

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

CLAIMANTS: Merle D. Morris; Tucker J. Morris;
Rosanna G. Morris; State of Montana
Board of Land Commissioners

OBJECTORS: United States of America (Bureau of Land
Management); Montana State Board of
Land Commissioners

CASE 41K-0045-R-2023

41K 96419-00
41K 160879-00
41K 160880-00
41K 160884-00
41K 30160102
41K 30160103
41K 30160104

**ORDER AMENDING AND ADOPTING MASTER'S REPORT
AND
CORRECTING ABSTRACT**

Pursuant to Montana Code Annotated, section 85-2-233(5), the above-entitled Case was assigned to Water Master Eugene C. White. The Water Master filed a March 25, 2025 Report containing Findings of Fact and Conclusions of Law. On April 8, 2025, objector United States Bureau of Land Management ("BLM") filed a *Late Objection to Master's Report, or in the Alternative, Motion to Correct Error Under Rule 60(a)*. The filing was made after the deadline to file an objection to the Master's Report. However, the filing also correctly notes that based on the Stipulation filed in Case 41K-0045-R-2023, an information remark was intended to be added to the abstract of claim 41K 160880-00 stating "the place of use does not include federal land administered by the Bureau of Land Management in the SESW, Section 20, Township 22N, Range 7W, Lewis and Clark County."

The BLM asserts the Court may correct the abstract of claim 41K 160880-00 based on Rule 60(a), M.R.Civ.P. The Court may correct a clerical mistake found in a judgment, order, or other part of the record on motion or on its own, with or without

notice. Rule 60(a), M.R.Civ.P. The Master inadvertently left the information remark off the abstract of claim 41K 160880-00.

Therefore, it is

ORDERED that the Post Decree Abstract of claim 41K 160880-00 should be corrected to include the information remark provided in the Stipulation filed in this case.

ORDERED that the pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the recommendations in the Master's Report with the above referenced amendment.

A corrected Post Decree Abstract for claim 41K 160880-00 is served with this Order to confirm that the Recommendations set forth in the Master's Report, and the clerical correction identified in this Order, have been adopted for the claims in this Case.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

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Tucker J. Morris
Rosanna G. Morris
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\\JUDHLNSRV-DATA\Share\JUDGALH2OSRV (Datavol)\Share\WC-BASIN FOLDERS\41K PD\41K Cases\45\41K-0045-R-2023 OAA (rule 60 because objection was late, info remark needs added to one claim) 4-14-25 jbc.docx

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 96419-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MERLE D MORRIS
PO BOX 609
AUGUSTA, MT 59410-0609

TUCKER J MORRIS
PO BOX 609
AUGUSTA, MT 59410-0609

Priority Date: DECEMBER 5, 1890

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.00 CFS

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

Climatic Area: 5 - LOW

***Maximum Acres:** 361.30

***Source Name:** SUN 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		SWNWNW	28	22N	7W	TETON
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
2		SWSWNW	28	22N	7W	TETON
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
3		NESESW	34	22N	7W	LEWIS AND CLARK
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					

Period of Use: MAY 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	10.00		W2NW	28	22N	7W	TETON
2	3.00		S2SESW	28	22N	7W	TETON
3	28.00		N2NW	33	22N	7W	TETON
4	42.00		S2NW	33	22N	7W	LEWIS AND CLARK

5	3.00	SWSWNE	33	22N	7W	LEWIS AND CLARK
6	7.00	N2NESW	33	22N	7W	LEWIS AND CLARK
7	28.00	SE	34	22N	7W	LEWIS AND CLARK
8	35.00	S2	35	22N	7W	LEWIS AND CLARK
9	58.00	S2	20	22N	7W	TETON
10	26.00	NE	2	21N	7W	LEWIS AND CLARK
11	106.00	N2	1	21N	7W	LEWIS AND CLARK
12	15.30	SWNW	6	21N	6W	LEWIS AND CLARK
Total:						361.30

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

96419-00 160880-00 160883-00

THE PLACE OF USE DOES NOT INCLUDE FEDERAL LAND ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT IN THE SESW SECTION 20, TOWNSHIP 22N, RANGE 7W, LEWIS AND CLARK COUNTY.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 160879-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MERLE D MORRIS
PO BOX 609
AUGUSTA, MT 59410-0609

ROSANNA G MORRIS
PO BOX 609
AUGUSTA, MT 59410-0609

Priority Date: OCTOBER 2, 1919

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: NO FLOW RATE HAS BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

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

Climatic Area: 5 - LOW

Maximum Acres: 172.00

Source Name: MEADOW 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		NESESE	17	22N	7W	TETON

Period of Diversion: MAY 15 TO OCTOBER 15

Diversion Means: HEADGATE

Period of Use: MAY 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	10.00		NESE	20	22N	7W	TETON
2	90.00		NW	28	22N	7W	TETON
3	40.00		W2NE	28	22N	7W	TETON
4	18.00		E2SW	28	22N	7W	TETON
5	14.00		W2SE	28	22N	7W	TETON
Total:	172.00						

Remarks:

IMPLIED CLAIM NO. 41K 30160102 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 160880-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MERLE D MORRIS
PO BOX 609
AUGUSTA, MT 59410-0609

