

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

\*\*\*\*\*

CLAIMANTS: Cremer Rodeo Land & Livestock Co.; David A. Coulter Trust; Susan C. Weeks Trust

OBJECTORS: USA (Dept. of Interior Bureau of Reclamation)

COUNTEROBJECTORS: Tatanka Land & Livestock Co. LLC

NOTICE OF INTENT TO APPEAR: Crazy Not To, LLC

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

**CASE 43BV-0209-R-2023**

43BV 150276-00

43BV 150277-00

43BV 150281-00

43BV 150300-00

43BV 150317-00

43BV 150325-00

43BV 150331-00

43BV 150613-00

**ORDER ON PENDING MOTIONS AND CLOSING CASE**

**PROCEDURAL BACKGROUND**

This case involves the resolution of issue remarks and objections on eight water right claims in the Sweet Grass Creek Basin. The Sweet Grass Creek Basin is designated as Basin 43BV. The eight claims are a subset of many claims in Basin 43BV owned in whole or in part by Cremer Rodeo Land & Livestock Co. (“Cremer”) and its successors. The David A. Coulter Trust and Susan C. Weeks Trust (the “Trust”)<sup>1</sup> are the successors in interest to Cremer as to four claims.

<sup>1</sup> In a footnote to the Trust’s Motion for Summary Judgment, the Trust notes there are not two separate trusts, but only a single trust called the “David A. Coulter and Susan C. Weeks 1995 Revocable Trust.” The Trust states it is in the process of correcting the error with the Department of Natural Resources and Conservation. The Court has no reason to doubt the accuracy of this statement and will refer to the singular “Trust” in this Order. However, because the centralized water rights record system has not yet been updated, and the Trust’s legal name is not part of the motions, the abstracts attached to this Order will reflect ownership as currently exists in the record system.

The Court consolidated the eight claims through a series of consolidation orders. (See Doc. 3.00). On February 9, 2024, the Court put the case on a hearing track and issued a scheduling order. (Doc. 14.00). On March 15, 2024, the Trust filed an unopposed Motion to Amend several of the claims. (Doc. 15.00). The Court asked for clarification about the motion. On July 3, 2024, the Trust filed a Motion for Summary Judgment and Brief in Support. (Doc. 20.00). Cremer filed a response the same day. (Doc. 21.00). The parties' filings address the open issues and provide the basis to modify the claims and close this case.

### BACKGROUND FACTS

1. 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. The water rights decreed by the Court included the following rights to use water from Sweet Grass Creek:

Owner	Miner's inches	Cubic feet per second ("cfs")	Priority
E.L. Patterson	65	1 5/8	June 1, 1897
E.L. Patterson	30	3/4	June 1, 1898
David Nevin	125	3 1/8	Sept. 21, 1901
Henry Wullum	40	1	April 1, 1902

2. On April 20, 1982, various members of the Cremer family and their entities filed eight statements of claim based on these four decreed rights. Four of the claims are for stock water use and the other four claimed irrigation use. The claims were assigned the following claim numbers:

Claim	Use	Priority	Origin
43BV 150277-00	Stock	June 1, 1897	E.L. Patterson
43BV 150613-00	Irrigation	June 1, 1897	E.L. Patterson
43BV 150276-00	Stock	June 1, 1898	E.L. Patterson
43BV 150331-00	Irrigation	June 1, 1898	E.L. Patterson
43BV 150300-00	Stock	Sept. 21, 1901	David Nevin
43BV 150325-00	Irrigation	June 1, 1898	David Nevin
43BV 150281-00	Stock	April 1, 1902	Henry Wullum
43BV 150317-00	Irrigation	April 1, 1902	Henry Wullum

3. The Cremer parties filed the statements of claim using a composite set of points of diversion and places of use for all the claims.

4. On December 19, 1984, the Water Court issued the Basin 43BV Temporary Preliminary Decree (“TPD”). The TPD included all eight claims with their marshaled points of diversion and places of use.

