

C. Bruce Loble
Chief Water Judge
Montana Water Court
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FILED

DEC 11 2007

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
CLARK FORK DIVISION
WESTSIDE SUBBASIN OF THE BITTERROOT RIVER BASIN (76HF)

CLAIMANT: Big Creek Lakes Reservoir Association

76HF-168

76H 120062-00

OBJECTORS: Big Creek Lakes Reservoir Association
United States of America (USDA Forest Service);
United States of America (Bureau of Indian Affairs);
Avista Corporation; MT Department of Fish, Wildlife,
and Parks

ORDER AMENDING AND ADOPTING MASTER'S REPORT

Pursuant to Montana Code Annotated, § 85-2-233(5), the above entitled case was assigned to Water Master Douglas Ritter. The Water Master filed with the Clerk of Court a report containing Findings of Fact and Conclusions of Law on July 21, 2005. Copies of the report were served upon the parties. The Claimant filed its Objections to Master's Report and the objections were fully briefed.

The Court has reviewed the Water Master's Findings, Conclusions, and Recommendations. Pursuant to Rule 53(e), Montana Rules of Civil Procedure and Rule 23, W.R.Adj.R., and for the reasons set forth in its South Fork Lake Decision, which accompanies this Order, the Court **AMENDS** the Master's Findings and Conclusions, and **ADOPTS** the Master's Report, as amended. Accordingly, it is

ORDERED that Claim 76H 120062-00 is **DISMISSED**. A **Post Decree Abstract of Water Right Claim** is served with this Order.

DATED this // day of December, 2007.



C. Bruce Loble
Chief Water Judge

CERTIFICATE OF SERVICE

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

Big Creek Lakes Reservoir Association
% Kay Neal
2850 Rippling Woods
Victor MT 59875

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Ronald W. Opsahl, Attorney
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R. Blair Strong, Attorney
717 West Sprague Avenue, Suite 1200
Spokane WA 99220

G. Steven Brown, Attorney
825 Great Northern Blvd Suite 326
Helena MT 59601

DATED this 11 day of December, 2007.

Staci Green
Staci Green
Deputy Clerk of Court

**WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
WESTSIDE SUBBASIN- BITTERROOT RIVER
BASIN 76H**

IMPORTANT NOTICE

*****THIS WATER RIGHT CLAIM HAS BEEN DISMISSED*****

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: 76H 120062-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: DISMISSED

Owners: BIG CREEK LAKES RESERVOIR ASSOC
% KAY NEAL
2850 RIPPLING WOODS
VICTOR, MT 59875

Priority Date:

Enforceable Priority Date:

Type of Historical Right:

Purpose (use): IRRIGATION

Flow Rate:

Volume:

Source Name: BIG CREEK, SOUTH FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT DURING ADJUDICATION OF THE PRELIMINARY DECREE DECREE.