

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

CLAIMANT: United States of America (Fish & Wildlife Service)

CASE 41K-0708-R-2024
41K 188174-00

ORDER AMENDING AND ADOPTING MASTER'S REPORT

Pursuant to Montana Code Annotated, section 85-2-233(5), the above-entitled Case was assigned to Senior Water Master Eugene C. White. The Water Master filed a Report containing Findings of Fact and Conclusions of Law on March 14, 2025. On March 27, 2025, Claimant United States Fish and Wildlife Service filed an objection to the Master's Report. The objection states that the legal land description of point of diversion Id No. 2, should appear as NWNWSW Section 27, Township 23N, **Range 1E**, Teton County rather than NWNWSW Section 27, Township 23N, Range 1W, Teton County to be consistent with their previously filed Motion to Amend.

Therefore, point of diversion Id. No. 2 legal land description should be modified accordingly.

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

A Post Decree Abstract is served with this Order to confirm that the Recommendations set forth in the Master's Report, as amended by this Order, have been adopted for the claim in this Case.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Last Order:

USA (Dept of Interior Fish & Wildlife Service)
Denver Federal Center
PO Box 25486, MS #60189
Denver, CO 80225

Service Via Electronic Mail:

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Note: Service List Updated 3-27-25

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

Water Right Number: 41K 188174-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF INTERIOR FISH & WILDLIFE SERVICE)
DENVER FEDERAL CENTER
PO BOX 25486, MS #60189
DENVER, CO 80225-0486

Priority Date: APRIL 28, 1958

Type of Historical Right: USE

Purpose (Use): FISH AND WILDLIFE

Flow Rate: 50.00 CFS

Volume: 14,600.00 AC-FT

Source Name: MUDDY 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		NWSENW	2	22N	1W	TETON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PUMP

2 - SECONDARY		NWNWSW	27	23N	1E	TETON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIPELINE

WATER DIVERTED FROM MUDDY CREEK IS CONVEYED TO LAKE CREEK WHICH IS USED AS A NATURAL CARRIER TO CONVEY WATER TO THE PLACE OF USE.

Reservoir: OFFSTREAM **Reservoir Name:** BENTON LAKE

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
					CASCADE

Diversion to Reservoir: DIVERSION # 1

Surface Area: 5,673.00 ACRES

Capacity: 14,222.00 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

RESERVOIR SURFACE AREA IS 5607 ACRES WITH SEVERAL SPILLWAYS TO CONTROL WATER SEE FILE FOR MORE INFORMATION

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			W2	2	22N	3E	CASCADE
2				3	22N	3E	CASCADE

3		4	22N	3E	CASCADE
4		5	22N	3E	CASCADE
5	E2E2	6	22N	3E	CASCADE
6	SWSE	6	22N	3E	CASCADE
7	N2N2	8	22N	3E	CASCADE
8	SE	8	22N	3E	CASCADE
9	E2SW	8	22N	3E	CASCADE
10	SWSW	8	22N	3E	CASCADE
11		9	22N	3E	CASCADE
12		10	22N	3E	CASCADE
13	W2	11	22N	3E	CASCADE
14	S2N2	13	22N	3E	CASCADE
15	S2	13	22N	3E	CASCADE
16		14	22N	3E	CASCADE
17		15	22N	3E	CASCADE
18	N2	16	22N	3E	CASCADE
19	SE	16	22N	3E	CASCADE
20	E2SW	16	22N	3E	CASCADE
21	N2	17	22N	3E	CASCADE
22	N2N2	22	22N	3E	CASCADE
23	SENE	22	22N	3E	CASCADE
24		23	22N	3E	CASCADE
25		24	22N	3E	CASCADE
26		25	22N	3E	CASCADE
27	NE	26	22N	3E	CASCADE
28	W2SW	18	22N	4E	CASCADE
29	W2	19	22N	4E	CASCADE
30	W2	30	22N	4E	CASCADE

Remarks:

THIS APPROPRIATION OF WATER TAKES WATER FROM THE SUN RIVER DRAINAGE (BASIN 41K) AND USES IT IN THE MISSOURI RIVER, FROM SUN TO MARIAS RIVERS DRAINAGE (BASIN 41Q). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.