

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

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CLAIMANT: James Russell Williams Jr.

OBJECTOR: James Russell Williams Jr.

CASE 41I-1033-R-2024
41I 30121551

CLOSING ORDER

Claim 41I 30121551 is for a domestic groundwater well. The filing for this claim was made in 2018 pursuant to HB 110, allowing for the filing of previously unfiled exempt claims. The claim was included in the Preliminary Decree for Basin 41I, issued on June 24, 2022. The claim was subject to an issue remark providing notice that the claim was not included in the prior decree for Basin 41I. The issue remark has provided notice and can be removed.

Although the priority date listed on the claim in the Preliminary Decree was December 19, 2018, the priority date identified on the statement of claim form was 1970. The Preliminary Decree identified the priority date as December 19, 2018 based on the lack of evidence a Notice of Completion was filed as required. Claim owner James Russell Williams Jr. ("Williams") filed an objection to the claim asserting the priority date should be 1969.

Prior to the 1973 Water Use Act, the 1961 Groundwater Code set a mandatory filing system for all groundwater appropriations made after January 1, 1962. According to Chapter 29, Title 89, R.C.M. 1947, until a Notice of Completion was filed with respect to any use of groundwater instituted after January 1, 1962, no right to the use of the water

was recognized. Pursuant to § 85-2-306(2), Mont. Code Ann., if a Notice of Completion was not filed as required by the 1961 Groundwater Code, the priority date of the claim is the date of the filing of the statement of claim.

As stated in the objection, Williams asserted claim 41I 30121551 should have a 1969 priority date. A 1969 groundwater well was subject to the 1961 Groundwater Code. Support for a 1969 priority date required showing that a Notice of Completion was filed pursuant to the 1961 Groundwater Code.

The Court set a deadline for Williams to file evidence showing a Notice of Completion was filed. However, Williams did not file evidence of a Notice of Completion. Therefore, the priority date remains the date of the statement of claim filing, December 19, 2018. Since claim 41I 30121551 currently lists the 2018 priority date, no corrections are necessary to the elements of the claim.

Therefore, it is

ORDERED that no corrections are made to claim 41I 30121551 other than to remove the issue remark. A post decree abstract is provided with this order to confirm the issue remark has been removed in the state water right database.

ORDERED that proceedings in this case are CLOSED.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

James Russell Williams Jr.
1705 Bridger Dr
Bozeman, MT 59715

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

Water Right Number: 41I 30121551 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: JAMES RUSSELL WILLIAMS JR
1705 BRIDGER DR
BOZEMAN, MT 59715-2329

***Priority Date:** DECEMBER 19, 2018

THIS IS AN EXISTING RIGHT. ITS POST-1973 PRIORITY DATE IS DECREED
PURSUANT TO SECTION 85-2-306(4) MCA.

***Type of Historical Right:** FILED

Purpose (Use): DOMESTIC

Flow Rate: 20.00 GPM

Volume: 3.38 AC-FT

Households: 1

Maximum Acres: 0.75

Source Name: GROUNDWATER

Source Type: GROUNDWATER

***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		NENWNW	12	10N	3W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Subdivision: O'CONNELL TRACTS TRACT/LOT: 6

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	0.75		NENWNW	12	10N	3W	LEWIS AND CLARK

Subdivision: O'CONNELL TRACTS TRACT/LOT: 6

Total: 0.75

Remarks:

POINT OF DIVERSION AND PLACE OF USE LOCATED IN CERTIFICATE OF SURVEY NO. 220064+204681 , LEWIS
AND CLARK COUNTY.