued by the DNRC. These remarks should remain because they put parties on notice of the change. However, they are modified to delete the due date for a notice of completion because it references a date from more than twenty years ago. The Court also removes the period of diversion information remark.

## **ORDER**

Therefore, it is ORDERED:

1. The Stipulation is APPROVED and resolves the United States' objections.
2. The claims are modified as provided in this Order, with all issue remarks removed, and the information remarks removed or modified as specified.

Post-decree abstracts of the claims are included with this Order to confirm the modifications have been made in the State's centralized water rights record system.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

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**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**SWEET GRASS CREEK**  
**BASIN 43BV**

**Water Right Number:** **43BV 136293-00** STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** CREMER RODEO LAND & LIVESTOCK CO  
PO BOX 276  
MELVILLE, MT 59055-0276

**Priority Date:** DECEMBER 31, 1910

**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:** HAMILTON CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Otr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENE	18	3N	16E	SWEET GRASS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					
2		NWNE	18	3N	16E	SWEET GRASS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					
3		NENW	18	3N	16E	SWEET GRASS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					
4		NWNW	18	3N	16E	SWEET GRASS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					
<b>Period of Use:</b>	JANUARY 1 TO DECEMBER 31					
<b>Place of Use:</b>						

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Otr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2N2	18	3N	16E	SWEET GRASS

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**SWEET GRASS CREEK**  
**BASIN 43BV**

**Water Right Number:** **43BV 150278-00** STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** CREMER RODEO LAND & LIVESTOCK CO  
PO BOX 276  
MELVILLE, MT 59055-0276

**Priority Date:** JULY 1, 1902

**Type of Historical Right:** DECREED

**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 WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING 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:** SWEET GRASS 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		SESESE	7	3N	16E	SWEET GRASS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** STOCKER DITCH

**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			SW	6	3N	16E	SWEET GRASS
2				7	3N	16E	SWEET GRASS
3			W2W2	8	3N	16E	SWEET GRASS
4			W2W2	17	3N	16E	SWEET GRASS
5			E2E2	18	3N	16E	SWEET GRASS

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**SWEET GRASS CREEK**  
**BASIN 43BV**

**Water Right Number:** **43BV 150279-00** STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** CREMER RODEO LAND & LIVESTOCK CO  
PO BOX 276  
MELVILLE, MT 59055-0276

**Priority Date:** FEBRUARY 24, 1914

**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 WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING 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:** SWEET GRASS 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		SESESE	5	4N	14E	SWEET GRASS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** VAN CLEVE-HOWE DITCH

**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			SW	6	3N	16E	SWEET GRASS
2				7	3N	16E	SWEET GRASS
3			W2W2	8	3N	16E	SWEET GRASS
4			W2W2	17	3N	16E	SWEET GRASS
5			E2E2	18	3N	16E	SWEET GRASS
6			NW	20	3N	16E	SWEET GRASS
7			N2	24	4N	14E	SWEET GRASS
8			W2	23	4N	14E	SWEET GRASS
9				15	4N	14E	SWEET GRASS
10				14	4N	14E	SWEET GRASS
11				21	4N	14E	SWEET GRASS
12				22	4N	14E	SWEET GRASS

13	26	4N	14E	SWEET GRASS
14	25	4N	14E	SWEET GRASS

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**SWEET GRASS CREEK**  
**BASIN 43BV**

**Water Right Number:** **43BV 150280-00** STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** CREMER RODEO LAND & LIVESTOCK CO  
PO BOX 276  
MELVILLE, MT 59055-0276

**Priority Date:** JUNE 1, 1889

**Type of Historical Right:** DECREED

**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 WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING 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:** SWEET GRASS 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		SWNESW	14	4N	14E	SWEET GRASS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** SOUTH FRANKLIN DITCH

2		NENWSW	14	4N	14E	SWEET GRASS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** NORTH FRANKLIN DITCH

**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			SE	14	4N	14E	SWEET GRASS
2			E2SW	14	4N	14E	SWEET GRASS
3			N2N2	23	4N	14E	SWEET GRASS
4			S2NE	23	4N	14E	SWEET GRASS
5			N2	24	4N	14E	SWEET GRASS
6			N2S2	24	4N	14E	SWEET GRASS
7			NW	19	4N	15E	SWEET GRASS

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

150280-00 150309-00

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**SWEET GRASS CREEK**  
**BASIN 43BV**