5. On November 17, 1999, Cremer filed an Application for Change of Appropriation. As part of the application, Cremer asked DNRC to approve a change to the place of use for water right claims 43BV-W-150613-00, 43BV-W-150331-00, 43BV-W-150325-00, and 43BV-W-150317-00, the Trust’s four irrigation claims involved in this case. DNRC approved the change on March 10, 2000.

6. On March 21, 2000, Cremer sold to the Trust 250 acres of land in sections 16 and 17, Township 2 North, Range 14 East, together with all appurtenant water rights.<sup>2</sup> This land included the place of use for what are now the Trusts’ four irrigation claims, as changed by DNRC.

7. On July 11, 2019, Cremer filed another 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. The eight claims in this case were part of that motion, including the Trusts’ four irrigation claims. The Court granted the motion in part in a Final Order on Motion to Amend in Case 43BV-6014-A-2019.

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

9. The Preliminary Decree describes claim 43BV 150613-00 as a right to use water from several sources for irrigation use on 5,823.00 acre place of use with the June

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<sup>2</sup> As noted in the Trust’s motion to amend, the 2000 conveyance actually was to a predecessor trust, but this is immaterial for purposes of this order. (Doc. 15.00, at 9).

1, 1897 priority date decreed to E.L. Patterson. The preliminary decree abstract includes the following issue remarks:

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

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.

10. The Preliminary Decree describes claim 43BV 150277-00 as a right to use water from several sources across multiple places of use for stock water use, also with the June 1, 1897 priority date decreed to E.L. Patterson. The preliminary decree abstract includes three issue remarks.

11. The Preliminary Decree describes claim 43BV 150331-00 as a right to use water from several sources for irrigation use on 5,823.00 acre place of use with the June 1, 1898 priority date decreed to E.L. Patterson. The preliminary decree abstract includes the following issue remarks:

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

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.

12. The Preliminary Decree describes claim 43BV 150276-00 as a right to use water from several sources across multiple places of use for stock water use, also with the June 1, 1898 priority date decreed to E.L. Patterson. The preliminary decree abstract includes three issue remarks.

13. The Preliminary Decree describes claim 43BV 150325-00 as a right to use water from several sources for irrigation use on 5,823.00 acre place of use with the September 21, 1901 priority date decreed to David Nevin. The preliminary decree abstract includes the following issue remarks:

THE CLAIMS LISTED FOLLOWING THIS STATEMENT MAY BE A MULTIPLE USE OF THE SAME RIGHT. THESE CLAIMS MAY NEED A MULTIPLE USE REMARK. 43BV 150300-00, 43BV 150325-00.

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

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.

14. The Preliminary Decree describes claim 43BV 150300-00 as a right to use water from several sources across multiple places of use for stock water use, also with the September 21, 1901 priority date decreed to David Nevin. The preliminary decree abstract includes the following decree exceeded issue remark:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 125 MINER'S INCHES DECREED IN CASE NO. 342 , SWEET GRASS COUNTY. 43BV 127362-00, 43BV 150300-00, 43BV 211806-00.

The preliminary decree abstract also included three other issue remarks.

15. The Preliminary Decree describes claim 43BV 150317-00 as a right to use water from several sources for irrigation use on 5,823.00 acre place of use with the April 1, 1902 priority date decreed to Henry Wullum. The preliminary decree abstract includes the following issue remarks:

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

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.

16. The Preliminary Decree describes claim 43BV 150281-00 as a right to use water from several sources across multiple places of use for stock water use, also with the April 1, 1902 priority date decreed to Henry Wullum. The preliminary decree abstract includes three issue remark.

17. The preliminary decree abstracts for the four irrigation claims also contain an information remark listing the other claims they were marshaled with prior to the Court's ruling on Cremer's motion to amend.

18. The United States of America, Bureau of Reclamation ("United States") objected to the Trust's irrigation claims (43BV 150317-00, 43BV 150325-00, 43BV

150331-00 and 43BV 150613-00). Tatanka Land & Livestock Co. (“Tatanka”) counterobjected to Cremer’s four stock water claims (43BV 150276-00, 43BV 15277-00, 43BV 150281-00, and 43BV 150300-00). J Bar L Ranches LLC filed notices of intent to appear (“NOIA”) on all eight claims, which it later withdrew on January 9, 2024.<sup>3</sup> Crazy Not To, LLC filed NOIAs on claims 43BV 150277-00 and 43BV 150331-00.

