

FILED

MAY 12 2000

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER CLARK FORK DIVISION
SOUTH END OF THE BITTERROOT RIVER SUBBASIN (76HE) **Montana Water Court**

IN THE MATTER OF THE ADJUDICATION)	CASE 76HE-166
OF THE EXISTING RIGHTS TO THE USE)	76H-W-119795-00
OF ALL THE WATER, BOTH SURFACE AND)	76H-W-119796-00
UNDERGROUND, WITHIN THE SOUTH END)	76H-W-119797-00
SUBBASIN OF THE BITTERROOT RIVER)	76H-W-119799-00
DRAINAGE AREA, INCLUDING ALL)	
TRIBUTARIES OF THE SOUTH END)	
SUBBASIN OF THE BITTERROOT RIVER)	
IN RAVALLI COUNTY, MONTANA)	

CLAIMANT: Montana Department of Natural Resources and Conservation

OBJECTOR: Daly Ditches Irrigation District;
Montana Power Company; Washington Water Power Company;
United States of America (Bureau of Indian Affairs);
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 Water Master Douglas Ritter. The 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 March 9, 2000. Over ten (10) days have elapsed since service, and no objections to the Findings and Conclusions have been filed by any party.

The Court has reviewed the Water Master's Findings and Conclusions. Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the March 9, 2000 Master's Report and

ORDERS that an **Abstract of Water Right Claim as Modified by the Montana Water Court** be served with this Order to confirm that the recommendations set forth in the March 9, 2000 Master's Report have been adopted for each claim listed in the above caption.

DATED this 11 day of May, 2000.



C. Bruce Loble
Chief Water Judge

CERTIFICATE OF SERVICE

I, Anna M. Burton, 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.

Anne Yates, Attorney
Dept. of Natural Resources
1625 Eleventh Avenue
Helena MT 59620-1601

Bureau of Indian Affairs
Water Resources Office
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Billings MT 59101

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Stevensville MT 59870

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4495 South Polaris
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Sam Haddon, Attorney
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Missoula MT 59807

Valley Springs Ranch
158 Bell Crossing
Stevensville MT 59870

Charles Schwab
Tucker Crossing Ranch,
formerly known as
Bitterroot River Ranch
c/o Roger Raymal
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Ken Seibel
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Daly Ditches Irrigation District
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Montana Power Company
Susan Callaghan, Attorney
40 E. Broadway
Butte MT 59701

Guido Oberdorfer
Coal Creek Road
Darby MT 59829

W. Carl Mendenhall, Attorney
PO Box 4747
Missoula MT 59806

DATED this 12th day of May, 2000.

Anna M. Burton

Anna M. Burton
Deputy Clerk

ABSTRACT OF WATER RIGHT CLAIM
AS MODIFIED BY THE WATER COURT
WESTSIDE SUBBASIN - BITTERROOT RIVER
BASIN 76H

03/23/00
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WATER RIGHT NUMBER 76H -W-119795-00

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.

OWNERS: MONTANA, STATE OF DEPT OF NATURAL RESOURCES
48 N LAST CHANCE GULCH
PO BOX 201601
HELENA MT 59620-1601

THIS IRRIGATION DISTRICT WATER RIGHT WAS ESTABLISHED
PURSUANT TO 89-101 THROUGH 89-141 R.C.M. 1947.

* PURPOSE (USE): SALE

THE PURPOSE OF THIS WATER RIGHT IS "SALE".

THIS RIGHT INCLUDES WATER STORAGE AS PROVIDED FOR IN SECTION 89-121 R.C.M. (1947) (REPEALED). THE RIGHT DIVERTS WATER INTO THE PAINTED ROCKS RESERVOIR FOR LATER RELEASE TO WATER PURCHASERS. THE HISTORICAL USES FOR THIS STORED WATER INCLUDE IRRIGATION, STOCKWATER, FISH & WILDLIFE AND RECREATION RESOURCES IN THE BITTERROOT VALLEY.

SOURCE: BITTERROOT RIVER, WEST FORK
SOURCE TYPE: SURFACE WATER

PRIORITY DATE: SEPTEMBER 18, 1937
TYPE OF HISTORICAL RIGHT: FILED

FLOW RATE: NO FLOW RATE HAS BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

* VOLUME: 45,720.00 AF

THE VOLUME REFLECTS ONE FILLING OF THE RESERVOIR, INCLUDING DEAD STORAGE, ANNUAL EVAPORATION, AND A PARTIAL REFILL, WHEN WATER IS AVAILIABLE.

* PERIOD OF USE: JANUARY 01 TO DECEMBER 31

JANUARY 1 TO DECEMBER 31 FOR STORAGE
MAY 1 TO SEPTEMBER 30 FOR SALE

POINT OF DIVERSION AND MEANS OF DIVERSION:

	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY	MEANS
01				SE	SW	26	01S	22W RAVALLI	DAM

THE WEST FORK OF THE BITTERROOT RIVER AND THE BITTERROOT RIVER ARE USED AS NATURAL CARRIERS TO CONVEY WATER RELEASED FROM PAINTED ROCKS LAKE TO SECONDARY POINTS OF DIVERSION.