**Water Right Number:** **43BV 150287-00** STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** CREMER RODEO LAND & LIVESTOCK CO  
PO BOX 276  
MELVILLE, MT 59055-0276

**Priority Date:** APRIL 1, 1890

**Type of Historical Right:** DECREED

**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 WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING 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:** SWEET GRASS 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		SWNESW	5	4N	14E	SWEET GRASS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	CREMER-NOLLMEYER DITCH					
2		NESWNE	9	4N	14E	SWEET GRASS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	CREMER DITCH					
3		SWNESW	14	4N	14E	SWEET GRASS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	SOUTH FRANKLIN DITCH					
4		NENWSW	14	4N	14E	SWEET GRASS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	NORTH FRANKLIN DITCH					
<b>Period of Use:</b>	JANUARY 1 TO DECEMBER 31					

**\*Place of Use:**

<b><u>ID</u></b>	<b><u>Acres</u></b>	<b><u>Govt Lot</u></b>	<b><u>Qtr Sec</u></b>	<b><u>Sec</u></b>	<b><u>Twp</u></b>	<b><u>Rge</u></b>	<b><u>County</u></b>
1			N2SE	24	3N	16E	SWEET GRASS
2			SW	24	3N	16E	SWEET GRASS
3			N2	3	4N	14E	SWEET GRASS
4				3	4N	14E	SWEET GRASS
5			E2	10	4N	14E	SWEET GRASS
6			S2	11	4N	14E	SWEET GRASS
7			W2	13	4N	14E	SWEET GRASS
8				14	4N	14E	SWEET GRASS
9			N2	24	4N	14E	SWEET GRASS

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

150287-00

150335-00

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**SWEET GRASS CREEK**  
**BASIN 43BV**

**Water Right Number:** **43BV 150299-00** STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** CREMER RODEO LAND & LIVESTOCK CO  
PO BOX 276  
MELVILLE, MT 59055-0276

**Priority Date:** JUNE 1, 1903

**Type of Historical Right:** DECREED

**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 WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING 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:** SWEET GRASS 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		SENESE	1	3N	15E	SWEET GRASS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** UPPER MEDLEY DITCH

2	SESESE	7	3N	16E	SWEET GRASS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** STOCKER DITCH

3	SENESE	18	3N	16E	SWEET GRASS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** LOWER MEDLEY DITCH

**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			SW	6	3N	16E	SWEET GRASS
2				7	3N	16E	SWEET GRASS
3			W2SW	8	3N	16E	SWEET GRASS

4	W2W2NW	17	3N	16E	SWEET GRASS
5	E2	18	3N	16E	SWEET GRASS
6	SWSWNW	8	4N	14E	SWEET GRASS
7	W2SWSW	17	4N	14E	SWEET GRASS

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**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

150299-00      150312-00

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**SWEET GRASS CREEK**  
**BASIN 43BV**

**Water Right Number:** **43BV 150302-00** STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** CREMER RODEO LAND & LIVESTOCK CO  
PO BOX 276  
MELVILLE, MT 59055-0276

**Priority Date:** JUNE 29, 1973

**Type of Historical Right:** DECREED

**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 WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING 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:** SWEET GRASS 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		SWNW NW	14	4N	14E	SWEET GRASS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** SOUTHSIDE FRANKLIN (WEST)

**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			NE	27	3N	16E	SWEET GRASS
2			S2 S2	15	4N	14E	SWEET GRASS
3				22	4N	14E	SWEET GRASS
4			S2	23	4N	14E	SWEET GRASS
5				25	4N	14E	SWEET GRASS
6				26	4N	14E	SWEET GRASS

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**SWEET GRASS CREEK**  
**BASIN 43BV**

**Water Right Number:** **43BV 150305-00** STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** CREMER RODEO LAND & LIVESTOCK CO  
PO BOX 276  
MELVILLE, MT 59055-0276

**Priority Date:** JUNE 29, 1973

**Type of Historical Right:** DECREED

**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 WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING 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:** SWEET GRASS 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		SESESE	5	4N	14E	SWEET GRASS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** VAN CLEVE-HOWE DITCH

