

MONTANA WATER COURT
UPPER MISSOURI DIVISION
SUN RIVER
BASIN (41K)
PRELIMINARY DECREE

CLAIMANT: Blenton Ranch Co.

CASE 41K-0309-R-2024

41K 92288-00
41K 96662-00
41K 160380-00
41K 160382-00
41K 160383-00
41K 160384-00
41K 160386-00

**ORDER REASSIGNING, ORDER GRANTING MOTION,
AND ORDER CLOSING CASE**

On November 27, 2024, Claimant Blenton Ranch Co. (“Blenton Ranch”) filed a Motion to Amend to Resolve Issue Remarks (“the Motion”). (Doc. 10.00). This Order addresses the Motion. This case has been reassigned to Associate Water Judge Bina R. Peters.

BACKGROUND

The above captioned claims were included in the Preliminary Decree for the Sun River Basin 41K, issued on January 28, 2021. The claims were subject to issue remarks resulting from examination by the Department of Natural Resources and Conservation (“DNRC”).

The Motion addressed the issue remarks and requested several other amendments to correct the claims.¹ The Water Master previously assigned to this case identified

¹ A Notice of Errata to the Motion was filed identifying an additional correction to the legal description of the point of diversion of claim 41K 160383-00. (Doc. 11.00).

several amendments that were not supported by the evidence and required publication pursuant to Section 85-2-233(6), Mont. Code Ann. (Doc. 12.00). In response, Blenton Ranch agreed to accept a lower flow rate for claim 41K 160383-00 and published notice of year-round periods of diversion for 41K 160384-00 and 41K 160386-00. (Docs. 13.00, 15.00). The published notice identified the amendments and an opportunity for water users to object to the amendments. No objections were filed.

Based on the Motion and subsequent filings in this case, the following amendments were requested to resolve the issue remarks and reflect the historical use of the claims.

41K 92288-00

Claim 41K 92288-00 is a stock water claim that appeared in the Preliminary Decree reflecting an onstream reservoir. The claim was subject to an issue remark noting the reservoir could not be confirmed. According to the Motion, the reservoir was incorrectly added during DNRC review. The source is a developed spring, and the claim does not include a reservoir. Thus, Blenton Ranch requests the source be corrected to Spring, Unnamed Tributary of Willow Creek, North Fork and the reservoir be removed.

Additionally, Blenton Ranch indicates the legal description of the point of diversion and place of use should be corrected from NW of Section 30, Township 21 North, Range 7 West to SESWSW of Section 30. Since the source is a developed spring, the source type should be categorized as “groundwater” rather than “surface water.” Because the claim uses groundwater, Blenton Ranch requests the DNRC standard 35.00 GPM flow rate be added.

Further, Blenton Ranch requested the period of use and period of diversion be corrected from March 1 to December 31 to year-round. According to Blenton Ranch, historically stock drink freely from the developed spring throughout the year.

41K 96662-00

Claim 41K 96662-00 is for 160.00 acres of irrigation from Elk Creek. The claim was subject to issue remarks indicating fewer acres were irrigated than claimed and providing notice that the DNRC standardized the point of diversion and ditch name.

Blenton Ranch requested to reduce the acreage to 137.00 acres to exclude portions located on a neighboring property and resolve the issue remarks concerning the acreage.

41K 160380-00

Claim 41K 160380-00 is a waste and seepage claim for 257.00 acres of irrigation. The claim received an issue remark noting there appeared to be another point of diversion. It also received various other notice-type remarks.

In the Motion, Blenton Ranch points out that during prior Water Court proceedings, the flow rate was corrected to 7.81 CFS. However, the flow rate mistakenly appeared in the Preliminary Decree as 0.53 CFS. Thus, Blenton Ranch requests the flow rate be corrected back to 7.81 CFS.

Blenton Ranch also requests various corrections to the legal descriptions of the points of diversion within the ditch system and suggests information remarks to describe the operation of the ditch system.

41K 160382-00

Claim 41K 160382-00 is for 73.00 acres of flood irrigation from Oil Well Creek. The issue remarks state two of the three points of diversion could not be confirmed. The claim also received a notice-type remark. To resolve the issue remarks concerning the points of diversion, Blenton Ranch requests that the legal descriptions for two points of diversion be refined and that the third point of diversion be removed.

