

Montana Water Court  
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**FILED**  
07/17/2024  
Sara Calkins  
CLERK  
Montana Water Court  
STATE OF MONTANA  
By: D'Ann CIGLER  
41E-0186-R-2024  
McElyea, Russ  
6.00

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

\*\*\*\*\*

CLAIMANT: Kountz-Spire Rock LLC

**CASE 41E-0186-R-2024**  
41E 30129263  
41E 30129436

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

Pursuant to Montana Code Annotated, § 85-2-233(5), the above entitled case was assigned to Senior Water Master Kathryn L. W. Lambert. The Senior Water Master filed a report containing Findings of Fact and Conclusions of Law with the Clerk of Court. Copies of the report were served upon the parties on June 27, 2024. On July 8, 2024 the claimant filed an objection to the Master’s Report noting a clerical error in one of the legal descriptions. Pursuant to Rule 53(e), M.R.Civ.P., it is

ORDERED that Finding of Fact 1 concerning claim 41E 30129263-00 is AMENDED by changing the legal description for the fourth point of diversion and place of use from the “NWSNW” to the “NESENW” and

ORDERED that the Court **ADOPTS** the Senior Water Master’s Report and its Recommendations **AS AMENDED ABOVE** and **APPROVES** the changes to the centralized computer record system that are reflected on the abstract for claim 41E 30129436 attached to the Master’s Report and the abstract for claim 41E 30129263 served with this Order.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via USPS Mail:**

Kountz-Spire Rock LLC  
830 Point of Rocks Rd  
Whitehall, MT 59759

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

**Water Right Number:** 41E 30129263 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** KOUNTZ-SPIRE ROCK LLC  
830 POINT OF ROCKS RD  
WHITEHALL, MT 59759-9519

**Priority Date:** DECEMBER 31, 1907

**\*Type of Historical Right:** FILED

**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:** UNNAMED TRIBUTARY OF BISON CREEK

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		N2N	NENW	24	4N	7W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE						
2		SE	NENW	24	4N	7W	JEFFERSON
<b>*Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE						
3		SE	NWNW	24	4N	7W	JEFFERSON
<b>*Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE						
4		NE	SENW	24	4N	7W	JEFFERSON
<b>*Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE						
5		S	WNW	24	4N	7W	JEFFERSON
<b>*Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE						
6		N	WNE	24	4N	7W	JEFFERSON
<b>*Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE						

7 SWNE 24 4N 7W JEFFERSON

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

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE  
THIS RIGHT DOES NOT INCLUDE A RESERVOIR.

**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			N2NENW	24	4N	7W	JEFFERSON
2			SENENW	24	4N	7W	JEFFERSON
3			SENWNW	24	4N	7W	JEFFERSON
4			NESENW	24	4N	7W	JEFFERSON
5			SWNW	24	4N	7W	JEFFERSON
6			NWNE	24	4N	7W	JEFFERSON
7			SWNE	24	4N	7W	JEFFERSON