TUCKER J MORRIS
PO BOX 609
AUGUSTA, MT 59410-0609

***Priority Date:** APRIL 15, 1922

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.96 CFS

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

Climatic Area: 5 - LOW

Maximum Acres: 354.30

***Source Name:** SUN 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		NENWSW	20	22N	7W	TETON
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	PUMP/HEADGATE W/DITCH OR PIPELINE					
2		SWNWNW	28	22N	7W	TETON
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
3		SWSWNW	28	22N	7W	TETON
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
4		SENWSW	34	22N	7W	TETON
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
5		NESESW	34	22N	7W	LEWIS AND CLARK
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					

Period of Use: MAY 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	10.00		W2NW	28	22N	7W	TETON
2	3.00		S2SESW	28	22N	7W	TETON
3	28.00		N2NW	33	22N	7W	TETON
4	42.00		S2NW	33	22N	7W	LEWIS AND CLARK
5	3.00		SWSWNE	33	22N	7W	LEWIS AND CLARK
6	28.00		SE	34	22N	7W	LEWIS AND CLARK
7	35.00		S2	35	22N	7W	LEWIS AND CLARK
8	58.00		S2	20	22N	7W	TETON
9	26.00		NE	2	21N	7W	LEWIS AND CLARK
10	106.00		N2	1	21N	7W	LEWIS AND CLARK
11	15.30		SWNW	6	21N	6W	LEWIS AND CLARK
Total:		354.30					

THE PLACE OF USE DOES NOT INCLUDE FEDERAL LAND ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT IN THE SESW, SECTION 20, TOWNSHIP 22N, RANGE 7W, LEWIS AND CLARK COUNTY.

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

96419-00 160880-00 160883-00

IMPLIED CLAIM NO. 41K 30160103 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 160884-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MERLE D MORRIS
PO BOX 609
AUGUSTA, MT 59410-0609

TUCKER J MORRIS
PO BOX 609
AUGUSTA, MT 59410-0609

Priority Date: JUNE 1, 1905

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 11.35 CFS

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

Climatic Area: 5 - LOW

Maximum Acres: 281.00

***Source Name:** SUN 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		SWNWNW	28	22N	7W	TETON
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	OLD KILRAVEN DITCH					
2		SWSWNW	28	22N	7W	TETON
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	OLD KILRAVEN DITCH					
3		SESENE	33	22N	7W	TETON
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	OLD KILRAVEN DITCH					
4		NESESW	34	22N	7W	LEWIS AND CLARK
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					

Period of Use: MAY 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	10.00		W2NW	28	22N	7W	TETON
2	3.00		S2SESW	28	22N	7W	TETON
3	28.00		N2NW	33	22N	7W	TETON
4	42.00		S2NW	33	22N	7W	LEWIS AND CLARK
5	3.00		SWSWNE	33	22N	7W	LEWIS AND CLARK
6	28.00		SE	34	22N	7W	LEWIS AND CLARK
7	35.00		S2	35	22N	7W	LEWIS AND CLARK
8	26.00		NE	2	21N	7W	LEWIS AND CLARK
9	106.00		N2	1	21N	7W	LEWIS AND CLARK
Total:		281.00					

Remarks:

IMPLIED CLAIM NO. 41K 216332-00 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

IMPLIED CLAIM NO. 41K 30160104 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K

Water Right Number: 41K 30160102 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: MONTANA STATE BOARD OF LAND COMMISSIONERS
FORESTRY AND TRUST LANDS DIVISION
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: OCTOBER 2, 1919

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

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

Climatic Area: 5 - LOW

Maximum Acres: 4.00

Source Name: MEADOW 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		NESESE	17	22N	7W	TETON

Period of Diversion: MAY 15 TO OCTOBER 15

Diversion Means: HEADGATE

Period of Use: MAY 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	4.00		S2SWSW	16	22N	7W	TETON

Total: 4.00

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41K 160879-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 30160103 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: MONTANA STATE BOARD OF LAND COMMISSIONERS
FORESTRY AND TRUST LANDS DIVISION
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: APRIL 15, 1922

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 17.00 GPM

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

Climatic Area: 5 - LOW

Maximum Acres: 7.00

Source Name: SUN 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		NENWSW	20	22N	7W	TETON

Period of Diversion: MAY 15 TO OCTOBER 15

Diversion Means: PUMP/HEADGATE W/DITCH OR PIPELINE

2		SWNWNW	28	22N	7W	TETON
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Period of Diversion: MAY 15 TO OCTOBER 15

Diversion Means: HEADGATE

3		SWSWNW	28	22N	7W	TETON
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Period of Diversion: MAY 15 TO OCTOBER 15

Diversion Means: HEADGATE

Period of Use: MAY 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			N2NESW	33	22N	7W	LEWIS AND CLARK

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41K 160880-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 30160104 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: MONTANA STATE BOARD OF LAND COMMISSIONERS
FORESTRY AND TRUST LANDS DIVISION
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: JUNE 1, 1905

Type of Historical Right: DECREEED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 11.35 CFS

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

Climatic Area: 5 - LOW

Maximum Acres: 30.30

Source Name: SUN 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		SWNWNW	28	22N	7W	TETON
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	OLD KILRAVEN DITCH					
2		SWSWNW	28	22N	7W	TETON
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	OLD KILRAVEN DITCH					
3		SESENE	33	22N	7W	TETON
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	OLD KILRAVEN DITCH					
4		NESESW	34	22N	7W	LEWIS AND CLARK
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Period of Use:	MAY 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	1.00		N2NESW	33	22N	7W	LEWIS AND CLARK
2	14.00		W2	34	22N	7W	TETON
3	15.30		SENW	6	21N	6W	TETON
Total:		30.30					

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41K 160884-00.