

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

\*\*\*\*\*

CLAIMANTS: Barbara M. Marks; Marks Ranch Inc.

OBJECTOR: United States, DOI Bureau of Land Management

**CASE 411-0505-R-2025**  
411 89635-00

**CLOSING ORDER**

Claim 41I 89635-00, owned by Barbara M. Marks and Marks Ranch Inc. (collectively, “Marks”), was included in the Preliminary Decree for the Missouri River above Holter Dam, Basin 41I, issued on June 24, 2022. The claim is for 86.00 acres of natural overflow irrigation from Lump Gulch.

The claim received an objection from the United States, Bureau of Land Management (“BLM”). On December 10, 2025, the BLM withdrew its objection. Additionally, as a result of examination by the Department of Natural Resources and Conservation (“DNRC”), the claim was subject to the following issue remark that required additional evidence to be resolved. *See* Mont. Code Ann. § 85-2-248.

THE JEFFERSON COUNTY WATER RESOURCES SURVEY (1956) APPEARS TO INDICATE 10.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

The claim also received two notice-type issue remarks that do not require additional evidence and can be removed from the abstract of the claim.

A consultant for Marks worked with the DNRC to resolve the issue remark. A DNRC Memorandum was filed on March 4, 2026, indicating the Jefferson

County Water Resource Survey indicated approximately 87.5 acres. Therefore, the issue remark should be removed from the abstract of the claim.

Therefore, it is

ORDERED that all issue remarks are resolved and are removed from the abstract of claim 41I 89635-00.

ORDERED that there are no further issues and this case is CLOSED. An abstract of claim 41I 89635 is provided with this order.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via USPS Mail:**

Barbara M. Marks  
40 Ohio Gulch  
Clancy, MT 59634

Marks Ranch Inc.  
30 Lump Gulch Rd  
Clancy, MT 59634

**Service Via Electronic Mail:**

Michelle Nkeng  
US Dept of Justice, ENRD-NRS  
[michelle.nkeng@usdoj.gov](mailto:michelle.nkeng@usdoj.gov)  
MontanaBasins.ENRD@USDOJ.GOV

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

**Water Right Number:** 411 89635-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** BARBARA M MARKS  
40 OHIO GULCH  
CLANCY, MT 59634  
  
MARKS RANCH INC  
30 LUMP GULCH RD  
CLANCY, MT 59634-9781

**\*Priority Date:** OCTOBER 2, 1918

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** NATURAL OVERFLOW

**\*Flow Rate:** NO FLOW RATE HAS BEEN DECREED FOR THIS NATURAL OVERFLOW METHOD OF IRRIGATION.

**\*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:** 86.00

**Source Name:** LUMP GULCH

**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		SWNWNE	5	8N	3W	JEFFERSON
<b>Period of Diversion:</b>	APRIL 1 TO OCTOBER 5					
<b>Diversion Means:</b>	NATURAL OVERFLOW					
<b>Ditch Name:</b>	ANDERSON DITCH					
2		SENE	5	8N	3W	JEFFERSON
<b>Period of Diversion:</b>	APRIL 1 TO OCTOBER 5					
<b>Diversion Means:</b>	NATURAL OVERFLOW					
<b>Ditch Name:</b>	MARKS DITCH					
3	5		4	8N	3W	JEFFERSON
<b>Period of Diversion:</b>	APRIL 1 TO OCTOBER 5					
<b>Diversion Means:</b>	NATURAL OVERFLOW					
<b>Ditch Name:</b>	MARKS DITCH					
4	3		4	8N	3W	JEFFERSON
<b>Period of Diversion:</b>	APRIL 1 TO OCTOBER 5					
<b>Diversion Means:</b>	NATURAL OVERFLOW					

**Ditch Name:** MARKS DITCH  
5 2 4 8N 3W JEFFERSON

**Period of Diversion:** APRIL 1 TO OCTOBER 5

**Diversion Means:** NATURAL OVERFLOW

**Ditch Name:** MARKS DITCH

THE POINT OF DIVERSIONS NO. 1 AND NO. 2 ARE LOCATED IN MINERAL SURVEY NO. 1026.

**Period of Use:** APRIL 1 TO OCTOBER 5

THIS RIGHT IS LIMITED TO HIGH OR FLOOD WATERS OF LUMP GULCH.

**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	4	NW	3	8N	3W	JEFFERSON
2	45.00		NE	4	8N	3W	JEFFERSON
3	27.00		NW	4	8N	3W	JEFFERSON
4	12.00		NE	5	8N	3W	JEFFERSON
<b>Total:</b>	<b>86.00</b>						

**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

89633-00      89634-00      89635-00      89636-00

CAUSE NO. 15537, LEWIS & CLARK CO, PROVIDES TESTIMONY THAT INDIVIDUALS WITH DECREED RIGHTS FROM CASE NO. 4643, LEWIS & CLARK CO, HAVE HISTORICALLY USED THE HIGH, FLOOD AND SURPLUS WATERS OF PRICKLY PEAR CREEK IN ADDITION TO THEIR DECREED RIGHTS.