19. The Trust directed its motion to amend at the four irrigation claims. The motion asks the Court to make the following modifications to all four irrigation claims:

- Delete all points of diversion other than the single point of diversion (“POD”) for the Cremer-Nollmeyer Ditch located in the SWNESW of Section 5, T4N, R14E, Sweet Grass County (currently POD no. 3).<sup>4</sup>
- Reduce the place of use to 250 acres located in the East half of Section 3, T4N, R14E.
- Limit the source to only Sweet Grass Creek.
- Reduce the periods of use and diversion for the four irrigation claims from the current year round use to April 15 to October 15.
- Delete the numeric volume limits for the four irrigation claims and replace them with the standard narrative remark for irrigation rights.
- Remove extraneous information remarks.

20. The Trust states that its motion to amend is unopposed. No one filed anything questioning the Trust’s statement.

21. The Court requested clarification because the Trust’s motion only addressed the Trust’s claims, but did not address the four stock water claims still in Cremer’s motion. The Trust responded by asking in its motion for summary judgment that the Court declare the stock water claims abandoned. Cremer’s response states it withdraws the claims. No one else filed anything following the clarification request.

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<sup>3</sup> J Bar L’s NOIA withdrawal asks for a courtesy copy of the master’s report in this case. As this case has not been referred to a water master, the Court provides J Bar L a courtesy copy of this Order.

<sup>4</sup> As referenced in this order, legal descriptions are abbreviated using section (“Sec.”), township (“T”) and range (“R”) abbreviations, as well as cardinal directions and subparts.

## ISSUE

Should the Court modify the four irrigation claims consistent with the Trust's motion to amend, and dismiss the four stock water claims as requested in the Trust's motion for summary judgment and Cremer's response?

## DISCUSSION

### **A. Motion to Amend Trust Irrigation Claims.**

Motions to amend are authorized under § 85-2-233(6), MCA and Rule 10, W.R.Adj.R. When a party seeks to amend an element of their own water right, the party must provide sufficient evidence to prove by a preponderance of the evidence that the modification overcomes the prima facie status of the claims. Rule 19, W.R.Adj.R.; *Nelson v. Brooks*, 2014 MT 120, ¶ 34, 375 Mont. 86, 329 P.3d 558. If the Court determines the proposed modification may adversely affect other water users, the Court requires notice and the opportunity to object before approving the modification. Section 85-2-233(6), MCA.

The Trust's motion meets this standard. The point of diversion modification deletes all the points of diversion from the claim abstract other than the diversion to the Cremer-Nollmeyer Ditch, which is retained. The motion also asks that sources other than Sweet Grass Creek be removed. The point of diversion modifications effectively are a voluntary reduction to the claims, which the Court may allow without further presentation of evidence. Rule 17(c), W.R.Adj.R. The point of diversion issue remark appears to be based on DNRC file memorandum dated April 18, 2018 that evaluated numerous points of diversion for numerous water right claims owned by Cremer at that time. The memorandum states the Cremer-Nollmeyer Ditch is located in the "SWNESW, Sec. 5, T4N, R14E." The memorandum also identifies Sweet Grass Creek as the source for this point of diversion. The point of diversion and source modifications in the Trust's motion matches this description, so the issue remark is resolved.

As to the place of use, as the Trust correctly notes, the change authorization DNRC approved on March 10, 2000, removed from the place of use for the four irrigation claims 250 acres in the following described land:

<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
250.00		E2	3	4N	14E	SWEET GRASS



The 2000 change authorization approved changing the location of the place of use to the following<sup>5</sup>:

<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
60.00		NW	16	2N	16E	SWEET GRASS
140.00		NE	17	2N	16E	SWEET GRASS
50.00		NW	17	2N	16E	SWEET GRASS

The Trust’s motion asks the Court to reduce the places of use for all four irrigation claims from 5,823.00 acres to 250.00 acres located within the Section 3 of T4N, R14E, which is the location of the 250 acres prior to the 2000 DNRC-approved change authorization.

