

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

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

Caldwell, Sherry K

LAST NAME FIRST NAME MID. INITIAL
3 Washington

STREET ADDRESS OR PO BOX
Plains, Montana 59859

CITY STATE ZIP CODE
(406) 499-6352 mulelady06@gmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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)

Preliminary Decree

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 more than one water right number, use a separate form for each water right number.

Water Right #: _____
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 28 day of November, 2022.

Sherry K Caldwell

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, Sherry K Caldwell, 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

Sherry K Caldwell

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

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MONTANA - UNITED STATES COMPACT

Montana Water Court

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

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

Butler Jeffrey H.
LAST NAME FIRST NAME MID. INITIAL
34367 Columbine Ln
STREET ADDRESS OR PO BOX
Polson MT 59860
CITY STATE ZIP CODE
(925) 917-0142 Jeffro@321@yahoo.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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UNCONSTITUTIONAL - Direct conflict with STATE TRIBAL JURISDICTIONS

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ50403-00
(One Number Per Form)

Page number in Decree: #7/#20/#23/#24
Source: EBLOA Well - EBLOA WATER Right

DATED this 29th day of November, 2022.

SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

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CERTIFICATE OF MAILING

I, Jebby H Butte, 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@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

Emailed 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**

Emailed 11/29/22 JAS.

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Montana Water Court

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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:

King Kevin S
LAST NAME FIRST NAME MID. INITIAL
48 Wanless Lane N
STREET ADDRESS OR PO BOX
TROUT CREEK MT 59874
CITY STATE ZIP CODE
(406) 827-0251 ksktrucking@
PHONE NUMBER E-MAIL
blackfoot.net

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

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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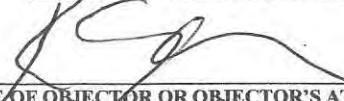
3. Mainstream Flow Right in the Lower Clark Fork River (Basin 76M and 76N).

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76N30013402
(One Number Per Form)

Page number in Decree: 15
Source: Lower Clark Fork River

DATED this 28th day of November, 2022.


SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(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

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48 Wanless Lane N
STREET ADDRESS OR PO BOX
TROUT CREEK MT 59874
CITY STATE ZIP CODE
(406) 827-0251 ksktrucking@
PHONE NUMBER E-MAIL
blackfoot.net

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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(Basin 76M and 76N).

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Water Right #: 76N30013402
(One Number Per Form)

Page number in Decree: 15
Source: Lower Clark Fork River

DATED this 20th day of November 2022.

[Signature]
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(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:

Richardson KEN: Sandy D M
LAST NAME FIRST NAME MID. INITIAL
28985 Rocky Pt Rd
STREET ADDRESS OR PO BOX
Polson MT 59860
CITY STATE ZIP CODE
(406) 250-4224 SANDYR@BIGSKY.NET
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

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)

See attached pages - 2 -

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 more than one water right number, use a separate form for each water right number.

Water Right #: 28452-G76LJ
(One Number Per Form)

Page number in Decree: _____
Source: State of Montana Department of
NATURAL RESOURCES and CONSERVATION

DATED this 28 day of NOVEMBER, 2022.

Sandy Richardson
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

Ken D Richardson
(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

REQUEST FOR EXTENSION

1. Name, address and phone number of party requesting extension:

Richardson KEN^e Sandy D M
Last Name First Name Middle Initial
28985 Rocky Pt Rd
Street Address or Post Office Box
Polson MT 59860
City State Zip Code
406 250-4224 sandyr@higs.ky.net
Area Code Phone Number E-mail

2. Name, address and phone number of party's attorney, if any:

Last Name First Name Middle Initial

Street Address or Post Office Box

City State Zip Code

Area Code Phone Number E-mail

3. On the space provided on back or on an attached 8 X 11 1/2 sheet of paper, include the following:

- A. A statement of the party's rights or interest that could adversely be affected;
- B. A precise statement of the reasons why the objection could not be completed within the 180 days prescribed.

Send completed Request for Extension forms to:

Montana Water Court
PO Box 1389
Bozeman MT 59771-1389
Phone: 406-586-4364
Email: watercourt@mt.gov

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, Sandy Richardson, 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

Sandy Richardson
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.

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,

Ken & Sandy Richardson
28985 Rocky Pt Rd
Polson, MT 59860
406-250-4224

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

* There are 5 rights in this pocket.

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

MOTTA, Joseph A.
LAST NAME FIRST NAME MID. INITIAL
52012 Lake Mary Canon Rd.
STREET ADDRESS OR PO BOX
Proctor, MT 59929
CITY STATE ZIP CODE
(925) 212 8003 joe@josephmotta.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

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)


SEE Attached

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76 LT 26579-00
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 28th day of November, 2022.


SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

Montana Water Court Objections

November 28, 2022

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.

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
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE
Owners: CHLOE AND CHIEF LLC
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
Maximum Flow Rate: 10.00 CFS
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:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESE	11	25N	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:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		3	NWSWNE	11	25N	22W	LAKE

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.

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CERTIFICATE OF MAILING

I, Joseph A. Motta, 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: *↳ + emailed*

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

David W. Harder
U.S. Department of Justice
Indian Resources Section
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Resources Div.
999 18th St.
South Terrace, Suite 370
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Molly M. Kelly
Montana Department of
Natural Resources and
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1539 Eleventh Avenue
PO Box 201601
Helena, MT 59601
Jean.Saye@mt.gov



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Proctor, MT 59929
CITY STATE ZIP CODE
(925) 212-8003 joe@josephmotta.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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SEE Attached

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76 LJ 30133883
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 28th day of November, 2022.

[Signature]
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

Montana Water Court Objections

November 28, 2022

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

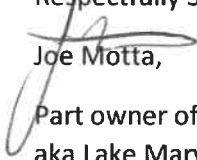
To the Honorable Court,

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>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWNE	11	25N	22W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Subdivision: LAKE MARY RONAN EST TRACT/LOT: 10

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:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWNE	11	25N	22W	LAKE

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

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

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, Joseph A. Matta, 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@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
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:

MOTTA, Joseph A.
LAST NAME FIRST NAME MID. INITIAL
52012 Lake Mary Ronon Rd.
STREET ADDRESS OR PO BOX
Proctor, MT 59929
CITY STATE ZIP CODE
(925) 212-8003 joe@josephmotta.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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)

SEE Attached

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 more than one water right number, use a separate form for each water right number.

76 LT
Water Right #: 30148266
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 28th day of November, 2022.


SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

Montana Water Court Objections

November 28, 2022

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.

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>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWNE	11	25N	22W	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>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWNE	11	25N	22W	LAKE

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

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

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, Joseph A. Motte, 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@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
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:

Motta, Joseph A.
LAST NAME FIRST NAME MID. INITIAL
52012 Lake Mary Ronon Rd.
STREET ADDRESS OR PO BOX
Proctor, MT 59929
CITY STATE ZIP CODE
(925) 212-8003 joe@josephmotta.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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)

SEE Attached

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76 L.J. 34360-00
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 28th day of November, 2022.

[Signature]
SIGNATURE OF OBJECTOR 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 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>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNE	11	25N	22W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: DEVELOPED SPRING
Subdivision: EASTMAN VILLA TRACT/LOT: 27 BLOCK: 3

Purpose (Use): COMMERCIAL
Volume: 1.50 AC-FT
Period of Use: MAY 15 to SEPTEMBER 15
Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWSWNE	11	25N	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>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWSWNE	11	25N	22W	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:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWSWNE	11	25N	22W	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

November 28, 2022

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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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

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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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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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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:

Motta, Joseph A.
LAST NAME FIRST NAME MID. INITIAL
52012 Lake Mary Canon Rd.
STREET ADDRESS OR PO BOX
Proctor, MT 59929
CITY STATE ZIP CODE
(925) 212 8003 joe@josephmotta.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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)

SEE Attached

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76 LT 26581-00
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this ____ day of _____, 2022.

SIGNATURE OF OBJECTOR 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:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNE	11	25N	22W	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:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	10.00		NWSWNE	11	25N	22W	LAKE

Subdivision: EASTMAN VILLA TRACT/LOT 27 BLOCK: 3
Total: 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

November 28, 2022

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

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Respectfully Submitted,



Joe Motta,

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

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CERTIFICATE OF MAILING

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

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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



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**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 WC-0001-C-2021
MONTANA – UNITED STATES COMPACT

November 22, 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:

BARNES IVAN W
LAST NAME FIRST NAME MID. INITIAL
PO BOX 2182
STREET ADDRESS OR PO BOX
BIGFORK MT 59911
CITY STATE ZIP CODE
(406) 837-2701 darika.barnes@outlook.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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 public can understand at an 8th grade level and participate. You have made this issue so complex and with so many barriers, the 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.

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 more than one water right number, use a separate form for each water right number.

Water Right #: 87554, and any MT water right attached (One Number Per Form) to property I would purchase in the future. It is nonsense that a Tribe or Federal Gov. should own such quantities of water in a sovereign state.

Page number in Decree: 1 - 671
Source: Swan River - the floodplain and the entire basin including tributaries flowing into and out of the Swan River Basin and floodplain.

DATED this 23rd 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 of perjury, that on the 23rd 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

/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.

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IN THE WATER COURT OF THE STATE OF MONTANA WC-0001-C-2021
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Montana Water Court

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(406) 837-2701 darika.barnes@outlook.com
PHONE NUMBER E-MAIL

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

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()
PHONE NUMBER E-MAIL

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Water Right #: 87554, and any MT water right attached (One Number Per Form) to property I would purchase in the future. It is nonsense that a Tribe or Federal Gov. should own such quantities of water in a sovereign state.

Page number in Decree: 1 - 671
Source: Swan River - the floodplain and the entire basin including tributaries flowing into and out of the Swan River Basin and floodplain.

DATED this 23rd day of November, 2022.

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 of perjury, that on the 23rd 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 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
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:

Moore, Martin E + Catherine L.
LAST NAME FIRST NAME MID. INITIAL
PO Box 1543
STREET ADDRESS OR PO BOX
Noxon MT 59853
CITY STATE ZIP CODE
(406) 847-2751 cateymoore@mac.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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)

see attached

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76N 30063808
(One Number Per Form)

Page number in Decree: 17
Source: Appendix 27

DATED this 21 day of November, 2022.

Catherine Moore
Martin E Moore

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, Catherine Moore, 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 the Federal, State, and Tribal Agencies:

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

David W. Harder
U.S. Department of Justice
Indian Resources Section
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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


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.**

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, S1/2SE1/4SE1/4SE1/4, 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 downstream 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 not 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:**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 scanningHojatimalekshah, 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 whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Missoula, Montana,**

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1882,

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

Urs E. Ellis

has been established and duly consummated, in conformity to law, for the **northwest quarter of the southwest quarter of the northwest quarter of the southeast quarter, the south half of the south half of the northwest quarter of the southeast quarter, the southwest quarter of the southwest quarter of the northeast quarter of the southeast quarter, the southwest quarter of the southeast quarter, the west half of the west half of the southeast quarter of the southeast quarter, the east half of the southwest quarter of the southeast quarter of the southeast quarter, the south half of the southeast quarter of the southeast quarter of the southeast quarter, and the southeast quarter of the southwest quarter of Section eleven in Township twenty-six north of Range thirty-three west of the Montana Meridian, Montana, containing one hundred fifteen acres,**

according to the Official Plat 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 claimant the tract of Land above described TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant 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 water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; 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**

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 **AUGUST** In the year of our Lord one thousand

nine hundred and **EIGHTEEN** and of the Independence of the

United States the one hundred and **FORTY-THIRD.**

By the President:

By

Woodrow Wilson
W. P. LeRoy, Secretary.
L. B. Sambr

Recorder of the General Land Office.

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

NOV 30 2020

Date

I hereby certify that this is a true and correct copy of the official

Authorized Signature

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 27th 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 NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ 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.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O. BOX 201801 HELENA, MONTANA 59620-1801
GENERAL ABSTRACT

Water Right Number: 78N 133382-00 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): IRRIGATION

Irrigation Type: 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 Acres: 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:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NENESE	11	28N	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	Qtr Sec	Sec	Twp	Rge	County
	NENESE	11	28N	33W	SANDERS

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 28 to OCTOBER 19

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	20.00		E2SESW	11	28N	33W	SANDERS
2	40.00		SWSE	11	28N	33W	SANDERS
3	11.50		S2NWSE	11	28N	33W	SANDERS
4	20.00		SESE	11	28N	33W	SANDERS
5	2.50		SWNESE	11	28N	33W	SANDERS
Total:	94.00						

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 10/08/00.

OWNERSHIP UPDATE RECEIVED

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

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

Remarks:

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.



FILE



STATEMENT OF CLAIM



***76N ***



133382



00

Current File Location: NEW STORAGE

Box Bar Code _____

File Bar Code _____

Date/Initials _____

76N

STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS RECEIVED

133382

IRRIGATION

APR 30 1982

4-SA-C

For the Water Courts of the State of Montana

08-21-14-01

MONTANA D.N.R.C. HALLISPELL FIELD OFFICE

40 DNRC
1. Owner of Water Right

BIERER | RONALD | G
Last First Middle Initial

Co-Owner or Other Interest Owner

BIERER | BRENDA | K
BIERER Last GRANT First Middle Initial

Address Box 33

City Pine Dale State Montana Zip Code 59841

Home Phone No. 406-961-3988 Business Phone No. 406-961-3091

2. Person completing form BIERER | RONALD | G
Last First Middle Initial

Address P.O. Box 33

City Pine Dale State Montana Zip Code 59841

Home Phone No. 406-961-3988 Business Phone No. 406-961-3091

3. Name of ditch, creek or river none

Use: Irrigation

4. Method of Irrigation Use: Sprinkler Furrow Flood & sub irrigation

5. Source of Water: (Check Only One)

- Spring ^{DNRC} Name Unravall Canyon ^{DNRC} connected hydrologically to ponds by under ground stream. Spring feeds on to ponds then sinks into Clark Fork R. tributary
- Well ^{UT} Name _____
- Stream Name _____ Tributary of _____
- Lake Name _____ Stream _____
- Reservoir Name _____ Stream _____
- Tributary of Clark Fork Drain

6. Point of Diversion: County Danaher
NE 1/4 NE 1/4 SE 1/4, Section 11, T 26 (N), R 33 (E)

7. Means of Diversion: ^{DNRC} PA

- Pump Capacity 400 gpm
- Headgate and ditch or pipe
- Flood and dike

8. Means of Conveyance:

- Ditch
- Pipeline
- Other: Explain _____

9. Place of use and acres irrigated. County Sanders

<u>20</u> acres,	Lot,	Block,	<u>SE 1/4 SE 1/4 SW 1/4</u> ,	Section <u>11</u> ,	T <u>26</u>	N <u>33</u>	R <u>33</u>	E <u>W</u>
<u>40</u> acres,	Lot,	Block,	<u>1/4 SW 1/4 SE 1/4</u> ,	Section <u>11</u> ,	T <u>26</u>	N <u>33</u>	R <u>33</u>	E <u>W</u>
<u>11 1/2</u> acres,	Lot,	Block,	<u>S 1/4 NW 1/4 SE 1/4</u> ,	Section <u>11</u> ,	T <u>26</u>	N <u>33</u>	R <u>33</u>	E <u>W</u>
<u>20</u> acres,	Lot,	Block,	<u>1/4 SE 1/4 SE 1/4</u> ,	Section <u>11</u> ,	T <u>26</u>	N <u>33</u>	R <u>33</u>	E <u>W</u>
<u>2 1/2</u> acres,	Lot,	Block,	<u>SW 1/4 NE 1/4 SE 1/4</u> ,	Section <u>11</u> ,	T <u>26</u>	N <u>33</u>	R <u>33</u>	E <u>W</u>
<u>94</u> Total acres.	Subdivision							

10. Flow rate claimed: 160

- cubic feet per second
- gallons per minute
- miner's inches

11. Volume claimed: 940 acre-feet per year

12. Period(s) of use: April 1 30 to October 1 15
Month Day Month Day

13. Check one:

- Decreed Water Right
- Filed Appropriation Right
- Use Water Right

Priority date or date of first use

1 April 1 8 1912
Hour Month Day Year
Book WR P. 264

14. Attach copies of the Decree, Record of Filing or Proof of Use Right.

15. Attach copies of aerial photographs, U.S. Geological Survey maps or such other documents necessary to show point of diversion, place of use, place of storage, and conveyance facilities.

16. Notarized Statement signed by claimant.

STATE OF MONTANA)

County of Roavalli) ss.

I, RONALD G. BIERER, having been duly sworn, depose and say that I, being of legal age and being the claimant of this claim of existing water right, and the person whose name is signed to it as the claimant, know the contents of this claim and the matters and things stated there are true and correct.

Ronald G. Bierer

Subscribed and sworn before me, this 29th day of April 1982

Rebecca Davis
Notary Public for the State of Montana

Residing at Pinedale, Mt.

My Commission expires Aug. 13, 1984

133382

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 BIERER GRANT K.
Last First Middle Initial

Address PO BOX 33
City PINESDALE State MT Zip Code 59841

Name _____
Last First Middle Initial

Address _____
City _____ State _____ Zip Code _____

02 Name _____
Last First Middle Initial

Address _____
City _____ State _____ Zip Code _____

Name _____
Last First Middle Initial

Address _____
City _____ State _____ Zip Code _____

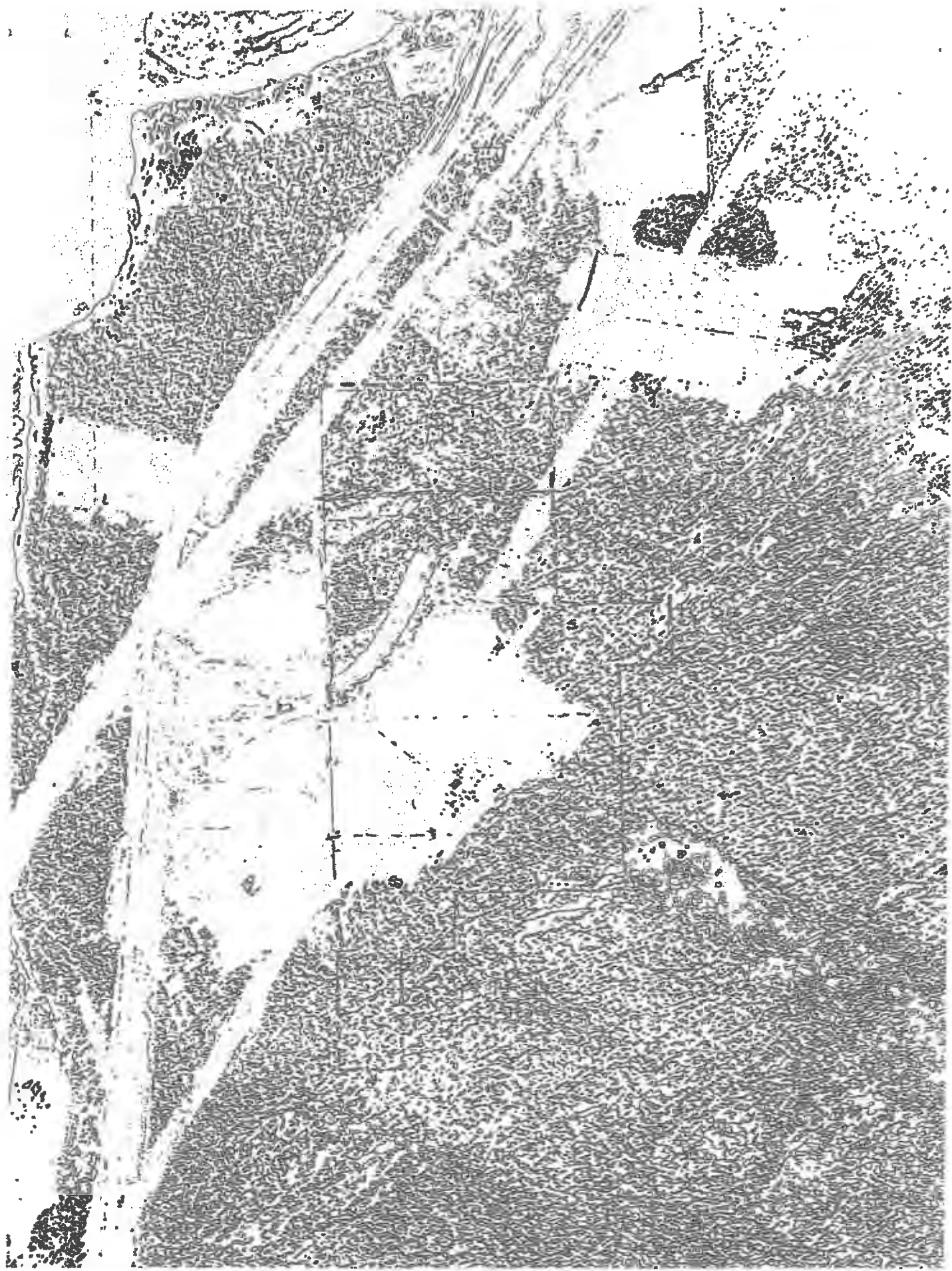
02 Name _____
Last First Middle Initial

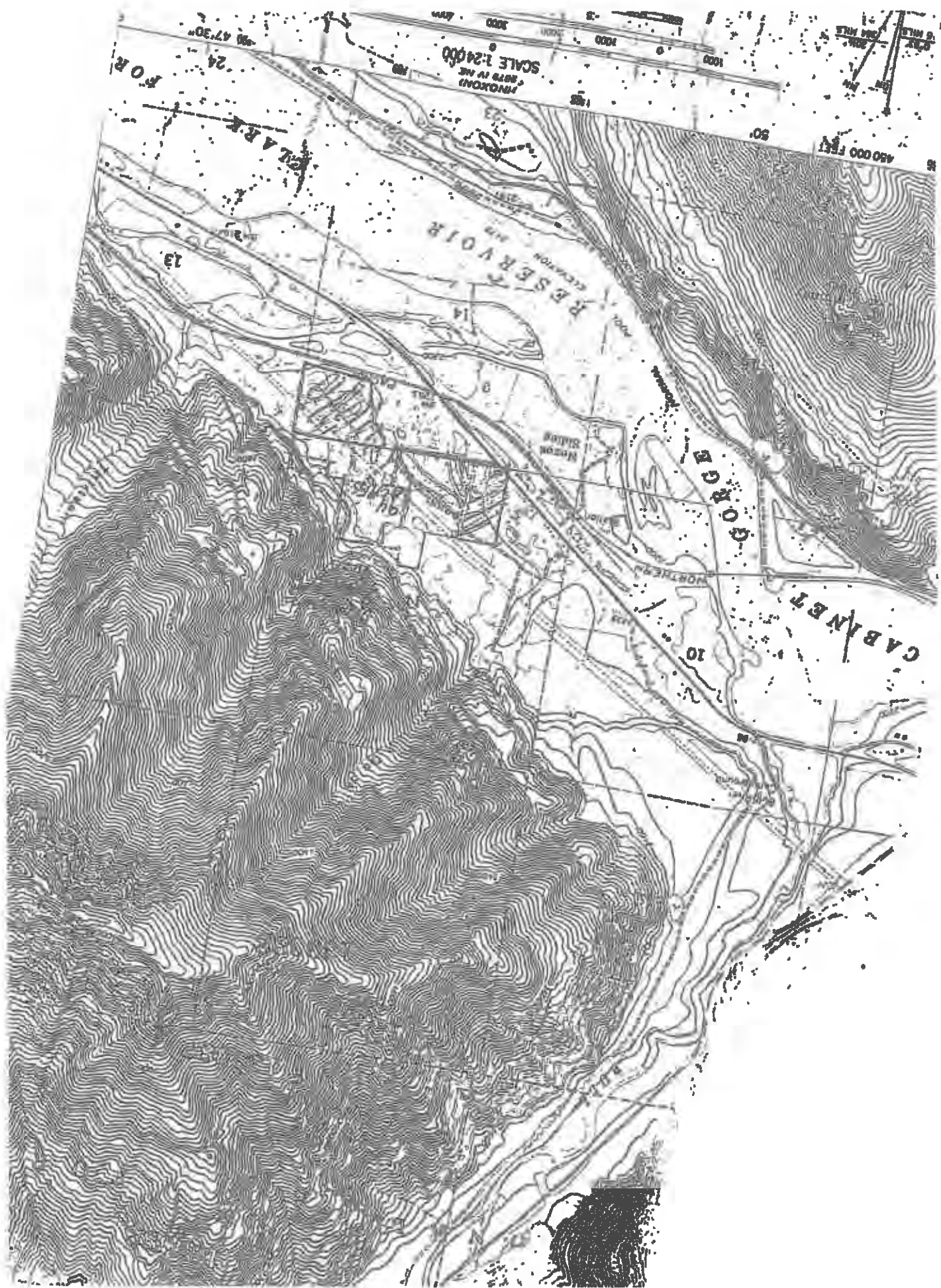
Address _____
City _____ State _____ Zip Code _____

Name _____
Last First Middle Initial

Address _____
City _____ State _____ Zip Code _____

Use additional sheets if necessary





47°30' 24"

SCALE 1:24000
INCHES TO FEET

45000 FEET

RESERVOIR

GORGE

CABINET

10

13

14

15

16

NORTHERN

Ura E. Ellis
of Noxon, Sanders County, Montana

NOTICE OF APPROPRIATION
OF WATER

160" unnamed stream

Dated Apr. 8, 1912

Filed Apr. 11, 1912

Book 2 WR p. 261

to
Public

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

I. That he has a legal right to the use, possession and control
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 NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$,

SW $\frac{1}{4}$, SE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$,

S $\frac{1}{2}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$,

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 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.

COPY

UNITED STATES OF AMERICA

U. S. PATENT
Act of May 20, 1862
Homestead Act

-to-

Ura E. Ellis

Dated Aug. 24, 1918

Filed Feb. 3, 1922

Book 12 Deeds, p. 388

THERE IS GRANTED

the northwest quarter of the southwest quarter of the
northwest quarter of the southeast quarter
the south half of the south half of the northwest quarter
of the southeast quarter
the southwest quarter of the southwest quarter of the
northwest quarter of the southeast quarter
the southwest quarter of the southeast quarter
the west half of the west half of the southeast quarter
of the southeast quarter
the east half of the southwest quarter of the southeast
quarter of the southeast quarter
the south half of the southeast quarter of the southeast
quarter of the southeast quarter, and
the southwest quarter of the southwest quarter

of Section eleven
in Township twenty-six north
of Range thirty-three west
of the Montana Meridian, Montana

containing one hundred fifteen acres, according to the
Official Plat of the Survey of the said land, returned to
the General Land Office by the Surveyor General,

To Have and To Hold with the appurtenances forever

SUBJECT to any vested and accrued water rights for mining, agri-
cultural, 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 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.

By the President: Woodrow Wilson

By M. P. LeRoy, Secretary

L. C. Lamar
Recorder of General Land Office

(GENERAL LAND
OFFICE SEAL)

Thomas L. Judge, Governor

MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION

MEMBERS OF THE BOARD - CHAIRMAN CECIL WEDDING, DR. WILSON F. CLARK,
VIOLA HEREK, WILLIAM BERTSCHE, DAVID G. DRUM, ROY HUFFMAN, CHARLES HASHA

DNRC
John G. Orth, Director

133382

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 Rodriguez, Analyst Supervisor
Existing Rights Section
Water Rights Bureau

SR:db

WATER RESOURCES DIVISION

GERRIN FERRIS, ADMINISTRATOR

(406) 448-2872

FLOODWAY MANAGEMENT
(406) 448-2872

ENGINEERING
(406) 448-2864

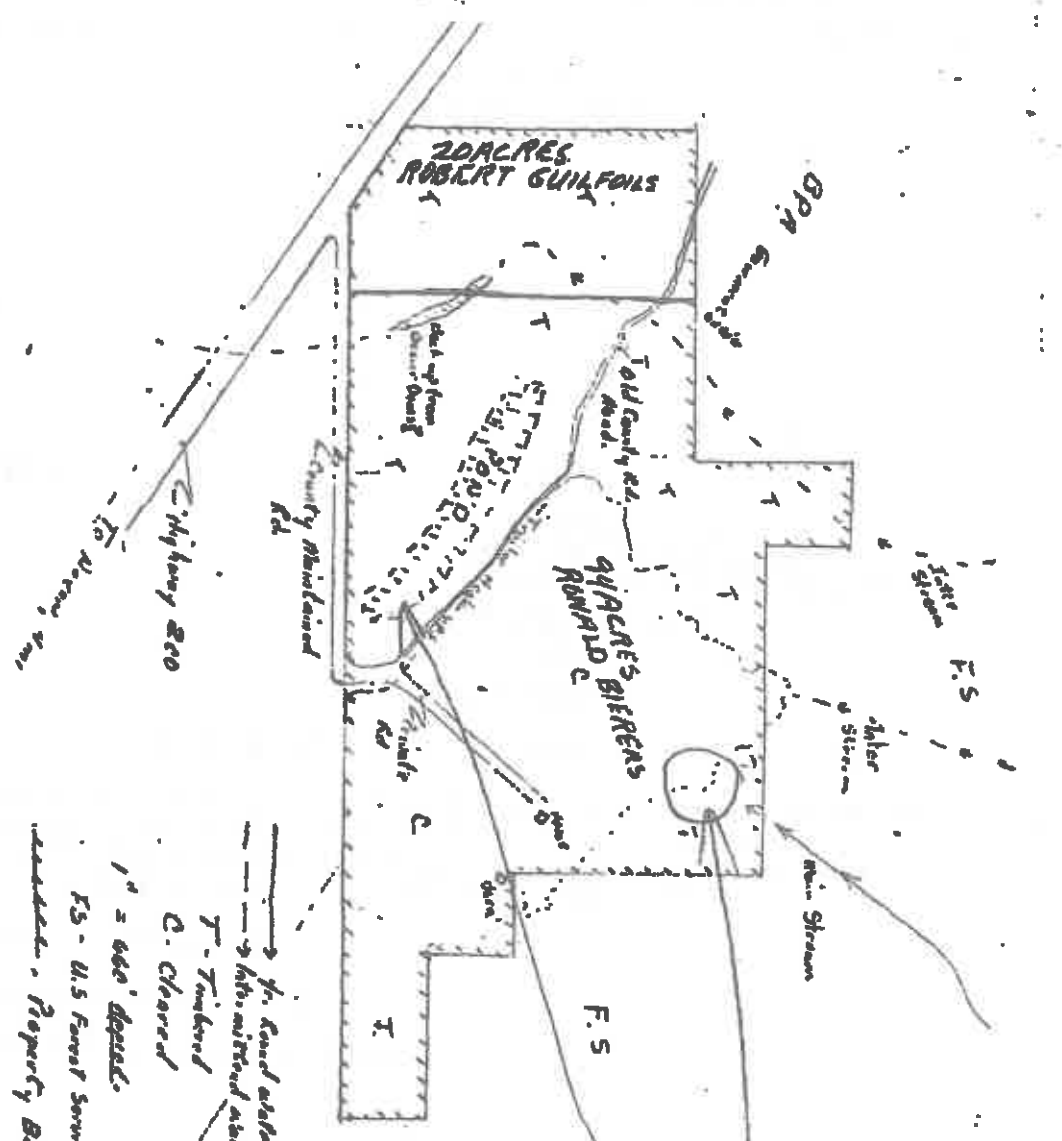
RESOURCES & PLANNING
(406) 448-2872

WATER DEVELOPMENT
(406) 448-2837

WATER RIGHTS
(406) 448-2834

HIGH PLAINS EXPERIMENT
(406) 448-2872

32 SOUTH EWING, HELENA, MONTANA 59601



WATER FROM SPRINGS
AND PANDS HYDROLOGICALLY
CONNECTED

WATER FROM SPRING RUN
SINKS UNDER GROUND HERE
WATER COMES UP AGAIN
IN PANDS

1333382

County of Blaine
Otto Rettig & Velmer Rettig, having first been duly sworn, depose and
say that they are of lawful age and are the appropriators
and claimants of the order and water right mentioned in the foregoing declaration of
vested groundwater rights and the persons whose names subscribed thereto,
as the appropriators and claimants, that they know the contents of said fore-
going notice and that the matters and things therein stated are true.

Otto Rettig
Velmer Rettig

Subscribed and sworn to before me, this 30 day of June, 1963
Ronald D. Masuly
Notary Public for the State of Montana
Residing at Helena, Montana
My Commission expires June 1, 1966

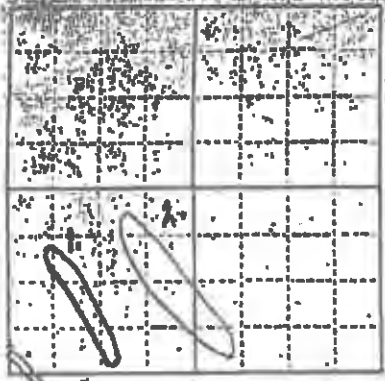
102707

FILED
JUN 30 1963
Helena, Montana
Notary Public
Ronald D. Masuly

Declaration of Vested Groundwater Rights

(Under Chapter 297, Montana Session Laws, 1961)

Otto Rettig & Velmer Rettig of Noxon
(Name of Appropriator) (Address) (Town)
County of Sanders State of Montana
have appropriated groundwater according to the Montana laws in effect prior to January 1, 1962, as follows:



E. 1/4 SW 1/4 Sec. 11 T. 26N R. 33W

Indicate point of appropriation and place of use, if possible. Each small square represents 10 acres.

- The beneficial use on which the claim is based: (1) stock watering - 40 head irrigation (2) stock watering - 40 head irrigation
- Date or approximate date of earliest beneficial use; and how continuous the use has been: (1) 1911 (2) 1911
- The amount of groundwater claimed (in miner's inches or gallons per minute): see #10
- 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 SW 1/4 SW 1/4 11 26N 33W (2) ten acres crop land SW 1/4 SW 1/4 11 26N 33W
- The means of withdrawing such water from the ground and the location of each well or other means of withdrawal: sub irrigation overflow - from ponds fed by underground springs outlets

The date of commencement and completion of the construction of the well, wells, or other works for withdrawal of groundwater: 1911 - enlargement

The depth of water table: (1) 5' (2) 5'

So far as it may be available, the type, size and depth of each well or the general specifications of any other works for the withdrawal of groundwater: not applicable

The estimated amount of groundwater withdrawn each year: (1) 1,629,250 gal (2) 3,258,500 Gal.

The log of formations encountered in the drilling of each well if available: not applicable

Such other information of a similar nature as may be useful in carrying out the policy of this act, including reference to book and page of any county record.

Signature of Owner: Otto Rettig Velmer Rettig
Date: December 30, 1961

STATEMENT OF CLAIM CHECKLIST

FORM TYPE: I S D O

OK	NOT OK	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Received
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Basin
<input checked="" type="checkbox"/>	<input type="checkbox"/>	County
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Division
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Transmittal Fee
<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	

FORM ITEMS

133382

	OK	NOT OK	
1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
15	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Checked by [Signature] NOV 12, 1982

DEFICIENT:

Phoned _____
Number _____ Date _____

Sent Letter _____
To _____ Date _____

Correction Deadline: _____
Date _____

Form Corrected _____
Date _____

Incomplete Form & Correspondence Sent To Helena

See notes on reverse side

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

07/08/82

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

76N-W-133382-00 PRIORITY DATE: 00:00 04/08/1912 TYPE OF RIGHT: FILED CLAIM RECEIVED: 04/30/82 FEE PAID:
 TYPE CODE: 3 MAX RATE: 4.00 C (160.00 MI) MAX VOLUME: 940.00 AF/YEAR

(M) I BIERER BRENDA K (M) I BIERER GRANT K
 BOX 33 PINES DALE MT 59841 RD. BOX 33 PINESDALE MT 59841
 (M) I BIERER RONALD G
 BOX 33 PINES DALE MT 59841

DV 01	UT	CABINET GORGE RESERVOIR	LOT	BLK	QTR	SEC	SEC	TWP	RGE	CO	REMARKS
IR 01		38.00									
		04.00									
		003									
		004									
		005									
TOTAL		38.00									

3: YES NO COMMENTS *Remark Record In Also Reservoir Record*
 TOTAL IF MAIN RIGHT, MAX COMBINED VOLUME FOR ALL RIGHTS IF MAX COMBINED ACRES FOR ALL RIGHTS
 IF SUPPLEMENTAL RIGHT, PURPOSE ID AND CLAIM ID OF MAIN RIGHT

***** FIELD VERIFICATION FORM *****
 IN STATISTICS: FLOW RATE 4.00 C (19.098 GPM/AC)
 VOLUME 940.00 (10,000 AF/AC)
 VOLUME BASED ON FLOW RATE AND PERIOD OF USE 1,396.267 AF/YR - OVER CLAIMED VOLUME

3: YES NO COMMENTS

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

07/08/82

78N-W-133382-00 (CONTINUED)

AREA OK: YES NO COMMENTS _____
WFE OK: YES NO COMMENTS CHANGED PER USES QUAD
(S/G) OK: YES NO COMMENTS CHANGED TO SURFACE
W. 91 YES NO APPEARS CORRECT UNVERIFIED. COMMENTS MAYBE INCORRECT R.O.D. - APPARENTLY SOURCE OF SPA.
USE: CLAIMED FLOW RATE OK: YES NO COMMENTS _____
CLAIMED PRTY DATE OK: YES NO COMMENTS _____
E OK: YES NO APPLY STANDARD COMMENTS _____
S OK: YES NO APPLY STANDARD COMMENTS _____
DATE OK: YES NO COMMENTS _____
USE OK: YES NO APPLY STANDARD COMMENTS _____

3 VERIFICATION OF DEVELOPMENT: PHOTO NO-BDD-67 PHOTO DATE 8-22-64
PHOTO _____ PHOTO DATE _____
PHOTO _____ PHOTO DATE _____

E CONTACT: YES NO DATE COMPLETED / / BY _____ COMMENTS _____
S: YES NO DATE COMPLETED / / BY _____ COMMENTS _____
#: YES NO DATE COMPLETED / / BY _____ COMMENTS _____

INVESTIGATION: YES NO APPROVED BY _____ DATE CHECKED / / BY _____ COMMENTS _____
LATER AERIAL PHOTO NOT AVAILABLE TO VERIFY ORDER
VERIFIED PER COPY OF CLAIMANT'S AERIAL - NO-BDD-66

ESTIGATED BY Judy Yenicher DATE 10/12/82
IEWED BY _____ DATE / /

WATER RIGHT DATA BASE CODING FORM REMARK RECORD

REMARK RECORD:	010	A	Y	07	76W	Y	7137342	00
ID	TEXT							
	3w13p1w1g1 h1y1d1o1l1o1g1c1a1l1l1y1 r1e1l1a1t1e1d1 t1o1 s1p1l1i1c1e1.							
	TEXT							
	TEXT							
ID	TEXT							
	M13131313-00, M13131313-00, M13131313-00							
	TEXT							
	TEXT							
ID	TEXT							
	TEXT							
	TEXT							
ID	TEXT							
	TEXT							
	TEXT							

WATER COURTS
Supplemental Document
Claim # 133342

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

RECEIVED

JUN 01 1984

WATER COURTS

AREA CODE 406
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 retained 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
file

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.)

RECEIVED
 JUN 01 1984
 WATER COURTS

NOTICE OF OBJECTION
 Basin 76N

1. Claim # 76N-W-133382-00; Page # of Preliminary Decree _____
 Unnamed Trib. of Cabinet Gorge Res.
2. Source _____; County Sanders
3. Type of Claim: Irr Dom Stock 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:

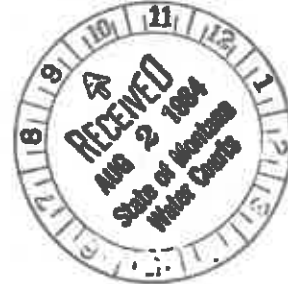
<u>Little</u>	<u>Joseph</u>	<u>E.</u>
Last Name	First Name	Middle Initial
<u>c/o C. E. Crocker 505 Mineral Avenue</u>		
Street Address or Post Office Box		
<u>Libby,</u>	<u>Montana</u>	<u>59923</u>
City	State	Zip Code
<u>406</u>	<u>293-4101</u>	
Area Code	Phone Number	
6. Name of objecting party's attorney and address, if any:

<u>Crocker</u>	<u>C.</u>	<u>E.</u>
Last Name	First Name	Middle Initial
<u>505 Mineral Avenue</u>		
Street Address or Post Office Box		
<u>Libby</u>	<u>Montana</u>	<u>59923</u>
City	State	Zip Code
Area Code	Phone Number	
7. Basis of Objection:

<input type="checkbox"/> Ownership	<input type="checkbox"/> Place of Use	<input type="checkbox"/> Point of Diversion
<input type="checkbox"/> Priority Date	<input checked="" type="checkbox"/> Acres Irrigated	<input type="checkbox"/> Means of Diversion
<input type="checkbox"/> Purpose of Right	<input type="checkbox"/> Source	<input type="checkbox"/> Flow Rate
8. Signature of Objector: *Joseph E. Little*
 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.)



NOTICE OF OBJECTION
Basin 76N

1. Claim # 193382; Page # of Preliminary Decree 1022
 Unnamed Tributary to _____
2. Source Gbsinet Gorge Res.; County Sanders
3. Type of Claim: X Irr ___ Dom ___ Stock ___ Other Use _____
4. Name of Party to whom the water right was issued:
Ronald, Brenda and Grant Bierer
5. Objector's name, address and phone number:

UNITED STATES OF AMERICA (USDA-Forest Service)

Last Name	First Name	Middle Initial
<u>P.O. Box 7669</u>		
Street Address or Post Office Box		
<u>Missoula</u>	<u>MT</u>	<u>59807</u>
City	State	Zip Code
<u>406</u>	<u>329-3073</u>	
Area Code	Phone Number	

6. Name of objecting party's attorney and address, if any:

<u>JOHN R. HILL JR.</u> Attorney, Department of Justice Land & Natural Resources Division 1961 Stout Street, Drawer 3607 Denver, CO 80294-3607 303-837-3898 <u>844-2872</u>	<u>LAWRENCE M. JAKUB</u> Attorney in Charge P.O. Box 7669 Missoula, MT 59807 406-329-3073
--	---

7. Basis of Objection:

___ Ownership	___ Place of Use	___ <u>X</u> Point of Diversion
___ Priority Date	___ Acres Irrigated	___ Means of Diversion
___ Purpose of Right	___ Source	___ Volume or Flow Rate

8. Signature of Objector: John R. Hill, Jr

Claim #133382

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.

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 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

For Received: 11 30 84 By: _____
Transmittal No.: _____
Date: MAY 30 1984
Reviewed By: _____
Filed: _____
Code: WATER COURTS
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 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(s). Include buyer's name(s), and seller's name(s) if they retain an interest in the water right(s).

*WATER NA
3-31-84*

Name Joseph E. Little Mailing Address P.O. Box 34 Noson, Montana
Name _____ Mailing Address _____
Name _____ Mailing Address _____
Name _____ Mailing Address _____

5. SELLER'S NAME(S): List the seller's name and address if not listed in Item 4 above.

NAME Brenda E. Bierer 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).

Name _____ Mailing Address _____
Name _____ 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 Right Owners copy been recorded? Yes, No.

By [Signature] Deputy or _____ 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 1588, Bozeman, Montana 59715.

FILMED

10/21/87

BASIN 76N
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 76N -W-133382-00

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

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

PRIORITY DATE: APR 8, 1912
FLOW RATE: 3.53 CFS
VOLUME: 357.20 ACRE FEET PER YEAR
CLIMATIC AREA: 4

SOURCE: UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR
SPRINGS HYDROLOGICALLY RELATED TO SOURCE.

MAXIMUM ACRES: 94.00

PURPOSE (USE): IRRIGATION

PERIOD OF USE: APR 28 TO OCT -19

POINTS OF DIVERSION AND MEANS OF DIVERSION:

<u>LOT</u>	<u>BLK</u>	<u>QTR</u>	<u>SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>	
	NENESE	11	26N	33W	SANDERS			MULTIPLE
RESERVOIR AT	NENESE	11	26N	33W				

PLACE OF USE FOR IRRIGATION

	<u>ACRES</u>	<u>LOT</u>	<u>BLK</u>	<u>QTR</u>	<u>SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
001	20.00				E2SES	11	26N	33W	SANDERS
002	40.00				SWS	11	26N	33W	SANDERS
003	11.50				S2NWSE	11	26N	33W	SANDERS
004	20.00				SESE	11	26N	33W	SANDERS
005	2.50				SWNESE	11	26N	33W	SANDERS
TOTAL	94.00								

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.

FILMED

**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

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 9 day of Nov, 1987.


W. W. Lessley
Chief Water Master

FILMED



MONTANA WATER COURTS
STATE OF MONTANA

WATER JUDGES:

Upper Missouri River Basin
Chief Judge W W Lesley
PO Box 878
Bozeman, MT 59718

Lower Missouri River Basin
Judge Bernard W Thomas
PO Box 838
Chinook, MT 59523

Clark Fork River Basin
Judge Robert M Moller
Lincoln County Courthouse
Lobby, MT 59823

Yellowstone River Basin
Judge Roy C Rodeghiero
PO Box 448
Roundup, MT 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

Thanks!

Sincerely,

Chris Jensen
Clerk

caj

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 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
RIVER TEMPORARY PRELIMINARY DECREE

TO: Ronald & Brenda Bierer

RE: Water Right# 133382


FROM: Montana State Water Courts

This is to provide you with notice that Water Right
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 incor-
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 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 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
RIVER TEMPORARY PRELIMINARY DECREE

TO: Ronald, Brenda & Grant Bierer

RE: Water Right# 133382


FROM: Montana State Water Courts

This is to provide you with notice that Water Right
#133382, issued in your name in the Clark Fork River below
the Flathead River Temporary Preliminary Decree, has been
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 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 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 Cabine~~s~~ Gorge
3. County Sanders
4. Name, address and phone number of party appearing:

<u>Little, Joseph E.</u>		
<u>Last Name</u>	<u>First Name</u>	<u>Middle Initial</u>
<u>c/o C. E. Crocker 505 Mineral Avenue</u>		
<u>Street Address or P.O. Box</u>		
<u>Libby, Montana</u>	<u>59923</u>	<u>293-4101</u>
<u>City</u>	<u>State</u>	<u>Zip Code</u> <u>Phone Number</u>
5. Name address and phone number of party's attorney, if any:

<u>Crocker, C. E.</u>		
<u>Last Name</u>	<u>First Name</u>	<u>Middle Initial</u>
<u>505 Mineral Avenue</u>		
<u>Street Address or P.O. Box</u>		
<u>Libby, Montana</u>	<u>59923</u>	<u>293-4101</u>
<u>City</u>	<u>State</u>	<u>Zip Code</u> <u>Phone Number</u>
6. Signature of appearing party: *Joseph E. Little*
7. State appearing party's legal rights that may be affected by this preliminary hearing and the purposes for which further participation in this hearing is requested. If additional space is needed for elaboration, please attach on 8X 11 1/2 paper.
8. Please send completed form to:

	Montana State Water Courts
	P.O. Box 879
	Bozeman, MT 59715



MONTANA WATER COURTS

STATE OF MONTANA

WATER JUDGES

September 6, 1984

Upper Missouri River Basin
State Water Court
PO Box 274
Butte, MT 59702

Lower Missouri River Basin
State Water Court
PO Box 274
Butte, MT 59702

Clark Fork River Basin
State Water Court
PO Box 274
Butte, MT 59702

Yellowstone River Basin
State Water Court
PO Box 274
Butte, MT 59702

POOR COPY

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.

76N W 133382-00

TRANSFER

Locked-Up Basin

MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION

Memorandum

DNRC

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 receipt of their transfers.

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

1610 W133382-00
WATER RIGHT TRANSFER CERTIFICATE
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
AND WATER COURTS OF MONTANA

RECEIVED

MAY 30 1984

MONTANA DEPT. OF NATURAL RESOURCES & CONSERVATION

<p>INSTRUCTIONS</p> <p>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.</p>	<p>FOR DEPARTMENT USES</p> <p>Fee received: <u>5.00</u> By: <u>DLV</u> Transmittal No.: <u>01-228-01-11</u> Date: _____ Reviewed By: <u>JH 6-25-84</u> Filmed: _____ Coded: <u>CF 7-24-84</u> BASIN: <u>76N</u></p>
--	--

(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 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(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 59853

Name _____ Mailing Address _____

Name _____ Mailing Address _____

Name _____ Mailing Address _____

5. SELLER'S NAME(S): List the seller's name and address if not listed in item 4 above.

NAME Renda Bierer MAILING ADDRESS: Box 125, HAMILTON, MT 59840

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).

Name _____ Mailing Address _____

Name _____ 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 Right Owners copy been recorded? Yes, No.

By Sally Lawson Deputy or _____ 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 1993, Bozeman, Montana 59719.

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.

1. **WATER RIGHT RECEIVED:** Number (See Item 1 page 1) _____
2. **PORTION OF WATER RIGHT RECEIVED:** Identify that portion of the water right the buyer received by the following information.

PURPOSE OF USE	RATE (GPM/CFS)	VOLUME (ACRE-FEET)	ACRES

3. **EXPLAIN:** Describe how the portion or percentage of the water right the buyer received was determined.

4. **POINT OF DIVERSION:** Describe the location where the buyer diverts his portion of the water right.

N E

Lot _____ Blk _____, 1/4 _____ 1/4 _____ 1/4 _____, Sec _____ Twp _____ S Rge _____ W Co _____

N E

Lot _____ Blk _____, 1/4 _____ 1/4 _____ 1/4 _____, Sec _____ Twp _____ S Rge _____ W Co _____

5. **PLACE OF USE:** Describe the location where the buyer uses his portion of the water right.

USE: _____

N E

Acres _____ Lot _____ Blk _____, 1/4 _____ 1/4 _____ 1/4 _____, Sec _____ Twp _____ S Rge _____ W Co _____

N E

Acres _____ Lot _____ Blk _____, 1/4 _____ 1/4 _____ 1/4 _____, Sec _____ Twp _____ S Rge _____ W Co _____

USE: _____

N E

Acres _____ Lot _____ Blk _____, 1/4 _____ 1/4 _____ 1/4 _____, Sec _____ Twp _____ S Rge _____ W Co _____

N E

Acres _____ Lot _____ Blk _____, 1/4 _____ 1/4 _____ 1/4 _____, Sec _____ Twp _____ S Rge _____ W Co _____

Subdivision (if any) _____

Montana Water Rights Bureau Area Field Offices

HAVRE
 Old Highway 2
 P.O. Box 1828
 Havre, Montana 59801
 Phone: 285-8516
 Serving: Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton and Toole Counties.

MISSOULA
 2101 Bow Street
 P.O. Box 5004
 Missoula, Montana 59806
 Phone: 721-4284
 Serving: Missoula, Granite, Ravalli, and Mineral Counties.

GLASGOW
 110 5th Street South, Room 106
 P.O. Box 894
 Glasgow, Montana 59230
 Phone: 228-2561
 Serving: Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan and Valley Counties.

HELENA—Office Location
 28 So. Rodney
Mailing Address:
 32 South Ewing
 Helena, Montana 59620
 Phone: 448-3834
 Serving: Deer Lodge, Powell, Lewis and Clark, Broadwater, Silver Bow, Jefferson and Beaverhead Counties.

BOZEMAN
 1201 East Main
 Bozeman, Montana 59715
 Phone: 588-3136
 Serving: Gallatin, Park and Madison Counties

BILLINGS
 1537 Avenue D, Suite 352
 Billings, Montana 59102
 Phone: 667-2105
 Serving: Big Horn, Carbon, Billwiter, Treasure, Yellowstone and Sweet Grass Counties.

KALISPELL
 3220 Highway 93 South
 P.O. Box 860
 Kalispell, Montana 59903-0860
 Phone: 752-2288
 Serving: Flathead, Lake, Lincoln and Sanders Counties.

LEWISTOWN
 613 NE Main Street
 P.O. Box 438
 Lewistown, Montana 59457
 Phone: 538-7459
 Serving: Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum and Wheatland Counties.

MILES CITY
 5 North Prairie
 P.O. Box 276
 Miles City, Montana 59301
 Phone: 232-8359
 Serving: Carter, Custer, Fallon, Powder River, Prairie, Rosebud and Wibaux Counties.

WATER RIGHT TRANSFER CERTIFICATE

CHECKLIST

DEPARTMENT USE BLOCK

- A. Is form dated received?
- B. Is the fee and transmittal number (county deposit #7715) indicated?
- C. After review; analyst initialed and dated "reviewed by".

TRANSFER FORM CHECK

- 1. Are all water right numbers accurately listed?
- 2. Is the means of transfer OK or adequately explained?
- SEE REMARKS* 3a. Is there a Portional Addendum for each split right?
- 3b. Is a Portional Flow Chart completed for each split right?
- 3c. Is all additional documentation attached (ie. maps, field report)?
- 3d. 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 / DOCUMENTATION / INSTRUCTIONS TO RECORDS (by Item number)

Item Comments

- 3 B. BEASLEY OF FENNESSY & CROCKER, ATTORNEYS OF LBBY
- PHONED ON 6-21-84 & SAID THERE WAS "NO" SPLIT.
- 5 SELLER'S ADDRESS FROM TRANSFER FOR 76N-W-133387
- _____
- _____
- _____
- _____
- _____
- _____
- _____

_____ continued, see attached

ANALYST: Judy Jennifer

DATE: 6-25-84

M. RICHARD GEBHARDT, P.C.

ATTORNEY AT LAW
515 U.S. HIGHWAY 83 SOUTH
RONAN, MONTANA 59884
(406) 676-3690

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.

Sincerely,



M. RICHARD GEBHARDT

kl

cc: Bob Guilfoyle

FILMED

133382

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;

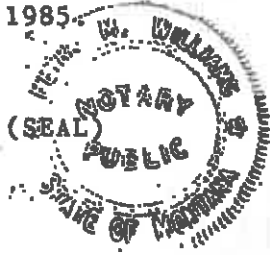
That I am informed that said premises has been used for pasturage and growing crops continuously by the respective former owners of said property;

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 6th day of February, 1985.

Joseph E. Little
Joseph E. Little

Subscribed and sworn to, before me, this 6th day of February, 1985.



Petro M. Williams
Notary Public for the State of Montana, residing at Libby
My Commission expires 4-2-87

FILMED

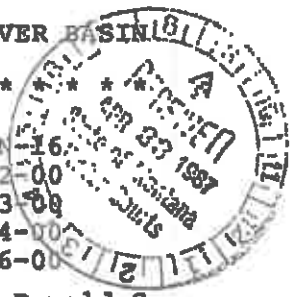
Exhibit "A"

The NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, the
SW $\frac{1}{4}$ SE $\frac{1}{4}$, the W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 26 North, Range 33
West, M.P.M.

FILMED

IN THE WATER COURTS OF THE STATE OF MONTANA

CLARK FORK DIVISION - CLARK FORK BELOW THE FLATHEAD RIVER BASIN



IN THE MATTER OF THE ADJUDICATION	)	Case No. 76N-16
OF THE EXISTING RIGHTS TO THE USE	)	76N-W-133382-00
OF ALL THE WATER, BOTH SURFACE AND	)	76N-W-133383-00
UNDERGROUND, WITHIN THE CLARK FORK	)	76N-W-133384-00
RIVER BELOW THE FLATHEAD RIVER	)	76N-W-133386-00
DRAINAGE AREA, INCLUDING ALL	)	Claimants: Ronald G.,
TRIBUTARIES OF THE CLARK FORK RIVER	)	Brenda K. and
BELOW THE FLATHEAD RIVER IN FLATHEAD,	)	Grant K. Bierer
LINCOLN AND SANDERS COUNTIES, MONTANA.)	
	)	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.

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	SE $\frac{1}{4}$ SESW	Section 11	Township 26 North	Range 33 West
40	SWSE	Section 11	Township 26 North	Range 33 West
11 $\frac{1}{4}$	S $\frac{1}{4}$ NWSE	Section 11	Township 26 North	Range 33 West
20	SESE	Section 11	Township 26 North	Range 33 West
2 $\frac{1}{4}$	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

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	SE $\frac{1}{4}$ SESW	Section 11	Township 26 North	Range 33 West
40	SWSE	Section 11	Township 26 North	Range 33 West
11 $\frac{1}{2}$	S $\frac{1}{4}$ 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 should be 3.525 cfs, 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.

