

Montana Water Court  
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**FILED**  
03/03/2026  
*Melissa Lockman*  
CLERK  
Montana Water Court  
STATE OF MONTANA  
By: D'Ann CIGLER  
41H-0556-R-2023  
Brown, Stephen R  
30.00

IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
GALLATIN RIVER BASIN (41H)  
PRELIMINARY DECREE

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CLAIMANTS: Aura Steele; Hial Steele

**CASE 41H-0556-R-2023**  
41H 132259-00

**CLOSING ORDER**

The Water Court decreed water right claim 41H 132259-00 in the Preliminary Decree for Basin 41H. Basin 41H is the Gallatin River Basin. The Preliminary Decree describes the claim as a decreed right to use water from Dry Creek for irrigation use on 6.00 acres with a May 31, 1865 priority date. Dry Creek is a tributary of the East Gallatin River north of Belgrade. Aura Steele and Hial Steele own the claim.

The preliminary decree abstract includes a source name information remark stating the “source is a channel of Dry Creek, known locally as Horse Creek.” The preliminary decree abstract includes the following issue remark:

THE LEGAL LAND DESCRIPTION FOR POINTS OF DIVERSION NO. 1 & 2 COULD NOT BE REFINED FROM INFORMATION IN THE FILE. THE CLAIMED POINTS OF DIVERSION CANNOT BE CONFIRMED.

No one objected to the claim. Frank DeHann filed a notice of intent to appear (“NOIA”). The claim previously was consolidated in case 41H-0555-R-2022. At the

request of the Steeles, the Water Court re consolidated the claim into this case to resolve the issue remark and to address DeHann’s NOIA.

After various proceedings, DeHann withdrew his NOIA. The Court provided the Steeles with an opportunity to file evidence to resolve the issue remark. On January 20, 2026, the Steeles filed a “Response to Court Order.” (Doc. 20.00).

The Response explains the background to the claim, including prior proceedings in Water Court case 41H-414, which followed issuance of the Basin 41H Temporary Preliminary Decree. The Response also includes a memorandum prepared by the Department of Natural Resources and Conservation (“DNRC”) dated August 12, 2002. The DNRC memorandum contains a narrative analysis and marked aerial photographs that provide an evidentiary basis to resolve the issue remark by modifying the points of diversion to (1) eliminate current point of diversion no. 1, and (2) add a secondary pump point of diversion on the diversion channel. The modified points of diversion are as follows:

<u>ID</u>		<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	Period of Diversion: Diversion Means:	NWSWSW	35	2N	4E	GALLATIN
					APRIL 1 TO OCTOBER 15	
					HEADGATE	
2	SECONDARY Period of Diversion: Diversion Means:	NESWSW	35	2N	4E	GALLATIN
					APRIL 1 TO OCTOBER 15	
					PUMP	

**ORDER**

Therefore, it is ORDERED, claim 41H 132259-00 is modified as provided in this Order, with the issue remark and extraneous information remarks removed as resolved. Claim 41H 132259-00 and this case are CLOSED.

A post-decree abstract of claim 41H 132259-00 is included with this Order to confirm the modifications have been made to the State’s centralized water rights record system.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service Via Electronic Mail:**

Benjamin S. Sudduth  
Sudduth Law, PLLC  
benjamin@sudduthlaw.com

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**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
GALLATIN RIVER  
BASIN 41H**

**Water Right Number:** 41H 132259-00 STATEMENT OF CLAIM

**Version:** 5 -- POST DECREE

**Status:** ACTIVE

**Owners:** AURA STEELE  
8611 DRY CREEK RD  
BELGRADE, MT 59714

HIAL STEELE  
8611 DRY CREEK RD  
BELGRADE, MT 59714

**Priority Date:** MAY 31, 1865

**Type of Historical Right:** DECREED

**\*Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER

**\*Flow Rate:** 56.00 GPM

THE FLOW RATE EQUALS 5.0 MINER'S INCHES.

**\*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:** 6.00

**\*Source Name:** DRY CREEK

**Source Type:** SURFACE WATER

THE SOURCE IS A CHANNEL OF DRY CREEK, KNOWN LOCALLY AS HORSE CREEK.

**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		NWSWSW	35	2N	4E	GALLATIN

**\*Period of Diversion:** APRIL 1 TO OCTOBER 15

**Diversion Means:** HEADGATE

2 - SECONDARY		NESWSW	35	2N	4E	GALLATIN
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**\*Period of Diversion:** APRIL 1 TO OCTOBER 15

**Diversion Means:** PUMP

**\*Period of Use:** APRIL 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	6.00		E2SWSW	35	2N	4E	GALLATIN

**Total:** 6.00

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**Remarks:**

THE SPLIT CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM. 41H 30002027-00, 41H 30002028-00.

AUTHORIZATION TO SEVER/SELL A PORTION OF THE ABOVE WATER RIGHT AND TO CHANGE THE POINT OF DIVERSION, PLACE OF USE, PLACE OF STORAGE AND PURPOSE COMPLETED 10/06/1986.