

Montana Water Court  
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IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
CUT BANK CREEK (BASIN 41L)  
INTERLOCUTORY DECREE

\*\*\*\*\*

CLAIMANTS: Danielle Hook; Toby J. Hook

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

**41L-0004-I-2022**  
41L 30127047  
41L 30127095

**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 RECOMMENDING  
ADOPTION OF THE STIPULATED TERMS FOR DOMESTIC CLAIM 41L  
30127047 AND STOCK CLAIM 41L 30127095  
AND  
MASTER'S REPORT RECOMMENDING SUMMARY JUDGMENT IN FAVOR  
OF THE UNITED STATES AND BLACKFEET TRIBE FOR STOCK CLAIM 41L  
30127095**

**Procedural history**

Multiple domestic claim 41L 30127047 received the following issue remarks:

THE CLAIMED VOLUME EXCEEDS THE 17.00 ACRE-FEET GUIDELINE FOR THIS PURPOSE. ITS ACCURACY CANNOT BE CONFIRMED DUE TO LACK OF DATA.

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41L DECREE ISSUED 10/08/2015.

Stock claim 41L 30127095 received the following issue remark:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41L DECREE ISSUED 10/08/2015.

Issue remarks result from Department of Natural Resources and Conservation claims examination. Claims examination confirms the historical use of water right claims and identifies issues with claims. If claims examination cannot confirm some aspect of a claim, an issue remark is added to the claim. Issue remarks may also provide notice to water users concerning a claim. Montana law requires the Water Court to resolve issue remarks.

The United States and Blackfeet Tribe objected to all elements of multiple domestic claim 41L 30127047 and stock claim 41L 30127095.

After multiple extensions of time for settlement, this case was placed on the hearing track. On June 28, 2024, the United States served discovery requests on claimants Danielle Hook and Toby J. Hook (“Hooks”). Hooks failed to respond to the discovery requests.

On August 28, 2024, the parties filed a Partial Stipulation for the Resolution of Objections.

On August 29, 2024, the United States and Blackfeet Tribe filed a Joint Motion for Summary Judgment and Memorandum in Support Thereof (“Motion”). The Motion was

placed on the court's motions calendar. Hooks did not file a response to the Motion within the time set forth by Rule 56, Montana Rules of Civil Procedure (M.R.Civ.P.). The parties did not request a hearing on the motion. The motion is deemed submitted. A recommendation to the Water Judge is made based upon the record.

## **Issues**

1. Should the court accept the stipulated terms for domestic claim 41L 30127047 and stock claim 41L 30127095?

2. Are the issue remarks on both claims resolved?

The United States' and the Blackfeet Tribe's Joint Motion for Summary Judgment contends: a) Montana state water law does not apply to lands held in trust by the United States for the benefit of the Blackfeet Tribe. b) Hooks could not establish existing state-based water rights pursuant to Montana state water law on land, that before July 1, 1973, was continuously held in trust by the United States for the benefit of the Blackfeet Tribe. c) The point of diversion and place of use for stock claim 41L 30127095 should exclude trust land that left trust status after July 1, 1973, only identifying pre-July 1, 1973 fee land.

3. Should the court grant the Joint Motion for Summary Judgment for stock claim 41L 30127095?

a. Are there any genuine issues of material fact regarding the historical accuracy of the requested reduced point of diversion and place of use legal land descriptions identified by stock claim 41L 30127095 to remove land, that before July 1, 1973, was continuously held in trust by the United States for the benefit of the Blackfeet Tribe?

b. Are the United States and the Blackfeet Tribe entitled to judgment as a matter of law that stock claim 41L 30127095 should be modified as requested to reflect historical beneficial use based upon Montana state water law?

