

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
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(406) 586-4364
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IN THE WATER COURT OF THE STATE OF MONTANA
CLARK FORK DIVISION
WESTSIDE SUBBASIN OF THE BITTERROOT RIVER BASIN (76HF)

IN THE MATTER OF THE ADJUDICATION)
OF THE EXISTING RIGHTS TO THE USE)
OF ALL THE WATER, BOTH SURFACE AND)
UNDERGROUND, WITHIN THE WESTSIDE)
SUBBASIN OF THE BITTERROOT RIVER)
DRAINAGE AREA, INCLUDING ALL)
TRIBUTARIES OF THE WESTSIDE)
SUBBASIN OF THE BITTERROOT RIVER)
IN RAVALLI COUNTY, MONTANA)

CASE NO. 76HF-474

76H-W-125122-00

FILED
NOV 19 2004
Montana Water Court

CLAIMANT: Darrel G. Sperry and Carolyn M. Sperry

OBJECTOR: United States of America (Bureau of Indian Affairs);
United States of America (Fish & Wildlife Service);
Avista Corporation


ORDER ADOPTING MASTER'S REPORT

Pursuant to Montana Code Annotated, §85-2-233(5), the above entitled case was assigned to Water 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 October 19, 2004. 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(c), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report and

ORDERS that each **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 Master's Report have been adopted for each claim listed in the above caption.

DATED this 19 day of NOVEMBER, 2004.


C. Bruce Loble
Chief Water Judge

CERTIFICATE OF SERVICE

I, Sherry Keene, 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.

Darrel G. & Carolyn M. Sperry
807 Old Corvallis Rd
Corvallis MT 59828

BIA Pacific Northwest Region Office
Branch of Resource Compliance
911 NE 11th Avenue
Portland OR 97232-4169

Roselyn Rennie
Special Assistant US Attorney
Office of the Billings Field Solicitor
316 North 26th Street
Billings MT 59101

R. Blair Strong, Attorney
717 West Sprague Ave. Suite 1200
Spokane WA 99201-3505

US Fish and Wildlife Service
Water Resources Division
PO Box 25486, DFC
Denver CO 80225-0486

DATED this 19th day of November, 2004.


Sherry Keene
Deputy Clerk

**ABSTRACT OF WATER RIGHT CLAIM
AS MODIFIED BY THE WATER COURT**

**WESTSIDE SUBBASIN- BITTERROOT RIVER
BASIN 76H**

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

Water Right Number: 76H 125122-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: DISMISSED

Owners: CAROLYN M SPERRY
807 OLD CORVALLIS RD
CORVALLIS, MT 59828

DARREL G SPERRY
807 OLD CORVALLIS RD
CORVALLIS, MT 59828

Priority Date:

Type of Historical Right:

Purpose (use): IRRIGATION

Flow Rate:

Volume:

Source: BLODGETT CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENWSE	12		6N	21W	RAVALLI

Diversion Means: HEADGATE

Period of Use:

Remarks:

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