41K 160383-00

Claim 41K 160383-00 was included in the Preliminary Decree identifying 30.00 acres of flood irrigation from Unnamed Tributary of the Sun River and listing an onstream reservoir with the point of diversion location at the dam. The claim received an issue remark noting the volume appeared excessive as well as notice-type remarks.

Blenton Ranch explained the reservoir was used as a check structure to control water rather than store water. Thus, Blenton Ranch asserts that the right should be categorized as a direct flow irrigation claim. As such, Blenton Ranch requests the reservoir record as well as the quantified volume be removed and a 1.14 CFS flow rate be added based on the DNRC guideline. However, the Statement of Claim identified a 0.50

CFS flow rate. Thus, based on the Water Master's analysis and Order (Doc. 12.00), Blenton Ranch agreed to modify its amendment to 0.50 CFS. (Doc. 13.00).

Finally, Blenton Ranch asserts the point of diversion should be a ditch rather than the dam and the source name is Sun River, not Unnamed Tributary of Sun River.

41K 160384-00

Claim 41K 160384-00 is a flood irrigation claim from Unnamed Tributary of the Sun River utilizing an onstream reservoir and storage in an offstream reservoir. The claim was subject to an issue remark indicating the volume may be excessive, as well as notice-type remarks.

In the Motion, Blenton Ranch identified a clerical error in the legal description of the place of use of claim 41K 160384-00. During prior Water Court proceedings, the place of use was corrected. However, the Preliminary Decree abstract does not reflect the proper corrections and contains an error identifying place of use ID 2 as located in the N2NW rather than N2NE. Therefore, Blenton Ranch requests this error be corrected pursuant to Rule 60(a), M.R.Civ.P.

Additionally, Blenton Ranch asserts the reservoir records added by DNRC correctly describe the capacity of the reservoirs. The volume of the claim, however, should be reduced. The volume of 41K 160384-00 should be reduced from 616.00 Acre-Feet to 74.00 Acre-Feet. Blenton Ranch also proposes an information remark be added to 41K 160384-00 to describe the operation of the reservoirs. Additionally, the quantified flow rate should be replaced with a standardized remark, and the period of diversion should be year-round. Blenton Ranch published notice of the year-round period of diversion. (Doc. 15.00).

41K 160386-00

Claim 41K 160386-00 is also for flood irrigation from an Unnamed Tributary of the Sun River and utilizes an onstream reservoir. The claim received the same issue remarks as 41K 160384-00: a remark questioning the volume and notice-type remarks.

The Motion asserts the volume should be reduced from 546.00 to 98.62 Acre-Feet. Further, the Motion requests the period of diversion be corrected to year-round. Blenton Ranch published notice of the year-round period of diversion. (Doc. 15.00).

DISCUSSION

Motions to amend are authorized under Section 85-2-233(6), Mont. Code Ann. and Rule 10 of the Water Right Adjudication Rules. If the Court determines the proposed modification may adversely affect other water users, the Court requires notice and an opportunity to object before approving the modification. When a claimant seeks to amend their own water right, the claimant must prove by a preponderance of the evidence that the modification overcomes the prima facie status of the claim. Rule 19, W.R.Adj.R.; *Nelson v. Brooks*, 2014 MT 120, ¶ 34, 375 Mont. 86, 329 P.3d 558.

The Water Use Act does not favor post objection period motions to amend. When amendments are filed after the close of an objection period, the claimant is required to provide evidence why the proposed amendment was not made through an objection. Notice provisions are triggered if the Court determines the motion to amend “may adversely affect” other water rights. The purpose of the notice requirement is to “ensure other parties are not injured by such amendments.” *In re Alton living Trust*, Case 41F-A4, 2014 Mont. Water LEXIS 7, *11.

Since Blenton Ranch did not file any objections to these claims, the modifications requested by Blenton Ranch were not noticed pursuant to the Preliminary Decree objection process. Since Blenton Ranch’s amendments extended outside the scope of the issue remarks, Blenton Ranch published notice as required by the Water Master. (Doc. 15.00). Thus, notice was provided based on 85-2-2323(6), MCA, and no objections to the published amendments were filed by other water users. Therefore, the Court will address all the amendments, including those that fall outside the scope of issue remark resolution and substantively modify element of the claims.

The amendments set forth in the Motion are supported by various evidence, including maps and other documentation from the claim files, affidavits, site visits and statements from WGM Group. According to the Motion, John Westenberg of WGM Group met with Blenton Ranch in August 2024. A 1955 aerial photograph was used to identify the point of diversion for 41K 92288-00, and a 1977 aerial photograph was used to show the corrections to 41K 96662-00. The amendments set forth in the Motion and

those subsequent filings and proceedings on the Motion are sufficiently supported pursuant to Rule 19, W.R.Adj.R.