## **Findings of fact**

1. The historically accurate purpose for claim 41L 30127047 is domestic.
2. The historically accurate volume for claim 41L 30127047 is 14.00 AF.
3. The historically accurate number of households served by domestic claim 41L 30127047 is 1.
4. The historically accurate point of diversion and place of use legal land description for claim 41L 30127047 is the N2SWNW of Section 26, Township 33 North, Range 6 West, Glacier County.
5. The historically accurate point of diversion and place of use legal land description for stock claim 41L 30127095 should reflect the parties' stipulated terms and the modifications identified by the Joint Motion for Summary Judgment.
6. The following general information remark should appear on the abstract of stock claim 41L 30127095:

THE POINT OF DIVERSION AND PLACE OF USE LEGAL LAND DESCRIPTIONS EXCLUDE THE FOLLOWING PARCELS: THE PARCEL OWNED BY JAMES J. NANINI AND ROBIN L. NANINI IN THE E2NE OF SECTION 27, TOWNSHIP 33 NORTH, RANGE 6 WEST, IN GLACIER COUNTY MONTANA DESCRIBED IN THE CORRESPONDING CERTIFICATE OF SURVEY FILED BY THE GLACIER COUNTY CLERK AND RECORDER ON OCTOBER 28, 1983; AND THE PARCEL OWNED BY RICHARD J. BIRD AND SICILY K. BIRD IN THE E2NE OF SECTION 27, TOWNSHIP 33 NORTH, RANGE 6 WEST, IN GLACIER COUNTY MONTANA, DESCRIBED IN CERTIFICATE OF SURVEY NUMBER 190, FILED BY THE GLACIER COUNTY CLERK AND RECORDER ON SEPTEMBER 23, 1983.

## **Principles of law**

1. “‘Existing right’ or ‘existing water right’ means a right to the use of water that would be protected under the law as it existed prior to July 1, 1973.” Section 85-2-102(13), MCA; *E.g. Hoon v. Murphy*, 2020 MT 50; ¶ 34, 399 Mont. 110, 460 P.3d 849.
2. A properly filed Statement of Claim for Existing Water Right or an amended claim for Existing Water Right is prima facie proof of its content. Section 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 an element of the prima facie claim is incorrect. This is the burden of proof for every assertion that a claim is incorrect. Rule

19, W.R.Adj.R. A preponderance of the evidence is a “modest standard” and is evidence that demonstrates the fact to be proved is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 348, 240 P.3d 628.

3. The Montana Water Court is permitted to use information submitted by the Department of Natural Resources and Conservation, the statement of claim, information from approved compacts, and any other data obtained by the Court to evaluate water right claims. Section 85-2-231(2), MCA.

4. Settlement, including the documents filed by a claimant where the claimant is the only party, is subject to review and approval by the Water Court. Rule 17(a), W.R.Adj.R.

The Water Court may accept a settlement agreement that reduces or limits an element of a claim and need not determine whether the burden of proof is met unless there is an unresolved issue remark on the claim. Rule 17(c), W.R.Adj.R.

If the settlement agreement expands or enlarges an element of a claim, evidence meeting the burden of proof must be provided. If the evidence does not meet the burden of proof, the element shall not be expanded or enlarged. Rule 17(b), W.R.Adj.R.

5. When resolving issue remarks, the Montana Water Court must weigh the information resulting in the issue remark and the issue remark against the claimed water right. Section 85-2-247(2), MCA.

6. 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. Section 85-2-248(3), MCA.

7. The Water Court may add clear and unambiguous information remarks to a claim abstract that describe historical use and reduce the possibility of future conflict. *See Clark Fork Coalition v. Hirsch*, 2014 Mont. Water LEXIS 15 at \*\*10-14 (Oct. 29, 2014).

