

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

\*\*\*\*\*

CLAIMANTS: Cremer Rodeo Land & Livestock Co.; Crazy Not To, LLC

OBJECTORS: United States of America (Dept. of Interior Bureau of Reclamation); Crazy Not To, LLC

NOTICE OF INTENT TO APPEAR: Crazy Not To, LLC

**CASE 43BV-0227-R-2024**

43BV 150328-00

43BV 30147019

**CLOSING ORDER**

The Water Court included claims 43BV 150328-00 and 43BV 30147019 in the Preliminary Decree for Basin 43BV, the Sweet Grass Creek Basin. Cremer Rodeo Land & Livestock Co (“Cremer”) owns claim 43BV 150328-00. Crazy Not To, LLC (“Crazy Not To”) owns claim 43BV 30147019. Claim 43BV 30147019 is a split claim from claim 43BV 30147019 authorized by the Water Court in case 43BV-6014-A-2019. Each claim is described as a decreed right to use water from Sweet Grass Creek for irrigation use.

Claim 43BV 150328-00 received the following issue remarks from the Department of Natural Resources and Conservation (“DNRC”) during reexamination of Basin 43BV:

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.

The Preliminary Decree abstract for claim 43BV 150328-00 describes two points 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
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	STOCKER DITCH					
2		SENESE	18	3N	16E	SWEET GRASS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	HEADGATE					
<b>Period of Use:</b>	JANUARY 1 TO DECEMBER 31					

Claim 43BV 150328-00 also received an objection from the United States of America, on behalf of the Department of Interior Bureau of Reclamation (“United States”), to the period of diversion and use. The United States asserts the period of diversion and use should be April 15 – October 15 consistent with Climatic Area III.

Claim 43BV 30147019 did not receive any issue remarks from the DNRC. However, the claim received a self-objection from Crazy Not To to the maximum acres, place of use, and ditch name and an objection from the United States to the period of diversion and place of use. Crazy Not To asserts the ditch name should be “Stocker Ditch.” The United States’ objection contends the period of diversion and use should be April 15 – October 15 consistent with Climatic Area III.

The Montana Water Use Act requires the Water Court to resolve all issue remarks and objections to claims prior to including the claims in a final decree. Section 85-2-233(5) and (11), MCA. As part of the issue remark and objection resolution process, the Water Court encourages parties to resolve objections by informal settlement. The issues

associated with the claims in this case appeared to be such that informal resolution was possible, especially since the United States has raised the period of use objection in other cases and it has been routinely resolved by modified the periods of use and diversion to April 15 to October 15, consistent with the standards applicable to Climactic Area III. *See, e.g., In re Cremer Rodeo & Livestock Co.*, Case 43BV-0064-R-2022, 2024 WL 4030899, 2024 Mont. Water LEXIS 501 (Order Adopting Stipulation, Aug. 28, 2024). That resolution tracks the United States' objection in this case.

On October 9, 2024, the Court consolidated the claims in this case to resolve the issue remarks and objections. The Court set a November 15, 2024 deadline for Cremer and Crazy Not To to show cause why the period of use for 43BV 150328-00 and 43BV 30147019 should not be modified to April 15 to October 15. The consolidation order also required the parties to file evidence or an explanation necessary to resolve any other objections.

Cremer and Crazy Not To both timely responded. Cremer indicated no objection to modifying the periods of use and diversion for claim 43BV 150328-00. Crazy Not To's response also indicated no objection to the periods of use and diversion modification for claim 43BV 30147019, so the United States' objection is resolved.

Crazy Not To's response also requested minor clarifications to the ditch name and the place of use for claim 43BV 30147019. The preliminary decree abstract identifies the ditch name as the "Lower Medley Ditch." Crazy Not To provided evidence that the proper name is the "Stocker Ditch." As to the place of use, the Court previously granted a clerical correction to the place of use as part of the order on the motion to amend in case 43BV-6014-A-2019. (Order Correcting Claim, Nov. 26, 2020, Doc. 14.00). The 2020 order corrected place of use no. 2 to the W2NW of Section 20, Township 3 North, Range 16 East. Crazy Not To's response indicates the proper aliquot part is more accurately described as the NW of the referenced section. The response provides sufficient evidence to make this correction. The responses of the parties resolves all issue remarks and objections.

## ORDER

Therefore, it is ORDERED that claims 43BV 150328-00 and 43BV 30147019 are modified as provided in this Order, with all issue remarks resolved and all objections DISMISSED. The claims and this case are CLOSED.

Post decree abstracts 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 150328-00 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:** 24.02 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:** 220.00

**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		SESESE	7	3N	16E	SWEET GRASS

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

**Diversion Means:** HEADGATE

**Ditch Name:** STOCKER DITCH

2		SENESE	18	3N	16E	SWEET GRASS
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**Period of Diversion:** APRIL 15 TO OCTOBER 15

**Diversion Means:** HEADGATE

**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	25.00		W2W2NW	17	3N	16E	SWEET GRASS
2	5.00		W2SWSW	17	3N	16E	SWEET GRASS
3	180.00		E2	18	3N	16E	SWEET GRASS
4	10.00		N2NW	18	3N	16E	SWEET GRASS

**Total:** 220.00

**Remarks:**

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 30147019 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** CRAZY NOT TO, LLC  
PO BOX 789  
KIRKLAND, WA 98083

**Priority Date:** JUNE 29, 1973

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 4.33 CFS

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

**Maximum Acres:** 40.00

**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		SENESE	18	3N	16E	SWEET GRASS

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

**Diversion Means:** HEADGATE

**Ditch Name:** STOCKER 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	10.00		NENE	19	3N	16E	SWEET GRASS
2	30.00		NW	20	3N	16E	SWEET GRASS

**Total:** 40.00

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**Remarks:**

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43BV 150328-00.