

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
1-800-624-3270
(406) 586-4364
watercourt@mt.gov

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

CLAIMANT: South Ranch LLC

OBJECTOR: United States, DOI Bureau of Reclamation

CASE 41I-1019-R-2024

41I 143123-00

41I 143124-00

CLOSING ORDER

Claims 41I 143123-00 and 41I 143124-00 are owned by South Ranch LLC. Each of the claims is for 342 acres of irrigation from Confederate Gulch. Claim 41I 143123-00 lists a 2.00 CFS flow rate. Claim 41I 143124-00 lists a 7.50 CFS flow rate.

The claims were included in the Preliminary Decree for the Missouri River above Holter Dam, Basin 41I, issued June 24, 2022. The United States of America (Bureau of Reclamation) (“BOR”) filed objections to the claims. Additionally, the claims were subject to issue remarks added as a result of examination by the Department of Natural Resources and Conservation, questioning the number of acres irrigated. This case was consolidated to resolve the BOR’s objections and the issue remarks.

On January 30, 2026, the parties filed a Stipulation to Resolve Objections (“Stipulation”). According to the Stipulation, aerial photos support 55.00 acres irrigated for each claim. As such, the parties agreed the maximum acres and place of use for both claims should be reduced from 342.00 acres to 55.00 acres. The parties also agreed the flow rate of claim 41I 143124-00 should be modified from 7.50 CFS to 2.00 CFS.

The Water Court is required to resolve issue remarks. Mont. Code Ann. § 85-2-248. Issue remarks may be resolved based on information submitted to the Court, including settlement agreements. See §§ 85-2-227-231, MCA. Settlement agreements are subject to review and approval of the Water Court. Rule 17(a), W.R.Adj.R.

The Stipulation filed by the parties is sufficient to resolve the objections and issue remarks. According to the Stipulation, the BOR's objections are resolved based on the reduction of acres and reduction to the flow rate of claim 41I 143124-00. The modifications to the acres of the claims are also sufficient to resolve the issue remarks.

Therefore, it is

ORDERED that the Stipulation is APPROVED to resolve the objections and issue remarks.

ORDERED that pursuant to the Stipulation the following modifications and removal of the issue remarks are made to the claims. The modifications are also reflected on the abstracts provided with this order.

Claims 41I 143123-00 and 41I 143124-00:

Maximum Acres: 143.00 55.00

Place of Use: See attached abstracts.

Claim 41I 143124-00:

Flow Rate: 7.50 CFS 2.00 CFS

ORDERED that proceedings in this case are CLOSED.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

Gregory W. Duncan
gduncan@centronservices.com

Michelle Ramus
Trial Attorney
US Dept of Justice, ENRD-NRS
michelle.ramus@usdoj.gov
MontanaBasins.ENRD@USDOJ.GOV

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

Water Right Number: 411 143123-00 STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: ACTIVE

Owners: SOUTH RANCH LLC
3430 HARMONY RD
HELENA, MT 59602-8848

Priority Date: NOVEMBER 10, 1914

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 2.00 CFS

***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:** 55.00

Source Name: CONFEDERATE GULCH

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		SWNWSW	16	9N	2E	BROADWATER

***Period of Diversion:** APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BRUCE 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		S2NESE	19	9N	2E	BROADWATER
2	20.00		SESE	19	9N	2E	BROADWATER
3	17.00		E2SWSE	19	9N	2E	BROADWATER
4	7.00		SWSWSE	19	9N	2E	BROADWATER
5	6.00		N2NWNE	30	9N	2E	BROADWATER
6	1.00		NWNENE	30	9N	2E	BROADWATER

Total: 55.00

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 01/15/1988: PLACE OF USE, MAXIMUM ACRES.

AUTHORIZATION TO CHANGE (SEVER/SELL) (ADD A) PLACE OF USE COMPLETED 08/03/1988 . FILE REFLECTS RIGHT AS IT EXISTED PRIOR TO JULY 1973. APPROVED CHANGES WILL BE RECORDED AFTER FINAL DECREE.

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

Water Right Number: 411 143124-00 STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: ACTIVE

Owners: SOUTH RANCH LLC
3430 HARMONY RD
HELENA, MT 59602-8848

Priority Date: APRIL 19, 1922

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 2.00 CFS

***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:** 55.00

Source Name: CONFEDERATE GULCH

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		SWNWSW	16	9N	2E	BROADWATER

***Period of Diversion:** APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: BRUCE 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		S2NESE	19	9N	2E	BROADWATER
2	20.00		SESE	19	9N	2E	BROADWATER
3	17.00		E2SWSE	19	9N	2E	BROADWATER
4	7.00		SWSWSE	19	9N	2E	BROADWATER
5	6.00		N2NWNE	30	9N	2E	BROADWATER
6	1.00		NWNENE	30	9N	2E	BROADWATER

Total: 55.00

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 01/15/1988: PLACE OF USE, MAXIMUM ACRES.

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