Linda Hickman
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 $\frac{1}{2}$ 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 17 day of April, 1987.

W. W. Lessley
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.

133382

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;

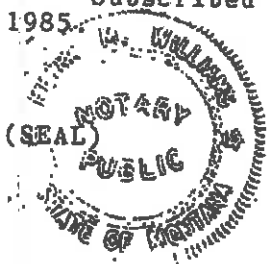
That I am informed that said premises has been used for pasturage and growing crops continuously by the respective former owners of said property;

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 6th day of February, 1985.

Joseph E. Little
Joseph E. Little

1985. Subscribed and sworn to, before me, this 6th day of February,



Petra M. Williams
Notary Public for the State of Montana, residing at Libby
My Commission expires 4-2-87

Exhibit "A"

The NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, the SW $\frac{1}{4}$ SE $\frac{1}{4}$, the W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ 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 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

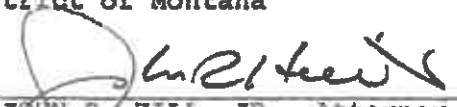


WITHDRAWAL OF OBJECTIONS

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 9th 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 9th 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

Boya Luvina

STATE OF MONTANA)
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.

Joseph E. Little
Joseph E. Little
Virginia M. Little
Virginia Little

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

Petra M. Williams
Notary Public for the State of

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 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.

FOR DEPARTMENT USE

FEE received By:
Transmittal No.:
Date: MAY 30 1984
Reviewed By:
Filed: WATER COURTS
Code:
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 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(s). Include buyer's name(s), and seller's name(s) if they retain an interest in the water right(s).

Wnt NA
5-31-84

Name Joseph E. Little Mailing Address P.O. Box 34 Noxon, Montana
Name Mailing Address
Name Mailing Address
Name Mailing Address

5. SELLER'S NAME(S): List the seller's name and address if not listed in Item 4 above.

NAME Brenda R. Bierer 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).

Name Mailing Address
Name 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 Right Owners copy been recorded? [X] Yes, [] No.

By [Signature] Deputy or 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 1588, Bozeman, Montana 59715.

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 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.

FOR DEPARTMENT USE

Fee received: _____ By: _____
Transmittal No.: _____
Date: _____
Reviewed By: _____
Filmed: _____
Coded: _____
BASIN: _____

(type or print in ballpoint ink)

1. WATER RIGHT(S) TO BE TRANSFERRED:

- Permit to Appropriate Water Number(s) _____
- Certificate of Water Right Number(s) _____
- Statement of Claim Number(s) 76N-W-133384-00
- 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: _____

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(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 59853
Name _____ Mailing Address _____
Name _____ Mailing Address _____
Name _____ Mailing Address _____

5. SELLER'S NAME(S): List the seller's name and address if not listed in Item 4 above.

NAME: Brenda K. Dierer MAILING ADDRESS: Box 125 Hamilton, Montana 59840

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).

Name _____ Mailing Address _____
Name _____ 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 Right Owners copy been recorded? Yes, No.

By Sally [Signature] Deputy or _____ 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.

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.

Enclosed 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 has
been extended to the 3rd day of August, 1984.

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

Sincerely,

Janet Lackey
Clerk

j1
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,) 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.

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 9 day of Nov, 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

BASIN 76N
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 76N -W-133382-00

OWNERS: BIERER GRANT K
 BOX 33 MT 59841
 PINESDALE
 BIERER BRENDA K
 BOX 33 MT 59841
 PINESDALE
 BIERER RONALD G
 BOX 33 MT 59841
 PINESDALE

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

PRIORITY DATE: APR 8, 1912

*FLOW RATE: 3.53 CFS

*VOLUME: 357.20 ACRE FEET PER YEAR

CLIMATIC AREA: 4

SOURCE: UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR
 SPRINGS HYDROLOGICALLY RELATED TO SOURCE.

*MAXIMUM ACRES: 94.00

PURPOSE (USE): IRRIGATION

PERIOD OF USE: APR 28 TO OCT 19

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY	
			NENESE	11	26N	33W	SANDERS	MULTIPLE
RESERVOIR AT			NENESE	11	26N	33W		

*PLACE OF USE FOR IRRIGATION

	ACRES	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY
001	20.00				E2SESW	11	26N	33W	SANDERS
002	40.00				SWSE	11	26N	33W	SANDERS
003	11.50				S2NWSE	11	26N	33W	SANDERS
004	20.00				SESE	11	26N	33W	SANDERS
005	2.50				SWNESE	11	26N	33W	SANDERS
TOTAL	94.00								

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 DECREASES 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.

R346 - increase

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

09/28/92
PAGE 1

WATER RIGHT NUMBER 76N - W-133382-00

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 K
BOX 33
PINESDALE MT 59841

BIERER BRENDA K
BOX 33
PINESDALE MT 59841

BIERER RONALD G
BOX 33
PINESDALE MT 59841

PURPOSE (USE): IRRIGATION
TYPE OF IRRIGATION SYSTEM: ~~SEWER~~ **SPRINKLER**

SOURCE: UNNAMED TRIBUTARY OF CLARK FORK RIVER
SOURCE TYPE: SURFACE WATER

~~SPRINGS HYDROLOGICALLY RELATED TO SOURCE.~~

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:** 3.53 CFS *Add F 81*

* **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	QTR	SEC	SEC	TWP	RGE	COUNTY	MEANS
01			NENESE	11	26N	33W	SANDERS	MULTIPLE

RESERVOIR:

LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY
01			ONSTREAM		NENESE	11	26N 33W SANDERS

* **PLACE OF USE FOR IRRIGATION:**

ACRES	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY
001	20.00			E2SESW	11	26N	33W	SANDERS
002	40.00			SWSE	11	26N	33W	SANDERS
003	11.50			S2NWSE	11	26N	33W	SANDERS
004	20.00			SESE	11	26N	33W	SANDERS

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

09/28/92
PAGE 2

WATER RIGHT NUMBER 76N -W-133382-00 (CONTINUED)

PLACE OF USE CONTINUED:

005	2.50	SWNESE	11	26N	33W	SANDERS
TOTAL	94.00					

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 DECREASES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.
W133382-00, W133385-00, W133386-00

```
*****
* 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. *
* * * * *
*****
```

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

03/03/93
PAGE 1

WATER RIGHT NUMBER 76N - W 133382-00

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 K
BOX 33
PINESDALE MT 59841
BIERER BRENDA K
BOX 33
PINESDALE MT 59841
BIERER RONALD G
BOX 33
PINESDALE MT 59841

PURPOSE (USE): IRRIGATION
TYPE OF IRRIGATION SYSTEM: SPRINKLER

SOURCE: 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.

PRIORITY 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	QTR	SEC	SEC	TWP	RGE	COUNTY	MEANS
01		NENESE	11	26N	33W	SANDERS			MULTIPLE

RESERVOIR:

	QTR	SEC	SEC	TWP	RGE	COUNTY
01 ONSTREAM	NENESE	11	26N	33W	SANDERS	

* **PLACE OF USE FOR IRRIGATION:**

	ACRES	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY
001	20.00			E2SESW	11	26N	33W	SANDERS	
002	40.00			SWSE	11	26N	33W	SANDERS	

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

03/03/93
PAGE 2

WATER RIGHT NUMBER 76N -W-133382-00 (CONTINUED)

PLACE OF USE CONTINUED:

003	11.50	S2NWSE	11	26N	33W	SANDERS
004	20.00	SESE	11	26N	33W	SANDERS
005	2.50	SWNESE	11	26N	33W	SANDERS
TOTAL	94.00					

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

* 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.

FILE-WATER RIGHT NO. W133382-76N

DNRC WATER RIGHT OWNERSHIP UPDATE

GEO CODE:	_____
_____	_____
_____	_____
_____	_____

PART 1 - SALE DATE
11/9/98
 Month/Day/Year

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

PART 2 - Grantor/Grantee - names must be entered exactly as they appear on the transfer of ownership

Seller - Enter grantor's complete name and mailing address, including city, state and zip.

ROBERT J. GUILFOYLE & ELIZABETH J. GUILFOYLE

11157 S. Maplewood Avenue

Chicago, IL 60655

Daytime Phone # _____

Buyer - Enter grantee's complete name and assessment notice mailing address, including city, state and zip.

NEEDS TO BE ELVA J. HORN & GEORGE R. HORN

20445 Adrian Road

South Lake, IA 50851

PO.B 1611

NOXON, ILL 59853 406-847-8707

Daytime Phone # _____

Legal Description: _____

Attachment

Add/Sub _____

Block _____

Lot _____

County SANDERS

City/Town _____

Section 11

Township 26N

Range 37W

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. W 138086 (76N) (Attachment) other all No. W. 138084
- ▶ (C) Certificate of Water Right No. 76N W133382, 76N P039739, W133384
- ▶ (P) Permit to Appropriate Water No. _____
- ▶ (E) Exempt Existing Right No. _____
- ▶ (D) Powder River Basin Deeded Right No. _____
- ▶ Other _____

Attachment

FILM

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 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.

Yes No If the sale is of a contract for deed, does the seller want to remain listed as an owner of the water right?

Seller Signature: _____

Date: 11-12-98

Seller Signature: _____

Date: 11/14/98

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?

Name Alex Moore Address Rte 247 Thompson Falls Phone # 827-7272

D. REMARKS

FOR DEPARTMENT USE ONLY		WATER RIGHT TRANSFER CERTIFICATE	
Fee Rec'd <u>45</u>	Check No. <u>1430</u>	Transmittal No. <u>08-039</u>	Date RECEIVED
Pay to the order of <u>See Memo</u>			MAK 31 1999
Date _____			MONTANA - D.N.R.C.
RO# _____			KALISPELL REGIONAL OFFICE
See File _____			Rec'd By _____

SEND THIS FORM TO DNRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED

BOX BAR CODE 012609
FILE BAR CODE 0198837

QUITCLAIM DEED
(Joint Tenancy)

~~FOR VALUE RECEIVED~~ - *JK*

GRANT K. BIERER

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 (W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, Township 26 North, Range 33 West, N.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 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 E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ 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. Bierer
GRANT K. BIERER

STATE OF Montana)
County of Pavilli)

10th The foregoing Quitclaim Deed was acknowledged before me on the day of ~~October~~, 1998 by GRANT K. BIERER.
November

(SEAL)

Debbie L. Lewis
Notary Public, State of Montana
Residing at Glend
My Commission Expires: 2-11-2002

233846

STATE OF MONTANA, COUNTY OF SANDERS
Recorded the 24 Day of March 10 99 at 9:30
o'clock A. M. Microfilm # 26938
Patricia Graham County Recorder
Fee 6 by Carrie A. Layton Deputy

WARRANTY DEED

For Value Received

RONALD G. BIERER and BRENDA K. BIERER of Box 33,
Pineadale, Montana 59841

the grantors 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. Sawyer, Chicago, Ill. 60655, an undivided
one-third interest; and ROBERT CULLFOYLE, SR. of 17252 S. 64th Court, Lin-
ley Park, Ill. 60477, an undivided one-third interest in Sanders County, Montana,
to wit:

The West half of the Southeast quarter of the Southwest
quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Eleven (11), Township Twenty-
six (26) North, Range Thirty-three (33) West, N.P.M.

SUBJECT to easements 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, sup-
plying water to the above-described premises, running in a
northeasterly direction over and across the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and
the W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ 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 heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee 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 27th day of August, 1980

Ronald G. Bierer
RONALD G. BIERER

Brenda K. Bierer
BRENDA K. BIERER

STATE OF MONTANA, COUNTY OF Sanders
On this 27th day of August, 1980

before me, a Notary Public in and for said State, personally
appeared

RONALD G. BIERER and
BRENDA K. BIERER

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me
that they executed the same.

Alvin (Miss) [Signature]
Notary Public
Montana

Residing at Plains, Montana
Comm. Expires 8-24-83

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

at 00 minutes past 11 o'clock A.M.,
this 27th day of August,
1980 in my office, and duly recorded in Book 101
of Deeds at page 106

Dixie Waugh
Ex-Officio Recorder

By [Signature] Deputy

Fees \$3.50
Mail to:

INSTRUMENT No. 165662

KALISPELL WATER RESOURCES REGIONAL OFFICE
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION



MARC RACICOT
GOVERNOR

109 COOPERATIVE WAY
SUITE 110

STATE OF MONTANA

PHONE: (406) 752-2288
FAX: (406) 752-2943

KALISPELL, MONTANA 59901-2387

²⁶
April 15, 1999

Alex Morrison
PO Box 247
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 JR. THE OTHER TWO NUMBERS ARE OK.*

___ 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.

Why two transfers? Because you sent a deed from Grant B Larer to the seller, I'm going to terminate that transfer & refund 25.00

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,

Linda Molina

Linda Molina
Program Assistant
Kalispell Regional Office

** Need some kind of documentation to show the property went from Jr. & Sr. to who is who?*

QUITCLAIM DEED
(Joint Tenancy)

~~FOR VALUE RECEIVED, \$40~~

GRANT K. BIERER

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 (W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, Township 26 North, Range 33 West, M.P.M.

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 E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ 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. Bierer
GRANT K. BIERER

STATE OF Montana)
County of Powell) ss.

10th The foregoing Quitclaim Deed was acknowledged before me on the day of October, 1998 by GRANT K. BIERER.
November

(SEAL)

Debbie L. Lewis
Notary Public, State of Montana
Residing at Gladwin
My Commission Expires: 2-11-2002

233846

STATE OF MONTANA, COUNTY OF SANDERS
Recorded the 24 Day of March 1999 at 9:30
o'clock PM. Microfilm # 26932
Patricia M. Ham County Recorder
Fee 6 By Edna A. Waples Deputy

WARRANTY DEED
(Joint Tenancy)

26933

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 (W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, Township 26 North, Range 33 West, M.P.N.

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 E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ 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. 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.

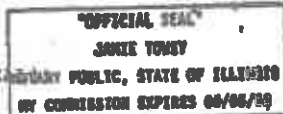
DATED this 12 day of November, 1998.

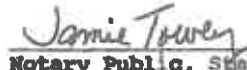

ROBERT J. GUILFOYLE


ELIZABETH J. GUILFOYLE

STATE OF ILLINOIS)
) ss.
County of Cook)

The foregoing Warranty Deed was acknowledged before me on the 12th day of November, 1998 by ROBERT J. GUILFOYLE and ELIZABETH J. GUILFOYLE.




Notary Public, State of Illinois
Residing at:
My Commission Expires: **238847**

STATE OF MONTANA, COUNTY OF SANDERS
WARRANTY DEED - GUILFOYLE/HORN
Recorded the 24 Day of March, 1999 at 9:35 P.M. Page 1 of
o'clock 9 M. Merit # 26933
Pat Thompson County Recorder
Fee 60 By Erica Wright Deputy

RN

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

PARTS ...
 Seller: ...
 Buyer: ...
 Daytime Price: ...
 Attach a separate page: ...
 Legal Description: ...
 Attachment: ...
 County: ...

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:

- ▶ (W, U, A, B, or O) Statement of Claim No. _____
- ▶ (C) Certificate of Water Right No. 576N 20133382
- ▶ (P) Permit to Appropriate Water No. _____ **FILE**
- ▶ (E) Exempt Existing Right No. _____
- ▶ (D) Powder River Basin Decreed Right No. _____
- ▶ Other _____

BOX BAR CODE 012609
 FILE BAR CODE 0198837

B. SELLER (person relinquishing the water right): If all seller's signatures are not available, attach a copy of the recording showing conveyance of the property from the seller to the buyer. If the seller listed is not the person identified as the seller in 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.
- Yes No If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?

Seller Signature: [Signature] Date: 01-10-99
 Seller Signature: _____ Date: _____

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?

Name _____ Address _____ Phone # _____

D. REMARKS

FOR DEPARTMENT USE ONLY			WATER RIGHT TRANSFER CERTIFICATE	
Fee Rec'd <u>25.00</u>	Check No. <u>1450</u>	Transmittal No. <u>08-039</u>	Date Rec'd	
Payor <u>Aly Morrison</u>			RECEIVED MAR 31 1999	
Refund	Date			

➤ 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.

➤ 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 QUESTIONS CALL YOUR LOCAL REGIONAL OFFICE.

BILLINGS Phone: 406-657-2105
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: 406-228-2561
Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, 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 Counties

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

LEWISTOWN Phone: 406-538-7488
Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, and Wheatland Counties

MISSOULA Phone: 406-721-4284
Granite, Mineral, Missoula, and Ravalli 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 1-800-824-3270 (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)

08/03/99

PAGE 1

ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE
FROM
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
STATE OF MONTANA

WATER RIGHT NUMBER 76N -W-13382-00

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.

*****DNRC*LOCATE** *8*WC*840620***

OWNERS:
HORN GEORGE R
20445 ADRIAN RD
SOUP LAKE WA 98851
HORN ELVA J
20445 ADRIAN RD
SOUP LAKE WA 98851

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 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	PERIOD OF USE
IRRIGATION	3.53 C	357.20	94.00	APR 26 TO OCT 19

POINTS OF DIVERSION AND MEANS OF DIVERSION:

DIVERSION:							MEANS	
LOT	BLK	QTR	SEC	TWP	RGE	COUNTY		
			NENESE	11	26N	33W	SANDERS	MULTIPLE

RESERVOIR:				
	QTR	SEC	TWP	RGE
ONSTREAM AT	NENESE	11	26N	33W

PLACE OF USE CONTINUED:

PLACE OF USE FOR IRRIGATION:

	ACRES	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY
001	20.00			E2S	ESW	11	26N	33W	SANDERS
002	40.00				SWSE	11	26N	33W	SANDERS
003	11.50			S2N	NSE	11	26N	33W	SANDERS
004	20.00				SESE	11	26N	33W	SANDERS
005	2.50				SWNESE	11	26N	33W	SANDERS
TOTAL	94.00								

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, W133386-00

** 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 688, PURSUANT TO SECTION 85-2-424, MCA.

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

PART 1: SALE DATE

 Month/Day/Year

**SEE IMPORTANT INFORMATION
 ON THE BACK OF THIS FORM**

PART 2: Grantor/Grantee (on the transfer of ownership)

Seller - Enter grantor's complete name and mailing address, including city, state and ZIP.

BREDA K. BIERER
 1477 Hwy 93
 Victor Mt. 59875
 Daytime Phone # _____

Buyer - Enter grantee's complete name and assessment notice mailing address, including city, state and ZIP.

Joseph E. Little 90 WAYNE LITTLE
 P.O. Box 72
 Nexon, Mt. 59853
 Daytime Phone # 406-847-2692

BOX BAR CODE 012609
 FILE BAR CODE 0198837

PART 3: Description of Property - If description is too lengthy, please attach separate page

Legal Description: _____ Attachment **U.S. 1872**
 Add/Sub _____ Block _____ Lot _____
 County _____ City/Town _____ Section _____ Township _____ Range _____

A. WATER RIGHT(S) TO UPDATE

List all water rights which need to have ownership updated. Attach a list if additional space is needed.

Attachment

76-N-W133382, 76N-W133383, 76N-W133384

- ▶ (W, U, A, B, or O) Statement of Claim No. 76-N-W133385, 76N-W133386, 76N-W133387
- ▶ (C) Certificate of Water Right No. _____
- ▶ (P) Permit to Appropriate Water No. _____
- ▶ (E) Exempt Existing Right No. _____
- ▶ (D) Powder River Basin 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.

- 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.
- Yes No If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?

Seller Signature: _____ Date: _____
 Seller Signature: _____ Date: _____

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?

Name _____ Address _____ Phone # _____

D. REMARKS



- ▶ 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.
- ▶ 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 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: 406-586-3136
Gallatin, Madison, and Park Counties

GLASGOW Phone: 406-228-2561
Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties

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

HELENA Phone: 406-446-0944
Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Silver Bow Counties

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

LEWISTOWN Phone: 406-838-7459
Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, and Wheatland Counties

MISSOULA Phone: 406-721-4284
Granite, Mineral, Missoula, and Ravalli 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 1-800-824-3270 (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)

Hamilton, Montana 59840

the Grantor 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, Montana, to wit:

The NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, the SW $\frac{1}{4}$ SE $\frac{1}{4}$, the W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ 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 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 Grantor do es hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that they are free from all incumbrances

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

Dated: July 25, 1983

Brenda K. Bierer
BRENDA K. BIERER

210329

STATE OF MONTANA, COUNTY OF Ravalli
On this ~~4th~~ 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 person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

Rebecca [Signature]
Notary Public
Residing at [Signature], Montana

STATE OF MONTANA, COUNTY OF Bondera

I hereby certify that this instrument was filed for record at the request of

at 10 minutes past 2 o'clock P.m.,
this 27th day of September,
1983, in my office and duly recorded in Book
of Deeds at page micro # 828

Dixie Vaught
Ex-Officio Recorder

By Patricia Mangalam
Deputy.

Fees \$ 6.00

KALISPELL WATER RESOURCES REGIONAL OFFICE
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION



JUDY MARTZ
GOVERNOR

189 COOPERATIVE WAY
SUITE 110

STATE OF MONTANA

PHONE: (406) 732-2288
FAX: (406) 732-2943

KALISPELL, MONTANA 89901-3387

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

Linda Molina
Program Assistant
Kalispell Regional Office

Xc: Joseph & Wayne Little

05/03/01

PAGE 1

ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE
FROM
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
STATE OF MONTANA

WATER RIGHT NUMBER 76N -W-13382-00

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.

*****DNRC*LOCATS** *8*NS*990101***

OWNERS: LITTLE JOSEPH E
& WAYNE LITTLE
PO BOX 72
NOXON MT 59853

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
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	PERIOD OF USE
IRRIGATION	3.53 C	357.20	94.00	APR 28 TO OCT 19

POINTS OF DIVERSION AND MEANS OF DIVERSION:

DIVERSION:							MEANS
LOT	BLK	QTR	SEC	TWP	RGE	COUNTY	
		NENESE	11	26N	33W	SANDERS	MULTIPLE

RESERVOIR:				
	QTR	SEC	TWP	RGE
ONSTREAM AT	NENESE	11	26N	33W

PLACE OF USE FOR IRRIGATION:

ACRES	LOT	BLK	QTR	SEC	TWP	RGE	COUNTY
-------	-----	-----	-----	-----	-----	-----	--------

PLACE OF USE CONTINUED:

001	20.00	E2SE6W	11	26N	33W	SANDERS
002	40.00	SWSE	11	26N	33W	SANDERS
003	11.50	S2NWSE	11	26N	33W	SANDERS
004	20.00	SESE	11	26N	33W	SANDERS
005	2.50	SWNESE	11	26N	33W	SANDERS
TOTAL	94.00					

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, W133386-00

**** 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, MCA.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 10/06/00.

PART 1 - Date of Sale/Death of Joint Tenant

Month/Day/Year

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

Assessment Code Or Parcel #

PART 2 - Parties - Names must be entered exactly as they appear on the transfer of ownership or original document creating the joint tenancy

Seller / Deceased Joint Tenant - Enter grantor's / deceased joint tenant's complete name and mailing address, including city, state and ZIP

Joseph E. Little

11742 El Camino Del Diablo

Yuma, AZ 85367

Daytime Phone #

Buyer / Surviving Joint Tenant - Enter grantee's / surviving joint tenant's complete name and assessment notice mailing address, including city, state and ZIP

Robert J. Thomas and Barbara J. Thomas

PO Box 84

Noxon, MT 59853

Daytime Phone #

PART 3 - Description of Property - If description is too lengthy, please attach a separate page.

Legal Description:

See Attached Description

Attachment

Add/Sub

Block

Lot

County

City/Town

Section

Township

Range

A. WATER RIGHT(S) TO UPDATE

List all water rights which need to have ownership updated. Attach a list if additional space is needed.

Attachment

▶ (W, U, A, B, or O) Statement of Claim No.

▶ (C) Certificate of Water Right No.

76N-133382-00 IR; 76N-133383-00 DM; 76N-133384-00 DM

▶ (P) Permit to Appropriate Water No.

76N-133385-00 FW; 76N-133386-00 PG; 76N-133387-00 ST

▶ (E) Exempt Existing Right No.

▶ (D) Powder River Basin Deeded Right No.

▶ Other

B. SELLER Deceased Joint Tenant (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.

Yes No Did the buyer / surviving joint tenant receive 100% of the seller's interest in the water rights shown above? If no attach a map showing buyer's property.

Yes No If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?

Seller Signature: *Joseph E. Little*

Date: *1-22-04*

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?

Name Claude I. Burlingame, P.C. Address PO Box 9 Phone # 827-4381
Thompson Falls, MT 59873

D. REMARKS

FOR DEPARTMENT USE ONLY			WATER RIGHT TRANSFER CERTIFICATE	
Fee Rec'd \$ <u>100.00</u>	Check No. <u>3065</u>	Transmittal No. <u>K&T 0427216</u>	Date Rec'd RECEIVED	
Payor <u>CLARK FORK TITLE</u>			APR 8 2004	
Refund	Date			

- ▶ 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.
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- ▶ 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
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BILLINGS Phone: 406-247-4416
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: 406-228-2581
Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties

HAVRE Phone: 406-285-5516
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 Counties

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

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

MISSOULA Phone: 406-721-4284
Granite, Mineral, Missoula, and Ravalli 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)

▶ Send the form along with the fee to:
DNRC, PO BOX 201601, HELENA, MT 59620-1601
(MAKE CHECK PAYABLE TO DNRC)

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 406-752-3267

Water Right Number: 76N 133382 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): 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:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESE	11	26N	33W	SANDERS

Diversion Means: PUMP/HEADGATE WDITCH OR PIPELINE/FLOOD AND DIKE

July 13, 2004
76N 133382 00

Page 2 of 12
NEW STORAGE
Ownership Update ID#: 14064

Reservoir: ON STREAM
Govt Lot Qtr Sec Sec Twp Rge County
 NESE 11 26N 33W SANDERS

Purpose (Use): IRRIGATION
Irrigation Type: SPRINKLER
Climatic Area: 4 - MODERATELY LOW
Volume: 357.20 AC-FT
Period of Use: APRIL 28 to OCTOBER 19
Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.00		E2SESW	11	26N	33W	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						

Remarks:

WATER RIGHT OWNERSHIP UPDATE RECEIVED 10/06/00.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 04/08/2004 .

BASIN 76N
 ABSTRACT OF WATER RIGHT

10/21/87

WATER RIGHT NUMBER 76N -W-133382-00

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

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

PRIORITY DATE: APR 8, 1912

FLOW RATE: 3.53 CFS

VOLUME: 357.20 ACRE FEET PER YEAR

CLIMATIC AREA: 4

SOURCE: UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR
 SPRINGS HYDROLOGICALLY RELATED TO SOURCE.

MAXIMUM ACRES: 94.00

PURPOSE (USE): IRRIGATION

PERIOD OF USE: APR 28 TO OCT 19

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY	
			NENESE	11	26N	33W	SANDERS	MULTIPLE
RESERVOIR AT NENESE 11 26N 33W								

PLACE OF USE FOR IRRIGATION

	ACRES	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY
001	20.00				E2S	ESW	11	26N	33W SANDERS
002	40.00					SWSE	11	26N	33W SANDERS
003	11.50				S2N	WSE	11	26N	33W SANDERS
004	20.00					SESE	11	26N	33W SANDERS
005	2.50					SWNESE	11	26N	33W SANDERS
TOTAL	94.00								

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 DECREASES 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

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 8TH AVENUE · P.O. BOX 201801 · HELENA, MONTANA 59820-1801
GENERAL ABSTRACT

Water Right Number: 76N 133369-00 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 Volume: 2.00 AC-FT

Households: 2

Source Name: UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESE	11	28N	33W	SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: FLOWING

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NESWSE	11	28N	33W	SANDERS

Geocode/Valds: 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 11/08/00.

OWNERSHIP UPDATE RECEIVED

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

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



FILE



STATEMENT OF CLAIM



76N



133383



00

Current File Location: NEW STORAGE

Box Bar Code _____

File Bar Code _____

Date/Initials _____

76N

STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS

RECEIVED

133383

APR 30 1982

SA-C

For the Water Courts of the State of Montana

MONTANA D.N.R.C.

KALISPELL FIELD OFFICE

08-21-81-01

1. Owner of Water Right

BIERER

RONALD

G.

Co-Owner or Other Interest Owner

BIERER

GRANT

A

BIERER

BRENDA

R

Address P.O. BOX 33

City Pinedale

State Montana

Zip Code 59841

Home Phone No. 961-4694

Business Phone No. 961-3988

2. Person completing form BIERER

Last

RONALD

First

G.

Middle Initial

Address P.O. BOX 33

City Pinedale

State Montana

Zip Code 59841

Home Phone No. 961-4694

Business Phone No. 961-3988

3. Use: Domestic

4. Source of Water: (Check Only One)

Spring

Name NONE

Well

Name

Stream

Name No Name Stream from Tributary of Unnamed Pond

Lake

Name

Reservoir

Name

Stream

5. Point of Diversion: County SANDERS

NE 1/4 NE 1/4 SE 1/4, Section 11, T. 26N N/S, R. 33W

Lot Block Subdivision

6. Means of Diversion:

Pump

Capacity 160 in dia 1795 gpm

Gravity flow

Other: Explain

7. Place of use and acres irrigated.

County SANDERS

94 acres

NE 1/4 SW 1/4 SE 1/4, Section 11, T. 26N N/S, R. 33W

Lot Block Subdivision

8. Number of persons served 2 houses 16 people

133383

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 GRANT K
Last First Middle Initial

Address P.O. BOX 33

City PINESDALE State MT Zip Code 59841

Name _____
Last First Middle Initial

Address _____

City _____ State _____ Zip Code _____

02 Name _____
Last First Middle Initial

Address _____

City _____ State _____ Zip Code _____

Name _____
Last First Middle Initial

Address _____

City _____ State _____ Zip Code _____

02 Name _____
Last First Middle Initial

Address _____

City _____ State _____ Zip Code _____

Name _____
Last First Middle Initial

Address _____

City _____ State _____ Zip Code _____

02 Name _____
Last First Middle Initial

Address _____

City _____ State _____ Zip Code _____

Name _____
Last First Middle Initial

Address _____

City _____ State _____ Zip Code _____

Use additional sheets if necessary

9. Flow rate claimed: 160

- cubic feet per second
- gallons per minute
- miner's inches

10. Volume claimed: 2890 acre-feet per year

11. Period(s) of use: Jan 1 to Dec 31
Month Day Month Day

12. Check one:
- Decreed Water Right
 - Filed Appropriation Right
 - Use Water Right

Priority date or date of first use
April 1 ^H 1912
 Hour Month Day Year
 BOOK 2 WR P. 264

13. Attach copies of the Decree, Record of Filing or Proof of Use Right.
14. Attach copies of aerial photographs, U.S. Geological Survey maps or such other documents necessary to show point of diversion, place of use, place of storage, and conveyance facilities.
15. Notarized Statement signed by claimant.

STATE OF MONTANA)
 County of Ravalli :ss.

I, Ronald G. Bierer, having been duly sworn, depose and say that I, being of legal age and being the claimant of this claim of existing water right, and the person whose name is signed to it as the claimant, know the contents of this claim and that the matters and things stated there are true and correct.

Ronald G. Bierer

Subscribed and sworn to before me, this 29th day of April, 1982

Rebecca Davis
 Notary Public for the State of Montana

Residing at Lemdale, Mont.
 My Commission expires Aug. 13, 1984

133383

UNITED STATES OF AMERICA

U. S. PATENT
Act of May 20, 1862
Homestead Act

-tc-

Ura E. Ellis

Dated Aug. 24, 1918

Filed Feb. 3, 1922

Book 12 Deeds, p. 388

THERE IS GRANTED

the northwest quarter of the southwest quarter of the
northwest quarter of the southeast quarter,
the south half of the south half of the northwest quarter
of the southeast quarter,
the southwest quarter of the southwest quarter of the
northeast quarter of the southeast quarter,
the southwest quarter of the southeast quarter,
the west half of the west half of the southeast quarter
of the southeast quarter,
the east half of the southwest quarter of the southeast
quarter of the southeast quarter,
the south half of the southeast quarter of the southeast
quarter of the southeast quarter, and
the southeast quarter of the southwest quarter

of Section eleven
in Township twenty-six north
of Range thirty-three west
of the Montana Meridian, Montana
containing one hundred fifteen acres, according to the
Official Plat of the Survey of the said land, returned to
the General Land Office by the Surveyor General,

To Have and To Hold with the appurtenances forever

SUBJECT to any vested and accrued water rights for mining, agri-
cultural, 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 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.

By the President: Woodrow Wilson

By M. P. LeRoy, Secretary

L. C. Lamar
Recorder of General Land Office

(GENERAL LAND
OFFICE SEAL)

Pat. No: 646075

Ura E. Ellis,
of Noxon, Sanders County, Montana,

-to-
Public

NOTICE OF APPROPRIATION
OF WATER

160" unnamed stream

Dated Apr. 8, 1912

Filed Apr. 11, 1912

Book 2 WR p. 261

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

I. That he has a legal right to the use, possession and control
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 NW¹/₄ SW¹/₄ NW¹/₄ SE¹/₄, S¹/₂ S¹/₂ NW¹/₄ SE¹/₄, SW¹/₄ SW¹/₄ NE¹/₄ SE¹/₄,
SW¹/₄ SE¹/₄, W¹/₂ W¹/₂ SE¹/₄ SE¹/₄, E¹/₂ SW¹/₄ SE¹/₄ SE¹/₄,
S¹/₂ SE¹/₄ SE¹/₄ SE¹/₄,
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 8th day of
April, 1912, by means of said flume and posting of said notices
of appropriation.

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

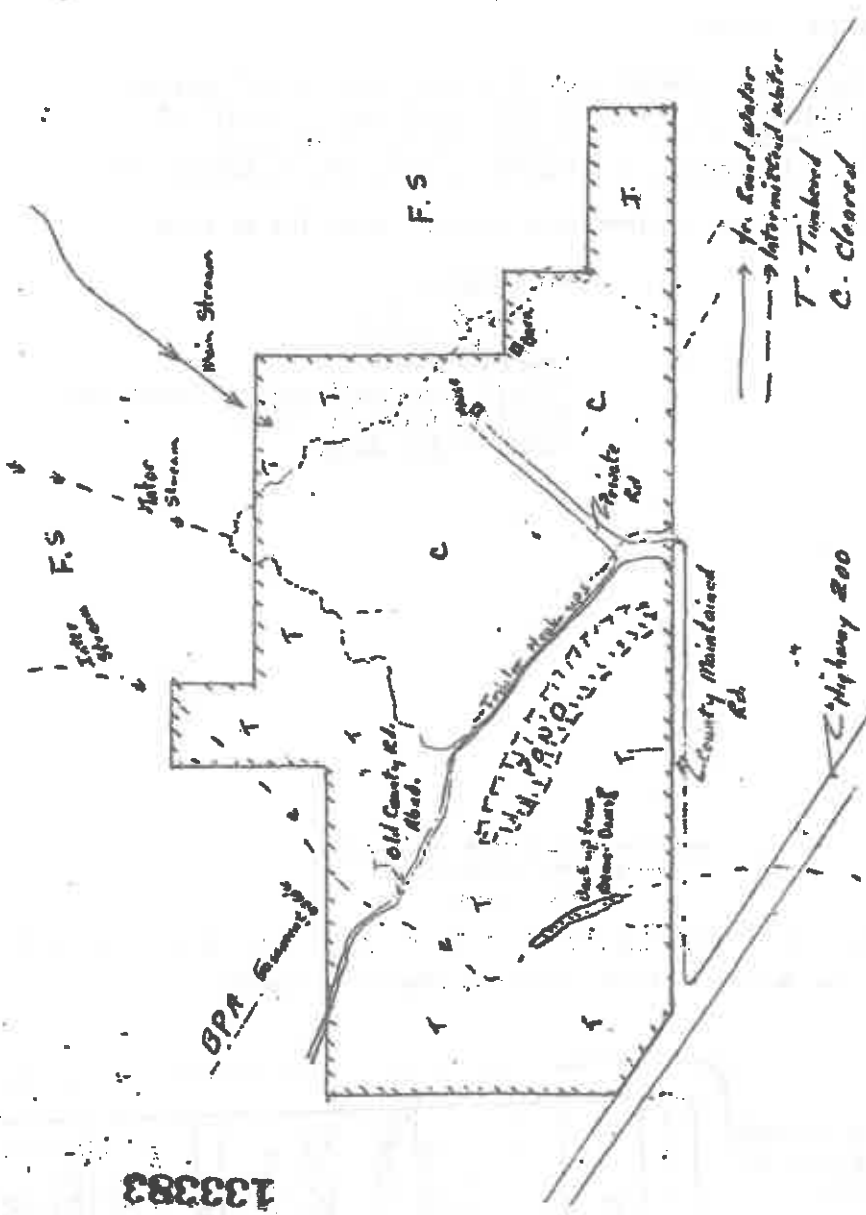
VI. That he also hereby claim said ditch and the right of way
therefor, and for said water by it conveyed, or to be conveyed,
from said point of appropriation to said land or point of final
discharge, and also the right of location upon any lands of any
dams, flumes, reservoirs, constructed or to be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

6



1" = 600' approx.
 FS - U.S. Forest Service Good Land.
 --- Property Boundary

133383

133383

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 Rodriguez, Analyst Supervisor
Existing Rights Section
Water Rights Bureau

SR:db

WATER RESOURCES DIVISION
ORRIN FERRIS, ADMINISTRATOR

14081 448-2872

FLOOD MANAGEMENT
14081 448-2872

ENGINEERING
14081 448-2884

RESOURCES & PLANNING
14081 448-2872

WATER DEVELOPMENT
14081 448-2827

WATER RIGHTS
14081 448-2824

HIGH PLAINS EXPERIMENT
14081 448-2872

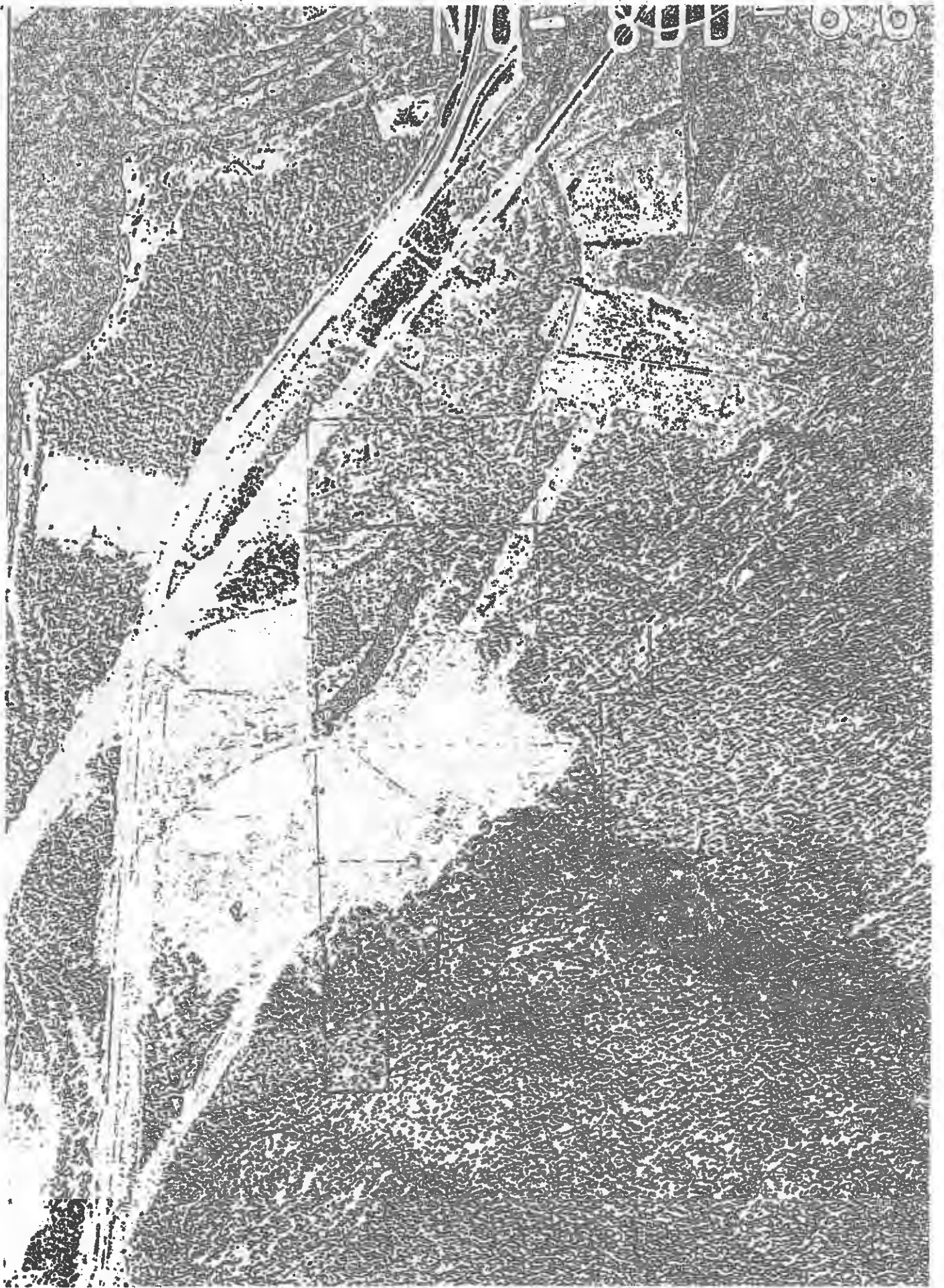
38 SOUTH EWING, HELENA, MONTANA 59601

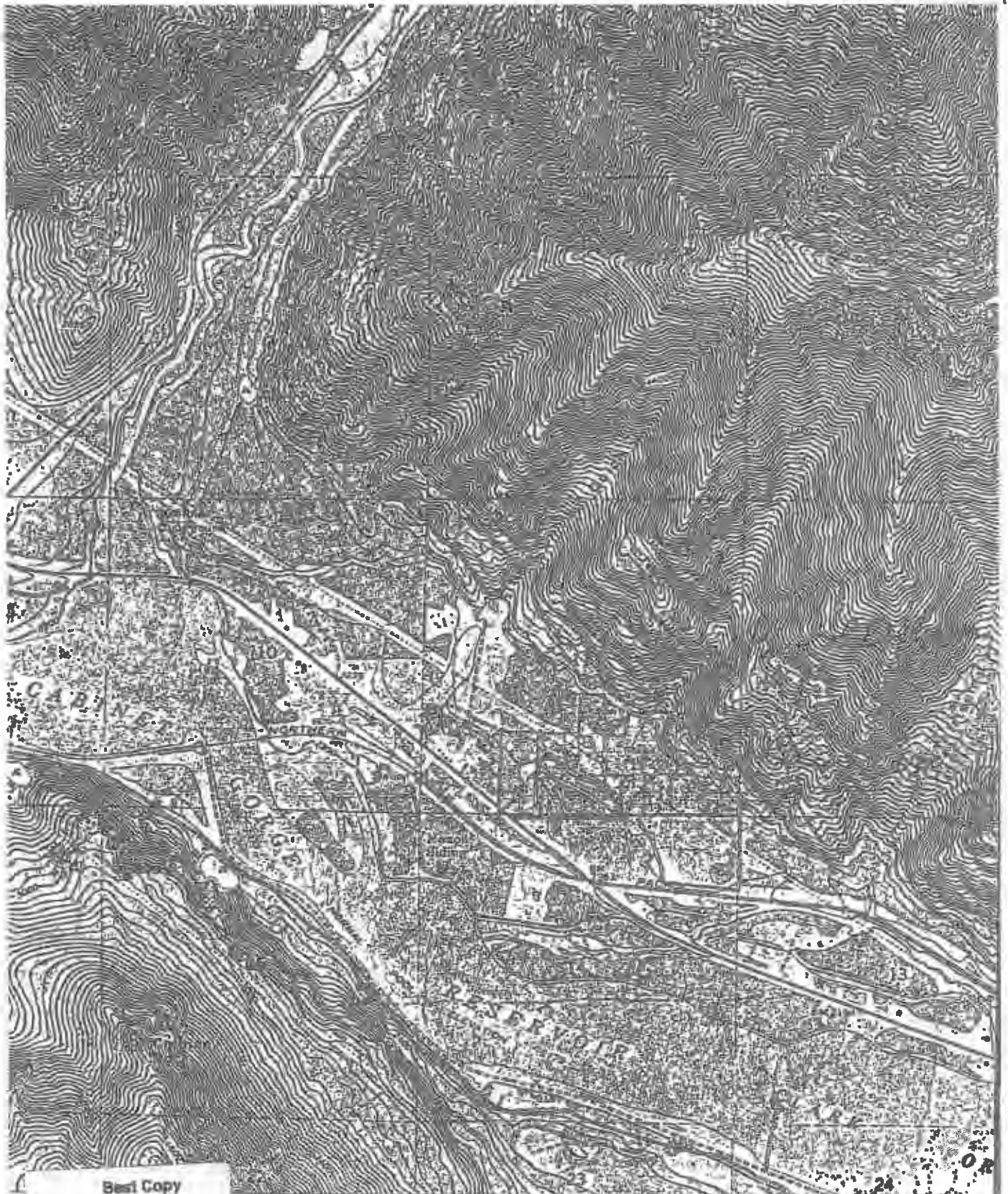
EXACT COPY

MONTANA DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
NATURAL RESOURCES BUILDING
SOUTH EWING
HELENA, MONTANA 59601

RETURN TO: space as requested (check one) not delivered..... and address of delivery..... VERY..... not delivered..... VERY..... address of delivery..... AFTER FOR FEES <i>Rt Bierer</i> <i>Box 24A</i> <i>Noxon 59853</i>		INSURED NO. <i>14081</i>	address or agent described above. <input type="checkbox"/> Authorized agent <i>14081</i>	MONTANA 1978 JAN 5 1978 WATER RIGHTS	CLAIMS INITIALS
---	--	-----------------------------	---	---	--------------------

4-88-107-0-01-007





Best Copy Available

Survey



SCALE 1:24,000

CONTOUR INTERVAL 40 FEET

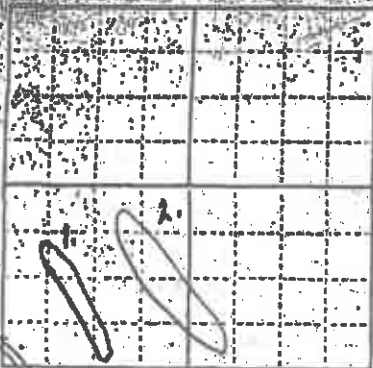
DATUM IS MEAN SEA LEVEL

47°30'

Declaration of Vested Groundwater Rights

(Under Chapter 237, Montana Session Laws, 1961)

1. Otto Rattig & Valmer Rattig of Noxon
(Name of Appropriator) (Address) (Town)
County of Sanders State of Montana
have appropriated groundwater according to the Montana laws in effect prior to January 1, 1962, as follows:



SE 1/4 SW 1/4 Sec. 11 T26N R 33W

Indicate point of appropriation and place of use, if possible. Each small square represents 10 acres.

- The beneficial use on which the claim is based: (1) stock watering - 40 head, irrigation (2) stock watering - 40 head, irrigation
- Date or approximate date of earliest beneficial use; and how continuous the use has been: (1) 1911 (2) 1911
- The amount of groundwater claimed (in miner's inches or gallons per minute): see #10
- 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 SW 1/4 SW 1/4 11 26N 33W
(2) ten acres crop land SW 1/4 SW 1/4 11 26N 33W
- The means of withdrawing such water from the ground and the location of each well or other means of withdrawal: sub irrigation overflow - from ponds fed by underground springs outlets

- The date of commencement and completion of the construction of the well, wells, or other works for withdrawal of groundwater: 1911 - enlargement
- The depth of water table: (1) 5' (2) 5'
- So far as it may be available, the type, size and depth of each well or the general specifications of any other works for the withdrawal of groundwater: not applicable
- The estimated amount of groundwater withdrawn each year: (1) 1,629,250 gal (2) 3,258,500 Gal.
- The log of formations encountered in the drilling of each well if available: not applicable
- Such other information of a similar nature as may be useful in carrying out the policy of this act, including reference to book and page of any county record:

Otto Rattig
Valmer Rattig
Signature of Owners
Date December 30, 1961

County of Blaine

133383

Otto Rettig & Velmer Rettig having first been duly sworn, depose and say that they are of lawful age and are the appropriators and claimants of the order and water right mentioned in the foregoing declaration of vested groundwater rights and the person whose names subscribed thereto as the appropriators and claimants, that they know the contents of said foregoing notice and that the matters and things therein stated are true.

Otto Rettig
Velmer Rettig

Subscribed and sworn to before me, this 30 day of June 1966

Ronald C. Harty
Notary Public for the State of Montana
Residing at Helena, Montana
My Commission expires June 1, 1966

102707

RECORDED
INDEXED
JUN 1 1966
BLAINE COUNTY CLERK

STATEMENT OF CLAIM CHECKLIST

FORM TYPE: I S D O

OK	NOT OK	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Received
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Basin
<input checked="" type="checkbox"/>	<input type="checkbox"/>	County
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Division
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Transmittal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fee
		133383

FORM ITEMS

OK	NOT OK	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14
<input checked="" type="checkbox"/>	<input type="checkbox"/>	15
<input checked="" type="checkbox"/>	<input type="checkbox"/>	16
<input checked="" type="checkbox"/>	<input type="checkbox"/>	17
<input checked="" type="checkbox"/>	<input type="checkbox"/>	18

*ERR. CLAIM ALSO FILED
TO COVER 74 ACRES*

Checked by R.D. Jensen | MAY 12, 1982 Date

DEFICIENT:

Phoned _____
Number Date

Sent Letter _____
To Date

Correction Deadline: _____
Date

Form Corrected _____
Date

Incomplete Form & Correspondence Sent To Helena

See notes on reverse side

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

07/08/82

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

76N -W-133383-00 PRIORITY DATE: 00:00 04/30/1912 TYPE OF RIGHT: FILED CLAIM RECEIVED: 04/30/82 FEE PAID: TYPE CODE: S MAX RATE: 4.00 C (160.00 MI) MAX VOLUME: 2,890.00 AF/YEAR

(M) I BIESER GRANT K (M) I BIESER BRENDA K PO BOX 33 PINESDALE MT 59841 PINESDALE MT 59841 (M) I BIESER RONALD G PO BOX 33 PINESDALE MT 59841

LOT BLK QTR SEC SEC TWP RGE CO

DV 01 UT TRIG OF CABINET GORGE RESERVOIR NENESE 11 26N 33W SA MEANS DIVRS=PL DM 01 0.00 ACRES PERIOD OF USE 199999999997 NO. HSEHOLDS 2 ACRES LOW ACPT. VER. ACRES WRS 19 19 LOT BLK QTR SEC SEC TWP RGE CO REMARKS S: * 001 0.00 0.000 NESWE 11 26N 33W SA FOR CLAIMANT'S USE TOTAL 0.00

S: YES NO COMMENTS IF MAIN RIGHT. MAX COMBINED VOLUME FOR ALL RIGHTS. AF MAX COMBINED ACRES FOR ALL RIGHTS IF SUPPLEMENTAL RIGHT. PURPOSE ID AND CLAIM ID OF MAIN RIGHT FIELD VERIFICATION FORM ON STATISTICS: ** VOLUME BASED ON ACRES, PLUS 1 AF PER CLAIM 1,000 AF/YR - UNDER CLAIMED VOLUME YES NO COMMENTS AME OK: YES NO COMMENTS ADDED FOR USER QUAD (S/G) OK: YES NO COMMENTS DV 01 YES NO APPEARS CORRECT UNVERIFIED COMMENTS CLAIMANT'S MAP USES CLAIMED FLOW RATE OK: YES NO COMMENTS CLAIMED PRTY DATE OK: YES NO COMMENTS CHANGED TO DATE OF FIRST USE RATHER THAN FILING DATE E OK: YES NO COMMENTS APPLY STANDARDS

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

07/08/92

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

76N -W-133393-00 (CONTINUED)

R: YES NO APPLY STANDARD COMMENTS

DATE OK: YES NO COMMENTS FORMAT OK BUT CHANGED TO DATE OF FIRST USE

E CONTACT: YES NO DATE COMPLETED / / BY COMMENTS

P: YES NO DATE COMPLETED / / BY COMMENTS

W: YES NO DATE COMPLETED / / BY COMMENTS

VESTIGATION: YES NO APPROVED BY DATE CHECKED / / BY COMMENTS

ESTIGATED BY Judy Jember DATE 12/10/1992

REVIEWED BY DATE

WATER RIGHT TRANSFER CERTIFICATE

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND WATER COURTS OF MONTANA

INSTRUCTIONS	FOR DEPARTMENT USE
<p>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.</p>	<p>Fee received: _____ Transferred to: _____ Date: _____ Reviewed By: _____ Filed: MAY 30 1984 Coded: _____ BASIN: WATER COURTS</p>

(Type or print in ballpoint ink)

1. WATER RIGHT(S) TO BE TRANSFERRED:

- Permit to Appropriate Water Number(s) 76N W133383-00
- 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 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(s). Include buyer's name(s), and seller's name(s) if they retain an interest in the water right(s).

*Don't NA
5-31-84*

Name Joseph E. Little Mailing Address P.O. Box 34, Hoxon, Montana

Name _____ Mailing Address _____

Name _____ Mailing Address _____

Name _____ Mailing Address _____

5. SELLER'S NAME(S): List the seller's name and address if not listed in Item 4 above.

NAME: Brenda K. Bizer 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).

Name _____ Mailing Address _____

Name _____ 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 Right Owners copy been recorded? Yes, No.

By [Signature] or _____
Deputy 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.

76N W133383-00

TRANSFER

Locked-Up Basin

MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION
Memorandum

DNRC

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-1133383

RECEIVED

MAY 30 1984

Form 808 (2/83)

WATER RIGHT TRANSFER CERTIFICATE

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION MONTANA DEPT. OF NATURAL RESOURCES & CONSERVATION AND WATER COURTS OF MONTANA

<p align="center">INSTRUCTIONS</p> <p>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.</p>	<p align="center">FOR DEPARTMENT USE</p> <p>Fee received: <u>9.00</u> By: <u>do U</u> Transmittal No.: <u>01-228-01-11</u> Date: _____ Reviewed By: <u>JG</u> <u>6-25-84</u> Filmed: _____ Coded: <u>D.F.</u> <u>7-24-84</u> BASIN: <u>76N</u></p>
--	---

(type or print in ballpoint ink)

DWRC

1. WATER RIGHT(S) TO BE TRANSFERRED:

- Permit to Appropriate Water Number(s) 76N W133383-00
- 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 Sanders
- Court Decree recorded in: County _____
- Other, explain: _____

DWRC

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).

DWRC

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 59853

Name _____ Mailing Address _____

Name _____ Mailing Address _____

Name _____ Mailing Address _____

DWRC

5. SELLER'S NAME(S): List the seller's name and address if not listed in Item 4 above.

NAME: Brenda K. Bixer MAILING ADDRESS: Box 125, Hamilton, MT 59840

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).

Name _____ Mailing Address _____

Name _____ 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 Right Owners copy been recorded? Yes, No.

By Sally J. Lawler Deputy or _____ 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.

DEPARTMENT'S COPY

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.

1. **WATER RIGHT RECEIVED:** Number (See Item 1 page 1) _____
2. **PORTION OF WATER RIGHT RECEIVED:** Identify that portion of the water right the buyer received by the following information.

PURPOSE OF USE	RATE (GPM/CFS)	VOLUME (ACRE-FEET)	ACRES
_____	_____	_____	_____
_____	_____	_____	_____

3. **EXPLAIN:** Describe how the portion or percentage of the water right the buyer received was determined.

4. **POINT OF DIVERSION:** Describe the location where the buyer diverts his portion of the water right.

Lot _____ Blk _____ 1/4 _____ 1/4 _____ 1/4 _____ Sec _____ Twp _____	N _____ E _____	S Rge _____ W Co _____
Lot _____ Blk _____ 1/4 _____ 1/4 _____ 1/4 _____ Sec _____ Twp _____	N _____ E _____	S Rge _____ W Co _____

5. **PLACE OF USE:** Describe the location where the buyer uses his portion of the water right.

