

MONTANA WATER COURT
UPPER MISSOURI DIVISION
MISSOURI RIVER ABOVE HOLTER DAM
BASIN (41I)
PRELIMINARY DECREE

CLAIMANTS: Diamond Legacy Ltd Partnership; James F. Lane; LB
Gaspar Inc.; North Bridger Mountain Land & Cattle
Company LLC

CASE 41I-1055-R-2025
41I 190741-00
41I 190742-00
41I 30134473
41I 30134474

CLOSING ORDER

The above-captioned claims appeared in the Preliminary Decree for the Missouri River above Holter Dam (Basin 41I) issued on June 24, 2022. North Bridger Mountain Land and Cattle Company LLC (“North Bridger”) owns claims 41I 190742-00 and 41I 30134473; Diamond Legacy LTD Partnership (“Diamond Legacy”) owns claim 41I 30134474; and James F. Lane, Diamond Legacy, LB Gaspar Inc (“Gaspar”), and North Bridger are co-owners of claim 41I 190741-00. The claims received the following issue remarks from the Department of Natural Resources and Conservation (“DNRC”):

Claim 41I 190741-00:

THIS CLAIM'S POINT OF DIVERSION #6 APPEARS TO BE
DUPLICATING POINT OF DIVERSION #2 ON CLAIM 41I 30134474.
IT APPEARS ONLY ONE WATER RIGHT IS INVOLVED.

Claim 41I 190742-00:

POINT OF DIVERSION #2 ON THIS CLAIM APPEARS TO BE
DUPLICATING THE POINT OF DIVERSION ON CLAIM 41I 30134473.
IT APPEARS ONLY ONE WATER RIGHT IS INVOLVED. THE
CLAIMED PRIORITY DATE MAY BE QUESTIONABLE. THE
PRIORITY DATE ON THE SUBMITTED NOTICE OF
APPROPRIATION IS 07/30/1888.

Claim 41I 30134473:

THIS CLAIM APPEARS TO BE DUPLICATING POINT OF DIVERSION #2 ON CLAIM 41I 190742-00. IT APPEARS ONLY ONE WATER RIGHT IS INVOLVED. THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41I DECREE ISSUED 03/08/1995.

Claim 41I 30134474:

THIS CLAIMS POD #2 APPEARS TO BE DUPLICATING POINT OF DIVERSION #6 ON CLAIM 41I 190741-00. IT APPEARS ONLY ONE WATER RIGHT IS INVOLVED. THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41I DECREE ISSUED 03/08/1995.

The claimants were ordered to work with the DNRC to resolve issue remarks. Only North Bridger met with the DNRC. Following discussion with North Bridger, the DNRC filed a memorandum with recommendations to resolve the issue remarks. (Doc.¹ 5.00).

The memorandum recommends removing all issue remarks regarding the duplication of points of diversion. The memorandum states that the July 30, 1880 priority date of claim 41I 190742-00 appears to be a typographical error and the priority date should be July 30, 1888. North Bridger, the sole owner of that claim, does not dispute the 1888 priority date.

The Court initially set a July 23, 2025 deadline for the claimants to file a written response to the DNRC recommendations. On July 23, 2025 counsel for James F. Lane, Gaspar, and Diamond Legacy filed a notice of appearance and request for additional time. The Court subsequently extended the deadline to November 4, 2025. No response to the DNRC recommendations was filed.

Section 85-2-248(2), MCA, requires the Water Court to resolve all issue remarks that are not resolved through the objection process. *See also* Rule 7, W.R.Adj.R. The claim did not receive objections, and the DNRC recommendations resolve all issue remarks.

Therefore, it is

ORDERED that priority date of claim 41I 190742-00 is corrected to July 30, 1988.

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

ORDERED that proceedings in this case are CLOSED. Post decree abstracts are
with this order to confirm the modifications have been made in the state water right
use.

