

Montana Water Court
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IN THE WATER COURT OF THE STATE OF MONTANA
CLARK FORK DIVISION
CLARK FORK RIVER BELOW THE FLATHEAD RIVER BASIN (76N)
PRELIMINARY DECREE

CLAIMANTS: Green Diamond Montana Timberlands, LLC.;
William P. Workman Living Trust

CASE 76N-0060-R-2025
76N 115787-00
76N 30175465

OBJECTOR: Green Diamond Montana Timberlands, LLC

COUNTEROBJECTOR: William P. Workman Living Trust

ORDER UPDATING CAPTION AND SPLITTING CLAIM

Background

Water right claim 76N 115787-00 is a claim for stock water use from Slimmer Creek in Lincoln County, Montana in Basin 76N, the Clark Fork River below the Flathead River Basin. The Water Court decreed the claim in the 76N Preliminary Decree issued September 21, 2023. The claim is decreed with a June 27, 1945 priority date and a period of use from June 1 to October 15. It has the following points of diversion:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			E2NW	35	27N	27W	Lincoln
2			SWNW	35	27N	27W	Lincoln
3			NWSW	35	27N	27W	Lincoln
4			E2E2	3	26N	27W	Lincoln
5			SWSE	3	26N	27W	Lincoln

Since livestock drink directly from the source, the places of use are the same as the points of diversion.

Green Diamond Montana Timberlands, LLC (“Green Diamond”) and the William P. Workman Living Trust (the “Workman Trust”) co-own the claim. In 2008, the Workman Trust acquired part of the property with the appurtenant water right claim from Plum Creek Timberlands, L.P. SPP Montana, LLC conveyed to Green Diamond the other portion of the property with the appurtenant water right claim in deeds from 2021 and 2025 (Doc. 5.00).

On May 29, 2026, Green Diamond filed a Motion to Update Caption and Split Claim. (Doc. 17.00). Green Diamond seeks to remove SPP Montana LLC from the caption and add Green Diamond Montana Timberlands, LLC, reflecting an ownership update. (Docs. 5.00, 16.00). Additionally, Green Diamond seeks to split the ownership of claim 76N 115787-00. Green Diamond confirmed that no other party opposes the motion. Green Diamond proposes to split claim 76N 115787-00 so Green Diamond would own the following points of diversion and identical places of use appurtenant to its property:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
3			NWSW	35	27N	27W	Lincoln
4			E2E2	3	26N	27W	Lincoln
5			SWSE	3	26N	27W	Lincoln

Green Diamond’s motion proposes the Workman Trust would own the following points of diversion and identical places of use appurtenant to its property:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			E2NW	35	27N	27W	Lincoln
2			SWNW	35	27N	27W	Lincoln

ISSUE

Should the Water Court grant Green Diamond’s motion to update the caption and split claim 76N 115787-00?

STANDARDS

As part of its jurisdiction to determine, interpret, and decree existing water rights, the Water Court has authority to split the ownership of a water right claim between co-owners of the claim. Sections 85-2-216, 2-227(2), 2-234(6)(a), MCA; Rule 26 W.R.Adj.R. When a water claim is split, the division creates a modified “parent” claim and a new “child” claim. Together, the modified parent claim and new child claim cumulatively equal the prior, undivided parent claim. *E.g. Herman v. Gleason*, DCERT-0002-WC-2020, 2020 Mont. Water LEXIS 711 (splitting an irrigation claim). Any modifications to any element of the claim require a motion to amend.

APPLICATION

The deeds from 2021 and 2022 transferred interest pursuant to M.R. Civ. P. 25(c) to Green Diamond. Therefore, the caption of the case may be updated to remove SPP Montana LLC and add Green Diamond Montana Timberlands, LLC.

Green Diamond’s proposed split does not change any element of claim 76N 115787-00; rather it divides ownership based on the property each party owns with the appurtenant water right. Green Diamond will become the sole owner of the modified parent claim, 76N 115787-00, retaining the points of diversion and places of use 3, 4, and 5. The Workman Trust will become sole owner of new child claim, 76N 30175465, with points of diversion and places of use 1 and 2. The period of use does not change, and because the claim is a stock water right and livestock drink directly from Slimmer Creek, there are no changes to the flow rate or volume. Therefore, the split claims, as proposed by Green Diamond, cumulatively equal the undivided parent claim with no additional burden on the source. The motion shows good cause.

ORDER

Therefore it is

ORDERED that Green Diamond’s motion to update the caption is GRANTED;

ORDERED that Green Diamond’s motion to split water right claim 76N-115787-00 is GRANTED. New claim 76N 30175465 is created. 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.

ORDERED that not later than **June 25, 2026**, the parties shall advise the Court whether any unresolved issues remain in this case with respect to the objections and counterobjections. As there are no unresolved issue remarks, if nothing is filed the Court will conclude all objections and counterobjections are resolved and the case will be closed.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via Electronic Mail:

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Note: Caption and Service List Updated 6-9-2026

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CLARK FORK, BELOW FLATHEAD RIVER
BASIN 76N**

Water Right Number: 76N 115787-00 STATEMENT OF CLAIM
Version: 3 -- SPLIT POST DECREE
Status: ACTIVE

Owners: GREEN DIAMOND MONTANA TIMBERLANDS LLC
2050 US HIGHWAY 2 W
KALISPELL, MT 59901-7337

Priority Date: JUNE 27, 1945

Type of Historical Right: USE

Purpose (Use): STOCK

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

***Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING 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: SLIMMER 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		NWSW	35	27N	27W	LINCOLN

Period of Diversion: JUNE 1 TO OCTOBER 15

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		E2E2	3	26N	27W	LINCOLN
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Period of Diversion: JUNE 1 TO OCTOBER 15

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3		SWSE	3	26N	27W	LINCOLN
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Period of Diversion: JUNE 1 TO OCTOBER 15

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JUNE 1 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			NWSW	35	27N	27W	LINCOLN
2			E2E2	3	26N	27W	LINCOLN
3			SWSE	3	26N	27W	LINCOLN

Remarks:

SPLIT CLAIM NO. 76N 30175465 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CLARK FORK, BELOW FLATHEAD RIVER
BASIN 76N**

Water Right Number: 76N 30175465 STATEMENT OF CLAIM
Version: 1 -- SPLIT POST DECREE
Status: ACTIVE

Owners: WORKMAN, WILLIAM P LIVING TRUST
2114 W GAYLORD AVE
LONG BEACH, CA 90813-1034

Priority Date: JUNE 27, 1945

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING 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: SLIMMER 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		E2NW	35	27N	27W	LINCOLN

Period of Diversion: JUNE 1 TO OCTOBER 15

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		SWNW	35	27N	27W	LINCOLN
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Period of Diversion: JUNE 1 TO OCTOBER 15

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JUNE 1 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			E2NW	35	27N	27W	LINCOLN
2			SWNW	35	27N	27W	LINCOLN

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 76N 115787-00.