

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

CLAIMANTS: Billy Creek Ranch Trust

OBJECTORS: United States DOA, Forest Service

CASE 43BV-0208-R-2022

43BV 30143592

43BV 30143593

43BV 30143594

ORDER APPROVING STIPULATION AND CLOSING CASE

The Water Court included claims 43BV 30143592, 43BV 30143593, and 43BV 30143594 in the Preliminary Decree for the Sweet Grass Creek Basin (Basin 43BV). Billy Creek Ranch Trust (“Billy Creek”) owns the claims. The claims received issue remarks during the reexamination of Basin 43BV by the Montana Department of Natural Resources and Conservation (“DNRC”). The claims also received objections from the United States Department of Agriculture, Forest Service (“United States”).

The Preliminary Decree describes claims 43BV 30143592, 43BV 30143593, and 43BV 30143594 as decreed stock water rights from Basin Creek or an unnamed tributary of Basin Creek with a priority date of June 1, 1885. The claims received the following issue remark from the DNRC:

THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OR ALL OF THE PLACE OF USE APPEARS TO BE ON FEDERAL LAND.

The claims are appurtenant to land owned by Billy Creek. The land is part of the

East Crazy Inspiration Divide Land Exchange Project, which proposes to transfer the land to the ownership of the United States. After several extensions related to the Project, the Court indicated it appears the issue remark should be removed because there currently is no ownership issue with the claims. The Court stated the parties could update ownership with the DNRC once the exchange is complete if any ownership modifications are necessary at that time. (Doc.¹ 13.00).

The United States objected to the priority date and the type of historical right for the claims. On September 19, 2024, the United States filed a Stipulation to Resolve Objections (“Stipulation”). (Doc. 16.00). The parties agree to reduce the priority date of all three claims to June 16, 1968, to resolve the United States’ objections to the claims.

Settlement agreements are subject to review and approval of the Water Court. Rule 17(a), W.R.Adj.R. If a claimant agrees to reduce or limit an element of a claim, the water court may accept the claimant’s requested reduction or limitation without further presentation of evidence, unless there is an unresolved issue remark on the claim, in which case § 85-2-248, MCA must be applied. Rule 17(c), W.R.Adj.R.

The Stipulation resolves the United States’ objections to the claims and is approved. The ownership issue remark shall be removed; the parties can update ownership if and when the land exchange is consummated. The remaining issue remarks placed on the claims do not raise any legal or factual issues that require resolution and shall be removed.

Therefore, it is ORDERED that claims 43BV 30143592, 43BV 30143593, and 43BV 30143594 are modified in accordance with this Order. It is further ORDERED these proceedings are closed.

Post-decree abstracts of the claims are included with this Order to confirm the modifications have been made in the State’s centralized water right record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

¹ “Doc.” numerical references correlate to case file docket numbers in the Water Court’s Full Court case management system.

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

Water Right Number: 43BV 30143592 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: BILLY CREEK RANCH TRUST
ANDERSON, NATHAN T TRUSTEE
515 MELVILLE RD
BIG TIMBER, MT 59011

Priority Date: JUNE 16, 1968

Type of Historical Right: DECREED

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 BASIN 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	1	NENENE	12	4N	12E	SWEET GRASS

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		1	NENENE	12	4N	12E	SWEET GRASS

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

Water Right Number: 43BV 30143593 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: BILLY CREEK RANCH TRUST
ANDERSON, NATHAN T TRUSTEE
515 MELVILLE RD
BIG TIMBER, MT 59011

Priority Date: JUNE 16, 1968

Type of Historical Right: DECREED

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: BASIN 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		S2	12	4N	12E	SWEET GRASS

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			S2	12	4N	12E	SWEET GRASS

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

Water Right Number: 43BV 30143594 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: BILLY CREEK RANCH TRUST
ANDERSON, NATHAN T TRUSTEE
515 MELVILLE RD
BIG TIMBER, MT 59011

Priority Date: JUNE 16, 1968

Type of Historical Right: DECREED

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.

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<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESEWNE	12	4N	12E	SWEET GRASS

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			SESEWNE	12	4N	12E	SWEET GRASS