

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
1-800-624-3270 (In-state only)
(406) 586-4364
Fax (406) 522-4131

IN THE WATER COURT OF THE STATE OF MONTANA
CLARK FORK DIVISION
CLARK FORK RIVER ABOVE THE BLACKFOOT RIVER BASIN (76G)

IN THE MATTER OF THE ADJUDICATION OF)
THE EXISTING RIGHTS TO THE USE OF ALL)
THE WATER, BOTH SURFACE AND UNDERGROUND)
WITHIN THE CLARK FORK RIVER DRAINAGE)
AREA ABOVE THE BLACKFOOT RIVER, INCLUD-)
ING ALL TRIBUTARIES OF THE CLARK FORK)
RIVER ABOVE THE BLACKFOOT RIVER IN DEER)
LODGE, GRANITE, LEWIS AND CLARK,)
MISSOULA, POWELL AND SILVER BOW)
COUNTIES, MONTANA.)

CASE NO. 76G-548

76G 92217-00

76G 92218-00

76G 92219-00

FILED

OCT 23 2006

CLAIMANT: Geraldine Horvath and Pete Horvath

Montana Water Court

OBJECTOR: Montana Department of Fish, Wildlife and Parks

ORDER ADOPTING MASTER'S REPORT

Pursuant to Montana Code Annotated, § 85-2-233(5), the above entitled case was assigned to Senior Water Master Douglas Ritter. The Senior Water Master filed a report containing Findings of Fact and Conclusions of Law with the Clerk of Court. Copies of the report were served upon the parties on May 22, 2006. Over ten (10)

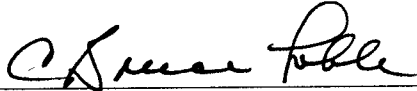
days have elapsed since service, and no objections to the Findings and Conclusions have been filed by any party.

In his report, at page 16 and 17, the Master recommended the reinstatement of the claims in this case upon completion of several specified conditions. The conditions have been satisfied.

The Court has reviewed the Senior Water Master's Findings, Conclusions, and Recommendations, and each Post Decree Abstract of Water Right Claim served with the report. Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report and its Recommendations, and **APPROVES** the changes to the centralized computer record system that are reflected on each abstract served with the report.

The claims in this case have been reinstated in accordance with the terms of the Master's Report. A copy of the reinstated and updated abstracts of the three claims in this case shall be served with this Order.

DATED this 23 day of OCTOBER, 2006.



C. Bruce Loble
Chief Water Judge

CERTIFICATE OF SERVICE


I, Denise Blankenship, Deputy Clerk of Court of the Montana Water Court, hereby certify that a true and correct copy of the above **ORDER ADOPTING MASTER'S REPORT** was duly served upon the persons listed below by depositing the same, postage prepaid, in the United States mail.

Mark E. Hovath
8416 MT Highway 1 West
Anaconda MT 59711

David M. McLean, Attorney
McLean & McLean, PLLP
PO Box 220
Anaconda MT 59711

G. Steven Brown, Attorney
1313 Eleventh Avenue
Helena MT 59601

DATED this *23rd* day of *October*, 2006.


Denise Blankenship
Deputy Clerk of Court

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CLARK FORK RIVER ABOVE BLACKFOOT RIVER
BASIN 76G
IMPORTANT NOTICE**

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 76G 92217-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Late Claim: A

Owners: MARK E HORVATH
8416 MT HWY 1 W
ANACONDA, MT 59711 9180

Priority Date: JUNE 10, 1866

Enforceable Priority Date: JUNE 10, 1866

CLAIM FILED LATE 5/3/1982 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL FEDERAL AND INDIAN RESERVED WATER RIGHTS.

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 15.00 GPM

Volume: 10.41 AC-FT

Climatic Area: 5 - LOW

Maximum Acres: 25.00

Source Name: WARM SPRINGS 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		NWSWSE	19	5N	12W	DEER LODGE

Diversion Means: DIKE

Period of Use: APRIL 1 TO SEPTEMBER 4

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	17.50		S2S2SE	19	5N	12W	DEER LODGE
2	7.50		N2S2NE	30	5N	12W	DEER LODGE

Total: 25.00

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

92217-00 92218-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CLARK FORK RIVER ABOVE BLACKFOOT RIVER
BASIN 76G
IMPORTANT NOTICE**

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 76G 92218-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: MARK E HORVATH
8416 MT HWY 1 W
ANACONDA, MT 59711 9180

Priority Date: JUNE 10, 1866

Enforceable Priority Date: JUNE 10, 1866

CLAIM FILED 05/03/1982 . THIS IS AN EXEMPT RIGHT VOLUNTARILY FILED UNDER SECTION 85-2-222, MCA.

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: NO FLOW RATE HAS BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM.

Volume: THIS WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING 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.

Source Name: WARM SPRINGS 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		S2NESW	19	5N	12W	DEER LODGE
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		SWSE	19	5N	12W	DEER LODGE
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		SWSESE	19	5N	12W	DEER LODGE
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		SESESE	19	5N	12W	DEER LODGE
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		NENENE	30	5N	12W	DEER LODGE
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

Period of Use: JANUARY 1 TO DECEMBER 31

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			S2NESW	19	5N	12W	DEER LODGE
2			SWSE	19	5N	12W	DEER LODGE
3			SWSESE	19	5N	12W	DEER LODGE
4			SESESE	19	5N	12W	DEER LODGE
5			NENENE	30	5N	12W	DEER LODGE

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

92217-00 92218-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
CLARK FORK RIVER ABOVE BLACKFOOT RIVER
BASIN 76G
IMPORTANT NOTICE**

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 76G 92219-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: MARK E HORVATH
8416 MT HWY 1 W
ANACONDA, MT 59711 9180

Priority Date: JUNE 10, 1866

Enforceable Priority Date: JUNE 10, 1866

CLAIM FILED 05/03/1982 . THIS IS AN EXEMPT RIGHT VOLUNTARILY FILED UNDER SECTION 85-2-222, MCA.

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: NO FLOW RATE HAS BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM.

Volume: THIS WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING 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.

Source Name: TWIN LAKES 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		NESWSW	19	5N	12W	DEER LODGE
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
2		NWSESW	19	5N	12W	DEER LODGE
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						
3		SWNESW	19	5N	12W	DEER LODGE
Diversion Means: LIVESTOCK DIRECT FROM SOURCE						

Period of Use: JANUARY 1 TO DECEMBER 31

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			NESWSW	19	5N	12W	DEER LODGE
2			NWSESW	19	5N	12W	DEER LODGE
3			SWNESW	19	5N	12W	DEER LODGE