

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

CLAIMANTS: Flying E Ranch LLC; Prickly Pear Land Trust Inc.

CASE 41I-0510-R-2025

NOTICE OF INTENT TO APPEAR: RV Ranch Co.

41I 120990-00

CLOSING ORDER

Claim 41I 120990-00 was included in the Preliminary Decree for the Missouri River above Holter Dam, Basin 41I, issued on June 24, 2022. The claim, owned by Flying E Ranch LLC and Prickly Pear Land Trust Inc., was subject to issue remarks resulting from examination by the Department of Natural Resources and Conservation. The following remark requires further information to be resolved pursuant to Section 85-2-248(2), Mont. Code Ann:

THE CLAIMED PERIOD OF USE EXCEEDS THE USUAL GROWING SEASON FOR THIS CLIMATIC AREA WHICH IS APRIL 15 TO OCTOBER 15.

RV Ranch Co. filed a Notice of Intent to Appear which was withdrawn on December 16, 2025.

On March 30, 2026, the Claimants filed a joint request to correct the period of use to April 15 to October 15 as set forth in the issue remark. Claimants also provided a

proposed abstract which appropriately corrected the period of diversion to April 15 to October 15.

Pursuant to Rule 17(c) of the Water Right Adjudication Rules, no additional evidence is required for the Water Court to accept a request to reduce an element of a claim. The Water Court accepts the reduction to the period of use and diversion for claim 41I 120990-00 to resolve the issue remark.

Therefore, it is

ORDERED that the period of use and period of diversion of claim 41I 120990-00 is corrected to April 15 to October 15 as shown on the attached abstract.

ORDERED that the correction to the period of use resolves the issue remark and proceedings in this case are CLOSED.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Flying E Ranch LLC
3939 Head Ln
Helena, MT 59602
(406) 570-9710

Service Via Electronic Mail:

W. John Tietz
Hallee Frandsen
Browning Kaleczyc Berry & Hoven PC
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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, ABOVE HOLTER DAM
BASIN 41I**

Water Right Number: 411 120990-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: FLYING E RANCH LLC
3939 HEAD LN
HELENA, MT 59602-9628

PRICKLY PEAR LAND TRUST INC
PO BOX 892
HELENA, MT 59624-0892

Priority Date: JUNE 11, 1865

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.13 CFS

THIS WATER RIGHT IS SUBJECT TO A PRIVATE AGREEMENT CONCERNING THE SPLIT OF THE FLOW RATE IN THE STIPULATION FILED 09/02/99 LOCATED IN CASE FILE 411-I. GRUBER AND SUCCESSORS HAVE 65 MINER'S INCHES. R V RANCH AND SUCCESSORS HAVE 60 MINER'S INCHES.

***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: 334.00

Source Name: SEVENMILE 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		SWSWNE	4	10N	4W	LEWIS AND CLARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	HARRER DITCH					
2		NESWN	10	10N	4W	LEWIS AND CLARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	I.O.O.F. DITCH					
3		NWNWS	11	10N	4W	LEWIS AND CLARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	HARRER DITCH					

DITCH NAME POINT OF DIVERSION NO. 3 IS ALSO KNOWN AS GREEN MEADOW
DITCH.

Period of Use: APRIL 15 TO OCTOBER 15

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	4.00		SWSE	4	10N	4W	LEWIS AND CLARK
2	30.00		NENE	9	10N	4W	LEWIS AND CLARK
3	100.00		E2	10	10N	4W	LEWIS AND CLARK
4	40.00		NW	10	10N	4W	LEWIS AND CLARK
5	160.00		SW	11	10N	4W	LEWIS AND CLARK
Total:	<u>334.00</u>						

Remarks:

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.