

IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
JUDITH RIVER BASIN (41S)
PRELIMINARY DECREE

* * * * *

CLAIMANTS: Clayton R. Busch; Joyce C. Busch; Hughes
Newford Co.; **Brett W. Busch**

OBJECTOR: Clayton R. Busch

CASE 41S-0503-R-2024

41S 10495-00
41S 10497-00
41S 10501-00
41S 13344-00
41S 16504-00

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 Nathan Block. The Water Master filed a report containing Findings of Fact and Conclusions of Law with the Clerk of Court. A copy of the report was served upon the parties on February 25, 2025. On March 6, 2025, Hughes Newford Co. ("Hughes Newford") filed an objection to the Report requesting that the following remark be added to claims 41S 10501-00 and 41S 16504-00:

THIS RIGHT IS SUBORDINATE TO 41S 13344 00. SEE STIPULATION AND SETTLEMENT AGREEMENT FILED WITH THE WATER COURT ON AUGUST 26, 2024, IN THE WATER RIGHT CLAIM FILE.

On March 13, 2025, Clayton R. Busch and Joyce C. Busch filed an objection to the Report requesting that the period of use for claim 41S 10501-00 be modified to reflect year-round usage consistent with claim 41S 16504-00.

The objection further requests that the address for a new owner be corrected. Addresses may be updated at any time with the Department of Natural Resources and Conservation. The parties are free to pursue routine address corrections as they deem

necessary.

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 modifications.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Brett W. Busch
504 North 7 Mile Road
Stanford, MT 59479

Service via Electronic Mail:

John Christensen
Christensen, Fulton & Filz, PLLC
19 36th St W #3
Billings, MT 59102
christensen@cflawfirm.net
obie@cflawfirm.net

Calli J. Michaels
Michaels Law, PLLC
PO Box 75
Silver Star, MT 59751
(406) 660-4265
cmichaels@mlawmt.com

Note: Caption and Service List Updated 3-17-2025

\\JUDHLSRV-DATA\Share\JUDGALH2OSRV (Datavol)\Share\WC-BASIN FOLDERS\41S PD\Cases\503\41S-0503-R-2024 - OAA NB 3-17-2025 rr.docx

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S

Water Right Number: **41S 10495-00** STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: **DISMISSED**

Owners: CLAYTON R BUSCH
 PO BOX 8
 STANFORD, MT 59479-0008

 JOYCE C BUSCH
 PO BOX 8
 STANFORD, MT 59479-0008

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: WOLF CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S

Water Right Number: **41S 10497-00** STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: **DISMISSED**

Owners: CLAYTON R BUSCH
 PO BOX 8
 STANFORD, MT 59479-0008

 JOYCE C BUSCH
 PO BOX 8
 STANFORD, MT 59479-0008

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: WOLF CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 10501-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BRETT W BUSCH
504 NORTH 7 MILE ROAD
STANFORD, MT 59479

CLAYTON R BUSCH
PO BOX 8
STANFORD, MT 59479-0008

JOYCE C BUSCH
PO BOX 8
STANFORD, MT 59479-0008

Priority Date: MAY 3, 1882

Type of Historical Right: DECREED

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 RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING 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: WOLF CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SW	15	17N	12E	JUDITH BASIN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
2		E2NW	15	17N	12E	JUDITH BASIN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
3		W2NE	15	17N	12E	JUDITH BASIN
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			SW	15	17N	12E	JUDITH BASIN
2			E2NW	15	17N	12E	JUDITH BASIN
3			W2NE	15	17N	12E	JUDITH BASIN

Remarks:

THIS RIGHT IS SUBORDINATE TO 41S 13344-00. SEE STIPULATION AND SETTLEMENT AGREEMENT FILED WITH THE WATER COURT ON AUGUST 26, 2024, IN THE WATER RIGHT CLAIM FILE.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 13344-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: HUGHES NEWFORD CO
PO BOX 558
STANFORD, MT 59479

Priority Date: MAY 3, 1882

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 6.25 CFS

Volume: 190.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 96.00

Source Name: RUNNING WOLF 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		SENWSE	10	15N	11E	JUDITH BASIN

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEADGATE

Period of Use: MAY 1 TO SEPTEMBER 30

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	37.00		W2NE	10	15N	11E	JUDITH BASIN
2	45.00		SE	3	15N	11E	JUDITH BASIN
3	2.00		NENENW	10	15N	11E	JUDITH BASIN
4	4.00		SESWNE	3	15N	11E	JUDITH BASIN
5	8.00		E2SESW	3	15N	11E	JUDITH BASIN

Total: 96.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

13342-00

13344-00

141244-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 16504-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: CLAYTON R BUSCH
PO BOX 8
STANFORD, MT 59479-0008

JOYCE C BUSCH
PO BOX 8
STANFORD, MT 59479-0008

Priority Date: MAY 3, 1882

Type of Historical Right: FILED

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 RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING 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: WOLF 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		SW	15	17N	12E	JUDITH BASIN
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		E2NW	15	17N	12E	JUDITH BASIN
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Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		W2NE	15	17N	12E	JUDITH BASIN
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			SW	15	17N	12E	JUDITH BASIN
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