

Montana Water Court  
PO Box 1389  
Bozeman, MT 59771-1389  
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1-800-624-3270  
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MONTANA WATER COURT  
YELLOWSTONE DIVISION  
YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE  
BASIN 43QJ  
SECOND PRELIMINARY DECREE

\* \* \* \* \*

CLAIMANT: Canyon Creek Ditch Co.

**CASE 43QJ-0127-R-2025**

43QJ 24749-00

43QJ 24750-00

OBJECTOR: United States, DOI Bureau of Land Management

**NOTICE OF FILING OF MASTER'S REPORT**

This Master's Report was filed with the Montana Water Court on the above-stamped date. Please review this report carefully.

You have **13 days** from the service date of the notice of filing of this report to file a written objection or request an extension of the objection period. Rule 23, Water Right Adjudication Rules; Rule 6, Montana Rules of Civil Procedure. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

**MASTER'S REPORT**

United States, DOI Bureau of Land Management objected to Canyon Creek Ditch Co. claims 43QJ 24749-00 and 43QJ 24750-00. On December 2, 2025 the parties filed a Stipulation

To Resolve Objections. The Stipulation is viewable in the Court's FullCourt Enterprise case management system.

#### APPLICABLE LAW

A properly filed Statement of Claim for Existing Water Right is *prima facie* proof of its content pursuant to section 85-2-227, MCA. This *prima facie* proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect including for claimants objecting to their own claims. Rule 19, W.R.Adj.R.

#### FINDING OF FACT

As requested by the parties, the following remark should be added to the place of use on each claim: THE PLACE OF USE IS LIMITED TO PRIVATE LAND.

#### CONCLUSION OF LAW

The settlement filed by the parties is sufficient to contradict and overcome the *prima facie* claims.

#### RECOMMENDATIONS

Based upon the above Finding of Fact and Conclusion of Law, this Master recommends that the Court make the change specified in the Finding of Fact to correct the Second Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim for each claim is served with this Report to confirm the recommended changes have been made in the state's centralized record system.

#### **ELECTRONICALLY SIGNED AND DATED BELOW**

##### **Service Via USPS Mail:**

Canyon Creek Ditch Co.  
1555 Campus Way Ste F  
Billings, MT 59102

##### **Service Via Electronic Mail:**

Mark J. Widerschein, Trial Attorney  
US Dept of Justice, ENRD-NRS  
Mark.Widerschein@usdoj.gov  
MontanaBasins.ENRD@USDOJ.GOV  
(*Atty for: United States, DOI Bureau of Land Management*)

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE**  
**BASIN 43QJ**

**Water Right Number:** **43QJ 24749-00** STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** CANYON CREEK DITCH CO  
1555 CAMPUS WAY STE F  
BILLINGS, MT 59102

**Priority Date:** JULY 19, 1920

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 250.00 CFS

**\*Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 7,739.00

**Source Name:** YELLOWSTONE RIVER

**Source Type:** SURFACE WATER

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

<b>ID</b>	<b>Govt Lot</b>	<b>Qtr Sec</b>	<b>Sec</b>	<b>Twp</b>	<b>Rge</b>	<b>County</b>
1		SESENE	30	2S	24E	YELLOWSTONE

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Period of Use:** APRIL 1 TO OCTOBER 31

**Place of Use:**

<b>ID</b>	<b>Acres</b>	<b>Govt Lot</b>	<b>Qtr Sec</b>	<b>Sec</b>	<b>Twp</b>	<b>Rge</b>	<b>County</b>
1	40.00		NE	25	1S	25E	YELLOWSTONE
2	123.00		NW	23	1S	25E	YELLOWSTONE
3	80.00		NE	23	1S	25E	YELLOWSTONE
4	140.00		SE	23	1S	25E	YELLOWSTONE
5	118.00		SW	23	1S	25E	YELLOWSTONE
6	105.00		NW	26	1S	25E	YELLOWSTONE
7	138.00		NE	26	1S	25E	YELLOWSTONE
8	53.00		SE	26	1S	25E	YELLOWSTONE
9	140.00		SW	26	1S	25E	YELLOWSTONE
10	80.00		SW	22	1S	25E	YELLOWSTONE
11	70.00		SE	22	1S	25E	YELLOWSTONE
12	150.00		NW	27	1S	25E	YELLOWSTONE
13	90.00		NE	27	1S	25E	YELLOWSTONE
14	150.00		SE	27	1S	25E	YELLOWSTONE