USE: _____

Acres _____ Lot _____ Blk _____ 1/4 _____ 1/4 _____ 1/4 _____ Sec _____ Twp _____	N _____ E _____	S Rge _____ W Co _____
Acres _____ Lot _____ Blk _____ 1/4 _____ 1/4 _____ 1/4 _____ Sec _____ Twp _____	N _____ E _____	S Rge _____ W Co _____

USE: _____

Acres _____ Lot _____ Blk _____ 1/4 _____ 1/4 _____ 1/4 _____ Sec _____ Twp _____	N _____ E _____	S Rge _____ W Co _____
Acres _____ Lot _____ Blk _____ 1/4 _____ 1/4 _____ 1/4 _____ Sec _____ Twp _____	N _____ E _____	S Rge _____ W Co _____

Subdivision (if any) _____

Montana Water Rights Bureau Area Field Offices

HAVRE

Old Highway 2
P.O. Box 1828
Havre, Montana 59501
Phone: 265-5516
Serving: Blaine, Chouteau, Glacier,
Hill, Liberty, Pondera, Teton and
Toole Counties.

MISSOULA

2101 Bow Street
P.O. Box 5004
Missoula, Montana 59808
Phone: 721-4284
Serving: Missoula, Granite, Ravalli,
and Mineral Counties.

GLASGOW

110 5th Street South, Room 106
P.O. Box 894
Glasgow, Montana 59230
Phone: 228-2581
Serving: Daniels, Dawson, Garfield,
McCone, Phillips, Richland,
Roosevelt, Sheridan and Valley
Counties.

HELENA—Office Location

28 So. Rodney
Mailing Address:
32 South Ewing
Helena, Montana 59620
Phone: 449-3634
Serving: Deer Lodge, Powell,
Lewis and Clark, Broadwater,
Silver Bow, Jefferson and Beaverhead
Counties.

BOZEMAN

1201 East Main
Bozeman, Montana 59715
Phone: 586-3138
Serving: Gallatin, Park and Madison
Counties

BILLINGS

1537 Avenue D, Suite 352
Billings, Montana 59102
Phone: 657-2105
Serving: Big Horn, Carbon, Stillwater,
Treasure, Yellowstone and Sweet Grass
Counties.

KALISPELL

3220 Highway 93 South
P.O. Box 880
Kalispell, Montana 59903-0880
Phone: 752-2288
Serving: Flathead, Lake, Lincoln and
Sanders Counties.

LEWISTOWN

613 NE Main Street
P.O. Box 438
Lewistown, Montana 59457
Phone: 538-7459
Serving: Cascade, Fergus, Golden
Valley, Judith Basin, Meagher,
Musselshell, Petroleum and
Wheatland Counties.

MILES CITY

5 North Prairie
P.O. Box 276
Miles City, Montana 59301
Phone: 232-6359
Serving: Carter, Custer, Fallon,
Powder River, Prairie, Rosebud and
Wibaux Counties.

WATER RIGHT TRANSFER CERTIFICATE

CHECKLIST

DEPARTMENT USE BLOCK

- A. Is form dated received?
- B. Is the fee and transmittal number (county deposit #7715) indicated?
- C. After review; analyst initialed and dated "reviewed by".

TRANSFER FORM CHECK

- 1. Are all water right numbers accurately listed?
- 2. Is the means of transfer OK or adequately explained?
- SEE
REMARKS 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.

COMMENTS / DOCUMENTATION / INSTRUCTIONS TO RECORDS (by Item number)

Item Comments

- 3. B. BEASLEY OF FENNESSY & CROCKER, ATTORNEYS OF LAW
CALLED ON 6-21-84 & SAID THERE WAS "NO" SPLIT.
 - 5. SELLER'S ADDRESS FROM TRANSFER FOR 76N-W-133383
-
-
-
-
-
-
-
-
-
-

continued, see attached

ANALYST: Judy Jennifer

DATE: 6-25-84



MONTANA WATER COURTS
STATE OF MONTANA

WATER JUDGES:

Upper Missouri River Basin
Court Judge W. W. ...
P.O. Box 825
Bozeman, MT 59715

Lower Missouri River Basin
Court Judge W. W. ...
P.O. Box 825
Bozeman, MT 59715

Clark Fork River Basin
Judge Robert M. ...
Lincoln County Courthouse
Libby, MT 59923

Yellowstone River Basin
Judge Robert M. ...
P.O. Box 448
Bozeman, MT 59715

September 6, 1984

Barbara Beasley
Pennessy, 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.

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 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 RIVER. TEMPORARY PRELIMINARY DECREE

TO: Ronald & Brenda Bierer

RE: Water Right# 133383

FROM: 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 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.

FILMED

Suzanne Nellen
Suzanne 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. V. Lesley
P.O. Box 679
Bozeman, MT 59715

Lower Missouri River Basin
Judge Bernard W. Thomas
P.O. Box 938
Chinook, MT 59523

Clark Fork River Basin
Judge Robert M. Holler
Lincoln County Courthouse
Libby, MT 59823

Yellowstone River Basin
Judge Roy C. Rodighiero
R.O. 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:

76C-	115780	115887 (76N)	133360 (76N)
	115810	116347	133382 - We already have
	116385	116348	133383
	116386	116349	133384
	116387	116359	133386
	116388	116367	138044
	116389	116368	138084
	116390	116374	138086
	116391	116381	140137
	116392	116382	
		116383	
76N-	003156	116384	
	011608	116396	
	027766	116387	
	028667	116398	
	028666	116399	
	028694	116400	
	052604	116401	
	052607	116402	
	052631	116415	
	052642	121849	
	052648	122964	
	105585	124888	
	107694	133269	

Thanks, Jim and Sue!

Sincerely,

Chris Jensen
Chris Jensen
Clerk

caj

"... to expedite and facilitate the adjudication of existing water rights."

CH. 697 L. 1979

AN EQUAL OPPORTUNITY EMPLOYER

FILMED

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

- Claim # 133383; Page # of Preliminary Decree 1023
 Unnamed Tributary to
- Source Cabinet Gorge Res.; County Sanders
- Type of Claim: ___ Irr Dom ___ Stock ___ Other Use ___
- Name of Party to whom the water right was issued:
Ronald, Brenda and Grant Bierer
- Objector's name, address and phone number:

UNITED STATES OF AMERICA (USDA-Forest Service)
 Last Name First Name Middle Initial

P.O. Box 7669
 Street Address or Post Office Box

Missoula MT 59807
 City State Zip Code

406 329-3073
 Area Code Phone Number

- Name of objecting party's attorney and address, if any:

<u>JOHN R. HILL JR.</u>	<u>LAWRENCE M. JAKUB</u>
Attorney, Department of Justice	Attorney in Charge
Land & Natural Resources Division	P.O. Box 7669
1961 Stout Street, Drawer 3607	Missoula, MT 59807
Denver, CO 80294-3607	

303-837-3892 406-329-3073
~~844-2892~~

- Basis of Objection:

<input type="checkbox"/> Ownership	<input type="checkbox"/> Place of Use	<input checked="" type="checkbox"/> Point of Diversion
<input type="checkbox"/> Priority Date	<input type="checkbox"/> Acres Irrigated	<input type="checkbox"/> Means of Diversion
<input type="checkbox"/> Purpose of Right	<input type="checkbox"/> Source	<input type="checkbox"/> Volume or Flow Rate

8. Signature of Objector: John R. Hill, Jr.

FILMED

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.

FILMED

FILMED

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 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.

FOR DEPARTMENT USE

Received: By:
Transmittal No.:
Date:
Reviewed By:
Filed:
Code:
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 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(s). Include buyer's name(s), and seller's name(s) if they retain an interest in the water right(s).

Int NA
j-31-84

Name Joseph E. Little Mailing Address P.O. Box 34 Noxon, Montana
Name Mailing Address
Name Mailing Address
Name Mailing Address

5. SELLER'S NAME(S): List the seller's name and address if not listed in Item 4 above.

NAME Brenda R. Bierer 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).

Name Mailing Address
Name 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 Right Owners copy been recorded? Yes, No.

By Deputy or

Clerk and Recorder

FILMED

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.

WATER RIGHT TRANSFER CERTIFICATE

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND WATER COURTS OF MONTANA

INSTRUCTIONS

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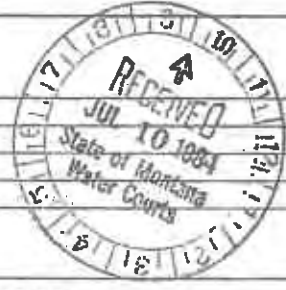
FOR DEPARTMENT USE

Fee received: _____ By: _____
 Transmittal No.: _____
 Date: _____
 Reviewed By: _____
 Filmed: _____
 Coded: _____
 BASIN: _____

(type or print in ballpoint ink)

1. WATER RIGHT(S) TO BE TRANSFERRED:

- Permit to Appropriate Water Number(s)
- Certificate of Water Right Number(s)
- Statement of Claim Number(s) 76N-W-133384-00
- 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: _____

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(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 59853
 Name _____ Mailing Address _____
 Name _____ Mailing Address _____
 Name _____ Mailing Address _____

5. SELLER'S NAME(S): List the seller's name and address if not listed in Item 4 above.

NAME: Brenda K. Sizer MAILING ADDRESS: Box 125 Hamilton, Montana 59840

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).

Name _____ Mailing Address _____
 Name _____ 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 Right Owners copy been recorded? Yes, No.

By [Signature] Deputy Clerk and Recorder or _____

FILMED

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.

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.

Enclosed 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 has
been extended to the 3rd day of August, 1984.

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

Sincerely,

Janet Lackey
Clerk

j1
ENC.

FILMED

STATE OF MONTANA)
County of Lincoln)

)
:ss
)

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.

Joseph E. Little
Joseph E. Little
Virginia M. Little
Virginia Little

FILMED

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

Petra 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-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-133383, 76N-W-133384, and 76N-W-133386.

DATED this 9th day of January, 1985.

BYRON H. DUNBAR
United States Attorney
District of Montana

By: [Signature]
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 9th 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

Linda Bierer

FILMED

M. RICHARD GEBHARDT, P.C.

ATTORNEY AT LAW
515 U.S. HIGHWAY 93 SOUTH
ROMAN, MONTANA 59904
(406) 676-3890

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.

Sincerely,

A handwritten signature in dark ink, appearing to be "M. Richard Gebhardt".

M. RICHARD GEBHARDT

kl

cc: Bob Guilfoyle

FILMED

IN THE WATER COURTS OF THE STATE OF MONTANA

CLARK FORK DIVISION - YAAK 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 YAAK RIVER)
DRAINAGE AREA, INCLUDING ALL TRIB-)
UTARIES 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
Water Courts regarding the above objection.

DATED this 26th day of June, 1985.

Joseph E. Little

Joseph E. Little

FILMED

133382

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 6th day of February, 1985.

Joseph E. Little
Joseph E. Little

Subscribed and sworn to, before me, this 6th day of February, 1985.



Petra M. Williams
Notary Public for the State of Montana, residing at Spokane
My Commission expires 4-2-87

FILMED

IN THE WATER COURTS OF THE STATE OF MONTANA

CLARK FORK DIVISION - CLARK FORK 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 AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES, MONTANA.

Case No. 76N-16-16
76N-W-133382-00
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

FILMED

Exhibit "A"

The NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, the
SW $\frac{1}{4}$ SE $\frac{1}{4}$, the W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 26 North, Range 33
West, M.P.M.

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.

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	SE $\frac{1}{2}$ 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

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	SE $\frac{1}{4}$ 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 should be 3.525 cfs, 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.

Linda Hickman
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 $\frac{1}{2}$ 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 17 day of April, 1987.

W. W. Lessley
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

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 76N-W-133386-00 upon entry
of a decree with the following correction: will remain as

it is set in the proposed preliminary decree

It is no longer necessary to have a hearing before the
Water Courts regarding the above objection.

DATED this 13 day of March, 1986.

Mark J. Fennessy
Attorney for
Joseph E. Little

FILMED

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 # 133383
2. Source UT Cabiner Gorge
3. County Sanders
4. Name, address and phone number of party appearing:

Little, Joseph E.
 Last Name First Name Middle Initial
c/o C. E. Crocker 505 Mineral Avenue
 Street Address or P.O. Box
Libby, Montana 59923 293-4101
 City State Zip Code Phone Number

5. Name address and phone number of party's attorney, if any:
Crocker, C. E.
 Last Name First Name Middle Initial
505 Mineral Avenue
 Street Address or P.O. Box
Libby, Montana 59923 293-4101
 City State Zip Code Phone Number

6. Signature of appearing party: *Joseph E. Little*

7. State appearing party's legal rights that may be affected by this preliminary hearing and the purposes for which further participation in this hearing is requested. If additional space is needed for elaboration, please attach on 8X 11 1/2 paper.

8. Please send completed form to: Montana State Water Courts
 P.O. Box 879
 Bozeman, MT 59715

FILMED

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

FILMED

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	)	CASE NO. 76N-16
THE WATER, BOTH SURFACE AND UNDERGROUND,	)	76N-W-133382,
WITHIN THE-CLARK FORK BELOW THE	)	76N-W-133383,
FLATHEAD DRAINAGE AREA, INCLUDING ALL	)	76N-W-133384,
TRIBUTARIES OF THE CLARK FORK BELOW THE	)	76N-W-133386
FLATHEAD RIVER IN FLATHEAD, LINCOLN,)	
AND SANDERS COUNTIES, MONTANA.)	

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.

FILMED

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 9 day of Nov, 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 93S.
Ronan, Mt 59864**

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

FILMED

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

WATER RIGHT NUMBER 76N -W-133383-00

<u>OWNERS:</u> 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 Chg

PRIORITY 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

PERIOD OF USE: JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT BLK QTR SEC SEC TWP RGE COUNTY

NENESE 11 26N 33W SANDERS

FLOWING

PLACE OF USE FOR DOMESTIC

ACRES LOT BLK QTR SEC SEC TWP RGE COUNTY

001 NENESE 11 26N 33W SANDERS

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

FILMED

DNRC WATER OWNERSHIP UPDATE

FILE/WATER RIGHT NO. **W133383-76N**

GEO CODE: _____

RECORD DATES

 Month/Day/Year

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

Seller - Enter grantor's complete name and mailing address, including city, state and ZIP.

Brenda K. Bierer
 1477 Hwy 93
 Victor Mt. 59875 Daytime Phone # _____

Buyer - Enter grantee's complete name and assessment notice mailing address, including city, state and ZIP.

Joseph E. Little 90 WAYNE LITTLE
 P.O. Box 73
 Naxon, Mt. 59853 Daytime Phone # 406-247-2692

Legal Description: _____ Attachment
 Add/Sub _____ Block _____ Lot _____
 County _____ City/Town _____ Section _____ Township _____ Range _____

A. WATER RIGHT(S) TO UPDATE

- List all water rights which need to have ownership updated. Attach a list if additional space is needed. Attachment
- 76-N-W133382, 76N-W133383, 76N-W133384
 76-N-W133385, 76N-W133386, 76N-W133387
- > (W, U, A, B, or C) Statement of Claim No. _____
 - > (C) Certificate of Water Right No. _____
 - > (P) Permit to Appropriate Water No. _____
 - > (E) Exempt Existing Right No. _____
 - > (D) Powder River Basin 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.

- 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.
- Yes No If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?

Seller Signature: _____ Date: _____
 Seller Signature: _____ Date: _____

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?

Name _____ Address _____ Phone # _____

D. REMARKS

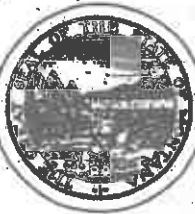
FOR DEPARTMENT USE ONLY

Fee Paid	_____	RECEIVED JUN 20 1988 WATER RIGHTS DIVISION DENVER, COLORADO
Case No.	_____	
File No.	_____	
County	_____	

COMPLETE AND SEND THIS FORM TO DNRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED

BOX BAR CODE 012609
 FILE BAR CODE 0198838

KALISPELL WATER RESOURCES REGIONAL OFFICE
DEPARTMENT OF NATURAL RESOURCES AND 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,

A handwritten signature in cursive script that reads "Linda Molina".

Linda Molina
Program Assistant
Kalispell Regional Office

Xc: Joseph & Wayne Little

WARRANTY DEED

8128

(JOINT TENANCY)

For Value Received BRENDA K. BIERER of 2505 N. Highway 93,
Hamilton, Montana 59840

The Grantor do hereby 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, Montana, to wit:

The NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, the
SW $\frac{1}{4}$ SE $\frac{1}{4}$, the W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ 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 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 Grantor do hereby covenant to and with the said
Grantees that she is the owner in fee simple of said premises; that they are free from all
incumbrances

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

Dated: July 25, 1983

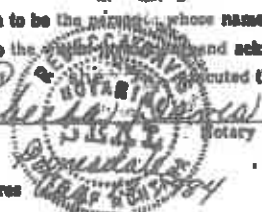
Brenda K. Bierer
BRENDA K. BIERER

210329

STATE OF MONTANA, COUNTY OF Ravalli
On this ~~4th~~ 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 person whose name is
subscribed to the foregoing and acknowledged
to me that she executed the same.

Brenda K. Bierer
Notary Public
Residing at _____, Montana
Comm. Expires _____



STATE OF MONTANA, COUNTY OF Sanders

I hereby certify that this instrument was filed for
record at the request of

at 20 minutes past 7 o'clock P.M.,
this 27th day of September,
1983, in my office and duly recorded in Book
of Deeds at page micro # 8128

Dale Vaught
County Recorder
Patricia Mangalano
Deputy

Fees \$ 6.00
Mail to:

INDEXED
84

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 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.

*****DNRC*LOCATE** *8*NS*990101***

OWNERS: LITTLE JOSEPH E
& WAYNE LITTLE
PO BOX 72
NOXON MT 59853

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

PRIORITY DATE: APR 8, 1912

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:							MEANS
LOT	BLK	QTR	SEC	TWP	RGE	COUNTY	
			NENESE 11	26N	33W	SANDERS	FLOWING

PLACE OF USE FOR DOMESTIC:

ACRES	LOT	BLK	QTR	SEC	TWP	RGE	COUNTY
001				NESWSE 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 WATER RIGHT OWNERSHIP UPDATE, FORM 608, PURSUANT TO SECTION 85-2-424, MCA.

REMARKS: WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/06/00.

Form 001 (Rev. 11/01) : 14064

FILE - WATER RIGHT NO. W133383-76N

DNRC WATER RIGHT OWNERSHIP UPDATE

SEE CODE: _____

PART 1: PARTIAL DEED OR INSTRUMENT
Date: _____
Month/Day/Year: _____

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

PART 2: PARTIAL DEED OR INSTRUMENT OR A STATEMENT OF WORKING AGREEMENT OR A STATEMENT OF CONSENT TO ASSIGNMENT OF WATER RIGHTS OR A STATEMENT OF CONSENT TO ASSIGNMENT OF WATER RIGHTS TO A FEDERAL GOVERNMENT AGENCY OR A STATE GOVERNMENT AGENCY

Seller / Deceased Joint Tenant - Enter grantor's / deceased joint tenant's complete name and mailing address, including city, state and ZIP

Joseph E. Little

11742 El Camino Del Diablo

Yuma, AZ 85367

Daytime Phone #

Buyer / Surviving Joint Tenant - Enter grantor's / surviving joint tenant's complete name and assessment notice mailing address, including city, state and ZIP

Robert J. Thomas and Barbara J. Thomas

PO Box 84

Noxon, MT 59853

Daytime Phone #

PART 3: Description of Property - Enter a brief description of the property, including the location of the property, the acreage, and the type of water right.

Legal Description: See Attached Description Attachment

Add/Sub Sanders Section Lot
County Sanders City/Township Range

A. WATER RIGHT(S) TO UPDATE

List all water rights which need to have ownership updated. Attach a list if additional space is needed.

Attachment

- ▶ (W, U, A, B, or O) Statement of Claim No. _____
- ▶ (C) Certificate of Water Right No. 76N-133382-00 IR, 76N-133383-00 DM; 76N-133384-00 DM
- ▶ (P) Permit to Appropriate Water No. 76N-133385-00 FW; 76N-133386-00 PG; 76N-133387-00 ST
- ▶ (E) Exempt Existing Right No. _____
- ▶ (D) Powder River Basin Decreed Right No. _____
- ▶ Other: _____

B. SELLER Deceased Joint Tenant (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.

Yes No Did the buyer / surviving joint tenant receive 100% of the seller's interest in the water rights shown above? If no attach a map showing buyer's property.

Yes No If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?

Seller Signature: Joseph E. Little Date: 1-22-04

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?

Name: Claude I Burlingame, P.C. Address: PO Box 9 Phone #: 827-4381
Thompson Falls, MT 59873

D. REMARKS

FOR DEPARTMENT USE ONLY		WATER RIGHT TRANSFER CERTIFICATE	
Fee Rec'd: <u>100.00</u>	Class: <u>3045</u>		
Payor: <u>Clark Frost</u>			
Refund: _____			
Code: _____			
For Complete Information: See File		Read By: _____	

COMPLETE AND SEND THIS FORM TO DNRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 8TH AVENUE P.O. BOX 201801 HELENA, MONTANA 59620-1801

**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: 0.06 CFS
Maximum Volume: 2.00 AC-FT

Source:
Source Name: UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR
Source type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESE	11	26N	33W	SANDERS

Diversion Means: FLOWING

Purpose (Use): DOMESTIC
Households: 2
Volume: 2.00 AC-FT
Period of Use: JANUARY 1 to DECEMBER 31
Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NESWSE	11	26N	33W	SANDERS

July 13, 2004
76N 133383 00

Page 4 of 12
NEW STORAGE
Ownership Update ID#: 14084

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 201801 HELENA, MONTANA 59620-1801
GENERAL ABSTRACT

Water Right Number: 76N 133384-00 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: 27.00 GPM

Maximum Volume: 15.00 AC-FT

Households: 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:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESE	11	28N	33W	SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PUMP

Period of Use: JANUARY 1 to DECEMBER 31

Place of Uses

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.50		SESW	11	28N	33W	SANDERS
Total:	1.50						

Geocodes/Valid: 35-9886-11-4-01-01-0000 - Y

Remarks:

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 808 # 14084 RECEIVED 04/08/2004.

OWNERSHIP UPDATE TYPE DOR # 151082 RECEIVED 12/27/2018.



FILE



STATEMENT OF CLAIM



***76N ***



133384



00

Current File Location: NEW STORAGE

Box Bar Code _____

File Bar Code _____

Date/Initials _____

RECEIVED

133384

76N

STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS

APR 30 1982

DOMESTIC

For the Water Courts of the State of Montana

MONTANA D.N.R.C. KALISPELL FIELD OFFICE

SA-C

08-121-14-01
40

1. Owner of Water Right RIEGER | RONALD | G.
Last First Middle Initial

Co-Owner or Other Interest Owner RIEGER | BRENDA | H
Last First Middle Initial

Address BOX 33

City Pinedale State Montana Zip Code 59841

Home Phone No. 961-4694 Business Phone No. 961-3988

2. Person completing form RIEGER | RONALD | G
Last First Middle Initial

Address BOX 33

City Pinedale State Montana Zip Code 59841

Home Phone No. 961-4694 Business Phone No. 961-3988

3. Use: Domestic

4. Source of Water: (Check Only One)

- Springs UT Name in Unnamed ~~canon~~
- Well Name _____
- Stream Name _____
- Lake Name _____

NOTE: The Water in the Canon is hydrologically connected with the Poudre on the 94 ACRES Water coming from Spring Point on Sides and Runoff from land coming up seasonal CLARK Fork river

Reservoir Name _____ Tributary of _____ Stream _____

5. Point of Diversion: County Sandwich
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, T 26 N, R 33 EW
Lot _____, Block _____, Subdivision _____

6. Means of Diversion:

- Pump Capacity 200 gpm
- Gravity flow
- Other: Explain Subirrigation from over flow

7. Place of use and acres irrigated. County Sandwich
15 acres, SE $\frac{1}{4}$ SW $\frac{1}{4}$ - $\frac{1}{4}$, Section 11, T 26 N, R 33 EW
Lot _____, Block _____, Subdivision _____

8. Number of persons served 16 in 2 Houses



FILMED

DEC 27 1993

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: JAN 1 1 to Dec 1 1
Month Day Month Day

12. Check one: *SEE RESP ON RE*

DECLARATION OF VESTED GROUND WATER RIGHTS - ENLARGEMENT
DATED DEC 30 1983

Decreed Water Right

Filed Appropriation Right

Use Water Right

Priority date or date of first use
BOOK 2 WA 2344
1 April 1 1982
Hour Month Day Year

NOTE WATER IN THESE PONDS IS FROM SPRINGS FILED ON APRIL 8, 1972
WATER THEN GOES UNDER GROUND APPROX 300 YARDS AND SURFACES IN THESE PONDS

13. Attach copies of the Decree, Record of Filing or Proof of Use Right.
14. Attach copies of aerial photographs, U.S. Geological Survey maps or such other documents necessary to show point of diversion, place of use, place of storage, and conveyance facilities.
15. Notarized Statement signed by claimant.

STATE OF MONTANA

County of avalli :ss.

I, Ronald G. Bieser, having been duly sworn, depose and say that I, being of legal age and being the claimant of this claim of existing water right, and the person whose name is signed to it as the claimant, know the contents of this claim and that the matters and things stated there are true and correct.

Ronald G. Bieser

Subscribed and sworn to before me, this 29th day of April, 1982.

Rebecca Davis
Notary Public for the State of Montana

Residing at Limesdale, Mts
My Commission expires Aug. 13, 1984

Ura E. Ellis
of Noxon, Sanders County, Montana

NOTICE OF APPROPRIATION
OF WATER
160" unnamed stream

Dated Apr. 8, 1912

Filed Apr. 11, 1912

Book 2 WR p. 264

-to-
Public

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 an 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 NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ S $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{4}$ W $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
S $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
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 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.

BEST COPY
AVAILABLE

DEC 27 1993

UNITED STATES OF AMERICA

U. S. PATENT
Act of May 20, 1862
Homestead Act

-tc-

Ura E. Ellis

Dated Aug. 24, 1918

Filed Feb. 3, 1922

Book 12 Deeds, p. 388

POOR COPY

THERE IS GRANTED

the northwest quarter of the southwest quarter of the
northwest quarter of the southeast quarter
the south half of the south half of the northwest quarter
of the southeast quarter,
the southwest quarter of the southwest quarter of the
northwest quarter of the southeast quarter
the southwest quarter of the southeast quarter
the west half of the west half of the southeast quarter
of the southeast quarter,
the east half of the southwest quarter of the southeast
quarter of the southeast quarter,
the south half of the southeast quarter of the southeast
quarter of the southeast quarter, and
the southeast quarter of the southwest quarter
of Section eleven

in Township twenty-six north
of Range thirty-three west
of the Montana Meridian, Montana,
containing one hundred fifteen acres, according to the
Official Plat of the Survey of the said land, returned to
the General Land Office by the Surveyor General

To Have and To Hold with the appurtenances forever

SUBJECT to any vested and accrued water rights for mining, agri-
cultural, 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 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.

By the President: Woodrow Wilson

By M. P. LeRoy, Secretary

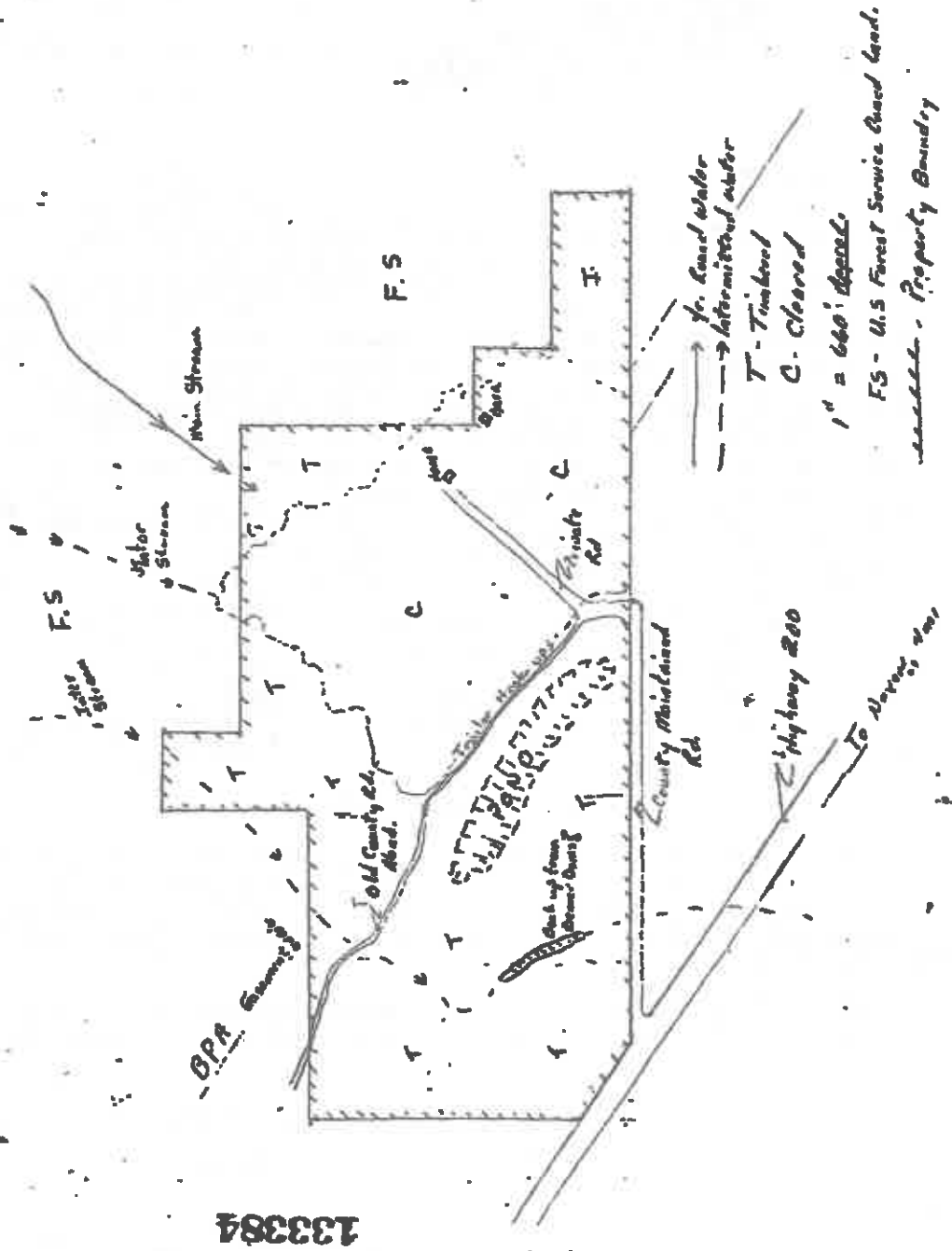
(GENERAL LAND
OFFICE SEAL)

L. R. C. Lamar
Recorder of General Land Office

Pat. No. 646875

FILMED
DEC 27 1993

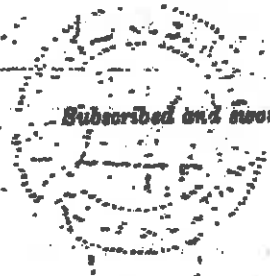
6



133384

OTTO KETTY & NELMER KETTY having first been duly sworn, depose and say that they are of lawful age and are the appropriators and claimants of the order and water right mentioned in the foregoing declaration of vested groundwater rights and the persons whose names subscribed thereto, as the appropriators and claimants, that they know the contents of said foregoing notice and that the matters and things therein stated are true.

Otto Ketty
Nelmer Ketty



Subscribed and sworn to before me, this 30 day of Dec, 1966
Ronald A. Murty
Notary Public for the State of Montana.
Residing at Helena, Montana
My Commission expires June 1, 1966

BEST COPY AVAILABLE

BEST COPY AVAILABLE

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DEC 27 1992

102707

I received and read
the for record on the
day of Dec
1966 at Helena
County Montana
By W. J. [unclear]
[unclear]

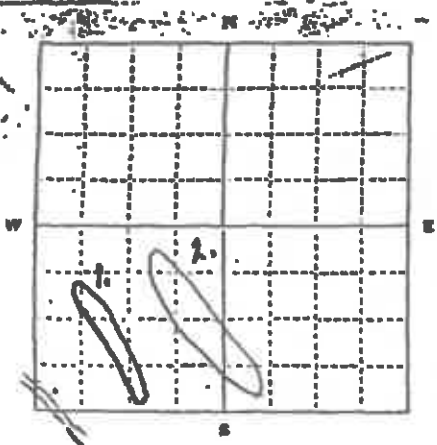
STATE OF MONTANA
 ADMINISTRATOR OF GROUNDWATER CODE
 OFFICE OF STATE ENGINEER

FILMED
DEC 27 1993

Declaration of Vested Groundwater Rights

(Under Chapter 287, Montana Session Laws, 1961)

1. Otto Rettig & Velmer Rettig of Noxon
 (Name of Appropriator) (Address) (Town)
 County of Sanders State of Montana
 have appropriated groundwater according to the Montana laws in effect prior to January 1, 1962, as follows:



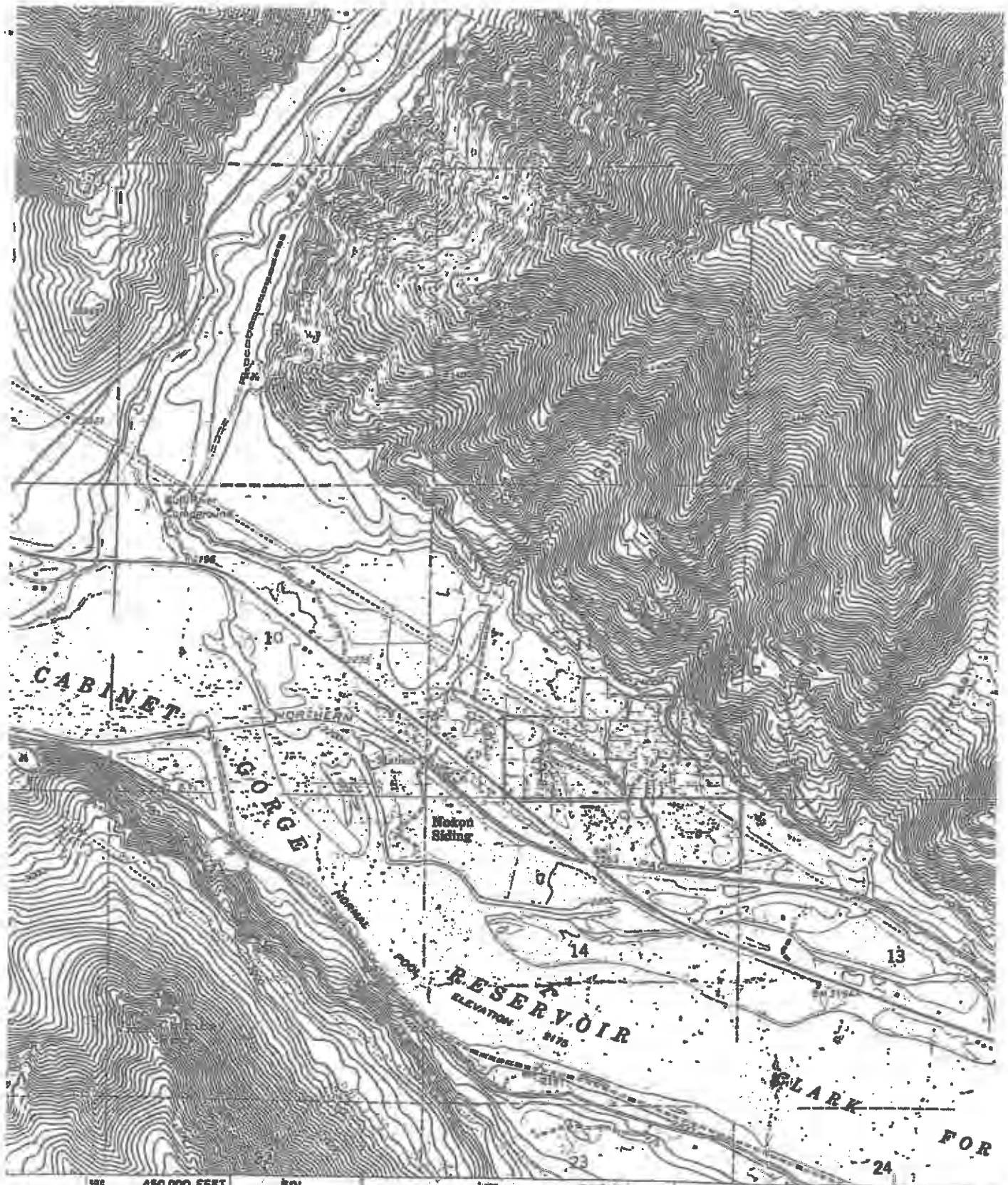
SE 1/4 SW 1/4 Sec. 11 T26N R. 33W
 Indicate point of appropriation and place of use, if possible. Each small square represents 10 acres.

2. The beneficial use on which the claim is based (1) stock watering - 40 head, irrigation (2) stock watering - 40 head, irrigation
3. Date or approximate date of earliest beneficial use; and how continuous the use has been (1) 1911 (2) 1911
4. The amount of groundwater claimed (in miner's inches or gallons per minute) see #10
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 SW 1/4 SW 1/4 11 26N 33W (2) ten acres crop land SW 1/4 SW 1/4 11 26N 33W
6. The means of withdrawing such water from the ground and the location of each well or other means of withdrawal sub irrigation overflow - from ponds fed by underground springs outlets

7. The date of commencement and completion of the construction of the well, wells, or other works for withdrawal of groundwater 1911 - enlargement
8. The depth of water table (1) 5' (2) 5
9. So far as it may be available, the type, size and depth of each well or the general specifications of any other works for the withdrawal of groundwater not applicable
10. The estimated amount of groundwater withdrawn each year (1) 1,629,250 gal (2) 3,258,500 Gal.
11. The log of formations encountered in the drilling of each well if available not applicable
12. Such other information of a similar nature as may be useful in carrying out the policy of this act, including reference to book and page of any county record

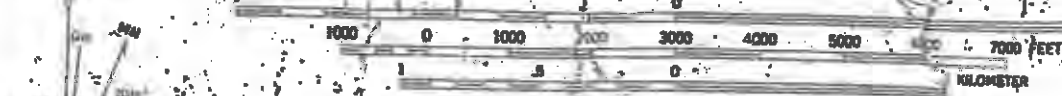
Otto Rettig
 Signature of Owner Velmer Rettig
 Date December 30, 1962

Three copies to be filed by the owner with the County Clerk and Recorder of the county in which the well is located



al Survey

SCALE 1:24000



CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL



133384

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 Rodriguez

Silvio Rodriguez, Analyst Supervisor
Existing Rights Section
Water Rights Bureau

SR:db

WATER RESOURCES DIVISION

GERRIN FERRIS, ADMINISTRATOR

(406) 448-2872

FLOODWAY MANAGEMENT
(406) 448-2872

ENGINEERING
(406) 448-2864

RESOURCES & PLANNING
(406) 448-2872

WATER DEVELOPMENT
(406) 448-2827

WATER RIGHTS
(406) 448-2834

HIGH PLAINS EXPERIMENT
(406) 448-2872

32 SOUTH EWING, HELENA, MONTANA 59601

MONTANA DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
NATURAL RESOURCES BUILDING
32 SOUTH EWING
HELENA, MONTANA 59601

TO: <i>HA</i> INSURED NO.	of address or agent described above. <input type="checkbox"/> Authorized agent	JAN 15 1978 HELENA, MONTANA	CLEANING INITIALS
TO: <i>HA</i> INSURED NO.	of address or agent described above. <input type="checkbox"/> Authorized agent	JAN 15 1978 HELENA, MONTANA	CLEANING INITIALS

and "RETURN TO" space on requested (check one).
 are delivered.
 nd address of delivery.
 /VERY
 re delivered.
 /VERY.
 nd address of delivery.

AFTER (FOR FEES)
Silvio Rodriguez
32 South Ewing
Helena, MT 59601

* GPO : 1977-0-221-057

STATEMENT OF CLAIM CHECKLIST

FORM TYPE: I S D O

OK	NOT OK	
<u> </u>	<u> </u>	Received
<u> </u>	<u> </u>	Basin
<u> </u>	<u> </u>	County
<u> </u>	<u> </u>	Division
<u> </u>	<u> </u>	Transmittal
<u> </u>	<u> </u>	Fee

FORM ITEMS

133384

OK	NOT OK	
1	<u> </u>	<u> </u>
2	<u> </u>	<u> </u>
3	<u> </u>	<u> </u>
4	<u> </u>	<u> </u>
5	<u> </u>	<u> </u>
6	<u> </u>	FILMED
7	<u> </u>	<u> </u>
8	<u> </u>	<u> </u>
9	<u> </u>	DEC 27 1993
10	<u> </u>	<u> </u>
11	<u> </u>	<u> </u>
12	<u> </u>	<u> </u>
13	<u> </u>	<u> </u>
14	<u> </u>	<u> </u>
15	<u> </u>	<u> </u>
16	<u> </u>	<u> </u>

Checked by R.D. [Signature] / MAY 12, 1992
Date

DEFICIENT:

 Phoned /
Number Date

 Sent Letter /
To Date

Correction Deadline:
Date

 Form Corrected
Date

 Incomplete Form & Correspondence Sent To Helena

See notes on reverse side

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

07/08/82

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

75N-W-133384-00 PRIORITY DATE: 00:00 04/11/1912 TYPE OF RIGHT: FILED CLAIM RECEIVED: 04/30/82 FEE PAID:
TYPE CODE: G MAX RATE: 4.00 C (100.00 MI) MAX VOLUME: 15.00 AF/YEAR

(M) 1 BIERER RONALD G. (M) 1 BIERER BRENDA K.
BOX 33 BOX 33

PINESDALE NT 59841 PINESDALE NT 59841

DN 01 SPRING TRIS OF CABINET GORGE RESERVOIR
LOT BLK QTR SEC SEC TWP RGE CO.
NENESE 11 26N 33W SA MEANS DIVRS-PH

DN 01 1.50 ACRES PERIOD OF USE 199999999999 NO. HSEHOLDS 2

Table with columns: ACRES, LOW ACPT VER., ACRES WRS, 19, 19, LOT BLK, QTR SEC, SEC, TWP, RGE, CO, REMARKS. Row 1: 601, 1.50, 0.750, SESW 11 26N 33W SA. Row 2: TOTAL, 1.50.

SI: YES NO COMMENTS

NTAL IF MAIN RIGHT, MAX COMBINED VOLUME FOR ALL RIGHTS AF MAX COMBINED ACRES FOR ALL RIGHTS
IF SUPPLEMENTAL RIGHT, PURPOSE ID AND CLAIM ID OF MAIN RIGHT

***** FIELD VERIFICATION FORM *****

DN STATISTICS: ** VOLUME BASED ON ACRES, PLUS 1 AF PER CLAIM 4.000 AF/YR - UNDER CLAIMED VOLUME

SI: YES NO COMMENTS

AME OK: YES NO COMMENTS ADDED

(S/G) OK: YES NO COMMENTS

SV 01 YES NO APPEARS CORRECT UNVERIFIED COMMENTS CLAIMANT'S OWN

USE: CLAIMED FLOW RATE OK: YES NO COMMENTS

CLAIMED PRTY DATE OK: YES NO COMMENTS CLAIMED FILING DATE RATHER THAN DATE OF FIRST USE

E OK: YES NO COMMENTS APPLY STANDARD

K: YES NO APPLY STANDARD COMMENTS

DATE OK: YES NO COMMENTS FLOW RATE OK BUT CHANGED DATE

F 1.1
DEC 8

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

76N-W-13384-00 (CONTINUED)

CONTACT:	YES	<input checked="" type="checkbox"/> NO	DATE COMPLETED	___/___/___	BY	_____	COMMENTS	_____		
	YES	<input checked="" type="checkbox"/> NO	DATE COMPLETED	___/___/___	BY	_____	COMMENTS	_____		
	YES	<input checked="" type="checkbox"/> NO	DATE COMPLETED	___/___/___	BY	_____	COMMENTS	_____		
VESTIGATION:	YES	<input checked="" type="checkbox"/> NO	APPROVED BY	_____	DATE CHECKED	___/___/___	BY	_____	COMMENTS	_____

FILM
DEC 27 1982

ESTIMATED BY Judy Jenker DATE 12-10-1982
 REVIEWED BY _____ DATE _____



MONTANA WATER COURTS
STATE OF MONTANA

WATER JUDGES

Upper Missouri River Basin
 Chief Judge W. W. Lesley
 PO Box 879
 Bozeman, MT 59715

Lower Missouri River Basin
 Judge Bernard W. Thomas
 PO Box 938
 Chinook, MT 59523

Clark Fork River Basin
 Judge Robert M. Hottel
 Lincoln County Courthouse
 Libby, MT 59823

Yellowstone River Basin
 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:

76C-	115780	115887 (76N)	133360 (76N)
	115810	116347	133382 - we already have
	116385	116348	133383
	116386	116349	133384
	116387	116359	133386
	116388	116367	138044
	116389	116368	138084
	116390	116374	138086
	116391	116381	140137
	116392	116382	
		116383	
76N-	003156	116384	
	011608	116396	
	027766	116387	
	028667	116398	
	028666	116399	
	028694	116400	
	052604	116401	
	052607	116402	
	052631	116415	
	052642	121849	
	052648	122964	
	105585	124888	
	107694	133269	

FILMED
 DEC 27 1993

Thanks, Jim and Sue!

Sincerely,

Chris Jensen
 Clerk

caj

"... to expedite and facilitate the adjudication of existing water rights."

CH. 697 L. 1979

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 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
RIVER TEMPORARY PRELIMINARY DECREE

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 objected to by USDA Forest Service.

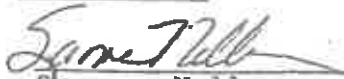
The objector maintains Point of Diversion is incorrect

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.

F I L M E D

DEC 27 1993


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 # See Addendum for claim numbers
2. Source Spring tributary Cabinet Gorge Reservoir
3. County Sanders
4. Name, address and phone number of party appearing:
Little, Josphe E.
Last Name First Name Middle Initial
c/o C. E. Crocker 505 Mineral Avenue
Street Address or P.O. Box
Libby, Montana 59923 293-4101
City State Zip Code Phone Number
5. Name address and phone number of party's attorney, if any:
Crocker, C. E.
Last Name First Name Middle Initial
505 Mineral Avenue
Street Address or P.O. Box
Libby, Montana 59923 293-4101
City State Zip Coede Phone Number
6. Signature of appearing party: *[Handwritten Signature]*
7. State appearing party's legal rights that may be affected by this preliminary hearing and the purposes for which further participation in this hearing is requested. If additional space is needed for elaboration, please attach on 8X 11½ paper.
8. Please send completed form to: Montana State Water Courts
P.O. Box 879
Bozeman, MT 59715

FILMED

DEC 27 1993

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 27 1993

IN THE WATER COURTS OF THE STATE OF MONTANA

CLARK FORK DIVISION - CLARK FORK 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 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-133386-00)

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

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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.

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

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DEC 27 1993

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	SE $\frac{1}{4}$ SESW	Section 11	Township 26 North	Range 33 West
40	SWSE	Section 11	Township 26 North	Range 33 West
11 $\frac{1}{4}$	S $\frac{1}{4}$ NWSE	Section 11	Township 26 North	Range 33 West
20	SESE	Section 11	Township 26 North	Range 33 West
2 $\frac{1}{4}$	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

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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 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	SE $\frac{1}{2}$ 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 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.

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DEC 27 1993

Linda Hickman
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 $\frac{1}{2}$ 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 17 day of April, 1987.

W. W. Lessley
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.

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IN THE WATER COURTS OF THE STATE OF MONTANA

CLARK FORK DIVISION - YAAK 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 YAAK RIVER)
DRAINAGE AREA, INCLUDING ALL TRIB-)
UTARIES 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
Water Courts regarding the above objection.

DATED this 26th day of June, 1985.

Joseph E. Little
Joseph E. Little

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DEC 27 1993

133382

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 propety 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 11 day of February, 1985.

Joseph E. Little
Joseph E. Little

Subscribed and sworn to, before me, this 11 day of February, 1985.



Petra M. Williams
Notary Public for the State of Montana, residing at Lehigh
My Commission expires 4-2-87

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DEC 27 1993

Exhibit "A"

The NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, the
SW $\frac{1}{4}$ SE $\frac{1}{4}$, the W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 26 North, Range 33
West, M.P.M.

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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

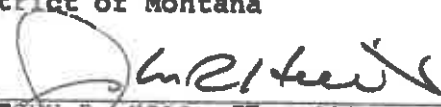


WITHDRAWAL OF OBJECTIONS

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 9th 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

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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 9th 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

[Handwritten signature]

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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 1956.

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

Joseph E. Little
Joseph E. Little
Virginia M. Little
Virginia Little

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DEC 27 1993

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

Petra M. Williams
Notary Public for the State of

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 808-1, 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
Fee received: By:
Transmittal No.:
Date: JULY 30 1984
Reviewed by:
Filed: WATER COURTS
Code:
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 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(s). Include buyer's name(s), and seller's name(s) if they retain an interest in the water right(s).

Wnt NA
5-31-84

Name Joseph E. Little Mailing Address P.O. Box 34 Noxon, Montana
Name Mailing Address
Name Mailing Address
Name Mailing Address

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5. SELLER'S NAME(S): List the seller's name and address if not listed in Item 4 above.

NAME Brenda R. Bierer MAILING ADDRESS:

DEC 27 1993

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).

Name Mailing Address
Name 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 Right Owners copy been recorded? [X] Yes, [] No.

By [Signature] Deputy or [Signature] 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.

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 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.

FOR DEPARTMENT USE

Fee received: _____ By: _____
Transmittal No.: _____
Date: _____
Reviewed By: _____
Filmed: _____
Coded: _____
BASIN: _____

(type or print in ballpoint ink)

1. WATER RIGHT(S) TO BE TRANSFERRED:

- Permit to Appropriate Water Number(s) _____
- Certificate of Water Right Number(s) _____
- Statement of Claim Number(s) 76N-W-133384-00
- 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: _____

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(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 Noron, Montana 59853

Name _____ Mailing Address _____

Name _____ Mailing Address _____

Name _____ Mailing Address _____

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5. SELLER'S NAME(S): List the seller's name and address if not listed in Item 4 above.

NAME: Brenda K. Biers MAILING ADDRESS: Box 125 Hamilton, Montana 59840

DEC 27 1993

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).

Name _____ Mailing Address _____

Name _____ 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 Right Owners copy been recorded? Yes, No.

By Daily Division Deputy or _____ 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 1588, 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.

Enclosed 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 has
been extended to the 3rd day of August, 1984.

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

Sincerely,

Janet Lackey
Clerk

j1
ENC.

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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)	CASE NO. 76N-16
THE WATER, BOTH SURFACE AND UNDERGROUND,))	76N-W-133382,
WITHIN THE CLARK FORK BELOW THE)	76N-W-133383,
FLATHEAD DRAINAGE AREA, INCLUDING ALL)	76N-W-133384,
TRIBUTARIES OF THE CLARK FORK BELOW THE)	76N-W-133386
FLATHEAD RIVER IN FLATHEAD, LINCOLN,)	
AND SANDERS COUNTIES, MONTANA.)	



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.

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DEC 27 1993

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 9th day of Nov, 1987.


W. W. Lessley
Chief Water Master

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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**

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BASIN 76N
ABSTRACT OF WATER RIGHT

WATER RIGHT NUMBER 76N -W-133382-00

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

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

PRIORITY DATE: APR 8, 1912

FLOW RATE: 3.53 CFS

VOLUME: 357.20 ACRE FEET PER YEAR

CLIMATIC AREA: 4

SOURCE: UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR
 SPRINGS HYDROLOGICALLY RELATED TO SOURCE.

MAXIMUM ACRES: 94.00

PURPOSE (USE): IRRIGATION

PERIOD OF USE: APR 28 TO OCT 19

POINTS OF DIVERSION AND MEANS OF DIVERSION:

LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY	
			NENESE	11	26N	33W	SANDERS	MULTIPLE
RESERVOIR AT			NENESE	11	26N	33W		

PLACE OF USE FOR IRRIGATION

	ACRES	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY
001	20.00				E2SESW	11	26N	33W	SANDERS
002	40.00				S4SE	11	26N	33W	SANDERS
003	11.50				S2NWSE	11	26N	33W	SANDERS
004	20.00				SESE	11	26N	33W	SANDERS
005	2.50				SWNESE	11	26N	33W	SANDERS
TOTAL	94.00								

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.

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DEC 27 1993

FILE WATER RIGHT NO. W133384 76N

DNRC WATER RIGHT OWNERSHIP UPDATE

GEO CODE: _____

DATE RECEIVED

Month/Day/Year

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

Seller - Enter grantor's complete name and mailing address, including city, state and ZIP.

Brenda K. Bierer

1477 Hwy. 93 Daytime Phone # _____

Victoria Mt. 59875

Buyer - Enter grantor's complete name and assessment notice mailing address, including city, state and ZIP.

Joseph E. Little 90 WAYNE LITTLE

P.O. Box 73 Daytime Phone # _____

Norlan, Mt. 59853 406-847-2692

Legal Description: _____ Attachment

Add/Sub: _____ Block _____ Lot _____

County _____ City/Town _____ Section _____ Township _____ Range _____

A. WATER RIGHT(S) TO UPDATE

- List all water rights which need to have ownership updated. Attach a list if additional space is needed. Attachment
- 76-N-W133382, 76N-W133383, 76N-W133384
- ▶ (W, U, A, B, or O) Statement of Claim No. 76-N-W133385, 76N-W133386, 76N-W133387
 - ▶ (C) Certificate of Water Right No. _____
 - ▶ (P) Permit to Appropriate Water No. _____
 - ▶ (E) Exempt Existing Right No. _____
 - ▶ (D) Powder River Basin 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.

- 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.
- Yes No If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?

Seller Signature: _____ Date: _____

Seller Signature: _____ Date: _____

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?

Name _____ Address _____ Phone # _____

D. REMARKS

FOR DEPARTMENT USE ONLY

RECEIVED

DNRC

COMPLETE AND SEND THIS FORM TO DNRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED

BOX BAR CODE 012609

FILE BAR CODE 019839

KALISPELL WATER RESOURCES REGIONAL OFFICE
DEPARTMENT OF NATURAL RESOURCES AND 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,

A handwritten signature in cursive script that reads "Linda Molina".

Linda Molina
Program Assistant
Kalispell Regional Office

Xc: Joseph & Wayne Little

WARRANTY DEED

8128

(JOINT TENANCY)

For Value Received BRENDA K. BIERER of 2505 N. Highway 93,
Hamilton, Montana 59840

the Grantor do hereby 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, Montana, to wit:

The NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, the
SW $\frac{1}{4}$ SE $\frac{1}{4}$, the W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ 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 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 Grantor do hereby covenant to and with the said
Grantees, that she is the owner in fee simple of said premises; that they are free from all
incumbrances

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

Dated: July 25, 1983

Brenda K. Bierer
BRENDA K. BIERER

210329

STATE OF MONTANA, COUNTY OF Ravalli
On this 4th 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 person whose name is
subscribed to the foregoing and acknowledged
to me that she executed the same.

Rebecca Bierer
Notary Public
Residing at Hamilton, Montana
Comm. Expires 10/25/84

STATE OF MONTANA, COUNTY OF Bandana

I hereby certify that this instrument was filed for
record at the request of

at 10 minutes past 3 o'clock P.M.,
this 27th day of September,
1983, in my office and duly recorded in Book
of Deeds at page micro # 8128

Dixie Vaughn
Ex-Officio Recorder
Cathie Mangaloni
Deputy.

Fee \$ 6.00
Mail to:

INDEXED
SK

05/03/01

PAGE 1

ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE
FROM
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
STATE OF MONTANA

WATER RIGHT NUMBER 76N -W-133394-00

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.

