

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

CLAIMANTS: Connie Klingaman; Lyle Klingaman

CASE 41I-0502-R-2025

41I 121030-00

OBJECTORS: Connie Klingaman; Lyle Klingaman

CLOSING ORDER

Claim 41I 121030-00 was included in the Preliminary Decree for the Missouri River above Holter Dam, Basin 41I, issued on June 24, 2022. The claim received a self-objection from claim owners Connie Klingaman and Lyle Klingaman (“Klingamans”). As a result of examination by the Department of Natural Resources and Conservation (“DNRC”), the claim was subject to issue remarks, including issue remarks that require additional evidence to be resolved pursuant to Sections 85-2-247 to -248, Mont. Code Ann.:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON
RESOLUTION OF MAXIMUM ACRES ISSUE.

THE LEWIS AND CLARK COUNTY WATER RESOURCES SURVEY
(1957) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

All other remarks on the claims are notice-type remarks that have served their purpose and may be removed.

On March 31, 2026, Klingamans filed a Statement and Motion to Resolve Issue Remarks (“Klingamans’ Motion”). (Doc. 3.00). Klingamans’ Motion provides information to resolve to resolve the issue remark that states the 1957 Water Resources

Survey shows 0.00 acres irrigated and resulting remark concerning flow rate. Klingamans provide the Affidavits of neighbors with personal knowledge of the property and attest to irrigation occurring consistently in the 1950s and 1960s. Further, DNRC found irrigation on the 1979 aerial photo. Meanwhile, Klingamans explain there is no information regarding the why the 1957 Water Resources Survey denotes 0.00 acres irrigated.

Pursuant to Rule 7 of the Water Right Adjudication Rules the Water Court is required to resolve all issue remarks using procedures in §§ 85-2-247 to -250, MCA. The Water Court may resolve issue remarks based on information submitted by the Department of Natural Resources and Conservation or any other data and information it obtains. *See* §§ 85-2-248 to -250, MCA. Klingamans' Motion provides sufficient information to resolve the issue remarks on claim 41I 121030-00.

Therefore, it is

ORDERED that all the issue remarks are resolved and should be removed from the abstracts of claim 41I 121030-00.

ORDERED that proceedings in this case are CLOSED. An abstract is provided with this order.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

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

Water Right Number: 411 121030-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CONNIE KLINGAMAN
3950 FLOWEREE DR
HELENA, MT 59602

LYLE KLINGAMAN
3950 FLOWEREE DR
HELENA, MT 59602

Priority Date: DECEMBER 23, 1895

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 134.64 GPM

***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: 40.00

Source Name: PRICKLY PEAR CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS FLOWEREE SLOUGH

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		NESWSW	3	10N	3W	LEWIS AND CLARK

Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: PUMP

Period of Use: APRIL 1 TO NOVEMBER 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		SWSW	3	10N	3W	LEWIS AND CLARK

Total: 40.00

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.