

C. Bruce Loble
 Chief Water Judge
 Montana Water Court
 PO Box 1389
 Bozeman MT 59771-1389
 (406) 586-4364
 1-800-624-3270 (IN-STATE)
 FAX: (406) 522-4131

IN THE WATER COURT OF THE STATE OF MONTANA

ALBERT D. YOUNG,)
)
 Plaintiff,)
)
 v.)
)
 MATTIE Z. FARRINGTON)
)
 Defendants.)
 _____)

CASE NO. WC-2005-02

Certified From:
 Fifth Judicial District Court
 Cause No. 576
 (Red Rock River)

FILED

APR 04 2006

Montana Water Court

**ORDER DISMISSING RIVER VALLEY RANCH
 CLAIM 41A 94608-00
 AND
 ORDER DELETING DECREE EXCEEDED ISSUE REMARK
 ON BEAR CREEK RANCHES CLAIM 41A 94627-00**

On Thursday, October 20, 2005, the Water Court held an evidentiary hearing to resolve a water right distribution controversy involving the ownership of an existing water right claimed by two parties. Plaintiff and claimant River Valley Ranch, LP (hereinafter "River Valley") was represented by attorney Katherine Baker. Defendant and claimant Bear Creek Ranches, LLC (hereinafter "Bear Creek") was represented by attorneys John Bloomquist, Max Hansen, and Patti Rowland. Ted Schmidt was present for River Valley. Don and Sheila White were present for Bear Creek.

River Valley is the owner of water right claim 41A 94608-00. Bear Creek is the owner of water right claim 41A 94627-00. By this Order, River Valley water right claim 41A 94608-00 has been terminated. After at least 30 days have elapsed, the Water Court will return its decision and tabulation to the Fifth Judicial District Court, pursuant to § 85-2-406(2)(b), MCA.

For the reasons set forth in the Findings of Fact and Conclusion of Law filed April 4, 2006, it is hereby

ORDERED that the River Valley water right claim 41A 94608-00 is **TERMINATED** and **DISMISSED** and any abstract of the claim that appears in any subsequent decree issued in Basin 41A shall so indicate;

ORDERED that the following remark be placed on the abstract of claim 41A 94608-00:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT ON APRIL 4, 2006 IN CERTIFICATION CASE WC-2005-02

ORDERED that the decree exceeded remark on the Review Abstract of Bear Creek water right claim 41A 94627-00 (which the Bear Creek claim was sharing with River Valley claim 41A 94608-00) be **DELETED**.

ORDERED that a **Review Abstract of Water Right Claim 41A 94608-00** be served with this Order to confirm that the remark set forth above has been added to the Review Abstract of the River Valley terminated claim and to confirm that the **TERMINATED** status of the claim is properly identified in the state's centralized record system.

ORDERED that a **Review Abstract of Water Right Claim 41A 94627-00** be served with this Order to confirm that the decree exceeded issue remark has been deleted from the Review Abstract of Bear Creek claim 41A 94627-00 and to confirm the deletion of the decree exceeded issue remark in the state's centralized record system.

DATED this 4 day of April, 2006.



C. Bruce Loble
Chief Water Judge

CERTIFICATE OF SERVICE

I, Anna M. Burton, Clerk of Court of the Montana Water Court, hereby certify that a true and correct copy of the above **ORDER** was duly served upon the persons listed below by depositing the same, postage prepaid, in the United States mail.

Katherine A. Baker, Attorney
PO Box 6580
Bozeman MT 59771-6580

John E. Bloomquist, Esq.
PO Box 1185
Helena MT 59624-1185

Patti L. Rowland, Esq.
PO Box 1418
Dillon MT 59725-1418

Max A. Hansen, Esq.
PO Box 1301
Dillon MT 59725-1301

Courtesy Copies:

Frederick B. Gray,
Commissioner
PO Box 117
Lima MT 59739

Wilbur G. Gilbert, III, Atty
PO Box 345
Dillon MT 59725-0345

Buhler Land & Cattle
Attn: Rulon Buhler
PO Box 204
Lima MT 59739

Canyon Ranch
River Bend Ranch
PO Box 50305
Idaho Falls ID 83405

Draggin Y Cattle Co.
6000 Hwy 324
Dillon MT 59725

Duffner Ranches
Attn: Les Duffner
PO Box 278
Lima MT 59739

Santana Ranch
Attn: Dean/Robert Dixon
PO Box 121
Lima MT 59739

Keith Fairbank
1600 Bond Road
Dillon MT 59725

Ross Hansen
PO Box 48
Dell MT 59724

Hess Land & Cattle Co.
Attn: Steve Hess
PO Box 112
Lima MT 59739

Leo Keppner
PO Box A
Lima MT 59739

LaCense Ranch
4600 Carrigan Lane
Dillon MT 59725

Lee Martinell Co.
Attn: Byron and Allen
Martinell
PO Box 77
Dell MT 59724

Debbie Meyer
PO Box 96
Lima MT 59739

Jim Munday
3475 Beaverhead Lane
Dillon MT 59725

John P. Murphy
207 W. Wood Street
Willows CA 95988-2528

Wayne Potter
PO Box 53
Dell MT 59724

R & D Ranch
Attn: Dave Adams
Dell MT 59724

Glen M. Sylvester
PO Box 207
Lima MT 59739

Turner Ranches
2205 Red Rock South
Dillon MT 59725

Nettie Welborn
1125 Lovers Leap Road
Dillon MT 59725

David Wellborn
11775 Hwy 324
Dillon MT 59725

Wolfe Hereford Ranch
PO Box 65
Dell MT 59724

DATED this ^{4th} day of April, 2006.