The Trust’s motion is consistent with the standards and limits the Water Court applies to adjudicating existing (*i.e.* pre-1973) water rights that have been subject to a change authorization. Because the Water Use Act requires the Court to adjudicate the claims as of their pre-July 1, 1973 status, the Court denied Cremer’s 2019 motion to amend the places of use to match the change authorization. The Trust’s motion properly recognizes the limitations of the Court’s current authority and reduces the places of use to a subset of what is described on the preliminary decree abstracts. *See* Motion to Amend, Ex. A, POU ID 36 (describing 292.00 acres in the E2 of Sec. 3, T4N, R14E).

The Trust also provides sufficient evidence for the remaining portions of the motions to amend, which resolve both the remaining issue remarks and the United States’ objections. The period of use and diversion reduction to April 15 to October 15 are consistent with the Climactic Are III guidelines under Rule 16(a)(1)(iii), W.R.C.E.R. and resolve both the issue remark and the objection.

The preliminary decree abstracts of the irrigation claims contain volume limits expressed in maximum acre feet terms. The Trust argues a numeric volume limit is inconsistent with § 85-2-234(6)(b)(ii)-(iii), MCA because a numeric volume limit is not necessary to adequately administer these water rights. Based on a review of the claim file

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<sup>5</sup> The configuration of the place of use post-change is reflected in the so-called change authorization abstract (abstract version 2) of the four irrigation claims. The preliminary decree abstracts are version 3, and the post-decree abstracts attached to this Order are version 4.

and the modifications the Trust proposes, the Court agrees. No prior orders of the Court specifically require a numeric volume limit for these claims. Such a limit maybe made sense when these claims were marshaled together with the other Cremer rights across multiple points of diversion and multiple sources. However, now that the claims are being reduced to single source and single points of diversion, they can be administered similar to other water rights based on flow rates and priority.

Lastly, as the Trust correctly notes, the information remarks become unnecessary and largely irrelevant relics based on modifications and the order as to the stock claims, so they should be removed.

**B. Cremer Stock Water Claims.**

The Trust’s summary judgement motion argues the Court should dismiss the four stock water claims because Cremer conveyed the entire flow rate to a place of use owned by the Trust and reserved nothing in the conveyance. The Trust argues “moving the entirety of the flow rate to the new places of use expresses a clear intent and act by Cremer to abandon the multiple use Stock Claims.” Summary Judgment Motion, at 6.

There is no need to address the Trust’s argument in any detail because Cremer’s response to the Court’s request for clarification resolves the issue. Cremer does not contest the summary judgment motion. Instead, it specifically withdraws the claims.<sup>6</sup> The withdrawals provide a sufficient basis for the Court to dismiss the claims, which resolves all issue remarks, as well as Tatanka’s counterobjections.

**ORDER**

Therefore, it is ORDERED, that the Trust’s Motion to Amend is GRANTED. The Trust’s Motion for Summary Judgment is DENIED as moot based on Cremer’s withdrawal of claims 43BV 150276-00, 43BV 150277-00, 43BV 150281-00, and 43BV 150300-00. Claims 43BV 150317-00, 43BV 150325-00, 43BV 150331-00 and 43BV 150613-00 are modified as provided in this Order with all issue remarks resolved and the information remarks removed as necessary. Claims 43BV 150276-00, 43BV 150277-00,

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<sup>6</sup> Although they are not parties to this case, Cremer’s withdrawals include its successors in interest Coulee Creek Land & Cattle, Inc.; JC Cattle Inc.; and Cargill Land Company. To the extent these entities own any portion of the four stock water claims, the Court deems the reference to them in Cremer’s response as a binding ratification of the withdrawals.

43BV 150281-00, and 43BV 150300-00 are DISMISSED, as are all objections, counterobjections, and notices of intent to appear.