*****DNRC*LOCATE** *8*NS*990101***

OWNERS: LITTLE JOSEPH E
 & WAYNE LITTLE
 PO BOX 72
 NOKON MT 59853

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:

USE	FLOW	VOLUME (AF)	ACRES	PERIOD OF USE
DOMESTIC	27.00 G	15.00	1.50	JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

<u>DIVERSION:</u>								
LOT	BLK	QTR	SEC	TWP	RGE	COUNTY		MEANS
			11	26N	33W	SANDERS		PUMP

PLACE OF USE FOR DOMESTIC:

ACRES	LOT	BLK	QTR	SEC	TWP	RGE	COUNTY
001					26N	33W	SANDERS
TOTAL							

** 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, MCA.

REMARKS: WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/06/00.

FORM NO. 1000

14064

FILE - WATER RIGHT NO. W133384-76N

DNRC WATER RIGHT OWNERSHIP UPDATE

GSD CODE: _____

PART 1 (OPTIONAL) Date of Sale/Ownership Change
Month/Day/Year

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

PART 2 - Permits, Names must be entered exactly as they appear on the transfer of ownership or original document creating the joint tenancy.

Seller / Deceased Joint Tenant - Enter grantor's / deceased joint tenant's complete name and mailing address, including city, state and ZIP.
Joseph B. Little
11742 El Camino Del Diablo
Yuma, AZ 85367

Buyer / Surviving Joint Tenant - Enter grantee's / surviving joint tenant's complete name and assessment notice mailing address, including city, state and ZIP.
Robert J. Thomas and Barbara J. Thomas
PO Box 84
Noxon, MT 59853

PART 3 - Description of Property. If the property is not described in the attached description, attach a map showing the location of the property.
Legal Description: See Attached Description
Attachment
Add/Sub: Sanders Block: Lot: County: City/Town: Section: Township: Range:

A. WATER RIGHT(S) TO UPDATE

List all water rights which need to have ownership updated. Attach a list if additional space is needed. Attachment

- ▶ (W, U, A, B, or O) Statement of Claim No. _____
- ▶ (C) Certificate of Water Right No. 76N-133382-00 IR, 76N-133383-00 DM; 76N-133384-00 DM
- ▶ (P) Permit to Appropriate Water No. 76N-133385-00 PW; 76N-133386-00 PG; 76N-133387-00 ST
- ▶ (E) Exempt Existing Right No. _____
- ▶ (D) Powder River Basin Decreed Right No. _____
- ▶ Other: _____

B. SELLER Deceased Joint Tenant (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.

Yes No Did the buyer / surviving joint tenant receive 100% of the seller's interest in the water rights shown above? If no attach a map showing buyer's property.

Yes No If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?

Seller Signature: Joseph B. Little Date: 1-22-07

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?

Name: Claude J. Burlingame, P.C. Address: PO Box 9 Phone #: 827-4381
Thompson Falls, MT 59873

D. REMARKS

FOR DEPARTMENT USE ONLY	WATER RIGHT TRANSFER CERTIFICATE
Fee Rec'd: <u>\$100.00</u>	RECEIVED APR 8 2007 MONTANA DEPARTMENT OF NATURAL RESOURCES REGULATORY OFFICE
Payor: <u>CLARK FARM</u>	
Refund: _____	
Code: _____	
For Complete Information, See File # _____	

COMPLETE AND SEND THIS FORM TO DNRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 6TH AVENUE P.O. BOX 201801 HELENA, MONTANA 59620-1801

**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 408-752-3287

Water Right Number: 76N 133384 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: 27.00 GPM
Maximum Volume: 15.00 AC-FT
Maximum Acres: 1.50

Source: SPRING
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
RESERVOIR.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rng</u>	<u>County</u>
1		NENESE	11	26N	33W	SANDERS

Diversion Means: PUMP

July 13, 2004
76N 133384 00

Page 6 of 12
NEW STORAGE
Ownership Update ID#: 14084

Purpose (Use): DOMESTIC
Households: 2
Volume: 15.00 AC-FT
Period of Use: JANUARY 1 to DECEMBER 31
Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.50		SESW	11	26N	33W	SANDERS
Total:	1.50						

Remarks:

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/09/84.
WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/08/00.
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**

09/28/92
PAGE 1

WATER RIGHT NUMBER 76N - W-133384-00

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: LITTLE JOSEPH E.
PO BOX 34
NOXON 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	QTR	SEC	SEC	TWP	R9E	COUNTY	MEANS
01				NENESE	11	26N	33W	SANDERS	PUMP

PLACE OF USE FOR DOMESTIC:

	ACRES	LOT	BLK	QTR	SEC	SEC	TWP	R9E	COUNTY
001	1.50				SESW	11	26N	33W	SANDERS
TOTAL	1.50								

REMARKS:

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/09/84.

FILMED
DEC 27 1993

OWNERS: BIERER RONALD G
 BOX 33 MT 59841
 PINESDALE
 BIERER BRENDA K
 BOX 33 MT 59841
 PINESDALE

PRIORITY DATE: APR 8, 1912

FLOW RATE: 0.06 CFS

* **VOLUME:** 15.00 5.00 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	QTR	SEC	SEC	TWP	RGE	COUNTY	
			NENESE	11	26N	33W	SANDERS	PUMP

PLACE OF USE FOR DOMESTIC

	ACRES	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY
001	1.50					SESW	11	26N	33W SANDERS
TOTAL	1.50								

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

FILMED
DEC 27 1993

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 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.

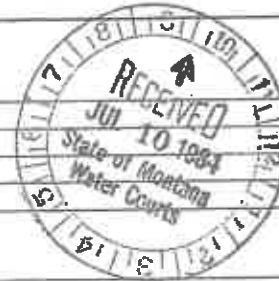
FOR DEPARTMENT USE

Fees received: _____ By: _____
Transmittal No.: _____
Date: _____
Reviewed By: _____
Filed: _____
Coded: _____
BASIN: _____

(type or print in ballpoint ink)

1. WATER RIGHT(S) TO BE TRANSFERRED:

- Permit to Appropriate Water Number(s)
Certificate of Water Right Number(s)
Statement of Claim Number(s) 76N-W-133384-00
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:

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(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 59853
Name Mailing Address
Name Mailing Address
Name Mailing Address

5. SELLER'S NAME(S): List the seller's name and address if not listed in Item 4 above.

NAME: Brenda K. Blevins MAILING ADDRESS: Box 125 Hamilton, Montana 59840

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).

Name Mailing Address
Name 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 Right Owners copy been recorded? [X] Yes, [] No.

By [Signature] Deputy or [Signature] 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.

FILMED

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 5TH AVENUE P.O. BOX 201801 HELENA, MONTANA 59620-1801
GENERAL ABSTRACT

Water Right Number: 76N 13385-00 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 Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR
Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2S2	11	28N	33W	SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: DAM

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
S2S2	11	28N	33W	SANDERS	

Diversion to Reservoir: DIVERSION # 1

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2S2	11	28N	33W	SANDERS	

Geocode/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 # 14084 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



STATEMENT OF CLAIM



76N



133385



00

Current File Location: NEW STORAGE

Box Bar Code _____

File Bar Code _____

Date/Initials _____

RECEIVED

76 N

STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS

APR 30 1982

133385

OTHER USES

MONTANA D.N.R.C. KALISPELL FIELD OFFICE

SA-C

For the Water Courts of the State of Montana

08-121-14-01
40

1. Owner of Water Right BIERER Last RONALD First G Middle Initial

Co-Owner or Other Interest Owner BIERER Last BRENDA First E Middle Initial

Address BOX 33
City Pinedale State Montana Zip Code 59841
Home Phone No. 961-4694 Business Phone No. 961-3988

2. Person completing form BIERER Last RONALD First G Middle Initial

Address BOX 33
City Pinedale State Montana Zip Code 59841
Home Phone No. 961-4694 Business Phone No. 961-3988

3. Use: (Check Only One)

- FR Fish Raceways
- FW Fish & Wildlife
- CM Commercial
- IN Industrial
- MC Municipal
- GE Geothermal
- NV Navigation
- FP Fire Protection
- AS Agricultural Spraying
- OF Oil Well Flooding
- MN Mining
- PG Power Generation
- RC Recreation
- OT Other

Explain

4. Source of Water: (Check Only One)

- Springs UT Name In Unnamed ^{Canyon} Ponds
- Well Name _____
- Stream Name _____
- Lake Name _____
- Tributary of _____
- Reservoir Name _____
- Tributary of _____

NOTE: Water is hydrologically connected in under & around stream with springs in Unnamed Canyon. Water runs on to the pond. Don't think much ground water comes in. Clark Fork River

5. Point of Diversion: County SANDERS

S E 1/4 SW 1/4, Section 11, T 26 N, R 33 E/W
Lot _____ Block _____ Subdivision _____

6. Means of Diversion: DS

- Well
- Pump Capacity 1795 gpm
- Weirgate with ditch or pipeline
- Instream use
- Other Explain In Pond Use

7. Means of Conveyance:

- Ditch
- Pipeline
- Instream
- Other: In Pond Use

8. Place of Use:

County: Sanders

Instream

City or Town

Other: Explain

In Two Ponds

Lot, _____	Block, _____	SE SW 1/4	1/4	1/4	Section 11	T 26	N/S, R 33	EW
Lot, _____	Block, _____	1/4	1/4	1/4	Section _____	T _____	N/S, R _____	EW
Lot, _____	Block, _____	1/4	1/4	1/4	Section _____	T _____	N/S, R _____	EW
Lot, _____	Block, _____	1/4	1/4	1/4	Section _____	T _____	N/S, R _____	EW
Lot, _____	Block, _____	1/4	1/4	1/4	Section _____	T _____	N/S, R _____	EW

Subdivision _____

9. Flow rate claimed: 760 cubic feet per second gallons per minute miner's inches

10. Volume claimed: 2990 acre-feet per year

11. Period(s) of use: Jan 1 1 to Dec 1 1

NOTE: WATER IN THESE PONDS IS FROM SPRINGS FILED ON APRIL 8 1912. WATER THEN GOES UNDERGROUND APPROX. 300 YARDS AND SURFACES IN THESE PONDS.

12. Check one: Decreed Water Right Filed Appropriation Right Use Water Right

Priority date or date of first use: APR 8 1912

13. Attach copies of the Decree, Record of Filing or Proof of Use Right. SEE ALSO DECLARATION OF VESTED GROUND WATER RIGHTS FILED BY OTTO RETTIG DEC 30 1963

14. Attach copies of aerial photographs, U.S. Geological Survey maps or such other documents necessary to show point of diversion, place of use, place of storage, and conveyance facilities.

15. Notarized Statement signed by claimant.

STATE OF MONTANA

County of Ravalli

I, Ronald G. Brierer having been duly sworn, depose and say that I, being of legal age and being the claimant of this claim of existing water right, and the person whose name is signed to it as the claimant, know the contents of this claim and the matters and things stated there are true and correct.

Ronald G. Brierer

Subscribed and sworn before me, this 29th day of April 1982

Rebecca Davis Notary Public for the State of Montana

Residing at Pinedale, Mt. My Commission expires Aug. 13, 1984

Ura E. Ellis
of Noxon, Sanders County, Montana;

NOTICE OF APPROPRIATION
OF WATER

160" unnamed stream

Dated Apr. 8, 1912

Filed Apr. 17, 1912

Book 2 WR, p. 264

-to-
Public

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 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 NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ S $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{4}$ W $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
S $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
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 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.

UNITED STATES OF AMERICA

U. S. PATENT
Act of May 20, 1862
Homestead Act

-to-

Ura E. Ellis

Dated Aug. 24, 1918

Filed Feb. 3, 1922

Book 12 Deeds, p. 388

POOR COPY

THERE IS GRANTED

the northwest quarter of the southwest quarter of the northwest quarter of the southeast quarter, the south half of the south half of the northwest quarter of the southeast quarter, the southwest quarter of the southwest quarter of the northeast quarter of the southeast quarter, the northwest quarter of the southeast quarter, the west half of the west half of the southeast quarter of the southeast quarter, the east half of the southwest quarter of the southeast quarter of the southeast quarter, the south half of the southeast quarter of the southeast quarter of the southeast quarter, and the southeast quarter of the southwest quarter

of Section eleven in Township twenty-six north of Range thirty-three west of the Montana Meridian, Montana, containing one hundred fifteen acres, according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General.

To Have and To Hold, with the appurtenances 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 water rights as may be recognized and acknowledged by the local customs, laws and decisions of Courts.

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.

By the President: Woodrow Wilson

By K. P. LeRoy, Secretary

(GENERAL LAND OFFICE SEAL)

L. J. C. Lamar
Recorder of General Land Office

that they are of lawful age and all the appropriator and claimant of the order and water right mentioned in the foregoing declaration of vested groundwater rights and the person whose name subscribed thereto, as the appropriator and claimant, that they know the contents of said foregoing notice and that the matters and things therein stated are true.

Otto Nettley
Nelmer Nettley

Subscribed and sworn to before me, this 30 day of June, 1966

Ronald P. Maritz
Notary Public for the State of Montana

Residing at Helena, Montana

My Commission expires June 1, 1966

102797

Received and filed for record on this day of

By [Signature]
[Signature]

STATE OF MONTANA
ADMINISTRATOR OF GROUNDWATER CODE
OFFICE OF STATE ENGINEER

133385

Declaration of Vested Groundwater Rights

(Under Chapter 237, Montana Session Laws, 1961)

1. Otto Rettig & Velmer Rettig, of Noxon
(Name of Appropriator) (Address) (Town)

County of Sanders State of Montana
have appropriated groundwater according to the Montana laws in effect prior to January 1, 1962, as follows:



SE 1/4 SW 1/4 Sec. 11 T.26N R.33W

Indicate point of appropriation and place of use, if possible. Each small square represents 10 acres.

2. The beneficial use on which the claim is based. (1) stock watering - 40 head, irrigation (2) stock watering - 40 head, irrigation

3. Date or approximate date of earliest beneficial use; and how continuous the use has been. (1) 1911 (2) 1911

4. The amount of groundwater claimed (in miner's inches or gallons per minute) see #10

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 SW 1/4 SW 1/4 11 26N 33W
(2) ten acres crop land SW 1/4 SW 1/4 11 26N 33W

6. The means of withdrawing such water from the ground and the location of each well or other means of withdrawal sub irrigation overflow - from ponds fed by underground springs outlets

7. The date of commencement and completion of the construction of the well, wells, or other works for withdrawal of groundwater 1911 - enlargement

8. The depth of water table. (1) 5' (2) 5

9. So far as it may be available, the type, size and depth of each well or the general specifications of any other works for the withdrawal of groundwater not applicable

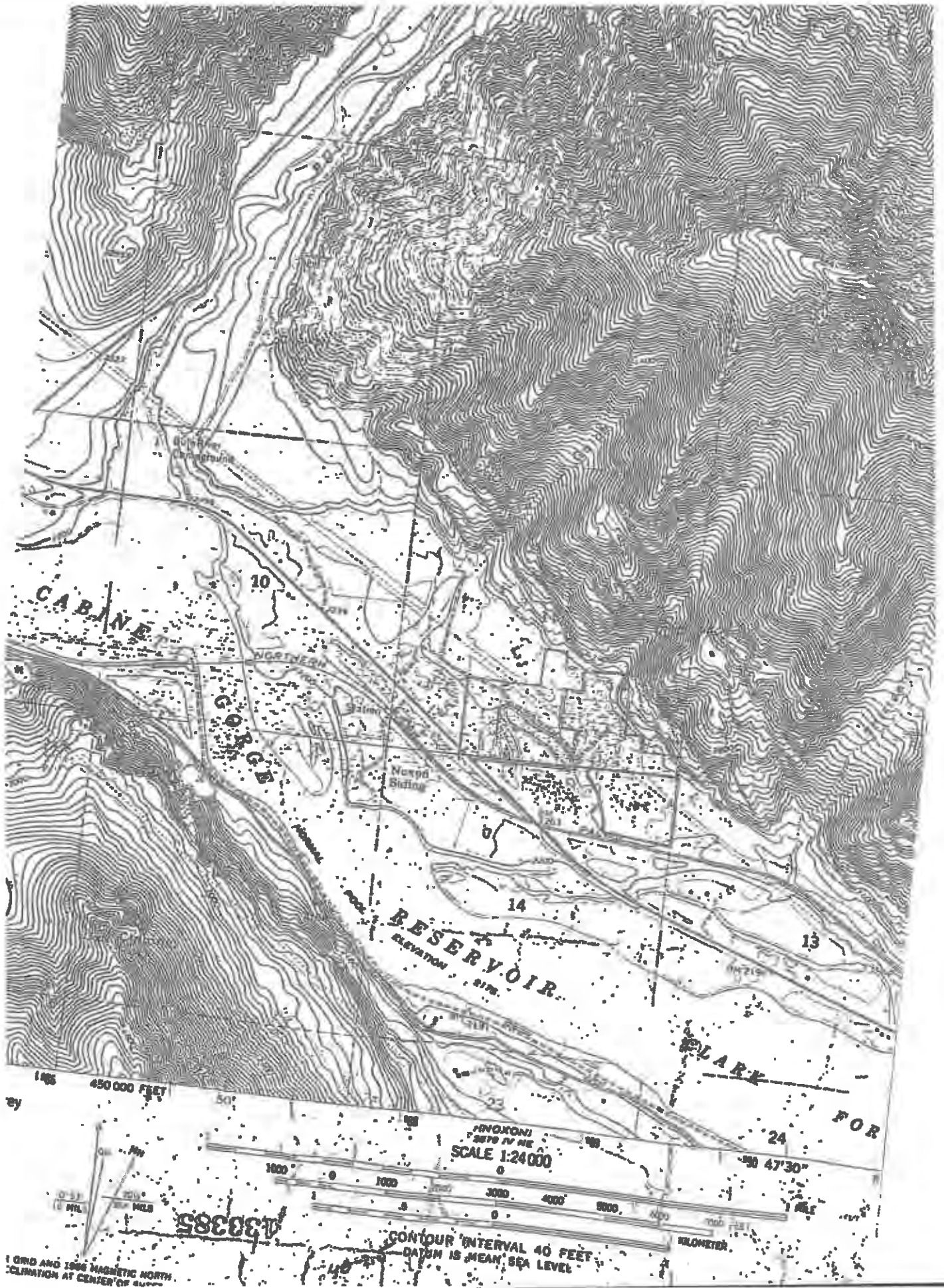
10. The estimated amount of groundwater withdrawn each year. (1) 1,629,250 gal (2) 3,258,500 Gal.

11. The log of formations encountered in the drilling of each well if available not applicable

12. Such other information of a similar nature as may be useful in carrying out the policy of this act, including reference to book and page of any county record.

Otto Rettig
Signature of Owner Velmer Rettig

Date December 30, 1961



1 010 AND 1966 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

583037

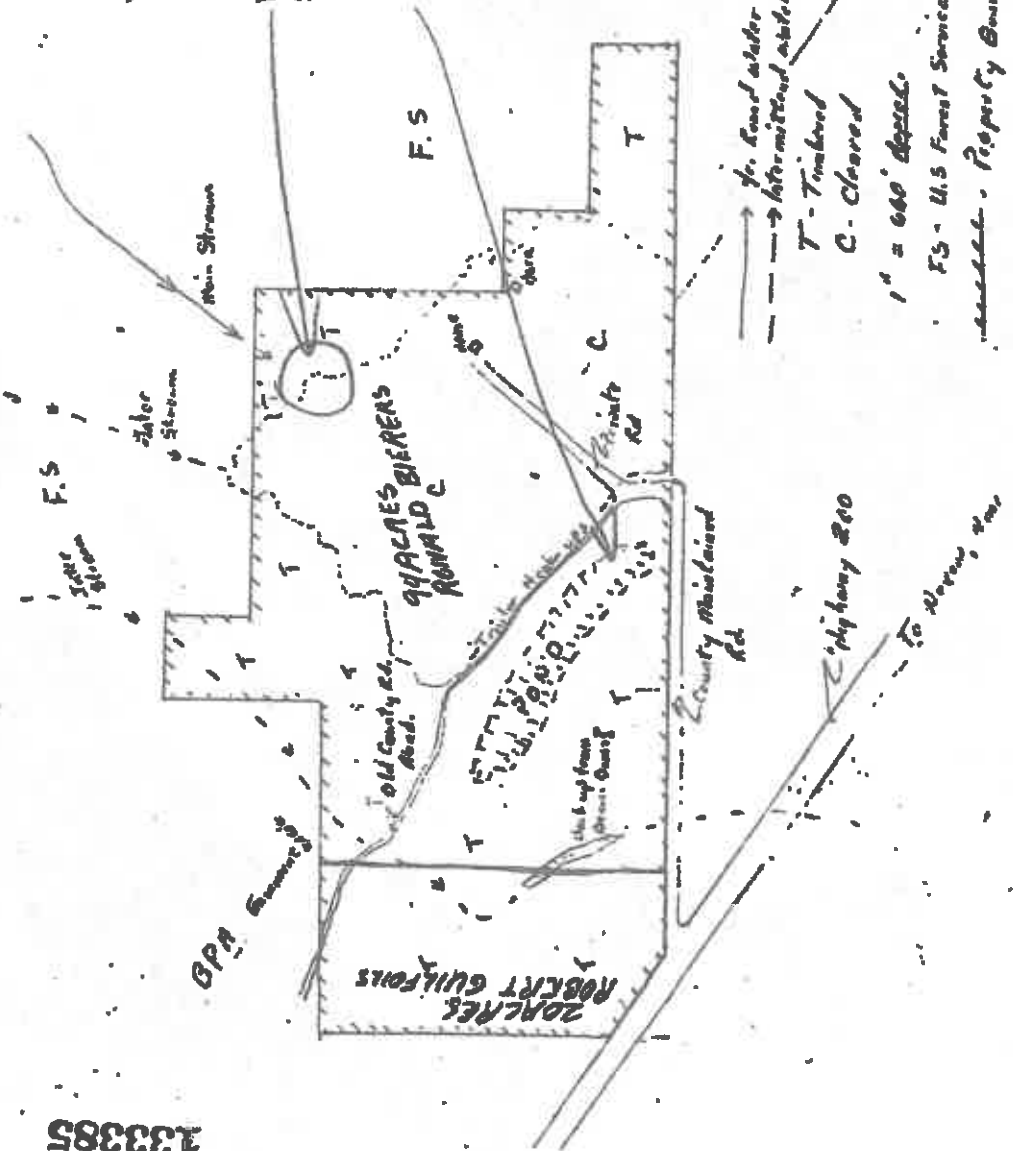
CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL

KILOMETER



133385

WATER FROM SPRINGS AND PONDS HYDROLOGICALLY CONNECTED
WATER FROM SPRING RUN SINKS UNDER GROUND HERE
WATER COMES UP AGAIN IN PONDS



——— In. Good water
 - - - - - Intermittent water
 T - Timbered
 C - Cleared
 1" = 660' approx.
 FS - U.S. Forest Service land.
 - - - - - Property Boundary

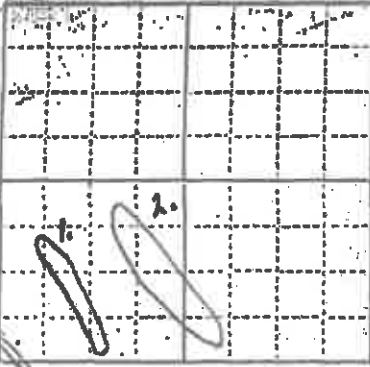
STATE OF MONTANA
 ADMINISTRATOR OF GROUNDWATER CODE
 OFFICE OF STATE ENGINEER

Declaration of Vested Groundwater Rights 133385

(Under Chapter 237, Montana Session Laws, 1961)

1. Otto Rettig & Velmer Rettig, of Noxon
 (Name of Appropriator) (Address) (Town)

County of Sanders State of Montana
 have appropriated groundwater according to the Montana laws in effect prior to January 1, 1962, as follows:



SE 1/4 SW 1/4 Sec. 11 T26N R. 33W

Indicate point of appropriation and place of use, if possible. Each small square represents 10 acres.

2. The beneficial use on which the claim is based. (1) stock watering - 40 head, irrigation (2) stock watering - 40 head, irrigation

3. Date or approximate date of earliest beneficial use; and how continuous the use has been. (1) 1911 (2) 1911

4. The amount of groundwater claimed (in miner's inches or gallons per minute) see #10

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 SW 1/4 SW 1/4 11 26N 33W
 (2) ten acres crop land SW 1/4 SW 1/4 11 26N 33W

6. The means of withdrawing such water from the ground and the location of each well or other means of withdrawal. sub irrigation overflow - from ponds fed by underground springs outlets

7. The date of commencement and completion of the construction of the well, wells, or other works for withdrawal of groundwater. 1911 - enlargement

8. The depth of water table. (1) 5' (2) 5

9. So far as it may be available, the type, size and depth of each well or the general specifications of any other works for the withdrawal of groundwater. not applicable

10. The estimated amount of groundwater withdrawn each year. (1) 1,629,250 gal (2) 3,258,500 Gal.

11. The log of formations encountered in the drilling of each well if available. not applicable

12. Such other information of a similar nature as may be useful in carrying out the policy of this act, including reference to book and page of any county record.

Otto Rettig
 Signature of Owner *Velmer Rettig*
 Date December 30, 1963

These copies to be filed by the owner with the County Clerk and Recorder of the county in which the well is located

133385

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 Rodriguez, Analyst Supervisor
Existing Rights Section
Water Rights Bureau

SR:db

WATER RESOURCES DIVISION
DARRIN FERRIS, ADMINISTRATOR
14001 449-2878

FLOODWAY MANAGEMENT
14001 449-2878

ENGINEERING
14001 449-2884

RESOURCES & PLANNING
14001 449-2878

WATER DEVELOPMENT
14001 449-2887

WATER RIGHTS
14001 449-2884

HIGH PLAINS EXPERIMENT
14001 449-2878

38 SOUTH SWING, HELENA, MONTANA 59601

MONTANA DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
NATURAL RESOURCES BUILDING
32 SOUTH SWING
HELENA, MONTANA 59601

POOR COPY

RETURN TO: _____ requested (check box) _____ late delivery (check box) _____ and address of delivery _____ VERY _____ and address of delivery _____ VERY _____ and address of delivery _____ (POSTER FEES) _____ <i>Det. Rodriguez</i> <i>38 South Swing</i> <i>Helena, MT 59601</i>	TEL. NO. (REQUIRED) NO. _____ of address or agency _____ described above. _____ <input type="checkbox"/> Mailed _____ <input type="checkbox"/> Registered _____ NOXON	POSTMARK 5 1978 HELENA, MONTANA	CLERK'S INITIALS _____
---	--	--	---------------------------

16-500 (REV. 10-24-75)

STATEMENT OF CLAIM CHECKLIST

FORM TYPE: I S D **O**

OK	NOT OK	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Received
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Basin
<input checked="" type="checkbox"/>	<input type="checkbox"/>	County
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Division
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Transmittal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fee

FORM ITEMS

OK	NOT OK	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	133385
<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Checked by R D Small Date MAY 12 1962

DEFICIENT:

Phoned _____
Number Date

Sent Letter _____
To Date

Correction Deadline: _____
Date

Form Corrected _____
Date

Incomplete Form & Correspondence Sent To Helena

See notes on reverse side

Reservoir (Man-made Impoundment) Questionnaire

RECEIVED

FEB 02 1982

TO BE COMPLETED BY DEPARTMENT:

Claim No. 133385 Purpose Fish & Wildlife
Reservoir (Man-made Impoundment) located in:
SE 1/4 Sec 24, Section 11, Township 24N, Range 37E, Sanders County
Source of Water Tributary Clark Fork Pond #2 Priority Date 4-11-82

WATER COURTS

TO BE COMPLETED BY CLAIMANT:

1. Is this reservoir used for storage of water for the purpose indicated on this water right claim? Yes No
If you answered NO, do not complete the rest of this questionnaire, simply return it.
If you answered YES, please complete the following.

2. If this reservoir is part of your water right claim,
a) Is it used to store water? Yes No
or b) Is it used to simply raise the stream water level enough to reach your ditches? Yes No
or c) Is it used for both? Yes No

3. How do you remove water from this reservoir?
a) Headgate Yes No
b) Pump Yes No
c) Other (explain) _____

4. If you have a headgate, draw down tube, or pump, how much of your reservoir can you drain? (all, 1/2, 2/3, 3 feet from the top or bottom, etc.) 3 feet

What is the volume, in acre feet, that can be drained from your reservoir? approx 15

5. If it is possible, please give us the following information.
a) Volume of the reservoir Use the attached reservoir worksheet, Estimating the Capacity of Reservoirs, Lakes, and Ponds.
b) Length of the reservoir approx 1/4 mile
c) Length of the dam (pit) at water level approx 150' Beaver Dam
d) Surface acres of water 3 acres approx
e) Maximum depth of the water 8'

WATER COURTS
Supplemental Document
Claim # 133385-76N

Signature: Ronald G. Brier Date 27 Jan 82

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

07/09/82

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

76N -W-133J85-00 PRIORITY DATE: 00:00 04/30/1912 TYPE OF RIGHT: FILED CLAIM RECEIVED: 04/30/82 FEE PAID:
OF
TYPE CODE: G MAX RATE: 4.00 C (160.00 MI) MAX VOLUME: 2.890.00 AF/YEAR

(M) I BIERER
BOX 33

RONALD G

(M) I BIERER
BOX 33

BRENDA G

PINESDALE

MT 59841

PINESDALE

MT 59841

DV 01 SPRING TRIB OF CABINET GORGE RESERVOIR

LOT BLK QTR SEC SEC TWP RGE CO

19 11 26N 33W SA MEANS DIVRS-86

FW 01 0.00 ACRES PERIOD OF USE 19999999999

ACRES LOW ACCT VER. ACRES WRS 19 19 LOT BLK QTR SEC SEC TWP RGE CO REMARKS

0.00 0.000

11 26N 33W SA

TOTAL 0.00

REMARKS: Ym+md RESERVOIR RECORDS

IF MAIN RIGHT: MAX COMBINED VOLUME FOR ALL RIGHTS AF MAX COMBINED ACRES FOR ALL RIGHTS OF MAIN RIGHT

IF SUPPLEMENTAL RIGHT: PURPOSE ID AF AND CLAIM ID AF OF MAIN RIGHT

***** FIELD VERIFICATION FORM *****

IN STATISTICS: ** VOLUME BASED ON FLOW RATE AND PERIOD OF USE 2.704.768 AF/YR - UNDER CLAIMED VOLUME

YES NO COMMENTS

NAME OK: YES NO COMMENTS ADDED PER USGS QUAD

S/G) OK: YES NO COMMENTS MAYBE

W 01 YES NO APPEARS CORRECT UNVERIFIED COMMENTS POD GIVEN AS LOCATION OF FIELDS

USE: CLAIMED FLOW RATE OK: YES NO COMMENTS

CLAIMED PRY DATE OK: YES NO COMMENTS CHANGED TO DATE OF FIRST USE

OK: YES NO COMMENTS WILL NOT QUANTIFY

DATE OK: YES NO COMMENTS "

USE OK: YES NO COMMENTS FORMAT OK BUT CHANGED TO DATE OF FIRST USE

USE OK: YES NO COMMENTS CHANGED TO YEAR ROUND

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
 ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

07/09/82

76N -W-133365-00 (CONTINUED)

VERIFICATION OF DEVELOPMENT: PHOTO _____ PHOTO DATE _____
 PHOTO _____ PHOTO DATE _____
 PHOTO _____ PHOTO DATE _____

CONTACT: . . . YES NO DATE COMPLETED / / BY COMMENTS _____
 . . . YES NO DATE COMPLETED / / BY COMMENTS _____
 . . . YES NO DATE COMPLETED / / BY COMMENTS _____
 ESTIGATION: YES NO APPROVED BY DATE CHECKED / / BY COMMENTS _____

*GN 4 MENTIONS ENLARGEMENT OF POND IN 1911.
 IF THE CLAIMANT IS GIVEN "THE BENEFIT OF THE DOUBT" THEN FERRARAS HE
 SHOULD BE GIVEN SOME SORT OF RIGHT FOR FW*

STIGATED BY Judy Spencer DATE 6/21/82
 EWED BY _____ DATE / /

WATER RIGHT DATA BASE CODING FORM REMARK RECORD

Form 72.C.1
Page 4 of 6

REMARK RECORD: **06** **A** **Y** **01** **76M** **M** **133385** **00**

ID TEXT **VM011XIX**

TEXT

TEXT

ID TEXT **M101M133382-00, M133385-00, M133386-00**

TEXT

TEXT

ID TEXT

TEXT

TEXT

ID TEXT

TEXT

ID

WATER COURTS
Supplemental Document
Claim # **133385**

WATER RIGHT DATA BASE CODING FORM DIVERSION, WELL, RESERVOIR, SOURCE RECORD

**WATER COURT
Supplemental Docu**

Claim # / **333**

DIVERSION RECORD: PERIOD OF DIVERSION MEANS ACTION GEN CODE GEN # RATE C-G MAXIMUM RATE BASIN ID CODE

RELATED ID

RIVER MILE CODE U.T. LOT BLOCK

QUARTER SECTIONS CNTY TWP RGE SEC WATER SOURCE NAME

L RECORD: DEPTH WTR LVL YIELD RATE CSNG DIAM PUMP SIZE RATE GEN # GEN CODE ACTION BASIN LOT BLOCK C-G QUARTER SECTIONS CNTY TWP RGE ID NUMBER

RESERVOIR RECORD: NEW CAPACITY DAM HT ENCL SURFACE AREA EXISTING CAPACITY ACTION GEN CODE GEN # SURFACE AREA BASIN ID CODE ID NUMBER

CHARTER SECTIONS CNTY TWP RGE SEC

SOURCE RECORD: ACTION GEN CODE GEN # WATER SOURCE NAME

WATER SOURCE NAME

76N W133385-00

TRANSFER

Locked-Up Basin

MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION

Memorandum

DNRG

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 - W133385
WATER RIGHT TRANSFER CERTIFICATE
 DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
 AND WATER COURTS OF MONTANA

RECEIVED
 MAY 30 1984

<p style="text-align: center;">INSTRUCTIONS</p> <p>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.</p>	<p style="text-align: center;">FOR DEPARTMENT USE</p> <p>Fee received: <u>6.00</u> By: <u>Joey</u> Transmittal No.: <u>01-238-01-11</u> Date: _____ Reviewed By: <u>JH</u> <u>6-25-84</u> Filmed: _____ Coded: <u>CF-7-24-84</u> BASIN: <u>76N</u></p>
---	---

(type or print in ballpoint ink)

1. WATER RIGHT(S) TO BE TRANSFERRED:

Permit to Appropriate Water Number(s) _____

Certificate of Water Right Number(s) 76N W133385 - 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: _____

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(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 59853

Name _____ Mailing Address _____

Name _____ Mailing Address _____

Name _____ Mailing Address _____

5. SELLER'S NAME(S): List the seller's name and address if not listed in Item 4 above.

NAME: Brenda K. Bierer MAILING ADDRESS: Box 125, HAMILTON, MT 59810

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).

Name _____ Mailing Address _____

Name _____ 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 Right Owners copy been recorded? Yes, No.

By Joey Clawson Deputy 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 1588, Bozeman, Montana 59715.

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.

- 1. WATER RIGHT RECEIVED:** Number (See Item 1 page 1) _____
- 2. PORTION OF WATER RIGHT RECEIVED:** Identify that portion of the water right the buyer received by the following information.

PURPOSE OF USE	RATE (GPM/CFS)	VOLUME (ACRE-FEET)	ACRES

- 3. EXPLAIN:** Describe how the portion or percentage of the water right the buyer received was determined.

- 4. POINT OF DIVERSION:** Describe the location where the buyer diverts his portion of the water right.

N E

Lot _____ Blk _____ 1/4 _____ 1/4 _____ 1/4 _____, Sec _____ Twp _____ S Rge _____ W Co _____

N E

Lot _____ Blk _____ 1/4 _____ 1/4 _____ 1/4 _____, Sec _____ Twp _____ S Rge _____ W Co _____

- 5. PLACE OF USE:** Describe the location where the buyer uses his portion of the water right.

USE: _____

N E

Acres _____ Lot _____ Blk _____ 1/4 _____ 1/4 _____ 1/4 _____, Sec _____ Twp _____ S Rge _____ W Co _____

N E

Acres _____ Lot _____ Blk _____ 1/4 _____ 1/4 _____ 1/4 _____, Sec _____ Twp _____ S Rge _____ W Co _____

USE: _____

N E

Acres _____ Lot _____ Blk _____ 1/4 _____ 1/4 _____ 1/4 _____, Sec _____ Twp _____ S Rge _____ W Co _____

N E

Acres _____ Lot _____ Blk _____ 1/4 _____ 1/4 _____ 1/4 _____, Sec _____ Twp _____ S Rge _____ W Co _____

Subdivision (if any) _____

Montana Water Rights Bureau Area Field Offices

HAVRE
 Old Highway 2
 P.O. Box 1828
 Havre, Montana 59501
 Phone: 285-5518
 Serving: Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton and Toole Counties.

MISSOULA
 2101 Bow Street
 P.O. Box 5004
 Missoula, Montana 59806
 Phone: 721-4284
 Serving: Missoula, Granite, Ravalli, and Mineral Counties.

GLASGOW
 110 5th Street South, Room 108
 P.O. Box 894
 Glasgow, Montana 59230
 Phone: 228-2581
 Serving: Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan and Valley Counties.

HELENA—Office Location
 28 So. Rodney
 Mailing Address: _____
 32 South Ewing
 Helena, Montana 59620
 Phone: 449-3634
 Serving: Deer Lodge, Powell, Lewis and Clark, Broadwater, Silver Bow, Jefferson and Beaverhead Counties.

BOZEMAN
 1201 East Main
 Bozeman, Montana 59715
 Phone: 586-3136
 Serving: Gallatin, Park and Madison Counties

BILLINGS
 1537 Avenue D, Suite 352
 Billings, Montana 59102
 Phone: 657-2105
 Serving: Big Horn, Carbon, Stillwater, Treasure, Yellowstone and Sweet Grass Counties.

KALISPELL
 3220 Highway 93 South
 P.O. Box 880
 Kalispell, Montana 59903-0880
 Phone: 752-2288
 Serving: Flathead, Lake, Lincoln and Sanders Counties.

LEWISTOWN
 613 NE Main Street
 P.O. Box 438
 Lewistown, Montana 59457
 Phone: 538-7459
 Serving: Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum and Wheatland Counties.

MILES CITY
 5 North Prairie
 P.O. Box 278
 Miles City, Montana 59301
 Phone: 232-6358
 Serving: Carter, Custer, Fallon, Powder River, Prairie, Rosebud and Wibaux Counties.

WATER RIGHT TRANSFER CERTIFICATE

CHECKLIST

DEPARTMENT USE BLOCK

- A. Is form dated received?
- B. Is the fee and transmittal number (county deposit #7715) indicated?
- C. After review; analyst initialed and dated "reviewed by".

TRANSFER FORM CHECK

- 1. Are all water right numbers accurately listed?
- 2. Is the means of transfer OK or adequately explained?
- ~~3a.~~ ^{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.

COMMENTS / DOCUMENTATION / INSTRUCTIONS TO RECORDS (by Item number)

Item Comments

3. B. BEASLEY OF FENNESSY & CROCKER, ATTORNEYS OF LOBBY
CALLED & SAID THERE WAS "NO" SPLIT

5. SELLER'S ADDRESS FROM TRANSFER FOR 76N-W-133387

_____ continued, see attached

ANALYST: Judy Jeniber

DATE: 6-25-84

FILE/WATER RIGHT NO. W133385-76N

DNRC WATER RIGHT OWNERSHIP UPDATE

GEO CODE: _____

FILMED

DATE OF SALE/DATE: _____

Month/Day/Year

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

Seller - Enter grantor's complete name and mailing address, including city, state and ZIP.

Brenda K. BIERER

1477 Hwy. 93

Victor Mt. 59875 Daytime Phone # _____

Buyer - Enter grantee's complete name and assessment notice mailing address, including city, state and ZIP.

Joseph E. Little PO WAYNE LITTLE

P.O. Box 73

Nixon, MT. 59853 Daytime Phone # 406-847-2692

Legal Description: _____ Attachment

Add/Sub _____ Block _____ Lot _____

County _____ City/Town _____ Section _____ Township _____ Range _____

A. WATER RIGHT(S) TO UPDATE

- List all water rights which need to have ownership updated. Attach a list if additional space is needed. Attachment
- 76-N-W133382, 76N-W133385, 76N-W13384
- ▶ (W, U, A, B, or C) Statement of Claim No. 76-N-W133385, 76N-W133386, 76N-W133387
 - ▶ (C) Certificate of Water Right No. _____
 - ▶ (P) Permit to appropriate Water No. _____
 - ▶ (E) Exempt Existing Right No. _____
 - ▶ (D) Powder River Basin 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.

- 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.
- Yes No If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?

Seller Signature: _____ Date: _____

Seller Signatures: _____ Date: _____

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?
Name _____ Address _____ Phone # _____

D. REMARKS _____

FOR DNRC PARTIAL USE ONLY

RECEIVED

DATE: _____

FOR COMPLETE INFORMATION SEE FILE # _____

COMPLETE AND SEND THIS FORM TO DNRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED

BOX BAR CODE 012609
FILE BAR CODE 0198840

**KALISPELL WATER RESOURCES REGIONAL OFFICE
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION**



JUDY MARTZ
GOVERNOR

109 COOPERATIVE WAY
SUITE 110

STATE OF MONTANA

PHONE: (406) 732-2288
FAX: (406) 732-2643

KALISPELL, MONTANA 59901-2367

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,

A handwritten signature in cursive script that reads "Linda Molina".

Linda Molina
Program Assistant
Kalispell Regional Office

Xc: Joseph & Wayne Little

WARRANTY DEED

8128

(JOINT TENANCY)

For Value Received BRENDA K. BIERER of 2505 N. Highway 93,
Hamilton, Montana 59840

the Grantor, do hereby 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, Montana, to wit:

The NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, the
SW $\frac{1}{4}$ SE $\frac{1}{4}$, the W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 26 North, Range 33
West, M.F.M.

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 Grantor do hereby covenant to and with the said
Grantees, that she is the owner in fee simple of said premises; that they are free from all
incumbrances

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

Dated: July 25, 1983

Brenda K. Bierer
BRENDA K. BIERER

210329

STATE OF MONTANA, COUNTY OF Ravalli
On this 4th 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 person whose name is
subscribed to the within instrument and acknowledged
ed to me that he executed the same.
Richard [Signature]
Notary Public
Residing at [Address], Montana
Comm. Expires [Date]

STATE OF MONTANA, COUNTY OF Bandana

I hereby certify that this instrument was filed for
record at the request of

at 10 minutes past 2 o'clock P.M.,
this 27th day of September,
1983, in my office and duly recorded in Book
of Deeds at page micro # 8128

Dixie Vaughn
Ex-Officio Recorder

By [Signature]
Deputy.

Fees \$ 6.00
Mail to:

INDEXED
26

ACKNOWLEDGEMENT 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 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.

*****DNRC*LOCATE*#* *8*NS*990101***

OWNERS: LITTLE JOSEPH E
& WAYNE LITTLE
PO BOX 72
NOXON MT 59853

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

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 NON-CONSUMPTIVE.

SOURCE: SPRING, TRIBUTARY OF CABINET GORGE RESERVOIR

PURPOSE:

USE FLOW VOLUME (AF) ACRES PERIOD OF USE
FISH & WILDLIFE JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

Table with columns: DIVERSION, LOT, BLK, QTR, SEC, SEC, TWP, RGE, COUNTY, MEANS. Row: 8282 11 26N 33W SANDERS DAM

Table with columns: RESERVOIR, QTR, SEC, SEC, TWP, RGE. Row: ONSTREAM AT 8282 11 26N 33W

PLACE OF USE FOR FISH & WILDLIFE:

Table with columns: ACRES, LOT, BLK, QTR, SEC, SEC, TWP, RGE, COUNTY. Row: 001 8282 11 26N 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 NECESSARY 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 (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.
W133382-00, W133385-00, W133386-00

** 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, MCA.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/06/00.

FORM 002 (08/00)

14064

FILE - WATER RIGHT NO. W133385-76N

DNRC WATER RIGHT OWNERSHIP UPDATE

86D CODE:					

PART 1
 Month/Year

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

PART 2 **Seller / Deceased Joint Tenant** - Enter grantor's / deceased joint tenant's complete name and mailing address, including city, state and ZIP.

Joseph B. Little
 11742 El Camino Del Diablo
 Yuma, AZ 85367
 Daytime Phone #

Buyer / Surviving Joint Tenant - Enter grantor's / surviving joint tenant's complete name and assessment notice mailing address, including city, state and ZIP.

Robert J. Thomas and Barbara J. Thomas
 PO Box 84
 Noxon, MT 59853
 Daytime Phone #

PART 3 **Legal Description**

Legal Description: See Attached Description Attachment
 Add/Sub: Sanders Block: _____ Lot: _____
 County: _____ City/Town: _____ Section: _____ Township: _____ Range: _____

A. WATER RIGHT(S) TO UPDATE

List all water rights which need to have ownership updated. Attach a list if additional space is needed. Attachment

- ▶ (W, U, A, B, or O) Statement of Claim No. _____
- ▶ (C) Certificate of Water Right No. 76N-133382-00 IR, 76N-133383-00 DM; 76N-133384-00 DM
- ▶ (F) Permit to Appropriate Water No. 76N-133385-00 FW; 76N-133386-00 PG; 76N-133387-00 ST
- ▶ (E) Exempt Existing Right No. _____
- ▶ (D) Powder River Basin Decreed Right No. _____
- ▶ Other _____

B. SELLER Deceased Joint Tenant (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.

Yes No Did the buyer / surviving joint tenant receive 100% of the seller's interest in the water rights shown above? If no attach a map showing buyer's property.

Yes No If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?

Seller Signature: Joseph B. Little Date: 1-22-07

C. FOR QUESTIONS OR CLARIFICATION, WHO SHOULD THE DNRC CONTACT?

Name: Claude I. Burlingame, P.C. Address: PO Box 9 Phone #: 827-4381
Thompson Falls, MT 59873

D. REMARKS

FOR DEPARTMENT USE	WATER RIGHT TRANSFER CERTIFICATE
Fees Rec'd: <u>100.00</u>	RECEIVED MONTANA DNRC GALLS PELL REGIONAL OFFICE
Payor: <u>Class</u>	
Refund:	
Code:	
For Complete Information, See File # _____	Rec'd By: _____

COMPLETE AND SEND THIS FORM TO DNRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED

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 406-752-3267

Water Right Number: 76N 133385 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): 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:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2S2	11	28N	33W	SANDERS

Diversion Means: DAM

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	S2S2	11	26N	33W	SANDERS

July 13, 2004
78N 133385 00

Page 8 of 12
NEW STORAGE
Ownership Update ID#: 14064

Purpose (Use): FISH AND WILDLIFE
Period of Use: JANUARY 1 to DECEMBER 31
Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S	26	2	26N	33W	SANDERS

Remarks:

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 - YAAK 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 YAAK RIVER)
DRAINAGE AREA, INCLUDING ALL TRIB-)
UTARIES 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
Water Courts regarding the above objection.

DATED this 26th day of June, 1985.

Joseph E. Little
Joseph E. Little

FILMED

M. RICHARD GEBHARDT, P.C.

ATTORNEY AT LAW
815 U.S. HIGHWAY 83 SOUTH
RONAN, MONTANA 58884
(406) 576-3880

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.

Sincerely,

A handwritten signature in dark ink, appearing to be "M. Richard Gebhardt".

M. RICHARD GEBHARDT

k1

cc: Bob Guilfoyle

IN THE WATER COURTS OF THE STATE OF MONTANA

CLARK FORK DIVISION - YAAK 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 YAAK RIVER)
DRAINAGE AREA, INCLUDING ALL TRIB-)
UTARIES 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
Water Courts regarding the above objection.

DATED this 26th day of June, 1985.

Joseph E. Little

Joseph E. Little

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O. BOX 201801 HELENA, MONTANA 59620-1801

GENERAL ABSTRACT

Water Right Number: 76N 133386-00 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 Volume: 28.90 AC-FT

Source Name: SPRING, UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR
Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESE	11	26N	33W	SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: HEADGATE

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2S2	11	26N	33W	SANDERS

Geocodes/Valid: 35-3886-11-4-01-01-0000 - 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 133388-00

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

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 03/31/89.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/06/00.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 14064 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



STATEMENT OF CLAIM



76N



133386



00

Current File Location: NEW STORAGE

Box Bar Code _____

File Bar Code _____

Date/Initials _____

RECEIVED

133386

76N STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS

APR 30 1982

SAC

OTHER USES

MONTANA D.N.R.C. KALISPELL FIELD OFFICE

For the Water Courts of the State of Montana

08-121-14-01

1. Owner of Water Right BIERER Last | RONALD First | G. Middle Initial

Co-Owner or Other Interest Owner BIERER Last | BAENKA First | M Middle Initial

Address BOX 33

City Pinedale State Montana Zip Code 59841

Home Phone No. 961-4694 Business Phone No. 961-3988

2. Person completing form BIERER Last | RONALD First | G. Middle Initial

Address BOX 33

City Pinedale State Montana Zip Code 59840

Home Phone No. 961-4694 Business Phone No. 961-3988

- 3. Use: (Check Only One) FR Fish Raceways, GE Geothermal, MN Mining, FW Fish & Wildlife, NV Navigation, PG Power Generation, CM Commercial, FP Fire Protection, RC Recreation, IN Industrial, AS Agricultural Spraying, OT Other, MC Municipal, OF Oil Well Flooding

4. Source of Water: (Check Only One) Spring [checked] Name NAME Unnamed Canyon, Well, Stream, Lake, Reservoir

NOTE: Water comes from springs in Canyon on the property. They drink with ground and comes up in Pond. Flow runs into Clark Creek.

5. Point of Diversion: County SANDERS, Section 11, T 26, R 33 EW

6. Means of Diversion: Well, Pump Capacity 179.5 gpm, Headgate with ditch or pipeline, Instream use, Other

7. Means of Conveyance: Ditch, Pipeline, Instream, Other

8. Place of Use: County SANDERS

Instream City or Town Other: Explain Power Generation on 94 acres

Lot, Block, 1/4 5 1/2 5 1/2 Section 11, T 26N R 33W ENW

Lot, Block, 1/4 1/4 1/4 Section, T N/S, R E/W

Lot, Block, 1/4 1/4 1/4 Section, T N/S, R E/W

Lot, Block, 1/4 1/4 1/4 Section, T N/S, R E/W

Lot, Block, 1/4 1/4 1/4 Section, T N/S, R E/W

Subdivision _____

9. Flow rate claimed: 160 ~~500~~ cubic feet per second
 gallons per minute
 miner's inches

10. Volume claimed: 7890 acre-feet per year

11. Period(s) of use: JAN 1 to DEC 31
Month Day Month Day

12. Check one: Decreed Water Right Priority date or date of first use
 Filed Appropriation Right April 1 1912
 Use Water Right Hour Month Day Year
BOOK 2 WA P. 264

13. Attach copies of the Decree, Record of Filing or Proof of Use Right.

14. Attach copies of aerial photographs, U.S. Geological Survey maps or such other documents necessary to show point of diversion, place of use, place of storage, and conveyance facilities.

15. Notarized Statement signed by claimant.

STATE OF MONTANA
 County of Beavert ss.

I, Ronald G. Bierer, having been duly sworn, depose and say that I, being of legal age and being the claimant of this claim of existing water right, and the person whose name is signed to it as the claimant, know the contents of this claim and the matters and things stated there are true and correct.

Ronald G. Bierer

Subscribed and sworn before me, this 29th day of April 1982

Rebecca Davis
 Notary Public for the State of Montana

Residing at Leadville, Colo.
 My Commission expires Aug. 13, 1984

Ura E. Ellis
of Noxon, Sanders County, Montana

NOTICE OF APPROPRIATION
OF WATER

160" unnamed stream

Dated Apr. 8, 1912

Filed Apr. 11, 1912

Book 2 WR, p. 264

-to-
Public

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

I. That he has a legal right to the use, possession and control
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 NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
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 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

POOR COPY

UNITED STATES OF AMERICA

U. S. PATENT
Act of May 20, 1862
Homestead Act

-to-

Ura E. Ellis

Dated Aug. 24, 1918

Filed Feb. 3, 1922

Book 12 Deeds, p. 388

THERE IS GRANTED

the northwest quarter of the southwest quarter of the
northwest quarter of the southeast quarter of the
the south half of the south half of the northwest quarter
of the southeast quarter, the southwest quarter
the southwest quarter of the southwest quarter of the
northeast quarter of the southeast quarter
the southwest quarter of the southeast quarter
the west half of the west half of the southeast quarter
of the southeast quarter,
the east half of the southwest quarter of the southeast
quarter of the southeast quarter,
the south half of the southeast quarter of the southeast
quarter of the southeast quarter, and
the southeast quarter of the southwest quarter

of Section eleven
in Township twenty-six north
of Range thirty-three west
of the Montana Meridian, Montana

containing one hundred fifteen acres, according to the
Official Plat of the Survey of the said land, returned to
the General Land Office by the Surveyor General

To Have and To Hold: with the appurtenances forever;

SUBJECT to any vested and accrued water rights for mining, agri-
cultural, 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.

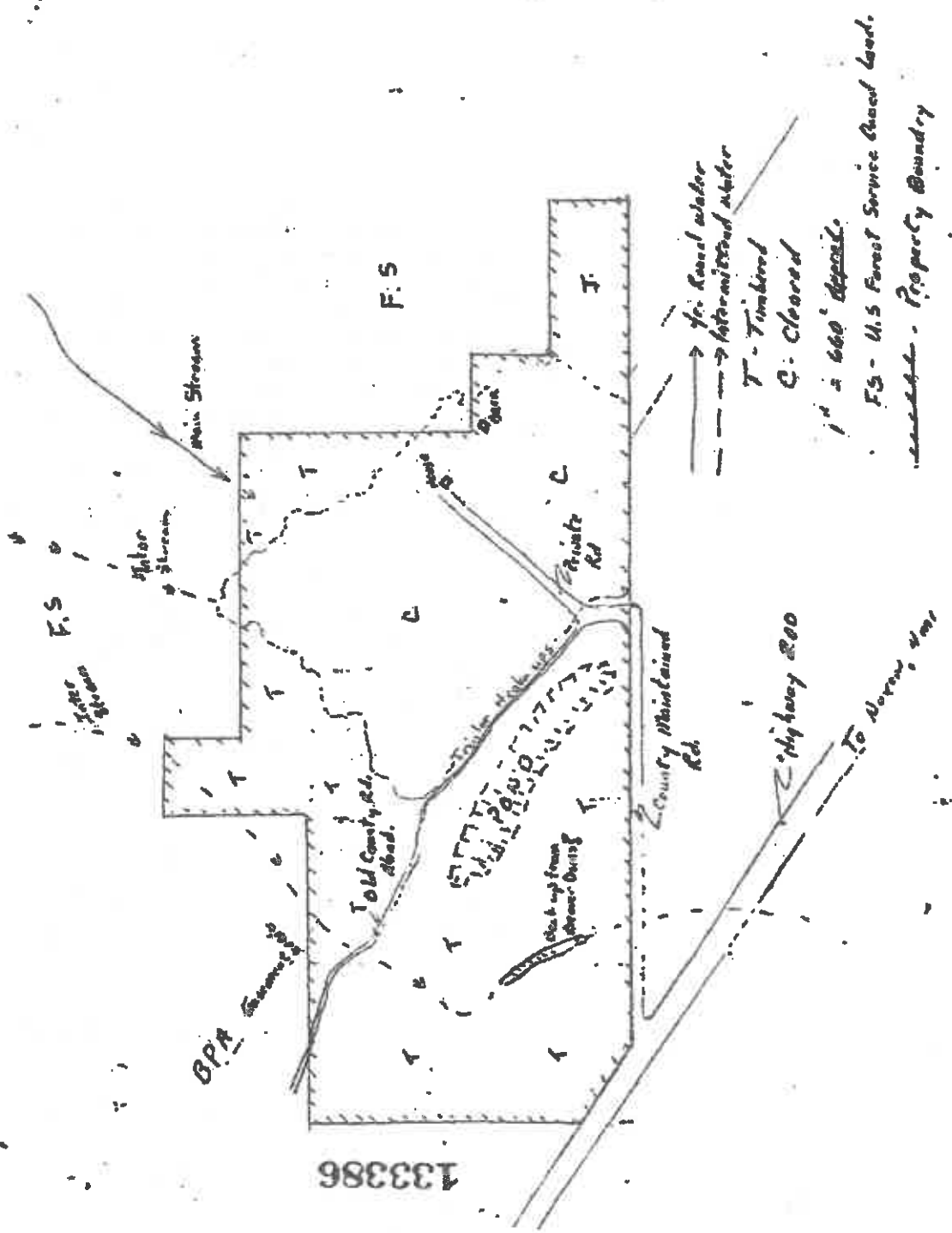
AND THERE IS RESERVED from the lands hereby granted a right of
way thereon for ditches or canals constructed by the authority
of the United States.

