

MONTANA WATER COURT
YELLOWSTONE DIVISION
TONGUE RIVER BELOW HANGING WOMAN CREEK
BASIN 42C
INTERLOCUTORY DECREE

CLAIMANT: United States, DOI Bureau of Land Management

OBJECTORS: United States, DOI Bureau of Land Management;
Northern Cheyenne Tribe

CASE 42C-0046-I-2024
42C 30142691
42C 30142693

ORDER AMENDING AND ADOPTING MASTER'S REPORT

Pursuant to Section 85-2-233(5), Mont. Code Ann., the above captioned case was assigned to Senior Water Master Kathryn L. W. Lambert. The Senior Water Master filed a report containing Findings of Fact and Conclusions of Law with the Clerk of Court. Copies of the report were served on the parties on March 13, 2025 (Doc. 6.00). The United States Bureau of Land Management ("BLM") filed an Objection to the Master's Report. (Doc. 7.00). The BLM's objection stated it generally agreed with the Master's Report but requested amendments regarding two items.

First, the Master's Report characterized the Unopposed Motion to Amend ("the Motion") as a "settlement document" and the "settlement filed by the parties." (Doc. 6.00 at 2-3). The BLM noted that the Motion was not executed by both parties and did not purport to bind both parties. Further, the BLM stated it is not authorized to enter into settlements in this action. (Doc. 7.00 at 2). Although the Motion was unopposed and resolved objections, it was not a settlement agreement. The Master's Report will be amended accordingly.

Second, the BLM requested a correction be made to the legal description of the point of diversion and place of use for claim 42C 30142691. The BLM requested Finding of Fact No. 1 be corrected to remove Government Lot 1 from the description. The proposed amendment did not include a government lot number. The Master's Report will be amended to make this correction. The abstract filed with the Master's Report does not need correction.

Therefore, it is

ORDERED that the Master's Report is AMENDED to categorize the Motion as a Motion to Amend rather than a "settlement" or "settlement document." Any reference to "settlement" or "settlement document" is removed from the Master's Report and replaced with a reference to the Motion to Amend.

ORDERED that Finding of Fact No. 1 is AMENDED to remove Government Lot 1 from the recommended correction for the point of diversion and place of use of claim 42C 30142691.

Pursuant to Rule 53(e), Mont. Rules Civ. P., it is

ORDERED that the Court ADOPTS the Senior Water Master's Report and its Recommendations as AMENDED above and APPROVES the changes to the centralized computer record system that are reflected on each abstract served with the report.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

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POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

TONGUE RIVER, BELOW HANGING WOMAN CREEK

BASIN 42C

Water Right Number: 42C 30142691 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)
5001 SOUTHGATE DR
BILLINGS, MT 59101-4669

Priority Date: MARCH 16, 1938

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 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: TONGUE RIVER

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		N2NE	3	3S	44E	ROSEBUD
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			N2NE	3	3S	44E	ROSEBUD

Remarks:

USE OF THIS RIGHT IS LIMITED TO THE FEDERAL LAND MANAGED BY THE BUREAU OF LAND MANAGEMENT NORTH AND EAST OF TONGUE RIVER WITHIN N2NE SECTION 3 TOWNSHIP 3S RANGE 44E.

BLM FILED ELECTRONIC CLAIMS. THIS CLAIM REFERENCES BLM CLAIM ID BLM3333 AND GRAZING ALLOTMENT MT00073.

POST DECREE
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BASIN 42C

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Source Name: TONGUE RIVER

Source Type: SURFACE WATER

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<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3	SWNESE	23	4S	43E	ROSEBUD
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
2	6	S2NWNW	26	4S	43E	ROSEBUD
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
3	7	N2NWSW	26	4S	43E	ROSEBUD
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		3	SWNESE	23	4S	43E	ROSEBUD
2		6	S2NWNW	26	4S	43E	ROSEBUD
3		7	N2NWSW	26	4S	43E	ROSEBUD

Remarks:

USE IS LIMITED TO THE FEDERAL LAND MANAGED BY THE BUREAU OF LAND MANAGEMENT SOUTH AND WEST OF TONGUE RIVER WITHIN SWNESE SECTION 23; SOUTH AND WEST OF TONGUE RIVER WITHIN S2NWNW SECTION 26, AND NORTH OF TONGUE RIVER WITHIN N2NWSW SECTION 26, ALL IN TOWNSHIP 4S RANGE 43E.

BLM FILED ELECTRONIC CLAIMS. THIS CLAIM REFERENCES BLM CLAIM ID BLM3335 AND GRAZING ALLOTMENT MT10067.