WC-0001-C-2021

November 28, 2022

IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT Montana Water Court

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

3 Washington	LAST NAME	FIRST NAME	MID. INITIAL
	STREET ADDRESS OR	PO BOY	
STREET ADDRESS OR PO BOX Plains, Montana 59859	STREET ADDRESS OR	10 60%	
CITY STATE ZIP CODE	CITY	STATE	ZIP CODE
(40)499-6352 mulelady06@gmail.com PHONE NUMBER E-MAIL	()_ PHONE NUMBER	E-MAII	
on which the objection(s) are based. (<i>Use additionary Decree</i>	onal paper if necessary)		
4. If you are objecting to a specific water right rand the water source. If you are objecting to mowater right number.			1 0
		or in Dacraa	
Water Right #	Page numbe		
Water Right #:(One Number Per Form)	Page numbe Source:	or in Decree.	
	Source:	Novenber y of	

(TURN FORM OVER AND COMPLETE OTHER SIDE)

CERTIFICATE OF MAILING

I,Sherry K Caldwell	, declare under penalty of p	erjury, that on the <u>28</u> day of
November, 2022,	I mailed a copy of this Objection pos	stage prepaid, addressed to the
following attorneys for the Federal,	State, and Tribal Agencies:	
Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org	David W. Harder U.S. Department of Justice Indian Resources Section Environment & Natural Resources Div. 999 18th St. South Terrace, Suite 370 Denver, Colorado 80202 efile_denver.enrd@usdoj.gov	Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov
		herry K Caldwell

Please send this completed original to: Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

WC-0001-C-2021

November 29, 2022

IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT Montana Water Court

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

AST NAME FIRST NA	The state of the s	LAST NAME	FIRST NAME	MID, INITIAL
34367 Colum STREET ADDRESS OR PO BOX (201500)	MT 59860	STREET ADDRESS OF	R PO BOX	
925) 917-0142	STATE ZIP CODE	CITY	STATE	ZIP CODE
PHONE NUMBER	E-MAIL	PHONE NUMBER	E-MAIL	
	to a specific water right num f you are objecting to more t			
and the water source. It water right number. Water Right #: 761	f you are objecting to more t	han one water right	number, use a sep	arate form for each
and the water source. I water right number.	f you are objecting to more t	han one water right	number, use a sep	
and the water source. It water right number. Water Right #: 761	f you are objecting to more t	han one water right Page numb Source: E	number, use a sep	#20/#23/#20 - EBLON WAY
and the water source. It water right number. Water Right #: 761	f you are objecting to more t	han one water right	number, use a sep	#20/#23/#20 - EBLON WAY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

CERTIFICATE OF MAILING

I, declare under penalty of perjury, that on the 29 day of November 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver,enrd@usdoi.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Emailer 11/29/22 to All Above

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Emailes 1/29/22 JAS.

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

WC-0001-C-2021

November 28, 2022

IN THE WATER COURT OF THE STATE OF MONTANA Montana Water Court Confederated Salish and Kootenai Tribes Montana – United States Compact

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME FIRST NAME MID. INITIAL.	LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX	STREET ADDRESS O	R PO BOX	
TROUT LEEGK MT 59874	CITY -	STATE	ZID CODE
906) 827-0251 KSK+RUCKINGS	()	SIAIE	ZIP CODE
PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAIL	
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and the water source. If you are objecting to more the water right number. Water Right #: 76 N 30013402	Page numl Source: L	number, use a september in Decree:	parate form for each 5 ek Fork Riv

(TURN FORM OVER AND COMPLETE OTHER SIDE)

IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

ASTNAME FIRSTNAME MID. IN	NITIAL	LAST NAME	FIRST NAME	MID. INITIAL
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TROUT LEEEK MT	59874			
TTY STATE	ZIP CODE	CITY .	STATE	ZIP CODE
106) 827-0251 K5K HONE NUMBER E-MAII	truckings	PHONE NUMBER	E-MAIL	
	blackf	oot.net		
State the specific part(s) of the F	Preliminary Decree	objected to. Iden	tify the specific g	round(s) and evidence
n which the objection(s) are based	1. (Use additional p	aper if necessary))	
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(TURN FORM OVER AND COMPLETE OTHER SIDE)

WC-0001-C-2021

November 28, 2022

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:	2. Objector's Att	orney name, add	lress, and phone number
Richardson KENESAUL DM			
LAST NAME FIRST NAME / MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
28985 Kocky Pt 18			
STREET ADDRESS OR POBOX	STREET ADDRESS OR	. PO BOX	
CITY , STATE ZIP CODE	CITY	STATE	ZIP CODE
(40b) 250-4224 SANJUCCHICS KWET	()		
PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAII	
3. State the specific part(s) of the Preliminary Decre	ee objected to Iden	tify the specific	ground(s) and evidence
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on which the objection(s) are based. (Use additional	l paper if necessary)	
See attached pages . 2	> ^		
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4. If you are objecting to a specific water right number and the water source. If you are objecting to more the water right number.	ber, identify the wat nan one water right	er right number, number, use a se	decree page number, parate form for each
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Water Right #: 28452-G76LT (One Number Per Form)			Department of
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	DATED this 29 d	las calazan	DER , 2022.
	DATED tills & U t	ay of Modern	, 2022.
	Sandy Rid	nardson	
	SIGNATURE OF OBJEC	TOR OR OBJECTOR	'S ATTORNEY
	Ken DKIL	hards	
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IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

REQUEST FOR EXTENSION

Richards and phone n	umber of party requesting ext	ь <i>М</i>
Last Name	First Name	Middle Initial
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Street Address or Po	ost Office Box	
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Polson	M less	<u> </u>
City	State	HO HOUSE HOUSE NEW 사용하다 (18 NEW MEDICAL) HOUSE
4010 á	150-4224	Sandyrebigsky. WEt
Area Code I	Phone Number	E-mail
Last Name	First Name	Middle Initial
		Middle Initial
Last Name Street Address or P		Middle Initial
		Middle Initial Zip Code
Street Address or P City	ost Office Box	
Street Address or P City Area Code On the space provided on b	ost Office Box State Phone Number oack or on an attached 8 X 11	Zip Code E-mail 1/2 sheet of paper, include the following
City Area Code On the space provided on back. A statement of	ost Office Box State Phone Number oack or on an attached 8 X 11 of the party's rights or interest	Zip Code E-mail 1/2 sheet of paper, include the following that could adversely be affected;
Street Address or P City Area Code On the space provided on b A. A statement of	State Phone Number Pack or on an attached 8 X 11 If the party's rights or interest tement of the reasons why the	Zip Code E-mail 1/2 sheet of paper, include the following

Phone: 406-586-4364

Email: watercourt@mt.gov

CERTIFICATE OF MAILING

I, Sandy R.	chardson, declare under penalty of perjury, that on the 28 day of
Josem ber	, 2022, I mailed a copy of this Objection postage prepaid, addressed to the
following attorneys for	the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoi.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

Ken & Sandy Richardson
Richardson K&S Living Trust
Water Right #76LJ28452 Priority Date May 21, 1980
Legal Lot 6A Of Amended Plat Of Lot 6 Block 6 Matterhorn Villa Site
Section 33 Township 24N Range 20W
Geocode 15346833401010000

Ken & I purchased the above property January 1993, at that time Water Rights were transferred.

Each time the State Of Montana requested updates, we updated our Water Right.

We are hereby stating our objection to TheWater Court Of the State Of Montana Confederated Salish & Kootenai Tribes Montana – United States Compact.

Case No. WC-001-C-2021

Number 1. How can there be a Compact, there was no involvement with the People Involved the three above entities negotiated & came to a Water Compact. That is collusion at the very least, this was not done with Transparency. The people effected by this Compact were left out of discussions & decisions.

We request an extension so the people affected can be heard. Many of our friends & neighbors didn't receive the letter from the US Department Of Justice.

They had no idea they needed to file an objection.

The objection we are filling is as follows:

This property used Flathead Lake water for domestic & gardening purposes since 1952.

In May 1980 the Well was drilled, there is 11 GPM, the property has been split in two parcels.

5 ½ GPM isn't enough for a family household & gardening as well as keeping the trees & grass from dying.

The use of water from the lake is imperative to maintain 2.63 Acres ~ If this Compact is allowed,

Land owners are at risk of losing the Water they have paid for & The State Of Montana registered.

This should not be given to a Water Court, The Montana Constitution Article IX Section 3 clearly states the water on or under the ground is owned by the State Of Montana. The water is appropriated to those who legally apply for and receive water rights.

This can not be signed off by a group of people.

We own our property with a Deed recorded at Lake County Courthouse, recognized by The State Of Montana.

We have owned this property for 30 years, our Water Right allows us to maintain a house & our garden that we depend on for winter food.

Without water our garden, trees & lawn would dry up & die, the animals depend on greenery to survive as well.

We ask, the Court to recognize this Compact needs to have input from the land owners, why should one entity have more control of Water Rights, they shouldn't.

Sincerely,

Kenis Sandy Richardson 28985 Rocky Pt Rd Polson, MT 59860

406-250-4224

WC-0001-C-2021

* There are Spights in this pocket.

November 28, 2022

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:	2. Objector's Att	orney name, addr	ess, and phone number
MollA Joseph 4.	· 1		
LAST NAME FIRST NAME MID. INITIAL SOOR Rd.	LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX	STREET ADDRESS OF	PO BOX	
CITY STATE ZIP CODE	CITY	STATE	ZIP CODE
(925) 212 8003 joe@josephnotta.	Com		
PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAIL	
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3. State the specific part(s) of the Preliminary Decr			round(s) and evidence
on which the objection(s) are based. (Use additional	i paper ij necessary)	
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water right number.			
Water Right #: 76 LT 26579 -00	Daga nymh	er in Deerse	
(One Number Per Form)	Source:	er in Decree:	
	DATED this 28 d	1 hope	000 2022
	DATED HIS 20 d	ay 01	, 2022.
		/ _	
	SIGNATURE OF OBJEC	TOR OR OBJECTOR'S	ATTORNEY
///	L. L.		
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	1 /		

Montana Water Court Objections

Lake Mary Ronan Lodge and Resort, aka Chloe and Chief L.L.C.

Re MT Water rights: 76J 26579-00

76LJ30133883 76LJ30148266 76LJ34360-00 76LJ26581-00

To the Honorable Court,

We received a form letter notice in the mail this summer stating we either claimed, applied for, received a permit or own a reservation or a water right and may have a water interest in the Flathead Compact. Out of an abundance, and without receiving any noticed claim of right from the tribes, we hereby object to the Compact regarding five water rights listed above which are owned by the Lodge at Lake Mary Ronan, (legal owner is Chloe and Chief L.L.C.). The Lodge, now 100 years old, has historically drawn water and had wells to supply water to the business and neighboring properties. The Lodge also had recent upgrades and renovations and provides well water for its cabins (on the property and 9 neighboring homes by prior agreements by prior owners), rv sites, a restaurant and bar, and water from the lake is used for irrigation.

November 28, 2022

The DNRC of Montana was kind enough to send us the Attached General Abstracts regarding the water rights owned by the Lodge and if there are any rights missing or not accounted for in these objections, we would ask that our objections should apply to any water rights not mentioned or included here.

We object for the following reasons: First the property is not included in the compact. There is no mention of Lake Mary Ronan or its surrounding area in the compact. The property is also not on reservation property; the historical and beneficial use of the water at the Lodge does not serve the original or primary purpose of either reservation and the Compact will adversely affect the Lodge's interests. A claim for the well water and ground water by the reservations violates Federal Law, and parts of the Montana State Constitution, including, but not limited to the equal protection clause and right to due process. The Lodge was first in time and first in right, and these water rights were State permitted and do not unreasonably interfere with the Tribes' water rights. The Tribes' rights are not quantified as required by the Ciotti decision. We finally object to all elements, flow rate/volume, period of use, point and means of diversion, priority date, purpose of right and source.

Respectfully Submitted,

Joe Motta,

Part owner of Chloe and Chief, LLC,

aka Lake Mary Ronan Lodge

STATE OF MONTANA

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 26579-00 STATEMENT OF CLAIM

> 1 -- ORIGINAL RIGHT Version:

> > Version Status: ACTIVE

CHLOE AND CHIEF LLC Owners:

PO BOX 74347

COLORADO SPRINGS, CO 80933-7347

Priority Date: NOVEMBER 3, 1924

> **Enforceable Priority Date:** NOVEMBER 3, 1924

Type of Historical Right: **FILED**

Purpose (Use): COMMERCIAL

10.00 CFS Maximum Flow Rate: Maximum Volume: 7.00 AC-FT

Source Name: SPRING, UNNAMED TRIBUTARY OF LAKE MARY RONAN

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID Govt Lot Otr Sec **Sec Twp** Rge County 25N 1 **NESE** 11 22W LAKE

Period of Diversion: MAY 15 TO SEPTEMBER 15

Diversion Means: DAM

Subdivision: EASTMAN VILLA TRACT/LOT: 4

Period of Use: MAY 15 to SEPTEMBER 15

Place of Use:

ID Acres Govt Lot Otr Sec **Twp** Rge County <u>Sec</u> **NWSWNE** 25N 22W LAKE

11

Subdivision: EASTMAN VILLA TRACT/LOT 27

Geocodes/Valid: 15-3581-11-1-02-02-0000 - Y

Remarks:

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 128974 RECEIVED 02/24/2015.

OWNERSHIP UPDATE TYPE DOR # 140606 RECEIVED 12/15/2015.

OWNERSHIP UPDATE TYPE DOR # 215458 RECEIVED 03/10/2021.

THE CLAIMED FLOW RATE MAY BE HIGH FOR THIS PURPOSE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA.

CERTIFICATE OF MAILING

I, Joseph A. Molla, declare under penalty of perjury, that on the <u>18</u> day of day of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoi.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

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Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

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LAST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX STREET ADDRESS OR PO BOX 100 500 MT 59929	STREET ADDRESS OR	РО ВОХ	
(925) 212 8003 joe@ josephnotta.		STATE	ZIP CODE
PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAIL	
3. State the specific part(s) of the Preliminary Decr on which the objection(s) are based. (Use additional add			ground(s) and evidence
4. If you are objecting to a specific water right number and the water source. If you are objecting to more that water right number.			
Water Right #: 76 LJ 30133883 (One Number Per Form)	Page number Source:	er in Decree:	
	SIGNATURE OF OBJECT		ATTORNEY
(TURN FORM OVER/A	ND COMPLETE C	THER SIDE)	

Montana Water Court Objections

Lake Mary Ronan Lodge and Resort, aka Chloe and Chief L.L.C.

Re MT Water rights: 76J 26579-00

76L J 30133883 76 L J 30148266 76 L J 34360-00 76 L J 26581-00

To the Honorable Court,

We received a form letter notice in the mail this summer stating we either claimed, applied for, received a permit or own a reservation or a water right and may have a water interest in the Flathead Compact. Out of an abundance, and without receiving any noticed claim of right from the tribes, we hereby object to the Compact regarding five water rights listed above which are owned by the Lodge at Lake Mary Ronan, (legal owner is Chloe and Chief L.L.C.). The Lodge, now 100 years old, has historically drawn water and had wells to supply water to the business and neighboring properties. The Lodge also had recent upgrades and renovations and provides well water for its cabins (on the property and 9 neighboring homes by prior agreements by prior owners), rv sites, a restaurant and bar, and water from the lake is used for irrigation.

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Respectfully Submitted,

Joe Motta,

Part owner of Chloe and Chief, LLC,

aka Lake Mary Ronan Lodge

STATE OF MONTANA

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number:

76LJ 30133883 GROUND WATER CERTIFICATE

Version:

1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

LAKE MARY RONAN RESORT LLC

52012 LAKE MARY RONAN RD PROCTOR, MT 59929-9741

Priority Date:

AUGUST 19, 2019 at 04:32 P.M.

Enforceable Priority Date:

AUGUST 19, 2019 at 04:32 P.M.

Purpose (Use):

OTHER PURPOSE

Maximum Flow Rate:

15.00 GPM

Maximum Volume:

4.49 AC-FT

Source Name:

GROUNDWATER

Source Type:

GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>

Govt Lot

Otr Sec

Sec

11

<u>Twp</u> 25N

Rge 22W County LAKE

Period of Diversion:

JANUARY 1 TO DECEMBER 31

Diversion Means:

WELL

Subdivision:

LAKE MARY RONAN EST TRACT/LOT: 10

NESWNE

Well Depth:

1,120.00 FEET

Static Water Level:

86.00 FEET

Purpose (Use):

OTHER PURPOSE

Purpose Clarification: PUBLIC WATER SUPPLY

1019

Volume:

4.49 AC-FT

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

ID

Acres Govt Lot

Otr Sec

Sec Twp

25N

Rge

22W

County LAKE

Subdivision:

LAKE MARY RONAN EST TRACT/LOT 1-8, 10

SWNE

Geocodes/Valid:

-- NO VALID GEOCODES --

Remarks:

ASSOCIATED RIGHT

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE CONSIDERED A COMBINED APPROPRIATION. THESE APPROPRIATIONS COLLECTIVELY CONSTITUTE A SINGLE PROJECT, THE GROUNDWATER DEVELOPMENTS ARE APPROPRIATING WATER FROM THE SAME SOURCE AQUIFER, AND THE GROUNDWATER DEVELOPMENTS ARE WITHIN 1,320 FEET OF EACH OTHER. THE TOTAL VOLUME USED AS PART OF THIS COMBINED APPROPRIATION IS CURRENTLY 4.49 AC-FT PER YEAR. THE TOTAL COMBINED APPROPRIATION CANNOT EXCEED 10 AC-FT PER YEAR. 76LJ 30133883 AND 76LJ 30148266

CERTIFICATE OF MAILING

I, Joseph A. Meller, declare under penalty of perjury, that on the day of day of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoi.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

2. Objector's At	torney name, add	ress, and phone numbe
LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OF	R PO BOX	
CITY)	STATE	ZIP CODE
PHONE NUMBER	E-MAII	
-		ground(s) and evidence
Page numb Source:	er in Decree:	
IGNATURE OF OBJECT	TOR OR OBJECTOR'	
	TAST NAME STREET ADDRESS OF CITY OF PHONE NUMBER The objected to. Identify the way of the paper if necessary The page number of the paper of the page number of th	STREET ADDRESS OR PO BOX CITY STATE PHONE NUMBER E-MAIL e objected to. Identify the specific graper if necessary) er, identify the water right number, an one water right number, use a segment of the specific graper.

Montana Water Court Objections

Lake Mary Ronan Lodge and Resort, aka Chloe and Chief L.L.C.

Re MT Water rights:

76J 26579-00

76L J 30133883 76 L J 30148266 76 L J 34360-00 76 L J 26581-00

To the Honorable Court,

We received a form letter notice in the mail this summer stating we either claimed, applied for, received a permit or own a reservation or a water right and may have a water interest in the Flathead Compact. Out of an abundance, and without receiving any noticed claim of right from the tribes, we hereby object to the Compact regarding five water rights listed above which are owned by the Lodge at Lake Mary Ronan, (legal owner is Chloe and Chief L.L.C.). The Lodge, now 100 years old, has historically drawn water and had wells to supply water to the business and neighboring properties. The Lodge also had recent upgrades and renovations and provides well water for its cabins (on the property and 9 neighboring homes by prior agreements by prior owners), rv sites, a restaurant and bar, and water from the lake is used for irrigation.

November 28, 2022

The DNRC of Montana was kind enough to send us the Attached General Abstracts regarding the water rights owned by the Lodge and if there are any rights missing or not accounted for in these objections, we would ask that our objections should apply to any water rights not mentioned or included here.

We object for the following reasons: First the property is not included in the compact. There is no mention of Lake Mary Ronan or its surrounding area in the compact. The property is also not on reservation property; the historical and beneficial use of the water at the Lodge does not serve the original or primary purpose of either reservation and the Compact will adversely affect the Lodge's interests. A claim for the well water and ground water by the reservations violates Federal Law, and parts of the Montana State Constitution, including, but not limited to the equal protection clause and right to due process. The Lodge was first in time and first in right, and these water rights were State permitted and do not unreasonably interfere with the Tribes' water rights. The Tribes' rights are not quantified as required by the Ciotti decision. We finally object to all elements, flow rate/volume, period of use, point and means of diversion, priority date, purpose of right and source.

Respectfully Submitted,

Joe Motta,

Part owner of Chloe and Chief, LLC, aka Lake Mary Ronan Lodge

STATE OF MONTANA

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number:

76LJ 30148266 GROUND WATER CERTIFICATE

Version:

1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

LAKE MARY RONAN RESORT LLC 52012 LAKE MARY RONAN RD

PROCTOR, MT 59929-9741

Priority Date:

FEBRUARY 7, 2020 at 10:38 A.M.

Enforceable Priority Date:

FEBRUARY 7, 2020 at 10:38 A.M.

Purpose (Use):

OTHER PURPOSE

Maximum Flow Rate:

5.00 GPM

Maximum Volume:

4.49 AC-FT

Source Name:

GROUNDWATER

Source Type:

GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u> 1

Govt Lot

Sec

11

Otr Sec

NESWNE

Twp

25N

Rge

22W

County LAKE

Period of Diversion:

JANUARY 1 TO DECEMBER 31

Diversion Means:

WELL

Subdivision:

LAKE MARY RONAN EST TRACT/LOT: 10

Well Depth:

845.00 FEET

Static Water Level:

34.00 FEET

Purpose (Use):

OTHER PURPOSE

Purpose Clarification: PUBLIC WATER SUPPLY

1019

Volume:

4.49 AC-FT

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>

Acres Govt Lot

Otr Sec SWNE <u>Sec</u>

<u>Twp</u> 25N

<u>Rge</u> 22W **County** LAKE

Subdivision:

LAKE MARY RONAN EST TRACT/LOT 1-8, 10

Geocodes/Valid:

-- NO VALID GEOCODES --

Remarks:

ASSOCIATED RIGHT

July 27, 2022 76LJ 30148266 Page 2 of 2 General Abstract

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE CONSIDERED A COMBINED APPROPRIATION. THESE APPROPRIATIONS COLLECTIVELY CONSTITUTE A SINGLE PROJECT, THE GROUNDWATER DEVELOPMENTS ARE APPROPRIATING WATER FROM THE SAME SOURCE AQUIFER, AND THE GROUNDWATER DEVELOPMENTS ARE WITHIN 1,320 FEET OF EACH OTHER. THE TOTAL VOLUME USED AS PART OF THIS COMBINED APPROPRIATION IS CURRENTLY 4.49 AC-FT PER YEAR. THE TOTAL COMBINED APPROPRIATION CANNOT EXCEED 10 AC-FT PER YEAR. 76LJ 30133883 AND 76LJ 30148266

CERTIFICATE OF MAILING

I, declare under penalty of perjury, that on the day of day of day of day of day. 2022, I mailed a copy of this Objection postage prepaid, addressed to the

following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
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Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

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Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

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IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:	2. Objector's Att	orney name, add	ress, and phone number
LAST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX STREET ADDRESS OR PO BOX 100 for MT 59929	STREET ADDRESS OR	PO BOX	
(925) 212 8003 joe@ Josephnotta Co	CITY ON)	STATE	ZIP CODE
PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAII	
3. State the specific part(s) of the Preliminary Decree on which the objection(s) are based. (<i>Use additional</i> part)			ground(s) and evidence
SEE / Hoched			
4. If you are objecting to a specific water right number and the water source. If you are objecting to more that water right number.	er, identify the wat in one water right	er right number, number, use a se	decree page number, parate form for each
Water Right #: 76 L.J. 34360-00 (One Number Per Form)	Page numb Source:	er in Decree:	
	DATED this designature of objection	ay of Jore,	nles, 2022.
(TURN FORM OVER AN	COMPLETE C	THER SIDE)	

STATE OF MONTANA

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number:

76LJ 34360-00 GROUND WATER CERTIFICATE

Version:

1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

CHLOE AND CHIEF LLC

PO BOX 74347

COLORADO SPRINGS, CO 80933-7347

Priority Date:

JULY 14, 1981 at 10:30 A.M.

Enforceable Priority Date:

JULY 14, 1981 at 10:30 A.M.

Purpose (Use):

COMMERCIAL

DOMESTIC

IRRIGATION

Maximum Flow Rate:

10.00 GPM

Maximum Volume:

6.73 AC-FT

Source Name:

GROUNDWATER

Source Type:

GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u> 1 **Govt Lot**

Qtr Sec

Sec Twp

25N

11

Rge 22W

County LAKE

Period of Diversion:

JANUARY 1 TO DECEMBER 31

Diversion Means:

DEVELOPED SPRING

Subdivision:

EASTMAN VILLA TRACT/LOT: 27 BLOCK: 3

NWSWNE

Purpose (Use):

COMMERCIAL

Volume:

1.50 AC-FT

Period of Use:

MAY 15 to SEPTEMBER 15

Place of Use:

<u>ID</u>

Acres

Govt Lot Qtr Sec

NWSWNE

Sec

<u>Twp</u> <u>Rge</u> 25N 22W

Rge County
22W LAKE

Subdivision:

EASTMAN VILLA TRACT/LOT 27 BLOCK: 3

Purpose (Use):

DOMESTIC

Households:

0

Volume:

3.70 AC-FT

Period of Use:

MAY 1 to OCTOBER 1

Place of Use:

<u>ID</u>

Acres

Govt Lot

Otr Sec NWSWNE Sec

<u>Twp</u> 25N

<u>Rge</u>

22W

County LAKE

Subdivision:

EASTMAN VILLA TRACT/LOT 27 BLOCK: 3

Purpose (Use):

IRRIGATION

Volume:

1.53 AC-FT

Period of Use:

MAY 1 to SEPTEMBER 1

Place of Use:

ID

Acres Govt Lot

Qtr Sec NWSWNE Sec <u>Twp</u> 11 25N

<u>Twp</u> <u>Rge</u> 25N 22W County LAKE

Subdivision:

EASTMAN VILLA TRACT/LOT 27 BLOCK: 3

Geocodes/Valid:

15-3581-11-1-02-02-0000 - Y

Remarks:

CONFEDERATED SALISH AND KOOTENAI TRIBES - RESERVED WATER RIGHTS

THIS RIGHT IS SUBJECT TO ALL PRIOR INDIAN RESERVED WATER RIGHTS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN THE SOURCE OF SUPPLY. IT IS THE TRIBE'S POSITION THAT ECONOMIC INVESTMENTS MADE IN RELIANCE UPON THIS RIGHT, DO NOT CREATE IN THE APPROPRIATOR ANY EQUITY OF VESTED RIGHT AGAINST THE TRIBES. THE APPROPRIATOR IS HEREBY NOTIFIED THAT ANY FINANCIAL OUTLAY OR WORK INVESTED IN A PROJECT PURSUANT TO THIS RIGHT IS AT THE APPROPRIATOR'S RISK. THE ISSUANCE OF THIS RIGHT DOES NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. IT DOES NOT MAKE THE DEPARTMENT LIABLE FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. NOR IS THE DEPARTMENT LIABLE FOR ANY LOSS TO THE APPROPRIATOR CAUSED BY THE EXERCISE OF SENIOR RESERVED WATER RIGHTS. THE STATE OF MONTANA'S JURISDICTION TO ISSUE WATER RIGHTS WITHIN THE EXTERIOR BOUNDARIES OF THE FLATHEAD RESERVATION HAS BEEN CHALLENGED BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN CAUSE NO. CV-92-54-M-CCL (UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA, MISSOULA DIVISION - FILED MAY 15, 1992) WHICH CASE IS CURRENTLY PENDING. ANY WATER RIGHT ISSUED BY THE STATE IN THE ABSENCE OF JURISDICTION TO ISSUE THE WATER RIGHT IS VOID.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 128974 RECEIVED 02/24/2015.

OWNERSHIP UPDATE TYPE DOR # 140606 RECEIVED 12/15/2015.

OWNERSHIP UPDATE TYPE DOR # 215458 RECEIVED 03/10/2021.

Montana Water Court Objections

Lake Mary Ronan Lodge and Resort, aka Chloe and Chief L.L.C.

Re MT Water rights:

76J 26579-00 76L J 30133883 76 L J 30148266

76 L J 34360-00 76 L J 26581-00

To the Honorable Court,

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November 28, 2022

The DNRC of Montana was kind enough to send us the Attached General Abstracts regarding the water rights owned by the Lodge and if there are any rights missing or not accounted for in these objections, we would ask that our objections should apply to any water rights not mentioned or included here.

We object for the following reasons: First the property is not included in the compact. There is no mention of Lake Mary Ronan or its surrounding area in the compact. The property is also not on reservation property; the historical and beneficial use of the water at the Lodge does not serve the original or primary purpose of either reservation and the Compact will adversely affect the Lodge's interests. A claim for the well water and ground water by the reservations violates Federal Law, and parts of the Montana State Constitution, including, but not limited to the equal protection clause and right to due process. The Lodge was first in time and first in right, and these water rights were State permitted and do not unreasonably interfere with the Tribes' water rights. The Tribes' rights are not quantified as required by the Ciotti decision. We finally object to all elements, flow rate/volume, period of use, point and means of diversion, priority date, purpose of right and source.

Respectfully Submitted,

Joe Motta,

Part owner of Chloe and Chief, LLC,

aka Lake Mary Ronan Lodge

CERTIFICATE OF MAILING

I, Joseph , declare under penalty of perjury, that on the day of day of , 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
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Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:	2. Objector's Attorney name, address, and phone number		
LAST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX	STREET ADDRESS OR PO BOX		
Proctor, MT 59929			
CITY STATE ZIP CODE (925) 212 8003 joe@ losephnota	Con	STATE	ZIP CODE
PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAIL	
0 4			
3. State the specific part(s) of the Preliminary Deci			round(s) and evidence
on which the objection(s) are based. (Use additional	al paper if necessary)	
(= 041 D			
SEE /- HOCKED			
,			= 20
4. If you are objecting to a specific water right num and the water source. If you are objecting to more t	ber, identify the wat	er right number,	decree page number,
water right number.	and one water right	idiliooi, aso a sop	diate form for each
Water Right #: 76 65 26581-00			
Water Right #: 76 2 7 763 8 7		er in Decree:	
(0.001.00000000000000000000000000000000	Source:		
	DATED this da	y of	, 2022.
	SIGNATURE OF OBJECT	OR OR OBJECTOR'S	ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

STATE OF MONTANA

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number:

76LJ 26581-00 STATEMENT OF CLAIM

Version:

1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

CHLOE AND CHIEF LLC

PO BOX 74347

COLORADO SPRINGS, CO 80933-7347

Priority Date:

MARCH 20, 1950

Enforceable Priority Date:

MARCH 20, 1950

Type of Historical Right:

USE

Purpose (Use):

IRRIGATION

Irrigation Type:

SPRINKLER

Maximum Flow Rate:

20.00 GPM

Maximum 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:

10.00

Source Name:

RONAN CREEK (LAKE MARY RONAN)

Source Type:

SURFACE WATER

Point of Diversion and Means of Diversion:

ID 1 Govt Lot

Otr Sec NWSWNE Sec 11

Twp 25N

Rge 22W County LAKE

Period of Diversion:

MAY 15 TO SEPTEMBER 15

Diversion Means:

PUMP

Subdivision:

EASTMAN VILLA TRACT/LOT: 27 BLOCK: 3

Period of Use:

MAY 15 to SEPTEMBER 15

Place of Use:

ID

Acres Govt Lot

Qtr Sec NWSWNE Sec **Twp**

25N

11

Rge 22W County LAKE

Subdivision:

EASTMAN VILLA TRACT/LOT 27 BLOCK: 3

Total:

10.00

10.00

Geocodes/Valid:

15-3581-11-1-02-02-0000 - Y

Remarks:

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

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE DOR # 128974 RECEIVED 02/24/2015.

OWNERSHIP UPDATE TYPE DOR # 140606 RECEIVED 12/15/2015. OWNERSHIP UPDATE TYPE DOR # 215458 RECEIVED 03/10/2021.

USDA AERIAL PHOTOGRAPH NO(S). 1279-97 $\,$, DATED 07/22/1980 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

Montana Water Court Objections

Lake Mary Ronan Lodge and Resort, aka Chloe and Chief L.L.C.

Re MT Water rights: 76J 26579-00

76LJ 30133883 76LJ 30148266 76LJ 34360-00 76LJ 26581-00

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Joe Motta,

Part owner of Chloe and Chief, LLC,

aka Lake Mary Ronan Lodge

CERTIFICATE OF MAILING

day of

, 2022, I mailed a copy of this Objection postage prepaid, addressed to the

following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
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Denver, Colorado 80202

efile denver.enrd@usdoi.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

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PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

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IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES WC-0001-C-2021 MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

LAST NAME

PHONE NUMBER

CITY

1. Objector's Name, Address, and Phone Number:

W

MT STATE

E-MAIL

MID. INITIAL

darika.barnes@outlook.com

59911

ZIP CODE

IVAN

FIRST NAME

BARNES

LAST NAME

PO BOX 2182

(406) 837-2701

BIGFORK

PHONE NUMBER

CITY

STREET ADDRESS OR PO BOX

November 22, 2022

MID. INITIAL

ZIP CODE

Montana Water Court NOTICE OF OBJECTION AND REQUEST FOR HEARING

STREET ADDRESS OR PO BOX

2. Objector's Attorney name, address, and phone number:

STATE

E-MAIL

FIRST NAME

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence
on which the objection(s) are based. (Use additional paper if necessary)
I object to this entire Preliminary Decree. Government documents and initiatives are supposed to be written so the general
bublic can understand at an 8th grade level and participate. You have made this issue so complex and with so many barriers, he citizens of Montana are fundamentally unable to comprehend the full impact of this Agreement. If Montanans properly
understood that precious water rights are being given away, most of them would object, or at least try to participate in this
process to make it more fair. The process is so ambiguous and rushed that water attorneys are required. That is absolutely
unacceptable, especially for an initiative that affects so many Montanans. This was underhandedly pushed through the
Legislature and the citizens never got a chance to vote on it. Something this big should be on the ballot. It would never pass.
I. If you are objecting to a specific water right number, identify the water right number, decree page number, and the water source. If you are objecting to more than one water right number, use a separate form for each vater right number.
Water Right #: 87554, and any MT water right attached Page number in Decree: 1 - 671
(One Number Per Form) to property I would purchase Source: Swan River - the floodplain and the entire
in the future. It is nonsense basin including tributaries flowing into and
that a Tribe or Federal Gov. out of the Swan River Basin and floodplain.
should own such quantities of
water in a sovereign state.
DATED this 23 rd day of November, 2022.
/s/ Ivan W. Barnes
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Ivan W. Barnes	, declare under penalty	y of perjury, that on the 23^{rd} day of
November	_, 2022, I mailed a copy of this Objectio	n postage prepaid, addressed to the
following attorneys for the	Federal, State, and Tribal Agencies:	
D '11 D 1	D '1W H 1	M 11 M 17 11

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

/s/ Ivan W. Barnes
SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to: Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

IN THE WATER COURT OF THE STATE OF MONTANA WC-0001-C-2021 CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT November 22, 2022

CASE NO. WC-0001-C-2021

Montana Water Court

MID. INITIAL

ZIP CODE

2. Objector's Attorney name, address, and phone number:

STATE

FIRST NAME

NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME

CITY

STREET ADDRESS OR PO BOX

1. Objector's Name, Address, and Phone Number:

W

MT

STATE

MID. INITIAL

darika.barnes@outlook.com

59911 ZIP CODE

IVAN

FIRST NAME

BARNES

LAST NAME

PO BOX 2182

(406) 837-2701

BIGFORK

CITY

STREET ADDRESS OR PO BOX

PHONE NUMBER	E-MAIL PH	ONE NUMBER	E-MAIL	
on which the objection I object to this entire I public can understand the citizens of Montan understood that precise process to make it modunacceptable, especial	part(s) of the Preliminary Decree objects on (s) are based. (<i>Use additional pape</i> Preliminary Decree. Government document at an 8th grade level and participate. You are fundamentally unable to comprehence was water rights are being given away, more fair. The process is so ambiguous and ally for an initiative that affects so many	er if necessary) nents and initiative but have made this end the full impact of them would rushed that water Montanans. This	res are supposed to be writted is issue so complex and with the of this Agreement. If Modeld object, or at least try to be attorneys are required. The was underhandedly pushed.	tten so the general th so many barriers, ontanans properly participate in this That is absolutely ed through the
Legislature and the cit	tizens never got a chance to vote on it. S	something this big	g should be on the ballot.	It would never pass.
•	g to a specific water right number, io . If you are objecting to more than or	-	•	-
	64, and any MT water right attached form) to property I would purchase in the future. It is nonsense that a Tribe or Federal Gov. should own such quantities of	Source: Swa basis	in Decree: 1 - 671 In River - the floodplain In including tributaries floof the Swan River Basin	lowing into and
	water in a sovereign state. DAT	ED this 23rd day	of November,	2022.
	SIGNA	ATURE OF OBJECTO	OR OR OBJECTOR'S ATTORNI	EY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

owing attorneys for the Federal, St	ate, and Tribal Agencies:	
Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org	David W. Harder U.S. Department of Justice Indian Resources Section Environment & Natural Resources Div. 999 18th St. South Terrace, Suite 370 Denver, Colorado 80202 efile denver.enrd@usdoj.gov	Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

Please send this completed original to: Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

WC-0001-C-2021

November 23, 2022

IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR O BOX NOXON MT 578	STREET ADDRESS OF	R PO BOX	
CITY STATE ZIP CODE (406) 847-2751 Cateumoor &	CITY YAGO ()	STATE	ZIP CODE
PHONE NUMBER E-MAIL	HONE NUMBER	E-MAIL	
and the water source. If you are objecting to mo			
4. If you are objecting to a specific water right r and the water source. If you are objecting to mo water right number. Water Right #: 16 N 3 00 6 3 8 0 8 (One Number Fer Form)	re than one water right		parate form for each

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Cather / Moore, declare under penalty of perjury, that on the 21 day of Novembor, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoi.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILE

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

Case No. WC-0001-C-2021 Notice of Objection and Request For Hearing Martin Eric Moore and Catherine Louise Moore

Enumerated below are our objections to Water Right 76N 30063808 (Appendix 27, referenced in Appendix 38 on page 17) and to the Compact in general.

Establishment of Standing:

Our property is located at 35 Little Bear Ln, Noxon MT 59853. The legal description of the property is: The NW1/4SW1/4NW1/4SE1/4, S1/2S1/2NW1/4SE1/4, SW1/4SW1/4NE1/4SE1/4, SW1/4SE1/4, W1/2W1/2SE1/4SE1/4, E1/2SW1/4SE1/4SE1/4, S1/2SE1/4SE1/4, and E1/2SE1/4SW1/4 of Section 11, Township 26 North, Range 33 West, M.P.M., Sanders County records. The property and its associated water rights were patented by Ura E. Ellis on August 24, 1918, patent number 646075 after having been proven up under the Homestead Act. A copy of our current Warranty Deed and the original Patent are attached. The chain of custody between the Patent and our Warranty Deed has been established and is available upon request.

Accompanying our land are the following water rights:

- 76N 133382-00
- 76N 133383-00
- 76N 133384-00
- 76N 133385-00
- 76N 133386-00
- 76N 133387-00

A copy of the general abstracts and recent motions to amend the water rights are attached. These rights were recognized and confirmed by the March 22, 1972 version of the Montana Constitution, ratified on June 6, 1972. There are no surface water connections to the Clark Fork River from our property.

This land and its water rights are within Basin 76N and potentially subject to the Compact's proposed Water Right 76N 30063808, located on the Clark Fork River.

Objections:

Due to the fact that we are potentially subject to Calls based on Water Right 76N 30063808, and that we never received the "NOTICE OF ENTRY OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION-STATE OF MONTANA-UNITED STATES COMPACT PRELIMINARY DECREE AND NOTICE OF AVAILABILITY" letter, we request a

filing extension to further investigate potential impacts of the compact on our property and its operations.

We object to Proposed Water Right 76N 30063808 based on the following reasons:

Proposed Water Right 76N 30063808 has no definitive boundaries. It is very difficult to explicitly determine the properties that will be affected by it. These quotes from the abstract are very worrisome:

"...AND IS NOT A GEOGRAPHIC LIMITATION ON THE LOCATION OF JUNIOR WATER RIGHTS AGAINST WHOM THIS RIGHT MAY BE ENFORCED"

"THE OWNER OF THIS WATER RIGHT SHALL BE ENTITLED TO MAKE A CALL, IN ACCORDANCE WITH STATE LAW, TO ENFORCE THIS WATER RIGHT ONLY AGAINST JUNIOR WATER RIGHTS IN BASIN 76N (LOWER CLARK FORK DRAINAGE) AND IN BASIN 76M (MIDDLE CLARK FORK DRAINAGE)..."

If the managers of this water right are to make Calls on Basin 76N and 76M, why stop there? The Flathead River and Flathead Lake are major contributors to the water in the Clark Fork. Why are they exempt?

This portion of the Clark Fork River is <u>downstream</u> of the Reservation. Thus, it cannot provide any beneficial use to the Reservation. Much of this basin is not even within the boundaries of the traditional hunting, fishing and foraging grounds described in the Article I of the Treaty of Hellgate (Treaty of Hellgate, Treaty of July 16, 1855, 12 Stat. 975, Ratified March 8, 1859). Making any sort of a claim on this water is an overreach on the part of the the parties generating this Compact. Since treaties hold the full force of law, any claims made outside of the Reservation violate the Treaty and should have been disallowed at the outset of this Compact registration.

Our water rights, as well as those of the entire Lower Clark Fork Basin (76N), are senior water rights under the current arrangement. If the Compact is allowed to control Proposed Water Right 76N 30063808, then our rights become junior to it. This takes our control away and is a taking under Amendment V of the US Constitution for which we are not being compensated. (For our compensation, we propose a compensation of \$100/hr for the duration of each time a Call shuts us down, in perpetuity, adjusted annually for inflation.) We also want damages for each time a Call adversely affects our crops and livestock. The State of Montana is also in violation of Amendment XIV, Section 1 of the US Constitution "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws" and of Article II, Section 31 of the Montana Constitution for creating an ex post facto irrevocable grant of special privileges to the Tribe that adversely affects our use of our property by permitting any water right to stand that has a "time immemorial" starting date. The federal government is equally culpable under the United State Constitution Article I, Section 9.

Forcing us to become a junior water right holder also adversely affects our property value and is a taking under Amendment V of the US Constitution. Our water rights are the most valuable portion of our property. It will take an appraisal to determine how much value our property will lose due to becoming junior water right holders. When a property loses value, its assessed tax value is also diminished. This will result in tax income losses to Sanders County and to the State of Montana.

Upstream of every single water holder in Basin 76N in the mountains on both sides of the valley, is the biggest water source holder in the area, the Kootenai/Kaniksu National Forest managed by the United States Forest Service. Due to the all-time historically high overstocking of the forest trees, this forest is performing as a massive non-point water diversion, both through the transpiration of the trees and the effects of the filled canopy on the snow pack. "Is a Tree a Heavy Drinker or Does It Just Pump Water?" demonstrates the water use on a single-tree basis. "Competition For Limited Dry Season Ground-Stored Water Between Forest Use and Stream Flow in the Waddell Valley" shows how forest transpiration plays out on a landscape scale. There are multiple studies exploring the effect of canopy closure on the snow pack that feeds our summer water supply. Several are listed in the notes.

What is the Forest Service required to do under the Compact to ensure adequate water comes from their land to the aquifer below? How are they held accountable for their performance? Our irrigation use pales in comparison to the effect the condition of the forest has on the water supply.

It is conceivable that we might receive a Call from the Compact Administrators when the flow measured at the measuring point for Proposed Water Right 76N 30063808 is insufficient because the Tribes are withholding water upstream to maintain their minimum reservoir levels. (Appendix 38 Part III.C.1.e). This punishes us for actions that are beyond our control.

The water flow of Proposed Water Right 76N 30063808 is measured outside of the reservation, and outside of the traditional hunting, fishing and foraging grounds defined in Article I the the Treaty of Hellgate, which puts the Tribes in control of water to which they have no right, now or previously.

The water flow of Proposed Water Right 76N 30063808 is measured in Idaho, which is outside the jurisdiction of the State of Montana. This brings in interstate commerce, which has not been addressed. What does Idaho have to say about this? After this water flows out of Montana, it continues on its pathway in the Columbia River through Idaho, Washington, Canada and Oregon. Has the federal government fully investigated the potential commerce clause ramifications of any disturbance in the normal flow of the water? (Article I, Section 3, Clause 8 "To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;")

The Treaty of Hellgate Article III grants "... as also the taking of fish at all usual and accustomed place, in common with citizens of the Territory, and of erecting

temporary buildings for curing; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land." Please note the existence of the "in common with citizens of the Territory" phrase in this clause of the Treaty. Citizens cannot be excluded in any proposed water usage.

When the Federal Government passed the Montana Water Rights Protection Act to ratify the Compact, the bill used this language:

"SEC. 2. PURPOSES.

The purposes of this Act are—

- (1) to achieve a fair, equitable, and final settlement of claims to water rights in the State of Montana, and in recognition of article I, and section 3 of article IX, of the Montana State Constitution
- for-
- (A) the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation; and
 - (B) the United States, for the benefit of the Tribes and allottees;
- (2) to authorize, ratify, and confirm the water rights compact entered into by the Tribes and the State, to the extent that the Compact is consistent with this Act;"

and

"SEC. 4. RATIFICATION OF COMPACT.

- (a) RATIFICATION.—
- (1) IN GENERAL.—As modified by this Act, the Compact is authorized, ratified, and confirmed."

and

"SEC. 5. TRIBAL WATER RIGHT.

- (b) CONFIRMATION OF TRIBAL WATER RIGHT.-
- (3) CONFLICT.—In the event of a conflict between the Compact and this Act, the provisions of this Act shall control."

This botched up the works completely. Do we or do we not have a reviewable and executable compact anymore? The text of the Compact that we reviewed did not include any highlighted text that clearly delineated the modifications made by the Act, nor have we seen any information that lists places where the Compact text deviates from the Act.

So what are these modifications and how do they affect the declared water rights and their administration? Barring any solid evidence to the contrary, it is just as

reasonable to assume that none of the Compact text aligns with the Act as it is to assume the entire Compact aligns with the Act.

Currently, under the Montana Constitution Article IX, Section 3 (1), our existing water rights are "recognized and confirmed". Under Montana Constitution Article IX, Section 3 (4), the Montana legislature administers, controls and regulates the rights using the mechanism of the Water Court. This is simple and workable - there is one set of rules and one place where decisions are made.

When Proposed Water Right 76N 30063808 gets put into the mix, questions of administration arise. Montana Bill 85-20-190 (Appendix 4) clearly states that the Tribe's administration jurisdiction is only within the Reservation. (Montana Bill 85-20-1902 establishes the jurisdiction of the Compact Water Management Board to be "establish the processes applicable to all surface and Groundwater use within the exterior boundaries of the Flathead Indian Reservation"), yet Proposed Water Right 76N 30063808 lies wholly outside of the Reservation. Who exactly does have the authority to make a Call on Proposed Water Right 76N 30063808? Who exactly has the authority to adjudicate conflicts with this water right? Does this authority still lie with the State of Montana to be performed upon request by the Compact Water Management Board? Does the administration of the water right lie with the USA (Department of Interior Bureau of Indian Affairs) who is holding the right "in trust for Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation"? Where is this stated? Who exactly handles disputes and damages arising from a Call? Citizens within the 76N Basin have no standing before the Tribe and it appears that the Tribe has no jurisdiction outside the Reservation.

Yet we have seen no other administrative paths presented in the Compact for Off-the-Reservation water rights held by the Tribes. It would be unconscionable for the State of Montana to require us to seek redress in a foreign court where we have no right of representation due to our race. If we are denied the ability to petition and seek redress for our damages where we have no standing, this is a violation of several sections of Article II of the Montana Constitution (Section 3: Property rights, Section 4: Equal Protection) and of the United States Constitution Amendment I (petition for redress), and Amendment XIV Section 1 (Equal Protection to citizens). Is the Compact Water Management Board really the appropriate venue for these adjudications? What is the role of the Montana Water Court moving forward?

Now let's add in the federal side of the declaration of water rights and their administration, under the Montana Water Rights Protection Act (MWRPA) with the infamous phrases "As modified by this Act" wherein the modifications are unlisted and unknown, and "to authorize, ratify, and confirm the water rights compact entered into by the Tribes and the State, to the extent that the Compact is consistent with this Act". This strongly suggests there are inconsistencies, but they are never listed. What exactly is the federal government looking for that they did not see? This also strongly suggests the

Compact is <u>not</u> fully ratified by the federal government. If it is not fully ratified, it means all of those claims the tribe made off the Reservation covering every tributary for over half the State of Montana have an undetermined status. This is not acceptable. SEC. 10. WAIVERS AND RELEASES OF CLAIMS of the MWRPA does little to settle this, since the phrase "except to the extent that such a right is recognized in the Compact and this Act" appears in the waiver language. Once again, are these claims waived or not? They should never have been allowed in the first place (once again this violates the terms of the Hellgate Treaty wherein they ceded this territory). The access granted to the Tribes in the Treaty of Peace and Freedom October 17, 1855 (Article 7 and Article 8) is equally granted to Citizens, so anything claimed under this Treaty belongs equally to the Citizens.

There is a further problem with the Montana Water Rights Protection Act in Section 2 (1). It states "The purposes of this Act are—

(1) to achieve a fair, equitable, and final settlement of claims to water rights in the State of Montana", but only for the Tribes and the United States. The definition for equitable is, briefly, "fair and impartial". Is it truly fair and impartial when there are thousands of parties affected by the Compact whose needs are, frankly, ignored? Where is the federal recognition and protection of all other water users in Montana in the face of the Compact?

We reserve the right to further objections as more information comes forward. In conclusion, we have demonstrated that there are too many holes, inconsistencies and Constitutional violations in the current Compact and its enabling legislation to move forward with its implementation. We strongly urge you to stop immediately and fully address the needs of all the citizens of Montana and every state and nation downstream of the Flathead Reservation before permitting the implementation of the Compact to move forward.

We remain,

Martin Eric Moore and Catherine Louise Moore

Notes:

4 60 4

Is a Tree a Heavy Drinker or Does It Just Pump Water?
Lester A. DeCoster and John Herrington
The American Tree Farmer May-June 1988

Competition For Limited Dry Season Ground-Stored Water Between Forest Use and Stream Flow in the Waddell Valley
Robert O. Briggs
February 13, 1999

Tree canopy and snow depth relationships at fine scales with terrestrial laser scanning Hojatimalekshah, A., Uhlmann, Z., Glenn, N. F., Hiemstra, C. A., Tennant, C. J., Graham, J. D., Spaete, L., Gelvin, A., Marshall, H.-P., McNamara, J. P., and Enterkine, J.:, The Cryosphere, 15, 2187–2209, https://doi.org/10.5194/tc-15-2187-2021, 2021.

Impact of Forest Canopy Closure on Snow Processes in the Changbai Mountains,
Northeast China
10.3389/fenvs.2022.929309
Frontiers in Environmental Science

Accounting for Fine-Scale Forest Structure is Necessary to Model Snowpack Mass and Energy Budgets in Montane Forests

Broxton, P. D., Moeser, C. D., & Harpold,
10.1029/2021WR029716

Water Resources Research

How Thick Forests Can Reduce Snowpack Erin Ross 12/19/2018 Oregon Public Broadcasting

The United States of America,

To all to supour these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Hissoula, Montana,

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,

"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental therete, the claim of

Ura E. Ellis

has been entablished and dely consummated, in conformity to law, for the nor thwest quarter of the nor thwest quarter of the southeast quarter, the south half of the nor thwest quarter of the southeast quarter, the southwest quarter of the nor theast quarter of the southeast quarter, the southeast quarter, the southeast quarter, the west half of the southeast quarter of the southeast quarter, the west half of the southwest quarter of the southeast quarter, the southeast quarter of the southeast quarter.

according to the Official Plat of the Survey of the said Land, returned to the SENERAL LAND OFFICE by the Surveyor-General;

NOW KNOW YE. That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described:
TO HAVE AND TO HOLD the said tract of Land, with the appurhenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accreed water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, at may be recognized and acknowledged by the local customs, laws, and decisions of causts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I. Woodrow Wilson

AUGUST

President of the United States of America, have caused these letters to be made

Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the TWENTY-FOURTH

(SEAL.) day of

In the year of our Lord one thousand

aine hundred and

EIGHTEEN

and of the independence of the

United States the one hundred and FORTY-THIRD.

By the President:

2 9 0

By

Luma,

Recorder of the Seneral Land Office.

RECORD OF PATENTS: Patent Number 646075

Bureau of Land Management Eastern States 20 M Street, SE, Suite 950 Washington, DC 20003 NOV 3 0 2020

copy of the official I hereby certify that this re-Authorition digramme

After recording return to: Martin Eric Moore Catherine Louise Moore 1700 Eagle Tree Lane Felton, CA 95018

CFT160559

WARRANTY DEED

THIS INDENTURE Is made the day of December, 2016, by and between, ROBERT J. THOMAS and BARBARA J. THOMAS, PO Box 84, Noxon, MT 59853, Grantors, and MARTIN ERIC MOORE and CATHERINE LOUISE MOORE, Trustees of THE FAMILY TRUST OF MARTIN ERIC MOORE AND CATHERINE LOUISE MOORE, 1700 Eagle Tree Lane, Felton, CA 95018, Grantee.

WITNESSETH:

That the said Grantors, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, lawful money of the United States of America to Grantors in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the said Grantee, and to Grantee's successors and assigns forever, all that certain lot, piece or parcel of land, situate, lying and being in the County of Sanders, State of Montana, and particularly described as follows:

The NW4SW4NW4SE4, S4SYNW4SE4, SW4SW4NE4SE4, SW4SE4, W4SE4SE4, E4SW4SE4SE4, S4SE4SE4, and E4SE4SW4 of Section 11, Township 26 North, Range 33 West, M.P.M., Sanders County records.

EXCEPTING THEREFROM, that parcel heretofore conveyed by instrument at Volume 71, page 296, Sanders County records.

EXCEPTING THEREFROM, that parcel heretofore described on Certificate of Survey No. 1418, Sanders County records.

SUBJECT TO AND TOGETHER WITH Covenants, Conditions, Restrictions, Provisions, Easements, Reservations, Encumbrances and Matters apparent or of record.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder or remainders, rents, issues and profits thereof, and also all the right, title, interest and right of homestead property, possession, claim and demand whatsoever, as well in law as in equity of the said Grantors of, in or to the said premises, and every part and parcel thereof, with the appurtenances. TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantee, and to Grantee's successors and assigns.

And the said Grantors and Grantors' heirs, successors and assigns, do hereby covenant that they will forever WARRANT AND DEFEND all right, title and interest in and to the said premises, and the quiet and peaceable possession thereof unto the said Grantee, and to Grantee's successors and assigns against the acts and deeds of the said Grantors and all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.

ROBERT J. THOMAS

BARBARA J. THOMAS

STATE OF MONTANA)
: SS.
County of Sanders)

On this day of December, 2016, before me, the undersigned, a Notary Public for the State aforesaid, personally appeared ROBERT J. THOMAS and BARBARA J. THOMAS, known to me to be the persons described in and whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and date in this certificate first above written.

JULIE K, WATTS
NOTARY PUBLIC for the
State of Montana
Residing at
Plains, Montana
My Commission Expires
December 01, 2019

	fure A. A. With
Votar	Public for the State of MONTANA
Printe	l Name of Notary
Residi	ng at:
	natission expires:

305045 BOOK: 1 RECORDINGS PAGE: 86946 Pages: 2
STATE OF MONTANA SANDERS COUNTY
RECORDED: 12/28/2016 4:35 KOI: WAR DEED
NICHOL SCRIBNER CLERK AND RECORDER
FEE: \$14.00 BY:

TO: MARTIN ERIC MOORE CATHERINE LOUISE MOORE, 1700 EAGLE TREE

STATE OF MONTANA

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201801 HELENA, MONTANA 59820-1601

GENERAL ABSTRACT

Water Right Number:

76N 133362-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version States: ACTIVE

Owners

MOORE, MARTIN & AND CATHERINE & FAMILY TRUST

1700 EAGLE TREE LN

FELTON, CA 95018

Priority Dates

APRIL 8, 1912

Enforceable Priority Dates APRIL 8, 1912

Type of Historical Right: FILED

Purpose (use):

IRRIGATION

Irrigation Types

SPRINKLER

Maximum Flow Rate:

3,53 CFS

THE WATER COURT HAS DETERMINED THAT A FLOW RATE QUANTIFICATION

IS REQUIRED TO ADEQUATELY ADMINISTER THIS RIGHT.

Maximum Volume:

357.20 AC-FT

Climatic Area:

4 - MODERATELY LOW

Maximum Acress

94.00

Source Name:

UNNAMED TRIBUTARY OF UNNAMED TRIBUTARY OF CLARK FORK RIVER

Source Type:

SURFACE WATER

THIS PORTION OF THE CLARK FORK RIVER IS IMPOUNDED AND IS KNOWN AS

CABINET GORGE RESERVOIR.

Point of Diversion and Means of Diversion:

D

Govt Lat

Qtr Sec NENESE 11 Twp 28N

Rge County 33W SANDERS

Period of Diversion: APRIL 28 TO OCTOBER 19

Diversion Means: PUMP/HEADGATE W/DITCH OR PIPELINE/FLOOD AND DIKE

Reservoir

ON STREAM

Govt Lot

Otr Sec Sec

Two 26N

County SANDERS WER

NENESE 11 Diversion to Reservoir: DIVERSION # 1

Period of User

APRIL 28 to OCTOBER 19

Place of Hees

B	Acres	Govt Lot	Otr Sec	Sec	Two	Rge	County
1	20.00		E28ESW	11	26N	38W	SANDERS
2	40.00		SWSE	11	26N	33W	SANDERS
3	11.50		S2NWSE	11	26N	33W	SANDERS
4	20.00		SESE	11	26N	33W	SANDERS
5	2.50		SWNESE	11	26N	33W	SANDERS
Total:	94.00						

Geocodes/Valide

35-3686-11-4-01-01-0000 - Y

Remarku

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

133382-00

133385-00

133386-00

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 10/08/00.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 14084 RECEIVED 04/08/2004.

OWNERSHIP UPDATE TYPE DOR # 151082 RECEIVED 12/27/2016.

Reports:

WHEN THIS CLAIM WAS ORIGINALLY DECREED, THE PERIOD OF DIVERSION WAS NOT INCLUDED AS AN ELEMENT OF THE CLAIM. IN 2008, THE PERIOD OF DIVERSION ELEMENT WAS ADDED TO ALL CLAIM ABSTRACTS. IT IS NOT CERTAIN IF THE PERIOD OF DIVERSION DATES ADDED TO THIS CLAIM ACCURATELY REFLECT THE HISTORICAL PERIOD OF DIVERSION. MORE INFORMATION IS REQUIRED.

ALTHOUGH NOT OBJECTED TO THE PLACE OF USE WAS CHANGED TO REFLECT THE INCREASE IN MAXIMUM ACRES IRRIGATED.

Current	File	Location:	NEW	STORAGE
	Вож	Bar Code		
	File	Bar Code		
	Dat	e/Initiale		

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8-121-14-01			MONTANA D.N.R.C.	e .
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1.)Owner of Water Rigi Co-Owner or Other	HERER Jane	- RONAL	Ext Middle in	
Interest Owner	BIERER	BRENDA	1 K	>
Address Box	BIERCH THE	GRANT	Midne to	erall .
City Pines Da	W-104	Montaga	Zip Code <u>5944</u>	1
		SAME AND A STATE OF THE PARTY O	406-961-3091	
2. Person completing	form RIKAER	ROWALL) / G First Middle In	
			First Middle In	ıfıal
Address F.D. B	6 State	we t	The Code In Code	-
			Zip Code 5989	
	*	business Phone No	406-961-3091	
3. Name of ditch, creel				_
Use:	Irrigation	-		
4.) Method of irrigation	Use: Sprinkler	☐ Furrow	Flood & Sab iniga	Riga
5.)Source of Water:	(Check Only One)		Ø	
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8	40 acres,	Lot.		45W 45			-		
8	1// acres,	Lot.	Block, 5						
8	-					. — —			_
8	20 acres,	Lot,	Block,						
8	2/2_acres,		Block, SW	W NE WS	& W. Sec	tion	T26	N/S, R_3.	<u>3 ·</u> E
8	94 Total acres	. Subdiv	rision	t.		1(0)			
10.	Flow rate claimed:	160		gallon iner					
11.	Volume cialmed:	940		acre-feet pe		C.		•	
12.	Period(s) of use:	April Month	1_30 to _2	Month	0ay				
	Dure,						-		
(13)	Check one:		d Water Right		Priorit	y date or d	ate of fi	rst use	
}		Filed A	ppropriation A	ight -	Hour	Month	8	19.12	_
}		Use Wa	iter Right			EWR P.	フィン	Year	
}	show point of diver					<u>-</u>			
16.	Notarized Statemen	it signed by C	aimant.						
3	Notarized Statemen		amant.						•
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	i)	85.					•
	STATE OF MONTAN	NA C. BIERER nd being the c	laimant of this	, havin claim of exi s of this clai	m and the r	right, and natters and	the perso	on whose	nar
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Form No. 78-A-1

ADDENDUM TO STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS

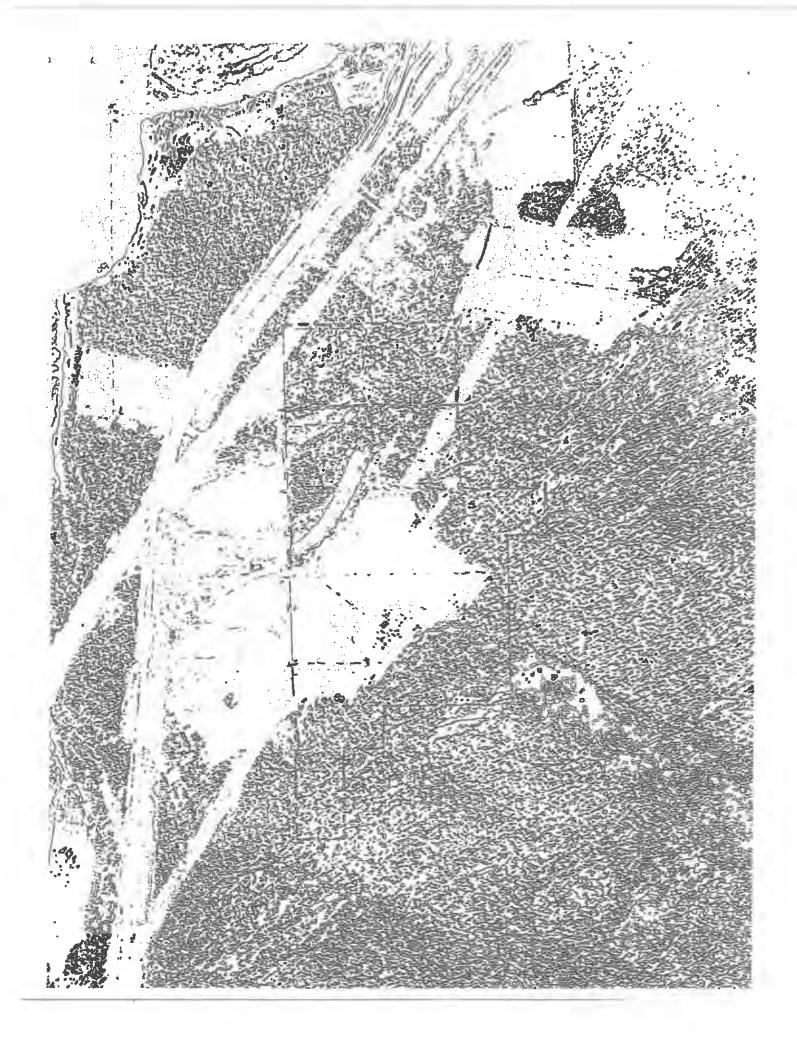
For the Water Courts of the State of Montana

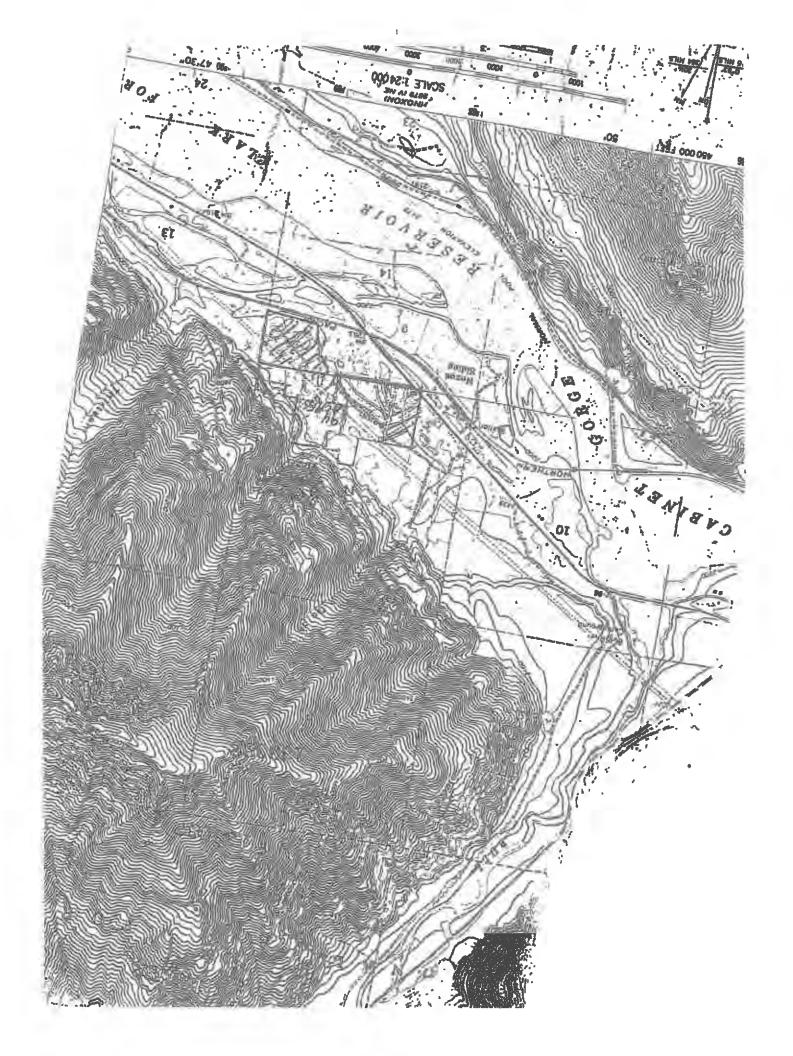
ADDITIONAL CO-OWNER SHEET

Use this sheet if you have more than one co-owner or if the co-owner has a different address than the owner. List the owner on the claim form.

02	Name			GRANT	
	Address	Pal BOX	33	First	WHICH THEFT
		PINESDALE			ip Gode 57841
	Name	Laut		Fusi	Muddle Inites
	Address	LAUT:		1021	Mithring fill (die
	City		State	z	lip Code
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	Name	Last		First	Middle Initial
	Address	(JAN)		FI181	wors with
			State		In Code

Use additional sheets if necessary





Ura E. Eilis
of Noxon, Sanders County, Montana, OF WATER
160" unnamed steam
toDated Apr. 8 1912
Public
Filed Apr. 11, 1912

Hereby publish and declare, as a legal notice to all the world, as follows:

I. That he has a legal right to the user possession and control of and claim one hundred and sixty inches of the waters of the line named stream.

one hundred and sixty inches of the waters.

Un-named stream
in said County and State for irrigating and other purposes.

II. That the purpose for which said water is claimed and the place of intended use is
Purpose is for irrigation and domestic use.

Purpose is for irrigation and domestic use.

Place of intended use is on
the NWiSWiNWISEL SISHWISEL SWISWINEISEL
SWISEL WEWESELSEL ESWISELSEL
SISELSELSEL
section 11
township 26 Ni.
range 33 W. M.M.

III. That the means of diversion with size of flume, ditch as pipe or aqueduct by which he intend to divert the said water.

pipe, or aqueduct, by which he intend to divert the said water is as follows: A flume and ditch 12 inches by 18 inches in size, which carries and conducts 160 inches of water from said stream; which said flume & ditch diverts the water from said stream at a point upon its south bank, and runs thence (Point of diversion is about two hundred feet north af the north boundary of the land hereinhefore described its

of the north boundary of the land hereinbefore described.

thence over and upon said land.

IV. That he appropriated and took said water on the 8th day of April, 1912, by means of said flume and posting of said notice of appropriation.

V. That the name of the appropriator of said water is Ura E. Ellis.

VI. That he also hereby claim said ditch and the right of way therefor, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said land or point of final discharge, and also the right of location upon any lands of any dams, flumes, reservoirs, constructed or to be constructed, by him in appropriating and in using said water.

VII. That he also claim the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of the said right, water, ditch or said appurtenances in part or whole at any time.

CLAIMING THE SAME ALL AND SINGULAR, Under any and all laws, National and State, and their rulings and decisions thereunder, in the

matter of water rights.

Together with All and Singular, The hereditaments and appurtenances thereunto belonging and appertaining, or to accrue to the same

Act of May 20, Homestead Act the northwest quarter of the southwest quarter of the northwest quarter of the southeast quarter of the southeast quarter the south half of the southwest quarter the southwest quarter of feeting the southwest quarter of Section elsewn in Tourship theory six northwest quarter of the feeting the fortune description of the southwest quarter.

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In Tourship theory six northwest quarter of the feeting of the feeting to the fe To Have and To Hold with the appurtenances SUBJECT to any vested in accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reserving used in consection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of Courts. AND THERE IS RELIGIOUS from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority

Tilemes L. Judge, Covernor

MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATIONS "MEMBERS OF THE SOARD - CHAIRMAN CECIL WEEDING, DR WILSON F CLARK, VIOLA HEREK, WILLIAM SERTSCHE, DAVID & DRUM, FIDY HUFFMAN, CHARLES HABHA John G. Orth, Director

January 6, 1978

Mr. and Mrs. Ronald G. Bierer Box 24A Noxon, Montana 59853

Dear Mr. and Mrs. Bierer:

Receipt is hereby acknowledged of 1 Notification of Transfer of Appropriation Water Right, Form 608, submitted on behalf of Ronald G. and Brenda Bierer. The above-mentioned form was received by this Department on January 5, 1978, and is now on file.

If we can be of any further assistance, please let us know.

Sincerely.

Silvio Rodrigued, Applyst Supervisor Existing Rights Section

Water Rights Bureau

SR:db

WATER RESOURCES DIVISION GRRIN PERSIS, ADMINISTRATOR

. . . .

#ESDURCES & PLANNING WATER DEVELOPMENT (402) 449-2878 (403) 449-2877

HIGH PLAINS EXPERIMENT

22 SOUTH EWING, HELENA, MONTANA 58501

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ADMINISTRATOR OF GROUEDWATER CODE

133385

Declaration of Vested Groundwater Rights

(Under Chapter 287, Montana Schalen Liews, 1961

	Noxon
Otto Rettig & Velmer I	ator) (Address)
(Name of Appropri	See Montana
conty Chairman and committee as	ecording to the Montana laws in effect prior to January 1, 1963, as follows:
面面的可以可以可以可以可以	
	The beneficial use on which the claim is based
	Watering of heat
	vatering 40 hear 1 action stock **Vatering 40 hear 1 action 8. Date or approximate date of earliest beneficial use; and how continu-
	71) 1011 (2) 1011
	ous the use has been (1) 1911 (2) 1911
facility for the facility	no 1 , greganner and remagning and resonant management of resonant described and remaind a
	4. The amount of groundwater claimed (in miner's inches or gallons per minute)
	par minute)
	COMPANIE OF THE CONTRACT TO BE COMPANIE AND THE CONTRACT OF TH
s v	5. If used for irrigation, give the acreage and description of the lands to which water has been applied and name of the owner thereof
	(1) five acres crop land SWESWE 11 26N 33W
	······································
145Wk Sec11 T26N R.33W	(2) ten acres crop land SWkSWk 11 26N 33W
cate point of appropriation	angle Little (grown gling at good representative bits a the most results of still a second and a
place of use, if possible. Each	6. The means of withdrawing such water from the ground and the loca-
(1) Buffitte tabumente to enier	tion of each wall or other means of withdrawal Sub irrigation
	overflow - from bonds red by undergraind
4 :	springs outlets
	the street of the state of the
The date of commencement an	d completion of the construction of the well, wells, or other works for with 1911 - enlargement
drawal of groundwater.	1911 - enlarsament
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works for the withdrawal of gro	the type, size and depth of each well or the general specifications of any other
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	(1) 1.629.250 gal. (2) 3.258.500 Gal.
The estimated amount of groun	dwater withdrawn each year. (1) 1,029,230 gal (2) 3,230,300 Gal
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Such other information of a sh reference to book and page of a	milar nature as may be useful in carrying out the policy of this set, including my county record. Signature of Owner ac.
Such other information of a sh reference to book and page of a	miler nature as may be useful in carrying out the policy of this set, including my county record.

area comies to be filed by the owner with the County Clerk and Recorder of the county in which the well is located.

STATEMENT OF CLAIM CHECKLIST . FORM TYPE: NOT OK OK Received Basin County Division . Transmittal Fee FORM ITEMS 133382 NOT OK OK 2 4 5 6 7 8 9 10 11 12 13 14 15 16 Checked DEFICIENT: ___Phoned ___Sent Letter Correction Deadline: ___Form Corrected Date ___incomplete Form & Correspondence Sent To Helena ☐ See notes on reverse side

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	20 20 2			URCES AND CONSERVATIO	N		B/82
**				ISTING WATER RIGHTS			
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	TYP	e CODE: 🏅 MAX RAT	E: "' 4-00 C	(160.00 M	(1) MAX VOLUME:	940.00 AF	PERE
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	PINES DALE	777	9841	PINESDALE	MT	59841	
(M)	BOX 33	TRONALD	a a minimum dan may a pa	, MINISTER BUILDING			
	PINES DALE	MT B	9841				10.7
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WATER RIGHT DATA BASE CODING FORM REMARK RECORD

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IARTER SECTIONS CNTY TWP RGE SEC WATER SOURCE NAME	
RECORD: 07 DEPTH WTR LVL YIELD RATE CANS DIAM PUMP SIZE RATE CAN BLOCK  GEN GEN	ID ID NUMBER COLLAR SECTIONS COLLAR TWP ROE COLLAR TWP
RVOIR RECORD: 08 A Y OI 76N NEWGAPACITY DAM HT ENLG EXISTING CAPACITY SURFACE AREA GUARTER SECTIONS CNTY.	CODE NUMBER.  W /33392  TWP AGE SEC  26W33W//
ICE RECORD: 0 2	CODE NUMBER
ONID WATER SOURCE NAME	

ı

#### LAW OFFICES

#### FENNESSY, CROCKER & ALLEN

505 MINERAL AVENUE-LIBBY, MT, 59923

J. F. FENNESSY, JR. C. E. CROCKER MARK J. FENNESSY THOMAS C. ALLEN SUSAN HUFMAN May 30, 1984

JUN 0 1 1984

WATER COURTS

AREA CODE 496 TELEPHONE: 293-4101 293-4102

Timothy Sullivan
Water Court
State of Montana
Bozeman, Montana 59715

Dear Mr Sullivan;

Mr. Joseph E. Little purchased property from Mr. & Mrs. Ronald G. Bierer in which there is a water right. He has ratained our office to file an objection to the number of acres irrigated and would like to have the original amount reinstated. He would also like to be informed as to who is to determine how the amount is to be quantified on the Claim # 76N-W-133386 and also # 76N-W-133385.

As the deadline for this objection is June 4, 1984, I have signed the notice in his behalf.

If you have any questions, please contact me.

Thank you,

C. E. Crocker

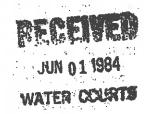
cc: J.E. Little

IN THE WATER COURTS OF THE STATE OF MONTANA

CLARK FORK DIVISION

CLARK FORK RIVER BELOW THE FLATHEAD RIVER BASIN

IN THE MATTER OF THE ADJUDICATION
OF THE EXISTING RIGHTS TO THE USE
OF ALL THE WATER, BOTH SURFACE
AND UNDERGROUND, WITHIN THE CLARK
FORK RIVER BELOW THE FLATHEAD
RIVER DRAINAGE, INCLUDING ALL
TRIBUTARIES OF THE CLARK FORK RIVER
BELOW THE FLATHEAD RIVER IN
FLATHEAD, LINCOLN AND SANDERS
COUNTIES. MONTANA.



### NOTICE OF OBJECTION Basin 76N

1.	Claim # 76N-W-133382-00; Page # of Preliminary Decree
2.	Annamed Trib. of Cabinet Gorge Res.  Source; CountySanders
3.	Type of Claim: X Irr Dom Stock X Other Use
4.	Name of Party to whom the water right was issued: Ronald G. & Brenda K. Bierer
5.	Objector's name, address and phone number:  Little Joseph E.
	c/o C. E. Crocker 505 Mineral Avenue
	Street Address or Post Office Box Libby, Montana 59923
	City State Zip Code 406 293-4101
	Area Code Phone Number
6.	Name of objecting party's attorney and address, if any: Crocker C. Last Name First Name Middle Initial
	505 Mineral Avenue
	Street Address or Post Office Box Libby Montana 59923
	City State Zip Code
	Libby Montana 59923 City State Zip Code Area Code Phone Number
7	Basis of Objection:  Ownership Place of Use Point of Diversion
_	Ownership Place of Use Point of Diversion Priority Date X Acres Irrigated Means of Diversion Purpose of Right Source Flow Rate
8.	Signature of Objector:
	Attorney for Joseph E. Little

# IN THE WATER COURTS OF THE STATE OF MONTANA CLARK FORK DIVISION CLARK FORK RIVER BELOW THE FLATHEAD RIVER BASIN

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER DRAINAGE, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.

per Election



# NOTICE OF OBJECTION Basin 76N

1.	Claim # 133382 ; Page # of Prelimina Unnamed Tributary to	ry Decree 1022
2.	Source Cabinet Gorge Res.; County Sande	
3.	Type of Claim: K Irr Dom Stock	Other Use
4.	Name of Party to whom the water right was Ronald. Brends and Grant Bierer	
5.	Objector's name, address and phone number	:
	UNITED STATES OF AMERICA (USDA-Forest Last Mame First Name Middle Init	
	P.O. Box 7669	
	Street Address or Post Office Box	
	Missoula MT 59807	···
	City State Zip Code	
	200 0000	
	406 329-3073 Area Code Phone Number	
	Area Code thone womber	
6.	Name of objecting party's attorney and add	iress, if any:
		LAWRENCE M. JAKUB
	Attorney, Department of Justice	Attorney in Charge
	Land & Matural Resources Division 1	P.O. Box 7669
	1961 Stout Street, Drawer 3607 Denver, CO 80294-3607	Kissoula, MT 59807
	844-2892	406-329-3073
	Basis of Objection:	w with a state of the
	Ownership Place of Use	Point of Diversion Means of Diversion
	Priority Date Acres Prigated	Volume or Flow Rate
	Purpose of Right Source for law	Polyme or Flow Rate
8.	Signature of Objector:	

Claim #133382

Based upon available information and belief this water diversion and/or use does not exist.

• (e)e) **#**}

The United States of America reserves the right to make further objections in the svent this diversion or use actually exists on National Forest System Lands.

Form 808 R8/83

### ATER RIGHT TRANSFER CERTIFICATE

# DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND WATER COURTS OF MONTANA

### INSTRUCTIONS

You are encouraged to contact your area Water Rights Bureau field office fleted on the back page of the Department Copy of this form or on page 2 of Form 608-i, Instructions for Water Right Transfer Certificate, for assistance in completing this form. This form is used to indicate a change in water right owners. Do not use this form if you are a user of a municipal or irrigation district water system. If more than one water right is transferred, list all the water right numbers on the appropriate lines in item 1 or attach a list. Return the completed Water Right Transfer Certificate with the proper filling fee to your county clerk and recorder for recording.

FOR	R.DERATMENT USE	
Trapamittal	No.	
Date:	301984	
Reviewed B	- NETS	
CodeMAT	if Coon	
BASIN:		

numbers on the appropriate lines in item 1 or attach a list. Return the com- pleted Water Right Transfer Certificate with the proper filing fee to your county clerk and recorder for recording.	BASIN:
(type or print in ballpoint ink)	
1. WATER RIGHT(S) TO BE TRANSFERRED:	
C ( diving to i debt abused a series ( )	
☐ Certificate of Water Right Number(s)	
Statement of Claim Number(s)	
C Lowrest Mass Decises (dilliper(e))	
2. MEANS OF TRANSFER:	
Deed recorded in: County	Sandays
Contract for Deed/Notice of Purchasers Interest recorded in: County  Court Decree recorded in: County	
Other, explain:	
<ul> <li>3. IS THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?</li> <li>Yes. If yes, complete the Addendum for Portional Transfers on the reversitients of the control of the con</li></ul>	ceived, complete an Addendum for each right being
.4. OWNERS' NAMES: List the complete names (please print) and addresses of right(s). Include buyer's name(s), and seller's name(s) if the complete name (s) is the complete name (s) and seller's name(s) is the complete name (s)	all persons who are to appear as owner of the water hey retain an interest in the water right(s).
right(s). Include buyers name(s), and seners name(s) if the Mailing Address P.O. Bo	x 34 Nomon, Montana
Name Mailing Address	
Name Mailing Address	
NameMailing Address	
5. SELLER'S NAME(S): List the seller's name and address if not listed in Item 4	above.
NAMEBranda R. Blerex MAILING ADDRESS	<b>:</b>
<ol> <li>OTHER INTERESTED PARTIES: List the names and addresses other than the tion proceedings concerning the water right(s).</li> </ol>	above persons who are to receive notice of adjudica-
NameMailing Address	
NameMailing Address	
7. CERTIFICATE OF ACKNOWLEDGMENT: The Seller and Buyer must sign the b notarized. The clerk and recorder must complete the recording information at t	ack page of the Water Right Owners copy, and have li the bottom of the same page.
NOTE TO COUNTY CLERK AND RECORDER:  Record only the Water Right Owners copy. (DO NOT RECORD the Department the question below.  Has the Water Right Owners copy been recorded?  By  Or	Clerk and Recorder
MAIL THE Department Copy, to: Department of Natural Resources and Conserthe Water Court Copy to: Chief Water Judge, Box 1588, Bozeman, Montana 56	
	- CILIVILLO

### BASIN 76M ABSTRACT OF NATER RIGHT

### MATER RIGHT NUMBER 76N -W-133382-00

OWNERS: BIERER GRANT K
90X 33
PINESDALE MT 59841
BIERER BRENDA K
80X 33
PINESDALE MT 59841

BIERER RONALD G

PINESDALE MT 59841

A TRANSFER CERTIFICATE WAS FILED ON 3/30/84 LISTING JOSEPH E. LITTLE AS NEW DWNER

PRIGRITY DATE: APR 8, 1912

FLOW RATE: 3.5

3,53 CFS

VOLUME:

100

357.20 ACRE FEET PER YEAR

CLIMATIC AREA: 4

SOURCE: UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR

SPRINGS HYDROLOGICALLY RELATED TO SOURCE.

HANEBUM ACRES: 94.00

PURPOSE (USE): TRRIGATION

PERIOD OF USE: APR 28 TO OCT -19

POINTS OF DIVERSION AND HEARS OF DIVERSION:

LOT BLK OTR SEC SEC THE RGE COUNTY

MENESE 11 26M 33W SANDERS MULTIPLE

RESERVOIR AT NEWESE 11 26N 331

### PLACE OF USE FOR IRRIGATION

1	ACRES	LOT	BLK	OTR SEC	SEC	_IMP_	RGE	COUNTY
001 002 003 -004 005	20.00 40.00 11.50 20.00	i (6)		EZSES W SMSE SZNUSE SESE SUNESE	!! !! !! !!	26N 26N 26N 26N 26N	33H 33H 33H 33H	SANDERS SANDERS SANDERS SANDERS SANDERS

BEMARKS: THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THE RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT, RATHER IT DECREES THE RIGHT TO INTERCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORIC PRACTICES.
WI33382-00, WI33385-00, WI33386-00

SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.



Kenneth Pitt, Special Assistant United States Attorney P. O. Box 7669 Missoula, NT 59807

John R. Hill, Jr., Attorney Department of Justice 1961 Stout St., Drawer 3607 Denver, CO 80294

Joseph Little 505 Mineral AVenue Libby, MT 59923

C. E. Crocker 505 Mineral Avenue Libby, MT 59923

Ronald G., Brenda K. & Grant K. Bierer Box 33 Pinesdale, MT 59841

M. Richard Gebhardt 515 US Highway 938. Ronan, Mt 59864

R. Blair Strong Washington Water Power Co. 1200 Washington Trust Financial Center Spokane, WA 99204 The Water Court has jurisdiction to make clerical corrections pursuant to Water Court Rule 4.

III.

The place of use 001 for 76N-W-133382 should be E2SESW, SEction 11, T26N, R33W, Sanders County.

DATED this 64 day of November , 1987.

Linda Hickman Water Master

### ORDER

After review of the Findings of Fact and Conclusions of Law, it is

ORDERED that the following changes be made to the Preliminary Decree of Existing Water Rights in the Clark Fork of the Flathead River Basin.

ī.

The place of use 001 for 76m-w-133382 is:
E2SESW Section 11, T26m R33W Sanders

II.

This Amended Master's Report shall be attached to the Master's Report filed April 23, 1987, and becomes a part of it.

DATED this day of Nov , 1987.

W. W. Lessley Chief Water Master



### **MONTANA WATER COURTS**

# STATE OF MONTANA

### WATER JUDGES:

Upper Missouri River Bass Chief Judge W W Lessley P.O. Box 579 Bossman, MT 59715

Lower Missouri Phys Seela Judge Bernud W Tromas PO. Box 638 Chinook, MT 56523

Clark Fork Niver Books Judge Robert M. Molter Excelle County Courthquee Libby, MT 50023

Yelloweigne Alver Basin Judge Roy C. Rodeghiero PO Box 448 Roundup, MY 59072 June 4, 1984

Jim Kindle Records Section Department of Natural Resources 32 South Ewing Helena, MT 59620

Dear Jim:

Please send us the original claim files for:

76N-125799 76N-125800 76N-141189 76N-141191 76N-032567 76N-133382 76N-133284 76N-003153 76N-028666 76N-028667 76E-133159 76E-049067 76E-049068 76E-049069 76D-042688 76D-131475 76D-140686 76C-141467 76C-141468 76C-141475

Thanksi

Sincerely,

Chris Jensen Clerk

caj

". .... to expedite and facilitate the adjudication of existing water rights." CH, 697  $\perp$  1979

IN THE WATER COURTS OF THE STATE OF MONTANA

CLARK FORK DIVISION - CLARK FORK RIVER BELOW THE FLATHEAD RIVER

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.

NOTICE OF OBJECTION TO THE CLARK FORK RIVER BELOW THE FLATHEAD

TO: Ronald & Brenda Bierer

RE: Water Right# 133382

FROM: Montana State Water Courts

# 133382 , issued in your name in the Clark Fork River below
the Flathead River Temporary Preliminary Decree, has been objected to by USDA Forest Service

The objector maintains Point of Diversion is incorrect

A preliminary hearing will be held on this matter. If

-you-wish to participate in a hearing on this issued, you MUST

file a Notice of Intent to Appear on the Water Court forms

pursuant to Water Court Rule #8 by the date listed on the

Notice of Objection.

DATED this 28 day of August , 1984.

Suzanne Nellen

Water Master P.O. Box 879

Bozeman, MT 59715

### IN THE WATER COURTS OF THE STATE OF MONTANA

CLARK FORK DIVISION - CLARK FORK RIVER BELOW THE FLATHEAD RIVER

IN THE MATTER OF THE ADJUDICATION
OF THE EXISTING RIGHTS TO THE USE
OF ALL THE WATER, BOTH SURFACE AND
UNDERGROUND, WITHIN THE CLARK FORK
RIVER BELOW THE FLATHEAD RIVER DRAINAGE AREA, INCLUDING ALL TRIBUTARIES
OF THE CLARK FORK RIVER BELOW THE
FLATHEAD RIVER IN FLATHEAD, LINCOLN
AND SANDERS COUNTIES, MONTANA.

NOTICE OF OBJECTION TO THE CLARK FORK RIVER BELOW THE FLATHEAD

TO: Ronald, Brenda & Grant Bierer

RE: Water Right# 133382

.FROM: Montana, State Water Courts

# 133382 , issued in your name in the Clark Fork River below

the Flathead River Temporary Preliminary Decree, has been the objected to by Joseph E. Little

The objector maintains Acres Irrigated is incorrect

A preliminary hearing will be held on this matter. If
-you-wish to participate in a hearing on this issued; you-MUST
file a Notice of Intent to Appear on the Water Court forms
pursuant to Water Court Rule #8 by the date listed on the
Notice of Objection.

DATED this 28 day of flucus7 , 1984.

Suzanne Nellen

Water Master P.O. Box 879

Bozeman, MT 59715

IN THE WATER COURTS OF THE STATE OF MONTANA
CLARK FORK DIVISION - CLARK FORK RIVER BELOW THE FLATHEAD BASIN

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE CLARK FORK BELOW THE FLATHEAD DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.



# NOTICE OF INTENT TO APPEAR BASIN #76N

1.	Claim # 133382		
2.	Source UT Cabin	e\$ Gorge	
3.	County Sanders		
4	Name, address and Little, Joseph	phone number of part	ty appearing:
	Last Name	First Name er 505 Mineral Ave	Middle Initial
	Street Address or Libby, Montana	P.O. Box	93-4101
	City		Code Phone Number
5.	Crocker, C. E.	phone number of party First Name	Middle Initial
	505 Mineral Ave	anne	
	Street Address or		
		0.220.022.0	293-4001
	Libby, Montana	59923	
	City Montana	State Sip	Coede Phone Number
<b>5</b> .	City Signature of appe	State Sip	
	Signature of appearance of appearance of appearing participation in	State  aring party:  arty's legal rights thearing and the purporthis hearing is requestions.	

P.O. Box 879 Bozeman, MT 59715



### MONTANA WATER COURTS

# STATE OF MONTANA

water judges

September 6, 1984

and Massaches Sour Later of the Prime. Single St. Language St.

Clary Fare Royal Mason Junga Nation 10 marter Jungan Callini Galatti Galat Jima 10 ABBCs

Telenosione Ave East Autor No C Autor et FC Royall Roymout MT 58072 POOR COPY

Barbara Beasley Fennessy, Crocker and Allen 505 Mineral Avenue Libby, NT 59923

Dear Ms. Beasley,

Enclosed please find the following objections:

023067, 023068, 023069, 039847, 100479, 123060, 141292-141300, 141318, 141320, 141321, 141322 in the Kootenei River Basin.

141342, 141343-141347 in the Yaak River Basin.

133382, 133383, 133384, 133386 in the Clark Fork.

If we can be of further assistance, please do not hesitate to contact our office.

Sincerely,

Carol Moore,

Clerk

CAM/encls.

# TON W133382-00 RANSFER Locked-Up Basin

Memorandum

To: Water Court

From: Regina Fullerton

Rates

Enclosed for the Court's review are copies of transfers received in basins in which adjudication efforts are under way. These transfers have been filmed, filed and the owners have been acknowledged concerning receipt of their transfers.

when we receive authorization from the Court, we will update the simation as soon as possible.

# WATER RIGHT TRANSFER CERTIFICATE

RECEIVED

MAY 3 0 1984

# DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

AND WATER COURTS OF MON	WORTHING DEPT OF MATE
INSTRUCTIONS  You are encouraged to contact your area Water Rights Bureau field office listed on the back page of the Department Copy of this form or on page 2 of Form 606-I, instructions for Water Right Transfer Certificate, for assistance in completing this form. This form is used to indicate a change in water right owners.  Do not use this form if you are a user of a municipal or irrigation district water system. If more than one water right is transferred, list all the water right numbers on the appropriate lines in item 1 or attach a list. Return the completed Water Right Transfer Certificate with the proper filing fee to your county clark and recorder for recording.	FOR DEPARTMENT USS & CONSERVA  Fee received: 5.00 By: 404  Transmittal No.: 51-228-01-1/  Date: Reviewed By: 46-25-84  Filmed: Coded: 277 7-44-14  BASIN: 76N
(type or print in ballpoint ink)  WATER RIGHT(5) TO SE TRANSFERRED:  Permit to Appropriate Water Number(e) 76N W133382-00  Certificate of Water Right Number(a) Statement of Claim Number(e)  Powder River Decree Number(a)	
MEANS OF TRANSFER:  Deed recorded in: County Contract for Deed/Notice of Purchasers Interest recorded in: County	Sanders
Is THERE A DIVISION OR SPLIT OF THE WATER RIGHTSS? Yes. If yes, complete the Addendum for Portlanal Transfers on the rever Transfer Certificate. If a portlan of more than one right is being reattened.	erved, complete an Addendum for each right being
Other, explain:  IS THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?  Yes. If yes, complete the Addendum for Portional Transfers on the rever Transfer Certificate. If a portion of more than one right is being rectransferred.  No. Do not complete the Addendum if you received the whole right(s).	elved, complete an Addendum for each right being
Other, explain:  18 THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?  19 Yea. If yes, complete the Addendum for Portional Transfers on the rever Transfer Certificate. If a portion of more than one right is being rectransferred.  No. Do not complete the Addendum if you received the whole right(s).  OWNERS' NAMES: List the complete names (please print) and addresses of a right(s), iriclude buyer's name(s), and seller's name(s) if the	elved, complete an Addendum for each right being  ill persons who are to appear as owner of the water ey retain an interest in the water right(s).
Other, explain:  18 THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?  19 Yes. If yes, complete the Addendum for Portional Transfers on the rever Transfer Certificate. If a portion of more than one right is being reconstransferred.  20 No. Do not complete the Addendum if you received the whole right(s).  21 OWNERS' NAMES: List the complete names (please print) and addresses of a	elved, complete an Addendum for each right being  ill persons who are to appear as owner of the water ey retain an interest in the water right(s).
Other, explain:  18 THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?  19 Yea. If yes, complete the Addendum for Portional Transfers on the rever Transfer Certificate. If a portion of more than one right is being rectransferred.  No. Do not complete the Addendum if you received the whole right(s).  OWNERS' NAMES: List the complete names (please print) and addresses of a right(s), iriclude buyer's name(s), and seller's name(s) if the	elved, complete an Addendum for each right being  ill persons who are to appear as owner of the water ey retain an interest in the water right(s).
Other, explain:  18 THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?  19 Yes. If yes, complete the Addendum for Portional Transfers on the rever Transfer Certificate. If a portion of more than one right is being rectant transferred.  No. Do not complete the Addendum if you received the whole right(s).  OWNERS' NAMES: List the complete names (please print) and addresses of a right(s), include buyer's name(s), and seller's name(s) if the Name Joseph E. Little  Mailing Address P. G. Box	elved, complete an Addendum for each right being  ill persons who are to appear as owner of the water ey retain an interest in the water right(s).
Other, explain:  18 THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?  19 Yea. If yes, complete the Addendum for Portional Transfers on the rever Transferred.  19 No. Do not complete the Addendum if you received the whole right(s).  19 OWNERS' NAMES: List the complete names (please print) and addresses of a right(s), include buyer's name(s), and seller's name(s) if the Name Joseph E. Little  10 Name Mailing Address  11 Name Mailing Address  12 Name Mailing Address	elved, complete an Addendum for each right being  ill persons who are to appear as owner of the water ey retain an interest in the water right(s).
Other, explain:  18 THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?  19 Yes. If yes, complete the Addendum for Portional Transfers on the rever Transferred.  20 No. Do not complete the Addendum if you received the whole right(s).  21 OWNERS' NAMES: List the complete names (please print) and addresses of a right(s), include buyer's name(s), and seller's name(s) if the Name  32 Joseph B. Little  33 Name  44 Mailing Address  44 Mailing Address	all persons who are to appear as owner of the water ey retain an interest in the water right(s).  x 34 Noxon, Montana. 59853
Other, explain:  18 THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?  19 Yes. If yes, complete the Addendum for Portional Transfers on the rever Transfer Certificate. If a portion of more than one right is being red transferred.  No. Do not complete the Addendum if you received the whole right(s).  OWNERS' NAMES: List the complete names (please print) and addresses of a right(s), include buyer's name(s), and seller's name(s) if the Name  Joseph E. Little  Name  Mailing Address	all persons who are to appear as owner of the water ey retain an interest in the water right(s).  2 34 Noxon, Montana 5/853  2 36 Sov. 125, HAMILTON, MT. 59840
Other, explain:  18 THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?  19 Yea. If yes, complete the Addendum for Portional Transfers on the rever Transfer Certificate. If a portion of more than one right is being red transferred.  No. Do not complete the Addendum if you received the whole right(s).  OWNERS' NAMES: List the complete names (please print) and addresses of a right(s), include buyer's name(s), and seller's name(s) if the Name  Joseph E. Little  Name  Mailing Address  Mailing Address	all persons who are to appear as owner of the water ey retain an interest in the water right(s).  2 34 Noxon, Montana 5/853  2 36 Sov. 125, HAMILTON, MT. 59840

7. CERTIFICATE OF ACKNOWLEDGMENT: The Seller and Buyer must sign the back page of the Water Right Owners copy, and have it notarized. The clark and recorder must complete the recording information at the bottom of the same page.

	troop to the state and to state out the state of the stat
Ī	NOTE TO COUNTY CLERK AND RECORDER:
	Record only the Water Right Owners copy. (DO NOT RECORD the Department's copy or Water Courts copy.) Please answer
	the question below.
	Has the Water Right Owners copy been recorded? Effec, D No.
	By Saley Classer or
	Deputy Clerk and Recorder
	MAIL THE Department Copy, to: Department of Natural Resources and Conservation, 32 S. Ewing, Helena, Montana 69820; and

### ADDENDUM FOR PORTIONAL WATER RIGHT TRANSFER

### INSTRUCTIONS

Complete one addendum for each portional water right being transferred. The buyer cannot change the point of diversion, place of use, place of storage, or the purpose of use without prior approval from the Department of Natural Resources and Conservation. You are encouraged to contact your area Water Rights Bureau field office listed below for assistance in completing the addendum.

WATER RIGHT RECEIVED: Number (S						
PORTION OF WATER RIGHT RECEIVE	ED: Identify that p	ortion of the	water right	the buyer n	ocalved by the fol	liowing information.
PURPOSE OF USE	PATE (GPM/CFS)		VOLUM	IE (ACRE-FI	EI)	ACRES
EXPLAIN: Describe how the portion or	percentage of the	water right	the buyer re	ceived was	determined.	
* * * * * ****	//					
POINT OF DIVERSION: Describe the I	ocation where the	buyer divert	s his portion	of the water	er right.	
Lot Bik, 14	14 14	Sec	Twp	N R Dan	E	1.00
				N	14 <b>F</b> 2	
Lot Blk, 14		-	,			
LACE OF USE: Describe the location	where the buyer us	sea his port	lonrof the w	ater right.	47.55	
ISE:		2 1 4 1 9 1 2		ñ	*	
icres Lot Bik 1/4		Sec	Two	N S Rge	E W Co	
			,	N	E	
cres Lot Bik, ¼	W W	, Sec	Twp	_S Rge	W Co	
IȘE:						1. 1
kores Lot Bik 14	14 ** 14	San	Two	N S Rge	E W.Co	
			IWP	3 nge N	E	
\cres Lot Blk, 1/4	_ 14 14	, Sec	Twp	_S Age	W Co	•
ubdivision (if any)			·			7-2-19
Mic	ntana Water Flights	Bureau Are	e Field Offic	88		
HAVRE Old Highway 2 P.O. Box 1828 Havre, Montana 59601 Phone: 25-5516 Serving: Blaine, Chouteau, Glacier, Hill, Liberty, Ponders, Teton and Toole Countles.	Melling Addr 32 South Ewi Helena, Mont Phone: 449:36 Serving: Deer	o. Rodney ng. ana 59520 134 Lodge, Powe	HI,	P.O. & Kalis; Phoni Servir	ELL Highway 93 South ox 850 pell, Montana 59903 x 752-2288 ng: Flathead, i.eke na Countles.	
MISSOULA	Lewis and Cla Silver Bow, Je			LEWIST	OWN E Main Street	
2101 Bow Street	Countles.			P.O.,	Sox 438 Town, Montána 59	<u> </u>
P.O. Box 5004 Missoula, Montana 59806	BOZEMAN 1201 East Mai	in .		Phon	538-7459	•
Phone: 721-4284 Serving: Missoula, Granite, Ravalli, and Mineral Counties.	Bozeman, Mo Phone: 586-31 Serving: Galla	ntena 59715 36	Madison	Valley Muss	ig: Cascade, Fergi , Judith Basin, Mi alshell, Petroleum	agher,
LASGOW , 110 5th Street South, Room 106	Counties			Whea	lland Counties.	
P.O. Box 894 Glasgow, Montana 59230 Phone: 228-2561 Serving: Dantels, Dawson, Garfield, McCona, Phillips, Richland, Roosevelt, Sheridan and Valley	BILLINGS 1537 Avenus ( Billings, Mont Phone: 657-21 Senving: Big	ana 59102 05 Hom, Carbo	n, Stillwater, Sweet Grass	5 Nor P.O. E Miles Phone Service Powds	th Prairie lox 276 City, Montana 593	Balloh, - 1 1144

### WATER RIGHT TRANSFER CERTIFICATE

### CHECKLIST

PARTMENT USE	BLOCK
✓ A.	Is form dated received?
✓ 8.	Is the fee and transmittal number (county deposit #7715) indicated?
c.	After review; analyst initialed and dated "reviewed by".
NSFER FORM C	HECK
<u>/</u> 1.	Are all water right numbers accurately listed?
	Is the means of transfer OK or adequately explained?
b.	Is there a Portional Addendum for each split right? Is a Portional Flow Chart completed for each split right? Is all additional documentation attached (ie. maps, field report)? Has all inferred new uses of water, changes, sever/sells been researched
4.	Are all owner names listed and addresses correct?
5.	Has the Seller's Name been checked against the Current Owner of Record? If different, show research substantiating ownership of right involved.
comments  3 B. Be  Phone	ASLEY OF FENNESSY & CHOCKER, ATTORNEYS OF LIBBY
<u>5 Seue</u>	R'S ADDRESS FROM TRANSFER FOR TON-W- 133387
	,
	·,, ⁶
	ed. see attached

### M. RICHARD GEBRARDT, P.C.

ATTORNEY AT LAW 515 U.S. HIGHWAY 83 SOUTH RONAN, MONTANA 58884 (406) 676-3680

August 6, 1985



Linda Hickman, Water Master Montana Water Courts PO Box 879 Bozeman, Montana 59715

76/U-16 Re: Water Right No. 76N-W-133385-00

Dear Linda:

On behalf of Mr. Guilfoyle we would be withdrawing our Notice of Intent to Appear based upon your assertions that the claim will not be quantified and is non-consumptive.