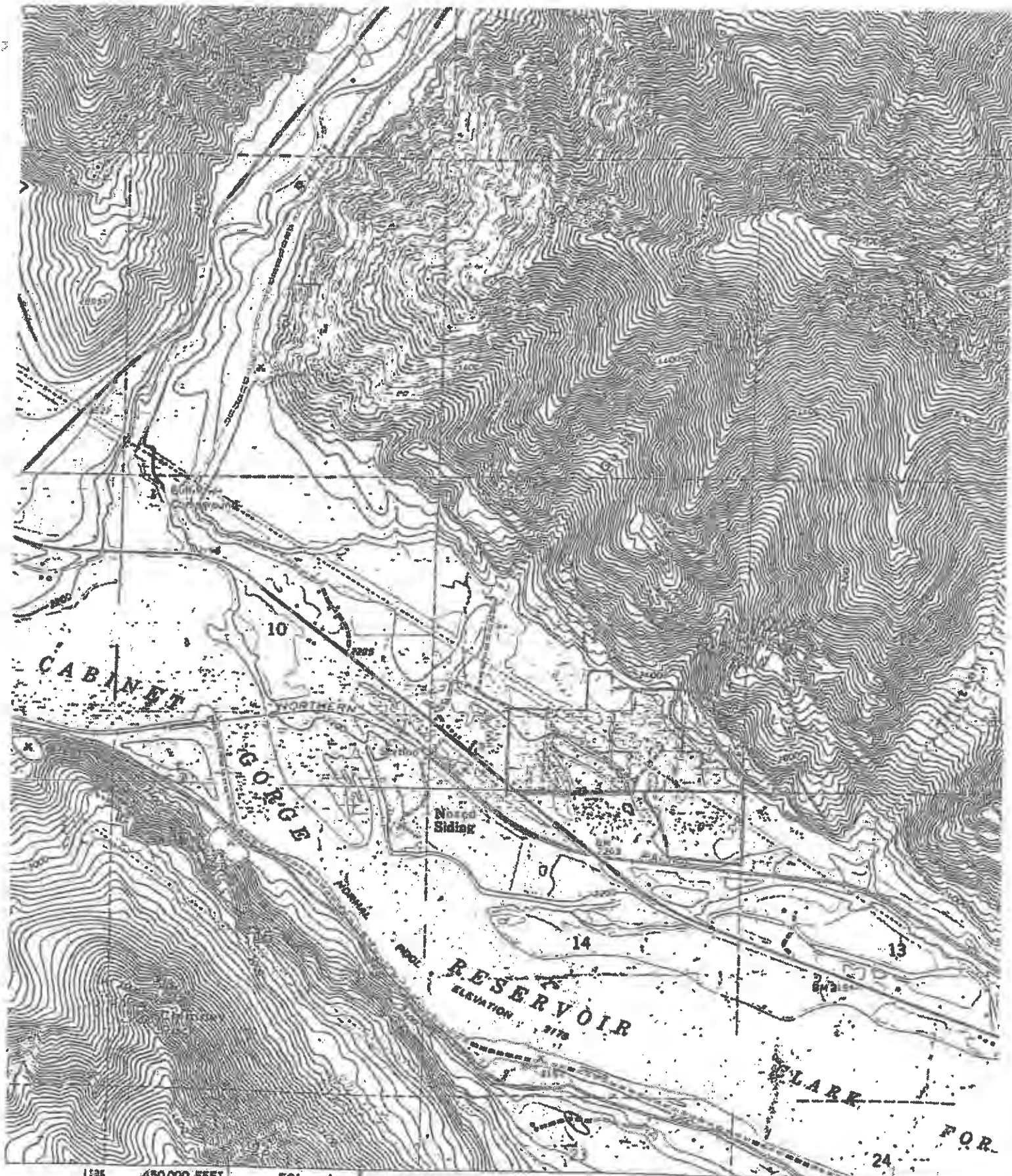
By the President: Woodrow Wilson

By M. P. LeRoy, Secretary

L. C. Lamar
Recorder of General Land Office

(GENERAL LAND
OFFICE SEAL)

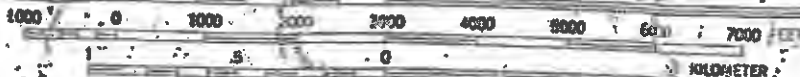




136 450 000 FEET 50'

(INOXON)
2079 IV NE
SCALE 1:24000

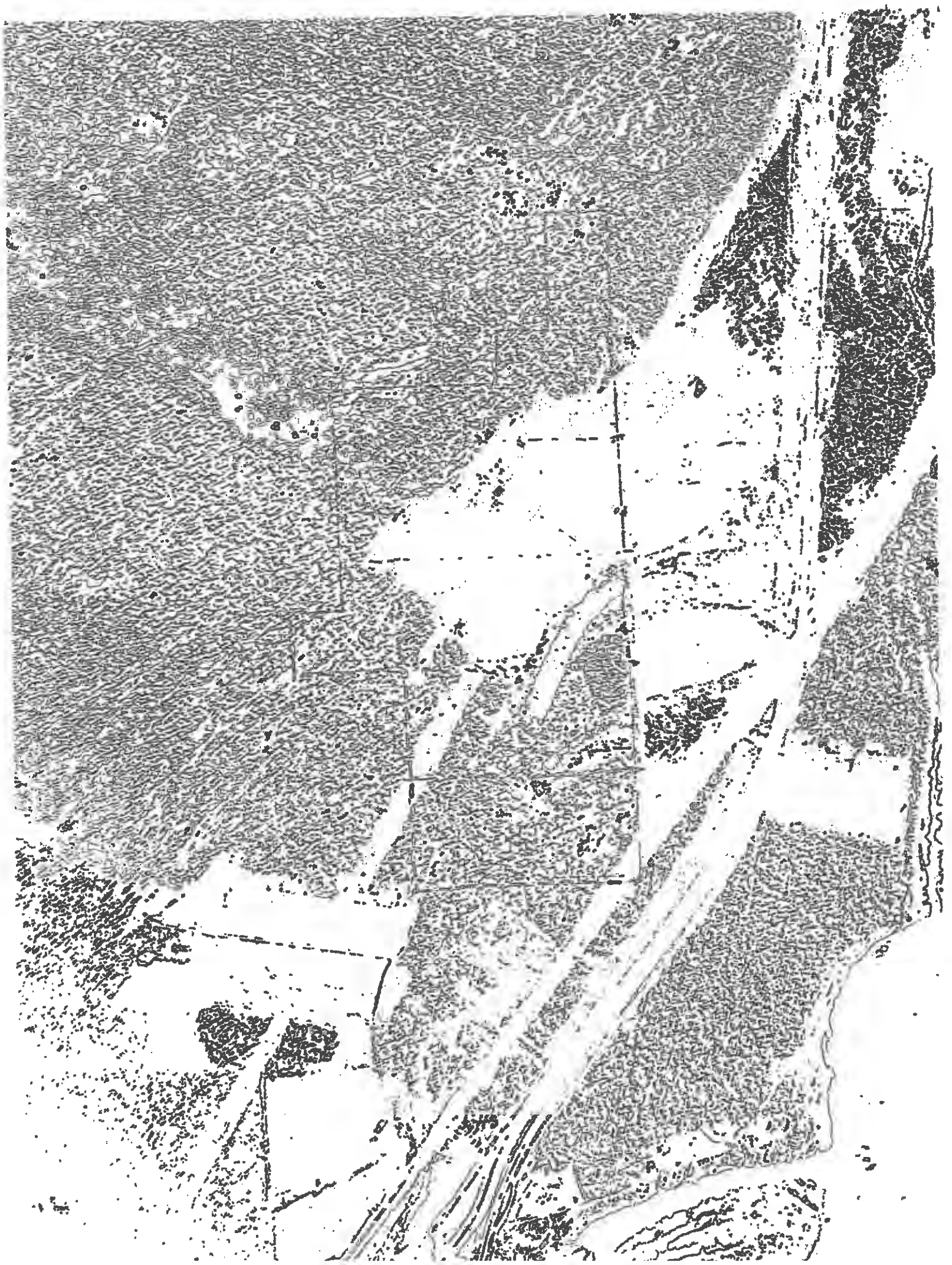
49 47'30"



CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL

16 MILES
16 MILES

al Survey



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 Rodriguez
Silvio Rodriguez, Analyst Supervisor
Existing Rights Section
Water Rights Bureau

SR:db

WATER RESOURCES DIVISION
ORRIN FERRIS, ADMINISTRATOR
1408) 448-2872

FLOODWAY MANAGEMENT (408) 448-2872 ENGINEERING (408) 448-2884 RESOURCES & PLANNING (408) 448-2878 WATER DEVELOPMENT (408) 448-2837 WATER RIGHTS (408) 448-3830 HIGH PLAINS EXPERIMENT (408) 448-2878

32 SOUTH EWING, HELENA, MONTANA 59601

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
NATURAL RESOURCES DIVISION
32 SOUTH EWING
HELENA, MONTANA 59601

POSTED

and "RETURN TO" space on
 checked (check one)
 is delivered
 address of delivery,
 ERY,
 is delivered
 ERY,
 address of delivery,
 STER FOR FEES)
Mr. Bierer
Box 24A
Noxon, MT 59853

LAND INSURED NO.
 address or agent
 scribed above.
 Authorized agent

POSTAL
 15
 1978

CLERK'S INITIALS

BY 010 1185-0-034-038

County of Calaveras

Otto Rettig & Velma Rettig having first been duly
sworn that they are of lawful age and able the appropriation
and claimant S of the order and water right mentioned in the foregoing declaration of
vested groundwater rights and the person S whose name S subscribed thereto
as the appropriator S and claimant S that they know the contents of said fore-
going notice and that the matters and things therein stated are true.

Otto Rettig
Velma Rettig

Subscribed and sworn to before me, this 30 day of June, 1969

Ronald P. Harty
Notary Public for the State of California

Residing at Helena, Montana

My Commission expires June 1, 1969

RECORDED
INDEXED
JUN 1 1969
CALIFORNIA
COUNTY OF CALAVERAS

ADMINISTRATOR OF GROUNDWATER CODE
OFFICE OF STATE ENGINEER

Declaration of Vested Groundwater Rights

(Under Chapter 227, Montana Session Laws, 1951)

Otto Rettig & Valmar Rettig
(Name of Appropriator)

of

(Address)

Noton

(Town)

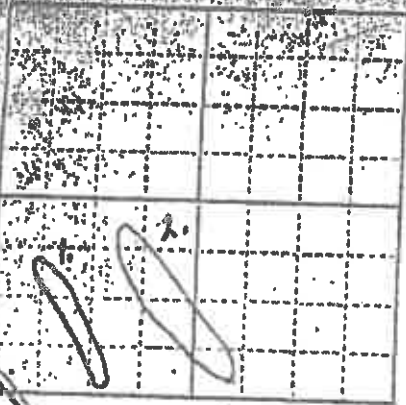
County of

Sanders

State of

Montana

have appropriated groundwater according to the Montana laws in affect prior to January 1, 1952, as follows:



SE 1/4 SW 1/4 Sec. 11, T26N R. 33W

Indicate point of appropriation and place of use, if possible. Each small square represents 10 acres.

The beneficial uses on which the claim is based: (1) stock watering - 40 head, irrigation (2) stock watering - 40 head, irrigation

3. Date or approximate date of earliest beneficial use; and how continuous the use has been. (1) 1911 (2) 1911

4. The amount of groundwater claimed (in miner's inches or gallons per minute) see #10

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 SW 1/4 SW 1/4 11, 26N 33W
(2) ten acres crop land SW 1/4 SW 1/4 11, 26N 33W

6. The means of withdrawing such water from the ground and the location of each well or other means of withdrawal. sub irrigation overflow - from ponds fed by underground springs outlets

7. The date of commencement and completion of the construction of the well, wells, or other works for withdrawal of groundwater. 1911 - enlargement

8. The depth of water table. (1) 5' (2) 5'

9. So far as it may be available, the type, size and depth of each well or the general specifications of any other works for the withdrawal of groundwater. not applicable

10. The estimated amount of groundwater withdrawn each year. (1) 1,629,250 gal (2) 3,258,500 Gal.

11. The log of formations encountered in the drilling of each well if available. not applicable

12. Such other information of a similar nature as may be useful in carrying out the policy of this act, including reference to book and page of any county record.

Signature of Owner

Otto Rettig
Valmar Rettig

Date December 30, 1961

STATEMENT OF CLAIM CHECKLIST

FORM TYPE: I S D U

OK	NOT OK		
<u> </u>	<u> </u>	Received	
<u> </u>	<u> </u>	Basin	
<u> </u>	<u> </u>	County	
<u> </u>	<u> </u>	Division	
<u> </u>	<u> </u>	Transmittal	133386
<u> </u>	<u> </u>	Fee	

FORM ITEMS

	OK	NOT OK	
1	<u> </u>	<u> </u>	<u> </u>
2	<u> </u>	<u> </u>	<u> </u>
3	<u> </u>	<u> </u>	<u> </u>
4	<u> </u>	<u> </u>	<u> </u>
5	<u> </u>	<u> </u>	<u> </u>
6	<u> </u>	<u> </u>	<u> </u>
7	<u> </u>	<u> </u>	<u> </u>
8	<u> </u>	<u> </u>	<u> </u>
9	<u> </u>	<u> </u>	<u> </u>
10	<u> </u>	<u> </u>	<u> </u>
11	<u> </u>	<u> </u>	<u> </u>
12	<u> </u>	<u> </u>	<u> </u>
13	<u> </u>	<u> </u>	<u> </u>
14	<u> </u>	<u> </u>	<u> </u>
15	<u> </u>	<u> </u>	<u> </u>
16	<u> </u>	<u> </u>	<u> </u>

Checked by R. D. Russell MAY 12 1982 Date

DEFICIENT:

 Phoned Number Date

 Sent Letter To Date

Correction Deadline: Date

 Form Corrected Date

 Incomplete Form & Correspondence Sent To Helena

See notes on reverse side

Reservoir (Man-made Impoundment) Questionnaire

TO BE COMPLETED BY DEPARTMENT:

Claim No. 133386 Purpose Power Generation
Reservoir (Man-made Impoundment) located in:
NE 1/4 NE 1/4 S 24, Section 11, Township 24, Range 36, Sanders County
Source of Water Tributary of Clark's Fork (Sand 24) Priority Date 4-11-1912

TO BE COMPLETED BY CLAIMANT:

1. Is this reservoir used for storage of water for the purpose indicated on this water right claim? Yes No

If you answered NO, do not complete the rest of this questionnaire, simply return it.

If you answered YES, please complete the following.

2. If this reservoir is part of your water right claim,

- a) Is it used to store water? Yes No
- or b) Is it used to simply raise the stream water level enough to reach your ditches? Yes No
- or c) Is it used for both? Yes No

3. How do you remove water from this reservoir?

- a) Headgate Yes No
- b) Pump Yes No
- c) Other (explain) _____

4. If you have a headgate, draw down tube, or pump, how much of your reservoir can you drain? (all, 1/2, 2/3, 3 feet from the top or bottom, etc.) _____

What is the volume, in acre feet, that can be drained from your reservoir? _____

5. If it is possible, please give us the following information.

- a) Volume of the reservoir _____
Use the attached reservoir worksheet, Estimating the Capacity of Reservoirs, Lakes, and Ponds.
- b) Length of the reservoir _____
- c) Length of the dam (pit) at water level _____
- d) Surface acres of water _____
- e) Maximum depth of the water _____

WATER COURTS
Supplemental Document
Claim # 133386-7W

Signature: Ronald G. B. Reed

Date 27 Jan 83

76N W133386-00

TRANSFER

Locked-Up Basin

MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION

DNRC

Memorandum

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-0133386

RECEIVED

NR 8383

WATER RIGHT TRANSFER CERTIFICATE

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND WATER COURTS OF MONTANA

MAY 30 1984

MONTANA DEPT. OF NATURAL RESOURCES & CONSERVATION

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 DEPARTMENT USES & CONSERVATION

Fee received: 5.00 By: JCU
Transmittal No.: 01-238-01-11
Date:
Reviewed By: JG 6-25-84
Filed:
Coded: P.T. 7-24-84
BASIN: 76N

(type or print in ballpoint ink)

DNRC

1. WATER RIGHT(S) TO BE TRANSFERRED:

- Permit to Appropriate Water Number(s)
Certificate of Water Right Number(s) 76N W133386 -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:

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).

DNRC

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 59853
Name: Mailing Address:
Name: Mailing Address:
Name: Mailing Address:

5. SELLER'S NAME(S): List the seller's name and address if not listed in Item 4 above.

NAME: Brenda K. Bierer MAILING ADDRESS: Box 125 HAMILTON, MT 59840

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).

Name: Mailing Address:
Name: 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 Right Owners copy been recorded? [X] Yes, [] No.

By: Sally Clavner Deputy 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.

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.

1. **WATER RIGHT RECEIVED:** Number (See Item 1: page 1) _____
2. **PORTION OF WATER RIGHT RECEIVED:** Identify that portion of the water right the buyer received by the following information.

PURPOSE OF USE	RATE (GPM/CFS)	VOLUME (ACRE-FEET)	ACRES
_____	_____	_____	_____
_____	_____	_____	_____

3. **EXPLAIN:** Describe how the portion or percentage of the water right the buyer received was determined.

4. **POINT OF DIVERSION:** Describe the location where the buyer diverts his portion of the water right.
 Lot _____ Blk _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____, Sec _____ Twp _____ S Rge _____ W Co _____
 Lot _____ Blk _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____, Sec _____ Twp _____ S Rge _____ W Co _____

5. **PLACE OF USE:** Describe the location where the buyer uses his portion of the water right.
 USE: _____
 Acres _____ Lot _____ Blk _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____, Sec _____ Twp _____ S Rge _____ W Co _____
 Acres _____ Lot _____ Blk _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____, Sec _____ Twp _____ S Rge _____ W Co _____
 USE: _____
 Acres _____ Lot _____ Blk _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____, Sec _____ Twp _____ S Rge _____ W Co _____
 Acres _____ Lot _____ Blk _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____, Sec _____ Twp _____ S Rge _____ W Co _____
 Subdivision (if any) _____

Montana Water Rights Bureau Area Field Offices

HAYRE
 Old Highway 2
 P.O. Box 1828
 Havre, Montana 59501
 Phone: 288-5516
 Serving: Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton and Toole Counties.

MISSOULA
 2101 Bow Street
 P.O. Box 5004
 Missoula, Montana 59806
 Phone: 721-4284
 Serving: Missoula, Granite, Ravalli, and Mineral Counties.

GLASGOW
 110 5th Street South, Room 106
 P.O. Box 894
 Glasgow, Montana 59230
 Phone: 228-2561
 Serving: Daniels, Dawson, Garfield, McCone, Phillips, Richland, Rosevelt, Sheridan and Valley

HELENA—Office Location
 28 So. Rodney
Mailing Address:
 32 South Ewing
 Helena, Montana 59820
 Phone: 449-3634
 Serving: Deer Lodge, Powell, Lewis and Clark, Broadwater, Silver Bow, Jefferson and Beaverhead Counties.

BOZEMAN
 1201 East Main
 Bozeman, Montana 59715
 Phone: 598-3136
 Serving: Gallatin, Park and Madison Counties

BILLINGS
 1537 Avenue D, Suite 352
 Billings, Montana 59102
 Phone: 657-2105
 Serving: Big Horn, Carbon, Stillwater, Treasure, Yellowstone and Sweet Grass Counties.

KALISPELL
 3220 Highway 93 South
 P.O. Box 890
 Kalispell, Montana 59903-0890
 Phone: 752-2288
 Serving: Flathead, Lake, Lincoln and Sanders Counties.

LEWISTOWN
 613 NE Main Street
 P.O. Box 438
 Lewistown, Montana 59457
 Phone: 538-7459
 Serving: Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum and Wheatland Counties.

MILES CITY
 5 North Prairie
 P.O. Box 278
 Miles City, Montana 59301
 Phone: 232-8359
 Serving: Carter, Custer, Fallon, Powder River, Prairie, Rosebud and Wibaux Counties.

WATER RIGHT TRANSFER CERTIFICATE

CHECKLIST

DEPARTMENT USE BLOCK

- A. Is form dated received?
- B. Is the fee and transmittal number (county deposit #7715) indicated?
- C. After review; analyst initialed and dated "reviewed by".

TRANSFER 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.

COMMENTS / DOCUMENTATION / INSTRUCTIONS TO RECORDS (by Item number)

Item Comments

5 SELLER'S ADDRESS FROM TRANSFER FOR: 76N-W-133387

continued, see attached

ANALYST: Julie Jember

DATE: 6-25-84

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 808-1, 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

Fee
Transfer No.
Date: May 30 1984
Reviewed by:
Filed:
Coded: WATER COURTS
BASIN:

(type or print in ballpoint ink)

1. WATER RIGHT(S) TO BE TRANSFERRED:

- Permit to Appropriate Water Number(s) _____
- Certificate of Water Right Number(s) 76N W133386-00
- 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: _____

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(s). Include buyer's name(s), and seller's name(s) if they retain an interest in the water right(s).

*Amc WA
5-31-84*

Name Joseph E. Little Mailing Address P.O. Box 34, Noron, Montana
Name _____ Mailing Address _____
Name _____ Mailing Address _____
Name _____ Mailing Address _____

5. SELLER'S NAME(S): List the seller's name and address if not listed in Item 4 above.

NAME: Brenda E. Riarer 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).

Name _____ Mailing Address _____
Name _____ 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 Right Owners copy been recorded? Yes, No.

By [Signature] Deputy or _____ 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.

07/09/82

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

76N -W-133386-00. PRIORITY DATE: 00:00 04/15/1912 TYPE OF RIGHT: FILED CLAIM RECEIVED: 04/30/82 FEE PAID:
TYPE CODE: G MAX RATE: 4.00 C (M) I BJERER (M) I BJERER (M) I BJERER MAX VOLUME: 28.90 AF/YEAR
BRENDA G BOX 33 PINESDALE MT 59841 RONALD G PINESDALE MT 59841

DV 01 SPRINGS TRIB OF CAGNER Gorge RESERVOIR LOT BLK QTR SEC SEC TWP. RGE CO
UT-CLARK-FORK-RIVER NENESE 11 26N 33W SA MEANS DIVRS-HG

Table with columns: ACRES, LOW ACCT VER., ACRES WRS, 19, LOT BLK, QTR SEC, SEC, TWP, RGE, CO, REMARKS. Includes rows for 001 and TOTAL.

REMARK RECORD VM+MU

IF MAIN RIGHT, MAX COMBINED VOLUME FOR ALL RIGHTS ... AF MAX COMBINED ACRES FOR ALL RIGHTS
IF SUPPLEMENTAL RIGHT, PURPOSE ID ... AND CLAIM ID ... OF MAIN RIGHT

FIELD VERIFICATION FORM *****
VOLUME BASED ON FLOW RATE AND PERIOD OF USE 2,920.192 AF/YR - OVER CLAIMED VOLUME

ME OK: YES NO COMMENTS CHANGED PER CLAIM FORM AND USES QUAD
S/G) OK: YES NO COMMENTS

V 01 YES NO APPEARS CORRECT UNVERIFIED COMMENTS CLAIMANT'S MAP DON'T SHOW IF LD IS MERE LOCATIO
USE: CLAIMED FLOW RATE OK: YES NO COMMENTS SPRING

CLAIMED PRY DATE OK: YES NO COMMENTS CHANGED TO EARLIER DATE ON FILING
OK: YES NO COMMENTS HIGH?

DATE OK: YES NO COMMENTS
USE OK: YES NO COMMENTS FORMAT OK BUT CHANGED TO DATE OF FIRST USE ON FILING

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

M W-13386-00 (CONTINUED)

VERIFICATION OF DEVELOPMENT:	PHOTO	PHOTO DATE
	PHOTO	PHOTO DATE
	PHOTO	PHOTO DATE
CONTACT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DATE COMPLETED
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DATE COMPLETED
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DATE COMPLETED
INVESTIGATION:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DATE APPROVED BY
		DATE CHECKED
		BY
		COMMENTS

INVESTIGATED BY Judy Janssen DATE 8/21/83
 CHECKED BY _____ DATE _____

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 # See Addendum for claim numbers
2. Source Spring tributary Cabinet Gorge Reservoir
3. County Sanders
4. Name, address and phone number of party appearing:

Little, Joseph E.
Last Name First Name Middle Initial
c/o C. E. Crocker 505 Mineral Avenue
Street Address or P.O. Box
Libby, Montana 59923 293-4101
City State Zip Code Phone Number

- 5. Name address and phone number of party's attorney, if any:
Crocker, C. E.
Last Name First Name Middle Initial
505 Mineral Avenue
Street Address or P.O. Box
Libby, Montana 59923 293-4101
City State Zip Coede Phone Number

6. Signature of appearing party: [Handwritten Signature]

7. State appearing party's legal rights that may be affected by this preliminary hearing and the purposes for which further participation in this hearing is requested. If additional space is needed for elaboration, please attach on 8X 11 1/2 paper.

8. Please send completed form to: Montana State Water Courts
P.O. Box 879
Bozeman, MT 59715

FILMED

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 76N-W-133386-00 upon entry
of a decree with the following correction: will remain as
stated in the temporary preliminary decree

It is no longer necessary to have a hearing before the
Water Courts regarding the above objection.

DATED this 13 day of March, 1986.

Mark J. Fennessy
Attorney for
Joseph 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 RIVER DRAINAGE)
AREA, INCLUDING ALL TRIBUTARIES OF)
THE CLARK FORK BELOW THE FLATHEAD)
RIVER IN FLATHEAD, LINCOLN AND)
SANDERS COUNTIES, MONTANA.)



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Water Courts regarding the above objection.

DATED this 13 day of March, 1986.

Mark J. Fennessy
Attorney for
Joseph E. Little

FILMED
DEC 27 1993

M. RICHARD GEBHARDT, P.C.

ATTORNEY AT LAW
515 U.S. HIGHWAY 93 SOUTH
RONAN, MONTANA 59864
(406) 876-3880

August 6, 1985



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

Re: Water Right No: ^{76N-16} 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.

Sincerely,

A handwritten signature in dark ink, appearing to be "M. Richard Gebhardt".

M. RICHARD GEBHARDT

kl

cc: Bob Guilfoyle

FILMED
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




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 9th 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 9th 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

Brenda K. Bierer

FILMED

FILE/WATER RIGHT NO. W133381 or 76N

DNRC WATER RIGHT OWNERSHIP UPDATE

DEQ CODE	
CODE	
CODE	
CODE	
CODE	
CODE	
CODE	
CODE	
CODE	
CODE	

FILED

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

Month/Day/Year

Seller - Enter grantor's complete name and mailing address, including city, state and ZIP.

Brenda K. Bieker
1477 Hwy 93
Victor Mt. 59875 Daytime Phone # _____

Buyer - Enter grantee's complete name and assessment r/w. Also mailing address, including city, state and ZIP.

Joseph E. Little 9/0 WAYNE LITTLE
P.O. Box 72
Nelson Mt. 59853 Daytime Phone # 406-247-2692

Legal Description: _____ Attachment
 Add/Sub _____ Block _____ Lot _____
 County _____ City/Town _____ Section _____ Township _____ Range _____

A. WATER RIGHT(S) TO UPDATE

- List all water rights which need to have ownership updated. Attach a list if additional space is needed. Attachment
- 76-N-W13382, 76N-W13383, 76N-W13384
76-N-W13385, 76N-W13386, 76N-W13387
- ▷ (W, U, A, B, or C) Statement of Claim No. _____
 - ▷ (C) Certificate of Water Right No. _____
 - ▷ (P) Permit to Appropriate Water No. _____
 - ▷ (E) Exempt Existing Right No. _____
 - ▷ (D) Powder River Basin 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.

- 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.
- Yes No If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?

Seller Signature: _____ Date: _____
 Seller Signature: _____ Date: _____

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?
 Name _____ Address _____ Phone # _____

D. REMARKS _____

FOR DEPARTMENT USE ONLY		RECEIVED
SEARCHED	INDEXED	MONTANA DNRC LANDS & RECREATION OFFICE PO BOX 200 HELENA, MONTANA 59602
SERIALIZED	FILED	
APR 24 2008		
FBI - HELENA		

COMPLETE AND SEND THIS FORM TO DNRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED

BOX BAR CODE 012609
 FILE BAR CODE 0198841

KALISPELL WATER RESOURCES REGIONAL OFFICE
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION



JUDY MARTZ
GOVERNOR

109 COOPERATIVE WAY
SUITE 110

STATE OF MONTANA

PHONE: (406) 752-2223
FAX: (406) 752-2943

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,

A handwritten signature in cursive script that reads "Linda Molina".

Linda Molina
Program Assistant
Kalispell Regional Office

Xc: Joseph & Wayne Little

WARRANTY DEED

8128

(JOINT TENANCY)

For Value Received BRENDA K. BIERER of 2505 N. Highway 93,
Hamilton, Montana 59840

the Grantor, do hereby grant, bargain, sell and convey unto JOSEPH E. LITTLE
and VIRGINIA LITTLE of Ash Springs, Niko, 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, Montana, to wit:

The NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, the
SW $\frac{1}{4}$ SE $\frac{1}{4}$, the W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ 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 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 Grantor, do hereby covenant to and with the said
Grantees, that she is the owner in fee simple of said premises; that they are free from all
incumbrances

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

Dated: July 25, 1983

Brenda K. Bierer
BRENDA K. BIERER

210829

STATE OF MONTANA, COUNTY OF Ravalli
On this ~~4th~~ 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 person whose name is
subscribed to the foregoing and acknowledged
to me that she executed the same.

Brenda K. Bierer
Notary Public
Residing at _____, Montana
Comm. Expires _____

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

at 10 minutes past 2 o'clock P.M.,
this 27th day of September,
1983, in my office and duly recorded in Book
of Deeds at page micro # 8128

Diane Vaughn
County Recorder
Christina Mangione
Deputy.

Fees \$ 6.00
Mail to:

INDEXED
25

ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE FROM 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 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. *****DNRC*LOCATE** *8*NS*990101***

OWNERS: LITTLE JOSEPH E
8 WAYNE LITTLE
PO BOX 72
NOXON MT 59853

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:

Table with 5 columns: USE, FLOW, VOLUME (AF), ACRES, PERIOD OF USE. Row 1: POWER GENERATION, 4.00 C, 28.90, JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

Table with 7 columns: DIVERSION: LOT, BLK, QTR, SEC, SEC, TWP, RGE, COUNTY, MEANS. Row 1: NENESE, 11, 26N, 33W, SANDERS, HEADGATE

PLACE OF USE FOR POWER GENERATION:

Table with 9 columns: ACRES, LOT, BLK, QTR, SEC, SEC, TWP, RGE, COUNTY. Row 1: 001, S2S2, 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 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, MCA.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/06/00.

14064

DNRC WATER RIGHT OWNERSHIP UPDATE

FILE - WATER RIGHT NO. W133386-76N

GEO CODE: _____

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

PART 2 _____

Seller / Decedent Joint Tenants - Enter grantor's / decedent joint tenant's complete name and mailing address, including city, state and ZIP.

Joseph E. Little

11742 El Camino Del Diablo

Yuma, AZ 85367

Daytime Phone # _____

Buyer / Surviving Joint Tenant - Enter grantor's / surviving joint tenant's complete name and assessment notice mailing address, including city, state and ZIP.

Robert J. Thomas and Barbara J. Thomas

PO Box 84

Noxon, MT 59853

Daytime Phone # _____

PART 3 Description of Property If description is not on this form, attach a separate page. Attachment

Legal Description: See Attached Description

Add/Sub Sanders Block _____ Lot _____

County _____ City/Town _____ Section _____ Township _____ Range _____

A. WATER RIGHT(S) TO UPDATE

List all water rights which need to have ownership updated. Attach a list if additional space is needed. Attachment

- > (W, U, A, B, or O) Statement of Claim No. _____
- > (C) Certificate of Water Right No. 76N-133382-00 IR; 76N-133383-00 DM; 76N-133384-00 DM
- > (P) Permit to Appropriate Water No. 76N-133385-00 PW; 76N-133386-00 PG; 76N-133387-00 ST
- > (E) Exempt Existing Right No. _____
- > (D) Powder River Basin Decreed Right No. _____
- > Other _____

B. SELLER Deceased Joint Tenant (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.

Yes No Did the buyer / surviving joint tenant receive 100% of the seller's interest in the water rights shown above? If no attach a map showing buyer's property.

Yes No If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?

Seller Signature: Joseph E. Little Date: 1-22-04

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?

Name Claude J. Burlingame, P.C. Address PO Box 9 Phone # 827-4381

D. REMARKS _____

FOR DEPARTMENT USE ONLY		WATER RIGHT TRANSFER CERTIFICATE	
Fee Rec'd # <u>100.00</u>	Check No. <u>5005</u>	Transfer No. <u>WTR 133386</u>	<p>RECEIVED</p> <p>APR 8 2004</p> <p>FRONTANA DNRC SHELL REGIONAL OFFICE</p> <p>Rec'd by _____</p>
Prior _____	Date _____	FOI _____	
Refund \$ _____	FOI _____	FOI _____	
Cooper _____	FOI _____	FOI _____	
For Complete Information See File _____	FOI _____	FOI _____	

COMPLETE AND SEND THIS FORM TO DNRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 8TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59320-1601

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 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:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESE	11	26N	33W	SANDERS

Diversion Means: HEADGATE

Purpose (Use): POWER GENERATION
Volume: 28.90 AC-FT
Period of Use: JANUARY 1 to DECEMBER 31
Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2S2	11	26N	33W	SANDERS

July 13, 2004
76N 133386 00

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 11/03/00.

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 BASIN

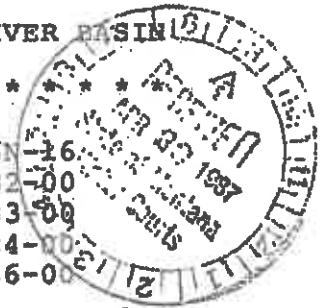
IN THE MATTER OF THE ADJUDICATION OF THE EXISTING RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER DRAINAGE AREA, INCLUDING ALL TRIBUTARIES OF THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER IN FLATHEAD, LINCOLN AND SANDERS COUNTIES,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

Case No. 76N-16
76N-W-133382-00
76N-W-133383-00
76N-W-133384-00
76N-W-133386-00

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

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

FILMED

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	SE $\frac{1}{2}$ 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

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	SE $\frac{1}{2}$ 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 should be 3.525 cfs, 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.

Linda Hickman
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 $\frac{1}{4}$ SESW	Section 11	Township 26 North	Range 33 West
40	SWSE	Section 11	Township 26 North	Range 33 West
11 $\frac{1}{4}$	S $\frac{1}{4}$ NWSE	Section 11	Township 26 North	Range 33 West
20	SESE	Section 11	Township 26 North	Range 33 West
2 $\frac{1}{4}$	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 17 day of April, 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

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 76N-W-133386-00 upon entry
of a decree with the following correction it will remain as
decided in the temporary preliminary decree

It is no longer necessary to have a hearing before the
Water Courts regarding the above objection.

DATED this 13 day of March, 1986.

Mark J. Fennessy
Attorney for
Joseph E. Little

FILMED

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.

Enclosed 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 has
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)
)
) 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.

Joseph E. Little
Joseph E. Little
Virginia M. Little
Virginia Little

FILMED

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

Petra 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 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 # 133386; Page # of Preliminary Decree 1026
 Spring Tributary of
2. Source Cabinet Gorge Res.; County Sanders
3. Type of Claim: ___ Irr ___ Dom ___ Stock X Other Use Power Generation
4. Name of Party to whom the water right was issued:
Brenda and Ronald Bierer
5. Objector's name, address and phone number:

UNITED STATES OF AMERICA (USDA-Forest Service)
 Last Name First Name Middle Initial

P.O. Box 7669
 Street Address or Post Office Box

Missoula MT 59807
 City State Zip Code

406 329-3073
 Area Code Phone Number

6. Name of objecting party's attorney and address, if any:

JOHN R. HILL JR. Attorney, Department of Justice Land & Natural Resources Division 1961 Stout Street, Drawer 3607 Denver, CO 80294-3607	LAWRENCE H. JAKUB Attorney in Charge P.O. Box 7669 Missoula, MT 59807
---	--

~~303-337-3892~~
844-2892

406-329-3073

EILMED

7. Basis of Objection:

___ Ownership	___ Place of Use	<u>X</u> Point of Diversion
___ Priority Date	___ Acres Irrigated	___ Means of Diversion
___ Purpose of Right	___ Source	___ Volume or Flow Rate

8. Signature of Objector: John R. Hill

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.

FILMED



MONTANA WATER COURTS
STATE OF MONTANA

WATER JUDGES:

Upper Missouri River Basin
 Chief Judge W W Lesley
 PO Box 879
 Bozeman, MT 59715

Lower Missouri River Basin
 Judge Bernard W Thomas
 PO Box 838
 Chinook, MT 59523

Clark Fork River Basin
 Judge Robert M Holter
 Lincoln County Courthouse
 Uliby, MT 59823

Yellowstone River Basin
 Judge Roy C. Redegard
 PO Box 448
 Roundup, MT 59072

August 3, 1984

Jim Kindie
 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 have
	116385	116348	133383
	116386	116349	133384
	116387	116359	133386
	116388	116367	138044
	116389	116368	138084
	116390	116374	138086
	116391	116381	140137
	116392	116382	
		116383	
76N-	003156	116384	
	011608	116396	
	027766	116387	
	028667	116398	
	028666	116399	
	028694	116400	
	052604	116401	
	052607	116402	
	052631	116415	
	052642	121849	
	052648	122964	
	105585	124888	
	107694	133269	

Thanks, Jim and Sue!

Sincerely,

[Signature]
 Chris Jensen
 Clerk

FILMED

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

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
RIVER TEMPORARY PRELIMINARY DECREE

TO: Ronald & Brenda Bierer

RE: Water Right# 133386

FROM: Montana State Water Courts

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
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

Suzanne Nellen
Water Master
P.O. Box 879
Bozeman, MT 59715

FILMED

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

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	)	CASE NO. 76N-16
THE WATER, BOTH SURFACE AND UNDERGROUND,	)	76N-W-133382,
WITHIN THE CLARK FORK BELOW THE	)	76N-W-133383,
FLATHEAD DRAINAGE AREA, INCLUDING ALL	)	76N-W-133384,
TRIBUTARIES OF THE CLARK FORK BELOW THE	)	76N-W-133386
FLATHEAD RIVER IN FLATHEAD, LINCOLN,)	
AND SANDERS COUNTIES, MONTANA.)	



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.

FILMED

DNRC WATER RIGHT OWNERSHIP UPDATE

GEO CODE: _____

PART 1 - SALE DATE:
11/9/98
 Month/Day/Year

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

PART 2 - Grantor/Grantor - names must be entered exactly as they appear on the transfer of ownership
 Seller - Enter grantor's complete name and mailing address, including city, state and ZIP.

ROBERT J. GUILLOTTE & ELIZABETH J. GUILLOTTE
 21157 S. Maplewood Avenue
 Chicago, IL 60655
 Daytime Phone # _____

Buyer - Enter grantee's complete name and assessment notice mailing address, including city, state and ZIP.

ELVA J. HORN & GUYDIE R. HORN *OR*
 20445 Action Road
 P.O. B 1611
 Noxon MT 59723
 Daytime Phone # 406-847-8707

PART 3 - Description of Property: If the description is taken from a recorded instrument, attach a copy of the instrument.

Legal Description: _____ Attachment
 Add/Sub _____ Block _____ Lot _____
 County SANBORN City/Town _____ Section 11 Township 26N Range 33E

A. WATER RIGHT(S) TO UPDATE

- List all water rights which need to have ownership updated. Attach a list if additional space is needed. Attachment
- ▶ (W, U, A, B, or O) Statement of Claim No. W 138086 (Treatment) *other all No.*
 - ▶ (C) Certificate of Water Right No. 76N W133386 *76N P039739 W133386*
 - ▶ (P) Permit to Appropriate Water No. _____
 - ▶ (E) Exempt Existing Right No. _____
 - ▶ (D) Powder River Basin 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 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.
 Yes No If the sale is of a contract for deed, does the seller want to remain listed as an owner of the water right?
 Seller Signature: [Signature] Date: 11-12-98
 Seller Signature: [Signature] Date: 11/16/98

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?
 Name Alan Morrison Address Box 247 Thompson Falls Phone # 837-7372

D. REMARKS _____

FOR DEPARTMENT USE ONLY		WATER RIGHT TRANSFER CERTIFICATE	
Fee Rec'd <u>45</u>	Check No. <u>1450</u>	Transmittal No. <u>08-059</u>	Date RECEIVED
Paid By <u>Alan Morrison</u>	Date _____	RO# _____	MAR 31 1999
See File _____	Read By _____	MONTANA D.N.R.C. HELSFELL REGIONAL OFFICE	

SEND THIS FORM TO DNRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED

BOX BAR CODE 012609
 FILE BAR CODE 019884

WARRANTY DEED

For Value Received

RONALD G. BIERER and BRENDA K. BIERER of Box 33,
Pinedale, Montana 59841

the grantors do hereby grant, bargain sell and convey unto SAN FOURAS of 13901
S. Burnham Ave., Burnham, Illinois 60633, an undivided one-third interest;
ROBERT GULLFOYLE, JR. of 10608 S. Sawyer, Chicago, Ill. 60655, an undivided
one-third interest; and ROBERT GULLFOYLE, SR. of 17252 S. 6th Court, Pen-
ley Park, Ill. 60477, an undivided one-third interest Sanders County, Montana,
to wit:

The West half of the Southeast quarter of the Southwest
quarter (W $\frac{1}{2}$ S $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Eleven (11), Township Twenty-
six (26) North, Range Thirty-three (33) West, N.P.M.

SUBJECT to easements 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, sup-
plying water to the above-described premises, running in a
northeasterly direction over and across the E $\frac{1}{2}$ SE $\frac{1}{2}$ SW $\frac{1}{4}$ and
the W $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{4}$ 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 heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee 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 27th day of August, 1980

Ronald G. Bierer
RONALD G. BIERER

Brenda K. Bierer
BRENDA K. BIERER

STATE OF MONTANA, COUNTY OF Sanders
On this 27th day of Aug, 1980
before me, a Notary Public in and for said State, personally
appeared

RONALD G. BIERER and
BRENDA K. BIERER

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me
that they executed the same.

Alvin C. ...
Notary Public
Montana

Residing at Plains
Comm. Expires 8-24-83

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

at 00 minutes past 11 o'clock A.M.,
this 24 day of March
1980 in my office, and duly recorded in Book 101
of Deeds at page 106

Dixie Vaughn
Ex-Officio Recorder

By *Levyn Cox* Deputy.

Fees \$3.50
Mail to:

INSTRUMENT No. 165662

KALISPELL WATER RESOURCES REGIONAL OFFICE
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION



MARC RACICOT
GOVERNOR

109 COOPERATIVE WAY
SUITE 110

STATE OF MONTANA

PHONE: (406) 752-2288
FAX: (406) 752-2843

KALISPELL, MONTANA 59901-2387

²⁶
April 10, 1999

Alex Morrison
PO Box 247
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 JR. THE OTHER TWO NUMBERS ARE OK.*

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.

Why two transfers? Because you sent a deed from Grant B Laver to the seller, I'm going to terminate that transfer & refund 25⁰⁰

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,

Linda Molina
Linda Molina
Program Assistant
Kalispell Regional Office

** Need some kind of documentation to show the property went from Jr. & Sr. to . . . who is who?*

QUITCLAIM DEED
(Joint Tenancy)

~~FOR VALUE RECEIVED~~ *2MG*

GRANT K. BIERER

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 (W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, Township 26 North, Range 33 West, M.P.N.

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 E $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the W $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ 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. Bierer
GRANT K. BIERER

STATE OF Montana)
County of Pavilli) ss.

10th The foregoing Quitclaim Deed was acknowledged before me on the 19th day of October, 1998 by GRANT K. BIERER.
November

(SEAL)

Deloris L. Morris
Notary Public, State of Montana
Residing at Glendora
My Commission Expires: 2-11-2002

233846

STATE OF MONTANA, COUNTY OF SANDERS
Recorded the 24 Day of March 10 99 at 9:30
o'clock A. M. Meriton # 25932
Pat W. Graham County Recorder
Fee 6.00 By Janet A. Alquist Deputy

WARRANTY DEED
(Joint Tenancy)

26933

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 (W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, Township 26 North, Range 33 West, M.P.M.

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 E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ 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. 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.

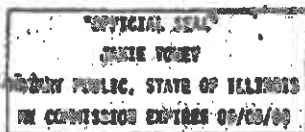
DATED this 12 day of November, 1998.

Robert J. Guilfoyle
ROBERT J. GUILFOYLE

Elizabeth J. Guilfoyle
ELIZABETH J. GUILFOYLE

STATE OF ILLINOIS)
) ss.
County of Cook)

The foregoing Warranty Deed was acknowledged before me on the 12 day of November, 1998 by ROBERT J. GUILFOYLE and ELIZABETH J. GUILFOYLE.



Jamie Tourey
Notary Public, State of Illinois
Residing at:
My Commission Expires: 233847

WARRANTY DEED - GUILFOYLE/HORN STATE OF MONTANA, COUNTY OF SANDERS Page 1 of 1
Recorded the 24 Day of March 19 99 at 9:35 o'clock A.M. Microfilm # 26933
Pat Thompson County Recorder
Fee Co By Pat Thompson Deputy

PN

09/30/99

PAGE 1

ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE
FROM
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
STATE OF MONTANA

WATER RIGHT NUMBER 74N -W-13386-00

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.

*****DNRC*LOCATE** *8*RH*940308***

OWNERS: HORN GEORGE R
 29445 ADRIAN RD WA 96851
 SOAP LAKE

 HORN ELVA J
 29445 ADRIAN RD WA 96851
 SOAP LAKE

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 PRESUED 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:

LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY	MEANS
			WENESE	11	26N	33W	SANDERS	HEADGATE

PLACE OF USE FOR POWER GENERATION:

ACRES	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY
001				S2S2	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.

WATER RIGHT NUMBER 76N -W-153386-00

PAGE 2

REMARKS CONTINUED:

W153382-00, W153385-00, W153386-00

** 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.

WATER RIGHT NUMBER 76N -W-133386-00

<u>OWNERS:</u>	BISLER	RONALD	G	
	BOX 33			
	PINESDALE		MT	59841
	BISLER	BRENDA	K	
	BOX 33			
	PINESDALE		MT	59841

No Chg

PRIORITY 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

PERIOD OF USE: JAN 1 TO DEC 31.

POINTS OF DIVERSION AND MEANS OF DIVERSION:

<u>LOT</u>	<u>BLK</u>	<u>QTR</u>	<u>SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>	
			NENESE	11	26N	33W	SANDERS	HEADGATE

PLACE OF USE FOR POWER GENERATION

<u>ACRES</u>	<u>LOT</u>	<u>BLK</u>	<u>QTR</u>	<u>SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
001				S2S2	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 DECREASES 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

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 133397-00 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): STOCK

Maximum Flow Rate:

Maximum Volume: THIS WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 90 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:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		W2SWSE	11	26N	33W	SANDERS	

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: SPRING, UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		E2SESW	11	26N	33W	SANDERS	
---	--	--------	----	-----	-----	---------	--

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: UNNAMED TRIBUTARY OF CABINET GORGE RESERVOIR

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	W2SWSE	11	26N	33W	SANDERS	

Diversion to Reservoir: DIVERSION # 1

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			E2SESW	11	26N	33W	SANDERS	
2			W2SWSE	11	26N	33W	SANDERS	

Geocodes/Valid: 35-3886-11-4-01-01-0000 - 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 # 14064 RECEIVED 04/08/2004.

OWNERSHIP UPDATE TYPE DOR # 151062 RECEIVED 12/27/2018.



FILE



STATEMENT OF CLAIM



76N



133387



00

Current File Location: NEW STORAGE

Box Bar Code _____

File Bar Code _____

Date/Initials _____

Stock Water

Form No. 76-S N1079

RECEIVED

133387

76N

STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS

APR 30 1982

STOCK WATER

MONTANA D.N.R.C. KALISPELL FIELD OFFICE

For the Water Courts of the State of Montana

08-12-14-01

1. Owner of Water Right

BIERER | RONALD | G

Co-Owner or Other Interest Owner

BIERER | BRANDA | G

Address BOX 33

City Pinesdale State Montana Zip Code 59841

Home Phone No. 961-3988 Business Phone No. 961-3091

2. Person completing form BIERER

Ronald | G

Address Box 33

City Pinesdale State Montana Zip Code 59841

Home Phone No. 961-3988 Business Phone No. 961-3091

3. Use: Stock water

NOTE: SPRING IN UNNAMED CANYON IS HYDROLOGICALLY CONNECTED TO POND ON PROPERTY VIA UNDERGROUND STREAM. SPRING RUNS ON TO 44 ACRES. SINKS IN TO GROUND AND COMES UP AGAIN IN POND. LAND WATER.

4. Source of Water:

Stream Name Unnamed Canyon Tributary of Clark Fork

Spring 7 Ponds UT

Well

Lake Name Unnamed Stream Spring Run

Tributary of Clark Fork River

Reservoir Name Stream

Tributary of

5. Point of Diversion: County Sanders

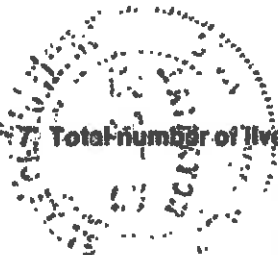
NE 1/4 NE 1/4 SE 1/4, Section 11, T 26 N, R 33 E W

6. Means of Diversion, if applicable: GD

- Pump gallons per day
- Gravity Flow 3075 gallons per day
- Direct 3075 gallons per day
- Other: Explain gallons per day

7. Total number of livestock served: 205

- Type: 200 cattle
- 5 horses
- sheep
- goats
- other, explain



3. ^{DNRC} Place of use: County Sanders

Section 11, T 26 N/S, R 33 EW
 Section _____, T _____ N/S, R _____ EW
 Section _____, T _____ N/S, R _____ EW
 Section _____, T _____ N/S, R _____ EW
 Section _____, T _____ N/S, R _____ EW

9. Flow rate claimed: 1401 cubic feet per second
 gallons per minute
 miner's inches

10. Volume claimed: 4 acre-feet

11. Period(s) of use: Jan 1 to December 31
 Month Day Month Day

12. ^{DNRC} Check one: Decreed Water Right Filed Appropriation Right Use Water Right
 Priority date or date of first use: 1 4 1 1 1912
 Hour Month Day Year

13. Attach copies of the Decree, Record of Filing or Proof of Use Right.

14. Attach copies of aerial photographs, U.S. Geological Survey maps or such other documents necessary to show point of diversion, place of use, place of storage, and conveyance facilities.

15. Notarized Statement signed by claimant.

STATE OF MONTANA)
 County of avalli)ss.

I, Ronald G. Bieres, having been first duly sworn, depose(s) and say(s) that (he) (she) (they), being of legal age and being the claimant(s) of the foregoing claim of Existing Water Right, and the person(s) whose name(s) is (are) subscribed thereto as the claimant(s), that (he) (she) (they) know(s) the contents of said foregoing claim and that the matters and things therein are true and correct.

Ronald G. Bieres

Subscribed and sworn before me, this 29th day of April 1982

Rebecca Davis
 Notary Public for the State of Montana

Residing at Pinedale, Mt.
 My Commission expires Aug. 13, 1984

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 GRANT K
Last First Middle Initial

Address P.O. BOX 33
City PINESDALE State MT. Zip Code 59841

Name _____
Last First Middle Initial

Address _____
City _____ State _____ Zip Code _____

02 Name _____
Last First Middle Initial

Address _____
City _____ State _____ Zip Code _____

Name _____
Last First Middle Initial

Address _____
City _____ State _____ Zip Code _____

02 Name _____
Last First Middle Initial

Address _____
City _____ State _____ Zip Code _____

Name _____
Last First Middle Initial

Address _____
City _____ State _____ Zip Code _____

02 Name _____
Last First Middle Initial

Address _____
City _____ State _____ Zip Code _____

Name _____
Last First Middle Initial

Address _____
City _____ State _____ Zip Code _____

Use additional sheets if necessary

133387

133387

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 Rodriguez, Analyst Supervisor
Existing Rights Section
Water Rights Bureau

SR:db

WATER RESOURCES DIVISION
DARRIN FERRIS, ADMINISTRATOR
(406) 448-2872

FLOODWAY MANAGEMENT
(406) 448-2872

ENGINEERING
(406) 448-2884

RESOURCES & PLANNING
(406) 448-2872

WATER DEVELOPMENT
(406) 448-2837

WATER RIGHTS
(406) 448-2834

HIGH PLAINS EXPERIMENT
(406) 448-2872

SOUTH EWING, HELENA, MONTANA 59601

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
NATURAL RESOURCES BUILDING
SOUTH EWING
HELENA, MONTANA 59601

POOR COPY

RETURN TO: <i>Mr. Ferris</i> <i>3000</i> <i>MT 59601</i>		INSURED NO.	of address or figure	<input type="checkbox"/> Authorized agent <i>ADAMSON</i> <i>ROSTMAN</i> <i>1978</i> <i>5</i>	CLERK'S INITIALS
requested (check one) its delivered... and address of delivery. FERRY to delivered... FERRY. id address of delivery. \$	ASTER FOR FEES <i>ADAMSON</i> <i>ROSTMAN</i>	<i>ADAMSON</i>	described above.	1978 5	

★ 80:107-0-10-207

Ura E. Ellis
of Nelson, Sanders County, Montana

NOTICE OF APPROPRIATION
OF WATER

160" unnamed stream

Dated Apr. 8, 1912

Filed Apr. 11, 1912

Book 2 WR p. 264

Public

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

I. That he has a legal right to the use, possession and control
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 NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
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 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 hereditarily
thereunto belonging and appertaining.

433387

UNITED STATES OF AMERICA

-tc-

Uri E. Ellis

U. S. PATENT
Act of May 20, 1862
Homestead Act

Dated Aug. 24, 1918

Filed Feb. 3, 1922

Book 12 Deeds, p. 388

THERE IS GRANTED

the northwest quarter of the southwest quarter of the
northwest quarter of the southeast quarter
the south half of the south half of the northwest quarter
of the southeast quarter,
the southwest quarter of the southwest quarter of the
northeast quarter of the southeast quarter,
the southwest quarter of the southeast quarter,
the west half of the west half of the southeast quarter
of the southeast quarter,
the east half of the southwest quarter of the southeast
quarter of the southeast quarter,
the south half of the southeast quarter of the southeast
quarter of the southeast quarter, and
the southeast quarter of the southwest quarter

of Section eleven
in Township twenty-six north
of Range thirty-three west
of the Montana Meridian, Montana,

containing one hundred fifteen acres, according to the
Official Plat of the Survey of the said land, returned to
the General Land Office by the Surveyor General.

To Have and To Hold with the appurtenances forever,

SUBJECT to any vested and accrued water rights for mining, agri-
cultural, 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 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.

By the President: Woodrow Wilson

By M. P. LeRoy, Secretary

L. J. C. Lamar
Recorder of General Land Office

(GENERAL LAND
OFFICE SEAL)

County of Cascade State of Oregon

Otto Pettig & Vilmer Pettig having first been duly sworn, depose and say that they are of lawful age and are the appropriator s and claimant s of the order and water right mentioned in the foregoing declaration of vested groundwater rights and the person s whose name s subscribed thereto as the appropriator s and claimant s , that they know the contents of said foregoing notice and that the matters and things therein stated are true.

