

Montana Water Court
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43B-1002-R-2021

December 7, 2022

Montana Water Court

MONTANA WATER COURT, YELLOWSTONE DIVISION
YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN
BASIN 43B
PRELIMINARY DECREE

CLAIMANTS: Paradise Valley Ranch LLC; Richard A. Cargill

OBJECTOR: Paradise Valley Ranch LLC

NOTICE OF INTENT TO APPEAR: United States of America (USDA Forest Service)

CASE 43B-1002-R-2021

- 43B 190480-00
- 43B 190481-00
- 43B 190482-00
- 43B 190483-00
- 43B 190484-00
- 43B 190485-00
- 43B 190486-00
- 43B 190487-00
- 43B 195159-00
- 43B 195162-00
- 43B 211377-00

Split Claim:
43B 30153457

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 Nathan Block. 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 November 9, 2022. On November 17, 2022, Paradise Valley Ranch, LLC (PVR) filed a Request for Correction to Master’s Report requesting the removal of POD ID#8 from claim 43B 190480-00 pursuant to PVR’s Additional Information filing.

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 Master's Report with the above referenced modifications.

Stephen Brown
Water Judge

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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 190480-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PARADISE VALLEY RANCH LLC
 % DMS NATURAL RESOURCES LLC
 602 S FERGUSON AVE STE 2
 BOZEMAN, MT 59718 6483

***Priority Date:** APRIL 15, 1872

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

***Flow Rate:** 3.42 CFS

AS PREVIOUSLY ADJUDICATED IN HOLLIDAY, ET AL. V. RANKIN, ET AL., CAUSE 282, DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT IN AND FOR PARK COUNTY, AND AS SPECIFIED IN THE PARTIES' MARCH 21, 1991 STIPULATION, THE FLOW RATE IS TO BE MEASURED AT THE POINT WHERE THE WATER REACHES THE CLAIMANT'S PLACE OF USE NOT AT THE POINT OF DIVERISON.

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

***Maximum Acres:** 895.70

Source Name: TRAIL CREEK
Source Type: SURFACE WATER

ALSO KNOWN AS TRAIL CREEK, SOUTH FORK AND TRAIL CREEK, NORTH FORK

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWNE	23	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	NESBIT DITCHES					
2		SESESE	23	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	NESBIT DITCHES					
3		NENWNE	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
4		SENENW	25	4S	8E	PARK
Period of Diversion:	APRIL 15 TO OCTOBER 15					

Diversion Means: HEADGATE
Ditch Name: HIGHLINE DITCH
5 NWNESE 25 4S 8E PARK
Period of Diversion: APRIL 15 TO OCTOBER 15
Diversion Means: PUMP
6 SESESE 18 4S 9E PARK
Period of Diversion: APRIL 15 TO OCTOBER 15
Diversion Means: HEADGATE
Ditch Name: PARK BRANCH CANAL
7 NWNWSE 19 4S 9E PARK
Period of Diversion: APRIL 15 TO OCTOBER 15
Diversion Means: PUMP
8 4 SWSWSW 19 4S 9E PARK
Period of Diversion: APRIL 15 TO OCTOBER 15
Diversion Means: PUMP
9 NWSNW 20 4S 9E PARK
Period of Diversion: APRIL 15 TO OCTOBER 15
Diversion Means: HEADGATE
Ditch Name: PARK BRANCH CANAL
10 NENESW 20 4S 9E PARK
Period of Diversion: APRIL 15 TO OCTOBER 15
Diversion Means: HEADGATE
Ditch Name: PARK BRANCH CANAL
Period of Use: APRIL 15 TO OCTOBER 15

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	14.00		SESE	24	4S	8E	PARK
2	198.70		N2	25	4S	8E	PARK
3	19.80		N2N2SE	25	4S	8E	PARK
4	19.60		E2NE	26	4S	8E	PARK
5	5.30		W2NWSW	4	4S	9E	PARK
6	120.30		E2	5	4S	9E	PARK
7	27.60		S2SE	18	4S	9E	PARK
8	382.00			19	4S	9E	PARK
9	108.40		N2	30	4S	9E	PARK
Total:	895.70						