Thank you for your attention to this matter.

Since ely,

M. RICHARD GEBHARDT

k1

cc: Bob Guilfoyle

STATE OF MONTANA )
:ss
County of Sanders )

### AFFIDAVIT

I, JOSEPH E. LITTLE, being first duly sworn, depose and state as follows:

That I am over the age of twenty-one years and a resident of Sanders County. Montana; that I am, together with my wife, Virginia Little, the owner of the property described on the attached sheet marked Exhibit "A", located in Sanders County, Montana and a part of the Clark Fork River drainage;

That we have occupied said property for approximately two years after purchasing the same from Ronald G. and Brenda K. Bierer, of Pinedale, Montana; that the original Water Right to said property was granted to Ura E. Ellis, the owner of said property in 1912 and at which time he began to develop said unnamed stream for irrigation, stockwater and domestic use;

That said unnamed stream is used for the purpose of irrigation for approximately ninety four (94) acres for pasture and hay; that said irrigation is performed by means of a pump and pipeline from approximately April 30 to October 15, each year; that livestock occupy the premises and have throughout the years, and we have used the same for pasture and growing hay;

That I am informed that said premises has been used for pasturage and growing crops continuously by the respective former owners of said property;

That said water is used and is necessary for irrigation of the entire 94 acre tract.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal this G/A day of February, 1985.

Speeply E. Little

Subscribed and sworn to, before me, this all day of February,

Notary Public for the State of Montana, residing at Alley
My Commission expires 4-2:27

### Exhibit "A"

The NW\SW\nw\SE\, the S\S\\NW\SE\, the SW\SW\NE\SE\, the SW\SW\NE\SE\, the S\SE\SE\, the S\SE\SE\, the S\SE\SE\.

the E\SE\SW\ of Section 11, Township 26 North, Range 33

West, M.P.M.

IN THE WATER COURTS OF THE STATE OF MONTANA

CLARK FORK DIVISION - CLARK FORK BELOW THE FLATHEAD RIVER BASING

******

IN THE MATTER OF THE ADJUDICATION
OF THE EXISTING RIGHTS TO THE USE
OF ALL THE WATER, BOTH SURFACE AND
UNDERGROUND, WITHIN THE CLARK FORK
RIVER BELOW THE FLATHEAD RIVER
DRAINAGE AREA, INCLUDING ALL
TRIBUTARIES OF THE CLARK FORK RIVER
BELOW THE FLATHEAD RIVER IN FLATHEAD,
LINCOLN AND SANDERS COUNTIES, MONTANA.

Case No. 76 -16. 76N-W-13338 -00' 76N-W-133383-00

76N-W-133384-0076N-W-133386-0

Claimants: 1

Ronald G., Brenda K. and Grant K. Bierer

Objectors: Joseph E. Little

Forest Service

Intent to Appear: Robert

Guilfoyle

MASTER'S REPORT

Findings of Fact

I.

Claim number 76N-W-133382-00 was filed by Ronald G., Brenda K. and Grant K. Bierer for irrigation. Claim number 76N-W-133383-00 was filed by Ronald G., Brenda K. and Grant K. Bierer for domestic use. Claim number 76N-W-133384-00 was filed by Ronald G. and Brenda K. Bierer for domestic use. Claim number 76N-W-133386-00 was filed by Ronald G. and Brenda K. Bierer for power generation.

II.

The acres irrigated for claim number 76N-W-133382-00 was objected to by Joseph E. Little. The point of diversion was objected to by the Forest Service. Mr. Joseph E. Little filed a notice of intent to appear.

III.

On May 30, 1984 a water right transfer certificate for claim

number 76N-W-133382-00 was filed by Joseph E. Little and Brenda K. Bierer.

IV.

The point of diversion for claim number 76N-W-133383-00 was objected to by the United States of America, Forest Service.

Joseph E. Little filed a notice of intent to appear.

V.

A water right transfer certificate for claim number 76N-133383-00 was filed on May 30, 1984 listing Joseph E. Little as buyer and Brenda K. Bierer as seller.

VI.

The point of diversion for claim 76N-W-133384-00 was objected to by the United States of America, Forest Service.

The volume was objected to by Joseph E. Little. Joseph E. Little also filed a notice of intent to appear.

VII.

A water right transfer certificate for claim number 76N-W-133384-00 was filed on July 10, 1984 by Joseph E. Little as buyer and Brenda K. Bierer as seller.

VIII.

The point of diversion for claim number 76N-W-133386-00 was objected to by the United States of America, Forest Service. The flow rate and volume were objected to by Joseph E. Little. Mr. Little also filed a notice of intent to appear.

IX.

The volume or flow rate for claim number 76N-W-133385-00 was objected to by Joseph E. Little. Mr. Robert Guilfoyle

filed a notice of intent to appear. On June 28, 1985, Joseph E. Little filed a withdrawal of objection for claim number 76N-W-133385-00. On August 8, 1985 Robert Guilfoyle filed a withdrawal of intent to appear.

х.

A prehearing was held on January 29, 1985 at 10:40 a.m. in the Courtroom of the Sanders County Courthouse in Thompson Falls, Montana. The United States Department of Agriculture, Forest Service, filed objections to claims 76N-W-133382-00, 133383-00, 133384-00 and 133386-00. These objections were withdrawn prior to the prehearing.

XI.

Joseph E. Little objected to the number of acres irrigated for claim number 76N-W-133382-00. On February 13, 1985, the Court received an affidavit from Joseph E. Little indicating that the spring was developed in 1912 and is used to irrigate 94 acres. He also indicated that this has been the historic practice in the past. The flow rate should be 3.525 cfs and the volume 357.2 afy.

XII.

The place of use for claim number 76N-W-133382-00 should be:

Section 11 20 SE\SESW Township 26 North Range 33 West Township 26 North Section 11 Range 33 West 40 SWSE Township 26 North Range 33 West 114 S-inwse Section 11 20 Section 11 Township 26 North Range 33 West sese Township 26 North Range 33 West SWNESE Section 11

### XIII.

Joseph E. Little objected to the volume for claim number 76N-W-133384-00. On June 28, 1985, the Court received an affidavit from

Joseph E.Little indicating that 15 acre feet had been claimed and is actually used in accordance with past practices.

XIV.

Joseph E. Little objected to the flow rate and volume for claim number 76N-W-133386-00. That objection dealt with the non-consumptive use remark and has been withdrawn.

Conclusions of Law

I.

The Water Court has jurisdiction to review all objections to Temporary Preliminary Decrees pursuant to 85-2-233 MCA.

II.

The Water Court has jurisdiction to make clerical corrections pursuant to Water Court Rule 4.

III.

Upon review of the facts, the Master finds that there has been no over-reaching or misunderstanding by the parties. The Court finds that the results are reasonable.

IV.

The place of use for claim number 76N-W-133382-00 should be:

- 20 SE4SESW Section 11 Township 26 North Range 33 West 40 SWSE Section 11 Township 26 North Range 33 West
- 114 SanwsE Section 11 Township 26 North Range 33 West
- 20 SESE Section 11 Township 26 North Range 33 West
- 24 SWNESE Section 11 Township 26 North Range 33 West

The flow rate should be 3.525cfs, volume 357.2 afy.

IV.

The volume for claim number 76N-W-133384-00 should be 15 acre feet per year.

DATED this 1744 day of April , 1987.

Linda Hickman
Water Master

### ORDER

After review of the Findings of Fact and Conclusions of Law, it is ORDERED that the following changes be made to the Temporary Preliminary Decree of Existing Water Rights in the Clark Fork River Below the Flathead River Basin.

I.

The place of use for claim 76N-W-133382-00 is:

20 SELSESW Section 11 Township 26 North Range 33 West
40 SWSE Section 11 Township 26 North Range 33 West
11% SENWSE Section 11 Township 26 North Range 33 West
20 SESE Section 11 Township 26 North Range 33 West
24 SWNESE Section 11 Township 26 North Range 33 West

The flow rate is 3.525 cfs and the volume is 357.2 afy.

II.

The volume for claim number 76N-W-133384-00 is 15 acre

feet per year.

DATED this / / day of

1987.

W. W. LESSLEY Chief Water Judge

cc: Kenneth Pitt Office of General Counsel P.O. Box 7669 Missoula, MT 59807

> John R. Hill, Jr. U.S. Dept. of Justice 1961 Stout Street Drawer 3607 Denver, CO 80294

Joseph E. Little 505 Mineral Avenue Libby, MT 59923 C.E. Crocker 505 Mineral Avenue Libby, MT 59923

Ronald G., Brenda K. and Grant K. Bierer Box 33 Pinesdale, MT 59841

M. Richard Gebhardt 515 U.S. Highway 93 South

Ronan, MT 59864

Washington Water Power Co.

STATE OF MONTANA )
:ss
County of Sanders )

### AFFIDAVIT

I, JOSEPH E. LITTLE, being first duly sworn, depose and state as follows:

That I am over the age of twenty-one years and a resident of Sanders County, Montana; that I am, together with my wife, Virginia Little, the owner of the property described on the attached sheet marked Exhibit "A", located in Sanders County, Montana and a part of the Clark Fork River drainage;

That we have occupied said property for approximately two years after purchasing the same from Ronald G. and Brenda K. Bierer of Pinedale, Montana; that the original Water Right to said property was granted to Ura E. Ellis, the owner of said property in 1912 and at which time he began to develop said unnamed stream for irrigation, stockwater and domestic use;

That said unnamed stream is used for the purpose of irrigation for approximately ninety four (94) acres for pasture and hay; that said irrigation is performed by means of a pump and pipeline from approximately April 30 to October 15, each year; that livestock occupy the premises and have throughout the years, and we have used the same for pasture and growing hay;

That I am informed that said premises has been used for pasturage and growing crops continuously by the respective former owners of said property;

That said water is used and is necessary for irrigation of the entire 94 acre tract.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal this Alday of February, 1985.

oseph/E. Little

Subscribed and sworn to, before me, this and of February,

(SEAL)

Notary Public for the State of Montana, residing at 2 16 11 My Commission expires 4-2087

### Exhibit "A"

The NW\SW\nW\SE\, the S\S\nW\SE\, the SW\SW\nE\SE\, the SW\SE\, the S\SE\SE\, the S\SE\SE\, the S\SE\SE\SE\, the S\SE\SE\, the S\SE\SE\, the S\SE\SE\, the S\SE\SE\, the S\SE\SE\, the S\SE\SE\, the S\SE\, the S\SE\SE\, the S\SE\, the S

IN THE WATER COURTS OF THE STATE OF MONTANA

CLARK FORK DIVISION - CLARK FORK RIVER BELOW THE FLATHEAD BASIN

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND WITHIN THE CLARK FORK BELOW THE FLATHEAD DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.

Case No. 76N-



### WITHDRAWAL OF OBJECTIONS

COMES NOW the United States of America, Objector herein, and hereby withdraws its Objections to Water Rights No. 76N-W-133382, 76N-W-133383, 76N-W-133384, and 76N-W-133386.

DATED this > h day of January, 1985.

BYRON H. DUNBAR United States Attorney District of Montana

By:

JOHN R HILL, JR., Attorney U.S. Department of Justice Land & Natural Resources Division 1961 Stout Street, P.O. Drawer 3607 Denver, CO 80294

303/844-2892

ATTORNEYS FOR UNITED STATES OF AMERICA

### CERTIFICATE OF SERVICE

I certify that I mailed, via United States Mail, postage prepaid, a true and correct copy of the foregoing Withdrawal of Objections to the following this Aday of January, 1985:

Joseph E. Little C. E. Crocker 505 Mineral Ave. Libby, MT 59923

Ronald G. and Brenda K. Bierer Box 33 Pinesdale, MT 59841

-2-

STATE OF MONTANA )
:ss
County of Lincoln )

AFFIDAVIT



I, JOSEPH E. LITTLE, of Noxon, Montana, do hereby state as follows:

That I am over the age of 21 years and that I am the purchaser, together with my wife of that certain realty for which a water right is sought under water right application number 76N-W-133384-00;

That we purchased this property under Contract for Deed from one Ronald G. and Brenda K. Bierer of Box 33, Pinesdale, Montana;

That our equity was obtained on July 25, 1983 by virtue of said Contract for Deed referred to above;

That Ronald G: and Brenda K. Bierer agreed to transfer all Water rights applied for upon said property to my wife and I as purchasers under said Contract for Deed;

That in Water Right Application No. 76N-W-133384-00 we applied for 15 acre feet of water as set forth in said application;

That said water was to be used and is being used for the purpose of supplying domestic water to our residence located on the real estate referred to above and for domestic use of 30 recreational vehicle spaces located on said property as operated and rented by us as equitable owners of said property;

That to the best of my knowledge said domestic use of this water has been constant since construction of the house on the premises after filing of the water right in 1912;

That use of the water for the recreational vehicles has been constant and is still in effect since the year 1956.

Dated at Libby, Montana, this 26 day of June, 1985.

sep E. Littl

Virginia Little

Subscribed and sworn to before me, a Notary Public, on this 26 day of June, 1985.

Notary Public for the State of

Ferm 608 R6/83

### ATER RIGHT TRANSFER CERTIFICATE

# DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND WATER COURTS OF MONTANA

### **INSTRUCTIONS**

You are encouraged to contact your area Water Rights Bureau field office listed on the back page of the Department Copy of this form or on page 2 of Form 608-I, instructions for Water Right Transfer Certificate, for assistance in completing this form. This form is used to indicate a change in water right owners. Do not use this form if you are a user of a municipal or irrigation district water system. If more than one water right is transferred, list all the water right numbers on the appropriate lines in Item 1 or attach a list. Return the completed Water Right Transfer Certificate with the proper filing fee to your county clerk and recorder for recording.

CHIEF WAS	FOR DEPARTMENT L	JSE
Transmit	al No.:	
Date:	1984	
Date: Reviewe	ABA: 0	
Filmed:_	CHESTS	
Codett L	TEN CO.	
Basin:_		

(type or print in ballpoint ink) 1. WATER RIGHT(S) TO BE TRANSFERRED: ☐ Permit to Appropriate Water Number(s) 76N W133382-00 ☐ Certificate of Water Right Number(s) ____ Statement of Claim Number(s) ☐ Powder River Decree Number(s) 2. MEANS OF TRANSFER: Deed recorded in: County_ & Contract for Deed/Notice of Purchasers Interest recorded in: County Sandars □ Court Decree recorded in: County _____ Other, explain: 3. IS THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)? 🗆 Yes, If yes, complete the Addendum for Portional Transfers on the reverse side of the Department Copy of the Water Right Transfer Certificate, if a portion of more than one right is being received, complete an Addendum for each right being No. Do not complete the Addendum if you received the whole right(s). .4. OWNERS' NAMES: List the complete names (please print) and addresses of all persons who are to appear as owner of the water right(s), include buyer's name(s), and seller's name(s) if they retain an interest in the water right(s). Name Joseph E. Little Mailing Address P.O. Box 34 Noxon, Montana ____Mailing Address ___ __ Meiling Address Malling Address 5. SELLER'S NAME(S): List the seiler's name and address if not listed in Item 4 above. ..... MAILING ADDRESS: ___ NAMEBrenda R. Blerer 5. OTHER INTERESTED PARTIES: List the names and addresses other than the above persons who are to receive notice of adjudication proceedings concerning the water right(s). Mailing Address. Maylino Address 7. CERTIFICATE OF ACKNOWLEDGMENT: The Seller and Buyer must sign the back page of the Water Right Owners copy, and have it notarized. The clerk and recorder must complete the recording information at the bottom of the same page.

NOTE TO COUNTY CLERK AND RECORDER:

Record only the Water Right Owners copy. (DO NOT RECORD the Department's copy or Water Courts copy.) Please answer the question below.

Has the Water Right Owners copy been recorded?

By

Clerk and Recorder

MAIL THE Department Copy, to: Department of Natural Resources and Conservation, 32 S. Ewing, Helena, Montana 59620; and the Water Court Copy to: Chief Water Judge, Box 1568, Bozeman, Montana 59715.

Form 508 R8/83

# WATER RIGHT TRANSFER CERTIFICATE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND WATER COURTS OF MONTANA

	INSTRUCTIONS	FOR DEPARTMENT USE
You are encourage	ed to contact your area Water Rights Bureau field office listed	Fee received:By:
on the back page	of the Department Copy of this form or on page 2 of Form s for Water Right Transfer Certificate, for assistance in com-	Transmittal No.:
pleting this form	This form is used to indicate a change in water right owners.	Date:
Do not use this t	form if you are a user of a municipal or infeation district	Reviewed By:
water system. If r	More than one water right is transferred, list all the water right	Filmed:
numbers on the a	appropriate lines in Item 1 or steech a list. Seturn the com-	Coded:
pleted Water Right clerk and recorde	at Transfer Certificate with the proper filing fee to your county or for recording.	BASIN:
	(type or print in belipoint ink)	(8)1110
1. WATER RIGHT(S	) TO BE TRANSFERRED:	Do A
☐ Permit to	Appropriate Water Number(s)	A Comment
	te of Water Right Number(s)	TO TO TO THE
Statemer	nt of Claim Number(s) 76N-W-133384-00	- We of the 1984 100
□ Powderr	River Decree Number(s)	Water Continue
		Court of the court
2. MEANS OF TRAI	NSFER: orded In: County	8//15/1/12
G Contract	for Deed/Notice of Purchasers Interest recorded in: County	Sandors
☐ Court Dec	Cree recorded in: County	
1	SION OR SPLIT OF THE WATER RIGHT(S)?	
4. OWNERS' NAME:	<ul> <li>complete the Addendum if you received the whole right(s).</li> <li>List the complete names (please print) and addresses of all right(s). Include buyer's name(s), and seller's name(s) if the</li> </ul>	l persons who are to appear as owner of the water
Name Jogoph E.	Little Mailing Address 2.0. Box	
Name	Multing Address	Y .
Name	Melling Address	
1	Mailing Address	
	S): List the seller's name and address if not listed in Item 4 at	
	la K. Bierer MAILING ADDRESS:	
3. OTHER INTEREST	TED PARTIES: List the names and addresses other than the ab oncerning the water right(s).	•
Name	Mailing Address	
Name	Mailing Address	
CERTIFICATE OF	ACKNOWLEDGMENT: The Seller and Buyer must sign the bac	k page of the Water Right Owners copy, and have it
	cand recorder must complete the recording information at the TY CLERK AND RECORDER:	bottom of the same page.
the question below	Vater Right Owners copy. (DO NOT RECORD the Department)	s copy or Water Courts copy.) Please answer
	** L	
LIED THE PORTS	Right Owners copy been recorded?	
. By	10 10 10 10 10 10 10 10 10 10 10 10 10 1	
MAIL THE Departm	Deputy  Nent Copy, to: Department of Natural Resources and Conservation	Clark and Recorder ion, 32 S. Ewing, Helena, Montana 59620; and
the Water Court Co	opy to: Chief Water Judge, Box 1568, Bozeman, Montana 5971.	5.

July 12, 1984

Joseph E. Little P.O. Box 34 Noxon, Montana 59853

> RE: Temporary Preliminary Decree of Water Rights-Lower Clark Fork Basin (76N)

Dear Mr. Little:

We have been notified that you were involved in a water rights transfer in the above named basin.

Englosed is a copy of the Notice of Agailability of the Temporary Preliminary Decree of Water Rights for the Lower Clark Fork Basin. The period for filing objections to this Decree ands been extended to the 3rd day of August, 1984.

Please call us at 586-4364 if you have questions.

Sincerely,

Janet Lackey Clerk

jl ENC.

IN THE WATER COURTS OF THE STATE OF MONTANA CLARK FORK DIVISION CLARK FORK RIVER BELOW THE FLATHEAD BASIN (76N) 

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND,) 76N-W-133382, WITHIN THE CLARK PORK BELOW THE PLATHEAD DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK BELOW THE ) FLATHEAD RIVER IN FLATHEAD, LINCOLN, AND SANDERS COUNTIES, MONTANA.

CASE NO. 76N-16 76N-W-133383, 76N-W-133384, 76N-W-133386

9

CLAIMANT: Ronald G., Brenda K. and Grank K. Bierer OBJECTOR: Joseph E. Little, USDA Forest Service

### AMENDED MASTER'S REPORT

### FINDINGS OF FACT

I.

The computer operator in Helena indicated to the Water Master that the legal description for place of use 001, claim 76N-W-133382 was not a valid legal description as set out by the Water Master.

II.

Upon further checking, the Master discovered that the legal description for place of use 001 for 76N-W-133382 should be E2SESW, Section 11, T26N, R33W, Sanders County, as set out in the affidavit by Joseph B. Little.

### CONCLUSIONS OF LAW

I.

The Water Court has jurisdiction to review all objections to temporary preliminary decrees pursuant to 85-2-233, Montana Code Annotated.

II.

The Water Court has jurisdiction to make clerical corrections pursuant to Water Court Rule 4.

III.

The place of use 001 for 76N-W-133382 should be E2SESW, SEction 11, T26N, R33W, Sanders County.

DATED this 6th day of November , 1987.

Linda Hickman Water Master

### ORDER

After review of the Findings of Fact and Conclusions of Law, it is

ORDERED that the following changes be made to the Preliminary Decree of Existing Water Rights in the Clark Fork of the Flathead River Basin.

I.

The place of use 001 for 76N-W-133382 is:
E2SESW Section 11, T26N R33W Sanders

II.

This Amended Master's Report shall be attached to the Master's Report filed April 23, 1987, and becomes a part of it.

DATED this day of Now , 1987.

W. W. Lessley Chief Water Master Kenneth Pitt, Special Assistant United States Attorney P. O. Box 7669 Missoula, MT 59807

John R. Hill, Jr., Attorney Department of Justice 1961 Stout St., Drawer 3607 Denver, CO 80294

Uoseph Little 505 Mineral AVenue Libby, MT 59923

C. E. Crocker 505 Mineral Avenue Libby, MT 59923

Ronald G., Brenda K. & Grant K. Bierer Box 33 Pinesdale, MT 59841

M. Richard Gebhardt 515 US Highway 938. Ronan, Mt 59864

R. Blair Strong
Washington Water Power Co.
1200 Washington Trust Financial Center
Spokane, WA 99204

## BASIN 76N ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 76N -W-133382-00

OWNERS: BIERER ×

BOX 33 PINESDALE 59841 MT

BIERER BRENDA

BOX 33 PINESDALE MT

59841

RONALD

BIERER BOX 33 PINESDALE MT 59841

A TRANSFER CERTIFICATE WAS FILED ON 5/30/84 LISTING JOSEPH E. LITTLE AS NEW OWNER

PRIGRITY DATE: APR 8, 1912

-X FLOW RATE: 3,53 CFS

. 120 ° 1

KADT TIME: 357,20 ACRE FEET PER YEAR

CLIMATIC AREA: 4

SOURCE: UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR

SPRINGS HYDROLOGICALLY RELATED TO SOURCE.

* BARIMUM_AGRES: 94.00

<u>PURPOSE (USE)</u>: IRRIGATION

PERIOD OF USE: APR 28 TO OCT 19

POINTS OF DIVERSION AND MEANS OF DIVERSION:

THP COUNTY. LOT__ BLK OTR SEC SEC RGE

> SANDERS NULTIPLE NENESE 11 26N 33H

RESERVOIR AT NENESE 11 26N 33W

### * PLACE OF USE FOR IRRIGATION

	ACRES	LGT	BLK .	OTR SEC	SEC	IHP.	RGE	COUNTY
001 002 003 004 005 FDTAL	20.00 40.00 11.50 20.00			E23E3 H SHSE S24HSE SESE SHRESE	11 11 11 11	26N 26N 26N 26N 26N	33H 33H 33H 33H	SANDERS SANDERS SANDERS SANDERS SANDERS

REMARKS: THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THE RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO INTERCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORIC PRACTICES. W133382-00, W133385-00, W133386-00

> SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

9346-increas

## ABSTRACT OF WATER RIGHT CLAIM AS MODIFIED BY THE WATER COURT CLARK FORK RIVER BELOW FLATHEAD RIVER BASIN 76N

# WATER RIGHT NUMBER 76N W-100082 00

#### IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

BIERER OWNERS: GRANT BOX 33 PINESDALE NT 59841 -7 BIERER BRENDA K BOX 33 PINESDALE 59841 BIERER RONALD G BOX 33 PINESDALE MT 59841 PURPOSE (USE) : IRRIGATION TYPE OF IRRIGATION SYSTEM: ASSER SPRINKLER SOURCE: UNNAMED TRIBUTARY OF CLARK FORK RIVER SOURCE TYPE: SURFACE WATER - SARINGS INTERCTORDELL MACHANIA TO SOURCE. THIS PORTION OF THE CLARK FORK RIVER IS IMPOUNDED AND IS KNOWN AS CABINET GORGE RESERVOIR. PRIGRITY DATE: APRIL 08, 1912
TYPE OF HISTORICAL RIGHT: FILED * FLOW RATE: 3.53 CFS ALL FBI * VOLUME: 357.20 AF CLIMATIC AREA: 4 * MAXIMUM ACRES: 94.00 PERIOD OF USE: APRIL 28 TO OCTOBER 19 POINT OF DIVERSION AND MEANS OF DIVERSION: LOT BLK OTR SEC SEC TWP RGE COUNTY MEANS 01 NENESE 11 26N 33W SANDERS MULTIPLE RESERVOIR: OTR SEC SEC TWP RGE COUNTY 01 ONSTREAM NENESE 11 26N 33W SANDERS * PLACE OF USE FOR IRRIGATION: ACRES LOT BLK OTR SEC SEC TWP RGE COUNTY 20.00 001 11 11 11 11 26N 26N 26N SANDERS SANDERS SANDERS **E2SESW** 33W 002 40.00 SWSE S2NWSE 33W 33W 003 11.50 20.00 SESE 33W SANDERS

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#### ABSTRACT OF WATER RIGHT CLAIM AS MODIFIED BY THE WATER COURT CLARK FORK RIVER BELOW FLATHEAD RIVER BASIN 76H

WATER RIGHT NUMBER 76N -W-188382-00 (CONTINUED)

PLACE OF USE CONTINUED:

005 TOTAL 94.00 SWNESE 11 26N 33W SANDERS

REMARKS:

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THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THE RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES. W133382-00, W133386-00

ALTHOUGH NOT DRJECTED TO THE PLACE OF USE WAS CHANGED TO REFLECT THE INCREASE IN MAXIMUM ACRES IRRIGATED.

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#### ABSTRACT OF WATER RIGHT CLAIM AS MODIFIED BY THE WATER COURT CLARK FORK RIVER BELOW FLATHEAD RIVER BASIN 76N

#### WATER RIGHT NUMBER 700 -0 13338 -00

#### IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

OWNERS: BIERER GRANT BOX 33 II. 14: 1. MT/11. PINESDALE 59841 BIERER BRENDA PINESDALE 59841 BIERER RONALD BOX 33 PINESDALE 59841 PURPOSE (USE): IRRIGATION TYPE OF IRRIGATION SYSTEM; SPRINKLER UNNAMED TRIBUTARY OF CLARK FORK RIVER SOURCE TYPE: SURFACE WATER SOURCE: THIS PORTION OF THE CLARK FORK RIVER IS IMPOUNDED AND IS KNOWN AS CABINET GORGE RESERVOIR. PRIGRITY DATE: APRIL 08, 1912
TYPE OF HISTORICAL RIGHT: FILED * FLOW RATE: 3.53 CFS THE WATER COURT HAS DETERMINED THAT A FLOW RATE QUANTIFICATION IS REQUIRED TO ADEQUATELY ADMINISTER THIS RIGHT. * VOLUME: 357.20 AF CLIMATIC AREA: 4 * MAXIMUM ACRES: 94.00 PERIOD OF USE: APRIL 28 TO OCTOBER 19 POINT OF DIVERSION AND MEANS OF DIVERSION: LOT BLK OTR SEC SEC TWP ROE COUNTY MEANS 01 MENESE. - 11 26N 33W SANDERS MULTIPLE RESERVOIR: OTR SEC SEC TWP RGE COUNTY 01 ONSTREAM NENESE 11 26N 33W SANDERS * PLACE OF USE FOR 'IRRIGATION: **ACRES** LOT BLK OTR SEC SEC TWP RGE COUNTY 001 **EZSESW** 11 26N 334 SANDERS 802 40.00 SWSE 26N 11 33W SANDERS

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# ABSTRACT OF MATER RIGHT CLAIM AS MODIFIED BY THE WATER COURT CLARK FORK RIVER BELOW FLATHEAD RIVER BASIN 76N

### WATER FIGHT NUMBER 76N -W 13338 -DB CONTINUED)

PLACE OF USE CONTINUED:

26N 26N 26N 003 11.50 33W SANDERS 33W 004 805 20.00 SANDERS SANDERS TOTAL

#### REMARKS:

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THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THE RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.
W133382-00, W133385-00, W133386-00

randerningar padam belen dikibernik beren ben dikiri barak bark kan belen ben ben ben ben ben ben ben ben ben THE FOLLOWING POTENTIAL ISSUES WERE IDENTIFIED DURING PREVIOUS WATER COURT PROCEEDINGS. THESE ISSUES MAY REMAIN UNRESOLVED IF NO OBJECTIONS ARE FILED DURING THE NEXT OBJECTION PERIOD. * * *

ALTHOUGH NOT OBJECTED TO THE PLACE OF USE WAS CHANGED TO REFLECT THE INCREASE IN MAXIMUM ACRES IRRIGATED.

<u>AL LE PRINCIPAL DE LA RECENTACION DE LA RECENTACIÓN DEL RECENTACIÓN DE LA RECENTACIÓN DE LA RECENTACIÓN DE LA RECENTACIÓN DEL RECENTACIÓN DE LA RECENTACIÓN</u>

Post Con Malley	FILE-WATER RIGHT NO: (W / 33382-74)
DNRC WATER RIGHT	GEO CODE:
OWNERSHIP UPDATE	
PARTE SEE IMPOR	PANT INFORMATION FEE
11/9/98 ON THE BA	CK OF THIS FORM
PART.2 - Grants/Grantse - names must be entered exact Seller - Enter grants's complete name and mailing address, incl	thy as they appear on the transfer of ownership
PODERT J. CHILPOYIE & FLIZABETH J. CHILFOYIE	uding dity, etate and zip.
11157 ss. Maplewood Aversia 114 77 /	MAN THE RESERVE TO STATE OF THE
Chicago, IL 60655	Daylana Phone 8
Buyer - Enter grantee's complete name and assessment notice a	neiting address, including city, state and zer.
20465 Adrian Road P	D.B 1611
Some Take, 1/A 98851 /NGKO	Dayline Phone II.
Add/Sub	Black Lot
County SALPHERS City/Town	Section 11 Township 26N Range 33U
A STATE OF THE STA	The state of the s
List all water rights which need to have ownership updated Attach	a list if additional space is needed.
► (C) Certificate of Water Right No. PLN W1232 92	86 That Curet ) W. 138084 76-1 P039739 WWW 133339
► (C) Certificate of Water Right No. 22N W123:3 82-1	86 7 Hesternet) 1. W. 138084 76-1. 1039739. MANUERS 33.99
► (C) Certificate of Water Right No.	86 Thateunt ) 1.W. 138084 76-10 10039739 Thumps 33.99
► (C) Certificate of Water Right No. 22N W123:3 82-1	86 That Curet ) W. 13 8084 76-11 P039739 - WWW 1333 84 FILM
► (C) Certificate of Water Right No.	FILTH  signatures are not available, attach a copy of the recorded instrume the seller letted is not the recorded restriction to the recorded restriction.
C) Certificate of Water Right No.  P) Permit to Appropriate Water No.  (E) Exempt Ediating Right No.  (D) Powder River Basin Decreed Right No.  Other  B. SELLER (person relinquishing the water right): If all seller's showing conveyance of the property from the seller to the buyer. If the DNRC records, attach copies of the recorded documents show Yes 2 No 0 Did the buyer receive 100% of the seller's interesting the property.	FILM  signatures are not available, attach a copy of the recorded instrume the seller listed is not the person identified as the water right ownering chain of title including the legal description  at in the water rights shown above? If no, attach a map showing
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ND THIS FORM TO DNRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED

The state of the second

BOX BAR CODE ... 012601

# (Joint Tenancy)

-FOR-VALUE-RECEIVED+-34C)

QUITCIAIN BRED - RIFRER/GUILFOYLE

GRANT K. BIRRER

the Grantor, does hereby convey, release and quitclaim unto:

ROBERT J. GUILFOYLE and ELIZABETH J. GUILFOYLE, 11157 S. Maplewood Avanue, Chicago, Illinois 60655

the Grantees, as joint tenants (and not as tenants in common), and to the survivor of said named joint tenants, and to the heirs and assigns of such survivor, all of Grantors' right, title and interest in and to the following described property in Sanders County, Montana, to wit:

The West half of the Southeast quarter of the Southwest quarter (WASESSW) of Section 11, Township 26 North, Range 33 West, H.P.M.

EXCEPTING THEREFROM a small tract conveyed to Washington Water Power Co., a corporation, and described in the Deed recorded in Book 58 of Deeds, Page 84, Sanders County records.

ALSO GRAWFING to the Grantees, their successors and assigns, a 10 foot wide easement over the existing pipeline, supplying water to the above-described premises, running in a northeasterly direction over and across the EASEASWA and the WASMASWA of said Section 11 to the point where the water is diverted from U.S.Forest Service property, with the right to maintain and repair said pipeline.

SUBJECT TO AND TOGETHER WITH all other easements, rights-of-way, agreements, covenants, conditions, provisions and restrictions apparent or of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, as joint tenants with right of survivorship (and not as tenants in common), and to the heirs and assigns of the survivor of said named joint tenants forever.

DATED this 19th day of October, 1998.

GRANT K. BI	K. Bure	•
STATE OF COUNTY OF	ordan A )	
10th The fo	regoing Quitch of Gotebor, 199 Nouveleer	aim Deed was acknowledged before me on the s by GRANT K. BIRKER.
(SEAL)		Notary Public, State of Translate Residing at 10 U.S. My Commission Expires: 0 11. 2005
	233846	CARREST MACE
	1	Recorded the 24 Day of MAN CA 10 27 m 2:30 of clock 2 M. Microfilm # 26:93

L. mi

# WARRANTY DEED

For Value Received

restant This 27th day of August

Policy (1967)

~INSTRUMENT

165662

RONALD G. BIERER and BRENDA K. BIERER of Box 33, Pincadale, Nontana 59841

the granter s. do hereby grant, bargain sell and convey unto SAM LOURAS of 13901
S. Burnham Ave., Burnham, Illinois 60633, an undivided one-third interest;
ROBERT CULLFOYLE, JR. of 10608 S. Sawyor, Chicago, 111. 60635, an undivided one-third interest; and ROBERT CULLFOYLE, SR. of 17252 S. 68th Bourt, for-ley Park and Brantes the following described premises; and interest county, Montana, to wil.

The West half of the Southwest quarter of the Southwest quarter (WASEKSWK) of Section Eleven (11), Township Twenty-six (26) North, Renge Thirty-three (33) West, N.P.M.

SUBJECT to casements apparent or of record.

EXCEPTING THEREFROM a small tract of land conveyed to Washington Water Power Company, a corporation, and described in the deed recorded in Book 68 of Deeds, Page 84, Sanders County records.

ALSO granting to the Grantees, their successors and assigns, a 10 foot wide easement over the existing pipeline, supplying water to the above-described pramises, running in a northeasterly direction over and across the EksEksWk and the WasWksWk of said Section 11 to the point where the water is diverted from U.S. Forest Service property with the right to maintain and repair said pipeline.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee', their and assigns forever. And the said Grantes do hereby covenant to and with the said Grantes s, that they are the owners in ise simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Delect. Final	Ronald G. Bierer
	Branch R. Ruzzi.
STATE OF MONTANA, COUNTY OF SANGETS On this 27 day of the series of the	STATE OF MONTANA, COUNTY OF  1 beroby certify that this instrument was filed for record at the request of  at 00 minutes past // o'clock film., this figs days! Marcs  1953 in my office, and duly recorded in Book /0/ at Daces at page /06  Ex-Officio Reserver

Post \$359

# KALISPELL WATER RESOURCES REGIONAL OFFICE DEPARTMENT OF NATURAL RESOURCESAND CONSERVATION



MARC RACICOT GOVERNOR

109 COOPERATIVE WAY SUITE 110

ياد April عاد, 1999

THONE: (406) 752-2288 SAX: (406) 752-2845

KALISPELL, MONTANA 59901-2387

Alex Morrison PO Box 247 Thompson Falls MT 59873

RE: Water Right Transfer	
Enclosed is a copy of the Water Right I form shows the following items market	Jpdate (Transfer) received by this office. An initial review of your lin pink need either correcting or completing.
Filing fee. (25 for the first number Amount due is \$	r and \$5 for each addition number up to a total of \$50). The total
No Water Right numbers listed or	n form
Seller name and/or address	Buyer name and/or address
	showing the chain of title to the property.
	Need documentation showing the chain to title. THERE ARE TWO IN ROBERT SR. AND ROBERT SR. THE OTHER. OPIN. Please submit a good map showing the entire right and how it
this letter. If the requested information	Seeler, Sin gaing to terminate that  de information or papers to this office within 30 days of the date of is not received, the Transfer will be terminated and a new form and tions, feel free to call or come into our office (109 Cooperative Way, whome number is 752-2288).
Sincerely,	hone number is 752-2288).  * Need some kind of documentation to show the property went from fr. & Sr. to who is
Thirda Molina	to show the property went
Linda Molina Program Assistant	from gr. & Sr. to who is
Kalispell Regional Office	who?

# OUITCLAIM DEED (Joint Tenancy)

-FOR VALUE RECEIVED -- SKO

GRANT K. BIERER

QUITCLAIN DEED - BIERER/GUILFOYLE

the Grantor, does hereby convey, release and quitclaim unto:

ROBERT J. GUILFOYLE and ELIZABETH J. GUILFOYLE, 11157 S. Maplewood Avenue, Chicago, Illinois 60655

the Grantees, as joint tenants (and not as tenants in common), and to the survivor of said named joint tenants, and to the heirs and assigns of such survivor, all of Grantors' right, title and interest in and to the following described property in Sanders County, Montana, to wit:

The West half of the Southeast quarter of the Southwest quarter (M\sE\SW\) of Section 11, Township 26 North, Range 33 West, H.P.W.
EXCEPTING THEREFROM a small tract conveyed to Washington

EXCEPTING THEREFROM a small tract conveyed to Washington Water Power Co., a corporation, and described in the Deed recorded in Book 68 of Deeds, Page 84, Sanders County records.

ALSO GRANTING to the Grantees, their successors and assigns, a 10 foot wide easement over the existing pipeline, supplying water to the above-described premises, running in a northeasterly direction over and across the E4SE4SW4 and the W4SW4SW4 of said Section 11 to the point where the water is diverted from U.S. Forest Service property, with the right to maintain and repair said pipeline.

SUBJECT TO AND TOGETHER WITH all other easements, rightsof-way, agreements, covenants, conditions, provisions and restrictions apparent or of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, as joint tenants with right of survivorship (and not as tenants in common), and to the heirs and assigns of the survivor of said named joint tenants forever.

Comi a WANDLY

Page 1 of

# WARRANTY DEED (Joint Tenancy)

FOR VALUE RECEIVED:

ROBERT J. GUILFOYLE and ELIZABETH J. GUILFOYLE, 11157 S. Maplewood Avenue, Chicago, Illinois 60655

the Grantors, do hereby grant, bargain, sell and convey unto:

GEORGE R. HORN and ELVA J. HORN, 20445 Adrian Road, Soap Lake, Washington 98851

the Grantees, as joint tenants (and not as tenants in common), and to the survivor of said named joint tenant, and to the heirs and assigns of such survivor, the following described premises in Sanders County, Montana, to-wit:

The West half of the Southeast quarter of the Southwest quarter (WhSE\SW\) of Section 11, Township 26 North, Range 33 West, M.P.W.
EXCEPTING THEREFROW a small tract conveyed to Washington Water Power Co., a corporation, and described in the Deed recorded in Book 68 of Deeds, Page 84, Sanders County records.

ALSO GRAWTING to the Grantees, their successors and assigns, a 10 Foot wide easement over the existing pipeline, supplying water to the above-described previses, running in a northeasterly direction over and across the E\SE\SW\ and the W\SW\SW\ of said Section 11 to the point where the water is diverted from U.S.Forest Service property, with the right to maintain and repair said pipeline.

SUBJECT TO AND TOGRTHER WITH all other easements, rightsof-way, agreements, covenants, conditions, provisions and restrictions apparent or of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, as joint tenants with right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named joint tenants forever. And the said Granters do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 12 day of Hoverber, 1998.

Chaletto Mulfayle

ROBERT S. GUILFOYLE

ELIZABETH J. GUILFOYLE

STATE OF ILLINOIS )

188.
County of Cook )

The foregoing Warranty Deed was acknowledged before me on the day of November , 1998 by ROBERT J. GUILFOYLE and ELIZABETH J. GUILFOYLE.

GPFEIAL SEAC JOHE TONEY (SE STATE OF ELLISSES OF COUNTESSON EXPERTS 06/05/39 Notary Public, State of Illinois
Residing at:
My Commission Expires: 238247

STATE OF MONTANA, COUNTY OF SANDERS
Repaided the ST Day of WOACA 18 97 at 9:35 Page 1 of o'clock A.M. Microfelm 9 26932

Par MANAGEMENT Gougly Recorder
Fee (a. By ATMA ALAM) Deputy

W

# A WATER RIGHT(S) TO UPDATE List all water rights which need to have ownership updated. Attach a list if additional space is needed. ☐ Att ː ► (W, U, A, B, or O) Statement of Claim No. ► (P) Permit to Appropriate Water No. (E) Exempt Existing Right No. > (D) Powder River Basin Decreed Right No. Other SELLER (person relinquishing the water right): If all seller's signatures are not available, attach a copy of the rec. showing conveyance of the property from the seller to the buyer. If the seller listed is not the person identified as the we the DNRC records, attach copies of the recorded documents showing chain of title including the legal description. Yes 🗆 No 🗅 Did the buyer receive 100% of the seller's interest in the water rights shown above? If no, attach a map showing buyer's property. If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right? Yes 🔲 No 🛄 Seller Signature: Seller Signature: Date: FOR QUESTIONS OF CLARIFICATION, WHO SHOULD THE DIRC CONTACT? Name Phone # FOR DEPARTMENT USE OMLY WATER RIGHT TRANSFER CERTIFICATE Date Reck ECEIVED Fee Rec'd Transmittal No.08 Payor MAR 31 1999 Refund

- Montane law requires this form be filed by the seller within 60 days after recording a change in ownership of real property which has water rights on record with the DNRC.
- Do not file this form if your only use of water is from an irrigation district, municipal system, water users association, or other public water supply.
- When the DNRC updates the ownership we will send a confirmation to the buyer and seller. DNRC will use the names and addresses as shown on the reverse side of this form.
- Water rights in Montana, including all irrigation water rights, must have a valid DNRC water right number to be of record. However, existing rights for livestock and individual domestic as opposed to municipal uses based on an instream flow or groundwater source appropriated before July 1, 1973, do not need a DNRC water right number. If the water use does not have a DNRC water right number and does not fall within the above narrow exception, then you do not have a water right. Contact the DNRC for information on how to acquire a water right.

Described below is further explanation of exempt rights or water rights which are valid without a DNRC water right number. A DNRC water right number is not required for the following if the use began:

- prior to January 1, 1962: groundwater used for individual domestic use, as opposed to municipal use;
- prior to January 1, 1962: groundwater used for stock;
- between January 1, 1962 through June 30, 1973: groundwater used for stock or domestic purpose and a GW1, GW2, or GW3 form is properly filed in the courthouse; or
- prior to July 1, 1973: instream surface water used for stock or domestic purposes.

If a water right does not have a DNRC number, and does not fall within the above exceptions, then there is no water right.

## IF YOU HAVE OUESTIONS CALL YOUR LOCAL REGIONAL OFFICE.

BILLINGS Phone: 496-657-2105
Big Horn, Carbon, Carter, Custer, Fallon, Powder River,
Prairie, Rosebud, Stillwater, Sweet Grass, Treasure,
and Yetlowstone Counties

BOZEMAN Phone: 406-586-3136 Gallatin, Madison, and Park Counties

GLASGOW Phone: 406-228-2561

Daniels, Dawson, Garfield, McCone, Phillips, Richland, Rocesvett, Sheridan, Valley, and Wibaux Counties

HAVRE Phone: 406-265-5516
Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, and Toole Counties

HELENA Phone: 406-449-0944
Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Silver Bow Countles

KALISPELL Phone: 406-752-2288
Flathead, Lake, Lincoln, and Sanders Counties

LEWISTOWN Phone: 406-538-7469
Cascade, Fergus, Golden Vatley, Judith Basin, Meagher,
Musselshell, Petroleum, and Wheatland Countles

MISSOULA Phone: 406-721-4284
Granite, Mineral, Missoula, and Ravalil Counties

The Montana Water Court is currently adjudicating all Statements of Claim. For the current status of the claim(s) specified on the ownership update or if you have questions for the Water Court, call 1-800-624-3270 (in state) or 406-586-4364.

FILING FEE 1 water right \$25.00 2 water rights \$30.00 3 water rights \$35.00

4 water rights \$40.00 5 water rights \$45.00 6 or more \$50.00 (maximum)

Send the form along with the fee to:

DNRC, PO BOX 201601, HELENA, MT 59620-1601

(MAKE CHECK PAYABLE TO DNRC)

PAGE 1

ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATON STATE OF HONTANA

# WATER RIGHT NUMBER 76N -W-133382-00

頙樉溿좕憣萻羪犓嵡儬軧鈬捤**蔩**懴鸐椺檊憿聭榳餦蟡簐躮か蜄か昝藙禠觡椺滐<mark>灖廫</mark>攠犜滐婡縍貑衶碞猉禓斒渃आ禐आ椺椺 WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT.

PLEASE NOTE THAT THIS WATER RIGHT IS IN A TEMPORARY PRELIMINARY OR PRELIMINARY DECREE ISSUED BY THE MONTANA WATER COURTS. THE NEW OWNER MAY WISH TO DETERMINE THE STATUS OF THIS RIGHT IN THE ONGOING ADJUDICATION BY THE MONTANA WATER COURTS.

OWNERS:

HORN GEORGE

R

20445 ADRIAN RD SOUP LAKE

WA 98851

HORN

28445 ADRIAN RD

WA 98851

SOUP LAKE PRIORITY DATE:

APR 8, 1912

FLOW RATE:

3.53 CUBIC FEET PER SECOND (C)

THE WATER COURT HAS DETERMINED THAT A FLOW RATE QUANTIFICATION IS REQUIRED TO ADEQUATELY ADMINISTER

ELVA

YOLUME:

357.20 ACRE FEET PER YEAR (AF)

CLIMATIC AREA: 4

SOURCE:

UNNAMED TRIBUTARY OF CLARK FORK RIVER

THIS PORTION OF THE CLARK FORK RIVER IS IMPOUNDED AND IS KNOWN AS CABINET GORGE RESERVOIR.

MAXIMUM ACRES:

94.00

PURPOSE:

USE

FLOW

VOLUME (AF) ACRES

PERIOD OF USE

IRRIGATION

3.53 C

357.20

94.00 APR 28 TO OCT 19

# POINTS OF DIVERSION AND MEANS OF DIVERSION:

DIVERSION:

LOT. BLK OTR SEC SEC THP RGE COUNTY

**MEANS** 

MENESE 11 26N 33W SANDERS

MULTIPLE

RESERVOIR:

QTR SEC SEC TWP RGE

UNSTREAM AT NENESE 11 26N 33W PLACE OF USE CONTINUED:

PLACE OF	USE FOR IR	RIGATION:	OTR SEC	SEC	TWP	RGE	COUNTY	 
001 002 003 004 005 TOTAL	20.00 40.00 11.50 20.00 2.50		E28ESW SWSE S2NWSE SESE SWNESE	11 11 11 11	26N 26N 26N 26N 26N	55W 55W 55W 55W	Sanders Sanders Sanders Sanders Sanders	

REMARKS: ALTHOUGH NOT OBJECTED TO THE PLACE OF USE WAS CHANGED TO REFLECT THE INCREASE IN MAXIMUM ACRES IRRIGATED.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THE RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF

THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES. W133382-00, W133385-00

** TRANSFER OF OWNERSHIP: UPON A CHANGE IN OWNERSHIP OF ALL OR ANY PORTION OF THIS CLAIM, THE TRANSFEROR SHALL FILE WITH THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION A WATER RIGHT OWNERSHIP UPDATE, FORM 698, PURSUANT TO SECTION 85-2-424, MCA.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 03/31/99.

PARITY	GALE DATE
CLERK	CALL PROPERTY PROPERTY.
i	
Mor	nth/Day/Year

# SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

PART 2 Grantor Seller - Enter granto	Complete name and mailing addre	ess, including city, state	o i an etti er a an i O f Gwa er and zae.	37
BRENDA	K. Bierer			
Victor	Mt. 59875		Daytime Phone #	01260
			and the second of the second o	2005
Joseph	e's complete name and adsessment	notice making address, i	neluding city, state and ZIP.	
^	24 77	TO WAYNE	UITICE	œ
P.O. Bo			Daytime Phone #	
Nexen,	MT. 59853		406-847-269	SOX SAR
[24] 光学及基础的				
Legal Description:			Attachme	nt E Lawrence
Add/Sub		Block	Lot	
County	City/Town		SectionTownship	Range
➤ (E) Exempt Exist ➤ (D) Powder River ➤ Other  B • SELLER showing conveyance	Basin Decreed Right No	yer. If the seller listed is r	not the person identified as the wat	recorded instrument ar right owner in the
	Did the buyer receive 100% of the sell buyer's property.	:		
Yes 🗀 No 💢	If the sale is on a contract for deed, do	oes the seller want to rem	ain listed as an owner of the water	right?
Seller Signature:			Date:	
Seller Signature:			Date:	
Name	STIONS OF CLARIFICATION, WHO		ONTACT? Phone #	
D. REMARKS				
		LITT Tensible	Na programa Maria de la Constanta de la Consta	

Montana law requires this form be filed by the seller within 60 days after recording a change in ownership of real property which has water rights on record with the DNRC.

200

- Do not file this form if your <u>only</u> use of water is from an irrigation district, municipal system, water users association, or other public water supply.
- When the DNRC updates the ownership we will send a confirmation to the buyer and seller. DNRC will use the names and addresses as shown on the reverse side of this form.
- Water rights in Montana, including <u>all irrigation water rights</u>, must have a valid DNRC water right number to be of record. However, existing rights for livestock and individual domestic as opposed to municipal uses based on an instream flow or groundwater source appropriated before July_1, 1973, do not need a DNRC water right-number. If the water-use-does-not-have a DNRC water right number and does not fall within the above narrow exception, then you do not have a water right. Contact the DNRC for information on how to acquire a water right.

Described below is further explanation of exempt rights or water rights which are valid without a DNRC water right number. A DNRC water right number is not required for the following if the use began:

- > prior to January 1, 1962: groundwater used for individual domestic use, as opposed to municipal use:
- prior to January 1, 1982: groundwater used for stock;
- between January 1, 1982 through June 30, 1973: groundwater used for stock or domestic purpose and a GW1, GW2, or GW3 form is properly filed in the courthouse; or
- prior to July 1, 1973: Instream surface water used for stock or domestic purposes.

If a water right does not have a DNRC number, and does not fall within the above exceptions, then there is no water right.

# IF YOU HAVE QUESTIONS CALL YOUR LOCAL REGIONAL OFFICE.

BILLINGS Phone: 406-247-4415

Big Horn, Carbon, Carter, Custer, Fallon, Powder River,

Prairie, Rosebud, Stillwater, Sweet Grass, Treasure,
and Yellowstone Counties

BOZEMAN Phone: 406-586-3138
Gallatin, Madison, and Park Countles

GLASGOW Phone: 408-228-2561

Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties

HAVRE Phone: 408-265-5516
Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, and Toole Counties

HELENA Phone: 406-449-0944
Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Sliver Bow Counties

KALISPELL Phone: 406-752-2288
Flathead, Lake, Lincoln, and Sanders Countles

LEWISTOWN Phone: 406-638-7459
Cascade, Fergus, Golden Valley, Judith Basin, Meagher,
Musselshell, Petroleum, and Wheatland Counties

8.0

MISSOULA Phone: 406-721-4284
Granite, Mineral, Missoula, and Ravalii Counties

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 FILING FEE
 1 water right
 \$25.00
 2 water rights
 \$30.00
 3 water rights
 \$35.00

 4 water rights
 \$40.00
 5 water rights
 \$45.00
 6 or more
 \$50.00 (maximum)

P Send the form along with the fee to:

DNRC, PO BOX 201601, HELENA, MT 59620-1601

(MAKE CHECK PAYABLE TO DNRC)

the Granter do eshereby grant, bargain, sell and convey unto JOSEPH E. LITTLE and VIRGINIA LITTLE of Ash Springs, Hiko, Nevada 89017

the Grantees , as joint tenants (and not as tenants in common), and to the survivor of said named joint tenants, and to the heirs and assigns of such survivor, the following described premises, in Sanders County, Mentans, to wit:

SUBJECT to easements apparent or of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, as joint tenants with right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named joint tenants forever. And the said Granter does hereby covenant to and with the said Grantees, that she lighte owner in fee simple of said premises; that they are free from all incumbrances

and that 6 he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 25, 1983

Brenda K. Broke

210329

On this day of and for said State, personally appeared

BRENDA K. BIERER

subscribed to the sharp more name i.s subscribed to the sharp manufactured acknowledged to ma that the same.

Residing at Society Public Montans

STATE OF MONTANA COUNTY OF Sunday I hereby certify that this instrument was filed for record at the request of

at 10 minutes past 2 o'clock ? m.
this 27th day of daystember.
1993, in my office and duly recorded in Book

of Deeds at page Mico #808

Ex-Ottido Recorder

By Street Angraland Deputy.

Fees \$ 6.00

# KALISPELL WATER RESOURCES REGIONAL OFFICE DEPARTMENT OF NATURAL RESOURCESAND CONSERVATION



JUDY MARTZ GOVERNOR

169 COOPERATIVE WAY

# STATE OF MONTANA

PHONE: (404) 782-2288 FAX: (406) 782-2863 KALISPELL MONTANA 89901-2387

March 6, 2000

George & Elva Horn 20445 Adrian Rd Soap Lake WA 98851

RE: Water Rights Transfer

Dear Mr. & Mrs. Horn:

A DNRC Water Right Ownership Update form was received on March 31, 1999. It transferred a water right to you from the Guilfoyle's in error. We checked and found, according to the land description on the deeds, on the water rights and maps that a water right was put into your name by mistake.

Based on this research, we are correcting this mistake and putting this water right back into Joseph Little's name.

Feel free to contact Judy Jeniker or myself if you have questions concerning this situation.

Sincerely,

Linda Molina

Program Assistant

Kalispell Regional Office

Xc: Joseph & Wayne Little

ida Molena

05/03/01

PAGE 1.

# ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE PROM

DEPARTMENT OF NATURAL RESOURCES AND COMSERVATION STATE OF MONTANA

# WATER RIGHT NUMBER 76N -W-133382-00

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE MAMED AS A PARTY. THE RECORDS MAINTAINED BY THE MATER RIGHTS BUREAU HAVE BEEN CHANGED TO REPLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT.

PLEASE NOTE THAT THIS WATER RIGHT IS IN A TEMPORARY PRELIMINARY OR PRELIMINARY DECREE ISSUED BY THE MONTANA WATER COURTS. THE NEW OWNER MAY WISH TO DETERMINE THE STATUS OF THIS RIGHT IN THE ONGOING ADJUDICATION BY THE MONTANA WATER COURTS.

IF YOU HAVE QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE. KALISPELL REGIONAL OFFICE, 752-2288.

OWNERS:

LITTLE JOSEPH B

* WAYNE LITTLE

PO BOX 72

NOXON

MT 59853

PRIORITY DATE:

APR 8, 1912

PLOW RATE:

3.53 CUBIC FEET PER SECOND (C)

THE WATER COURT HAS DETERMINED THAT A FLOW RATE QUANTIFICATION IS REQUIRED TO ADEQUATELY ADMINISTER THIS RIGHT

VOLUME:

357.20 ACRE FEET PER YEAR (AF)

CLIMATIC AREA: 4

SOURCE:

UNNAMED TRIBUTARY OF CLARK FORK RIVER

THIS PORTION OF THE CLARK FORK RIVER IS IMPOUNDED AND IS KNOWN AS CABINET GORGE RESERVOIR.

MAXIMUM ACRES:

94.00

PURPOSE:

USE

FLOW

VOLUME (AF) ACRES

94.00

PERIOD OF USE

4. (1

IRRIGATION

3.53 C

357.20

APR 28 TO OCT 19

POINTS OF DIVERSION AND MEANS OF DIVERSION:

DIVERSION:

LOT BLK OTR SEC SEC TWP RGE COUNTY

MEANS

NENESE 11 26M 33W SANDERS

MELTIPLE

RESERVOIR:

QTR SEC SEC TWP RGE

ONSTREAM AT NENESE 11 26N 33W

PLACE OF USE FOR IRRIGATION:

ACRES LOT BLK OTR SEC SEC TWP RGE COUNTY

# , WATER RIGHT NUMBER 76N -W-133382-00

PLACE OF USE CONTINUED: 001 002 , 420.00 40.00 SANDERS E28E8W 26N 331 11 11 11 11 SWSE 26N 33W SAMDERS 003 11.50 82NWSE 26N 33W SANDERS 004 20.00 SESE 26N 33W SANDERS 2.50 005 Swiese SANDERS TOTAL -

REMARKS: ALTHOUGH NOT OBJECTED TO THE PLACE OF USE WAS CHANGED TO REVLECT THE INCREASE IN MAXIMUM ACRES IRRIGATED.

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** TRANSFER OF OWNERSHIP: UPON A CHANGE IN OWNERSHIP OF ALL OR ANY PORTION OF THIS CLAIM, THE TRANSFEROR SHALL FILE WITE THE DEPARTMENT OF MATURAL RESOURCES AND CONSERVATION A WATER RIGHT OWNERSHIP UPDATE, FORM 608, PURSUANT TO SECTION 85-2-424, MCA.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 10/06/00.

	/onth/Day/Year		IE BACK		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
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eller/Decea	Joseph E. Little	untor's / decessed joint tem	ant's complete name and	mailing address, includi	ng city, state and ZIP.	3
	1742 El Camino De	el Diablo				7
,	Yuma, AZ 85367	1 # N/\$		Daytime Phone #	4.3	1
luyer/Surviv ity, state and	ing Joint Tenant - Enter gr ZP Robert J. Thomas an	inter's / surviving joint tens d Barbara J. Thomas	int's complete name and	essessment notice mail	ng address, including	
	PO Box 84					1
1	Noxon, MT 59853			Daytime Phone		
PART 3 - D agal Dascri	Xion:	rty - If description is	too lengthy, please	ettach a esperate	page. Attachment	
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- Montana law requires this form be filed by the selier within 60 days after recording a change in ownership of real property which has water rights on record with the DNRC.
- Do not file this form if your only use of water is from an irrigation district, municipal system, water users association, or other public water
- When the DNRC updates the ownership we will send a confirmation to the buyer / surviving joint tenant and seller / deceased joint tenant. DNRC will use the names and addresses as shown on the reverse side of this form.
- Water rights in Montana, including all irrigation water rights, must have a valid DNRC water right number to be of record. However, existing rights for livestock and individual domestic as opposed to municipal uses based on an instream flow or groundwater source appropriated before July 1, 1973, do not need a DNRC water right number. If the water use does not have a DNRC water right number and does not fall within the above narrow exception, then you do not have a water right. Contact the DNRC for information on how to acquire a water right.

Described below is further explanation of exempt rights or water rights which are valid without a DNRC water right number. A DNRC water right number is not required for the following if the use began:

- prior to January 1, 1962: groundwater used for individual domestic use, as opposed to municipal use;
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- between January 1, 1962 through June 30, 1973; groundweter used for stock or domestic purpose and a GW1, GW2, or GW3 form is properly filed in the courthouse; or
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if a water right does not have a DNRC number, and does not fall within the above exceptions, then there is no water right.

#### IF YOU HAVE QUESTIONS CALL YOUR LOCAL REGIONAL OFFICE.

Phone: 406-247-4415

Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties

**BOZEMAN Phone: 406-586-3136** Gallatin, Madison, and Park Counties

GLASGOW Phone: 405-228-2561

Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties

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Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Silver Bow Counties

KALISPELL Phone: 408-752-2288 Flathead, Lake, Lincoln, and Sanders Counties

LEWISTOWN Phone: 408-538-7459

Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Museetshell, Petroleum, and Wheatland Counties

MISSOULA Phone: 406-721-4284

Granite, Mineral, Missoula, and Ravalli Countles

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FILING FEE 1 water right

\$25.00

2 water rights \$30.00

3 water rights

\$35.00

4 water rights

\$40.00

5 water rights \$45.00

6 or more

\$50.00 (maximum)

July 13, 2004 76N 133382 00 .

Page 1 of 12 **NEW STORAGE** Ownership Update ID#: 14064

# STATE OF MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 50620-1601

# ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE

*PLEASE NOTE THAT THIS WATER RIGHT IS IN TEMPORARY PRELIMINARY DECREE ISSUED BY THE WATER COURTS. *

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT. IF YOU HAVE FURTHER QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE.

KALISPELL REGIONAL OFFICE 408-752-3267

Water Right Number:

76N 133382 00 STATEMENT OF CLAIM

Version: 1 - ORIGINAL RIGHT

Status: ACTIVE

Owners:

**BARBARAJ THOMAS** 

PO BOX 133

FORSYTH, MT 59327 0084

ROBERT J THOMAS

**PO BOX 133** 

FORSYTH, MT 59327 0084

Priority Date:

**APRIL 8, 1912** 

Type of Historical Right: FILED

Purpose (use):

**IRRIGATION** 

Maximum Flow Rate: 3,53 CFS

> THE WATER COURT HAS DETERMINED THAT A FLOW RATE QUANTIFICATION IS REQUIRED TO ADEQUATELY

ADMINISTER THIS RIGHT.

Maximum Volume:

357.20 AC-FT

Maximum Acres:

94.00

Source:

Source Name:

UNNAMED TRIBUTARY OF CLARK FORK RIVER

Source type:

**SURFACE WATER** 

THIS PORTION OF THE CLARK FORK RIVER IS IMPOUNDED AND IS KNOWN AS CABINET GORGE

RESERVOIR.

Point of Diversion and Means of Diversion:

Govt Lot ID

Otr Sec NENESE 11

Twp 26N

Rge County 33W SANDERS

Diversion Means: PUMP/HEADGATE W/DITCH OR PIPELINE/FLOOD AND DIKE

Page 2 of 12 NEW STORAGE Ownership Update (Dif: 14064

Reservoir:		ON STREAM Gevt Lot	<u>Qtr Ses</u> NENESE	<u>Sec</u> 11	1wp 26N	<u>Ree</u> 33W	County SANDERS	
Purpose (Use):		IRRIGATION						
Irrigatio	n Type:	SPRINKLER						
Climatic	Areas	4 - MODERATI	ELYLOW					
Volume:		357.20 AC-FT						
Period of	f Use:	APRIL 28 to O	CTOBER 19					
Place of	Usa:							
ID	Acres	Govt Lot	Otr Sec	<u>Sec</u>	Twp	Rge	County	
1	20.00	·	E2SESW	- 11	26N	<b>33W</b>	SANDERS	
2	40.00		SWSE	11	26N	33W	SANDERS	
3	11.50		<b>S2NWSE</b>	11	26N	33W	SANDER8	
4	20.00		SESE	11	26N	33W	SANDERS	
5	2.50		SWNESE	11-	26N	<b>WEE</b>	SANDERS	
Total:	94.00							

### Remarks

WATER RIGHT OWNERSHIP UPDATE RECEIVED 10/06/00.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/08/2004.

# BASIN 76N ABSTRACT OF WATER RIGHT

1

MAIER RIGHT NUMBER 76N -N-133382-00

<u> DUNERS:</u> BIERER GRANT BOX 33

PINESDALE 59841

BIERER BRENDA 80X 33

PINESDALE 59841

BIERER RUNALD BOX 33

PINESDALE MT

A TRANSFER CERTIFICATE WAS FILED ON 5/30/84 LISTING JOSEPH E. LITTLE AS NEW OWNER

PRIORITY DATE: APR 8, 1912

ELOW RATE:

3,53 CFS

**ADLUNE:** 

357.20 ACRE FEET PER YEAR

CLIMATIC AREA: 4

SQUECE: UNMANED TRIBUTARY OF CABINET GORGE RESERVOIR

SPRINGS HYDROLOGICALLY RELATED TO SOURCE.

HAXIMUM ACRES:

94.00

PURPOSE [USE]: IRRIGATION

PERIOD OF USE: APR 28 TO OCT 19

POINTS OF DIVERSION AND MEANS OF DIVERSION:

OTR SEC THP SEC RGE COUNTY

> NENESE 11 261 33W SANDERS

MULTIPLE

RESERVOIR AT NENESE 11 26N 334

PLACE OF USE FOR IRRIGATION

	ACRES	T BLK	OTR SEC	SEC	IHP	RGE	COUNTY
001 002 003 004 005 TOTAL	20.00 40.00 11.50 20.00 		E2955 N SWSE S2NWSE SESE SWNESE	11 11 11 11	26N 26N 26N 26N 26N	33H 33H 33H 33H	SANDERS SANDERS SANDERS SANDERS SANDERS

REMARKS: THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THE RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO INTERCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH WIB3382-00, WIB3385-00, WIJJ386-00

SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.



m.E.

#### STATE OF MONTARA

# DEPARTMENT OF MATURAL RESOURCES AND COMSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59820-1801

# **GENERAL ABSTRACT**

Water Right Number:

76N 133883-00 STATEMENT OF CLAIM

Version: 1 - ORIGINAL RIGHT

**Version Status: ACTIVE** 

Owners

MOORE, MARTIN E AND CATHERINE L FAMILY TRUST

1700 EAGLE TREE LN **FELTON, CA 95018** 

Priority Date:

**APRIL 8, 1912** 

Enforceable Priority Date: APRIL 8, 1912

Type of Historical Right: FILED

Purpose (use):

DOMESTIC

Maximum Flow Rate:

0.08 CFS

Maximum Volumei

2.00 AC-FT

Householder

Source Name:

UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR

Source Type:

**SURFACE WATER** 

Point of Diversion and Means of Diversion:

D

Govt Lot

Otr Sec Sec Two Rue County NENESE 11

28N 33W SANDERS

Period of Diversions JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

Acres Govt Lot

 Otr Sec
 Sec
 Twp
 Res
 County

 NESWSE
 11
 26N
 33W
 SANDERS

Geocodes/Valld:

35-3688-11-4-01-01-0000 - Y

#### Remarks

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/06/00.

**OWNERSHIP UPDATE RECEIVED** 

OWNERSHIP UPDATE TYPE 608 # 14084 RECEIVED 04/08/2004.

OWNERSHIP UPDATE TYPE DOR # 151062 RECEIVED 12/27/2016.

*FILE*

*STATEMENTOF CLAIM*

*76N *

*133383*

*INIMALIAN

*00*

<b>Current File Location:</b>	NEW	STORAGE
Box Bar Code		
File Bar Code		
Date/Initials	1	

- Fáth No. 78-D 92/80

# 76 N STATEMENT OF CLAIM RECEIVED

133383		MESTIC	APR 3 0 1982
SA-C	For the Water Cou	ris of the State of Monte	Anamontana D.N.R.C. Kalispell Field Office
08-121-14-01			
1. Owner of Water Rig	BIERER COM	GRANT	Middle Joseph
Co-Owner or Other Interest Owner	BIERLA	1 BRENOA	Andria Josini
Address Po. 1	30X 33	+	
City Pineada		Montena	Zip Code <u>5 984/</u>
Home Phone No	761-4679	Business Phone No. 96/	
2. Person completing	form BIERER	1 RONALO First	Middle Infilal
Address PoRe			
City Pinesole	Stat	Business Phone No. 961	Zip Code 53841
Stream Lake	Name  Name  Tributary of  Name	Stream Stream	
	Tributary of		
5 Roint of Differsion		E. 14, Section 11 , T 2	(N N/S, R 3.3 W EW
6. Means of Diversion			
	☐ Pump Co ☐ Gravity flow	apacity 160 St. Alga 1795 gpm	
- 1:0 5	Other: Explain		
acres, _/		SANDERS 94 0 4, Section // ,T 26 N Subdivision	
A Number of serios	annual 2 laures	268-0-6	

Form No. 76-A-1

# ADDENDUM TO STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS

# For the Water Courts of the State of Montana

# ADDITIONAL CO-OWNER SHEET

Use this sheet if you have more than one co-owner or if the co-owner has a different address than the owner. List the owner on the claim form.

02	Name	BIERER	77		GRANT		K
	Address	Polast 30	X 33	3	First		Middle Initial
		PINESDALE	State	MT		Zip Code_	57841
	Name	Last			First		Urrentere
	Address	<del></del> -			PMBE		Middle Initial
	City		State			Zip Code_	
02	Name						
	Address	Last.			First		Middle Initial
	City		_ State			Zip Code_	
	Name						
	Address	Lagi			rist		Middle Initial
			State			Zip Code	
02	Name					- 1	
	Address	Lasi			First		Middle Initial
	City		State			Zip Code_	
	Name		1				
	Address	Last			First		Middle Initia
	City		State			ZIp Code_	
02	Name	201	1			<i>x</i>	
	Address	Last			First		Middle Initial
	City		State			Zip Code_	
	Name						
	Address	Las!			First		Middle Initial
	City		State			Zip Code	

Use additional sheets if necessary

6. Flow rate claimed:	160		feet per second is per minute 's inches		•
0. Volume claimed:	2890	acre-feet pe	r year		
1. Period(s) of use:	Sam I J t	o Dec 1	3/ Day .		
2. Check one:	Decreed Water River Filed Appropriation Use Water Right	_	Hour Month	or date of first u	912 Year
3. Attach copies of th	ne Decree, Record of Filli	ng or Proof of U			
show point of dive	erial photographs, U.S. Graion, place of use, place				BC085Ary
	nt signed by claimant.				
County of	7	) :88.		v	
				•	
I, Ranald (	G. Rieson and being the claimant of e claimant, know the con	this claim of ex tents of this cla	m and that the ma	and the person watters and things t	hose nar
i, <u>Ranalal</u> being of legal age a is signed to it as the	G. Rieson and being the claimant of e claimant, know the con	this claim of ex tents of this cla	isting water right,	and the person watters and things t	hose nar
i, <u>Randel</u> being of legal age a is signed to it as the are true and correct	G. Rieson and being the claimant of e claimant, know the con	this claim of ex tents of this cla	isting water right, in and that the mand the m	and the person waters and things to	hose nar
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being of legal age a is signed to it as the are true and correct	G. Rieron and being the claimant of e claimant, know the const.	this claim of extents of this claim  Roma  19 44	day of	and the person waters and things to	rhose nare stated the

U. S. PATENT . . Act of May 20, 186 "Homestead Act

# THERE IS GRANTED

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To Have and To Hold with the appurtenances forever;

SUBJECT to any vested in accrued water rights for mining SUBJECT to my vested in accrued water rights for mining agri-calcurat, manufacturing er other purposes and rights to ditches and reserving used in accused on with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of Courts.

AND THERE IS RESIRTED from the lands hereby granted a right of way thereon for ditches or camals constructed by the authority of the limited States.

of the United States.

Ty ble Fresident: Koodrow Wilso

W. P. LeRoy, Secretary

(GENERAL LAXD

. C. Lamar Recorder of General Land

Ura B. Eills
Of Noxon, Sanders County, Montana ... OF WATER
-to-

Hereby publish and declare, as a legal notice the work as follows:

1. That he has a legal right to the user possession and confind claim one hundred and sixty inches of the waters of Un-named stream in said County and State for irrigating and other numbers.

in said County and State for irrigating and other purposes.

in said County and State for irrigating and other.

II. That the purpose for which said water is claimed, and the place of intended use is Purpose is for irrigation, and domestic use.

III. That the means of diversion with size of flume, ditch in the pipe, or aqueduct, by which he intend to divert the said water is as follows: A flume and ditch 12 inches by 18 inches in size, which carries and conducts 160 inches of water from said stream; which said flume & ditch diverts the water from said stream at a point upon its south bank; and runs thence (Point of diversion is about two hundred feet north of the north boundary of the land hereinbefore described.)

thence over and upon said land.

IV. That he appropriated and took said water on the 6th day of April, 1912, by means of said flume and posting of said notice. of appropriation.

V. That the name of the appropriator of said water is Ura E. Ellis.

VI. That he also hereby claim said ditch and the right of way therefor, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said land or point of final to discharge, and also the right of location upon any lands of any dams, flumes, reservoirs, constructed or to be constructed, by him in appropriating and in using said water.

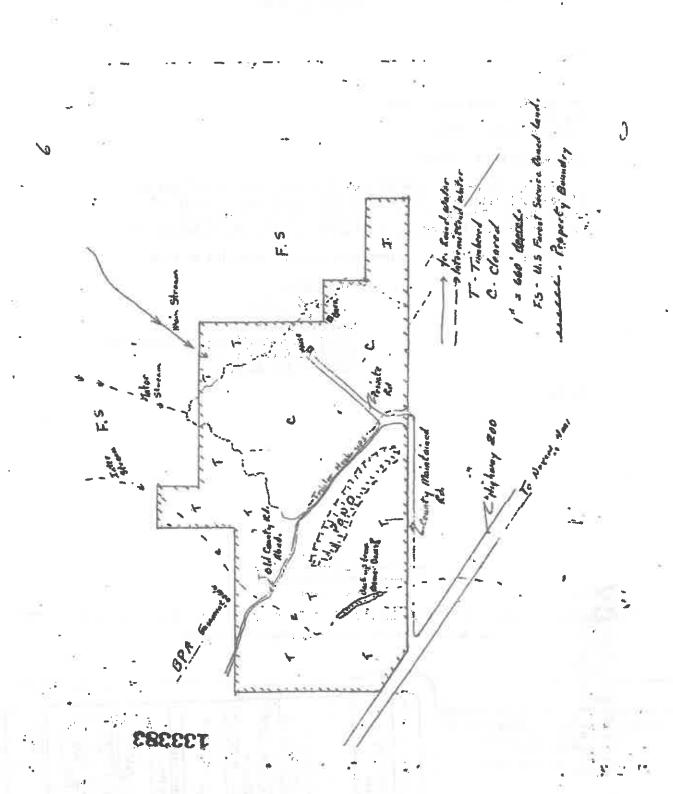
VII. That he also claim the right to keep in repair and to enlarge said means of water appropriation at any time; and the right to dispose of the said right, water, ditch or said appurtenances in part or whole at any time.

CLAIMING THE SAME ALL AND SINGULAR, Under any and all laws, National and State, and their rulings and decisions thereunder, in the

and State, and their rulings and decisions theredicated, and matter of water rights.

Together with all and Singular, The hereditaments and appurtenances thereunto belonging and appertaining, or to accrue to the same thereunto belonging and appertaining, or to accrue to the same.

 $j_{SC} = j g_{g}^{2}$ 



January 5, 1978

Mr. and Mrs. Ronald G. Bierer Box 24A 59853 Noxon, Montana

Dear Mr. and Mrs. Bierer:

Receipt is hereby acknowledged of 1 Notification of Transfer of Appropriation Water Right, Form 608, submitted on behalf of Ronald G. and Brenda Bierer. The above-mentioned form was received by this Department on January 5, 1978, and is now on file.

If we can be of any further assistance, please let us know.

Sincerely,

Silvio Rodrigues Applyst Supervisor Existing Rights Section

Water Rights Bureau

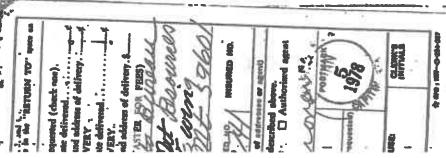
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#### WATER RESOURCES DIVISION orfin Perrib, Abministrator

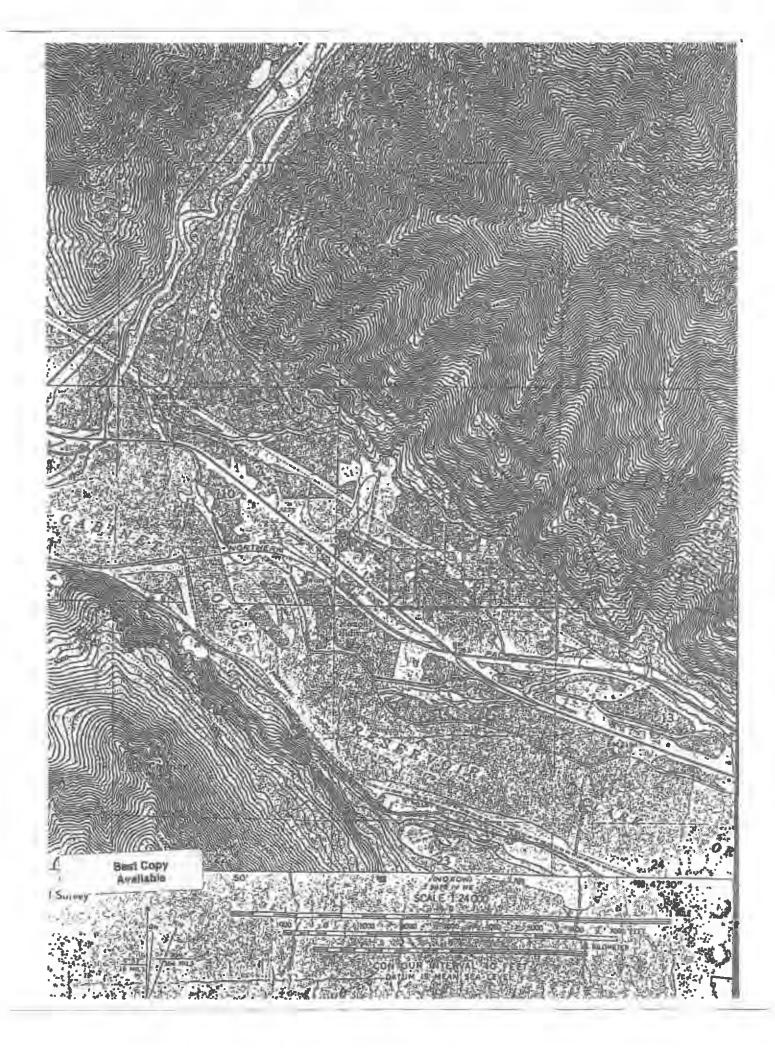


38 SOUTH EWING, HELENA, MONTANA 59801

MONTANAS RTMENT OF NATURA AND CONSERVATION MAN ESOURCES SUILDING EWING A MONTANA 59601







# ADMINISTRATOR OF GROUNDWATER CODE OFFICE OF STATE ENGINEER

# 133383

# Declaration of Vested Groundwater Rights

(Under Chapter 237, Montana Session Laws, 1961

Otho Rettis & Velmer Rati (Name of Appropriator)	(Address) (Town)
January of Denacto	State of - MODESDS
ave appropriated groundwater accord	ing to the Montana laws in effect prior to January 1, 1962 es follows:
MARKET THE WARM CONTACT OF THE STATE OF	
and the second second second second	The beneficial use on which the claim is based (1) Stock : Watering - 40 head, irrigation (2) stock : watering - 40 hear, irrigation
the state of the second of the	watering - 40 head, irrigation (2) stock
	watering - 40 hear, irrigation
Manager of the property of the same and the same of th	3. Date or approximate date of earliest beneficial use; and how continu-
	ous the use has been (1) 1911 (2) 1911
	4. The amount of groundwater claimed (in miner's inches or gallons
	per minute)
	manue more ambiente processes and a second s
	M. To in a single surface of the same of t
~ ~	<ol><li>If used for irrigation, give the acreage and description of the lands to which water has been applied and name of the owner thereof</li></ol>
	(1) five acres crop land SW\SW\right\right\rangle 11 26N 33W
ASW & Sec. 11 T26N R 33W	
	(2) ten acres crop land SW+SW+ 11 26N 3W
ate point of appropriation	and the contraction of the contr
place of use, if possible. Each	6. The means of withdrawing such water from the ground and the loca-
aquare represents 10 acres.	tion of each well or other means of withdrawal Sub irrigation
	overflow - from ponds fed by underground
<b>3.</b>	springs outlets
t Vitopopussoonaassa sygunnon muunussooni ma naassooni too saassa muunigaa muunigaa muunigaa muunigaa muunigaa m T	pletion of the construction of the well, wells, or other works for with-
The depth of water table (1) 5!	(2) 5
to far in it may be available, the ty	pe, size and depth of each well or the general specifications of any other
votils for the withdrawal of groundwa	The state of the s
	TOPE APPRICACE TO THE PROPERTY OF THE PROPERTY
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the contract of the second of	· · · · · · · · · · · · · · · · · · ·
and the state of t	1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
And the state of t	(1) 1 629 250 001 (2) 2 050 500
he estimated amount of groundwater	withdrawn each year (1) 1,629,250 gal (2) 3,258,500
he log of formations encountered in t	the drilling of each well if available DOL applicable
he log of formations encountered in t	the drilling of each well if available. Not applicable
he log of formations encountered in t	the drilling of each well if available
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	vested groundwater rights			310807	
	as the appropriators		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	ithe contains	of said fores
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					Part in the second
2028					

# STATEMENT OF CLAIM CHECKLIST FORM TYPE: NOT OK OK Received Basin County Division Transmittal Fee FORM ITEMS NOT OK OK 234567 8 9 10 11 12 13 14: 15 16 Checked by _ DEFICIENT: _Phoned Sent Letter **Correction Deadline:** _Form Corrected _incomplete Form & Correspondence Sent To Helena

☐ See notes on reverse side

**		55	
	DEPARTMENT OF NATURAL RESDU	RCESAND CONSERVATION	07/08/82
section with the section of the	ABSTRACT OF CLAIM FOR EXL	STING WATER RIGHTS	THE WALL SHOW THE
76N -W-133383-00 PRIDNITY	DATE; _ 99;90, _04;44,1912. TYPE	OF RIGHT: FILED . CLAIM R	ECEIVED: .04/30/02 FEE PAID:
TYPE CODE	: 5 MAX RATE: "4-00 C	( 160-00 MI) MAX	VOLUME: 2.890.00 AF/YEA
(N) 1 BIERER GR	ANT K	9) 1 BIESER BREW	DA
PINESDALE	MT 59841	PINESDALE	MT 59841
PO BOX 33	NALÓ		
PINESDALE	. HT 59841	TR SEC SEC TWP RGE CO	
	LOT BLK Q		
_DV. Q1 UT. TRIB OF CABINET.	GORGE RESERVOIR	NENESE 11 26M 33V \$4 1	EANS_DIVRS=FL
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ON STATISTICS: ** VOLUME BA	SED ON ACRES, PLUS 1 AF PER CL		UNDER CLAIMED VOLUME
FIN LYES _NO COMMENT	The second secon		
	S ADDED PER USES DUAR		
ISACO DK: EYES _AD _COMMENT	S		
DV 01 _YES _KD ZAPPEARS CO	RRECT _UNVERIFIED COMMENTS _	CLAIMANT'S MAP	
"USE:" , CLAIMED FLOW RATE_OK!	EVER NO COMMENTS	· ,, · · · ·	
	YES KNO COMMENTS CHANGED		HER THAN FILING DATE
E DKL YES KNO COMMENT	S APPLY STANDARS		

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Form 808 R6/83

# WATER RIGHT TRANSFER CERTIFICATE

# DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND WATER COURTS OF MONTANA

INSTRUCTIONS  You are encouraged to contact your area Weter Rights Bureau fiel on the back page of the Department Copy of this form or on page 608-1, instructions for Water Right Transfer Certificate, for assis pleting this form. This form is used to indicate a change in water Do not use this form if you are a user of a municipal or irrig water system. If more than one water right is transferred, list all it numbers on the appropriate lines in item 1 or attach a list. Replated Water Right Transfer Certificate with the proper filing fee to clerk and recorder for recording.	Transplant of the state of the
	n ballpoint ink)
WATER RIGHT(S) TO BE TRANSFERRED: Permit to Appropriate Water Number(s) Certificate of Water Right Number(s) Statement of Claim Number(s) Powder River Decree Number(s)	3383-00
Deed recorded in: County  Contract for Deed/Notice of Purchasers interest record  Court Decree recorded in: County  Other, explain:	
Transfer Certificate. If a portion of more than one transferred.  No. Do not complete the Addendum If you received the complete the addendum If you received the complete the	riers on the reverse side of the Department Copy of the Water Right is being received, complete an Addendum for each right being the whole right(s).  In addresses of all persons who are to appear as owner of the water
right(s). Include buyer's name(s), and sell	er's name(s) if they retain an interest in the water right(s).
Name Tomogh E. Editie Melling Addr	He P.O. Box 34 Monon, Montana
Name Mailing Addr	M
Name Mailing Aride	#5a
Name Mailing Addr	
SELLER'S NAME(S): List the seller's name and address if not	
NAME: Brends K. Bierer MAII	
	other than the above persons who are to receive notice of adjudica-
Name Mailing Address	85
Nume Mailing Addre	48
	must sign the back page of the Water Right Owners copy, and have it

# NOTE TO COUNTY CLERK AND RECORDER:

Record only the Water Right Owners copy. (DO NOT RECORD the Department's copy or Water Courts copy.) Please answer the question below.

Has the Water-Right Owners,copy been recorded?

Clerk and Recorder

☐ No.

MAIL THE Department Copy to: Department of Natural Resources and Conservation, 32 S. Ewing, Helena, Montana 59620; and the Water Court Copy to: Chief Water Judge, Box 1568, Bozeman, Montana 59715.

# TON W133383-00 RANSFER Locked-Up Basin

Memorandum DNRG

To: Water Court

From: Regina Fullerton

nafo:

Enclosed for the Court's review are copies of transfers received in basins in which adjudication efforts are under way. These transfers have been filmed, filed and the owners have been acknowledged concerning the receipt of their transfers.

When we receive authorization from the Court, we will update the information as soon as possible.

"76N-W133383 WATER RIGHT TRANSFER CERTIFICATE

MAY 3 0 1984

.em 606 #8/88

# DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION RESOURCES & CONSERVATION

	INSTRUCTIONS		FOR DEPARTMENT USE
on the back page 608-i, Instruction pleting this form Do not use this water system. If numbers on the	ped to contact your area Water Rie of the Department Copy of the services for Water Right Transfer Certi. This form is used to indicate a form if you are a user of a mimore than one water right is trais appropriate lines in item 1 or a fit Transfer Certificate with the per for recording.	is form or on page 2 of Form Hoste, for assistance in com- change in water right owners, unleiped or irrigation district neferred, list all the water right attach a Hst. Return the com- proper filing fee to your county	Fee received: 5.00 By: 60 U  Transmitted No.: 01 - 228 - 01 - 11  Date: Reviewed By: 4 2-25-84  Filmed: 7-24-84  BASIN: 76 M
0.42	B) TO BE TRANSFERRED:	(type or print in belipoint ink)	
Permit to Certificate Statement Powder	o Appropriate Water Number(s) ite of Water Right Number(s) int of Claim Number(s) River Decree Number(s)  ANSFER: corded in: County		
2 Contrac	t for Deed/Notice of Purchasers acree recorded In: County	Interest recorded in: County_	Sanders
7/3/5/	right(s), include buyer's n	ame(s), and seller's name(s) if th	all persons who are to appear as owner of the wate ney retain an interest in the water right(s). 34 Noxon. Montana 59853
Name		Mailing Address	
Name	F 28	Melling Address	<u> </u>
NRC Name.		Mailing Address	
③ BELLELLO MY#	E(S): List the seller's name and	d address if not listed in Item 4 a	BOX 125, HAMILTON, MT
6. OTHER INTERE		s and addresses other than the a	bove parsons who are to receive notice of adjudica
Name		Mailing Address	3
		Melling Address Seller and Suyer must sign the be the recording information at the	nck page of the Water Right Owners copy, and have I
Record only the	INTY CLERK AND RECORDE Water Right Owners copy. (D		
Ву			o. Clerk and Recorder

# ADDENDUM FOR PORTIONAL WATER RIGHT TRANSFER

# INSTRUCTIONS

Complete one addendum for each portional water right being transferred. The buyer cannot change the point of diversion, place of use, place of storage, or the purpose of use without prior approval from the Department of Natural Resources and Conservation. You are encouraged to contact your area Water Rights Bureau field office listed below for assistance in completing the addendum.

POPTION	RIGHT REC	EIVED: N	lumber (Se	e item 1	page 1)			_			
CANTINE	N OF WATE	ER RIGHT	RECEIVE	D: identil	y that po	rtion of the	vater right	the buyer re	ceived by the following	information	
PUF	POSE OF	USE	- 8	ATE (GPN	VCFS)		VOLUM	E (ACRE-FE	ET)	CRES	
				11.00		-					
				25							
EXPLAIN	l: Describe	how the p	ortion or p	percentag	e of the v	water right th	e buyer re	ceivad was	determined.		
				-	-						
	7.0					_					
POINT O	F DIVERSI	ON: Desc	ribe the lo	cation wi	ere the b	uyer diverts	his portion	of the water	er right.		
								NI.			
	e Lot	Alk	14	14	14	Sec	Turn	Q Dan	W Co		
	2 m										
	Lot	Blk	, ¼	¼	¼	, Sec	Twp	S Rge	w co		
PLACE O	F USE: De	escribe the	location v	where the	buyer us	ės his portic	n of the w	ater right.	k, so the grown		
USE											
	4						L	N	<b>E</b> , .		
Acres	Lot	Blk	14	- 14	1/4	Sec	TWD	_S Roe	W Co		
								N	E	<del></del>	
Acres	Lot	8lk	, ¼	¼	14	, Sec	Twp	S Rge	W Co		
USE:		•	3 1	6.7				*	S. C. S.		
UGE:						15		AI			
Acres	Let	<b>P</b> OV	1/4	14	16	Rec	Ten	6 B	E		
			<b>— "</b>	74			- IMP	a nye	W Co	_	
Acres	Lot	Blk	. 14	14.	1/4	Sec.	Two	S Rine	wco		
	on (If any)										
<b>GROCIA:AIRIC</b>	on (a any)				1						
			" No	ntana Wa	er Rights	Bureau Area	Field Offic	105			
						e Location			<b>a</b> (		
HAVRE	ghway 2				28 S	o. Rodney		KALISPELL 3220 Highway 93 South			
Old Hi	P.O. Box 1828				ilng Addri			P.O. Box 880			
Old Hi P.O. B		Havra, Montana 59501		32 South Ewing					Kalispell, Montana 59903-0860		
Old Hi P.O. B Havre,	Montana 5	9501									
Old Hi P.O. B Havra, Phone:	Montana 50 : 265-5516		lacier '	Heli	ena, Monte	sna 59620	. 🗆 🔳	Phon	e: 752-2288	to out	
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# WATER RIGHT TRANSFER CERTIFICATE

# CHECKLIST

DEPARTMENT USE BLOCK	
✓ A. Is for	rm dated received?
B. Is the	e fee and transmittal number (county deposit #7715) indicated?
C. After	review; analyst initialed and dated "reviewed by".
TRANSFER FORM CHECK	
	ll water right numbers accurately listed?
2. Is the	e means of transfer OK or adequately explained?
b. Is a l	ere a Portional Addendum for each split right? Portional Flow Chart completed for each split right? l additional documentation attached (ie. maps, field report)? ll inferred new uses of water, changes, sever/sells been researched?
4. Are a	11 owner names listed and addresses correct?
5. Has the	il owner names listed and addresses correct?  he Seller's Name been checked against the Current Owner of Record?  fferent, show research substantiating ownership of right involved.
Item Comments	ION / INSTRUCTIONS TO RECORDS (by Item number)  OF FENNESSY & CROCKER, ATTORNEYS OF LABOR
CALLED ON	6-21-84 & SAID THEAR WAS "No" SPUT.
	ODAGO FAOM TRANSFER FOR 76N-W-193387
,	
continued, see	Jeniher DATE: 6-25-84



# MONTANA WATER COURTS

# STATE OF MONTAINA.

WATER JUDGES!

September 6, 1984

Victor W rather finer bases Communitie W W Leiterp FC this FFS Sineman will 18715

Lamer Hekkoum Amer Askin Lase Berrens in Transk F.C. Bir 838 Christin, hit 68633

Clark Fort River Basin Junge Appert Mindaler Lincon County Countroose Links 47 1880

Yelius stone River Dasin Judge Roy C. Hodedyerb P.C. Boy 448 Roundud MT 58072 Barbara Beasley Fennessy, Crocker and Allen 505 Mineral Avenue Libby, NT 59923

Dear Ms. Beasley,

Enclosed please find the following objections:

023067, 023068, 023069, 039847, 100479, 123060, 141292-141300, 141318, 141320, 141321, 141322 in the Kootenai River Basin.

141342, 141343-141347 in the Yeak River Basin.

133382, 133383, 133384, 133386 in the Clark Fork.

If we can be of further assistance, please do not hesitate to contact our office.

Sincerely,

Carol Moore,

Clerk

CAM/encls.

FILMED

## IN THE WATER COURTS OF THE STATE OF MONTANA

CLARK FORK DIVISION - CLARK FORK RIVER BELOW THE FLATHEAD RIVER

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.

NOTICE OF OBJECTION TO THE CLARK FORK RIVER BELOW THE FLATHEAD

TO: Ronald & Brenda Bierer

RE: Water Right# 133383

PROM: Montana State Water Courts

This is to provide you with notice that Water Right

# 133383, issued in your name in the Clark Fork River below

the Flathead River Temporary Preliminary Decree, has been to be objected to by USDA Forest Service

The Objector maintains <u>Point of Diversion is incor-</u>rect

- A preliminary hearing will be held on this matter. If
-you-wish to participate in a hearing on this issued, you MUST
file a Notice of Intent to Appear on the Water Court forms
pursuant to Water Court Rule #8 by the date listed on the
Notice of Objection.

DATED this 28 day of freus7 , 1984

Sizanne Nellen

Water Master P.O. Box 879

Bozeman, MT 59715



# MONTANA WATER COURTS

# STATE OF MONTANA

#### WATER JUDGES:

Upper Missouri River Basin Chief Judge W VI. Lessley PO Box 879 Bozemen, M7 59715

Lower Missouri River Basin Judga Barriard W Thomas PO. Box 938 Chinook, MT 59523

Clark Fork River Seein Judge Robert M. Holter Lincoln Gounty Courthouse Libby MT 58923

Yellowstone River Beein Judge Roy C. Rodephero RO: Box 448 Roundup, MT 58072 August 3, 1984

Jim Kindle
Records Section
Department of Natural Resources
32 South Ewing
Helena, MT 59620

Dear Jim:

Please send us the original claim files

for:

			*,
76C-	115780	115887 (76N)	133360 (76N)
	115810	116347	133382 - We already
	116385	116348	133383 have
	116386	116349	133384
	116387	116359	133386
	116388	116367	138044
	116389	116368	138084
			138086
	116390	116374	
	116391	116381	140137
	116392	116382	
	:	116383	
76N-	003156	116384	
	011608	116396	
	027766 > we already	116387	
	028657 have	116398	
	028666	116399	
	028694	116400	
	052604	116401	
	052607	116402	
	052631	116415	
	052642	121849	
	052648	122964	
	105585	124888	

Thanks, Jim and Sue!

107694

Sincerely,

133269

Chris Jensen

Clerk

caj

". . . to expedite and facilitate the adjudication of existing water rights." CH. 697 L. 1979

# IN THE WATER COURTS OF THE STATE OF MONTANA CLARK FORK DIVISION CLARK FORK RIVER BELOW THE FLATHEAD RIVER BASIN

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER DRAINAGE, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.



PLA' COUI	THEAD, LINCOLN AND SA HTIES, MONTANA.	NDERS )		The state of the s
		NOTICE OF OBJECT Basin 76N	10.	
1.	Claim # 133383 Unnamed Tribu	; Page # of Prelimi	nary Decree 1023	
2.		Res.; County Sar	ders	
3.	Type of Claim:	Irr <u>X</u> Dom Sto	ock Other Use	
4. ³		om the water right w		
5.	Objector's name, ad	dress and phone numb	er:	
		AMERICA (USDA-Fores t Name Middle In		
	P.O. Box 7669			
	Street Address or P	ost Office Box		
	Missoula MT	59807	1	
	City State	Zip Code		
	406	329-3073		
6.	Area Code Name of objecting pa	Phone Number	ddress, if any:	FILMED
	Land & Natural	rtment of Justice Resources Division set, Drawer 3607	P.O. Box 7669	
	303 <del>-827-3892-</del> 844- <i>8</i> 892.		406-329-3073	
	Basis of Objection: OwnershipPriority DatePurpose of Right  Signature of Objector	Place of Use Acres wright Sourc		Diversion

Claim #133383

Based upon available information and belief this water diversion and/or use does not exist.

The United States of America reserves the right to make further objections in the event this diversion or use actually exists on National Forest System Lands.

Form 608 R8/83

# **ATER RIGHT TRANSFER CERTIFICATE**

# DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND WATER COURTS OF MONTANA

#### INSTRUCTIONS

You are encouraged to contact your area Water Rights Bureau field office listed on the back page of the Department Copy of this form or on page 2 of Form 808-i, instructions for Water Right Transfer Certificate, for assistance in completing this form. This form is used to indicate a change in water right owners. Do not use this form if you are a user of a municipal or irrigation district water system. If more than one water right is transferred, list all the water right numbers on the appropriate lines in Item 1 or attach a list. Return the completed Water Right Transfer Certificate with the proper filing fee to your county clerk and recorder for recording.

FOR DEPARTMENT USE	
Franciska No.: By:	
Date: 1984 Reviewed By: 30 1984	
Filmed: Codes & TEIR CODES TE	
BASIN:	

water system. If more than one water right is transferred, list all the water right numbers on the appropriate lines in Item 1 or attach a list. Return the completed Water Right Transfer Certificate with the proper filing fee to your county clerk and recorder for recording. (type or print in ballpoint ink) 1. WATER RIGHT(S) TO BE TRANSFERRED: ☐ Permit to Appropriate Water Number(s) 76N W133382-00 ☐ Certificate of Water Right Number(s) ☐ Statement of Claim Number(s) ☐ Powder River Decree Number(s)  $\Box$ 2. MEANS OF TRANSFER: □ Deed recorded in: County = To Contract for Deed/Notice of Purchasers Interest recorded in: County Sanders □ Court Decree recorded in: County ____ □ Other explain: ... 3. IS THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)? Yes. If yes, complete the Addendum for Portional Transfers on the reverse side of the Department Copy of the Water Right Transfer Certificate. If a portion of more than one right is being received, complete an Addendum for each right being transferred. No. Do not complete the Addendum if you received the whole right(s). .4. OWNERS' NAMES: List the complete names (please print) and addresses of all persons who are to appear as owner of the water right(a). Include buyer's name(s), and seller's name(s) if they retain an interest in the water right(s). Mailing Address P.O. Box 34 Noxon, Hontana Mailing Address Malling Address ____ Mailing Address: 5. SELLER'S NAME(S): List the seller's name and address if not listed in Item 4 above. NAMEBrenda R. Blorer ____ MAILING ADDRESS: __ 6. OTHER INTERESTED PARTIES: List the names and addresses other than the above persons who are to receive notice of adjudication proceedings concerning the water right(s). Marrie Mulling Address. Mailing Address 7. CERTIFICATE OF ACKNOWLEDGMENT: The Seller and Buyer must sign the back page of the Water Right Owners copy, and have it notarized. The clerk and recorder must complete the recording information at the bottom of the same page. NOTE TO COUNTY CLERK AND RECORDER: Record only the Water Right Owners copy. (DO NOT RECORD the Department's copy or Water Courts copy.) Please answer the question below. Has the Water Bight Owners copy been recorded? Clerk and R Deputy

MAIL THE Department Copy, to: Department of Natural Resources and Conservation, 32 S. Ewing, Helena, Montana 59820; and the Water Court Copy to: Chief Water Judge, Box 1568, Bozeman, Montana 59715.

Form 608 R8/83

# WATER RIGHT TRANSFER CERTIFICATE

# DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND WATER COURTS OF MONTANA

-1	INSTRUCTIONS	FOR DEPARTMENT USE
2	You are encouraged to contact your area Water Rights Bureau field office listed	Fee received: By:
1	on the back page of the Department Copy of this form or on page 2 of Form	Transmittal No.:
	608-1, Instructions for Water Right Transfer Certificate, for assistance in com-	Date:
	pletting this form. This form is used to indicate a change in water right owners.	Reviewed By:
1	Do not use this form if you are a user of a municipal or irrigation district water system. If more than one water right is transferred, list all the water right	Filmed:
	numbers on the appropriate lines in Item 1 or attach a list. Return the com-	Coded:
Ш	pleted Water Right Transfer Certificate with the proper filling fee to your county	BASIN:
	clerk and recorder for recording.	
_	(type or print in belipoint ink)	(01/10)
		10
7.	WATER RIGHT(S) TO BE TRANSFERRED:	A Po & C
	Permit to Appropriate Water Number(s)	The Grand
	Certificate of Water Right Number(s)	The state of the s
	Statement of Claim Number(s) 76M-W-133384-00	- 100 m
	Powder River Decree Number(s)	State of identification
	0	V Just Commente
2. 1	MEANS OF TRANSFER:	BILETIS
,	Deed recorded in: County	10110
	Contract for Deed/Notice of Purchasers Interest recorded in: County	2andana
	Court Decree recorded in: County	Sangers
	D Other explain:	
<b>3.</b> E	S THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?	
	Yes. If yes, complete the Addendum for Portional Transfers on the reverse	se side of the Department Convict the Water Right
	Transfer Certificate. If a portion of more than one right is being rece	sired assertate as Addand un far and data halis
	transferred.	aved, complete all Accentours for each light cents
	No. Do not complete the Addendum If you received the whole right(s).	
4. 0	DWNERS' NAMES: List the complete names (please print) and addresses of all	persons who are to appear as owner of the water
	right(s). Include buyer's name(s), and seller's name(s) if the	y retain an interest in the water right(s).
N	Some Territory of Tables	Manager Sones
	lame Joseph E. Little Malling Address P.O. Box	, MSX 21 - MSG - MSG - SS - S
N	leme Marting Address	
N	Name Malting Address	
-	maing routing	
5. S	ELLER'S NAME(S): List the seller's name and address if not listed in Item 4 ab	ove.
М	IAME)	
- 14	AME: MAILING ADDRESS: B	lox 125 Hamilton, Montana 59840
8. 0	THER INTERESTED PARTIES: List the names and addresses other than the ab	dve persons who are to receive notice of adjudica-
ti	on proceedings concerning the water right(s).	
Ne	smeMailing Addres	
N	eneMalleng Address	
	V 440-7	. A
	ERTIFICATE OF ACKNOWLEDGMENT: The Seller and Buyer must sign the back	
n	otarized. The clark and recorder must complete the recording information at the	bottom of the same page.
- 1	NOTE TO COUNTY CLERK AND RECORDER:	
A	Record only the Water Right Owners copy. (DO NOT RECORD the Department's	s copy of water Courts copy.) Please answer
U	he question below.	
	Has the Weter Right Owners copy been recorded?	FILL A APP
	By A will I Van I was	
	Deputy	Clark and Resorder
M	MAIL THE Department Copy, to: Department of Natural Resources and Conservati	on 32 S Ewing Heigns Montens 2020 and
et	he Water Court Copy to: Chief Water Judge, Box 1568, Bozeman, Montana 59715	con or extend transmer arounding pagent and
		de la companya de la

July 12, 1984

Joseph E. Little P.O. Box 34 Noxon, Montana 59853

> RE: Temporary Preliminary Decree of Water Rights-Lower Clark Fork Basin (76N)

Dear Mr. Little:

We have been notified that you were involved in a water rights transfer in the above named basin.