Anna M. Burton, Clerk of Court

REVIEW ABSTRACT OF WATER RIGHT CLAIM

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED IN ACCORDANCE WITH THE SUPREME COURT RULES GOVERNING THE EXAMINATION OF THIS CLAIM.

Water Right Number: 41A 94608-00 STATEMENT OF CLAIM
Version Status: TERMINATED

Owners: RIVER VALLEY RANCH LP
PO BOX 10175
BOZEMAN, MT 59719 0175

***Priority Date:** JUNE 1, 1888
Enforceable Priority Date: JUNE 1, 1888

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 8.00 CFS

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 320 MINER'S INCHES DECREED IN CASE NO. 576 , BEAVERHEAD COUNTY. 41A 94608, 41A 94627.

Volume:

Climatic Area: 5 - LOW

Maximum Acres: 320.00

Source: RED ROCK RIVER

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		NWNENE	31	13S	7W	BEAVERHEAD
Diversion Means:	HEADGATE					
2		NESENE	31	13S	7W	BEAVERHEAD
Diversion Means:	HEADGATE					
3		NWSENE	31	13S	7W	BEAVERHEAD
Diversion Means:	HEADGATE					

Period of Diversion: MAY 15 to SEPTEMBER 15

Period of Use: MAY 15 to SEPTEMBER 15

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	123.00		S2	31	13S	7W	BEAVERHEAD
2	18.00		S2SE	25	13S	8W	BEAVERHEAD
3	162.00			36	13S	8W	BEAVERHEAD
4	17.00		N2SE	35	13S	8W	BEAVERHEAD
Total:	320.00						

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT ON APRIL 4, 2006 IN CERTIFICATION CASE WC-2005-02.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 05/08/92.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 02/07/89.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 10/25/90.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 03/30/98.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 01/29/99.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 10/08/99.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 10/03/00.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/08/00.

REVIEWED BY : BRUCE LOBLE

DATE:

REVIEW ABSTRACT OF WATER RIGHT CLAIM

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED IN ACCORDANCE WITH THE SUPREME COURT RULES GOVERNING THE EXAMINATION OF THIS CLAIM.

Water Right Number: 41A 94627-00 STATEMENT OF CLAIM
Version Status: ACTIVE

Owners: BEAR CREEK RANCHES LLC
PO BOX 240040
DELL, MT 59724 0040

Priority Date: JUNE 1, 1888
Enforceable Priority Date: JUNE 1, 1888

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 8.00 CFS

Volume:

Climatic Area: 5 - LOW

Maximum Acres: 690.00

Source: RED ROCK RIVER
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		NESWSE	24	13S	9W	BEAVERHEAD
Diversion Means:	HEADGATE					
2		NENWNW	32	13S	8W	BEAVERHEAD
Diversion Means:	HEADGATE					

Period of Diversion: APRIL 1 to NOVEMBER 1

Period of Use: APRIL 1 to NOVEMBER 1

***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	15.00		SWSW	10	13S	9W	BEAVERHEAD
2	50.00		NWNW	15	13S	9W	BEAVERHEAD
4	20.00		SWNE	15	13S	9W	BEAVERHEAD
9	185.00		S2	15	13S	9W	BEAVERHEAD
10	25.00		SWSW	14	13S	9W	BEAVERHEAD
11	80.00		E2NE	22	13S	9W	BEAVERHEAD
12	5.00		NWNE	22	13S	9W	BEAVERHEAD
13	5.00		SWNE	22	13S	9W	BEAVERHEAD
14	40.00		NWNW	23	13S	9W	BEAVERHEAD

***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>
15	25.00		NENW	23	13S	9W	BEAVERHEAD
16	80.00		S2NW	23	13S	9W	BEAVERHEAD
17	160.00		SW	23	13S	9W	BEAVERHEAD
Total:	690.00						

Remarks:

AUTHORIZATION TO CHANGE POINT OF DIVERSION COMPLETED 01-07-77. SEE G094622-41A
NOTICE OF WATER RIGHT TRANSFER RECEIVED 10/15/87.
NOTICE OF WATER RIGHT TRANSFER RECEIVED 05/17/90.
NOTICE OF WATER RIGHT TRANSFER RECEIVED 12/12/97.
NOTICE OF WATER RIGHT TRANSFER RECEIVED 06/04/98.

REVIEWED BY : BRUCE LOBLE

DATE:
