

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
1-800-624-3270
(406) 586-4364
watercourt@mt.gov

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

CLAIMANT: Vera Arnett Trust

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

CASE 411-0004-R-2023
411 1680-00

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

Claim 41I 1680-00 appeared in the Preliminary Decree for the Missouri River above Holter Dam (Basin 41I) issued on June 24, 2022. The claim received objections from Leonard Lambott, Frank and Leisa McArthur, and the City of Townsend.

FINDINGS OF FACT

1. On October 15, 2024, the McArthurs withdrew their objection to claim 41I 1680-00 “*as long as* these claims are decreed **without any information remarks that reference the Broadwater Missouri Canal or an exchange.**” (Doc.¹ 11.00).

2. On October 16, 2024, Mr. Lambott withdrew his objection to claim 41I 1680-00 “as long as the claim is decreed without any information remarks that reference the Broadwater Missouri Canal or an exchange.” (Doc. 12.00).

3. On November 4, 2024, the City of Townsend withdrew their objection to claim 41I 1680-00. (Doc. 14.00).

CONCLUSION OF LAW

1. All objections to claim 41I 1680-00 have been withdrawn. There are no outstanding issues to resolve.

RECOMMENDATION

1. The elements of claim 41I 1680-00 should remain as they appeared in the Basin 41I Preliminary Decree.

A post decree abstract of the water right claim reflecting this recommendation is attached to this Report.

ELECTRONICALLY SIGNED AND DATED BELOW.

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

Service via USPS Mail

Vera Arnett Trust
% Trina D. Arnett
409 Bothun Rd
Berthoud, CO 80513

Frank W McArthur Jr
Leisa N McArthur
574 Lower Deep Creek Rd
Townsend, MT 59644

Service via Electronic Mail

Abigail R Brown,
Diana J Abbott
Parsons Behle & Latimer
PO Box 104
Helena, MT 59624
406-410-5050 Main
ecf@parsonsbehle.com
abbybrown@parsonsbehle.com
dabbott@parsonsbehle.com
(atty Lambott)

Breeann M Johnson
Kirsia A Shelkey
Western Roots Law PLLC
PO Box 7004
Bozeman, MT 59771
(406) 600-9389 BMJ
(406-599-2087 KAS
johnson@westrootslaw.com
shelkey@westrootslaw.com
(atty City of Townsend)

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

Water Right Number: 411 1680-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: ARNETT, VERA TRUST
% TRINA D ARNETT
409 BOTHUN RD
BERTHOUD, CO 80513-9517

Priority Date: APRIL 2, 1866

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 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: 80.00

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		SWNESE	9	6N	2E	BROADWATER

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: ARNETT-HAHN 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	40.00		NESE	8	6N	2E	BROADWATER
2	40.00		NWSW	9	6N	2E	BROADWATER
Total:	<u>80.00</u>						