Issue Remarks are required to be resolved based on Sections 85-2-247 through 85-2-250, MCA and Rule 7, W.R.Adj.R. The Court may resolve issue remarks based on information obtained through proceedings. *See* §§ 85-2-248 through 85-2-250, MCA. All the issue remarks have been addressed by the amendments set forth in the Motion and subsequent filings. The notice type remarks served their purpose and may be removed.

ORDER

Therefore, it is

ORDERED that Associate Water Judge Bina R. Peters assumes this case.

ORDERED that the Motion to Amend to Resolve Issue Remarks is GRANTED.

ORDERED that the issue remarks are RESOLVED and proceedings in this case are CLOSED. Abstracts of the claims are provided with this Order.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via Electronic Mail:

Abigail R. Brown
Diana J. Abbott
Attorney at Law
Parsons Behle & Latimer
AbbyBrown@parsonsbehle.com
ecf@parsonsbehle.com
dabbott@parsonsbehle.com

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 92288-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Late Claim: A

Owners: BLENTON RANCH CO
PO BOX 308
AUGUSTA, MT 59410-0308

Priority Date: DECEMBER 31, 1920

CLAIM FILED LATE 05/03/82 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL FEDERAL AND INDIAN RESERVED WATER RIGHTS.

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 35.00 GPM

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF WILLOW CREEK, NORTH FORK

Source Type: GROUNDWATER

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		SESWSW	30	21N	7W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DEVELOPED SPRING

Period of Use: JANUARY 1 TO DECEMBER 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			SESWSW	30	21N	7W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 96662-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BLENTON RANCH CO
PO BOX 308
AUGUSTA, MT 59410-0308

Priority Date: DECEMBER 31, 1904

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.80 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 137.00

Source Name: ELK 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		NENENE	2	19N	7W	LEWIS AND CLARK

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: DOUGLAS 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	80.00		S2SE	30	20N	6W	LEWIS AND CLARK
2	57.00		N2NE	31	20N	6W	LEWIS AND CLARK

Total: 137.00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 160380-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: BLENTON RANCH CO
PO BOX 308
AUGUSTA, MT 59410-0308

Priority Date: DECEMBER 31, 1948

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 7.81 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

Climatic Area: 4 - MODERATELY LOW

***Maximum Acres:** 257.00

***Source Name:** WASTE & SEEPAGE, UNNAMED TRIBUTARY OF SUN RIVER

Source Type: GROUNDWATER

***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		NE	36	22N	7W	TETON
Period of Diversion:	MAY 1 TO NOVEMBER 1					
Diversion Means:	DITCH					
2		W2NW	31	22N	6W	TETON
Period of Diversion:	MAY 1 TO NOVEMBER 1					
Diversion Means:	DITCH					
3		N2SW	31	22N	6W	TETON
Period of Diversion:	MAY 1 TO NOVEMBER 1					
Diversion Means:	DITCH					
4		NESESW	31	22N	6W	TETON
Period of Diversion:	MAY 1 TO NOVEMBER 1					
Diversion Means:	DITCH					
5		SWSE	31	22N	6W	TETON
Period of Diversion:	MAY 1 TO NOVEMBER 1					
Diversion Means:	DITCH					
6		N2NE	6	21N	6W	TETON
Period of Diversion:	MAY 1 TO NOVEMBER 1					

Diversion Means: DITCH

7NESENE621N6WTETON

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: DITCH

8SWNW521N6WTETON

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: DITCH

MULTIPLE DITCHES, INCLUDING THE YOUNGS SUPPLY DITCH, ARE USED TO COLLECT WATER WITHIN THE POINT OF DIVERSION LEGAL LAND DESCRIPTIONS. THESE DITCHES, ALONG WITH MULTIPLE SECONDARY POINTS OF DIVERSION ARE USED TO CONVEY WATER TO THE PLACE OF USE.

