

IN THE WATER COURT OF THE STATE OF MONTANA
CLARK FORK DIVISION
CLARK FORK RIVER BELOW THE FLATHEAD RIVER BASIN (76N)
PRELIMINARY DECREE

CLAIMANTS: Prospect Creek Trust; Stimson Lumber Co.

76N-0077-R-2025
76N 133411-00

OBJECTOR: Prospect Creek Trust

Split Claim
76N 30171171

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

FINDINGS OF FACT

1. Claim 76N 133411-00 is a stock water right. It appeared in the 76N Preliminary Decree as owned by Prospect Creek Trust and Stimson Lumber Co. The claim did not receive any DNRC issue remarks but it did receive an objection from Prospect Creek Trust. The objection indicated that a split request had been submitted to the DNRC but was not processed. Prospect Creek Trust asks the Court process the split request.

2. The Court set a filing deadline for the claimants to indicate how the claim should be split. On March 10, 2025, Prospect Creek Trust filed a Response and included a copy of the split request (Form No. 641) that was submitted to the DNRC office on March 29, 2021. The Response indicates that both parties continue to support the terms of the split request.

3. The split request indicates that claim 76N 133411-00 should be split to reflect property ownership. Prospect Creek Trust owns the property where Point of Diversion and Place of Use No. 1 is located. Stimson Lumber Co. owns the property where Point of Diversion and Place of Use Nos. 2-6 are located.

CONCLUSIONS OF LAW

1. The Water Court may split claims into separate claims, by request or on its own initiative, at any time prior to the entry of the final decree. Rule 26, W.R.Adj.R.

2. Splitting claim 76N 133411-00 does not constitute an increase to any claim elements. The requested split accurately reflects the ownership of the underlying place of use and the proportions of water appurtenant. The information provided by the 641 form is complete and sufficient to accurately split claim 76N 133411-00.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusions of Law, this Master recommends

1. Claim 76N 133411-00 should be split pursuant to the 641 form split request.

Post decree abstracts of the water right claims addressed and created in this Master's Report are attached to confirm that the above modifications have been made in the state's centralized water right record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Stimson Lumber Co.
7600 N Mineral Dr. Ste. 400
Coeur d'Alene, ID 83815-7763

Service via Electronic Mail:

Jack G. Connors
Doney Crowley P.C.
jconnors@doneylaw.com
legalsec@doneylaw.com
(Attorney for Prospect Creek Trust)

Note: Caption Updated 6-25-2025

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CLARK FORK, BELOW FLATHEAD RIVER
BASIN 76N**

Water Right Number: 76N 133411-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: PROSPECT CREEK TRUST
21102 SNAG ISLAND DR E
LAKE TAPPS, WA 98391-8704

Priority Date: MAY 1, 1923

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.

Volume: THIS WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING 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: DRY 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		W2NWNW	17	21N	29W	SANDERS

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			W2NW	17	21N	29W	SANDERS

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CLARK FORK, BELOW FLATHEAD RIVER
BASIN 76N**

Water Right Number: 76N 30171171 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: STIMSON LUMBER CO
7600 N MINERAL DR STE 400
COEUR D ALENE, ID 83815-7763

Priority Date: MAY 1, 1923

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 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		W2SWNW	17	21N	29W	SANDERS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		NWNWSW	17	21N	29W	SANDERS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		E2E2SE	18	21N	29W	SANDERS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		NENE	19	21N	29W	SANDERS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		S2NW	19	21N	29W	SANDERS
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			W2SWNW	17	21N	29W	SANDERS
2			NWNWSW	17	21N	29W	SANDERS
3			E2E2SE	18	21N	29W	SANDERS
4			NENE	19	21N	29W	SANDERS
5			S2NW	19	21N	29W	SANDERS