Otto Pettig
 Vilmer Pettig

Subscribed and sworn to before me, this 30 day of June , 19 63

Donald C. Huntly
Notary Public for the State of Montana
Residing at Helena, Montana
My Commission expires June 1, 1966

12707

Received and filed
in record on
at of
by
County Clerk
by
ref

ADMINISTRATOR OF GROUNDWATER CODE
OFFICE OF STATE ENGINEERS

133387

Declaration of Vested Groundwater Rights

(Under Chapter 287, Montana Session Laws, 1961)

1. Otto Rettig & Valmar Rettig of Noxon
(Name of Appropriator) (Address)
County of Sanders State of Montana (Town)

has appropriated groundwater according to the Montana laws in effect prior to January 1, 1962, as follows:



SE 1/4 SW 1/4 Sec. 11 T. 26N R. 33W

Indicate point of appropriation and place of use, if possible. Each small square represents 10 acres.

2. The beneficial use on which the claim is based: (1) stock watering - 40 head, irrigation (2) stock watering - 40 head, irrigation

3. Date or approximate date of earliest beneficial use; and how continuous the use has been: (1) 1911 (2) 1911

4. The amount of groundwater claimed (in miner's inches or gallons per minute): see #10

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 SW 1/4 SW 1/4 11 26N 33W
(2) ten acres crop land SW 1/4 SW 1/4 11 26N 33W

6. The means of withdrawing such water from the ground and the location of each well or other means of withdrawal: sub irrigation overflow - from ponds fed by underground springs outlets

7. The date of commencement and completion of the construction of the well, wells, or other works for withdrawal of groundwater: 1911 - enlargement

8. The depth of water table: (1) 5' (2) 5

9. So far as it may be available, the type, size and depth of each well or the general specifications of any other works for the withdrawal of groundwater: not applicable

10. The estimated amount of groundwater withdrawn each year: (1) 1,629,250 gal (2) 3,258,500 Gal.

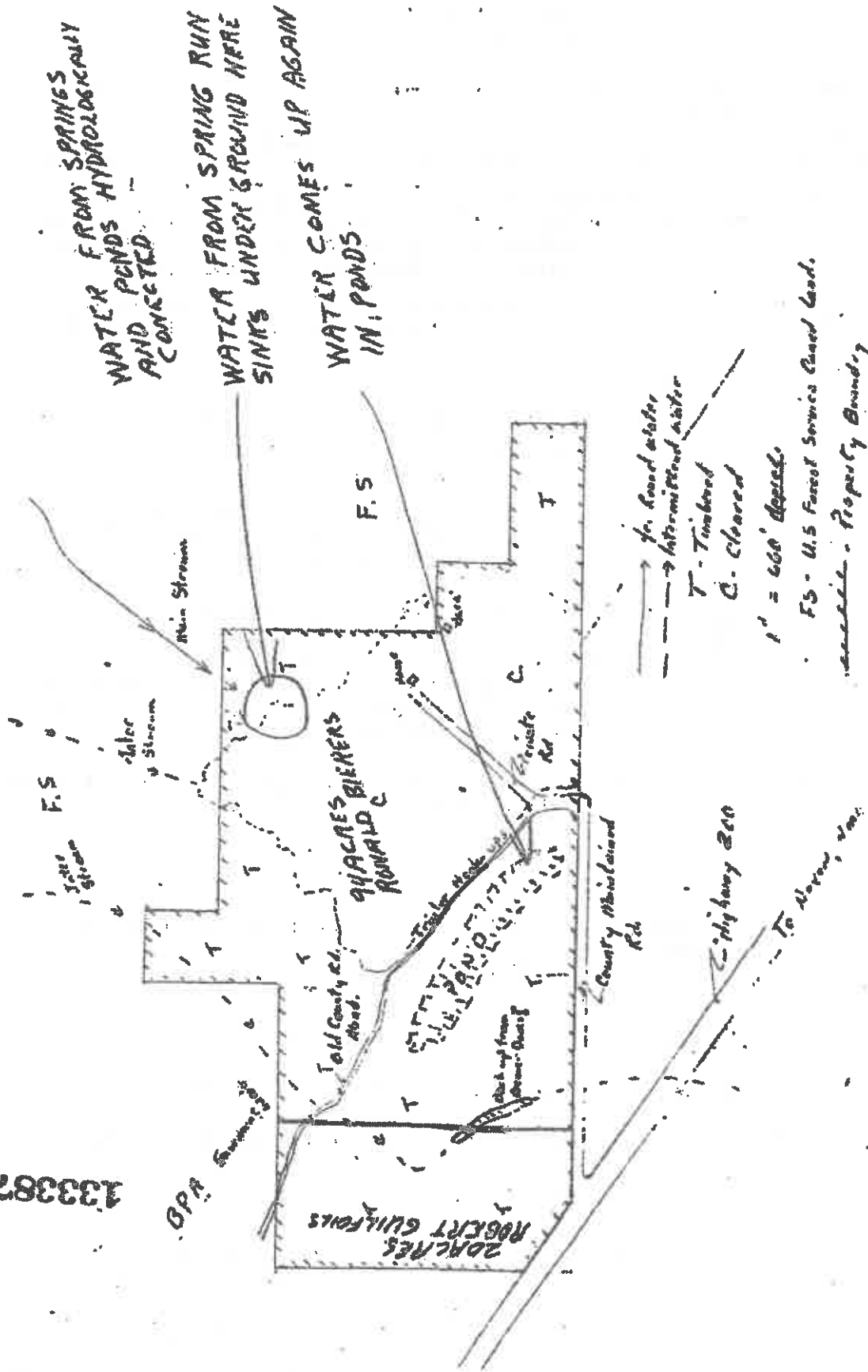
11. The log of formations encountered in the drilling of each well if available: not applicable

12. Such other information of a similar nature as may be useful in carrying out the policy of this act, including reference to book and page of any county record.

Otto Rettig
Signature of Owner: Valmar Rettig

Date: December 30, 1962

133387



WATER FROM SPRINGS AND PONDS HYDROLOGICALLY CONNECTED.

WATER FROM SPRING RUN SINKS UNDER GROUND HERE

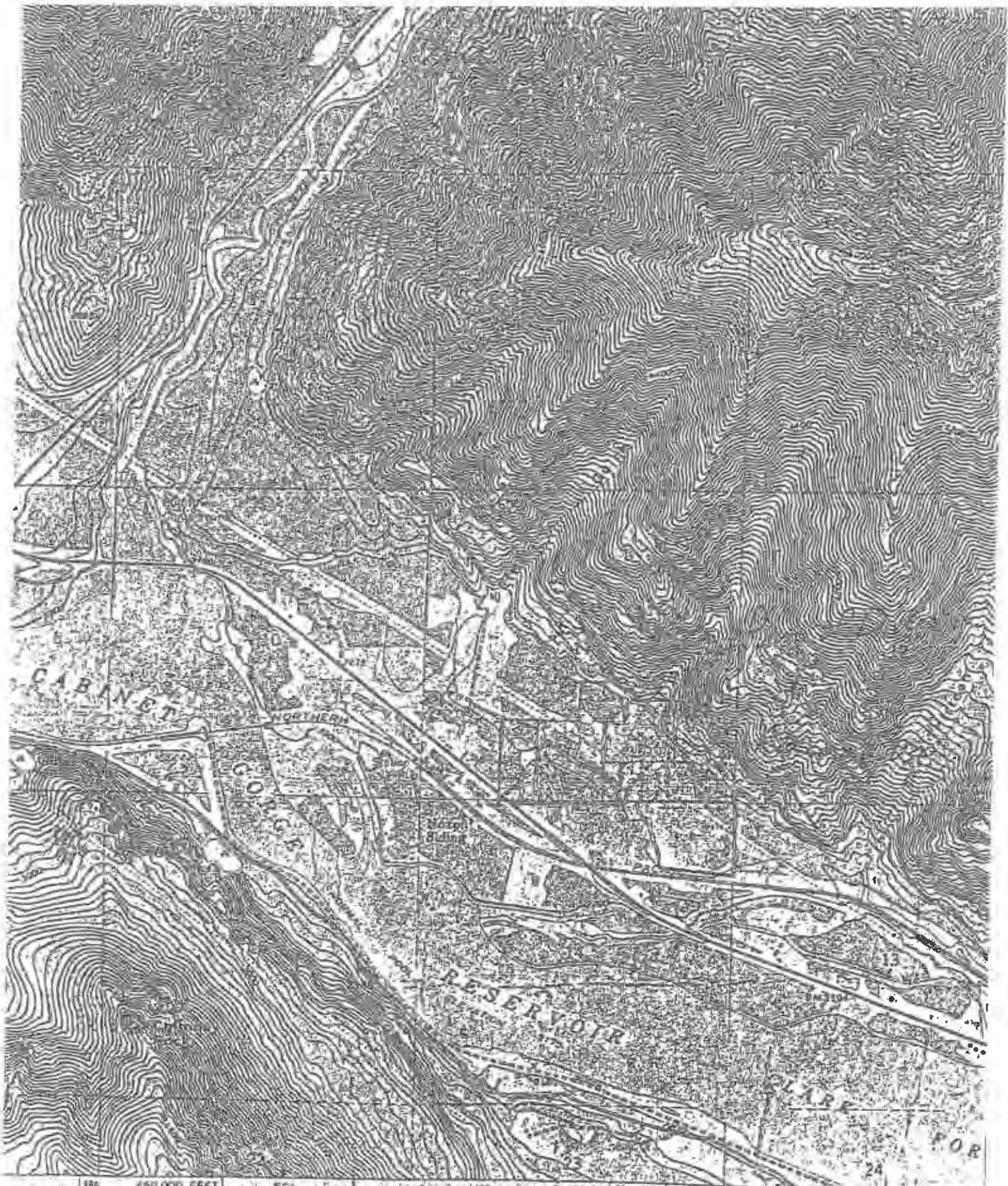
WATER COMES UP AGAIN IN PONDS

→ for road water
 → intermittent water
 T - Timbered
 C - Cleared

1" = 600' approx.

F.S. - U.S. Forest Service Cased Land.

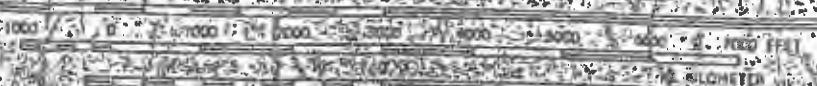
--- Property Boundary



1486 450 000 FEET 50 (INDIAN) 78 47 30

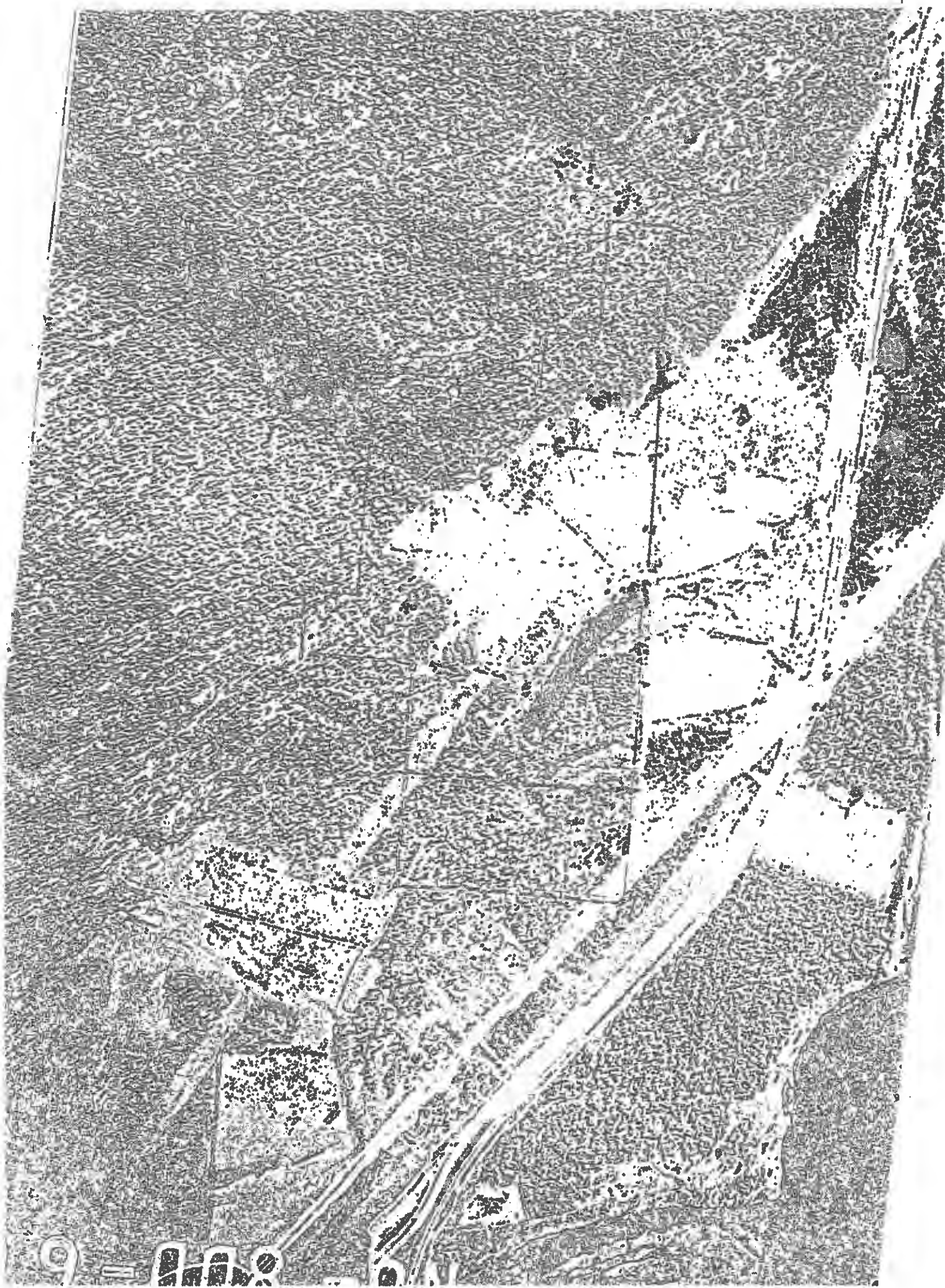
al Survey

SCALE 1:24,000



CONTOUR INTERVAL 40 FEET

DATUM IS MEAN SEA LEVEL



9-1111

STATEMENT OF CLAIM CHECKLIST

FORM TYPE: I S D O

OK	NOT OK	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Received
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Basin
<input checked="" type="checkbox"/>	<input type="checkbox"/>	County
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Division
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Transmittal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fee

FORM ITEMS

	OK	NOT OK	
1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	133387
5	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
15	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Checked by B. D. Powell / MAY 18, 1962

DEFICIENT:

Phoned _____
Number Date

Sent Letter _____
To Date

Correction Deadline: _____
Date

Form Corrected _____
Date

Incomplete Form & Correspondence Sent To Helena

See notes on reverse side

07/09/82

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

IN -W-133387-00 PRIORITY DATE: 00:00 04/09/82 TYPE OF RIGHT: FILED CLAIM RECEIVED: 04/30/82 FEE PAID: 4500 AF/YEAR
TYPE CODE: G MAX RATE: 4000 G Keep (160.00 MI) MAX VOLUME: 4500 AF/YEAR

(M) I BIERER BOX 33 BRENDA K MT 59841 (M) I BIERER BOX 33 RONALD G MT 59841
PINESDALE GRANT K MT 59841 PINESDALE
PINESDALE MT 59841

01 01 SPRING TRAIL OF CABINER GORGE RESERVOIR LOT BLK OTR SEC SEC TWP RGE CD WADWNE 11 26N 33W SA MEANS DIVRS-FE LS

ST	ACRES	PERIOD OF USE	LOT	BLK	OTR	SEC	SEC	TWP	RGE	CD	REMARKS
01	207.5	199999999999	19								
TOTAL	0.00	0.000									

YES NO COMMENTS Parcel Record & Diversion Record & Reserve Record

IF MAIN RIGHT, MAX COMBINED VOLUME FOR ALL RIGHTS 0.000 AF MAX COMBINED ACRES FOR ALL RIGHTS 0.000
IF SUPPLEMENTAL RIGHT, PURPOSE ID 0.000 AND CLAIM ID 0.000 OF MAIN RIGHT

***** FIELD VERIFICATION FORM *****

STATISTICS: FLOW 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

OK: YES NO COMMENTS ADDED
G) OK: YES NO COMMENTS
01 YES NO APPEARS CORRECT UNVERIFIED COMMENTS COMMENTS MAP

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

76N W-13387-00 (CONTINUED)

USE: CLAIMED FLOW RATE OK: YES NO COMMENTS NO SPECIFIC FLOW MENTIONED ON GUL
CLAIMED PRTY DATE OK: YES NO COMMENTS GW MENTIONS 1911 -> SOURCE IS NATURAL GROUND WATER

YES NO COMMENTS

OK: YES NO APPLY STANDARD COMMENTS WILL NOT BE QUANTIFIED

YES NO APPLY STANDARD COMMENTS

DATE OK: YES NO COMMENTS CHANGED TO DATE ON GUL 4

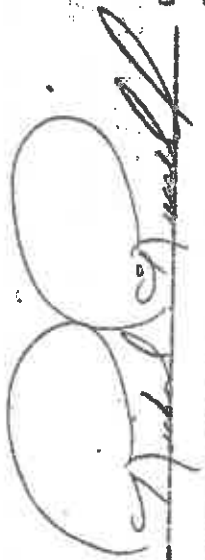
CONTACT: YES NO DATE COMPLETED --- BY --- COMMENTS

YES NO DATE COMPLETED --- BY --- COMMENTS

YES NO DATE COMPLETED --- BY --- COMMENTS

ESTIGATION: YES NO APPROVED BY --- DATE CHECKED --- BY --- COMMENTS

FROM THE STATEMENT ON THE FRONT OF THE CLAIM PURSUANT TO THE ENCLOSED MAP
IT APPEARS LIVESTOCK DRINK DIRECTLY FROM A NATURAL POND WHICH
DOCUMENTATION INDICATES ENLARGEMENT IN 1911. THE AMOUNT ENLARGED
IS NOT INDICATED BUT DUE TO THE SIZE OF THESE PONDS SURFACE WATER
PROCEDURES SHOULD BE FOLLOWED IN REGARD TO QUANTIFICATION.



STIGATED BY _____ DATE 12/11/1982

EWED BY _____ DATE ---

WATER RIGHT DATA BASE CODING FORM
DIVERSION, WELL, RESERVOIR, SOURCE RECORD

ION RECORD:
PERIOD OF DIVERSION 09
MEANS
PUMP SIZE
ACTION
GEN CODE
GEN #
RATE
C-G
MAXIMUM RATE
BASIN
C-G
ID CODE
RELATED ID
ID NUMBER

RIVER MILE CODE
U.T. LOT BLOCK
WATER SOURCE NAME

WATER SECTION RECORD:
DEPTH WTR LVL YIELD RATE CSNG DIAM PUMP SIZE RATE
ACTION GEN CODE GEN #
BASIN
C.G. LOT BLOCK
QUARTER SECTIONS CNTY TWP RGE
ID CODE ID NUMBER

WELL RECORD:
NEW CAPACITY DAM HT. ENLG EXISTING CAPACITY SURFACE AREA
ACTION GEN CODE GEN #
BASIN
QUARTER SECTIONS CNTY TWP RGE SEC
ID CODE ID NUMBER

RESERVOIR RECORD:
WATER SOURCE NAME
ACTION GEN CODE GEN #
BASIN
ID CODE ID NUMBER

WATER RIGHT DATA BASE CODING FORM PARCEL RECORD

PARCEL RECORD:

11	A	Y	01	76N	W	133387	00
----	---	---	----	-----	---	--------	----

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
5	101	002			W2S	WSE	5N	26N	33W
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

WATER COURTS
Supplemental Document
Claim # 133387

WATER RIGHT DATA BASE CODING FORM DIVERSION RECORD

DIVERSION RECORD: 09 R Y 01 76N W 133387 00

ID	PERIOD OF DIVERSION												MEANS	RATE	C-G	LOT	BLOCK	QUARTER SECTIONS				CNTY	TWP	RGE	SEC	
	J	F	M	A	M	J	J	A	S	O	N	D						Q4	Q3	Q2	Q1					
02													LS	0.006					2	5	5	1	SN	26N	33W	11

UT WATER SOURCE NAME

VICABINET GORGE RESERVOIR

ID	PERIOD OF DIVERSION												MEANS	RATE	C-G	LOT	BLOCK	QUARTER SECTIONS				CNTY	TWP	RGE	SEC	
	J	F	M	A	M	J	J	A	S	O	N	D						Q4	Q3	Q2	Q1					

UT WATER SOURCE NAME

ID	PERIOD OF DIVERSION												MEANS	RATE	C-G	LOT	BLOCK	QUARTER SECTIONS				CNTY	TWP	RGE	SEC	
	J	F	M	A	M	J	J	A	S	O	N	D						Q4	Q3	Q2	Q1					

UT WATER SOURCE NAME

ID	PERIOD OF DIVERSION												MEANS	RATE	C-G	LOT	BLOCK	QUARTER SECTIONS				CNTY	TWP	RGE	SEC	
	J	F	M	A	M	J	J	A	S	O	N	D						Q4	Q3	Q2	Q1					

UT WATER SOURCE NAME

ID	PERIOD OF DIVERSION												MEANS	RATE	C-G	LOT	BLOCK	QUARTER SECTIONS				CNTY	TWP	RGE	SEC	
	J	F	M	A	M	J	J	A	S	O	N	D						Q4	Q3	Q2	Q1					

UT WATER SOURCE NAME

WATER COURTS
 Supplemental Document
 Claim # 133387

76N W133387-00

TRANSFER

Locked-Up Basin

MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION

Memorandum

DNRC

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 receipt of their transfers.

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

76N - W133387

RECEIVED

MAY 30 1984

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

MONTANA DEPT. OF NATURAL RESOURCES & CONSERVATION

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 608-1, 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

Fee received: 5.00 By: daw
Transmittal No.: 01-228-01-11
Date:
Reviewed By: JJ 6-25-84
Filed:
Coded: D.T. 7-24-84
BASIN: 76N

(type or print in ballpoint ink)

DWR

1. WATER RIGHT(S) TO BE TRANSFERRED:

- Permit to Appropriate Water Number(s)
Certificate of Water Right Number(s) 76N - W133387 - 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:

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).

DWR

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 59853
Name Mailing Address
Name Mailing Address
Name Mailing Address

DWR

5. SELLER'S NAME(S): List the seller's name and address if not listed in Item 4 above.

NAME: Brenda Z. Bierer MAILING ADDRESS: P.O. Box 125 Hamilton, Mt. 59840

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).

Name Mailing Address
Name 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 Right Owners copy been recorded? [X] Yes, [] No.

By Sissy Lawson Deputy 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.

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.

1. **WATER RIGHT RECEIVED:** Number (See Item 1 page 1) _____
2. **PORTION OF WATER RIGHT RECEIVED:** Identify that portion of the water right the buyer received by the following information.

PURPOSE OF USE	RATE (GPM/CFS)	VOLUME (ACRE-FEET)	ACRES
_____	_____	_____	_____
_____	_____	_____	_____

3. **EXPLAIN:** Describe how the portion or percentage of the water right the buyer received was determined.

4. **POINT OF DIVERSION:** Describe the location where the buyer diverts his portion of the water right.

Lot _____ Blk _____, 1/4 _____ 1/4 _____ 1/4 _____, Sec _____ Twp _____ S Rge _____ W Co _____
N E
S W
 Lot _____ Blk _____, 1/4 _____ 1/4 _____ 1/4 _____, Sec _____ Twp _____ S Rge _____ W Co _____
N E
S W

5. **PLACE OF USE:** Describe the location where the buyer uses his portion of the water right.

USE: _____

Acres _____ Lot _____ Blk _____, 1/4 _____ 1/4 _____ 1/4 _____, Sec _____ Twp _____ S Rge _____ W Co _____
N E
S W
 Acres _____ Lot _____ Blk _____, 1/4 _____ 1/4 _____ 1/4 _____, Sec _____ Twp _____ S Rge _____ W Co _____
N E
S W

USE: _____

Acres _____ Lot _____ Blk _____, 1/4 _____ 1/4 _____ 1/4 _____, Sec _____ Twp _____ S Rge _____ W Co _____
N E
S W
 Acres _____ Lot _____ Blk _____, 1/4 _____ 1/4 _____ 1/4 _____, Sec _____ Twp _____ S Rge _____ W Co _____
N E
S W
 Subdivision (if any) _____

Montana Water Rights Bureau Area Field Offices

HAVRE

Old Highway 2
 P.O. Box 1828
 Havre, Montana 59501
 Phone: 285-5518
 Serving: Blaine, Chouteau, Glacier,
 Hill, Liberty, Pondera, Teton and
 Toole Counties.

MISSOULA

2101 Bow Street
 P.O. Box 5004
 Missoula, Montana 59806
 Phone: 721-4284
 Serving: Missoula, Granite, Ravalli,
 and Mineral Counties.

GLASGOW

110 5th Street South, Room 108
 P.O. Box 894
 Glasgow, Montana 59230
 Phone: 228-2561
 Serving: Daniels, Dawson, Garfield,
 McCone, Phillips, Richland,
 Ravelt, Sheridan and Valley

HELENA—Office Location

28 So Rodney
 Mailing Address: _____
 32 South Ewing
 Helena, Montana 59620
 Phone: 449-3634
 Serving: Deer Lodge, Powell,
 Lewis and Clark, Broadwater,
 Silver Bow, Jefferson and Beaverhead
 Counties.

BOZEMAN

1201 East Main
 Bozeman, Montana 59715
 Phone: 596-3136
 Serving: Gallatin, Park and Madison
 Counties

BILLINGS

1537 Avenue D, Suite 352
 Billings, Montana 59102
 Phone: 857-2165
 Serving: Big Horn, Carbon, Stillwater,
 Treasure, Yellowstone and Sweet Grass
 Counties.

KALISPELL

3220 Highway 93 South
 P.O. Box 660
 Kalispell, Montana 59903-0660
 Phone: 752-2288
 Serving: Flathead, Lake, Lincoln and
 Sanders Counties.

LEWISTOWN

613 NE Main Street
 P.O. Box 436
 Lewistown, Montana 59457
 Phone: 538-7459
 Serving: Cascade, Fergus, Golden
 Valley, Judith Basin, Meagher,
 Musselshell, Petroleum and
 Wheatland Counties.

MILES CITY

5 North Prairie
 P.O. Box 276
 Miles City, Montana 58301
 Phone: 232-6359
 Serving: Carter, Custer, Fallon,
 Powder River, Prairie, Rosebud and
 Wibaux Counties.

WATER RIGHT TRANSFER CERTIFICATE

CHECKLIST

DEPARTMENT USE BLOCK

- A. Is form dated received?
- B. Is the fee and transmittal number (county deposit #7715) indicated?
- C. After review; analyst initialed and dated "reviewed by".

TRANSFER 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.

COMMENTS / DOCUMENTATION / INSTRUCTIONS TO RECORDS (by Item number)

Item Comments

continued, see attached

ANALYST:

Judy Jemiller

DATE:

6-25-84

14064

FILE - WATER RIGHT NO. W 133 87-76N

DNRC WATER RIGHT OWNERSHIP UPDATE

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

PART 2 Seller / Deceased Joint Tenant - Enter grantor's / deceased joint tenant's complete name and mailing address, including city, state and ZIP.

Joseph E. Little

11742 El Camino Del Diablo

Yuma, AZ 85367

Daytime Phone # _____

Buyer / Surviving Joint Tenant - Enter grantor's / surviving joint tenant's complete name and assessment notice mailing address, including city, state and ZIP.

Robert J. Thomas and Barbara J. Thomas

PO Box 84

Noxon, MT 59853

Daytime Phone # _____

PART 3 - Description of Property - See Attached Description

Legal Description: See Attached Description Attachment

Add/Sub: Sanders Block _____ Lot _____

County: _____ City/Town: _____ Section: _____ Township: _____ Range: _____

- A. WATER RIGHT(S) TO UPDATE**
- List all water rights which need to have ownership updated. Attach a list if additional space is needed. Attachment
- ▶ (W, U, A, B, or O) Statement of Claim No. _____
 - ▶ (C) Certificate of Water Right No. 76N-133382-00 IR; 76N-133383-00 DM; 76N-133384-00 DM
 - ▶ (P) Permit to Appropriate Water No. 76N-133385-00 FW; 76N-133386-00 PG; 76N-133387-00 ST
 - ▶ (E) Exempt Existing Right No. _____
 - ▶ (D) Powder River Basin Decreed Right No. _____
 - ▶ Other _____

B. SELLER Deceased Joint Tenant (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.

Yes No Did the buyer / surviving joint tenant receive 100% of the seller's interest in the water rights shown above? If no attach a map showing buyer's property.

Yes No If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?

Seller Signature: Joseph E. Little Date: 1-22-04

Seller Signature: _____ Date: _____

C. FOR QUESTIONS OR CLARIFICATION, WHO SHOULD THE DNRC CONTACT?

Name: Claude I. Burlingame, P.C. Address: PO Box 9 Phone #: 827-4381

Thompson Falls, MT 59873

D. REMARKS _____

FOR DEPARTMENT USE ONLY		WATER RIGHT TRANSFER CERTIFICATE	
Fee Rec'd \$ <u>100.00</u>	Check No. <u>3065</u>	Transmittal No. _____	Date Paid _____
Payor: <u>CLAUDE I. BURLINGAME, P.C.</u>	RECEIVED		
Refund _____			
Cover _____			
For Complete Information, See File # _____			
Rec'd By: _____		REGIONAL OFFICE	

COMPLETE AND SEND THIS FORM TO DNRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1434 8TH AVENUE P.O. BOX 201801 HELENA, MONTANA 59620-1801

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 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 0084

Priority Date: APRIL 8, 1912
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 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:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		W2SWSE	11	26N	33W	SANDERS
Diversion Means:	DIRECT FROM SOURCE					
2		E2SESW	11	26N	33W	SANDERS
Diversion Means:	DIRECT FROM SOURCE					



UPDATE TO FILE



STATEMENT OF CLAIM



***76N ***



133387



00

Current File Location: NEW STORAGE

Box Bar Code _____

File Bar Code _____

Date/Initials _____

FILE-WATER RIGHT NO. W133387-76N

DNRC WATER RIGHT OWNERSHIP UPDATE

GEO CODE

PARTIAL SALE DATE

 Month/Day/Year

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

Seller - Enter grantor's complete name and mailing address, including city, state and ZIP.

Brenda K. BIERER
1477 Hwy. 93
Victor Mt. 59875 Daytime Phone # _____

Buyer - Enter grantee's complete name and assessment notice mailing address, including city, state and ZIP.

Joseph E. Little 90 WAYNE LITTLE
P.O. Box ~~27~~ 73
Nexan, Mt. 59853 Daytime Phone # 406-847-2692

Legal Description: _____ Attachment
 Add/Sub _____ Block _____ Lot _____
 County _____ City/Town _____ Section _____ Township _____ Range _____

A. WATER RIGHT(S) TO UPDATE

- List all water rights which need to have ownership updated. Attach a list if additional space is needed. Attachment
- 76-N-W133382, 76N-W133383, 76N-W133384
76-N-W133385, 76N-W133386, 76N-W133387
- ▷ (W, U, A, B, or O) Statement of Claim No. _____
 - ▷ (C) Certificate of Water Right No. _____
 - ▷ (P) Permit to Appropriate Water No. _____
 - ▷ (E) Exempt Existing Right No. _____
 - ▷ (D) Powder River Basin 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 Yes 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.
- No Yes If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?

Seller Signature: _____ Date: _____
 Seller Signature: _____ Date: _____

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?

Name _____ Address _____ Phone # _____

D. REMARKS

FOR DEPARTMENT USE ONLY		WATER RIGHT TRANSFER CERTIFICATE	
Fee	_____	RECEIVED _____ _____ MONTANA DNRC KAMPELLE REGIONAL OFFICE	_____
Pay to	_____		_____
Balance	_____		_____
Code	_____		_____
For Complete Information See File	_____		_____

COMPLETE AND SEND THIS FORM TO DNRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED

BOX BAR CODE 013398
 FILE BAR CODE 0226753

KALISPELL WATER RESOURCES REGIONAL OFFICE
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION



JUDY MARTZ
GOVERNOR

109 COOPERATIVE WAY
SUITE 110

STATE OF MONTANA

PHONE: (406) 752-0285
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,

A handwritten signature in cursive script that reads "Linda Molina".

Linda Molina
Program Assistant
Kalispell Regional Office

Xc: Joseph & Wayne Little

WARRANTY DEED

8128

(JOINT TENANCY)

For Value Received BRENDA K. BIERER of 2505 N. Highway 93,
Hamilton, Montana 59840

the Grantor, do hereby 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, Montana, to wit:

The NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{4}$ S $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, the
SW $\frac{1}{4}$ SE $\frac{1}{4}$, the W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ 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 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 Grantor do hereby covenant to and with the said
Grantees, that she is the owner in fee simple of said premises; that they are free from all
incumbrances

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

Dated: July 25, 1983

Brenda K. Bierer
BRENDA K. BIERER

210329

STATE OF MONTANA, COUNTY OF Ravalli
On this 4th 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 person whose name is
subscribed to the foregoing and acknowledged
ed to me that she executed the same.

Brenda K. Bierer
Notary Public
Residing at Hamilton, Montana
Comm. Expires 12/31/84

STATE OF MONTANA, COUNTY OF Blaine

I hereby certify that this instrument was filed for
record at the request of

at 20 minutes past 2 o'clock P.M.,
this 27th day of September,
1983, in my office and duly recorded in Book
of Deeds at page micro # 828

Dixie Vaughn
Ex-Officio Recorder
Christina M. Morganham
Deputy.

Fees \$6.00
Paid to:

INDEXED
BK

ACKNOWLEDGEMENT OF WATER 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.

*****LNRC*LOCATE*#* *8*NS*990101***

OWNERS: LITTLE JOSEPH E
& WAYNE LITTLE
PO BOX 72
NOXON MT 59853

A TRANSFER CERTIFICATE WAS FILED ON 5/30/84 LISTING JOSEPH E. 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	FLOW	VOLUME (AF)	ACRES	PERIOD OF USE
STOCK				JAN 1 TO DEC 31

POINTS OF DIVERSION AND MEANS OF DIVERSION:

DIVERSION:

LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY	MEANS	
			W2	SWSE	11	26N	33W	SANDERS	DIRECT FROM SRC
			E2	SESW	11	26N	33W	SANDERS	DIRECT FROM SRC

RESERVOIR:

	QTR	SEC	SEC	TWP	RGE
ONSTREAM AT	W2	SWSE	11	26N	33W

PLACE OF USE FOR STOCK:

ACRES	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY
001				E2	SESW	11	26N	33W SANDERS

WATER RIGHT NUMBER 76N -W-133387-00

PAGE 2

PLACE OF 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 WATER RIGHT OWNERSHIP UPDATE, FORM 608, PURSUANT TO SECTION 85-2-424, MCA.

REMARKS: WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/06/00.

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 Attorney name, address, and phone number:

Livingston Steacy J
LAST NAME FIRST NAME MID. INITIAL
105 Westview Park Place
STREET ADDRESS OR PO BOX
Kalispell MT 59901
CITY STATE ZIP CODE
(406) 696-6333 Contact @ pinnacktech.com
PHONE NUMBER E-MAIL

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL
PINC.COM

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)

All. Giving the tribe control of nearly all of the Federally & State owned & privately owned watersheds is unacceptable & UnConstitutional. This appears to be another egregious over reach by the tribe, by the same grounds I should file for the same thing

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 more than one water right number, use a separate form for each water right number.

Water Right #: _____
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this ____ day of _____, 2022.

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, Stacy Livingston, 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@cstkt.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.**

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:

Carter Michale C
LAST NAME FIRST NAME MID. INITIAL
2231 Middle Rd
STREET ADDRESS OR PO BOX
Columbia Falls MT 59912
CITY STATE ZIP CODE
(406) 407 2129 michalecarter@hotmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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)

see attached 4 pages

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 more than one water right number, use a separate form for each water right number.

Water Right #: _____
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 28th day of November, 2022.

Michael Carter
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, Michelle Carter, declare under penalty of perjury, that on the 28th day of November, 2022, I ~~mailed~~^{e-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@cslt.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 *by e-mail*

**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 a 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
CONFEDERATED SALISH AND KOOTENAI TRIBES
MONTANA – UNITED STATES COMPACT

WC-0001-C-2021

November 28, 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:

WAGNER ROBERT O
LAST NAME FIRST NAME MID. INITIAL
1010EGAN SLOUGH RD
STREET ADDRESS OR PO BOX
KALISPELL MT 59901
CITY STATE ZIP CODE
(406)871-2816 rob@eaglecustomhomesinc.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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)

SEE ATTACHED

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 30126917
(One Number Per Form)

Page number in Decree: 5-14
Source: SURFACE WATER

DATED this 18 day of NOVEMBER, 2022.

SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

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.

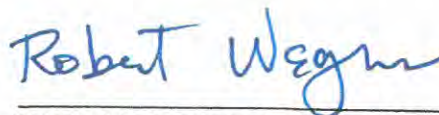
CERTIFICATE OF MAILING

I, ROBERT WAGNER, 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 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.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.**

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: [76LJ 27366-00] [76LJ 34241-00] [76LJ 34242-00] [76LJ 71873-00] [76LJ 73048-00] [76LJ 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:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWNE	20	28N	20W	FLATHEAD

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 SWNE 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.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
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 Examination Report

Examiner: James Albrecht; Date: 3/31/2021

Examination of: 76LJ 30126917 - STOCK


Owner Name: Robert Wagner



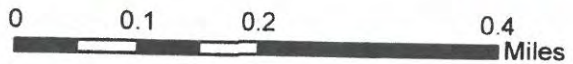
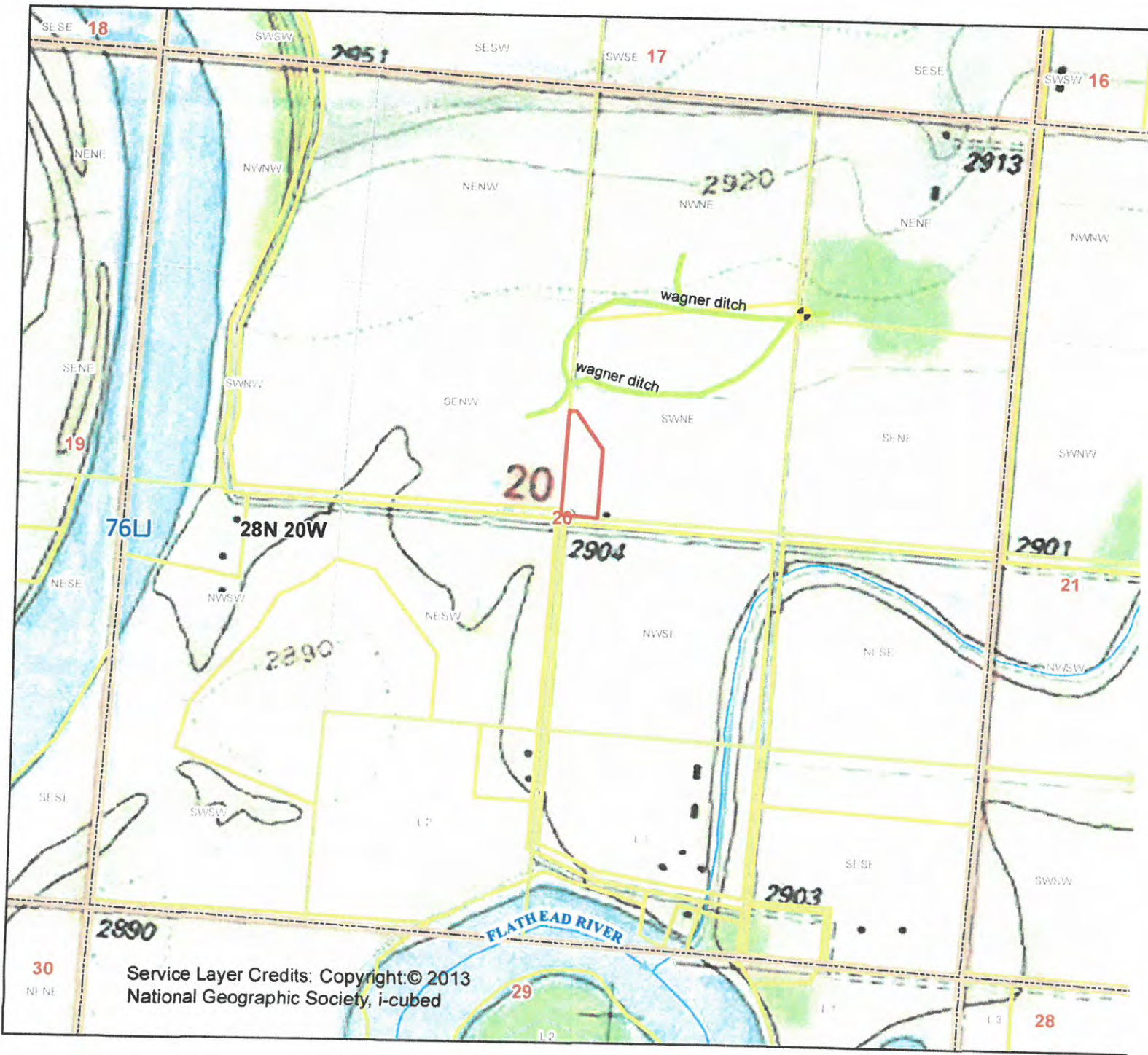
Representation of
Claimant Map

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



1:10,000

wood fence
is my back Prop line

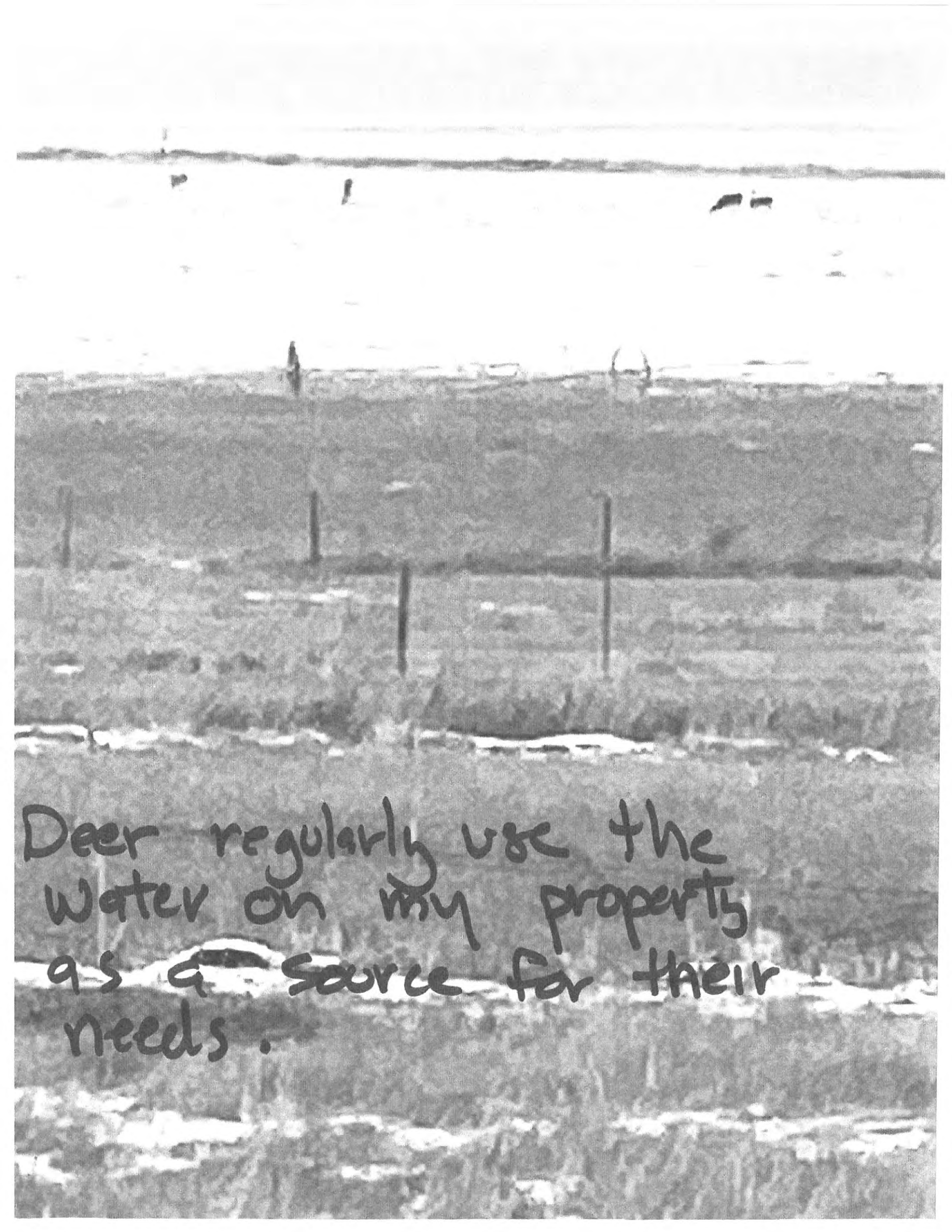
Unnamed
Tributary
in coming

outgoing

Ducks, Geese, birds, and coyotes
regularly use this water way.



Domestic
Stock
Migration
P.L.C. of Fishes - For bill you'll see worth



Deer regularly use the
water on my property
as a source for their
needs.

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

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

Sizer Kevin K
LAST NAME FIRST NAME MID. INITIAL
130 Spotted Fawn Lane
STREET ADDRESS OR PO BOX
Kalispell Montana 59901
CITY STATE ZIP CODE
(319) 533-2339 kksizer@yahoo.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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)
See additional documentation.

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 30052867 COMPACT
(One Number Per Form)

Page number in Decree: See additional documentation
Source: See additional documentation

DATED this 25 day of November, 2022.


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, Kevin K Sizer, 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.

**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:

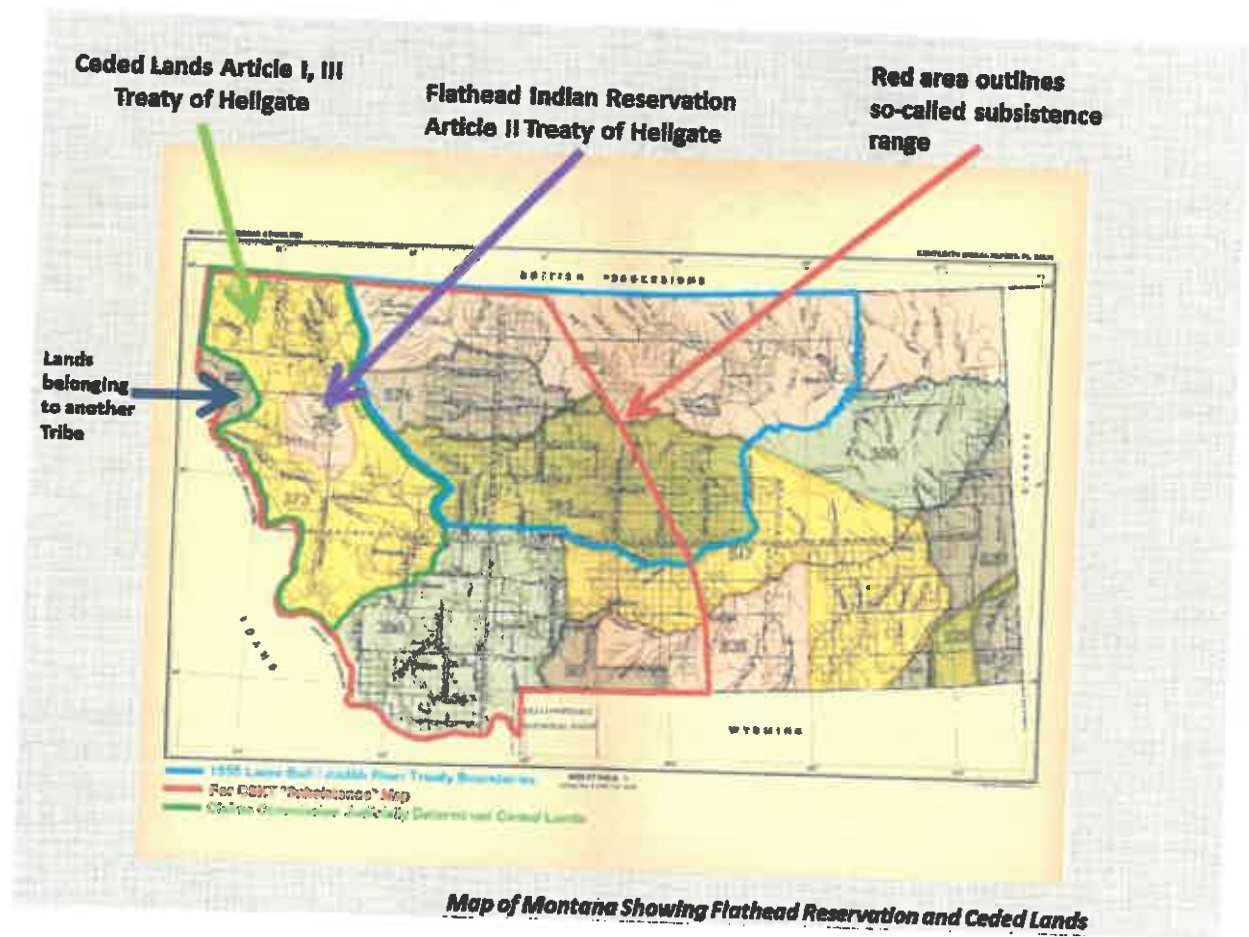
- **Purpose of Use:** : Domestic, Lawn and Garden
- **Volume:** 1.35 AC-FT
- **Flow Rate:** 20.00 GPM.
- **Period of Use:** January 1 to December 31
- **Place of Use:** Quarter Section – E2SESW, Section – 13, Township 28N, Range – 20W, County – Flathead

Stated Objections

Our **OBJECTIONS** to the Preliminary CSKT Water Compact Decree are as follows:

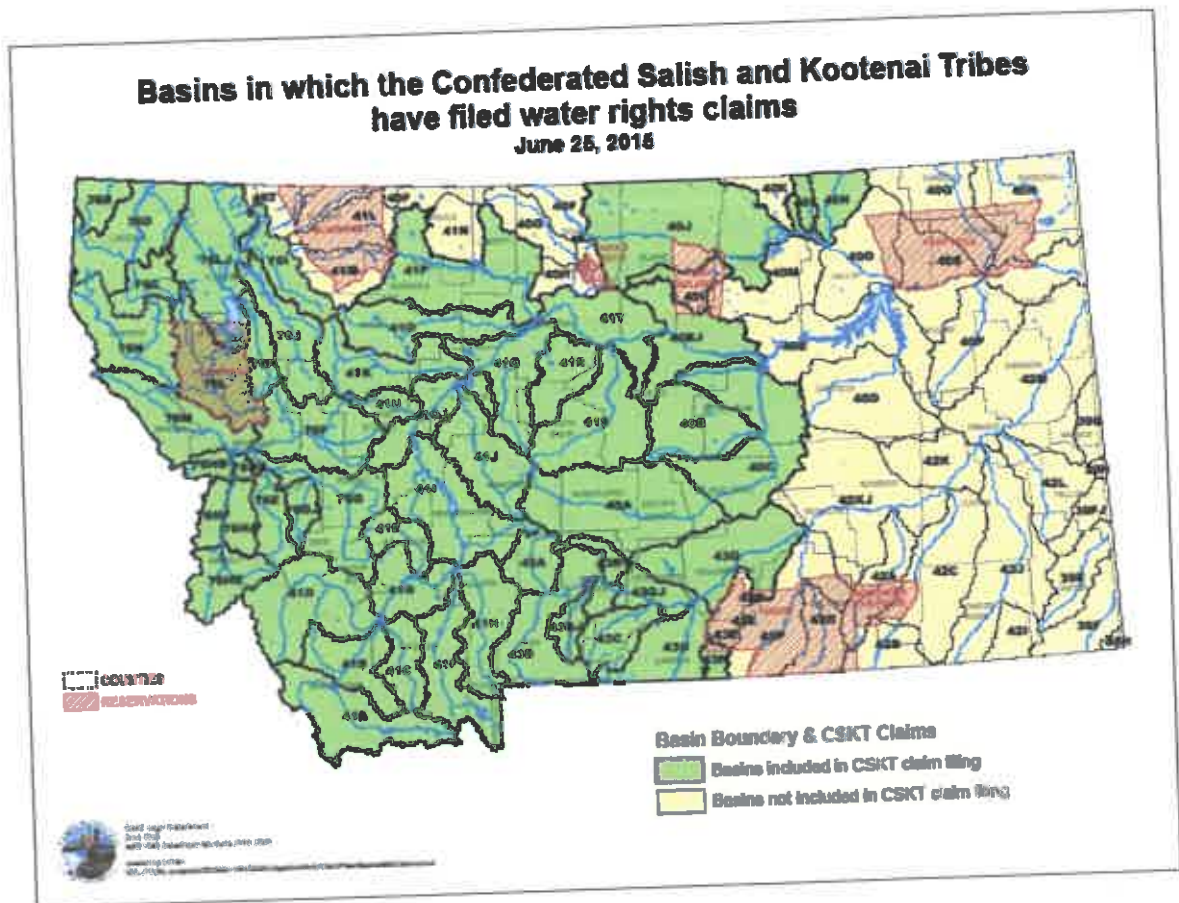
1. As a result of the items outlined in CSKT Compact Part IV.D.4, our water rights will be subject to administration not by the state representing the interests of its citizens but by a water board representing primarily the Consolidated Salish and Kootenai Tribes and the Federal government. This change 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 Hellgate 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.

6. Within the land ceded in the Treaty of Hellgate, 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 access to the ceded aboriginal territory for the purpose of taking fish, hunting and gathering in common with the citizens of the territory. 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.



Map of Montana Showing Flathead Reservation and Ceded Lands

9. 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 fulfill

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 for 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.



