

Montana Water Court  
PO Box 1389  
Bozeman, MT 59771-1389  
1-800-624-3270 (In-state only)  
(406) 586-4364  
watercourt@mt.gov

IN THE WATER COURT OF THE STATE OF MONTANA  
CLARK FORK DIVISION  
FLATHEAD RIVER  
TO AND INCLUDING FLATHEAD LAKE – BASIN 76LJ

\*\*\*\*\*

CLAIMANTS: Quigley Family Trust; CK Separate  
Saubert Property Trust; John A. Stebbins;  
Thomas and Marilyn Saubert Family Trust

**76LJ-6001-A-2023**  
76LJ 9674-00

**ORDER AMENDING CLAIM AND  
ORDER REMOVING ISSUE REMARK FROM CLAIM**

On October 16, 2023, Claimants John A. Stebbins, Thomas and Marilyn Saubert Family Trust, Quigley Family Trust, and CK Saubert Separate Property Trust (“the Claimants”) filed a Motion to Amend Claim 76LJ 9674-00.

Claim 76LJ 9674-00 is an irrigation claim for 2.01 cfs from Half Moon Slough. The motion to amend requests that the flow rate be increased to 2.5 cfs based on the Notice of Appropriation attached to the Statement of Claim form.

In a November 7, 2023, Order, the Court stated that because the Preliminary Decree in Basin 76LJ will be issued soon, the motion to amend would not be processed and instead a remark would be added to claim 76LJ 9674-00 providing notice that the motion to amend was filed.

On January 2, 2024, the Court Extended the Stay in Basin 76LJ until March 29, 2024. Therefore, the motion to amend claim 76LJ 9674-00 may be processed prior to

issuance of the 76LJ Preliminary Decree. The flow rate for claim 76LJ 9674-00 will be increased from 2.01 to 2.5 cfs pursuant to the Claimants' motion to amend.

The issue remark placed on the claim will be removed; notice is not required for motions to amend filed prior to the issuance of a preliminary decree. Section 85-2-233(6)(a), MCA.

An information remark indicating that the flow rate was amended by the Claimants will be added to the claim.

Accordingly, it is

**ORDERED** that the flow rate for claim 76LJ 9674-00 is amended from 2.01 cfs to 2.5 cfs;

**ORDERED** that the issue remark on claim 76LJ 9674-00 is removed from claim;

**ORDERED** that an information remark will be added to claim 76LJ 9674-00 to indicate that the flow rate was amended by the claimant.

A copy of the claim abstract for 76LJ 9674-00 is attached for review.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via USPS Mail:**

John A. Stebbins  
218 Egan Road  
Kalispell, MT 59901

Quigley Family Trust  
120 Egan Road  
Kalispell, MT 59901

CK Saubert Separate Property Trust  
1851 Steel Bridge Road  
Kalispell, MT 59901-7885

Thomas and Marilyn Saubert Family Trust  
% Thomas and Marilyn Saubert Trustees  
1851 Steel Bridge Road  
Kalispell, MT 59901-7885

**Service via Electronic Mail:**

*Courtesy Copy:*  
Kalispell Regional Office  
Attn: Jim Ferch  
655 Timberwolf Parkway, Suite 4  
Kalispell, MT 59901  
(406) 752-2288  
JFerch@mt.gov

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
FLATHEAD RIVER, TO & INCLUDING FLATHEAD LAKE  
BASIN 76LJ**

**Water Right Number:** 76LJ 9674-00 STATEMENT OF CLAIM

**Version:** 4 -- ORIGINAL RIGHT

**Status:**

**Owners:**

JOHN A STEBBINS

218 EGAN RD

KALISPELL, MT 59901

QUIGLEY FAMILY TRUST

120 EGAN RD

KALISPELL, MT 59901

SAUBERT, CK SEPARATE PROPERTY TRUST

1851 STEEL BRIDGE RD

KALISPELL, MT 59901-7885

THOMAS AND MARILYN SAUBERT FAMILY TRUST

% THOMAS & MARILYN SAUBERT TTEES

1851 STEEL BRIDGE RD

KALISPELL, MT 59901

**Priority Date:** APRIL 3, 1950

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER

**Flow Rate:** 2.50 CFS

**\*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:** 135.74

**Source Name:** HALF MOON SLOUGH

**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		NENWNE	26	28N	21W	FLATHEAD

**Period of Diversion:** JUNE 1 TO SEPTEMBER 15

**Diversion Means:** PUMP

**Period of Use:** JUNE 1 TO SEPTEMBER 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	38.61		SWSE	23	28N	21W	FLATHEAD
2	31.98		NWNE	26	28N	21W	FLATHEAD

3	<u>65.15</u>	E2NW	26	28N	21W	FLATHEAD
<b>Total:</b>	135.74					

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**Remarks:**

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 03/15/2022: MAXIMUM ACRES AND PLACE OF USE.

THE PLACE OF USE WAS AMENDED BY THE CLAIMANT ON 01/23/2013.

THE FLOW RATE WAS AMENDED BY THE CLAIMANT ON 10/16/2023.

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.