**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			N2	15	4N	14E	SWEET GRASS
2			SE	15	4N	14E	SWEET GRASS
3			S2S2	15	4N	14E	SWEET GRASS
4			E2SE	21	4N	14E	SWEET GRASS
5				22	4N	14E	SWEET GRASS
6				23	4N	14E	SWEET GRASS
7			N2	25	4N	14E	SWEET GRASS
8			SE	25	4N	14E	SWEET GRASS
9			N2	26	4N	14E	SWEET GRASS
10			N2S2	26	4N	14E	SWEET GRASS

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

150305-00

150313-00

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**SWEET GRASS CREEK**  
**BASIN 43BV**

**Water Right Number:** **43BV 150309-00** STATEMENT OF CLAIM

**Version:** 5 -- POST DECREE

**Status:** ACTIVE

**Owners:** CREMER RODEO LAND & LIVESTOCK CO  
PO BOX 276  
MELVILLE, MT 59055-0276

**Priority Date:** JUNE 1, 1889

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 3.50 CFS

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

**Climatic Area:** 3 - MODERATE

**\*Maximum Acres:** 575.00

**Source Name:** SWEET GRASS 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		SWNESW	14	4N	14E	SWEET GRASS

**Period of Diversion:** APRIL 15 TO OCTOBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** SOUTH FRANKLIN DITCH

2		NENWSW	14	4N	14E	SWEET GRASS
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**Period of Diversion:** APRIL 15 TO OCTOBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** NORTH FRANKLIN DITCH

**Period of Use:** APRIL 15 TO OCTOBER 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	29.00		SE	14	4N	14E	SWEET GRASS
2	14.00		E2SW	14	4N	14E	SWEET GRASS
3	80.00		N2N2	23	4N	14E	SWEET GRASS
4	26.00		S2NE	23	4N	14E	SWEET GRASS
5	293.00		N2	24	4N	14E	SWEET GRASS
6	44.00		N2S2	24	4N	14E	SWEET GRASS
7	81.00		NW	19	4N	15E	SWEET GRASS

8	8.00	N2NWSW	30	4N	15E	SWEET GRASS
<b>Total:</b>	<hr/>					
	575.00					

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**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

150280-00 150309-00

AUTHORIZATION TO CHANGE THE POINT OF DIVERSION AND PLACE OF USE ISSUED 03/10/2000. SEE 43BV-G (W)150309-00.

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**SWEET GRASS CREEK**  
**BASIN 43BV**

**Water Right Number:** **43BV 150312-00** STATEMENT OF CLAIM

**Version:** 5 -- POST DECREE

**Status:** ACTIVE

**Owners:** CREMER RODEO LAND & LIVESTOCK CO  
PO BOX 276  
MELVILLE, MT 59055-0276

**Priority Date:** JUNE 1, 1903

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 2.00 CFS

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

**Climatic Area:** 3 - MODERATE

**\*Maximum Acres:** 308.00

**Source Name:** SWEET GRASS CREEK

**Source Type:** SURFACE WATER

**\*Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Otr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENESE	1	3N	15E	SWEET GRASS
	Period of Diversion:	APRIL 15 TO OCTOBER 15				
	Diversion Means:	HEADGATE				
	Ditch Name:	UPPER MEDLEY DITCH				
2		SESESE	7	3N	16E	SWEET GRASS
	Period of Diversion:	APRIL 15 TO OCTOBER 15				
	Diversion Means:	HEADGATE				
	Ditch Name:	STOCKER DITCH				
3		SENESE	18	3N	16E	SWEET GRASS
	Period of Diversion:	APRIL 15 TO OCTOBER 15				
	Diversion Means:	HEADGATE				
	Ditch Name:	LOWER MEDLEY DITCH				
	Period of Use:	APRIL 15 TO OCTOBER 15				

**\*Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Otr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	40.00		SW	6	3N	16E	SWEET GRASS
2	80.00		NE	7	3N	16E	SWEET GRASS
3	25.00		NW	7	3N	16E	SWEET GRASS

4	30.00	SE	7	3N	16E	SWEET GRASS
5	5.00	SWSWNW	8	3N	16E	SWEET GRASS
6	30.00	W2SW	8	3N	16E	SWEET GRASS
7	25.00	W2W2NW	17	3N	16E	SWEET GRASS
8	5.00	W2SWSW	17	3N	16E	SWEET GRASS
9	68.00	E2	18	3N	16E	SWEET GRASS
<b>Total:</b>	<b>308.00</b>					

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**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

150299-00      150312-00

AUTHORIZATION TO CHANGE THE POINT OF DIVERSION AND PLACE OF USE ISSUED 03/10/00. SEE 43BV-G (W)150309-00 .