THIS APPROPRIATION OF WATER TAKES WATER FROM THE BITTERROOT RIVER DRAINAGE (BASIN 76H) AND USES IT IN THE BITTERROOT RIVER DRAINAGE (BASIN 76H) AND THE

ABSTRACT OF WATER RIGHT CLAIM
AS MODIFIED BY THE WATER COURT
WESTSIDE SUBBASIN - BITTERROOT RIVER
BASIN 76H

WATER RIGHT NUMBER 76H -W-119795-00 (CONTINUED)

POINT OF DIVERSION CONTINUED:

CLARK FORK RIVER DRAINAGE (BASIN 76M). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

RESERVOIR:

QTR SEC SEC TWP RGE COUNTY

01 ONSTREAM SENESW 26 01S 22W RAVALLI

RESERVOIR/LAKE NAME: PAINTED ROCKS LAKE
CAPACITY: 31706.0 AC-FT DAM HEIGHT: 143 FT SURFACE AREA: 655.00 ACRES

* PLACE OF USE FOR SALE:

	ACRES	LOT	BLK	QTR SEC	SEC	TWP	RGE	COUNTY
001				SENESW	26	01S	22W	RAVALLI

GENERAL SERVICE AREA FOR IRRIGATION AND STOCK:

	ACRES	QTR SEC	SEC	TWP	RGE	COUNTY
001				01S	22W	RAVALLI
002				01N	21W	RAVALLI
003				01N	22W	RAVALLI
004				02N	20W	RAVALLI
005				02N	21W	RAVALLI
006				03N	21W	RAVALLI
007				04N	21W	RAVALLI
008				05N	20W	RAVALLI
009				05N	21W	RAVALLI
010				06N	20W	RAVALLI
011				06N	21W	RAVALLI
012				07N	20W	RAVALLI
013				07N	21W	RAVALLI
014				08N	20W	RAVALLI
015				09N	20W	RAVALLI
016				10N	19W	RAVALLI
017				10N	20W	RAVALLI
018				11N	19W	MISSOULA
019				11N	20W	MISSOULA
020				12N	20W	MISSOULA
021				13N	19W	MISSOULA
022				13N	20W	MISSOULA
023				13N	21W	MISSOULA

THE GENERAL SERVICE AREA FOR FISH & WILDLIFE AND RECREATION IS WITHIN THE WEST FORK BITTERROOT RIVER AND THE MAINSTREAM BITTERROOT RIVER.

REMARKS:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 11/23/92: PRIORITY DATE, PERIOD OF USE.

THIS CLAIM IS SUBJECT TO THE TERMS OF STIPULATION FILED WITH THE MONTANA WATER COURT ON DECEMBER 11, 1997. UNDER THE TERMS OF THIS STIPULATION, THE

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WATER RIGHT NUMBER 76H -W-119795-00 (CONTINUED)

REMARKS CONTINUED:

CLAIMANT MUST COMPLY WITH THE REQUIREMENTS OF TITLE
85, CHAPTER 2, PART 4 OF THE MONTANA CODE ANNOTATED
BEFORE CONTRACTING TO SELL WATER TO ANY PARTY FOR ANY
USE OTHER THAN IRRIGATION, STOCK, FISH & WILDLIFE, OR
RECREATION IN THE BITTERROOT VALLEY. SEE CLAIM FILE
OR WATER COURT CASE FILE 76HE-166 FOR MORE
INFORMATION.

ABSTRACT OF WATER RIGHT CLAIM
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WATER RIGHT NUMBER 76H -O-119796-00

***** THIS WATER RIGHT CLAIM HAS BEEN TERMINATED *****

OWNERS: MONTANA, STATE OF DEPT OF NATURAL RESOURCES
48 N LAST CHANCE GULCH
PO BOX 201601
HELENA MT 59620-1601

PURPOSE (USE): STOCK

SOURCE: BITTERROOT RIVER, WEST FORK

PRIORITY DATE:

FLOW RATE:

VOLUME:

PERIOD OF USE:

POINT OF DIVERSION AND MEANS OF DIVERSION:

	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY	MEANS
01				SE	26	01S	22W	RAVALLI	DAM

RESERVOIR:

PLACE OF USE FOR STOCK:

REMARKS:

THIS CLAIM WAS WITHDRAWN FROM THE ADJUDICATION
PROCESS AT THE REQUEST OF THE CLAIMANT ON 12/11/97.

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WATER RIGHT NUMBER 76H -O-119797-00

***** THIS WATER RIGHT CLAIM HAS BEEN TERMINATED *****

OWNERS: MONTANA, STATE OF DEPT OF NATURAL RESOURCES
48 N LAST CHANCE GULCH
PO BOX 201601
HELENA MT 59620-1601

PURPOSE (USE): STORAGE

SOURCE: BITTERROOT RIVER, WEST FORK

PRIORITY DATE:

FLOW RATE:

VOLUME:

PERIOD OF USE:

POINT OF DIVERSION AND MEANS OF DIVERSION:

	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY	MEANS
01			SE	26	01S	22W	RAVALLI		DAM

RESERVOIR:

PLACE OF USE FOR STORAGE:

REMARKS:

THIS CLAIM WAS WITHDRAWN FROM THE ADJUDICATION
PROCESS AT THE REQUEST OF THE CLAIMANT ON 12/11/97.

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WATER RIGHT NUMBER 76H -O-119799-00

***** THIS WATER RIGHT CLAIM HAS BEEN TERMINATED *****

OWNERS: MONTANA, STATE OF DEPT OF NATURAL RESOURCES
48 N LAST CHANCE GULCH
PO BOX 201601
HELENA MT 59620-1601

PURPOSE (USE): FISH & WILDLIFE

SOURCE: BITTERROOT RIVER, WEST FORK

PRIORITY DATE:

FLOW RATE:

VOLUME:

PERIOD OF USE:

POINT OF DIVERSION AND MEANS OF DIVERSION:

	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY	MEANS
01				SE	SW	26	01S	22W RAVALLI	DAM

RESERVOIR:

PLACE OF USE FOR FISH & WILDLIFE:

REMARKS:

THIS CLAIM WAS WITHDRAWN FROM THE ADJUDICATION
PROCESS AT THE REQUEST OF THE CLAIMANT ON 12/11/97.