

IN THE WATER COURT OF THE STATE OF MONTANA
 ST. MARY RIVER – BASIN 40T
 INTERLOCUTORY DECREE

CLAIMANTS: Amy J. Raines; John T. Raines

OBJECTORS: United States of America (Bureau of
 Indian Affairs); Blackfeet Tribe

NOTICE OF INTENT TO APPEAR: Blackfeet Tribe

CASE 40T-0006-I-2023

40T 30123394	40T 30123411
40T 30123396	40T 30123414
40T 30123397	40T 30123416
40T 30123398	40T 30123417
40T 30123399	40T 30123419
40T 30123400	40T 30123402
40T 30123406	40T 30123403
40T 30123407	40T 30123408
40T 30123409	

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. The claims listed in the caption above are exempt livestock direct from source claims owned by John T. Raines and Amy J. Raines. The claims received DNRC issue remarks and Objections and/or Notices of Intent to Appear from the United States Bureau of Indian Affairs and the Blackfeet Tribe.

2. On May 6, 2024, the parties filed a Stipulation to resolve the objections and issue remarks.

Dismissed Claims

3. In the Stipulation, the parties agree that claims 40T 30123398, 40T 30123399, 40T 30123400, 40T 30123406, 40T 30123409, 40T 30123411 should be dismissed from the adjudication.

Claim 40T 30123394

4. Claim 40T 30123394 appeared in the adjudication with an issue remark stating that the claim appears to duplicate claim 40T 30123405. Claim 40T 30123405 is owned by Grizzly Ridge Bison Ranch, LLC and was addressed in a March 8, 2024 Master's Report in Case 40T-0003-I-2023. During the proceedings in that case, Grizzly Ridge agreed to reduce its points of diversion/places of use as follows:

<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>
4			SWSNW	17	37N	12W	GLACIER
2			SESWNW	17	37N	12W	GLACIER
3			NWNESW	17	37N	12W	GLACIER

Claim 40T 30123394-00 appeared in the 40T Interlocutory Decree with the following point of diversion and place of use legal land descriptions:

<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			SWSNW	17	37N	12W	GLACIER
2			N2NESW	17	37N	12W	GLACIER

Given the changes made to Grizzly Ridge's claim in Case 40T-0003-I-2023, there is no longer an overlap in the points of diversion/places of use for claims 40T 30123394 and 40T 30123405. The duplicate claim issue is resolved. The issue remark should be removed from the claim.

Claims 40T 30123396, 40T 30123397, and 40T 30123416

5. To resolve the objections to claims 40T 30123396, 40T 30123397, and 40T 30123416, the parties agree the priority dates should be reduced to the fee patent date, which is the date when the land went out of Trust. For claims 40T 30123396 and 40T 30123397, the fee patent date is November 6, 1920. For claim 40T 30123416, the fee patent date is November 10, 1952.

The requested changes to priority dates make the claims more junior and are considered reductions or limitations of the claims. The requested modifications to the priority dates for claims 40T 30123396, 40T 30123397, and 40T 30123416 may be accepted by the Court without further presentation of evidence.

Claim 40T 30123407

6. Claim 40T 30123407 received an issue remark stating the claim does not appear to meet the definition of an exempt right. During the examination period, the claims examiner wrote a note stating, “Reviewed WRS Aerial MS-5GG-79 dated 7-18-1966 and USDA Aerial 182-038 dated 9-5-82 which show evidence of a dam.” An exempt right is defined as “those claims for existing rights for livestock and individual uses as opposed to municipal domestic uses based upon instream flow or ground water sources...” Section 85-2-222(1), MCA. Instream Flow is not defined in Montana Statute, but generally speaking Instream Flow is the flow retained in a watercourse.

The information in the claim file for 40T 30123407 does not include the aerial photos referenced by the DNRC. In the Stipulation, the parties provide an excerpt of a USGS Topographic Map of Browning, Mont from 1901 and an aerial photo taken July 22, 1959. Both the map and the aerial photo depict the existence of a lake. The Stipulation indicates that the claimants do not know anything about a dam on the source, and simply water their livestock directly from the lake.

The information before the Court does not overcome the prima facie status of claim 40T 30123407 and its status as an exempt claim. The issue remark should be removed from the claim abstract.

