

Montana Water Court  
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**FILED**  
12/16/2024  
Sara Calkins  
CLERK  
Montana Water Court  
STATE OF MONTANA  
By: D'Ann CIGLER  
76N-0025-R-2024  
Weisz, Madeleine  
4.00

IN THE WATER COURT OF THE STATE OF MONTANA  
CLARK FORK DIVISION  
CLARK FORK RIVER BELOW THE FLATHEAD RIVER BASIN (76N)  
PRELIMINARY DECREE

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CLAIMANTS: Champion Internation Corp; United States of  
America (USDA Forest Service)

OBJECTOR: United States of America (USDA Forest Service)

**76N-0025-R-2024**  
76N 115853-00  
**Implied Claim:**  
**76N 30160101**

**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**  
**FINDINGS OF FACT**

1. Claim 76N 115853-00 appeared in the Basin 76N Preliminary Decree issued September 21, 2023. It is a stock claim from the Clark Fork River and the owners are listed as Champion International Corp. and the United States Forest Service. The claim received an objection from the United States Forest Service. The claim did not receive any DNRC Issue Remarks.

2. The parties filed a stipulation on October 21, 2024 that resolves the United States Forest Service's Objection. The Stipulation requests that claim 76N 115853-00 be split between the two owners: Champion International Corp. and the United States Forest Service. The parties explain that on May 10, 1989, the point of diversion and place of use in N2S2 Section 3, T20N, R27W was conveyed to the United States. Champion International Corp is the current owner of the point of diversion and place of use in the SENE Section 3, T20N, R27W.

3. Accordingly, split claim 76N 30160101 should be generated to represent the United States Forest Service's portion of claim 76N 115853-00 located in the N2S2 Section 3, T20N, R27W.

**CONCLUSIONS OF LAW**

1. A properly filed claim of an existing right or an amended claim of existing right is prima facie proof of its content. § 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R.

2. The Water Court may split claims into separate claims, by request or on its own initiative, at any time prior to the entry of the final decree. Rule 26, W.R.Adj.R.

3. Splitting claim 76N 115853-00 does not constitute an increase to any of the claim elements. The requested split accurately reflects the land ownership of the two parties and should be granted.

## RECOMMENDATIONS

1. Claim 76N 115853-00 should be split into two separate claims as described above.
2. Claim 76N 30160101 should be generated to represent the United States Forest Service's portion of claim 76N 115853-00.

Post Decree Abstracts of Water Right Claims are served with the Report to confirm that the recommendations above have been implemented in the state's centralized record system.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via USPS Mail:**

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**Note: Caption Updated 12-16-2024**

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**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
CLARK FORK, BELOW FLATHEAD RIVER  
BASIN 76N**

**Water Right Number:** 76N 115853-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** CHAMPION INTERNATIONAL CORP  
6400 POPLAR AVE  
MEMPHIS, TN 38197-0100

**Priority Date:** JUNE 1, 1973

**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 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:** CLARK FORK RIVER

**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		SENE	3	20N	27W	SANDERS

**Period of Diversion:** JUNE 1 TO OCTOBER 15

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

**Period of Use:** JUNE 1 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			SENE	3	20N	27W	SANDERS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
CLARK FORK, BELOW FLATHEAD RIVER  
BASIN 76N**

**Water Right Number:** 76N 30160101 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Status:** ACTIVE

**Owners:** USA (DEPT OF AGRICULTURE FOREST SERVICE)  
WATER RIGHTS PROGRAM MANAGER, NORTHERN REGION  
26 FORT MISSOULA RD  
MISSOULA, MT 59804-7203

**Priority Date:** JUNE 1, 1973

**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 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:** CLARK FORK RIVER

**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		N2S2	3	20N	27W	SANDERS

**Period of Diversion:** JUNE 1 TO OCTOBER 15

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

**Period of Use:** JUNE 1 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			N2S2	3	20N	27W	SANDERS