

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

\*\*\*\*\*

CLAIMANTS: Keith G. Carter; Ted L. Carter

OBJECTOR: United States, DOA Forest Service

**CASE 41I-1068-R-2025**  
41I 200794-00

**CLOSING ORDER**

The above-captioned claim was included in the Preliminary Decree for the Missouri River above Holter Dam (Basin 41I) issued on June 24, 2022. Claim 41I 200794-00 received an objection from the United States Forest Service (“Forest Service”). The claim also received issue remarks from the Department of Natural Resources and Conservation identifying the flow rate and volume as missing.

Claimants Keith G. Carter and Ted L. Carter failed to appear at the initial conference for this case. On April 24, 2025 the Court ordered the Forest Service to propose modifications resolving its objection to claim 41I 200794-00, and the Court ordered claimants to file a response to the Forest Service’s proposed modifications by June 25, 2025. On May 21, 2025, the Forest Service filed a response. The Forest Service stated that the point of diversion described as W2NWNE of Section 26, Township 6 North, Range 9 East, includes federal land and should be revised to NENESW of Section 26, Township 6 North, Range 9 East. The Forest Service stated that the source name should be “Honey Run Creek” rather than “spring, unnamed tributary of Honey Run Creek”. The Forest Service also specified that the flow rate should not be decreed and the volume should be amended to 1.5 acre-feet. The modifications proposed by the Forest Service resolve the issue remarks.

Claimants did not file a response by the June 25, 2025 deadline. On August 20, 2025, the Court ordered claimants to file evidence to show cause why claim 41I 200794-00 should not be modified pursuant to the Forest Service's proposal. Claimants failed to respond to the August 20, 2025 Order.

Therefore, it is

ORDERED that the claim be modified to conform with the Forest Service's proposed modifications. A post decree abstract is included with this order to confirm the modifications are made in the state water right database.

ORDERED that proceedings in this case are CLOSED.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via USPS Mail:**

Keith G. Carter  
% Ted L. Carter  
Ted L. Carter  
~~PO Box 61~~  
Clyde Park, MT 59018  
(Return mail received)

**Service Via Electronic Mail:**

Michelle Ramus  
US Dept of Justice, ENRD-NRS  
michelle.ramus@usdoj.gov  
MontanaBasins.ENRD@USDOJ.GOV

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

**Water Right Number:** 41I 200794-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** KEITH G CARTER  
% TED L CARTER  
PO BOX 61  
CLYDE PARK, MT 59018  
  
TED L CARTER  
PO BOX 61  
CLYDE PARK, MT 59018

**Priority Date:** JANUARY 1, 1971

**Type of Historical Right:** USE

**Purpose (Use):** DOMESTIC

**Flow Rate:**

**Volume:** 1.50 AC-FT

**Households:** 2

**Source Name:** HONEY RUN 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		NENESW	26	6N	9E	MEAGHER

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** UNDEVELOPED SPRING

**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			N2SW	26	6N	9E	MEAGHER