Envlosed is a copy of the Notice of Amailability of the Temporary Preliminary Decree of Water Rights for the Lower Clark Fork Basin. The period for filing objections to this Decree hads been extended to the 3rd day of August, 1984.

Please call us at 586-4364 if you have questions.

Sincerely,

Janet Lackey Clerk

jl ENC.

STATE OF MONTANA
County of Lincoln

:88

AFFIDAVIT



I, JOSEPH E. LITTLE, of Noxon, Montana, do hereby state as follows:

That I am over the age of 21 years and that I am the purchaser, together with my wife of that certain realty for which a water right is sought under water right application number 76N-W-133384-00;

That we purchased this property under Contract for Deed from one Ronald G. and Brenda K. Bierer of Box 33, Pinesdale, Montana;

That our equity was obtained on July 25, 1983 by virtue of said Contract for Deed referred to above;

That Ronald G. and Brenda K. Bierer agreed to transfer all Water rights applied for upon said property to my wife and I as purchasers under said Contract for Deed;

That in Water Right Application No. 76N-W-133384-00 we applied for 15 acre feet of water as set forth in said application;

That said water was to be used and is being used for the purpose of supplying domestic water to our residence located on the real estate referred to above and for domestic use of 30 recreational vehicle spaces located on said property as operated and rented by us as equitable owners of said property;

That to the best of my knowledge said domestic use of this water has been constant since construction of the house on the premises after filing of the water right in 1912;

That use of the water for the recreational vehicles has been constant and is still in effect since the year 1956

Dated at Libby, Montana, this 26 day of June, 1985.

sep E. Little

Virginia Little

FILMED

Subscribed and sworn to before me, a Notary Public, on this 26 day of June, 1985.

Stra M. Williams
Notary Public for the State of

# IN THE WATER COURTS OF THE STATE OF MONTANA

CLARK FORK DIVISION - CLARK FORK RIVER BELOW THE FLATHEAD BASIN

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND WITHIN THE CLARK FORK BELOW THE FLATHEAD DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.

Case No. 76N-



# WITHDRAWAL OF OBJECTIONS

COMES NOW the United States of America, Objector herein, and hereby Withdraws its Objections to Water Rights No. 76N-W-133382, 76N-W-133384, and 76N-W-133386.

DATED this 2 m day of January, 1985.

BYRON H. DUNBAR United States Attorney District of Montana

By:

John R HILL, JR., Attorney U.S. Department of Justice Land & Natural Resources Division 1961 Stout Street, P.O. Drawer 3607 Denver, CO 80294

303/844-2892

ATTORNEYS FOR UNITED STATES OF AMERICA

# CERTIFICATE OF SERVICE

I certify that I mailed, via United States Mail, postage prepaid, a true and correct copy of the foregoing Withdrawal of Objections to the following this City day of January, 1985:

Joseph E. Little C. E. Crocker 505 Mineral Ave. Libby, MT 59923

Ronald G. and Brenda K. Bierer Box 33 Pinesdale, MT 59841

- Join Rusias

# M. RICHARD GEBRARDT, P.C.

ATTORNEY AT LAW 515 U.S. HIGHWAY 93 SOUTH RONAN, MONTANA 59864 (406) 676-3690

August 6, 1985



Linda Hickman, Water Master Montana Water Courts PO Box 879 Bozeman, Montana 59715

 $f_{A} \in \mathcal{S}$ 

76N-16

Re: Water Right No. 76N-W-133385-00

Dear Linda:

On behalf of Mr. Guilfoyle we would be withdrawing our Notice of Intent to Appear based upon your assertions that the claim will not be quantified and is non-consumptive.

Thank you for your attention to this matter.

incerely,

M. RICHARD GEBHARDT

k1

cc: Bob Guilfoyle

# IN THE WATER COURTS OF THE STATE OF MONTANA CLAR. FURK DIVISION - YAAK RIVER LASIN

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE YAAK RIVER DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE YAAK RIVER IN LINCOLN COUNTY, MONTANA.



#### WITHDRAWAL OF OBJECTION

I, Joseph E. Little	, withdraw the
Notice of Objection to Claim Number 76N-N-1	33385
upon entry of a decree with the following co	orrection
we wish to Reserve this right until such	time the amount is
quantified.	
It is no longer necessary to have a hea	ring before the
Water Courts regarding the above objection.	7
DATED this 26thday of June	, 1985.
×	•

STATE OF MONTANA )

iss
County of Sanders )

#### AFFIDAVIT

I, JOSEPH B. LITTLE, being first duly sworn, depose and state as follows:

That I am over the age of twenty-one years and a resident of Sanders County, Montana; that I am, together with my wife, Virginia Little, the owner of the property described on the attached sheet marked Exhibit " $\Lambda$ ", located in Sanders County, Nontana and a part of the Clark Pork River drainage;

That we have occupied said property for approximately two years after purchasing the same from Ronald G. and Brenda K. Bierer of Pinedale, Montana; that the original Water Right to said property was granted to Ura E. Ellis, the owner of said property in 1912 and at which time he began to develop said unnamed stream for irrigation, stockwater and domestic use;

That said unnamed stream is used for the purpose of irrigation for approximately ninety four (94) acres for pasture and hay; that said irrigation is performed by means of a pump and pipeline from approximately April 30 to October 15, each year; that livestock occupy the premises and have throughout the years, and we have used the same for pasture and growing hay;

That I am informed that said premises has been used for pasturage and growing crops continuously by the respective former owners of said property;

That said water is used and is necessary for irrigation of the entire 94 acre tract.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal this Alday of February, 1985.

Subscribed and sworn to, before me, this & day of February,

Potro m Williams

Notary Public for the State of Montana, residing at 2 / 1237

#### IN THE WATER COURTS OF THE STATE OF MONTANA

CLARK FORK DIVISION - CLARK FORK BELOW THE FLATHEAD RIVER BASING

*******

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.

Case No. 76 -16. 76N-W-13338 -00 76N-W-133383 -00 76N-W-133384-00 76N-W-133386-00

Claimants: Ronald G.,

Brenda K. and Grant K. Bierer

Objectors: Joseph E. Little

Forest Service

Intent to Appear: Robert Guilfoyle

MASTER'S REPORT

Findings of Fact

I.

Claim number 76N-W-133382-00 was filed by Ronald G., Brenda K. and Grant K. Bierer for irrigation. Claim number 76N-W-133383-00 was filed by Ronald G., Brenda K. and Grant K. Bierer for domestic use. Claim number 76N-W-133384-00 was filed by Ronald G. and Brenda K. Bierer for domestic use. Claim number 76N-W-133386-00 was filed by Ronald G. and Brenda K. Bierer for power generation.

II.

The acres irrigated for claim number 76N-W-133382-00 was objected to by Joseph E. Little. The point of diversion was objected to by the Forest Service. Mr. Joseph E. Little filed a notice of intent to appear.

III.

On May 30, 1984 a water right transfer certificate for claim

# Exhibit "A"

The NW\SW\NW\SE\, the S\S\NW\SE\, the SN\SW\NE\SE\, the SW\SE\, the S\SE\SE\, the S\SE\SE\, the S\SE\SE\, the S\SE\SE\, the S\SE\SE\, the S\SE\SE\.

the E\SE\SW\ of Section 11, Township 26 North, Range 33

West, M.P.M.

number 76N-W-133382-00 was filed by Joseph E. Little and Brenda K. Bierer.

IV.

The point of diversion for claim number 76N-W-133383-00 was objected to by the United States of America, Forest Service.

Joseph E. Little filed a notice of intent to appear.

V.

A water right transfer certificate for claim number 76N-133383-00 was filed on May 30, 1984 listing Joseph E. Little as buyer and Brenda K. Bierer as seller.

VI.

The point of diversion for claim 76N-W-133384-00 was objected to by the United States of America, Forest Service.

The volume was objected to by Joseph E. Little. Joseph E. Little also filed a notice of intent to appear.

VII.

A water right transfer certificate for claim number 76N-W-133384-00 was filed on July 10, 1984 by Joseph E. Little as buyer and Brenda K. Bierer as seller.

VIII.

The point of diversion for claim number 76N-W-133386-00 was objected to by the United States of America, Forest Service. The flow rate and volume were objected to by Joseph E. Little. Mr. Little also filed a notice of intent to appear.

IX.

The volume or flow rate for claim number 76N-W-133385-00 was objected to by Joseph E. Little. Mr. Robert Guilfoyle



filed a notice of intent to appear. On June 28, 1985, Joseph E. Little filed a withdrawal of objection for claim number 76N-W-133385-00. On August 8, 1985 Robert Guilfoyle filed a withdrawal of intent to appear.

x.

A prehearing was held on January 29, 1985 at 10:40 a.m. in the Courtroom of the Sanders County Courthouse in Thompson Falls, Montana. The United States Department of Agriculture, Forest Service, filed objections to claims 76N-W-133382-00, 133383-00, 133384-00 and 133386-00. These objections were withdrawn prior to the prehearing.

XI.

Joseph E. Little objected to the number of acres irrigated for claim number 76N-W-133382-00. On February 13, 1985, the Court received an affidavit from Joseph E. Little indicating that the spring was developed in 1912 and is used to irrigate 94 acres. He also indicated that this has been the historic practice in the past. The flow rate should be 3.525 cfs and the volume 357.2 afy.

XII.

The place of use for claim number 76N-W-133382-00 should be:

20 40	se\sesw swse	Section Section		Township Township			Range Range		
114	s <u>i</u> nwse	Section	11	Township			Range	33	West
20	Sese	Section	11	Township	26	North	Range	33	West
24	SWNESE	Section	11	Township	26	North	Range	33	West

#### XIII.

Joseph E. Little objected to the volume for claim number 76N-W-133384-00. On June 28, 1985, the Court received an affidavit from



Joseph E.Little indicating that 15 acre feet had been claimed and is actually used in accordance with past practices.

XIV.

Joseph E. Little objected to the flow rate and volume for claim number 76N-W-133386-00. That objection dealt with the nonconsumptive use remark and has been withdrawn.

Conclusions of Law

I.

The Water Court has jurisdiction to review all objections to Temporary Preliminary Decrees pursuant to 85-2-233 MCA.

II.

The Water Court has jurisdiction to make clerical corrections pursuant to Water Court Rule 4.

7 1 235

III.

Upon review of the facts, the Master finds that there has been no over-reaching or misunderstanding by the parties. The Court finds that the results are reasonable.

IV.

The place of use for claim number 76N-W-133382-00 should be:

- Township 26 North Range 33 West 20 SELSESW Section 11
- 40 SWSE Section 11 114 SINWSE
- Section 11 SESE Section 11 20
- 25 SWNESE Section 11

The flow rate should be 3.525cfs, volume 357.2 afy.

· IV.

The volume for claim number 76N-W-133384-00 should be 15 acre feet per year.

DATED this 1714 day of Apru

, 1987.



Linda Hickman Water Master

#### ORDER

After review of the Findings of Fact and Conclusions of Law, it is ORDERED that the following changes be made to the Temporary Preliminary Decree of Existing Water Rights in the Clark Fork River Below the Flathead River Basin.

I.

The place of use for claim 76N-W-133382-00 is:

20 SE\SESW Section 11 Township 26 North Range 33 West
40 SWSE Section 11 Township 26 North Range 33 West
11\frac{1}{2} S\frac{1}{2}NWSE Section 11 Township 26 North Range 33 West
20 SESE Section 11 Township 26 North Range 33 West
2\frac{1}{2} SWNESE Section 11 Township 26 North Range 33 West

The flow rate is 3.525 cfs and the volume is 357.2 afy.

II.

The volume for claim number 76N-W-133384-00 is 15 acre

feet per year.

DATED this day of

1097

W. W. LESSLEY

Chief Water Judge

cc: Kenneth Pitt
Office of General Counsel
P.O. Box 7669
Missoula, MT 59807

John R. Hill, Jr. U.S. Dept. of Justice 1961 Stout Street Drawer 3607 Denver, CO 80294

Joseph E. Little 505 Mineral Avenue Libby, MT 59923 C.E. Crocker 505 Mineral Avenue Libby, MT 59923

Ronald G., Brenda K. and Grant K. Bierer Box 33 Pinesdale, MT 59841

M. Richard Gebhardt 515 U.S. Highway 93 South Ronan, MT 59864

Washington Water Power Co.

IN THE WATER COURTS OF THE STATE OF MONTANA

CLARK FORK DIVISION - CLARK FORK RIVER BELOW THE FLATHEAD BASIN

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE CLARK FORK BELOW THE FLATHEAD RIVER DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.



## WITHDRAWAL OF OBJECTION

I, Mark J. Fennessy	, withdraw the
Notice of Objection to Claim Number 76	N-W-133386-00 upon entry
of a decree with the following correct	ion cult nemain as
closest in the temporary prelien	many clares
It is no longer necessary to have	s hearing before the
Water Courts regarding the above object	
DATED this 13 day of March	
DATED CHIS 13 day of March	. 1300.
1 let	
Attorney	for
	E. Little

IN THE WATER COURTS OF THE STATE OF MONTANA CLARK FORK DIVISION - CLARK FORK RIVER BELOW THE FLATHEAD BASIN

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE CLARK FORK BELOW THE FLATHEAD DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK BELOW THE FLATHRAD RIVER IN FLATHEAD, LINCOLN AND . SANDERS COUNTIES, MONTANA.



# NOTICE OF INTENT TO APPEAR BASIN #76N

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	inty Sande	ers			
Nai		s and phone nu	mber of par	rty appearin	ıg:
Tax	Little, Jo it Name	seph E.	Name	Midd	le Initial
Ticks	C Name	Filst	. Naulie	Mildo	Te Thitian
	c/o C. E.	Crocker	505 Mine	ral Avenue	
Sta		ss or P.O. Box			
	- 11.1				
-		Montana 599		293-4101	
Cit	y	State	21)	Code	Phone Numbe
Nai	ey address Crocker	State and phone num	zip	p Code ty's attorne	Phone Number
Nai	y ne address	State	zip	p Code ty's attorne	Phone Number
Nai	crocker Name	State and phone num C. E.	zip	p Code ty's attorne	Phone Number
Nar	crocker Name 505 Mine	State and phone num C. E. First eral Avenue	zip mber of part	p Code ty's attorne	Phone Number
Nar	Crocker t Name 505 Minteet Address	State and phone num C. E. First eral Avenue as or P.O. Box	zipaber of part	p Code ty's attorne Midd	Phone Number ey, if any:
Nan La:	Crocker t Name  505 Min ceet Addre	State and phone num C. E. First eral Avenue as or P.O. Box Montana	zipaber of part Name 59923	p Code  ty's attorne  Midd	Phone Number ey, if any: the Initial
Nar	Crocker t Name  505 Min ceet Addre	State and phone num C. E. First eral Avenue as or P.O. Box	zipaber of part Name 59923	p Code ty's attorne Midd	Phone Numberry, if any:
La:	Crocker st Name 505 Mine ceet Addres	State and phone num C. E. First eral Avenue as or P.O. Box Montana	nber of part Name  59923	p Code  ty's attorne  Midd	Phone Numbery, if any: the Initial 93-4101

space is needed for elaboration, please attach on 8X 11% paper.

8. Please send completed form to:

417 24

Montana State Water Courts P.O. Box 879 Bozeman, MT 59735

Montana State Water Courts P.O. Box 879 Boxeman, Montana 59715

We hereby enter our notice of Intent to Appear on Water Right Claim # 133382 & 133383

We reserve the right to protect the original appropriation under the Adjudication process.

Attorney for

Joseph E. Little

# IN THE WATER COURTS OF THE STATE OF MONTANA CLARK FORK DIVISION CLARK FORK RIVER BELOW THE FLATHEAD BASIN (76N)

IN THE MATTER OF THE ADJUDICATION OF
THE EXISTING RIGHTS TO THE USE OF ALL
THE WATER, BOTH SURFACE AND UNDERGROUND,)
WITHIN THE-CLARK FORK BELOW THE
FLATHEAD DRAINAGE AREA, INCLUDING ALL
TRIBUTARIES OF THE CLARK FORK BELOW THE
FLATHEAD RIVER IN FLATHEAD, LINCOLN,
AND SANDERS COUNTIES, MONTANA.

CASE NO. 76N-16 76N-W-133382, 76N-W-133383, 76N-W-133384, 76N-W-133386

CLAIMANT: Ronald G., Brenda K. and Grank K. Bierer
OBJECTOR: Joseph E. Little, USDA Forest Service

#### AMENDED MASTER'S REPORT

## FINDINGS OF FACT

I.

The computer operator in Helena indicated to the Water Master that the legal description for place of use 001, claim 76N-W-133382 was not a valid legal description as set out by the Water Master.

II.

Upon further checking, the Master discovered that the legal description for place of use 001 for 76N-W-133382 should be E2SESW, Section 11, T26N, R33W, Sanders County, as set out in the affidavit by Joseph E. Little.

## CONCLUSIONS OF LAW

I.

The Water Court has jurisdiction to review all objections to temporary preliminary decrees pursuant to 85-2-233, Montana Code Annotated.

The Water Court has jurisdiction to make clerical corrections pursuant to Water Court Rule 4.

III.

The place of use 001 for 76N-W-133382 should be E2SESW, SEction 11, T26N, R33W, Sanders County.

DATED this (of day of November , 1987.

Linda Hickman Water Master

#### ORDER

After review of the Findings of Fact and Conclusions of Law, it is

ORDERED that the following changes be made to the Preliminary Degree of Existing Water Rights in the Clark Fork of the Flathead River Basin.

I.

The place of use 001 for 76N-W-133382 is:
E2SESW Section 11, T26N R33W Sanders

II.

This Amended Master's Report shall be attached to the Master's Report filed April 23, 1987, and becomes a part of it.

DATED this day of Now , 1987.

W. W. Lessley Chief Water Master Kenneth Pitt, Special Assistant United States Attorney P. O. Box 7669 Missoula, MT 59807

John R. Hill, Jr., Attorney Department of Justice 1961 Stout St., Drawer 3607 Denver, CO 80294

Joseph Little 505 Mineral AVenue Libby, MT 59923

C. E. Crocker 505 Mineral Avenue Libby, MT 59923

Ronald G., Brenda K. & Grant K. Bierer Box 33 Pinesdale, MT 59841

M. Richard Gebhardt 515 US Highway 938. Ronan, Mt 59864

R. Blair Strong Washington Water Power Co. 1200 Washington Trust Financial Center Spokane, WA 99204

# TEMPORARY PRELIMINARY DECREE ON CLARK FORK BELOW THE FLATHEAD RIVER BASIN 76N ABSTRACT OF WATER RIGHT

### WATER RIGHT NUMBER 76N -W-133383-00

OWNERS: BIERER GRANT K
BOX 33
PINESDALE MT 59841
BIERER BRENDA K
BOX 33
PINESDALE MT 59841
BIERER RONALD G
BOX 33
PINESDALE MT 59841

No Chy

PRIDRITY DATE: APR 8. 1912

FLOW RATE:

0.06 CFS

VOLUME:

2.00 ACRE FEET PER YEAR

SOURCE: UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR

PURPOSE (USE): DOMESTIC

PERTOD OF USE: JAN

1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK OTR SEC SEC TWP RGE COUNT

NENESE 11 26N 33W SANDERS

FLOWING

PLACE OF USE FOR DOMESTIC

ACRES LOT BLK OTR SEC SEC TWP RGE COUNTY

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.



First 600 Rule

# DNRC WATER LAND OWNERSHIP UPDATE

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Brenda	mplete name and mailing address, inc K. Bierer	studing city, state and ze.	
Lictor M.	93 t. 59875	Oxydine Phone #	
Joseph B	complete name and assessment nodes	melling address, including city, state and ZP.  UAYNE LITTLE	
P.O. Box	T. 59853	206-247-2692	
Legal Description:		Attachment U	Maging Mark
Add/Sub.		Blocklot	- Company
County	City/Tigyrn	Section Township Ren	00
<ul> <li>(P) Permit to Appropris</li> <li>(E) Exempt Existing Pt</li> <li>(D) Powder River Basis</li> </ul>	ight No.		
► Other	R SOLICIO FIGURA (15)		
R	n refraulating the water right): If all sell	ler's eignatures are not available, attach a copy of the record the seller listed is not the person identified as the water righ	ded Instrumen
showing conveyence of the DNRC records, attach cop Year, No 21 Did th buyers	see of the recorded documents showing ne buyer receive 180% of the seller's int a properly.	g chain of title including the legal description.  Increase in the water rights shown above? If no, attach a map	t owner in the
showing conveyence of the CNRC records, attach cop Year, No II Did th buyert Yes II No II It the	see of the recorded documents showing ne buyer receive 180% of the seller's int a properly.	g chain of title including the lagat description.  Innet in the water rights shown above? If no, attach a map  a selier want to remain faled as an owner of the water right?	t owner in the
showing conveyence of the CNRC records, attach coping the CNRC records records at the CNRC records rec	see of the recorded documents showing ne buyer receive 180% of the seller's int a properly.	g chain of title including the lagat description.  Israel in the water rights shown above? If no, attach a map  a seller want to remain fated as an owner of the water right?  Date:	t owner in the
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showing conveyance of the CNRC records, attach copy task. No II Did the buyer's rise II No II if the Soller Signature:  Seller Signature:  Ca. FOR QUESTION Name	see of the recorded documents showing the buyer receive 180% of the seller's intellering to properly, sale is on a contract for dead, does the	g chain of title including the legal description.  Innet in the water rights shown above? If no, attach a map  seller want to remain fated as an owner of the water right?  Dete:  Dete:	t owner in the

# KALISPELL WATER RESOURCES REGIONAL OFFICE DEPARTMENT OF NATURAL RESOURCESAND CONSERVATION



JUDY MARTZ GOVERNOR 109 COOPERATIVE WAY SUITE 110

## STATE OF MONTANA

PHONE: (406) 752-2288 FAX: (406) 752-2843 KALISPELL, MONTANA 59901-2387

March 6, 2000

George & Elva Horn 20445 Adrian Rd Soap Lake WA 98851

RE: Water Rights Transfer

Dear Mr. & Mrs. Horn:

A DNRC Water Right Ownership Update form was received on March 31, 1999. It transferred a water right to you from the Guilfoyle's in error. We checked and found, according to the land description on the deeds, on the water rights and maps that a water right was put into your name by mistake.

Based on this research, we are correcting this mistake and putting this water right back into Joseph Little's name.

Feel free to contact Judy Jeniker or myself if you have questions concerning this situation.

Sincerely,

Linda Molina .

**Program Assistant** 

Kalispell Regional Office

uds Molena

Xc: Joseph & Wayne Little

# WARRANTY DEED

(JOINT TENANOY)

For Value Received BRENDA K. BIERER of 2505 H. Highway 93, Hemilton, Montana 59840

the Greater , do eshereby grant, bargata, sell and convey unto JOSEPH E. LITTLE and VIRGINIA LITTLE of Ash Springs, Hiko, Nevada 89017

the Grantes: , as joint tenents (and not as tenents in common), and to the survivor of said tenent joint tenents, and to the heirs and sesigns of such survivor, the following described premises, in Sanders County, Montana, to wit:

The NWkSWinWkSEk, the S\S\nWkSEk, the SWkSWkBEkSEk, the SWESK, The WkWkSEkSEk, the E\SWESEkSEk, the S\SEkSEkSEk, the E\SEkSEkSEk, the E\SEkSEkSEk, the E\SEkSEkSEk, the E\SEkSEkSEk, the S\SEkSEkSEk, the E\SEkSWk of Section 11, Township 26 North, Range 33 West, M.P.M.

SUBJECT to easements apparent or of record.

TO HAVE AND TO HOLD the said premises, with their sppurienances unto the said Grantees , as joint tenants with right of survivorship (and not se tenants in common) and to the bairs and sesigns of the survivor of said samed joint tenants forever. And the said Grantes dogs broby covenant to and with the said Grantees , that she inthe owner in fee simple of said premises; that they are free from all incombrances

and that S he will werrant and defend the same from all lawful claims whatsoever.

Deted: July 25, 1983

11-

BRENDA K. BIERER

210329

STATE OF MONTANA, COUNTY OF Revalli On this Law day of Quee, 1983, before me, a netary public in and for said State, personally appeared

BRENDA K. BIERER

insure to me to be the parameter, whose name is subscribed to the parameter parameter and acknowledged to me that the same.

esiding at Representate

otary Public

STATE OF MONTANA, COUNTY OF BRINGING

I hereby certify that this instrument was filed for record at the request of

at 20 minutes part 2 o'clock P.m., this 27th day of Australia.

1993, in my office and duly recorded in Book of Deeds at page Wico # 5108

En-Officio Russider

Free \$ 1.00

INDERED

05/03/01 . .

PAGE

ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE FROM DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION STATE OF MONTANA

### WATER RIGHT NUMBER 76N -W-133383-00

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE MAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BURBAU HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE HEEN SENT THIS ACKNOWLEDGEMENT.

PLEASE NOTE THAT THIS WATER RIGHT IS IN A TEMPORARY PRELIMINARY OR PRELIMINARY DECREE ISSUED BY THE MONTAWA WATER COURTS. THE NEW OWNER WAY WISH TO DETERMINE THE STATUS OF THIS RIGHT IN THE ONGOING ADJUDICATION BY THE MONTAWA WATER COURTS.

IF YOU HAVE QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE, 752-2288.

OWNERS:

JOSEPH B

LITTLE * WAYNE LITTLE

PO BOX 72 -NOXON

MT 59853

A TRANSFER CERTIFICATE WAS FILED ON 5/30/84 LISTING JOSEPH R. LITTLE AS NEW OWNER

PRIORITY DATE:

8, 1912 APR

FLOW RATE:

.06 CUBIC FEET PER SECOND (C)

VOLUME: .

2.00 ACRE FEET PER YEAR (AF)

SOURCE:

UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR

PURPOSE:

USE

FLOW

VOLUME (AF) ACRES

PERIOD OF USE

DOMESTIC

.06 C

2.00

JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

DIVERSION:

OTR SEC SEC THP RGE COUNTY MEANS

MENTSE 11 26N

33W SANDERS

**PLOWING** 

PLACE OF USE FOR DOMESTIC:

BLK QTR SEC SEC TWP RGE COUNTY

001

NESWEE 26N 33W SANDERS

** TRANSFER OF OWNERSHIP UPON A CHANGE IN OWNERSHIP OF ALL OR ANY PORTION OF THIS CLAIM, THE TRANSPEROR SHALL FILE WITH THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION A WATER RIGHT OWNERSHIP UPDATE, FORM 608, FURSUANT TO SECTION 85-2-424, MCA, ...

REMARKS: WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/06/00.

tente aven		HIS FORM	N
			1
	正元百万万万万十、位代于		
ier / Deceased John Tenant - Enter granter's / deceased joint tenant's o Joseph D. Little	iche gelllen bene enser elekproc	rees, including city, state of	THE SERVICE STATES
11742 El Camino Del Diablo			
Yurne, AZ 85367	Daytime	Phone #	757
per/Surviving Joint Tenant - Enter grantes in serviving joint tenant's , state and 200, Robert J. Thomas and Barbara J. Thomas	complete name and acceptants	t notice mailing address, i	naturaling state
PO Box 84	際		
Noxon, MT 59853	Caylin.	Phone 8	
RT 3 - D. College Coll	Company and America		
al Description: See Attached Description		Attach	ment 🗆
Sanders	- Block	Lot	Rance
City/Town	- Section	a townscub	
► (P) Permit to Appropriate Water No. 76N-13338	5-00 FW; 76N-133386-0	0 PG, 76N-133387-	00 ST
➤ (E) Exampt Existing Right No.			
► (D) Powder River Basin Decreed Right No.			
◆ Other			
SELLER Deceased Joint Tenant (person refinquishing the recorded instrument showing conveyance of the proper as the water right owner in the DNRC records, attach cop	ty from the seller to the buyer. ice of the recorded documen	If the seller inted is not i its showing chain of title	he person identifie including the legi
description.  You Cl. No Cl. Did the buyer/surviving joint tenant receive attach a map showing buyer's property.  You Cl. No Cl. If the sale is on a contract for deed, does the sale is on a contract for deed, does the sale is on a contract for deed.		as an owner of the wel	tor right?
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Yes CI No CI Old the buyer / surviving joint beneat receive attach a map showing buyer's property.  Yes CI No CI If the sale is on a contract for deed, done the seller Signature:  Seller Signature  Seller Signature  Seller Signature  Seller Signature	ne seller want to remain listed	Date: / - 22	-04
Yes Cl No Cl Old the buyer / surviving joint tenant receive attach a map showing buyer's property.  Yes Cl No Cl If the sale is on a contract for deed, does it Seller Signature:  Seller Signature	DLD THE DNRC CONTAC	Date: /- 22 Date: /- 22 Phone # 82	- 0 - 7-4381
Yes C No C Did the buyer / surviving joint tenent receive attach a map showing buyer's property.  Yes C No C If the sale is on a contract for deed, does to seller Signature:  Seller Signature  Seller Signature  FOR QUESTIONS or CLARAPICATION, WHO SHOU	ne seller want to remain listed	Date: /- 22 Date: /- 22 Phone # 82	-04
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Yes Cl No Cl Old the buyer / surviving joint beneat receive attach a map showing buyer's property.  Yes Cl No Cl II the sale is on a contract for deed, does the Seller Signature.  Seller Signature  Baller Signature  Claude I Burringame, P.C. Address  REMARKS	DLD THE DNRC CONTAC	Date: /- 22  Date: /- 22  Phone # 82  C 59873	7-4381
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For Complete Promision See File

· July 13, 2004 · 76N 133383 00

Page 3 of 12 **NEW STORAGE** Ownership Update ID#: 14084

### STATE OF MONTANA ---DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA: MONTANA 59620-1601

### ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE

*PLEASE NOTE THAT THIS WATER RIGHT IS IN TEMPORARY PRELIMINARY DECREE ISSUED BY THE WATER COURTS. *

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT. IF YOU HAVE FURTHER QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE.

KALISPELL REGIONAL OFFICE 408-752-3267

Water Right Number:

76N 133383 00 STATEMENT OF CLAIM

Version: 1 - ORIGINAL RIGHT

Status: ACTIVE

Owners:

BARBARA J THOMAS

PO BOX 133

FORSYTH, MT 59327 0084

**ROBERT J THOMAS** 

PO BOX 133

FORSYTH, MT 59327 0084

Priority Date:

**APRIL 8, 1912** 

Type of Historical Right: FILED

Purpose (use):

DOMESTIC

Maximum Flow Rate:

**Maximum Volume:** 

0.06 CFS 2.00 AC-FT

Source:

Source Name:

UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR

Source type:

SURFACE WATER

Point of Diversion and Means of Diversion:

Govt Lot

Otr Sec 500 NENESE

Twp 26N

County Ree SANDERS

Diversion Means: FLOWING

Purpese (Use):

DOMESTIC

Housebolds:

Volume:

2.00 AC-FT

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

Acres Govt Lot

Otr Sec NESWSE

11

Twp 26N

SANDERS 33W

- July 13, 2004 76N 133383 00

10 Wg

Page 4 of 12 NEW STORAGE Ownership Update ID#: 14964

Remarks:

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/06/00.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/08/2004.

### STATE OF MONTANA

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 50820-1601

### GENERAL ABSTRACT

Water Right Number:

76N 133384-00 STATEMENT OF CLAIM

Versions 1 - ORIGINAL RIGHT

Version Status: ACTIVE

Owners

MOORE, MARTIN E AND CATHERINE L FAMILY TRUST

1700 EAGLE TREE LN **FELTON, CA 95018** 

**Priority Date:** 

**APRIL 8, 1912** 

Enforceable Priority Date: APRIL 8, 1912

Type of Historical Right: FILED

Purpose (use):

**DOMESTIC** 

Maximum Flow Rate:

27.00 GPM

Maximum Volumer

15.00 AC-FT

Householder

2

Maximum Acres

1.50

Source Name:

SPRING, UNNAMED TRIBUTARY OF UNNAMED TRIBUTARY OF CLARK

FORK RIVER

Source Type:

**GROUNDWATER** 

THIS PORTION OF THE CLARK FORK RIVER IS IMPOUNDED AND IS KNOWN AS

CABINET GORGE RESERVOIR.

Point of Diversion and Means of Diversion:

ID

Govt Lot

Otr Sec Sec Two Ree County

NENESE 11 26N 33W SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Meaner PUMP

Period of User

JANUARY 1 to DECEMBER 31

Pince of Uses

Acres Goyt Lot 1.50

Otr Sec Sec Twp Rge County

SESW 11 28N 33W SANDERS

Total 1.50

Geocodes/Valid:

35-3686-11-4-01-01-0000 - Y

### Remarks

ID

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

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/09/84.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/08/00.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 14084 RECEIVED 04/08/2004.

OWNERSHIP UPDATE TYPE DOR # 151082 RECEIVED 12/27/2018.

*FILE*

*STATEMENTOF CLAIM*

*76N *

*133384*

Current File Location: NEW STORAGE

Box Bar Code

File Bar Code

Date/Initials

F6im No. 76-D R2/80	•	RECEIVED
1 11 1	76 N STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS	9
-0084	FOR EXISTING WATER RIGHTS	APR 3 0 1982
133384	DOMESTIC	MONTAHA D.N.R.C.
SA-C	For the Water Courts of the State of Mor	ntariespell field office
		8
08-121-14-0	<i>!</i>	1
40 1. Owner of Water Rig	ht BIERER I RONALD	16
· ·	Last First	Middle Install
Co-Owner or Other Interest Owner	BIERER	, 4
	Last	Meddle Initial
Address_Box_		- 8
City Pines		Zip Code 59841
Home Phone No. 9	61-4694 Business Phone No. 92	7-3788
2. Person completing	form RIFRER	1 6
Address Boy 3	Last	Middle Initial
-		Tip Code ( Carll)
City Pinesola	36 1-469 4 Business Phone No. 94	Zip Code <u>5984/</u>
☐ Well	(Check Only One)  Name  Name	The 94 ACRES Water Ban Ton
☐ Stream	Name Tribufary ĝi	Class Feat me
Lake	Name Stream _	
	Tributary of LM F.D	9
Reservoir	Name Stream Stream	9
	Tributary of DEC 2 1 1993	9
5. Point of Diversion:	County Sandors	
	14 5 14, Section // , T	26 NIS, R 33 EW
100	Lot, Block Subdivision	
B N RC.		8
	E Pump Capacity 200 gpm	
		8
	Gravity flow	· ·
	Gravity flow  Cother Explain	hom new 30-
	Other: Explain Subtrigation	from Over Flow
7. Place of use and act	e irrigated. County Sender	from Over Flow
7. Place of use and acr	e irrigated. County Section 1/ T 26	from aver. Flow (NS, R 33 EW)
	e irrigated. County Sender	from Over. Flow MS, R_33_FW
15 acres, 3	Other: Explain Subdivision  County Subdivision	from Over. Flow (NS, R 33 EW)

9. Flow rate claimed: 160	☐ cubic feet per second ☐ gallons per minute ☐ miner's Inches
10. Volume claimed: 15	acre-feet per year
11. Period(s) of use: T/9// / Day	to 77 a 1 / Day
12. heck ohe:  DECLARATION Decreed Water I	REDER 2 WA DOME 10, 17
	Hobr Month Day Year
14. Attach copies of serial photographs, U.S. ( show point of diversion, place of use, place	Geological Survey maps or such other documents necessary ce of storage, and conveyance facilities.
15. Notarized Statement signed by claimant.	u ii
STATE OF MONTANA	4 <b>)</b> (4)
County of Rayally	:88.
- Javan	
1, Ranald G. Bieren being of legal age and being the claimant of	of this claim of existing water right, and the person whose nar ntents of this claim and that the matters and things stated the
t, Rando G. Riesen being of legal age and being the claimant of is signed to it as the claimant, know the co	of this claim of existing water right, and the person whose nar
t, Rando G. Riesen being of legal age and being the claimant of is signed to it as the claimant, know the co	of this claim of existing water right, and the person whose nare intents of this claim and that the matters and things stated the
t, Rando G. Riesen being of legal age and being the claimant of is signed to it as the claimant, know the col are true and correct.	of this claim of existing water right, and the person whose nare intents of this claim and that the matters and things stated the Renald G. Biases
t, Rando G. Riesen being of legal age and being the claimant of is signed to it as the claimant, know the col are true and correct.	This claim of existing water right, and the person whose narntents of this claim and that the matters and things stated the Renald G. Biaser  29th day of April 1982  Relieve 100000000000000000000000000000000000
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t, Rando G. Riesen being of legal age and being the claimant of is signed to it as the claimant, know the col are true and correct.	29th day of Oprif , 1982  Rotary Public for the State of Montana

Ura R. Ellis NOTICE OF APPROPRIATION of Novon, Sanders County, Montana OF WATER 160 unnamed stream -to
Dated Apr. 8, 1912

Hereby publish and declare, as a legal notice to all the world, as follows:

I. That he has a legal right to the user possession and control of and claim

one hundred and sixty inches of the waters of the union of the waters of the union of the waters of the union of the union

II. That the purpose for which said water is claimed, and the place of intended use is Purpose is for irrigation and domestic use.

Place of intended use is on the NWISWINWISEL SAINWISEL SWISWINELSEL SWISWINELSEL SWISKISEL SWISKISEL SAINWISEL SWISWINELSEL SAINWISEL SWISKISEL SAINWISEL SWISKISEL SAINWISEL SWISKISEL SAINWISEL SWISKISEL SAINWISEL SWISKISEL SAINWISEL SWISKISEL SWISKISEL

III. That the means of diversion with size of flume, ditch is not a gueduct, by which he intend to divert the said water is as follows: A flume and ditch 12 inches by 18 inches in size, which carries and conducts 160 inches of water from said stream; which said flume & ditch diverts the water from said stream at a point upon its south bank, and runs thence (Point of diversion is about two hundred feet north of the north houndary of the land hereaf the described.

of the north boundary of the land hereinbefore described. I thence over and upon said land.

IV. That he appropriated and took said water on the 8th day of: April, 1912, by means of said flume and posting of said notice; of appropriation.

V. That the name of the appropriator of said water is Ura E. Ellis.

VI. That he also hereby claim said ditch and the right of way therefor, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said land or point of final discharge, and also the right of location upon any lands of any for the conveyed, the conveyed of the conveyed dams, flumes, reservoirs, constructed or to be constructed, by him in appropriating and in using said water.

VII. That he also claim the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of the said right, water, ditch or said appurtenances in part or whole at any time.

CLAIMING THE SAME ALL AND SINGULAR, Under any and all laws, National and State, and their rulings and decisions thereunder, in the

matter of water rights.

Together with All and Singular, The hereditaments and appurtenances thereunto belonging and appertaining, or to accrue to the same

Act of May 20, 1862. Homestead Act

OR COPY

the morthwest quarter of the southwest quarter of the northwest quarter of the southeast quarter the south half of the northwest quarter the southwest quarter of the south

To Have and To Hold with the appurtenances forever it

SUPJECT to any vested in accrued water rights for mining, agricultural, manufacturing errother purposes and rights to ditches and reserving used in connection with such water rights as in the recognized and acknowledged by the local customs claws and decisions of Courts.

AND THERE IS REJERTED from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States. of the United States.

Dy the President; Woodrow

P. Lelloy, Secretary

C. Lamar

Recorder of General Land Office

(GEMERAL LAND

DEC 8 1 1993

:
that the appropriator 5
and claimant, 2 of the order and water right mentioned in the foregoing declaration of
as the appropriator 3 and claiment 5, that
going notice and that the matters and things therein stated are true.
PHE BELLEVIE
· Vilmer Kette
Bubsersbed and evern to before me, this AD day of Ally of 1969
- Lonald Cl. Marity
Notary Public for the State of Montana.
Residing at Kelena Manhana
My Commission expires feme 1 3666
The state of the s
BEST COPY
TIBVILIAN
SEZI CODA
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AVAILABLE
TO VIE TO A STATE OF THE STATE
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7 1993 or 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
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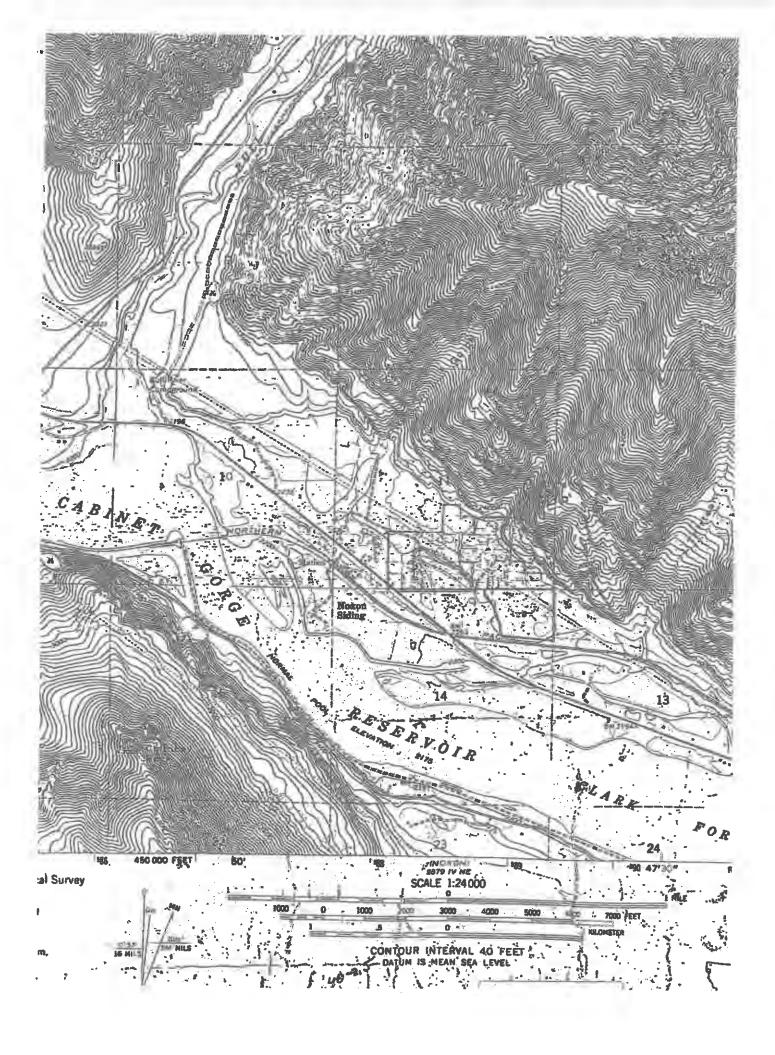
# ADMINISTRATOR OF GROUNDWATER CODE

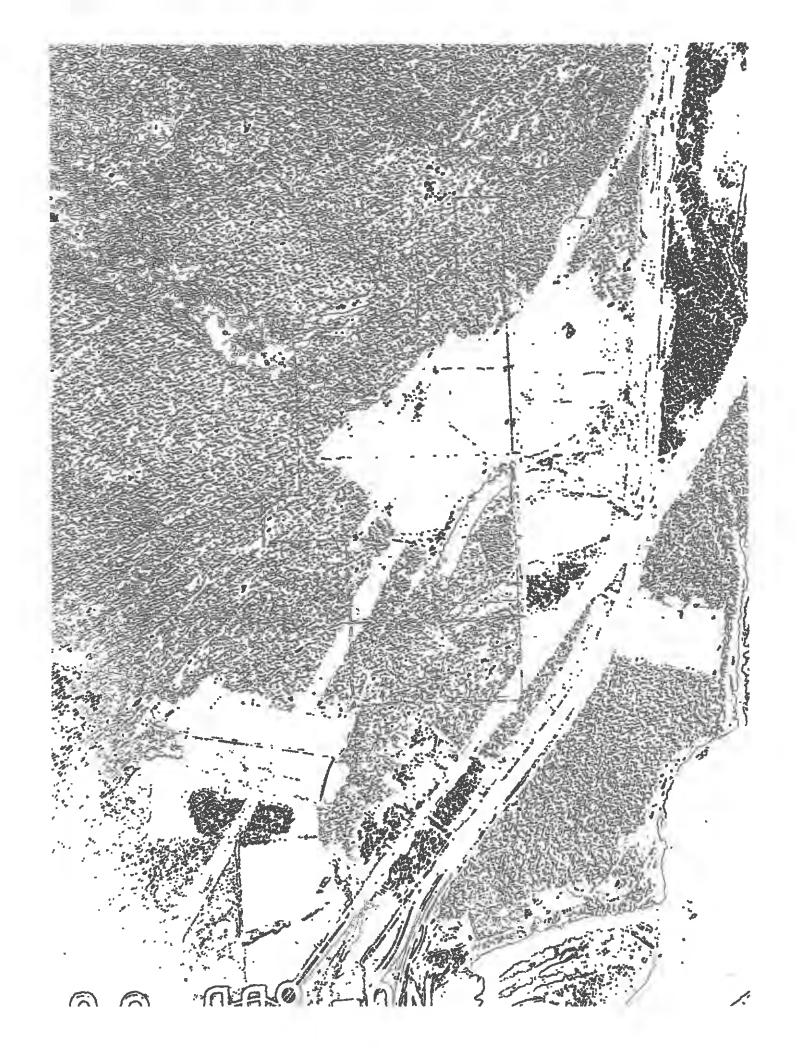
Declaration of Vested Groundwater Rights

FILMED DEC 27 1993

(Under Chapter 287, Montana Session Laws, 1961)

Otto Re	ttig & Velmer P	ettis of	Noxon
	(Name of Appropris	=	•==
county of		State of Mont	Ana.
rate approp	nisted alongwerer so	cording to the Montana laws in effect	
	A THE BE A PROPERTY OF THE PARTY OF THE PART	A CONTRACTOR OF THE PARTY OF TH	ALL THE REPORT OF THE PARTY OF
		2. The beneficial use on which the	he claim is based (1) atock irrigation (2) stock irrigation
		watering - 40 head,	irrigation (2) stock
		watering - 40 hear,	irrigation
			earliest beneficial use; and how continu-
		ous the use has been(1)	1011 (2) 1011
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	15	Signature of Owner	or Pecember 30 1968





January 6, 1978

Mr. and Mrs. Ronald G. Bierer Box 24A Noxon, Montana

Dear Mr. and Mrs. Bierer:

Receipt is hereby acknowledged of 1 Notification of Transfer of Appropriation Water Right, Form 608, submitted on behalf of Ronald G. and Brenda Bierer. The above-mentioned form was received by this Department on January 5, 1978, and is now on file.

If we can be of any further assistance, please let us know.

Sincerely,

Silvio Rodrigues Apalyst Supervisor Existing Rights Section Water Rights Bureau

SR:db

### WATER RESOURCES DIVISION IN PERRIS, ADMINISTRATOR

MONTANA DEPARTMENT OF NATURA RESOURCES AND CONSERVATION NATURAL RESOURCES BUILDING "RATION TO" 52 SOUTH EWING HELENA. MONTANA 59601

# STATEMENT OF CLAIM CHECKLIST

OK OK  Rece Basin Coun Divis Trans Fee	n Sty
FORM ITEMS OK OK 1 2	133384
 3 4 5 6 7 8 9 10 11 12 13 14 15	FILM ED  DEC 27 1993
Checked by DEFICIENT:	May 12 1302
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Correction Deadline:	To Date
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	DEPARTMENT OF MATURAL O	FERRICES AND CONSERVATION	07/08/8¢
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### MONTANA WATER COURTS

### WATER JUDGES

Upper Massouri Füver Besin Chef Judge W W Leseley PO Box 879 Bozeman, MT 58715

Lower Missourt Aver Basin Judge Bernard W. Thomas PO Sox 936 Chinock, MT 59523

Clerk Fork Alver Bashs Judge Robert M. Holter Lincoln County Courtherse Libby, MT \$6833

Judge Roy C. Rodeghiero PO Box 448 Roundup, MT 59072

August 3, 1984

Jim Kindle Records Section Department of Natural Resources 32 South Ewing Helena, MT 59620

Dear Jim:

Please send us the original claim files for:

			1-00CD (DCD)
76C-	115780	115887 (76N)	133360 (76N)
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Thanks, Jim and Sue!

Sincerely,

Chris Jensen 300

Clerk

caj

". . . to expedite and facilitate the adjudication of existing water rights." CH. 697 L. 1979

AN LOUAL OPPORTUNITY EMPLOYER

### IN THE WATER COURTS OF THE STATE OF MONTANA CLARK FORK DIVISION CLARK FORK RIVER BELOW THE FLATHEAD RIVER BASIN ****

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER DRAINAGE, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK RIVER BELOW THE FLATHRAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.



	Basin 76N	
1.	1. Claim # 133384 ; Page # of Preliminary Decre	e <u>1024</u>
2.		-
3.	3. Type of Claim: Irr K Dom Stock Oth	ner Use
4.	4. Name of Party to whom the water right was issued: Brends and Ronald Bierer	_
5.	5. Objector's name, address and phone number:	
	UNITED STATES OF AMERICA (USDA-Forest Service)	1
	Last Name First Name Middle Initial	
	P.O. Box 7669 Street Address or Post Office Box	
	street Address of Post Office Box	A.
	Missoula MT 59807	12,
	City State Zip Code	11/2
	406 329~3073	DEC 27 1993
	Area Code Phone Number	1993
6.	6. Name of objecting party's attorney and address, if	
	JOHN R. HILL JR. LAWRENCE	M. JAKUB
	Attorney, Department of Justice Attorney	in Charge
	Land & Matural Resources Division P.O. Box	
	1961 Stout Street, Drawer 3607 Missoula, Denver, CO 80294~3607	MT 59807
	303 <del>-837-3892</del> 844-2892	073
7.	7. Basis of Objection:	
	Ownership Place of Use R Priority Date Acres Vrrigated	_ Point of Diversion
		Means of Diversion
	Purpose of Right Source la Riftee	Volume or Flow Rate
8.	8. Signature of Objector:	

### Claim #133384

Based upon available information and belief this water diversion and/or use does not exist.

The United States of America reserves the right to make further objections in the event this diversion or use actually exists on National Forest System Lands.

FILMED DEC 27 1993 IN THE WATER COURTS OF THE STATE OF MONTANA

CLARK FORK DIVISION - CLARK FORK RIVER BELOW THE FLATHEAD RIVER

IN THE MATTER OF THE ADJUDICATION
OF THE EXISTING RIGHTS TO THE USE
OF ALL THE WATER, BOTH SURFACE AND
UNDERGROUND, WITHIN THE CLARK FORK
RIVER BELOW THE FLATHEAD RIVER DRAINAGE AREA, INCLUDING ALL TRIBUTARIES
OF THE CLARK FORK RIVER BELOW THE
FLATHEAD RIVER IN FLATHEAD, LINCOLN
AND SANDERS COUNTIES, MONTANA.

NOTICE OF OBJECTION TO THE CLARK FORK RIVER BELOW THE FLATHEAD

TO: Ronald & Brenda Bierer

RE: Water Right 133384

FROM: Montana State Water Courts

This is to provide you with notice that Water Right
# 133384, issued in your name in the Clark Fork River below
the Flathead River Temporary Preliminary Decree, has been one objected to by USDA Forest Service

The objector maintains __Point of Diversion is _____incorrect

A preliminary hearing will be held on this matter. If

- you-wish to participate in a hearing on this issued, you MUST

file a Notice of Intent to Appear on the Water Court forms

pursuant to Water Court Rule #8 by the date listed on the

Notice of Objection.

DATED this 28 day of flucus7 , 1984.

FILMED

Water Master P.O. Box 879

DEC 27 1993

Bozeman, MT 59715



### MONTANA WATER COURTS

## STATE OF MONTANA

### WATER JUDGES

September 6, 1984

Upper Pic Sauce Rose Bases Creek Lappe V. V. Letany F.C. Base 179 Baren Fr. 187 EFF11

| Addr. Mitanger Rose Bosen | Description | Property | | C. Bos. Edit | Chinese | Mr. Edit | Property | | Chinese | Mr. Edit | Property | Prope

Clark Fork River Basin Judge Richert & Impiler Lincon County Countriouse Linco 217 58822

Vellow stone River Besin Justo As - C Posspirero FC Bo: 448 Roundus MV 88072 Barbara Beasley Fennessy, Crocker and Allen 505 Mineral Avenue Libby, MT 59923

Dear Ms. Beasley,

Enclosed please find the following objections:

023067, 023068, 023069, 039847, 100479, 123060, 141292-141300, 141318, 141320, 141321, 141322 in the Kootenai River Basin.

141342, 141343-141347 in the Yaak River Basin.

133382, 133383, 133384, 133386 in the Clark Fork.

If we can be of further assistance, please do not hesitate to contact our office.

Sincerely,

Carol Moore.

Carol Moore, Clerk

CAM/encls.

DEC 27 1993

-- IN THE WATER COURTS OF THE STATE OF MONTANA
CLARK FORK DIVISION - CLARK FORK RIVER BELOW THE FLATHEAD BASIN

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE CLARK FORK BELOW THE FLATHEAD DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.



### NOTICE OF INTENT TO APPEAR BASIN #76N

	outary Cabinet Gorge	7,0001101
County Sanders		
Name, address and p	hone number of part	y appearing:
Last Name	First Name	Middle Initial
	505 Mineral Av	enue
Street Address or I	P.O. Box	
Libby, Montana	59923	293-4101
City	State 2ip	Code Phone Number
Crocker, C. E.		Middle Tribini
Last Name	First Name	Middle Initial
Last Name 505 Mineral 1	First Name Avenue	
Last Name	First Name Avenue	Middle Initial
Last Name  505 Mineral A Street Address or 1 Libby, Montan	First Name  Avenue  P.O. Box  na 59923	293-4101
Street Address or I  Libby, Montai City	First Name  Avenue P.O. Box  na 59923  State Zip	•
Street Address or 1 Libby, Montag City Signature of appear	First Name  Avenue P.O. Box  na 59923  State  ring party:	293-4101 Coede Phone Number
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FILMED

Bozeman, MT 59715

Montana State Water Courts P.O. Box 879 Boxeman, Montana 59715

We hereby enter our notice of Intent to Appear on Water Right Claim # 's 133384 & 133386

We reserve the right to protect the original appropriation under the Adjudication process.

Attorney for

Joseph E. Little

FILMED DEC 271993 IN THE WATER COURTS OF THE STATE OF MONTANA

CLARK FORK DIVISION - CLARK FORK BELOW THE FLATHEAD RIVER BASING

IN THE MATTER OF THE ADJUDICATION
OF THE EXISTING RIGHTS TO THE USE
OF ALL THE WATER, BOTH SURFACE AND
UNDERGROUND, WITHIN THE CLARK FORK
RIVER BELOW THE FLATHEAD RIVER
DRAINAGE AREA, INCLUDING ALL
TRIBUTARIES OF THE CLARK FORK RIVER
BELOW THE FLATHEAD RIVER IN FLATHEAD,
LINCOLN AND SANDERS COUNTIES, MONTANA.

Case No. 76N-16.
76N-W-133383-00
76N-W-133383-00
76N-W-133384-00
76N-W-133386-00

Claimants: Ronald G.,

Brenda K. and Grant K. Bierer

Objectors: Joseph E. Little

Forest Service

Intent to Appear: Robert

Guilfoyle

MASTER'S REPORT

Findings of Fact

I.

Claim number 76N-W-133382-00 was filed by Ronald G., Brenda K. and Grant K. Biererfor irrigation. Claim number 76N-W-133383-00 was filed by Ronald G., Brenda K. and Grant K. Bierer for domestic use. Claim number 76N-W-133384-00 was filed by Ronald G. and Brenda K. Bierer for domestic use. Claim number 76N-W-133386-00 was filed by Ronald G. and Brenda K. Bierer for power generation.

II.

The acres irrigated for claim number 76N-W-133382-00 was objected to by Joseph E. Little. The point of diversion was objected to by the Forest Service. Mr. Joseph E. Little filed a notice of intent to appear.

III.

On May 30, 1984 a water right transfer certificate for claim

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DEC 27 1993

number 76N-W-133382-00 was filed by Joseph E. Little and Brenda K. Bierer.

IV.

The point of diversion for claim number 76N-W-133383-00 was objected to by the United States of America, Forest Service. Joseph E. Little filed a notice of intent to appear.

A water right transfer certificate for claim number 76N-Joseph E. Little 133383-00 was filed on May 30, 1984 listing as buyer and Brenda K. Bierer as seller.

VI.

The point of diversion for claim 76N-W-133384-00 was objected to by the United States of America, Forest Service. The volume was objected to by Joseph E. Little. Joseph E. Little also filed a notice of intent to appear.

VII.

A water right transfer certificate for claim number 76N-W-133384-00 was filed on July 10, 1984 by Joseph E. Little as buyer and Brenda K. Bierer as seller.

VIII.

The point of diversion for claim number 76N-W-133386-00 was objected to by the United States of America, Forest Service. The flow rate and volume were objected to by Joseph E. Little. Mr. Little also filed a notice of intent FILMED to appear.

IX.

The volume or flow rate for claim number 76N-W-133385-00 Joseph E. Little. Mr. Robert Guilfoyle was objected to by

filed a notice of intent to appear. On June 28, 1985, Joseph E. Little filed a withdrawal of objection for claim number 76N-W- . 133385-00. On August 8, 1985 Robert Guilfoyle filed a withdrawal of intent to appear.

X.

A prehearing was held on January 29, 1985 at 10:40 a.m. in the Courtroom of the Sanders County Courthouse in Thompson Falls, Montana. The United States Department of Agriculture, Forest Service, filed objections to claims 76N-W-133382-00, 133383-00, 133384-00 and 133386-00. These objections were withdrawn prior to the prehearing.

XI.

Joseph E. Little objected to the number of acres irrigated for claim number 76N-W-133382-00. On February 13, 1985, the Court received an affidavit from Joseph E. Little indicating that the spring was developed in 1912 and is used to irrigate 94 acres. He also indicated that this has been the historic practice in the past. The flow rate should be 3.525 cfs and the volume 357.2 afy.

XII.

The place of  $\dot{u}$  se for claim number 76N-W-133382-00 should be:

20	SE\sesw	Section	11	Township	26	North	Range	33	West
40	SWSE	Section	11	Township	26	North	Range	33	West
114	Sinwse	Section	11	Township	26	North	Range	33	West
20	SESE	Section	11	Township	26	North	Range	33	West
24	SWNESE	Section	11	Township	26	North	Range	33	West

### XIII.

Joseph E. Little objected to the volume for claim number 76N-W-133384-00. On June 28, 1985, the Court received an affidavit from

FILMED DEC 27 1993

Joseph E.Little indicating that 15 acre feet had been claimed and is actually used in accordance with past practices.

XIV.

Joseph E. Little objected to the flow rate and volume for claim number 76N-W-133386-00. That objection dealt with the nonconsumptive use remark and has been withdrawn.

### Conclusions of Law

I.

The Water Court has jurisdiction to review all objections to Temporary Preliminary Decrees pursuant to 85-2-233 MCA.

. II.

The Water Court has jurisdiction to make clerical corrections pursuant to Water Court Rule 4.

Upon review of the facts, the Master finds that there has been no over-reaching or misunderstanding by the parties. The Court finds that the results are reasonable.

The place of use for claim number 76N-W-133382-00 should be:

- 20 SELSESW Section 11 Township 26 North Range 33 West
- 40 SWSE Section 11 Township 26 North Range 33 West
- Township 26 North Range 33 West Township 26 North Range 33 West 114 SHNWSE Section 11
- SESE Section 11 20
- SWNESE Section 11 Township 26 North Range 33 West

The flow rate should be 3.525cfs, volume 357.2 afy.

IV.

The volume for claim number 76N-W-133384-00 should be 15 acre feet per year.

DATED this 17th day of April

, 1987.

FILMED

Linda Hickman Water Master

### ORDER

After review of the Findings of Fact and Conclusions of Law, it is ORDERED that the following changes be made to the Temporary Preliminary Decree of Existing Water Rights in the Clark Fork River Below the Flathead River Basin.

I,

The place of use for claim 76N-W-133382-00 is:

Section 11 Township 26 North Range 33 West 20 SELSESW Section 11 Township 26 North Range 33 West SWSE 40 Section 11 Township 26 North Range 33 West 114 s\nwse Section 11 Township 26 North Range 33 West 20 SESE Section 11 Township 26 North Range 33 West 24 Swnese

The flow rate is 3.525 cfs and the volume is 357.2 afy.

II.

The volume for claim number 76N-W-133384-00 is 15 acre

feet per year.

DATED this / day of

1987.

W. W. LESSLEY Chief Water Judge

cc: Kenneth Pitt
Office of General Counsel
P.O. Box 7669
Missoula, MT 59807

John R. Hill, Jr. U.S. Dept. of Justice 1961 Stout Street Drawer 3607 Denver, CO 80294

Joseph E. Little 505 Mineral Avenue Libby, MT 59923 C.E. Crocker 505 Mineral Avenue Libby, MT 59923

Ronald G., Brenda K. and Grant K. Bierer Box 33 Pinesdale, MT 59841

M. Richard Gebhardt 515 U.S. Highway 93 South Ronan, MT 59864

Washington Water Power Co.

FILMED

### IN THE WATER COURTS OF THE STATE OF MONTANA

CLAK. FURK DIVISION - YAAK RIVER LASIN

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE YAAK RIVER DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE YAAK RIVER IN LINCOLN COUNTY, MONTANA.



### WITHDRAWAL OF OBJECTION

I, Joseph E. Little	, withdraw the
Notice of Objection to Claim Number 76N-W-	-133385
upon entry of a decree with the following	correction
we wish to Reserve this right until such	time the amount is
quantified.	. 4.
It is no longer necessary to have a he Water Courts regarding the above objection.	'
DATED this 26thday of June	_, 1985.
0.0=	PAI
Joseph E. Litt	Te dure

FILMED
DEC 27 1993

STATE OF MONTANA )
:ss
County of Sanders )

### AFFIDAVIT

I, JOSEPH E. LITTLE, being first duly sworn, depose and state as follows:

That I am over the age of twenty-one years and a resident of Sanders County, Montana; that I am, together with my wife, Virginia Little, the owner of the property described on the attached sheet marked Exhibit "A", located in Sanders County, Montana and a part of the Clark Fork River drainage;

That we have occupied said property for approximately two years after purchasing the same from Ronald G. and Brenda K. Bierer of Pinedale, Montana; that the original Water Right to said property was granted to Ura E. Ellis, the owner of said property in 1912 and at which time he began to develop said unnamed stream for irrigation, stockwater and domestic use;

That said unnamed stream is used for the purpose of irrigation for approximately ninety four (94) acres for pasture and hay; that said irrigation is performed by means of a pump and pipeline from approximately April 30 to October 15, each year; that livestock occupy the premises and have throughout the years, and we have used the same for pasture and growing hay;

That I am informed that said premises has been used for pasturage and growing crops continuously by the respective former owners of said property;

That said water is used and is necessary for irrigation of the entire 94 acre tract.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal this Ai day of February, 1985.

seph/E. Little

Subscribed and sworn to, before me, this Aday of February,

(SEAL)

Notary Public for the State of Montana, residing at # 12.27

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## Exhibit "A"

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DEC 27 1993

# IN THE WATER COURTS OF THE STATE OF MONTANA CLARK FORK DIVISION - CLARK FORK RIVER BELOW THE FLATHEAD BASIN

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND WITHIN THE CLARK FORK BELOW THE FLATHEAD DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.

Case No. 76N-16 RECEIVED JAN 15 1985

# WITHDRAWAL OF OBJECTIONS

COMES NOW the United States of America, Objector herein, and hereby withdraws its Objections to Water Rights No. 76N-W-133382, 76N-W-133384, and 76N-W-133386.

DATED this 2 may of January, 1985.

BYRON H. DUNBAR United States Attorney District of Montana

Вуз

JOHN R HILL, JR., Attorney U.S. Department of Justice Land & Natural Resources Division

1961 Stout Street, P.O. Drawer 3607 Denver, CO 80294

303/844-2892

ATTORNEYS FOR UNITED STATES OF AMERICA

> FILMED DEC 27 1993

## CERTIFICATE OF SERVICE

I certify that I mailed, via United States Mail, postage prepaid, a true and correct copy of the foregoing Withdrawal of Objections to the following this CLLA day of January, 1985:

Joseph E. Little C. E. Crocker 505 Mineral Ave. Libby, MT 59923

Ronald G. and Brenda K. Bierer Box 33 Pinesdale, MT 59841

Lara Peraino

FILMED

DEC 27 1993

STATE OF MONTANA )
:ss
County of Lincoln )

#### AFFIDAVIT



I, JOSEPH E. LITTLE, of Noxon, Montana, do hereby state as follows:

That I am over the age of 21 years and that I am the purchaser, together with my wife of that certain realty for which a water right is sought under water right application number 76N-W-133384-00;

That we purchased this property under Contract for Deed from one Ronald G. and Brenda K. Bierer of Box 33, Pinesdale, Montana;

That our equity was obtained on July 25, 1983 by virtue of said Contract for Deed referred to above;

That Ronald G. and Brenda K. Bierer agreed to transfer all Water rights applied for upon said property to my wife and I as purchasers under said Contract for Deed;

That in Water Right Application No. 76N-W-133384-00 we applied for 15 acre feet of water as set forth in said application;

That said water was to be used and is being used for the purpose of supplying domestic water to our residence located on the real estate referred to above and for domestic use of 30 recreational vehicle spaces located on said property as operated and rented by us as equitable owners of said property;

That to the best of my knowledge said domestic use of this water has been constant since construction of the house on the premises after filing of the water right in 1912;

That use of the water for the recreational vehicles has been constant and is still in effect since the year ______.

Dated at Libby, Montana, this 26 day of June, 1985.

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Virginia Lit

DEC 27 1993

Subscribed and sworn to before me, a Notary Public, on this 26 day of June, 1985.

Notary Public for the State of

į

Form1 508 R8/83

# ATER RIGHT TRANSFER CERTIFICATE

# DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND WATER COURTS OF MONTANA

You are encouraged to contact your area Water Right on the back page of the Department Copy of this 1 608-1, Instructions for Water Right Transfer Certificate pleting this form. This form is used to indicate a character of this form if you are a user of a munitivater system. If more than one water right is transfer numbers on the appropriate lines in item 1 or attapleted Water Right Transfer Certificate with the propoler's and recorder for recording.	form or on page 2 of Formate, for assistance in com- ange in water right owners. cipal or irrigation district arred, list all the water right ch a list. Return the com-	FOR DEPARTMENT USE FOR DEPARTMENT USE By: Trapartital No.: Date: Date: Coden ATEX BASIN:
7.5	pe or print in ballpoint ink)	
<ol> <li>WATER RIGHT(S) TO BE TRANSFERRED:</li> <li>Permit to Appropriate Water Number(s) 7</li> </ol>	N W133382-00	
☐ Certificate of Water Right Number(s)		
C Atalana A Calaba Mark at a sa		
Powder River Decree Number(s)		
0		
. Means of transfer:		
Deed recorded in: County		
Contract for Deed/Notice of Purchasers Int	erest recorded in: County_	Sanders
☐ Count Decree recorded in: County		
L IS THERE A DIVISION OR SPLIT OF THE WATER		
OWNERS' NAMES: List the complete names (ple right(s), include buyer's name	e(s), and seller's name(s) if the	y retain an Interest in the water right(s).
Neme Joseph E. Little	Mailing Address P.O. Box	34 Noxon, Montana
	Mailing Address	
Name	Meltion Address.	FY7-
		FILMED
SELLER'S NAME(S): List the seller's name and add	dress if not listed in Item 4 at	DOVE. DEC S.P. 4000
NAMEBranda R. Blorer		DEC 27 1993
	MAILING ADDRESS:	DEC 27 1993
OTHER INTERESTED PARTIES: List the names and tion proceedings concerning the water right(s).		
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Form 608 A8/61

# WATER RIGHT TRANSFER CERTIFICATE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND WATER COURTS OF MONTANA

	INSTRUCTIONS	FOR DEPARTMENT USE		
· You an	re encouraged to contact your area Water Rights Bureau field office listed	Fee received: By:		
on the	back page of the Department Copy of this form or on page 2 of Form	Transmittal No.:		
	Instructions for Water Right Transfer Certificate, for assistance in com-	Date:		
	g this form. This form is used to indicate a change in water right owners.  It use this form if you are a user of a municipal or irrigation district	Reviewed By:		
	of the torn if you are a user of a municipal of impation district existent. If more than one water right is transferred, list all the water right	Filmed:		
	ers on the appropriate lines in Item 1 or attach a list. Return the com-	Coded:		
oleted	Water Right Transfer Certificate with the proper filing fee to your county	BASIN:		
	and recorder for recording.			
	(type or print in balipoint init)	RILLEUM		
. WATE	R RIGHT(S) TO BE TRANSFERRED:	n n 4		
	Permit to Appropriate Water Number(s)	Fr. B		
_	☐ Certificate of Water Right Number(s)	I JUI SEIVEN Y		
	Statement of Claim Number(s) 76%-4-133384-00	State 10 100		
	Powder River Decree Number(s)	Man of Man ody (2)		
		Command -		
		V/\ "0 /\"		
L MEAN	NS OF TRANSFER:	8/12/11/4/		
_	□ Deed recorded in: County			
	Contract for Deed/Notice of Purchasers Interest recorded in: County_			
1	Court Decree recorded in: County			
	Other, explain;			
	ERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?			
Ç	<ul> <li>Yes. If yes, complete the Addendum for Portional Transfers on the reveint Transfer Certificate. If a portion of more than one right is being rectarneferred.</li> <li>No. Do not complete the Addendum if you received the whole right(s).</li> <li>ERS' NAMES: List the complete names (please print) and addresses of secondary.</li> </ul>	elved, complete an Addendum for each right bair		
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the Water Court Copy to: Chief Water Judge, Box 1568, Bozeman, Montana 59715.

July 12, 1984

Joseph E. Little P.O. Box 34 Noxon, Montana 59853

> RE: Temporary Preliminary Decree of Water Rights-Lower Clark Fork Basin (76N)

Dear Mr. Little:

We have been notified that you were involved in a water rights transfer in the above named basin.

Enviosed is a copy of the Notice of Availability of the Temporary Preliminary Decree of Water Rights for the Lower Clark Fork Basin. The period for filing objections to this Decree bads been extended to the 3rd day of August, 1984.

Please call us at 586-4364 if you have questions.

Sincerely,

Janet Lackey Clerk

jl ENC.

> FILMED DEC 27 1993

# IN THE WATER COURTS OF THE STATE OF MONTANA CLARK FORK DIVISION CLARK FORK RIVER BELOW THE FLATHEAD BASIN (76N)

IN THE MATTER OF THE ADJUDICATION OF
THE EXISTING RIGHTS TO THE USE OF ALL
THE WATER, BOTH SURFACE AND UNDERGROUND,)
WITHIN THE CLARK FORK BELOW THE
PLATHEAD DRAINAGE AREA, INCLUDING ALL
TRIBUTARIES OF THE CLARK FORK BELOW THE
FLATHEAD RIVER IN FLATHEAD, LINCOLN,
AND SANDERS COUNTIES, MONTANA.

CASE NO. 76N-16 76N-W-133382, 76N-W-133383, 76N-W-133384, 76N-W-133386

CLAINANT: Ronald G., Brenda K. and Grank K. Bierer
OBJECTOR: Joseph E. Little, USDA Forest Service

#### AMENDED MASTER'S REPORT

### FINDINGS OF PACT

I.

The computer operator in Helena indicated to the Water Master that the legal description for place of use 001, claim 76N-W-133382 was not a valid legal description as set out by the Water Master.

II.

Upon further checking, the Master discovered that the legal description for place of use 001 for 76N-W-133382 should be E2SESW, Section 11, T26N, R33W, Sanders County, as set out in the affidavit by Joseph E. Little.

### CONCLUSIONS OF LAW

I.

DEC 27 1993

The Water Court has jurisdiction to review all objections to temporary preliminary decrees pursuant to 85-2-233, Montana Code Annotated.

The Water Court has jurisdiction to make clerical corrections pursuant to Water Court Rule 4.

III.

The place of use 001 for 76N-W-133382 should be E2SESW, SEction 11, T26N, R33W, Sanders County.

DATED this 64 day of November , 1987.

### ORDER

After review of the Findings of Fact and Conclusions of Law, it is

ORDERED that the following changes be made to the Preliminary Decree of Existing Water Rights in the Clark Fork of the Flathead River Basin.

I.

The place of use 001 for 76N-W-133382 is: Section 11, T26N R33W **E2SESW** Sanders

II.

This Amended Master's Report shall be attached to the Master's Report filed April 23, 1987, and becomes a part of it.

day of Now

W. W. Lessier Chief Water Master FILM RD

DEC 27 1993

Kenneth Pitt, Special Assistant United States Attorney P. O. Box 7669 Missoula, MT 59807

John R. Hill, Jr., Attorney Department of Justice 1961 Stout St., Drawer 3607 Denver, CO 80294

'Joseph Little 505 Mineral AVenue Libby, MT 59923

C. E. Crocker 505 Mineral Avenue Libby, MT 59923

Ronald G., Brenda K. & Grant K. Bierer Box 33 Pinesdale, MT 59841

M. Richard Gebhardt 515 US Highway 93S. Ronan, Mt 59864

R. Blair Strong Washington Water Power Co. 1200 Washington Trust Financial Center Spokane, WA 99204

> FILMED DEC 27 1993

> > · %

# BASIN 76N ABSTRACT OF MATER RIGHT

### MAIEB RIGHT NUMBER 76N -H-133382-00

OWNERS: BIERER GRANT K
BOK 33
PINESDALE MT 59841
BIERER BRENDA K
80% 33
PINESDALE MT 59841
BIERER RONALD G
BOX 33

PINESDALE NY 59841

A TRANSFER CERTIFICATE WAS FILED ON S/30/84 LISTING JUSEPH E. LITTLE AS NEW DWNER

PRIGRITY DATE: APR 8, 1912

FLOW RAIE: 3.53 CFS

UOLUME: 357.20 ACRE FEET PER YEAR

CLIMATEC AREA: 4

SOURCE: UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR

SPRINGS HYDROLOGICALLY RELATED TO SOURCE.

MAXIMUM ACRES: 94.00 PURPOSE [USE]: TRRIGATION

PERIOD OF USE: APR 28 TO OCT 19

POINTS OF DIVERSION AND HEARS OF DIVERSION:

LOT BLK OTR SEC SEC THP RGE COUNTY

NENESE 11 26M 33W SANDERS MULTIPLE

RESERVOIR AT NENESE 11 26N 33W

### PLACE OF USE FOR IRRIGATION

	ACRES	LOT	BLK	OTR SEC	SEC	THP_	RGE	COUNTY
001 002 003 004 005 TOTAL	20.00 40.00 11.50 20.00 2.50 94.00			E2985W SUSE S2NUSE SESE SWNESE	11 11 11 11 11 11	26N 26N 26N 26N 26N	33H 33H 33H 33H 33H	SANDERS SANDERS SANDERS SANDERS SANDERS

REMARKS: THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THE RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE NATER RIGHT, RATHER IT DECREES THE RIGHT TO INTERCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORIC PRACTICES.
W133382-00, W133385-00, W133386-00

SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

FILMED

DEC 27 1993

460	<b>Glassia</b>

PLEWATER PIGHT NO. W 133384 76 K

# DNRC WATER TO ATE

ı	
6	39
09	80
012	610
CDDE	Cobe
200	TAF BAD
X	7:1

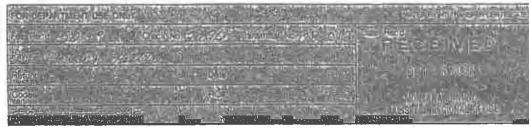
Month/Day/Near	THE BACK OF THIS FORM	
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Brenda K. Biere		
1477 Hum. 93	92	
Victor Wt. 5987	Dayline Phone #	3
Suyer - Enter grentee's complete name and see	resment notice mailing address, including city, state and IP.	
P.O. Box 34 73	10 WATER BITTON	Sing.
NOSON. Mt. 5985		
งมหัส คนได้เดิดและเสรียนมีเรีย	Caratronic Calabric Alcarding	19
Legal Description:	Attachment 🔾	
Add/Sub.	Block Lot	

SEE IMPORTANT INFORMATION

A. WATER RIGHT(S)	TO UPDATE .
List all water rights which need	it to have connectably updated. Attach a fat if additional space is needed. 「Attachment 76-ル・ル 133382」, 76ルール 1333 83, 76ルール 1333 89 ment of Claim No. 76-ルール 1333 87 76ルール 1333 87
► (W, U, A, B, or O) States	rent of Claim No. 76-N-W133385, 76N-W133386, 76N-W133387
► (C) Cartificate of Water F	
► (P) Permit to Appropriate	Water No.
> (E) Exempt Edeling Righ	t No
> (D) Powder River Basin i	Decreed Right No.
► Other	

B. SELLER (person relinquishing the water right): If all seller's signatures are not available, attach a copy of the recorded instrument showing conveyance of the property from the seller to the buyer. If the seller listed is not the person identified as the water right owner in the DNRC records, attach copies of the recorded documents showing chain of title including the legal description.

	( No E	Did the buyer receive 100% of the seller's interest in the water rights shown a buyer's property. If the sale is on a contract for deed, does the seller want to remain listed as a	
Seller (	Signature:		Data:
ieller :	Signature:		Date:
C.	FOR QU Name	ESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?  Address	Phone #
D.	REMAR	KB	



# KALISPELL WATER RESOURCES REGIONAL OFFICE DEPARTMENT OF NATURAL RESOURCESAND CONSERVATION



JUDY MARTZ GOVERNOR

109 COOPERATIVE WAY SUITE 110

# STATE OF MONTANA

PHONE: (406) 752-2288 FAX: (406) 752-2843

KALISPELL, MONTANA 59907-2367

March 6, 2000

George & Elva Horn 20445 Adrian Rd Soap Lake WA 98851

RE: Water Rights Transfer.

Dear Mr. & Mrs. Horn:

A DNRC Water Right Ownership Update form was received on March 31, 1999. It transferred a water right to you from the Guilfoyle's in error. We checked and found, according to the land description on the deeds, on the water rights and maps that a water right was put into your name by mistake.

Based on this research, we are correcting this mistake and putting this water right back into Joseph Little's name.

Feel free to contact Judy Jeniker or myself if you have questions concerning this situation.

Sincerely,

Linda Molina

Program Assistant

Kalispell Regional Office

Juda Molena

Xc: Joseph & Wayne Little

# WARRANTY DEED

(JOINT TENANCY)

For Value Reserved BRENDA K. BIERER of 2505 N. Highway 93, Hamilton, Montana 59840

the Granter , do exhereby grant, hargain, sell and convey unto JOSEPH E. LITTLE and VIRGINIA LITTLE of Ash Springs, Hiko, Nevada 89017

the Grantons , as joint tenants (and not as tenants in common), and to the survivor of said named joint tenants, and to the hairs and assigns of such survivor, the following described prumises, in Sanders County, Montana, to wit:

The NWESWENWESE, the SESENWESE, the SWESWESEESE, the SWESE, The WESEESE, the EESEESE, the SESEESE, the EESEESE, the EESEES

SUBJECT to easements apparent or of record.

TO HAVE AND TO HOLD the said premites, with their appurtenences unto the said Grantess , as joint tenents with right of survivorship (and not as tenents in common) and to the heirs and easigns of the survivor of said named joint tenents forever. And the said Granter dogs hereby covenant to end with the said Grantes, that she is the owner in fee simple of said premises; that they are free from all incombinances.

and that 6 he will warrant and defend the same from all lawful claims whatenever.

Deted: July 25, 1983

Bounda K. Bierer

STATE OF MONTANA, COUNTY OF Ravelli On this day of Quop. . 1983, before me, a notary public in and for said State, personally appeared

BRENDA K. BIERER

known to me to be the capping phase name is subscribed to the supply introduced and acknowledged to me have a supply and acknowledged to me have

Residing at A. Comm. Expires

Notary Public

STATE OF MONTANA, COUNTY OF Bondama.

I hereby certify that this instrument was filed for record at the request of

210329

at 10 minutes part 2 o'clock ?-m., this 27th day of deplicable..., 1973, in my office and duly recorded in Book of Deeds at page WICO #808

Ex-Officio Records

Feet \$ 19.00

INDEXED

# ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE

# DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION STATE OF MONTANA

#### WATER RIGHT NUMBER 76N -W-133384-DO

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICE YOU WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU HAVE SEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH SUYER AND SELLER HAVE SEEN SENT THIS ACKNOWLEDGEMENT.

PLEASE NOTE THAT THIS WATER RIGHT IS IN A TEMPORARY PRELIMINARY OR PRELIMINARY DECREE ISSUED BY THE MONTANA WATER COURTS. THE NEW OWNER MAY WISH TO DETERMINE THE STATUS OF THIS RIGHT IN THE ONGOING ADJUDICATION BY THE MONTANA WATER COURTS.

IF YOU HAVE QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE, 752-2288.

OWNERS:

LITTLE Joseph

WAYNE LITTLE PO BOX 72

NOXON

MT 59853

. E

PRIORITY DATE:

APR 8, 1912

FLOW RATE:

27.00 GALLONS PER MINUTE (G)

**VOLUME:** 

15.00 ACRE FEET PER YEAR (AF)

SOURCE:

SPRING, TRIBUTARY OF CLARK FORK RIVER

THIS PORTION OF THE CLARK FORK RIVER IS IMPOUNDED AND IS KNOWN AS CABINET GORGE RESERVOIR.

MAXIMUM ACRES:

1.50

PURPOSE:

FLOW

VOLUME (AF) ACRES

1.50

PERIOD OF USE

DOMESTIC

27.00 G

15.00

JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

DIVERSION:

LOT QTR SEC SEC TWP RGE COUNTY MEANS

MENESE 263 339 SAMDERS PUMP

PLACE OF USE FOR DOMESTIC:

OTR SEC SEC TWP RGE COUNTY

001 TOTAL . SESW 11 26N 33W SANDERS

** TRANSFER OF CWMERSHIP: UPON A CHANGE IN OWNERSHIP OF ALL OR ANY PORTION OF THIS CLAIM, THE TRANSFEROR SHALL FILE WITH THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION A WATER RIGHT OWNERSHIP UPDATE, FORM 608, PURSUANT TO SECTION 85-2-424, MCA.

REMARKS: WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/06/00.

OWNERSHIP UPDATE IN SEE IMPORTANT INFORMATION	maintens ;	1406	4		FILE-WAT	TER RIGHT NO. (	W1333	84-74	W
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The Committee of the Co	sim.	Comment of the	SIX						Pica Pagin
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Yuma, AZ 83367  Por if Surviving Joint Years - Extergentian's Journiving Joint Insent's complian name and consequent notion mailing address, including a state and RP Por I. Thomas and Barbara J. Thomas  PO Box 84  Noscon, MT 59853  NTT 3 1985 the Surviving Joint Surviving Joint Insent's complian name and consequent notion mailing address, including the Wall of Surviving Joint Sur		loncin er tinne		Sain an airth deil	reference suferior details	TO ADDITION OF THE PERSON OF T	(29/7)(13/2/15/15/15/15/15/15/15/15/15/15/15/15/15/		1
Total Standard John Tenens - Entergrapher's franching joint beautic complete name and generatives radialing address, traducing generatives and Emphress J. Thomas  PO Box 84  Nozon, MT 59853  MT 2 - Marticle of Present Standard S			i Díablo			1.28			
PO Box 84  Noxon, MT 59853  Attached Description See Attached Description Blook Let  City/Town Blook  (City/Town Blook									1300
PO Box 84  Noxon, MT 59833  Attachment Dayline Flore F					urplate come and	agentyment rolls	mailing address,	including.	
Noxon, MT 59853  After 3 - Maintenant Committee Secretary Committe		Robert J. Thomas am	d Barbara J. Ti	tomas				a visine	1
Attachment Discription Sec Attached Description Sec Attached Description Sec Attached Description Sec Attached Description Section Township Plange Lef Lef at section Township Plange Lef Lef attachment of Claim No.    (ii) (iii)		PO Box 84				1. 1.			44
Attachment C Sunder Clay/Town Block Lot Lot Sunder Clay/Town Beating Register Clay/Town Block Lot Sunder Clay/Town Beating Register Clay No. 76N-133382-00 JR, 76N-133383-00 DM; 76N-133384-00 DM  > (W. U.A.B., or O) Statement of Claim No. 76N-133382-00 JR, 76N-133383-00 DM; 76N-133384-00 DM  > (C) Cartificate of Water Plight No. 76N-133383-00 PW; 76N-133386-00 PU; 76N-133387-00 ST  > (E) Enempt Ealeting Right No. 76N-133383-00 PW; 76N-133386-00 PU; 76N-133387-00 ST  • (C) Provider Pliver Beatin Decreed Right No. 76N-133387-00 ST  B SELLER Deceased John Tenant (parson relinquishing the water right); if all seller's algratures are not available, stach a copy the recorded instrument showing conveyance of the property from the seller to the buyer. If the seller listed in not the person identifies at the water right owner in the DNRC records, attach copies of the recorded documents showing chain of title including the leg descriptors.  Vec C No C If the sells is on a contrast for deed, dose the seller interest in the water rights shown above? If no actual to remain and the person in the contrast for deed, dose the seller synt to remen listed as an owner of the water right? Seller Signature: Actual Contrast for deed, dose the seller synt to remen listed as an owner of the water right?  Seller Signature: Actual Contrast for deed, dose the seller want to remen listed as an owner of the water right? Seller Signature. Actual Contrast for deed, dose the seller spontage. The person of the person of the person of the seller spontage. The per	1	Noxon, MT 59853	,			Daytime Phon	4.5		
Sec Attached Description Sinder City/Town Block Lot Sundy Section City/Town Block Lot Sundy Reage Plane Reage List all water rights which need to have ownership updated, Attach a list if additional space is needed.    W. U. A. B. or O. Statement of Claim No.   (C) Cartificate of Water Plight No.   (C) Cartificate of Water Plight No.   (F) Permit to Appropriate Water No.   (E) Enempt Entering Right No.   (C) Description Plane Reage Right No.   (C) Description Right No.   (C) Reader Righ	13.17 Etc.	hikrigilah al-Propi		MINENTA		X TO SECTION	Telegraphic States	20.00	72
City/Town  Section  Township  Pange  Attachment  Township  Pange  Township  Attachment  Township  T		See Attached D	escription		Block		Lat		
Ust all water rights which need to have ownership updated. Attach a list if additional space is needed.    W. U. A. B. or O.) Statement of Claim No	ounty		by/Town			Section		Plange	)
Ust all water rights which need to have ownership updated. Attach a list if additional space is needed.    W. U. A. B. or O.) Statement of Claim No									
C) Power Engineering Right No   D) Power Beein Decreed Right No   D) Did the source in the DNRC records, attach copies of the recorded documents showing chain of the including the leg december.   No D) Did the buyer / surviving joint tenant receive 100% of the seller interest in the water rights shown above? If no attach a map showing buyer's property.   Yee D  No D  If the selle is on a contract for dead, does the seller want to remain listed as an owner of the water right?   Seller Signature:		_	7						
P (D) Power River Basin Decreed Right No.  Dither.  B = BELLLER Decessed Joint Tenant (person relinquishing the water right): If all seller's signatures are not svellable, sitsch a copy the recorded instrument showing conveyance of the property from the seller to the buyer. If the seller listed in not the person clandil are the water right owner in the DNRC records, attach copies of the recorded documents showing chain of little including the leg description.  Yee C No D Did the buyer / surviving joint terrant receive 100% of the seller's interest in the water rights shown above? If no attach a risp showing buyer's property.  Yee C No D If the selle is on a contract for dead, does the seller want to remain listed as an owner of the water right?  Seller Signature:									
B - SELL.ER Deceased Joint Tenant (person relinquishing the water right): It all seller's signatures are not available, sitsoft a copy five recorded instrument showing conveyance of the property from the seller to the buyer. If the seller listed is not the person identificate the water right owner in the DNRC records, attach copies of the recorded documents showing chain of title including the leg decorption.  Vec CI No CI Did the buyer / surviving joint tenant receive 100% of the seller's interest in the water rights shown shows? If no attach a map showing buyer's property.  Vec CI No CI If the sale is on a contract for dead, does the seller years to remain listed as an owner of the water right?  Seller Signature:  C = FOR GUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?  Name Claude I. Burlingsime, P.C. Address PO Box 9  Phone 6 827-4381  Thorripson Falls, MT 59873  D = REMARKS									
Thompson Falls, MT 59873  Thompson Falls, MT 59873  OR DEPARTMENT USE OF THE PART OF THE P									
Seller Signature:  Seller Signat	the ri as th descr	e water right owner in th ription. No © Did the buyer	ing corneyance one DNRC records  /surviving joint to	or the property s, attach copie snant receive	from the seller to a of the recorder	d documents sho	petter listed in not owing chain of titl	the person K le including f	tentili he leg
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	Payor (*)					<b>5</b>			

July 13, 2004 76N 133384 00

Page 5 of 12 **NEW STORAGE** Ownership Update ID#: 14064

### STATE OF MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

# ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE

*PLEASE NOTE THAT THIS WATER RIGHT IS IN TEMPORARY PRELIMINARY DECREE ISSUED BY THE WATER COURTS. *

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT. IF YOU HAVE FURTHER QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE.

KALISPELL REGIONAL OFFICE 408-752-3267

Water Right Number:

76N 133384 00 STATEMENT OF CLAIM

Verston: 1 - ORIGINAL RIGHT

Status: ACTIVE

Owners:

BARBARA J THOMAS

PO BOX 133

FORSYTH, MT 59327 0084

ROBERT J THOMAS

PO BOX 133

FORSYTH, MT 59327 0084

**Priority Date:** 

APRIL 8, 1912

Type of Historical Right: FiLED

Purpose (use): Maximum Flow Rate: DOMESTIC 27.00 GPM

Maximum Volume:

15.00 AC-FT

Maximum Acres:

1.50

Source:

Source Name:

UNNAMED TRIBUTARY OF CLARK FORK RIVER

Source type:

GROUNDWATER

THIS PORTION OF THE CLARK FORK RIVER IS IMPOUNDED AND IS KNOWN AS CABINET GORGE

Otr Sec

NENESE

RESERVOIR.

Point of Diversion and Means of Diversion:

ID

**Gevt Lot** 

Twp 26N

Rge County

33W

SANDERS

Diversion Means: PUMP

July 13, 2004 76N 133384 00

Page 6 of 12 NEW STORAGE Ownership Update ID#: 14064

Purpose (Use):

DOMESTIC

Rouseholds:

9

Volume:

15.00 AC-FT

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

1 1.50 Tetal: 1.50

Sec Sec

Twp

Ree County

Remarks:

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/09/84.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/06/00.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/08/2004.

# ABSTRACT OF WATER RIGHT CLAIM AS MODIFIED BY THE WATER COURT CLARK FORK RIVER BELOW FLATHEAD RIVER BASIN 76N

### WATER RIGHT NUMBER 76N--W-1-3-84-00

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY URDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

LITTLE PO BOX 34 NOXON

JOSEPH

MT 59853

PURPOSE (USE), DOMESTIC

SOURCE:

SPRING, TRIB OF CLARK FORK RIVER SOURCE TYPE: GROUNDWATER

THIS PORTION OF THE CLARK FORK RIVER IS IMPOUNDED AND IS KNOWN AS CABINET GORGE RESERVOIR.

PRIORITY DATE: APRIL 08, 1912
TYPE OF HISTORICAL RIGHT: FILED

FLOW RATE

27.00 GPM ( .06 CFS)

* VOLUME:

15.00 AF

(NUMBER OF HOUSEHOLDS: 2 )

MAXIMUM ACRES: 1.50

PERIOD OF USE: JANUARY 01 TO DECEMBER 31

POINT OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK OTR SEC SEC TWP RGE COUNTY MEANS NENESE 11 26N 33W SANDERS PUMP

01

RGE COUNTY **ACRES** LOT BLK OTR SEC SEC TWP

001 TOTAL

PLACE OF USE FOR DOMESTIC:

SANDERS SESW 11 26N 33W

REMARKS:

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/09/84.

FILMED DEC 27 1993

OWNERS: BIERER BOX 33

RONALD

BOX 33 PINESDALE

MT 59841

BIERER

BRENDA

BOX 33 PINESDALE

MT 59841

PRIORITY DATE: APR 8. 1912

FLOW RATE:

0-06 CFS

* YOLUME: 15.00 S-00 ACRE FEET PER YEAR

SOURCE: SPRING. TRIBUTARY OF CABINET GORGE RESERVOIR

MAXIMUM ACRES:

1-50

PURPOSE (USE): DOMESTIC

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK OTR SEC SEC TWP RGE COUNTY

NENESE 11 26N 33W SANDERS

PUMP

PLACE OF USE FOR DOMESTIC

ACRES LOT BLK OTR SEC SEC TWP RGE COUNTY

001 1.50 TOTAL -- 1.50

SES# 11 26N 33W SANDERS

REMARKS: SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

FILMED

DEC 27 1993

Form 608 R5/83

# WATER RIGHT TRANSFER CERTIFICATE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND WATER COURTS OF MONTANA

	INSTRUCTIONS	FOR DEPARTMENT USE		
:	You are encouraged to contact your area Water Rights Bureau field office listed	Fee received: By:		
	on the back name of the Department Copy of this form or on page 2 of Form	Transmittal No.:		
	608-i, Instructions for Water Right Transfer Certificate, for assistance in com-	Date:		
	pleting this form. This form is used to indicate a change in water right owners.	Reviewed By:		
Н	Do not use this form if you are a user of a municipal or irrigation district	Filmed:		
	water system. If more than one water right is transferred, list all the water right numbers on the appropriate lines in Item 1 or attach a list. Return the com-	Coded:		
	pleted Water Right Transfer Certificate with the proper filling fee to your county	BASIN:		
1	pleted water riight transfer Certificate with the proper fining lee to your country clerk and recorder for recording.			
ш	(type or print in ballpoint ink)	8111017		
		(3)		
1.	WATER RIGHT(S) TO BE TRANSFERRED:	(S) (En.		
	☐ Permit to Appropriate Water Number(s)	- JUN TVFO		
	☐ Certificate of Water Right Number(s)	W 3724 10 10		
	Statement of Claim Number(a) 76N=W-133384-00	100 01 May 100 100		
	Powder River Decree Number(s)	State of Montana		
a	MEANS OF TRANSFER:	BITETTE!		
۵.	Deed recorded in: County	1131		
	Contract for Deed/Notice of Purchasers Interest recorded in: County	Sanders		
	Court Decree recorded in: County			
	Other, explain:			
	•			
3.	is there a division or split of the water right(s)?			
	Yes. If yes, complete the Addendum for Portional Transfers on the rever	rae side of the Department Copy of the Water High		
	Transfer Certificate. If a portion of more than one right is being rec	aived, complete an Addendum for each right being		
	transferred.			
	No. Do not complete the Addendum If you received the whole right(s)			
	OWNERS' NAMES: List the complete names (please print) and addresses of			
4.	OWNERS' NAMES: List the complete names (please print) and acciseses of a right(s). Include buyer's name(s), and seller's name(s) if the	av retain an interest in the water right(S).		
	Name Joseph E. Tittle Malling Address P.O. Box	34 Novon, Montana 59853		
	NemsMāihig Address			
	Name Mairing Address			
	Name Mailing Address			
5.	SELLER'S NAME(S): List the seller's name and address if not listed in item 4 a	above.		
	NAME: Brenda K. Blerer MAILING ADDRESS:	How 125 Eamilton, Montana 59840		
_	OTHER INTERESTED PARTIES: List the names and addresses other than the a			
6.		MOAG betacits attic etc to receive tratice of exterior		
	tion proceedings concerning the water right(s).			
	Name Mailing Address			
	Name Mailing Address			
	TO AND THE PROPERTY OF THE PRO			
7.	CERTIFICATE OF ACKNOWLEDGMENT: The Seller and Buyer must sign the ba	ick page of the Water Hight Owners copy, and have i		
	notarized. The clerk and recorder must complete the recording information at ti	ne bottom of the same page.		
_	NOTE TO COUNTY CLERK AND RECORDER:			
	NOTE TO COUNTY CLERK AND RECONDER.	No come or Major Courts come Closes snower		
	Record only the Water Right Owners copy. (DO NOT RECORD the Department	If a coby of Aaster Contra coby), I leade a must		
	the question below.			
	Has the Water Right Owners copy been recorded?	0.		
	By Jall Minister or			
	Deputy	Clerk and Recorder		
	MAIL THE Department Copy, to: Department of Natural Resources and Conserv	ation, 32 S. Ewing, Helena, Montana 59620, and		
	the Water Court Copy to: Chief Water Judge, Box 1568, Bozemen, Montana 59	715.		
	min a series makes that states a series gradial mater same management in a	Real Roy HILL H. H. L. H. L.		

#### STATE OF MOSTAWA

DEPARTMENT OF MATURAL RESOURCES AND COMSERVATION

1424 9TH AVENUE P.O.BOX 201801 HELENA, MONTANA 59620-1601

## GENERAL ABSTRACT

Water Right Number:

76N 133385-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

**Version Status: ACTIVE** 

Owners:

MOORE, MARTIN E AND CATHERINE L FAMILY TRUST

1700 EAGLE TREE LN FELTON, CA 95018

**Priority Date:** 

**APRIL 8, 1912** 

Enforceable Priority Date: APRIL 8, 1912

Type of Historical Right: FILED

Purpose (use):

FISH AND WILDLIFE

Maximum Flow Rate: Maximum Volumes

Source Name:

SPRING, UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR

Source Types

**GROUNDWATER** 

Point of Diversion and Means of Diversion:

ID

Govt Lot

Otr Sec Sec Two Res County

8292 11 26N 33W SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir:

**ON STREAM** 

**Govt Lot** 

Otr Sec Sec Two Ree County

SANDERS

Diversion to Reservoir: DIVERSION#1

Period of Use:

**JANUARY 1 to DECEMBER 31** 

Place of Uses

D

Acres Govt Lot

Otr Sec Sec

11

Twp

Roe County

8282

33W SANDERS

Geocodes/Valid:

35-3686-11-4-01-01-0000 - Y

### Remarks

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

133382-00

133385-00

133386-00

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/08/00.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 14064 RECEIVED 04/08/2004. OWNERSHIP UPDATE TYPE DOR # 151082 RECEIVED 12/27/2016.

THIS USE MAY CONSUME SOME WATER, BUT UNTIL THAT AMOUNT IS QUANTIFIED, IT IS PRESUMED THAT THE USE IS NON-CONSUMPTIVE.

*FILE*

**STATEMENTOF CLAIM*

**76N *

**133385*

*00*

Current	File	Location:	NEW	STORAGE
	Box	Bar Code		
	File	Bar Code		
	De	en /Karlelala		

Form No 78-0 R2/80	000000000000000000000000000000000000000	RECEIVED
	76 M STATEMENT OF CLA	
•	76 N STATEMENT OF CLA FOR EXISTING WATER R	IIGHTS APR 3 0 1982
133385	OTHER US	A.
SA-C	For the Water Courts of the State	A STATE OF THE STA
		te or Moritana
08-121-14-0 40		
1. Owner of Water R	light BIERER Last	First Middle Insteal
Co-Owner or Othe		8
Interest Owner	BIERER Last	First Middle Initial
Address Rox		
City Pineral	State Montana	Zip Code 59841
	961-4694 Business Ph	
2 Person completin	g form <u>R/FRFR</u>   RO	n au
		NALD   Middle Initial
Address Box		- 8
City Pinead		Zip Code 59841
Home Phone No	961-4694 Business Ph	one No. 961-3588
3. Use:	(Check Only One)	3
FR 🗍 Fish Racev		MN Mining
FW Fish & Wild	dilfe NV Navigation	PG Power Generation
CM Commercia	I PP□ Fire Protection	RC Recreation
IN 🔲 industrial	AS Agricultural Spraying	OT C Other
мс  Municipal	of☐ Oil Well Flooding	Explain
A BOURCE OF Water:		NOTE, Water in Hydrologically
	(Check Only One)	Connected in winder & lawridge
2 Springs ()	Thame In Unnamed Park	Canapan Wall Parks on to M.
☐ Well	Name	people they sinks under and
☐ Stream	Name	Tributary of Charle Free Price
Lake	Name	Stream
	Tributary of	
Reservoir	Name	Stream
	Tributary of	
5. Point of Diversion	Callores	- 8
5. Point of Diversion	SE	
	SW SW 14, Section	// T 26 (N)S. R 33 EW }
	Block Subdiv	vision
6. Means of Diversion	The state of the	8
o. Means of Diversion		_ 8
-	Capacity / 795	gpm
	Beadgate with ditch or pipeline	- 8
	☐ Inştream use:	2 / 12
	Other Explain	Panole 42e
7. Means of Conveys	ance: Diffich To The Seatmourn	8
meene or constant	☐ Pipeline ☐ Other:	Panalillas
	E Pipanie E Ottor.	A TABLE OF THE STREET

Instream	☐ City or T	OWA	Other	r: E:	cplain 🖳	Leva	Pond		*
Lot.	Block,	SENSY	V)4 -			7 T		R_3	T_EA
Lot.	Block.	W	V ₄	14,	Section	т	N/S,		E/W
Lot.	Block,	14	1/4	14,	Section	T	N/S,	R	E/V
Lot.	Block.	34	54	14,	Section	, T	N/S,	R	E/V
Lot.	Block,	1/4	<b>W</b>	14,	Section	, †	N/S.	R	E/V
Subdivision							9 *		
1. Period(s) of use:  NOTE, WATER THEN 2. Check one:	Decree	Day ESC PONOS R 6/104/10 d Water Rig	ht Diaht	300/1	Priority	date or di	te of firs	19 /:	2
3. Attach copies of	ine Decree, Rec	ord of Filling	g or Proof ological S	cor use	naps or suc	ch other d	ocument		
4. Attach copies of a show point of divided.  Notarized Statem.	the Decree, Recreation photograps are ion, place of antisigned by contact the contact and the contact are in the contact and the contact are in the contact and the contact are in the c	ons, U.S. Ge use, place	g or Proof ological S	cor use	naps or suc	ch other d	ocument		
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... ....