8. Rule 56, M.R.Civ.P. and the case law interpreting this rule govern the process for filing, responding to, and determining motions for summary judgment. Summary

judgment is proper only when no genuine issues of material fact exist and the moving party is entitled to judgment as a matter of law. *First Security Bank*, 2008 MT 161, ¶ 10, 343 Mont. 313, 184 P.3d 318; Rule 56(c), M.R.Civ.P. To determine the existence or nonexistence of a genuine issue of material fact, the Court will look to the pleadings, depositions, answers to interrogatories, admissions on file, and affidavits. *First Security Bank*, ¶ 11. All reasonable inferences that might be drawn from the offered evidence will be drawn in favor of the party opposing the summary judgment motion. *First Security Bank*, ¶ 11. The party seeking summary judgment has the burden of demonstrating a complete absence of any genuine factual issues. *First Security Bank*, ¶ 12. Where the moving party can demonstrate that no genuine issue as to any material fact remains in dispute, the burden then shifts to the party opposing the motion. *First Security Bank*, ¶ 12.

Failure of a party opposing a motion for summary judgment to either raise or demonstrate the existence of a genuine issue of material fact [sic], or to demonstrate that the legal issue should not be determined in favor of the movant, is evidence that the party's burden was not carried. Summary judgment is then proper because Mont. R. Civ. P. 56(e) provides that the non-movant may not rest upon the mere allegations of the pleadings, and a court is under no duty to anticipate proof to establish a material and substantial issue of fact. *Conboy v. State*, 214 Mont. 492, 500, 693 P.2d 547, 551 (1985).

Ultimately the question of whether the moving party is entitled to summary judgment under the undisputed facts is a question of law. *Thornton v. Flathead County*, 2009 MT 367, ¶ 13, 353 Mont. 252, 220 P.3d 395. When a party fails to respond to a summary judgment motion, the Court still has a duty to inquire whether summary judgment is appropriate under the applicable law. *Nelson v. City of Billings*, 2018 MT 36, ¶ 11, 390 Mont. 290, 412 P.3d 1058.

If a request for a hearing on summary judgment is not made within the time prescribed for filing briefs with the court, the right to a hearing on summary judgment is waived. Rule 56(c)(2)(A), M.R.Civ.P.

9. Pursuant to § 85-2-227(2), MCA:

A water judge may consider all relevant evidence in the determination and interpretation of existing water rights. Relevant evidence under this part may include admissible evidence arising before or after July 1, 1973.

10. State courts must apply federal law to Indian reserved water rights. *State ex rel. Greely v. Confederated Salish and Kootenai Tribes*, 219 Mont 76, 95, 712 P.2d 754, 765-66 (1985).

11. *Johnson v. M'Intosh*, 21 U.S. 543, 587-589, 591-592, 604 (1823), held that Indian tribes hold title to their lands by Indian title and tribes have the right to possess and occupy land; by right of discovery, European governments obtained ultimate dominion subject to Indian title; and Indian title is good against all but the sovereign and can only be terminated by the sovereign. 25 U.S.C. § 177 (2018); *Oneida Indian Nation v. County of Oneida*, 414 U.S. 661, 667-68, 670, 94 S. Ct 772, 777-78 (1974). Only the United States can terminate Indian title. *See generally Mont. v. Blackfeet Tribe*, 471 U.S. 759, 766-68; 105 S. Ct. 2399, 2403-04 (1985); *Swinomish Indian Tribal Community v. BNSF Ry. Co.*, 951 F.3d 1142, 1153-54 (9th Cir. 2020); *U.S. v. Morrison*, 203 F. 364 (Colo. 1901).

12. *Winters v. U.S.*, 207 U.S. 564, 28 S. Ct. 207 (1908), first acknowledged that Indian tribes and reservations have federal reserved water rights. When the Indians reserved land, the reservation necessarily included the resources to make it a homeland (to serve the purposes of the reservation). The reservation of resources included water. *Winters*, 207 U.S. at 575-577, 28 S. Ct. at 211-212; *Colville Confederated Tribes v. Walton*, 647 F.2d 42, 46-47 (9th Cir. 1981). Montana's admission to the Union on February 22, 1889 had no affect on how water was appropriated on the Fort Belknap Indian Reservation. *Winters*, 207 U.S. at 577, 28 S. Ct. at 212; *U.S. v. McIntire*, 101 F. 2d 650, 654 (9th Cir. 1939).