Claim 40T 30123414

7. Claim 40T 30123414 received an issue remark stating that Glacier County

Records shows the place of use is owned by the United States in Trust. To resolve the issue remark and the objections to this claim, the parties agree that the points of diversion/places of use should be modified from the NWNWNE of Section 21 to the following legal land descriptions:

ID	<u>Qtr</u> Sec	Section	Twp	<u>Rge</u>	County
1	SW	16	37N	12W	Glacier
2	W2W2SE	16	37N	12W	Glacier
3	N2NW	21	37N	12W	Glacier

Based on the maps and property records attached to the Stipulation, as well as the map in the claim file, it appears that the legal land description for the point of diversion and place of use provided on the statement of claim form was in error. The Raines's do not own the NWNWNE of Sec 21, 37N, R12W; they own property in the SW and W2W2SE of Sec 16, 37N, R12W, and the N2NW of Sec 21, 37N, R12W. The parties explain that the pond that is claimed is situated partly on land owned by the Blackfeet Tribe and partly on land owned by the Raines. The point of diversion and legal land descriptions should be updated to reflect the portion of the pond that is situated on the Raines's property in the SW and W2W2SE of Sec 16, 37N, R12W, and the N2NW of Sec 21, 37N, R12W.

The ownership issue remark appearing on claim 40T 30123414 should be removed from the claim abstract.

Claim 40T 30123417

8. The parties agree that Claim 40T 30123417 should be modified to remove point of diversion and place of use no. 2: the E2NWNE of Sec 17, T37N, R12W. This modification amounts to a reduction of the claim elements and may be accepted without further presentation of evidence.

Claims 40T 30123402, 40T 30123403, 40T 30123408, and 40T 30123419

9. The Blackfeet Tribe and the United States agree to withdraw their objections and/or NOIAs to claims 40T 30123402, 40T 30123403, 40T 30123408, and

40T 30123419.

Notice Issue Remarks

10. All claims in this case received an issue remark stating, this claim number was not included in the Basin 40T Decree issued 6/25/2014. This issue remark is considered a notice issue remark, meaning that it provides notice that the claims were not included in the prior decree, but does not require further proceedings to resolve. The notice issue remarks have served their purpose and should be removed from the claim abstracts.

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.

The evidence provided to support the requested point of diversion and place of use modifications for claim 40T 30123414 is sufficient to overcome the prima facie status of the claim and the requested modifications should be accepted.

2. The claimant of a water right claim may waive the advantage of § 85-2-227, MCA by requesting a reduction or limitation of an element of a water right claim. The water court may accept a claimant's requested reduction or limitation without further presentation of evidence unless there is an unresolved issue remark on the claim. Rule 17(c), W.R.Adj.R. The requested modification to the priority dates for claims 40T 30123396, 40T 30123397, and 30123416 are reductions or limitations and should be accepted without further presentation of evidence. The requested modifications to the points of diversion and places of use for claim 40T 30123414 are a reduction or limitation and should be accepted without further presentation of evidence.

3. Section 85-2-248(2), MCA requires the Water Court to resolve all issue remarks that are not resolved through the objection process. The Montana Water Court has the authority to resolve issue remarks when the claim file and information available to the Court provide a sufficient basis to do so. § 85-2-248(3), MCA. The issue remarks appearing on the claims in this case have been addressed above and should be removed as resolved.

4. Settlement agreements are subject to review and approval of the Water Court. Rule 17(a), W.R.Adj.R. The settlement documentation in this Case should be accepted by the Court.

RECOMMENDATIONS

1. Claims 40T 30123396, 40T 30123397, 40T 30123414, 40T 30123416, and 40T 30123417 should be modified as provided above.

2. Claims 40T 30123398, 40T 30123399, 40T 30123400, 40T 30123406, 40T 30123409, 40T 30123411 should be dismissed from the adjudication.

3. The issue remarks appearing on the active claims in this case have been resolved and should be removed from the claim abstracts.

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

ELECTRONICALLY SIGNED AND DATED BELOW.

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
ST. MARY RIVER
BASIN 40T**

Water Right Number: 40T 30123394 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: AMY J RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

JOHN T RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

Priority Date: AUGUST 12, 1965

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:** UNNAMED TRIBUTARY OF HALL COULEE

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		SWSNW	17	37N	12W	GLACIER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		N2NESW	17	37N	12W	GLACIER
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

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			SWSNW	17	37N	12W	GLACIER
2			N2NESW	17	37N	12W	GLACIER

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
ST. MARY RIVER
BASIN 40T**

Water Right Number: 40T 30123396 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: AMY J RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

JOHN T RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

Priority Date: NOVEMBER 6, 1920

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:** UNNAMED TRIBUTARY OF WILLOW 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	2	37N	13W	GLACIER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

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			SENESE	2	37N	13W	GLACIER

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
ST. MARY RIVER
BASIN 40T**

Water Right Number: 40T 30123397 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: AMY J RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

JOHN T RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

Priority Date: NOVEMBER 6, 1920

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:** UNNAMED TRIBUTARY OF WILLOW 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	2	37N	13W	GLACIER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

