

Montana Water Court  
PO Box 1389  
Bozeman, MT 59771-1389  
(406) 586-4364  
1-800-624-3270  
watercourt@mt.gov

IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
GALLATIN RIVER BASIN (41H)  
PRELIMINARY DECREE

\*\*\*\*\*

CLAIMANTS: State of Montana Dept of Fish Wildlife & Parks;  
Jennifer Stark; Jeremy Stark; Beatrice R. Taylor;  
Susan R. Taylor

OBJECTORS: Jennifer Stark; Jeremy Stark; Susan R. Taylor;  
City of Bozeman

NOTICE OF INTENT TO APPEAR: City of Bozeman

**CASE 41H-0117-R-2023**  
41H 158512-00  
41H 158513-00  
41H 158514-00  
41H 30160085

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

Pursuant to Montana Code Annotated, § 85-2-233(5), the above-case was assigned to Water Master Julia Nordlund. The Water Master filed a report containing Findings of Fact and Conclusions of Law with the Clerk of Court. Copies of the report were served upon the parties on August 15, 2024. Susan and Beatrice Taylor objected to the Master’s Report on August 23, 2024.

The Objection requested a remark be added to claim 41H 158514-00 describing that 54.5 acres have been severed from the place of use. The remark shall state the following:

54.5 ACRES HAVE BEEN SEVERED FROM THE PLACE OF USE. THE LEGAL DESCRIPTION OF THE SEVERED 54.5 ACRES CAN BE FOUND IN THE STIPULATION FILED IN WATER COURT CASE 41H-0117-R-2023.

The Objection also pointed out that Finding of Fact 3b had a typographical error referencing Range 5E, but the correct range is 6E. The abstract for claim 41H 158514-00 does not make this error.

The Court has reviewed the Water Master's Findings and Conclusions. Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** August 15, 2024 Master's Report with the above changes, and

**ORDERS** that **Post Decree Abstract of Water Right Claims** be served with this Order to confirm that the remark has been added to claim 41H 158514-00.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service Via Electronic Mail:**

Breeann M. Johnson  
Western Roots Law PLLC  
PO Box 7004  
Bozeman, MT 59771  
(406) 600-9389 (Johnson)  
(406) 579-9584 (Garab)  
[Johnson@westrootslaw.com](mailto:Johnson@westrootslaw.com)

Peter G. Scott  
Attorney at Law  
682 Ferguson #4  
Bozeman, MT 59718  
[peter@scott-law.com](mailto:peter@scott-law.com)  
[office@scott-law.com](mailto:office@scott-law.com)

W. John Tietz  
Browning Kaleczyc Berry & Hoven PC  
PO Box 1697  
Helena, MT 59624-1697  
(406) 443-6820  
[john@bkbh.com](mailto:john@bkbh.com)  
[bethany@bkbh.com](mailto:bethany@bkbh.com)  
[kathys@bkbh.com](mailto:kathys@bkbh.com)

Kevin Rechkoff  
Alexander Scolavino  
MT Fish Wildlife & Parks Legal Counsel  
PO Box 200701  
Helena, MT 59620-0701  
[Kevin.Rechkoff@mt.gov](mailto:Kevin.Rechkoff@mt.gov)  
[Alexander.Scolavino@mt.gov](mailto:Alexander.Scolavino@mt.gov)  
[cbell@mt.gov](mailto:cbell@mt.gov)

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**GALLATIN RIVER**  
**BASIN 41H**

**Water Right Number:** 41H 158512-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** **DISMISSED**

**Owners:**

JENNIFER STARK  
684 BLUE ROAN LN  
BELGRADE, MT 59714

JEREMY STARK  
684 BLUE ROAN LN  
BELGRADE, MT 59714

BEATRICE R TAYLOR  
358 FARMLAND CROSSING  
BELGRADE, MT 59714

SUSAN R TAYLOR  
1045 REEVES RD  
SUITE E  
BOZEMAN, MT 59718

MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS  
PO BOX 200701  
HELENA, MT 59620-0701

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:** UNNAMED TRIBUTARY OF EAST GALLATIN RIVER

**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  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 158513-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS  
PO BOX 200701  
HELENA, MT 59620-0701

**Priority Date:** SEPTEMBER 1, 1934

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Flow Rate:** 157.08 GPM

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 9.20

**Source Name:** SPRING, UNNAMED TRIBUTARY OF EAST GALLATIN RIVER

**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		NWSWNE	36	1S	5E	GALLATIN

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

**Diversion Means:** PUMP

**Period of Use:** JUNE 1 TO OCTOBER 1

**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	9.20		W2NE	36	1S	5E	GALLATIN

**Total:** 9.20

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 158514-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** JENNIFER STARK  
684 BLUE ROAN LN  
BELGRADE, MT 59714

JEREMY STARK  
684 BLUE ROAN LN  
BELGRADE, MT 59714

BEATRICE R TAYLOR  
358 FARMLAND CROSSING  
BELGRADE, MT 59714

SUSAN R TAYLOR  
1045 REEVES RD  
SUITE E  
BOZEMAN, MT 59718

**Priority Date:** APRIL 3, 1892

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Flow Rate:** 0.82 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 66.50

**Source Name:** EAST GALLATIN RIVER

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNESW	31	1S	6E	GALLATIN

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

**Diversion Means:** HEADGATE

**Period of Use:** JUNE 1 TO OCTOBER 1

**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	11.30		SWSW	25	1S	5E	GALLATIN
2	7.20		NWSW	25	1S	5E	GALLATIN
3	2.00		SWSENE	26	1S	5E	GALLATIN

4	9.80	NESE	26	1S	5E	GALLATIN
5	22.10	SESE	26	1S	5E	GALLATIN
6	14.10	N2NENE	35	1S	5E	GALLATIN
<b>Total:</b>	<u>66.50</u>					

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**Remarks:**

SPLIT CLAIM NO. 41H 30160085 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

AUTHORIZATION TO CHANGE POINT OF DIVERSION ISSUED 03/28/1991.

54.5 ACRES HAVE BEEN SEVERED FROM THE PLACE OF USE. THE LEGAL DESCRIPTION OF THE SEVERED 54.5 ACRES CAN BE FOUND IN THE STIPULATION FILED IN WATER COURT CASE 41H-0117-R-2023.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 30160085 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Status:** ACTIVE

**Owners:** MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS  
PO BOX 200701  
HELENA, MT 59620-0701

**Priority Date:** APRIL 3, 1892

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Flow Rate:** 0.43 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 35.00

**Source Name:** EAST GALLATIN RIVER

**Source Type:** SURFACE WATER

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNESW	31	1S	6E	GALLATIN

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

**Diversion Means:** HEADGATE

**Period of Use:** JUNE 1 TO OCTOBER 1

**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	6.10		SENE	26	1S	5E	GALLATIN
2	19.10		NWNE	36	1S	5E	GALLATIN
3	9.80		SWNE	35	1S	5E	GALLATIN

**Total:** 35.00

**Remarks:**

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41H 158514-00.

AUTHORIZATION TO CHANGE POINT OF DIVERSION ISSUED 03/28/1991.