13. When land is held by the United States as trustee for an Indian tribe, there is no ability to acquire title to the water rights reserved for the purposes of the reservation

unless Congress so specifies. 25 U.S.C. § 1322(b) (2018); 28 U.S.C. § 1360(b) (2018); *McIntire*, 101 F. 2d at 653-654; *Connolly v. Blackfeet Tribe*, 2019 Mont. Water LEXIS 133 at \*\*6-7 (Nov. 27, 2019).

14. A Request for Admission which is neither denied nor objected to within 30 days of service of the request is, by law, deemed admitted. Rule 36(a), M.R.Civ.P. Any matter admitted under Rule 36, is conclusively established. Rule 36(b), M.R.Civ.P.

## **Analysis**

### **Issue 1 – acceptance of stipulated terms**

For claim 41L 30127047, the parties stipulated to a refined purpose, a reduced number of households and volume, and a modified point of diversion and place of use legal land description based upon the map attached to the statement of claim.

For claim 41L 30127095, the parties stipulated to a refined point of diversion and place of use legal land description and the addition of the following permanent general information remark stating:<sup>1</sup>

THE POINT OF DIVERSION AND PLACE OF USE LEGAL LAND DESCRIPTIONS EXCLUDE THE FOLLOWING PARCELS: THE PARCEL OWNED BY JAMES J. NANINI AND ROBIN L. NANINI IN THE E2NE OF SECTION 27, TOWNSHIP 33 NORTH, RANGE 6 WEST, IN GLACIER COUNTY MONTANA DESCRIBED IN THE CORRESPONDING CERTIFICATE OF SURVEY FILED BY THE GLACIER COUNTY CLERK AND RECORDER ON OCTOBER 28, 1983; AND THE PARCEL OWNED BY RICHARD J. BIRD AND SICILY K. BIRD IN THE E2NE OF SECTION 27, TOWNSHIP 33 NORTH, RANGE 6 WEST, IN GLACIER COUNTY MONTANA, DESCRIBED IN CERTIFICATE OF SURVEY NUMBER 190, FILED BY THE GLACIER COUNTY CLERK AND RECORDER ON SEPTEMBER 23, 1983.

The Partial Stipulation and its exhibits may be viewed on the court's case management system, FullCourt Enterprise, at document sequence 27.00.

### **Conclusions of law**

The parties confirmed the historical accuracy of the map attached to statement of claim 41L 30127047 depicting the modified point of diversion and place of use legal land

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<sup>1</sup> Parcel ID Nos. are not identified in permanent information remarks due to the possibility that the parcel ID Nos. may shift in number or order.



description thereby overcoming the prima facie statement of claim.

The remainder of the evidence entered into the record is a reduction within the parameters of statements of claim 41L 30127047 and 41L 30127095, justifies the modifications to the claims, resolves the United States' and Blackfoot Tribe's objections to claim 41L 30127047, the volume issue remark appearing on claim 41L 30127047, and partially resolves the United States' and Blackfoot Tribe's objections to claim 41L 30127095.

The stipulated information remark concerning point of diversion and place of use for claim 41L 30127095 describes historical use and reduces the possibility of future conflict.

The stipulated terms should be accepted by the court.

## **Issue 2 – notice issue remark resolution**

Claims 41L 30127047 and 41L 30127095 appeared in the Interlocutory Decree with the following issue remark:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41L DECREE ISSUED 10/08/2015.

Water users were given the opportunity to review the claims and file an objection. The deadline to file objections expired. These proceedings resolve the only objections filed to the claims.

## **Conclusion of law**

The referenced issue remark served its notice purpose.

## **Issue 3 – joint motion for summary judgment**

### **a. Are there any genuine issues of material fact?**

The Declaration of Kevin Bradley, P.E., (“Bradley Decl.”) included with the United States' and Blackfoot Tribe's August 29, 2024 Joint Motion for Summary Judgment (“Motion”) supports the United States' and Blackfoot Tribe's Motion.