Ora R. Ellis

of Noxon, Sanders County, Montana:

-to
Dated Apr. 8, 1912

Public

Filed Apr. 11, 1912

Book 2 WR p. 264

Hereby publish and declare, as a legal notice to all the world, as follows:

Hereby publish and declare, as a legal notice to all the world, as follows:

I. That he has a legal right to the user possession and control to of and claim

one hundred and sixty inches of the waters of Un-named stream
in said County and State for irrigating and other purposes.

II. That the purpose for which said water is claimed, and the place of intended use is

Purpose is for irrigation and domestic use.

Place of intended use is on

the NWISMINWISE SISMINWISE SWISWINESE SWISWING SWISWINESE SWISWINESE SWISWING SWISW

III. That the means of diversion with size of flume, ditch at pipe, or aqueduct, by which he intend to divert the said water is as follows: A flume and ditch 12 inches by 18 inches in size, which carries and conducts 160 inches of water from said stream; which said flume & ditch diverts the water from said stream at a point upon its south bank, and runs thence (Point of diversion is about two hundred feet north of the north boundary of the land hereinbefore december.

of the north boundary of the land hereinbefore described. thence over and upon said land.

IV. That he appropriated and took said water on the 8th day of: April, 1912, by means of said flume and posting of said notice; of appropriation.

That the name of the appropriator of said water is Ura E. Ellis.

VI. That he also hereby claim said ditch and the right of way. therefor, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said land or point of final discharge, and also the right of location upon any lands of any dams, flumes, reservoirs, constructed or to be constructed, by him in appropriating and in using said water.

VII. That he also claim the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of the said right, water, ditch or said appurtenances in part or whole at any time.

CLAIMING THE SAME ALL AND SINGULAR, Under any and all laws, National and State, and their rulings and decisions thereunder, in the

matter of water rights.

Together with All and Singular, The hereditaments and appurtenances thereunto belonging and appertaining, or to accrue to the same

OOR COP

. Act of May 20, 18 Homestead Act

the northwest quarter of the southwest quarter of the northwest quarter of the southwest quarter of the southwest quarter the southwest quarter of the southwest quarter of

To Have and To Hold with the appurtenances forevery

SUPJECT to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditche and reserving used in connection with such water rights as made the recognized and acknowledged by the local customs plays and declaions of Courts. declaions of Courts.

AND THERE IS RESERVED from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority f of the United States.:

By the President: Moodrow Wilso

By M. P. LeRoy, Secretar

C. Lamar Racorder of General Land L. 2. C. Lamar (GENERAL LAND:

ease that the symmetric age and the appropriator 9
and claimant 2 of the order and water right mentioned in the foregoing declaration of
vested groundwater rights and the person 5 whose name 5 subscribed thereto,
as the appropriator 3 and claimant 5, that
going notice and that the matters and things therein stated are true.
ofto Retly
· Vilmer Kettle
William College Colleg
Subscribed and sworn to before me, this
- And Maritan
Hotary Public for the State of Montana.
Residing of Lilena Mandama
My Commission expires Chine 1 1066
A transport of the second of t
The same of the sa
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26. Act 1. The state of the sta

## STATE OF MUNIARA

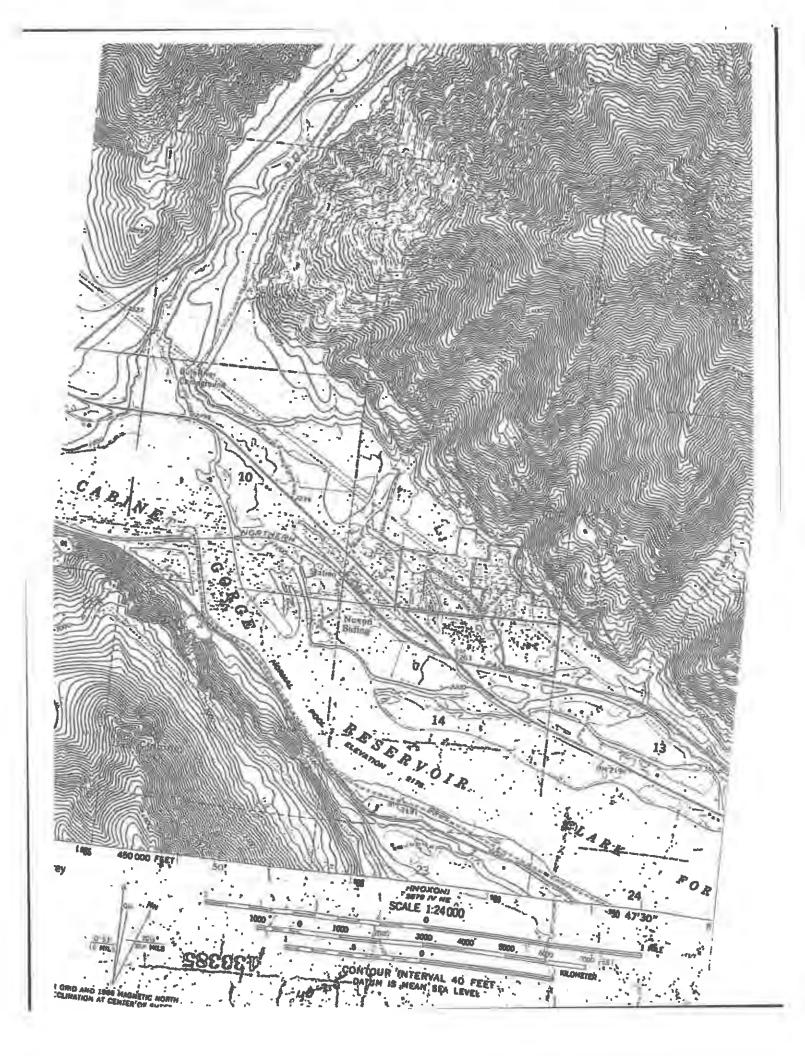
# ADMINISTRATOR OF GROUNDWATER CODE

133385

# Declaration of Vested Groundwater Rights

(Under Chapter 237, Montana Session Laws, 1961)

Otto Rettig & Velmer Ret	NOKON
(Name of Appropriator	(Address)
county of Sanders	State of Youtana
ave appropriated groundwater accord	ding to the Montana laws in effect prior to January 1, 1962, as follows:
	The second secon
	2. The beneficial use on which the claim is based (1) stock watering - 40 head, irrigation (2) stock watering - 40 hear, irrigation
	watering - 40 head, irrigation (2) stock
	watering - 40 hear, irrigation
	2 Date or envertingte date of earliest beneficial use; and how continu-
	ous the use has been (1) 1911 (2) 1911
	woodawah-wa x' agaaballadaya aa x xxxxxxxxxxxxxxxxxxxxxxxxxxxxx
	The second secon
	4. The amount of groundwater claimed (in miner's inches or gallons
	per minute) see #10
	whose was much under the real way of the state of the sta
	5. If used for irrigation, give the acreage and description of the lands
N FILE LINE	to which water has been applied and name of the owner thereof
	(1) five acres crop land SW-SW-11 26N 33W
Culta 11 -360 - 3311	
45W2 Sec. 11 T26N R.33W	(2) ten acres crop land SWESWE 11 26N 33W
ate point of appropriation	
place of use, if possible. Each square represents 10 acres.	6. The means of withdrawing such water from the ground and the loca-
signare represents to seres.	tion of each well or other manne of withdrawal Sub irrigation
\$.** <del>`</del>	overflow - from ponds fed by underground
,	
	springs outlets
The date of commencement and co	and the execution of the well wells or other works for with-
The date of commencement and codrawal of groundwater 191	mpletion of the construction of the well, wells, or other works for with- 1 - enlargement
drawal of groundwater191	empletion of the construction of the well, wells, or other works for with-
drawal of groundwater191	empletion of the construction of the well, wells, or other works for with-
drawal of groundwater191	mpletion of the construction of the well, wells, or other works for with- 1 - enlargement
drawal of groundwater 191  The depth of water table (1) 5	inpletion of the construction of the well, wells, or other works for with-
The depth of water table	inpletion of the construction of the well, wells, or other works for with- L = enlargement (2) 5  type, size and depth of each well or the general specifications of any other
The depth of water table	inpletion of the construction of the well, wells, or other works for with-
The depth of water table (1) 5 So far as it may be available, the works for the withdrawal of grounds	inpletion of the construction of the well, wells, or other works for with- L = enlargement (2) 5  type, size and depth of each well or the general specifications of any other
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drawal of groundwater 191  The depth of water table (1) 5  So far as it may be available, the works for the withdrawal of groundwater 191	mpletion of the construction of the well, wells, or other works for with- 1 - enlargement  (2) 5  type, size and depth of each well or the general specifications of any other vater  not applicable
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WATER COMES UP AGAIN WATER FROM SPAING RUN SINKS UNDER GROUND HERE F. 5

# STATE OF MONTANA

# Declaration of Vested Groundwater Rights (Under Chapter 287, Montana Session Laws, 1961)

	(Name of Appro		(Address)	(Town)
·· , ·· , ·	Sanders		State of Montana	, , , , , , , , , , , , , , , , , , ,
ve appropri	sted groundwate	r according to th	e Montana laws in effect prior	r to January 1, 1962, as follows:
		Wat	beneficial use on which the sizering - 40 head, ir	rigation (2) stock
		8. Dat	ering - 40 hear, ir e or approximate date of earli	est beneficial use; and how continu-
		0139	the use has been	11 (2) 1911
d ()	1	4. The	amount of groundwater clai	med (in miner's inches or gallons
	<u> </u>	per per	minute) see #10	med (in miner's inches or gallons
l D	8	to (1	which water has been applied	reage and description of the lands and name of the owner thereof and SWkSWk 11 26N 33W
7-10	1 T26N R 33W	(.2	) ten acres crop la	nd swłswł 11 26n 33w.
	if possible. Each resents 10 acres.	6. The	of each well or other means of	rater from the ground and the loca- withdrawal sub irrigation
		ov sp	erflow - from ponda rings outlets	fed by underground
The date of	f commencement	and completion of	the construction of the well	fed by underground
drawal of g	roundwater	and completion of 1911 - enl	rings outlets  i the construction of the well  argament	, wells, or other works for with-
drawal of g	roundwater	and completion of 1911 - enl	the construction of the well	, wells, or other works for with-
drawal of grant of The depth of	water table	and completion of 1911 - enl	rings outlets  the construction of the well argement  (2) 5	, wells, or other works for with-
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January 6, 1978

Mr. and Mrs. Ronald G. Bierer Box 24A Noxon, Montana 59853

Dear Mr. and Mrs. Bierer:

Receipt is hereby acknowledged of 1 Notification of Transfer of Appropriation Water Right, Form 608, submitted on behalf of Ronald 6. and Brenda Bierer. The above-mentioned form was received by this Department on January 5, 1978, and is now on file.

If we can be of any further assistance, please let us know.

Sincerely,

Silvio Rodrigues Applyst Supervisor Existing Rights Section

Water Rights Bureau

SR:db

# WATER RESOURCES DIVISION DRAIN FERRIS, ADMINISTRATER

38 BOUTH EWING, HELENA, MONTANA 58601

MONTANA DEPARTMENT OF NATURAL RESOURCES (NO CONSERVATION NATURAL RESERVATIONS AUGUSTO SERVATIONS 22 50 CM

HELENA. MONSAPHE 0101



# STATEMENT OF CLAIM CHECKLIST

FORM TYP	PE: I.	<b>s</b>	0	0	
	IOT DK				
	Bau Co	ceived sin unty Islon nsmittal			
FORM ITEMS	3				
OK 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	NOT			1333	85
Checked by DEFICIENT:	20/2	enall.		Date/	282
Phoned			1		
Sent Lett		umber	7	Dare	
Correction De		To		Date	
Form Cor			Dang		
	te Form &	Correspo			lena

### Reservoir (Man-made Impoundment) Questionnair

FEB 02 1982

TO BE COMPLETED BY DEPARTMENT:	an an 1865
Claim No. /33335 Purpose Reservoir (Man-made Impoundment) loc  1 1/2 / K, Section // Township & Source of Water Tributary Class der	All, Range 326), Sanders County Repriority Date 4-11-12
TO BE COMPLETED BY CLAIMANT:	Z m Z
1. Is this reservoir used for store indicated on this water right cl	age of water for the purpose No No nplete the rest of this .
If you answered NO, <u>do not</u> con questionnaire, simply return of you answered YES, please control of you answered YES, please control of your answered NO, <u>do not control of your answered NO</u> , <u>do not control of your answered NO</u> , <u>do not control of your answered YES</u> , please control of your answered YES, please control of your answered NO.	116.
2. If this reservoir is part of you a) Is it used to store water or b) Is it used to simply rais water level enough to record or c) Is it used for both?	r? Yes NO E
3. How do you remove water from the	is reservoir?
a) Headgate	Yes No
b) Pump	Yes No
c) Other (explain)	
reservoir can you drain? (all, or bottom, etc.)	wn tube, or pump, how much of your 1/2, 2/3, 3 feet from the top  t, that can be drained from your
5. If it is possible, please give	us the following information.
Capacity of Reservoirs,	
b) Length of the reservoir	aprox 14 mile
c) Length of the dam (pit)	at water level agree 150 Reaver Dam
d) Surface acres of water _	
e) Maximum depth of the wat	
Signature: Ronald G. Bierry	Date 27 Jan 83

2.890.00 AF/YEAR

07/09/82		FEE PAID:	2.890.00 AF/YEA	
		04/30/82	2.890	. 9
OF NATURAL RESOURCES AND CONSERVATION	OF CLAIM FOR EXISTING WATER RIGHTS	04/44/1912 TYPE OF RIGHT: FILED ' CLAIM RECEIVED: 04/30/82	4.00 C ( 160.00 MI) MAX VOLUME:	(M) K BIERER BRENDA
DEPARTMENT OF	ABSTRACT OF	PRIORITY DATE: 00:00 04	TYPE CODE: G MAX RATE:	RONALD

.76N -W-133385-00

BIEREK BOX 33

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59841 MEANS DIVRS-86 VS. CO 当ので RGE 出る上 26N PINESDALE OTR SEC SEC 5232 L'OT BLK FESERVOIR 59841 TRIB OF CABINET GORGE 复. PINESDALE SPRING DV 01

LOT BLK 19 0.00 AGRES PERIOD OF USE 19999999999999 LOW ACCPT VER. ACRES WRS 19_ 0000-0 0000 00.00 ACRES 100 * :: TOTAL 0 32

REMARKS

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26k TED

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SEC

OTR SEC.

RECORDS RESERVOIR 16 NO COMMENTS REMARK 1/01+010 KYES. 40

RI GHTS 2.704.768 AF/YR - UNDER CLAIMED VOLUME ALL MAX COMBINED ACRES FOR DF MAIN RIGHT AF -1 ** VOLUME BASED ON FLOW RATE AND PERIOD OF USE AND CLAIM 1D IF MAIN RIGHT, MAX COMBINED VOLUNE FOR ALL RIGHTS IF SUPPLEMENTAL RIGHT, PURPOSE ID IN STATISTICS: IT AL

PANOS LOCATION OF 15 GIVEN 000 KUNVERIFIED . COMMENTS COMMENTS ONT **YYES** APPEARS CORRECT CLAIMED FLOW RATE OK: CLAIMED PRTY DATE OK: LYES MO NO × 01 USE:

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COMMENTS MAYBE COMMENTS ADDED

16a FIRST OV DATE 2 COMMENTS CHANGED OUMNT164 2 COMMENTS W//LL YES COMMENTS 220 S S YES " OK" 44

L/SE FIRST 70 Dare 2 FORMAT OK BUT CHANGED BULLIO COMMENTS CHANGED TO YEAR COMMENTS SNO. LYES ZNO YES DATE OK: : USE OK:

### DEPARTMENT OF MATURAL RESOURCES AND CONSERVATION ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

76N -#-133385-00 (CONTINUED)

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VERIFICATION OF DEVELOPMENTS	•	CONTACT:	84	**	ESTIGATION:	GN4 ME IF THE G

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WATER RIGHT DATA BASE CODING FORM REMARK RECORD

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WATER COURT Supplemental Docu TWP. 133385 NUMBER NUMBER O NUMBER Claim # È OLIARTER SECTIONS CNTY TWP RGE SEC RELATED SECTIONS BLOCK QUARTER DIVERSION, WELL, RESERVOIR, SOURCE RECORD 요 월 🔲 2 g 2 9 □ 8 = 5 WATER RIGHT DATA BASE CODING FORM BLOCK 8 RATE BASIN 5 BASIN BASIN MAXIMUM 8 RATE O SEN e GEN SURFACE ARE S -₩ = NAME PUMP SIZE 8 gr 3 8 E S S C SOURCE EXISTING CAPACITY SIZE WATER FUND. ACTION ACTION ACTION CANG DIAM P OF C ACTION SEC MEANS DAM HT EHLO YIELD RATE 60 0 8 WATER SOURCE NAME 0 2 2 0 DIVERSION CINI 붉 P **RSION RECORD:** RIVER MILE CODE MIN ERVOIR RECORD: **UARTER SECTIONS** PERIOD **3CE RECORD:** L RECORD: DEPTH S NO 7908 30

## TRANSFER Locked-Up Basin

MONTARA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION DINEG

To: Water Court From: Regina Fullerton Date:

Enclosed for the Court's review are copies of transfers received in basins in which adjudication efforts are under way. These transfers have been filmed, filed and the owners have been acknowledged concerning the receipt of their transfers.

When we receive authorization from the Court, we will update the information as soon as possible.

### 76N-W/33385 WATER RIGHT TRANSFER CERTIFICATE

RECEIV

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND WATER COURTS OF MONTANA

AND WAIER COURTS OF MO	MOREMAN DEPT OF NATU
INSTRUCTIONS  You are encouraged to contact your area Water Rights Bureau field office listed on the back page of the Department Copy of this form or on page 2 of Form 6084, Instructions for Water Right Transfer Certificate, for assistance in completing this form. This form is used to indicate a change in water right owners. Do not use this form if you are a user of a municipal or irrigation district water system. If more than one water right is transferred, list all the water right numbers on the appropriate lines in item 1 or attach a list. Return the completed Water Right Transfer Certificate with the proper filing fee to your county clerk and recorder for recording.	FOR DEPRHENIES SECONSERVA Fee received: 6.00 By: 6.05 Transmittel No.: 61-228-01-1 Dete: Reviewed By: 6-25-84 Filmed: Coded: 67-7-24-74 BASIN: 76 N
(type or print in ballpoint ink)	
WATER RIGHT(S) TO BE TRANSFERRED:	
Permit to Appropriate Water Numberia)	
Gertificate of Water Right Number(s) 76N W133385 - 00	
Statement of Claim Number(s)	
Powder River Decree Number(s)	
MEANS OF TRANSFER:	
Deed recorded in: County	
☐ Contract for Deed/Notice of Purchasers Interest recorded in: County_	Sanders
Court Decree recorded in: County	
Other, explain:  IS THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?	
OWNERS' NAMES: List the complete names (please print) and addresses of right(s), include buyer's name(s), and seller's name(s) if the complete name(s) and seller's name(s) and s	hey retain an Interest in the water right(s).
Name JOSEPh E. Little Melting Address P.O. Box	x 34 Noxon, Montana 59853
NameMailing Address	
Name Melling Address	
Name Mailing Address	
Name Mailing Address  SELLER'S NAME(S): List the seller's name and address if not listed in item 4.	att a con-
depter a reminder and against a timing and address it not noted its itely 4:	· ·
NAME: Brende K. Bierer MAILING ADDRESS	BOX 125 MAINILTON, PIT
OTHER INTERESTED PARTIES: List the names and addresses other than the ation proceedings concerning the water right(s).	above persons who are to receive notice of adjuc
NameMelling Address	
NameMailing Address	
CERTIFICATE OF ACKNOWLEDGMENT: The Seller and Buyer must sign the be noterized. The clerk and recorder must complete the recording information at the	
NOTE TO COUNTY CLERK AND RECORDER:	
Record only the Water Right Owners copy. (DO NOT RECORD the Departme	nt's com or Water Courts come Blasse answer
the question below.	THE COPY OF THERE COURS COPY, PRODUCE STISWER
Has the Weter Right Owners copy been recorded? ET Yes, IN	lo.
ROLL	
By Deputy Or	Clerk and Recorder
MAIL THE Department Copy, to: Department of Natural Resources and Consen	
the Water Court Copy to: Chief Water Judge, Box 1568, Bozergen, Montane 59	

### **ADDENDUM FOR PORTIONAL WATER RIGHT TRANSFER**

### INSTRUCTIONS

Complete one addendum for each portional water right being transferred. The buyer cannot change the point of diversion, place of use, place of storage, or the purpose of use without prior approval from the Department of Natural Resources and Conservation. You are encouraged to contact your area Water Rights Bureau field office listed below for assistance in completing the addendum.

WATER RIGHT RECEIVED: Number PORTION OF WATER RIGHT RECEI			rtion of the	water right	the i	ouyer re	ceived t	by the following information
PURPOSE OF USE	RATE (GPN	I/CFS)		VOLUM	1E (A	CRE-FE	ET)	ACRES
EXPLAIN: Describe how the portion	or percenteg	e of the v	veter right	the buyer re	ceive	d was c	letermir	ned.
POINT OF DIVERSION: Describe the	iocation wi					he wate	r right.	
1 - 14 - 14 - 14 - 14 - 14 - 14 - 14 -				· . · ,		*		
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				1.2		26.00		
Lot Bik, 14			•					<u> </u>
PLACE OF USE: Describe the location	n where the	buyer us	as his porti	on of the w	ater i	ight.	h .	
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Subdivision (if any)								
	Montana Wa	ler Rights	Bureau Are	a Field Offic	008			
HAVRE	HELE	NA-Offic	e Location			KALISP	EL16	
Old Highway 2			o. Rodney					93 South
P.O. Sox 1828 Havre, Montena 59501		iling Addre South Ewin	68:	• •			038 xo	itana 59903-0866
Phone: 265-5518		ena, Monta					эвн, мюл в: 752-22	
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Glasgow, Montana 59230			), Sulte 352			P.O. I	30x 278	ontana 59301
Phone: 228-2561 Serving: Daniels, Dawson, Garfield.		ings, Mont ine: 657-21				Charles and		A STATE OF THE STA
McCone, Phillips, Richland,				n, Stillwater		Servi	ng: Carte	er, Custer Falton, 1997
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*ies.	Coli	mtles.				WINDE	ux LiOur	ties. The state of the state of

### WATER RIGHT TRANSFER CERTIFICATE

### CHECKLIST

Forth State Florida

PLE-WATER RIGHT NO. 10/138385-76 N

### DNRC WATER RIGHT 'OWNERSHIP UPDATE

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GEO GOĐE:	 				
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### SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

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15 847-2692
847-2692
847-2692
The state of the s
Attachment Q
Compliment of First Co.
Lot
Township Pange
, attach a copy of the recorded instrum n identified as the water right owner in t all description. above? If no, attach a map showing an owner of the water right?
_ Date:
Date:
Phone #
CIENES O

COMPLETE AND SEND THIS FORM TO DIRIC IF WATER RIGHT OWNERSHIP MUST BE LIPDATED

BOX BAR CODE 012L09

### KALISPELL WATER RESOURCES REGIONAL OFFICE DEPARTMENT OF NATURAL RESOURCESAND CONSERVATION



JUDY MARTZ GOVERNOR 109 COOPERATIVE WAY

STATE OF MONTANA

FHONE: (406) 782-2288 FAX: (406) 782-2843 KALISPELL, MONTANA \$9901-2367

March 6, 2000

George & Elva Horn 20445 Adrian Rd Soap Lake WA 98851

**RE: Water Rights Transfer** 

Dear Mr. & Mrs. Horn:

A DNRC Water Right Ownership Update form was received on March 31, 1999. It transferred a water right to you from the Guilfoyle's in error. We checked and found, according to the land description on the deeds, on the water rights and maps that a water right was put into your name by mistake.

Based on this research, we are correcting this mistake and putting this water right back into Joseph Little's name.

Feel free to contact Judy Jeniker or myself if you have questions concerning this situation.

Sincerely,

Linda Molina

Program Assistant

Kalispell Regional Office

rida Molina

Xc: Joseph & Wayne Little

### WARRANTY DEED

(JOINT TENANCY)

For Value Received BRENDA K. BIERER of 2505 N. Highway 93, Hamilton, Montana 59840

the Granter , do eshereby grant, bargain, sell and convey unto JOSEPH E. LITTLE and VIRGINIA LITTLE of Ash Springs, Hiko, Nevada 89017

the Grantees , as joint tenants (and not as tenants in common), and to the survivor of said named joint tenants, and to the heirs and assigns of such survivor, the following described premises, in Sanders County, Montans, to wit:

The NW4SWANW4SE4, the S4SANW4SE4, the SW4SWANE4SE4, the SW4SE4, The W4W4SE4SE4, the E4SW4SE4SE4, the S4SE4SE4SE4, the E4SE4SW4 of Section 11, Township 26 North, Range 33 West, M.P.M.

SUBJECT to easements apparent or of record.

TO HAVE AND TO HOLD the mid premises, with their appurtanences unto the said Grantees , as joint tenants with right of survivorship (and not as tenants in common) and to the beirs and assigns of the survivor of said nessed joint tenants forever. And the said Grantor dogg hereby covenant to and with the said Grantees , that she inthe owner in fee simple of said premises; that they are free from all incumbrances

and that . S he ... will warrant and defend the same from all lawful claims whatsoever.

Dated: July 25, 1983

1.1

record at the request of

27th

at 10 minutes past 2

210329

o'clock P m.,

طعه مدسكينها مسكوب

On this day of aug. . 1983. before me, a notary public in and for said State, personally appeared BRENDA K. BIERER

known to me to be the named hybore name is acknowledge

otary Public , Montana

Fees & L.DO

1973, in my office and duly recorded in Book 8618# avoim ments

STATE OF MONTANA, COUNTY OF THE MACLES. I hereby certify that this justrument was filed for

Mail to:

PAGE 1

### ACKROWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE FROM

### DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION STATE OF MONTANA

### WATER RIGHT NUMBER 76N -W-133385-00

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE MANNED AS A PARTY. THE RECORDS NAINTAINED BY THE WATER RIGHTS BUREAU HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT.

PLEASE NOTE THAT THIS WATER RIGHT IS IN A TEMPORARY PRELIMINARY OR PRELIMINARY DECREE ISSUED BY THE MOSTAMA WATER COURTS. THE NEW OWNER MAY WISH TO DETERMINE THE STATUS OF THIS RIGHT IN THE OMGOING ADJUDICATION BY THE MONTANA WATER COURTS.

IF YOU HAVE QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE. KALISPELL REGIONAL OFFICE, 752-2288.

重

OWNERS:

LITTLE JOSEPH

WAYNE LITTLE

PO BOX 72

NOXON MT 59853

A TRANSFER CERTIFICATE WAS FILED ON 5/30/64 LISTING JOSEPH E. LITTLE AS NEW CHINER

PRIORITY DATE: APR 8, 1912

FLOW RATE:

VOLUME:

THIS USE MAY CONSUME SOME WATER, BUT UNTIL THAT AMOUNT IS QUANTIFIED, IT IS PRESUMED THAT THE USE IS NOW-CONSUMPTIVE.

SOURCE :

SPRING, TRIBUTARY OF CABINET GORGE RESERVOIR

PURPOSE:

use

PT.OM VOLUME

VOLUME (AF) ACRES PERIOD OF USE

PISH & WILDLIFE

JAN 1 TO DEC 31

### POINTS OF DIVERSION AND MEANS OF DIVERSION:

DIVERSION:

LOT BLK OTR SEC SEC TWP RGE COURTY MEANS

8282 11 26W 33W SANDERS

DAM

RESERVOIR:

OTR SEC SEC TWP RGE

ONSTREAM AT \$282 11 26H 33W

PLACE OF USE FOR FISH & WILDLIFE:

ACRES LOT BLK OTR SEC SEC TWP RGE COUNTY

001

\$282 11 26M 33W SANDERS

REMARKS CONTINUED:
REMARKS: THIS RIGHT IS RECOGNIZED AS A BENEFICIAL USE OF WATER.
FLOW RATE AND VOLUME, THOUGH NOT SPECIFICALLY DECREED,
ARE LIMITED TO THE MINIMUM AMOUNTS RECESSARY TO SUSTAIN
THIS PURPOSE. THIS RIGHT SHALL CONTINUE TO BE UTILIZED
IN ACCORDANCE WITH PAST PRACTICES.

REMARKS: THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THE RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF

THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (FURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES. W133382-00, W133385-00, W133386-00

TRANSFER OF CWHERSHIP:
UPON A CHANGE IN OWNERSHIP OF ALL OR ANY PORTION OF THIS
CLAIM, THE TRANSFEROR SHALL FILE WITH THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION A WATER RIGHT
OWNERSHIP UPDATE, FORM 608, PURSUANT TO SECTION
85-2-424, MCA.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/06/00.

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For Complete Information, See File

July 13, 2004 76N 133385 00

2.4

Page 7 of 12 **NEW STORAGE** Ownership Update ID#: 14084

### . STATE OF MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59520-1601

### ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE

*PLEASE NOTE THAT THIS WATER RIGHT IS IN TEMPORARY PRELIMINARY DECREE ISSUED BY THE WATER COURTS. *

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE NAMED AS A PARTY, THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT. IF YOU HAVE FURTHER QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE.

KALISPELL REGIONAL OFFICE 406-752-3267

Water Right Number:

76N 133385 00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners:

**BARBARAJ THOMAS** 

**PO BOX 133** 

FORSYTH, MT 59327 0084

**ROBERT J THOMAS** 

**PO BOX 133** 

FORSYTH, MT 59327 0084

Priority Date:

**APRIL 8, 1912** 

Type of Historical Right: FILED

Purpose (use):

FISH AND WILDLIFE

Maximum Flow Rate: Maximum Volume:

Source:

SPRING

Source Name:

UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR

Source type:

**GROUNDWATER** 

Point of Diversion and Means of Diversion:

D

Reservoir:

Govt Lot

Otr Sec Sec **S232** 

Twp

Rep County 33W SANDERS

Diversion Means: DAM

ON STREAM

**Govt Lot** 

Twp 26N

Rge County 33W SANDERS

Otr Sec Sec S282

July 13, 2004 78N 133385 00 Page 8 of 12 NEW STORAGE Ownership Update ID#: 14084

Purpose (Use):

FISH AND WILDLIFE

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

ID Acres Govt Lot

Otr Sec Sec 3282 11

Twp

Ree County 33W SANDERS

Remarks:

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/06/00.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/08/2004.

### IN THE WATER COURTS OF THE STATE OF MONTANA CLAR. FURK DIVISION - YAAK RIVER LASIN

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE YAAK RIVER DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE YAAK RIVER IN LINCOLN COUNTY, MONTANA.



### WITHDRAWAL OF OBJECTION

I, Joseph E. Little	_, withdraw the .
Notice of Objection to Claim Number 76N-W-1	133385
upon entry of a decree with the following co	orrection
we wish to Reserve this right until such	time the amount is
quantified.	
It is no longer necessary to have a hea	aring before the
	. 1985.
· Closed E 2	LHI.
Joseph E. Littl	e



### M. RICHARD GEBHARDT, P.C.

ATTORNEY AT LAW 515 U.S. HIGHWAY 83. SOUTH RONAN, MONTANA 36864 (408) 676-3860

August 6, 1985



Linda Hickman, Water Master Montana Water Courts PO Box 879 Bozeman, Montana 59715

76/U-16 Re: Water Right No. 76N-W-133385-00

Dear Linda:

On behalf of Mr. Guilfoyle we would be withdrawing our Notice of Intent to Appear based upon your assertions that the claim will not be quantified and is non-consumptive.

Thank you for your attention to this matter.

incerely.

M. RICHARD GEBHARDT

k1

cc: Bob Guilfoyle

### IN THE WATER COURTS OF THE STATE OF MONTANA

CLAR. FURK DIVISION - YAAK RIVER LASIN

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE YAAK RIVER DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE YAAK RIVER IN LINCOLN COUNTY, MONTANA.



### WITHDRAWAL OF OBJECTION

I, Joseph E. Little , withdraw the	
Notice of Objection to Claim Number 76N-W-133385	
upon entry of a decree with the following correction	
we wish to Reserve this right until such time the amount is quantified.	. :
It is no longer necessary to have a hearing before the	i
Water Courts regarding the above objection.	t
DATED this 26thday of, 1985.	
Joseph E. Little	

STATE OF MONTAKA

DEPARTMENT OF MATURAL MESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201801 HELENA, MONTANA 59820-1601

### GENERAL ABSTRACT

Water Right Number:

76N 13SSE6-00 STATEMENT OF CLAIM

Versions 1 - ORIGINAL RIGHT

Version Status: ACTIVE

Owners

MOORE, MARTIN E AND CATHERINE L FAMILY TRUST

1700 EAGLE TREE LN **FELTON, CA 95018** 

**Priority Date:** 

**APRIL 8, 1912** 

Enforceable Priority Date: APRIL 8, 1912

Type of Historical Right: FILED

Purpose (use):

**POWER GENERATION** 

Maximum Flow Rate: 4.00 CFS

Maximum Volumer

28.90 AC-FT

Source Name:

SPRING, UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR

Source Type:

**GROUNDWATER** 

Point of Diversion and Massa of Diversion:

Govt Lot

Ofr Sec

Sec Two Esa County

NENESE 11 26N 33W SANDERS

Period of Diversions JANUARY 1 TO DECEMBER 31

Diversion Means HEADGATE

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Uses

D

Acres Govt Lot

Otr Sec Sec Twp

Res County

SANDERS 33W

Geocodes/Valida

25-3686-11-4-01-01-0000 - Y

### Romarks

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

133382-00

133385-00

133386-00

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

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 03/31/99.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/06/00.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 808 # 1/4064 RECEIVED 04/08/2004.

OWNERSHIP UPDATE TYPE DOR # 151062 RECEIVED 12/27/2016.

THIS USE MAY CONSUME SOME WATER, BUT UNTIL THAT AMOUNT IS QUANTIFIED, IT IS PRESUMED THAT THE USE IS NON-CONSUMPTIVE.

*FILE*
*STATEMENTOF CLAIM*
*76N *

*133386*

*00*

Current	File	Loc	ation:	NEW	STORA	GE
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SA-C	For the Water	Courts of the St	ate of Monta	HALISPELL FIELD OFFICE
08-121-14-0)			5 . 4.h	
40 1. Owner of Water Rigi	he BISRER	Last 1 R	ON ALD	/ G. Middle Initial
		Last	First	Middle Initial
Co-Owner or Other Interest Owner	BIERER		PERO FIRST	Middle Insteal
		Last	First	Affordie Inetial
Address BOX		-112 F		
City Pinesola				Zip Code <u>5989/</u>
Home Phone No. 9			Phone No. 96%-	
2. Person completing	form BIERER	Lest 1	RBNALD First	/ G. Muddle Initial
2000		Lesi	First	Muddle Initial
Address Box		an A		
Gity Pinesola		State Montano	17.	Zip Code_ <u>59840</u>
Home Phone No. 3	61-4694	Business	Phone No. 961	-3785
3. Use:	(Check Only One)			4
FR Fish Raceway	•		MN [] Mining	
FW Fish & Wildli		•	PG Power	
CM Commercial IN Industrial		Protection ricultural Spraying	RC ☐ Recrea	aion .
MC Municipal		Well Flooding	Explain	
_	J J			Water Comes from
4.) Source of Water:	(Check Only One)			to sent Company of the
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Stream	Name		Tributary of	The same
☐ Lake			Stream	
Reservoir				
11090(40)				
	indutary of			
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	Lot , B	lock, Sub	division	
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6. Means of Diversion:	U Well's	Capacity	· /79/	
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	Other	Explain		
		400		
7. Means of Conveyan	"IL" was too	☐ Instream		

8.	Place of Uee:	County SPAL							
	☐ Instream	☐ City or To	own	@ Oth			neretion		
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	Subdivision								
9.	Flow rate claimed	k <u>150-</u>	160	7 m	cubic feet per Yuliona par mi 'miner's inches	refer.	•		
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	,—	F44/ 1	,						
T _i	Period(s) of use:	Month	Day	to JEC	n Day				
2.	Check one:	☐ Decreed	****		Pric	rity date or	date of first	use	
				ion Right	Hour	Month	Day	19/2. Year	
		Use Wate	er Right		4 × 25 ×	BOOK	•	264	
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11 - 3 - 40 E

NOTICE OF APPROPRIATION & of Nozon, Sanders County, Montana 0" WATER 160" unitamed stream 160" unitamed stream Dated Apr. 8; 1912: 1 Hereby publish and declare, as a legal notice to all the world, as follows: That he has a legal right to the user possession and continued the waters of the one hundred and sixty inches of Un-named stream " in said County and State for irrigating and other purposes. II. That the purpose for which said water is claimed, and the place of intended use is place of intended use is

Purpose is for irrigation and domestic use.

Place of intended use is on e of intended use is on the nwiswineise; the nwiswinwisel sisming swine is easy set swine is easy set set swine is easy set set swine is easy set swine. Siseise set set, section 11, township 26 N., range 33 W. M.M. III. That the means of diversion with size of flume, ditch pipe, or aqueduct, by which he intend to divert the said water is as follows: A flume and ditch 12 inches by 18 inches in size, which carries and conducts 160 inches of water from said stream; which said flume & ditch diverts the water from said stream at a point upon its south bank, and runs thence (Point of diversion is about two hundred feet north of the north boundary of the land hereinbefore described. thence over and upon said land. IV. That he appropriated and took said water on the Sth day of April, 1912, by means of said flume and posting of said notice. of appropriation. V. That the name of the appropriator of said water is Ura E. Ellis. VI: That he also hereby claim said ditch and the right of way therefor, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said land or point of final .: discharge, and also the right of location upon any lands of any ... dams, flumes, reservoirs, constructed or to be constructed, by:

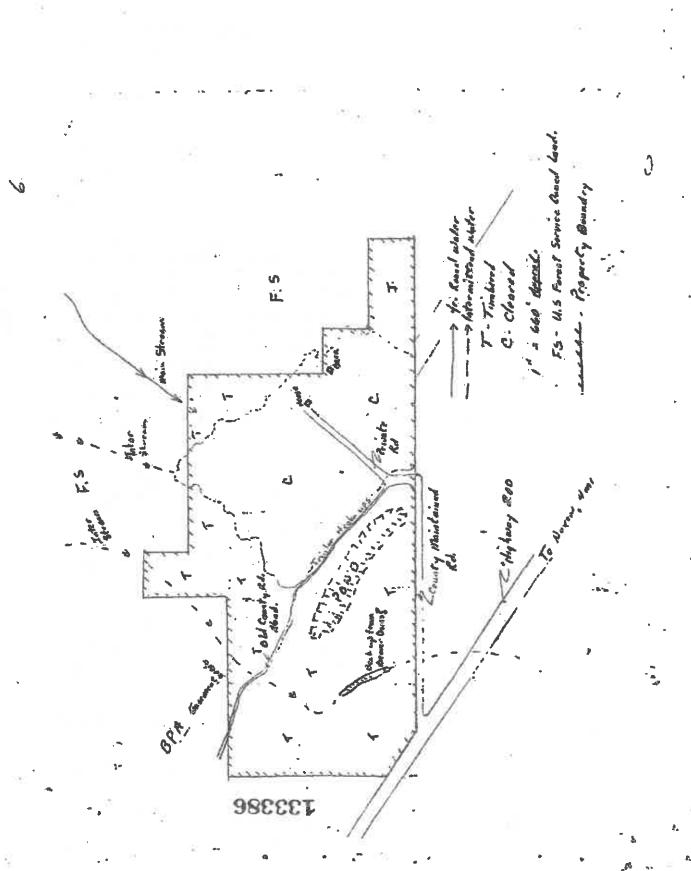
VII. That he also claim the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of the said right, water, ditch or said appurtenances in part or whole at any time.

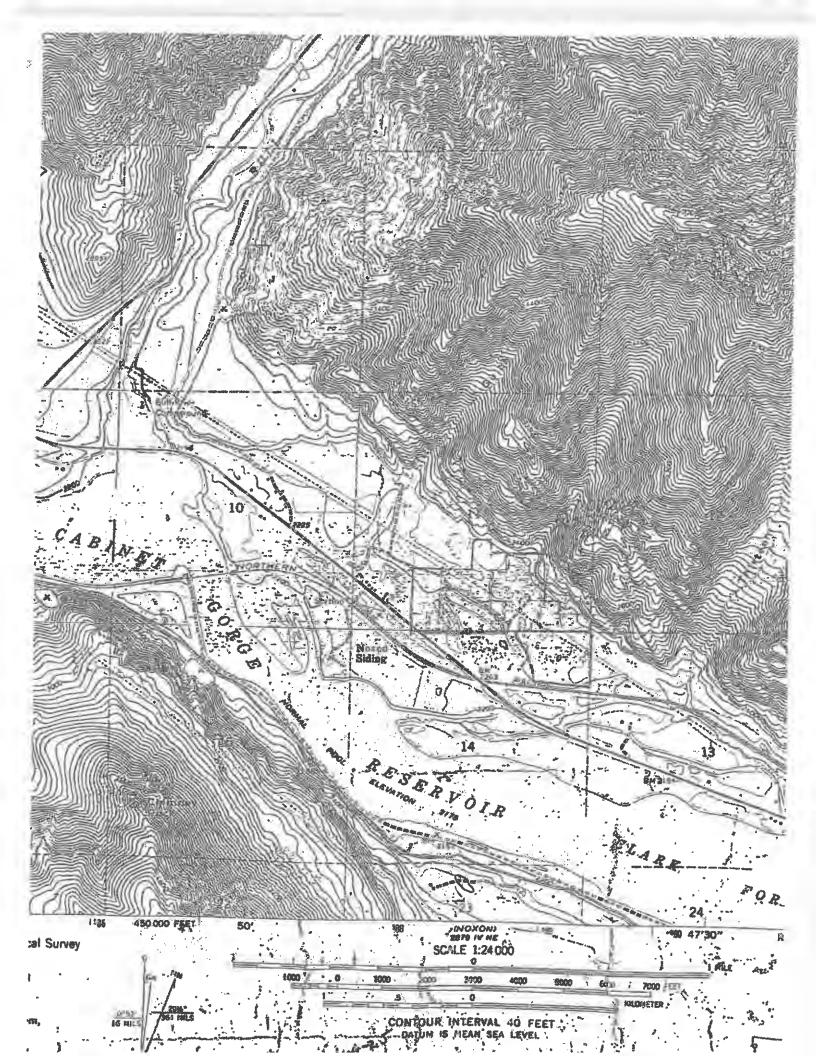
him in appropriating and in using said water.

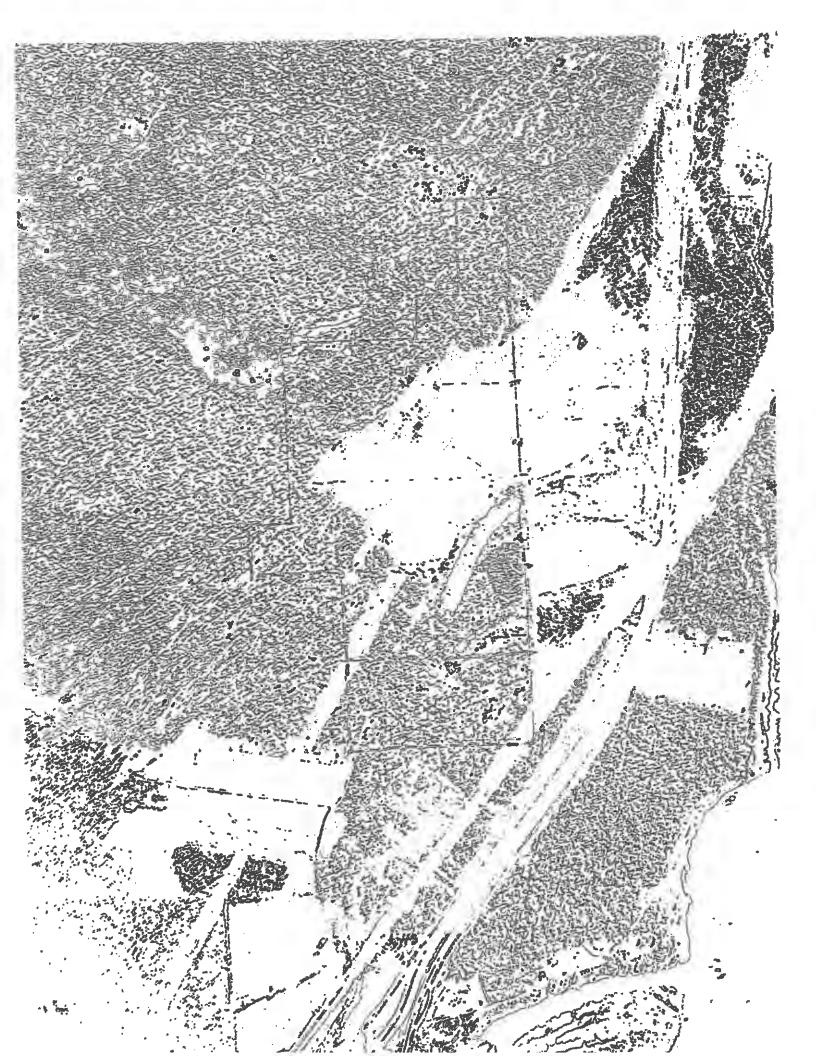
CLAIMING THE SAME ALL AND SINGULAR, Under any and all laws, National and State, and their rulings and decisions thereunder, in the matter of water rights.

Together with All and Singular, The hereditaments and appurtenances

Act of May 20, 18 Homestead Act Dated Aug. 24, 1918 Book 12 Deeds, p. the northwest quarter of the southwest quarter of the southeast quarter of the southeast quarter the south half of the northwest of the south half of the south ha the southwest quarter the sout ne southwest quarter of the southwest of northeast outrest of the southeast of she southwest quarter of the southeast the west half of the lest half of the southeast the east helf of the southwest warter duarter of the southwest quarter the south half of the southeast quarter of quarter of the southeast quarter, and the south ast quarter of the southwest quarter. in Township twenty-six north of Range thirt; hree west of the contains gridian, Wontains containing one hundred fifteen acres, according to the Official Flat of the Street of the said land, returned the General tand Office by the Surveyor General II Have and To Hold : with the appurtenances-SUBJECT to any vested in accrued water rights for milling c_itural; manufacturing or other purposes and rights to ditches and reserv its used in commection with such water rights as may be recognized and acknowledged by the local customs laws and decisions of Courts. ... AND THERE IS RELERTED from the lands hereby granted a right way thereon for ditches or canals constructed by the authority. of the United States. the President: Koodrow Wils M. P. LeRoy, Secretary General







Mr. and Mrs. Ronald G. Bierer Box. 24A Noxon, Montana 59853

Dear Mr. and Mrs. Bierer:

Receipt is hereby acknowledged of 1 Notification of Transfer of Appropriation Water Right, Form 608, submitted on behalf of Ronald G. and Brenda Bierer. The above-mentioned form was received by this Department on January 5, 1978, and is now on file.

If we can be of any further assistance, please let us know.

Sincerely,

Silvio Rodrigue A Aprilyst Supervisor Existing Rights Section

Water Rights Bureau

SR:db

### WATER RESOURCES DIVISION DERIN FERRIS, AGMINISTRATOR

BOUTH EWING, HELENA, MONTANA 59507

MONTANA DEPARTMENT OF NATURE RESOURCES AND SO SERVATION NATURAL RESOLUTE 32 SOUTH F HELENA. MONTANA th Goo!

that the lay and of lawful age and and claimant 2....... of the order and water right mentioned in the foregoin ng notice and that the matters and things therein stated are true.

### ADMINISTRATOR OF GROUNDWATER GOD'S CFEIGH-OF STATE ENGINEER

### Declaration of Vested Groundwater Rights

(Under Chapter 227, Montana Session Leve, 1831

The best child are in affect prior to January 1, 1923, as follows:  The best child are in which the staint (see (1) stock setter in a file of the children of the construction of the well, wells, or other works for with the date of commencement and completion of the construction of the well, wells, or other works for with drawal of groundwater 1911 - scalar season.  The date of commencement and completion of the construction of the well, wells, or other works for with drawal of groundwater 1911 - scalar season.  The date of commencement and completion of the construction of the well, wells, or other works for with drawal of groundwater.  The date of commencement and completion of the construction of the well, wells, or other works for with drawal of groundwater.  The date of commencement and completion of the construction of the well, wells, or other works for with drawal of groundwater.  The date of commencement and completion of the construction of the well, wells, or other works for with drawal of groundwater.  The date of commencement and completion of the construction of the well, wells, or other works for with drawal of groundwater.  The date of commencement and completion of the construction of the well, wells, or other works for with drawal of groundwater.	The amount of groundwater claimed (in miner's inches or gallong the same special ways and how senting the same special ways and description of the land to which water has been applied and name of the owner the to which water has been applied and name of the owner than to which water has been applied and name of the owner than to which water has been applied and name of the has been applied and name of the has been applied and name of the land to which water has been applied and name of the has been applied and name of the land to which water has been applied and name of the land to which water has been applied and name of the land to which water has been applied and name of the land to which water has been applied and name of the land to which water has been applied and name of the land to which water has been applied and name of the land to which water has been applied a		Lucar Restrice of Notion Notion (Address) (Town)
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	See notes on	reverse side			

### Reservoir (Man-made Impoundment) Questionnaire

	COMPLETED BY DEPARTMENT:		
eserv Ex <i>nu</i>	No. 133.7% Purpose Power Acres 1800 Voir (Man-made Impoundment) located in:  18 56%, Section //, Township g(4, Range 36) Sanda	County	fi.
ource	of Water Tolland of Clarks dork Priority Date 4-11	- V9/9 ==	
BE	COMPLETED BY CLAIMANT:	SE	6
Is ind	s this reservoir used for storage of water for the purpolation on this water right claim? Yes V No		
	If you answered NO, do not complete the rest of this questionnaire, simply return it.  If you answered YES, please complete the following.	ि छ	0
		NATER	=
	this reservoir is part of your water right claim,  a) Is it used to store water?  b) Is it used to simply raise the stream  water level enough to reach your ditches?  Yes	No.5	
or	c) Is it used for both? Yes		
How	w do you remove water from this reservoir?	The second secon	Tip
	a) Headgate Yes No		
	b) Pump Ves No		
	c) Other (explain)		
If respond	you have a headgate, draw down tube, or pump, how muckervoir can you drain? (all, 1/2, 2/3, 3 feet from the bottom, etc.)	e top	
If resion l	you have a headgate, draw down tube, or pump, how muckervoir can you drain? (all, 1/2, 2/3, 3 feet from the bottom, etc.)	om your	
If resion l	you have a headgate, draw down tube, or pump, how muckervoir can you drain? (all, 1/2, 2/3, 3 feet from the bottom, etc.)	om your	
If research	you have a headgate, draw down tube, or pump, how muckervoir can you drain? (all, 1/2, 2/3, 3 feet from the bottom, etc.)  It is the volume, in acre feet, that can be drained from the cervoir?  It is possible, please give us the following information as a volume of the reservoir worksheet. Estimation is	om your	
If research	you have a headgate, draw down tube, or pump, how much servoir can you drain? (all, 1/2, 2/3, 3 feet from the bottom, etc.)  It is the volume, in acre feet, that can be drained from the servoir?  It is possible, please give us the following information as a volume of the reservoir worksheet, Estimating to Capacity of Reservoirs, Lakes, and Ponds.	om your	
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# 76N W133386-00 RANSFER Locked-Up Basin

MONTANA DEPARTMENT OF NATURAL RESDURGES & CONSERVATION DINEG

To: Water Court From: Regina Fullerton Dales

Enclosed for the Court's review are copies of transfers received in basins in which adjudication efforts are under way. These transfers have been filmed, filed and the owners have been acknowledged concerning the receipt of their transfers.

When we receive authorization from the Court, we will update the information as soon as possible.

-- ASIBD

### 76 N - W/33386 WATER RIGHT TRANSFER CERTIFICATE

### - RECEIVED

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND WATER COURTS OF MONTANA

MAY 3 0 1984

AND WATER COURTS OF MOI	MONTANA DEPT OF N
INSTRUCTIONS  You are encouraged to contact your area Water Rights Bureau field office listed on the back page of the Department Copy of this form or on page 2 of Form 6084, instructions for Water Right Transfer Certificate, for assistance in completing this form. This form is used to indicate a change in water right owners. Do not use this form if you are a user of a municipal or irrigation district water system. If more than one water right is transferred, list all the water right numbers on the eppropriate lines in item 1 or attach a list. Return the completed Water Right Transfer Certificate with the proper filing fee to your county clerk and recorder for recording.	FOR DEPARTMENTESES & CONSEINE Fee received: 5 00 By. 400  Transmittal No.: 01-228-01-11  Date: Reviewed By: 46:25-84  Filmed; Coded: 7-7-24-84  BASIN: 760
(type or print in ballpoint ink)	
) water right(s) to be transferred:	
Permit to Appropriate Water Number(s)	
Certificate of Water Right Number(s) 76N WI 33386 -00  Statement of Claim Number(s)	·
Character Diseas Denne Atrophysics	
MEANS OF TRANSFER:	4
Deed recorded in: County	
Contract for Deed/Notice of Purchasers Interest recorded in: County_S	anders
□ Court Decree recorded in: County	
Other, explain:	
RC 29 No. 133 not complete the Addendum if you received the whole right(s).  OWNERS' NAMES: List the complete names (please print) and addresses of all	persons who are to soppar as owner of the water
	y retain an interest in the water right(s).
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OWNERS' NAMES: List the complete names (please print) and addresses of all right(s). Include buyer's name(s), and seller's name(s) if the Name	y retain an interest in the water right(s).  34 Nowon. Montana 578.53  ove.  ove.  ove.  ove persons who are to receive notice of adjudication of the same page.  s copy or Water Courts copy.) Please answer.

### ADDENDUM FOR PORTIONAL WATER RIGHT TRANSFER

### INSTRUCTIONS

Complete one addendum for each portional water right being transferred. The buyer cannot change the point of diversion, place of use, place of storage, or the purpose of use without prior approval from the Department of Natural Resources and Conservation. You are encouraged to contact your area Water Rights Bureau field office listed below for assistance in completing the addendum.

			·								
. WATER F	right rec	CEIAED: V	lumber (Sc	e item 1:	page 1)						
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Servi	ng: Daniels	, Dawson, C	Garfield,	, en	ione: 657-21	105		Pho	ne: 232-8359	300 - to a	

Serving: Big Horn, Carbon, Stillwater,

Treasure, Yallowstone and Sweet Grass

Counties.

McCone, Phillips, Richland,

resveit, Sheridan and Valley

Serving: Carter, Custer, Fallon,

Powder River, Prairie, Rosebud and Wibaux Counties.

1 10.79

### MATER RIGHT TRANSFER CERTIFICATE

## CHECKLIST

- V A.	Is form dated received?
<u></u> ₿,	Is the fee and transmittal number (county deposit \$7715) indicated?
c.	After review; analyst initialed and dated "reviewed by".
RANSFER FORM C	HECK
1.	Are all water right numbers accurately listed?
V 2.	Is the means of transfer OK or adequately explained?
b.	Is there a Portional Addendum for each split right? Is a Portional Flow Chart completed for each split right? Is all additional documentation attached (ie. maps, field report)? Has all inferred new uses of water, changes, sever/sells been researched
4.	Are all owner names listed and addresses correct?
5.	Has the Seller's Name been checked against the Current Owner of Record? If different, show research substantiating ownership of right involved.
OMMENTS / DOCU tem Comments	MENTATION / INSTRUCTIONS TO RECORDS (by Item number)
tem Comments	MENTATION / INSTRUCTIONS TO RECORDS (by Item number)
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tem Comments	's ADDRESS FROM TRANSFER FOR TON-W-133387
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Form 603 P0/63

### water right transfer certificate DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND WATER COURTS OF MONTANA

### INSTRUCTIONS

You are encouraged to contact your area Water Rights Bureau field office listed on the back page of the Department Copy of this form or on page 2 of Form 6084. Instructions for Water Right Transfer Certificate, for assistance in completing this form. This form is used to indicate a change in water right owners. Do not use this form if you are a user of a municipal or irrigation district water system. If more than one water right is transferred, list all the water right numbers on the appropriate lines in Item 1 or attach a list. Return the comclerk and recorder for recording.

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Date	8:	<b>~</b> -9-(	n-1984		
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pleted Water Right Transfer Certificate with the proper filling fee to your county (type or print in ballaciat ink) 1. WATER RIGHT(S) YO BE TRANSFERRED: ☐ Permit to Appropriate Water Number(s) ☐ Certificate of Water Right Number(s) 76N N1.33386 <00 ☐ Statement of Claim Number(s) Powder River Decree Number(s) 2. Means of Transfer □ Deed recorded in: County = Contract for Deed/Notice of Purchasers Interest recorded in: County_Sanders_ □ Court Decree recorded in: County: Other, explain: 2. IS THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)? 🗆 Yes. If yes, complete the Addendum for Portional Transfers on the reverse side of the Department Copy of the Water Right Transfer Certificate. If a portion of more their one right is being received, complete an Addendum for each right being transferred. No. Do not complete the Addendum If you received the whole right(s). OWNERS' NAMES: List the complete names (please print) and addresses of all persons who are to appear as owner of the water right(s), include buyer's name(s), and setter's name(s) if they retain an interest in the water right(s). Joseph R. Kittle Melling Address P.O. Row 34 Novem Montage Mailing Address Maling Address_ Mailing Address 5. SELLER'S NASSES: List the seller's name and address if not listed in Item 4 above. NAME: Busside K. Blaver MAILING ADDRESS: 6. OTHER INTERESTED PARTIES: List the names and addresses other than the above persons who are to receive notice of adjudication proceedings concerning the water right(s). Mailing Address. Name Malling Address CERTIFICATE OF ACKNOWLEDGMENT: The Seller and Buyer must sign the back page of the Water Right Owners copy, and have it noterized. The clerk and recorder must complete the recording information at the bottom of the same page. NOTE TO COUNTY CLERK AND RECORDER: Record only the Water Right Owners copy. (DO NOT RECORD the Department's copy or Water Courts copy.) Please answer

the question below.

Has the Water Right Owners copy been recorded?

D No.

MAIL THE Department Copy, to: Department of Natural Resources and Conservation, 32 S. Ewing, Helena, Montana 56620; and the Water Court Copy to: Chief Water Judge, Box 1568, Bozemen, Montana 59715.

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

		28/00/10
	ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS	
76N -#-133386-00.	PRIORITY DATE: 00:00 04/22/1912 TYPE OF RIGHT: FILED . CLAIM RECEIVED: 04/30/R2 FFF	0.00
	TYPE CODE: G MAX RATE: 4.00 C + ( 160.00 MI) MAX VON HINE: 30.00	
(M) I BIERER BOX 33	BRENDA 6 (M) 1 G1ERER RONALD 6 6 80% 33	AP / VEAL
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# DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

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TIGATED BY JUMIN SPACE PORT

DATE 44/1/983

DATE ___

YED BY

WATER RIGHT DATA BASE CODING FORM

Supplientental Document 2 º O IGIRIM # INTERIOR WATER COURTS () अंग्रज्ञाञ्चल 2 g 🕞 WIGHT WILES SERVICED IN MAISTER COLUMN SESENTE COLU M9E REMARK RECORD Bğe ACTION 9 90 REMARK RECORD: VINDO(LKK) TEX1 TEXT

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IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE CLARK FORK BELOW THE FLATHEAD DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.



### NOTICE OF INTENT TO APPEAR BASIN #76N

-		
County Sanders		
	phone number of par	ty appearing:
Little, Jospeh		
Last Name	First Name	Middle Initial
c/o C. E. Crocker	505 Mineral Av	enue
Street Address or		
Derece mearest ar		
	59923	293-4101
Libby, Montana City	59923 State Zip	
Libby, Montana City Name address and p	59923 State Zip Shone number of parts	Code Phone Number of State of
Libby, Montana City Name address and p	59923 State Zip shone number of part	Code Phone Numb
Libby, Montana City Name address and p	59923 State Zip phone number of part	Code Phone Number of State of
Libby, Montana City Name address and p Crocker, C. I	59923 State Zip shone number of parts  First Name Avenue	Code Phone Number y's attorney, if any:
Libby, Montana City  Name address and p Crocker, C. I Last Name  505 Mineral Street Address or	59923 State Zip Chone number of party E. First Name Avenue P.O. Box	Code Phone Number y's attorney, if any:
Libby, Montana  City  Name address and p  Crocker, C. I  Last Name  505 Mineral	59923 State Zip Chone number of party  E. First Name  Avenue P.O. Box ana 59923	Code Phone Number of any:  Middle Initial
Libby, Montana City  Name address and p Crocker, C. I Last Name  505 Mineral Street Address or Libby, Monta	59923 State Zip chone number of party  S. First Name  Avenue P.O. Box ana 59923 State Zip	Code Phone Number of State of
Libby, Montana City  Name address and p Crocker, C. I Last Name  505 Mineral Street Address or Libby, Monta	59923 State Zip chone number of party  S. First Name  Avenue P.O. Box ana 59923 State Zip	Code Phone Numb y's attorney, if any: Middle Initial

FILMED

Please send completed form to:

8.

Montana State Water Courts P.O. Box 879 Bozeman, MT 59715

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE CLARK FORK BELOW THE FLATHEAD RIVER DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.



### WITHDRAWAL OF OBJECTION

I, Mark J. Fennessy	, withdraw the
Notice of Objection to Claim Number 76	N-W-133386-00 upon entry
of a decree with the following correct	ion cull hemais as
Costed in the temporary proline	nay desir
It is no longer necessary to have	a hearing before the
Water Courts regarding the above object	tion.
DATED this 13 day of March	, 1986.
_irlak	Viener-
Attorney	for
Joseph E	. Little

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE CLARK FORK BELOW THE FLATHEAD RIVER DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.



### WITHDRAWAL OF OBJECTION

I, Mark J. Fennessy	, withdraw the
Notice of Objection to Claim N	umber 76N-W-133386-00 upon entry
	correction
itecosed in the temporary	preliminant charse
It is no longer necessary Water Courts regarding the abo	to have a hearing before the
DATED this 13 day of M	arch , 1986.
	Attorney For
	Joseph E. Little

FILM T. D DEC 27 1993

### M. RICHARD GEBHARDT, P.C.

ATTORNEY AT LAW 515 U.S. HIGHWAY 93 SOUTH RONAN, MONTANA 59864 (406) 676-3680

August 6, 1985



Linda Hickman, Water Master Montana Water Courts PO Box 879 Bozeman, Montana 59715

76N-16

Re: Water Right No: 76N-W-133385-00

Dear Linda:

On behalf of Mr. Guilfoyle we would be withdrawing our Notice of Intent to Appear based upon your assertions that the claim will not be quantified and is non-consumptive.

Thank you for your attention to this matter.

since ely,

M. RICHARD GEBHARDT

k1

cc: Bob Guilfoyle

FILMED

DEC 27 1993

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IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND WITHIN THE CLARK FORK BELOW THE FLATHEAD DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.

Case No. 76N-16

### WITHDRAWAL OF OBJECTIONS

COMES NOW the United States of America, Objector herein, and hereby withdraws its Objections to Water Rights No. 76N-W-133382, 76N-W-133384, and 76N-W-133386.

DATED this 2 day of January, 1985.

BYRON H. DUNBAR United States Attorney District of Montana

By:

JOHN R HILL, JR., Attorney U.S. Department of Justice

Land & Natural Resources Division 1961 Stout Street, P.O. Drawer 3607 Denver, CO 80294

303/844-2892

ATTORNEYS FOR UNITED STATES OF AMERICA

FILMED

### CERTIFICATE OF SERVICE

I certify that I mailed, via United States Mail, postage prepaid, a true and correct copy of the foregoing Withdrawal of Objections to the following this Gib day of January, 1985:

Joseph E. Little C. E. Crocker 505 Mineral Ave. Libby, MT 59923

Ronald G. and Brenda K. Bierer Box 33 Pinesdale, MT 59841

# DNRC WATER RIGHT OWNERSHIP UPDATE

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P.O. Bo.	E. Little 73 Mt. 59853	70 anyse	Dayano Prone)	47-26	32
Legal Description:				Attechme	ent C
Add/Sub	City/Town	Elock	Section	Lot	Range
List all water rights who W, U, A, B, or O	NHT(8) TO UPDATE ich need to have ownership updated. At 76 - 4 - 60 Statement of Claim No. <u>76 - 67 - 67</u>	ach a list II additional sps 133382 , 760 - 1 133385 , 760 - 4	1133386°	76N-013 76N-013	Allachment 13 8*4 13 8 8 7
» (C) Certificate of					
	ropriate Water No.				
7 .	ng Right No.				
▷ (U) Powder River ▷ Other	Begin Decreed Flight No				
B. SELLER (	person relinquisiting the water right): If of the property from the seller to the but in cooles of the recorded documents a	yer. If the seller listed is	not the person id	entitled as the wa	e recorded instrum star right owner in t

CODE

buyer's property.

If the sale is on a contract for deed, does the saller want to remain listed as an owner of the water right?

Seller Signature:

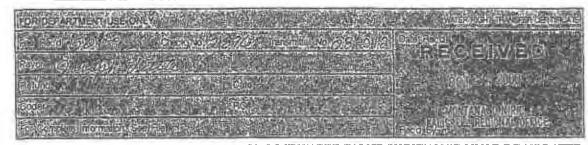
C. POR QUESTIONS or CLARIFICATION, WHO SHGULD THE DNRC CONTACT?

Name

Address

Phone #

Did the buyer receive 100% of the seller's interest in the water rights shown above? If no, ettach a map showing



# KALISPELL WATER RESOURCES REGIONAL OFFICE DEPARTMENT OF NATURAL RESOURCESAND CONSERVATION



JUDY MARTZ GOVERNOR

109 COOPERATIVE WAY

STATE OF MONTANA

PHONE: (406) 752-2263 PAX: (406) 752-2843

KALISPELL, MONTANA 59901-2387

March 6, 2000

George & Elva Horn 20445 Adrian Rd Soap Lake WA 98851

RE: Water Rights Transfer

Dear Mr. & Mrs. Horn:

A DNRC Water Right Ownership Update form was received on March 31, 1999. It transferred a water right to you from the Guilfoyle's in error. We checked and found, according to the land description on the deeds, on the water rights and maps that a water right was put into your name by mistake.

Based on this research, we are correcting this mistake and putting this water right back into Joseph Little's name.

Feel free to contact Judy Jeniker or myself if you have questions concerning this situation.

Sincerely,

Linda Molina

Program Assistant

Kalispell Regional Office

Juda Molena

Xc: Joseph & Wayne Little

# WARRANTY DEED

(JOINT TENANCY)

For Value Received BRENDA K. BIERER of 2505 N. Highway 93, Hemilton, Montana 59840

the Grantor , do enheroly grant, bargain, sell and convey unto JOSEPH E. LITTLE and VIRGINIA LITTLE of Ash Springs, Hiko, Nevada 89017

the Grantees , as joint tenents (and not as tomants in common), and to the survivor of said mamed joint tenents, and to the heirs and assigns of such survivor, the following described premises, in Sanders County, Montana, to wit:

The NWASWANWASEA, the SASANWASEA, the SWASWANEASEA, the SWASEASEA, the EASWASEASEA, the EASEASWAY of Section 11, Township 26 North, Range 33 West, M.P.M.

SUBJECT to essements apparent or of record.

TO HAVE AND TO HOLD the said premises, with their appartenances unto the said Grantes , is joint tenants with right of survivorship (and not as tenants in common) and to the bake and assigns of the survivor of said named joint tenants forever. And the said Granter dogs hereby covenant to and with the said Grantes , that she is the owner in fee simple of said premises; that they are free from all incumbrances

and that 8 he will warrant and defend the same from all lawful claims whatsoever.

Deted: July 25, 1983

[ · · · · ·

Brenda K. Bierer

210829

On this day of Cutty . 1983. before me, a notary public in and for said State, personally appeared

BRENDA K. BIERER

subscribed to the winter company whose name is subscribed to the winter company and scknowledged to me that

Residing at X

otary Public , Montana STATE OF MONTANA. COUNTY OF Branch of I hereby sertify that this instrument was filed for record at the request of

at 20 minutes past 2 o'clock P.m., this 27th day of Justinable.

19¶3, in my office and day recorded in Book of Deeds at page 1100 #8108

Ex-Officio Recorder

By a bigua Mangin lam

Pees 8 6.00 Mail to:

NDEXEL

05/23/014

### ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE PROM

### DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION STATE OF MONTANA

### WATER RIGHT NUMBER 76N -W-133386-00

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU HAVE BEEN CHANGED TO REFLECT THE NEW CHNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT.

PLEASE NOTE THAT THIS WATER RIGHT IS IN A TEMPORARY PRELIMINARY OR PRELIMINARY DECREE ISSUED BY THE MONTANA WATER COURTS. THE NEW OWNER MAY WISH TO DETERMINE THE STATUS OF THIS RIGHT IN THE ONGOING ADJUDICATION BY THE MONTANA WATER COURTS.

IF YOU HAVE QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE. KALISPELL REGIONAL OFFICE, 752-2288.

OWNERS:

LITTLE Joseph

t WAYNE LITTLE PO BOX 72

MOXON

MT 59853

盟

PRIORITY DATE:

APR 8, 1912

FLOW RATE:

4.00 CUBIC FEET PER SECOND (C)

**VOLUME:** 

28.90 ACRE FEET PER YEAR (AF)

THIS USE MAY CONSUME SOME WATER, BUT UNTIL THAT AMOUNT IS QUANTIFIED, IT IS PRESUMED THAT THE USE IS NON-CONSUMPTIVE.

SOURCE:

SPRING, TRIBUTARY OF CABINET GORGE RESERVOIR

PURPOSE:

USE FLOW VOLUME (AF) ACRES PERIOD OF USE

POWER GENERATION

4.00 C 28.90 JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

DIVERSION:

QTR SEC SEC TWP RGB COUNTY MEANS

NENESE 11 26N 33W SANDERS HEADGATE

PLACE OF USE FOR POWER GENERATION:

ACRES ATK

OTR SEC SEC TWP RGE COUNTY

001

S282 11 26N 33W SANDERS

REMARKS: THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THE RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF

THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES, W133382-00, W133385-00, W133386-00

REMARKS CONTINUED:

** TRANSFER OF CHNERSHIP:

UPON A CHANGE IN OWNERSHIP OF ALL OR ANY PORTION OF THIS

CLAIM, THE TRANSFEROR SHALL FILE WITH THE DEPARTMENT OF

NATURAL RESOURCES AND CONSERVATION A WATER RIGHT

CHNERSHIP UPDATE, PORM 608, PURSUANT TO SECTION

85-2-424, MCA.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/06/00.

		NT INFOR	MATION	P _i ù
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Joseph B. Little	r's/decessed joint tenant's complete n	and the manner of the same of the		
Yuma, AZ 85367	PIAGIO	Daytime Phone		1
yer / Surviving John Tower - Enter grants	e's leurshing joint tenant's compleie na	une and assessment notice	mailing eddress, including	10
state and ZR Robert J. Thomas and E	larbara J. Thomas		100	4
PO Box 84	***			min i
Noxon, MT 59853		Caylime Phone		5 No.
ART 3 - Description of Properly get Description:	II das rigidori s Eccloristo)		Attechene	1 **
gel Description: See Attached Description Sanders	ription Block		Loţ	
	Гомп	Section	TownshipRang	A
> (W, U, A, B, or O) Statement of Cl	alm No	/6N-133383-00 DM:	/6N-133384-00 DM	
<ul> <li>(W, U, A, B, or O) Statement of Cl</li> <li>(C) Conflicate of Water Right No</li> <li>(P) Permit to Appropriate Water N</li> </ul>	76N-133382-00 IR; 7	'6N-133383-00 DM; ' '76N-133386-00 PG;		
► (C) Cartilicate of Water Right No ► (P) Permit to Appropriate Water N ► (E) Exempt Existing Right No	76N-133382-00 IR; 76N-133385-00 FW;			
<ul> <li>► (C) Cartilicate of Water Right No</li> <li>► (P) Permit to Appropriate Visiter No</li> </ul>	76N-133382-00 IR; 76N-133385-00 FW;			
► (C) Carillicate of Water Right No.     ► (P) Permit to Appropriate Water No.     ► (E) Exempt Existing Right No.     ► (D) Povider River Beain Decreed if     ► Other.  SELLIER Decreased Joint Tenes the recorded instrument showing as the water right owner in the Didescription.  Yes G. No C. Did the buyer / su attach a map shower.	76N-133382-00 IR; 76N-133385-00 FW; 76N-133385-00 FW; Right No.  It (person relinquishing the water rigiconveyance of the property from the single property from the reviving joint tenant receive 100% of tiving buyer's property.	76N-133386-00 PC ₂ htt: If all seller's eignature seller to the buyer, if the asi corded documents show he seller's interest in the w	ere not available, attach a ler listed is not the person i ng chain of litle including i rater nghts shown above?	dentifie Ita legi
► (C) Certificate of Water Right No.     ► (P) Permit to Appropriate Water No.     ► (E) Exempt Existing Right No.     ► (D) Povider River Beain Decreed in Cities.     ■ Still LER Decreased Joint Tensus the recorded instrument showing as the water right owner in the Didescription.     Yes ② No ② Did the buyer / suaffach a map shore Yes ② No ② If the sale is on a content.	76N-133382-00 IR; 76N-133385-00 FW; 76N-133385-00 FW; Right No.  It (person relinquishing the water rigiconveyance of the property from the selection of the records, attach copies of the reviving joint tenant receive 100% of the selection of the property of the records.	76N-133386-00 PC ₂ htt: If all seller's eignature seller to the buyer, if the asi corded documents show he seller's interest in the w	renot available, attach a ler listed is not the person in ng chain of title including i rater nghts shown above?	dentifie the leg
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COMPLETE AND SEND THIS FORM TO DNRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED

July 13, 2004 76N 133386 00

Page 9 of 12 NEW STORAGE Ownership Update IDE: 14064

### STATE OF MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION 1424 STN AVENUE P.O BOX 201801 HELENA, MONTANA \$0020-1601

# EDGEMENT OF WATER RIGHT OWNERSHIP UPDATE

*PLEASE NOTE THAT THIS WATER RIGHT IS IN TEMPORARY PRELIMINARY DECREE ISSUED BY THE WATER COURTS. *

WE HAVE RECEIVED AWATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT. IF YOU HAVE FURTHER QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE.

KALISPELL REGIONAL OFFICE 406-752-3267

Water Right Number:

76N 133386 00 STATEMENT OF CLAIM

Version: 1 - ORIGINAL RIGHT

Status: ACTIVE

Owners:

BARBARA J THOMAS

PO BOX 133

FORSYTH, MT 59327 0084

ROBERT J THOMAS

PO BOX 133

FORSYTH, MT 59327 0084

Priority Date:

**APRIL 8, 1912** 

Type of Historical Right: FILED

Purpose (use):

**POWER GENERATION** 

Maximum Flow Rate:

4.00 CFS

Maximum Volume:

. 28,90 AC-FT

Source:

SPRING

Source Name:

UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR

Source type:

GROUNDWATER

Point of Diversion and Means of Diversion:

ID

**Govt Lot** 

NENESE

Twp

County

Diversion Means: HEADGATE

Purpose (Use):

**POWER GENERATION** 

Volume:

28.90 AC-FT

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

ID Acres

Page 10 of 12 NEW STORAGE Ownership Update ID#: 14064

Remarks:

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 03/31/99.
WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/08/00.
WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/08/2004.

IN THE WATER COURTS OF THE STATE OF MONTANA

CLARK FORK DIVISION - CLARK FORK BELOW THE FLATHEAD RIVER

****

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL. THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.

Case No. 76N-16. 76N-W-133382-00 76N-W-133383-00 76N-W-133384-00 76N-W-133386-0

Claimants: R

Ronald G., Brenda K. and Grant K. Bierer

Objectors:

Joseph E. Little

Forest Service

Intent to Appear: Robert

ar: Robert Guilfoyle

MASTER'S REPORT

Findings of Fact

I.

Claim number 76N-W-133382-00 was filed by Ronald G., Brenda K. and Grant K. Bierer for irrigation. Claim number 76N-W-133383-00 was filed by Ronald G., Brenda K. and Grant K. Bierer for domestic use. Claim number 76N-W-133384-00 was filed by Ronald G. and Brenda K. Bierer for domestic use. Claim number 76N-W-133386-00 was filed by Ronald G. and Brenda K. Bierer for power generation.

II.

The acres irrigated for claim number 76N-W-133382-00 was objected to by Joseph E. Little. The point of diversion was objected to by the Forest Service. Mr. Joseph E. Little filed a notice of intent to appear.

III.

On May 30, 1984 a water right transfer certificate for claim

FILMED

number 76N-W-133382-00 was filed by Joseph E. Little and Brenda K. Bierer.

IV.

The point of diversion for claim number 76N-W-133383-00 was objected to by the United States of America, Forest Service.

Joseph E. Little filed a notice of intent to appear.

V.

A water right transfer certificate for claim number 76N-133383-00 was filed on May 30, 1984 listing Joseph E. Little as buyer and Brenda K. Bierer as seller.

VI.

The point of diversion for claim 76N-W-133384-00 was objected to by the United States of America, Forest Service.

The volume was objected to by Joseph E. Little. Joseph E. Little also filed a notice of intent to appear.

VII.

A water right transfer certificate for claim number 76N-W-133384-00 was filed on July 10, 1984 by Joseph E. Little as buyer and Brenda K. Bierer as seller.

VIII.

The point of diversion for claim number 76N-W-133386-00 was objected to by the United States of America, Forest Service. The flow rate and volume were objected to by Joseph E. Little. Mr. Little also filed a notice of intent to appear.

IX.

The volume or flow rate for claim number 76N-W-133385-00 was objected to by Joseph E. Little. Mr. Robert Guilfoyle



filed a notice of intent to appear. On June 28, 1985, Joseph E. Little filed a withdrawal of objection for claim number 76N-W-133385-00. On August 8, 1985 Robert Guilfoyle filed a withdrawal of intent to appear.

х.

A prehearing was held on January 29, 1985 at 10:40 a.m. in the Courtroom of the Sanders County Courthouse in Thompson Falls, Montana. The United States Department of Agriculture, Forest Service, filed objections to claims 76N-W-133382-00, 133383-00, 133384-00 and 133386-00. These objections were withdrawn prior to the prehearing.

XI.

Joseph E. Little objected to the number of acres irrigated for claim number 76N-W-133382-00. On February 13, 1985, the Court received an affidavit from Joseph E. Little indicating that the spring was developed in 1912 and is used to irrigate 94 acres. He also indicated that this has been the historic practice in the past. The flow rate should be 3.525 cfs and the volume 357.2 afy.

### XII.

The place of use for claim number 76N-W-133382-00 should be:

20	SESSESW	Section	11	Township	26	North	Range	33	West
40	SWSE	Section	11	Township	26	North	Range	33	West
114	s <del>i</del> nwse	Section	11	Township	26	North	Range	33	West
20	SESE	Section	11	Township	26	North	Range	33	West
23	SWNESE	Section	11	Township	26	North	Range	33	West

### XIII.

Joseph E. Little objected to the volume for claim number 76N-W-133384-00. On June 28, 1985, the Court received an affidavit from



Joseph E.Little indicating that 15 acre feet had been claimed and is actually used in accordance with past practices.

XIV.

Joseph E. Little objected to the flow rate and volume for claim number 76N-W-133386-00. That objection dealt with the non-consumptive use remark and has been withdrawn.

Conclusions of Law

ľ.

The Water Court has jurisdiction to review all objections to Temporary Preliminary Decrees pursuant to 85-2-233 MCA.

II.

The Water Court has jurisdiction to make clerical corrections pursuant to Water Court Rule 4.

III.

Upon review of the facts, the Master finds that there has been no over-reaching or misunderstanding by the parties. The Court finds that the results are reasonable.

.IV.

The place of use for claim number 76N-W-133382-00 should be:

20 SELSESW Section 11 Township 26 North Range 33 West Section 11 40 SWSE Township 26 North Range 33 West 113 S½NWSE Section 11 Township 26 North Range 33 West 20 Section 11 SESE Township 26 North Range 33 West 25 SWNESE Section 11 Township 26 North Range 33 West

The flow rate should be 3.525cfs, volume 357.2 afy.

IV.

The volume for claim number 76N-W-133384-00 should be 15 acre feet per year.

DATED this 1744 day of April

, 1987.



Linda Hickman Water Master

### ORDER

After review of the Findings of Fact and Conclusions of Law, it is ORDERED that the following changes be made to the Temporary Preliminary Decree of Existing Water Rights in the Clark Fork River Below the Flathead River Basin.

I.

The place of use for claim 76N-W-133382-00 is:

20 SE\SESW Section 11 Township 26 North Range 33 West
40 SWSE Section 11 Township 26 North Range 33 West
11\(\frac{1}{2}\) S\(\frac{1}{2}\)NWSE Section 11 Township 26 North Range 33 West
20 SESE Section 11 Township 26 North Range 33 West
2\(\frac{1}{2}\) SWNESE Section 11 Township 26 North Range 33 West

The flow rate is 3.525 cfs and the volume is 357.2 afy.

II.

The volume for claim number 76N-W-133384-00 is 15 acre

feet per year.

DATED this / / day of

1987.

W. W. LESSLEY Chief Water Judge

cc: Kenneth Pitt
Office of General Counsel
P.O. Box 7669
Missoula, MT 59807

John R. Hill, Jr. U.S. Dept. of Justice 1961 Stout Street Drawer 3607 Denver, CO 80294

Joseph E. Little 505 Mineral Avenue Libby, MT 59923 C.E. Crocker 505 Mineral Avenue Libby, MT 59923

Ronald G., Brenda K. and Grant K. Bierer Box 33 Pinesdale, MT 59841

M. Richard Gebhardt 515 U.S. Highway 93 South Ronan, MT 59864

Washington Water Power Co.



IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE CLARK FORK BELOW THE FLATHEAD RIVER DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.



### WITHDRAWAL OF OBJECTION

I,	Mark J. Fennessy		withdraw the		
Notice	of Objection to Clai	m Number 76N-W-133	386-00 upon entry		
of a decree with the following correction will nemain as					
	is no longer necessa		ng before the		
DAT	ED this 13 day of	March 1/V	1986.		
		Attorney for	7		
		Attorney for Joseph E. Littl	•		

FILMED

July 12, 1984

Joseph E. Little P.O. Box 34 Noxon, Montana 59853

. 1

RE: Temporary Preliminary Decree of Water Rights-Lower Clark Fork Basin (76N)

Degr Mr. Little:

We have been notified that you were involved in a water rights transfer in the above named basin.

Envlosed is a copy of the Notice of Azailability of the Temporary Preliminary Decree of Water Rights for the Lower Clark Fork Basin. The period for filing objections to this Decree bads been extended to the 3rd day of August, 1984.

Please call us at 586-4364 if you have questions.

Sincerely,

Janet Lackey Clerk

jl ENC.

FILMED

STATE OF MONTANA

County of Lincoln

:55

AFFIDAVIT.



I, JOSEPH E. LITTLE, of Noxon, Montana, do hereby state as follows:

That I am over the age of 21 years and that I am the purchaser, together with my wife of that certain realty for which a water right is sought under water right application number 76N-W-133384-00;

That we purchased this property under Contract for Deed from one Ronald G. and Brenda K. Bierer of Box 33, Pinesdale, Montana;

That our equity was obtained on July 25, 1983 by virtue of said Contract for Deed referred to above;

That Ronald G. and Brenda K. Bierer agreed to transfer all Water rights applied for upon said property to my wife and I as purchasers under said Contract for Deed;

That in Water Right Application No. 76N-W-133384-00 we applied for 15 acre feet of water as set forth in said application:

That said water was to be used and is being used for the purpose of supplying domestic water to our residence located on the real estate referred to above and for domestic use of 30 recreational vehicle spaces located on said property as operated and rented by us as equitable owners of said property;

That to the best of my knowledge said domestic use of this water has been constant since construction of the house on the premises after filing of the water right in 1912;

That use of the water for the recreational vehicles has been constant and is still in effect since the year  $\frac{1956}{}$ .

Dated at Libby, Montana, this 26 day of June, 1985.

sep E. Littl

Virginia Little

FILMED

Subscribed and sworn to before me, a Notary Public, on this 26 day of June 1985

Notary Public for the State of

...

# IN THE WATER COURTS OF THE STATE OF MONTANA CLARK FORK DIVISION CLARK FORK RIVER BELOW THE FLATHEAD RIVER BASIN

IN THE MATTER OF THE ADJUDICATION	
OF THE EXISTING RIGHTS TO THE USE	
OF ALL THE WATER, DOTH SURFACE	
AND UNDERGROUND, WITHIN THE	
CLARK FORK RIVER BELOW THE FLATHEAD	
RIVER DRAINAGE, INCLUDING ALL	
TRIBUTARIES OF THE CLARK FORK RIVER	
BELOW THE FLATHEAD RIVER IN	
FLATHEAD, LINCOLN AND SANDERS	
COUNTIES, MONTANA.	



_			WITT IN
	NOTICE OF OBJE Basin 76N		de .
1.	Claim # 133386 ; Page # of Preli	minary Decree 1026	
2.	Source Cabinet Gorge Res.; County S		wer
3.	Type of Claim: Irr Dom S		
4.	Name of Party to whom the water right Brenda and Ronald Bierer	was issued:	
5.	Objector's name, address and phone nu	mber:	
	UNITED STATES OF AMERICA (USDA-For	est Service)	
	Last Name First Name Middle		
	P. O. Bon. 7660		
	P.O. Box 7669 Street Address or Post Office Box		
	,		
	Missoula MT 598		
	City State Zip Cod	16	
	406 329-3073	<u> </u>	
	Area Code Phone Number		
6.	Name of objecting party's attorney and	l address, if any:	
	JOHN R. HILL JR.	LAWRENCE M. JAKUB	FILLAREN
	Attorney, Department of Justice	Attorney in Charge	
	Land & Natural Resources Division 1961 Stout Street, Drawer 3607	Missoula, MT 59807	
	Denver, CO 80294-3607		
	303 <del>-337-3892</del> 844-2892	406-329-3073	
7.	Basia of Objection:		
	Delemine Dana Anno Yesia	e Z Point of	Diversion
	Purpose of Right Source	Means Of	or Flow Rate
	- The same of the	C 30, for	
8.	Signature of Objector:		

### Claim #133386

Based upon available information and belief this water diversion and/or use does not exist.

. · ·

The United States of America reserves the right to make further objections in the event this diversion or use actually exists on National Forest System Lands.

EILMED



### MONTANA WATER COURTS

# STATE OF MONTANA

WATER JUDGES:

Upper Missouri Arres Basin Chief Judge W W Leseley PQ Box 679 Botemen, MT 56715

Lower Messeut River Basin Judge Bernard W Thomas PO Box 938 Chinosh, MT 66523

Clark Fork River Beels Judge Robert M. Holter Lincoln County Courthouse Units; MY 88823

Yellowstone River Basin Judge Roy C, Rodeghiero P.O. Box 448 Roundup, MT 58072 August 3, 1984

Jim Kindle
Records Section
Department of Natural Resources
32 South Ewing
Helena, MT 59620

Dear Jim:

Please send us the original claim files for:

76C-	115780 115810 116385 116386 116387 116388 116389 116390 116391 116392	115887 (76N) 116347 116348 116349 116359 116367 116368 116374 116381 116382 116383	133360 (76N) 133382-We already 133383 133384 133386 138044 138084 138086 140137
76N-	003156 011608 027766 > we aiready 028667 rave 028694 052604 052607 052631 052642 052648 105585 107694	116384 116396 116387 116398 116399 116400 116401 116402 116415 121849 122964 124888 133269	

Thanks, Jim and Sue!

caj

Sincerely,

Chris Jensen

FILMED

Clerk.

". ... to expedite and facilitate the adjudication of existing water rights." CH. 697 L. 1979

IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER DRAIN-AGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.

NOTICE OF OBJECTION TO THE CLARK FORK RIVER BELOW THE FLATHEAD ...... Practical Practical Process RIVER. TEMPORARY PRELIMINARY DECREE

TO: Ronald & Brenda Bierer

Water Right# 133386 RE:

Montana State Water Courts FROM:

This is to provide you with notice that Water Right #133386 , issued in your name in the Clark Fork River below the Flathead River Temporary Preliminary Decree, has been the state of objected to by USDA Forest Service

The	objector	maintains	Point	of	Diversion is	
incorrect						

A preliminary hearing will be held on this matter. - -you-wish to participate in a hearing on this issued, you MUST * - file a Notice of Intent to Appear on the Water Court forms pursuant to Water Court Rule #8 by the date listed on the Notice of Objection.

> DATED this 28 day of freus7 , 1984.

Water Master P.O. Box 879

Bozeman, MT 59715

Montana State Water Courts P.O. Box 879 Boxeman, Montana 59715

We hereby enter our notice of Intent to Appear on Water Right Claim # 's 133384 & 133386

We reserve the right to protect the original appropriation under the Adjudication process.

Attorney for

Joseph E. Little

IN THE MATTER OF THE ADJUDICATION OF
THE EXISTING RIGHTS TO THE USE OF ALL
THE WATER, BOTH SURFACE AND UNDERGROUND,
WITHIN THE CLARK FORK BELOW THE
PLATHEAD DRAINAGE AREA, INCLUDING ALL
TRIBUTARIES OF THE CLARK FORK BELOW THE
PLATHEAD RIVER IN FLATHEAD, LINCOLN,
AND SANDERS COUNTIES, MONTANA.

CASE NO. 76N-16 76N-W-133382, 76N-W-133383, 76N-W-133384, 76N-W-133386

CLAIMANT: Ronald G., Brenda K. and Grank K. Bierer
OBJECTOR: Joseph B. Little, USDA Forest Service

### AMENDED MASTER'S REPORT

### FINDINGS OF FACT

I.

The computer operator in Helena indicated to the Water Master that the legal description for place of use 001, claim 76N-W-133382 was not a valid legal description as set out by the Water Master.

H.

Upon further checking, the Master discovered that the legal description for place of use 001 for 76N-W-133382 should be E2SESW, Section 11, T26N, R33W, Sanders County, as set out in the affidavit by Joseph E. Little.

### CONCLUSIONS OF LAW

I.

The Water Court has jurisdiction to review all objections to temporary preliminary decrees pursuant to 85-2-233, Montana Code Annotated.

FILMED

FILE-WATER RIGHT NO.: W/33386-76 VRC WATER RIGHT OWNERSHIP UPDATE PATTA BALP DATE: SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM PART 2 - Grantor/Grantse - names must be entered exactly as they appear on the transfer of ownership | Seller - Enter granter's complete name and mailing address, including city, state and ZIP. D ROBERT J. CUTLECYTE & FLIZARETH J. CUTLECYTE. · 11157 S. Vaplewood Avenue III Chicago, 1 60655 Buyer - Enter prentage complete name and assessment notice mailing address, including city, state and Zir. MARCHINE ELVA J. HORN & CHYRICE R. HORN OR 20445 Adrian Road NOX ON MISTRES Joan Lake, UA 98851 PART 3 "Description of Property" If geographically not conduct the Township 26N A. WATER RIGHT(S) TO UPDATE List all water rights which need to have ownership updated. Attach a list if additional space is needed. ► (W, U, A, B, or O) Statement of Claim No. ► (C) Certificate of Water Right No. 241 W1233 42-1 » (P) Permit to Appropriate Water No. _ > (E) Exempt Existing Right No.: > (D) Powder River Basin Decreed Right No. ➤ Other SELLER toerson relinquishing the water right): If all seller's signatures are not mediable, ettach a copy of the recorded instrume. showing conveyence of the property from the celler to the buyer. If the seller listed is not the person identified as the water right owner the DNFIC records, attach copies of the recorded documents showing chairs of title including the legal description. Yes 2" No D: Did the buyer receive 100% of the seller's interest in the weter rights shown above? If no, attach a map showing The sale is of a contract to seed, does he defer want to remain listed as an owner of the water noin? Seller Signature: Seller Signature: C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT? Name Alex MORZISON Address Rox 247 Thompson Talle Phone # \$37-7372 REMARKS FOR GEPARTMENT USE ONLY Check No. 1450 . Transmittel No. 08 - 859. Fee Rec'd

Reo'd Ely

and the state of the same

### TCLA IN DEED (Joint Tenancy)

-For-Value-Received- 2KG

GRANT K. BIKRER

the Grantor, does hereby convey, release and guitclaim unto:

ROBERT J. GUILFOYLE and ELIZABETH J. GUILFOYLE, 11157 S. Maplewood Avenue, Chicago, Illinois 60655

the Grantses, as joint tenants (and not as tenants in common), and to the survivor of said named joint tenants, and to the heirs and assigns of such survivor, all of Grantors' right, title and interest in and to the following described property in Sanders County, Montana, to wit:

The West half of the Southeast quarter of the Southwest quarter (WiselsWk) of Section 11, Township 26 North, Range 33 West, M.P.M. EXCEPTING THEREFRON a small tract conveyed to Washington

Water Power Co., a corporation, and described in the Deed recorded in Book 68 of Deeds, Page 84, Sanders County records.

ALSO GRANTING to the Grantees, their successors and assigns, a 10 root wide easement over the existing pipeline, supplying water to the above-described premises, running in a northeasterly direction over and across the ElsElsWi and the WisWisWi of said Section 11 to the point where the water is diverted from U.S.Forest Service property, with the right to maintain and repair said pipeline.

SUBJECT TO AND TOGETHER WITH all other easements, rightsof-way, agreements, covenants, conditions, provisions and restrictions apparent or of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantses, as joint tenants with right of survivorship (and not as tenants in common), and to the heirs and assigns of the survivor of said named joint tenants forever.

DATED this 19th day of October, 1998. 3 GRANT K. BIERER STATE OF MOMIAN A county of Tanalli The foregoing Quitclaim Deed was acknowledged before me of the day of Gebabar, 1998 by GRANT K. BIERER. rous Notary Public, State of Amarika (SEAL) My Commission Expires: 2/1.2006 233846 STATE OF MONTANA, COUNTY OF SANDERS Recorded the 24 Day of 100 ACC 10 29 of 2 1099 a 9.30

de me

M. Microfilm

GRITCLAIM DEED - BIERER/GRILFOYLE

Page 1 of

Desity

CACHAGIM County Records:

# WARRANTY DEED

For Value Received

2 -

till water

RONALD G. BIERER and BRENDA K. BIERER of Box 33, Pincadale, Montana 59841

the granter s , do hereby grant, bargain self and convey unto SAM LOURAS of 13901

S. Burnham Ave., Burnham, Illinois 60633, an undivided one-third internst;
ROBERT GULLFOYLE, JR. of 10608 S. Sawyer, Chicago, Ill., 60655, an undivided one-third interest; and ROBERT GULLFOYLE, SR. of 17252 S. 68th Goart, Tenley Park the granter; the following described premises, ind interest
Sanders

County, Montana,

The West half of the Southeast quarter of the Southwest quarter (WkSUkSWk) of Soction Klaven (11), Township Twenty-six (26) North, Range Thirty-three (33) West, H.P.H.

SUBJECT to casements apparent or of record.

EXCEPTING THEREFROM a small tract of land conveyed to Washington Water Power Company, a corporation, and described in the deed recorded in Book 68 of Deeds, Page 84, Sanders County records.

ALSO granting to the Grantees, their successors and sssigns, a 10 foot wide easement over the existing pipeline, supplying water to the above described premises, running in a northeastarly direction over and across the ESSESWE and the WESWESWE of said Section 11 to the print where the water is diverted from U. S. Forest Service property with the right to maintain and repair said pipeline.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantes .

their heirs and assigns forever. And the said Granton do hereby covenant to and with the said Granton s , that they are the owners in fee simple of said premises; that they are free from all encumbrances and that t he y will warrant and defend the same from all lawful claims whatsoover.

Amena t

Dateo: True usy of	Ronald G. Bieren
	Brand K. Richell G.
STATE OF MONTANA, COUNTY OF SATISE 1'S On this 27 day of County 19 80 tiofers me, a noticy public in and for seld State, personally	SYATE OF MONTANA, COUNTY OF Services in the property of the this instrument was liked for record at the request of
RONALD G. BIERER and BRENDA K. BIERER  Thomas to be the periods whose comes are	at 00 minutes pack // o'clock Am., this 34 day of Maran. 1953 in my effice, and duty recorded in Book 10/ of Deeds at page 106
autocorporate to the within instrument, and acknowledged to me that the year.  ADA A March	Ex-Officio Reserter
Notary Public Hesiologial : Flairtu Mantana Comm. Expires 5-24-83	Poen's 359 Mell to:

SINSTRUMENT No. 16.

# KALISPELL WATER RESOURCES REGIONAL OFFICE DEPARTMENT OF NATURAL RESOURCESAND CONSERVATION



MARC RACICOT GOVERNOR

109 COOPERATIVE WAY
SUITE 110

<u>- STATE OF MONTANA</u> :

PHONE: (406) 752-2268 FAX: (406) 752-2843

26 ril 18, 1999 KALISPELL, MONTANA 59901-2387

Alex Morrison PO Box 247 Thompson Falls MT 59877

Thompson Falls MT 59873
RE: Water Right Transfer
Enclosed is a copy of the Water Right Update (Transfer) received by this office. An initial review of your form shows the following items marked in pink need either correcting or completing.
Filing fee. (25 for the first number and \$5 for each addition number up to a total of \$50). The total Amount due is \$
No Water Right numbers listed on form
Seller name and/or address Buyer name and/or address
Seller signature or documentation showing the chain of title to the property.
Water Right not in Seller's name. Need documentation showing the chain to title. THERE ARE TWO WATER RIGHTS IN BOTH ROBERT SR. AND ROBERT SR. THE OTHER APPEARS ARE ON. THE OTHER APPEARS THE Water right is being split. Please submit a good map showing the entire right and how it is being split.
Appears another form is needed.  Appears another form is needed.  Beauty Two Transfers: Because your grown a deed from Brant Beauty to the Seller, Sin gaing to terminate that  Please complete and return all requested information or papers to this office within 30 days of the date of this letter. If the requested information is not received, the Transfer will be terminated and a new form and fee will be required. If you have questions, feel free to call or come into our office (109 Cooperative Way, Suite 110, Kalispell, Mt 59901-2387; Phone number is 752-2288).
Sincerely, & Weld some kind of documentation
Grida Melisia to about the property went
Sincerely,  Need some kind a documentation  Hillian Molisia to about the property went  Linda Molina  Program Assistant  Kalispell Regional Office  Med Some kinds a documentation  Med Some the property went  Kalispell Regional Office
Kalispell Regional Office

### OUITCLAIM DEED (Joint Tenancy)

-POR-VALUE RECEIVED - BKG

GRAMP K. BIERER

the Grantor, does hereby convey, release and quitolaim unto:

ROBERT J. GUILFOYLE and BLIEABETT J. GUILFOYLE, 11157 S. Maplewood Avenue, Chicago, Illinois 60655

the Grantees, as joint tenants (and not as tenants in common), and to the survivor of said named joint tenants, and to the heirs and assigns of such survivor, all of Grantors' right, title and interest in and to the following described property in Sanders County, Montana, to wit:

The West half of the Southeast quarter of the Southwest quarter (WhSENSWh) of Section 11, Township 26 North, Range 33 West, M.P.H.

QUITCLAIM DEED - BIRRER/GUILFOYLE

EXCEPTING THEREFRON a small tract conveyed to Washington Water Power Co., a corporation, and described in the Deed recorded in Book 68 of Deeds, Page 84, Sanders County records.

ALSO GRANTING to the Grantees, their successors and assigns, a 10 foot wide easement over the existing pipeline, supplying water to the above-described premises, running in a northeasterly direction over and across the ELSELSWA and the WASWASWA of said Section 11 to the point where the water is diverted from U.S.Forest Service property, with the right to maintain and repair said pipeline.

SUBJECT TO AND TOGETHER WITH all other essements, rightsof-way, agreements, covenants, conditions, provisions and

restrictions apparent or of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, as joint tenants with right of survivorship (and not as tenants in common), and to the heirs and assigns of the survivor of said named joint tenants forever.

DATED this 19th day of October, 1998. GRANT K. BIERER STATE OF MONIANA county of Kaual The foregoing Quitclain Deed was acknowledged before me on the day of Osteber, 1998 by GRANT K. BIERER. yours Lebbe Notary Public, State of Manhan Residing at 1 Louis (SEAL) My Commission Expires: 233846 STATE OF MONTANA, COUNTY OF SANDERS Recorded the 24 Day of Mas Ch Thompham

### MARRANTY DEFEID (Joint Tenancy)

FOR VALUE RECEIVED:

ROBERT J. GUILFOYLE and ELIZABETH J. GUILFOYLE, 11157 S. Maplewood Avenue, Chicago, Illinois 60655

the Grantors, do hereby grant, bargain, sell and convey unto:

GEORGE R. HORN and ELVA J. HORH, 20445 Adrian Road, Soap Lake, Washington 98851

the Grantees, as joint tenants (and not as tenants in common), and to the survivor of said named joint tenant, and to the heirs and assigns of such survivor, the following described premises in Sanders County, Montana, to-wit:

The West half of the Southeast quarter of the Southwest quarter (Wishight) of Section 11, Township 26 North, Range 33 West, M.P.H. EXCEPTING THEREFROM a small tract conveyed to Washington Water Power Co., a corporation, and described in the Deed recorded in Book 68 of Deeds, Page 84, Sanders County ALSO GRANTING to the Grantees, their successors and assigns, a 10 foot wide easement over the existing pipeline, supplying water to the above-described premises, running in a northeasterly direction over and across the Eisessi and the Wiswissi of said Section 11 to the point where the water is diverted from U.S. Forest Service property, with the right to meintain and repair said pipeline. SUBJECT TO AND TOGETHER WITH all other easements, rights-

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, as joint tenants with right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named joint tenants forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances; and that they will warrant and defend the same from all lawful claims whatsoever.

of-way, agreements, covenants, conditions, provisions and

restrictions apparent or of record.

DATED this /Z/day of November, 1998. GUILPOYLE

STATE OF ILLINOIS ) 158. County of Cook

The foregoing Warranty Deed was acknowledged before me on the day of November , 1998 by ROBERT J. GUILFOYLE and ELIZABETH J. GUILFOYLE.