15	100.00	SW	27	1S	25E	YELLOWSTONE
16	150.00	NW	34	1S	25E	YELLOWSTONE
17	150.00	NE	34	1S	25E	YELLOWSTONE
18	105.00	NE	28	1S	25E	YELLOWSTONE
19	25.00	SE	28	1S	25E	YELLOWSTONE
20	25.00	SW	28	1S	25E	YELLOWSTONE
21	90.00	NW	33	1S	25E	YELLOWSTONE
22	140.00	NE	33	1S	25E	YELLOWSTONE
23	100.00	SE	33	1S	25E	YELLOWSTONE
24	80.00	SW	33	1S	25E	YELLOWSTONE
25	150.00	SW	17	1S	26E	YELLOWSTONE
26	88.00	NW	20	1S	26E	YELLOWSTONE
27	10.00	SW	7	1S	26E	YELLOWSTONE
28	127.00	NW	18	1S	26E	YELLOWSTONE
29	25.00	NE	18	1S	26E	YELLOWSTONE
30	134.00	SW	18	1S	26E	YELLOWSTONE
31	140.00	SE	18	1S	26E	YELLOWSTONE
32	153.00	NE	19	1S	26E	YELLOWSTONE
33	159.00	NW	19	1S	26E	YELLOWSTONE
34	33.00	SE	19	1S	26E	YELLOWSTONE
35	150.00	SE	17	1S	26E	YELLOWSTONE
36	150.00	SW	16	1S	26E	YELLOWSTONE
37	155.00	NE	16	1S	26E	YELLOWSTONE
38	80.00	NE	13	1S	25E	YELLOWSTONE
39	65.00	SE	13	1S	25E	YELLOWSTONE
40	30.00	NW	13	1S	25E	YELLOWSTONE
41	155.00	SW	13	1S	25E	YELLOWSTONE
42	90.00	SE	14	1S	25E	YELLOWSTONE
43	30.00	SW	14	1S	25E	YELLOWSTONE
44	90.00	NW	24	1S	25E	YELLOWSTONE
45	157.00	NE	24	1S	25E	YELLOWSTONE
46	160.00	SW	24	1S	25E	YELLOWSTONE
47	160.00	SE	24	1S	25E	YELLOWSTONE
48	85.00	NW	25	1S	25E	YELLOWSTONE
49	37.00	NE	32	1S	25E	YELLOWSTONE
50	40.00	SE	32	1S	25E	YELLOWSTONE
51	15.00	SW	32	1S	25E	YELLOWSTONE
52	75.00	NW	4	2S	25E	YELLOWSTONE
53	50.00	NE	4	2S	25E	YELLOWSTONE
54	110.00	NW	5	2S	25E	YELLOWSTONE
55	150.00	NE	5	2S	25E	YELLOWSTONE
56	100.00	SE	5	2S	25E	YELLOWSTONE
57	60.00	NE	6	2S	25E	YELLOWSTONE
58	100.00	SE	6	2S	25E	YELLOWSTONE
59	100.00	SW	6	2S	25E	YELLOWSTONE
60	120.00	NW	7	2S	25E	YELLOWSTONE
61	42.00	NE	7	2S	25E	YELLOWSTONE

62	85.00	NW	12	2S	24E	YELLOWSTONE
63	113.00	NE	12	2S	24E	YELLOWSTONE
64	140.00	SE	12	2S	24E	YELLOWSTONE
65	150.00	SW	12	2S	24E	YELLOWSTONE
66	150.00	NE	13	2S	24E	YELLOWSTONE
67	150.00	NW	13	2S	24E	YELLOWSTONE
68	140.00	SE	13	2S	24E	YELLOWSTONE
69	130.00	SW	13	2S	24E	YELLOWSTONE
70	80.00	SW	11	2S	24E	YELLOWSTONE
71	90.00	SE	11	2S	24E	YELLOWSTONE
72	147.00	NW	14	2S	24E	YELLOWSTONE
73	145.00	NE	14	2S	24E	YELLOWSTONE
74	42.00	SE	14	2S	24E	YELLOWSTONE
75	46.00	SW	14	2S	24E	YELLOWSTONE
76	55.00	NE	15	2S	24E	YELLOWSTONE
77	44.00	SW	15	2S	24E	YELLOWSTONE
78	15.00	SE	15	2S	24E	YELLOWSTONE
<b>Total:</b> <u>7739.00</u>						

THE PLACE OF USE IS LIMITED TO PRIVATE LAND.

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**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.

24749-00                    24750-00

THIS APPROPRIATION OF WATER TAKES WATER FROM THE YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE DRAINAGE (BASIN 43QJ ) AND USES IT IN THE YELLOWSTONE RIVER, BETWEEN CLARKS FORK YELLOWSTONE & BIGHORN RIVER DRAINAGE (BASIN 43Q ).

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE**  
**BASIN 43QJ**

**Water Right Number:** **43QJ 24750-00** STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** CANYON CREEK DITCH CO  
1555 CAMPUS WAY STE F  
BILLINGS, MT 59102

**Priority Date:** APRIL 19, 1886

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FURROW

**Flow Rate:** 100.00 CFS

THE COMBINED FLOW RATE FOR CLAIMS NO. 43QJ 24750-00 AND 43QJ 24749-00 IS LIMITED TO THE HISTORIC CAPACITY OF THE DIVERSION STRUCTURE AND THE CONVEYANCE SYSTEM.

**\*Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 7,739.00

**Source Name:** YELLOWSTONE RIVER

**Source Type:** SURFACE WATER

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

<b>ID</b>	<b>Govt Lot</b>	<b>Qtr Sec</b>	<b>Sec</b>	<b>Twp</b>	<b>Rge</b>	<b>County</b>
1		SESENE	30	2S	24E	YELLOWSTONE

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE

**Period of Use:** APRIL 1 TO OCTOBER 31

**Place of Use:**

<b>ID</b>	<b>Acres</b>	<b>Govt Lot</b>	<b>Qtr Sec</b>	<b>Sec</b>	<b>Twp</b>	<b>Rge</b>	<b>County</b>
1	40.00		NE	25	1S	25E	YELLOWSTONE
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<b>Total:</b> <u>7739.80</u>						

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24749-00      24750-00

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