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			SESESE	2	37N	13W	GLACIER

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
ST. MARY RIVER
BASIN 40T

Water Right Number: 40T 30123398 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

Owners: AMY J RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

JOHN T RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

Priority Date:

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: UNNAMED TRIBUTARY OF WILLOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
ST. MARY RIVER
BASIN 40T

Water Right Number: 40T 30123399 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: **DISMISSED**

Owners: AMY J RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

JOHN T RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

Priority Date:

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: UNNAMED TRIBUTARY OF WILLOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
ST. MARY RIVER
BASIN 40T

Water Right Number: 40T 30123400 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: DISMISSED

Owners: AMY J RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

JOHN T RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

Priority Date:

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: UNNAMED TRIBUTARY OF WILLOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
ST. MARY RIVER
BASIN 40T

Water Right Number: 40T 30123402 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: AMY J RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

JOHN T RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

Priority Date: AUGUST 12, 1952

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:** UNNAMED TRIBUTARY OF WILLOW 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		SENENW	9	37N	12W	GLACIER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

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			SENENW	9	37N	12W	GLACIER

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
ST. MARY RIVER
BASIN 40T

Water Right Number: 40T 30123403 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: AMY J RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

JOHN T RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

Priority Date: AUGUST 12, 1952

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:** UNNAMED TRIBUTARY OF WILLOW 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		N2NWNE	9	37N	12W	GLACIER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

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			N2NWNE	9	37N	12W	GLACIER

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
ST. MARY RIVER
BASIN 40T

Water Right Number: 40T 30123406 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: DISMISSED

Owners: AMY J RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

JOHN T RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

Priority Date:

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: UNNAMED TRIBUTARY OF WILLOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
ST. MARY RIVER
BASIN 40T

Water Right Number: 40T 30123407 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: AMY J RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

JOHN T RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

Priority Date: JULY 26, 1918

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:** UNNAMED TRIBUTARY OF WILLOW 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	16	37N	12W	GLACIER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

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			SWNW	16	37N	12W	GLACIER

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
ST. MARY RIVER
BASIN 40T**

Water Right Number: 40T 30123408 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: AMY J RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

JOHN T RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

Priority Date: JUNE 29, 1918

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:** UNNAMED TRIBUTARY OF WILLOW 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		N2NENW	16	37N	12W	GLACIER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

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	16	37N	12W	GLACIER

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
ST. MARY RIVER
BASIN 40T

Water Right Number: 40T 30123409 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: DISMISSED

Owners: AMY J RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

JOHN T RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

Priority Date:

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: UNNAMED TRIBUTARY OF WILLOW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
ST. MARY RIVER
BASIN 40T

Water Right Number: 40T 30123411 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

Owners: AMY J RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

JOHN T RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

Priority Date:

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF WILLOW CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
ST. MARY RIVER
BASIN 40T**

Water Right Number: 40T 30123414 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: AMY J RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

JOHN T RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

Priority Date: NOVEMBER 15, 1918

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:** UNNAMED TRIBUTARY OF WILLOW 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		SW	16	37N	12W	GLACIER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		W2W2SE	16	37N	12W	GLACIER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		N2NW	21	37N	12W	GLACIER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

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	16	37N	12W	GLACIER
2			W2W2SE	16	37N	12W	GLACIER
3			N2NW	21	37N	12W	GLACIER

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
ST. MARY RIVER
BASIN 40T

Water Right Number: 40T 30123416 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: AMY J RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

JOHN T RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

Priority Date: NOVEMBER 10, 1952

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: SPRING, UNNAMED TRIBUTARY OF WILLOW 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		SWSWSW	4	37N	12W	GLACIER
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						

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			SWSWSW	4	37N	12W	GLACIER

Remarks:
THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
ST. MARY RIVER
BASIN 40T

Water Right Number: 40T 30123417 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: AMY J RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

JOHN T RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

Priority Date: JUNE 29, 1918

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:** UNNAMED TRIBUTARY OF WILLOW 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		W2NENE	17	37N	12W	GLACIER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

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			W2NENE	17	37N	12W	GLACIER

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
ST. MARY RIVER
BASIN 40T

Water Right Number: 40T 30123419 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: AMY J RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

JOHN T RAINES
4041 WINGINA RD
VALIER, MT 59486-5180

Priority Date: APRIL 4, 1923

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 35.00 GPM

***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:** SPRING, UNNAMED TRIBUTARY OF WILLOW CREEK

Source Type: GROUNDWATER

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		SESWNE	7	37N	12W	GLACIER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DEVELOPED SPRING

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			SESWNE	7	37N	12W	GLACIER

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE BLACKFEET INDIAN RESERVATION.