

Montana Water Court
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FILED
AUG 30 2013

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
CLARK FORK DIVISION
BLACKFOOT RIVER - BASIN 76F

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CLAIMANT: State of Montana
Department of Fish, Wildlife, and Parks

OBJECTOR: State of Montana
Department of Fish, Wildlife, and Parks

CASE 76F-73
76F 149466-00
76F 149467-00
76F 149468-00
76F 149469-00
76F 149470-00
76F 149471-00
76F 149472-00

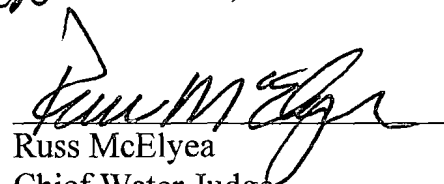
ORDER RECOMMITTING CLAIMS TO WATER MASTER

Claimant Montana Department of Fish, Wildlife, and Parks filed an objection to the July 26, 2013 Master's Report entered by Water Master Hugh McFadden. The claims are for recreational use of lakes. The Master's Report recommended that no flow rate be included on the abstracts and that the volume be limited to the volume of the lake plus evaporation. Claimant wants to include the average flow rate for a flow rate and add the average annual outflow to the lake capacity plus evaporation. Claimant filed a timely objection to the Report on the grounds that the abstracts did not include a flow rate and omitted the average annual outflow from the volume. The claimant asked for the opportunity to meet with the DNRC to submit information justifying the inclusion on the abstracts of a flow rate and volume that includes the annual outflow.

These claims were decreed in Basin 76F. The time for DNRC examination of the claims is over and the claims are before the Water Court for adjudication. If the claimant is to present evidence supporting its contentions and quantifying the flow rate and volume for each claim, the evidence should be presented to the Water Court for decision.

Therefore, this Case is recommitted to the Water Master for further proceedings.

DATED this 30th day of August, 2013.



Russ McElyea
Chief Water Judge

CERTIFICATE OF SERVICE

I, Swithin J. Shearer, Deputy Clerk of Court of the Montana Water Court, hereby certify that a true and correct copy of the above **ORDER RECOMMITTING CLAIMS TO WATER MASTER** was duly served upon the persons listed below by depositing the same, postage prepaid, in the United States mail.

William Schenk
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DATED this 30th day of August, 2013.


Swithin J. Shearer
Deputy Clerk of Court