

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

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CLAIMANTS: TJL Properties, LP; Lynn Brainard; Ronald Brainard;
Preston R. Hauber; Jason Lacross; Jennifer Lacross;
Sally Jo Ryan

OBJECTOR: TJL Properties, LP

CASE 41I-1023-R-2024
41I 143546-00
41I 143547-00

**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 Report containing Findings of Fact and Conclusions of Law on May 21, 2025. On May 29, 2025, claimant/objector TJL Properties, LP filed a *Request for Abstract Correction*, to the Master's Report. The *Request* notes that the claimants agree with the substance of the Master's Report, however, the *Request* also notes that while the body of the Master's Report correctly describes the revised place of use Id. No. 2 for claim 41I 143546-00 as **SWNW** of Sec 30, Twp 4N, Rge 5E, the Post Decree Abstract attached with the Master's Report shows the legal land description of place of use Id. No. 2 as **SWNE**. Therefore, claimant/objector TJL Properties, LP requests the abstract of claim 41I 143546-00 be corrected.

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.

Therefore, the Post Decree Abstract of claim 41I 143546-00 should be modified as described above.

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 corrected Post Decree Abstract for claim 41I 143546-00 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 claims in this Case.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Sally Jo Ryan
4311 50th Ave NE
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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, ABOVE HOLTER DAM
BASIN 41I

Water Right Number: 41I 143546-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: TJL PROPERTIES, LP
C/O THOMAS J. LOUDERBACK
2415 SAN RAMON VALLEY BLVD, STE 4380
SAN RAMON, CA 94583-5381

Priority Date: MAY 15, 1886

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.50 CFS

THE WATER RIGHTS FOLLOWING THIS STATEMENT HAVE AN UNDIVIDED INTEREST
IN A SINGLE WATER RIGHT FOR 1.50 CFS . 41I 143546-00, 41I 143547-00.
UNDIVIDED 1/2 INTEREST IN A SINGLE WATER RIGHT FOR 1.50 CFS.

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 4.00

Source Name: BREMMER 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	3	NENWSW	30	4N	5E	GALLATIN

Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Period of Use: APRIL 1 TO NOVEMBER 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	1.30	3	NWSW	30	4N	5E	GALLATIN
2	2.70	2	SWNW	30	4N	5E	GALLATIN
Total:	4.00						

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

Water Right Number: 41I 143547-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: LYNN BRAINARD
3070 THORPE RD
BELGRADE, MT 59714

RONALD BRAINARD
%6760 SYPES CANYON RD
BOZEMAN, MT 59715-7797

PRESTON R HAUBER
165 HIDDEN HILLS RD
SHERIDAN, WY 82801-8525

JASON LACROSS
6760 SYPES CANYON RD
BOZEMAN, MT 59715

JENNIFER LACROSS
6760 SYPES CANYON RD
BOZEMAN, MT 59715-7797

SALLY JO RYAN
4311 50TH AVE NE
SEATTLE, WA 98105

Priority Date: MAY 15, 1886

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.50 CFS

THE WATER RIGHTS FOLLOWING THIS STATEMENT HAVE AN UNDIVIDED INTEREST
IN A SINGLE WATER RIGHT FOR 1.50 CFS . 41I 142546-00, 41I 143547-00.
UNDIVIDED 1/2 INTEREST IN A SINGLE WATER RIGHT FOR 1.50 CFS.

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 10.00

Source Name: BREMMER 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		NWNWNE	13	4N	4E	GALLATIN

Period of Diversion: APRIL 1 TO OCTOBER 1
Diversion Means: HEADGATE
Ditch Name: BRAINARD DITCH
Period of Use: APRIL 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	10.00		NENW	13	4N	4E	GALLATIN
Total:	10.00						

Remarks:

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.

143547-00 143563-00