"SPITCIAL SEAL" THE POST (SEMBORN PROLIC, STATE OF ILLINOIS TH COMMISSION ENTRES 09/63/60

Notary Public, State of Illinois Residing at: Residing at: My Commission Expires:

County Recorder

WARRANTY DEED - CHILPOYLE/BORN STATE OF MONTANA COUNTY OF SANDERS Page 1 of MONCA 19 97 at 9:35 Page 1 of

M. Microlite # Tugigham

09/30/99

. . .

# ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE FROM. DEPARTMENT OF NATURAL RESOURCES AND CONSERVATON STATE OF MONTANA

### WATER RIGHT NUMBER 76N -W-133386-00

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT.

PLEASE NOTE THAT THIS WATER RIGHT IS IN A TEMPORARY PRELIMINARY OR PRELIMINARY DECREE ISSUED BY THE MONTANA WATER COURTS. THE NEW OWNER MAY WISH TO DETERMINE THE STATUS OF THIS RIGHT IN THE ONGOING ADJUDICATION BY THE MONTANA WATER COURTS.

IF YOU HAVE QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE. KALISPELL REGIONAL OFFICE, 752-2238. 

OWNERS:

SEORGE HORN

29445 ADRIAN RD SOAP LAKE

R 96851

, J

ELVA 29445 ADRIAN RD

SOAP LAKE

WA 98851

PRIORITY DATE:

APR 8, 1912

FLOW RATE:

4.00 CUBIC FEET PER SECOND (C)

VOLUME:

28.90 ACRE FEET PER YEAR (AF)

THIS USE MAY CONSUME SOME WATER, BUT UNTIL THAT AMOUNT IS QUANTIFIED, IT IS PRESUMED THAT THE USE IS NON-CONSUMPTIVE.

SOURCE:

SPRING, TRIBUTARY OF CABINET GORGE RESERVOIR

PURPOSE:

USE

FLOW

VOLUME (AF) ACRES

PERIOD OF USE

POWER GENERATION

4.00 C

29.90

JAN. 1 TO DEC 31

### POINTS OF DIVERSION AND MEANS OF DIVERSION:

DIVERSION:

SEC TWP RGE COUNTY OTR SEC BLK

MEANS

26H 33H SANDERS HENESE 11

HEADCATE

PLACE OF USE FOR POWER GENERATION:
ACRES LOT BLK

OTR SEC SEC TWP RGE COUNTY

001

\$2\$2 11 26N 33W SANDERS

REHARKS: THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THE RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF

THE WATER RIGHT, RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

WATER RIGHT NUMBER 76N -W-135786-00

REMARKS CONTINUED: W155582-00, W155385-DD, W155386-00

** TRANSFER OF OWNERSHIP:
UPON A CHANGE IN OWNERSHIP OF ALL OR ANY PORTION OF THIS
CLAIM, THE TRANSFEROR SHALL FILE WITH THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION A WATER RIGHT
OWNERSHIP UPDATE, FORM 608, PURSUANT TO SECTION
85-2-424, NCA.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 03/31/99.

22

WATER RIGHT NUMBER TAN -W-133386-00

DWNERS: BIERER

RONALD

BOX 33 PINESDALE

MT

59641

BIERER

BRENDA

BOX 33 PINESDALE

MT

59841

PRICEITY DATE: APR 8, 1912

FLOW RATE:

4.00 CFS

VOLUME:

28.90 ACRE FEET PER YEAR

THIS USE MAY CONSUME SOME WATER BUT UNTIL THAT AMOUNT IS QUANTIFIED & IT IS PRESUMED THAT THE USE IS NON-CONSUMPTIVE.

SOURCE: SPRING. TRIBUTARY OF CABINET GORGE RESERVOIR

PURPOSE (USE): POWER GENERATION

1 TO DEC PERTOD OF USE: JAN

POINTS OF DIVERSION AND MEANS OF DIVERSION:

COUNTY TWP RGE SEC LOT BLK OTR SEC

334 SANDERS 26N NENESE

MEADGATE

PLACE OF USE FOR POWER GENERATION

OTR SEC THP RGE SEC LOT BLK ACRES.

001

33號 26N **S2S2** 11

REMARKS: THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USE: OF THE SAME RIGHT. THE USE OF THE RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO INTERCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORIC PRACTICES.
W133382-00. W133385-00. W133386-00

SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER DELINEATION OF THIS RIGHT.

FILMED

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### STATE OF MONTAKA

DEPARTMENT OF NATURAL RESOURCES AND COMSERVATION

1424 9TH AVENUE P.O.BOX 201801 HELENA, MONTANA 50620-1601

## GENERAL ABSTRACT

Water Right Number:

76N 133387-00 STATEMENT OF CLAIM

Version: 1 - ORIGINAL RIGHT

Version Status: ACTIVE

Owners

MOORE, MARTIN E AND CATHERINE L FAMILY TRUST

1700 EAGLE TREE LN FELTON, CA 95018

Priority Date:

**APRIL 8, 1912** 

Enforceable Priority Date: APRIL 8, 1912

Type of Historical Right: FILEO

Purpose (mee):

Maximum Flow Rates

Maximuta Volume:

THIS WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING 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:

SPRING, UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR

Source Type:

GROUNDWATER

Source Name:

UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR

Source Type:

**GROUNDWATER** 

Point of Diversion and Means of Diversion:

ID

Govt Lot

Otr Sec W28WSE Two Bee County

26N 33W SANDERS

Period of Diversions JANUARY 1 TO DECEMBER 31

SPRING, UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

E2SESW 26N 39W SANDERS - 11

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Names

**UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR** 

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Reservoirs

ON STREAM

**Govt Lot** 

Otr Sec Sec WZSWSF 11

Twp Ree County 26N 33W SANDERS

Diversion to Reservoir: DIVERSION # 1

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

ID Acres Govt Lot

Oar Sec Twp Sec Ree County E28ESW 11 26N 33W SANDERS

2

26N 33W SANDERS W2SWSE 11

Geocodes/Valid:

35-3686-11-4-01-01-0000 - Y

### Been aricus

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

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/08/00.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 14064 RECEIVED 04/08/2004.

OWNERSHIP UPDATE TYPE DOR # 151062 RECEIVED 12/27/2016.

*FILE*

*STATEMENTOF CLAIM*

*ALLEMENTOF CLAIM*

*133387*

*00*

Current	File	Lec	ation:	NEW	STORAGE
	Box	Bar	Code		
	File	Bar	Code		
	Day	C. /T.	ماملمان		

RECEIVED Form No. 76-S N10/79 76 N STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS APR 3 0 1982 MONTANA D.N.R.C. SA-C KALISPELL FIELD OFFICE For the Water Courts of the State of Montana 10-111120 1. Owner of Water Right BIERER Co-Owner or Officer Interest Owner Address Box 33 City Pineralele State Market Zip Code 59841 Home Phone No. 961-3988 Business Phone No. 961-3091 2. Person completing form 13 IERER Address Ban 33 State Montana City Pineralal Zip Code 5984// Home Phone No. 96/-3938 Business Phone No. 961-3091 NOTE, SPRING IN UNINAMED CANYON, IS HYDE LACK Consided to Pende on property VIA, Under Ground Street Exists Runs on to 44 acres, sinks in la Ground and 3. Use: Stock water Come up a soin in Ponde, Earne Walty Tributary of Clark Low Name (In mame) E Spring + Day DS Name Unnamed Stream Lycing Run Lake Tributary of clark Fork River Stream Reservoir Name Tributary of 5. Point of Diversion: County ______ NE 14 A/2 14 S.C. 14, Section // , T 3/6 (N)S, R 3/8 8. Means of Diversion, if applicable: ☐ Pump galions per day alions per day Gravity Flow Direct ___gallons per day Other: Explain gallons per day otal-number of livestock served: Type: cattle horses aseda coats other, explain

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133387

Form No. 76-A-1-

# ADDENDUM TO STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS

# For the Water Courts of the State of Montana

# ADDITIONAL CO-OWNER SHEET

Use this sheet if you have more than one co-owner or if the co-owner has a different address than the owner. List the owner on the claim form.

Name S	BIERER	1	GRANT	For	K
	Pol BO	x 3	First 5		Middle Initial
	INESDALE	State	MT.	Zip Code_	59841
Name					
Address	Cast		First		Middle Initial
City		State	-	Zip Code	:
Name	91.5				
Address	Last		First		Middle Inklai
City		State		Zip Code_	
Name					
	Lasi		First		Middle Initicl
				Zip Code_	
Name					
Address	Last		First		Middle Initial
City		State	3=1 - <u>,                                  </u>	Zip Code	<u> </u>
Nагпе					
Address	Last		First		Middle (nilsa)
				Zip Code_	
Name					
Address :	· Last		First		Middle Inniat
				Zip Code_	
Name			*		
Address	Cast •		First		Middle Initial
City		State		Zip Code_	

Use additional sheets if necessary

133387

January 6, 1978

Mr. and Mrs. Ronald G. Bierer Box 24A Noxon, Montana

Dear Mr. and Mrs. Bierer:

Receipt is hereby acknowledged of 1 Notification of Transfer of Appropriation Water Right, Form 608, submitted on behalf of Ronald G. and Brenda Bierer. The above-mentioned form was received by this Department on January 5, 1978, and is now on file.

If we can be of any further assistance, please let us know.

Sincerely,

Silvio Rodrigue A Apalyst Supervisor Existing Rights Section

Water Rights Bureau

SR:db

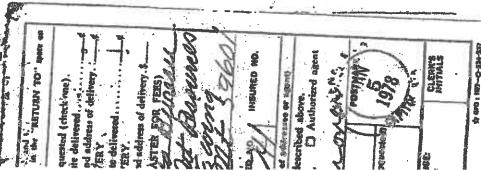
WATER MESOURCES DIVISION DRAIN PERRIS, ADMINISTRATOR

DUTH EWING, HELENA, MONTANA 59801

MONTANA DE NATURA RESOURE CONSERVATION SOURCES BUILDING

OUTH EWING

INA. MONTANA 59601-



os N sen, Sanders County, Montane.

To

Public

Hanshw mublish and declare, as a legal to Hereby publish and declare, as a legal notice to all the cond as follows:

If: That he has a legal right to the respect to the cond of such claim one hundred and sixty inches at the approach one hundred and sixty inches at the approach of the nearest of the said county and State for irrigating and other purposes.

If: That the purpose for which, said material claims and the purpose is for irrigation at domesting and the Purpose is for irrigation at domesting and the New Say Name 1822.

Place of intended use is the New Say Name 1822.

Place of intended use is not the New Say Name 1822.

Place of intended use is not the New Say Name 1822.

Place of intended use is not the New Say Name 1822.

Say Say Name 1822.

III. That the means of diversion with also of flume diach. It is as follows: A flume and diversion to divert the said reasons as say of the carries and conducts 160 inches or 18 inches in stream; which said flume & ditch diverse has a term as a said flume & ditch diverse has a term as a point upon its south banks and what there are not the cover and upon said land.

That the cover and upon said land hereinbefore described.

IV. That he appropriated and took said water on the 8th day of of appropriation.

Of appropriation.

That the name of the appropriator of said water is Ura E. Ellis.

VI. That he also hereby claim said ditch and the right of say therefor, and for said water by it conveyed, or to be conveyed from said point of appropriation to said land or point of appropriation to said land or point of final dams, flumes, reservoirs, constructed or to be constructed, by:

VII. That he also claim the right to keep is repair and to enlarge said means of water appropriation at any time, and the right to part or whole at any time.

CLAIMING THE SAME ALE AND SINGULAR, Under any and all laws, National and State, and their rulings and decisions thereunder, in the

Together with All and Singular, The heredital

18%

Ur. E. Ellis

Act of May 20, 1862 Homestead Act

### THURF IS GRANTED

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the south west quarter of the southwest quarter the southwest quarter of the southwest quarter quar

the south half of the southeast quarter of

quarter of the southeast quarter, and
the southeast quarter of the southwest quarter
of Section cleven
in Tourship twenty-six north
of Range thirty-charge west
of the Contant Meridian Montars

containing one hundred fifteen acres, according to the Official Plat of the Survey of the said land, returned the General Land Office by the Surveyor General.

To Have and To Hold with the appurtenances . forever,

SUPJECT to any wested and accrued water rights for mining cloural, praufacturing or other purposes and rights to ditches and reserving used in commection with such water rights as may be recognized and acknowledged by the local customs laws and decisions of Courts.

AND THERE IS RELEVED from the lands hereby granted a right way thereon for ditches or canals constructed by the authority of the United States.

the President: Woodrow Wilson

M. P. LeRoy, Secretary

(GEMERAL LAMD OFFICE STAL)

Recorder of General Land Office

that the sign and of lawful age and ..... ....and cloimant J......... of the order and water right mentioned in the foregoing declaration of going notice and that the matters and things therein stated are tr otory Public for the State of Montena.

# AUSCRIFTRATOR OF GROUNDWATER CODES OFFICE OF STATE ENGINEERS

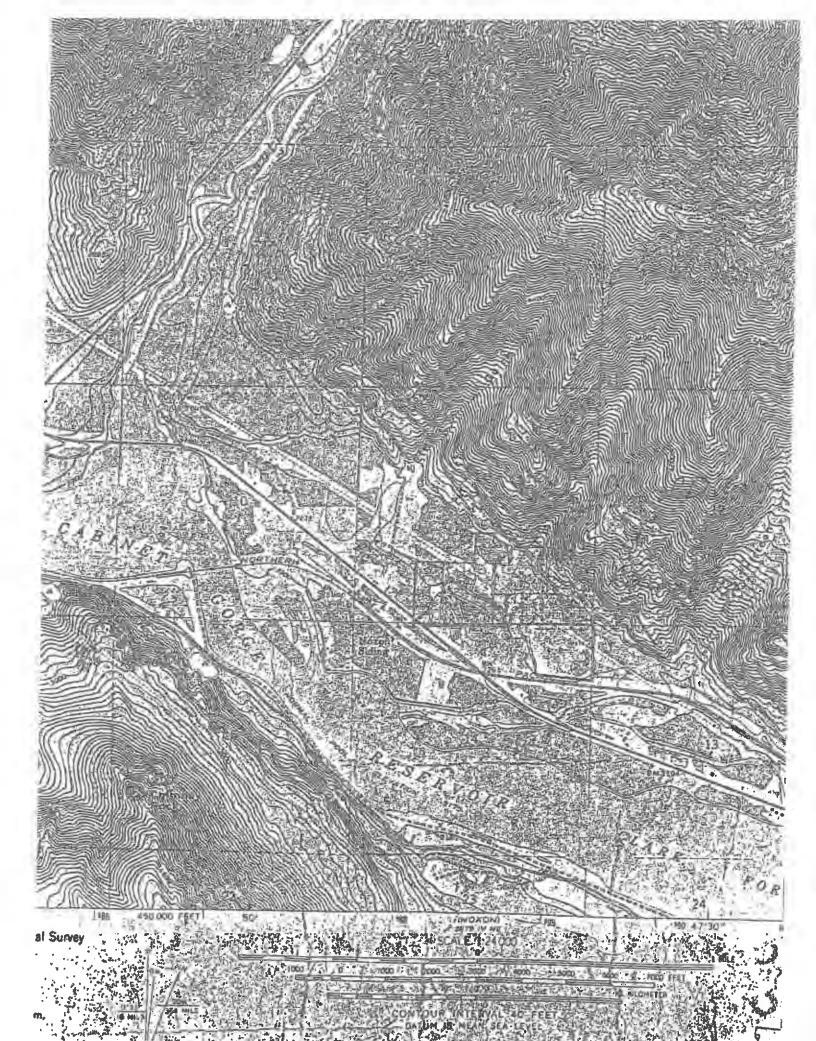
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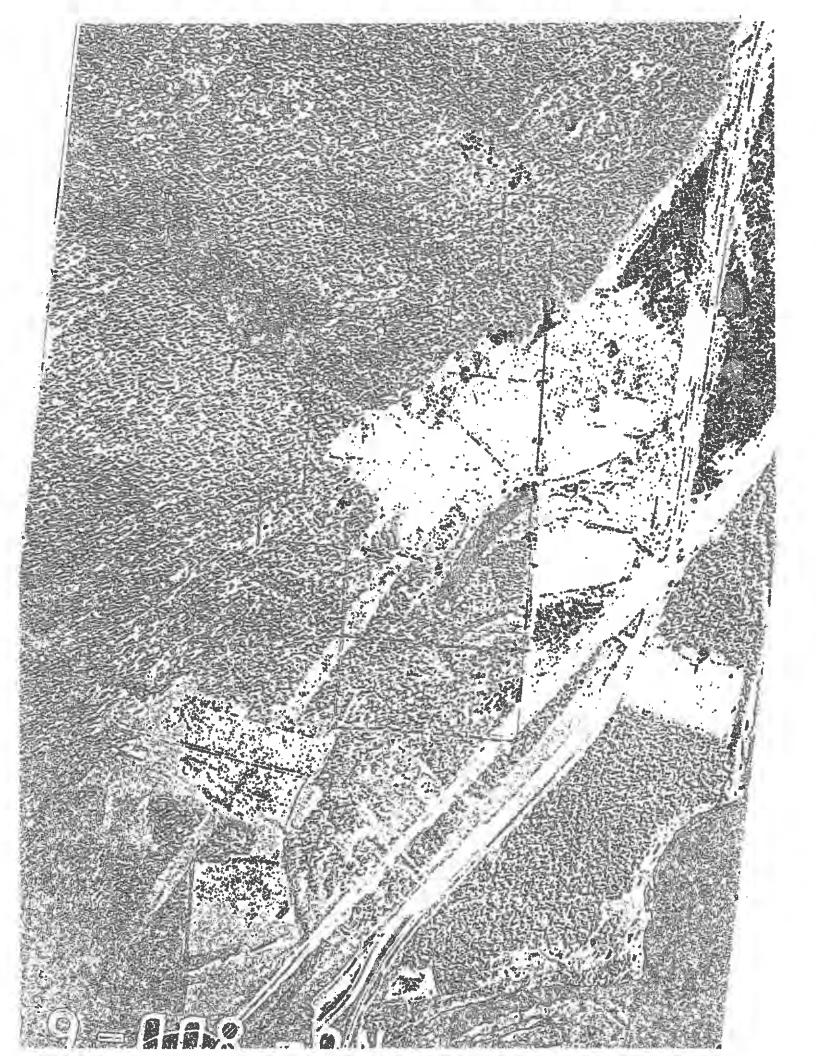
# Declaration of Vested Groundwater Rights

(Under Chapter 287, Montana Session Lavys, 1261)

Octo Rettig & Velmer Ret (Name of Appropriator	)	(Address)	Nozon (Town)
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	4. The amount	of groundwater claims	d (in miner's inches or gallo
	per minute)		
	And 6 wash or 6 to 6	see #10	
	·		
	5. If used for in	rrigation, give the acres	ge and description of the land
	to which Mai	ter has been applied a	nd name of the comes these
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square represents 10 acres.	6. The means of	withdrawing mak water	r from the ground and the loss
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Three copies to be filed by the owner with the County Clerk and Recorder of the county in which the well is located.





# STATEMENT OF CLAIM CHECKLIST

FORM TYPE:	1 5 0 0
OK OK	
	Received Basin County Division Transmittal Fee
FORM ITEMS	r
OK OK  2 3 4 5 6 7 8 9 10 11 12	
13 14 15 16	
Checked by 22	June 11   MAY 18, 1962
DEFICIENT:	Date
Phoned	flumber Outs
Sent Letter	To Bille
Correction Deadline	Date
Form Corrected	Dule
Incomplete Forr	n & Correspondence Sent To Helena
T 8	ee notes on reverse side

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS	TYPE CODE: G MAN RATE: 4-66-6- KEGP ( 160.00 MI) MAN VOLUME: 4-600.	I BIERER BRENDA K (M) I BIERER RONALD 6 BOX 33	PINESDALE MT 59841 PINESDALE MT 59841	I BIERER GRANT K PO BOX 33	PENESDALE MT 59841	SPRING TRIB. OF CABINET GOADE RESERVANCE HENEGE II 26N 33F SA HEANS DIVRS-FE	207.5 AU PERIOD OF USE 1999999997	ACRES LOW ACCPT VER, ACRES WRS 19_ 19_ LOT BLK OTR SEC, SEC TWP RGE . CO . REMARKS	0.00 0.000 SA SESW 11 26N 33W SA	0000	S 'NO CUMENTS level haust & Direction Record & RESERVOLE RECORD	IF MAIN RIGHT, MAK COMBINED VOLUME FOR ALL RIGHTS AF MAK COMBINED ACRES FOR ALL RIGHTS	IF SUPPLEMENTAL RIGHT, PURPOSE 10 AND CLAIM 10 DF MAIN RIGHT	14664年本在中央社会会会会会会会会会会会会会会会会会会会会会会会会会会会会会会会会会会会会	STICS: FLUW RATE 4.00 C ( 8.652 GPM/AU)	VOLUME 4.00 ( 0.019 AF/AU)	** VOLUME BASED ON AU MONTHS USED AND S/G CODE 3.544 AF/YR - UNDER CLAIMED VOLUME!	18	WES NO COMMENTS	2,	
. M			4		<b>.q.</b>	3V 01 S	3T 01	8	\$ 00 B	TOTAL	Wes .	11	240	<b>经验证券申请信贷</b>	STATISTICS:	•		 OK:	7G) DK:	OI YES	

# DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION -ABSTRACT OF CLAIM FOR EXISTING WATER BIGHTS

	TE: 0K:	YES	\Z\	USE: CLAIMED FLOW RATE OK: YES IND COMMENTS	NO SPECIFICA PLOW MENTINES ON CON
CLAIMED PRIY DATE OK:VESNO COMMENTS	TE OX:	VES	NO	COMMENTS	GW MENTIONS, 1911 -> Sounce 15 Kentings
YES NO COMPANY					

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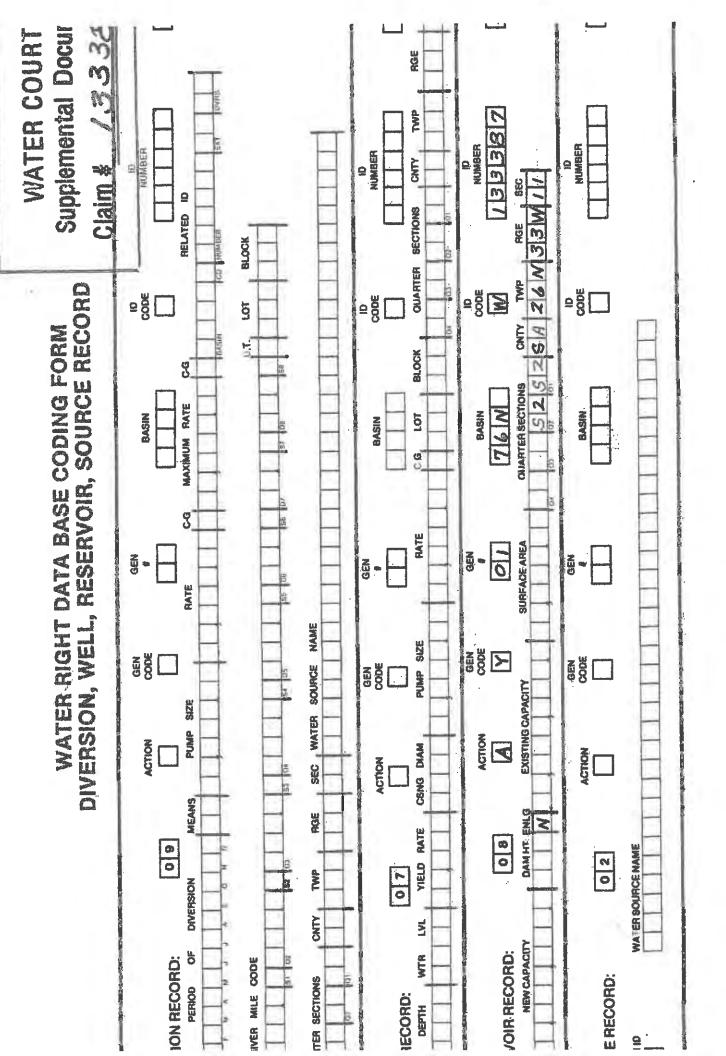
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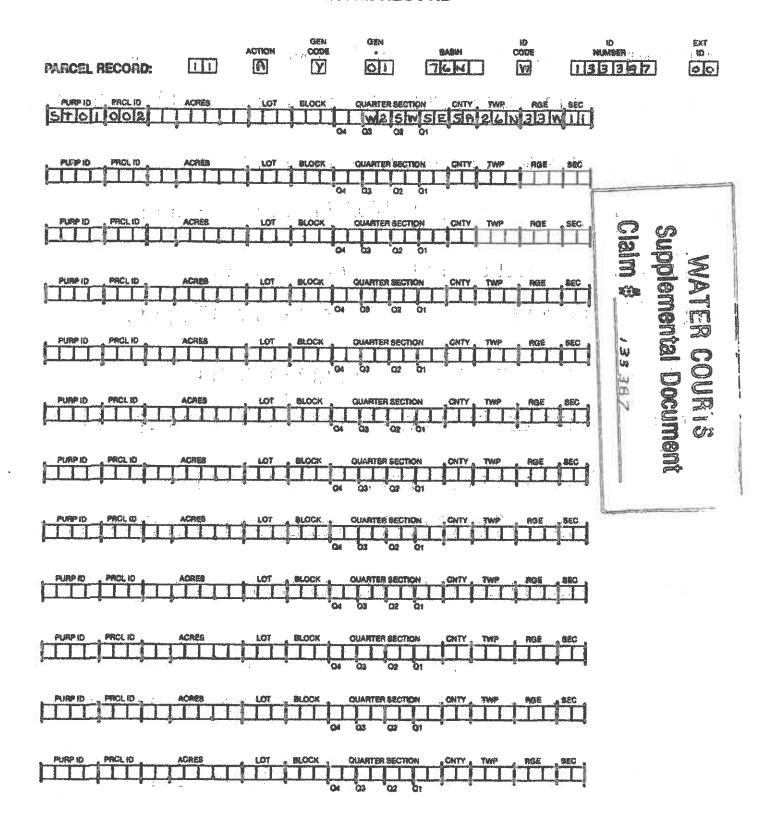
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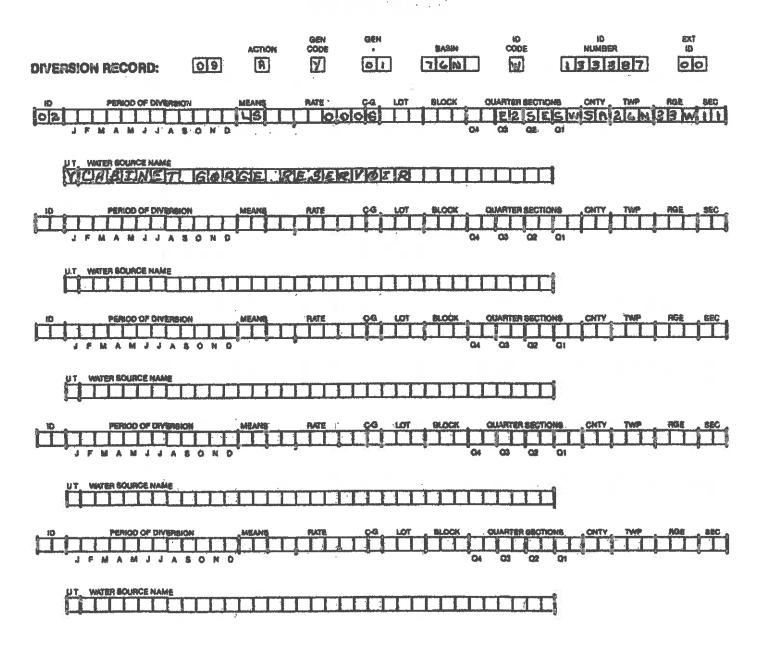
DATE



# WATER RIGHT DATA BASE CODING FORM PARCEL RECORD



# WATER RIGHT DATA BASE CODING FORM DIVERSION RECORD



WATER COURTS
Supplemental Document
Claim # /33387



MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION DINRG

To: Water Court From: Regina Fullerton Date:

Enclosed for the Court's review are copies of transfers received in basins in which adjudication efforts are under way. These transfers have been filmed, filed and the owners have been acknowledged concerning the receipt of their transfers.

When we receive authorization from the Court, we will update the information as soon as possible.

# 76N-W133387

airda .

RECEIVED

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

MONTANA DEPT. OF NATURAL

MAY 3 0 1984

INSTRUCTIONS		FOR DEPARTMENT USE CONSER
You are encouraged to contact your area Water Foon the back page of the Department Copy of the BB84, Instructions for Water Right Transfer Cert pleting this form. This form is used to indicate a Do not use this form if you are a user of a matter system. If more than one water right is transfer on the appropriate lines in item 1 or	nis form or on page 2 of Form difficate, for essistance in com- change in water right owners. cunicipal or irrigation district materned, list all the water right.	Fee received: 6.00 By: date Transmittel No.: 01-228-01-11 Date: Reviewed By: 6-25-84 Filmed: Coded: 7-24-34
runners on the appropriate tines in item 1 or pleted Water Right Transfer Certificate with the p plerk and recorder for recording.	arrach a list. Heturn the com- proper filing fee to your county	BASIN: 76N
1	(type or point in ballpoint link)	
MATER RIGHT(S) TO BE THANSFERRED:		
Permit to Appropriate Water Number(s)  Certificate of Water Right Number(s)	_76N - W133387 - 00	
Statement of Claim Number(s)	7	
Powder River Decree Number(s)		
• · · · · · · · · · · · · · · · · · · ·		
MEANS OF TRANSFER:		
Deed recorded in: County     Contract for Deed/Notice of Purchaser	a Internet recognist to County	Sandare
Court Decree recorded in: County	a mendat rachinar in . Const.	
Other, explain:		
S THERE A DIVISION OR SPLIT OF THE WA	PED DIQUEYOU	
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# ADDENDUM FOR PORTIONAL WATER RIGHT TRANSFER

### INSTRUCTIONS

Complete one addendum for each portional water right being transferred. The buyer cannot change the point of diversion, place of use, place of storage, or the purpose of use without prior approval from the Department of Natural Resources and Conservation. You are encouraged to contact your area Water Rights Bureau field office listed below for assistance in completing the addendum.

					_			-		_	
			RECEIVE	ED: Identi	fy that po	ortion of the	water right	the buyer re	ceived by the	following in	nformati
PUR	ipose of L	JSE 	-	RATE (GPN	A/CFS)		VOLUM	ET)	AC	RES	
					· f						
EXPLAIN	: Describe	how the	portion or	percentag	e of the	water right t	he buyer re	ceived was	determined.		
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	265-5518		*			ana 59620			9: 752-2288		
Serving	r Bisine, Ch berty, Ponde	outeau, G	ilacier,	- 7	ne: 449-36				ng: Flathead, L	ake, Lincoln	and
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MISSOUL						fferson and I		LEWIST 813 N	E Main Street		
	ow Street			COL	inties.		,		30x 438		
P.O. Bo				BOZE	MAN				town, Môntana	59457	
	ia, Montana	59808			1 East Mai	n			s: 538-7459		
	721-4284	dan Tita	hasswiff			ntana 59715			ng: Cascade, Fe r. Judith Basin,		BE1
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	w, Montena 228-2561	58230				0, Suite 352 ana 59102			Sox 276 City, Montana	59301 Jul	1 1, 1
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1/204	elt. Sherider	and Vall	an .	Time	erim Millo	watone and	Sweet Grace	Powd.	er River, Prairle	. Rósábúd a	and

Counties.

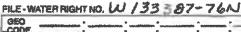
Wibaux Countles.

# WATER RIGHT TRANSFER CERTIFICATE

# CHECKLIST

DEPAR	THENT USE BLOCK
	A. Is form dated received?
:9	E. Is the fee and transmittal number (county deposit #7715) indicated?
	C. After review; analyst initialed and dated "reviewed by".
TRANS	FER FORM CHECK
	∠ 1. Are all water right numbers accurately listed?
	2. Is the means of transfer OK or adequately explained?
	3a. Is there a Portional Addendum for each split right?  b. Is a Portional Flow Chart completed for each split right?  c. Is all additional documentation attached (ie. maps, field report)?  d. Has all inferred new uses of water, changes, sever/sells been researched?
	4. Are all owner names listed and addresses correct?
	5. Has the Seller's Name been checked against the Current Owner of Record? If different, show research substantiating ownership of right involved.
	NTS / DOCUMENTATION / INSTRUCTIONS TO RECORDS (by Item number)  Comments
	,
***********	
ANAL	rst: July Griber DATE: 6-25-84

# DNRC WATER RICH OWNERSHIP UPDAT





			The particular	Kama edel co	
Decement John Tenant - Enter gr Joseph E. Little	Autora (deceased joint tenan			cluding city, state s	nd ZIP.
11742 El Camino D		ų	1300		
Yuma, AZ 85367			Daytime Phone		
/Surviving Joint Tenant - Enter g	antee's / surviving joint tenent	tu conside name so	essecurent notice	mailing address, is	relating an
Robert J. Thomas ar	d Barbara J. Thomas		· · · · · · · · · · · · · · · · · · ·		i.
PO Box 84					
Noxon, MT 59853			Cayarne Phon		A P
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July 13, 2004 76N 133387 00 Page 11 of 12 NEW STORAGE Ownership Update ID#: 14064

# BTATE OF MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION 1424 8TH AVENUE P.O.BOX 201801 HELENA, MONTANA 58820-1601

# ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE

*PLEASE NOTE THAT THIS WATER RIGHT IS IN TEMPORARY PRELIMINARY DECREE ISSUED BY THE WATER COURTS. *

WE HAVE RECEIVED AWATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT. IF YOU HAVE FURTHER QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE.

KALISPELL REGIONAL OFFICE 406-752-3267

Water Right Number:

76N 133387 00 STATEMENT OF CLAIM

Version: 1 - ORIGINAL RIGHT

Status: ACTIVE

Owners:

BARBARA J THOMAS

PO BOX 133

FORSYTH, MT 59327 0084

ROBERT J THOMAS

PO BOX 133

FORSYTH, MT 59327 0064

Priority Date:

**APRIL 8, 1912** 

13 he or vrouces you

Type of Historical Right: FILED

Purpose (use):

STOCK

Maximum Flow Rate:

Maximum Volume:

THIS WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING

ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER

SOURCE.

Source:

SPRING

Source Name:

UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR

Source type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	Govt Lot Otr Sec	Sec	Twp	Ree	County
1	W2SWSE	11	26N	33W.	SANDERS
Diversion Means:	DIRECT FROM SOURCE				
2	E2SESW	· 14	26N	<b>33W</b>	SANDERS
Diversion Means:	DIRECT FROM SOURCE				

July 13, 2004 76N 133387 00

Page 12 of 12 NEW STORAGE Ownership Update tD#: 14064

Reservoir:

ON STREAM

Govt Lot

Off Sec Sec W2SWSE 11

<u>Sec</u>

11

Twp 26N

Rge C

County SANDERS

Purpose (Use):

2

STOCK

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

ID Acres Govt Lot

Otr Sec E2SESW W2SWSE <u>Twp</u> 26N 26N

Rec Co 33W SA 33W SA

County SANDERS SANDERS

Remarks:

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/06/00.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/08/2004.

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*133387*

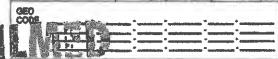
Current File Location: NEW STORAGE

Box Bar Code

File Bar Code

Date/Initials

# OWNERSHIP UPDATE



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(D) Powdar River Basin	Decreed Flight No			<del></del>
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4 4	e buyer receive 100% of the property.	seller's interest in the wa	nter rigitis shown above? If no	, attach a map shoving
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Seller Signature:			Date:	
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COMPLETE AND SEND THIS FORM TO DIRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED

BOX BAR CODE 0/3398

# KALISPELL WATER RESOURCES REGIONAL OFFICE DEPARTMENT OF NATURAL RESOURCESAND CONSERVATION



JUDY MARTZ GOVERNOR

109 COOPERATIVE WAY

- STATE OF MONTANA

PHONE: (405) 752-0288 FAX: (406) 752-2043

KALISPELL, MONTANA 59901-2387

March 6, 2000

George & Elva Horn 20445 Adrian Rd Soap Lake WA 98851

RE: Water Rights Transfer

Dear Mr. & Mrs. Horn:

A DNRC Water Right Ownership Update form was received on March 31, 1999. It transferred a water right to you from the Guilfoyle's in error. We checked and found, according to the land description on the deeds, on the water rights and maps that a water right was put into your name by mistake.

Based on this research, we are correcting this mistake and putting this water right back into Joseph Little's name.

Feel free to contact Judy Jeniker or myself if you have questions concerning this situation.

Sincerely.

Linda Molina

Program Assistant

Kalispell Regional Office

Juda Molena

Xc: Joseph & Wayne Little

## WARRANTY DEED

(JOINT TENANCY)

For Value Received BRENDA K. BIERER of 2505 N. Highway 93. Hamilton, Montana 59840

the Grenter, de anteroby grant, bergain, sell and convoy unto JOSEPH E. LITTLE and VIRGINIA LITTLE of Ash Springe, Hiko, Nevada 89017

the Grantess , as joint tenants (and not us tenants in common), and to the survivor of said named joint tenants, and to the hoirs and assigns of such survivor, the following described premises, in Sanders County, Montana, to wit:

The NWASWANWASEA, the SASAWWASEA, the SWASWANEARRA, the SWASEA, The WAWASEASEA, the EASWASEASEA, the SASEASEASEA, the EASEASWASEASEA, the EASEASWASEASEA, the EASEASWASEASEA, the EASEASWASEASEA, the EASEASWASEASWASEA West, M.P.M.

SUBJECT to easements apparent or of record.

TO HAVE AND TO HOLD the said premises, with their appartenances unto the said Grantees , as joint tenants with right of survivorchip (and not as tenants in common) and to the heirs and assigns of the survivor of said named joint tomants forever. And the said Grantor doos hereby covenant to and with the said Grantees , that she Lathe owner in fee simple of said premises; that they are free from all incumbranoss

will warrant and defend the same from all lawful claims whatevever. and that Bhe

Deted: July 25, 1983

210323

STATE OF MONTANA, COUNTY OF day of Club before me, a notary public in and for said State, personally appeared

BRENDA K. BIERER

and acknowledge otary Public

STATE OF MONTANA..COUNTY OF The Management I hereby certify that this instrument was filed for record at the request of

20 minutes past o'clock P.E., Cay of whitember 1933, in my office and duly recorded in Book of Deeds at pege MIND 非图图

Page 8 L. SO Mail to:

PAGE 1

#### ACKNOWLEDGEMENT OF NATER RIGHT OWNERSHIP UPDATE FROM

### DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION STATE OF MONTANA

### WATER RIGHT NUMBER 76N -W-133387-00

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU were named as a party. The records maintained by the water rights bureau HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT.

PLEASE NOTE THAT THIS WATER RIGHT IS IN A TEMPORARY PRELIMINARY OR PRELIMINARY DECREE ISSUED BY THE MONTANA WATER COURTS. THE NEW OWNER MAY WISH TO DETERMINE THE STATUS OF THIS RIGHT IN THE ONGOING ADJUDICATION BY THE MONTANA WATER COURTS.

IF YOU HAVE QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE. KALISPELL REGIONAL OFFICE, 752-2288.

OWNERS:

LITTLE

JOSEPH

 $\mathbf{z}$ 

WAYNE LITTLE PO BOX 72

NOXON

MT 59853

A TRANSFER CERTIFICATE WAS FILED ON 5/30/84 LISTING JOSEPH B. LITTLE AS NEW OWNER

PRIORITY DATE:

APR 8, 1912

FLOW RATE:

**VOLUME:** 

30 GALLONS PER DAY PER ANIMAL UNIT

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

SOURCE:

SPRING, TRIBUTARY OF CABINET GORGE RESERVOIR

PURPOSE:

USE

PLOW

VOLUME (AF) ACRES

SANDERS

PERIOD OF USE

STOCK

JAN 1 TO DEC 31

### POINTS OF DIVERSION AND MEANS OF DIVERSION:

E2SESW

DIVERSION:

LOT BLK OTR SEC SEC THP RGE COUNTY W2SWSB 26N 33W SANDERS

26N

DIRECT FROM SRC DIRECT FROM SRC

MEANS

RESERVOIR:

OTR SEC SEC TWP RGE

11

ONSTREAM AT W2SWSR 11 26N 33W

PLACE OF USE FOR STOCK:

ACRES LOT BLK OTR SEC SEC TWP RGE COUNTY

33W

001

E28ESW 11 26N 33W SANDERS WATER RIGHT NUMBER 76N -W-133387-00

PLACE ÓF USE CONTINUED: 002

W2SWSE 11 26N 33W SANDERS

** TRANSFER OF OWNERSHIP: UPON A CHANGE IN OWNERSHIP OF ALL OR ANY PORTION OF THIS CLAIM, THE TRANSFEROR SHALL FILE WITH THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION A NATER RIGHT OWNERSHIP UPDATE, FORM 608, PURSUANT TO SECTION 85-2-424, MCA.

REMARKS: WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/06/00.

WC-0001-C-2021

November 28, 2022

Montana Water Court

### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

## CASE NO. WC-0001-C-2021

## NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Pho	one Number: 2. Objector's At	ttorney name add	ress, and phone number
LAST NAME FIRST NAME MID. INITIA	=	normey name, add	ress, and phone number
LAST NAME FIRST NAME MID. INITIA 105 west iew fark flace STREET ADDRESS OR PO BOX	AL LAST NAME	FIRST NAME	MID. INITIAL
Kalis Perl MT	59901	R PO BOX	
(106) 696-6333 Contact of SAME PHONE NUMBER E-MAIL	ZIP CODE CITY actech. To Macte ( )	STATE	ZIP CODE
E-MAIL	PHONE NUMBER	E-MAIL	
3. State the specific part(s) of the Preli	iminary Decree objected to. Ider	ntify the specific s	round(s) and evidence
III WIIICH HIE ODIECHON(S) are baced (1)	100 0 1 1:1: 1 :0	× .	
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nd the water source. If you are objecting vater right number.	ng to more than one water right	number, use a sep	parate form for each
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	DATED this da	av of	, 2022.
			, 2022.
	SIGNATURE OF OBJECT	FOR OR OBJECTOR'S	ATTORNEY
/TUDY TOD			
(TURN FOR	M OVER AND COMPLETE O	THER SIDE)	

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

### CERTIFICATE OF MAILING

I, Stacy	Living 5 ton, declare under penalty of perjury, that on the 28 day of
Wovember	, 2022, I mailed a copy of this Objection postage prepaid, addressed to the
following attorneys for	the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

SIGNAPURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

WC-0001-C-2021

November 28, 2022

Montana Water Court

### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

### CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

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Y //07 0130			CITY	STATE	ZIP CODE
(Ca) 407 2129 ONE NUMBER	michale corte				
ONE NUMBER	E-MAIL	com	PHONE NUMBER	E-MAIL	
which the objection(s)	4 page	<u>es</u>			
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(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

### **CERTIFICATE OF MAILING**

I, Mickale Cattee, declare under penalty of perjury, that on the Zg day of Movember, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoi.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Please send this completed original to:

**Montana Water Court** 

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

Mickale Carter 2231 Middle Rd Columbia Falls, MT 59912 (406) 407 2129 mickalecarter@hotmail.com

Notice of Objection and Request for Hearing

Note: The Confederated Salish and Kootenai Tribes Montana-United States Compact is referred to herein as the Flathead Compact

### 3. Attachment

Objection 1: I object to the priority date for the water rights granted in the Flathead Compact of July 6, 1855. Montana Law and the Montana Constitution and the US Constitution require that the priority date of the water rights given to the Confederated Salish and Kootenai Tribes by the Flathead Compact for the hydroelectric dams, wetlands, water storage at Hungry Horse Dam and any current use by the Tribe or a Tribal Member, as well as for modern irrigation practices, ought to be the date of the final approval of the Compact. In the alternative, the Confederated Salish and Kootenai Tribes should be required to present evidence of dates of such actual use of the water and the priority dates for such use be set as the date of commencement of such use.

### Grounds for Objection:

1. Winters v United States, 207 U.S. 564 (1908) is readily distinguishable from this case. In Winters, on May 1, 1888, the United States entered into the treaty with the Gros Ventre and other Indians that created the Fort Belknap Indian Reservation. The Plaintiff in that case wanted to build a dam which would greatly limit the flow of water in the Milk River as it passed through the Fort Belknap Reservation. The Supreme Court found that the Indians had irrigated their lands from the Milk River beginning soon after the reservation was created. It stated further that "The Indians had command of the lands and the water, . . . whether kept for hunting," "and grazing roving herds of stock" "or turned to agriculture." The Supreme Court held that implicit in the

- creation of the reservation was the inclusion of enough water from the Milk River sufficient for irrigation purposes.
- 2. In Winters the uses of the land that were considered by the Supreme Court were uses that were in place as of 1888, i.e., hunting, grazing and agriculture. In the instant action, the use being made of the water at issue are two hydroelectric dams, wetland preservation and even a claim to to 90,000 AFY of water to be stored in the Hungry Horse Reservoir, also any use whatsoever that a tribal member or the Tribe makes of the water and water used in modern irrigation practices. Of these only irrigation of the land was contemplated when the reservation was created. In interpreting the treaty it is appropriate to consider what people knew/expected of as of the time of the treaty. Even in its 1908 opinion, the Supreme Court in Winter considered only what was the usual use of land as of that date, i.e., grazing, hunting and agriculture. Definitely not hydroelectric dams and wetlands preservation and water to be stored in a Dam 85 miles from the reservation that was constructed in 1953, or modern irrigation practices.
- 3. To hold that the penumbra of the 1855 treaty includes any and all uses whatsoever that the Tribe could ever contemplate would require the conclusion that the Indian Tribes in Montana have a claim to all the waters of the State of Montana with a priority date as of the date of their respective treaties. This would necessarily make the Montana becoming a State in 1887 a farce. It would essentially be a state, a state dependent on its waters, without any rights to its waters.
- 4. Montana has always had a "first in time, first in right" rule for sorting out water right priorities. This requires an actual use in order to establish a water right. There is no such requirement with the water rights granted in the Flathead Compact. The Compact does not even require that the use to have been contemplated in 1855. Following Montana law would require that the priority date for the hydroelectric dams, the wetlands, the storage in the Hungry Horse Dams, the use of the water by tribal members or the tribe and the modern irrigation practices be as of the date use began. Montana law also requires a new permit request when water needs increase. See MCA 85-2-224. MCA 85-2-224 applies to claims of water rights "reserved under the laws of the United States."

- 5. To the extent that the water rights granted by the Flathead Compact including water rights for the hydroelectric dams, the wetlands, storage in Hungry Horse Dam, the uses of tribal members and the tribe, and modern irrigation practices, granted by the Flathead Compact, impact my water rights that have, for example an enforceable priority date of January 1, 1916, See 76LJ 30016676, the Flathead Compact violates my right, granted by the US Constitution, to not have ex post facto laws enforced against me. See Article I, Section 9.3. This can only be remedied for myself and others similarly situated, i.e., with priority dates after July 6, 1855, but before the approval of the Compact, by setting the priority date of the Flathead Compact granted water rights described above, as the date of final approval of the Compact or date that actual use began.
- 6. Montana Constitution, Article IX Section 3, Water Rights, provides that "all existing rights to the use of any water for any useful or beneficial purpose are hereby recognized and confirmed." It was ratified on March 22, 1972. My water rights which have an enforceable priority date prior to March 22, 1972 are thereby recognized and confirmed and consequently, cannot, as a matter of Montana Constitutional law, be impacted by the Flathead Compact.
- 7. Montana Constitution Article II, Section 4 provides that the "State may not discriminate based on race, color, sex, culture, social origin or condition, or political or religious ideas." Relating the priority date of the water right back to July 6, 1855, a date before actual use of the water, is a benefit given to no other Montanan. All other Montanans must show actual use in order to obtain a water right priority date. See MCA 85-2-224. To do otherwise amounts to a violation of the Montana Constitution's prohibition against discrimination based on race and culture. The Flathead Compact gives the Confederated Salish and Kootenai Tribes special treatment based on their race and culture, i.e., Tribal status.

Objection 2: The Flathead Compact does not give "equitable division and apportionment" as required by MCA 85-2-701. Further, it does not require a showing that the subject water rights do not negatively affect Montanans.

### Grounds for Objection:

- 1. The legislative intent, when dealing with reserved water rights claims of the several Indian tribes claiming water rights within Montana, is for the compacts to provide for an "equitable division and apportionment of waters between the state and its people and the several Indian tribes claiming reserved water rights within the state." The Flathead Compact is totally one sided. It does not take into consideration the people of Montana or the interest of the State of Montana.
- 2. Montana Constitution Article IX Section 3, Water Rights provides that "all surface, underground, flood, and atmospheric waters within the boundaries of the State are the property of the State for the use of its people and are subject to appropriation for beneficial use as provided by law." When such a huge water right is granted to such a small portion of the population of the state of Montana, it is appropriate to determine whether such appropriation is fair for those Montanans who are not benefitting from or indeed who may suffer as a consequence of such large appropriation.
- 3. MCA 85-2-311(1)b requires that before a water use permit will be issued, the applicant must produce evidence that shows that the water use requested will not adversely affect "the water rights of a prior appropriator under an existing water right, a certificate, a permit, or a state water reservation." At a minimum, the Confederated Salish and Kootenai Tribes should be required to make such a showing with regard to the two hydroelectric dams, the wetlands, the water storage in the Hungry Horse Reservoir, the water right claims of the tribal members and the tribe and their modern irrigation practices.
- 4. To not require the Confederated Salish and Kootenai Tribes to make s showing that the water rights that are the subject of the Flathead Compact do not negatively impact the people of Montana, would amount to discrimination based on race and culture, in that all other Montanans must make such a showing. MCA 85-2-311(1)b, Montana Constitution Article II, Section 4.

## IN THE WATER COURT OF THE STATE OF MONTANA WC-0001-C-2021 CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA - UNITED STATES COMPACT

November 28, 2022

CASE NO. WC-0001-C-2021

Montana Water Court

## NOTICE OF OBJECTION AND REQUEST FOR HEARING

TOBLILI	WAGNER ROBERT O			2. Objector's Attorney name, address, and phone number			
LAST NAME FIRST NAME	MID. INI	TIAL	LAST NAME	FIRST NAME	MID, INITIAL		
1010EGAN SLOUGH RD					7,500,500,500		
STREET ADDRESS OR PO BOX			STREET ADDRESS (	OR PO BOX			
KALISPELL	MT	59901					
CITY	STATE	ZIP CODE	CITY	STATE	ZIP CODE		
(406)871-2816_rob@eagle	customho	mesinc.com	( )				
PHONE NUMBER	E-MAIL		PHONE NUMBER	E-MAIL			
evidence on which the obje	(0)	030041 (030	- www.ionui puper ij	incessury)			
	SEE ATT	ACHED					
4. If you are objecting	to a speci	fic water right	number, identify th	ne water right num	ber, decree page		
number, and the water source each water right number.	to a speci ce. If you	fic water right are objecting	to more than one was	ne water right numater right number, one in Decree: 5-14	use a separate form  4		
number, and the water source each water right number.  Water Right #: 76LJ 3	ce. If you	fic water right are objecting	to more than one was Page number Source: S	ater right number, oer in Decree: 5-14	use a separate form		

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

### CERTIFICATE OF MAILING

I, <u>ROBERT WAGNER</u>		_, declare under penalty of perjury, that on the 18 day of
NOVEMBER	, 2022, I mailed	a copy of this Objection postage prepaid, addressed to the
following attorneys f	or the Federal, State, an	

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural Resources
Div.
999 18th St.
South Terrace, Suite 370 Denver,
Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

11/17/2022

ROBERT & LEANNE WAGNER

1010 EGAN SLOUGH RD

KALISPELL MT 59901

THIS OBJECTION COVERS ALL OF MY WATER RIGHTS (6) IN TOTAL LISTED INDIVIDUALLY ON "NOTICE OF OBJECTION AND REQUEST FOR HEARING" FORMS.

WATER RIGHTS NUMBERS: [76∐ 27366-00] [76∐ 34241-00] [76∐ 34242-00] [76∐ 71873-00] [76∐ 73048-00] [76∐ 30126917]......

FROM WHAT I UNDERSTAND, THIS WATER IMPACT WOULD POTENTIALLY AFFECT MY WATER RIGHTS BY BOTH VOLUMN AND WHEN/IF I COULD USE THEM; BOTH IN REGULAR AND OR DROUGHT YEARS. MY USAGE AND VOLUME IS FOR AND OR POTENTIALLY FOR [AS PAST YEARS PROVE] STOCK, IRRIGATION, DOMESTIC, FISHERY, PROPERTY VALUE, BUILDING FIRE SUPPRESSION, AGRICULTURAL GRASS FIRE PROTECTION [ONE JUST LAST YEAR STARTED ABOUT 400 YARDS AWAY FROM HARVEST MACHINERY], AND ALSO THE MANY ANIMALS THAT FREQUENT THE AREA [FROM MOUSE TO GRIZZLY AND SPARROW TO SANDHILL CRANE]. THE REPROCUSSION OF THIS COMPACT GOING THROUGH WOULD BE IMMESURABLE.

ALL MY WATER RIGHTS ARE IN PLACE AND UP TO DATE AND HAVE BEEN KEPT THAT WAY, SINCE MY GREAT GRANDFATHER – GRAND FATHER – AND FATHER FILED FOR THEM; MY WATER RIGHTS LISTED ABOVE HAVE ONLY BEEN HELD BY MY FAMILY; MY GREAT GRANDFATHER ARRIVED IN 1905. HE BOUGHT FROM CHARLIE CONRAD, HIS PROPERTY, AND THEN CLEARED THE LAND WITH THE LOCAL INDIGINEOUS PEOPLE, FOR USE AS AGRICULTURE, STOCK, DOMESTIC, AND THEN LATER THE FISHERY......BUT THERE ARE SO MANY MORE USES THIS GREAT RESOURCE HAS OFFERED.

AND NOW, THIS COMPACT IS UNDERWAY AT THE SAME TIME THE STATE GAVE AN ESTIMATED 715 ACRE FEET OF WATER PER YEAR TO A WATER BOTTLING PLANT – TO SELL IT – FOR PROFIT – THAT WE THE PEOPLE INCLUDING THOSE ON THE RESERVATION, DON'T BENEFIT FROM WHAT SO EVER; AND AT THE SAME TIME, BEING TEAMED UP WITH TRIBAL AND FEDERAL GOVERNMENTS "THE STATE" IS ATTEMPTING TO TAKE A RIGHT AWAY FROM WATER RIGHTS OWNERS LIKE ME....IN GENERAL THIS IS WRONG IN SO MANY WAYS! AT THIS POINT I FEEL THE ... "GOVERNMENT'S".... DIRECTION IS TO GRAB BECAUSE THEY KNOW THE WATER RIGHTS OWNERS WILL NOT GIVE IN; AND THEN THEY WILL SWEEP THE EFFECTED PARTIES INTO A GARBAGE CAN OF "THEY'LL GET OVER IT EVENTUALLY"!

TO FINISH; MY WATER RIGHTS HOLD VALUE TO ME, MY FAMILY, MY PROPERTY, MY WAY OF LIFE. WATER.....THERE ARE SO MANY USES NAMED AND NOT NAMED IN THIS LETTER FOR THIS GREAT AND ABUNDANT RESOURCE THAT IS UNDER ENORMOUS PRESSURE BY GREED, WASTE AND AN EVER GROWING SOCIETY. I DO UNDERSTAND THE INDIGEONUS PEOPLE HAVE RIGHTS TOO, HOWEVER THIS COMPACT AND THE TOTAL ACRE FOOT OF WATER BEING CONSIDERED, FAR OUTWAY WHAT THE INDIGEONUS PEOPLE IN 1855 COULD EVER OF TRIED TO HARNESS. ITS TIME TO USE SOME COMMON SENSE INSTEAD OF WATER GRAB TACTICS.....AND DO WHATS RIGHT FOR ALL PARTIES CONCERNED.

ROBERT WAGNER

## REVIEW ABSTRACT OF WATER RIGHT CLAIM

### IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED IN ACCORDANCE WITH THE SUPREME COURT RULES GOVERNING THE EXAMINATION OF THIS CLAIM.

Water Right Number:

76LJ 30126917 STATEMENT OF CLAIM

Version:

1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners:

ROBERT O WAGNER 1010 EGAN SLOUGH RD KALISPELL, MT 59901

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 03/31/2021 THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY ROBERT & LEANNE WAGNER.

**Priority Date:** 

**Enforceable Priority Date:** 

NO PRIORITY DATE WAS CLAIMED.

Type of Historical Right: USE

Purpose (use):

STOCK

THIS CLAIM DOES NOT APPEAR TO MEET THE DEFINITION OF AN EXEMPT RIGHT

UNDER SECTION 85-2-222(1), MCA.

THE CLAIMED PURPOSE (USE) CANNOT BE CONFIRMED DUE TO LACK OF DATA.

Flow Rate:

*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:

SPRING, UNNAMED TRIBUTARY OF FLATHEAD RIVER

Source Type:

SURFACE WATER

Point of Diversion and Means of Diversion:

ID 1

Govt Lot

Qtr Sec Sec Twp Rge County

SWSWNE

20 20W FLATHEAD 28N

Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means:

LIVESTOCK DIRECT FROM SOURCE

Survey Tract:

4

THE MEANS OF DIVERSION APPEARS TO BE INCORRECT. THE MEANS OF

DIVERSION APPEARS TO BE A DITCH.

THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE SWNENE SEC 20 TWP 28N RGE 20W FLATHEAD COUNTY.

THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE UNDEVELOPED SPRING CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

March 31, 2021 76LJ 30126917

Page 2 of-2 Review Abstract

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

ID

Acres Govt Lot

Otr Sec Sec Twp Rge County

1

SWSWNE 20 28N 20W FLATHEAD

THE PLACE OF USE IS LOCATED IN TRACT 4.

Remarks:

**REVIEWED BY: JIM ALBRECHT** 

DATE:

## Department of Natural Resources and Conservation Examiner: James Albrecht;

Examination Report

Examination of: 76LJ 30126917 - STOCK

Owner Name: Robert Wagner

Section(s) 20, Township 28N, Range 20W, Flathead County

Source: USGS 7.5 Minute Quad(s): Creston

Examined Point(s) of Diversion

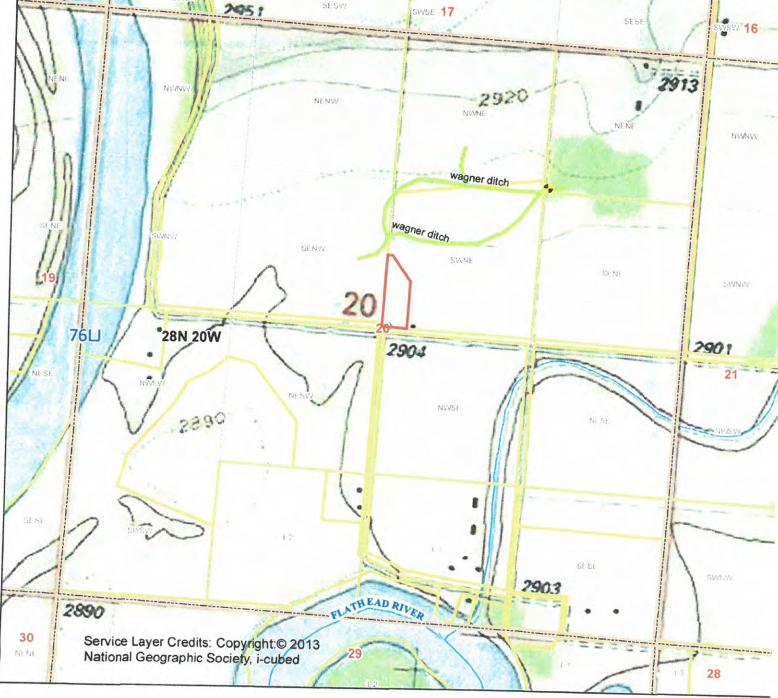


Claimed Place of Use

Date: 3/31/2021







fonce Unnam



Deer regularly use the Source 1 recels

WC-0001-C-2021

## IN THE WATER COURT OF THE STATE OF MONTANA November 28, 2022 CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA -- UNITED STATES COMPACT Montana Water Court

### CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

Sizer Kevin	K	_		
LAST NAME FIRST NAME	ME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
130 Spotted Fawn Lane STREET ADDRESS OR PO BOX	2			
Kalispell	Montana 59901	STREET ADDRESS OF	R PO BOX	
CITY	STATE ZIP CODE	CITY	Ozna roze	
(319 )533-2339	kksizer@vahoo.com	( )	STATE	ZIP CODE
PHONE NUMBER	E-MAIL	PHONE NUMBER	E-MAIL	
on which the objection See additional documentat	s) are based. ( <i>Use addition</i> ion.	nal paper if necessary)	)	
and the water source. If	o a specific water right nur you are objecting to more	nber, identify the wate than one water right n	er right number, o number, use a sep	lecree page number, arate form for each
4. If you are objecting to and the water source. If water right number.  Water Right #: 76LJ 300 (One Number Per For	you are objecting to more 52867 COMPACT	than one water right n Page numbe	umber, use a sep	arate form for each

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

### **CERTIFICATE OF MAILING**

I,	Kevin K Sizer	declare under penalty of perjury, that on the 25 day of
November	, 2022, I n	nailed a copy of this Objection postage prepaid, addressed to the
following attorns	ovs for the Federal Sta	ate, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Save@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

**Montana Water Court** 

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

Kevin K Sizer and Kathy B Sizer 130 Spotted Fawn Lane Kalispell, Montana 59901

Montana Water Court PO Box 1389 Bozeman, MT 59771-1389

November 25, 2022

Subject: OBJECTION to the Preliminary Confederated Salish and Kootenai Tribes Water Compact Decree

To Whom It May Concern,

We (Kevin K Sizer and Kathy B Sizer) are writing to OBJECT to the Preliminary Confederated Salish and Kootenai Tribes (CSKT) Water Compact Decree for the reasons spelled out in this and supporting documents.

As background, here are the facts and history regarding the property we own and how it relates for the Preliminary CSKT Water Compact Decree.

## **History and Background**

We currently own property and residence at 130 Spotted Fawn Lane in Kalispell, Montana. We purchased the home in October, 2017 and have resided at this address since that time.

**Legal Description for 130 Spotted Fawn Lane**: Lot 2A of the Amended Plat of Lots 1,2 and 4 Rainbow Rock Subdivision. See attached **Amended Plat of Lots 1, 2 & 4 Rainbow Rock Subdivision** included in this packet.

Water for the property is provided by an on-property groundwater well completed July 31, 2003. See attached Montana Well Log Report document and attached DNRC General Abstract document included in this packet. The water right is owned by Kevin and Kathy Sizer's living trusts. The water provided by this well is used for domestic household purposes, lawn/garden watering and maintenance of a small garden pond on the property.

The property is part of a larger development known as the Many Lakes neighborhood. The Many Lakes development is a wooded neighborhood in the Creston area SE of Kalispell and north of Bigfork. Stretching over 250 acres, many of the lots front on small kettle lakes or hillside ridges. The kettle lakes that dot the area were formed by retreating glaciers. Within the neighborhood there are 21 of these small bodies of water. In a drought season these ponds can essentially dry up or become a wetland meadow and return to capacity after a high snowpack season.

Per the Abstract/Ground Water Certificate we are entitled to the following:

• Purpose of Use: : Domestic, Lawn and Garden

 Volume: 1.35 AC-FT Flow Rate: 20.00 GPM.

Period of Use: January 1 to December 31

• Place of Use: Quarter Section - E2SESW, Section - 13, Township 28N,

Range - 20W, County - Flathead

## **Stated Objections**

Our **OBJECTIONS** to the Preliminary CSKT Water Compact Decree are as follows:

1. As a result of the items outlined in CSKT Compact Part IV.D.4, our water rights will be subject to administration not by the state representing the interests of its citizens but by a water board representing primarily the Consolidated Salish and Kootenai Tribes and the Federal government. This change in jurisdiction has the potential to limit our water rights and use of water as provided by our own groundwater well whether through limits or calls on ours or surrounding water rights resulting in diminished value to our property and the surrounding neighborhood.

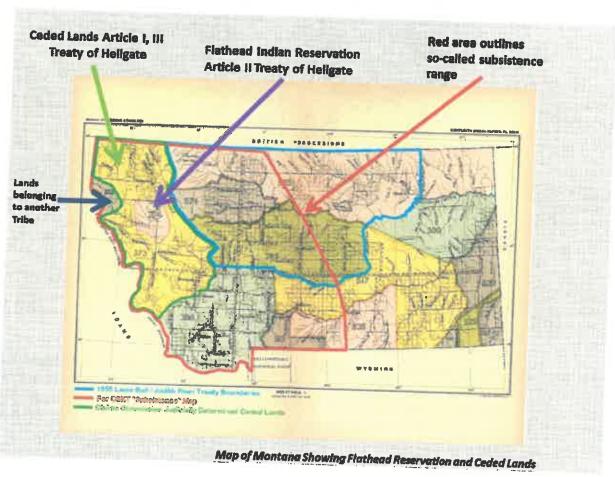
2. The Montana Water Court sent notices titled "Notice of Entry of the Confederated Salish and Kootenai Tribes of the Flathead Reservation-State of Montana-United States Compact Preliminary Decree and Notice of Availability" to approximately 60,000 of the approximately 360,000 citizens impacted by the CSKT Compact. As a result, there are a large number of citizens who are unaware and/or unprepared to review and possibly file an objection to the CSKT Compact by the stated deadline of December 6, 2022. This is a direct oversight and/or attempt to minimize the visibility of the CSKT Compact and potential objection raised by the citizens of Montana.

3. The CSKT Compact cedes jurisdiction over state water rights from the State of Montana to an organization consisting of the the Tribes, Federal government and State of Montana who take jurisdiction over all water on and off reservation. Historically, the State of Montana would have exclusive jurisdiction of water rights for citizens off reservation and the Tribes/Federal government would have jurisdiction over water rights on reservation. This change in jurisdiction jeopardizes the standing of State of Montana citizens with regard to their water rights historically granted by the State of Montana.

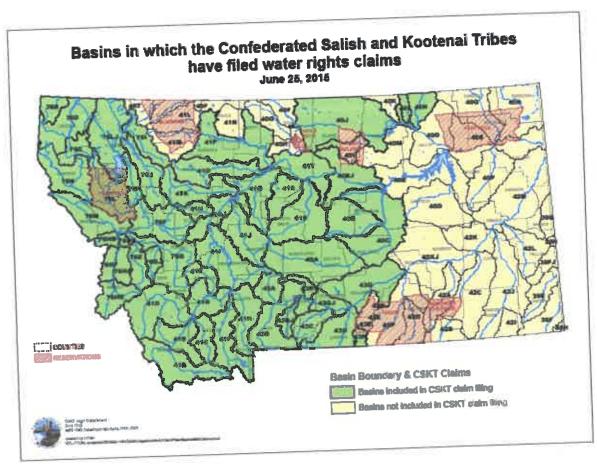
4. The CSKT Compact ignores legal, historical context, the definition of reservation and the Hellgate Treaty cession of land. The Compact redefines the reservation as "homeland" and reserves ALL water for the Tribe to fulfill that purpose with time immemorial. The original historic and legal context of the Heligate Treaty determines the purpose of the reservation, quantifies the amount of water needed to fulfill that purpose and sets a water rights priority date of "federal reservation".

5. The Treaty of Hellgate cedes and relinquishes all title, rights and interest of the entire Tribes aboriginal territory to the United States, however, the CSKT Compact interprets the Treaty as the Tribes ceding aboriginal lands to the United States but never gives up rights, title or interest of those lands.

- Within the land ceded in the Treaty of Heligate, the Flathead Indian Reservation was created. However, the CSKT Compact contends that the Tribes reserved the Flathead Indian Reservation rather than the Federal government.
- 7. The Treaty of Hellgate secures acces to the ceded aboriginal territory for the purpose of taking fish, hunting and gathering in common with the citizens of the terriftory. It provides exclusive right on the reservation for hunting, fishing and gathering to the Tribes. However, the CSKT Compact turns the off-reservation access right into a water right with time immemorial priority date.
- 8. The Treaty of Hellgate Article I, III clearly identifies the boundaries of the ceded Tribal lands and Article II clearly defines the boundaries of the Flathead Indian Reservation and does not include the Tribes "subsistence range". However, the CSKT Compact Article I, II and III inclusion of Tribes subsistence range results in the CSKT Compact taking jurisdiction of over 2/3 of water rights in MT including the non-CSKT ceded land under Article V of Judith River Treaty of 1855 and reservation lands created for other Tribes within those boundaries. See map below.



 The following map shows basins where the CSKT Compact have claimed water rights. These extend outside the reservation and ceded territory and extend into eastern Montana. These claims are likely to be litigated with or without the compacts approval and congress as these will not be settled by the compact or congress.



- 10. The 1904 Flathead Allotment Act, 1908 Amendment and the Presidential opening of the Flathead Indian Reservation provided Tribal members and families allotted land, irrigation projects to benefit all landowners and the reservation open to settlement. The CSKT Compact asserts that the irrigation projects and reservation of water was solely for CSKT. The definition of reservation ignores existing patents and rights of way with landowner management turned over to the newly-formed committee to change agricultural water use to fisheries use.
- 11. The 1934 Indian Reorganization Act stopped allotment and restored to Tribal ownership remaining surplus lands that have not been allotted or homesteaded and protected existing fee titled privately owned lands. The CSKT Compact ignores existing patented lands and takes ownership of water rights belonging to those lands.
- 12. Historical federal policy based on Winans Article III, Winters, Reclamation Act & Laws, Indian Reorganization Act, McCarran Amendment asserts that water is appropriated and reserved under state law. The CSKT Compact reinterprets Winans as reserving water, Winters as reserving all water to fufili

purpose of treaty and creates new water rights with time immemorial priority date.

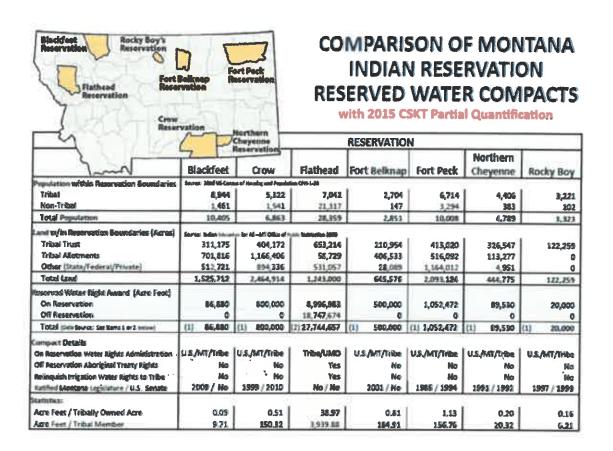
- 13. The standard framework for quantification of federal reserved water rights on Indian reservation includes federal statutes related to reservation of lands, allotment, irrigation and homesteading and case law including Winters, Winans, and Arizona v. California. The CSKT Compact disregards this framework and makes claims on all water flowing through, over and under the Reservation. The CSKT Compact also makes off reservation claims with time immemorial priority dates for water rights, and claims administrative authority over all reservation water whether derived from State, Federal or Tribal law.
- 14. The CSKT Compact states in Preliminary Decree Appendix 1, "WHEREAS, pursuant to the Hellgate Treaty of 1855, 12 Stat 975, the Confederated Salish and Kootenai Tribes reserved the Flathead Indian Reservation;". This is contrary to Article I, II, III and IV of the Hellgate Treaty. This statement also dictates that the Tribal, not Federal reservation of land entitles Tribes to claim ownership of all water on reservation, on ceded lands and in "subsistence" territory and Federal law regarding quantification of Federal reserved rights does not apply.
- 15. The CSKT Compact states in Preliminary Decree Appendix 1, "WHEREAS, [pursuant to that reservation] the Confederated Salish and Kootenai tribes claim aboriginal water rights, and pursuant to said Treaty, reserved water rights to fulfill the purposes of the treaty and the reservation;". This creates new water types of water rights that at present do not exist, namely "aboriginal" water rights and "Tribal" reserved rights. This transforms "access right" to a water right and expands federal reserved water rights beyond "purposes of reservation" and to off-reservation lands.
- 16. The CSKT Compact provision relating to Unitary Management Ordinance (UMO) removes tax paying citizens from protection of state constitution and laws for water administration, establishes new "quasi-sovereign" entity with no accountability, provides inordinate Tribal representation to a water management board with no conditions on removal or term limits for board members. It also diminishes due process fo state citizens with likely bypass of state courts in favor of a "court of competent jurisdiction".
- 17. The CSKT Compact removes water rights of irrigators in the Federal Irrigation Project without compensation and diminishes citizenship, due process and representation of state citizens who are subject to state taxation while also diminishing property values and agricultural production.
- 18. THE CSKT Compact permits disavowing State of Montana responsibility for damages caused by "aboriginal water rights claims" and includes land title exclusions for "aboriginal water rights claims.
- 19. The Montana State Constitution under Article II (Declaration of Rights) provides **Equal Protection** (Section 4). The UMO denies equal protection to state citizens on private lands within Flathead Indian Reservation boundaries.
- 20. The Montana State Constitution under Article II (Declaration of Rights) provides **Due Process** (Section 17). The UMO denies state citizens of due process in state court.
- 21. The Montana State Constitution under Article II (Declaration of Rights) provides that State has no immunity from suit unless specifically granted by 2/3 vote in each House (Section 18). The CSKT Compact/UMO grants

immunity to state from costs, damages and attorney fees without 2/3 legislative vote in the each house.

22. The Montana State Constitution under Article II (Declaration of Rights) provides that **No takings without compensation** (Section 29). The UMO takes private property irrigation water rights without compensation.

- 23. The Montana State Constitution under Article III (General Government) provides **Separation of Powers** (Section 1). The CSKT Compact passage by the state legislature violated separation of powers with significant changes to Judicial branch functions.
- 24. The Montana State Constitution under Article V (Legislature) provides that the Legislature cannot create a "special" or "local" law when a broader general law is applicable (Section 12). The CSKT Compact/UMO ignores the Montana Water Use Act which no longer applies to citizens on the reservation.
- 25. The Montana State Constitution under Article VII (Judiciary) provides that the **Montana District and Supreme Courts are available to all citizens** (Section 4). The CSKT Compact/UMO denies state court remedies for State of Montana citizens with Federal court the only recourse for action.
- 26. The Montana State Constitution under Article IX (Environment and Natural Resources) provides that **All pre-1973 water rights are recognized and affirmed** (Section 1). The CSKT Compact/UMO refuses to recognize these water rights.
- 27. The Montana State Constitution under Article IX (Environment and Natural Resources) provides that Control, ownership, administration of state water resources belongs to the State (Section 3). The CSKT Compact/UMO delegates authority to CSKT/United States.
- 28. The CSKT Compact establishes the UMO that assumes jurisdiction over all water users living within the external boundaries of the Flathead Reservation. The Ordinance states that it "shall govern all water rights, whether derived from tribal, state or federal law, and shall control all aspects of water use, including all permitting of new uses, changes of existing uses, enforcement of water right calls and all aspects of enforcement within the exterior boundaries of the Flathead Indian Reservation. Any provision of Title 85, MCA [State water law] that is inconsistent with this Law of Administration is not applicable within the Reservation". This statement is in direct violation of the Equal Protection Clause of the United States Constitution. Article I for the Fourteenth Amendment states "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The UMO removes State of Montana citizens out from underneath the laws of the State of Montana.
- 29. The CSKT Compact reserves over 27 million acre feet of water rights both on and off the Flathead Indian Reservation. In comparison, the nearest reservation in terms of Tribal population, Fort Peck, reserves a little over 1 million acre feet of on-reservation only water rights. All other Montana reservations reserve significantly less than Fort Peck and a much smaller fraction of what is granted under the CSKT Compact. In addition, all other Montana Indian Reservation Compacts limit reserved water rights to on-reservation. When comparing the CSKT Compact to other Federal Reserved

water rights in the United States, a similar story emerges. The CSKT Compact is clearly overreach by the parties involved and an egregious grab for water rights outside the norms for the state of Montana and United States as a whole. See the charts below for additional information.



## Quantification of Indian Federal Reserved Water Rights in the United States *

RESERVATION / TRIBE	STATE	Acre Feet / Yr
Ak Chin	AZ	85,000
Blackfeet (U.S. has Not Assisted)	MT	86,880
Colorado River Tribes (7)	AZ	783,134
Colorado Ute	CO	70,000
Crove (Under Allotten legsi challenge)	MT	800,000
Fallon Paiute	NV	10,588
Flathetid (propositi compact)	MIT	** 27,744,657
Fort Belknap (v.s has not statisfied)	MT	500,000
Fort Hall	1D	581,331
Fort McDowell	AZ	36,350
Fort Peck (U.S. has not radiiod)	MT	1,052,472
Gila River	AZ	655,000
Ricarilla Apache	NM	40,000
Las Vegas Palute	NV	2,000

RESERVATION / TRIBE	STATE	Acre Feet / Yr
Nez Perce (suxted Litigation)	ID	50,000
Northern Cheyenne	MT	91,330
Northern Ute	ur	481,000
Pyramid Lake Palute	NV	520,000
Rocky Boy	MT	20,000
Salt River Pima Maricopa	AZ	122,400
San Carlos Apache	AZ	77,435
Shiwwit Palute	UT	4,000
Tohono O'Odham	AZ	66,000
Warm Springs	OR	325,800
White Mto Apache	AZ	98,000
Wind River (Linguism)	WY	490,000
Yavapai Prescott	AZ	16,000

Total All Other Tribes Combined (32) Average per Tribe Flathead Weter Compact (2000) 7,065,720 220,804

4 27,744,657 4 times more than at other tribes combined one £26 times more than the everage

### **Summary**

The parties the the CSKT Compact have refused to recognize the legal diminishment of the Flathead Indian Reservation as a result of Article VI of the Heligate Treaty, allotment and opening of the reservation in 1909. In doing so the CSKT Compact necessarily diminishes and violates the constitutional protections and rights of Montana citizens. By pushing forward with this overreaching and destructive compact rather than litigating the legal and constitutional issues within the United States/CSKT Compact proposal, the State of Montana is attempting to offload the United States/Tribal litigation case load and place it squarely upon the 360,000 people living in western Montana.

Instead of providing for an equitable settlement of the federal reserved water rights for the Flathead Reservation so that **ALL WATER USERS** would have certainty, predictability and security for their water rights and land patents, the CSKT Compact was designed to achieve the Tribe's desire for the reversal of the Flathead Allotment Act.

We respectfully submit this document for your consideration.

Kevin K Sizer

Cathy B Sizer

#### STATE OF MONTANA

### DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620- 1603

### GENERAL ABSTRACT

Water Right Number:

76LJ 30070515 GROUND WATER CERTIFICATE

Version: 1 -- ORIGINAL RIGHT

**Version Status: ACTIVE** 

Owners:

SIZER, KEVIN K REVOCABLE LIVING TRUST

130 SPOTTED FAWN LN KALISPELL, MT 59901-8353

SIZER, KATHY B REVOCABLE LIVING TRUST

130 SPOTTED FAWN LN KALISPELL, MT 59901-8353

**Priority Date:** 

AUGUST 26, 2014 at 02:45 P.M.

Enforceable Priority Date: AUGUST 26, 2014 at 02:45 P.M.

Purpose (use):

DOMESTIC

LAWN AND GARDEN

**Maximum Flow Rate:** 

20.00 GPM

Maximum Volume:

1.35 AC-FT

Source Name:

**GROUNDWATER** 

Source Type:

GROUNDWATER

Point of Diversion and Means of Diversion:

D 1

Twp Govt Lot Otr Sec Sec.

20W FLATHEAD E2SESW 13 28N

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Subdivision:

RAINBOW ROCK SUB AMD L1, 2&4 TRACT/LOT: 2A

Well Depth: Static Water Level: 131.00 FEET

181.00 FEET

Casing Diameter: 6.00 INCHES Well Location:

130 SPOTTED FAWN LN

Purpose (Use):

**DOMESTIC** 

Households:

Volume:

1.00 AC-FT

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

 $\mathbf{D}$ 

Govt Lot

Otr Sec <u>Sec</u> Twp

13 28N E2SESW

Rge County 20W FLATHEAD

Rge County

Purpose (Use):

LAWN AND GARDEN

Volume:

0.35 AC-FT

Period of Use:

APRIL 1 to OCTOBER 31

Place of Use:

<u>D</u>

Govt Lot Acres 0.14

Rge County Otr Sec Two <u>Sec</u>

**E2SESW** 13 28N 20W FLATHEAD

Total:

0.14

Geocodes/Valid:

07-3967-13-3-08-05-0000 - Y

### Remarks:

### **OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE DOR # 147683 RECEIVED 06/13/2016. OWNERSHIP UPDATE TYPE DOR # 163431 RECEIVED 11/03/2017. OWNERSHIP UPDATE TYPE DOR # 207547 RECEIVED 02/26/2020.

## MONTANA WELL LOG REPORT

Form No. 603 R2-99

Well ID#

This log reports the activities of a licensed Montana well driller and serves as the official record of work done within the borehole and casing and describes the amount of water encountered. <u>This form is to be completed by the driller and filed with DNRC within 60 days of completion of the work.</u> Acquiring Water Rights is the well owner's responsibility and is not accomplished by the filing of this report.

Well log information is stored in the Groundwater Information Center at the Montana Bureau of Mines and Geology (Butte) and water right Information is stored in the Water Rights Bureau records (Helena).

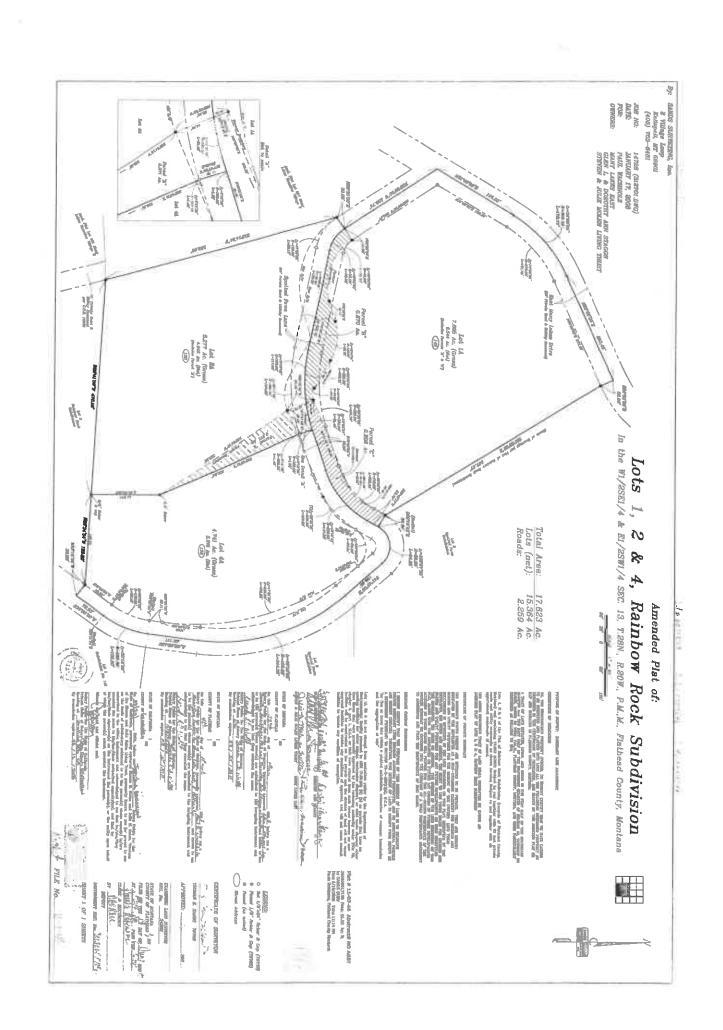
For fields that are not applicable, enter NA. Optional fields have a grayed background. Record additional information in the REMARKS section.

1. WELL OWNER: Name Wien & Protty Stages	D		inhmum Is the amount water level is lowered below static level. Reasurements shall be from the top of the well casing.
Mailing address	Time of recovery is hours/minutes since pumping stupped.		
Bigiock, BT. 59911		ir test"	
2. WELL LOCATION: List 14 from smallest to largest			gom with drill stem set atft forhours coveryhrs/min. Recovery water levetft.
N HEN SEN SUN Section 12		laller tes	
Township NS Range EW County			on with h, of drawdown siter hours
Lot, Tract/Blk Subdivision Name	ī	îme of re	covery hreanin. Recovery water level ft.
Well Address	OR P	ump test	•
Latitude Longitude			p set for test H.
Error as reported by GPS locator ( * feet)	gpm pump rate withft of drawdown afternes pa		
Horizontal datum (1) NADZ7 (1) WGS84	T	ime of re	povery hawmin Recovery water level
3. PROPOSED USE: Domestic Stock Clinication		lowing A	
Public water supply Monitoring Well Other:			gpm for hours
4. TYPE OF WORK:	120/9	g the and p	ear the declarge lass shelf be as uniform as possible. The lare
New well  Deepen existing well  Abandon existing well			as the substituted yield of the well. Sustained it yield down not oil of the well carry:
Method: Cable Cable Other:	- 10/51	1.1.00	DLI
5. WELL CONSTRUCTION DETAILS:	7. WEL	.L LOG:	1711
Borehole:		Feet	Material  process and type/Descriptor Seampte: Street Seamfront.
Dia, in from ft. to 101 ft.	Frum	То	ar bittering even water, or brown band histories.
Dia, in. from ft. to ft,	- 0	35	Sand, Cravel, Cobblestones
	-32	9.2	Sand, Fine Grayel Sand, Grayel, Coholestones
Casing: Steel: Wall thickness Threaded C-Welded	47 25	13	Sand, Fine Gravel
Dia. In from 1 1 10	83	ISI	Sand, Gravel, Cobblestones
in from 8.40 M.	141	170	Sand, Gravel, Cobblestones,
Plastic. Pressure Rating lbs. Threaded _ Wolded			Mater
Dia. In. from 105. 1 hreaded Welded	175	181	Clay
Perforations/Slotted Pipe:			
Type of perforator used		-	
Size of perforations slots by in.		_	
no. of perforations/elots fromfl. toft.			
no. of perforations/slots from ft. to ft.			REGERVEU
Screens: [] Yes []-No			
Material			
Disc. Size size those It to It.			
		-	Market
Gravel Pecked: Ves Sko		-	
Gravel placed from tt. to ft.	CTANE	200000	
Packer: Tyes TNo	E ADD	THOMAL SI	HEETE ATTACHED
Type Depth(s)	8. DAT	E WELL	COMPLETED:
Grout: Material used			WINDS AND ADDRESS.
Depth fromft toft. OR Continuous feed	9. REA	MARKS:	Doderreassy
6. WELLTEST DATA: A well test is required for all wells. (See details on well log report cover.)	10, DRI	LLER/C	ONTRACTOR'S CERTIFICATION: d and reported in this well ldg is in compliance with the
Static water level to below top of casing or Closed-in artesian pressure psi	Montana	e well con	struction standards. This report is true to the dest of my
How was test flow measured: bucket/stopwatch, welr, flume, flowmater, etc.	Name, f	imi, or co	rporation (orint)
vellowstone Controlled Groundwater Area - Water Temperature F			alon Sudan
AGUIFER TEST DATA FORM ATTACHED	Date _	3/13	5/03 Losetes no. MS/C450



Montana DNRC P.O. BOX 201601 HELENA, MT 59520-1601 444-8610

180L





# Water Right Number: 76LJ 30070515NULL

## Print Map

## Legend

- Cround water diversion Sudace water diversion
- L' Adjaces Diversions Sedace water diversion Ground water diversion.
- Phoe of Use Legal Land Descriptions Adjacest POCs
- LISS Detail Capaci

Note: Contact DNRC if you have any questions or if the mapped information appears incorrect.

The points of diversion (PODs) and places of use (POUs) are derived from water right legal land descriptions. PODs are placed at the center of their legal land description, not at their nue geographic location. POUs are drawn as polygons of the entire legal land description.



Ground Water Well at 130 Spotted Fawn Lane





## Garden Pond at 130 Spotted Fawn Lane



November 28, 2022

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES Montana Water Court MONTANA – UNITED STATES COMPACT

#### CASE NO. WC-0001-C-2021

#### NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX	STREET ADDRESS O	OR PO BOX	
KALIBPELL, MT &	990/		
The 272-6952 STATE ZER	CODE CITY	STATE	ZIP CODE
PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAIL	
a gmon . c			
3. State the specific part(s) of the Prelimir	nary Decree objected to. Ide	entify the specific g	ground(s) and evidence
on which the objection(s) are based. (Use			Carried N. S. Commission of
	additional paper if necessar	(У)	
See attached			
I To alienting to a supplier wroter w	ight number identify the w	oter right number	decree nage number
and the water source. If you are objecting			
4. If you are objecting to a specific water rand the water source. If you are objecting twater right number.			
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(TURN FORM OVER AND COMPLETE OTHER SIDE)

CERTIFICATE OF MAILING

I, Just Votaphu , declare under penalty of perjury, that on the 25 day of

November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the

following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

#### November 25, 2022

Montana Water Court

P.O. Box 1389

Bozeman, MT 59771-1389

#### Honorable Water Court Judges:

I object to the overreach into the off reservation water rights of the tribes. Our property is Lot 2 of Blaine Creek Estates Subdivision, Kalispell, Montana. Tract # 2820 04 – BC 1-2. Parcel # 0501033.

These 20 acres are used for grass and alfalfa hay production, orchard and garden and home use supported by a private well. There is potential for irrigation and raising farm animals. Blaine Creek is a wetland, environmentally sensitive area. It is a flood plain and seasonal creek used by many bird and animal species.

We are located in the area - 76LI

Thank you for considering this objection.

Susan and Gary Votapka

40 Leah Ann Lane

Kalispell, MT 5990

760-272-6952

November 28, 2022

Montana Water Court

#### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

#### CASE NO. WC-0001-C-2021

#### NOTICE OF OBJECTION AND REQUEST FOR HEARING

arter Micha STNAME FIRSTNAME 23 Middle R	MID. INITIAL		LAST NAME	FIRST NAME	MID. INITIAL
REET ADDRESS OR PO BOX			STREET ADDRESS OR	PO BOX	
Dlumbia Falls	MI	59912			
Y		CODE	CITY	STATE	ZIP CODE
706) 407 2129 ONE NUMBER	michale cort		()		
ONE NUMBER	E-MAIL	com	PHONE NUMBER	E-MAIL	
which the objection(s) as	4 page	<u>es</u>		, 	
	., 0	•		5	
	<u> </u>	· ·			
If you are objecting to a	specific water	right number	, identify the wat	er right number, o	lecree page number,
d the water source. If yo	specific water u are objecting	right number to more than	, identify the wat	er right number, onumber, use a sep	lecree page number, arate form for each
d the water source. If yo	specific water u are objecting	right number to more than	, identify the wat one water right i	er right number, on number, use a sep	lecree page number, arate form for each
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I the water source. If you ter right number.  Iter Right #:	specific water u are objecting	to more than	Page number Source:	number, use a sep	arate form for each

(TURN FORM OVER AND COMPLETE OTHER SIDE)

#### **CERTIFICATE OF MAILING**

I, Mickale Cattee, declare under penalty of perjury, that on the Zg day of Movember, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoi.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Please send this completed original to:

**Montana Water Court** 

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

Mickale Carter 2231 Middle Rd Columbia Falls, MT 59912 (406) 407 2129 mickalecarter@hotmail.com

Notice of Objection and Request for Hearing

Note: The Confederated Salish and Kootenai Tribes Montana-United States Compact is referred to herein as the Flathead Compact

#### 3. Attachment

Objection 1: I object to the priority date for the water rights granted in the Flathead Compact of July 6, 1855. Montana Law and the Montana Constitution and the US Constitution require that the priority date of the water rights given to the Confederated Salish and Kootenai Tribes by the Flathead Compact for the hydroelectric dams, wetlands, water storage at Hungry Horse Dam and any current use by the Tribe or a Tribal Member, as well as for modern irrigation practices, ought to be the date of the final approval of the Compact. In the alternative, the Confederated Salish and Kootenai Tribes should be required to present evidence of dates of such actual use of the water and the priority dates for such use be set as the date of commencement of such use.

#### Grounds for Objection:

1. Winters v United States, 207 U.S. 564 (1908) is readily distinguishable from this case. In Winters, on May 1, 1888, the United States entered into the treaty with the Gros Ventre and other Indians that created the Fort Belknap Indian Reservation. The Plaintiff in that case wanted to build a dam which would greatly limit the flow of water in the Milk River as it passed through the Fort Belknap Reservation. The Supreme Court found that the Indians had irrigated their lands from the Milk River beginning soon after the reservation was created. It stated further that "The Indians had command of the lands and the water, . . . whether kept for hunting," "and grazing roving herds of stock" "or turned to agriculture." The Supreme Court held that implicit in the

- creation of the reservation was the inclusion of enough water from the Milk River sufficient for irrigation purposes.
- 2. In Winters the uses of the land that were considered by the Supreme Court were uses that were in place as of 1888, i.e., hunting, grazing and agriculture. In the instant action, the use being made of the water at issue are two hydroelectric dams, wetland preservation and even a claim to to 90,000 AFY of water to be stored in the Hungry Horse Reservoir, also any use whatsoever that a tribal member or the Tribe makes of the water and water used in modern irrigation practices. Of these only irrigation of the land was contemplated when the reservation was created. In interpreting the treaty it is appropriate to consider what people knew/expected of as of the time of the treaty. Even in its 1908 opinion, the Supreme Court in Winter considered only what was the usual use of land as of that date, i.e., grazing, hunting and agriculture. Definitely not hydroelectric dams and wetlands preservation and water to be stored in a Dam 85 miles from the reservation that was constructed in 1953, or modern irrigation practices.
- 3. To hold that the penumbra of the 1855 treaty includes any and all uses whatsoever that the Tribe could ever contemplate would require the conclusion that the Indian Tribes in Montana have a claim to all the waters of the State of Montana with a priority date as of the date of their respective treaties. This would necessarily make the Montana becoming a State in 1887 a farce. It would essentially be a state, a state dependent on its waters, without any rights to its waters.
- 4. Montana has always had a "first in time, first in right" rule for sorting out water right priorities. This requires an actual use in order to establish a water right. There is no such requirement with the water rights granted in the Flathead Compact. The Compact does not even require that the use to have been contemplated in 1855. Following Montana law would require that the priority date for the hydroelectric dams, the wetlands, the storage in the Hungry Horse Dams, the use of the water by tribal members or the tribe and the modern irrigation practices be as of the date use began. Montana law also requires a new permit request when water needs increase. See MCA 85-2-224. MCA 85-2-224 applies to claims of water rights "reserved under the laws of the United States."

- 5. To the extent that the water rights granted by the Flathead Compact including water rights for the hydroelectric dams, the wetlands, storage in Hungry Horse Dam, the uses of tribal members and the tribe, and modern irrigation practices, granted by the Flathead Compact, impact my water rights that have, for example an enforceable priority date of January 1, 1916, See 76LJ 30016676, the Flathead Compact violates my right, granted by the US Constitution, to not have ex post facto laws enforced against me. See Article I, Section 9.3. This can only be remedied for myself and others similarly situated, i.e., with priority dates after July 6, 1855, but before the approval of the Compact, by setting the priority date of the Flathead Compact granted water rights described above, as the date of final approval of the Compact or date that actual use began.
- 6. Montana Constitution, Article IX Section 3, Water Rights, provides that "all existing rights to the use of any water for any useful or beneficial purpose are hereby recognized and confirmed." It was ratified on March 22, 1972. My water rights which have an enforceable priority date prior to March 22, 1972 are thereby recognized and confirmed and consequently, cannot, as a matter of Montana Constitutional law, be impacted by the Flathead Compact.
- 7. Montana Constitution Article II, Section 4 provides that the "State may not discriminate based on race, color, sex, culture, social origin or condition, or political or religious ideas." Relating the priority date of the water right back to July 6, 1855, a date before actual use of the water, is a benefit given to no other Montanan. All other Montanans must show actual use in order to obtain a water right priority date. See MCA 85-2-224. To do otherwise amounts to a violation of the Montana Constitution's prohibition against discrimination based on race and culture. The Flathead Compact gives the Confederated Salish and Kootenai Tribes special treatment based on their race and culture, i.e., Tribal status.

Objection 2: The Flathead Compact does not give "equitable division and apportionment" as required by MCA 85-2-701. Further, it does not require a showing that the subject water rights do not negatively affect Montanans.

#### Grounds for Objection:

- 1. The legislative intent, when dealing with reserved water rights claims of the several Indian tribes claiming water rights within Montana, is for the compacts to provide for an "equitable division and apportionment of waters between the state and its people and the several Indian tribes claiming reserved water rights within the state." The Flathead Compact is totally one sided. It does not take into consideration the people of Montana or the interest of the State of Montana.
- 2. Montana Constitution Article IX Section 3, Water Rights provides that "all surface, underground, flood, and atmospheric waters within the boundaries of the State are the property of the State for the use of its people and are subject to appropriation for beneficial use as provided by law." When such a huge water right is granted to such a small portion of the population of the state of Montana, it is appropriate to determine whether such appropriation is fair for those Montanans who are not benefitting from or indeed who may suffer as a consequence of such large appropriation.
- 3. MCA 85-2-311(1)b requires that before a water use permit will be issued, the applicant must produce evidence that shows that the water use requested will not adversely affect "the water rights of a prior appropriator under an existing water right, a certificate, a permit, or a state water reservation." At a minimum, the Confederated Salish and Kootenai Tribes should be required to make such a showing with regard to the two hydroelectric dams, the wetlands, the water storage in the Hungry Horse Reservoir, the water right claims of the tribal members and the tribe and their modern irrigation practices.
- 4. To not require the Confederated Salish and Kootenai Tribes to make s showing that the water rights that are the subject of the Flathead Compact do not negatively impact the people of Montana, would amount to discrimination based on race and culture, in that all other Montanans must make such a showing. MCA 85-2-311(1)b, Montana Constitution Article II, Section 4.

November 28, 2022

Montana Water Court

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

#### CASE NO. WC-0001-C-2021

#### NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Add	Washe	2. Objector's Attorney name, ad	dress, and phone number
LAST NAME FIRST NAME		LAST NAMEFIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX	59859	STREET ADDRESS OR PO BOX	20011
CITY (404) 024 3930/n	8 COLONDATAMIL CON	CITY STAT	E . ZIP CODE _
PHONE NUMBER	E-MAIL	PHONE NUMBER E-MA	IL 0 - 1,
See Attach	ment A		
4. If you are objecting to	a specific water right nu	umber, identify the water right number	, decree page number,
4. If you are objecting to	a specific water right nu	umber, identify the water right number than one water right number, use a s	r, decree page number, eparate form for each
4. If you are objecting to and the water source. If y	a specific water right nu	Page number in Decree: Source: Ground water	eparate form for each

#### CERTIFICATE OF MAILING

I, C. Wayne	Cole	, declare under penalty of perjury, that on the $25$ day of
November	, 2022, I m	ailed a copy of this Objection postage prepaid, addressed to the
following attorneys for the	Federal Stat	e and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

**Montana Water Court** 

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

#### Attachment A

3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

I am specifically objecting to the Preliminary Decree for CASE NO. WC-0001-C-2021. ( Part III.D.3. Mainstem Instream Flow Right in the Lower Clark Fork River (Basin 76M and 76N)).

8

#### Appendix 27 (Decree Report - Page 528-529)

Subsection e. discusses the ability of "The Tribes, and/or the United States on behalf of the Tribes, shall be entitled to make a Call ... against junior users the purpose of whose rights is *irrigation*, whose source of supply is *Groundwater* connected to the mainstem of the Clark Fork River and whose flow rate is greater than 100 gallons per minute. The water right 76N 103196-00 is for irrigation @ 465.00 GPM from a groundwater well. This would put our right at risk of call. If the enforceable level was achieved and call was enforced this would materially injure the cattle and hay operation associated with the water right. A call against this right would almost certainly result in stock reduction and other associated costs. The Abstract found in Appendix 27 (Decree Report - Page 528-529) should be changed to reflect rights of existing users that would be affected.

Subsection g. lists that "For so long as the Cabinet Gorge and Noxon Dams remain in existence, the enforceable level of this right is a flow rate equal to the lesser of 5000 cfs or the minimum flow level established by the FERC as a condition on the license for the Cabinet Gorge and Noxon Dams as that license condition may be modified over time." The arbitrary 5000 cfs flow level could cause a call on the water right 76N 103196-00. This most likely would occur during drought conditions when the irrigation right would be most critical for the associated cattle and hay operation. The Abstract found in Appendix 27 (Decree Report - Page 528-529) should be changed to reflect rights of existing users that would be affected. Furthermore, the statement "for so long as the Cabinet Gorge and Noxon Dams remain in existence" is arbitrary and capricious and it speaks nothing to what would happen if for some reason the dams were removed, destroyed, or otherwise not in existence. This language should be removed.

#### STATE OF MONTANA

#### DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O BOX 201601 HELENA, MONTANA 59620-1601

#### GENERAL ABSTRACT

Water Right Number:

76N 103196-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

C WAYNE COLE PO BOX 298 **PLAINS, MT 59859** NORMA J COLE

PO BOX 298

PLAINS, MT 59859-0298

**Priority Date:** 

**DECEMBER 31, 1942** 

Enforceable Priority Date: DECEMBER 31, 1942

Type of Historical Right: USE

Purpose (use):

IRRIGATION

Irrigation Type:

**SPRINKLER** 

Maximum Flow Rate:

465.00 GPM

Maximum Volume:

170.00 AC-FT

Climatic Area:

2 - MODERATELY HIGH

Maximum Acres:

34.00

Source Name:

GROUNDWATER

Source Type:

GROUNDWATER

Point of Diversion and Means of Diversion:

ID

**Govt Lot** 

Qtr Sec Twp Rge County

SWSENE 20N 26W SANDERS

Period of Diversion: MAY 1 TO SEPTEMBER 30 Diversion Means: WELL

Period of Use:

MAY 1 to SEPTEMBER 30

#### Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	28.00		SENE	33	20N	26W	SANDERS
2	34.00		SWNE	33	20N	26W	SANDERS

Total: 62.00

Geocodes/Valid:

35-2979-33-1-01-52-0000 - Y

35-2979-33-1-01-77-0000 - Y

#### Remarks:

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

#### **OWNERSHIP UPDATE RECEIVED**

OWNERSHIP UPDATE TYPE 608 # 25180 RECEIVED 10/05/2005.

OWNERSHIP UPDATE TYPE 608 # 25210 RECEIVED 10/07/2005.

OWNERSHIP UPDATE TYPE DOR # 240174 RECEIVED 04/29/2022.

#### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES November 28, 2022 MONTANA - UNITED STATES COMPACT

Montana Water Court

CASE NO. WC-0001-C-2021

#### NOTICE OF OBJECTION AND REQUEST FOR HEARING

AGATHER MARK A LAST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
	LASI NAME	FIRST NAME	MID. INITIAL
195 E. NICKIAUS AUC STREET ADDRESS OR PO BOX	STREET ADDRESS OF	P PO BOY	
	STREET ADDRESS OF	K FO BOA	
KALISPELL NIT 59901 CITY STATE ZIPCODE	CITY	STATE	ZIP CODE
		JIIIL	ZII CODE
(406) 270-0253 me Magather Eyehoo PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAIL	
3. State the specific part(s) of the Preliminary De			round(s) and evidence
on which the objection(s) are based. (Use addition	nal paper if necessary	·)	
4 PAGES ATTACHED			
4. If you are objecting to a specific water right nu	mber, identify the wa	ter right number.	decree page number.
		-	
<b>4.</b> If you are objecting to a specific water right nu and the water source. If you are objecting to more water right number.		-	
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and the water source. If you are objecting to more water right number.	e than one water right	number, use a sep	
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and the water source. If you are objecting to more water right number.  Water Right #: W 128954-00 (7-1-55	Page numb Source:	number, use a sep	parate form for each
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and the water source. If you are objecting to more water right number.  Water Right #: W 128954-00 (7-1-55	Page numb Source:	number, use a sep	parate form for each
and the water source. If you are objecting to more water right number.  Water Right #: W 128954-00 (7-1-55	e than one water right  Page numb	number, use a sep	parate form for each

#### CERTIFICATE OF MAILING

I. MARK A	AGATHER	, declare under penalty of perjury, that on the 236 day of
NODEMBER	, 2022, I mai	led a copy of this Objection postage prepaid, addressed to the
following attorneys for	the Federal, State.	and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Mat le Gal C

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

#### PRELIMINARY DECREE KOOTENAI RIVER BASIN 76D

#### ABSTRACT OF WATER RIGHT CLAIM

For Owner:

AGATHER, MAX & LINDA FAMILY TRUST

87 KONLEY DR

KALISPELL, MT 59901

#### IMPORTANT NOTICE

YOUR WATER RIGHT AS SHOWN ON THIS ABSTRACT MAY HAVE CHANGES FROM YOUR WATER RIGHT AS CLAIMED OR AMENDED. AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY THE MONTANA WATER COURT AFTER ISSUANCE OF THE TEMPORARY PRELIMINARY DECREE OR BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC) DURING THE PREPARATION OF THIS PRELIMINARY DECREE. THESE CHANGES ARE AUTHORIZED BY THE MONTANA SUPREME COURT WATER RIGHT CLAIMS EXAMINATION RULES OR BY ORDER OF THE WATER COURT.

OBJECTIONS MAY BE FILED ACCORDING TO THE PROCEDURES OUTLINED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

Water Right Number:

76D 128954-00 STATEMENT OF CLAIM

Status:

Version:

2 - REEXAMINED

**ACTIVE** 

Owners:

MARK A AGATHER 87 KONLEY DR KALISPELL, MT 59901

AGATHER, MAX & LINDA FAMILY TRUST

87 KONLEY DR KALISPELL, MT 59901

**Priority Date:** 

JULY 1, 1954

Type of Historical Right: USE

Purpose(use):

DOMESTIC

Flow Rate:

15.00 GPM

Volume:

1.50 AC-FT

Households: 1

Source Name:

LAKE CREEK (BULL LAKE)

Source Type:

SURFACE WATER

Point of Diversion and Means of Diversion:

ID 1

Govt Lot Otr Sec Sec Rge County Twp

SWSESE 29

Period of Diversion: MAY 1 TO OCTOBER 1

Diversion Means: PUMP

Period of Use:

MAY 1 TO OCTOBER 1

76D 128954-00

Place of Use:

<u>m</u>	Acres	Govt Lot	Otr Sec	Sec	Twp	Rge	County
_		_	SWSESE	20	201	3311/	LINCOLN
1		9	PANDEDE	25	ZOIN	0000	LINGOLIN

#### Remarks:

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

THE FOLLOWING ISSUES WERE IDENTIFIED BY THE DNRC DURING ITS EXAMINATION OF THIS WATER RIGHT CLAIM.

SOURCE NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

A BETTER UNDERSTANDING OF YOUR CLAIMED WATER RIGHT CAN BE OBTAINED BY COMPARING YOUR RIGHT WITH OTHER CLAIMS IN THE BASIN. FOR EXAMPLE, COMPARE PRIORITY DATES, FLOW RATES, VOLUMES, OR ACRES IRRIGATED. ALSO, YOUR WATER RIGHT MAY BE SUBJECT TO WATER RIGHTS IN ADJOINING BASINS OR SUBBASINS AS WELL AS BEING SUBJECT TO OTHER RIGHTS ON YOUR SOURCE OF SUPPLY. FINALLY, YOUR WATER RIGHT MAY BE SUBJECT TO INDIAN RESERVED AND FEDERAL RESERVED WATER RIGHTS.

COMPLETE DETAILS REGARDING THE DNRC PREPARATION OF THIS PREMIMINARY DECREE AND RELATED MATERIALS CAN BE REVIEWED ONLINE AND AT THE OFFICE LOCATIONS IDENTIFIED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER EXPLANATION OF YOUR CLAIMED WATER RIGHT. THESE FINDINGS CAN BE FOUND AS INDICATED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY." IF YOU NEED OBJECTION FORMS, OR HAVE QUESTIONS ABOUT WATER COURT PROCEDURES OR CHANGES TO YOUR RIGHT, YOU CAN CONTACT THE WATER COURT BY CALLING 1-800-624-3270 (WITHIN MONTANA ONLY) OR 1-406-586-4364, OR BY WRITING TO P.O. BOX 1389, BOZEMAN, MT 59771-1389.

# OBJECTIONS TO THE CLAIM ON THE WATER RIGHTS OF MARK A AGATHER LOCATED ON BULL LAKE, TROY, MT

My family has had water rights on Bull Lake (ID # W 128954-00, 7-1-54) for almost seventy years. The use of this water is integral to our enjoyment and use of the lake. If it were taken away not only would we suffer loss of that enjoyment but we would also suffer severe economic destruction of a very valuable asset. There is very little evidence, if any, that any Indians frequented this area for any significant time in the past and if so, to a minimal extent. I (we) state that contrary to any Indian claims, we were among the first to use the lake as a place of continued use prior to any Indian and therefore, our water claim predates any claim of prior rights by the Indians. Because of our establishment of our water right, I (we) object to this CSKT compact and the process which we are going through to try to save our water right from what we consider to be false and malicious claims by the Indians.

Besides that, the following is a list of other reasons that I (we) feel our right should be affirmed forthwith and, in addition, that this entire process should be abrogated.

# OBJECTION #1 THE HELLGATE TREAT OF 1855 DIDN'T GIVE OFF RESERVATION WATER RIGHTS TO THE INDIANS

The first reason for our objection to this process emanates of the court interpretations regarding this treaty which have occurred over the last fifty years of so. Judges, obviously caught up inside of the political feelings and attitudes of the day, made rulings which in effect rewrote the Treaty in ways obviously not intended by those who wrote it.

The dispute stems from the words: "The exclusive right of taking fish in all the streams running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual accustomed places, in common with citizens of the Territory. I can read and it is clear the originators of this Treaty never intended these words to have anything to do with water rights of the territory of the time or they would have been explicit about it. However, if they had included anything to do about giving away water rights, I contend this Treaty would never have been affirmed. Instead, they assured that Indians, while having exclusive rights to waters inside their reservations, would have the same rights, privileges and obligations ("in common with") as all other citizens of the territory, period.

However, as time went on, issues arose regarding access and number of fish caught which led to a great deal of acrimony. This led to subsequent judicial decisions but few as impactful as Judge Boldt's in the latter seventies who took it upon himself to decide Indians, from the language above, deserved a fifty percent share of any harvest. This based on a twisted legal trail of tortured logic and most likely steeped inside of the left- wing predilection for the Indians, an attitude that spread so far that even the US Supreme Court to some degreed affirmed that decision. But the fact remains, it is not supported by the words of the treaty "in common with"

In 1980 the Indians once again looked to expand their power and control which was supported by a new judge in the State of Washington, William Orrick. His leap of logic was spectacular, expanding the right of "taking fish at all accustomed places" included partial control of fish hatcheries" and, more importantly, tacit control (at the time) of fisheries themselves. Of course, this implied control of the water in river basins and viola, we then had the leap where the Indians now had "from immemorial" water rights which transcends all others. This logic (or lack thereof), was confirmed in the landmark "Martinez decision of 2007 which affirmed Indian rights to off reservation water.

And please make no mistake about it: the process which led us here is, at its base, an extension of the far left "environmental movement" whose goal has been to establish an easy way to control

Montana's water for their own purposes. I suggest a forensic investigation into money spent promoting this compact would quickly discover ample sums of money from the far-left ecological groups which hated the fact that Montanans controlled their own water. The passage of this compact accomplishes their goal of taking the control of the government and its citizens of the State of Montana out of the picture.

But this is not going to end with just water! The next step will be giving the Indians control over our hunting rights! The wording of the Hellgate Treaty goes on to state "together with the privilege of hunting, gathering roots and berries, and pasturing their horse and cattle upon open and unclaimed land." With the precedent set with water, it will be a small leap (for our liberal judges at least) to allow the Indians (aka left-wing ecologists) to demand the right for control of all their "native land" to be kept and/or returned to its natural state so that the Indians can enjoy hunting as they did in the 1800's and before. Their goal is obvious and if accomplished, Montana as a state will only remain in name only.

This quick overview of the logic leading us this morass called the CKST Water Compact gives the background of my first objection: The Hellgate Treaty did not confer water rights to the Indians, our courts did. In so doing they, in essence, rewrote this Treaty far exceeding the authority given to them inside of our Constitution and which, because of that, allows me to object to any notion of taking away my water right and subsequently giving to the Indians.

#### **OBJECTION #2**

#### THE CONSTITUTION OF THE STATE OF MONTANA

My second objection arises from the protections, rights and privileges guaranteed to me inside of our state's constitution which is very clear: "All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law". In addition, it states that the "legislature shall provide for the administration, control, and regulation of water rights". The legislature did indeed affirm this treaty but our constitution did not give our legislature the right or the power to give away the property rights of individual citizens and businesses of our State to the Indians.

In fact, the constitution is very specific that "no person shall be deprived of life, liberty, or property without due process of law." Certainly, this attempt to take my (our) property right to water violates our Constitution and my inherent rights guaranteed by it. Indeed, nobody could try to affirm this present process as a form of the "due process of law".

Therefore, since our legislature overstepped their power given to them by the Constitution and because they have acquiesced to the taking of my property rights by the Indians without due process of law, I object to this entire process.

## OBJECTION # 3 THE STATE GOVERNMENT FALSELY ADVERTISED THE COMPACT

I contend our state government, under Governor Bullock, promoted falsehoods about the effects of this compact. First of all, these officials fanned the flames of fear by stating that the Indians had tens-of thousands of claims that would have to be litigated if the Compact was not passed costing ordinary citizens vast sums of money. Many citizens bought into this fear-based mantra and they were seduced with relief when our governmental officials implied that if this Compact was passed, the claims

of the Indians to all these supposed water rights would be solved. This was supposedly the effect of paying the Indians over a billion dollars to do away with those claims.

If that were true, what are we doing here having to object to the taking or potential taking of our water rights by the Indians? If that claim was not true, why did we give the Indians over a billion dollars? The fact is the CSKT compact is so long, convoluted and so full of legalize no ordinary citizen could even hope to make sense of it. In fact, from my experience, very few, if any, of our governmental officials have any idea of the current ramifications of it at present and certainly for the future.

Government bears certain responsibilities to its citizens. Engendering support for an abomination like this one by promoting unrealistic expectations inside of the general populace to finally achieve their goal of passage (by one vote) is an abrogation of the explicit and implicit duties of any and all government officials.

For the fact that the entire legislative process was rife with false statements, innuendoes, and dishonest promises, I object to any notion of letting the Indians have control over my water rights.

#### **OBJECTION #4**

#### THIS OBJECTION PROCESS IS FATALLY FLAWED

It is hard to believe how confusing this process is. First of all, there is no statement as to why anyone should have to do this. Where does the authority come from? Is there a threat to losing your water right? Is there a possibility the Indians could not only take it away but charge you for it sometime in the future? A simple, concise statement illuminating any and all possibilities is not too much to ask from those running this process.

Secondly, it appears to me that few if any involved governmental officials have any idea of who is or is not at risk or what the ultimate ramifications may be down the road. For example, I called the DNRC to see if I could get some clarification as to whether or not my water right was a risk. The very polite and friendly lady I spoke too admitted that she really did not have a clue. This does not surprise me, as I said above, the compact is virtually not understandable.

On top of that, the notification form sent to some (not all) of those that may be potentially affected seems designed to discourage participation. If it started out with a statement of fact which said "If you don't respond, you may lose you water rights to the Indians" would be truthful and would guarantee more public participation. It is a good thing the Indians did not have to deal with our present federal government—they would not have anything today.

For something this important, I would have expected a lot more coverage in our local newspapers, TV's and internet. However, just the opposite seems to be true as coverage has been minimal and discussion virtually absent. Even more disgusting is the statement that anyone missing this deadline (December 6th) will forever be barred of making any objection in the future. Is that legal?

This process is fatally flawed and because of that I (we) object to any notion of the taking of our water right away by the Indians.

#### **OBJECTION #5**

#### INDIAN SOVERIGN NATION STATUS INSIDE OF THE UNITED STATES IS DISASTEROUS POLICY

Having separate sovereign nations based solely on race inside of the United States is untenable for the future. Such a policy negates provisions in our national and state constitutions and it will surely lead to unending conflicts, strife, and division. In addition, facts clearly show the reservation system is not good for anyone, particularly the Indians. Therefore, I object to any policy that contributes to any furtherance of this antiquated and outdated policy.

The Indian Reservation System embodies the concept of "racism" as it creates a legal entity based solely on the race of an individual which outlawed by the US and Montana constitutions. Indeed, we fought a brutal civil war to start the process of ending racism in our country. Yet, in this instance, based on words written before that war even started, we, by allowing the reservations system, have allowed racism to flourish and expand. That same Civil war was also fought to prevent the establishment of a separate sovereign nation inside of the borders of the United States. Again, in the case of the Indian Reservations, we have set that principal aside.

Conflict between sovereign nations is inevitable. This present conflict is only the start. Many others will arise in the future, not the least of which will be control of hunting and our open spaces. It will spill over into our industries of housing, development, minerals, energy, ranching and farming as well. These conflicts will foster resentment, further racism, and, inevitably, physical violence if not abrogated in the near term.

Further, separate sovereign nations based on race inside the US is a horrible precedent to set. Someday it will be hard to stop any other movement that would like to have the same privileges and rights of the Indians while affirming their separateness from them and the world based solely on their race. It will be hard to continue to embrace the racist policy of separate Indian nations and yet rail against the goals of the Aryan Nation political movement. We must work to reverse this course.

Thus, because I deeply believe the Reservation system is flawed and against the Constitutions of both the US and the State of Montana, I cannot, in good conscience support, in any way, this notion that the Indians have "time immemorial water rights" and I object to any suggestion my water rights are subject to any control by the Indians.

Submitted this <u>23 *d</u> day of November, 2022 by:

Mark A. Agather

195 East Nicklaus Ave.

Kalispell, MT 59901

406-270-0253

November 28, 2022

Montana Water Court

#### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

#### CASE NO. WC-0001-C-2021

#### NOTICE OF OBJECTION AND REQUEST FOR HEARING

		411	
LAST NAME FIRST NAME  22 LETTERMAN LAN		LAST NAME	FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX PLAINS	MT 59859	STREET ADDRESS OR	PO BOX
	STATE ZIP CODE TER@OUTLOOK.COM_	CITY ()	STATE ZIP CODE
PHONE NUMBER	E-MAIL	PHONE NUMBER	E-MAIL:
			SEE ATTACHED
I. If you are objecting to and the water source. If y	a specific water right numb	er, identify the wat	er right number, decree page number, number, use a separate form for each
vater right number.		Ü	,
Water Right #:_76N 7688 (One Number Per Form)		Source: State	in Decree: _page 1 of 1_ e of Montana Department of urces and Conservation, General
Water Right #:_76N 7688 (One Number Per Form)		Source: State Natural Resor Abstract	e of Montana Department of

#### CERTIFICATE OF MAILING

I, __JACK E GRIFFITH__, declare under penalty of perjury, that on the _28_ day of __NOVEMBER___, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

JACK E GRIFFITH
22 LETTERMAN LANE
PLAINS, MT 59859
Water Right #: 76N 76886-00

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT CASE NO. WC-0001-C-2021 NOTICE OF OBJECTION AND REQUEST FOR HEARING

# 3. STATE THE SPECFIC PARTS(S) OF THE PRELIMINARY DECREE OBJECTED TO. IDENTIFY THE SPECIFIC GROUND(S) AND EVIDENCE ON WHICH THE OBJECTION(S) ARE BASED.

The 2019 Montana Water Rights Protection Act states that there are undisclosed water rights that are not mentioned (See page 1).

The 2019 Montana Water Rights Protection Act states that it controls The Water Compact where there is a conflict (See page 14, line 10, section 4 "CONFLICT") How do they conflict? No one knows.

How does the 2019 Montana Water Rights Protection Act modify the Compact? These are unknown.

How can I object if the damage to me is unknowable? My water rights may be detrimentally affected.

What are the waivers and releases? They are not stated.

The 2019 Montana Water Rights Protection Act changes the law of administration. The tribe shall retain all control affecting the quality of water but we in Sanders County are downstream from water quality decision making made upstream. What are the stream flow claims?

I object based on Montana Constitution, article 9, the Federal government did not ratify the Compact, so there is a question about all the tribal water rights claims that have been filed. These are not settled and the cost is not known. I understand that about 14,000 water rights claims have been filed by CSKT.

I live in Sanders County, outside the reservation, and I own my water rights. According to the 1855 Hellgate Treaty, owners have rights to waterways. This conflicts with The 2019 Montana Water Rights Protection Act. The act makes my water rights subordinate to some fictional CSKT water rights. This gives CSKT the right to diminish my water flow in, for example, in a quality control event.

In 1968 The CSKT filed damage to resources report and there is no mention of volumes or a settlement. Doesn't this fly in the face of Montana's Article 9? (See page 1 of The 2019 Montana Water Rights Protection Act article 1, section 3, number 9) How can it be a "final settlement"?

My water rights would be materially damaged by the Compact. (Shively v. Bowlby, 152 U.S. 1, 13-15 Common law waters of non-navigable (fresh water) stream belong to the owners of the riparian lands.)

Signature

Date November 28, 2022

November 28, 2022

Montana Water Court

#### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

#### CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

	LAST NAME	FIRST NAME	MID. INITIAL
58 ELK RUN LANE			
STREET ADDRESS OR PO BOX	STREET ADDRESS OR	PO BOX	
CITY STATE ZIPCODE	CITY	STATI	E ZIP CODE
(406) 827-1112 CAP46@ PROTON	( )	SIAII	ZIF CODE
PHONE NUMBER E-MAIL MAN	PHONE NUMBER	E-MAI	L
CAP46@ PROTON MAIL COM	L. PHONE NUMBER		
3. State the specific part(s) of the Preliminary Dec			ground(s) and evidence
on which the objection(s) are based. (Use additional	al paper if necessary	)	
SEE ATTACHE			
DEE ATTACHE	D		
4. If you are objecting to a specific water right num	ber, identify the war	er right number	decree page number
and the water source. If you are objecting to more			
and the state of t	man one water ingin	namoer, use a se	parate form for cach
			***************************************
			•
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water right number.  Water Right #: 76 N - 30 0 6 3 80 8	Page numb	PP 5 N D 1X #	528 AND 529

(TURN FORM OVER AND COMPLETE OTHER SIDE)

#### **CERTIFICATE OF MAILING**

I, ROBERT D. PIERSON, declare under penalty of perjury, that on the 25 day of NOVEMBER, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

**Montana Water Court** 

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

#### Case # WC-0001-C-2021

#### Notice of Objection and Request of Hearing Robert D and Carolyn A Pierson

Below are our objections to Water Right 76N 30063808 (Appendix 27 on pages 528 and 529 in Appendix 2 of the Preliminary Decree) and to the Compact as a whole.

#### Our Standing:

Our property is located at 58 Elk Run Lane, Trout Creek, MT., 59874. The legal description of the property is: NE1/4, Section 30, Township 24, Range 31W, PPM, identified as Tract J and Tract K on Certificate of Survey No.476, Sanders County records. The property and it's water rights were conveyed to the State of Montana under Land Patent - Montana List #6, dated October 19, 1899. We have brought the original Land Patent forward in our names. (See attached)

Our property, Tract K has the following water right: 76N-30066695. This land as well as Tract J is within the Basin 76N and could be subject to the Compact's proposed Water Right 76N 300633808, located on the Clark Fork River.

#### Our Objections to Water Right 76N-30063808:

Our water rights on Tract K in Basin 76N are senior water rights under the current laws. If the Compact is allowed to control Proposed Water Right 76N-30063808, then our water rights (well) become junior to it. This is a "taking" of our control of the water under Amendment V of the US Constitution for which we are not being compensated. Also our property Tract J which has no water right (well) at this time will be worthless which is also a "taking" without compensation, and it is being done by passing an ex post facto law which is unconstitutional per the U.S. Constitution, Article I, Section 9 and the Montana Constitution Article II, Section 31.

The State Of Montana is in violation of Amendment XIV, Section 1 of the US Constitution "nor shall any State deprive any person of life, liberty, or property, without due process of law". We live in a very rural location and there are no options for a public water supply; therefore, we must provide our own water. Property is worthless without water!!

The State Of Montana is also in violation of Article II, Section 31 of the Montana Constitution by creating special privileges for the CSKT Tribe that affected our property by permitting any water right to stand with a "time-immemorial" starting date.

This proposed Water Right 76N-30063808 has a "time immemorial" date. If this phrase had any legal validity, the United States Constitution and the laws of

Congress would be entirely irrelevant for any matter deemed valid through "time immemorial". There have been a few lower court rulings, but this "time immemorial" concept is not the law of the land, nor would it likely survive the U.S. Supreme Court.

The Treat of Hellgate, (1855), Article III grants "the right to taking fish at all usual and accustomed places, in common with citizens of the Territory (now the State of Montana) ". This **does not** and **never did** grant them a water right to these waters. We as licensed fishermen **do not** have a water right to the places where we fish; therefore, why has the CSKT tribe been given this right?

This fishing right in the Treaty of Hellgate, Article III, as well as the "time immemorial" date is being used to justify all the off-reservation water rights in Western Montana; taking the State Of Montana's water rights out of the hands of the state which is against the Montana Constitution, Article IX, Section 3.

This proposed Water Compact violates a very recent landmark water law ruling of the U.S. Supreme Court ruling of June 2013: Tarrant v. Herrmann. This is a unanimous (9-0) ruling of the U.S. Supreme Court that rules: "States have the absolute right to the waters and soils beneath them for lands ceded to the state upon their statehood." The Montana Constitution, Article IX, Section 3 provides the state full authority to manage its waters and to negotiate with corporations, federal agencies and tribal governments, without the loss of Montana's control over its waters. The proposed Water Compact as written takes that right away.

Collusion between CSKT and two senators (Bruce Tutvedt and Dan Salomon) to pass the Compact in 2015. In May of 2014, Senator Tutvedt met with the CSKT and thanked them for money they gave to his PAC-Montanans for Responsible Leadership. His comments to the tribal council follow:

"I have a core team that's ready to go, and Dan Salomon is working with some core members too. There is a true group of people that want to do the right thing because it's the right reason. We have a plan in place, how to take care of that 60 vote problem in the House. Dan has that plan figured out. So there is a plan going on. This is an issue that will even effect how the key leadership in the House will play out. So yes we are committed, and yes it's going to happen. So thank you."

Source: CSKT Tribal Council Minutes 05/22/2014 (See attached)

Currently, our existing water rights are "recognized and confirmed" under the Montana Constitution Article IX, Section 3 (1). The Montana legislature administers, controls and regulates the rights using the mechanism of the Water Court, under the Montana Constitution Article IX, Section 3 (4). This is simple and workable with one set of rules and a place where decisions are made.

The Montana Water Rights Protection Act 2020 throws all this into questionable territory as follows:

Section 2 Purposes.(2):To authorize, ratify, and confirm the water rights compact entered into by the Tribes and the State, to the extent that the Compact is consistent with the Act;

What does this mean!! Are they not the same and if they differ why is the Appendix #1 (Compact as Ratified) not marked so we know?

Section 4 Ratification of Compact. (a)(1) In General - As modified by this Act, the Compact is authorized, ratified, and confirmed.

Here again where are the places that the Compact has been modified? Is Appendix #1 the one passed by the legislature in 2015 or the one modified by this Act of Congress? If the Compact has been modified by Congress does not this new document need to be approved by the Montana legislature and the CSKT Tribe? We as water rights holders need to know this!!

Section 4 Ratification of Compact (a) (2) Amendments - Any amendment to the Compact is authorized, ratified, and confirmed, to the extent that such an amendment- (A) is executed to ensure that the Compact is consistent with this Act;

What are the amendments? Who wrote them and where are they? So you are saying that the Compact and the Act are not consistent? Who has the answer to these questions? So

Section 5 Tribal Water Right. (b) Confirmation of Tribal Water Right - (1) In General - The Tribal Water Right is ratified, confirmed, and declared to be valid.

What does this mean? That all 10 to 14 thousand claims that the Tribe has in western Montana are valid? We definitely object to this!!!

Section 5 Tribal Water Right. (b)(3). Conflict - In the event of a conflict between the Compact and this Act, the provision of this Act shall control.

Does this mean that Congress is in control of Montana's water instead of the Montana Water Court? This again would mean that this Act is a different document than the one the was passed by the Montana legislature in 2015 and the CSKT Tribe.

We reserve the right to further objections as more information comes forward.

In conclusion, we have demonstrated that the Flathead CSKT Compact is unconstitutional per both the Montana Constitution and the U.S. Constitution, collusion between parties, inconsistencies between the Compact and the Act of Congress, and the taking of our water rights without compensation.

Robert D. Pierson and Carolyn A Pierson

#### The united states of America, and in the Republic State of Montana

Robert D. and Carolyn A. Pierson 58 Elk Run Lane Trout Creek, Montana, Republic, usA NON-DOMESTIC

#### NOTICE OF,

#### CERTIFICATE OF ACCEPTANCE AND DECLARATION OF LAND PATENT.

LAND PATENT - Montana List #6, Dated October 19, 1899 (see attached)

#### Know all ye men and women by these presents:

 That we, Robert D. and Carolyn A. Pierson, husband and wife of Trout Creek, Montana, do hereby certify and declare that we are "Assignees" in the LAND PATENT named and numbered above; that we have brought up said LAND PATENT in our names as it pertains to the land described below. The character of said land so claimed by patent, and legally described and referenced under the Patent Number Listed above is:

#### Parcel One:

A parcel of land in the North half ( $N\frac{1}{2}$ ) of Section 30, Township 24 North, Range 31 West, PMM, identified as Tract J on Certificate of Survey No. 476, Sanders County records.

#### Parcel Two:

A parcel of land in the North half ( $N\frac{1}{2}$ ) of Section 30, Township 24 North, Range 31 West, PMM, identified as Tract K on Certificate of Survey No. 476, Sanders County records.

- 2. That we, Robert D. and Carolyn A. Pierson, are domiciled at 58 Elk Run Lane, Trout Creek, Montana Republic, usA NON-DOMESTIC. Unless otherwise stated, we have individual knowledge of matters contained in this CERTIFICATE OF ACCEPTANCE AND DECLARATION OF LAND PATENT. We are fully competent to testify with respect to these matters.
- 3. We, Robert D. and Carolyn A. Pierson, are Assignees at Law and bona fide Assignee "owners" by way of valuable consideration, for certain legally described portion of LAND PATENT under the original, certified LAND PATENT Montana List #6, Dated October 19, 1899, which is duly authorized to be executed in pursuance of the Supremacy of Treaty Law, citation and Constitutional Mandate, herein referenced, whereupon a duly authenticated lawful description, together with all hereditament, tenements, pre-emptive rights appurtenant thereto, the lawful and valuable consideration which is appended hereto, and made a part of this NOTICE OF CERTIFICATE OF ACCEPTANCE AND DECLARATION OF LAND PATENT. (See attached patent).
- 4. No claim is made herein that we have been assigned the entire tract of land as described in the original patent. Our assignment is inclusive of only the lawful description herein. The filing of this NOTICE OF CERTIFICATE OF ACCEPTANCE AND DECLARATION OF LAND PATENT shall not deny or infringe upon any right, or privilege, or immunity of any Heir or Assigns to any portion of land covered in the above described Patent Montana List #6. (see attached).
- 5. If this duly certified LAND PATENT is not challenged by a lawfully qualified party

- 6. When lawfully qualified Sovereign Americans have a claim to title and are challenged, a court of competent jurisdiction is the Common Law Court (Article III). Any action against a patent by a corporate state or their statutory, legislative units (i.e., courts) would be an action at Law, which is outside the venue and jurisdiction of these Article I Courts. There is no Law issue contained herein which may be heard in any of the State courts (Article I), nor can any Court of Equity, Admiralty, or Military, set aside, annul or correct a LAND PATENT.
- 7. Therefore, said land remains unencumbered, free and clear, and without liens or lawfully attached in any way, and is hereby declared to be private land and private property, not subject to any commercial forums (e.g., U. C. C.) whatsoever.
- 8. Additionally, a common Law courtesy of sixty (60) days is stipulated for any challenges hereto, otherwise, laches or estoppel shall forever bar the same against said ALLODIAL FREEHOLD estate; assessment lien theory to the contrary, notwithstanding. Therefore, said declaration, after sixty (60) days from date, if no challenges are brought forth and upheld, perfects this ALLODIAL TITLE in the names forever.

#### JURISDICTION

THE RECIPIENT HERETO IS MANDATED by Article IV, section 2 & 3, the 9th and 10th Amendments with reference to the 7th Amendment, enforced under Article III, section 3, clause 1, of the Constitution for the United States of America.

#### **PERJURY JURAT**

Pursuant to Title 28 USC sec. 1746 (1) and executed "without the United States", we affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of our belief and informed knowledge; and further deponent saith not. We now affix our signatures of the above affirmations with EXPLICIT RESERVATION OF ALL OF OUR UNALIENABLE RIGHTS, WITHOUT PREDJUDICE to any of those rights pursuant to U. C. C.1-308 and U. C. C. 1-306.

signed	signed Caralyn a freeson
Robert D. Pierson	Carolyn A. Pierson

State of Montana County of Sanders

BERNADETTE MCKENZIE
NOTARY PUBLIC for the
State of Montana
Residing at Thompson Falls, Montana
My Commission Expires
January 28, 2017

On this 3 day of october 2013, personally

Appeared before me Robert D. Pier son Carolyn A Pier son

and acknowledged said instrument to be its voluntary act and deed.

Before me:

Bernaeltt Mckenzee

Notary Public for State of Montana
Residing at:

My Commission Expires:

58

error corrections in the contract without referral to the Tribal Council, provided such corrections do not materially alter the form and substance of the contract.

Doug Morigeau, Wendy Askan and Penny Kipp provided an update on the SAM-HSA grant. The grant requires a monthly meeting. The Tribal Council serves as the group's advisory council.

Doug Morigeau, Wendy Askan and Penny Kipp requested to meet with council in executive session to discuss a personnel matter. Renee Joachim, Personnel Department; and Clayton Matt, Tribal Services; were present for discussion. Council reconvened into regular session.

#### ******* Break ******

Clayton Matt, Tribal Services, would like all of the department head performance evaluations to be done at the same time for the departments he supervises as part of a better planning effort. A resolution amending Ordinance 69C would be prepared to change this policy if council agrees. Council goals could be included in the evaluation standards. Patty Stevens has received concerns from employees wanting the process left as is. Shelly Fyant was in favor of amending the performance evaluation standards to match the position descriptions, but she was not in favor of changing the due date. No action taken.

Brian Upton, Legal Department, requested to meet with council in executive session to discuss Bison Range issues.

Council reconvened into regular session.

Council recessed the regular meeting at 11:38 a.m. to attend a mid-year corporation shareholder meeting in Polson.

Council reconvened into the regular meeting at 4:01 p.m.

Vern Clairmont, Financial Management, has three contributions from businesses. Funds would need to be appropriated for the PAC payment in the amount of \$22,000. The Legal Department can provide \$10,000; S&K Electronics contributed \$2,000 as a dividend payment, S&K Technologies and S&K Gaming each contributed \$5,000 as a dividend payment. It is to help get republican support on the ballot for the water compact. The money will be used for mail-outs for the primary election. Information would be published to educate the membership on why the Tribes are doing this.

MOTION by Leonard Gray to authorize the payment of \$22,000 into the PAC to help get republican support on the ballot for the water compact. Seconded by Carole Lankford. Carried, 5 for (Leonard Gray, Carole Lankford, Terry Pitts, Shelly Fyant, and Ron Trahan); 4 opposed (Patty Stevens, Vernon Finley, Leonard Two-Teeth, and Lloyd Irvine); 1 abstention (Bing Matt).

Leonard Two Teeth, for the record, "I strongly oppose."

Patty Stevens, for the record, "Since there was a motion made and it carried and is a decision of the council I want something to explain to the membership what we just did."

Carole Lankford, for the record, "I appreciate the strength of the people that were able to step up and take on a challenge and battle that could cost us up to a billion dollars over the years. If we can do something now, why not?"

Sandy Welch and Bruce Tutvedt, Republic Senator from Senate District 3; discussed the PAC-Republicans for Responsible Government. They thanked the tribal council for providing funding to cover some of the costs of the upcoming campaign. Senator Tutvedt stated for the record, "I've written in the newspaper that I'm for the water compact. I am solidly one of the largest irrigators in Flathead County so I

have skin in the game just like you do. If you've read the newspaper state-wide I've been in the Western Montana Stock Growers, with people complaining about me supporting the water compact so I've been throughout the state. I'm an AGR. We have a core commitment of people. I worked with Senator Llew Jones when we were working and worked on a compromise to try to get some money to show our good faith. I know Llew was instrumental in getting the Blackfoot compact. I have a core team that's ready to go and Dan Salomon is working with some core members too. There is a true group of people that want to do the right thing because it's the right reasons. This is a good agreement. I think you've negotiated a fair agreement, the more I understand it. I've never heard anything different. I think you've negotiated robustly but fairly. And if my guys win we're going to bring the compact in early in the session and just put it through. We have a plan in place how to fix that 60 vote problem in the house. Dan has that plan figured out. So there is a plan going on. This is an issue that will even affect how the key leadership in the house will play out. So yes we are committed, and yes it's going to happen. So thank you."

Craige Couture, Law & Order, discussed the department's 2014 budget shortfall. The majority of the overtime costs is due to holiday pay. The overtime pay can be changed to comp time which will help to reduce overtime costs. The communications position will remain vacant. The department will have a reduction in services which creates a safety issue. Reductions in service for the remainder of the fiscal year include: no longer cover the pow wows, no civil standbys, no mental health holds and transports; calls will be handled by severity; officers will carpool as much as possible with two-man units; send officers home when not busy; cite and release individuals on some violations to keep the jail numbers down; cut down on security and welfare checks; centralize coverage; and don't impound dogs. Due to staff shortages one of the jailers was severely beaten in the jail today by an inmate and is currently hospitalized. Another inmate saved the jailer's life. Chief Couture would like the Personnel Ordinance amended to address overtime pay for the Law & Order Department. He would like additional funding to address the staff shortage in the jail. Clayton Matt, Tribal Services, explained why the department was so much over budget last year. Craige requested permission to work narcotics in addition to his current duties. Council authorized Chief Couture to work narcotics in addition to his regular duties. Craige will report back in two weeks. It was the consensus of council to approve the budget plan reduction, as presented.

MOTION by Carole Lankford to adjourn the meeting. Seconded by Patty Stevens. Carried, unanimous (10 present).

Council adjourned at 5:19 p.m., and is scheduled to meet again on Tuesday, May 27, 2014, at 9:00 a.m.

#### CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

James V. Matt Tribal Secretary

# TRIBAL COUNCIL MEETING MINUTES OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD INDIAN NATION, MONTANA

Volume 14 Number 56 Council Chambers, Pablo, MT Held: May 27, 2014 Approved: June 5, 2014

<u>MEMBERS PRESENT</u>: Ron Trahan, Chairman; James "Bing" Matt, Secretary; Leonard TwoTeeth, Treasurer; Lloyd Irvine; Shelly Fyant; Patty Stevens; Vernon Finley; Leonard Gray; and Terry Pitts.

<u>MEMBERS ABSENT</u>: Carole Lankford, Vice-Chairman (Testifying on Indian Health Service – Helena, Montana).

OTHERS PRESENT: Sharon Silberman, Council Support; and Jennifer Trahan, Council Support.

November 28, 2022

Montana Water Court

#### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

#### NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX	STREET ADDRESS OF	R PO BOX	
Bicafork MT 59911 CITY STATE ZIP CODE (406)249-0201 LONW 8556@	CITY	STATE	ZIP CODE
PHONE NUMBER E-MAIL GMCAI. CON	n PHONE NUMBER	E-MAIL	<del>, i</del> 1
water rights of montara are	paper if necessary  He Pyelic  People The  St group iver, identify the water right  Page number	See Cottoc Menty Of the esty of the is is the 1 the Unita ter right number, on number, use a sep er in Decree:	hed Objection letter Decree .The Le State for avgest compact 2d States and Show lecree page number, pe
Ι	DATED this da	ny of	, 2022.
ī	SIGNATURE OF OBJECT	OR OR OBJECTOR'S A	ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

#### CERTIFICATE OF MAILING

I, Breindly Pitz, declare under penalty of perjury, that on the and day of Movember, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

Objection to case No. WC-0001-C-2021

Water Right # 76LJ 30117879

Owners:

Nicholas and Brandye Pitz

Property Legal description S33, T28 N, R20 W, ACRES 3.82, COS 19312-2 TR 4C IN L5 & 6 ASSR# 0000981585

Address:

139 Rivershore Ln. Bigfork, MT 59911

We object to the Confederated Salish and Kootenai Tribes Compact because:

Our current well is located in very close proximity to the Flathead River and very well could be fed by seepage from the river itself, or the aquifer the well resides in could be fed by seepage or sustained by seepage from the Flathead River. If that is the case then in years of drought or low water volumes the water we currently use for our home could be diminished. If the volume of water from our well were decreased it would negatively affect the value of our home.

The water of Montana belongs to the all the people of Montana;

## Water Rights

Section 3. Water rights. (1) All existing rights to the use of any waters for any useful or beneficial purpose are hereby recognized and confirmed.

- (2) The use of all water that is now or may hereafter be appropriated for sale, rent, distribution, or other beneficial use, the right of way over the lands of others for all ditches, drains, flumes, canals, and aqueducts necessarily used in connection therewith, and the sites for reservoirs necessary for collecting and storing water shall be held to be a public use.
- (3) All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law.
- (4) The legislature shall provide for the administration, control, and regulation of water rights and shall establish a system of centralized records, in addition to the present system of local records.

*For these government entities to give one particular group of individuals the water rights to all of flathead lake, and all the adjacent basins with no flow rate restrictions for any beneficial use by one group with a time immemorial priority date without the input of all the citizens of Montana is overreach and should be considered unlawful.

#### STATE OF MONTANA

#### DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

#### GENERAL ABSTRACT

Water Right Number: 76LJ 30117879 GROUND WATER CERTIFICATE

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

NICHOLAS PITZ PO BOX 2211

BIGFORK, MT 59911

BRANDYE PITZ PO BOX 2211 BIGFORK, MT 59911

Priority Date:

MAY 31, 2018 at 03:15 P.M.

Enforceable Priority Date: MAY 31, 2018 at 03:15 P.M.

Purpose (use):

DOMESTIC

LAWN AND GARDEN

Maximum Flow Rate:

15.00 GPM

Maximum Volume:

8.50 AC-FT

Maximum Acres:

3.00

Source Name:

GROUNDWATER GROUNDWATER

Source Type: Point of Diversion and Means of Diversion:

ID

Govt Lot Qtr Sec Twp Rge County Sec

N2N2SE

28N 20W FLATHEAD

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Well Depth:

193.00 FEET

Static Water Level: 18.00 FEET

THE POINT OF DIVERSION IS LOCATED IN CERTIFICATE OF SURVEY NO. 19312 -

TRACT 2.

Purpose (Use):

DOMESTIC

Households:

Volume;

1.00 AC-FT

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

ID

Govt Lot Acres

Otr Sec N2N2SE Twp

Rge County

Sec 33 28N 20W FLATHEAD

Purpose (Use):

LAWN AND GARDEN

Volume:

7.50 AC-FT

6

Period of Use:

APRIL 1 to OCTOBER 31

Place of Use:

m Acres

3.00

3.00

Govt Lot 6

Qtr Sec N2N2SE

Twp Sec 33

28N

Rge County 20W

FLATHEAD

Total:

1

THE PLACE OF USE IS LOCATED IN CERTIFICATE OF SURVEY NO. 19312 - TRACT

Geocodes/Valid:

07-3967-33-1-01-01-0000 - Y

#### Remarks:

#### ASSOCIATED RIGHT

WATER RIGHTS 76LJ 311-00 AND 76LJ 30117879 ARE ASSOCIATED BECAUSE THEY SHARE THE SAME PLACE OF USE.

#### OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 179653 RECEIVED 11/13/2018.



Water Right Number: 76LJ 311 00NULL

# Print Map

# Legend

- ✓ Diversion Count:
- Surface water diversion.
- Ground water diversion.
- Adjacent Diversions
- Surface water diversion.
- Ground water diversion.
- ✓ ☐ Place of Use Legal Land Descriptions
  - Adjacent POUs
- Cadastral
- PLSS Detail ?

# Note:

Contact DNRC if you have any questions or if the mapped information appears incorrect.

The points of diversion (PODs) and places of use (POUs) are derived from water right legal land descriptions. PODs are placed at the center of their legal land description, not at their true geographic location. POUs are drawn as polygons of the entire legal land description.



Property Record Card
Tax Year 2022 v
Print

Summery

Property Category: RP
Geocode: 07-3967-33-1-01-01000
Primary Owner:
PTZ NICHOLAS & BRANDYE
POR X221
BOS DEX 221
COS Parcel:
COS P

BIGFORK, NT 59911-2211
NOTE: See the Owner tab for all owner information
Coefficiency:
Coefficiency:
Legal Description:

S33, T28 N, R20 W, ACRES 3.82, COS 19312-2 TR 4C IN L5 % 6 ASSR © 0000981565

Last Modified: 7/14/2022 4:23:18 AN
General Property Information
Neighborhood: 207.160.0 Property Type: IMP_R - Improved Property - Rural
Levy District: 07-0316-09 - NAIN
Zoning:
Linked Property:

No inked properties exist for this property
No exemptions exist for this property

Condo Ownership:

General: 0

Rooperty Factors

Topography: Fronting: Parking Type:
Parking Parking Quantity:
Location: Parking Quantity:

 Land Type
 Acres
 Value

 Grazing
 0.000
 00.00

 Fallow
 0.000
 00.00

 Irrigated
 0.000
 00.00

 Continuous Crop
 0.000
 00.00

 WIM Hav
 0.000
 00.00

Appraisals

Market Land Info

Other Buildings/Improvements Commercial

Ag/Forest Land

Street Aerial Topo	D TAIS	Bucketo		
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			Top 1	
	<b>27</b>			
EE	E	13		
				in the second se
×	SS			



WC-0001-C-2021

November 28, 2022

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

#### CASE NO. WC-0001-C-2021

#### NOTICE OF OBJECTION AND REQUEST FOR HEARING

TZ BY AND WE MID INITIAL BOX 22 11	LAST NAME	FIRST NAME	MID. INITIAL
CHOVIC WI 59911	STREET ADDRESS O	DR PO BOX	
STATE ZIP CODE 0) 249-0201 bin 6556@	CITY ( )	STATE	ZIP CODE
E-MAIL GYNCIL	COM PHONE NUMBER	E-MAIL	4.
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which the objection(s) are based. (Use addition	nal paper if necessar	v) See attack	hed objection le
De Object to tant III.	. C. OX 4	re Preli	menany
o State for the water in a	201	its people.	the property o
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f you are objecting to a specific water right nu	mber, identify the wa	nter right number,	decree page number, Sho
the water source. If you are objecting to more	than one water right	number, use a sep	parate form for each (CV
er right number.			over
ter Right #: 76L) 311-00		er in Decree:	2
(One Number Per Form)	Source: F	lathead Ri	ver Busin 76L
	DATED die	C	2022
	DATED this d	ay of	, 2022.
	SIGNATURE OF OBJECT	TOR OR OBJECTOR'S	ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

#### CERTIFICATE OF MAILING

I, Brandy Pitz, declare under penalty of perjury, that on the and day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoi.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

Objection to case No. WC-0001-C-2021

Water Right # 76LJ 311-00

Owners:

Nicholas and Brandye Pitz

Property Legal description S33, T28 N, R20 W, ACRES 3.82, COS 19312-2 TR 4C IN L5 & 6 ASSR# 0000981585

Address:

139 Rivershore Ln. Bigfork, MT 59911

We object to the Confederated Salish and Kootenai Tribes Compact because:

In 2018 we purchased our property on Flathead River to enjoy recreating on the river and also with the intention of utilizing the irrigation water rights in the future to develop a small agricultural crop and raise livestock for the purpose of additional income.

The compact in question has potential to decrease our property value by devaluing our irrigation water rights which will cause a loss of opportunity to promote further development of agriculture on our property. We also utilize the river for recreating and fishing, if the water level of the river is lowered as a result of the compact in years of drought or increased water consumption for any reason it would prohibit us from being able to utilize our property for boating and fishing purposes. Due to the shallow nature of the water level off our shoreline a small decrease in the water level of Flathead River upstream from the lake would cause our property to be non-navigable by watercraft. The water rights on our property would be a critical selling point if we ever needed to sell, by devaluing the water rights and potentially decreasing the recreational opportunities from our property that would drastically decrease the value of our property.

In years of drought the diminishment of water supply would potentially raise concern for us to be able to water our crop/garden and livestock as well as cause a larger scale problem around the valley for agriculture and create a decrease in crops including hay for our livestock as well as others.

The water of Montana belongs to the all the people of Montana;

# Water Rights

Section 3. Water rights. (1) All existing rights to the use of any waters for any useful or beneficial purpose are hereby recognized and confirmed.

- (2) The use of all water that is now or may hereafter be appropriated for sale, rent, distribution, or other beneficial use, the right of way over the lands of others for all ditches, drains, flumes, canals, and aqueducts necessarily used in connection therewith, and the sites for reservoirs necessary for collecting and storing water shall be held to be a public use.
- (3) All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law.
- (4) The legislature shall provide for the administration, control, and regulation of water rights and shall establish a system of centralized records, in addition to the present system of local records.

*For these government entities to give one particular group of individuals the water rights to all of flathead lake, and all the adjacent basins with no flow rate restrictions for any beneficial use by one group with a time immemorial priority date is overreach and should be considered unlawful.

#### STATE OF MONTANA

#### DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

#### GENERAL ABSTRACT

Water Right Number:

76LJ 311-00 STATEMENT OF CLAIM Version: 2 -- CHANGE AUTHORIZATION

Version Status: ACTIVE

THIS AUTHORIZATION IS LIMITED TO THE AMOUNT OF THE HISTORIC USE RECOGNIZED BY THE DEPARTMENT IN THIS PROCEEDING AS SUBJECT TO CHANGE, AND WILL THEREAFTER NOT EXCEED THAT AMOUNT. IF THE HISTORIC USE IS REDUCED UNDER ADJUDICATION PROCEEDINGS PURSUANT TO TITLE 85, CHAPTER 2, PART 2, MCA, THIS AUTHORIZATION WILL BE LIMITED TO A LESSER

AMOUNT.

Owners:

CHARLES S SHIELDS JR 1350 RIVERSIDE RD BIGFORK, MT 59911-6010

ROBERT B MOORE 1480 RIVERSIDE RD BIGFORK, MT 59911

TANNER, COLE B IRREVOCABLE TRUST

PO BOX 2304 BIGFORK, MT 59911

NICHOLAS PITZ PO BOX 2211 BIGFORK, MT 59911

FLATHEAD RIVER TRUST 131 RIVERSIDE LN BIGFORK, MT 59911-8555

KYAN S ELIASON JAMIE ELIASON, CUSTODIAN 30 PROSPERITY LN KALISPELL, MT 59901

HANDLEY, CHRISTINE REVOCABLE TRUST CHRISTINE HANDLEY TTEE PO BOX 1292 RANCHO SANTA FE, CA 92067-1292

MARK A HARTWIG 175 VEREDA LEYENDA GOLETA, CA 93117-5311

HOLLY A HARTWIG 175 VEREDA LEYENDA GOLETA, CA 93117-5311

LESLIE A SVETICH 432 E IDAHO ST PMB C501 KALISPELL, MT 59901-4137

**DEAN A WHITEHEAD** PO BOX 3315 MONTEREY, CA 93942-3315

TERRY BONEY PO BOX 1685 BIGFORK, MT 59911-1685

TANNER, GARTH B FAMILY TRUST 4044 COPPER CREEK DRIVE MODESTO, CA 95355

TAYLIN J ELIASON JAMIE ELIASON, CUSTODIAN 30 PROSPERITY LN KALISPELL, MT 59901

JAMES D NAGY 1201 BORDER RD SWEET GRASS, MT 59484 PAUL W KUSLER 158 RIVERSIDE LN BIGFORK, MT 59911-8555

JEANNE M NAGY 1201 BORDER RD SWEET GRASS, MT 59484

CAREY MOORE 1480 RIVERSIDE RD BIGFORK, MT 59911

JAMIE L PALMER PO BOX 902 KALISPELL, MT 59903

PAULSON W PALMER PO BOX 902 KALISPELL, MT 59903

BRANDYE PITZ PO BOX 2211 BIGFORK, MT 59911

NATALIE A LENSER PO BOX 2304 BIGFORK, MT 59911

KATHY H KUSLER 158 RIVERSIDE LN BIGFORK, MT 59911-8555

LENSER, NATALIE A TRUST 4044 COPPER CREEK DRIVE MODESTO, CA 95355

LENSER, DENA A FAMILY TRUST 4044 COPPER CREEK DRIVE MODESTO, CA 95355

DELANIE L ELIASON 158 RIVERSIDE LN BIGFORK, MT 59911-8555

TANNER, SARAH A IRREVOCABLE TRUST PO BOX 2304 BIGFORK, MT 59911

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

Priority Date:

APRIL 30, 1953

Purpose (use):

Enforceable Priority Date: APRIL 30, 1953 IRRIGATION

Irrigation Type:

SPRINKLER

Maximum Flow Rate:

700.00 GPM

Historical Flow Rate:

700.00 GPM

Maximum Volume:

178.20 AC-FT

Climatic Area:

3 - MODERATE

Historical Diverted

Volume:

178.20 AC-FT

Historical Consumptive

Volume:

108.90 AC-FT

Maximum Acres:

88.10

Source Name:

FLATHEAD RIVER

SURFACE WATER Source Type: Point of Diversion and Means of Diversion:

ID

Govt Lot

Qtr Sec Sec

Twp

33

Rge County FLATHEAD 28N 20W

SESWNE Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

Flow Rate: 700.00 GPM

<u>ID</u> <u>Govt Lot</u> <u>Qtr Sec</u> <u>Sec</u> <u>Twp</u> <u>Rge</u> <u>County</u> 2 SENWSE 33 28N 20W FLATHEAD

Period of Diversion: APRIL 15 TO OCTOBER 15

Flow Rate: 700.00 GPM

Diversion Means: PUMP

3 5 NESWNE 33 28N 20W FLATHEAD

Period of Diversion: APRIL 15 TO OCTOBER 15 Flow Rate: 152.00 GPM

Diversion Means: PUMP

Survey Tract: 4AA OF COS 18827

Pump Size: 15.00 HP

Period of Use: APRIL 15 to OCTOBER 15

#### Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	49.50	6	NESE	33	28N	20W	FLATHEAD
2	38.60	5	SENE	33	28N	20W	FLATHEAD
Total:	88.10						

POU ASSOCIATED WITH CHANGE APPLICATION 76LJ 30048725 TO ADD POD 3 ARE TRACTS: 4AAC, 4AAA, 4AAB, AND 4AA IN COS 18827; 4AB IN COS 18589; AND 4A IN

COS 18509.

Geocodes/Valid: 07-3967-33-1-01-01-0000 - Y 07-3967-33-1-01-02-0000 - Y

#### Remarks:

WATER RIGHTS 76LJ 311-00 AND 76LJ 30117879 ARE ASSOCIATED BECAUSE THEY SHARE THE SAME PLACE OF USE.

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

THE POINT OF DIVERSION LOCATED AT NESWNE OF SECTION 33, TOWNSHIP 28 NORTH, RANGE 20 WEST (POD ID 3) SHALL ONLY BE OPERATED IF THE TOTAL COMBINED FLOW FROM ALL DIVERSIONS DOES NOT EXCEED 700 GPM.

OF THE TOTAL 90 ACRES OF HISTORIC IRRIGATION, THE APPLICANT FOR CHANGE AUTHORIZATION 76LJ 30048725 REQUESTED TO ADD A POINT OF DIVERSION TO IRRIGATE 16.96 ACRES. THE APPLICANT OWNS 20.5 ACRES OF THE HISTORIC PLACE OF USE. THE CONSUMPTIVE VOLUME ALLOWED FROM THE APPLICANT'S PLACE OF USE IS 24.8 ACRE-FEET. APPLICANT ONLY REQUESTED TO CHANGE 22.6 ACRE-FEET OF VOLUME TO THE NEW POINT OF DIVERSION. GIVEN THIS CONSUMPTIVE VOLUME FIGURE, UP TO 18.6 ACRES COULD BE AUTHORIZED FOR CHANGE. DUE TO THE FACTORS DISCUSSED PREVIOUSLY, THE MAXIMUM ACRES FIELD WAS CALCULATED AS SUCH: 90 (HISTORICAL ACRES) - 20.5 (APPLICANT'S PORTION) + 18.6 (ACRES THAT COULD HAVE BEEN IRRIGATED WITH AVAILABLE CONSUMPTIVE VOLUME) = 88.1 ACRES. THE APPLICANT CAN IRRIGATE 16.96 ACRES USING THE NEW POINT OF DIVERSION (POD ID 3) AND 71.14 ACRES CAN BE IRRIGATED FROM THE ORIGINAL POINTS OF DIVERSION (POD ID 1-2).

NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/17/89.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/29/96.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 11/29/96.

#### OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 58043 RECEIVED 05/05/2008.

OWNERSHIP UPDATE TYPE DOR #81748 RECEIVED 08/05/2009.

OWNERSHIP UPDATE TYPE 608 # 73470 RECEIVED 06/17/2010.

OWNERSHIP UPDATE TYPE 608 # 77849 RECEIVED 08/31/2010.

OWNERSHIP UPDATE TYPE DOR # 86184 RECEIVED 09/02/2010.

OWNERSHIP UPDATE TYPE DOR # 96219 RECEIVED 09/07/2011.

OWNERSHIP UPDATE TYPE DOR # 120365 RECEIVED 12/08/2011.

OWNERSHIP UPDATE TYPE DOR # 108356 RECEIVED 11/09/2012.

#### Remarks:

OWNERSHIP UPDATE TYPE DOR # 112413 RECEIVED 05/01/2013. OWNERSHIP UPDATE TYPE DOR # 117830 RECEIVED 12/10/2013. OWNERSHIP UPDATE TYPE DOR # 118622 RECEIVED 01/03/2014. OWNERSHIP UPDATE TYPE DOR # 123329 RECEIVED 05/19/2014. OWNERSHIP UPDATE TYPE DOR # 123217 RECEIVED 08/01/2014. OWNERSHIP UPDATE TYPE DOR # 127967 RECEIVED 08/08/2014. OWNERSHIP UPDATE TYPE DOR # 136582 RECEIVED 04/23/2015. OWNERSHIP UPDATE TYPE DOR # 147532 RECEIVED 09/29/2016. OWNERSHIP UPDATE TYPE DOR # 171884 RECEIVED 03/01/2018. OWNERSHIP UPDATE TYPE 608 # 179653 RECEIVED 11/13/2018. OWNERSHIP UPDATE TYPE DOR # 193893 RECEIVED 02/20/2019. OWNERSHIP UPDATE TYPE DOR # 186735 RECEIVED 05/20/2019. OWNERSHIP UPDATE TYPE DOR # 192975 RECEIVED 08/15/2019. OWNERSHIP UPDATE TYPE DOR # 199485 RECEIVED 08/26/2019. OWNERSHIP UPDATE TYPE DOR # 209544 RECEIVED 09/02/2020. OWNERSHIP UPDATE TYPE DOR # 219584 RECEIVED 12/28/2020. OWNERSHIP UPDATE TYPE DOR # 220761 RECEIVED 06/28/2021. OWNERSHIP UPDATE TYPE DOR # 240022 RECEIVED 02/16/2022. OWNERSHIP UPDATE TYPE 608 # 235176 RECEIVED 05/02/2022.

Property Record Card Tax Year 2022 V Print

Summary

**Primary Information** 

**Property Category: RP** Geocode: 07-3967-33-1-01-01-0000

Primary Owner:

PITZ NICHOLAS & BRANDYE PO BOX 2211

BIGFORK, MT 59911-2211

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Subdivision:

Legal Description:

533, T28 N, R20 W, ACRES 3.82, COS 19312-2 TR 4C IN L5 & 6 ASSR# 0000981585

Last Modified: 7/14/2022 4:23:18 AM

General Property Information

Neighborhood: 207.160.0 Living Units: 1

Property Type: IMP_R - Improved Property - Rural Levy District: 07-0316-09 - MAIN

Subcategory: Residential Property

PropertyAddress: 139 RIVESHORE LN

Assessment Code: 0000981585

BIGFORK, MT 59911

COS Parcel:

Zoning: Ownership %: 100

Linked Property:

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:

General: 0 Limited: 0

**Property Factors** 

Topography: Fronting: Utilities: Parking Type:

Access: Parking Quantity: Location: Parking Proximity:

Land Summary Land Type Acres Value Grazing 0.000 00.00 Fallow 0.000 00.00 Irrigated 0.000 00.00 Continuous Crop 0.000 00.00 wild Hav n nnn nn nn

Owners

Appraisals

Market Land Info

Dwellings

Other Buildings/Improvements

Commercial

Ag/Forest Land



Reference



Water Right Number: 76LJ 311 00NULL

Print Map

#### Legend

- ☑ Diversion Count:
  - Surface water diversion.
  - Ground water diversion.
- Adjacent Diversions
  - Surface water diversion.
  - Ground water diversion.
- Place of Use Legal Land Descriptions
- Adjacent POUs
- Cadastral ?
- PLSS Detail ?

#### Note:

Contact DNRC if you have any questions or if the mapped information appears incorrect.

The points of diversion (PODs) and places of use (POUs) are derived from water right legal land descriptions. PODs are placed at the center of their legal land description, not at their true geographic location. POUs are drawn as polygons of the entire legal land description.



WC-0001-C-2021

November 28. 2022

Montana Water Court

### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

## CASE NO. WC-0001-C-2021

## NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME FIRST NAME MID. INITIAL	LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX	STREET ADDRESS OR PO BOX
Thompson talls MT 5987 STATE ZIP CODE (406) 827-4435 eilcenmaarriso PHONE NUMBER E-MAIL 9 mail	N@ ()_
. State the specific part(s) of the Preliminary	Decree objected to. Identify the specific ground(s) and eviden
on which the objection(s) are based. (Use additional additions of the content of	tional paper if necessary)
Objecting to all highlight	ted sections on the attached general
abstract.	J
TC	
ater right number.	number, identify the water right number, decree page number, ore than one water right number, use a separate form for each  Page number in Decree:  Source:
rater right number.  Vater Right #: 76 N 23439 00	Page number in Decree:
rater right number.  Vater Right #: 76 N 23 4 39 00	Page number in Decree: Source:
rater right number.  Vater Right #: 76 N 23439 00	Page number in Decree:
vater right number.  Vater Right #: 76 N 23439 00	Page number in Decree:  Source:

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

#### CERTIFICATE OF MAILING

I, <u>Fileen M Garvison</u>, declare under penalty of perjury, that on the <u>18</u> day of <u>November</u>, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

EILLEN M. Harrion SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

#### STATE OF MONTANA

#### DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

## GENERAL ABSTRACT

Water Right Number:

76N 23439-00 GROUND WATER CERTIFICATE

Version:

1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

EILEEN M GARRISON

PO BOX 911

THOMPSON FALLS, MT 59873

JOSEPH C GARRISON

PO BOX 911

THOMPSON FALLS, MT 59873

**Priority Date:** 

JULY 5, 1979 at 01:21 P.M.

**Enforceable Priority Date:** 

JULY 5, 1979 at 01:21 P.M.

Purpose (Use):

DOMESTIC

IRRIGATION

STOCK

Maximum Flow Rate:

15.00 GPM

Maximum Volume:

15.65 AC-FT

Maximum Acres:

5.00

Source Name:

GROUNDWATER

Source Type:

**GROUNDWATER** 

Point of Diversion and Means of Diversion:

ID 1 Govt Lot

Otr Sec NENE

Sec

Twp 21N

Rge 29W

County SANDERS

Period of Diversion:

MAY 15 TO NOVEMBER 15

**Diversion Means:** 

WELL

Well Depth:

420.00 FEET

Static Water Level:

360.00 FEET

**Casing Diameter:** 

6.62 INCHES DOMESTIC

Purpose (Use): Households:

0

Volume:

0.75 AC-FT

Period of Use:

MAY 15 to NOVEMBER 15

Place of Use:

ID

Acres

**Govt Lot** 

Otr Sec NENE

Sec

Twp 21N

Rge 29W County SANDERS

Purpose (Use):

IRRIGATION

Volume:

13.50 AC-FT

October 18, 2022 76N 23439-00

Period of Use:

MAY 15 to SEPTEMBER 15

Place of Use:

<u>ID</u> 1 Acres 5.00 Otr Sec NENE Sec Twp 5 21N

Rge 29W County SANDERS

Total:

5.00

Purpose (Use):

STOCK

Volume:

1.40 AC-FT

**Govt Lot** 

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

ID

Acres Govt Lot

Otr Sec NENE Sec <u>Twp</u> 5 21N

Rge 29W County SANDERS

Geocodes/Valid:

35-3091-05-1-01-01-0000 - Y

#### Remarks:

#### OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 29271 RECEIVED 02/06/2006.

OWNERSHIP UPDATE TYPE DOR # 101728 RECEIVED 04/18/2012.

WC-0001-C-2021

November 28, 2022

# Montana Water Court IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND MONTANA TRIBES

#### CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

#### CASE NO. WC-0001-C-2021

#### NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME FIRST NAME MID. INITIAL	LAST NAME FIRST NAME MID. INITIAL
157 Sage Lave	STREET ADDRESS OR PO BOX
Kalispen MT 59901	STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE (406)261-5909 hafe-32 Chotma,	CITY STATE ZIP CODE
PHONE NUMBER E-MAIL	PHONE NUMBER E-MAIL
3. State the specific part(s) of the Preliminary I	Decree objected to. Identify the specific ground(s) and evidence
on which the objection(s) are based. ( <i>Use addit</i>	. 이 경기 가게 하다면 하다 하는 것이 되었다. 사람들이 얼마나 하는 것이 되었다면 하는 것이 없어 하다 하다.
	is unclear and lacks
	to say, I want to Keep my wa
	its for ever. My family come to the f
ralley before MT was a State	
4. If you are objecting to a specific water right	number, identify the water right number, decree page number,
and the water source. If you are objecting to mo	ore than one water right number, use a separate form for each
water right number.	
Water Right #: 73981-676L J	D
(One Number Per Form)	Page number in Decree: Source:
,	Source
	23
	DATED this day of NOV , 2022.
	DATED this 23 day of NOV., 2022.
	marty Hape

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

#### CERTIFICATE OF MAILING

i, Marty	Hafer, declare under penalty of perjury, that on the 23 day of
NOV -	_, 2022, I mailed a copy of this Objection postage prepaid, addressed to the
following attorneys for the	Federal State and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder U.S. Department of Justice Indian Resources Section Environment & Natural Resources Div. 999 18th St. South Terrace, Suite 370 Denver, Colorado 80202

efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

**Montana Water Court** 

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

(Continued from page one of form.)

mine and my families enjoyment and quality of life depends on upon our water rights.

My family and I have grown up on and around the Flathead river. We depend upon the river and our water rights on an hourly basis to live and restore ourselves physically and mentally. We have hunted, trapped, boated, canoed, waded, raised livestock, fished, gardens, pets, recreated, enjoyed and depend upon the water from the Flathead river. Our water rights give us life, purpose, and an opportunity to pursue happiness. We feel blessed and enjoy the clean fresh water from our water right sources for domestic and small scale uses.

The Montana Constitution Article IX Sec. 3 (3) states "All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law." I believe this applies to my family and I as well as CSKT members. We all have the opportunity to apply for these rights from the DNRC. My family and I have already applied for these water rights, and they were granted to us.

Grant in the dictionary is: Grant (grant) v.t. 1. To confer or bestow, as a privilege, charter, etc. 2. To allow (someone) to have; give, as permission. 3. To accede to; yield to, as a request. 4. To admit as true, as for the sake of argument; concede. 5. To transfer (property), especially by deed. – n. 1. The act of granting. 2. That which is granted, as a piece of property, a sum of money, or a special power or privilege. 3. One of certain tracts of land in Maine, New Hampshire, or Vermont, originally granted by patent to an individual or individuals. 4. Law A transfer of real property by deed.

The Water Court Decree letter has vagueness and inaccuracies: it mentions the FIIP which is "Flathead Indian Irrigation Project". FIIP does not exist. It is the FIPP, "Flathead Irrigation Power Project". This appears to be an attempt to elevate the Tribe in the water issue. The letter refers to a Water Rights Compact ("Compact").

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I believe the Treaty of Hellgate, Treaty of July 16, 1855, 12 Stat. 975, Ratified March 8, 1859, has assure my water rights and property rights, my families and future offspring water rights and property

rights as granted herein the treaty.

My family and I have a standing in our water right and property rights defense. Under the articles of the "Administrative Procedure Act". My family and I can defend our property from a *Taking* by the State of Montana and it's Citizens: that under no circumstance are these rights subject to any transfer to a private or other public entity. My family and I are ready to fight for our water rights and defend the uses granted to us.

Sincerely,

Marty Hafer Lorie Hafer

Bunyea Legacy Wealth Trust (Barbara Bunyea, Steve Bunyea, Julie Hunt, Lorie Hafer)

WC-0001-C-2021

November 28, 2022

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

### CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME MID. INITIAL	
STREET ADDRESS OR POBOX 14ccl. 5 pell MT 59901	STREET ADDRESS OR	РО ВОХ	
CITY STATE ZIP CODE (406) 261-5909 hafer 32@hotw	CITY	STATE ZIP CODE	
PHONE NUMBER E-MAIL	CON PHONE NUMBER	E-MAIL	
It's have to say want to K		te The Flathead:	20110
4. If you are objecting to a specific water right num and the water source. If you are objecting to more	nber, identify the wat	er right number, decree page nu	mber,
4. If you are objecting to a specific water right num	nber, identify the wat than one water right	er right number, decree page nu	mber,

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

#### **CERTIFICATE OF MAILING**

I, Marty Hafer, declare under penalty of perjury, that on the 23 day of NOV., 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

**Montana Water Court** 

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

WC-0001-C-2021

November 28, 2022

Montana Water Court

### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME FIRST NAME MID. INITIAL	LAST NAME FIRST NAME MID. INITIAL
157 Sage Lave	STREET ADDRESS OR PO BOX
STREET ADDRESS OR PO BOX	
CTATE ZIR CODE	CITY STATE ZIP CODE
(406)261-1031 hafer 32@hotmail-cor	m ()
PHONE NUMBER E-MAIL	PHONE NUMBER E-MAIL
and future water rights for ever.	say I want to Kup my water rights  My family came to the flathead Vall  and still a territory. I believ  than one water right number, decree page number,  than one water right number, use a separate form for each
Water Right #: 73981-676L5 (One Number Per Form)	Page number in Decree:

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

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1, Lorie	Hafer, declare under penalty of perjury, that on the 23 da	v of
NOV /	, 2022, I mailed a copy of this Objection postage prepaid, addressed to	
following attorneys for	the Federal, State, and Tribal Agencies	-

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 Objections@cskt.org

David W. Harder U.S. Department of Justice Indian Resources Section Environment & Natural Resources Div. 999 18th St. South Terrace, Suite 370 Denver, Colorado 80202

Denver, Colorado 80202 efile_denver.enrd@usdoj.gov Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

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(Continued from page one of form.)

mine and my families enjoyment and quality of life depends on upon our water rights.

My family and I have grown up on and around the Flathead river. We depend upon the river and our water rights on an hourly basis to live and restore ourselves physically and mentally. We have hunted, trapped, boated, canoed, waded, raised livestock, fished, gardens, pets, recreated, enjoyed and depend upon the water from the Flathead river. Our water rights give us life, purpose, and an opportunity to pursue happiness. We feel blessed and enjoy the clean fresh water from our water right sources for domestic and small scale uses.

The Montana Constitution Article IX Sec. 3 (3) states "All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law." I believe this applies to my family and I as well as CSKT members. We all have the opportunity to apply for these rights from the DNRC. My family and I have already applied for these water rights, and they were granted to us.

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Sincerely,

Marty Hafer Lorie Hafer Bunyea Legacy Wealth Trust (Barbara Bunyea, Steve Bunyea, Julie Hunt, Lorie Hafer)

WC-0001-C-2021

November 28. 2022

Montana Water Court

#### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

#### CASE NO. WC-0001-C-2021

#### NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME FIRST NAM	MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX		STREET ADDRESS OF	R РО ВОХ	
1406)261-1031	STATE ZIP CODE hafer 32@ hot ma	CITY	STATE	ZIP CODE
PHONE NUMBER	E-MAIL	PHONE NUMBER	E-MAIL	
I. If you are objecting t		e, and still aber, identify the war	dame to a territ ter right number,	decree page number,
Water Right #: 16LJ (One Number Per For	3011 6607	Page numb Source:	er in Decree:	<del></del>
		DATED this 23 da	ay of NOV	, 2022.

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

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I, Lovie	Hafer, declare under penalty of perjury, that on the 23 day of
NOU.	, 2022, I mailed a copy of this Objection postage prepaid, addressed to the
following attorneys for	the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

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or

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WC-0001-C-2021

November 28, 2022

Montana Water Court

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#### CASE NO. WC-0001-C-2021

#### NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
392 5, Hill Road STREET ADDRESS OR PO BOX	STREET ADDRESS OR	PO BOX	
CITY STATE ZIP CODE (406) beheff Omontani	CITY	STATE	ZIP CODE
PHONE NUMBER E-MAIL COM	PHONE NUMBER	E-MAIL	
4. If you are objecting to a specific water right numerand the water source. If you are objecting to more water right number			
	than one water right	number, use a seper in Decree: 4-	parate form for each
and the water source. If you are objecting to more water right number.  Water Right #: 76 N 30012385	than one water right r	number, use a seper in Decree: 4-	sarate form for each  5 and 15  2 ter

(TURN FORM OVER AND COMPLETE OTHER SIDE)

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U.S. Department of Justice
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Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

22 2022 FR. 10W 22 2022 FR. 59873-11569

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THOMPSON FALLS 1611 MAIN ST THOMPSON FALLS, MT 59873-9998 (800)275-8777

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Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

Preview vour Mail

I, Dan D. Cheff Sr., hereby am objecting to several point in the Preliminary Decree and Commencement Order as it pertains to the well and water rights on the property that I hold the title to and that I have legally filed and was granted rights by the state of Montana.

I purchased a parcel of land from Susan L. Smith on July 18, 2003. The parcel of land is located in Sanders County, at 392 S. Hill Road, Trout Creek, MT. The legal description is as follows:

A parcel of land a portion of the North half (N ½) of Section 34 and a portion of the Northwest quarter (NW ¼) of Section 35, all in Township 24 North Range 31 West, M.P.M., more particularly described as Parcel B Remainder on Certificate of Survey No. 2365, filed for record June 24, 2003, Sanders County, Montana.

On August 2003, a well drilled by Williams Well Drilling (Invoice is provided). In accordance with the State of Montana Law, I filed and obtained water rights to the said well and was granted a certificate of water rights, #76N 30012385, with a priority date of September 23, 2004.

The well water on my property is used for household, irrigating a large garden and water for livestock, specifically, dairy cows. The source of the well is ground water for up to 35 gallons per minute. Both the land and water rights have since been updated and placed in the Cheff Family Trust DOR # 224083 on 4/27/21.

#### **OBJECTIONS**

1) According to the <u>Montana State Constitution</u> Article IX Section 3 number (3) All surface, underground, flood and atmospheric waters within the boundaries of the state are the property of the state for the use of its people.

As a citizen of the United States and the State of Montana and legal owner, I object to the Tribe extending its water rights outside the Flathead Reservation to include the Clark Fork River (Basin 76 N). This takes away from my legally established water rights and is outside their jurisdiction. See attached map

2) According to the Preliminary Decree, Part III C, pages 4-5, the Tribe has the right to water outside the Reservation for irrigation purposes for the Flathead Irrigation Project.

I object to the Tribe diverting water from the Clark Fork River (Basin 76 N) for the Flathead irrigation Project. This would limit my ability to irrigate my fields to provide feed for my livestock in the future. It would also decrease the value of my property now and in the future.

3) The Mainstem Instream Flow Right in the Lower Clark Fork River (Basin 76 M and 76 N), gives the Tribe the right to reach the mainstem of the Clark Fork River. This gives the tribe a 5000 cfs water flow (Preliminary Decree, Part III C, page 15).

I object to the Tribe's diverting and taking water from the mainstem of the Clark Fork River (Basins 76 M and 76 N) to meet this water flow. Using water from the Clark Fork River is outside of their jurisdiction. The source of my well water is ground water that comes from the Clark Fork River and diverting water from the Clark Fork River would negatively impact the volume of water for my own useage.

4) The priority date for the Mainstem Instream Flow Right in the Lower Clark Fork River (Basin 76M and 76 N) is given as "time immemorial" (Preliminary Decree, Part III C, (a.) page 15).

I object to the priority date cited by the Tribe over the Lower Clark Fork River (Basins 76 M and 76 N) as "time immemorial". Prior use does not mean rights to the land or water on said lands. Rather, land and water rights are determined by the laws of the State of Montana.

I purchased my property on July 18, 2003 and have legally recorded, documented and filed my property according to the laws of the State of Montana. The well that I had drilled on my property has been legally recorded with the DNRC in the State of Montana on September 23, 2004. (Property deed and water rights documents enclosed with this packet).

Yearly property taxes have been paid since 2003. The financial updates on the well have been kept up since 2004. According to the laws of the State of Montana, I have legal, documented rights to both my land and water.

11-22-22

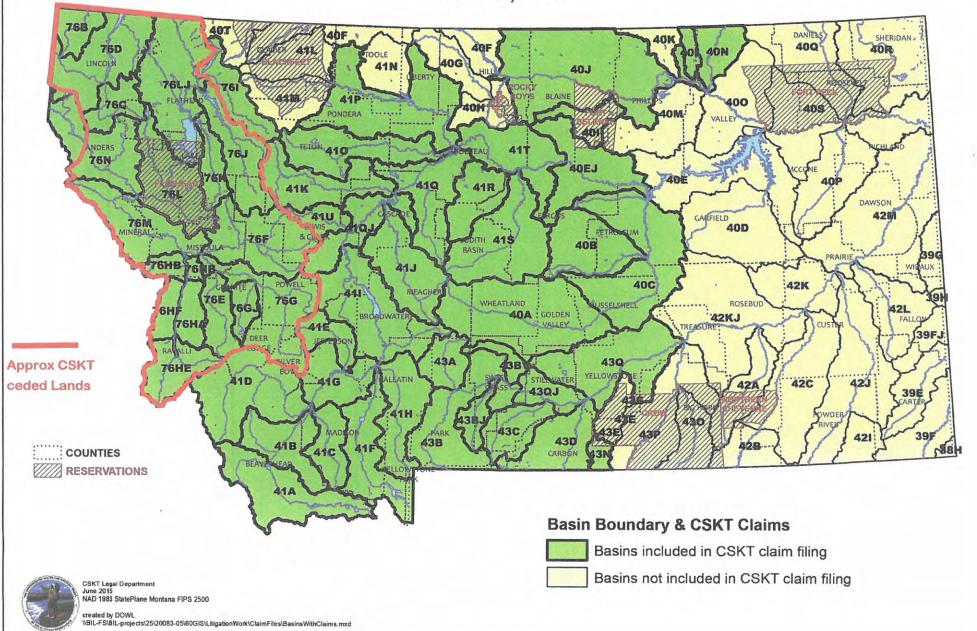
Sincerely, Dan D. Cheff Sr.

Ton D. Cliff Sr 392 S. Hill Road

Trout Creek, MT 59859 Phone: 1 (406- 827-3511).

# Basins in which the Confederated Salish and Kootenai Tribes have filed water rights claims

June 25, 2015



# STATE OF MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

## CERTIFICATE OF WATER RIGHT

UPON FINDING THE REQUIREMENTS OF SECTION 85-2-301, MCA, HAVE BEEN MET, THIS CERTIFICATE OF WATER RIGHT IS GRANTED.

Water Right Number:

76N 30012385 GROUND WATER CERTIFICATE

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners:

DAN D CHEFF

392 S HILLS RD

TROUT CREEK, MT 59874

SANDRAL CHEFF 392 S HILLS RD

TROUT CREEK, MT 59874

Priority Date:

SEPTEMBER 23, 2004 at 01:06 P.M.

Purpose (use):

DOMESTIC

STOCK

Maximum Flow Rate:

THIS RIGHT IS LIMITED TO THE ACTUAL AMOUNT USED UP TO 35 GALLONS PER

MINUTE.

Maximum Volume:

THIS RIGHT IS LIMITED TO THE ACTUAL AMOUNT USED UP TO 10 ACRE-FEET.

Source:

Source Name:

GROUNDWATER

Point of Diversion and Means of Diversion:

ID

Govt Lot

Otr Sec N2NENE

Sec

Twp

Rge

County

SANDERS

Diversion Means: WELL

Well Depth:

220.00 FEET

Static Water Level: 168.00 FEET Casing Diameter: 7.63 INCHES

Well Location:

392 SOUTH HILLS RD

Period of Diversion:

JANUARY 1 to DECEMBER 31

Purpose (Use):

DOMESTIC

Households:

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

ID

Acres Govt Lot

Otr Sec Sec E2NENE 34

Twp 24N Rge

County SANDERS

Purpose (Use):

STOCK

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

ID 1 Acres Govt Lot

Otr Sec N2NENE Sec 34 Twp 24N

Rge 31W County

#### **BACKFLOW PREVENTOR**

PURSUANT TO SECTION 85-2-505, MCA, TO PREVENT GROUND WATER CONTAMINATION, AN OPERATIONAL BACKFLOW PREVENTOR MUST BE INSTALLED AND MAINTAINED BY THE APPROPRIATOR IF A CHEMICAL OR FERTILIZER DISTRIBUTION SYSTEM IS CONNECTED TO THE WELL.

IF THE OWNERSHIP CHANGES ON ANY PORTION OF OR ALL OF THIS RIGHT, A WATER RIGHT OWNERSHIP UPDATE, FORM #608, MUST BE FILED WITH THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION.

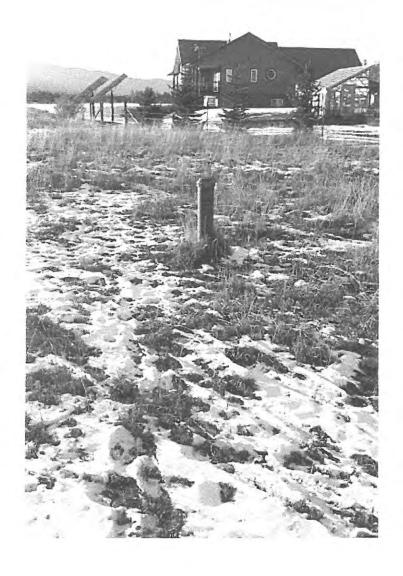
THIS CERTIFICATE IS SUBJECT TO ALL PRIOR EXISTING WATER RIGHTS IN THE SOURCE OF SUPPLY.

FAILURE TO COMPLY WITH ANY OF THESE TERMS AND CONDITIONS MAY RESULT IN THE LOSS OF THIS CERTIFICATE OF WATER RIGHT.

Witness Signature

DATE ISSUED: OCTOBER 4, 2004

Water Resources/Division



Dan D Cheff, SR 392 5 Hill Rd Trout Creek MT 59874 Water right no. 16 N 30012385

TD-1
Q+r Sec - NZNENE
Sec-34
TWP-24N
Rge-31W
County Sanders

### Google Maps



Map data ©2022 , Map data ©2022 10 ft





Imagery @2022 CNES / Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data @2022 100 ft

### Williams Well Drilling

1405 Blue Slide Road Thompson Falls, MT 59873 (406) 827-9585

1	nvoice
Date	7/8/2003

Bill To Specs

Dan D. Cheff Sr. & Sandra
392 South Hill RD
Trout Creek, MT 59874

Depth: 220 ft.

Item	Description	Qty	Rate	Amount
Drilling Ring Bit Ecology Surface S Well Cap	Encased drilling @ \$22.00 per ft. Carbide Ring Bit Ecology Surface Sealmaterials only Well Cap w/gasket & vent	220	22.00 360.00 14.49 42.00	4,840.00 360.00 14.49 42.00
	Thank you for having us work with you on your project:  Any  Any questions please call Mona @ 406-827-9585			
	DA)	1/10/02	2 Ck#	6289

Total \$5,256.49

Payments/Credits \$0.00

Balance Due \$5,256.49

Make criecks payable to the Montana Department of Revenue. Water Adjudication Payment Coupon

392 S HILLS RD Cheff, Dan D

Due Date: January 31, 2006 Total Amount Due: \$40.00

Please use only black or blue ink to fill out the coupon.

TROUT CREEK MT 59874

Letter ID: Invoice Number:

L1396643840

76381

Total

DEPARTMENT OF REVENUE HELENA MT 59604-8031 PO BOX 8031 Do not staple your check or correspondence to this coupon.

Amount

Paid

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DAN SANE (406) 82 392 SO TROUT	Pay to the Order of	2017 2017	For Do

### 2022 REAL Property Tax Statement

Sanders County Treasurer Nichol Scribner Po Box 519 Thompson Falls, MT 59873

#### Tax Payer

CHEFF DAN D SR TRUSTEE CHEFF FAMILY TRUST 392 S HILL RD TROUT CREEK MT 59874-9647

1st Half	2nd Half	Total Tax
86.72	86.71	173.43
372.18	372.18	744.36
80.00	80.00	160.00
24.23	24.22	48.45
7,50	7.50	15.00
6.32	6.32	12.64
576.95		
	576.93	
		1,153.88
	86.72 372.18 80.00 24.23 7.50 6.32	86.72 86.71 372.18 372.18 80.00 80.00 24.23 24.22 7.50 7.50 6.32 6.32 576.95

PAY ONLINE http://co.sanders.mt.us/

There is a 3% CONVENIENCE FEE to pay by credit card.

Questions on your bill: TREASURER'S PHONE 406-827-6924 in front of the levy means this levy was voted in.

THIS PROPERTY MAY QUALIFY FOR A PROPERTY TAX ASSISTANCE PROGRAM. Please see the back of this statement for more information.

This Tax Statement reflects PTAP reduction or MDV benefit.

Receipt Validation for 1st Half:

Penalty: Interest:

Total:

Receipt Validation for 2nd Half:

576.93

576.95

Penalty: Interest:

Total:

Statement Date 10/13/22 Tax Payer 9580 School District

6M2 TROUT CREEK/ 2048

3457-34-1-01-10-0000

Street Address Bureau Code

Taxable Value

Geo Code

8984597

**Property Description** 

Twn/Rng/Sect 24 /31 /34 REM PAR B, COS 2365 IN NE1/4, PLAT N1, 30 ACRES (ALSO SEC 35)

Description	% of Tax	Tax Amount	Mill Levy
Solardi Levisa * Indica	ites a voted le	vy	
STATE SCHOOL LEVY	16.87 %	\$194.56	95.000
STATE LEVY - UNIVER	1.07 %	\$12,29	6.000
COUNTYWIDE EDUCATIO	5.94 %	\$68.44	33,420
SCHOOL DISTRICT	200	4-4.11	00.420
H. S. GENERAL	6.81 %	\$78.50	38.330
H. S. TRANSPORTATI	3.06 %	\$35.31	17.240
H. S. TUITION	1.12 %	\$12.92	6.310
H. S. ADULT EDUCAT	0.05 %	\$0.63	0.310
H. S. TECHNOLOGY	0.52 %	\$6.00	2.930
H. S. BUILDING RES	0.20 %	\$2.30	1.120
ELEMENTARY GENERAL	7.36 %	\$84.89	41.450
ELEMENTARY TRANSPO	4.59 %	\$53.02	25.890
ELEMENTARY ADULT E	0.30 %	\$3.46	1.690
* ELEMENTARY TECHNOL	0.54 %	\$6.27	3.060
ELEMENTARY BUILDIN	0.40 %	\$4.59	2.240
TOTAL SCHOOL DISTRICT	24.95 %	\$287.89	140.570
Total School	48.83 %	\$563.18	274,990
County Levies		22222	
GENERAL FUND	5.74 %	\$66.23	32.340
ROAD FUND	3.58 %	\$41.31	20.170
BRIDGE FUND	0.32 %	\$3.69	1.800
WEED CONTROL	0.89 %	\$10.24	5.000
COUNTY FAIR	0.53 %	\$6.14	3.000
AIRPORT FUND	0.00 %	\$0.00	0.000
LIBRARY FUND	0.27 %	\$3.07	1.500
* COUNTY AMBULANCE	1.07 %	\$12.29	6.000
* SENIOR CITIZENS - L	1.16 %	\$13.39	6.540
PUBLIC SAFETY (LAW	10.12 %	\$116.74	57.000
SRS PERMISSIVE LEVY	0.11 %	\$1.31	0.640
PERMISSIVE MEDICAL	2.07 %	\$23.92	11.680
* SEARCH & RESCUE	0.09 %	\$1.02	0.500
OFFICE OF EMERGENCY	0.11 %	\$1.23	0.600
Total County	26.06 %	\$300.58	146.770
, , , , , , , , , , , , , , , , , , , ,	20.00 /0	4000.00	140.770
FOREST FIRE PROTECT	4.20 %	\$48.45	
Total Other Stat	4.20 %	\$48.45	0.000
Other			0.000
LIBRARY FUND-THOMPS	1.10 %	\$12.64	7.000
TROUT CREEK FIRE	3.78 %	\$43.58	21.280
WHITEPINE CEMETERY	0.80 %	\$9.22	4.500
TROUT CREEK PARK DI	0.11 %	\$1.23	0.600
Total Other	5.79 %	\$66.67	33.380

School-48.8%

County-26.0% Fees-15.2%

in full 11-22-22

ETURN TO IS STUD WITH BET PAYMENT TO SOUNTY TREASONED

9580

Total if both halves paid:

1153.88

\$576.95

Name CHEFF DAN D SR TRUSTEE CHEFF FAMILY TRUST 392 S HILL RD **TROUT CREEK MT 59874-9647** 

11/30/22 Return this stub with payment to Sanders County Treasurer Nichol Scribner Po Box 519 Thompson Falls, MT 59873

9580

Total if both halves paid:

RETURN THIS BYUS WITH AND PAYMENT TO COUNTY TREASURER

1153.88



continued on reverse side

Name CHEFF DAN D SR TRUSTEE CHEFF FAMILY TRUST 392 S HILL RD TROUT CREEK MT 59874-9647

05/31/23 Return this stub with payment to: Sanders County Treasurer Nichol Scribner Po Box 519

Thompson Falls, MT 59873

\$576.93

WC-0001-C-2021 November 29, 2022

Montana Water Court

### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

### CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

Bunyea Barbara A			ress, and phone number:
LAST NAME FIRST NAME MID. INITIAL P.O. BOX 2094	LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX	STREET ADDRESS OF	R PO BOX	
CITY STATE ZIP CODE	СПҮ	STATE	ZIP CODE
PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAIL	
on which the objection(s) are based. (Use additional The Preliminary Dicres is So it's hard to say I wan water rights. My family came thugs a State and Still	s unclear to Keep in the flather.	and lack	fore MT
<b>4.</b> If you are objecting to a specific water right num and the water source. If you are objecting to more to	ber, identify the war	ter right number,	decree page number,
4. If you are objecting to a specific water right num	ber, identify the wa han one water right	ter right number,	decree page number,

		of perjury, that on the $\frac{24}{}$ day of a postage prepaid, addressed to the
following attorneys for the Federal, Sta	te, and Tribal Agencies:	
Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org	David W. Harder U.S. Department of Justice Indian Resources Section Environment & Natural Resources Div. 999 18th St. South Terrace, Suite 370 Denver, Colorado 80202 efile denver.enrd@usdoj.g	Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov
	SIGNATUR	Necro a, Beeryso REFOR CERTIFICATE OF MAILING
Please send this completed orig	PO Box 1389	ter Court

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

or

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

E-mail: watercourt@mt.gov

### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

### CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

PO BOX 2094		FIRST NAME MID. INITI	AL
Bigfor14 MT 59901	STREET ADDRESS O	R PO BOX	
STATE ZIP CODE N/A	СПҮ	STATE ZIP COD	E
PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAIL	
e fore MT was a st	1 11 10 1		
If you are objecting to a specific water right n nd the water source. If you are objecting to movater right number.			

Bunyea Legacy W.	CERTIFICATE OF MAILIN	G
I, Barbara Bunyea	, declare under penalty of	f perjury, that on the $24$ day of
NOV , 2022, I r	nailed a copy of this Objection p	ostage prepaid, addressed to the
following attorneys for the Federal, Sta	ate, and Tribal Agencies:	
Daniel J. Decker	David W. Harder	Molly M. Kelly
Confederated Solish & Vootensi	II C Department of Justice	Montana Department of

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder U.S. Department of Justice Indian Resources Section Environment & Natural Resources Div. 999 18th St. South Terrace, Suite 370 Denver, Colorado 80202

efile_denver.enrd@usdoj.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

**Montana Water Court** 

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

### CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME FIRST NAME MID. INITIAL P.O. Boy 2094	LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX Biffor 14 MT 59901	STREET ADDRESS OR PO	BOX	
CITY J STATE ZIPCODE (406) 837 - 4706 ENIA	СПҮ	STATE	ZIP CODE
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so its hard to say. I and future water rights	unchear and want to the and sti	Leep no star taken no star tak	definition  y waterigh  L to The fl  rritory. I be  decree page number

(TURN FORM OVER AND COMPLETE OTHER SIDE)

DATED this 24 day of NOV, , 2022.

Bunyea Legacy Wealt	CERTIFICATE OF MAILIN	G
		f perjury, that on the $\frac{24}{}$ day of
NOV , 2022, I r	nailed a copy of this Objection p	ostage prepaid, addressed to the
following attorneys for the Federal, Sta	ate, and Tribal Agencies:	
Daniel J. Decker	David W. Harder	Molly M. Kelly
Confederated Calieb P. Vestansi	IIC Department of Insting	Mantana Danastmant of

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile_denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Barbara a Biengla SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

**Montana Water Court** 

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

(Continued from page one of form.)

mine and my families enjoyment and quality of life depends on upon our water rights.

My family and I have grown up on and around the Flathead river. We depend upon the river and our water rights on an hourly basis to live and restore ourselves physically and mentally. We have hunted, trapped, boated, canoed, waded, raised livestock, fished, gardens, pets, recreated, enjoyed and depend upon the water from the Flathead river. Our water rights give us life, purpose, and an opportunity to pursue happiness. We feel blessed and enjoy the clean fresh water from our water right sources for domestic and small scale uses.

The Montana Constitution Article IX Sec. 3 (3) states "All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law." I believe this applies to my family and I as well as CSKT members. We all have the opportunity to apply for these rights from the DNRC. My family and I have already applied for these water rights, and they were granted to us.

Grant in the dictionary is: Grant (grant) v.t. 1. To confer or bestow, as a privilege, charter, etc. 2. To allow (someone) to have; give, as permission. 3. To accede to; yield to, as a request. 4. To admit as true, as for the sake of argument; concede. 5. To transfer (property), especially by deed. – n. 1. The act of granting. 2. That which is granted, as a piece of property, a sum of money, or a special power or privilege. 3. One of certain tracts of land in Maine, New Hampshire, or Vermont, originally granted by patent to an individual or individuals. 4. Law A transfer of real property by deed.

The Water Court Decree letter has vagueness and inaccuracies: it mentions the FIIP which is "Flathead Indian Irrigation Project". FIIP does not exist. It is the FIPP, "Flathead Irrigation Power Project". This appears to be an attempt to elevate the Tribe in the water issue. The letter refers to a Water Rights Compact ("Compact").

Is that SB 262 that came out of the MT legislature or is it the Daines Bill that came from Congress? There are differences in the bills and neither has been ratified by all parties involved; State, CSKT and federal. Which bill is the decree based on? On page one of case no. WC0001-c-2021 paragraph two it states; "The Flathead Compact defines the reserved water rights of the Tribes". "Define" means a quantification of the water for the CSKT. Neither the Daines Bill or SB 262 quantified the amount of water the Tribe needed. With that, it would be easy for the Tribe to say that my water rights take away from their water right. How does that fit the MT Constitution?

How does my family or I answer to something as precious as our water rights to a decree as vague and inaccurate as this?

The Water Court letter asks me to defend my current water rights, but it doesn't ask about future development that could require more water. I'm sure the CSKT will have needs of water for future development for increased population, industrial and agricultural needs. That would apply to my family and me as well. I would like to be assured my water rights and the future of my water rights will be inherited by my offspring and be allowed to increase the volume if necessary.

I believe the Treaty of Hellgate, Treaty of July 16, 1855, 12 Stat. 975, Ratified March 8, 1859, has assure my water rights and property rights, my families and future offspring water rights and property

rights as granted herein the treaty.

My family and I have a standing in our water right and property rights defense. Under the articles of the "Administrative Procedure Act". My family and I can defend our property from a *Taking* by the State of Montana and it's Citizens: that under no circumstance are these rights subject to any transfer to a private or other public entity. My family and I are ready to fight for our water rights and defend the uses granted to us.

Sincerely,

Marty Hafer Lorie Hafer Bunyea Legacy Wealth Trust (Barbara Bunyea, Steve Bunyea, Julie Hunt, Lorie Hafer)

WC-0001-C-2021

November 29, 2022

### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES Montana Water Court MONTANA – UNITED STATES COMPACT

### CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

DELANGE PHICE P	LAST NAME	FIRST NAME	MID, INITIAL
5500 BENT PINE DRIVE STREET ADDRESS OR PO BOX			
	STREET ADDRESS OR	РО ВОХ	
VENO BEACH FL 32967 TITY STATE ZIP CODE	CITY	STATE	ZIP CODE
(772) 532-1/20 DELANGED BELLSOUTH,	A COLUMN AND A COL	SIAIL	ZIF CODE
PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAII	
and the water source. If you are objecting to more	nber, identify the wat than one water right	ter right number, number, use a se	decree page number, parate form for each
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4. If you are objecting to a specific water right numand the water source. If you are objecting to more water right number.  Water Right #: 764 53 200 9 7 9/ (One Number Per Form)	than one water right  Page numb	ter right number, number, use a se er in Decree:	parate form for each
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nd the water source. If you are objecting to more water right number.  Vater Right #: 764 53 200 9 7 9/	than one water right  Page numb Source:	number, use a se er in Decree:	parate form for each

### CERTIFICATE OF MAILING

I, PHILLIP	RAY DELANGE, declare under penalty of perjury, that on the 29 day of
NOV EMBER	, 2022, I mailed a copy of this Objection postage prepaid, addressed to the
following attorneys fo	or the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoi.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Save@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

I am filing my objections to the CSKT Water Compact. Below are my objections to the parts of the Compact and my evidence.

- 1. The \$2.3 Billion Federal appropriation for the project was recommended against in 2016 by the Secretary of the Interior based on a failure to justify the costs and implementation of money. This Compact does not resolve the 2016 recommendation and offers no language on establishment and oversight of any budget, how money will be allotted and spent, and where it will come from. If there are tax dollars to be used, taxpayers must have input on who and how their money is spent.
- 2. The Compact does not define who will determine and how the criteria is established for the minimum and maximum water levels for the different waters covered. It does not define who will be ultimately responsible to decide when minimum levels are reached and who exactly will enforce the "call" for water from non-reservation users and offers no specifics on oversight for such a decision.
- 3. CSKT does not have the resources, even with proper funding, to monitor proper fish populations and habitat in waters on-reservation, let alone off-reservation. Historic management of fisheries by Native American tribes has shown significant misunderstanding and mismanagement of fisheries. One example is the large scale netting operations in the southwestern portions of Flathead Lake that have affected Lake Trout and Whitefish populations in the north, where 'take' of these fisheries is heavily relied on for private citizen food stock and economic commercial fishing operations. CSKT does not have the resources to monitor, research, or implement fishery and habitat needs. The CSKT has no research teams, no easy agency access to statewide or federal research and databases, and no resources to effect or implement a needed action. Giving CSKT equal management rights with MFWP gives them artificial capabilities as MFWP. It is again, far outside the reparations of the Hellgate Treaty. Only MFWP has the capability to monitor and take action on fish populations. CSKT should not be given "comanagement" capability, but instead their waters should be given "equal monitoring and protections as state owned waters." There should be given no exclusivity or prioritization of any fishery or habitat over another, just because of jurisdictional ownership. A failure in any fishery or habitat, regardless of location, can cause trickle down failures in other waters or lands. Instead of CSKT being given co-management authority, MFWP should be assigned new prioritization for CSKT waters for fishery and habitat monitoring. MFWP should be allowed to do what the agency feels is needed for management of fisheries and habitat in CSKT waters just like any other water. However, if it is determined by CSKT that the actions of MFWP could cause a negative impact in their perception, they should be given veto power to override and stop MFWP actions and for MFWP to work until "mutually agreed upon" with CSKT on the proper action.
- 4. There is no wording that addresses impacts to other wildlife this Compact could have. CSKT does not have the resources to survey all parts of an ecosystem that could be negatively impacted by this Compact. The fisheries and habitat may be the ultimate objective of the Compact, but allowing CSKT co-management rights with FWP means they can perform changes that create positive impacts for one species of fish, but cause damage to other flora and fauna. CSKT should not be given co-management rights with FWP because of lack of resources and inability to survey or monitor large ecosystems.
- 5. Water levels that drop below minimum and result in a "call" for water without proper management and oversight will result in impacting irrigation use in the form of agriculture, and therefore needlessly impact costs of agricultural products. The lack of fine wording outlining the minimum criteria and "call" procedure can impact both the livelihoods of those having to give up water while also impacting the local economy with inflated prices.
- 6. The Water Management Board cannot know the future planning and development needs of each county and therefore not appropriately distribute and approve water needs throughout multiple counties. Future planned water needs should be kept under county control.
- 7. There is no language that identifies the full process, criteria, costs, and timeframe, for a citizen to apply for either a new water use or change in water use. A private citizen trying to establish a well for their own personal

house on private property should not be held hostage to a lengthy process because the Water Management Board has poor application management. Further, there is no priority list as to how applications will be handled and the lack of wording in the Compact allows for the possibility that a first come first served will not occur or that prioritization could occur on a case by case scenario, allowing favoritism towards a business or city water right over a citizen, even if the citizen applied months prior.

- 8. The water levels of the rivers, streams, lakes, ponds, and tributaries in the Compact come from three sources: snow melt, rain runoff, direct rain. These differences can be localized and regional. Such an example can be the South Fork Flathead River being below an average level while the North Fork Flathead River is above average level. There is no wording in the Compact that establishes criteria or actions when there are regional or localized water level discrepancies. This could result in an unnecessary "call" of water. Specific language must be added to isolate "calls" of water in relation to the local waterway level.
- 9. The purpose of the Compact is to ensure water levels for "fisheries and habitat." There appears to be no research or data to support that shunting water in a "call" will result in a positive help to the fisheries and habitat. There is no evidence that shunting water will change the levels in the affected waterway. For example, there are some irrigation users located next to a river that, even if they stopped all water use for many years, would not change the water level in that river. There must be research that shows such a 'take' on water users will meet the benefits of the Compact, and then the definitive wording must be put in the Compact that only a "call" will be done on a water user where that water will actually meet the goal of the Compact. There should be no reason an irrigation user in South Fork Flathead River is "called" on because the Kootenai River is at a low level and there is no such language that precludes this.
- 10. The Hellgate Treaty addresses waters that border the reservations. This Compact is a means for reparations of that treaty. However, the Hungry Horse Reservoir in upper Flathead County is a far reach from the Flathead Indian Reservation in western Lake County that holds to benefit from it. Hungry Horse Reservoir should be managed separately and therefore excluded from the Compact. If there is a water need for the reservation, it should be up to the state how the need is met, what dams are opened over others, etc.
- 11. Overall the Compact gives greater rights than the Hellgate Treaty, adding uses and waterways that were not included in the Hellgate Treaty. The Compact appears to be a way to remedy a discrepancy in what was promised in the Hellgate Treaty and what the Native American reservations were promised. However, the wording in this Compact overreaches by giving rights and management that are far outside the Hellgate Treaty. This Compact needs to establish the original rights only, identify and ensure those original rights are followed, but not grant or extend new rights by including waters far outside the Hellgate treaty and giving CSKT powers far above the ones established by the Hellgate Treaty.
- 12. There should be wording that holds accountability for mismanagement. For instance, if the CSKT mismanage a water and kill off a fish population or habitat, it penalizes them for such mismanagement. This should also include penalizing for inappropriate "calls" or for breaching the Compact. There is no such wording in the Compact that addresses any accountability for any party.
- 13. There is no reason CSKT should become "co-managers" of all MFWP managed waters and property. Under the currently broad and undefined Compact wording, CSKT would become "co-manager" of such things as water vessel usage, recreational water use and access, and hunting/fishing on or next to the included waters. There is simply no reason, and it is far outside the reparations of the Hellgate Treaty, for CSKT to "co-manage" MFWP responsibility. If the whole purpose of the Compact is to ensure fisheries and habitat, there is no reason CSKT should be given "co-management" of a boat ramp in Hungry Horse Reservoir or a recreational pathway along Flathead River as examples. This is again going far and above the reparations related to the Hellgate Treaty and outside meeting the core goal of this Compact.

