

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

CLAIMANT: Double C Properties LLC

CASE 41I-0704-R-2026
41I 30159497

CLOSING ORDER

The Water Court issued a preliminary decree for Basin 41I on June 24, 2022. Basin 41I covers the upper Missouri River Basin above Holter Dam. The decree included an abstract for water right claim 41I 831-00. The claim received issue remarks. The claim also received a counterobjection from Charles P. Hahn (“Hahn”) dated April 3, 2023.

On February 1, 2023, the Department of Natural Resources and Conservation (“DNRC”) processed a split and sever of claim 41I 831-00. The split and sever resulted in a remnant of the claim remaining appurtenant to two acres of property now owned by Double C Properties LLC.¹ This claim was assigned water right claim no. 41I 30159497. This “child” claim retained the unresolved issue remarks from “parent” claim 41I 831-00. The objections to claim 41I 831-00 were not extended to claim 41I 30159497.

The Water Court consolidated claim 41I 831-00 into case 41I-0027-R-2022 along with several other claims to address objections and issue remarks. Claim 41I 30159497 was not included in this case. Ultimately stipulations were filed in case 41I-0027-R-2022

¹ The background to the split and sever is detailed in a file memorandum prepared by DNRC dated February 2, 2023, which is contained in the claim files for claims 41I 831-00 and 41I 30159497.

that resolved all objections. Additionally, counsel for Leonard and Pamela Lambott – the owners of claim 41I 831-00 – filed evidence that the Court accepted to resolve the issue remarks on this claim.

The Court issued an Order closing case 41I-0027-R-2022 on January 23, 2026. The Order noted in a footnote the unresolved issue remarks on claim 41I 30159497. Those issue remarks still remain unresolved. However, as the evidence filed to resolve the issue remarks on claim 41I 831-00 addresses the same issue remarks that appear on claim 41I 30159497, the Court concludes those issue remarks are also now resolved. The Court issues this Order to confirm the issue remarks are resolved, and to close claim 41I 30159497.

ORDER

Therefore it is ORDERED that the issue remarks on claim 41I 30159497 are RESOLVED on the same basis as the resolution of the issue remarks on claim 41I 831-00. Claim 41I 30159497 and this case are CLOSED.

A post decree abstract of the claim is included with this Order to confirm the modifications have been made in the State’s centralized water rights record system. The Court also provides courtesy copies of this Order to counsel for Leonard and Pamela Lambott (the owners of claim 41I 831-00) and to counsel for Charles P. Hahn (the counterobjector to claim 41I 831-00).

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Double C Properties LLC
3535 MT Highway 284
Townsend, MT 59644-9624

Service Via Electronic Mail:

Courtesy Copy:

Abigail R. Brown

Diana J. Abbott

Parsons Behle & Latimer

ecf@parsonsbehle.com

abbybrown@parsonsbehle.com

dabbott@parsonsbehle.com

David Weaver

Nash, Zimmer & Weaver

dweaver@daveweaverlaw.com

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

Water Right Number: 411 30159497 STATEMENT OF CLAIM

Version: 2 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: DOUBLE C PROPERTIES LLC
3535 MT HIGHWAY 284
TOWNSEND, MT 59644-9624

Priority Date: APRIL 1, 1870

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 7.27 GPM

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

Climatic Area: 3 - MODERATE

Maximum Acres: 2.00

Source Name: DEEP 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 | | SWSWSE | 3 | 6N | 2E | BROADWATER |

Period of Diversion: MAY 1 TO JULY 19

Diversion Means: HEADGATE

Ditch Name: HIGH WATER SPILL DITCH

THE BROADWATER-MISSOURI WATER USERS ASSOCIATION EAST SIDE CANAL IS USED AS A CARRIER TO CONVEY WATER DIVERTED FROM DEEP CREEK TO THE PLACE OF USE.

Period of Use: MAY 1 TO JULY 19

***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 | 2.00 | | NESWSE | 21 | 7N | 2E | BROADWATER |

Subdivision: VALLEY VIEW ESTATES SUBDIVISION TRACT/LOT: 13

Total: 2.00

Remarks:

THIS SPLIT CLAIM WAS GENERATED BY THE DEPARTMENT BASED ON INFORMATION IN CLAIM 411 831-00.

THIS WATER RIGHT IS SUPPLEMENTAL TO WATER DELIVERED UNDER CONTRACT TO THIS CLAIMANT BY THE BROADWATER MISSOURI CANAL.