

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

CLAIMANTS: Barry J. Simmons; Kelly Simmons
OBJECTOR: Montana Dept. of Fish Wildlife & Parks
NOTICE OF INTENT TO APPEAR: RV Ranch Co.

CASE 41I-0519-R-2025
41I 89433-00
41I 127750-00

CLOSING ORDER

Claims 41I 89433-00 and 41I 127750-00 were included in the Preliminary Decree for the Missouri River above Holter Dam, Basin 41I, issued on June 24, 2022. The claims, owned by Barry J. Simmons and Kelly Simmons, were subject to objections from the Montana Department of Fish, Wildlife and Parks and a notice of intent to appear from RV Ranch Co. The claims also received issue remarks resulting from examination by the Department of Natural Resources and Conservation.

The claims were consolidated in the above captioned case to resolve the objections, notice of intent to appear, and issue remarks. On May 29, 2026, Claimants Barry J. Simmons and Kelly Simmons withdrew claims 41I 89433-00 and 41I 127750-00.

Therefore, it is

ORDERED that claims 41I 89433-00 and 41I 127750-00 are **DISMISSED**.

Proceedings in this case are **CLOSED**. Abstracts are provided with this order.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

W. John Tietz
Hallee Frandsen
Browning Kaleczyc Berry & Hoven PC
PO Box 1697
Helena, MT 59624-1697
(406) 443-6820
john@bkbh.com
hallee@bkbh.com
wcfilings@bkbh.com

Betsy R. Story
PARSONS BEHLE & LATIMER
bstory@parsonsbehle.com
ecf@parsonsbehle.com

Alan D. Zackheim
Agency Legal Counsel
Alexander R. Scolavino III
Agency Legal Counsel
Montana Fish, Wildlife, and Parks
Audrey.Kelly@mt.gov
azackheim@mt.gov
alexander.scolavino@mt.gov

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

Water Right Number: 411 89433-00 STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: **DISMISSED**

Owners: BARRY J SIMMONS
6342 MAIN ST B5
BONNERS FERRY, ID 83805

KELLY SIMMONS
6342 MAIN ST B5
BONNERS FERRY, ID 83805

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: TENMILE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

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

Water Right Number: 411 127750-00 STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: **DISMISSED**

Owners: BARRY J SIMMONS
6342 MAIN ST B5
BONNERS FERRY, ID 83805

KELLY SIMMONS
6342 MAIN ST B5
BONNERS FERRY, ID 83805

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: TENMILE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.