FILED
10/30/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41J-0010-I-2025
Stradley, Anna
18.00

Montana Water Court
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MONTANA WATER COURT
UPPER MISSOURI DIVISION
SMITH RIVER
BASIN 41J
INTERLOCUTORY DECREE

* *

CLAIMANTS: Sieben Livestock Co.; **Montana State Board of Land Commissioners – Forestry and Trust Lands Division**	**CASE 41J-0010-I-2025** 41J 30129340 41J 30129384 41J 30129421 **41J 30177307** **41J 30177308** **41J 30177309**
OBJECTOR: Montana State Board of Land Commissioners – Forestry and Trust Lands Division	
NOTICE OF INTENT TO APPEAR: United States, DOI Bureau of Land Management	

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above-stamped date. Please review this report carefully.

You have **13 days** from the service date of the notice of filing of this report to file a written objection or request an extension of the objection period. Rule 23, Water Right Adjudication Rules; Rule 6, Montana Rules of Civil Procedure. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

FINDINGS OF FACT

1. Stock claims 41J 30129340 and 41J 30129421 appeared in the Interlocutory Decree for Basin 41J with the following issue remark:

> THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41J DECREE ISSUED 12/16/2010.

2. Stock claim 41J 30129384 appeared in the Interlocutory Decree for Basin 41J with the following issue remarks:

> THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41J DECREE ISSUED 12/16/2010.
>
> ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 12/23/2022, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY USDI-BREAU OF LAND MANAGEMENT, 5001 SOUTHGATE DR. BILLINGS, MT 59101-4669.
>
> THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OR ALL OF THE PLACE OF USE APPEARS TO BE ON FEDERAL LAND.
>
> ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 12/23/2022, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY STATE OF MONTANA, STATE LANDS, 1539 11TH AVENUE, HELENA, MT 59601.
>
> THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OF THE PLACE OF USE APPEARS TO BE ON STATE LAND.

3. Each claim received an ownership objection from the Montana State Board of Land Commissioners – Forestry and Trust Lands Division ("Trust Lands").

4. The United States, DOI Bureau of Land Management ("BLM") filed a notice of intent to appear for stock claim 41J 30129384.

5. On June 24, 2026, Sieben Livestock Co. and Trust Lands filed a Settlement Agreement. (FCE Doc. 15.00) On July 28, 2026, BLM filed a Statement Regarding Settlement Agreement stating the Settlement Agreement resolved its notice of intent to appear concerns for claim 41J 30129384. (FCE Doc. 17.00) Attached to the BLM's Statement was a corrected map for claim 41J 30129384, agreed to by all parties in this case.

6. The Settlement Agreement is supported by information attached to Trust Lands' objections to the captioned claims.

The information attached to Trust Lands' objection confirms the entirety of

Section 36, T14N, R1E claimed by stock claim 41J 30129340 was withdrawn from the public domain at statehood via the Enabling Act and the survey of this ground was approved by the Surveyor General on April 6, 1893, with title to this ground vesting in the State of Montana on the same date. By the time of the appropriation in 1924, title to this ground was fully vested in the State as school trust property. Although Sieben Livestock Co. or its predecessor in interest was the appropriator of this water right, the owner of that portion of stock claim 41J 30129340 is the State of Montana as the owner of school trust properties. A split claim should be created for the portion owned by the State of Montana. The portion of claim 41J 30129340 owned by Sieben Ranch Co. shall retain claim number 41J 30129340. The portion of 41J 30129340 owned by Trust Lands shall be claim number 41J 30177307. For claim 41J 30129340, the place of use should be changed by deleting the parcel in Section 36, T14N, R1E. For split claim 41J 30177307, the elements should be the same as 41J 30129340, except the owner is Trust Lands and the place of use should be Section 36, T14N, R1E. The following information remark should appear on both claims under volume:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE LIMITED TO THE SERVICE OF 300 BEEF CATTLE AND 1000 SHEEP. 41J 30129340, 41J 30177307

