

Montana Water Court  
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**IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
MISSOURI RIVER ABOVE HOLTER DAM BASIN (41I)  
PRELIMINARY DECREE**

\*\*\*\*\*

CLAIMANTS: Gary A. Olsen; Judith L. Olsen; E.A. Buffy  
Woodring; Larry J. Woodring

OBJECTORS: Leonard H. Lambott; Frank W. McArthur Jr;  
Leisa N. McArthur; City of Townsend

**CASE 41I-0003-R-2023**  
41I 1679-00  
41I 30117672

**NOTICE OF FILING OF MASTER’S REPORT**

This Master’s Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master’s Report within **10 days** of the stamped date if you disagree or find errors with the Master’s findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master’s Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master’s Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master’s Report.

## MASTER'S REPORT

Claims 41I 1679-00 and 41I 30117672 appeared in the Preliminary Decree for the Missouri River above Holter Dam (Basin 41I) issued on June 24, 2022. Claim 41I 1679-00 received objections from Leonard Lambott, Frank and Leisa McArthur, and the City of Townsend. Claim 41I 30117672 received objections from the McArthurs and Mr. Lambott.

### FINDINGS OF FACT

1. On October 15, 2024, Mr. Lambott withdrew his objections to the claims “on the condition that no information remarks related to the Broadwater Missouri Canal exchange appear on the face of the abstracts.” (Doc.<sup>1</sup> 11.00).
2. Also on October 15, 2024, the McArthurs also withdrew their objections to the claims “*as long as* these claims are decreed **without any information remarks that reference the Broadwater Missouri Canal or an exchange.**” (Doc. 13.00).
3. On November 4, 2024, the City of Townsend withdrew their objection to claim 41I 1679-00.<sup>2</sup> (Doc. 16.00).

### CONCLUSION OF LAW

1. All objections to the claims in this matter have been withdrawn. There are no outstanding issues to resolve.

### RECOMMENDATION

1. The elements of claims 41I 1679-00 and 41I 30117672 should remain as they appeared in the Basin 41I Preliminary Decree.

A post decree abstract of each water right claim reflecting these recommendations is attached to this Report.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

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

<sup>2</sup> The City of Townsend’s withdrawal references an objection to claim 41I 30117672, however the City did not object to that claim.

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

**Water Right Number:** 411 1679-00 STATEMENT OF CLAIM  
**Version:** 4 -- POST DECREE  
**Status:** ACTIVE

**Owners:** GARY A OLSEN  
16 CARSON LN  
TOWNSEND, MT 59644-9724

**Priority Date:** APRIL 2, 1866

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**\*Flow Rate:** 1.15 CFS

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

**Climatic Area:** 3 - MODERATE

**\*Maximum Acres:** 73.61

**Source Name:** DEEP 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		NESENE	9	6N	2E	BROADWATER

**Period of Diversion:** MAY 1 TO OCTOBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** MILLER-POST-GRIMM DITCH

**Period of Use:** MAY 1 TO OCTOBER 1

**\*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	33.61		SENE	8	6N	2E	BROADWATER
2	40.00		SWNW	9	6N	2E	BROADWATER
<b>Total:</b>	73.61						

**Remarks:**

SPLIT CLAIM NO. 411 30117672 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

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

**Water Right Number:** 411 30117672 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** E.A. BUFFY WOODRING  
32 LOWER DEEP CREEK ROAD  
TOWNSEND, MT 59644-9772

LARRY J WOODRING  
32 LOWER DEEP CREEK ROAD  
TOWNSEND, MT 59644-9772

**\*Priority Date:** APRIL 2, 1866

**\*Type of Historical Right:** DECREED

**\*Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**\*Flow Rate:** 44.81 GPM

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

**Climatic Area:** 3 - MODERATE

**\*Maximum Acres:** 6.39

**\*Source Name:** DEEP 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		NESENE	9	6N	2E	BROADWATER

**\*Period of Diversion:** MAY 1 TO OCTOBER 1

**Diversion Means:** HEADGATE

**Ditch Name:** MILLER-POST-GRIMM DITCH

**\*Period of Use:** MAY 1 TO OCTOBER 1

**\*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	6.39		NWSENE	8	6N	2E	BROADWATER

**Total:** 6.39

**Remarks:**

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 411 1679-00.