1. Mr. Bradley is a Water Resources Branch Manager for the United States of America (Bureau of Indian Affairs) Rocky Mountain Region. Mr. Bradley routinely reviews "...land records to determine past and current ownership of a given tract of land. If the land is within an Indian reservation and held in trust by the United States, then records for the land are found at the BIA's Land Title Records Office (LTRO). The LTRO keeps track of all records up until the time the land goes out of trust." (Bradley Decl. at 1.)

2. Mr. Bradley researched fee patents issued by the United States of America (Bureau of Land Management.) For the purposes of this case, the fee patents identify the post-July 1, 1973 date when land transitioned into private fee ownership. The fee patents are federal government records, available to the public on the United States of America (Bureau of Land Management's) General Land Office website. Two fee patents are attached to Mr. Bradley's declaration. (Bradley Decl. at 2 and Bradley Decl. Att. A and B.)

3. Mr. Bradley confirmed the historically accurate pre-July 1, 1973 point of diversion and place of use for stock claim 41L 30127095 by cross referencing the Title Status Reports at his disposal and the fee patents included with his declaration. (Bradley Decl. at 2 and Bradley Decl. Att. A and B.)

The Declaration of William J.W. Crum ("Crum Decl.") included with the United States' and Blackfeet Tribe's August 29, 2024 Joint Motion for Summary Judgment ("Motion") supports the United States' and Blackfeet Tribe's Motion.

1. Mr. Crum is a Trial Attorney employed by the United States Department of Justice, Environment and Natural Resources Division, Indian Resources Section. Mr. Crum "routinely litigates water right claims in the Montana Adjudication." (Crum Decl. at 1.)

2. On June 28, 2024, Mr. Crum served claimants, the Hooks, by electronic mail, "separate, but identical, discovery requests related to the claims in this case." (Crum Decl. at 2.) A complete copy of each discovery request, along with the

Certificate of Service, were filed in support the Joint Motion for Summary Judgment. The first 5 pages of discovery requests included extensive directions and explanations about the discovery requests. (Crum Decl. Att. A, B, and C.)

3. The discovery requests included Requests for Admission. In particular:

“REQUEST FOR ADMISSION NO. 1: Please admit that the parcels of land identified as Points of Diversion/Places of use 9, 10, 11, 12, 17, 18, and 19 for Water Right claim 41L 30127095 were held in trust by the United States for the Blackfeet Tribe or its members on June 30, 1973.”

“REQUEST FOR ADMISSION NO. 2: Please admit that the parcels of land identified as Points of Diversion/Places of use 9, 10, 11, 12, 17, 18, and 19 for Water Right claim 41L 30127095 were conveyed out of trust into fee simple on a date later than June 30, 1973.” (Crum Decl. at 3, and Att. A and B.)

4. Hooks failed to respond to the discovery requests by the July 29, 2024 deadline and Hooks did not request an extension to respond to the requests. (Crum Decl. at 4.)

Hooks failed to respond to the Joint Motion for Summary Judgment and Requests for Admission. A Request for Admission which is neither denied nor objected to within 30 days of service of the request is, by law, deemed admitted. Rule 36(a), M.R.Civ.P. Any matter admitted under Rule 36, is conclusively established. Rule 36(b), M.R.Civ.P.

Hooks failed to carry their burden of demonstrating genuine issues of material fact exist. The United States and Blackfeet Tribe established there are no genuine issues of material fact and conclusively established the requested modifications to stock claim 41L 30127095 are historically accurate.

**b. Are the United States and the Blackfeet Tribe entitled to judgment as a matter of law?**

Hooks failed to provide any relevant legal argument rebutting the assertion that a state-based water right claim cannot be appropriated pursuant to Montana state water law on land held in trust by the United States for the benefit of the Blackfeet Tribe unless

Congress states otherwise. Hooks failed to provide any evidence that Congress specified they could appropriate water on land held in trust by the United States for the benefit of the Blackfeet Tribe.

