

Montana Water Court  
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IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
MADISON RIVER BASIN (41F)  
PRELIMINARY DECREE

\*\*\*\*\*

CLAIMANT: Alton Living Trust

OBJECTOR: Alton Living Trust; United States of America,  
Bureau of Reclamation

NOTICE OF INTENT TO APPEAR PARTY: United States of  
America, Bureau  
of Reclamation

**CASE 41F-0006-R-2025**

41F 5962-00

41F 214412-00

**CLOSING ORDER**

On January 26, 2026, the Court granted the Motion to Amend filed by claimant and objector Alton Living Trust (“Alton”). (Doc. 9.00). The order modified and clarified the points of diversion for claim 41F 5962-00. The granting of the motion also resolved Alton’s objections, including its objection to the Court’s prior dismissal of claim 41F 214412-00.

The only issue left unresolved following the Court’s January 26, 2026, Order was the objection and appearance filed by the United States of America, Bureau of Reclamation (“United State”). On February 11, 2026, the United States notified the Court that the Court’s granting of Alton’s motion resolved its issued. (Doc. 10.00). All issues in this case are now resolved and the case can be closed.

The Court also has made a minor clerical corrections to the legal land descriptions in the abstracts to match the information in the Motion to Amend. The legal descriptions also have been reordered to conform to public land survey system sequencing standards.

**ORDER**

THEREFORE, it is ORDERED that claim 41F 5962-00 is modified as provided in the Court’s January 26, 2026, Order with the issue remark removed. Claim 41F 214412-00 remains dismissed. All objections and appearances are DISMISSED as resolved. The claims and this case now are CLOSED.

Post decree abstracts of the claims are included with this Order to confirm the modifications have been made in the State’s centralized water rights record system.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via Electronic Mail:**

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**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MADISON RIVER  
BASIN 41F**

**Water Right Number:** 41F 5962-00 STATEMENT OF CLAIM

**Version:** 7 -- POST DECREE

**Status:** ACTIVE

**Owners:** ALTON LIVING TRUST  
PO BOX 4029  
WESTLAKE VILLAGE, CA 91359

**\*Priority Date:** DECEMBER 31, 1947

**Type of Historical Right:** USE

**\*Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**\*Flow Rate:**

A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS RESERVOIR SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT NECESSARY TO SUSTAIN THIS PURPOSE.

**\*Volume:** 360.00 AC-FT

**Climatic Area:** 5 - LOW

**\*Maximum Acres:** 282.20

**\*Source Name:** MORAN CREEK

**Source Type:** SURFACE WATER

**\*Source Name:** UNNAMED TRIBUTARY OF MORAN CREEK

**Source Type:** SURFACE WATER

SOURCE IS COMPOSED OF THREE NATURAL LAKES THAT HAVE HAD WATER LEVELS RAISED BY MANMADE DAMS. THESE LAKES ARE GENERALLY REFFERRED TO AS THE AXOLOTL LAKES.

POINT OF DIVERSION NUMBERS 02 AND 03 ARE ON UNNAMED TRIBUTARIES OF MORAN CREEK.

**\*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		NWSWSE	8	7S	2W	MADISON

**Source Name:** UNNAMED TRIBUTARY OF MORAN CREEK

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

**Diversion Means:** DAM

2		NWNWSW	9	7S	2W	MADISON
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**\*Source Name:** UNNAMED TRIBUTARY OF MORAN CREEK

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

**Diversion Means:** DAM

3		NESWNE	17	7S	2W	MADISON
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**\*Source Name:** UNNAMED TRIBUTARY OF MORAN CREEK

**\*Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** DAM  
 4 - SECONDARY SENWSE 36 6S 2W MADISON  
**Source Name:** MORAN CREEK

**\*Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE  
**Ditch Name:** THEXTON DITCH  
 5 - SECONDARY 3 31 6S 1W MADISON  
**Source Name:** MORAN CREEK

**\*Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE  
**Ditch Name:** THEXTON DITCH  
 6 - SECONDARY SWSNW 31 6S 1W MADISON  
**Source Name:** MORAN CREEK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE  
**Ditch Name:** THEXTON DITCH  
 7 - SECONDARY 3 1 7S 2W MADISON  
**Source Name:** MORAN CREEK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE  
**Ditch Name:** THEXTON DITCH

MORAN CREEK IS USED AS A NATURAL CARRIER TO CONVEY WATER RELEASED FROM AXOLOTL LAKE, RESERVOIR LAKE AND TWIN LAKE EAST, TO SECONDARY POINTS OF DIVERSION IN THE SENWSE SEC 36, T6S, R2W, AND NWNWSW SEC 31, T6S, R1W MADISON COUNTY.

**\*Reservoir:** ONSTREAM **Reservoir Name:** RESERVOIR LAKE

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSWSE	8	7S	2W	MADISON

**Diversion to Reservoir:** DIVERSION # 1  
**Dam Height:** 12.00 FEET  
**Surface Area:** 7.00 ACRES  
**Capacity:** 70.00 ACRE-FEET

**\*Reservoir:** ONSTREAM **Reservoir Name:** TWIN LAKE EAST

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWSW	9	7S	2W	MADISON

**Diversion to Reservoir:** DIVERSION # 2  
**Dam Height:** 14.00 FEET  
**Surface Area:** 15.00 ACRES  
**Capacity:** 150.00 ACRE-FEET

**\*Reservoir:** ONSTREAM **Reservoir Name:** AXOLOTL LAKE

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESWNE	17	7S	2W	MADISON

**Diversion to Reservoir:** DIVERSION # 3

**Dam Height:** 14.00 FEET

**Surface Area:** 14.00 ACRES

**Capacity:** 140.00 ACRE-FEET

**\*Period of Use:** MAY 15 TO AUGUST 31

THE PERIOD OF STORAGE IS YEAR ROUND, THE PERIOD OF RELEASE IS MAY 15 THROUGH AUGUST 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	2.50		SESESE	19	6S	1W	MADISON
2	6.00		SWSWSW	20	6S	1W	MADISON
3	34.00		W2NW	29	6S	1W	MADISON
4	6.00		W2NWSW	29	6S	1W	MADISON
5	65.00		NE	30	6S	1W	MADISON
6	100.00		SE	30	6S	1W	MADISON
7	38.70		SW	30	6S	1W	MADISON
8	30.00		SE	36	6S	2W	MADISON
<b>Total:</b>	<u>282.20</u>						

**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS OF THE CLAIMANT'S TOTAL 282.20 ACRES. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE: 41F 122700-00, 41F 122701-00, 41F 122702-00, 41F 122703-00, 41F 122704-00, 41F 5962-00.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MADISON RIVER  
BASIN 41F**

**Water Right Number:** 41F 214412-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** **DISMISSED**

**Late Claim:** B

**Owners:** ALTON LIVING TRUST  
PO BOX 4029  
WESTLAKE VILLAGE, CA 91359

**Priority Date:**

**Enforceable Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:** UNNAMED TRIBUTARY OF MORAN CREEK

**Source Type:** SURFACE WATER

**Source Name:** MORAN CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT DURING ADJUDICATION OF THE 41F TEMPORARY PRELIMINARY DECREE.