- 14. New groundwater users of a county should not have to go through a state board to seek approval. A private well in the mountains of a county that has no relevance to waters in the Compact and far outside any reservation, should not be governed by tribal members on a Board. Users not directly covered by the Compact should be governed by their local county or city.
- 15. Many sections are set to time of effectiveness as "time immemorial." However, the Blackfeet were contesting land in the Flathead Valley and documented by Peter Ronan as early as 1811. The Hellgate Treaty established land for reservation on the west side of Flathead Lake in the southern half and recognized water rights were for that area. Though there was no treaty with the Blackfeet for the area north of Flathead Lake, at the time of the treaty in 1855 and documented as late as 1890, conflicts between the Blackfeet and Flathead tribes were recorded. As discussed earlier, some of the waters being given to the CSKT are outside the original Hellgate Treaty and in previously documented Blackfeet areas. This means those waters were not necessarily under full legal control of CSKT and therefore cannot be found to be "time immemorial." To be determined as "time immemorial" would mean; a) there was no doubt as to what exactly was under CSKT ownership and not Blackfeet, and b) it would have to be recognized prior to 1855. These two conditions cannot be established, therefore the water rights should be established as 1855 for those areas identified within the Hellgate Treaty and any new water rights granted in this Compact would have an effective date of the time this Compact is fully ratified.
- 16. The primary objective is to ensure fisheries and habitat for CSKT reservations and lands. However, the viability of Tribal reservations in benefiting all Tribal members and promoting the overall health of reservations from all the rights offered in this Compact is highly questionable. A large number of Tribal members suffer from poor health, poor living conditions, and poor lifestyle even with the resources the Tribes are given today. There is no evidence that the members of the reservations would be able to utilize or benefit from all the rights offered in this Compact. There is no evidence that affording the Tribes large scale rights will trickle down to Tribal members and improve their quality of life on reservations. Many tribes bring in large amounts of money, sometimes in the millions, from Casinos and yet many member live in squalor, there is poor law/fire/ems, and crime and abuse is rampant in many Tribal places where prosperous Casinos operate.

#### In Summary;

I object to multiple sections and wording of this Compact. The language causes direct and indirect harm to me in regards to living, working, recreating, and owning property in the area covered in this Compact. The affects are: financial in the form of my tax dollars being used without my input and without proper oversight, quality of life in the form of impacts to recreational activities on both land and water, socioeconomic impacts in the form of potentially higher cost of living caused by the impacts of mismanagement or irrigation restrictions, and property value for any new or change in water use that could be time consuming, costly, or bureaucratic to acquire in order to use my property.

WC-0001-C-2021

November 29, 2022

## IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT Montana Water Court

### CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

DELANGE	1 HILL 11	R		-		) (The D. 1977) . T
LAST NAME	FIRST NAME	MID. INI	TIAL	LAST NAME	FIRST NAME	MID. INITIAL
5599 BEN	T PINE DR	IVE		STREET ADDRESS OF	DO DOV	
	ESS OR PO BOX		210/7	STREET ADDRESS OF	CPU BUX	
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### CERTIFICATE OF MAILING

I, PHILLIP	RAY DELANGE, declare under penalty of perjury, that on the 29 day of
NOV EMBER	, 2022, I mailed a copy of this Objection postage prepaid, addressed to the
following attorneys fo	or the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoi.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Save@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

I am filing my objections to the CSKT Water Compact. Below are my objections to the parts of the Compact and my evidence.

- 1. The \$2.3 Billion Federal appropriation for the project was recommended against in 2016 by the Secretary of the Interior based on a failure to justify the costs and implementation of money. This Compact does not resolve the 2016 recommendation and offers no language on establishment and oversight of any budget, how money will be allotted and spent, and where it will come from. If there are tax dollars to be used, taxpayers must have input on who and how their money is spent.
- 2. The Compact does not define who will determine and how the criteria is established for the minimum and maximum water levels for the different waters covered. It does not define who will be ultimately responsible to decide when minimum levels are reached and who exactly will enforce the "call" for water from non-reservation users and offers no specifics on oversight for such a decision.
- 3. CSKT does not have the resources, even with proper funding, to monitor proper fish populations and habitat in waters on-reservation, let alone off-reservation. Historic management of fisheries by Native American tribes has shown significant misunderstanding and mismanagement of fisheries. One example is the large scale netting operations in the southwestern portions of Flathead Lake that have affected Lake Trout and Whitefish populations in the north, where 'take' of these fisheries is heavily relied on for private citizen food stock and economic commercial fishing operations. CSKT does not have the resources to monitor, research, or implement fishery and habitat needs. The CSKT has no research teams, no easy agency access to statewide or federal research and databases, and no resources to effect or implement a needed action. Giving CSKT equal management rights with MFWP gives them artificial capabilities as MFWP. It is again, far outside the reparations of the Hellgate Treaty. Only MFWP has the capability to monitor and take action on fish populations. CSKT should not be given "comanagement" capability, but instead their waters should be given "equal monitoring and protections as state owned waters." There should be given no exclusivity or prioritization of any fishery or habitat over another, just because of jurisdictional ownership. A failure in any fishery or habitat, regardless of location, can cause trickle down failures in other waters or lands. Instead of CSKT being given co-management authority, MFWP should be assigned new prioritization for CSKT waters for fishery and habitat monitoring. MFWP should be allowed to do what the agency feels is needed for management of fisheries and habitat in CSKT waters just like any other water. However, if it is determined by CSKT that the actions of MFWP could cause a negative impact in their perception, they should be given veto power to override and stop MFWP actions and for MFWP to work until "mutually agreed upon" with CSKT on the proper action.
- 4. There is no wording that addresses impacts to other wildlife this Compact could have. CSKT does not have the resources to survey all parts of an ecosystem that could be negatively impacted by this Compact. The fisheries and habitat may be the ultimate objective of the Compact, but allowing CSKT co-management rights with FWP means they can perform changes that create positive impacts for one species of fish, but cause damage to other flora and fauna. CSKT should not be given co-management rights with FWP because of lack of resources and inability to survey or monitor large ecosystems.
- 5. Water levels that drop below minimum and result in a "call" for water without proper management and oversight will result in impacting irrigation use in the form of agriculture, and therefore needlessly impact costs of agricultural products. The lack of fine wording outlining the minimum criteria and "call" procedure can impact both the livelihoods of those having to give up water while also impacting the local economy with inflated prices.
- 6. The Water Management Board cannot know the future planning and development needs of each county and therefore not appropriately distribute and approve water needs throughout multiple counties. Future planned water needs should be kept under county control.
- 7. There is no language that identifies the full process, criteria, costs, and timeframe, for a citizen to apply for either a new water use or change in water use. A private citizen trying to establish a well for their own personal

house on private property should not be held hostage to a lengthy process because the Water Management Board has poor application management. Further, there is no priority list as to how applications will be handled and the lack of wording in the Compact allows for the possibility that a first come first served will not occur or that prioritization could occur on a case by case scenario, allowing favoritism towards a business or city water right over a citizen, even if the citizen applied months prior.

- 8. The water levels of the rivers, streams, lakes, ponds, and tributaries in the Compact come from three sources: snow melt, rain runoff, direct rain. These differences can be localized and regional. Such an example can be the South Fork Flathead River being below an average level while the North Fork Flathead River is above average level. There is no wording in the Compact that establishes criteria or actions when there are regional or localized water level discrepancies. This could result in an unnecessary "call" of water. Specific language must be added to isolate "calls" of water in relation to the local waterway level.
- 9. The purpose of the Compact is to ensure water levels for "fisheries and habitat." There appears to be no research or data to support that shunting water in a "call" will result in a positive help to the fisheries and habitat. There is no evidence that shunting water will change the levels in the affected waterway. For example, there are some irrigation users located next to a river that, even if they stopped all water use for many years, would not change the water level in that river. There must be research that shows such a 'take' on water users will meet the benefits of the Compact, and then the definitive wording must be put in the Compact that only a "call" will be done on a water user where that water will actually meet the goal of the Compact. There should be no reason an irrigation user in South Fork Flathead River is "called" on because the Kootenai River is at a low level and there is no such language that precludes this.
- 10. The Hellgate Treaty addresses waters that border the reservations. This Compact is a means for reparations of that treaty. However, the Hungry Horse Reservoir in upper Flathead County is a far reach from the Flathead Indian Reservation in western Lake County that holds to benefit from it. Hungry Horse Reservoir should be managed separately and therefore excluded from the Compact. If there is a water need for the reservation, it should be up to the state how the need is met, what dams are opened over others, etc.
- 11. Overall the Compact gives greater rights than the Hellgate Treaty, adding uses and waterways that were not included in the Hellgate Treaty. The Compact appears to be a way to remedy a discrepancy in what was promised in the Hellgate Treaty and what the Native American reservations were promised. However, the wording in this Compact overreaches by giving rights and management that are far outside the Hellgate Treaty. This Compact needs to establish the original rights only, identify and ensure those original rights are followed, but not grant or extend new rights by including waters far outside the Hellgate treaty and giving CSKT powers far above the ones established by the Hellgate Treaty.
- 12. There should be wording that holds accountability for mismanagement. For instance, if the CSKT mismanage a water and kill off a fish population or habitat, it penalizes them for such mismanagement. This should also include penalizing for inappropriate "calls" or for breaching the Compact. There is no such wording in the Compact that addresses any accountability for any party.
- 13. There is no reason CSKT should become "co-managers" of all MFWP managed waters and property. Under the currently broad and undefined Compact wording, CSKT would become "co-manager" of such things as water vessel usage, recreational water use and access, and hunting/fishing on or next to the included waters. There is simply no reason, and it is far outside the reparations of the Hellgate Treaty, for CSKT to "co-manage" MFWP responsibility. If the whole purpose of the Compact is to ensure fisheries and habitat, there is no reason CSKT should be given "co-management" of a boat ramp in Hungry Horse Reservoir or a recreational pathway along Flathead River as examples. This is again going far and above the reparations related to the Hellgate Treaty and outside meeting the core goal of this Compact.

- 14. New groundwater users of a county should not have to go through a state board to seek approval. A private well in the mountains of a county that has no relevance to waters in the Compact and far outside any reservation, should not be governed by tribal members on a Board. Users not directly covered by the Compact should be governed by their local county or city.
- 15. Many sections are set to time of effectiveness as "time immemorial." However, the Blackfeet were contesting land in the Flathead Valley and documented by Peter Ronan as early as 1811. The Hellgate Treaty established land for reservation on the west side of Flathead Lake in the southern half and recognized water rights were for that area. Though there was no treaty with the Blackfeet for the area north of Flathead Lake, at the time of the treaty in 1855 and documented as late as 1890, conflicts between the Blackfeet and Flathead tribes were recorded. As discussed earlier, some of the waters being given to the CSKT are outside the original Hellgate Treaty and in previously documented Blackfeet areas. This means those waters were not necessarily under full legal control of CSKT and therefore cannot be found to be "time immemorial." To be determined as "time immemorial" would mean; a) there was no doubt as to what exactly was under CSKT ownership and not Blackfeet, and b) it would have to be recognized prior to 1855. These two conditions cannot be established, therefore the water rights should be established as 1855 for those areas identified within the Hellgate Treaty and any new water rights granted in this Compact would have an effective date of the time this Compact is fully ratified.
- 16. The primary objective is to ensure fisheries and habitat for CSKT reservations and lands. However, the viability of Tribal reservations in benefiting all Tribal members and promoting the overall health of reservations from all the rights offered in this Compact is highly questionable. A large number of Tribal members suffer from poor health, poor living conditions, and poor lifestyle even with the resources the Tribes are given today. There is no evidence that the members of the reservations would be able to utilize or benefit from all the rights offered in this Compact. There is no evidence that affording the Tribes large scale rights will trickle down to Tribal members and improve their quality of life on reservations. Many tribes bring in large amounts of money, sometimes in the millions, from Casinos and yet many member live in squalor, there is poor law/fire/ems, and crime and abuse is rampant in many Tribal places where prosperous Casinos operate.

#### In Summary;

I object to multiple sections and wording of this Compact. The language causes direct and indirect harm to me in regards to living, working, recreating, and owning property in the area covered in this Compact. The affects are: financial in the form of my tax dollars being used without my input and without proper oversight, quality of life in the form of impacts to recreational activities on both land and water, socioeconomic impacts in the form of potentially higher cost of living caused by the impacts of mismanagement or irrigation restrictions, and property value for any new or change in water use that could be time consuming, costly, or bureaucratic to acquire in order to use my property.

WC-0001-C-2021

November 29, 2022

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT Montana Water Court

# CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

Maestas Joseph & Ch				
LAST NAME PO Box 411 FIRST NAME	MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX Thompson Falls	MT 59873	STREET ADDRESS O	R PO BOX	
CITY (406) 799-0962	STATE ZIP CODE jmaestas628@gmail.cor	n (CITY	STATE	ZIP CODE
PHONE NUMBER	E-MAIL leapedflunky@gmail.com	n PHONE NUMBER	E-MAII	
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I, Joseph	Maestas	, declare under penalty of perjury, that on the 29 da	y of
November	, 2022, I 1	E- mailed a copy of this Objection postage prepaid, addressed to	the
following attorneys f	or the Federal, St	ate, and Tribal Agencies:	

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

WC-0001-C-2021

November 29, 2022

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### CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

ANDERSON PHYLI		LAST NAME	FIRST NAME	MID. INITIAL
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CITY 260 2606	STATE ZIP C		STATE	ZIP CODE
(406) 752-3606 pw PHONE NUMBER	vandrsn@centurytel.n E-MAIL	et ( ) PHONE NUMBER	E-MAIL	
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NOVEMBER	, 2022, I <del>mai</del>	ALED leel a copy of this Objection postage prepaid, addressed to the
following attorneys for	or the Federal State	and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoi.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

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### CASE NO. WC-0001-C-2021

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WC-0001-C-2021

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### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT Montana Water Court

### CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

AST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
79 Trout Creek Rd			
REET ADDRESS OR PO BOX	STREET ADDRESS OF	R PO BOX	
ry STATE ZIP CODE	CITY	STATE	ZIP CODE
33)932-2135 Correctofener agm			
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I, Charles Addressed to the Movember , 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
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Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

My objections to the parts of the Preliminary Decree are as follows:

- Based on the 1966 Indian Claims Commission Settlement, the tribe accepted a monetary settlement and forfeited their off-reservation water rights in Western Montana. Thus the CSKT claim of aboriginal water rights is null and void.
- 2. Article IX of the Montana Constitution, Section 3, declares that the water of Montana belongs to all the people for their common benefit equally. Subsection 4 declares that the ability to administer, control, and regulate water rights is a power that resides solely with the Legislature. The current CSKT water compact takes a property right (water) from 350,000 western Montanans and gives it to a third party. This is unlawful!

 From:
 matt gebhardt

 To:
 Watercourt (Bozeman)
 WC-0001-C-2021

Subject: [EXTERNAL] Case # WC-0001-C-2021 Notice of Objection & Reg for Hearing

Date: Tuesday, November 29, 2022 11:02:59 AM November 29, 2022 Attachments: Case No WC-0001-C-2021 Noti Obj Gebhardt.pdf

#### To whom it may concern:

### Montana Water Court

Attached please find the following 6 (six) "Irrigation" based" objections recently (23nov2022) mailed certified with receipt requested to Messrs: Daniel J. Decker (CSKT Legal - Pablo, MT) and David W. Harder (US DOJ, Denver, CO) and Ms. Molly M. Kelly (MT DNRC Helena, MT). They are being emailed to "watercourt@mt.gov" per the instructions on the back page of the "Notice of Objection and Request for Hearing" form.

76LJ 7494 00 irrigation-surface 76LJ 46833 00 irrigation-surface 76LJ 50466 00 irrigation-surface 76LJ 62957 00 irrigation-surface 76LJ 66522 00 irrigation-ground 76LJ 70073 00 irrigation-ground

I am writing in regard to the CSKT MT and United States Compact Case No: WC-001-C-2021. Our family has been farming in the Flathead Valley several miles <u>upstream</u> from Flathead Lake for many years. "Upstream" is an important distinction to make per "Section: III,G,4 (pp 26)" of the "Preliminary Decree." My parents moved here in the mid-1960s and have grown the farm to around 600 acres over time. The family LLC is named on several irrigation water rights (relative to basin "76LI") in this area then roughly between Creston and Columbia Falls.

The Compact Case's "Preliminary Decree" section titled: "Water Rights Upstream of the Reservation, Section III.G.4.a" (pp 26) speaks to "surface water" and "Section III.G.4.b" (also page 26) speaks to "ground water." The water rights for which I am writing have a stated "purpose" of "Irrigation" as referenced in both the previous citations. Irrigation is specifically cited as being an "exception" allowing a "water call." In essence, the tribe can make a call should the irrigation's water right meet the criteria of Section III.G.4.b.

Our contention is our water rights fall under the criteria of Section III.G.4.c which states: "The Tribes and the United States agree that the Tribal Water Right recognized in the [Decree] may not be exercised to make Call against any Water Right Arising Under State Law upstream of the Flathead Reservation and located on a tributary to the Flathead River not identified in [Part] III.G.4.a [of this Decree]." (Part "a" identifies the North, Middle, or South forks or these combined to make the "main stem" of the Flathead River.)

We have irrigation rights to both "surface" sources (Muskrat Lake) and "ground water" sources (wells).

"Muskrat Lake" (referenced by 4 (four) "surface source" abstracts) provides habitat for innumerable migratory waterfowl, allows for livestock grazing and is the sole source of our farm's "surface irrigation." Located over eight (8) miles south east (as the crow flies) below (downstream of) the Columbia Falls bridge (on the main stem of the Flathead) Muskrat Lake has no hydraulic connection to the North, Middle, or South forks since these combine to form the main stem of the Flathead above (upstream of) the Columbia Falls bridge. Further, because Muskrat Lake's elevation (~2973') is 45' higher than the Flathead River (elevation at ~2929' when measured lying directly due west of Muskrat Lake) and it is separated by nearly two miles of agricultural (farm) lands there exists no known natural or manmade hydraulic path between

them. The enforceable priority dates of the four rights are 05may1986, 21apr1982, 16aug1937, and 01may1905.

The "ground water" sourced irrigation wells are both based in the "Flathead Valley Deep Aquifer." The depth of the first well (at 690') puts this well some 630' below the Flathead River's elevation (when measured about two (2) miles directly west from this well.) The well's elevation is ~2982 feet while the Flathead River's elevation is ~2923'. There is no known natural or manmade hydraulic path between the well and the river. The enforceable priority date of this well is 11sept1987.

The second "ground water" sourced irrigation well sits at ~3047 feet and descends 459' putting this well some 355' below the elevation of the river. The Flathead sits at 2943' when measured directly due west of the well at about one (1) mile. There is no known natural or manmade hydraulic path between the well and the river. Enforceable priority date of this well is 04nov1988.

While we believe from both our research and the language in the "Preliminary Decree" that our irrigation rights are not affected by the "CSKT – US Compact," our intention is to formally record our objections to any challenges that might be made in the future against our irrigation water rights. Especially and preemptively since this appears to be our sole opportunity to do so per the "Notice of Objection and Request for Hearing" form. Our "objections" would have their basis in then:

- Our historical use of these water rights for agriculture, livestock, and wildlife.
- That our four (4) "surface" irrigation rights are surface waters sourced from Muskrat Lake. Muskrat Lake, resides in its entirety, solely on and within our farm with no hydraulic connection to any stem of the Flathead.
- The two "ground" irrigation wells cannot be associated in any way to the main stem (or the North, South, or Middle Forks) of the Flathead.
- Again: Section III.G.4.c (pp 26, 27) states: "...that the Tribal Water Right recognized in the [Decree] may not be exercised to make Call against any Water Right Arising Under State Law upstream of the Flathead Reservation and located on a tributary to the Flathead River not identified in [Part] III.G.4.a [of this Decree]."

Best regards, Matt Gebhardt

Manager, Gebhardt Family LLC 406.609.8308 gebfamllc@gmail.com

### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

### CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

POBOX 88'5	LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX	STREET ADDRESS OR PO BOX
KALISPELL MP 59901	- Controdox
(406) 609 - 830 8 centralle Rose	CITY STATE ZIP CODE
PHONE NUMBER	(Com(
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WR: 76 LJ 7494 00: 18 17 15 WATER RIGHT (SORENE) "Co	DETERMINED THAT THIS IRRIGATION
WR: 76 LJ 7494 00: 1F 17 15 WATER RIGHT (SURFACE) "So. BELONGING TO THE SOURCES  1. If you are objecting to a specific water right my	DETERMINED THAT THIS IRRIGATIONS  WACE OF SURPLY IS IDENTIFIED AS  IDIES IN SECTION III, G, 4, a, i, ii, iii, iv.
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# CERTIFICATE OF MAILING

I, NATTE GERMA ODT, declare under penalty of perjury, that on the 23 day of Navember, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

# CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:	2. Objector's Attorney name, address, and phone number:
POB SILL STREET ADDRESS OR PO BOX	LAST NAME FIRST NAME MID. INITIAL
CITY HOPEIL, MT. 5990+	STREET ADDRESS OR PO BOX
PHONE NUMBER Jehma Les Cowall. com	CITY STATE ZIP CODE  ( ) PHONE NUMBER F-MAIL
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and the water source. If you are objecting to more than water right number.	r, identify the water right number, decree page number, one water right number, use a separate form for each
Water Right #: 76 LJ 46833 00 (One Number Per Form)	Page number in Decree: 26 Source: SURFACE
D.A	ATED this 11 day of November , 2022.
SIG	NATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY
(TURN FORM OVER AND	COMPLETE OTHER SIDE)

# CERTIFICATE OF MAILING

1, NATHEW C. GERHORD, declare under penalty of perjury, that on the 23 day of November , 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
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efile denver.end@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAL TRIBES MONTANA – UNITED STATES COMPACT

# CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:	2. Objector's Attorney name, address, and phone number:
GEBHARDT MATT F	
POBOX 8851	LAST NAME FIRST NAME MID. INITIAL
KALISREIL, MT 5990+	STREET ADDRESS OR PO BOX
(406) 609-8308 gelfamllegangelog	
PHONE NUMBER O E-MAIL	3 PHONE NUMBER E-MAIL
3. State the specific part(s) of the Preliminary Decre	e objected to. Identify the specific ground(s) and evidence
on which the objection(s) are based. (Use additional	paper if necessary)
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4. If you are objecting to a specific water right number and the water source. If you are objecting to more that water right number.	er, identify the water right number, decree page number, an one water right number, use a separate form for each
Water Right #: 76 LJ 5046 00 (One Number Per Form)	Page number in Decree: 26
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(TURN FORM OVER AND COMPLETE OTHER SIDE)

Manager Geblandt tam ily LL SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

# CERTIFICATE OF MAILING

1, Musec F. C	SEBHARDT	, declare under penalty	of perjury, that o	n the $23$ day of
November				
following attorneys for the	Federal, State, a	and Tribal Agencies:		

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

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efile denver.enrc@usdoj.gov

Molly M. Kelly
Montana Department of
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Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

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Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

# CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:	2. Objector's At	torney name, address, and phone number:
GEBHARDT MATT F		
LAST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME MID. INITIAL
PO Box 8851 STREET ADDRESS OR PO BOX		
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CITY STATE ZIP CODE	CITY	
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	To Too MA	2022.

# CERTIFICATE OF MAILING

I, MARTER GEBHARD, declare under penalty of perjury, that on the ZZ day of Movember, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denyer, Colorado 30202
efile denver.enrc@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.goy

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

# CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:  GEBHARD MACE  LAST NAME FIRST NAME MID. INITIAL		orney name, address, and phone number:
POBOX 8851	LASTNAME	FIRST NAME MID. INITIAL
LALISEL MT. 5990+	STREET ADDRESS OR I	20 вох
(406)69-8308 gelfamile gmail.com	CITY	STATE ZIP CODE
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Water Right #: 76LJ 66522 00 (One Number Per Form)	Page number Source: GR	in Decree: 26

DATED this II day of DOLEMBER, 2022.

MAND F. LED GEBHARDE FAMILY LICE
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

# CERTIFICATE OF MAILING

I, MARTE F. GEBHARST, declare under penalty of perjury, that on the <u>Z3</u> day of November 1, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

r E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

# CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:	2. Objector's At	torney name, add	ress, and phone number:
LAST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
POB 8851 STREET ADDRESS OR PO BOX 12ALISPELL MT 59901	STREET ADDRESS O	R PO BOX	
CITY STATE ZIP CODE  (406) 609 - 8308 gebfamile & gmail. com PHONE NUMBER E-MAIL	CITY ( )	STATE	ZIP CODE
PHONE NUMBER B-MAIL	PHONE NUMBER	E-MAII	
3. State the specific part(s) of the Preliminary Decree	e objected to. Idea	ntify the specific g	ground(s) and evidence
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4. If you are objecting to a specific water right number and the water source. If you are objecting to more that water right number.			
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	DATED this 1	lay of Lovem	ber, 2022.

(TURN FORM OVER AND COMPLETE OTHER SIDE)

SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

# CERTIFICATE OF MAILING

I, Mart f. GEBHARDT, declare under penalty of perjury, that on the 23 day of Journber, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoi.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

WC-0001-C-2021

November 29, 2022

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT Montana Water Court

# CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME FIRST NAME MID. INITIAL 10825 MM/1 MM KO	LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX	STREET ADDRESS O	R PO BOX	
M/SSORIA MI S 1808  CITY STATE ZIP CODE	CITY	STATE	ZIP CODE
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# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

# CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

	Address, and Phone Numb	er: 2. Objector's At	torney name, add	ress, and phone number
LASTNAME FIRST	NAME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR POI	MT 59808	STREET ADDRESS OF	R PO BOX	
CITY (406)546.4349	STATE ZIP CODE	CITY OV9 ( )	STATE	ZIP CODE
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		SIGNATURE OF OBJECT	TOR OR OBJECTOR'S	S ATTORNEY

### CERTIFICATE OF MAILING

I, Bradley E. Tschida declare under penalty of perjury, that on the 297 day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

# **Objections to the CSKT Water Compact**

- 1. The CSKT Compact was passed illegally in 2015 in the Montana Legislature, as it purported to change the Montana Constitution of 1972 on a simple majority vote. In order to modify the Montana Constitution, a 2/3 majority of both Houses of the Legislature must vote in the affirmative. Therefore, the CSKT Compact is not a legal agreement in Montana.
- 2. The Montana Constitution (Article IX Section 3 (3)) states: "All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law." I am one of the people of the state, as well as the CSKT members. No one is above the other or above the law. If the CSKT have a water need, they can apply to the DNRC just as any other Montanan would.
- 3. (a)The Water Court Decree letter is vague and contains inaccuracies: it mentions the FIIP, which is an acronym for "Flathead Indian Irrigation Project". FIIP does not exist. The project is actually the FIPP, "Flathead Irrigation Power Project". This effort to change the name of this project appears to be an attempt to elevate the Tribe in the water issue over the original participants, the vast majority of whom were non-enrolled tribal members. (b) The letter refers to a Water Rights Compact ("Compact"). Is that SB 262 that came out of the MT legislature or is it the Daines Bill that came from Congress? There are differences in the bills and neither has been ratified by all parties involved; State, CSKT and federal. Which bill is the decree based on? On page one of case no. WC0001-c-2021 paragraph two it states; "The Flathead Compact defines the reserved water rights of the Tribes". "Define" means a quantification of the water for the CSKT. Neither the Daines Bill or SB 262 quantified the amount of water the Tribe needed. With that, it would be easy for the Tribe to say that my water rights take away from another's water right. How does that comport with the MT Constitution?
- 4. The Water Court letter asks me to defend my current water rights, but it doesn't ask about any future development that could require more water. I'm reasonably certain that the CSKT will have needs for additional water for future developments for increased population, industrial and agricultural needs. That would apply to me as well.

# **ELECTRONICALLY FILED**

WC-0001-C-2021

November 29, 2022

# Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATIED SALISH AND KOOTENAL TRIBES MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number: Bey block Deloces M	2. Objector's Att	omey name, addi	ress, and phone number:
LAST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX  ONE V  OGS77	STREET ADDRESS OR	PO BOX	
CITY STATE ZIP CODE (406) 8812274 Lee benbrook @gmail.com	CITY	STATE	ZIP CODE
PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAIL	
on which the objection(s) are based. (Use additional provided of the Flathead County Allin 1997 and disc. Haw by arder, and occasionally animal the time. This compact goes against the Market of the CSKT from taking our words. If you are objecting to a specific water right number and the water source. If you are objecting to more than water right number.	s. We filed our we Is. We filed ar of Constitut. Ater cights au c, identify the water	Il. Thewater alpaid for o on There's ay if they	ar water rights at we provision to deem necessary
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CERTIFICATE OF MAILING

L. Delores Ben blook. declare under penalty of perjury, that on the 29 day of November., 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker

Confederated Salish & Kootensi
Tribes
Tribel Legal Department
PG-Bez 278

Pablo, MT 59855

objections@cskt.org

U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
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Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Please send this completed original to:

Montana Water Court PO Box 1389 Bozeman, MII 59771-1389

or II-mail: watercourt@int.gov

Questions? Call the Montana Water Court at 1-500-624-3270 or (406) 556-1364.

WC-0001-C-2021

# IN THE WATER COURT OF THE STATE OF MONTANA November 29, 2022 CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT Montana Water Court

# CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

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TROOT CREEK MT. 5987	STREET ADDRESS OR	. FO BOX	
TROOT CREEK MT. STATE ZIP CODE	CITY	STATE	ZIP CODE
(406) 827 5678 RONTHOMAS & BLACKFOOT.			an cont
PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAIL	
3. State the specific part(s) of the Preliminary on which the objection(s) are based. ( <i>Use additional content of the preliminary and the part of the preliminary are based.</i> ( <i>Use additional content of the part of the part</i>	itional paper if necessary IS OF THE COMPACT THA TER RIGHTS OR THEIR AC	) T RELATE TO THE DMINISTRATION"	
and the water source. If you are objecting to m	number, identify the wat	er right number,	
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	number, identify the wat nore than one water right Page numb	er right number,	parate form for each

# CERTIFICATE OF MAILING

I, RONALD R.	THOMAS	declare under penalty of perjury, that on the 2514 day of
NOVEMBER	, 2022, I m	nailed a copy of this Objection postage prepaid, addressed to the
following attorneys fo	r the Federal, Sta	ate, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections a cskt.org
Objections & Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections & Confederated Salish &

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver enrel a usdo gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saveami.gov

Jean. Saye @ mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or E-1

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

3. The water court has asked us to defend our current water rights. The Montana Constitution Article 1X Section 3 (3) States "All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law." We are those persons of the state as well as the CSKT members. No one is above the other. If the CSKT have a water need they can apply to the DNRC just as any other Montanan. Diverting water from my property jeopardizes my existence to live on the property and future endeavors I have for my property. Placing my water right in a junior position and diverting the water will cause my property value to decrease which in turn will cause your tax revenue to decrease.

WC-0001-C-2021

November 29, 2022

Montana Water Court

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

# CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

Windle Douglas R.  LAST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
Box 1606			
STREET ADDRESS OR PO BOX Trout Creek, MT 59874	STREET ADDRESS O	R PO BOX	
CITY STATE ZIP CODE ( 360 ) 631-6614 dougwindle@usanet	CITY ()	STATE	ZIP CODE
PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAIL	
ocated at SWNENE S22 T24N, R31W in Sanders Corest.	Journey of National I C	, out and darminote	
rolest.			
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# CERTIFICATE OF MAILING

I, Douglas Windle		declare under penalty of perjury, that on the 29	_day of
November	, 2022, I	mailed a copy of this Objection postage prepaid, addresse	d to the
following attorneys	for the Federal, S	tate, and Tribal Agencies:	

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Ouestions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

This is a formal objection regarding the water rights claim 76N 133270-00 (issuing permit #5290-01) which is a spring located at SWNENE S22 T24N, R31W in Sanders County on National Forest and administered by the Kootenai National Forest. The aforementioned spring and water system has been in use since about1925 as the sole and/or primary water source for the Honey Flat (S22 T24 R31W, PLAT B1). This primary water source is used for domestic purposes including households, garden irrigation, livestock watering. The spring produces approximately 10 gpm of water and the overflow from the holding tank provides water for the resident wildlife. Article IX Section 3 of the Montana Constitution, in part, states "...all surface, underground, flood, and atmospheric water within the boundaries of the state are the property of the state for the use of its people .... The legislature shall provide for the administration, control and regulation of water rights..."

A change to the administration of water rights could negatively impact our current water-use permit. Any diversion or repurposing of the water from spring WOULD negatively impact our current water rights, livelihood and day-to-day life.

Montana Water Court PO Box 1389 Bozeman, MT 59771-1389 1-800-624-3270 (In-state only) (406) 586-4364 PAX: 522-4131 FILED
APR 23 2007

Montana Water Court

CLAIMANT: Jerome D. Windle Shirley C. Windle 76N 133270-00

# NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Clerk of the Montana Water Court on the above stamped date. <u>Please carefully review this Report.</u>

If you disagree with the Master's Findings of Fact, Conclusions of Law, or Recommendations; or if there are errors in the Report, you may file a written objection to the Report within 10 days from the above stamped date. (Rule 23, Water Right Adjudication Rules.) If you file an objection, you must also mail a copy of the objection to all the other parties on the Service List found at the end of the Master's Report. The original objection and a certificate of mailing to the parties on the Service List must be filed with the Water Court. If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

### MASTER'S REPORT

On April 3, 2007 Jerome D. Windle and Shirley C. Windle filed a Verified Motion to Amend Water Right Claim 76N 133270-00 pursuant to section 85-2-233(6), MCA. The requested amendment is a correction to the township number specified in the place of use legal description. The erroneous township locates the place of use for this right

# Grizzly Bear Management and Protection Plan

for

A Water Transmission System Special Use Permit,

### Jerry Windle

This plan will address the grizzly bear management concerns specific to this special use authorization. This special use permit is for a buried 430 foot waterline plus concrete springbox. The water system is located in a first order stream located in the SW1/4SE1/4SE1/4, section 15, T24N R31W P.M. MT. A spring provides water to the headbox but becomes subsurface on Honey Flat. These improvements are in Management Area 10, Management Situation 3, of the Kootenai National Forest Land and Resource Management Plan, as amended. This special use authorization is in a spring foraging habitat as it has a SW aspect and is approximately 2400 feet in elevation.

The management concerns and objectives in this area are eliminating human-grizzly conflicts and disturbances caused by machinery and noise during the spring foraging period up to June 30 of each year. To accomplish this, this management plan is attached herto and made a part of the special use authorization:

- No new construction, or reconstruction, associated with this permit on NF lands will be permitted between April 1 and June 30 of each year without written permission from the District Ranger, 2693 Hwy 200, Trout Creek, Montana 59874.
- 2) Holder will notify the District Ranger prior to any work projects planned for the waterline and springbox on National Forest lands, regardless of the time of year the project is planned to take place.
- 3) Holder is requested to notify the District Ranger immediately if any grizzly bear or grizzly bear sign is sighted in the area of this permit.

ROBERT L. SCHRENK Forest Supervisor Date

JERRY WINDLE

Date

U. S. DEPARTMENT OF AGRICULTURE Forest Service	Holder No.   <u>5 2 9 0-0 1</u>	Issue Date 03/19/97	Expir. Date 1 2/3 1/0 6
	Type Site(s)	Authority	Auth. Type
Authority: FEDERAL LAND POLICY AND MANAGEMENT ACT	Region/Forest/District 0 1/1 4 / 0 7		State/County   3 <u>0</u> / <u>0</u> <u>8 9</u>
OCTOBER 21, 1976	Cong. Dist.	Latitude 4 7-4 5-0 0	Longitude   <u>1 1 5-3 2-0 0</u>

<u>Jerry Windle</u> of <u>P.O. Box 66, Fort Shaw, MT 59443</u> (hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the conditions set out below, on the <u>Kootenai</u> National Forest, Cabinet Ranger District.

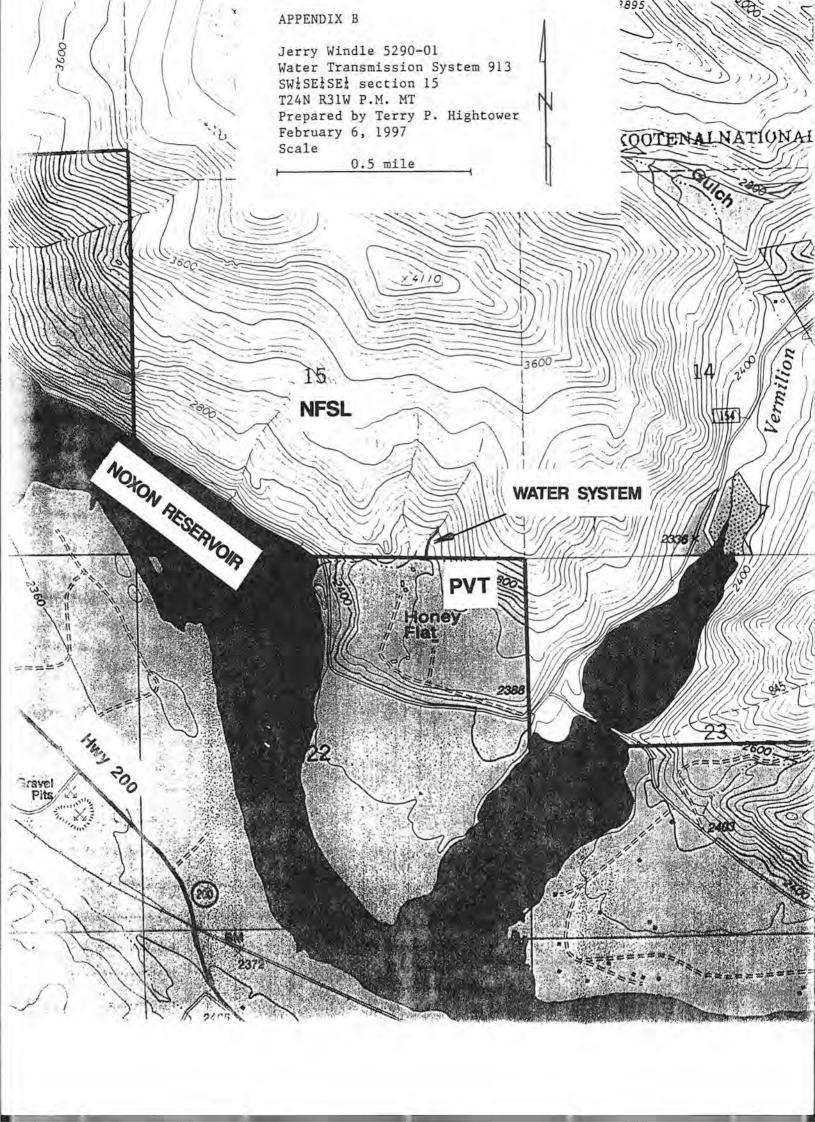
This permit covers 0.10 acres (430 ft. with a 10 ft. r.w.) and/or 0.08 miles and is described as SW1/4SE1/4SE1/4, Section 15, T24N, R31W, P.M., MT. as shown on the location maps (Appendices A & B) attached to and made a part of this permit, and is issued for the purpose of: water collection and transmission. The water system is comprised of a concrete head box (ca. 4' x 4'x 6') with 430 feet of buried, 1.5 inch plastic waterline. The system has been in existence since about 1925.

The above described or defined area shall be referred to herein as the "permit area".

### TERMS AND CONDITIONS

- I. AUTHORITY AND GENERAL TERMS OF THE PERMIT
- A. <u>Authority</u>. This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.
- B. <u>Authorized Officer</u>. The authorized officer is the Forest Supervisor or a delegated subordinate officer.
- C. <u>License</u>. This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.
- D. <u>Amendment</u>. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions.
- E. Existing Rights. This permit is subject to all valid rights and claims of third parties. The United States is not liable to the holder for the exercise of any such right or claim.





WC-0001-C-2021

November 29, 2022

Montana Water Court

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone N	Number: 2. Objector's Nan	Tammy	r none radino	CI.
P.O. BOX 127	LAST NAME	FIRST NAME	MID. INITIAL	-
STREET ADDRESS OR PO BOX	STREET ADDRESS OR	PO BOX	-	11
Hotsprings MT 598			59845	
W. ( ) De ( )		011110	Carcara O C	mil
PHONE NUMBER E-MAIL	PHONE NUMBER	377 dirky E-MAIL	. osma og	rul i
on which the objection(s) are based. (Use a See Attachment	additional paper if necessary	)		
and the water source. If you are objecting t				
and the water source. If you are objecting t water right number.  Water Right #: 76 L 95802-co	to more than one water right	number, use a se	parate form fo	
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### CERTIFICATE OF MAILING

We, <u>Dirk F. and Tammy Roosma</u>, declare under penalty of perjury, that on <u>the 29th</u> day of <u>November</u>, 2022, I Emailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean Saye@mt.gov

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

SIGNATURE FOR CERTIFICATE, OF MAILING

or

E-mail: watercourt@mt.gov

Ouestions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

Dirk F and Tammy Roosma P.O. Box 127 Hot Springs, MT 59845

# Legal Description:

SW1/4SW1/4 of Section 36, Township 22 North, Range 24 West, P.M.M Sanders County, Montana, containing 20.066 acres. Conveyed in Micro NO. 35552 of Deeds.

# Description of Objections

- 1) Dirk F. Roosma and Tammy Roosma have provided Notice of Acceptance and Declaration of Land Patent for this parcel, Land Patent #329540. Patented land is a form of proof of absolute title to land of the United States. This party claims absolute title to the land, together with all hereditaments, tenements, and pre-emptive rights appurtenant thereto. We object to any encroachment of our water rights supporting this land, its operations, and its future operations.
- 2) We object to the committee discussion during the Montana state legislative session to consider the CSKT-MT Water Compact bill in 2015, but deny comments from the public through parliamentary procedure. This denial harmed us.
- 3) We object that the Montana state legislature allowed passage of the CSKT-MT Water Compact bill by a simple majority, when this bill is in direct conflict with the Montana State Constitution. This legislation required a 2/3-majority vote for passage. Any alteration of the Montana Constitution without a clear representative approval harms us. Article IX Section 3 Montana Constitution (in part) "All surface water, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people..."
- 4) We object to any assertion of a reduction in water rights of flow rate or volume for water rights on this property. "We unequivocally deny and object to any changes to our Water Right Claims by the State of Montana through any legislative process, through any administrative process, or through the courts. These Water Rights are attached to the land and supersede any authority revoking them, relinquishing them, reducing them, restricting them or dismissing them. We do not agree to any reduction in flow, to any reduction in the period of diversion of use, or any re-interpretation of terms in regard to them." Any alterations in our water rights harm us.
- 5) Water Right Number 76L 95802-00 has an enforceable priority date October 17, 1995. It has been in active use since that time. We object to any effort the state, federal government, or Tribe(s) may have (legislatively, judicially, or executively) to alter those rights. More than a reasonable period of time has elapsed since issuance of these rights for the state, federal government, or Tribe(s) to object to them in any form. Failing to do so in a reasonable time period results in a denial of any consideration to alter them. Dismissing a formal or informal notice of objection period over a reasonable period of time harms us.

- 6) Water Right Number 76L 95802-00 is a right issued by the state. We object to the State providing a Right and then treating it like a privilege. Article IX of the Montana Constitution identifies waters within the state to be the property of the State. It furthers states that the water is to be appropriated for the beneficial use of its citizens. The state cannot take a right from a citizen if the citizen has been faithful in meeting the terms and conditions under which the right was issued. We have been faithful in meeting the flow, volume, use, point of diversion, and period of use. Banning abuse or non-use of the water right, the state has no means to suspend our use of our water right(s). It is not a "conditional" water right. It has never been a "conditional" water right. To suggest that a Senior Water Right is now "conditional" harms us.
- 7) Water Right Number 76L 95802-00 is a right issued by the state. We object to the State granting a water right and then usurping the granting of the water right. Article IX of the Montana Constitution identifies waters within the state to be the property of the State. It furthers states that the water is to be appropriated for the beneficial use of its citizens. By usurping this granting of water usage (right), we consider this an unauthorized assumption of power that infringes on our rights. To retract a grant, when the terms have been met by the grantee, has harmed us.
- 8) We believe that the granting of the above water right(s) was a "grant of value" to the land and the assignees, their heirs, or successors. To remove this "grant" of water usage by altering it in any form reduces the value that we, as property owners, place on the land. It further reduces the value it may command in the market. Any direct reduction in value associated with a state action (through flow, period of use, conditional use, volume, etc) is considered a "taking" and as property owners we must be justly compensated. Federal law recognizes a "taking" as an eminent domain action and case law in support of it. To retract a grant, when the terms have been met by the grantee, will harm us.
- 9) We object to the Compact because we believe that the CSKT-MT Water Compact is not fair and reasonable to those parties and the public that were not represented in the negotiations. We have interests that ARE materially injured by the operation of the Compact. Note specifically, that all owners/grantees of Water Rights issued by the State of Montana with irrigation flows over 100 GPM in the affected basins were never noticed.
- 10) An Environmental Impact Assessment (EIA) should have been conducted before this Compact was considered for adoption. An EIA is required if a federal action is deemed to have a potential to considerable impact on the environment or social contexts. There is no question a socio-economic impact is occurring on individuals, businesses and the communities as a whole. An environmental impact needs to be conducted in regard to the proposed larges-scale reallocation of water in the area, both on and off reservation. We object to the absence on an environmental impact assessment prior to consideration and adoption of the Compact. Its absence harms us.
- 11) Our water rights support irrigation of agricultural lands that have supported grazing of livestock and agricultural production for at least 127 yrs. Any reduction in irrigation flow, volume, or period of use will result in a reduction of available water to property owners that may own a subdivided portion of these lands in the future. This harms us.
- 12) Our property has a well, by law we are allowed to enjoy flow up top 35 gpm and volume up to 10-acre ft per year per well. As property owners, we have an expectation that we (or our heirs or successors) will seek and use additional groundwater for beneficial use on any part of the land. These uses may include increased domestic use, stock use, irrigation use, energy use, commercial use, etc.

The use may vary or expand over generations. The right of private property ownership is to expect and anticipate change and evolution of activities on the land. Any limitation or prohibition to that natural right of private property use due to a limitation of our "granted" water right will harm us. I object to any counter position in regard to my future rights on this land (and the appropriation of the waters for the beneficial use of Montana's citizens.)

143 Our current well is used to support our home, dental practice, dental lab, livestock, lawn and gardens.

14) Our rights are based on the following.

Hellgate Treaty of 1855: Art. VI (in part) "The President may...cause the whole, or said portion of such reservation, to be surveyed into lots, and assign the same as such individuals of families of the said confederated tribes as are willing to avail themselves of the privilege,...on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas..."

Art. VI of the Omaha Treaty 1854 (in part) "And the residue of the land hereby reserved, ..., after all of the Indian persons or families shall have had assigned to them permanent homes, may be sold for their benefit, under such laws, rules or regulations, as may hereafter be prescribed by the Congress or President of the United States.

**Dawes Act or "General Allotment Act" 1887** "An act to provide for the allotment of lands in severalty to Indians on the various reservations,"...

Flathead Indian Reservation Allotment Act of 1904 "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment."

**Indian Citizenship Act of 1924** Can the United States have an Art. VI Treaty with a group of its own citizens?

**Indian Reorganization Act of 1934** "BE IT ENACTED..., That hereafter no land of any Indian reservation...shall be allotted in severalty to any Indian."

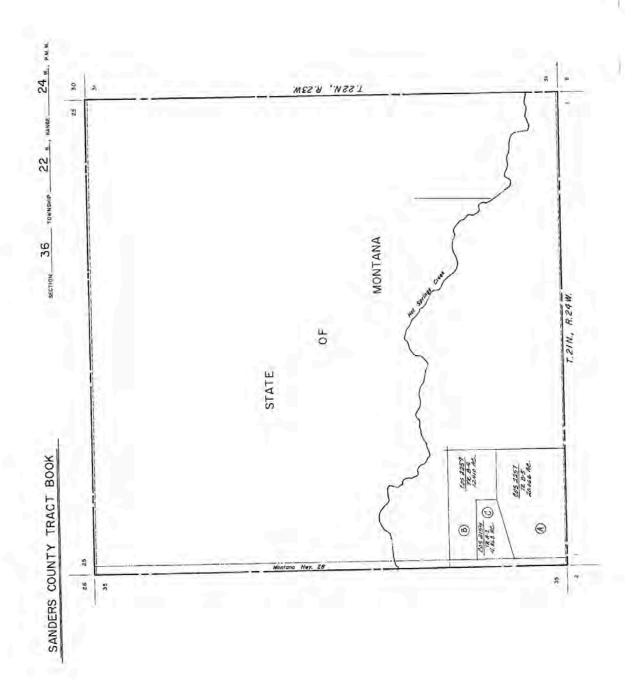
Section 3. The Secretary of the Interior...is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened ... Provided, however, *That valid rights or claims of any persons to any lands so withdrawn...shall not be affected by this Act:...* 

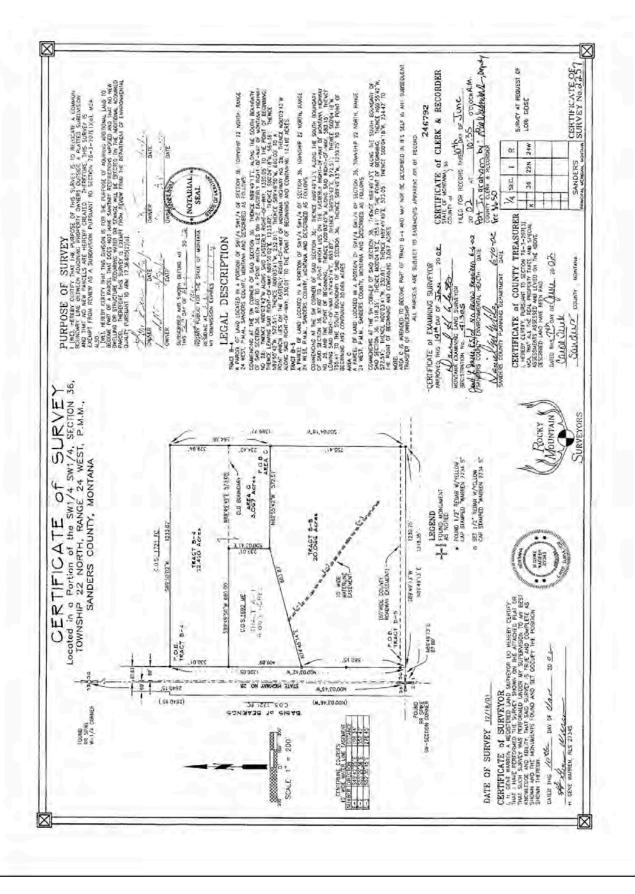
Definition of "Flathead Indian Reservation" embraced in the proposed CSKT Water Compact: "ALL land within the exterior boundaries of the Indian Reservation established under the July 16, 1855 Treaty of Hellgate (12 Stat. 975), notwithstanding the issuance of any patent, and including rights-of-way running through the Reservation."

Art. I of Montana Constitution (in part) "...all lands owned or held by any Indian or Indian tribes shall remain under the absolute jurisdiction and control of the congress..."

Art. IX Sec. 3 Montana Constitution (in part) "All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people..."

"The legislature shall provide for the administration, control and regulation of water rights..."





WC-0001-C-2021

November 29, 2022

Montana Water Court

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

# CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

HEMMER MICHAEL J LAST NAME FIRST NAME MID INITIAL		**************************************
LAST NAME FIRST NAME MID. INITIAL POR 185	LAST NAME	FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX MI STORY  STREET ADDRESS OR PO BOX  MI S9925	STREET ADDRESS O	R PO BOX
CITY STATE ZIP CODE (253)740-7176 Mshemmer406 Q gmail.	CITY (On)	STATE ZIP CODE
PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAIL
water rights to water j	that originate	s off Tribal lands.
4. If you are objecting to a specific water right nu	mher identify the wa	tor right number deemes need number
and the water source. If you are objecting to more water right number.	than one water right	number, use a separate form for each
and the water source. If you are objecting to more water right number.	than one water right	number, use a separate form for each
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### CERTIFICATE OF MAILING

I, Michael	Themma, declare under penalty of perjury, that on the 29th day of
_	, 2022, I mailed a copy of this Objection postage prepaid, addressed to the
following attorneys for th	ne Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Please send this completed original to:

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Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

WC-0001-C-2021

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### CASE NO. WC-0001-C-2021

## NOTICE OF OBJECTION AND REQUEST FOR HEARING

AST NAME FIRST NAME PO Box 985	MID. INITIAL	LAST NAME	FIRST NAME MID. INITIAL
TREET ADDRESS OR PO BOX	nat Cocac	STREET ADDRESS OR	PO BOX
Marion	MT 59925 STATE ZIP CODE	CITY	STATE ZIP CODE
253)740.7176 MS	hemmer 406@ gmaile		
HONE NUMBER	E-MAIL	PHONE NUMBER	E-MAIL
<b>~</b> ; .1 •			
			tify the specific ground(s) and evidence
	are based. (Use addition		· ·
	be portion of	the Decree	That grants The CKS
warter rights	to water th	et originates	off Tribal lands.
<del>/ - · · · · · · · · · · · · · · · · · · </del>	· · · · · · · · · · · · · · · · · · ·		
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nd the water source. If you attenties a right number.  Vater Right #: 76 4	ou are objecting to more to 34212 00	than one water right in the Page number	number, use a separate form for each
ater Right #: 76 L	ou are objecting to more to 34212 00	Page number Source:	number, use a separate form for each

(TURN FORM OVER AND COMPLETE OTHER SIDE)

### CERTIFICATE OF MAILING

I, Michael	T Henner, declare under penalty of perjury, that on the 24 day of
November	, 2022, I mailed a copy of this Objection postage prepaid, addressed to the
following attorneys for the	e Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Please send this completed original to: Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

WC-0001-C-2021

November 29, 2022

Montana Water Court

### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

### CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

Windle Douglas R.  LAST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
Box 1606			
STREET ADDRESS OR PO BOX Trout Creek, MT 59874	STREET ADDRESS O	R PO BOX	
CITY STATE ZIP COI ( 360 ) 631-6614 dougwindle@usanet	DE CITY	STATE	ZIP CODE
PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAIL	
tes "all surface, underground, flood, and atm	garden irrigation. Art IX Sonspheric water within the	ec 3 of the Montana boundaries of the s	tate are the prope
tes "all surface, underground, flood, and atm te The legislature shall provide for the admi ministration of water rights or diversion could n 4. If you are objecting to a specific water right and the water source. If you are objecting to	garden irrigation. Art IX So nospheric water within the inistration, control and reg egatively impact our curre nt number, identify the w	ec 3 of the Montana boundaries of the s ulation of water righ nt water-use permit ater right number,	Constitution, in p tate are the prope hts" A change to t. decree page num
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### CERTIFICATE OF MAILING

I, Douglas Wind	dle, declare under penalty of perjury, that on the 29 day of
November	, 2022, I mailed a copy of this Objection postage prepaid, addressed to the
following attorneys for th	e Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

**Montana Water Court** 

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

#### STATE OF MONTANA

### DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

### CERTIFICATE OF WATER RIGHT

UPON FINDING THE REQUIREMENTS OF SECTION 85-2-301, MCA, HAVE BEEN MET, THIS CERTIFICATE OF WATER RIGHT IS GRANTED.

Water Right Number:

76N 30042852 GROUND WATER CERTIFICATE

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

JEROME D WINDLE

PO BOX 1606

TROUT CREEK, MT 59874

SHIRLEY C WINDLE

PO BOX 1606

TROUT CREEK, MT 59874

**Priority Date:** 

JULY 28, 2008 at 11:23 A.M.

Enforceable Priority Date: JULY 28, 2008 at 11:23 A.M.

Purpose (use):

DOMESTIC

**Maximum Flow Rate:** 

16.00 GPM

Maximum Volume:

1.00 AC-FT

Source Name:

**GROUNDWATER** 

Source Type:

**GROUNDWATER** 

Point of Diversion and Means of Diversion:

ID

**Govt Lot** 

Qtr Sec

W2E2NE

County

SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name:

**GROUNDWATER** 

**Diversion Means:** 

WELL

Well Depth:

200.00 FEET

Static Water Level: 144.00 FEET Casing Diameter: 6.00 INCHES

Purpose (Use):

DOMESTIC

Households:

1.00 AC-FT

Volume: Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

ID

Acres Govt Lot

Qtr Sec W2F2NF

County SANDERS

### **BACKFLOW PREVENTOR**

PURSUANT TO SECTION 85-2-505, MCA, TO PREVENT GROUND WATER CONTAMINATION, AN OPERATIONAL BACKFLOW PREVENTOR MUST BE INSTALLED AND MAINTAINED BY THE APPROPRIATOR IF A CHEMICAL OR FERTILIZER DISTRIBUTION SYSTEM IS CONNECTED TO THE DIVERSION MEANS.

> THIS CERTIFICATE IS SUBJECT TO ALL PRIOR EXISTING WATER RIGHTS IN THE SOURCE OF SUPPLY.

FAILURE TO COMPLY WITH ANY OF THESE TERMS AND CONDITIONS MAY RESULT IN THE LOSS OF THIS

CERTIFICATE OF WATER RIGHT.

Witness Signature

DATE ISSUED: AUGUST 8, 2008

Water Resources Division

MAILED 11/29

**ELECTRONICALLY FILED** 

### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

WC-0001-C-2021

November 29, 2022

CASE NO. WC-0001-C-2021

Montana Water Court

NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME FIRST NAME MID. INITIAL  3030 White Fish Stage  STREET ADDRESS OR PO BOX	2. Objector's Attorney name, address, and phone number
STREET ADDRESS OR PO BOX	
KALISPELL MT S9901	STREET ADDRESS OR PO BOX
PHONE NUMBER JOISON 57@ q mail	
Col	PHONE NUMBER E-MAIL
on which the objection(s) are based. (Use additional	ee objected to. Identify the specific ground(s) and evidence larger if necessary)
	per, identify the water right number, decree page number, an one water right number, use a separate form for each
4. If you are objecting to a specific water right number and the water source. If you are objecting to more the water right number.  Water Right #: 7613 3000 7991  (One Number Per Form)	per, identify the water right number, decree page number, an one water right number, use a separate form for each  Page number in Decree.  Source:

### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

### CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME FIRST NAME MID. INITIAL 3030 WILLIES STREET ADDRESS OF ACCE.	LAST NAME	FIRST NAME	ress, and phone numb
STREET ADDRESS OR PO BOY			MID. INITIAL
KALISPELL MT 59901	STREET ADDRESS OR	PO BOX	
406) 270-8104 STATE ZIP CODE	CITY	STATE	
HONE NUMBER E-MAIL 9 MO		JIMIE	ZIP CODE
CC	PHONE NUMBER	E-MAIL	
<ul> <li>State the specific part(s) of the Preliminary Den in which the objection(s) are based. (Use addition</li> </ul>			
n which the objection(s) are based. (Use addition	eree objected to. Ident	ify the manife	
which the objection(s) are based. (Use addition	21c	my me specific 8	round(s) and eviden
- (OSO MEMILION	at paper if necessary)		
. If you are objecting to a service			
. If you are objecting to a specific water right nur	ther identify at		
. If you are objecting to a specific water right nur	nber, identify the water	er right number.	decree page number
. If you are objecting to a specific water right nur nd the water source. If you are objecting to more vater right number	aber, identify the water	er right number,	decree page number,
<ol> <li>If you are objecting to a specific water right nur and the water source. If you are objecting to more vater right number.</li> </ol>	nber, identify the wate than one water right n	er right number, number, use a sep	decree page number,
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Vater Right #: 7/e/ / 3/2007/30	Page numbe	r in Decree.	marate form for each
Vater Right #: 7/6/ / 3/2007/30	Page numbe Source:	r in Decree.	anaic form for each
Vater Right #: 7/e/ / 3/2007/30	Page number Source:  DATED this 29 th day	y of Novemb	OCA_, 2022.
Vater Right #: 7/6/ / 3/2007/00	Page number Source:  DATED this 29 th day	y of Novemb	OCA_, 2022.
4. If you are objecting to a specific water right nursed the water source. If you are objecting to more water right number.  Water Right #: 1665 30007991  (One Number Per Form)	Page numbe Source:	y of Novemb	OCA_, 2022.

(TURN FORM OVER AND COMPLETE OTHER SIDE)

Page 2 of 2 General Abstract

STATE OF MONTANA

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

### GENERAL ABSTRACT

Water Right Number:

76LJ 30007991 GROUND WATER CERTIFICATE

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

JON A OLSON

3030 WHITEFISH STAGE RD KALISPELL, MT 59901-6766

JANICE M OLSON

3030 WHITEFISH STAGE RD KALISPELL, MT 59901-6766

**Priority Date:** 

SEPTEMBER 18, 2003 at 03:53 P.M.

Enforceable Priority Date: SEPTEMBER 18, 2003 at 03:53 P.M.

Purpose (use):

DOMESTIC

STOCK

Maximum Flow Rate:

THIS RIGHT IS LIMITED TO THE ACTUAL AMOUNT USED UP TO 35 GALLONS

PER MINUTE.

Maximum Volume:

THIS RIGHT IS LIMITED TO THE ACTUAL AMOUNT USED UP TO 10 ACRE-FEET.

Source Name:

GROUNDWATER

Source Type:

GROUNDWATER

Point of Diversion and Means of Diversion:

ID 1 Govt Lot

Qtr Sec Twp Rge County

S2NENESE

29N 21W FLATHEAD

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Well Depth:

160.00 FEET

Static Water Level: 99.00 FEET

Casing Diameter: 6.00 INCHES Flowing:

NO

Pump Size:

1.50 HP

Purpose (Use):

DOMESTIC

Households:

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

ID 1

Govt Lot

Twp 29N

Rge County 21W FLATHEAD

Purpose (Use): Period of Use: STOCK JANUARY 1 to DECEMBER 31

Place of Use:

ID

Acres Govt Lot

Qtr Sec

Qtr Sec

S2NENESE

Twp Sec

Rge County

S2NENESE

FLATHEAD 21W 29N

To whom it may concern:

Water Rights76LJ 30007991

My name is Janice Olson and I am writing on behalf of myself and my husband, Jon Olson, to object to the ratification of the Flathead Tribal Water Compact.

As property owners with a well and certified water rights for Basin 76L in Flathead County, we received notification of the compact and the objection process some 5 months ago. We have domestic and stock rights with 35 gallons per minute being used for lawn, garden, and livestock at times. However, the property has a history of farming and has been irrigation and livestock water usage with faster flow rate(s) from past wells.

As we spoke with other water-right-holding landowners, we were surprised only a fraction of the potentially impacted were notified. Calling the DNRC wasn't much help either, as we were told to throw the notice away because it wouldn't affect us. Yet, it is difficult to see how the compact wouldn't impact our water usage since our well taps into an included basin. Effectively, the rights of hundreds of thousands of non-Tribal members are to be unconstitutionally given to the jurisdiction of tribal management, and suspiciously, most still have never been officially notified. Whether this was a product of mismanagement or a swift and secretive process by which the federal government gains ownership of Montana's water rights through a trojan horse of Tribal rights is debatable.

Limiting the court's review of the compact to appendix 38 makes it impossible to have thorough discussions between officials and the public on the impact of this change of ownership. And, since there Haven't been any impact studies done, there isn't even enough information to formulate an objection.

The Flathead Water compact is the only compact in the state not to define how much water is needed to fulfill the purpose and need of the reservation. Some have estimated 30-40 million acre-feet of water per year are ceded in this compact, which is four times greater than the water ceded to all tribes in the United States and one hundred and forty-five times greater than the national tribal average. Without quantifying a volume and flow rate for the reservation, the compact provides an invitation for absolute ownership, in memoriam. The public has been left in the dark and told to stay there.

Ratifying this compact is wholly unconstitutional. Article IX Section 3 of Montana's Constitution clearly states, "All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state and for the use of its people." It also constitutionally provides that the legislature administers, control, and regulate Montana water rights. However, the Flathead Water Compact cedes those constitutionally protected "surface, underground, flood, and atmospheric waters" to an unelected administrative body not beholden to the voice of Montanans. Do not ratify.

Sincerely, Janice and Jon Olson

CERTIFICATE OF MAILING

I, JANICE OSON, declare under penalty of perjury, that on the 29th day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoi.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

SIGNATURE FOR CERTIFICATE OF MAILING

or E-

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

### CERTIFICATE OF MAILING

1	$\circ$ '
	. declare under penalty of perjury, that on the 39 day or
November	, 2022, I mailed a copy of this Objection postage prepaid, addressed to the
following attorneys for	the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
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999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

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Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

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ELECTRONICALLY FILED

### IN THE WATER COURT OF THE STATE OF MONTANA WC-0001-C-2021 CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT November 29, 2022

CASE NO. WC-0001-C-2021

Montana Water Court

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:	2. Objector's A	torney name add-	
DISON JANICE M	00,00001 0 11	torney name, audi	ress, and phone number
3030 White Fish Stage STREET ADDRESS OR PO BOX	LAST NAME	FIRST NAME	MID. INITIAL
KALISPELL MT 59901	STREET ADDRESS O	R PO BOX	
(406) 249-1797 STATE ZIP CODE PHONE NUMBER J 01500576 9MAIL	. \	STATE	ZIP CODE
D-MAIL /	PHONE NUMBER	E-MAIL	
on which the objection(s) are based. (Use additional	pupor y necessur	y)	
4. If you are objecting to a specific water right num and the water source. If you are objecting to more that water right number.  Water Right #: 766 101300 - 00 (One Number Per Form)	man one water right	ater right number, number, use a sep per in Decree.	decree page number, parate form for each
	DATED this 39	hay of November	<u>E.P.</u> , 2022.
	SIGNATURE OF OBJECT	CTOR OR OBJECTOR'S	ATTORNEY
(TURN FORM OVER A	ND COMPLETE	OTHER SIDE)	

### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

### CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME FIRST NAME MID. INITIAL			ress, and phone number
3030 whitefish STAGE	LAST NAME	FIRST NAME	MID. INITIAL
CALISPELL MT 59901	STREET ADDRESS OF	PO BOX	
(406) 270-8104 STATE ZIP CODE PHONE NUMBER JOISON 57@ 9MA	CITY	STATE	ZIP CODE
E-MAIL /	PHONE NUMBER	E-MAIL	
4. If you are objecting to a specific water right			
and the water source. If you are objecting to me	number, identify the war	er right number,	decree page number,
water right number.	number, identify the war ore than one water right	ter right number, number, use a se	decree page number, parate form for each
4. If you are objecting to a specific water right and the water source. If you are objecting to mowater right number.  Water Right #: 76 LJ 101300-00 (One Number Per Form)	ore man one water right	ter right number, number, use a sej er in Decree.	decree page number, parate form for each

(TURN FORM OVER AND COMPLETE OTHER SIDE)

### STATE OF MONTANA

### DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

### GENERAL ABSTRACT

LIZA

Water Right Number:

76LJ 101300-00 PROVISIONAL PERMIT

Version: 1 - ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

JANICE MOLSON

3030 WHITEFISH STAGE RD KALISPELL, MT 59901-6766

JON A OLSON

3030 WHITEFISH STAGE RD KALISPELL, MT 59901-6766

**Priority Date:** 

JULY 23, 1997 at 08:30 A.M.

Enforceable Priority Date: JULY 23, 1997 at 08:30 A.M.

Purpose (use):

IRRIGATION

Maximum Flow Rate:

60.00 GPM

Maximum Volume:

52.50 AC-FT

Maximum Acres:

20.05

Source:

Source Name:

GROUNDWATER

Source Type:

GROUNDWATER

### Point of Diversion and Means of Diversion:

Govt Lot

Qtr Sec

Rge County

NENESE

FLATHEAD

Diversion Means: WELL Well Depth:

158.00 FEET Static Water Level: 94.00 FEET

Casing Diameter: 6.00 INCHES

Pump Size:

5.00 HP

Period of Diversion:

APRIL 1 to OCTOBER 15

Purpose (Use):

IRRIGATION

Govt Lot

Irrigation Type:

SPRINKLER

Volume: Period of Use:

52.50 AC-FT APRIL 1 to OCTOBER 15

Place of Use:

ID Acres 1 17.63 2 2.42

Sec Qtr Sec Twp

NESE 29N 21W FLATHEAD NWSF 29N

Rge County 21W FLATHEAD

Total:

20.05

### Remarks:

### LAND DESCRIPTION CLARIFICATION

THE POINT OF DIVERSION IS LOCATED IN TRACT NO. 2EA.

### IMPORTANT INFORMATION

THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED WATER USE MEASURING DEVICE AT A POINT DESIGNATED BY THE DEPARTMENT TO ALLOW THE VOLUME OF WATER DIVERTED TO BE RECORDED. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN YEARLY RECORD OF THE VOLUME OF ALL WATER DIVERTED INCLUDING THE PERIOD OF TIME, AND SHALL SUBMIT THE RECORDS BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OR MODIFICATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SUBMITTED TO THE WATER RESOURCES REGIONAL OFFICE. CONTACT THE REGIONAL OFFICE LISTED BELOW TO OBTAIN THEIR CURRENT ADDRESS. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES VOLUME ACCURATELY. KALISPELL - PH: 406-752-2288 FAX: 406-752-2843

### WATER MEASUREMENT- FUTURE MEASURING DEVICE REQUIREMENT

AT ANY TIME AFTER THIS RIGHT IS ISSUED AND COMPETITION FOR WATER ON THE SOURCE BECOMES AN ISSUE, THE DEPARTMENT MAY REQUIRE THE APPROPRIATOR TO INSTALL A WATER USE MEASURING DEVICE AND SUBMIT RECORDS OF THE FLOW RATE AND/OR VOLUME OF WATER DIVERTED.

To whom it may concern:

Water Rights 76LJ 101300-00

My name is Janice Olson and I am writing on behalf of myself and my husband, Jon Olson, to object to the ratification of the Flathead Tribal Water Compact.

As property owners with a well and certified water rights for Basin 76L in Flathead County, we received notification of the compact and the objection process some 5 months ago. We have irrigation well rights with 60 gallons per minute being used for alfalfa and berry crop at times. However, the property has a history of farming and has been irrigation and livestock water usage with faster flow rate(s) from past wells.

As we spoke with other water-right-holding landowners, we were surprised only a fraction of the potentially impacted were notified. Calling the DNRC wasn't much help either, as we were told to throw the notice away because it wouldn't affect us. Yet, it is difficult to see how the compact wouldn't impact our water usage since our well taps into an included basin. Effectively, the rights of hundreds of thousands of non-Tribal members are to be unconstitutionally given to the jurisdiction of tribal management, and suspiciously, most still have never been officially notified. Whether this was a product of mismanagement or a swift and secretive process by which the federal government gains ownership of Montana's water rights through a trojan horse of Tribal rights is debatable.

Limiting the court's review of the compact to appendix 38 makes it impossible to have thorough discussions between officials and the public on the impact of this change of ownership. And, since there Haven't been any impact studies done, there isn't even enough information to formulate an objection.

The Flathead Water compact is the only compact in the state not to define how much water is needed to fulfill the purpose and need of the reservation. Some have estimated 30-40 million acre-feet of water per year are ceded in this compact, which is four times greater than the water ceded to all tribes in the United States and one hundred and forty-five times greater than the national tribal average. Without quantifying a volume and flow rate for the reservation, the compact provides an invitation for absolute ownership, in memoriam. The public has been left in the dark and told to stay there.

Ratifying this compact is wholly unconstitutional. Article IX Section 3 of Montana's Constitution clearly states, "All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state and for the use of its people." It also constitutionally provides that the legislature administers, control, and regulate Montana water rights. However, the Flathead Water Compact cedes those constitutionally protected "surface, underground, flood, and atmospheric waters" to an unelected administrative body not beholden to the voice of Montanans. Do not ratify.

Sincerely, Janice and Jon Olson

CERTIFICATE OF MAILING

I, JANICE OSON, declare under penalty of perjury, that on the 29th day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoi.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

SIGNATURE FOR CERTIFICATE OF MAILING

or E-

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

### CERTIFICATE OF MAILING

1	$\circ$ '
	. declare under penalty of perjury, that on the 39 day or
November	, 2022, I mailed a copy of this Objection postage prepaid, addressed to the
following attorneys for	the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
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efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
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1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
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SIGNATURE FOR CERTIFICATE OF MAILING

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PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

WC-0001-C-2021

### IN THE WATER COURT OF THE STATE OF MONTANA November 29, 2022 CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT Montana Water Court

### CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

AST NAME FIRST NAMI	MID, INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
PO Box 88 TREET ADDRESS OR PO BOX		STREET ADDRESS OF	P BO BOY	
Plains	Montana 59859	STREET ADDRESS OF	CTO BOX	
TTY	STATE ZIP CODE	CITY	STATE	ZIP CODE
406 ) 242-0625	watercourt@avilla.net			
IONE NUMBER	E-MAIL	PHONE NUMBER	E-MAII	
ease see additional pages	attached.		)	
If you are objecting to	a specific water right numbyou are objecting to more th	The same of the sa	ter right number,	
If you are objecting to	a specific water right num	The same of the sa	ter right number,	
and the water source. If vater right number.	a specific water right num	nan one water right	ter right number,	parate form for each
If you are objecting to and the water source. If water right number.	a specific water right numbyou are objecting to more the	nan one water right	ter right number, number, use a se	parate form for each

(TURN FORM OVER AND COMPLETE OTHER SIDE)

### CERTIFICATE OF MAILING

ollowing attorneys for the Federal,		stage prepaid, addressed to the
Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections weskt.org	David W. Harder U.S. Department of Justice Indian Resources Section Environment & Natural Resources Div. 999 18th St. South Terrace, Suite 370 Denver, Colorado 80202 efile denver.enrd@usdoj.gov	Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean. Savetamt.gov
		2-20

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

Dane and Jennifer Avilla Post Office Box #88 Plains, Montana 59859

Re: Water Court of the State of Montana, Case # WC-0001-C-2021; Water Right #: 76N 30114697

The information below is in support of #3 on the attached NOTICE OF OBJECTION AND REQUEST FOR HEARING.

Legal Description of property where the water right applies:

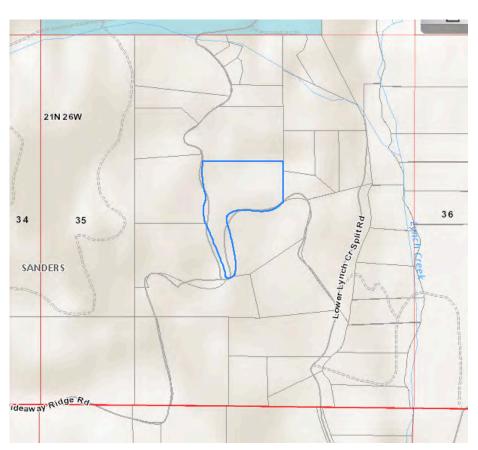
A parcel of land in Section 35, Township 21 North, Range 26 West, P.M.M., Sanders County, Montana, further described as Tract 37 on Certificate of Survey No. 50-A, on file in the office of the Clerk and Recorder of Sanders County, Montana.

The property is also described as:

Sammons Trucking, S35, T21N, R26W, Lot 037, 20.09 ac.

The property may be found at street address:

144 High Country Road Plains, Montana 59859



List of water right claim/abstracts for water right number 76N 30114697.

### **Description of Objections**

The water right was granted in 2017, but our understanding of the practice and belief is that it was in use since October 2000 when the well was initially drilled.

- 1) We object to the committee discussion during the Montana state legislative session to consider the CSKT-MT Water Compact bill in 2015, which denied comments from the public through parliamentary procedure. This denial harmed us.
- 2) We object that the Federal "Montana Water Rights Protection Act" was included in with HR133 with no discussion. This lack of representation harmed us.
- 3) We object that the Montana state legislature allowed passage of the CSKT-MT Water Compact bill by a simple majority, when this bill is in direct conflict with the Montana State Constitution. Changes to the Montana State Constitution require a 2/3 majority vote for passage. Any alteration of the Montana Constitution without a clear representative approval harms us. Article IX Section 3 Montana Constitution says (in part) "All surface water, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people..." Surrendering state property to a separate entity requires changes to the Montana Constitution, which has not been done.
- 4) We believe that the granting of the above water right was a "grant of value" to the land and the assignees, their heirs, or successors. To remove this "grant" of water usage by altering it in any form reduces the value that we, as a property owners, place on the land. It further reduces the value it may command in the market. Any direct reduction in value associated with a state action (through flow, period of use, conditional use, volume, etc) is considered a "taking" and as a property owner we must be justly compensated. Federal law recognizes a "taking" as an eminent domain action and case law supports this recognition. To retract a grant, when the terms have been met by the grantee, will harm us.
- 5) We object to the Compact because we believe that the CSKT-MT Water Compact is not fair and reasonable to those parties and Montanans that were not represented in the negotiations. We never received written notice of any steps taken during the process of implementing the Compact.

# South Hills Landowners Association DBA South Hills Water Users PO Box 1084 Polson, MT 59860

**ELECTRONICALLY FILED** 

WC-0001-C-2021

November 30, 2022

November 27, 2022 Montana Water Court PO Box 1389 Bozeman, MT 59771-1389

Montana Water Court

#### To the Court:

I am the representative of the 28 residents of the South Hills Landowners DBA South Hills Water Users. We have two wells which we own and operate providing water to all our residents. Our first well was drilled in the mid 1970's and we maintain both the wells and our pumphouse as well as provide monthly water testing which we submit to the DEQ. While we do not pretend to understand the legal description, nor the intent of the Confederates Salish and Kootenai Tribes of the Flathead Reservation ("Tribes") regarding case no WC-0001-C-2021. Our concerns are as follows:

- That now or at any future date water could be denied to existing residential or business properties currently drawing water from areas designated in the Water Rights Compact.
- That now or at any future date water use and/or availability would be so restricted, due to the Tribes rights under the Compact, or actions beyond their rights for stated purposes under the Compact, that current household and business use would be diminished.
- That now or at any future date water rights which were suspended while litigation ensued regarding the Compact would be denied to residences and businesses currently drawing water from areas designated in the Compact, regardless of the date of purchase or sale of those properties.
- That now or at any future date the purchase or sales of properties currently drawing water from the designated areas of the Compact would negate, withdraw, diminish or cause denial of water rights to said properties.

Our hope is that the Tribes intent, purpose, and ensuing actions concerning rights under the Compact result in both protecting and preserving appropriate wetlands and maintaining sufficient water, at least at current levels, for use by existing properties. Our development, which began in the early 1970s, was created with the promise of power and water to each landowner and the Compact could put our water in jeopardy. It is beyond rationality to allow an entity to control all water under all lands within, regardless of who owns such property.

Bob Lee
President
South Hills Landowners DBA South Hills Water Users
PO Box 1084
Polson, MT 59860
Ph: 847-951-9518
Blee1607@hotmail.com

WC-0001-C-2021 November 30, 2022

Montana Water Court

### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Num Anthony Bontaglell D.	NA		ress, and phone n	
LAST NAME FIRST NAME MID. INITIAL WAY E.	LAST NAME	FIRST NAME	MID. INITIAL	
STREET ADDRESS OR PO BOX	STREET ADDRESS OF	R PO BOX		
CITY (93) 2381853 tony bontadelli ed		STATE	ZIP CODE	
PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAIL	-	
4. If you are objecting to a specific water right and the water source. If you are objecting to mwater right number.	nore than one water right	number, use a sep	parate form for ea	ach
and the water source. If you are objecting to m	nore than one water right	number, use a sep	1 0	ach
and the water source. If you are objecting to me water right number.  Water Right #:	Page number Source:	number, use a sep	parate form for ea	ach

(TURN FORM OVER AND COMPLETE OTHER SIDE)

### CERTIFICATE OF MAILING

I, Anthony Bontalew, declare under penalty of perjury, that on the 21st day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNAPURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

November 21, 2022 Montana Water Court PO Box 1389 Bozeman, MT 59771-1389

I, Anthony Bontadelli, have objections to the Preliminary Decree Case No. WC-0001-C-2021. Please see my attached Notice of objection and request for hearing form. I own the property 843 Bayview Drive with 75 feet shoreline on Flathead Lake in Polson.

I am objecting to page 11, Part III C.1.h. The Tribes have the right to all naturally occurring water necessary to maintain the level of the entirety of Flathead Lake. Naturally occurring water should be allowed to be used by all the people of Montana and not owned by the Tribe.

I am objecting to page 29. Part IV. B.4. In the event, after the Effective Date, the Montana legislature substantively amends or repeals any of the sections... the Tribes and DNRC shall meet... to determine if they can agree.... In the event that the Tribes and DNRC are unable to agree, the provisions of State law.... shall remain in effect. If there is disagreement then they should continue to work until an agreement is established or a 3rd part should mediate to get to an agreement.

I am individually affected by the Compact. If the level of Flathead Lake were purposefully dropped below the normally occurring summer level, we would not be able to access our dock which we have attached to our property. If the level of Flathead Lake were purposely dropped below the normally occurring summer level, it would significantly decrease the property value of our lane.

I have an objection with the process used because I was not sent a notice regarding the preliminary decree or the option to file an objection. I was not notified in writing and if I had not found out about the objection process from another source, I would not have known and exercised my rights.

This Preliminary Decree Water Compact violates my rights and violates the MT state constitution. The Montana Constitution explains that: all surface, underground, flood and atmospheric waters within the boundaries of the state are the property of the states for the use of its people....(Article IX, section 3(3))

Because Montana waters belong to the state, water right holders do not own the water itself. Instead, they possess a right to use the water, within state guidelines. Accordingly, Montana law notes: (a) "water right" means the right to use water.....(Section 85-2-422, MCA)

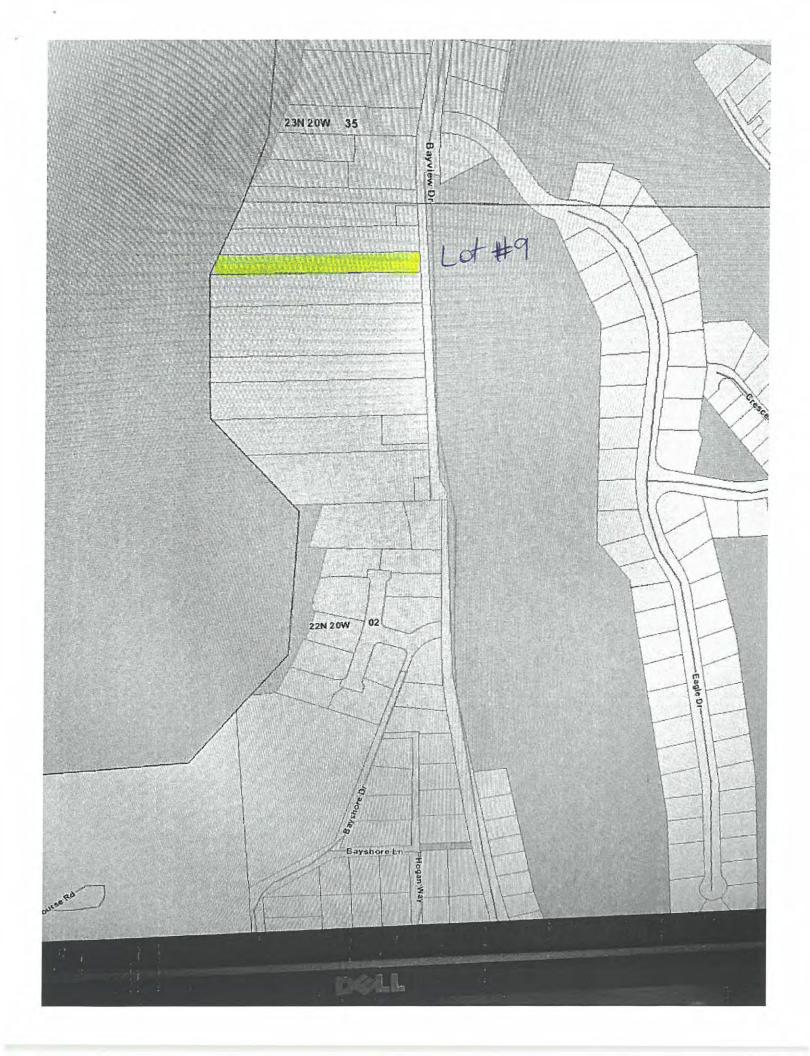
Thank you for your time.

Sincerely,

Anthony Bontadelli

42583 Top of the Rock Way E

Polson MT, 59860



### **Property Record Card**

### Summary

Primary Information

Property Category: RP

Geocode: 15-3228-02-2-04-12-0000

Primary Owner:

BONTADELLI ANTHONY D & REBECCA L

42583 TOP OF THE WAY E

12000 (0) 31 1112 (7)

POLSON, MT 59860

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Subdivision: SLACK VILLA AND ORCHARD TRACTS

Legal Description:

SLACK VILLA AND ORCHARD TRACTS, S02, T22 N, R20 W, BLOCK 1, Lot 9

Last Modified: 7/14/2022 4:23:18 AM

General Property Information

Neighborhood: 215.101.B

Property Type: VAC_R - Vacant Land - Rural

Subcategory: Residential Property

Assessment Code: 0000024273

PropertyAddress: BAYVIEW DR

POLSON, MT 59860

COS Parcel:

Living Units: 0

Levy District: 15-0477-23P

Zoning:

Ownership %: 100

Linked Property:

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:

General: 0

Limited: 0

**Property Factors** 

Topography:

topography.

Fronting:

**Utilities:** 

Parking Type:

Access:

Parking Quantity:

Location:

Parking Proximity:

**Land Summary** 

<u>Land Type</u>	<u>Acres</u>	<u>Value</u>
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
<b>Continuous Crop</b>	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0.000	00.00
Total Market Land	0.996	576,400.00

### Deed Information:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
11/1/2021			11/1/2021	593412	Warranty Deed

#### **Owners**

Party #1

**Default Information:** 

BONTADELLI ANTHONY D & REBECCA L

42583 TOP OF THE WAY E

Ownership %:

100

Primary Owner:

"Yes"

Interest Type:

Fee Simple

Last Modified:

3/25/2022 11:12:52 AM

Other Names

Other Addresses

Name

Type

### **Appraisals**

### **Appraisal History**

Tax Year	Land Value	Building Value	Total Value	Method
2022	576400	o o	576400	COST

### **Market Land**

Market Land Item #1

Method: Frontage and Depth

Type: Category 2

Width: 79

**Depth**: 549

Square Feet: 00

Acres:

Valuation

Class Code: 2101

Value: 576400

### **Dwellings**

**Existing Dwellings** 

No dwellings exist for this parcel

### Other Buildings/Improvements

Outbuilding/Yard Improvements

No other buildings or yard improvements exist for this parcel

#### Commercial

**Existing Commercial Buildings** 

No commercial buildings exist for this parcel

### Ag/Forest Land

Ag/Forest Land

No ag/forest land exists for this parcel

WC-0001-C-2021 November 30, 2022

Montana Water Court

### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

### CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone No	umber: 2. Objector's A	N A	ress, and phone numb
LAST NAME FIRST NAME MID. INITIAL 42583 TOP of ROCK WAYE.	LAST NAME	FIRST NAME	MID. INITIAL
CTREET ADDRESS OF BO DOV	STREET ADDRESS O	OR PO BOX	
CITY 2381853 tony bontadelli	e qualecory	STATE	ZIP CODE
PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAIL	
see attached le	Her		
and the water source. If you are objecting to	more than one water righ	t number, use a sep	parate form for each
and the water source. If you are objecting to water right number.	more than one water righ	t number, use a sep	parate form for each
4. If you are objecting to a specific water rig and the water source. If you are objecting to water right number.  Water Right #:  (One Number Per Form)	more than one water righ	t number, use a sep	parate form for each
and the water source. If you are objecting to water right number.  Water Right #:	more than one water righ Page num Source:		parate form for each
and the water source. If you are objecting to water right number.  Water Right #:	more than one water righ Page num Source:	t number, use a sep	parate form for each

(TURN FORM OVER AND COMPLETE OTHER SIDE)

### CERTIFICATE OF MAILING

I, Anthony	Bontalell, declare under penalty of perjury, that on the 21st day of
November	_, 2022, I mailed a copy of this Objection postage prepaid, addressed to the
following attorneys for the	Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@int.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

November 21, 2022

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

I, Anthony Bontadelli, have objections to the Preliminary Decree Case No. WC-0001-C-2021. Please see my attached Notice of objection and request for hearing form. I live in Jette Lake in Polson and have both a community well that we depend on for water and Jette Lake that my family fish, boat and swim in.

I am objecting to page 11, Part III C.1.h. The Tribes have the right to all naturally occurring water necessary to maintain the level of the entirety of Flathead Lake. Naturally occurring water should be allowed to be used by all the people of Montana and not owned by the Tribe.

I am objecting to page 29. Part IV. B.4. In the event, after the Effective Date, the Montana legislature substantively amends or repeals any of the sections... the Tribes and DNRC shall meet... to determine if they can agree.... In the event that the Tribes and DNRC are unable to agree, the provisions of State law.... shall remain in effect. If there is disagreement then they should continue to work until an agreement is established or a 3rd part should mediate to get to an agreement.

I am individually affected by the Compact. I currently don't have a permit to use our ground water well and don't feel as though I should have to have one. Naturally occurring water should be available for all people of Montana to use and not for the Tribes to meter and tax. Having a meter on our well and having to pay for our ground water well usage would cause a financial burden on my family.

I have an objection with the process used because I was not sent a notice regarding the preliminary decree or the option to file an objection. I was not notified in writing and if I had not found out about the objection process from another source, I would not have known and exercised my rights.

This Preliminary Decree Water Compact violates my rights and violates the MT state constitution. The Montana Constitution explains that: all surface, underground, flood and atmospheric waters within the boundaries of the state are the property of the states for the use of its people....(Article IX, section 3(3))

Because Montana waters belong to the state, water right holders do not own the water itself. Instead, they possess a right to use the water, within state guidelines. Accordingly, Montana law notes: (a) "water right" means the right to use water.....(Section 85-2-422, MCA)

Thank you for your time.

Sincerely,

Anthony Bontadelli 42583 Top of the Rock Way E Polson MT, 59860



### **Property Record Card**

### Summary

Primary Information

Property Category: RP

Geocode: 15-3349-14-2-04-07-0000

Primary Owner:

BONTADELLI ANTHONY D & REBECCA L

42583 TOP OF THE ROCK WAY E

POLSON, MT 59860-7563

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Subdivision: JETTE LAKE SUBD

Legal Description:

JETTE LAKE SUBD, S14, T23 N, R21 W, Lot 079

Last Modified: 7/14/2022 4:23:18 AM

**General Property Information** 

Neighborhood: 215.400.4

Property Type: IMP_R - Improved Property - Rural

Subcategory: Residential Property

Assessment Code: 0000001899

PropertyAddress:

COS Parcel:

POLSON, MT 59860

Living Units: 1

Ownership %: 100

Zoning:

Linked Property:

No linked properties exist for this property

Levy District: 15-3477-23PR

Exemptions:

No exemptions exist for this property

Condo Ownership:

General: 0

Limited: 0

**Property Factors** 

Topography:

**Utilities:** 

Fronting: Parking Type:

Access:

Parking Quantity:

Location:

Parking Proximity:

Land Summary

Acres	<u>Value</u>
0.000	00.00
0.000	00.00
0.000	00.00
0.000	00.00
0.000	00.00
0.000	00.00
0.000	00.00
0.000	00.00
0.000	00.00
0.000	00.00
6.310	93,364.00
	0.000 0.000 0.000 0.000 0.000 0.000 0.000 0.000

### Deed Information:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
5/28/2014	1.7	8 Y 7 Y	5/28/2014	535373	Warranty Deed
4/15/2010			4/15/2010	506189	Warranty Deed
4/21/2005	457	724 W			

	3/15/1999	397	584 W
1	10/13/1998	393	759 O
	10/13/1998	393	760 O
	8/30/1993	350	401

#### **Owners**

Party #1

Default Information: BONTADELLI ANTHONY D & REBECCA L

42583 TOP OF THE ROCK WAY E

Ownership %:

100

Primary Owner:

"Yes"

Interest Type:

Conversion

Last Modified:

7/24/2015 12:00:59 PM

Other Names

Other Addresses

Name

Type

Type: Category 5

#### **Appraisals**

**Appraisal History** 

Tax Year	Land Value	Building Value	Total Value	Method	
2022	93364	583936	677300	MKT	
2021	93364	583936	677300	MKT	
2020	73326	419074	492400	MKT	

#### Market Land

Market Land Item #1

Method: Acre

Width: Depth: Square Feet: 00 Acres: 6.31

Valuation

Class Code: 2101 Value: 93364

#### **Dwellings**

#### **Existing Dwellings**

Dwelling Type	Style	Year Built	
SFR	08 - Conventional	2008	

**Dwelling Information** 

Residential Type: SFR Style: 08 - Conventional

Year Built: 2008 Roof Material: 10 - Asphalt Shingle

Effective Year: 0 Roof Type: 3 - Gable

Story Height: 1.0 Attic Type: 0

Grade: 7 Exterior Walls: 1 - Frame

Class Code: 3301 Exterior Wall Finish: 6 - Wood Siding or Sheathing

Year Remodeled: 0 Degree Remodeled:

Mobile Home Details

Manufacturer: Serial #: Width: 0
Model: Length: 0

Basement Information

Foundation: 2 - Concrete Finished Area: 1915 Daylight: Y
Basement Type: 3 - Full Quality: 3 - Typical

Heating/Cooling Information

Type: Central/AC

System Type: 9 - Hot/Cool Air

Fuel Type: 3 - Gas

Heated Area: 4430

Living Accomodations

Bedrooms: 4

Family Rooms: 0

Full Baths: 4

Half Baths: 0

Additional Information

Fireplaces:

Stacks: 0

Stories:

Addl Fixtures: 6

Openings: 0

Cost & Design: 0

Prefab/Stove: 1 Flat Add: 0

Garage Capacity: 0 % Complete: 0

Description:

Description:

Dwelling Amenities

View: MTN

Access:

Area Used In Cost

Basement: 2515

Additional Floors: 0

Attic: 0

First Floor: 2515

Unfinished Area: 0 SFLA: 2515

Second Floor: 0

Depreciation Information

CDU:

Physical Condition: Average (7)

Half Story: 0

Utility: Average (7)

Desirability:

Property: Average (7)

Location: Good (8)

Depreciation Calculation

Age: 12

Pct Good: 0.85

RCNLD: 580810

Additions / Other Features

Additions

Lower	First	Second	Third	Area	Year	Cost
34 - Deck, Concrete		2 38 31	100	749	0	3685
27. Carrell 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	43 - Deck, Wood Polymer			466	0	9851
	21 - Porch, Masonry, Open			78	0	2338

Other Features

Quantity	Туре	Value
1	BG3 - Basement Garage/3-car	3600

#### Other Buildings/Improvements

Outbuilding/Yard Improvement #1

Type: Residential

Description: RLA1 - Living Area (Sqft)

Quantity: 1

Year Built: 2018

Grade: A

Condition:

Functional:

Class Code: 3301

Dimensions

Width/Diameter: 26

Length: 36

Size/Area:

Height:

Bushels:

Circumference:

Outbuilding/Yard Improvement #2

Type: Residential

Description: RRT8 - Wood Polymer Composition Deck

Quantity: 1

Year Built: 2018

Grade: A

Condition:

Functional:

Class Code: 3301

**Dimensions** 

Width/Diameter: 8

Length: 15

Size/Area:

Height:

Bushels:

Circumference:

Outbuilding/Yard Improvement #3

Type: Residential

Description: RRG1 - Garage, frame, detached, finished

Quantity: 1

Year Built: 2018

Grade: 6

Condition: Functional: Class Code: 3301

Dimensions

Width/Diameter: 26 Length: 36 Size/Area:

Height: Bushels: Circumference:

#### Commercial

# **Existing Commercial Buildings**

No commercial buildings exist for this parcel

# Ag/Forest Land

Ag/Forest Land

No ag/forest land exists for this parcel

WC-0001-C-2021

November 30, 2022

Montana Water Court

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

#### CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
TREET ADDRESS OR PO BOX	STREET ADDRESS OR	PO BOX	
rry STATE ZIP 939 2384852 bechaymen	1869 CODE CITY	STATE	ZIP CODE
HONE NUMBER E-MAIL	PHONE NUMBER	E-MAIL	
See attac			
. If you are objecting to a specific water nd the water source. If you are objecting	right number, identify the wat	number use a sen	arate form for each
I. If you are objecting to a specific water and the water source. If you are objecting vater right number.  Vater Right #:	right number, identify the wat to more than one water right	number use a sen	arate form for each
If you are objecting to a specific water and the water source. If you are objecting vater right number.  Vater Right #:	right number, identify the wat to more than one water right	er in Decree:	arate form for each
If you are objecting to a specific water and the water source. If you are objecting rater right number.  Vater Right #:	right number, identify the wat to more than one water right:  Page number Source:	er in Decree:	arate form for each

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

#### **CERTIFICATE OF MAILING**

I. Rebee	ea Bontadelli, declare under penalty of perjury, that on the 21 day of
November	, 2022, I mailed a copy of this Objection postage prepaid, addressed to the
following attorneys for	r the Federal State and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoi.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

November 21, 2022 Montana Water Court PO Box 1389 Bozeman, MT 59771-1389

I, Rebecca Bontadelli, have objections to the Preliminary Decree Case No. WC-0001-C-2021. Please see my attached Notice of objection and request for hearing form. I live in Jette Lake in Polson and have both a community well that we depend on for water and Jette Lake that my family fish, boat and swim in.

I am objecting to page 11, Part III C.1.h. The Tribes have the right to all naturally occurring water necessary to maintain the level of the entirety of Flathead Lake. Naturally occurring water should be allowed to be used by all the people of Montana and not owned by the Tribe.

I am objecting to page 29. Part IV. B.4. In the event, after the Effective Date, the Montana legislature substantively amends or repeals any of the sections... the Tribes and DNRC shall meet... to determine if they can agree.... In the event that the Tribes and DNRC are unable to agree, the provisions of State law.... shall remain in effect. If there is disagreement then they should continue to work until an agreement is established or a 3rd part should mediate to get to an agreement.

I am individually affected by the Compact. I currently don't have a permit to use our ground water well and don't feel as though I should have to have one. Naturally occurring water should be available for all people of Montana to use and not for the Tribes to meter and tax. Having a meter on our well and having to pay for our ground water well usage would cause a financial burden on my family.

I have an objection with the process used because I was not sent a notice regarding the preliminary decree or the option to file an objection. I was not notified in writing and if I had not found out about the objection process from another source, I would not have known and exercised my rights.

This Preliminary Decree Water Compact violates my rights and violates the MT state constitution. The Montana Constitution explains that: all surface, underground, flood and atmospheric waters within the boundaries of the state are the property of the states for the use of its people....(Article IX, section 3(3))

Because Montana waters belong to the state, water right holders do not own the water itself. Instead, they possess a right to use the water, within state guidelines. Accordingly, Montana law notes: (a) "water right" means the right to use water.....(Section 85-2-422, MCA)

Thank you for your time.

Sincerely,

Rebecca Bontadelli

42583 Top of the Rock Way E

Polson MT, 59860

# **Property Record Card**

#### Summary

**Primary Information** 

Property Category: RP

Geocode: 15-3349-14-2-04-07-0000

Primary Owner:

BONTADELLI ANTHONY D & REBECCA L

42583 TOP OF THE ROCK WAY E

POLSON, MT 59860-7563

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Subdivision: JETTE LAKE SUBD

Legal Description:

JETTE LAKE SUBD, S14, T23 N, R21 W, Lot 079

Last Modified: 7/14/2022 4:23:18 AM

General Property Information

Neighborhood: 215.400.4

Property Type: IMP_R - Improved Property - Rural

Subcategory: Residential Property

Assessment Code: 0000001899

PropertyAddress: POLSON, MT 59860

COS Parcel:

Living Units: 1

Levy District: 15-3477-23PR

Zoning:

Ownership %: 100

Linked Property:

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:

General: 0

Limited: 0

**Property Factors** 

Topography:

Fronting:

Utilities:

Parking Type:

Access: Location: Parking Quantity: Parking Proximity:

Land Summary

Land Type	Acres	Value
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0.000	00.00
Total Market Land	6.310	93,364.00

#### Deed Information:

<b>Deed Date</b>	Book	Page	Recorded Date	Document Number	Document Type
5/28/2014		0.000	5/28/2014	535373	Warranty Deed
4/15/2010			4/15/2010	506189	Warranty Deed
4/21/2005	457	724 W			

3/15/19	99	397	584 W
10/13/19	998	393	759 O
10/13/19	998	393	760 O
8/30/19	93	350	401

#### **Owners**

Party #1

Default Information: BONTADELLI ANTHONY D & REBECCA L

42583 TOP OF THE ROCK WAY E

Ownership %:

100

Primary Owner:

"Yes"

Interest Type: Last Modified: Conversion

Lust mountou

7/24/2015 12:00:59 PM

Other Names

Other Addresses

Name

Type

#### **Appraisals**

**Appraisal History** 

Tax Year 2022	Land Value 93364	Building Value 583936	Total Value 677300	Method MKT
2021	93364	583936	677300	MKT
2020	73326	419074	492400	MKT

#### Market Land

Market Land Item #1

Method: Acre Type: Category 5

Width: Square Feet: 00 Depth:

Acres: 6.31

Valuation

Class Code: 2101

Value: 93364

#### **Dwellings**

#### **Existing Dwellings**

Dwelling Type	Style	Year Built
SFR	08 - Conventional	2008

Dwelling Information

Residential Type: SFR Style: 08 - Conventional

Year Built: 2008 Roof Material: 10 - Asphalt Shingle

Effective Year: 0 Roof Type: 3 - Gable

Story Height: 1.0 Attic Type: 0

Grade: 7 Exterior Walls: 1 - Frame

Class Code: 3301 Exterior Wall Finish: 6 - Wood Siding or Sheathing

Year Remodeled: 0 Degree Remodeled:

Mobile Home Details

Manufacturer: Serial #: Width: 0
Model: Length: 0

Basement Information

Finished Area: 1915

Foundation: 2 - Concrete Finished Area: 191

Basement Type: 3 - Full Quality: 3 - Typical

Heating/Cooling Information

Daylight: Y

Type: Central/AC Fuel Type: 3 - Gas System Type: 9 - Hot/Cool Air

Heated Area: 4430

Living Accomodations

Bedrooms: 4

Full Baths: 4

Addl Fixtures: 6

Family Rooms: 0

Half Baths: 0

Additional Information

Fireplaces:

Stacks: 0

Stories:

Garage Capacity: 0

Openings: 0

Prefab/Stove: 1

% Complete: 0

Cost & Design: 0 Description:

Flat Add: 0 Description:

**Dwelling Amenities** 

View: MTN

Access:

Area Used In Cost

Basement: 2515

Additional Floors: 0

Attic: 0

First Floor: 2515 Second Floor: 0

Half Story: 0

Unfinished Area: 0

SFLA: 2515

Depreciation Information

CDU:

Physical Condition: Average (7)

Utility: Average (7)

Desirability:

Property: Average (7)

Location: Good (8)

Depreciation Calculation

Age: 12

Pct Good: 0.85

RCNLD: 580810

Additions / Other Features

Additions

Lower	First	Second	Third	Area	Year	Cost
34 - Deck, Concrete				749	0	3685
	43 - Deck, Wood Polymer			466	0	9851
	21 - Porch, Masonry, Open			78	0	2338

Other Features

Quantity	Туре	Value
1	BG3 - Basement Garage/3-car	3600

#### Other Buildings/Improvements

Outbuilding/Yard Improvement #1

Type: Residential

Description: RLA1 - Living Area (Sqft)

Quantity: 1

Year Built: 2018

Grade: A

Condition:

Functional:

Class Code: 3301

Dimensions

Width/Diameter: 26

Length: 36

Size/Area:

Height:

Bushels:

Circumference:

Outbuilding/Yard Improvement #2

Type: Residential

Description: RRT8 - Wood Polymer Composition Deck

Quantity: 1

Year Built: 2018

Grade: A

Condition:

Functional:

Class Code: 3301

**Dimensions** 

Width/Diameter: 8

Length: 15

Size/Area:

Height:

Bushels:

Circumference:

Outbuilding/Yard Improvement #3

Type: Residential

Description: RRG1 - Garage, frame, detached, finished

Quantity: 1

Year Built: 2018

Grade: 6

Condition:

Functional:

Class Code: 3301

Dimensions

Width/Diameter: 26

Length: 36

150

Size/Area:

Height:

Bushels:

Circumference:

#### Commercial

# **Existing Commercial Buildings**

No commercial buildings exist for this parcel

# Ag/Forest Land

Ag/Forest Land

No ag/forest land exists for this parcel



WC-0001-C-2021 November 30, 2022

Montana Water Court

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

#### CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

BONTACION, REBECCO L.	r: 2. Objector's Att	A lame, add	ress, and phone number
LAST NAME FIRST NAME MID. INITIAL U2583 TOWN F.	LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX  OF STREET ADDRESS O	STREET ADDRESS OR	РО ВОХ	
(93) 238-1852 STATE ZIP CODE bechanner	E VALOO SOM	STATE	ZIP CODE
PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAIL	,
and the water source. If you are objecting to more		umher use a ser	parate form for each
and the water source. If you are objecting to more		umher use a ser	parate form for each
and the water source. If you are objecting to more water right number.  Water Right #:	than one water right retained the Page number	umher use a ser	parate form for each
4. If you are objecting to a specific water right nu and the water source. If you are objecting to more water right number.  Water Right #:	than one water right i	umher use a ser	1 0
and the water source. If you are objecting to more water right number.  Water Right #:	Page number Source:	umher use a ser	parate form for each  attached letter

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

#### CERTIFICATE OF MAILING

I, <u>Rebeceabon taeletti</u>, declare under penalty of perjury, that on the <u>21</u> day of <u>NOV-ember</u>, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoi.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

November 21, 2022

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

I, Rebecca Bontadelli, have objections to the Preliminary Decree Case No. WC-0001-C-2021. Please see my attached Notice of objection and request for hearing form. I own the property 843 Bayview Drive with 75 feet shoreline on Flathead Lake in Polson.