The United States and Blackfeet Tribe are entitled to judgment as a matter of law that stock claim 41L 30127095 should be modified as requested to reflect historical beneficial use based upon Montana state water law.

The Joint Motion for Summary Judgment and its exhibits may be viewed on the court's case management system, FullCourt Enterprise, at document sequence 28.00.

### **Conclusions**

The United States and Blackfeet Tribe established that no genuine issues of material fact exist. The United States and Blackfeet Tribe are entitled to judgment as a matter of law.

Prior to the fee patent dates, the claimed points of diversion and places of use for stock claim 41L 30127095 identified by the United States and Blackfeet Tribe were on Indian lands - lands subject to the trust relationship between the United States and the Blackfeet Tribe - there was no ability to acquire title to the water rights reserved for the purposes of an Indian reservation without specific congressional approval. That portion of the point of diversion and place of use identified by claim 41L 30127095, held in trust before July 1, 1973, by the United States on behalf of the Blackfeet Tribe cannot be claimed by an individual as part of a state-based water right claim. The United States of America (Bureau of Land Management) fee patents provide sufficient evidence to overcome prima facie statement of claim 41L 30127095 and support removal of that portion of the point of diversion and place of use held in trust post-July 1, 1973, by the United States on behalf of the Blackfeet Tribe. Claim 41L 30127095 should be modified to exclude all post July 1, 1973 trust land from its point of diversion and place of use.

## Recommendations

Domestic claim 41L 30127047 should be modified as follows to accurately reflect historical use.

**PURPOSE:** ~~MULTIPLE DOMESTIC~~  
**VOLUME:** ~~23.58 AF~~ **14.00 AF**  
**Households:** ~~3~~ **1**

### **POINT OF DIVERSION AND PLACE OF USE:**

**SEE MODIFIED ABSTRACT INCLUDED WITH THIS REPORT.**

The United States of America (Bureau of Indian Affairs') and Blackfeet Tribe's Joint Motion for Summary Judgment should be **GRANTED**.

Judgment should be entered that stock claim 41L 30127095 should be **MODIFIED** to accurately reflect historical use.

Stock claim 41L 30127095 should be modified as follows to accurately reflect historical use.

### **POINT OF DIVERSION AND PLACE OF USE:**

**SEE MODIFIED ABSTRACT INCLUDED WITH THIS REPORT.**

### **ADD GENERAL INFORMATION REMARK:**

THE POINT OF DIVERSION AND PLACE OF USE LEGAL LAND DESCRIPTIONS EXCLUDE THE FOLLOWING PARCELS: THE PARCEL OWNED BY JAMES J. NANINI AND ROBIN L. NANINI IN THE E2NE OF SECTION 27, TOWNSHIP 33 NORTH, RANGE 6 WEST, IN GLACIER COUNTY MONTANA DESCRIBED IN THE CORRESPONDING CERTIFICATE OF SURVEY FILED BY THE GLACIER COUNTY CLERK AND RECORDER ON OCTOBER 28, 1983; AND THE PARCEL OWNED BY RICHARD J. BIRD AND SICILY K. BIRD IN THE E2NE OF SECTION 27, TOWNSHIP 33 NORTH, RANGE 6 WEST, IN GLACIER COUNTY MONTANA, DESCRIBED IN CERTIFICATE OF SURVEY NUMBER 190, FILED BY THE GLACIER COUNTY CLERK AND RECORDER ON SEPTEMBER 23, 1983."

The issue remarks are resolved and should be removed from the claims.