The information attached to Trust Lands' objection confirms the W2SW and SESW of Section 26, T14N, R1W claimed by stock claim 41J 30129384 was withdrawn from the public domain via School Indemnity Lands Clear List No. 22 on November 4, 1919, with title to this ground vesting in the State of Montana on the same date. The information attached to Trust Lands' objection confirms the entirety of Section 36, T14N, R1W claimed by stock claim 41J 30129384 was withdrawn from the public domain at statehood via the Enabling Act and the survey of this ground was approved by the Surveyor General on December 4, 1907, with title to this ground vesting in the State of Montana on the same date (see objection to claim 41J 30129421). By the time of the appropriation in 1923, title to this ground was fully vested in the State as school trust property. Although Sieben Livestock Co. or its predecessor in interest was the appropriator of this water right, the owner of the aforementioned portions of stock claim 41J 30129384 is the State of Montana as the owner of school trust properties. A split

claim should be generated for the portion owned by the State of Montana. The portion of claim 41J 30129384 owned by Sieben Ranch Co. shall retain claim number 41J 30129384. The portion of 41J 30129384 owned by the State of Montana shall be claim number 41J 30177308. For claim 41J 30129384, the place of use should be changed by deleting the parcels in the W2SW and SESW of Section 26, and the SWNW and NWSW of Section 36, T14N, R1W. For split claim 41J 30177308, the elements should be the same as 41J 30129384, except the owner is Trust Lands and the place of use should be the W2SW and SESW of Section 26, and the SWNW and NWSW of Section 36, T14N, R1W. The following information remark should appear on both claims under volume:

> **THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE LIMITED TO THE SERVICE OF 300 BEEF CATTLE AND 1000 SHEEP. 41J 30129384, 41J 30177308**

The following information remark should appear under the place of use element on claim 41J 30129384:

> **PART OF THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THAT PORTION OF THE WATER RIGHT USED ON THE FOLLOWING PUBLIC LAND GOVT LOT 2, NWSE OF SECTION 2, T13N, R1W, IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: SECTION 25, S2NE, E2NW AND SE OF SECTION 26, E2 OF 34, AND SECTION 35, ALL IN T14N, R1W AND GOVT LOTS 3, 4, SWSE, S2SW OF SECTION 2, GOVT LOTS 1, 2, AND SESE OF SECTION 3, ALL IN T13N, R1W.**

The information attached to Trust Lands' objection confirms the entirety of Section 36, T14N, R1W claimed by stock claim 41J 30129421 was withdrawn from the public domain at statehood via the Enabling Act and the survey of this ground was approved by the Surveyor General on December 4, 1907, with title to this ground vesting in the State of Montana on the same date. By the time of the appropriation in 1909, title to this ground was fully vested in the State as school trust property. Although Sieben Livestock Co. or its predecessor in interest was the appropriator of this water right, the owner of that portion of stock claim 41J 30129421 is the State of Montana as the owner of school trust properties. A split claim should be generated for the portion owned by the State of Montana. The portion of claim 41J 30129421 owned by Sieben Ranch Co. shall retain claim number 41J 30129421. The portion of 41J 30129421 owned by the State of Montana shall be claim number 41J 30177309. For claim 41J 30129421, the place of use should be changed by deleting the parcels in the E2 and SESESW of Section 36, T14N,

R1W. For split claim 41J 30177309, the elements should be the same as 41J 30129421, except the owner is Trust Lands and the place of use should be the E2 and SESESW of Section 36, T14N, R1W. The following information remark should appear on both claims under volume:

> **THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE LIMITED TO THE SERVICE OF 300 BEEF CATTLE AND 1000 SHEEP. 41J 30129421, 41J 30177309**

7. The Settlement Agreement resolves the ownership issue remarks on stock claim 41J 30129824. The issue remark noting the lack of each claim's inclusion in the previous Basin 41J decree provided water users the opportunity to review the claims and file an objection. The deadline to file objections expired. The only objections filed to the claims are resolved by these case proceedings. The issue remark noting the lack of the claims' inclusion in the previous Basin 41J decree served its notice purpose. All issue remarks on the claims should be removed.

CONCLUSIONS OF LAW

1. The Montana Water Court has jurisdiction over all matters relating to the determination of existing water rights. Section 3-7-224, MCA.

2. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. Section 85-2-222, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that an element of the prima facie claim is incorrect. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R. A preponderance of the evidence is a "modest standard" and is evidence that demonstrates the fact to be proved is "more probable than not." *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 348, 240 P.3d 628.

3. The Montana Water Court is permitted to use information submitted by the Department of Natural Resources and Conservation, the statement of claim, information from approved compacts, and any other data obtained by the Court to evaluate water right claims. Section 85-2-231(2), MCA.

4. When resolving issue remarks, the Montana Water Court must weigh the information resulting in the issue remark and the issue remark against the claimed water

right. Section 85-2-247(2), MCA.

5. The Montana Water Court has the authority to resolve issue remarks when the claim file and information available to the Court provide a sufficient basis to do so. Section 85-2-248(3), MCA.

6. If, at the time an appropriation is made, the appropriator is a lessee of school trust land and if the lessee makes and uses the appropriation on school trust land, the appropriation is owned by the State of Montana rather than the lessee. *Department of State Lands v. Pettibone*, 216 Mont. 361, 702 P.2d 948 (1985). Implicit in this rule is the determination that the land was indeed fully vested as state school trust land at the time the appropriation was made. *See Harper, et al. v. Montana, State of, Board of Land Commissioners*, Case 43A-A, at p. 10-13, (Memorandum June 29, 2000); *Hamilton Ranches Partnership v. United States of America, et al.*, Case 41G-190, at p. 32 (Opinion July 19, 2005); and *Huckaba Ranch, Inc. v. Golden Sunlight Mines, Inc.*, Case 41G-3, at p. 7-9, (Opinion August 3, 2005).

7. Livestock direct from source claims are normally unquantified. Livestock direct from source claims normally receive information remarks under flow rate and volume. The information remark under volume limits a livestock direct from source claim to reasonable carrying capacity of the place of use at a rate of 30 GPD/animal unit. When the number of animal units served is at issue, without evidence of carrying capacity of the land, the number of animal units identified by the prima facie statement of claim is the only proof available to establish the number of animal units served. *Burkhartsmeyer v. Burkhartsmeyer*, 1997 Mont. Water LEXIS 13 at *20-22, (Mar. 11, 1997); *Cf. Stone Creek Ranches Inc. v. U.S.*, 2016 Mont. Water LEXIS 13 at * 9-12 (Oct. 24, 2016) adopted by *Stone Creek Ranches Inc. v. U.S.*, 2016 Mont. Water LEXIS 6 (Nov. 9, 2016).

8. The settlement documentation and evidence entered into the record is sufficient to contradict and overcome the content of the prima facie claims, justifies the changes to the claims, resolves the objections filed to the claims, resolves the notice of intent to appear for claim 41J 30129384, and resolves the issues noted by remarks on the claims. Rule 17, W.R.Adj.R.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusions of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Interlocutory Decree for this Basin. Post Decree Abstracts of Water Right Claim accompany this Report to confirm that the recommended changes have been made in the state's centralized record system.

Service via Electronic Mail

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Note: Caption Updated 10-30-2026

Electronically Signed By:
Hon. Judge Anna Stradley
Fri, Oct 30 2026 10:45:22 AM

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

SMITH RIVER

BASIN 41J

Water Right Number: **41J 30129340** STATEMENT OF CLAIM

Version: 2 -- SPLIT POST DECREE

Status: ACTIVE

Owners: SIEBEN LIVESTOCK CO
PO BOX 835
HELENA, MT 59624-0835

Priority Date: MARCH 26, 1924

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.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE LIMITED TO THE SERVICE OF 300 BEEF CATTLE AND 1000 SHEEP. 41J 30129340, 41J 30177307

***Source Name:** CROOKED CREEK

Source Type: SURFACE WATER

***Source Name:** UNNAMED TRIBUTARY OF CROOKED CREEK

Source Type: SURFACE WATER

THE SOURCE INCLUDES UNNAMED TRIBUTARIES OF CROOKED CREEK.