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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***\*Service List Updated 7-31-2024\****

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

**Water Right Number:** 43BV 150276-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** **DISMISSED**

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

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** STOCK

**Flow Rate:**

**Volume:**

**Source Name:** SWEET GRASS CREEK

**Source Type:** SURFACE WATER

**Source Name:** CAYUSE CREEK

**Source Type:** SURFACE WATER

**Source Name:** RYE CREEK

**Source Type:** SURFACE WATER

**Source Name:** BILLY CREEK

**Source Type:** SURFACE WATER

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

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

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

**Water Right Number:** 43BV 150277-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** **DISMISSED**

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

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** STOCK

**Flow Rate:**

**Volume:**

**Source Name:** SWEET GRASS CREEK

**Source Type:** SURFACE WATER

**Source Name:** CAYUSE CREEK

**Source Type:** SURFACE WATER

**Source Name:** RYE CREEK

**Source Type:** SURFACE WATER

**Source Name:** BILLY CREEK

**Source Type:** SURFACE WATER

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

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

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

**Water Right Number:** 43BV 150281-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** **DISMISSED**

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

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** STOCK

**Flow Rate:**

**Volume:**

**Source Name:** UNNAMED TRIBUTARY OF SWEET GRASS CREEK

**Source Type:** SURFACE WATER

**Source Name:** CAYUSE CREEK

**Source Type:** SURFACE WATER

**Source Name:** RYE CREEK

**Source Type:** SURFACE WATER

**Source Name:** BILLY CREEK

**Source Type:** SURFACE WATER

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

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

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

**Water Right Number:** 43BV 150300-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** **DISMISSED**

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

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** STOCK

**Flow Rate:**

**Volume:**

**Source Name:** UNNAMED TRIBUTARY OF SWEET GRASS CREEK

**Source Type:** SURFACE WATER

**Source Name:** CAYUSE CREEK

**Source Type:** SURFACE WATER

**Source Name:** RYE CREEK

**Source Type:** SURFACE WATER

**Source Name:** BILLY CREEK

**Source Type:** SURFACE WATER

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

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.



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

**Water Right Number:** 43BV 150317-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** COULTER, DAVID A TRUST  
855 RAPELJE RD  
BIG TIMBER, MT 59011

WEEKS, SUSAN C TRUST  
855 RAPELJE RD  
BIG TIMBER, MT 59011

**Priority Date:** APRIL 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:** 250.00

**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	5	4N	14E	SWEET GRASS

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

**Diversion Means:** HEADGATE

**Ditch Name:** CREMER-NOLLMMEYER 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	250.00		E2	3	4N	14E	SWEET GRASS

**Total:** 250.00

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**Remarks:**

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 150325-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** COULTER, DAVID A TRUST  
855 RAPELJE RD  
BIG TIMBER, MT 59011

WEEKS, SUSAN C TRUST  
855 RAPELJE RD  
BIG TIMBER, MT 59011

**Priority Date:** SEPTEMBER 21, 1901

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 3.13 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:** 250.00

**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	5	4N	14E	SWEET GRASS

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

**Diversion Means:** HEADGATE

**Ditch Name:** CREMER-NOLLMMEYER 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	250.00		E2	3	4N	14E	SWEET GRASS

**Total:** 250.00

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**Remarks:**

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 150331-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** COULTER, DAVID A TRUST  
855 RAPELJE RD  
BIG TIMBER, MT 59011

WEEKS, SUSAN C TRUST  
855 RAPELJE RD  
BIG TIMBER, MT 59011

**Priority Date:** JUNE 1, 1898

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 336.60 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:** 250.00

**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	5	4N	14E	SWEET GRASS

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

**Diversion Means:** HEADGATE

**Ditch Name:** CREMER-NOLLMMEYER 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	250.00		E2	3	4N	14E	SWEET GRASS

**Total:** 250.00

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**Remarks:**

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 150613-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** COULTER, DAVID A TRUST  
855 RAPELJE RD  
BIG TIMBER, MT 59011

WEEKS, SUSAN C TRUST  
855 RAPELJE RD  
BIG TIMBER, MT 59011

**Priority Date:** JUNE 1, 1897

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.63 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:** 250.00

**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	5	4N	14E	SWEET GRASS

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

**Diversion Means:** HEADGATE

**Ditch Name:** CREMER-NOLLMMEYER 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	250.00		E2	3	4N	14E	SWEET GRASS

**Total:** 250.00

**Remarks:**

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