

SYNOPSIS OF THE CASE¹

2021 MT 319, DA 21-0079, EAST BENCH IRRIGATION DISTRICT; UNITED STATES BUREAU OF RECLAMATION, Claimants and Appellees, **EAST BENCH IRRIGATION DISTRICT; POINT OF ROCKS ANGUS RANCH, INC.**, Objectors and Appellees, **MADISON VALLEY GARDEN RANCH, LLC**, Counterobjector and Appellee, **OPEN A RANCH, INC.**, Counterobjector and Appellant, **GEODUCK LAND & CATTLE, LLC**; **SMITH'S ELK MEADOWS RANCH, LLC**, Notice of Intent to Appear and Appellees, **BAR J RANCH ET AL.**, Intervenors and Appellees.

The Montana Supreme Court has issued an opinion that resolves the U.S. Bureau of Reclamation's water right claims for delivery of water from the Clark Canyon Reservoir as well as the East Bench Irrigation District in Beaverhead and Madison Counties.

Open A Ranch, Inc. appealed from the Montana Water Court's final decisions regarding Bureau of Reclamation water rights associated with the East Bench Unit Reclamation Project. The East Bench Irrigation District and the Clark Canyon Water Supply Company have contracts with the Bureau to deliver water from the Project.

The East Bench Unit Project was originally authorized by the Pick-Sloan Flood Control Act of 1944. The Project consists of the East Bench Canal, Barretts Diversion Dam, and the Clark Canyon Dam and Reservoir. The Project was constructed from 1961 to 1964. It was designed to stabilize water supply in the valley and thereby support economic development through increases in arable land and crop productivity.

Delivery of Clark Canyon Reservoir water has historically not been based on priority but instead on contractual allotments reflected in delivery agreements with the East Bench Irrigation District and the Clark Canyon Water Supply Company. All shareholders in the water supply company have underlying private water rights and receive undifferentiated allocations from the Reservoir that include their underlying private rights and supplemental irrigation based on their share class.

Given this history, the Water Court held the place of use for the water supply company shareholders' supplemental storage water was the lands irrigated by their pre-existing rights. The Water Court held that the information remark it added to the Bureau's Reservoir storage claim provided factual accuracy about the storage water's place of use and satisfied the needs of affected water users for an enforceable decree. The Montana Supreme Court held substantial evidence in the trial record supported the Water Court's decision and that its determinations correctly applied Montana water law.

¹ This synopsis has been prepared for the convenience of the reader. It constitutes no part of the Opinion of the Court and may not be cited as precedent.

In affirming a decision of the Montana Water Court, the Supreme Court has resolved all of the water rights claims of the Bureau of Reclamation for the Reservoir and surrounding irrigators that have water rights preceding the building of the Clark Canyon Dam in the early 1960s and contracts for Reservoir water storage and future use.