I am objecting to page 11, Part III C.1.h. The Tribes have the right to all naturally occurring water necessary to maintain the level of the entirety of Flathead Lake. Naturally occurring water should be allowed to be used by all the people of Montana and not owned by the Tribe.

I am objecting to page 29. Part IV. B.4. In the event, after the Effective Date, the Montana legislature substantively amends or repeals any of the sections... the Tribes and DNRC shall meet... to determine if they can agree.... In the event that the Tribes and DNRC are unable to agree, the provisions of State law.... shall remain in effect. If there is disagreement then they should continue to work until an agreement is established or a 3rd part should mediate to get to an agreement.

I am individually affected by the Compact. If the level of Flathead Lake were purposefully dropped below the normally occurring summer level, we would not be able to access our dock which we have attached to our property. If the level of Flathead Lake were purposely dropped below the normally occurring summer level, it would significantly decrease the property value of our lane.

I have an objection with the process used because I was not sent a notice regarding the preliminary decree or the option to file an objection. I was not notified in writing and if I had not found out about the objection process from another source, I would not have known and exercised my rights.

This Preliminary Decree Water Compact violates my rights and violates the MT state constitution. The Montana Constitution explains that: all surface, underground, flood and atmospheric waters within the boundaries of the state are the property of the states for the use of its people....(Article IX, section 3(3))

Because Montana waters belong to the state, water right holders do not own the water itself. Instead, they possess a right to use the water, within state guidelines. Accordingly, Montana law notes: (a) "water right" means the right to use water.....(Section 85-2-422, MCA)

Thank you for your time.

Sincerely,

Rebecca Bontadelli

42583 Top of the Rock Way E

Polson MT, 59860

# **Property Record Card**

#### Summary

Primary Information

Property Category: RP

Geocode: 15-3228-02-2-04-12-0000

Primary Owner:

BONTADELLI ANTHONY D & REBECCA L

42583 TOP OF THE WAY E

POLSON, MT 59860

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Subdivision: SLACK VILLA AND ORCHARD TRACTS

Legal Description:

SLACK VILLA AND ORCHARD TRACTS, S02, T22 N, R20 W, BLOCK 1, Lot 9

Last Modified: 7/14/2022 4:23:18 AM

**General Property Information** 

Neighborhood: 215.101.B

Property Type: VAC_R - Vacant Land - Rural

Subcategory: Residential Property Assessment Code: 0000024273

PropertyAddress: BAYVIEW DR

POLSON, MT 59860

COS Parcel:

Living Units: 0

Levy District: 15-0477-23P

Zoning:

Ownership %: 100

Linked Property:

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:

General: 0

Limited: 0

**Property Factors** 

Topography:

Fronting:

Utilities:

Parking Type:

Access:

Parking Quantity:

Location:

Parking Proximity:

Land Summary

Land Type	Acres	Value
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0,000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0.000	00.00
Total Market Land	0.996	576,400.00

Deed Information:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
11/1/2021			11/1/2021	593412	Warranty Deed

#### **Owners**

Party #1

Default Information: BONTADELLI ANTHONY D & REBECCA L

42583 TOP OF THE WAY E

Ownership %:

100

Primary Owner:

"Yes"

Interest Type:

Fee Simple

Last Modified:

3/25/2022 11:12:52 AM

Other Names

Other Addresses

Name

Type

### **Appraisals**

#### Appraisal History

Tax Year	Land Value	Building Value	Total Value	Method
2022	576400	0	576400	COST

#### Market Land

Market Land Item #1

Method: Frontage and DepthType: Category 2Width: 79Depth: 549Square Feet: 00Acres:

Valuation

Class Code: 2101 Value: 576400

#### **Dwellings**

**Existing Dwellings** 

No dwellings exist for this parcel

#### Other Buildings/Improvements

Outbuilding/Yard Improvements

No other buildings or yard improvements exist for this parcel

#### Commercial

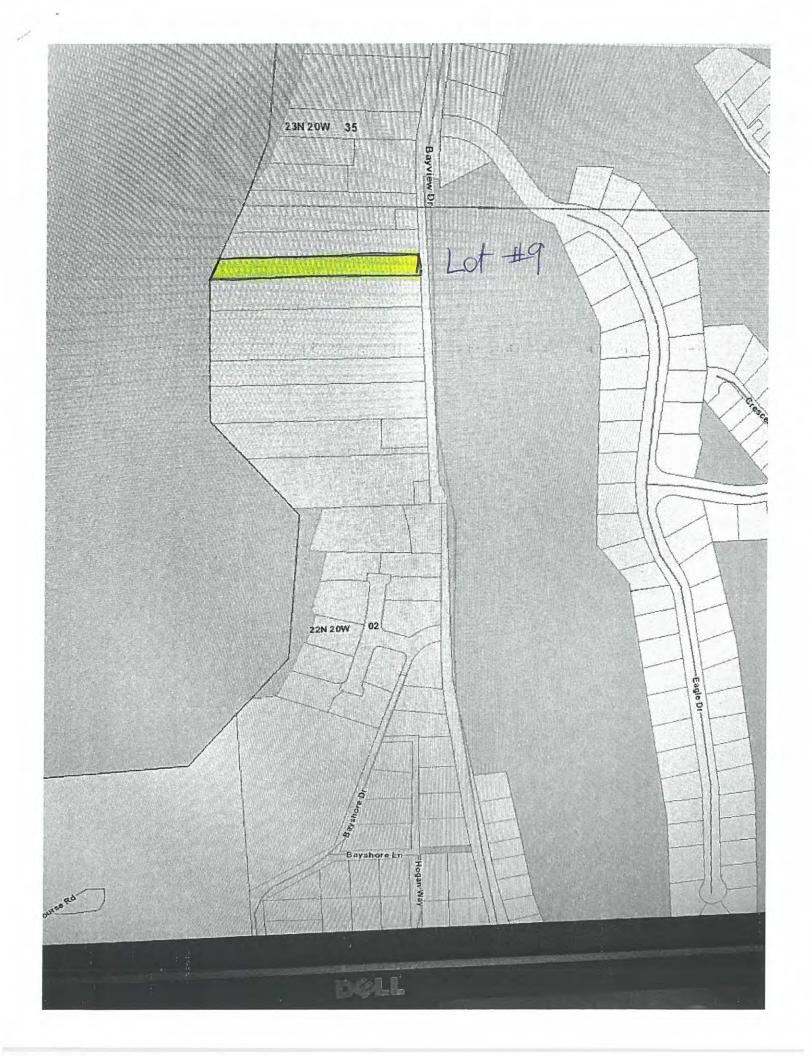
**Existing Commercial Buildings** 

No commercial buildings exist for this parcel

#### Ag/Forest Land

Ag/Forest Land

No ag/forest land exists for this parcel



WC-0001-C-2021 November 30, 2022

Montana Water Court

#### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

#### NOTICE OF OBJECTION AND REQUEST FOR HEARING

AST NAME FIRST NAME MID. INITIAL 41398 FLATLER OF DEW OF	LAST NAME	FIRST NAME	MID. INITIAL
TREET ADDRESS OR PO BOX POSSON NIT 59860	STREET ADDRESS OF	г РО ВОХ	
STATE ZIP CODE 406) 885-2738 Necichordson Fram	CITY	STATE	ZIP CODE
HONE NUMBER E-MAIL	PHONE NUMBER	E-MAII	L
See Attached			
See Attached			
. If you are objecting to a specific water right no			
See Attached  I. If you are objecting to a specific water right number and the water source. If you are objecting to more water right number.			
If you are objecting to a specific water right nund the water source. If you are objecting to more vater right number.	e than one water right	number, use a se	
A. If you are objecting to a specific water right nund the water source. If you are objecting to morwater right number.  Water Right #: フルフ・アルタ・00	e than one water right Page numb	number, use a se	parate form for each
. If you are objecting to a specific water right nund the water source. If you are objecting to morwater right number.  Water Right #: 76レン - アルタ・00	e than one water right Page numb	number, use a se	Ceneral Objection

(TURN FORM OVER AND COMPLETE OTHER SIDE)

Kenneth Bret Richardson
Water Right # 76LJ P11429 – 00

Gala View Homeowners Association

My objection to the Water Court Decree is three part;

At your request I can elaborate on each part but let it be known that my objection includes all listed below.

- When I purchased this property, I filed with the DNRC and established this water right. The Water Court Decree removes this right without due process or compensation to me a the established rightful owner of listed water right. Any claim that this right was established by DNRC or any court in the state of Montana has not been established nor presented to me.
- 2) The Montana Constitution Article IX Section 3, clearly states that the water on or under the ground is owned by the state of Montana. Further this water is appropriated to those who legally apply for and receive water rights. It is not something that can be signed off by a congressman and a tribe. All citizens of the state should and do have equal rights to follow the process to have water rights. My property owned with a deed recorded at the Lake County Court house and recognized by the state of Montana for tax revenue, has been in my name for 20 years with the water rights allowing me to grow and harvest fruit, gardens, and maintain my home my family's life. Any decree that can categorically take away or change my right to use as the water right I have dictates, I take full objection to such decree.
- 3) There is no long-standing legal argument for tribal use or right to my water right. It is very unfortunate that anyone believes that one person should have more rights than another. If this decree proceeds, why could I or any other citizen ask for the rights of other citizens right of speech become my right? It sound ludicrous I know but the water right established and maintained on my property can not just be given to another person or citizen, or an organization.

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

#### CERTIFICATE OF MAILING

I, <u>Kenne in Baet Richardson</u>, declare under penalty of perjury, that on the <u>23</u> day of <u>November</u>, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder U.S. Department of Justice Indian Resources Section Environment & Natural Resources Div. 999 18th St. South Terrace, Suite 370 Denver, Colorado 80202 efile_denver.enrd@usdoj.gov Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

**Montana Water Court** 

PO Box 1389

Bozeman, MT 59771-1389

or E

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

WC-0001-C-2021 November 30, 2022

# Montana Water Court

#### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

#### NOTICE OF OBJECTION AND REQUEST FOR HEARING

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Kenneth Bret Richardson
Water Right # 76∐ C074468

Gala View Homeowners Association

My objection to the Water Court Decree is three part;

At your request I can elaborate on each part but let it be known that my objection includes all listed below.

- When I purchased this property, I filed with the DNRC and established this water right. The Water Court Decree removes this right without due process or compensation to me a the established rightful owner of listed water right. Any claim that this right was established by DNRC or any court in the state of Montana has not been established nor presented to me.
- 2) The Montana Constitution Article IX Section 3, clearly states that the water on or under the ground is owned by the state of Montana. Further this water is appropriated to those who legally apply for and receive water rights. It is not something that can be signed off by a congressman and a tribe. All citizens of the state should and do have equal rights to follow the process to have water rights. My property owned with a deed recorded at the Lake County Court house and recognized by the state of Montana for tax revenue, has been in my name for 20 years with the water rights allowing me to grow and harvest fruit, gardens, and maintain my home my family's life. Any decree that can categorically take away or change my right to use as the water right I have dictates, I take full objection to such decree.
- 3) There is no long-standing legal argument for tribal use or right to my water right. It is very unfortunate that anyone believes that one person should have more rights than another. If this decree proceeds, why could I or any other citizen ask for the rights of other citizens right of speech become my right? It sound ludicrous I know but the water right established and maintained on my property can not just be given to another person or citizen, or an organization.

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

#### CERTIFICATE OF MAILING

I, Kenneth BRET Richardson, declare under penalty of perjury, that on the 23 day of November , 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder U.S. Department of Justice Indian Resources Section Environment & Natural Resources Div. 999 18th St. South Terrace, Suite 370 Denver, Colorado 80202

efile denver.enrd@usdoj.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

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WC-0001-C-2021

November 30, 2022

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Montana Water Court

#### CASE NO. WC-0001-C-2021

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Page num Source:	ber in Decree: N/A N/A
DATED this 30th	day of November, 2022.
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(TURN FORM OVER AND COMPLETE OTHER SIDE)

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Tribes
Tribal Legal Department
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OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

I am filing my objections to the CSKT Water Compact. Below are my objections to the parts of the Compact and my evidence.

- 1. The \$2.3 Billion Federal appropriation for the project was recommended against in 2016 by the Secretary of the Interior based on a failure to justify the costs and implementation of money. This Compact does not resolve the 2016 recommendation and offers no language on establishment and oversight of any budget, how money will be allotted and spent, and where it will come from. If there are tax dollars to be used, taxpayers must have input on who and how their money is spent.
- 2. The Compact does not define who will determine and how the criteria is established for the minimum and maximum water levels for the different waters covered. It does not define who will be ultimately responsible to decide when minimum levels are reached and who exactly will enforce the "call" for water from non-reservation users and offers no specifics on oversight for such a decision.
- 3. CSKT does not have the resources, even with proper funding, to monitor proper fish populations and habitat in waters on-reservation, let alone off-reservation. Historic management of fisheries by Native American tribes has shown significant misunderstanding and mismanagement of fisheries. One example is the large scale netting operations in the southwestern portions of Flathead Lake that have affected Lake Trout and Whitefish populations in the north, where 'take' of these fisheries is heavily relied on for private citizen food stock and economic commercial fishing operations. CSKT does not have the resources to monitor, research, or implement fishery and habitat needs. The CSKT has no research teams, no easy agency access to statewide or federal research and databases, and no resources to effect or implement a needed action. Giving CSKT equal management rights with MFWP gives them artificial capabilities as MFWP. It is again, far outside the reparations of the Hellgate Treaty. Only MFWP has the capability to monitor and take action on fish populations. CSKT should not be given "co-management" capability, but instead their waters should be given "equal monitoring and protections as state owned waters." There should be given no exclusivity or prioritization of any fishery or habitat over another, just because of jurisdictional ownership. A failure in any fishery or habitat, regardless of location, can cause trickle down failures in other waters or lands. Instead of CSKT being given comanagement authority, MFWP should be assigned new prioritization for CSKT waters for fishery and habitat monitoring. MFWP should be allowed to do what the agency feels is needed for management of fisheries and habitat in CSKT waters just like any other water. However, if it is determined by CSKT that the actions of MFWP could cause a negative impact in their perception, they should be given veto power to override and stop MFWP actions and for MFWP to work until "mutually agreed upon" with CSKT on the proper action.
- 4. There is no wording that addresses impacts to other wildlife this Compact could have. CSKT does not have the resources to survey all parts of an ecosystem that could be negatively impacted by this Compact. The fisheries and habitat may be the ultimate objective of the Compact, but allowing CSKT co-management rights with FWP means they can perform changes that create positive impacts for one species of fish, but cause damage to other flora and fauna. CSKT should not be given co-management rights with FWP because of lack of resources and inability to survey or monitor large ecosystems.
- 5. Water levels that drop below minimum and result in a "call" for water without proper management and oversight will result in impacting irrigation use in the form of agriculture, and therefore needlessly impact costs of agricultural products. The lack of fine wording outlining the minimum criteria and "call" procedure can impact both the livelihoods of those having to give up water while also impacting the local economy with inflated prices.

- 6. The Water Management Board cannot know the future planning and development needs of each county and therefore not appropriately distribute and approve water needs throughout multiple counties. Future planned water needs should be kept under county control.
- 7. There is no language that identifies the full process, criteria, costs, and timeframe, for a citizen to apply for either a new water use or change in water use. A private citizen trying to establish a well for their own personal house on private property should not be held hostage to a lengthy process because the Water Management Board has poor application management. Further, there is no priority list as to how applications will be handled and the lack of wording in the Compact allows for the possibility that a first come first served will not occur or that prioritization could occur on a case by case scenario, allowing favoritism towards a business or city water right over a citizen, even if the citizen applied months prior.
- 8. The water levels of the rivers, streams, lakes, ponds, and tributaries in the Compact come from three sources: snow melt, rain runoff, direct rain. These differences can be localized and regional. Such an example can be the South Fork Flathead River being below an average level while the North Fork Flathead River is above average level. There is no wording in the Compact that establishes criteria or actions when there are regional or localized water level discrepancies. This could result in an unnecessary "call" of water. Specific language must be added to isolate "calls" of water in relation to the local waterway level.
- 9. The purpose of the Compact is to ensure water levels for "fisheries and habitat." There appears to be no research or data to support that shunting water in a "call" will result in a positive help to the fisheries and habitat. There is no evidence that shunting water will change the levels in the affected waterway. For example, there are some irrigation users located next to a river that, even if they stopped all water use for many years, would not change the water level in that river. There must be research that shows such a 'take' on water users will meet the benefits of the Compact, and then the definitive wording must be put in the Compact that only a "call" will be done on a water user where that water will actually meet the goal of the Compact. There should be no reason an irrigation user in South Fork Flathead River is "called" on because the Kootenai River is at a low level and there is no such language that precludes this.
- 10. The Hellgate Treaty addresses waters that border the reservations. This Compact is a means for reparations of that treaty. However, the Hungry Horse Reservoir in upper Flathead County is a far reach from the Flathead Indian Reservation in western Lake County that holds to benefit from it. Hungry Horse Reservoir should be managed separately and therefore excluded from the Compact. If there is a water need for the reservation, it should be up to the state how the need is met, what dams are opened over others, etc.
- 11. Overall the Compact gives greater rights than the Hellgate Treaty, adding uses and waterways that were not included in the Hellgate Treaty. The Compact appears to be a way to remedy a discrepancy in what was promised in the Hellgate Treaty and what the Native American reservations were promised. However, the wording in this Compact overreaches by giving rights and management that are far outside the Hellgate Treaty. This Compact needs to establish the original rights only, identify and ensure those original rights are followed, but not grant or extend new rights by including waters far outside the Hellgate Treaty and giving CSKT powers far above the ones established by the Hellgate Treaty.

- 12. There should be wording that holds accountability for mismanagement. For instance, if the CSKT mismanage a water and kill off a fish population or habitat, it penalizes them for such mismanagement. This should also include penalizing for inappropriate "calls" or for breaching the Compact. There is no such wording in the Compact that addresses any accountability for any party.
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- 16. The primary objective is to ensure fisheries and habitat for CSKT reservations and lands. However, the viability of Tribal reservations in benefiting all Tribal members and promoting the overall health of reservations from all the rights offered in this Compact is highly questionable. A large number of Tribal members suffer from poor health, poor living conditions, and poor lifestyle even with the resources the Tribes are given today. There is no evidence that the members of the reservations would be able to utilize or benefit from all the rights offered in this Compact. There is no evidence that affording the Tribes large scale rights will trickle down to Tribal members and improve their quality of life on reservations. Many tribes bring in large amounts of money, sometimes in the millions, from Casinos and yet many member live in squalor, there is poor law/fire/ems, and crime and abuse is rampant in many Tribal places where prosperous Casinos operate.

#### In Summary;

I object to multiple sections and wording of this Compact. The language causes direct and indirect harm to me as a full time resident living, working, recreating, and owning property in the area covered in this Compact. The affects are: financial in the form of my tax dollars being used without my input and without proper oversight, quality of life in the form of impacts to recreational activities on both land and water, socioeconomic impacts in the form of potentially higher cost of living caused by the impacts of mismanagement or irrigation restrictions, and property value for any new or change in water use that could be time consuming, costly, or bureaucratic to acquire in order to use my property.

**Chad Oustalet** 

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.

#### In Summary;

I object to multiple sections and wording of this Compact. The language causes direct and indirect harm to me as a full time resident living, working, recreating, and owning property in the area covered in this Compact. The affects are: financial in the form of my tax dollars being used without my input and without proper oversight, quality of life in the form of impacts to recreational activities on both land and water, socioeconomic impacts in the form of potentially higher cost of living caused by the impacts of mismanagement or irrigation restrictions, and property value for any new or change in water use that could be time consuming, costly, or bureaucratic to acquire in order to use my property.

--

**Chad Oustalet** 

Summary of information for assessor # 0012739 Run date: 11/30/2022 @ 09:13:42

Assessor: 0012739 School District: 20 Year: 2022

Name: 1M OUSTALET, CHAD E

Mail: 4M PO BOX 9407

KALISPELL MT 59904 20220208 14:57:39

Phys: 4P 1781 EMMONS CANYON RD

KILA MT 59920

Legal: 61 TR 2BAA IN W2NE4SW4SW4 Sec 35 Twp 27 Rng 22 5.00

20220801 21:31:06

Catcd Description Acres Value Rate Taxable Value Geocode Values: 71 AZ 21010 TRACT LAND 5.00 67,900 917.00 ORION DA 07383235301250000

TOTALS: 67,900 917.00

_____

			AMOUNT	AMOUNT	PENALTY	INTEREST	AMT IF PAID
TAXBILL		DUE DATE	LEVIED	ABATED		ACCRUED	BY 11/30/2022
202221931	1	11/30/22	258.03	0.00	0.00	0.00	258.03
202221931	2	05/31/23	257.99	0.00	0.00	0.00	257.99

Taxes Due: 516.02 0.00 0.00 0.00 516.02

#### TAX HISTORY:

ISTORY:							
				AMOUNT	AMOUNT	P&I	TOTAL
YEAR	TAXBILL	Ins	DATE PAID	LEVIED	ABATED		PAID
2022	202221931	2	Unpaid	257.99	0.00	0.00	257.99
2022	202221931	1	Unpaid	258.03	0.00	0.00	258.03
2021	202121684	2	11/22/2021	260.41	0.00	0.00	260.41
2021	202121684	1	11/22/2021	260.43	0.00	0.00	260.43
2020	202021310	2	08/10/2021	214.28	0.00	9.68	223.96
2020	202021310	1	08/10/2021	214.32	0.00	20.36	234.68
2019	201921089	2	08/17/2020	214.00	0.00	9.67	223.67
2019	201921089	1	11/07/2019	214.02	0.00	0.00	214.02
2018	201820857	2	07/18/2019	189.47	0.00	6.94	196.41
2018	201820857	1	11/14/2018	189.48	0.00	0.00	189.48
2017	201720641	2	06/08/2018	194.11	0.00	5.47	199.58
2017	201720641	1	11/30/2017	194.14	0.00	0.00	194.14
2016	201620473	2	01/05/2017	184.17	0.00	0.00	184.17
2016	201620473	1	01/05/2017	184.22	0.00	6.80	191.02
2015	201520355	2	06/14/2016	183.92	0.00	5.18	189.10
2015	201520355	1	06/14/2016	183.95	0.00	14.40	198.35
2014	201420284	2	05/27/2015	318.23	0.00	0.00	318.23
2014	201420284	1	05/27/2015	318.27	0.00	22.22	340.49
2013	201320275	2	05/30/2014	300.55	0.00	0.00	300.55

2013	201320275	1	05/30/2014	300.57	0.00	20.99	321.56
2012	201220237	2	05/30/2013	281.58	0.00	0.00	281.58
2012	201220237	1	05/30/2013	281.61	0.00	19.67	301.28
2011	201120146	2	06/18/2012	259.27	0.00	7.31	266.58
2011	201120146	1	06/18/2012	259.28	0.00	20.31	279.59
2010	201020093	2	07/08/2011	240.75	0.00	8.83	249.58
2010	201020093	1	12/21/2010	240.79	0.00	6.85	247.64
2009	200919853	2	10/08/2010	213.79	0.00	13.17	226.96
2009	200919853	1	01/15/2010	213.83	0.00	7.90	221.73
2008	200819420	2	08/07/2009	193.54	0.00	8.74	202.28
2008	200819420	1	03/24/2009	193.54	0.00	10.28	203.82

WC-0001-C-2021 November 30, 2022

Montana Water Court

#### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

#### CASE NO. WC-0001-C-2021

## NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:	2. Objector's Attorney name, address, and phone number
WAGNER DARLENE B.	
LAST NAME FIRST NAME MID. INITIAL	LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX	STREET ADDRESS OR PO BOX
HUNGRY HORSE MT 59919	
CITY STATE ZIP CODE	CITY STATE ZIP CODE
(406) 387-4000 montanadarlenee	PHONE NUMBER E-MAIL
PHONE NUMBER B-MAIL gmail.com	PRONG NUMBER E-MAIL
•	
<ol><li>State the specific part(s) of the Preliminary Decre</li></ol>	ee objected to. Identify the specific ground(s) and evidence
on which the objection(s) are based. (Use additional	l paper if necessary)
I attack and incorporat	Mr - Sinity H - Sinity
dated nevember 28,	
documentation).	construction contraction
poces, series	0-
4. If you are objecting to a specific water right number	per, identify the water right number, decree page number,
	an one water right number, use a separate form for each
water right number.	0110 11 11 11 11 11 11 11 11 11 11 11 1
Water Right #: 76 LJ 30121718	Page number in Decree: 63
(One Number Per Form)	Page number in Decree: 63 Source: GROUNDWATER WELL
	FROM FLATHERD AIVER
	Δ
	DATED this 28 day of November, 2022.
	Mar Do - 11/2 2 2 1
2	SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY
	SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

#### **CERTIFICATE OF MAILING**

I, DARLENE WAGNER, declare under penalty of perjury, that on the 28th day of
November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the
following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoi.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

**Montana Water Court** 

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

#### STATE OF MONTANA

# DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

# GENERAL ABSTRACT

Water Right Number:

76LJ 30121718 GROUND WATER CERTIFICATE

Version: 1-ORIGINAL RIGHT

Version Status: ACTIVE

()waers:

DARLENE WAGNER

PO BOX 190158

HUNGRY HORSE, MT 59919

Priority Date:

JANUARY 17, 2019 at 12:10 P.M.

Enforceable Priority Date: JANUARY 17, 2019 at 12:10 P.M.

Purpose (use):

DOMESTIC

LAWN AND GARDEN OTHER PURPOSE

Maximum Flow Rate:

18,00 GPM

Maximum Volume:

5.00 AC-FT

Maximum Acres:

1.50

Source Name:

GROUNDWATER

Source Type:

GROUNDWATER

Point of Diversion and Means of Diversion:

Ð

Gove Lot

Rge County Twp Our Sec

NESWSW

19W FLATHEAD 30N

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Subdivision:

HUNGRY HORSE CITY ADD 1 TRACT/LOT: 2 BLOCK: 15

Well Depth:

620.00 FEET Static Water Level: 64.50 FEET

Purpose (Use):

DOMESTIC

Households:

Volume:

1.00 AC-FT

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

ID

Acres Covi Lot

Sec 5

Rge County Twp

**NESWSW** 

19W FLATHEAD 30N

Subdivision:

HUNGRY HORSE CITY ADD 1 TRACT/LOT 2 BLOCK: 15

Purpose (Use):

LAWN AND GARDEN

Volume:

3.75 AC-FT

Period of Use:

APRIL 1 to OCTOBER 31

Place of Use:

Covi Lot Acres

Ots Sec .∞ec NESWSW

Twp 30N

Rge County 19W FLATHEAD

1.50 Subdivision:

HUNGRY HORSE CITY ADD 1 TRACT/LOT 1-3 BLOCK; 15

Total:

1.50

Purpose (Use):

OTHER PURPOSE

Purpose

CAMPER

Christian:

Volume:

0.25 AC-FT

Period of Use:

APRIL 1 to NOVEMBER 1

Piece of Use:

150

Acres Gave Lot

IWE 5 30N Ree County

19W FLATHEAD

Subdivision:

NESWSW HUNGRY HORSE CITY ADD 1 TRACT/LOT 3 BLOCK: 15

Geocodes/Valid:

07-4187-05-3-01-01-0000 - Y

07-4187-05-3-01-02-0000 - Y

07-4187-05-3-01-03-0000 - Y

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

#### CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

WAGNER DARLENE B.	LAST NAME	FIRST NAME	MID. INITIAL
BOX 190158			MID: HITPID
STREET ADDRESS OR PO BOX	STREET ADDRESS OF	PO BOX	
CITY STATE ZIP CODE	CUTTS	500 A mm	TID CODE
(406) 387-4000 montanaderlene	CITY	STATE	ZIP CODE
PHONE NUMBER E-MAIL C q mail.com	PHONE NUMBER	E-MAIL	
Lated November 28, 202		orrespon	- 08 jection
4. If you are objecting to a specific water right numb	er, identify the wat	er right number.	decree page number
4. If you are objecting to a specific water right numb and the water source. If you are objecting to more the			
4. If you are objecting to a specific water right numb and the water source. If you are objecting to more the water right number.	an one water right	number, use a ser	parate form for each
4. If you are objecting to a specific water right numb and the water source. If you are objecting to more the water right number.	Page number	er in Decree:	parate form for each
4. If you are objecting to a specific water right numb and the water source. If you are objecting to more the water right number.  Water Right #: 76LJ 30063812	Page number	er in Decree:	parate form for each
4. If you are objecting to a specific water right numb and the water source. If you are objecting to more the water right number.  Water Right #: 76LJ 30063812  (One Number Per Form) Compact	Page number Source: SOUTH	er in Decree:	Parate form for each  3  HTER FROM  FLATHEAU LAKE,  9THEAD RIVER

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

#### **CERTIFICATE OF MAILING**

I, DARLENE WASNER, declare under penalty of perjury, that on the day of November 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoi.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

Decree Report - Page 63 **APPENDIX 9** 

Page 1 of 4

Category: FLATHEADSYSTEMCOMPACTWR

#### PRELIMINARY DECREE CONFEDERATED SALISH AND KOOTENAI-MONTANA COMPACT

#### **** THIS IS AN INTERBASIN TRANSFER ****

THIS APPROPRIATION OF WATER TAKES WATER FROM THE SOUTH FORK OF THE FLATHEAD RIVER. THE FLATHEAD RIVER ABOVE FLATHEAD LAKE, FLATHEAD LAKE, AND THE FLATHEAD RIVER BELOW FLATHEAD LAKE IN BASINS 76J, 76L, AND 76LJ.

Water Right Number: 76LJ 30063812 COMPACT

Version: 1 - ORIGINAL RIGHT

**Version Status: ACTIVE** 

**USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)** Owners:

IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES

OF MONTANA

911 NE 11TH AVENUE PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE

FLATHEAD

BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

**Priority Date:** JULY 16, 1855 at 12:00 A.M.

Enforceable Priority Date: JULY 16, 1855 at 12:00 A.M.

Type of Historical Right: RESERVED

Purpose (use): ANY PURPOSE

**Maximum Flow Rate:** 

NO FLOW RATE IS DEFINED FOR THIS WATER RIGHT.

Maximum Volume:

229.383.00 AC-FT

Source Name:

FLATHEAD RIVER

Source Type:

SURFACE WATER

Source Name:

FLATHEAD RIVER (FLATHEAD LAKE)

Source Type:

SURFACE WATER

Source Name:

FLATHEAD RIVER, SOUTH FORK

Source Type:

SURFACE WATER

Point of Diversion and Means of Diversion:

 $\overline{\mathbf{D}}$ Govt Lot Otr Sec Twp Rge County Sec. LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name:

FLATHEAD RIVER

Diversion Means: ANY MEANS

Diversion Type:

**PRIMARY** 

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name:

**FLATHEAD RIVER** 

Diversion Means: ANY MEANS

Diversion Type:

**PRIMARY** 

2

### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

#### CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX	STREET ADDRESS OF	R PO BOX	
HUNGRY HORSE MT 59919 CITY STATE ZIP CODE (406) 387-4000 montanadarlene	CITY	STATE	
PHONE NUMBER E-MAIL c gmail, com	PHONE NUMBER	E-MAIL	
3. State the specific part(s) of the Preliminary Decree	objected to Iden	tify the specific o	mound(s) and evidence
on which the objection(s) are based. (Use additional p			ground(s) and evidence
I attach and in corporate			ections
dated November 28, 2022	and (a)	Ne sounde	17.0
documentation		7	7
		· · · · · · · · · · · · · · · · · · ·	0
4. If you are objecting to a specific water right number			
and the water source. If you are objecting to more than water right number.	one water right	number, use a se	parate form for each
water right number.			
• • • •			
water right number. Water Right #: 76 ムJ 3002 4020	Page numb Source: <i>G</i>	er in Decree:	63 TER WELL
water right number. Water Right #: 76 ムJ 3002 4020	Page numb Source: <i>G</i>		63 TER WELL
water right number. Water Right #: 76 ムJ 3002 4020	Page numb Source: <u>G</u> FROM F	er in Decree: BOUND WA CLATHEAD R	63 TER WELL IVER
Water Right #: 76 LJ 3002 4020 (One Number Per Form)	Page numb Source: <u>G</u> FROM F	er in Decree: BOUND WA CLATHEAD R	63 TER WELL IVER
Water Right #: 76 LJ 3002 4020 (One Number Per Form)	Page numb Source: <u>G</u> FROM F	er in Decree:	63 TER WELL IVER
Water Right #: 76 LJ 3002 4020 (One Number Per Form)	Page numb Source: <u>G</u> FROM F	er in Decree: BOUND WA CLATHEAD R	63 TER WELL IVER

(TURN FORM OVER AND COMPLETE OTHER SIDE)

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

#### CERTIFICATE OF MAILING

I, DARLENE WHONER, declare under penalty of perjury, that on the day of Monther and Market a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
objections@cskt.org

Please send this completed original to:

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoi.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

PO Box 1389

Bozeman, MT 59771-1389

Montana Water Court

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

STATE OF MONTANA

DEPARTMENT OF MARCHAL RESOURCES AND CONSCRIPATION 1424 STH AVERNE PECHECH ZOTADE HELENA, MACHEANA SARZO-1501

#### CELORAL DESCRIPTION OF THE PARTY OF THE PART

Water Right Number:

78LJ 30024020 GROUND WATER CERTIFICATE

Verden: 1-DRISINAL RIGHT

Version Status: ACTIVE

Owners;

DARLENE WASHER

PO BOX 190158

HUNGRY HORRE, MT 59919

Priority Date:

AUGUST 28, 2006 at 04:00 P.M.

Buffer readile Princity Date: AUGUST 28, 2006 of 54:00 P.M. Parposs funk;

LAWN AND GARDEN

DOMESTIC

Manhouse Flow Rate:

18.00 GPM

Maximum Volume:

4:75 AC-FT

Marhama Aeros:

1.50

Source Marie

BROWNDWATER

Source Type:

GROUNDWATER

Public of Diversion and Moons of Diversion:

W 81

Cove Lot

Ger Sec NESWSW

Ree - County Two. SONE TOWN FLATHEAD

Period of Diversion: ANDARY 1 TO DECEMBER 31

Diversion Meaner William

Siebidhyledom:

HUNGRY HORSE CITY ADD # TRACTICOT 2 BLOCK: 15 420,000 FEET

Well Donals State Water Lavel: 85.50 FEET

Costny Dishester: 6.83 NiCHES

Purpose (Use):

LAVINAND EXPORM

Volume:

3.75 AC-FT

Personal of Line:

APPEL 1 to CCTOBER 31

Place of Car:

ID

Acres Cart Lot Otr Sec Sec

Two

4.66 Sa bate beiner

MESWEW 30% 19W FLATHEAD HUNGRY HORSE CITY ADD T TRACTADY 113 BLOCK 15

Totals

1.50

Purpose (Lise):

P # 1287 E

Househalds:

Volume:

1.00 AC-FT JANUARY HAT DESEMBER ST

Petrod of Unbi Place of East:

D

Atres Cortice

Dir der der Two: Rev County

NESW8W

30N 19W FLATHERD 75

Substitutelier:

HUNGRY HORSE CITY ADD 1 TRACTALOT 2 SLOCK: 15

Carrotine A and

07-4167-05-3-01-01-0000 - Y

07-4187-05-3-61-02-0000 - Y

07-#137-05-3-01-23-Q066---Y

Remerka

ASSOCIATION RICH

WATER RIGHTS 761. J 30024020 AND 761 J 90121718 ARE ASSOCIATED BECAUSE THEY SHARE THE SAME POINT OF DIVERSION TOTAL COMBINED VOLUME NOT TO EXCEED 48 AF PER YEAR.

· RELECTED RECTT

THE RUBERT ISSUED ON 12/19/2000 WAS REISSUED. THE RUGET WAS REISSUED BECAUSE THE FLOW 

Darlene Wagner, Pro Se Hungry Horse, Montana

#### **GROUNDS AND EVIDENCE FOR OBJECTIONS FOR WATER RIGHT(S):**

**76LJ 30063812 Basin Preliminary** Decree Page 63; APPENDIX 9

76LI 30024020 AND 76LI 30121718 my private well

- *Merriam-Webster **COLLUSION**: secret agreement or cooperation especially for an illegal or deceitful purpose
- *Merriam-Webster **OVERREACH**: to get the better of especially in dealing and bargaining and typically by unscrupulous or crafty methods
- *Merriam-Webster **FRAUD**: intentional perversion of truth in order to induce another to part with something of value or to surrender a legal right; an act of deceiving or misrepresenting; one that is not what it seems or is represented to be

The entire conglomeration that collectively makes the compact is so entirely confusing. It is mind boggling for a layperson to figure it all out. The historical information in my objection was gleaned from internet searches, organizations pertaining to water, community town meeting videos, speaking with my district State Representative and Senator, watching press conferences, calling the Water Court, doing due diligence relying and hoping on it all being accurate. I filed an objection on my private well as I was not sure that not doing so would be negligent since it would be affected by the CSKT compact. The average person could not afford to hire an attorney to help. I contacted an attorney who reached out to associates, all of whom said it was even too complicated for them to take on. Appendix 38 is the proposed Draft Decree? The Daines bill is MWRPA? The compact is MCA 85-20-1901? I am praying the Water Court will see the through this disaster and deny it from going any further. My understanding is the law provides that a person has a standing to file an objection if the property, water rights, or interest of the objector would be adversely affected by the proposed appropriation. I have spent an immense amount of time trying to present my objections. I am not an attorney and trying to understand it all, so please bear with me.

Water is constitutionally given to us. It's our constitutional property right in the state of Montana. The water was given to us in the 1889 Enabling Act, 100%, by the US federal government. The Hellgate Treaty from 1855 did not talk about water rights. Water rights come from the Winter's Doctrine, which is a Supreme Court decision in 1908 to decide that all reservations have water. This discussion that the water is a treaty right is absolutely inaccurate and not supported by law. **FRAUD** 

Why does the compact recognize off-Reservation water rights for the tribes? Language in Article III of the Hellgate treaty has been construed by courts to give tribes significant rights to access and harvest fisheries over and above those enjoyed by non-tribal citizens. Under the compact, the tribes would relinquish their right to call any groundwater irrigation rights less than 100 gallons per minute. These rights were not the tribes to begin with so they are not theirs to relinquish. Page 4 of the Water Court FLATHEAD COMPACT TRIBAL WATER RIGHT SUMMARY states, "Any water right arising under state law for the purpose of which is irrigation and that is susceptible to call by the Tribes whose purpose is changed after the effective date to something other than irrigation shall remain susceptible to call pursuant to the terms and conditions of the compact as though the purpose was still irrigation." This is punishing a user who wishes to no longer be in the stressful target range of this compact, never being able to escape their former life situation. Things change in life. Perhaps they are retired or widowed and can no longer do what they did when they were younger or had a partner and stop any production that needs irrigation. Why should they still be susceptible to call? If they are no longer irrigating, they are no longer irrigating. Further, the Summary states, "The tribal water right includes sufficient water for irrigation and other incidental purposes to supply the FIIP to serve up to, but no more than, 135,000 acres with a priority date of July 16, 1855." After all the expense and hard work, those FIIP members will be imposed upon with new regulations; should they now be limited after their efforts and life plans have been set in motion? **OVERREACH: COLLUSION: FRAUD** 

It is offered by the compact that off-reservation instream flows would be quantified and conditioned in a way that would reduce or eliminate the possibility of call by the tribes. In the Hellgate Treaty, the tribes reserved an exclusive tribal homeland—the Flathead Indian Reservation—and retained hunting, fishing, trapping and gathering rights throughout their aboriginal territory. On the Reservation, the tribes retained the "the exclusive right of taking fish in all the streams running through or bordering said reservation." Federal courts have determined that this right may carry with it a "time immemorial" instream flow water right to sustain fisheries, rights that are senior to all other water rights. There is NO recognition to offreservation water rights in the Hellgate Treaty. The compact recognizes tribal instream flow rights on and off the reservation in exchange for the tribes' agreement to relinquish all other claims within Montana, which are not theirs to begin with. In a series of interrelated lawsuits filed in the 1980s by the tribes and others, federal courts conclusively confirmed that the tribes, by the terms of the 1855 Hellgate Treaty, are entitled to on-reservation instream flows water rights sufficient to support fishery resources. The courts further found that these reserved instream flow rights have a priority date of time immemorial and thus are senior to the irrigation water rights for the project. NO mention of off-reservation instream flows of water.

If it is allowed to add whatever one wants to a legal document, without grounds or evidence, we would have no law and order. For example, since the Hellgate Treaty speaks of berries, will there now be a call on huckleberries throughout Montana? OVERREACH; COLLUSION; FRAUD

No claims were filed ahead of negotiations so the state could fully determine the scope of what they were dealing with or negotiating over. This allowed the CSKT to politically leverage threats of filing an unknown number of claims throughout Montana in order to frighten people into accepting a bad compact and cover up the fact that within that compact it specifically says If there is any discrepancy or argument about what the compact stands for, the ultimate authority is found in the water abstracts. Daines created a settlement legislation to enable this contract. In it he made a side agreement with the CSKT but he did not change the compact. If he did constitutionally, he would have to return to the state for ratification or approval. The fact is that the compact affects us. Western Montana and our district representatives were not at the table for these negotiations. We would give the CSKT full faith in this issue of a side agreement, but unfortunately in the past during the Kerr Dam transfer they promised on a side bar they would continue to pay funding to Lake County in lieu of taxes and then when the actual transfer did occur ten days later, they said they would not do any such thing. So, unfortunately, faith in discussions with the CSKT has been lost. When we ultimately look at it, the water compact, which would go to court, not legislation, would say that any discrepancy, any controversy, goes to the water compact water abstracts. The water abstracts say that the CSKT have access to my off-reservation water, the water that is my "constitutional property right in the state of Montana. The MWRPA was part of a larger package of bills signed into law by the President on December 27, 2020, known as Public Law 116-260. It was underhanded way the bill was slid in with a Covid Relief bill; the world was so upside with Covid at the time, this sneaky maneuver is why the bill has proceeded to where it is today.

# OVERREACH: COLLUSION: FRAUD

The compact provides additional water from the Flathead River and Flathead Lake, areas in 76LJ, (which includes an allocation from Hungry Horse Reservoir) to meet CSKT instream and consumptive water needs and provides a process to lease portions of this additional water for new development on and off the Reservation. Here is the con. CSKT won't make a call on my private well if I don't have 100 gallons a minute and irrigate. However, after they drain the source of water for my well, / will be forced to be the enforcer to make a call on my neighbor who has a later priority date than I do. I have to do the dirty work while CSKT enjoys, sells, and leases my water? Will they sell or lease it back to me and charge me for my own water? My home is on the river and I can often see the rocks in the river bottom as it is not that deep at times. Will I lose my personal rights and joy of rafting and fishing because CSKT will be allowed

to drain and sell the water that is crucial to my area? This is also the water source that fills my well. To be able to afford my home and land I have to move out of my home in the summer and rent to tourists who rent my property for the riverfront recreation and fishing in the rivers and Hungry Horse Reservoir. What happens to me when my guests have no water if my well is drained? What happens to my bookings when the river is too low to allow the fish to thrive because it is too warm due to the depth? This is the concern for the CSKT fisheries ~ why is it not a concern for what their water draw down can do to my life? My guests? My fishing? My livelihood? My guests recreate on the river, navigation crafts are an crucial; I provide an access for their watercraft. Even without CSKT water taking, the river drops quickly in the summer. What will happen when the water is depleted because CSKT makes a call on my upstream water? All time immemorial water rights conflict with my water rights. Are those claims federal reserved water rights and do they have foundation in the law? Are off-reservation water rights federal reserved water rights? The claims in the compact are considered to be tribal reserved water rights that do not exist in the law and must be challenged in the water court. As a property owner or business owner it must be considered how the massive amounts of water awarded by the US and CSKT in the compact will have on future growth and development. This will constitute a material injury to me. I grew up in Hungry Horse, am 70 years old and worked all my life to get to this point. My home is meager, but I am paying \$7000 a year in property taxes because I am on the river, and that is before the new assessment from the recent housing boom catches up. If I can't provide services and guest amenities, my business is over and I risk losing my home. If my property has a well that is dry, my property has no value. It will not be livable or even saleable for me. At this late stage of life, any money I have I need to survive. I do not have funds to sue neighbors to fight over who has water and who does not, or who is first in line, first in time. If that occurs due to Mother Nature, that is one thing, but to have CSKT cause it is not acceptable. I am now understanding that if I don't want to give up my water rights, I may have a lawsuit with perhaps not only my neighbor or another well owner, but the CSKT, the state, and federal governments. That was not part of the title search on my property. I do have a water right that is 100+ GPM. With the CSKT parameters, i will never be allowed to try to come up with another plan for survival of perhaps growing something that would need irrigation. I was involved in stopping zoning in our area of Hungry Horse, and now CSKT is putting the same type of regulations upon my land and myself that I have successfully avoided. I own separate plotted lots and currently would be able to put a well in to serve them; a 5-bedroom septic and electric are already in place. The exorbitant expense to put a well in that may be depleted in volume by the CSKT is a risk, not to mention the well that I use being depleted. Will I be prevented from utilizing undeveloped land and be able to put a well on this highly taxed riverfront land in the future? Per the Water Court compact summary, "The tribes have a direct flow water right from the Flathead River from the following sources: Flathead River, Flathead Lake, and the South Fork of the Flathead River up to Hungry Horse Reservoir with a point of diversion from Fathead Lake or the Flathead River, either on or off the reservation. Such right is for any beneficial use with a diversion volume of ....." There are too many unexplained undefined scenarios that can arise. Will the tribes be able

to claim the top one foot of Hungry Horse Reservoir and/or Flathead Lake and/or Flathead and South Fork River and dictate that non-tribal members can no longer recreate or navigate those waters? Will the tribe be able to charge admission for the same? This is a violation of my personal freedom as well as my private property rights and my business or life plans. Should the tribe be able to cause a hardship on me? The compact would. **EXTREME OVERREACH**; **EXTREME COLLUSION**; **EXTREME FRAUD**; **EXTREME MATERIAL INJURY** 

Instead of determining a specific limited amount of water necessary for the purpose of the reservation, the Compact Commission fabricated an unheard of tribal reserved water right and used it to award the CSKT time and immemorial claims to vast amounts of water in western Montana. The process did not require private property assessment or environmental impact studies making it impossible to assess the adverse impact for the compact. A flawed process equals a flawed compact. The CSKT compact is full of significant practical issues, many with the potential to impact 360,000 people residing in western Montana. It will also serve to restrict future growth and development leaving future generations of Montanans with limited water for their needs. It accomplishes this by creating a new time immemorial tribal reserved water right giving the United States and CSKT control over the waters of western Montana, ceding state jurisdiction over water to the tribe and removing many Montana citizens from the protection of the state for their water needs, failing to protect historic agricultural uses of water and giving the tribe bare legal title to all of the Flathead Irrigation project water although they own only 10% of the lands that are served by the project, including a mutual defense clause requiring all three parties to the agreement to defend it against legal challenges forcing citizens to defend their property rights against the deep pockets of three different governments, conveying financial immunity upon the state for any regulatory takings that could result from the implementation of the compact. A partial quantification of the claims in the CSKT water compact estimate the volume of water awarded to be at least 28 million AF (acre. feet) of water per year. This is four times more water than has been awarded to 32 tribes in the United States combined. This number, however, could be much larger. The various abstract and the appendices indicate that the amount of water controlled by the United States and CSKT could be as much as 48 million AF of water per year. 99% of the water awarded to or controlled by the CSKT has a time immemorial priority date that effectively precludes all other uses of water. The Compact Commission tells the fact(?) that the compact makes water available for future growth and development thereby preventing basins from being closed. What is the rationale of that statement when it will negatively affect Basins being drained? From January 1 through December 31, no less. The reality is that the compact allows a total of 90,000 AF of water for all growth and development forever into the future and that water must be purchased from the tribe and the tribe will decide who gets to use or purchase it.

A 2014 DNRC report noted that consumptive uses of water make up less than 2% of the available water supply in the Clark Fork and Kootenai river basin. This includes domestic, municipal, industrial, agricultural, and commercial uses of water. So, to all of this I ask one simple question. If the human use of water is so miniscule, why was it necessary for the state

to protect existing uses of water? The answer? Because they gave all of it with the time immemorial priority date to the US and CSKT which will have resounding negative effects as we move forward into the future. OVERREACH: COLLUSION: FRAUD: MATERIAL INJURY

In addition to dozens of practical issues and problems with the compact, a multitude of legal constitutional hurdies exist as well. Here are just a few. The Unitary Management Ordinance means that Montana water law no longer applies within reservation boundaries. This violates many provisions of the United States and Montana constitutions including equal protection and due process. State attorneys have publicly stated that the compact awards the tribe bare legal title to 100% of Flathead Irrigation Project water although 90% of the land served by it are privately owned. Additionally, historic agricultural uses of irrigation water are not protected and irrigators will experience a 40 - 70% reduction of water upon compact implementation. This amounts to an unconstitutional taking. To protect itself, Montana gave itself immunity from any monetary damages resulting from the compact. The compact creates a new kind of reserve water giving the US and CSKT time immemorial claims to vast amounts of water both on and off the reservation. In negotiating the compact the state veered far away from federal reserve water rights standards and the compact will become the measuring stick that will be used by tribes around the country for negotiating their water claims. State and federal environmental policy laws were ignored by negotiators and all parties failed to complete the economic and environmental impact studies necessary for a policy of this scope and magnitude. OVERREACH; COLLUSION; FRAUD

With so many problems how did the compact make it this far? It began in 2012 when Senator Chas Vincent approached the tribe and made a compact deal for his area of western Montana. Over the next two years he skillfully maneuvered the compact through water policy interim committee hearings using biased and incomplete studies as the foundation for his newly found support. In 2013 the Governor used the veto of a bill to keep the compact alive after it was killed in the legislature. In 2014 Senator Bruce Tutvedt took funds from the tribe for his political action committee and explained to them that he and representative Dan Salomon had a plan to take care of the 60-vote problem in the house indicating they would use whatever means necessary to get the compact passed. Just ahead of the 2015 session the governor and attorney general publicly announced a deal attempting to lend credibility to the compact. Both offices then actively participated in telephone calls and arm twisting to secure votes in legislature. Fixing the 60-vote problem in the House was accomplished by changing house rules and when that didn't work, they used a simple majority on the House floor to challenge and override rules that require a super majority vote. The Montana constitution requires a 2/3 vote for passage of bills that confer immunity on the state. Representative Steve Fitzpatrick resisted amendments to fix compact immunity language and to eliminate the 2/3 vote requirement. A simple majority vote was then used to pass the bill attempting to ignore Montana's constitution. The courts should have voided the compact. Is this really how Montana wants to pass a 1500 page forever document? By breaking all the rules and overriding the constitution? Perhaps the most important legal question to ask is this. For homesteaders defrauded by the

federal government when they were invited to settle these lands more than 100 years ago, the typical homestead flyer conveyed nothing of the problems we are facing today. Perhaps the flyer should have read the US and State of Montana have determined that the Salish, Kootenal and Pend O'reille tribes own all of the water to these lands and will forever retain aboriginal title to them. For this reason, lands homesteaded through this program will be conveyed diminished water rights subject to the jurisdiction of the tribe. The courts have also determined that said tribes have access to use these lands whenever desired and for whatever purposes deemed to be related to sacred rituals, subsistence and for other purposes yet undefined. But that didn't happen. Homesteaders were told a far different story. Article VI of the Treaty of Hellgate allowed for the opening and sale of reservation lands after an allotment process to individual tribal members. When it was open, congressional and other references including US promotional flyers referenced the former Flathead Indian reservation. The Irrigation Project and the promise of productive agricultural land drew many to this area. Homesteaders had every reason to expect that their decision to relocate their families to this area and complete the backbreaking work of clearing the land and developing it for agriculture would result in a patent to their land and ownership of the water rights that went along with it. There was no indication by the federal government that 150+ years into the future those water rights would be subservient to the overreaching claims of the federal government and the tribe effectively making these landowners subject to the whims of these two entities. Unfortunately, the CSKT water compact accomplishes just that. Montanans no longer have the luxury of ignoring the water compact by thinking it won't impact them. To do so will result in diminished property rights and values in western Montana giving us little or nothing to pass along to future generations of our children and grandchildren. The Compact Commission claimed to protect existing uses of water. The Commission conditioned this by saying verified existing uses of water, but how will these claims be verified and by whom? The use of the term existing uses means that new uses are not protected. It is a fact that irrigation uses of water are not protected in the compact. OVERREACH; COLLUSION; FRAUD; MATERIAL INJURY

The Water Court Summary, Page 3, states, "The tribes shall be added as a co-owner with MFWP of the water rights arising under state law held by MFWP for <u>instream flow and recreation</u> purposes identified in Appendices 28 and 29 as amended by the federal act. This co-ownership does not change the priority dates or flow rates for these rights." First, what federal act? Second, why would this co-ownership be allowed or necessary? Is this co-ownership going to forever change the recreation and fee free enjoyment of these waters? What is the purpose to include recreation into the compact? This needs to be detailed. The public is expected to accept and trust unknowns. <u>OVERREACH: COLLUSION: FRAUD</u>

I have researched to try to figure out if I had a patent, not knowing exactly what part that would play. I have found on the Bureau of Land Management site that my riverfront property is in the Record of Patents, Accession Nr: 78131 issued in 1909 and homesteaded in

1862. I have included a copy of that information with my objection; I have requested a certified copy. This is what I interpret. "A successor and assigns clause, sometimes also referred to as a binding effects clause, states the contracting parties' intention that their respective successors and assigns be entitled to the benefits of, and subject to the obligations created by the contract." That would be me. What is assigned to me is, "rights for mining, agriculture, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his or therefrom, should the same be found to penetrate or intersect the premises hereby granted, a right of way thereon for ditches or canals constructed by the authority." The map encompassing my property also includes land that is under the river and across the river from me, even part of the west end of Hungry Horse Reservoir, the South Fork of the Flathead, and the Flathead River up to the confluence of the Flathead and the South Fork. Can this patent in any way protect these rivers of the Flathead River and my well from the CSKT compact?

The color photo attached to my objection shows the location of my home and how there are rivers on both sides of the town of Hungry Horse which are the source or our ground water, recreation, fishing, navigation, and what brings quality to our lives here. Please do not let CSKT destroy any part of what these waters afford the citizens of Montana and the United States who reside in and enjoy western Montana.

I am submitting the questions below for adjudication.

My right and property interest and use are adversely affected and materially harmed by the lack of clarity and equity in matters affecting me in the Compact/Act, as well as numerous apparent mistakes of Fact and Law. The honorable Water Court has jurisdiction over the above matters in order to adjudicate in fairness and equity on my behalf and that of all Montana citizens affected; and, per page 5 of the Findings of Fact, Conclusions of Law and Order for the Commencement of Special Proceedings, may also for good cause disapprove the Compact/Act.

I am a water rights holder in Basin LJ, containing the Mainstem of the Flathead River, and near Basin J, containing the South Fork of the Flathead River. Both of these rivers supply the aquifers underneath Hungry Horse, where my well (water right numbers are 76LJ 30024020 and 76LJ 30121718) is located as indicated on the color satellite Image I have included with my objection packet. As you can see, the water sources for my well are on both sides of Hungry Horse and these are the waters the CSKT compact wants to drain from.

I therefore object to the ownership rights (USA Dept of Interior Bureau of Indian Affairs in trust for Confederated Salish & Kootenai Tribes of Montana held ONLY for the CSKT and no other non-Tribal citizens), of both these rivers as delineated in the Preliminary Decree, and with that, and separately from that, I also object to any and all other elements of the Water Right Number #30063812 (Decree Pages 26 and 63, Sources: Flathead River and Flathead River, South Fork) listed on Page 1 of this Objection form, in which ownership in trust for the Tribes may adversely affect my water right and property interest and use. I further reserve the right to objection to other matters which I may not yet be aware of owing in large part to the publicly unknown but obliquely stated modifications, inconsistencies, and/or potential amendments of the Flathead Compact referred to in the MRWPA.

#### **QUESTIONS:**

1) The Preliminary Decree, Page 36, states "and nothing in this Decree is intended to modify, alter, or amend the terms and provisions of the Compact, and Page 35 states "the water rights of the Tribes confirmed in this Decree are subject to all conditions upon use and administration set forth in the Compact". Does the word "Compact" in these two quotes refer to the Montana Water Rights Protection Act referenced on Page 1 of the Decree where it states "United States Congress approved the Compact in 2020 and the Tribes ratified the Compact in 2020", and is this the same Compact referenced on Page 4 of Case No. WC-0001-C-2021 FLATHEAD COMPACT TRIBAL WATER RIGHTS SUMMARY provided by this Court as part of the NOTICE OF ENTRY OF CSKT OF THE FLATHEAD RESERVATION-STATE OF MONTANA-UNITED STATES COMPACT PRELIMINARY DECREE NOTICE OF AVAILIBILITY, which begins AS A WATER USER YOU MUST READ ALL OF THIS NOTICE, which states "the Compact terms shall be binding on the State, the Tribes, the United States, and any Person using, claiming, or in any manner asserting any right under the authority of these three sovereigns, and in except as provided in the federal act". Is the "Compact" the Federal Act?

- 2) Section 5, (4) of the MWRPA (federal Act) states, "CONFLICT. —In the event of a conflict between the Law of Administration and this Act, the provisions of this Act shall control." MWRPA states in SEC. 4. RATIFICATION OF COMPACT (2) AMENDMENTS. —Any amendment to the Compact is authorized, ratified, and confirmed, to the extent that the amendment is executed to ensure that the Compact is consistent with this Act, and in SEC.2. PURPOSES (2) to authorize, ratify, and confirm the water rights compact entered into by the Tribes and the State, to the extent that the Compact is consistent with this Act. What are the inconsistencies and conflicts between the CSKT Compact and the federal Act, and what are the amendments that may be offered? Could these cause material harm to myself and the public in the areas of water rights and administration? How is there due process and a fair and equitable right for the public to object to an unknown?
- 3) The Compact/Act mentions a CSKT Damages Report ("Damages of the Confederated Salish and Kootenai Tribes Due to Actions by the United States", volume I (March 2011), volume II (March 2011), volume III (October 2011), and the final supplement and economic valuation (February 2016), which is on file at the Department of Justice). Has the Department of Justice released these to the public of Montana? What are these damages? How did they occur? Where did they occur? When did they occur? What is the damage amount for each?
- 4) Are these matters in items 1-3 above a violation of the Montana citizen's constitutional right to know and participate knowledgeably in public process?
- 5) Is the Compact/Act rendered null and void for due process and public's right to know and right to participate knowledgeably as found in the Montana Constitution and further elaborated on in the Montana Code Annotated Public Meeting Law and AG Opinions, owing to the publicly unknown but obliquely stated modifications of the Flathead compact referred to in the MRWPA, affecting all citizens of Montana (including myself), tribal and non-tribal alike?
- 6) Did the Hellgate Treaty of 16 June 1855 give the CSKT any water rights?
- 7) Dld the CSKT in that treaty forever "cede, relinquish, and convey to the United States all their right, title, and interest in and to the country occupied or claimed by them, bounded and described as follows..." (Article I) and "piedge themselves to commit no depredations upon the property of such citizens [of the United States]" (Article VIII)?
- 8) Would that "depredation" include a time immemorial water right ownership for offreservation purposes of their fishing, hunting, and gathering?
- 9) If so, how do the above matters affect the Compact/Act?
- 10) Did that Treaty also provide "the right of taking fish....in common with citizens of the Territory" (inclusive of the Flathead River and the South Fork now containing Hungry Horse Reservoir nearby me), and would that not also provide me and other citizens of Montana equity in rights to control the fisheries and qualities and quantities and locations of waters appropriated for fishing purposes as are provided the Tribes in the Compact/Act?

- 11) Does the October 17, 1855 Treaty of Peace and Friendship, signed by nine tribes only ten weeks after the Heligate Treaty provide "that the navigation of all lakes and streams shall be forever free to citizens of the United States" (Article 8)?
- 12) If so, is this a two-way street, not just for the CSKT, but for the rest of us? All lakes and streams? If the compact gives the CSKT the right to make calls on water for quantity and quality, does this materially harm the Treaty guarantee of non-tribal citizens' right to float and navigate lakes and streams? Should we not through the trusteeship of Montana and the US also have the same rights and issue of ownership? Is not this <u>in common</u> right of the citizens just as "aboriginal" as that of the CSKT?
- 13) Nine years prior to the 1855 Hellgate Treaty, the Treaty of June 1st, 1846 (resulting in the 49th parallel boundary line between the United States and Canada), made the entire Columbia River system navigable for citizens of the United States. Does this apply to other citizens and myself in Basins LI and J regardless of CSKT water appropriations, call, or unknown water quality issues (e.g., temperature or turbidity issues) they may purport in those basins?
- 14) Was the intent of the Winters Doctrine that the CSKT (among other tribes) do have a right to all the water they need at any point in time for historic and historic traditional beneficial on-reservation uses (the same as any water right holder in Montana), and that any additional water they may want or need from off reservation must go through the identical State request processes and rules that every State citizen is subject to?
- 15) Do the CSKT have abundant on-reservation water for all their historic and historic traditional beneficial use in their high mountain lakes, the FIIP, their groundwater wells, streams and other surface water? Does this not more than meet the intent of the Winters Doctrine, that they, like off-reservation citizens should be fairly and equitably treated by the State?

3

- 16) Would giving them right to anything more be prejudicial and inequitable to other State citizens, and an unfair advantage by codifying different standard of standing and/or class?
- 17) Would this reduce one class of citizens' rights or cause them to be nullified by another equal class? Would this violate any State or Federal law? I noticed one booboo in mine,
- 18) Does Water Right #30063812 ownership "in trust", only for CSKT, and not non CSKT Montana or US citizens, commit a depredation and taking of water rights without just compensation of the "in common citizens" (including myself) of the United States.
- 19) Is it changing the law of administration by changing the place in line for all the rest of non-CSKT Montana, making all of our water in these areas affected subject to call? If people downstream get their water called because of this change of place in line, is their only choice to call the people upstream with a later priority date, because shutting junior users off (including those groundwater well owners who do not irrigate and with wells of less than 100 gpm) turns the senior users back on so they have enough water? Does this turn the public into an enforcement tool of the CSKT or State or US Government?

- 20) If under drought scenario, worsened by CSKT's new in-trust ownership to water in my basin, the town well water usage has a negative adverse effect on my well, would I be forced to call the town well's supply in order to have access to my water right? Is this fair and equitable to myself and the whole town?
- 21) Does the 90,000 AF in Hungry Horse Reservoir for which the Compact/Act gives ownership in trust consist of the top layer of water in the Reservoir, or consist of any 90,000 AF of water flushed through the dam, or consist of both?
- 22) If the Compact/Act permits the top layer in the Reservoir to be owned in trust by the CSKT, will all non-tribal citizens of Montana and the US (including myself) be allowed to use that top layer of water to fish, navigate, etc., without being required to make payment to or acquire a permit from the CSKT?
- 23) Would this scenario also apply to any water of that 90,000 AF downstream or to any of the in-common "all lakes and streams" in the Treaty of Peace and Friendship of October 17, 1855?
- 24) Will the 90,000 AF being given to the CSKT from Hungry Horse Reservoir be able to be leased by CSKT all the way to the Pacific Ocean and have priority over other State water rights and administration (Article IX, Section 3, Montana Constitution), such that there is no equity of income from the use of Hungry Horse Reservoir for the benefit of all Montana citizens (including myself)?
- 25) Under the Compact/Act could the CSKT put a call on me through the above, similar scenarios, or water quality issues (not defined by the Compact/Act) and then lease or sell that water back to me?
- 26) Does the Compact/Act protect not only my existing use of my water right, but my lawful future needs and uses for it as well, or could this, due to unspecified amendments or other inconsistencies, in any way be hindered or obstructed by a Tribal Council or any other body acting on their behalf or in common with them such as the Montana DNRC, Montana FWP, or United States DOJ, etc.?
- 27) Would this give non-CSKT citizens less effective standing in disputes of prioritization of future needs and changes in use than tribals?
- 28) Was the payment made by the US to the CSKT (Docket 61) "CSKT Indian Title or Aboriginal Title Claim" which stated, "The judgment shall finally dispose of all claims or demands which petitioner [CSKT] has asserted or could have asserted in his case against defendant [US], and petitioner [CSKT] shall be barred from asserting all such claims or demands in any future action", and Tribal Resolution, 1977, in which the Tribal Council unanimously voted to accept and approve that settlement, a final settlement for off-reservation ceded lands, precluding such Compacts/Acts as that now before the Court?
- 29) Do or could any or all of the above questions and matters constitute material injury to myself and other citizens of Montana and should the level of inquiry employed by the Court into the basis and administration of the reserved CKST water rights be commensurate with the injury?

20

30) Do the issues above in any way constitute or are any of them the product of fraud, overreach, or collusion between the compacting parties and are they further abandoning the "in-common citizens" (including myself) and their equal and in-common water rights?

I object to whatever the changes in the Tribal water rights and process of administration of those are because I am entitled to a fair process, and there are too many questions unanswered, whose answers could dramatically and adversely affect me and even a whole class of Montanans.

Thank you for reviewing this and representing all the people of Montana, CSKT and non-CSKT, in this as you adjudicate issues.

Respectfully submitted,

Darlene Wagner

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**Hungry Horse** 

MT 59919

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			Land Patent Details			
ccession Nr: 78	3131 Document Type: Se	rial Patent State: Montana	Issue Date: 9/9/1909 Cano	elled: No		
Nam	es On Document		Miscella	neous Informati	OR	
HARBIN, WIL	LIAM	Land Office:	Kalisperl			
		US Reservations:	Yes			
		Mineral Reservations:	No			
		Tribe:	nee			
		Militia:	avt			
		State in Favor Of:	150			
Military Rank:	401	Authority:	May 20, 1867: Homestrad En	byOriginal (12 Stat. 39	(2)	
Misc. Doc. Nr: BLM Serial Nr:	1721 MTMTAA 060228	Total Acres: Survey Date: Geographic Name:	136.93			
Indian Allot. No	n	Metes/Bounds:	No			
			Land Descriptions			
State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
AT M	Iontana PM	030N - 019W	SE14SE14	6		Flathead
MT N	Aontana PM	030N - 019W	Lot/Trct 12	5		Flathead
REMARKS: LOT 12	OF SWSW					
MT M	ontana PM	030N - 019W	Lot/Trct 10	6		Flathead
MT M	iontana PM	030N - 019W	Lot/Trct 9	6	*******	Flathead
REMARKS: LOT 9	OR NESE QUARTER					

#### 4-4950-477.

# The United States of America,

To all to misen these presents shall come, Cerettes:

Homostoad	Certificate	Ko.	462.	
Application	MR 1921.			

WERRIAS, There has been deposited in the HEMERAL LARD OFFICE of the United States a Certificate of the Register of the Land Office at Enlispell, Montana, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

#### WELLER MARRIE

has been established and duly consummated, in conformity to law, for the Lots nine and ten und the southeast quarter of the southeast quarter of Section win and the Lot twelve of Section five in Township thirty north of Range ninetees went of the Mastana Meridian, Montana, containing one hundred thirty-six and ninety-three-impedred the acree,

according to the Official Flat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said William Warbin

the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtunances thereof, unto the said William Harbin

and to his heirs and assigns forever; subject to any vested and accrued water

rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such vater rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

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WC-0001-C-2021

November 30, 2022

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT Montana Water Court

#### CASE NO. WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

Calhoon Dav	VIO R NAME MID. INITIA	AL LAST	NAME	FIRST NAME	MID. INITIAL
230 Gordons Bea					
STREET ADDRESS OR PO		STREE	T ADDRESS OR	PO BOX	
Troy	MT	59935			
CITY	STATE	ZIP CODE CITY	`	STATE	ZIP CODE
(406 ) 295-3905 PHONE NUMBER	dlcalhoon@front E-MAIL		) E NUMBER	Е МАП	
PHONE NUMBER	E-MAIL	PHON	E NUMBER	E-MAII	٥
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and the water sourc water right number.	e. If you are object		water right i	number, use a se	parate form for each
and the water sourc	e. If you are object		water right i	number, use a se er in Decree: 1-6	parate form for each
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and the water sourc water right number. Water Right #: 760	e. If you are object	ing to more than one	Water right in Page number Source:	number, use a se er in Decree: 1-6	parate form for each  71

(TURN FORM OVER AND COMPLETE OTHER SIDE)

# YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

#### CERTIFICATE OF MAILING

$_{ m I,}$ David R. (	Calhoon	, declare under penalty of perjury, that on the 29 d	ay of
November	, 2022, I mail	led a copy of this Objection postage prepaid, addressed to	o the
following attorneys f	For the Federal State	and Tribal Agencies:	

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

Electronic Signature// David R Calhoon SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to: Montana Water Court

**PO Box 1389** 

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

WC-0001-C-2021 November 30, 2022

Montana Water Court

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

#### CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

LAST NAME FIRST	NAME AMD. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
Tract Cre	BOX MT 59874	STREET ADDRESS OR	PO BOX	740
(406) 827-06	STATE ZIP CODE	CITY (	STATE	ZIP CODE
PHONE NUMBER	E-MAIL	PHONE NUMBER	E-MAII	,
4. If you are objection	ng to a specific water right r	number, identify the wat	ter right number,	decree page number
and the water source	ng to a specific water right re. If you are objecting to mo	number, identify the water than one water right	er right number, number, use a se	decree page number parate form for each
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and the water source water right number. Water Right #:	e. If you are objecting to mo	re than one water right reference than one water right reference that the reference that	number, use a se	parate form for eac

(TURN FORM OVER AND COMPLETE OTHER SIDE)

I am filing my objections to the CSKT Water Compact. Below are some of my objections to the part of the Compact.

- The Water Management Board cannot know the future planning and development needs of each county and therefore not appropriately distribute and approve water needs throughout multiple counties. Future planned water needs should be kept under county control.
- 2. There is no language that identifies the full process, criteria, costs and timeframe for a citizen to apply for either a new water use or change in water use. A private citizen trying to establish a private well for their own personal house on private property should not be held hostage to a lengthy process because the Water Management Board has poor application management. Further, there is no priority list as to how applications will be handed and the lack of wording in the Compact allows for the possibility that a first come first served will not occur or that prioritization could occur on a case by case scenario, allowing favoritism toward a business or city water right over a citizen, even if the citizen applied months prior.

I object to multiple sections of wording of this Compact, a couple of which are listed above. The language causes direct and indirect harm to me as a full time resident living, working, recreating and owning property in the area covered in this Compact. The affects are: financial in the form of my tax dollars being used without my input and without proper oversight, quality of life in the form of impacts to recreational activities on both land and water, socioeconomic impacts in the form of potentially higher cost of living caused by the impacts of mismanagement or irrigation restrictions, and property value for any new or change in water that could be time consuming, costly, or bureaucratic to acquire in order to use my property.

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

CERTIFICATE OF MAILING

I, Larry Hoffland, declare under penalty of perjury, that on the 30 day of November, 2022, I mailed a copy of this Objection postage prepaid, addressed to the following attorneys for the Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

Please send this completed original to:

Montana Water Court

PO Box 1389

Bozeman, MT 59771-1389

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

WC-0001-C-2021 November 30, 2022

Montana Water Court

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:  VINAL STEPHEN  LAST NAME FIRST NAME MID. INITIAL  LO 15 BAYVIEW DR  STREET ADDRESS OR PO BOX  POLSON MT 59866  CITY STATE ZIP CODE	2. Objector's Attorname  LAST NAME  STREET ADDRESS OR F	FIRST NAME	MID. INITIAL  ZIP CODE
PHONE NUMBER SE-MAIL MSN. COM	PHONE NUMBER	E-MAIL	
3. State the specific part(s) of the Preliminary Decree on which the objection(s) are based. (Use additional parties of the present of the pr	aper if necessary)  ne ofher 16 cor  volumes of water  cely upon 4 co	whacts that - et to be leas atinue with	the state of Montana ed outside of the rese in the MT Water Use Act
Water Right #: (One Number Per Form)	Page number	in Decree:	
DA	Source:ATED this 30 th day	Vinal	
(TURN FORM OVER AND	COMPLETE OT	HER SIDE)	

YOU MUST MAIL OR EMAIL A COPY OF THIS OBJECTION TO THE FOLLOWING ATTORNEYS REPRESENTING THE U.S. DEPARTMENT OF JUSTICE, THE STATE OF MONTANA, AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, REPRESENTS TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THESE ATTORNEYS.

#### **CERTIFICATE OF MAILING**

I, Stephen	VINAL , dec	lare under penalty of perjury, that on the 301 (day of
NOVEMBER	, 2022, I mailed a cop	y of this Objection postage prepaid, addressed to the
following attorneys for the	Federal, State, and Trib	al Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

**Montana Water Court** 

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

OBJECTIONS MUST BE RECEIVED AT THE WATER COURT BY DECEMBER 6, 2022.

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES ELECTRONICALLY FILED MONTANA – UNITED STATES COMPACT

CASE NO. WC-0001-C-2021

WC-0001-C-2021

November 30, 2022

# NOTICE OF OBJECTION AND REQUEST FOR HEARING

Montana Water Court

LAST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
5 Fernwood Way STREET ADDRESS OR PO BOX			2444
STREET ADDRESS OR PO BOX	STREET ADDRESS O	OR PO BOX	
Trout Creek MT 5 CITY STATE ZI	P CODE CITY	STATE	ZIP CODE
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(406) 847-5301 chesylhige PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAII	
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(TURN FORM OVER AND COMPLETE OTHER SIDE)

#### **CERTIFICATE OF MAILING**

I, Chery)	Hill	, declare under penalty of perjury, that on the 30 day of
_ November	, 2022, 1	mailed a copy of this Objection postage prepaid, addressed to the
following attorneys for the	e Federal, S	State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
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Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

**Montana Water Court** 

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

I am filing my objections to the CSKT Water Compact. Below are my objections to the parts of the Compact and my evidence.

- 1. The \$2.3 Billion Federal appropriation for the project was recommended against in 2016 by the Secretary of the Interior based on a failure to justify the costs and implementation of money. This Compact does not resolve the 2016 recommendation and offers no language on establishment and oversight of any budget, how money will be allotted and spent, and where it will come from. If there are tax dollars to be used, taxpayers must have input on who and how their money is spent.
- 2. The Compact does not define who will determine and how the criteria is established for the minimum and maximum water levels for the different waters covered. It does not define who will be ultimately responsible to decide when minimum levels are reached and who exactly will enforce the "call" for water from non-reservation users and offers no specifics on oversight for such a decision.
- 3. CSKT does not have the resources, even with proper funding, to monitor proper fish populations and habitat in waters on-reservation, let alone off-reservation. Historic management of fisheries by Native American tribes has shown significant misunderstanding and mismanagement of fisheries. One example is the large scale netting operations in the southwestern portions of Flathead Lake that have affected Lake Trout and Whitefish populations in the north, where 'take' of these fisheries is heavily relied on for private citizen food stock and economic commercial fishing operations. CSKT does not have the resources to monitor, research, or implement fishery and habitat needs. The CSKT has no research teams, no easy agency access to statewide or federal research and databases, and no resources to effect or implement a needed action. Giving CSKT equal management rights with MFWP gives them artificial capabilities as MFWP. It is again, far outside the reparations of the Hellgate Treaty. Only MFWP has the capability to monitor and take action on fish populations. CSKT should not be given "comanagement" capability, but instead their waters should be given "equal monitoring and protections as state owned waters." There should be given no exclusivity or prioritization of any fishery or habitat over another, just because of jurisdictional ownership. A failure in any fishery or habitat, regardless of location, can cause trickle down failures in other waters or lands. Instead of CSKT being given co-management authority, MFWP should be assigned new prioritization for CSKT waters for fishery and habitat monitoring. MFWP should be allowed to do what the agency feels is needed for management of fisheries and habitat in CSKT waters just like any other water. However, if it is determined by CSKT that the actions of MFWP could cause a negative impact in their perception, they should be given veto power to override and stop MFWP actions and for MFWP to work until "mutually agreed upon" with CSKT on the proper action.
- 4. There is no wording that addresses impacts to other wildlife this Compact could have. CSKT does not have the resources to survey all parts of an ecosystem that could be negatively impacted by this Compact. The fisheries and habitat may be the ultimate objective of the Compact, but allowing CSKT comanagement rights with FWP means they can perform changes that create positive impacts for one species of fish, but cause damage to other flora and fauna. CSKT should not be given co-management rights with FWP because of lack of resources and inability to survey or monitor large ecosystems.
- 5. Water levels that drop below minimum and result in a "call" for water without proper management and oversight will result in impacting irrigation use in the form of agriculture, and therefore needlessly impact costs of agricultural products. The lack of fine wording outlining the minimum criteria and "call" procedure can impact both the livelihoods of those having to give up water while also impacting the local economy with inflated prices.
- 6. The Water Management Board cannot know the future planning and development needs of each county and therefore not appropriately distribute and approve water needs throughout multiple counties. Future planned water needs should be kept under county control.

- 7. There is no language that identifies the full process, criteria, costs, and timeframe, for a citizen to apply for either a new water use or change in water use. A private citizen trying to establish a well for their own personal house on private property should not be held hostage to a lengthy process because the Water Management Board has poor application management. Further, there is no priority list as to how applications will be handled and the lack of wording in the Compact allows for the possibility that a first come first served will not occur or that prioritization could occur on a case by case scenario, allowing favoritism towards a business or city water right over a citizen, even if the citizen applied months prior.
- 8. The water levels of the rivers, streams, lakes, ponds, and tributaries in the Compact come from three sources: snow melt, rain runoff, direct rain. These differences can be localized and regional. Such an example can be the South Fork Flathead River being below an average level while the North Fork Flathead River is above average level. There is no wording in the Compact that establishes criteria or actions when there are regional or localized water level discrepancies. This could result in an unnecessary "call" of water. Specific language must be added to isolate "calls" of water in relation to the local waterway level.
- 9. The purpose of the Compact is to ensure water levels for "fisheries and habitat." There appears to be no research or data to support that shunting water in a "call" will result in a positive help to the fisheries and habitat. There is no evidence that shunting water will change the levels in the affected waterway. For example, there are some irrigation users located next to a river that, even if they stopped all water use for many years, would not change the water level in that river. There must be research that shows such a 'take' on water users will meet the benefits of the Compact, and then the definitive wording must be put in the Compact that only a "call" will be done on a water user where that water will actually meet the goal of the Compact. There should be no reason an irrigation user in South Fork Flathead River is "called" on because the Kootenai River is at a low level and there is no such language that precludes this.
- 10. The Hellgate Treaty addresses waters that border the reservations. This Compact is a means for reparations of that treaty. However, the Hungry Horse Reservoir in upper Flathead County is a far reach from the Flathead Indian Reservation in western Lake County that holds to benefit from it. Hungry Horse Reservoir should be managed separately and therefore excluded from the Compact. If there is a water need for the reservation, it should be up to the state how the need is met, what dams are opened over others, etc.
- 11. Overall the Compact gives greater rights than the Hellgate Treaty, adding uses and waterways that were not included in the Hellgate Treaty. The Compact appears to be a way to remedy a discrepancy in what was promised in the Hellgate Treaty and what the Native American reservations were promised. However, the wording in this Compact overreaches by giving rights and management that are far outside the Hellgate Treaty. This Compact needs to establish the original rights only, identify and ensure those original rights are followed, but not grant or extend new rights by including waters far outside the Hellgate treaty and giving CSKT powers far above the ones established by the Hellgate Treaty.
- 12. There should be wording that holds accountability for mismanagement. For instance, if the CSKT mismanage a water and kill off a fish population or habitat, it penalizes them for such mismanagement. This should also include penalizing for inappropriate "calls" or for breaching the Compact. There is no such wording in the Compact that addresses any accountability for any party.
- 13. There is no reason CSKT should become "co-managers" of all MFWP managed waters and property. Under the currently broad and undefined Compact wording, CSKT would become "co-manager" of such things as water vessel usage, recreational water use and access, and hunting/fishing on or next to the included waters. There is simply no reason, and it is far outside the reparations of the Hellgate Treaty, for CSKT to "co-manage" MFWP responsibility. If the whole purpose of the Compact is to ensure fisheries and habitat, there is no reason CSKT should be given "co-management" of a boat ramp in Hungry Horse Reservoir or a recreational pathway along Flathead River as examples. This is again going far and above the reparations related to the Hellgate Treaty and outside meeting the core goal of this Compact.

- 14. New groundwater users of a county should not have to go through a state board to seek approval. A private well in the mountains of a county that has no relevance to waters in the Compact and far outside any reservation, should not be governed by tribal members on a Board. Users not directly covered by the Compact should be governed by their local county or city.
- 15. Many sections are set to time of effectiveness as "time immemorial." However, the Blackfeet were contesting land in the Flathead Valley and documented by Peter Ronan as early as 1811. The Hellgate Treaty established land for reservation on the west side of Flathead Lake in the southern half and recognized water rights were for that area. Though there was no treaty with the Blackfeet for the area north of Flathead Lake, at the time of the treaty in 1855 and documented as late as 1890, conflicts between the Blackfeet and Flathead tribes were recorded. As discussed earlier, some of the waters being given to the CSKT are outside the original Hellgate Treaty and in previously documented Blackfeet areas. This means those waters were not necessarily under full legal control of CSKT and therefore cannot be found to be "time immemorial." To be determined as "time immemorial" would mean; a) there was no doubt as to what exactly was under CSKT ownership and not Blackfeet, and b) it would have to be recognized prior to 1855. These two conditions cannot be established, therefore the water rights should be established as 1855 for those areas identified within the Hellgate Treaty and any new water rights granted in this Compact would have an effective date of the time this Compact is fully ratified.
- 16. The primary objective is to ensure fisheries and habitat for CSKT reservations and lands. However, the viability of Tribal reservations in benefiting all Tribal members and promoting the overall health of reservations from all the rights offered in this Compact is highly questionable. A large number of Tribal members suffer from poor health, poor living conditions, and poor lifestyle even with the resources the Tribes are given today. There is no evidence that the members of the reservations would be able to utilize or benefit from all the rights offered in this Compact. There is no evidence that affording the Tribes large scale rights will trickle down to Tribal members and improve their quality of life on reservations. Many tribes bring in large amounts of money, sometimes in the millions, from Casinos and yet many member live in squalor, there is poor law/fire/ems, and crime and abuse is rampant in many Tribal places where prosperous Casinos operate.

#### In Summary;

I object to multiple sections and wording of this Compact. The language causes direct and indirect harm to me as a full time resident living, working, recreating, and owning property in the area covered in this Compact. The affects are: financial in the form of my tax dollars being used without my input and without proper oversight, quality of life in the form of impacts to recreational activities on both land and water, socioeconomic impacts in the form of potentially higher cost of living caused by the impacts of mismanagement or irrigation restrictions, and property value for any new or change in water use that could be time consuming, costly, or bureaucratic to acquire in order to use my property.

## IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT ELECTRONICALLY FILED

CASE NO. WC-0001-C-2021

WC-0001-C-2021

### NOTICE OF OBJECTION AND REQUEST FOR HEARING

Montana Water Court

LAST NAME FIRST NAME MID. INITIAL  5 Fernwood Way	LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX	STREET ADDRESS OF	R PO BOX	•
Trout Creek MT 59874			
STATE ZIP CODE	CITY	STATE	ZIP CODE
(406) 847-5301 chesylh1957egmo PHONE NUMBER E-MAIL	PHONE NUMBER	E-MAIL	
	THORID HOMBER	E-WAIL	
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#### **CERTIFICATE OF MAILING**

I, Chery)	Hill	, declare under penalty of perjury, that on the 30 day of
_ November	, 2022, 1	mailed a copy of this Objection postage prepaid, addressed to the
following attorneys for the	e Federal, S	State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver, Colorado 80202
efile denver.enrd@usdoj.gov

Molly M. Kelly
Montana Department of
Natural Resources and
Conservation
1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

Please send this completed original to:

**Montana Water Court** 

PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

#### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

#### CASE NO. WC-0001-C-2021

#### NOTICE OF OBJECTION AND REQUEST FOR HEARING

AST NAME FIRST NAME MID. INITIAL	LAST NAME	FIRST NAME	MID. INITIAL
5 Fernwood Way TREET ADDRESS OR PO BOX			
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Trout Creek MT 59874	- Commit	CT + TT	TIP CORE
Diffic Cobb	CITY	STATE	ZIP CODE
HOW NUMBER E-MAIL	PHONE NUMBER	E-MAIL	
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Molly M. Kelly
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Natural Resources and
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1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov

SIGNATURE FOR CERTIFICATE OF MAILING

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PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

I am filing my objections to the CSKT Water Compact. Below are my objections to the parts of the Compact and my evidence.

- 1. The \$2.3 Billion Federal appropriation for the project was recommended against in 2016 by the Secretary of the Interior based on a failure to justify the costs and implementation of money. This Compact does not resolve the 2016 recommendation and offers no language on establishment and oversight of any budget, how money will be allotted and spent, and where it will come from. If there are tax dollars to be used, taxpayers must have input on who and how their money is spent.
- 2. The Compact does not define who will determine and how the criteria is established for the minimum and maximum water levels for the different waters covered. It does not define who will be ultimately responsible to decide when minimum levels are reached and who exactly will enforce the "call" for water from non-reservation users and offers no specifics on oversight for such a decision.
- 3. CSKT does not have the resources, even with proper funding, to monitor proper fish populations and habitat in waters on-reservation, let alone off-reservation. Historic management of fisheries by Native American tribes has shown significant misunderstanding and mismanagement of fisheries. One example is the large scale netting operations in the southwestern portions of Flathead Lake that have affected Lake Trout and Whitefish populations in the north, where 'take' of these fisheries is heavily relied on for private citizen food stock and economic commercial fishing operations. CSKT does not have the resources to monitor, research, or implement fishery and habitat needs. The CSKT has no research teams, no easy agency access to statewide or federal research and databases, and no resources to effect or implement a needed action. Giving CSKT equal management rights with MFWP gives them artificial capabilities as MFWP. It is again, far outside the reparations of the Hellgate Treaty. Only MFWP has the capability to monitor and take action on fish populations. CSKT should not be given "comanagement" capability, but instead their waters should be given "equal monitoring and protections as state owned waters." There should be given no exclusivity or prioritization of any fishery or habitat over another, just because of jurisdictional ownership. A failure in any fishery or habitat, regardless of location, can cause trickle down failures in other waters or lands. Instead of CSKT being given co-management authority, MFWP should be assigned new prioritization for CSKT waters for fishery and habitat monitoring. MFWP should be allowed to do what the agency feels is needed for management of fisheries and habitat in CSKT waters just like any other water. However, if it is determined by CSKT that the actions of MFWP could cause a negative impact in their perception, they should be given veto power to override and stop MFWP actions and for MFWP to work until "mutually agreed upon" with CSKT on the proper action.
- 4. There is no wording that addresses impacts to other wildlife this Compact could have. CSKT does not have the resources to survey all parts of an ecosystem that could be negatively impacted by this Compact. The fisheries and habitat may be the ultimate objective of the Compact, but allowing CSKT comanagement rights with FWP means they can perform changes that create positive impacts for one species of fish, but cause damage to other flora and fauna. CSKT should not be given co-management rights with FWP because of lack of resources and inability to survey or monitor large ecosystems.
- 5. Water levels that drop below minimum and result in a "call" for water without proper management and oversight will result in impacting irrigation use in the form of agriculture, and therefore needlessly impact costs of agricultural products. The lack of fine wording outlining the minimum criteria and "call" procedure can impact both the livelihoods of those having to give up water while also impacting the local economy with inflated prices.
- 6. The Water Management Board cannot know the future planning and development needs of each county and therefore not appropriately distribute and approve water needs throughout multiple counties. Future planned water needs should be kept under county control.

- 7. There is no language that identifies the full process, criteria, costs, and timeframe, for a citizen to apply for either a new water use or change in water use. A private citizen trying to establish a well for their own personal house on private property should not be held hostage to a lengthy process because the Water Management Board has poor application management. Further, there is no priority list as to how applications will be handled and the lack of wording in the Compact allows for the possibility that a first come first served will not occur or that prioritization could occur on a case by case scenario, allowing favoritism towards a business or city water right over a citizen, even if the citizen applied months prior.
- 8. The water levels of the rivers, streams, lakes, ponds, and tributaries in the Compact come from three sources: snow melt, rain runoff, direct rain. These differences can be localized and regional. Such an example can be the South Fork Flathead River being below an average level while the North Fork Flathead River is above average level. There is no wording in the Compact that establishes criteria or actions when there are regional or localized water level discrepancies. This could result in an unnecessary "call" of water. Specific language must be added to isolate "calls" of water in relation to the local waterway level.
- 9. The purpose of the Compact is to ensure water levels for "fisheries and habitat." There appears to be no research or data to support that shunting water in a "call" will result in a positive help to the fisheries and habitat. There is no evidence that shunting water will change the levels in the affected waterway. For example, there are some irrigation users located next to a river that, even if they stopped all water use for many years, would not change the water level in that river. There must be research that shows such a 'take' on water users will meet the benefits of the Compact, and then the definitive wording must be put in the Compact that only a "call" will be done on a water user where that water will actually meet the goal of the Compact. There should be no reason an irrigation user in South Fork Flathead River is "called" on because the Kootenai River is at a low level and there is no such language that precludes this.
- 10. The Hellgate Treaty addresses waters that border the reservations. This Compact is a means for reparations of that treaty. However, the Hungry Horse Reservoir in upper Flathead County is a far reach from the Flathead Indian Reservation in western Lake County that holds to benefit from it. Hungry Horse Reservoir should be managed separately and therefore excluded from the Compact. If there is a water need for the reservation, it should be up to the state how the need is met, what dams are opened over others, etc.
- 11. Overall the Compact gives greater rights than the Hellgate Treaty, adding uses and waterways that were not included in the Hellgate Treaty. The Compact appears to be a way to remedy a discrepancy in what was promised in the Hellgate Treaty and what the Native American reservations were promised. However, the wording in this Compact overreaches by giving rights and management that are far outside the Hellgate Treaty. This Compact needs to establish the original rights only, identify and ensure those original rights are followed, but not grant or extend new rights by including waters far outside the Hellgate treaty and giving CSKT powers far above the ones established by the Hellgate Treaty.
- 12. There should be wording that holds accountability for mismanagement. For instance, if the CSKT mismanage a water and kill off a fish population or habitat, it penalizes them for such mismanagement. This should also include penalizing for inappropriate "calls" or for breaching the Compact. There is no such wording in the Compact that addresses any accountability for any party.
- 13. There is no reason CSKT should become "co-managers" of all MFWP managed waters and property. Under the currently broad and undefined Compact wording, CSKT would become "co-manager" of such things as water vessel usage, recreational water use and access, and hunting/fishing on or next to the included waters. There is simply no reason, and it is far outside the reparations of the Hellgate Treaty, for CSKT to "co-manage" MFWP responsibility. If the whole purpose of the Compact is to ensure fisheries and habitat, there is no reason CSKT should be given "co-management" of a boat ramp in Hungry Horse Reservoir or a recreational pathway along Flathead River as examples. This is again going far and above the reparations related to the Hellgate Treaty and outside meeting the core goal of this Compact.

- 14. New groundwater users of a county should not have to go through a state board to seek approval. A private well in the mountains of a county that has no relevance to waters in the Compact and far outside any reservation, should not be governed by tribal members on a Board. Users not directly covered by the Compact should be governed by their local county or city.
- 15. Many sections are set to time of effectiveness as "time immemorial." However, the Blackfeet were contesting land in the Flathead Valley and documented by Peter Ronan as early as 1811. The Hellgate Treaty established land for reservation on the west side of Flathead Lake in the southern half and recognized water rights were for that area. Though there was no treaty with the Blackfeet for the area north of Flathead Lake, at the time of the treaty in 1855 and documented as late as 1890, conflicts between the Blackfeet and Flathead tribes were recorded. As discussed earlier, some of the waters being given to the CSKT are outside the original Hellgate Treaty and in previously documented Blackfeet areas. This means those waters were not necessarily under full legal control of CSKT and therefore cannot be found to be "time immemorial." To be determined as "time immemorial" would mean; a) there was no doubt as to what exactly was under CSKT ownership and not Blackfeet, and b) it would have to be recognized prior to 1855. These two conditions cannot be established, therefore the water rights should be established as 1855 for those areas identified within the Hellgate Treaty and any new water rights granted in this Compact would have an effective date of the time this Compact is fully ratified.
- 16. The primary objective is to ensure fisheries and habitat for CSKT reservations and lands. However, the viability of Tribal reservations in benefiting all Tribal members and promoting the overall health of reservations from all the rights offered in this Compact is highly questionable. A large number of Tribal members suffer from poor health, poor living conditions, and poor lifestyle even with the resources the Tribes are given today. There is no evidence that the members of the reservations would be able to utilize or benefit from all the rights offered in this Compact. There is no evidence that affording the Tribes large scale rights will trickle down to Tribal members and improve their quality of life on reservations. Many tribes bring in large amounts of money, sometimes in the millions, from Casinos and yet many member live in squalor, there is poor law/fire/ems, and crime and abuse is rampant in many Tribal places where prosperous Casinos operate.

#### In Summary;

I object to multiple sections and wording of this Compact. The language causes direct and indirect harm to me as a full time resident living, working, recreating, and owning property in the area covered in this Compact. The affects are: financial in the form of my tax dollars being used without my input and without proper oversight, quality of life in the form of impacts to recreational activities on both land and water, socioeconomic impacts in the form of potentially higher cost of living caused by the impacts of mismanagement or irrigation restrictions, and property value for any new or change in water use that could be time consuming, costly, or bureaucratic to acquire in order to use my property.

WC-0001-C-2021 November 30, 2022

Montana Water Court

#### IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

#### CASE NO. WC-0001-C-2021

#### NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector'	s Name, Addre	ss, and P	none Number:	2. Objector's At	torney name, addı	ess, and phone number
Goodwin	Denise					
LAST NAME	FIRST NAME	MID. INI	TIAL	LAST NAME	FIRST NAME	MID. INITIAL
PO Box 924					n no nov	
STREET ADDRE	SS OR PO BOX			STREET ADDRESS O	R PO BOX	
Plains	·	<u>MT</u>	59859		Cm + mc	710 CODE
CITY	2020 monto	STATE	ZIP CODE	СПҮ	STATE	ZIP CODE
(406) 242-0	<del></del>		ogmail.com	PHONE NUMBER	E-MAIL	
PHONE NUMBER	K	E-MAIL		PHONE NUMBER	E-MAIL	
3 State the	specific part(s)	of the Pr	eliminary Decr	ree objected to Idea	ntify the specific s	ground(s) and evidence
			•	=		
According to	the Montana Co	nstitution	Article IX Section	l paper if necessar n 3 (3) "All surface, u	nderground, flood,	and atmospheric
waters within	the boundaries	of the stat	e are the propert	y of the state for the	use of its people and	l are subject to
appropriatio	n for beneficial t	ises as pro	vided by law". V	Ve are the people of t	he state as well as tl	ne CSKT members.
One is not abo	ve the other.	·				
	er source. If you					decree page number, parate form for each
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				DATED this 30th	day of <u>November</u>	, 2022.
				Denise Goodwing	W CTOR OR OBJECTOR'S	S ATTORNEY
	(	TURN F	ORM OVER A	AND COMPLETE	OTHER SIDE)	

#### CERTIFICATE OF MAILING

I, Denise Good	in , declare under penalty of perjury, that on the 30th day of
Novemeber	, 2022, I mailed a copy of this Objection postage prepaid, addressed to the
following attorneys for the	Federal, State, and Tribal Agencies:

Daniel J. Decker Confederated Salish & Kootenai Tribes Tribal Legal Department PO Box 278 Pablo, MT 59855 objections@cskt.org

David W. Harder U.S. Department of Justice Indian Resources Section Environment & Natural Resources Div. 999 18th St. South Terrace, Suite 370 Denver, Colorado 80202

efile denver.enrd@usdoj.gov

Montana Department of Natural Resources and Conservation 1539 Eleventh Avenue PO Box 201601 Helena, MT 59601 Jean.Saye@mt.gov

Molly M. Kelly



Please send this completed original to:

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PO Box 1389

Bozeman, MT 59771-1389

or

E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

WC-0001-C-2021 November 30, 2022

# IN THE WATER COURT OF THE STATE OF MONTANA CONFEDERATED SALISH AND KOOTENAI TRIBES MONTANA – UNITED STATES COMPACT

## CASE NO. WC-0001-C-2021

## NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Objector's Name, Address, and Phone Number:	2. Objector's Attorney name, address, and phone number of the Color of Colors
898 Waare Lane	LAST NAME FIRST NAME MID. INITIAL 898 WAGNER CANE
TREET ADDRESS OR PO BOX	STREET ADDRESS OR PO BOX
TY STATE ZIP CODE	CITY STATE ZIP CODE
PHONE NUMBER VICKI MONTANA @ OUTlook	(406) 314-377 2 PHONE NUMBER E-MAIL
	Com
3. State the specific part(s) of the Preliminary Dec	cree objected to. Identify the specific ground(s) and evidence
on which the objection(s) are based. (Use addition	al paper if necessary)
See attached page	
HOUSE, W. C.	
# If you are objecting to a specific water right num	wher identify the water right number, decree page number
	nber, identify the water right number, decree page number,
and the water source. If you are objecting to more	nber, identify the water right number, decree page number, than one water right number, use a separate form for each
and the water source. If you are objecting to more water right number.	
and the water source. If you are objecting to more water right number.	than one water right number, use a separate form for each
	than one water right number, use a separate form for each  Page number in Decree:
and the water source. If you are objecting to more water right number.  Water Right #: 76LJ 31973 00	than one water right number, use a separate form for each
and the water source. If you are objecting to more water right number.  Nater Right #: 76LJ 31973 00	than one water right number, use a separate form for each  Page number in Decree:
and the water source. If you are objecting to more water right number.  Water Right #: 76LJ 31973 00	than one water right number, use a separate form for each  Page number in Decree:
and the water source. If you are objecting to more water right number.  Nater Right #: 76LJ 31973 00	than one water right number, use a separate form for each  Page number in Decree:
and the water source. If you are objecting to more water right number.  Water Right #: 76LJ 31973 00	than one water right number, use a separate form for each  Page number in Decree:
and the water source. If you are objecting to more water right number.  Water Right #: 76LT 31973 00  One Number Per Form)	Page number in Decree: Source:  DATED this / day of, 2022.
and the water source. If you are objecting to more water right number.  Water Right #: 76LT 31973 00  One Number Per Form)	Page number in Decree:Source:

(TURN FORM OVER AND COMPLETE OTHER SIDE)

## CERTIFICATE OF MAILING

. Vicki A.	Isbell	, declare under penalty of perjury, that on the day o
December	, 2022, I maile	ed a copy of this Objection postage prepaid, addressed to the
following attorneys for t	he Federal, State.	and Tribal Agencies:

Daniel J. Decker
Confederated Salish & Kootenai
Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855

Dections@cskt.org

Please send this completed original to:

David W. Harder
U.S. Department of Justice
Indian Resources Section
Environment & Natural
Resources Div.
999 18th St.
South Terrace, Suite 370
Denver. Colorado 80202

Molly M. Kelly
Montana Department of
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Bozeman, MT 59771-1389

**Montana Water Court** 

SIGNATURE FOR CERTIFICATE OF MAILING

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

I object to the Preliminary Decree because the CSKT is being given more influence over my water rights than the State of Montana. My water rights are granted by the State of Montana, of which I am a citizen. This is in violation of the Montana Constitution. How then can I be subjected to an unreasonable call on my water rights by any entity other than the State of Montana? In addition, this would clearly violate the 4th (Fourth), 5th (Fifth) and 14th (Fourteenth) Amendments to the United States Constitution.