Reservoir: OFFSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSWNE	16	21N	6W	TETON

Diversion to Reservoir: DIVERSION # 1

Dam Height: 15.00 FEET

Depth: 12.00 FEET

Surface Area: 13.00 ACRES

Capacity: 62.40 ACRE-FEET

THE DAM EXTENDS INTO THE NWSWNE SEC 16 TWP 21N RGE 06W TETON COUNTY.
THE CAPACITY, DAM HEIGHT, MAXIMUM DEPTH, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

Period of Use: MAY 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	71.50		NE	6	21N	6W	TETON
2	12.00		N2NW	6	21N	6W	TETON
3	26.00		E2SE	6	21N	6W	TETON
4	19.00		E2SE	7	21N	6W	TETON
5	2.00		S2SWNW	8	21N	6W	TETON
6	34.00		S2SW	8	21N	6W	TETON
7	3.50		N2NW	17	21N	6W	TETON
8	50.00		E2E2	21	21N	6W	TETON
9	3.00		W2SESW	5	21N	6W	TETON
10	36.00		W2SW	5	21N	6W	TETON
Total:		257.00					

Remarks:

THE IMPLIED CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM. 41K 216380-00.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT SHARE THE SAME RESERVOIR. 41K 160380-00 41K 160381-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 160382-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: BLENTON RANCH CO
PO BOX 308
AUGUSTA, MT 59410-0308

Priority Date: OCTOBER 2, 1919

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.74 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 73.00

Source Name: OIL WELL 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		SWSESW	31	22N	6W	TETON

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: DITCH

2		SENESW	31	22N	6W	TETON
---	--	--------	----	-----	----	-------

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: DITCH

Period of Use: MAY 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	22.00		S2SW	31	22N	6W	TETON
2	5.00		SWSWSE	31	22N	6W	TETON
3	16.00		N2NW	6	21N	6W	TETON
4	30.00		N2NE	6	21N	6W	TETON

Total: 73.00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 160383-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: BLENTON RANCH CO
PO BOX 308
AUGUSTA, MT 59410-0308

Priority Date: DECEMBER 31, 1950

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 0.50 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 30.00

Source Name: SUN RIVER

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		NESENW	17	21N	6W	TETON

Period of Diversion: MAY 1 TO NOVEMBER 1

Diversion Means: DITCH

Period of Use: MAY 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	10.00		E2SW	17	21N	6W	TETON
2	20.00		W2SE	17	21N	6W	TETON
Total:		30.00					

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 160384-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BLENTON RANCH CO
PO BOX 308
AUGUSTA, MT 59410-0308

Priority Date: DECEMBER 31, 1948

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 74.00 AC-FT

Climatic Area: 4 - MODERATELY LOW

***Maximum Acres:** 27.00

***Source Name:** UNNAMED TRIBUTARY OF SUN RIVER

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		SWNENW	36	22N	7W	TETON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: OFFSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSWNE	36	22N	7W	TETON

Diversion to Reservoir: DIVERSION # 1

Capacity: 25.00 ACRE-FEET

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNENW	36	22N	7W	TETON

Diversion to Reservoir: DIVERSION # 1

Capacity: 12.00 ACRE-FEET

Period of Use: MAY 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	13.00		N2NW	1	21N	7W	TETON
2	14.00		N2NE	1	21N	7W	TETON

Total: 27.00

Remarks:

WATER IS INITIALLY APPROPRIATED AND IMPOUNDED AT THE ONSTREAM RESERVOIR LOCATED IN THE SWNENW OF SEC. 36. THIS APPROPRIATED AND IMPOUNDED WATER IS ALSO DITCHED TO AN ONSTREAM RESERVOIR LOCATED IN THE NWSWNE OF SEC. 36.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SUN RIVER
BASIN 41K**

Water Right Number: 41K 160386-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: BLENTON RANCH CO
PO BOX 308
AUGUSTA, MT 59410-0308

Priority Date: DECEMBER 31, 1947

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 98.62 AC-FT

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 71.00

Source Name: UNNAMED TRIBUTARY OF SUN RIVER

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		S2NENE	35	22N	7W	TETON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	S2NENE	35	22N	7W	TETON

Diversion to Reservoir: DIVERSION # 1

Dam Height: 11.00 FEET

Depth: 8.00 FEET

Surface Area: 15.41 ACRES

Capacity: 49.31 ACRE-FEET

THE CAPACITY, DAM HEIGHT, MAXIMUM DEPTH AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

Period of Use: MAY 1 TO OCTOBER 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	18.00		E2NE	35	22N	7W	TETON
2	50.00		S2SE	35	22N	7W	TETON

3	3.00	NESESW	35	22N	7W	TETON
Total:	<u>71.00</u>					