Service Via Electronic Mail:

Colleen Coyle
Coyle Law Firm
colleen@coylelawmt.com

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, ABOVE HOLTER DAM
BASIN 41I

Water Right Number: 41I 190741-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: JAMES F LANE
% EMERALD CROSS RANCH
PO BOX 1908
HARLOWTON, MT 59036-1908

DIAMOND LEGACY LTD PARTNERSHIP
PO BOX 1908
HARLOWTON, MT 59036-1908

LB GASPAR INC
PO BOX 1908
HARLOWTON, MT 59036-1908

NORTH BRIDGER MOUNTAIN LAND AND CATTLE COMPANY LLC
3200 MOCKINGBIRD LN BLDG 1
MIDLAND, TX 79705-2855

Priority Date: FEBRUARY 23, 1895

Type of Historical Right: FILED

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: UNNAMED TRIBUTARY OF SIXTEENMILE CREEK, MIDDLE FORK

Source Type: SURFACE WATER

ALSO KNOWN AS SIXTEENMILE GULCH

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		NENE	3	4N	7E	GALLATIN
Period of Diversion:	MAY 1 TO NOVEMBER 30					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		NW	3	4N	7E	GALLATIN
Period of Diversion:	MAY 1 TO NOVEMBER 30					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		NW	4	4N	7E	GALLATIN

Period of Diversion:	MAY 1 TO NOVEMBER 30					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4	E2NE	5	4N	7E	GALLATIN	
Period of Diversion:	MAY 1 TO NOVEMBER 30					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5	SE	32	5N	7E	GALLATIN	
Period of Diversion:	MAY 1 TO NOVEMBER 30					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6	S2	33	5N	7E	GALLATIN	
Period of Diversion:	MAY 1 TO NOVEMBER 30					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
7	SW	34	5N	7E	GALLATIN	
Period of Diversion:	MAY 1 TO NOVEMBER 30					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
Period of Use:	MAY 1 TO NOVEMBER 30					

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			NENE	3	4N	7E	GALLATIN
2			NW	3	4N	7E	GALLATIN
3			NW	4	4N	7E	GALLATIN
4			E2NE	5	4N	7E	GALLATIN
5			SE	32	5N	7E	GALLATIN
6			S2	33	5N	7E	GALLATIN
7			SW	34	5N	7E	GALLATIN

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, ABOVE HOLTER DAM
BASIN 41I

Water Right Number: 411 190742-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: NORTH BRIDGER MOUNTAIN LAND AND CATTLE COMPANY LLC
3200 MOCKINGBIRD LN BLDG 1
MIDLAND, TX 79705-2855

Priority Date: JULY 30, 1888

Type of Historical Right: FILED

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: UNNAMED TRIBUTARY OF SIXTEENMILE CREEK, MIDDLE FORK

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		W2	3	4N	7E	GALLATIN

Period of Diversion: MAY 1 TO NOVEMBER 30

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2			4	4N	7E	GALLATIN
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Period of Diversion: MAY 1 TO NOVEMBER 30

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3		E2	5	4N	7E	GALLATIN
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Period of Diversion: MAY 1 TO NOVEMBER 30

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: MAY 1 TO NOVEMBER 30

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	3	4N	7E	GALLATIN
2				4	4N	7E	GALLATIN
3			E2	5	4N	7E	GALLATIN

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, ABOVE HOLTER DAM
BASIN 41I

Water Right Number: 411 30134473 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: NORTH BRIDGER MOUNTAIN LAND AND CATTLE COMPANY LLC
3200 MOCKINGBIRD LN BLDG 1
MIDLAND, TX 79705-2855

Priority Date: OCTOBER 15, 1897

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.

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Source Name: UNNAMED TRIBUTARY OF SIXTEENMILE CREEK, MIDDLE FORK

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	12		4	4N	7E	GALLATIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2	13		4	4N	7E	GALLATIN
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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		12		4	4N	7E	GALLATIN
2		13		4	4N	7E	GALLATIN

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, ABOVE HOLTER DAM
BASIN 41I

Water Right Number: 41I 30134474 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: DIAMOND LEGACY LTD PARTNERSHIP
PO BOX 1908
HARLOWTON, MT 59036-1908

Priority Date: OCTOBER 15, 1897

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.

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***Source Name:** SIXTEENMILE CREEK, MIDDLE FORK

Source Type: SURFACE WATER

***Source Name:** UNNAMED TRIBUTARY OF SIXTEENMILE CREEK, MIDDLE FORK

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		E2SE	29	5N	7E	GALLATIN

Source Name: SIXTEENMILE CREEK, MIDDLE FORK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		S2	33	5N	7E	GALLATIN
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***Source Name:** UNNAMED TRIBUTARY OF SIXTEENMILE CREEK, MIDDLE FORK

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			E2SE	29	5N	7E	GALLATIN
2			S2	33	5N	7E	GALLATIN