COMPARISON OF MONTANA INDIAN RESERVATION RESERVED WATER COMPACTS with 2015 CSKT Partial Quantification

	RESERVATION							
	Blackfoot	Crow	Flathead	Fort Belknap	Fort Peck	Northern Cheyenne	Rocky Boy	
Population within Reservation Boundaries <small>Source: 2000 US Census of Housing and Population Characteristics</small>								
Tribal	8,944	5,322	7,042	2,704	6,714	4,406	3,221	
Non-Tribal	1,461	1,541	21,117	147	3,294	383	102	
Total Population	10,405	6,863	28,159	2,851	10,008	4,789	3,323	
Land w/in Reservation Boundaries (Acres) <small>Source: Indian Reservations for All-Off Office of Public Lands 2000</small>								
Tribal Trust	311,175	404,172	653,214	210,954	413,020	326,547	122,259	
Tribal Allotments	701,816	1,166,406	58,729	406,533	516,092	113,277	0	
Other (State/Federal/Private)	512,721	894,336	531,057	28,089	1,164,012	4,951	0	
Total Land	1,525,712	2,464,914	1,243,000	645,576	2,093,124	444,775	122,259	
Reserved Water Right Award (Acre Feet)								
On Reservation	86,880	800,000	8,996,983	500,000	1,052,472	89,530	20,000	
Off Reservation	0	0	18,747,674	0	0	0	0	
Total (Data Source: See Items 1 or 2 below)	(1) 86,880	(1) 800,000	(2) 27,744,657	(1) 500,000	(1) 1,052,472	(1) 89,530	(1) 20,000	
Compact Details								
On Reservation Water Rights Administration	U.S./MT/Tribe	U.S./MT/Tribe	Tribe/UMD	U.S./MT/Tribe	U.S./MT/Tribe	U.S./MT/Tribe	U.S./MT/Tribe	
Off Reservation Aboriginal Treaty Rights	No	No	Yes	No	No	No	No	
Relinquish Irrigation Water Rights to Tribe	No	No	Yes	No	No	No	No	
Ratified Montana Legislature / U.S. Senate	2008 / No	1999 / 2010	No / No	2001 / No	1985 / 1994	1991 / 1992	1997 / 1999	
Statistics:								
Acre Feet / Tribally Owned Acre	0.09	0.51	38.97	0.81	1.13	0.20	0.16	
Acre Feet / Tribal Member	9.71	150.32	1,319.88	184.91	156.76	20.32	6.21	

Quantification of Indian Federal Reserved Water Rights in the United States *

RESERVATION / TRIBE	STATE	Acre Feet / Yr	RESERVATION / TRIBE	STATE	Acre Feet / Yr
Ak Chin	AZ	85,000	Nez Perce (settled litigation)	ID	50,000
Blackfoot (U.S. has not ratified)	MT	86,880	Northern Cheyenne	MT	91,330
Colorado River Tribes (7)	AZ	783,134	Northern Ute	UT	481,000
Colorado Ute	CO	70,000	Pyramid Lake Paiute	NV	520,000
Crow (Under Allottee legal challenge)	MT	800,000	Rocky Boy	MT	20,000
Fallon Paiute	NV	10,588	Salt River Pima Maricopa	AZ	122,600
Flathead (proposed compact)	MT	** 27,744,657	San Carlos Apache	AZ	77,435
Fort Belknap (U.S. has not ratified)	MT	500,000	Shoshone	UT	4,000
Fort Hall	ID	581,331	Tohono O'odham	AZ	66,000
Fort McDowell	AZ	36,950	Warm Springs	OR	325,800
Fort Peck (U.S. has not ratified)	MT	1,052,472	White Mtn Apache	AZ	98,000
Gila River	AZ	655,000	Wind River (negotiation)	WY	490,000
Jicarilla Apache	NM	40,000	Yavapai Prescott	AZ	16,000
Las Vegas Paiute	NV	2,000			

Total All Other Tribes Combined (32)

7,065,720

Average per Tribe

220,804

Flathead Water Compact (Partial Quantification)

** 27,744,657 * 4 times more than all other tribes combined and 126 times more than the average

Summary

The parties to the CSKT Compact have refused to recognize the legal diminishment of the Flathead Indian Reservation as a result of Article VI of the Hellgate 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


Kathy B Sizer

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 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:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		E2SESW	13	28N	20W	FLATHEAD

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Subdivision: RAINBOW ROCK SUB AMD L1, 2&4 TRACT/LOT: 2A

Well Depth: 181.00 FEET

Static Water Level: 131.00 FEET

Casing Diameter: 6.00 INCHES

Well Location: 130 SPOTTED FAWN LN

Purpose (Use): DOMESTIC

Households: 1

Volume: 1.00 AC-FT

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			E2SESW	13	28N	20W	FLATHEAD

Purpose (Use): LAWN AND GARDEN

Volume: 0.35 AC-FT

Period of Use: APRIL 1 to OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	0.14		E2SESW	13	28N	20W	FLATHEAD

Total: 0.14

Geocodes/Valid: 07-3967-13-3-08-05-0000 - Y

Remarks:

OWNERSHIP UPDATE RECEIVED

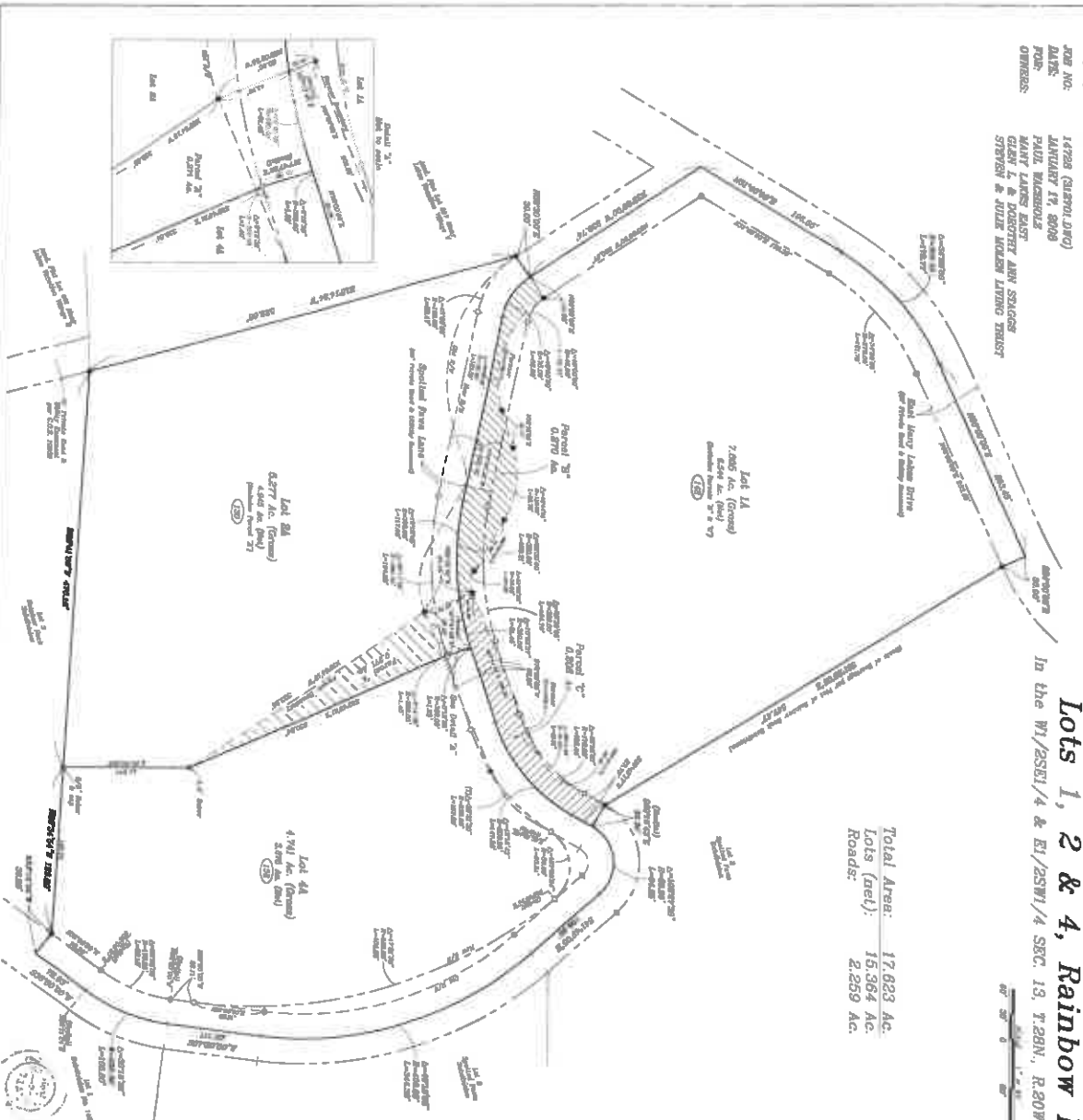
OWNERSHIP UPDATE TYPE DOR # 147683 RECEIVED 06/13/2016.

OWNERSHIP UPDATE TYPE DOR # 163431 RECEIVED 11/03/2017.

OWNERSHIP UPDATE TYPE DOR # 207547 RECEIVED 02/26/2020.

By: **SANDS SURVEYORS, Inc.**
 2 Village Loop
 Kalispell, MT 59901
 (406) 755-9491

JOB NO: 14728 (CUSTOM DRG)
 DATE: JANUARY 19, 2009
 JOB: PAUL WAGGONER
 FROM: MARY LAMM EAST
 CLIENT: GLEN L. & DOUGLET ANN SPAUGH
 STVEN & JULIE MOKAN LIVING TRUST



Amended Plat of:
Lots 1, 2 & 4, Rainbow Rock Subdivision
 In the W1/2SE1/4 & E1/2SW1/4 SEC. 13, T.28N., R.20W., P.M.M., Flathead County, Montana

Total Area: 17,623 Ac.
 Lots (net): 15,364 Ac.
 Roads: 2,259 Ac.



STATEMENT OF WORKS

THE UNDERSIGNED HAS BEEN HONORARILY APPOINTED BY THE STATE ENGINEER TO SURVEY THE SEVERAL LOTS AND ROADS SHOWN ON THIS PLAT AND TO PREPARE THE NECESSARY RECORDING MAPS AND RECORDS FOR THE SAME. THE UNDERSIGNED HAS ACCEPTED THIS APPOINTMENT AND HAS HEREBY AGREED TO FULFILL THE SAME TO THE BEST OF HIS ABILITY AND IN ACCORDANCE WITH THE LAWS AND REGULATIONS OF THE STATE OF MONTANA. THE UNDERSIGNED HAS NOT BEEN ADVISED OF ANY OTHER SURVEYORS WHO MAY BE INTERESTED IN THIS PROJECT AND HAS NOT BEEN ADVISED OF ANY OTHER SURVEYORS WHO MAY BE INTERESTED IN THIS PROJECT.

LET 1A, 2A, 3A, & 4A are surveyed from section corner to the southwest corner of the section. The bearings and distances are as follows: Lot 1A, S 89° 58' 12" W, 170.00' to the southwest corner of the section; Lot 2A, S 89° 58' 12" W, 170.00' to the southwest corner of the section; Lot 3A, S 89° 58' 12" W, 170.00' to the southwest corner of the section; Lot 4A, S 89° 58' 12" W, 170.00' to the southwest corner of the section.

WAGGONER
 Paul Waggoner
 State Engineer
 Flathead County, Montana

LEGEND:
 - - - - - Survey Boundary
 - - - - - Proposed Road Right-of-Way
 - - - - - Proposed Road Right-of-Way
 - - - - - Proposed Road Right-of-Way
 - - - - - Proposed Road Right-of-Way

DATE OF SURVEY: 1/19/09
 COUNTY OF SURVEY: Flathead
 TOWNSHIP & RANGE: T.28N., R.20W.
 SECTION: 13
 PREPARED BY: SANDS SURVEYORS, INC.
 CHECKED BY: SANDS SURVEYORS, INC.
 APPROVED BY: SANDS SURVEYORS, INC.
 PLAT NO. 14728
 SHEET 1 OF 1 SHEETS
 FILE NO. 14728



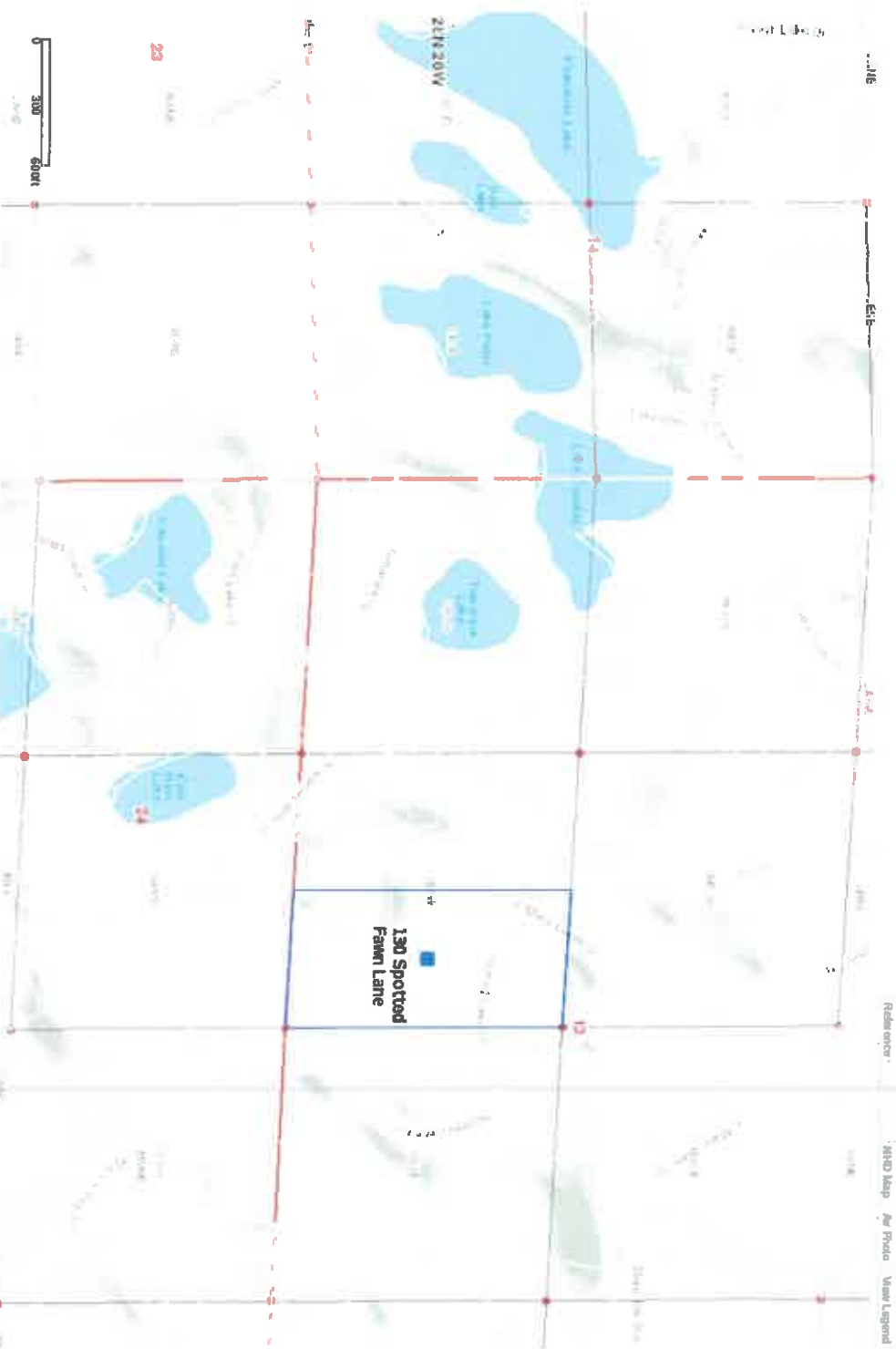
Water Right Number:
79LJ 30076515NNULL

[Print Map](#)

Legend

- Diversion**
 - Spent water diversion.
 - General water diversion.
- Adjacent Diversions**
 - Spent water diversion.
 - General water diversion.
- Piece of Law Legal Land Descriptions**
 - Adjacent POLA
 - Contiguous
 - 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.



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

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

VOTAPKA, SUSAN M.
LAST NAME FIRST NAME MID. INITIAL
40 LEAH ANN LANE
STREET ADDRESS OR PO BOX
KALISPELL, MT 59901
CITY STATE ZIP CODE
(760) 272-6952 sue.votapka
PHONE NUMBER E-MAIL
@gmail.com

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

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

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)

See attached

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 more than one water right number, use a separate form for each water right number.

Water Right #: _____
(One Number Per Form)

Page number in Decree: 26
Source: DNRC website

DATED this 25th day of November 2022.

Susan Votapka
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, Susan Votapka, 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

Susan Votapka
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 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 – 76U

Thank you for considering this objection.

A handwritten signature in black ink that reads "Susan Votapka". The signature is written in a cursive, flowing style.

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

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

Carter Michale C
LAST NAME FIRST NAME MID. INITIAL
2231 Middle Rd
STREET ADDRESS OR PO BOX
Columbia Falls MT 59912
CITY STATE ZIP CODE
(406) 407 2129 michalecarter@hotmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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)

see attached 4 pages

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 more than one water right number, use a separate form for each water right number.

Water Right #: _____
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 28th day of November, 2022.

Michael Carter
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, Michelle Carter, declare under penalty of perjury, that on the 28th day of November, 2022, I ~~mailed~~^{e-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 *by e-mail*

**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 a 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, Address, and Phone Number:

Cole C. Wayne
LAST NAME FIRST NAME MID. INITIAL
PO Box 298
STREET ADDRESS OR PO BOX
Plains, MT 59859
CITY STATE ZIP CODE
(406) 826 3930/n8_cole@hotmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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)

See Attachment A

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76N 103 196 00
(One Number Per Form)

Page number in Decree: 16
Source: Ground water

DATED this 25 day of November, 2022.

C. Wayne Cole
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, C. Wayne Cole, 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@cslt.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.**

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)**).

&

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:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSENE	33	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:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	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
MONTANA - UNITED STATES COMPACT

November 28, 2022

Montana Water Court

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

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

AGATHER MARK A
LAST NAME FIRST NAME MID. INITIAL
195 E. NICKLAUS AVE
STREET ADDRESS OR PO BOX
KALISPELL MT 59901
CITY STATE ZIP CODE
(406) 270-0253 markagather@q4bec.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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)

4 PAGES ATTACHED

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 more than one water right number, use a separate form for each water right number.

Water Right #: W 128954-00 (7-1-54)
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 23rd day of NOVEMBER, 2022.

Mark Agather
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

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, MARK A. AGATHER, declare under penalty of perjury, that on the 23rd 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.emrd@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.**

**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
Version: 2 – REEXAMINED
Status: 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:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	9	SW	SE	29	29N	33W	LINCOLN

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>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		9	SW	SESE	29	29N	33W LINCOLN

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 or 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 degree 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.

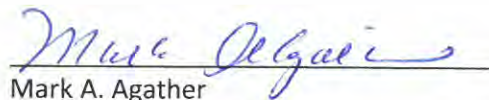
The Indian Reservation System embodies the concept of "racism" as it creates a legal entity based solely on the race of an individual which outlawed by the US and Montana constitutions. Indeed, we fought a brutal civil war to start the process of ending racism in our country. Yet, in this instance, based 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 23rd 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

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

GRIFFITH JACK E
LAST NAME FIRST NAME MID. INITIAL
22 LETTERMAN LANE
STREET ADDRESS OR PO BOX
PLAINS MT 59859
CITY STATE ZIP CODE
(406)830-6211 VEGHATER@OUTLOOK.COM
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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)

SEE ATTACHED

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76N 76886-00
(One Number Per Form)

Page number in Decree: page 1 of 1
Source: State of Montana Department of
Natural Resources and Conservation, General
Abstract

DATED this 28 day of NOVEMBER, 2022.

Jack E Griffith
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, 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@eskt.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.**

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 SPECIFIC 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 Jack E Griffith Date November 28, 2022

Jack E Griffith

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:

PIERSON ROBERT D.
PIERSON CAROLYN A.
LAST NAME FIRST NAME MID. INITIAL
58 ELK RUN LANE
STREET ADDRESS OR PO BOX
TROUT CREEK, MT 59874
CITY STATE ZIP CODE
(406) 827-1112 CAP46@PROTON
PHONE NUMBER E-MAIL MAIL.COM
CAP46@PROTONMAIL.COM

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

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

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)

SEE ATTACHED

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76N-30063808
(One Number Per Form)

Page number in Decree: 528 AND 529
Source: APPENDIX #2

DATED this 23 day of NOVEMBER, 2022.

CAROLYN A. PIERSON
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, 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.

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

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 its 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 Treaty 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**.

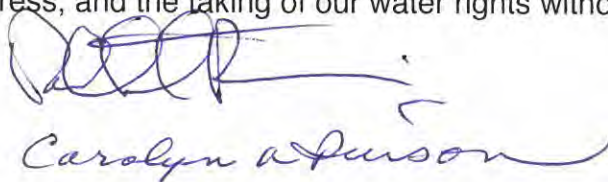
What does this mean? That all 10 to 14 thousand claims that the Tribe has in western Montana are valid? We definitely object to this!!!

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:

1. 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 (N½) 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 (N½) 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 having a lawful claim, lien, debt, or other equitable interest on any in a court of law within

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.

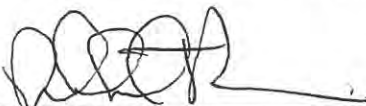
8. Additionally, a common Law courtesy of sixty (60) days is stipulated for any challenges hereto, otherwise, laches or estoppel shall forever bar the same against said ALLODIAL FREEHOLD estate; assessment lien theory to the contrary, notwithstanding. Therefore, said declaration, after sixty (60) days from date, if no challenges are brought forth and upheld, perfects this ALLODIAL TITLE in the names forever.

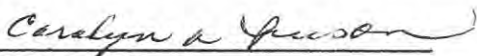
JURISDICTION

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.

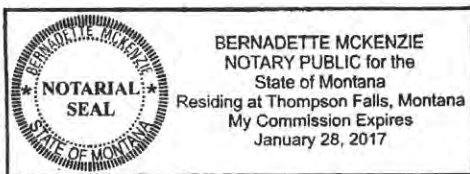
PERJURY JURAT

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 
Robert D. Pierson

signed 
Carolyn A. Pierson

State of Montana)
County of Sanders)



On this 3 day
of October 2013, personally

Appeared before me
Robert D. Pierson
Carolyn A. Pierson

and acknowledged said instrument to be its voluntary act and deed.

Before me: 

Notary Public for State of Montana
Residing at:

My Commission Expires: _____

5B

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 TwoTeeth, and Lloyd Irvine); 1 abstention (Bing Matt).

Leonard TwoTeeth, 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

GA
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

MEMBERS PRESENT: Ron Trahan, Chairman; James "Bing" Matt, Secretary; Leonard TwoTeeth, Treasurer; Lloyd Irvine; Shelly Fyant; Patty Stevens; Vernon Finley; Leonard Gray; and Terry Pitts.

MEMBERS ABSENT: 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

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

Pitz Brandye's Nicholas W
LAST NAME FIRST NAME MID. INITIAL
Po Box 2211
STREET ADDRESS OR PO BOX
Bigfork MT 59911
CITY STATE ZIP CODE
(406) 249-0201 bnw8556@gmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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) See attached objection letter. We object to Part III. C. of the preliminary Decree. The water rights of Montana are the property of the State for the use of its people, all its people. This is the largest compact of its kind for a single interest group in the United States and should be

4. If you are objecting to a specific water right number, identify the water right number, decree page number, be and the water source. If you are objecting to more than one water right number, use a separate form for each water right number. ^{consider} ^{overreach by the} ^{parties involved}

Water Right #: 76LS 30117879
(One Number Per Form)

Page number in Decree: 5
Source: Flathead River Basin 76LS

DATED this ____ day of _____, 2022.

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, Brandy Pitz, declare under penalty of perjury, that on the 22nd 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@cslt.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.**

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

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	6	N2N2SE	33	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: 1

Volume: 1.00 AC-FT

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		6	N2N2SE	33	28N	20W	FLATHEAD

Purpose (Use): LAWN AND GARDEN

Volume: 7.50 AC-FT

Period of Use: APRIL 1 to OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3.00	6	N2N2SE	33	28N	20W	FLATHEAD

Total: 3.00

THE PLACE OF USE IS LOCATED IN CERTIFICATE OF SURVEY NO. 19312 - TRACT 2.

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

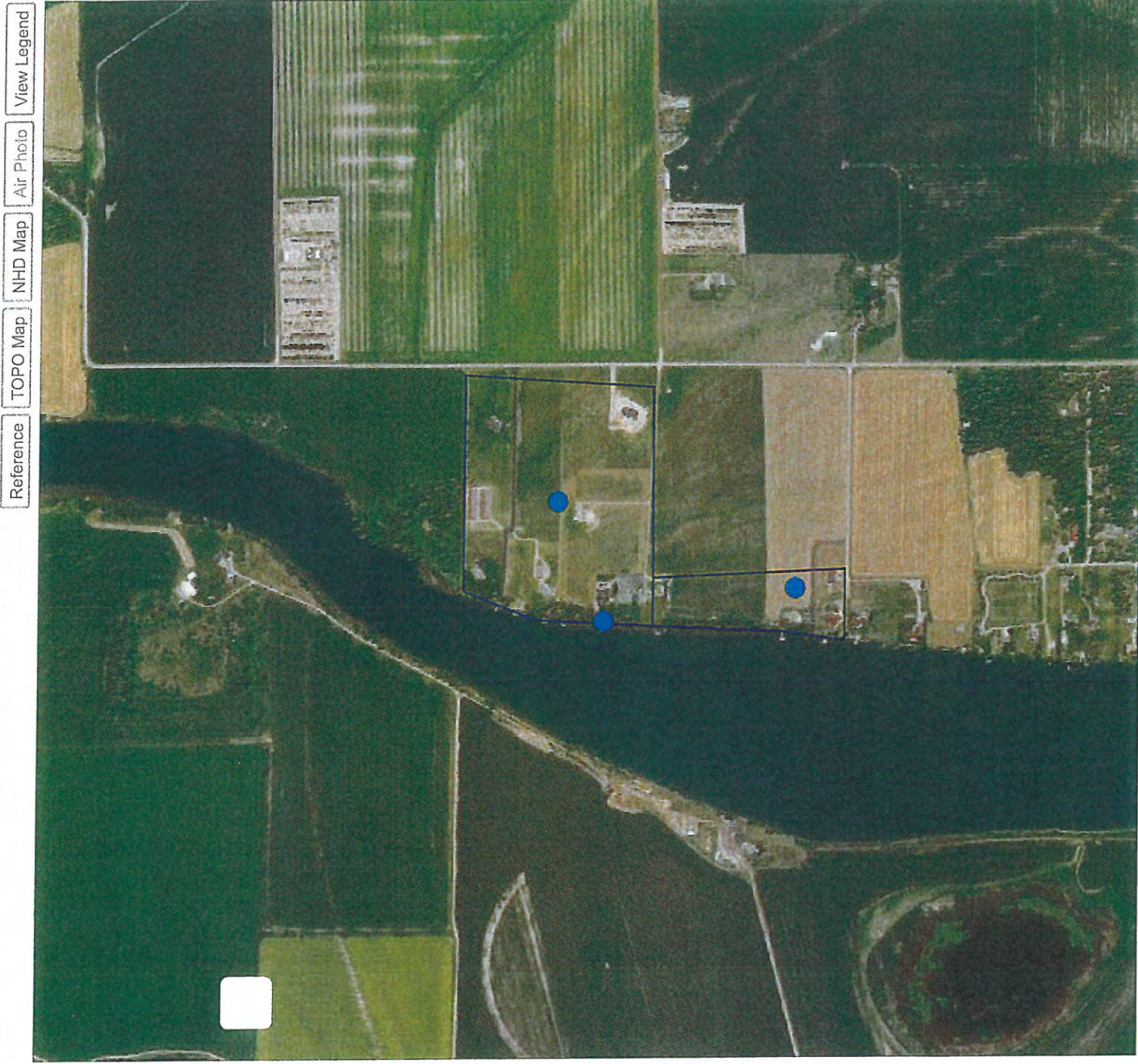
Legend

- 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.



Reference TOPO Map NHD Map Air Photo View Legend

Property Record Card
 Tax Year 2022

Summary

Primary Information

Subcategory: Residential Property
 Geocode: 07-3967-33-1-01-01-0000
 Assessment Code: 0000981585
 Property Address: 139 RIVESHORE LN
 PITZ NICHOLAS & BRANDYE
 PO BOX 2211
 BIGFORK, MT 59911-2211
 COS Parcel:

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Legal Description:
 S33, 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
 Property Type: IMP_R - Improved Property - Rural
 Living Units: 1
 Levy District: 07-0316-09 - MAIN
 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:
 Utilities:
 Access:
 Location:
 Fronting:
 Parking Type:
 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
Wet Bar	n nnn	nn nn

Owners

Appraisals

Market Land Info

Dwellings

Other Buildings/Improvements

Commercial

Ag/Forest Land





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:

Pitz Brandyé Nicolas W
LAST NAME FIRST NAME MID. INITIAL
PO Box 2211
STREET ADDRESS OR PO BOX
Bigfork MT 59911
CITY STATE ZIP CODE
(406) 249-0201 bnw8556@gmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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) See attached objection letter:

We object to Part III.C. of the Preliminary decree. The water rights of Montana are the property of the State for the use of its people, all of its people. This is the largest compact of its kind for a single interest group in the United States.

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 more than one water right number, use a separate form for each water right number. Should be considered overreach

Water Right #: 76L 311-00
(One Number Per Form)

Page number in Decree: 5
Source: Flathead River Basin 76L

DATED this ____ day of _____, 2022.

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, Brandeye Pitz, declare under penalty of perjury, that on the 22nd 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 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

Enforceable Priority Date: APRIL 30, 1953

Purpose (use): 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

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWNE	33	28N	20W	FLATHEAD

Period of Diversion: APRIL 15 TO OCTOBER 15

Flow Rate: 700.00 GPM

Diversion Means: PUMP

<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:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	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
	07-3967-33-1-01-03-0000 - Y	07-3967-33-1-01-04-0000 - Y
	07-3967-33-1-01-27-0000 - Y	07-3967-33-1-01-29-0000 - Y
	07-3967-33-1-01-30-0000 - Y	07-3967-33-1-01-31-0000 - Y
	07-3967-33-1-01-33-0000 - Y	07-3967-33-1-01-35-0000 - Y
	07-3967-33-1-01-37-0000 - Y	07-3967-33-1-01-38-0000 - Y
	07-3967-33-1-01-40-0000 - Y	07-3967-33-1-01-45-0000 - Y
	07-3967-33-1-01-50-0000 - Y	07-3967-33-1-01-55-0000 - Y
	07-3967-33-1-01-60-0000 - Y	07-3967-33-1-01-70-0000 - 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

[Print](#)

Summary

Primary Information

Property Category: RP Subcategory: Residential Property
Geocode: 07-3967-33-1-01-01-0000 Assessment Code: 0000981585
Primary Owner: PITZ NICHOLAS & BRANDYE PropertyAddress: 139 RIVESHORE LN
PO BOX 2211 BIGFORK, MT 59911
BIGFORK, MT 59911-2211 COS Parcel:

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Subdivision:

Legal Description:

S33, 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 Property Type: IMP_R - Improved Property - Rural

Living Units: 1

Levy District: 07-0316-09 - MAIN

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	0.000	00.00

[Owners](#)

[Appraisals](#)

[Market Land Info](#)

[Dwellings](#)

[Other Buildings/Improvements](#)

[Commercial](#)

[Aq/Forest Land](#)





Water Right Number:
76LJ 311 00NULL

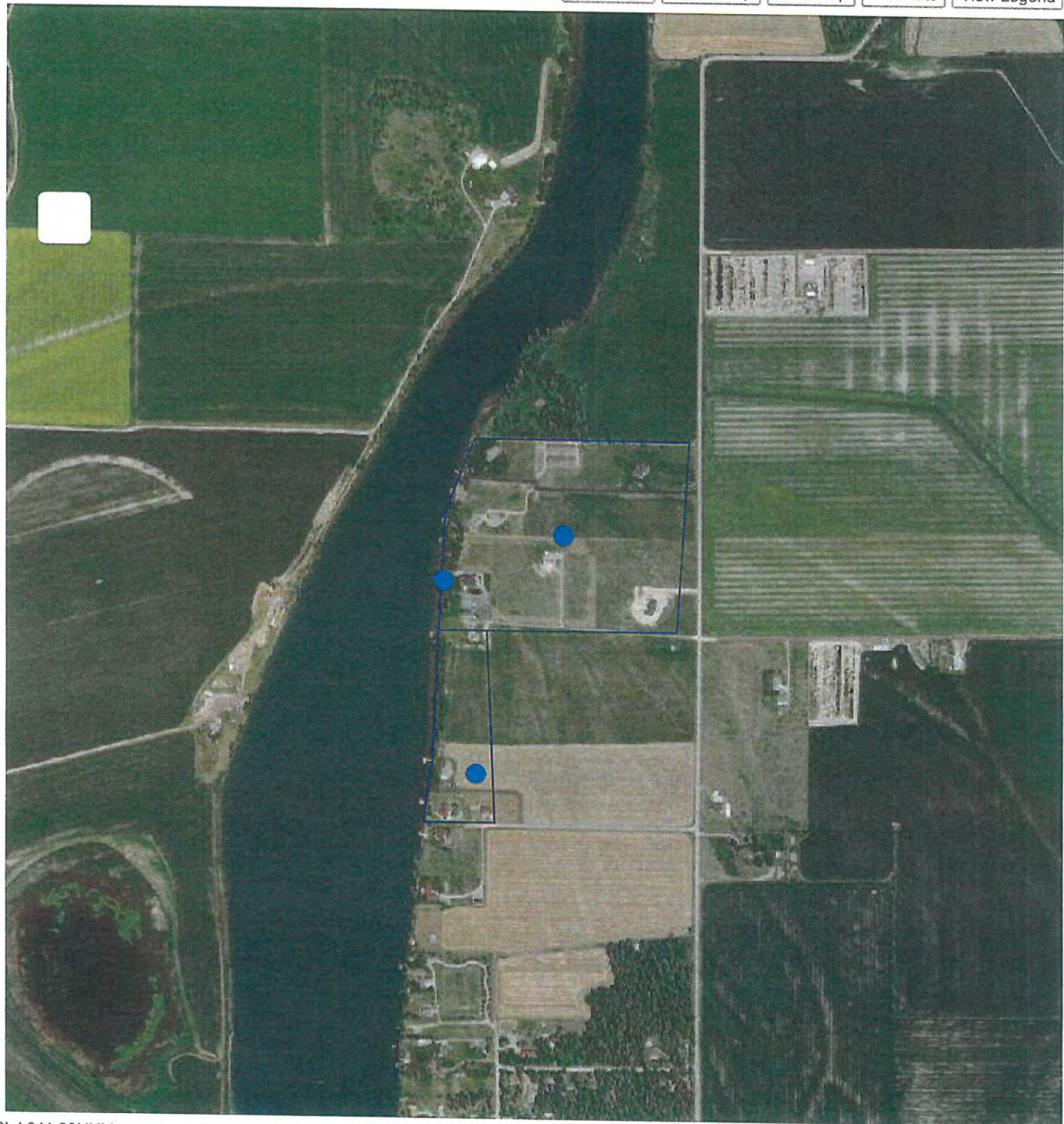
Print Map

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.



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:

Garrison Eileen M
LAST NAME FIRST NAME MID. INITIAL
PO Box 911
STREET ADDRESS OR PO BOX
Thompson Falls MT 59873
CITY STATE ZIP CODE
(406) 827-4435 eileenmgarrison@gmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

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)

Objecting to all highlighted sections on the attached general abstract.

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76N 23439 00
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 18 day of November, 2022.

Eileen M. Harrison
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, Eileen M Garrison, 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 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

Eileen M. Garrison
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:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENE	5	21N	29W	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

Purpose (Use): DOMESTIC
Households: 0
Volume: 0.75 AC-FT
Period of Use: MAY 15 to NOVEMBER 15
Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENE	5	21N	29W	SANDERS

Purpose (Use): IRRIGATION
Volume: 13.50 AC-FT

Period of Use: MAY 15 to SEPTEMBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	5.00		NENE	5	21N	29W	SANDERS

Total: 5.00

Purpose (Use): STOCK

Volume: 1.40 AC-FT

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENE	5	21N	29W	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.

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:

Hafer Marty L
LAST NAME FIRST NAME MID. INITIAL
157 Sage Lane
STREET ADDRESS OR PO BOX
Kalispell MT 59901
CITY STATE ZIP CODE
(406) 261-5909 hafer32@hotmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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)

The Preliminary Decree is unclear and lacks definition so it's hard to say. I want to keep my water rights and future water rights forever. My family came to the Flathead Valley before MT was a state, and still a territory. I believe

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 more than one water right number, use a separate form for each water right number.

Water Right #: 73981-676LJ
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 23 day of NOV, 2022.

Marty Hafer
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, 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@eskt.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").

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)

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

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

Haber Marty L
LAST NAME FIRST NAME MID. INITIAL
157 Sage Lane
STREET ADDRESS OR PO BOX
Kalispell MT 59901
CITY STATE ZIP CODE
(406) 261-5909 haber32@hotmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 3011 6607
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 23 day of NOV, 2022.

Marty Haber
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, 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.**

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:

Hafer Lorie L
LAST NAME FIRST NAME MID. INITIAL
157 Sage Lane
STREET ADDRESS OR PO BOX
Kalispell MT 59901
CITY STATE ZIP CODE
(406)261-1031 hafer32@hotmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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Water Right #: 73981-676LS
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 23 day of NOV., 2022.

Lorie Hafer
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

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CERTIFICATE OF MAILING

I, Lorie 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@eskt.org

David W. Harder
U.S. Department of Justice
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BY DECEMBER 6, 2022.**

(Continued from page one of form.)

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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.

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Sincerely,

Marty Hafer

Lorie Hafer

Bunyea Legacy Wealth Trust (Barbara Bunyea, Steve Bunyea, Julie Hunt, Lorie Hafer)

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:

Hafer Lorie L
LAST NAME FIRST NAME MID. INITIAL
157 Sage Lane
STREET ADDRESS OR PO BOX
Kalispell MT 59901
CITY STATE ZIP CODE
(406) 261-1031 hafer32@hotmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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)

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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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 3011 6607
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 23 day of Nov, 2022.

Lorie Hafer
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, Lorrie 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
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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.**

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:

Cheff Dan D., SR.
LAST NAME FIRST NAME MID. INITIAL
392 S. Hill Road
STREET ADDRESS OR PO BOX
Trout Creek, MT 59874
CITY STATE ZIP CODE
(406) hcheff@montana.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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)

See attached papers

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76 N 30012385
(One Number Per Form)

Page number in Decree: 4-5 and 15
Source: ground water

DATED this 22nd day of November, 2022.

Dan D. Cheff Sr.
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, Dan D. Cheff, SR, declare under penalty of perjury, that on the 22nd 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
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Bozeman, MT 59771-1389**

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

I, Dan D. Cheff Sr., hereby am objecting to several points 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 Montana State Constitution 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.

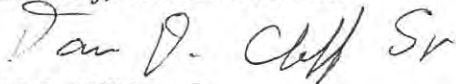
4) The priority date for the Mainstem Instream Flow Right in the Lower Clark Fork River (Basin 76M and 76 N) is given as "time immemorial" (Preliminary Decree, Part III C, (a.) page 15).

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.

Sincerely, Dan D. Cheff Sr.



11-22-22

392 S. Hill Road
Trout Creek, MT 59859
Phone: 1 (406- 827-3511).

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:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		N2NENE	34	24N	31W	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:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		E2NENE	34	24N	31W	SANDERS	

Purpose (Use): STOCK
Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		N2NENE	34	24N	31W	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 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.

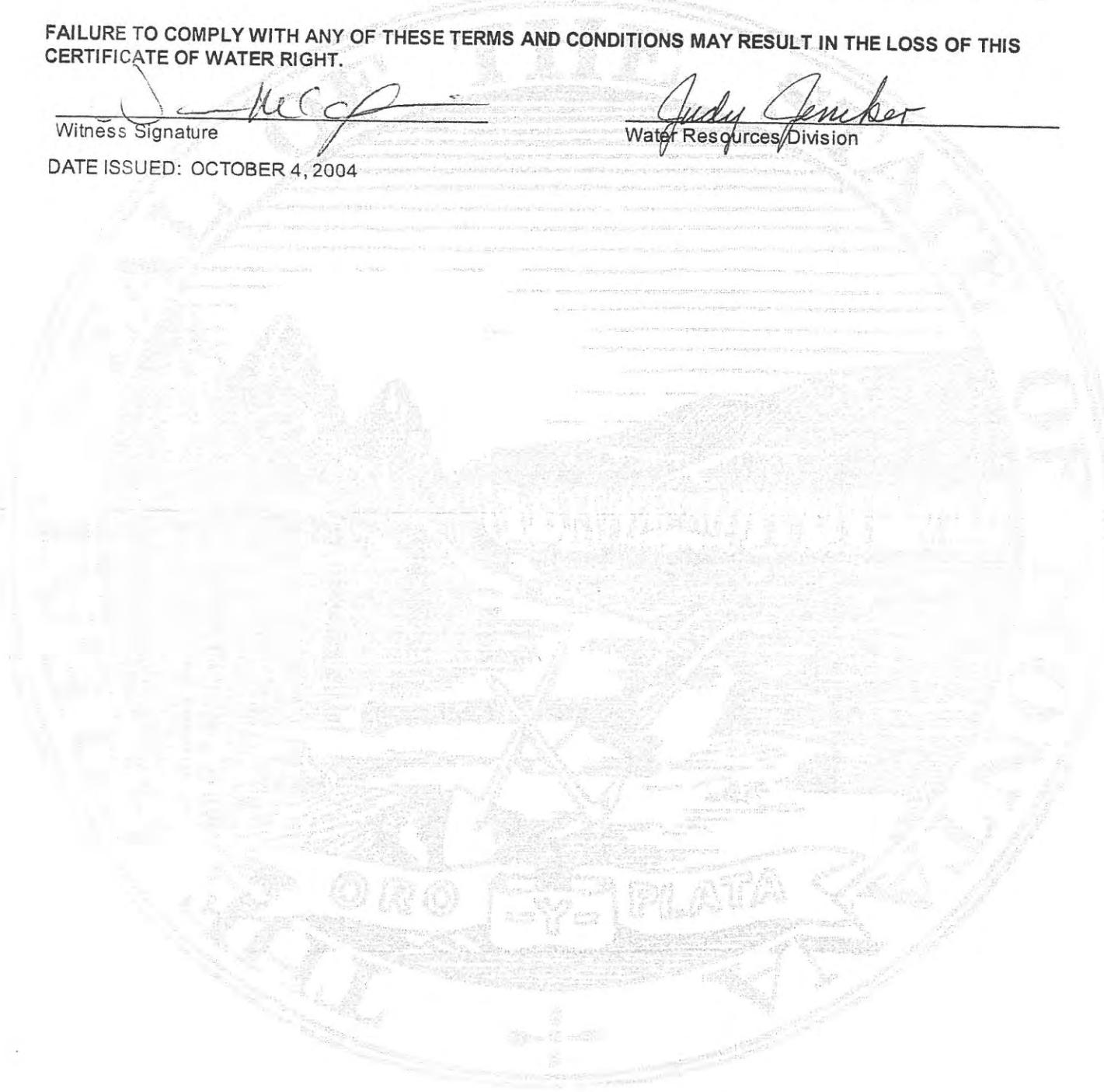
**THIS CERTIFICATE IS SUBJECT TO ALL PRIOR EXISTING WATER RIGHTS
IN THE SOURCE OF SUPPLY.**

**FAILURE TO COMPLY WITH ANY OF THESE TERMS AND CONDITIONS MAY RESULT IN THE LOSS OF THIS
CERTIFICATE OF WATER RIGHT.**

Witness Signature

Water Resources Division

DATE ISSUED: OCTOBER 4, 2004





Dan D Cheff, SR
392 S Hill Rd
Trout Creek, MT 59874

water right no.
76N 30012385

FD - 1

Qtr Sec - N2NENE

Sec-34

Twp - 24N

Rge - 31W

County Sanders

Google Maps



Map data ©2022, Map data ©2022 10 ft



Williams Well Drilling

1405 Blue Slide Road
 Thompson Falls, MT 59873
 (406) 827-9585

Invoice	
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	Encased drilling @ \$22.00 per ft.	220	22.00	4,840.00
Ring Bit	Carbide Ring Bit		360.00	360.00
Ecology Surface S...	Ecology Surface Seal...materials only		14.49	14.49
Well Cap	Well Cap w/gasket & vent		42.00	42.00
<p>Thank you for having us work with you on your project:</p> <p>Any</p> <p>Any questions please call Mona @ 406-827-9585</p>				

pd 7/10/03 ck# 6289

Total	\$5,256.49
Payments/Credits	\$0.00
Balance Due	\$5,256.49

Make checks payable to the Montana Department of Revenue.

Water Adjudication Payment Coupon

Cheff, Dan D
392 S HILLS RD

TROUT CREEK MT 59874

Total Amount Due: \$40.00
Due Date: January 31, 2006

Please use only black or blue ink to fill out the coupon.

Letter ID:

L1396643840

Invoice Number:

76381

Do not staple your check or correspondence to this coupon.

DEPARTMENT OF REVENUE
PO BOX 8031
HELENA MT 59604-8031

Total Amount Paid , , 4 0 . 0 0

821140700000076381ADJ9123120058PRDPYML0000000400006

DAN D CHEFF, SR
SANDRA L CHEFF
(406) 827-3511
392 SOUTH HILLS RD
TROUT CREEK, MT 59874

7396

93-235/929

Pay to the Order of MT Dept. of Revenue Date 1/12/06 \$ 40.00

Sixty dollars Dollars Security Features on Back

FIRST STATE BANK

(406)827-7000
P.O. Box 3500
Thompson Falls MT 59873

(406)826-2000
P.O. Box 100
Plains MT 59859

LFD# L1396643840

For DV# 76381

⑆092902352⑆ 06028059⑈

Sandra L Cheff
7396

MP

2022 REAL Property Tax Statement

Sanders County Treasurer
 Nichol Scribner
 Po Box 519
 Thompson Falls, MT 59873

Statement Date 10/13/22
 Tax Payer 9580
 School District 6M2 TROUT CREEK/
 Taxable Value 2048
 Geo Code 3457-34-1-01-10-0000
 Street Address
 Bureau 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)

Tax Payer

CHEFF DAN D SR TRUSTEE
 CHEFF FAMILY TRUST
 392 S HILL RD
 TROUT CREEK MT 59874-9647

Tax Description	1st Half	2nd Half	Total Tax
LAND	86.72	86.71	173.43
BLDS & IMPROVEMENTS	372.18	372.18	744.36
SOLID WASTE	80.00	80.00	160.00
STATE FIRE PROTECTION	24.23	24.22	48.45
WESTERN SANDERS COUNTY T	7.50	7.50	15.00
THOMPSON FALLS LIBRARY	6.32	6.32	12.64
1st Half Due (11/30/22)	576.95		
2nd Half Due (05/31/23)		576.93	
Total Bill			1,153.88

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: 576.95

Penalty:

Interest:

Total:

Receipt Validation for 2nd Half: 576.93

Penalty:

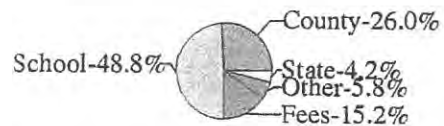
Interest:

Total:

Description	% of Tax	Tax Amount	Mill Levy
School Levies * Indicates a voted levy			
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			
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 TRANSP	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			
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	
* 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
FOREST FIRE PROTECT	4.20 %	\$48.45	
Total Other Stat	4.20 %	\$48.45	0.000
Other			
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

----- continued on reverse side -----

pd in full
 11-22-22



RETURN THIS STUB WITH 1ST PAYMENT TO COUNTY TREASURER

RETURN THIS STUB WITH 2ND PAYMENT TO COUNTY TREASURER

9580 Total if both halves paid: 1153.88

9580 Total if both halves paid: 1153.88



Name CHEFF DAN D SR TRUSTEE
 CHEFF FAMILY TRUST
 392 S HILL RD
 TROUT CREEK MT 59874-9647

Name CHEFF DAN D SR TRUSTEE
 CHEFF FAMILY TRUST
 392 S HILL RD
 TROUT CREEK MT 59874-9647

Due 11/30/22 \$576.95

Due 05/31/23 \$576.93

Return this stub with payment to:
 Sanders County Treasurer
 Nichol Scribner
 Po Box 519
 Thompson Falls, MT 59873

Return this stub with payment to:
 Sanders County Treasurer
 Nichol Scribner
 Po Box 519
 Thompson Falls, MT 59873

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 Legacy Wealth Trust

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

Bunyea Barbara A
LAST NAME FIRST NAME MID. INITIAL
P.O. Box 2094
STREET ADDRESS OR PO BOX
Bigfork MT 59911
CITY STATE ZIP CODE
(406) 837-4706 N/A
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

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)

The Preliminary Decree is unclear and lacks definition, so it's hard to say. I want to keep my water rights and future water rights. My family came to the flathead valley before MT was a state and still a territory. I believe

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 3011 6609
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 24 day of NOV., 2022.

Barbara A. Bunyea
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.

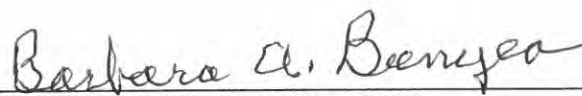
CERTIFICATE OF MAILING

Bunyea Legacy Wealth Trust
I, Barbara Bunyea, declare under penalty of perjury, that on the 24 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


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Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

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BY DECEMBER 6, 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

Bunyea Legacy Wealth Trust

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

Bunyea Barbara A
 LAST NAME FIRST NAME MID. INITIAL
PO Box 2094
 STREET ADDRESS OR PO BOX
Bigfork MT 59901
 CITY STATE ZIP CODE
(406) 885-3404
 PHONE NUMBER
 E-MAIL *N/A*

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

LAST NAME FIRST NAME MID. INITIAL
 STREET ADDRESS OR PO BOX
 CITY STATE ZIP CODE
 PHONE NUMBER E-MAIL

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)

The Preliminary Decree is unclear and lacks definition so its hard to say. I want to keep my water rights and future water rights. My family came to the flathead valley before MT was a state and still a territory. I believe

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 more than one water right number, use a separate form for each water right number.

Water Right #: *76LD 30116606*
 (One Number Per Form)

Page number in Decree: _____
 Source: _____

DATED this *24* day of *NOV*, 2022.

Barbara A. Bunyea
 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

Bunyea Legacy Wealth Trust
I, Barbara Bunyea, declare under penalty of perjury, that on the 24 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@eskt.org

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


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BY DECEMBER 6, 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

Bunyea Legacy Wealth Trust

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

<i>Bunyea Barbara A</i>		
LAST NAME	FIRST NAME	MID. INITIAL
<i>P.O. Box 2094</i>		
STREET ADDRESS OR PO BOX		
<i>Bigfork MT</i>	<i>59901</i>	
CITY	STATE	ZIP CODE
<i>(406) 837-4706</i>	<i>MT</i>	<i>N/A</i>
PHONE NUMBER	E-MAIL	

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

LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX		
CITY	STATE	ZIP CODE
PHONE NUMBER	E-MAIL	

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)

The Preliminary Decree is unclear and lack definition, so its hard to say. I want to keep my water rights and future water rights my family came to the flathead valley before MT was a state, and still a territory. I believe

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 more than one water right number, use a separate form for each water right number.

Water Right #: *76LJ 3011 6608*
 (One Number Per Form)

Page number in Decree: _____
 Source: _____

DATED this *24* day of *NOV*, 2022.

Barbara A. Bunyea
 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

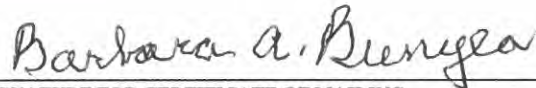
Bunyea Legacy Wealth Trust

I, Barbara Bunyea, declare under penalty of perjury, that on the 24 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@eskt.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").

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)

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

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

DELANGE PHILLIP R
LAST NAME FIRST NAME MID. INITIAL
5500 BENT PINE DRIVE
STREET ADDRESS OR PO BOX
VERO BEACH FL 32967
CITY STATE ZIP CODE
(772) 532-1120 DELANGE@BELLSOUTH.NET
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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)

SEE ATTACHED 3 PAGES

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Water Right #: 764J30009791
(One Number Per Form)

Page number in Decree: _____
Source: GROUND WATER

DATED this 29th day of NOVEMBER, 2022.


SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

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CERTIFICATE OF MAILING

I, PHILLIP RAY DELANGE, 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:

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Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855
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Natural Resources and
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1539 Eleventh Avenue
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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 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.

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

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

DELANGE PHILLIP R
LAST NAME FIRST NAME MID. INITIAL
5500 BENT PINE DRIVE
STREET ADDRESS OR PO BOX
VERO BEACH FL 32967
CITY STATE ZIP CODE
(772) 532-1120 DELANGE@BELLSOUTH.NET
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
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SEE ATTACHED 3 PAGES

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Water Right #: 766530153306
(One Number Per Form)

Page number in Decree: _____
Source: GROUNDWATER, SPRING

DATED this 29th day of NOVEMBER, 2022.


SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

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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.

ELECTRONICALLY FILED

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

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

Maestas	Joseph & Christy	N/A - L
LAST NAME	FIRST NAME	MID. INITIAL
PO Box 411		
STREET ADDRESS OR PO BOX		
Thompson Falls	MT	59873
CITY	STATE	ZIP CODE
(406) 799-0962	jmaestas628@gmail.com	
PHONE NUMBER	E-MAIL	
	leapedflunky@gmail.com	

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

_____	_____	_____
LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX		
_____	_____	_____
CITY	STATE	ZIP CODE
()		
PHONE NUMBER	E-MAIL	

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)

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76N 30041863
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 29 day of November, 2022.

Joseph Maestas & Christy L Maestas
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, Joseph Maestas, 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@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
MONTANA – UNITED STATES COMPACT

Montana Water Court

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

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

ANDERSON PHYLLIS			J.		
LAST NAME	FIRST NAME	MID. INITIAL			
116 RANCHETTS ROAD					
STREET ADDRESS OR PO BOX					
BIGFORK		MT	59911		
CITY	STATE	ZIP CODE			
(406) 752-3606	pwandrsn@centurytel.net				
PHONE NUMBER	E-MAIL				

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

LAST NAME	FIRST NAME	MID. INITIAL			
STREET ADDRESS OR PO BOX					
CITY	STATE	ZIP CODE			
()					
PHONE NUMBER	E-MAIL				

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)

CSKT-MT Water Compact in its entirety.

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 72067
(One Number Per Form)

Page number in Decree: N/A
Source: N/A

DATED this 29th day of November, 2022.


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, PHYLLIS ANDERSON, declare under penalty of perjury, that on the 29th day of NOVEMBER, 2022, I ~~mailed~~ ^{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@cst.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.**

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

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

ANDERSON PHYLLIS J.
LAST NAME FIRST NAME MID. INITIAL
116 RANCHETTS ROAD
STREET ADDRESS OR PO BOX
BIGFORK MT 59911
CITY STATE ZIP CODE
(406) 752-3606 pwandrsn@centurytel.net
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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)

CSKT-MT Water Compact in its entirety.

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 116663
(One Number Per Form)

Page number in Decree: N/A
Source: N/A

DATED this 29th day of November, 2022.


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, PHYLLIS ANDERSON, declare under penalty of perjury, that on the 29th day of NOVEMBER, 2022, I ~~mailed~~ ^{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@cstkt.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.**

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

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

Roofener Chad A
LAST NAME FIRST NAME MID. INITIAL
479 Trout Creek Rd
STREET ADDRESS OR PO BOX
Trout Creek MT 59874
CITY STATE ZIP CODE
(503) 932-2835 corneeroofener@gmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

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)

See attached

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 more than one water right number, use a separate form for each water right number.

Water Right #: Pending application
(One Number Per Form) turned in

Page number in Decree: _____
Source: _____

DATED this 29 day of November, 2022.


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, Chad Roofener, 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@cslt.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.**

My objections to the parts of the Preliminary Decree are as follows:

1. 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](mailto:matt.gebhardt@montana.gov)
To: [Watercourt \(Bozeman\)](mailto:Watercourt@mt.gov)
Subject: [EXTERNAL] Case # WC-0001-C-2021 Notice of Objection & Req for Hearing
Date: Tuesday, November 29, 2022 11:02:59 AM
Attachments: [Case No WC-0001-C-2021 Noti Obj Gebhardt.pdf](#)

WC-0001-C-2021

November 29, 2022

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 upstream 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 "76LJ") 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.a* or *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

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

GEBHART MATT F
 LAST NAME FIRST NAME MID. INITIAL
PO Box 8851
 STREET ADDRESS OR PO BOX
KALISPELL MT 59901
 CITY STATE ZIP CODE
(406) 609-8308 gebfamily@gmail.com
 PHONE NUMBER E-MAIL

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

 LAST NAME FIRST NAME MID. INITIAL

 STREET ADDRESS OR PO BOX

 CITY STATE ZIP CODE

 PHONE NUMBER E-MAIL

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)

WR: 76 LJ 7494 00: IF IT IS DETERMINED THAT THIS IRRIGATION WATER RIGHT (SURFACE) "SOURCE OF SUPPLY" IS IDENTIFIED AS BELONGING TO THE SOURCES LISTED IN SECTION III, G, 4, a, i, ii, iii, iv."

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76 LJ 7494
 (One Number Per Form)

Page number in Decree: 26
 Source: SURFACE

DATED this 11 day of NOVEMBER, 2022.
Matt F. Gebhart
 MANAGER GEBHART FAMILY LLC
 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.