Post Decree Abstracts of Water Right Claim accompany this report to confirm implementation of the recommendations in the state's centralized water right record system.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

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**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
CUT BANK CREEK  
BASIN 41L**

**Water Right Number:** 41L 30127047 STATEMENT OF CLAIM  
**Version:** 2 -- POST DECREE  
**Status:** ACTIVE

**Owners:** DANIELLE HOOK  
2015 MIDDLE RD  
COLUMBIA FALLS, MT 59912  
  
TOBY J HOOK  
2015 MIDDLE RD  
COLUMBIA FALLS, MT 59912

**Priority Date:** JANUARY 1, 1959

**Type of Historical Right:** USE

**Purpose (Use):** DOMESTIC

**Flow Rate:** 35.00 GPM

**Volume:** 14.00 AC-FT

**Households:** 1

**Maximum Acres:** 5.00

**Source Name:** SPRING, UNNAMED TRIBUTARY OF SPRING 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         |                 | N2SWNW         | 26         | 33N        | 6W         | 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             | 5.00         |                 | N2SWNW         | 26         | 33N        | 6W         | GLACIER       |
| <b>Total:</b> | 5.00         |                 |                |            |            |            |               |

**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  
CUT BANK CREEK  
BASIN 41L**

**Water Right Number:** 41L 30127095 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** DANIELLE HOOK  
2015 MIDDLE RD  
COLUMBIA FALLS, MT 59912

TOBY J HOOK  
2015 MIDDLE RD  
COLUMBIA FALLS, MT 59912

**Priority Date:** JANUARY 1, 1959

**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 CREEK

**Source Type:** SURFACE WATER

**Source Name:** UNNAMED TRIBUTARY OF SPRING 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   | 7               | NESW           | 25         | 33N        | 6W         | GLACIER       |
| <b>Source Name:</b> UNNAMED TRIBUTARY OF SPRING CREEK |                 |                |            |            |            |               |
| <b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31  |                 |                |            |            |            |               |
| <b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE  |                 |                |            |            |            |               |
| 2   | 7               | NESW           | 25         | 33N        | 6W         | GLACIER       |
| <b>Source Name:</b> SPRING CREEK                      |                 |                |            |            |            |               |
| <b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31  |                 |                |            |            |            |               |
| <b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE  |                 |                |            |            |            |               |
| 3   |                 | W2NWSW         | 25         | 33N        | 6W         | GLACIER       |
| <b>Source Name:</b> SPRING CREEK                      |                 |                |            |            |            |               |
| <b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31  |                 |                |            |            |            |               |
| <b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE  |                 |                |            |            |            |               |
| 4   |                 | W2N2SWSW       | 25         | 33N        | 6W         | GLACIER       |





|    |          |    |     |    |         |
|----|----------|----|-----|----|---------|
| 5  | SWNE     | 26 | 33N | 6W | GLACIER |
| 6  | NW       | 26 | 33N | 6W | GLACIER |
| 7  | N2SE     | 26 | 33N | 6W | GLACIER |
| 8  | NESE     | 26 | 33N | 6W | GLACIER |
| 9  | W2SWNENE | 27 | 33N | 6W | GLACIER |
| 10 | NESE     | 27 | 33N | 6W | GLACIER |
| 11 | SESE     | 27 | 33N | 6W | GLACIER |
| 12 | N2N2NENE | 34 | 33N | 6W | GLACIER |

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**Remarks:**

THE POINT OF DIVERSION AND PLACE OF USE LEGAL LAND DESCRIPTIONS EXCLUDE THE FOLLOWING PARCELS: THE PARCEL OWNED BY JAMES J. NANINI AND ROBIN L. NANINI IN THE E2NE OF SECTION 27, TOWNSHIP 33 NORTH, RANGE 6 WEST, IN GLACIER COUNTY MONTANA DESCRIBED IN THE CORRESPONDING CERTIFICATE OF SURVEY FILED BY THE GLACIER COUNTY CLERK AND RECORDER ON OCTOBER 28, 1983; AND THE PARCEL OWNED BY RICHARD J. BIRD AND SICILY K. BIRD IN THE E2NE OF SECTION 27, TOWNSHIP 33 NORTH, RANGE 6 WEST, IN GLACIER COUNTY MONTANA, DESCRIBED IN CERTIFICATE OF SURVEY NUMBER 190, FILED BY THE GLACIER COUNTY CLERK AND RECORDER ON SEPTEMBER 23, 1983.

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