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		N2N2	1	13N	1E	MEAGHER
Source Name:	CROOKED CREEK					
Period of Diversion:	MAY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		W2NW	6	13N	2E	MEAGHER
***Source Name:**	UNNAMED TRIBUTARY OF CROOKED CREEK					
Period of Diversion:	MAY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3			31	14N	2E	MEAGHER
***Source Name:**	UNNAMED TRIBUTARY OF CROOKED CREEK					
Period of Diversion:	MAY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

Period of Use: MAY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			N2N2	1	13N	1E	MEAGHER
2			W2NW	6	13N	2E	MEAGHER
3				31	14N	2E	MEAGHER

Remarks:

SPLIT CLAIM NO. 41J 30177307 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

SMITH RIVER

BASIN 41J

Water Right Number: **41J 30129384** STATEMENT OF CLAIM

Version: 2 -- SPLIT POST DECREE

Status: ACTIVE

Owners: SIEBEN LIVESTOCK CO
PO BOX 835
HELENA, MT 59624-0835

Priority Date: MARCH 26, 1923

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.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE LIMITED TO THE SERVICE OF 300 BEEF CATTLE AND 1000 SHEEP. 41J 30129384, 41J 30177308

***Source Name:** MIDDLE CREEK

Source Type: SURFACE WATER

***Source Name:** UNNAMED TRIBUTARY OF MIDDLE CREEK

Source Type: SURFACE WATER

THE SOURCE INCLUDES UNNAMED TRIBUTARIES OF MIDDLE CREEK.

***Point of Diversion and Means of Diversion:**

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	2	NWSE	2	13N	1W	LEWIS AND CLARK

***Source Name:** UNNAMED TRIBUTARY OF MIDDLE CREEK

Period of Diversion: MAY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
2	3	NENESW	2	13N	1W	LEWIS AND CLARK

***Source Name:** UNNAMED TRIBUTARY OF MIDDLE CREEK

Period of Diversion: MAY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
3		W2SW	25	14N	1W	CASCADE

***Source Name:** MIDDLE CREEK

Period of Diversion: MAY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
4		S2S2NE	26	14N	1W	CASCADE

***Source Name:**	MIDDLE CREEK					
Period of Diversion:	MAY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		SE	26	14N	1W	CASCADE
***Source Name:**	MIDDLE CREEK					
Period of Diversion:	MAY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		E2	34	14N	1W	CASCADE
***Source Name:**	MIDDLE CREEK					
Period of Diversion:	MAY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
7			35	14N	1W	CASCADE
***Source Name:**	MIDDLE CREEK					
Period of Diversion:	MAY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
8		NESW	26	14N	1W	CASCADE
Source Name:	UNNAMED TRIBUTARY OF MIDDLE CREEK					
Period of Diversion:	MAY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

Period of Use: MAY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		2	NWSE	2	13N	1W	LEWIS AND CLARK
2		3	NENESW	2	13N	1W	LEWIS AND CLARK
3			W2SW	25	14N	1W	CASCADE
4			S2S2NE	26	14N	1W	CASCADE
5			SE	26	14N	1W	CASCADE
6			E2	34	14N	1W	CASCADE
7				35	14N	1W	CASCADE
8			SWNW	36	14N	1W	CASCADE
9			NWSW	36	14N	1W	CASCADE
10			NESW	26	14N	1W	CASCADE

PART OF THE PLACE OF USE CONSISTS OF FEDERAL PUBLIC LANDS. THAT PORTION OF THE WATER RIGHT USED ON THE FOLLOWING PUBLIC LAND GOVT LOT 2, NWSE OF SECTION 2, T13N, R1W IS APPURTENANT TO THE FOLLOWING PRIVATE LANDS: SECTION 25, S2NE, E2NW AND SE OF SECTION 26, E2 OF 34, AND SECTION 35, ALL IN T14N, R1W AND GOVT LOTS 3, 4, SWSE, S2SW OF SECTION 2, GOVT LOTS 1, 2, AND SESE OF SECTION 3, ALL IN T13N, R1W.

