

Montana Water Court
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IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
BOULDER RIVER—TRIBUTARY OF THE JEFFERSON RIVER (BASIN 41E)
PRELIMINARY DECREE

CLAIMANT: McCauley Family Ranch LLC

CASE 41E-0258-R-2024
41E 94168-00

ORDER AMENDING AND ADOPTING MASTER’S REPORT

Pursuant to Montana Code Annotated, § 85-2-233(5), the above entitled case was assigned to Senior Water Master Kathryn L. W. Lambert. The Senior 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 claimant on January 9, 2025. On January 22, 2025 the claimant filed an objection to the Master’s Report stating that the settlement documentation included an error in one of the place of use legal descriptions. Pursuant to Rule 53(e), M.R.Civ.P., it is

ORDERED that Finding of Fact 2 is AMENDED by striking the recommended changes to the place of use and replacing it with:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
5.30	2		6	4N	2W	JEFFERSON
20.00		SWNE	6	4N	2W	JEFFERSON
54.40		S2	6	4N	2W	JEFFERSON
<u>69.60</u>		NW	7	4N	2W	JEFFERSON
149.30						

ORDERED that the Court **ADOPTS** the Senior Water Master’s Report and its Recommendations **AS AMENDED ABOVE** and **APPROVES** the changes to the centralized computer record system that are reflected on the abstract of claim served with this Order.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

McCauley Family Ranch LLC
PO Box 25
Boulder, MT 59632

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER
BASIN 41E**

Water Right Number: 41E 94168-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MCCAULEY FAMILY RANCH LLC
PO BOX 25
BOULDER, MT 59632-0025

Priority Date: AUGUST 2, 1947

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 460.00 AC-FT

THE WATER COURT HAS DETERMINED THAT A VOLUME QUANTIFICATION IS REQUIRED TO ADEQUATELY ADMINISTER THIS RIGHT.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 149.30

***Source Name:** UNNAMED TRIBUTARY OF BOULDER RIVER

Source Type: SURFACE WATER

SOURCE INCLUDES WATER FROM SPRING KNOWN AS SPRING CREEK 1.

***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		SWSESE	31	5N	2W	JEFFERSON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWSESE	31	5N	2W	JEFFERSON

Diversion to Reservoir: DIVERSION # 1

Depth: 15.00 FEET

Surface Area: 3.50 ACRES

Capacity: 21.00 ACRE-FEET

Period of Use: MAY 1 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	5.30	2		6	4N	2W	JEFFERSON
2	20.00		SWNE	6	4N	2W	JEFFERSON
3	54.40		S2	6	4N	2W	JEFFERSON

4	<u>69.60</u>	NW	7	4N	2W	JEFFERSON
Total:	149.30					

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME PLACE OF USE.

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THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

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APPLICATION TO CHANGE RECEIVED 04/27/1989, TERMINATED 01/04/1996. SEE 41E 97519.