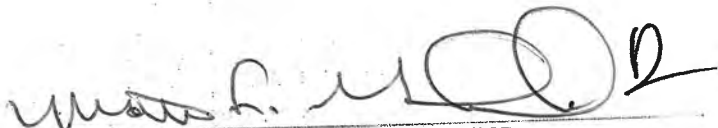
CERTIFICATE OF MAILING

I, Matt F. Gerhardt, 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@cslt.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
 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:

GEBHART MATTHEW F
LAST NAME FIRST NAME MID. INITIAL
POB 811
STREET ADDRESS OR PO BOX
KALISPELL, MT 59904
CITY STATE ZIP CODE
(406)609-8308 gebmather@gmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
 () _____
PHONE NUMBER E-MAIL

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)

WOR: "76LJ 46833 00" relative to: "WC-0001-C-2021" IF IT IS DETERMINED THAT THIS IRRIGATION WR (SURFACE) "SOURCE OF SUPPLY" IS IDENTIFIED AS BELONGING TO THE SOURCES ID' IN SECTION "III, G, 4, a, i, ii, iii, or iv!"

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 46833 00
(One Number Per Form)

Page number in Decree: 26
 Source: SURFACE

DATED this 11 day of November, 2022.

Matthew Gebhart
 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.

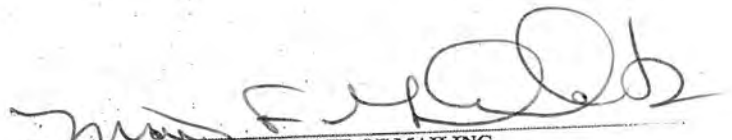
CERTIFICATE OF MAILING

I, MATTHEW F. GEBHARDT, 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@eskt.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.**

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.

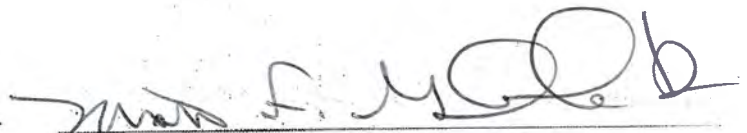
CERTIFICATE OF MAILING

I, MARZ F. GEBHARDT, 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.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.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
 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:

GEBHARDT MATT F
 LAST NAME FIRST NAME MID. INITIAL
PO Box 8851
 STREET ADDRESS OR PO BOX
KALISPELL MT 59904
 CITY STATE ZIP CODE
(406) 609-8308 gebfamily@gmail.com
 PHONE NUMBER E-MAIL

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

 LAST NAME FIRST NAME MID. INITIAL

 STREET ADDRESS OR PO BOX

 CITY STATE ZIP CODE

 PHONE NUMBER E-MAIL

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)

WR- "76LJ 62957 00" : IF IT IS DETERMINED THAT THIS IRRIGATION WATER RIGHT (SURFACE) "SOURCE OF SUPPLY" IS IDENTIFIED AS BELONGING TO THE SOURCES IDENTIFIED IN "SECTION III, G, 4, a, i, ii, iii, iv."

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 62957 00
 (One Number Per Form)

Page number in Decree: 26
 Source: SURFACE

DATED this 11 day of NOVEMBER, 2022.
MATT GEBHARDT
 MANAGER GEBHARDT FAMILY LLC
 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, MATT F. GEBHARDT, 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@cstkt.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.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.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
 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:

GEBHARDE MACE F
LAST NAME FIRST NAME MID. INITIAL
PO Box 8851
STREET ADDRESS OR PO BOX
KALISPELL MT. 59904
CITY STATE ZIP CODE
(406) 609-8308 gebfamily@gmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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)*

WR-76LJ 66522 00; IF IT IS DETERMINED THAT THIS IRRIGATION WATER RIGHT (GROUND) "SOURCE OF SUPPLY" IS IDENTIFIED AS BELONGING TO THE SOURCE LISTED IN SECTION III, G, 4, a, i, ii, iii, iv."

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 66522 00
(One Number Per Form)

Page number in Decree: 26
 Source: GROUND

DATED this 11 day of NOVEMBER 2022.
MANA F. MORGAN
 MANAGER GEBHARDE FAMILY LLC
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.

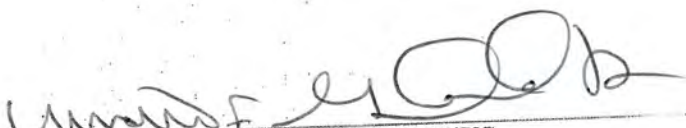
CERTIFICATE OF MAILING

I, MARC F. GEBHARDT, 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
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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


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
 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:

GEBHARDT MARE F
 LAST NAME FIRST NAME MID. INITIAL
POB 8851
 STREET ADDRESS OR PO BOX
KALISPELL MT 59901
 CITY STATE ZIP CODE
(406) 609-8308 gebfamily@gmail.com
 PHONE NUMBER E-MAIL

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

 LAST NAME FIRST NAME MID. INITIAL

 STREET ADDRESS OR PO BOX

 CITY STATE ZIP CODE

 PHONE NUMBER E-MAIL

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)

WR: 76LJ 70073 00: IF IT IS DETERMINED THAT THIS IRRIGATION
WATER RIGHT (GROUND) "SOURCE OF SUPPLY" IS IDENTIFIED AS
BELONGING TO THE SOURCES ID'ed IN "SECTION III, A, 4, a, ii, iii, iv."

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 70073 00
 (One Number Per Form)

Page number in Decree: 26
 Source: GROUND

DATED this 11 day of November, 2022.
MARE F. GEBHARDT

MANAGER GEBHARDT FAMILY LLC
 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.

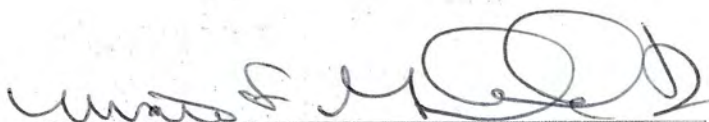
CERTIFICATE OF MAILING

I, Matt F. GEBHART, 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


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
MONTANA – UNITED STATES COMPACT

Montana Water Court

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

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

Tschida Bradley E.
LAST NAME FIRST NAME MID. INITIAL
10825 Mullan Rd
STREET ADDRESS OR PO BOX
Missoula, MT 59808
CITY STATE ZIP CODE
(406) 546-4349 brad@tschida.org
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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)

Please see attached

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76M 30126470
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 22 day of November, 2022.

Bradley E. Tschida
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(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

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

Tschida Bradley E.
LAST NAME FIRST NAME MID. INITIAL
10825 Mullan Rd
STREET ADDRESS OR PO BOX
Missoula, MT 59808
CITY STATE ZIP CODE
(406) 546-4349 brad@tschida.org
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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)

Please see attached

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76M 149676 00
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 22 day of November, 2022.

Bradley E. Tschida
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, Bradley E. Tschida, 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@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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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.**

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.

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:

Benbrook Delores M.
LAST NAME FIRST NAME MID. INITIAL
PO Box 195
STREET ADDRESS OR PO BOX
Olney MT 59927
CITY STATE ZIP CODE
(406) 8812274 dee.benbrook@gmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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) we bought 4.976 acres in rural Flathead County MT in 1997 and drilled our well. The water is for domestic use, lawn/garden, and occasionally animals. We filed and paid for our water rights at the time. This compact goes against the MT Constitution. There's no provision to stop the CSKT from taking our water rights away if they deem necessary

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 more than one water right number, use a separate form for each water right number.

Water Right #: _____
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 29 day of November, 2022.
Delores Benbrook
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, Delores Benbrook, 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@cslkt.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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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
MONTANA – UNITED STATES COMPACT

Montana Water Court

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

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

THOMAS RONALD R
LAST NAME FIRST NAME MID. INITIAL
34 LITTLE BEAVER LA
STREET ADDRESS OR PO BOX
TROUT CREEK MT 59874
CITY STATE ZIP CODE
(406) 827-5678 RONTTHOMAS@BLACKFOOT.NET
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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)

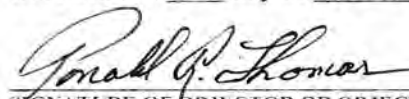
LIMITED TO APPENDIX 38 AND "PARTS OF THE COMPACT THAT RELATE TO THE QUANTIFICATION OF THE TRIBAL WATER RIGHTS OR THEIR ADMINISTRATION".
PART III C (1) (b) (iii), PAGES 4,5,6 IN THE PRELIMINARY DECREE.
SEE ATTCHED COMMENTS

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76N 81570-00
(One Number Per Form)

Page number in Decree: 4-5-6
Source: Preliminary Decree

DATED this 25th day of NOVEMBER, 2022.


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, RONALD R. THOMAS, declare under penalty of perjury, that on the 25th 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@eskt.org
objections@
eskt.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.enr@usdoj.gov
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
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.**

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.

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 Number:

Windle Douglas R.
LAST NAME FIRST NAME MID. INITIAL
Box 1606
STREET ADDRESS OR PO BOX
Trout Creek, MT 59874
CITY STATE ZIP CODE
(360) 631-6614 dougwindle@usanet
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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)

This is a formal objection regarding the water rights claim 76N 133270-00 (issuing permit #5290-01) which is a spring located at SWNE S22 T24N, R31W in Sanders County on National Forest and administered by the Kootenai National Forest.

Continued on attached page including maps and supporting documentation

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76N 133270-00 (5290-01)
(One Number Per Form)

Page number in Decree: _____
Source: Natural spring

DATED this 29 day of November, 2022.



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, Douglas Windle, 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@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.**

This is a formal objection regarding the water rights claim 76N 133270-00 (issuing permit #5290-01) which is a spring located at SWNE 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 about 1925 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
FAX: 522-4131

FILED

APR 23 2007

Montana Water Court

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

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. Please carefully review this Report.

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

U. S. DEPARTMENT OF AGRICULTURE Forest Service SPECIAL-USE PERMIT Authority: <u>FEDERAL LAND POLICY AND MANAGEMENT ACT</u> <u>OCTOBER 21, 1976</u>	Holder No.	Issue Date	Expir. Date
	5 2 9 0-0 1	03/19/97	1 2/3 1/0 6
	Type Site(s)	Authority	Auth. Type
	-- 9 1 5	6 7 6	0 0 2 0
	Region/Forest/District	State/County	
0 1/ 1 4 / 0 7	3 0/ 0 8 9		
Cong. Dist.	Latitude	Longitude	
0 1	4 7-4 5-0 0	1 1 5-3 2-0 0	

Jerry Windle of P.O. Box 66, Fort Shaw, MT 59443 (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 Kootenai 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 transmissision. 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. Authority. 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. Authorized Officer. The authorized officer is the Forest Supervisor or a delegated subordinate officer.

C. License. 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.

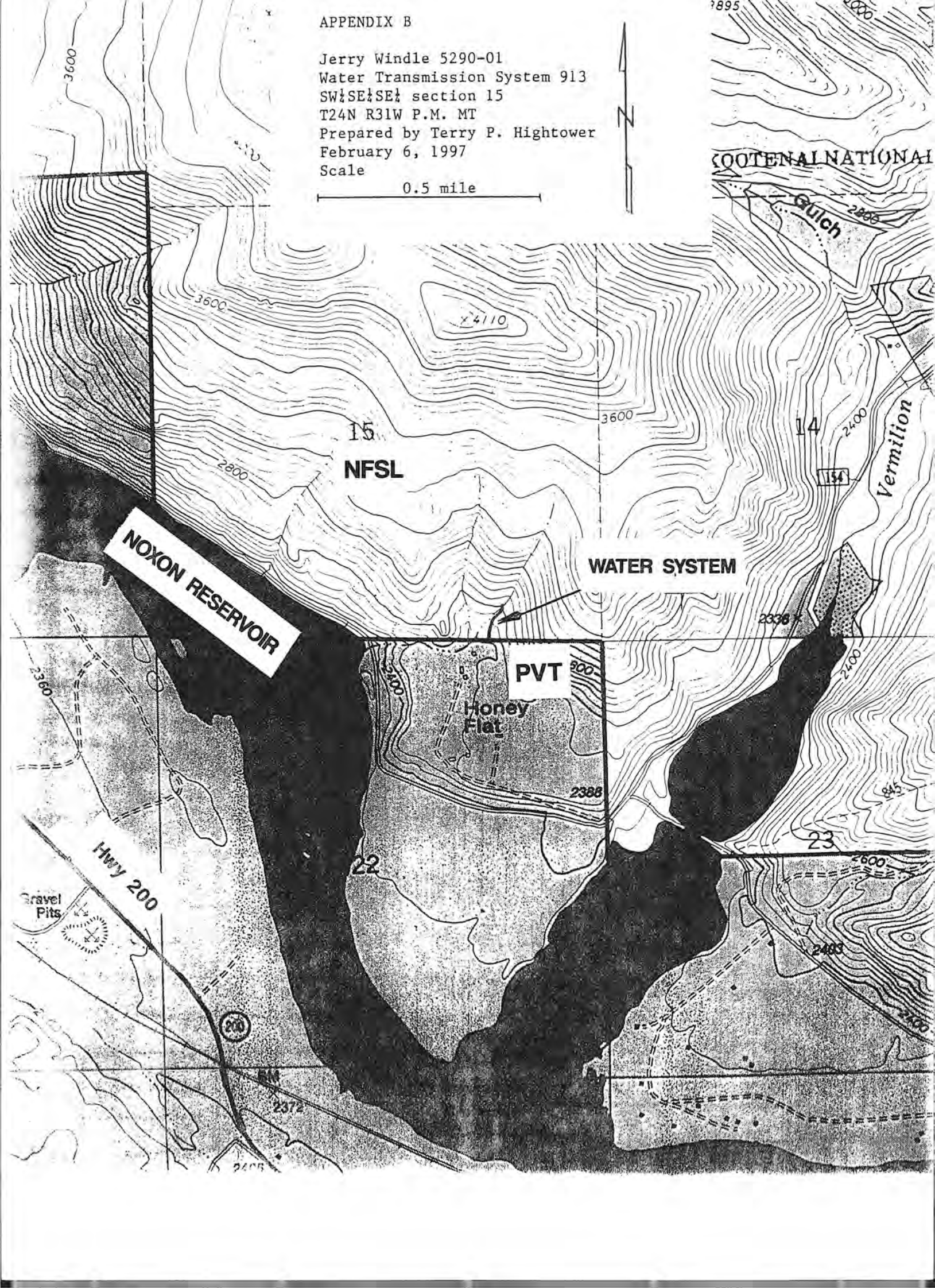
D. Amendment. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other 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.

APPENDIX B

Jerry Windle 5290-01
Water Transmission System 913
SW¼SE¼SE¼ section 15
T24N R31W P.M. MT
Prepared by Terry P. Hightower
February 6, 1997
Scale

0.5 mile



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 Number:

Roosma Dirk F
LAST NAME FIRST NAME MID. INITIAL
P.O. Box 127
STREET ADDRESS OR PO BOX
Hot Springs MT 59845
CITY STATE ZIP CODE
(406) 396-1372 dirkroosma@gmail
PHONE NUMBER E-MAIL

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

Roosma Tammy
LAST NAME FIRST NAME MID. INITIAL
P.O. Box 127
STREET ADDRESS OR PO BOX
Hot Springs MT 59845
CITY STATE ZIP CODE
(406) 396-1372 dirkroosma@gmail
PHONE NUMBER E-MAIL

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)

See Attachment

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76L 95802-00
(One Number Per Form)

Page number in Decree: N/A
Source: Ground Water

DATED this 29 day of November, 2022.
Tammy Roosma
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

We, Dirk F. and Tammy Roosma, declare under penalty of perjury, that on the 29th day of November, 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


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.**

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 to 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.*”

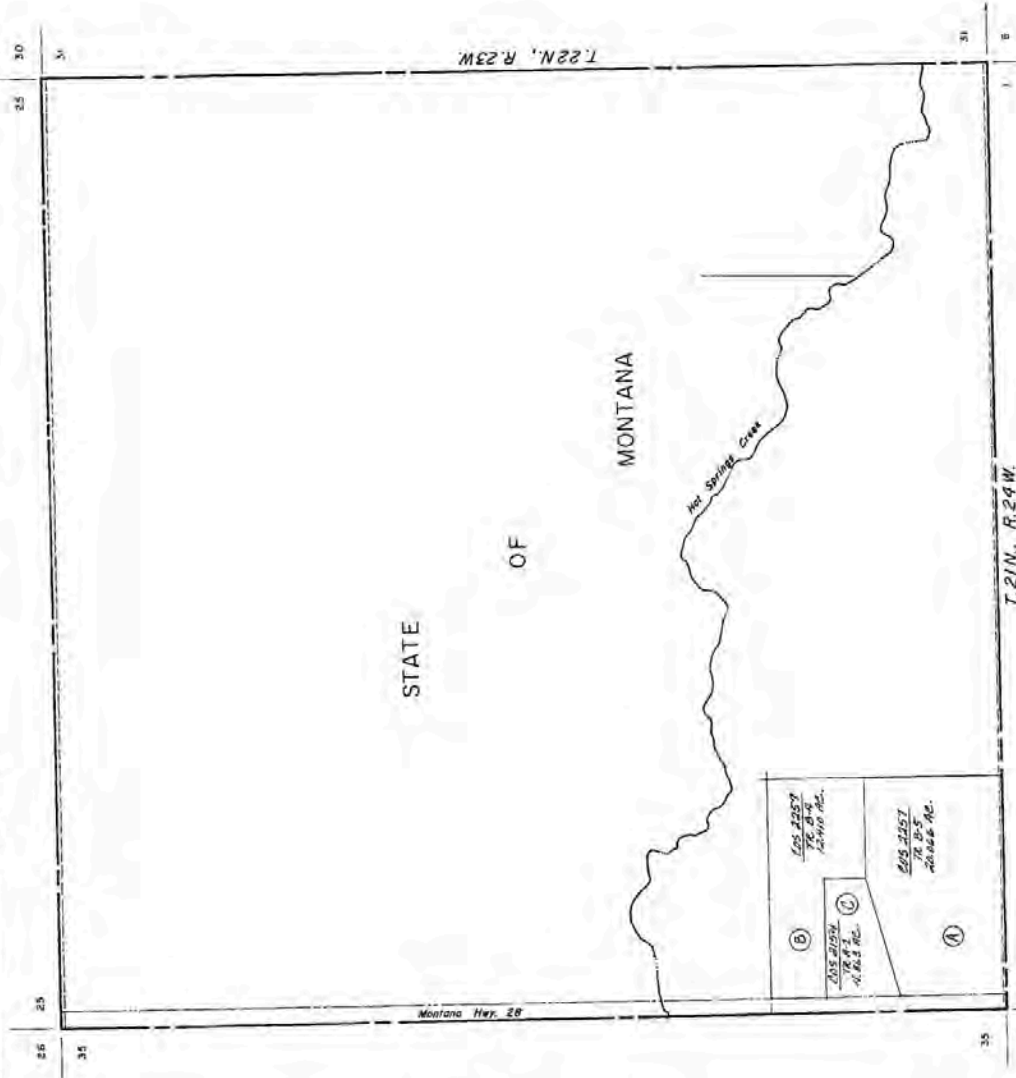
Art. I of Montana Constitution (in part) “...all lands owned or held by any Indian or Indian tribes shall remain under the absolute jurisdiction and control of the congress...”

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...”

SANDERS COUNTY TRACT BOOK

SECTION 36 TOWNSHIP 22 N., RANGE 24 W., P.M.W.



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 Number:

HEMMER MICHAEL T
LAST NAME FIRST NAME MID. INITIAL
PO Box 985
STREET ADDRESS OR PO BOX
Marion MT 59925
CITY STATE ZIP CODE
(253) 740-7176 mshemmer406@gmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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 the portion of the Decree that grants the CKST water rights to water that originates off Tribal lands.

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 more than one water right number, use a separate form for each water right number.

Water Right #: 766 141905 00
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 29th day of November, 2022.

Michael Hemmer
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, Michael T Hemmer, 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@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 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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HEMMER MICHAEL T
LAST NAME FIRST NAME MID. INITIAL
PO Box 985
STREET ADDRESS OR PO BOX
Marion MT 59925
CITY STATE ZIP CODE
(253)740-7176 mshemmer406@gmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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 the portion of the Decree that grants the CKST water rights to water that originates off Tribal lands.

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76L 34212 00
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 29th day of November, 2022.

Michael Hemmer
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, Michael T Hemmer, 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@cstkt.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 29, 2022

Montana Water Court

**IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES
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CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

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

Windle	Douglas	R.	
LAST NAME	FIRST NAME	MID. INITIAL	
<u>Box 1606</u>			
STREET ADDRESS OR PO BOX			
<u>Trout Creek, MT 59874</u>			
CITY		STATE	ZIP CODE
<u>(360) 631-6614</u>		<u>dougwindle@usenet</u>	
PHONE NUMBER		E-MAIL	

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

LAST NAME	FIRST NAME	MID. INITIAL	
<u></u>			
STREET ADDRESS OR PO BOX			
<u></u>			
CITY		STATE	ZIP CODE
<u>()</u>			
PHONE NUMBER		E-MAIL	

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)

Regarding the water rights claim 76N 30042852 which is a well located at S22 T24 R31W, This primary water source is used for domestic purposes including households and garden irrigation. Art IX Sec 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 The legislature shall provide for the administration, control and regulation of water rights..." A change to the administration of water rights or diversion could negatively impact our current water-use permit.

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76N 30042852
(One Number Per Form)

Page number in Decree: _____
Source: Well

DATED this 29 day of November, 2022.

D. Windle
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, Douglas Windle, 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@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.**

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:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		W2E2NE	22	24N	31W	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

Volume: 1.00 AC-FT

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

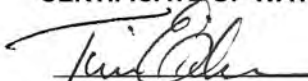
<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			W2E2NE	22	24N	31W	SANDERS

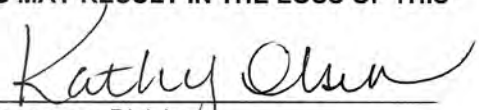
BACKFLOW PREVENTOR

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


Water Resources Division

11/29 mailed
4 copies cert

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

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

Olson JANICE M
LAST NAME FIRST NAME MID. INITIAL
3030 Whitefish Stage
STREET ADDRESS OR PO BOX
KALISPELL MT 59901
CITY STATE ZIP CODE
(406) 249-1797
PHONE NUMBER
jjoilson57@gmail.com
E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

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)

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 3000 7991
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 29th day of November, 2022.

Janice Olson
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(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

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

Olson Jon A
LAST NAME FIRST NAME MID. INITIAL
3030 Whitefish Stage
STREET ADDRESS OR PO BOX
KALISPELL MT 59901
CITY STATE ZIP CODE
(406) 270-8104 JJ.Olson57@gmail.com
PHONE NUMBER E-MAIL
com

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

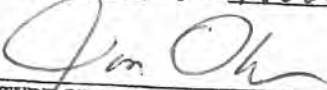
3. State the specific part(s) of the Preliminary Decree objected to. Identify the specific ground(s) and evidence on which the objection(s) are based. (Use additional paper if necessary)

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 30007991
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 29th day of November, 2022.


SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

Home

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:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2NENESE	7	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: 1
Period of Use: JANUARY 1 to DECEMBER 31
Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2NENESE	7	29N	21W	FLATHEAD

Purpose (Use): STOCK
Period of Use: JANUARY 1 to DECEMBER 31
Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2NENESE	7	29N	21W	FLATHEAD

To whom it may concern:

Water Rights 76LJ 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

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.

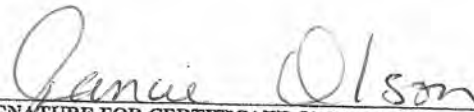
CERTIFICATE OF MAILING

I, JANICE OLSON, 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@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.**

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.

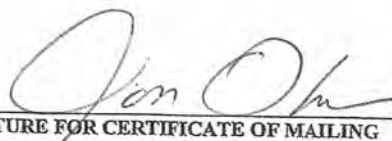
CERTIFICATE OF MAILING

I, Jon Olson, 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@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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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.**

11/29 mailed
4 copies
cert

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

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

OLSON JANICE M
LAST NAME FIRST NAME MID. INITIAL
3030 White Fish Stage
STREET ADDRESS OR PO BOX
KALISPELL MT 59901
CITY STATE ZIP CODE
(406) 249-1797 JJ.OLSON57@GMAIL.COM
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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)

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 more than one water right number, use a separate form for each water right number.

Water Right #: 7664 101300-00
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 29th day of November, 2022.
Janice Olson
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(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

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

Olson Jon A
LAST NAME FIRST NAME MID. INITIAL
3030 Whitefish Stage
STREET ADDRESS OR PO BOX
KALISPELL, MT 59901
CITY STATE ZIP CODE
(406) 270-8104 jjolson57@gmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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)

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 101300-00
(One Number Per Form)

Page number in Decree. _____
Source: _____

DATED this 29th day of November, 2022.

Jon Olson
SIGNATURE OF OBJECTOR 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 101300-00 PROVISIONAL PERMIT
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: JANICE M OLSON
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:

ID	Govt Lot	Qtr	Sec	Sec	Twp	Rge	County
1		NENESE	7		29N	21W	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
Irrigation Type: SPRINKLER

Volume: 52.50 AC-FT
Period of Use: APRIL 1 to OCTOBER 15
Place of Use:

ID	Acres	Govt Lot	Qtr	Sec	Sec	Twp	Rge	County
1	17.63		NESE	7		29N	21W	FLATHEAD
2	2.42		NWSE	7		29N	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.

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Sincerely,
Janice and Jon Olson

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.

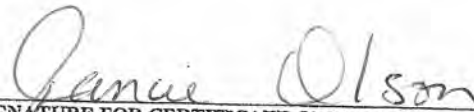
CERTIFICATE OF MAILING

I, JANICE OLSON, 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@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.**

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, Jon Olson, 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@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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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 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

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

Avilla	Dane & Jennifer	
LAST NAME	FIRST NAME	MID. INITIAL
PO Box 88		
STREET ADDRESS OR PO BOX		
Plains	Montana	59859
CITY	STATE	ZIP CODE
(406) 242-0625	watercourt@avilla.net	
PHONE NUMBER	E-MAIL	

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

LAST NAME	FIRST NAME	MID. INITIAL
STREET ADDRESS OR PO BOX		
CITY	STATE	ZIP CODE
()		
PHONE NUMBER	E-MAIL	

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)

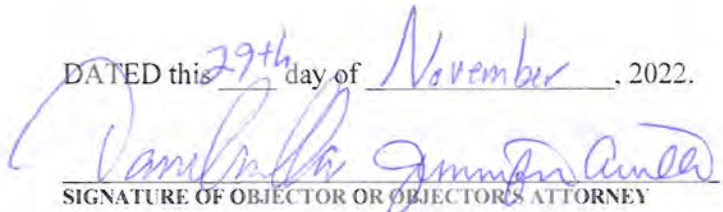
Please see additional pages attached.

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76N 30114697
(One Number Per Form)

Page number in Decree: N/A
Source: Groundwater

DATED this 29th day of November, 2022.


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, Dane Avilla, declare under penalty of perjury, that on the 29th day of November, 2022, I ~~mailed~~ ^{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@eskt.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.**

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:

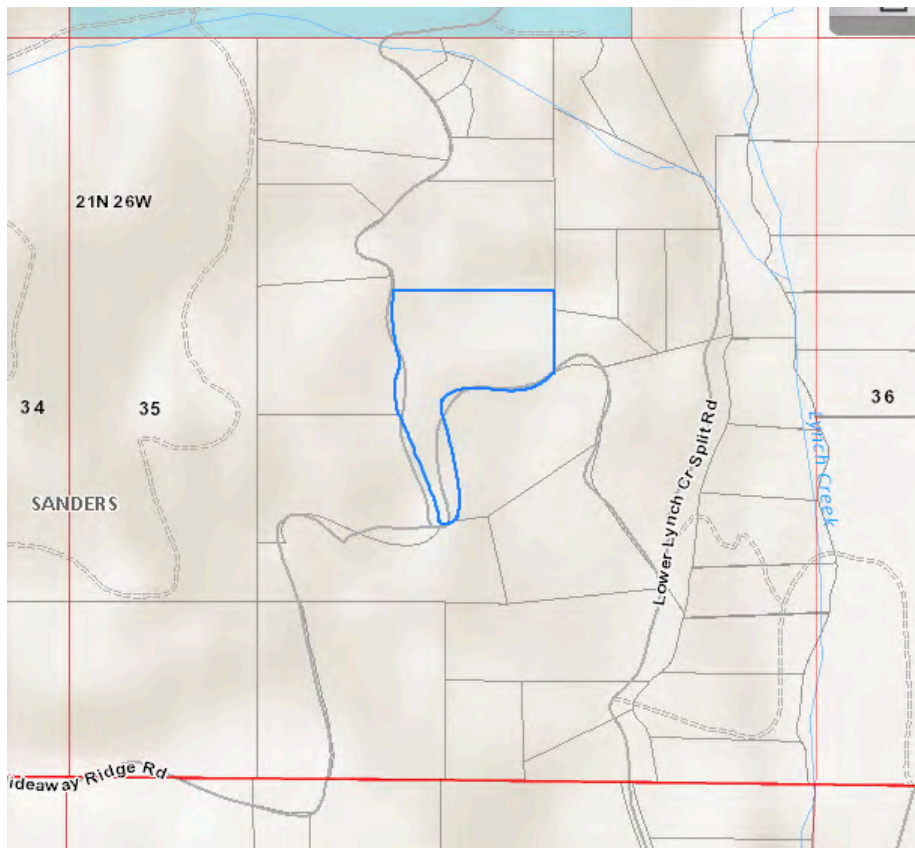
A parcel of land in Section 35, Township 21 North, Range 26 West, P.M.M., Sanders County, Montana, further described as Tract 37 on Certificate of Survey No. 50-A, on file in the office of the Clerk and Recorder of Sanders County, Montana.

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

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:

Anthony Bontadelli D.
LAST NAME FIRST NAME MID. INITIAL
42583 Top of Rock Way E.
STREET ADDRESS OR PO BOX
Polson MT 59860
CITY STATE ZIP CODE
(937) 238-1853 tony.bontadelli@gmail.com
PHONE NUMBER E-MAIL

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

N/A
LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

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)

see attached letter

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76 LJ
(One Number Per Form)

Page number in Decree: see attached letter
Source:

DATED this 21st day of November, 2022.

[Signature]
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, Anthony Bontadelli, 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


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, 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.

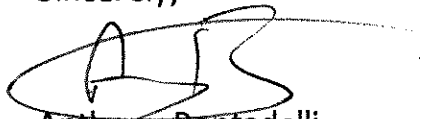
I have an objection with the process used because I was not sent a notice regarding the preliminary decree or the option to file an objection. I was not notified in writing and if I had not found out about the objection process from another source, I would not have known and exercised my rights.

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,

A handwritten signature in black ink, appearing to read 'Anthony Bontadelli', enclosed within a large, loopy circular scribble.

Anthony Bontadelli

42583 Top of the Rock Way E

Polson MT, 59860

23N 20W 35

Bayview Dr

Lot #9



22N 20W 02

Eagle Dr

Bayshore Dr

Bayshore Ln

Hogan Way

outside Rd

DOLL

Property Record Card

Summary

Primary Information

Property Category: RP **Subcategory:** Residential Property
Geocode: 15-3228-02-2-04-12-0000 **Assessment Code:** 0000024273
Primary Owner: **PropertyAddress:** BAYVIEW DR
BONTADELLI ANTHONY D & REBECCA L POLSON, MT 59860
42583 TOP OF THE WAY E **COS Parcel:**
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
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

<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
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 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

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:

Bontadelli Anthony D.
LAST NAME FIRST NAME MID. INITIAL
42583 Top of Rock Way E.
STREET ADDRESS OR PO BOX
Pdson MT 59860
CITY STATE ZIP CODE
(937) 238-1853 tonybontadelli@gmail.com
PHONE NUMBER E-MAIL

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

N/A
LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

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)


see attached letter

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ
(One Number Per Form)

Page number in Decree: see attached letter
Source: see attached letter

DATED this 21 day of NOVEMBER, 2022.


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, Anthony Bontadeelli, 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


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PO Box 1389
Bozeman, MT 59771-1389

or **E-mail: watercourt@mt.gov**

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**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, 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



Jette Lake
Palson MT

22N21W

Top of the Rock Hwy W

Mending Hills Rd

Jette Lake Rd

Aspen Ln

Lot 1

Top of the Rock Hwy E

Jette Lake Trl

Ridgeview Cr

Parkview Dr

Evans Cr

W Park Dr

Aspen Ln

24

Ranch St

Top of the Rock Hwy W

2

Property Record Card

Summary

Primary Information

Property Category: RP **Subcategory:** Residential Property
Geocode: 15-3349-14-2-04-07-0000 **Assessment Code:** 0000001899
Primary Owner: BONTADELLI ANTHONY D & REBECCA L **PropertyAddress:** POLSON, MT 59860
42583 TOP OF THE ROCK WAY E **COS Parcel:**
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
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: **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
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:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
5/28/2014			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		
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

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 **Type:** Category 5

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 **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 **Flat Add:** 0
Description: **Description:**

Dwelling Amenities

View: MTN **Access:**

Area Used In Cost

Basement: 2515 **Additional Floors:** 0 **Attic:** 0
First Floor: 2515 **Half Story:** 0 **Unfinished Area:** 0
Second Floor: 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	Type	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

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

Bontadelli Rebecca L.
LAST NAME FIRST NAME MID. INITIAL
42583 Top of Rock way E.
STREET ADDRESS OR PO BOX
Edson MT 59800
CITY STATE ZIP CODE
(939) 238-1852 bechammer@yahoo.com
PHONE NUMBER E-MAIL

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

N/A
LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

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)

see attached letter

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76 LJ
(One Number Per Form)

Page number in Decree: see attached letter
Source: see attached letter

DATED this 21st day of November, 2022.

pub
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, Rebecca Bontadelli, 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


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.

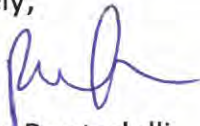
I have an objection with the process used because I was not sent a notice regarding the preliminary decree or the option to file an objection. I was not notified in writing and if I had not found out about the objection process from another source, I would not have known and exercised my rights.

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,

A handwritten signature in blue ink, appearing to read 'Rebecca Bontadelli', written in a cursive style.

Rebecca Bontadelli

42583 Top of the Rock Way E

Polson MT, 59860

Property Record Card

Summary

Primary Information

Property Category: RP **Subcategory:** Residential Property
Geocode: 15-3349-14-2-04-07-0000 **Assessment Code:** 0000001899
Primary Owner: BONTADELLI ANTHONY D & REBECCA L **PropertyAddress:** POLSON, MT 59860
42583 TOP OF THE ROCK WAY E **COS Parcel:**
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
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: **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
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:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
5/28/2014			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			
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

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

Type: Category 5

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 Accommodations

Bedrooms: 4 Full Baths: 4 Addl Fixtures: 6
Family Rooms: 0 Half Baths: 0

Additional Information

Fireplaces: Stacks: 0 Stories:
Openings: 0 Prefab/Stove: 1
Garage Capacity: 0 Cost & Design: 0 Flat Add: 0
% Complete: 0 Description: Description:

Dwelling Amenities

View: MTN Access:

Area Used In Cost

Basement: 2515 Additional Floors: 0 Attic: 0
First Floor: 2515 Half Story: 0 Unfinished Area: 0
Second Floor: 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	Type	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



Lot 17

Top of the Rock Way E

Top of the Rock Way W

Winding Hills Rd

23N21W

Park Circle Dr

Ridge View Cir

E Park Dr

W Park Dr

Aspen Ln

Tannerack Rd

Ranch Rd

Clyde Hills Cir

Smart Rd

Access

Park Circle Dr

24

A 12

B 12

C 12

D 12

E 12

F 12

G 12

13

23N21W

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:

Bontadelli, Rebecca L.
LAST NAME FIRST NAME MID. INITIAL
42583 Top of Rockway E.
STREET ADDRESS OR PO BOX
Polson MT 59860
CITY STATE ZIP CODE
(937) 238-1852
PHONE NUMBER
beckhamre@yahoo.com
E-MAIL

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

N/A
LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

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)

See attached letter

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ
(One Number Per Form)

Page number in Decree: _____
Source: see attached letter

DATED this 21st day of November, 2022.

[Signature]
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, Rebecca Bontadelli, 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.Sayc@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,

A handwritten signature in blue ink, appearing to read 'Rebecca Bontadelli', with a stylized flourish at the end.

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
Subcategory: Residential Property
Assessment Code: 0000024273
PropertyAddress: BAYVIEW DR
POLSON, MT 59860
COS Parcel:

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
Living Units: 0
Zoning:
Linked Property:

Property Type: VAC_R - Vacant Land - Rural
Levy District: 15-0477-23P
Ownership %: 100

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:

General: 0
Limited: 0

Property Factors

Topography:
Utilities:
Access:
Location:

Fronting:
Parking Type:
Parking Quantity:
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
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 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

23N 20W 35

Bayview Dr



Lot #9

22N 20W 02

Greene

Eagle Dr

Bayshore Dr

Bayshore Ln

Hogan Way

course Rd

DOLL

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:

Richardson Kenneth BRET
LAST NAME FIRST NAME MID. INITIAL
41398 Flathead view dr
STREET ADDRESS OR PO BOX
Polson MT 59860
CITY STATE ZIP CODE
(406) 885-2738 Kbrichardson@fcgnt.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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)

See Attached

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ-P11429.00
(One Number Per Form)

Page number in Decree: General Objection
Source: _____

DATED this 23 day of November, 2022.

Kenneth Bret Richardson
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(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.

- 1) 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.

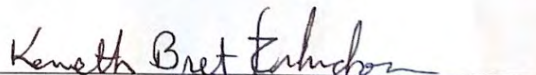
CERTIFICATE OF MAILING

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


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

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

Richardson Kenneth BRET
LAST NAME FIRST NAME MID. INITIAL
41398 Flathead view dr
STREET ADDRESS OR PO BOX
Polson MT 59860
CITY STATE ZIP CODE
(406) 885-2738 Kbrichardson@fcymt.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

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)

SEE Attached

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LS C074468
(One Number Per Form)

Page number in Decree: General Objection
Source:

DATED this 23 day of November, 2022.

Kenneth Bret Richardson
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

Kenneth Bret Richardson

Water Right # 76LJ 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.

- 1) 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.

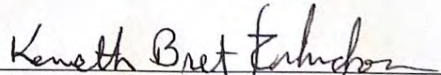
CERTIFICATE OF MAILING

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@cslt.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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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

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

ANTONINI ANTHONY P.
LAST NAME FIRST NAME MID. INITIAL
2445 FARM TO MARKET ROAD
STREET ADDRESS OR PO BOX
KALISPELL MT 59901
CITY STATE ZIP CODE
(406) 212-8313 tantonini28@gmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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)

CSKT-MT Water Compact in its entirety.

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 84908 00
(One Number Per Form)

Page number in Decree: N/A
Source: N/A

DATED this 30th day of November, 2022.


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, ANTHONY ANTONINI, declare under penalty of perjury, that on the 30th day of NOVEMBER, 2022, I ~~mailed~~ ^{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@cslt.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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Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

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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

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

DUSTALET CHAD E
LAST NAME FIRST NAME MID. INITIAL
1781 EDMONS CANYON RD
STREET ADDRESS OR PO BOX
KILIA MT 59960
CITY STATE ZIP CODE
(406) 890-0234
PHONE NUMBER
CEDUSTALET@GMAIL.COM
E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

PHONE NUMBER E-MAIL

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)


PLEASE SEE INCLUDED DOCUMENTS FOR OBJECTIONS.

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 more than one water right number, use a separate form for each water right number.

Water Right #: _____
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 30 day of NOVEMBER, 2022.


SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

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CERTIFICATE OF MAILING

I, CHAD OUSTALET, 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@eskt.org

David W. Harder
U.S. Department of Justice
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999 18th St.
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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.Sayce@mt.gov



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or E-mail: watercourt@mt.gov

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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 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 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

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.

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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.

--

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

20220801 21:31:06

Legal: 61 TR 2BAA IN W2NE4SW4SW4

Sec 35 Twp 27 Rng 22 5.00

Values:	71 AZ	Catcd Description	Acres	Value	Rate	Taxable Value	Geocode
		21010 TRACT LAND	5.00	67,900		917.00	ORION DA 07383235301250000
		TOTALS:		67,900		917.00	

UNPAID TAXES:

TAXBILL	DUE DATE	AMOUNT LEVIED	AMOUNT ABATED	PENALTY	INTEREST ACCRUED	AMT IF PAID 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:

YEAR	TAXBILL	Ins	DATE PAID	AMOUNT LEVIED	AMOUNT ABATED	P&I	TOTAL 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

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:

WAGNER DARLENE B.
LAST NAME FIRST NAME MID. INITIAL
BOX 190158
STREET ADDRESS OR PO BOX
HUNGRY HORSE MT 59919
CITY STATE ZIP CODE
(406) 387-4000 montanadarlenee@gmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

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 attach and incorporate herewith my objection dated November 28, 2022 (and corresponding documentation).

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76 LJ 30121718
(One Number Per Form)

Page number in Decree: 63
Source: GROUNDWATER WELL FROM FLATHEAD RIVER

DATED this 28 day of November, 2022.

Darlene Wagner
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@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.**

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

Owners: 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:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NESWSW	5	30N	19W	FLATHEAD

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: 1

Volume: 1.00 AC-FT

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			NESWSW	5	30N	19W	FLATHEAD

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:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	1.50		NESWSW	5	30N	19W	FLATHEAD

Subdivision: HUNGRY HORSE CITY ADD 1 TRACT/LOT 1-3 BLOCK: 15

Total: 1.50

Purpose (Use): OTHER PURPOSE

Purpose Clarification: CAMPER

Volume: 0.25 AC-FT

Period of Use: APRIL 1 to NOVEMBER 1

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			NESWSW	5	30N	19W	FLATHEAD

Subdivision: 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

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

WAGNER DARLENE B.
LAST NAME FIRST NAME MID. INITIAL
BOX 190158
STREET ADDRESS OR PO BOX
HUNGRY HORSE MT 59919
CITY STATE ZIP CODE
(406) 387-4000 montanadarlene
PHONE NUMBER E-MAIL c@gmail.com

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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 attach and incorporate herewith my objection dated November 28, 2022 (and corresponding documentation)

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 30063812
(One Number Per Form) COMPACT

Page number in Decree: 63
Source: SURFACE WATER FROM FLATHEAD RIVER, FLATHEAD LAKE, SOUTH FORK FLATHEAD RIVER

DATED this 28th day of November, 2022.

Darlene Wagner
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

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

**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

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
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 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:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1							LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: FLATHEAD RIVER

Diversion Means: ANY MEANS

Diversion Type: PRIMARY

2							FLATHEAD
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: FLATHEAD RIVER

Diversion Means: ANY MEANS

Diversion Type: PRIMARY

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:

WAGNER DARLENE B.
LAST NAME FIRST NAME MID. INITIAL
BOX 190158
STREET ADDRESS OR PO BOX
HUNGRY HORSE MT 59919
CITY STATE ZIP CODE
(406) 387-4000 montanadartene
PHONE NUMBER E-MAIL c@gmail.com

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

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

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 attach and incorporate herewith my objection dated November 28, 2022 (and corresponding documentation)

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76 LJ 3002 4020
(One Number Per Form)

Page number in Decree: 63
Source: GROUND WATER WELL
FROM FLATHEAD RIVER

DATED this 28th day of November, 2022.

Darlene Wagner
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, ARLENE 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@cslt.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.**

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1225 16th AVENUE SPOKANE 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

➔ **Water Right Number:** 78LJ 30024020 GROUND WATER CERTIFICATE
Version: 1 - ORIGINAL RIGHT
Version Status: ACTIVE

Owner: DARLENE WAGNER
PO BOX 190158
HUNGRY HORSE, MT 59919

Priority Date: AUGUST 28, 2006 at 04:00 P.M.

Enforceable Priority Date: AUGUST 28, 2006 at 04:00 P.M.

Purpose (Use): LAWN AND GARDEN
DOMESTIC

Maximum Flow Rate: 10.00 GPM

Maximum Volume: 4.75 AC-FT

Maximum Acres: 1.00

Source Name: GROUNDWATER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID	Acres	Dist Lot	Dir Sec	Sec	Twp	Rng	County
1	1.00		NE	5	30N	18W	FLATHEAD

Period of Diversion: JANUARY 1 TO DECEMBER 31

Division Means: WELL

Subdivision: HUNGRY HORSE CITY ADD 1 TRACT/LOT: 2 BLOCK: 15

Well Depth: 420.00 FEET

Static Water Level: 66.00 FEET

Casing Diameter: 8.63 INCHES

Purpose (Use): LAWN AND GARDEN

Volume: 3.75 AC-FT

Period of Use: APRIL 1 to OCTOBER 31

Place of Use:

ID	Acres	Dist Lot	Dir Sec	Sec	Twp	Rng	County
1	1.00		NE	5	30N	18W	FLATHEAD

Subdivision: HUNGRY HORSE CITY ADD 1 TRACT/LOT: 1:3 BLOCK: 15

Total: 1.00

Purpose (Use): DOMESTIC

Households: 1

Volume: 1.00 AC-FT

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

ID	Acres	Dist Lot	Dir Sec	Sec	Twp	Rng	County
1			NE	5	30N	18W	FLATHEAD

Subdivision: HUNGRY HORSE CITY ADD 1 TRACT/LOT 2 BLOCK: 15

Capital/Value: 07-4187-05-3-01-01-0000 - Y 07-4187-05-3-01-02-0000 - Y

07-4187-05-3-01-03-0000 - Y

Remarks:

ASSOCIATED RIGHT

WATER RIGHTS 78LJ 30024020 AND 78LJ 30121719 ARE ASSOCIATED BECAUSE THEY SHARE THE SAME POINT OF DIVERSION. TOTAL COMBINED VOLUME NOT TO EXCEED 6.0 AF PER YEAR.

REISSUED RIGHT

THE RIGHT ISSUED ON 12/19/2006 WAS REISSUED. THE RIGHT WAS REISSUED BECAUSE THE FLOW RATE AND VOLUME WERE CLARIFIED.

Darlene Wagner, Pro Se Hungry Horse, Montana

GROUND(S) AND EVIDENCE FOR OBJECTIONS FOR WATER RIGHT(S):

76LJ 30063812 Basin Preliminary Decree Page 63; APPENDIX 9

76LJ 30024020 AND 76LJ 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 off-reservation 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, I 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 hurdles 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, Kootenai 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 instream flow and recreation 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. **OVERREACH; COLLUSION; FRAUD**

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 of 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 AVAILABILITY, 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) Did 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 "pledge 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 off-reservation 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 Hellgate 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 in common 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 L 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?
- 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?

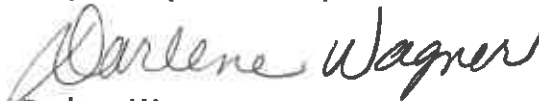
- 20) If under drought scenario, worsened by CSKT's new in-trust ownership to water in my basin, the town well water usage has a negative adverse effect on my well, would I be forced to call the town well's supply in order to have access to my water right? Is this fair and equitable to myself and the 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?

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,



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Land Patent Details

Accession Nr: 78131 Document Type: Serial Patent State: Montana Issue Date: 9/9/1909 Cancelled: No

Names On Document

HARBIN, WILLIAM	
Military Rank:	---

Miscellaneous Information

Land Office:	Kalispell
US Reservations:	Yes
Mineral Reservations:	No
Tribe:	---
Militia:	---
State In Favor Of:	---
Authority:	May 20, 1862: Homestead EntryOriginal (12 Stat. 392)

Document Numbers

Document Nr:	682
Misc. Doc. Nr:	1721
BLM Serial Nr:	MTMTAA 060228
Indian Allot. Nr:	---

Survey Information

Total Acres:	136.93
Survey Date:	---
Geographic Name:	---
Mets/Bounds:	No

Land Descriptions

State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
MT	Montana PM	030N - 019W	SE1/4SE1/4	6		Flathead
MT	Montana PM	030N - 019W	Lot/Trct 12	5		Flathead
REMARKS: LOT 12 OF SWSW						
MT	Montana PM	030N - 019W	Lot/Trct 10	6		Flathead
MT	Montana PM	030N - 019W	Lot/Trct 9	6		Flathead
REMARKS: LOT 9 OR NESE QUARTER						

The United States of America,

Do all its laws these presents shall remain, Granting:

Homestead Certificate No. 452.

Application 1721.

WHEREAS, There has been deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at Kalispell, Montana, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1902, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

WILLIAM HARBIN

has been established and duly consummated, in conformity to law, for the Lots nine and ten and the southeast quarter of the southeast quarter of Section six and the lot twelve of Section five in Township thirty north of Range nineteen west of the Montana Meridian, Montana, containing one hundred thirty-six and ninety-three-hundredths acres,

according to the Official Plat 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 Harbin

the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances 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 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 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.

IN TESTIMONY WHEREOF, I, William H. Taft, 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.

(SEAL)

GIVEN under my hand, at the City of Washington, the

..... day of, in the year of our Lord one thousand nine hundred and, and of the Independence of the United States the one hundred and

7-26-92

USDA-F

16

611100

292-118



FLATHEAD RIVER

↑
MY HOME

HUNGRY HORSE

SOUTH FORK

HUNGRY HORSE RESERVOIR
↓

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

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

Calhoon David R
LAST NAME FIRST NAME MID. INITIAL
230 Gordons Beach Road
STREET ADDRESS OR PO BOX
Troy MT 59935
CITY STATE ZIP CODE
(406) 295-3905 dcalhoon@frontiernet.net
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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)

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76D 30064266
(One Number Per Form)

Page number in Decree: 1-671
Source: _____

DATED this 29 day of November, 2022.

Electronic Signature // David R Calhoon
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, David R. Calhoon, 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@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.**

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:

Hoffland Larry D
LAST NAME FIRST NAME MID. INITIAL
45 Elk Run Lane
STREET ADDRESS OR PO BOX
Trout Creek MT 59874
CITY STATE ZIP CODE
(406) 827-0618
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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)

Objection Attached

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 more than one water right number, use a separate form for each water right number.

Water Right #: 276618
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 30 day of November, 2022.

Larry Hoffland
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(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.

1. 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


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
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
1045 BAYVIEW DR.
STREET ADDRESS OR PO BOX
POLSON MT 59860
CITY STATE ZIP CODE
(970) 690-4828 sg.vinal@msn.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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)

This compact needs to be in line with the other 16 compacts that the state of Montana has entered into. It should not allow for large volumes of water to be leased outside of the reservation. Montanans should have the right to rely upon & continue with the MT Water Use Act of 1973 to determine their water resources.

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 more than one water right number, use a separate form for each water right number.

Water Right #: _____
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 30th day of NOVEMBER, 2022.

Stephen Vinal
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, Stephen VINAL, declare under penalty of perjury, that on the 30th 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@cstkt.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
MONTANA – UNITED STATES COMPACT

ELECTRONICALLY FILED

CASE NO. WC-0001-C-2021

WC-0001-C-2021

November 30, 2022

NOTICE OF OBJECTION AND REQUEST FOR HEARING

Montana Water Court

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

Hill Cheryl L.
LAST NAME FIRST NAME MID. INITIAL
5 Fernwood Way
STREET ADDRESS OR PO BOX
Trout Creek MT 59874
CITY STATE ZIP CODE
(406) 847-5301 Cherylh1957@gmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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)

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 more than one water right number, use a separate form for each water right number.

Water Right #: _____
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 30th day of November, 2022.

Cheryl Hill
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, Cheryl Hill, declare under penalty of perjury, that on the 30th 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
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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



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.**

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 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 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.

CASE NO. WC-0001-C-2021

WC-0001-C-2021

November 30, 2022

NOTICE OF OBJECTION AND REQUEST FOR HEARING

Montana Water Court

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

HILL Cheryl L.
LAST NAME FIRST NAME MID. INITIAL
5 Fernwood Way
STREET ADDRESS OR PO BOX
Trout Creek MT 59874
CITY STATE ZIP CODE
(406) 847-5301 Cheryl.Hill@gmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL
STREET ADDRESS OR PO BOX
CITY STATE ZIP CODE
PHONE NUMBER E-MAIL

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)

see attached objections

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76 N 3004 9900
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 30th day of November, 2022.

Cheryl Hill
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, Cheryl Hill, declare under penalty of perjury, that on the 30th 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:

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Confederated Salish & Kootenai
Tribes
Tribal Legal Department
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Pablo, MT 59855
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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
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:

Hill Cheryl L.
LAST NAME FIRST NAME MID. INITIAL
5 Fernwood Way
STREET ADDRESS OR PO BOX
Trout Creek MT 59874
CITY STATE ZIP CODE
(406) 847-5301 Cheryl1957@gmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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)

see attached objections

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76N 14261 00
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 30th day of November, 2022.

Cheryl Hill
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, Cheryl Hill, declare under penalty of perjury, that on the 30th 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



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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 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 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

CASE NO. WC-0001-C-2021

NOTICE OF OBJECTION AND REQUEST FOR HEARING

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

Goodwin Denise J
LAST NAME FIRST NAME MID. INITIAL
PO Box 924
STREET ADDRESS OR PO BOX
Plains MT 59859
CITY STATE ZIP CODE
(406) 242-0039 montanarenw@gmail.com
PHONE NUMBER E-MAIL

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

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

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)*

According to the Montana Constitution Article IX Section 3 (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". We are the people of the state as well as the CSKT members. One is not above the other.

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76N 30016258
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 30th day of November, 2022.

Denise Goodwin
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, Denise Goodwin, 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@cslt.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

Denise Goodwin

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.

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BY DECEMBER 6, 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:

Isbell Vicki A
LAST NAME FIRST NAME MID. INITIAL
898 Wagner Lane
STREET ADDRESS OR PO BOX
Kalispell MT 59901
CITY STATE ZIP CODE
(406) 249-3161
PHONE NUMBER
E-MAIL Vicki.montana@Outlook.com

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

MICHELSON GEORGE R
LAST NAME FIRST NAME MID. INITIAL
898 Wagner Lane
STREET ADDRESS OR PO BOX
Kalispell MT 59901
CITY STATE ZIP CODE
(406) 314-3772
PHONE NUMBER
E-MAIL

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)

See attached page

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 more than one water right number, use a separate form for each water right number.

Water Right #: 76LJ 31973 00
(One Number Per Form)

Page number in Decree: _____
Source: _____

DATED this 1st day of Dec, 2022.

Vicki Isbell + George Michelson
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.

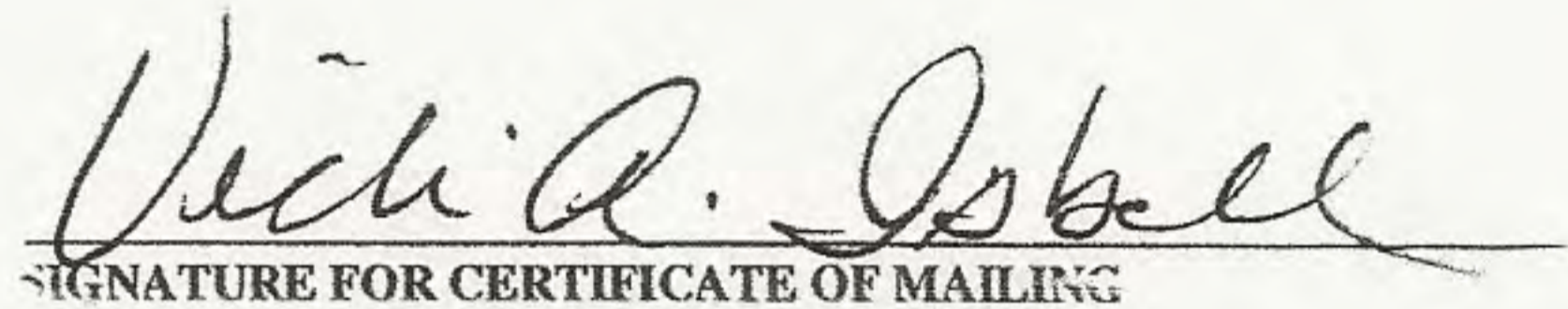
CERTIFICATE OF MAILING

I, Vicki A. Isbell, declare under penalty of perjury, that on the 1 day of December, 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
file_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


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

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.