Remarks:

SPLIT CLAIM NO. 41J 30177308 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

SMITH RIVER

BASIN 41J

Water Right Number: **41J 30129421** STATEMENT OF CLAIM

Version: 2 -- SPLIT POST DECREE

Status: ACTIVE

Owners: SIEBEN LIVESTOCK CO
PO BOX 835
HELENA, MT 59624-0835

Priority Date: SEPTEMBER 30, 1909

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.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE LIMITED TO THE SERVICE OF 300 BEEF CATTLE AND 1000 SHEEP. 41J 30129421, 41J 30177309

***Source Name:** UNNAMED TRIBUTARY OF MIDDLE CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS EAST FORK OF MIDDLE CREEK

***Point of Diversion and Means of Diversion:**

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSW	30	14N	1E	CASCADE
Period of Diversion:	MAY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2			31	14N	1E	CASCADE
Period of Diversion:	MAY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		S2SE	25	14N	1W	CASCADE
Period of Diversion:	MAY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		E2SW	25	14N	1W	CASCADE
Period of Diversion:	MAY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

Period of Use: MAY 1 TO DECEMBER 31

***Place of Use:**

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			SWSW	30	14N	1E	CASCADE

2		31	14N	1E	CASCADE
3	S2SE	25	14N	1W	CASCADE
4	E2SW	25	14N	1W	CASCADE

Remarks:

SPLIT CLAIM NO. 41J 30177309 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

SMITH RIVER

BASIN 41J

Water Right Number: **41J 30177307** STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: MONTANA STATE BOARD OF LAND COMMISSIONERS
FORESTRY AND TRUST LANDS DIVISION
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: MARCH 26, 1924

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.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE LIMITED TO THE SERVICE OF 300 BEEF CATTLE AND 1000 SHEEP. 41J 30129340, 41J 30177307

Source Name: CROOKED CREEK

Source Type: SURFACE WATER

THE SOURCE INCLUDES UNNAMED TRIBUTARIES OF CROOKED CREEK.

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			36	14N	1E	CASCADE

Period of Diversion: MAY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: MAY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1				36	14N	1E	CASCADE

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41J 30129340.

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

SMITH RIVER

BASIN 41J

Water Right Number: **41J 30177308** STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: MONTANA STATE BOARD OF LAND COMMISSIONERS
FORESTRY AND TRUST LANDS DIVISION
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: MARCH 26, 1923

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.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE LIMITED TO THE SERVICE OF 300 BEEF CATTLE AND 1000 SHEEP. 41J 30129384, 41J 30177308

Source Name: MIDDLE CREEK

Source Type: SURFACE WATER

Source Name: UNNAMED TRIBUTARY OF MIDDLE CREEK

Source Type: SURFACE WATER

THE SOURCE INCLUDES UNNAMED TRIBUTARIES OF MIDDLE CREEK.

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SESW	26	14N	1W	CASCADE

Source Name: MIDDLE CREEK

Period of Diversion: MAY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		W2S2	26	14N	1W	CASCADE

Source Name: MIDDLE CREEK

Period of Diversion: MAY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3		SWNW	36	14N	1W	CASCADE

Source Name: UNNAMED TRIBUTARY OF MIDDLE CREEK

Period of Diversion: MAY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

4		NWSW	36	14N	1W	CASCADE

Source Name: UNNAMED TRIBUTARY OF MIDDLE CREEK

Period of Diversion: MAY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: MAY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			SESW	26	14N	1W	CASCADE
2			W2SW	26	14N	1W	CASCADE
3			SWNW	36	14N	1W	CASCADE
4			NWSW	36	14N	1W	CASCADE

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41J 30129384.

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

SMITH RIVER

BASIN 41J

Water Right Number: **41J 30177309** STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: MONTANA STATE BOARD OF LAND COMMISSIONERS
FORESTRY AND TRUST LANDS DIVISION
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: SEPTEMBER 30, 1909

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.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE LIMITED TO THE SERVICE OF 300 BEEF CATTLE AND 1000 SHEEP. 41J 30129421, 41J 30177309

Source Name: UNNAMED TRIBUTARY OF MIDDLE CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS EAST FORK OF MIDDLE CREEK

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		E2	36	14N	1W	CASCADE
Period of Diversion:	MAY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		SESESW	36	14N	1W	CASCADE
Period of Diversion:	MAY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

Period of Use: MAY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			E2	36	14N	1W	CASCADE
2			SESESW	36	14N	1W	CASCADE

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41J 30129421.