

Montana Water Court
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IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
DEARBORN RIVER BASIN (41U)
PRELIMINARY DECREE

CLAIMANT: Dearborn Ranch LLC

OBJECTOR: Dearborn Ranch LLC

NOTICE OF INTENT TO APPEAR:
Dearborn Canal Co.

CASE 41U-0137-R-2023

- 41U 13589-00 41U 96785-00
- 41U 13590-00 41U 96787-00
- 41U 96738-00 41U 96789-00
- 41U 96740-00 41U 96792-00
- 41U 96742-00 41U 96793-00
- 41U 96745-00 41U 96796-00
- 41U 96754-00 41U 96798-00
- 41U 96755-00 41U 96799-00
- 41U 96756-00 41U 96802-00
- 41U 96757-00 41U 96805-00
- 41U 96763-00 41U 96807-00
- 41U 96803-00 41U 96821-00
- 41U 96765-00 41U 96823-00
- 41U 96766-00 41U 96824-00
- 41U 96767-00 41U 96825-00
- 41U 96768-00 41U 96826-00
- 41U 96769-00 41U 96827-00
- 41U 96772-00 41U 96830-00
- 41U 96775-00
- 41U 96776-00

**ORDER AMENDING AND ADOPTING MASTER’S REPORT
AND
CORRECTING ABSTRACTS**

Water Master Anika M. Stern issued a Master’s Report on December 6, 2023.
Dearborn Ranch, LLC objected to the Master’s Report on December 19, 2023, noting

clerical errors in the Report and attached a Post Decree Abstract for claims 41U 13950-00, 41U 96769-00, and 41U 96824-00.

41U 13950-00:

The section for all legal land descriptions for claim 41U 13950-00 should be in Section 17, *not* Section 16. The Post Decree Abstract for claim 41U 13590-00 has also been corrected to reflect the correct Section (17).

41U 96769-00:

The place of use legal land description for claim 41U 96769-00 should be modified as follows:

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		SESWNE	NESWNE	3	16N	4W	LEWIS AND CLARK

The Post Decree Abstract for claim 41U 96769-00 has also been corrected.

41U 96824-00:

The point of diversion and place of use legal land descriptions should be modified to:

<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				19	17N	4W	LEWIS AND CLARK
2				20	17N	4W	LEWIS AND CLARK
3				21	17N	4W	LEWIS AND CLARK
4				22	17N	4W	LEWIS AND CLARK
5				27	17N	4W	LEWIS AND CLARK
6				26	17N	4W	LEWIS AND CLARK
7				35	17N	4W	LEWIS AND CLARK
8				29	17N	3W	CASCADE
9				30	17N	3W	CASCADE
10				29	17N	3W	LEWIS AND CLARK
11				30	17N	3W	LEWIS AND CLARK

The Post Decree Abstract for claim 41U 96824-00 has also been corrected to reflect the additional legal land descriptions.

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 amendments.

Corrected Post Decree Abstracts for claims 41U 13590-00, 41U 96769-00, and 41U 96824-00 are served with this Order to confirm that the Recommendations outlined

in the Master's Report, as amended by this Order, have been adopted for the claims in this Case.

ELECTRONICALLY SIGNED AND DATED BELOW.

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
DEARBORN RIVER
BASIN 41U**

Water Right Number: 41U 13590-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: DEARBORN RANCH LLC
PO BOX 5287
REDWOOD CITY, CA 94063 5287

Priority Date: JULY 1, 1961

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: UNNAMED TRIBUTARY OF DEARBORN RIVER

Source Type: SURFACE WATER

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		NWSE	17	16N	3W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSE	17	16N	3W	LEWIS AND CLARK

Diversion to Reservoir: DIVERSION # 1

Period of Use: JANUARY 1 TO DECEMBER 31

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			NWSE	17	16N	3W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
DEARBORN RIVER
BASIN 41U**

Water Right Number: 41U 96769-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: DEARBORN RANCH LLC
PO BOX 5287
REDWOOD CITY, CA 94063 5287

Priority Date: JUNE 30, 1968

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: UNNAMED TRIBUTARY OF DEARBORN RIVER

Source Type: SURFACE WATER

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	3	16N	4W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESWNE	3	16N	4W	LEWIS AND CLARK

Diversion to Reservoir: DIVERSION # 1

Period of Use: JANUARY 1 TO DECEMBER 31

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			SESWNE	3	16N	4W	LEWIS AND CLARK

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
DEARBORN RIVER
BASIN 41U**

Water Right Number: 41U 96824-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: DEARBORN RANCH LLC
 PO BOX 5287
 REDWOOD CITY, CA 94063 5287

Priority Date: MAY 1, 1870

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

***Source Name:** DEARBORN RIVER
Source Type: SURFACE WATER
 THE SOURCE INCLUDES UNNAMED TRIBUTARIES OF DEARBORN RIVER.

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			19	17N	4W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2			20	17N	4W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3			21	17N	4W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4			22	17N	4W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5			27	17N	4W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6			26	17N	4W	LEWIS AND CLARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31					

Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 7 35 17N 4W LEWIS AND CLARK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 8 29 17N 3W CASCADE
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 9 30 17N 3W CASCADE
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 10 29 17N 3W LEWIS AND CLARK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
 11 30 17N 3W LEWIS AND CLARK
Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: LIVESTOCK DIRECT FROM SOURCE
Period of Use: JANUARY 1 TO DECEMBER 31

***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				19	17N	4W	LEWIS AND CLARK
2				20	17N	4W	LEWIS AND CLARK
3				21	17N	4W	LEWIS AND CLARK
4				22	17N	4W	LEWIS AND CLARK
5				27	17N	4W	LEWIS AND CLARK
6				26	17N	4W	LEWIS AND CLARK
7				35	17N	4W	LEWIS AND CLARK
8				29	17N	3W	CASCADE
9				30	17N	3W	CASCADE
10				29	17N	3W	LEWIS AND CLARK
11				30	17N	3W	LEWIS AND CLARK