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**SWEET GRASS CREEK**  
**BASIN 43BV**

**Water Right Number:** **43BV 150313-00** STATEMENT OF CLAIM

**Version:** 5 -- POST DECREE

**Status:** ACTIVE

**Owners:** CREMER RODEO LAND & LIVESTOCK CO  
PO BOX 276  
MELVILLE, MT 59055-0276

**Priority Date:** JUNE 29, 1973

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 11.90 CFS

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

**Climatic Area:** 3 - MODERATE

**\*Maximum Acres:** 2,089.00

**Source Name:** SWEET GRASS CREEK

**Source Type:** SURFACE WATER

**\*Point of Diversion and Means of Diversion:**

<b>ID</b>	<b>Govt Lot</b>	<b>Qtr Sec</b>	<b>Sec</b>	<b>Twp</b>	<b>Rge</b>	<b>County</b>
1		SESESE	5	4N	14E	SWEET GRASS
<b>Period of Diversion:</b>	APRIL 15 TO OCTOBER 15					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	VAN CLEVE-HOWE DITCH					
<b>Period of Use:</b>	APRIL 15 TO OCTOBER 15					

**\*Place of Use:**

<b>ID</b>	<b>Acres</b>	<b>Govt Lot</b>	<b>Qtr Sec</b>	<b>Sec</b>	<b>Twp</b>	<b>Rge</b>	<b>County</b>
1	190.00		N2	15	4N	14E	SWEET GRASS
2	26.00		S2S2	15	4N	14E	SWEET GRASS
3	50.00		SW	15	4N	14E	SWEET GRASS
4	13.00		S2SENW	21	4N	14E	SWEET GRASS
5	15.00		NESE	21	4N	14E	SWEET GRASS
6	5.00		NWSE	21	4N	14E	SWEET GRASS
7	3.00		NESESE	21	4N	14E	SWEET GRASS
8	27.00		N2SW	21	4N	14E	SWEET GRASS
9	7.00		NWSW	21	4N	14E	SWEET GRASS
10	295.00		E2	22	4N	14E	SWEET GRASS
11	80.00		NW	22	4N	14E	SWEET GRASS
12	140.00		SW	22	4N	14E	SWEET GRASS
13	300.00		N2	23	4N	14E	SWEET GRASS

14	290.00	S2	23	4N	14E	SWEET GRASS
15	105.00	NE	25	4N	14E	SWEET GRASS
16	101.00	NW	25	4N	14E	SWEET GRASS
17	7.00	N2NWNW	25	4N	14E	SWEET GRASS
18	65.00	SE	25	4N	14E	SWEET GRASS
19	300.00	N2	26	4N	14E	SWEET GRASS
20	70.00	N2S2	26	4N	14E	SWEET GRASS
<b>Total:</b>	<b>2089.00</b>					

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**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

150305-00      150313-00

AUTHORIZATION TO CHANGE THE POINT OF DIVERSION AND PLACE OF USE ISSUED 03/10/00. SEE 43BV-G (W)150309-00 .

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**SWEET GRASS CREEK**  
**BASIN 43BV**

**Water Right Number:** **43BV 150334-00** STATEMENT OF CLAIM

**Version:** 5 -- POST DECREE

**Status:** ACTIVE

**Owners:** CREMER RODEO LAND & LIVESTOCK CO  
PO BOX 276  
MELVILLE, MT 59055-0276

**Priority Date:** JULY 1, 1902

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.00 CFS

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

**Climatic Area:** 3 - MODERATE

**\*Maximum Acres:** 308.00

**Source Name:** SWEET GRASS CREEK

**Source Type:** SURFACE WATER

**\*Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Otr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENESE	1	3N	15E	SWEET GRASS
	Period of Diversion:	APRIL 15 TO OCTOBER 15				
	Diversion Means:	HEADGATE				
	Ditch Name:	UPPER MEDLEY DITCH				
2		SESESE	7	3N	16E	SWEET GRASS
	Period of Diversion:	APRIL 15 TO OCTOBER 15				
	Diversion Means:	HEADGATE				
	Ditch Name:	STOCKER DITCH				
3		SENESE	18	3N	16E	SWEET GRASS
	Period of Diversion:	APRIL 15 TO OCTOBER 15				
	Diversion Means:	HEADGATE				
	Ditch Name:	LOWER MEDLEY DITCH				
	Period of Use:	APRIL 15 TO OCTOBER 15				

**\*Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Otr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	40.00		SW	6	3N	16E	SWEET GRASS
2	80.00		NE	7	3N	16E	SWEET GRASS
3	25.00		NW	7	3N	16E	SWEET GRASS

4	30.00	SE	7	3N	16E	SWEET GRASS
5	5.00	SWSWNW	8	3N	16E	SWEET GRASS
6	30.00	W2SW	8	3N	16E	SWEET GRASS
7	25.00	W2W2NW	17	3N	16E	SWEET GRASS
8	5.00	W2SWSW	17	3N	16E	SWEET GRASS
9	68.00	E2	18	3N	16E	SWEET GRASS
<b>Total:</b>	<b>308.00</b>					

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**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

150278-00      150334-00

AUTHORIZATION TO CHANGE THE POINT OF DIVERSION AND PLACE OF USE ISSUED 03/10/00. SEE 43BV-G (W)150309-00 .

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**SWEET GRASS CREEK**  
**BASIN 43BV**

**Water Right Number:** **43BV 150335-00** STATEMENT OF CLAIM

**Version:** 5 -- POST DECREE

**Status:** ACTIVE

**Owners:** CREMER RODEO LAND & LIVESTOCK CO  
PO BOX 276  
MELVILLE, MT 59055-0276

**Priority Date:** APRIL 1, 1890

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 282.74 GPM

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

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 2,486.00

**Source Name:** SWEET GRASS CREEK

**Source Type:** SURFACE WATER

**\*Point of Diversion and Means of Diversion:**

<b>ID</b>	<b>Govt Lot</b>	<b>Qtr Sec</b>	<b>Sec</b>	<b>Twp</b>	<b>Rge</b>	<b>County</b>
1		SWNESW	5	4N	14E	SWEET GRASS
	<b>Period of Diversion:</b>	APRIL 15 TO OCTOBER 15				
	<b>Diversion Means:</b>	HEADGATE				
	<b>Ditch Name:</b>	CREMER-NOLLMEYER DITCH				
2		NESWNE	9	4N	14E	SWEET GRASS
	<b>Period of Diversion:</b>	APRIL 15 TO OCTOBER 15				
	<b>Diversion Means:</b>	HEADGATE				
	<b>Ditch Name:</b>	CREMER DITCH				
3		SWNESW	14	4N	14E	SWEET GRASS
	<b>Period of Diversion:</b>	APRIL 15 TO OCTOBER 15				
	<b>Diversion Means:</b>	HEADGATE				
	<b>Ditch Name:</b>	SOUTH FRANKLIN DITCH				
4		NENWSW	14	4N	14E	SWEET GRASS
	<b>Period of Diversion:</b>	APRIL 15 TO OCTOBER 15				
	<b>Diversion Means:</b>	HEADGATE				
	<b>Ditch Name:</b>	NORTH FRANKLIN DITCH				
	<b>Period of Use:</b>	APRIL 15 TO OCTOBER 15				

**\*Place of Use:**

<b><u>ID</u></b>	<b><u>Acres</u></b>	<b><u>Govt Lot</u></b>	<b><u>Qtr Sec</u></b>	<b><u>Sec</u></b>	<b><u>Twp</u></b>	<b><u>Rge</u></b>	<b><u>County</u></b>
1	189.00		N2	2	4N	14E	SWEET GRASS
2	292.00		E2	3	4N	14E	SWEET GRASS
3	308.00		W2	3	4N	14E	SWEET GRASS
4	240.00		E2	10	4N	14E	SWEET GRASS
5	297.00		S2	11	4N	14E	SWEET GRASS
6	315.00		W2	13	4N	14E	SWEET GRASS
7	160.00		NE	14	4N	14E	SWEET GRASS
8	60.00		NW	14	4N	14E	SWEET GRASS
9	140.00		SE	14	4N	14E	SWEET GRASS
10	90.00		SW	14	4N	14E	SWEET GRASS
11	315.00		N2	24	4N	14E	SWEET GRASS
12	25.00		N2SE	24	4N	14E	SWEET GRASS
13	55.00		SW	24	4N	14E	SWEET GRASS
<b>Total:</b>		2486.00					

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

150287-00                    150335-00

AUTHORIZATION TO CHANGE THE POINT OF DIVERSION AND PLACE OF USE ISSUED 03/10/00. SEE 43BV-G (W)150309-00 .