

Montana Water Court
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ELECTRONICALLY FILED

BASIN-0013-40Q-1985

May 31, 2023

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI RIVER DIVISION
POPLAR RIVER (BASIN 40Q)

BASIN-0013-40Q-1985

ORDER TO CORRECT MISBASINED CLAIM

On May 11, 2023, the Department of Natural Resources and Conservation (“DNRC”) provided a memorandum to the Water Court documenting that DNRC incorrectly designated claim 30134425 as being in Basin 40O, the Milk River Below Whitewater Creek Including Porcupine Creek Basin.¹ DNRC’s memorandum explains that the point of diversion and place of use for this claim actually are within the basin boundaries for Basin 40Q, the Poplar River Basin, so the claim was basined incorrectly.

On December 22, 2022, the Water Court entered the final decree for Basin 40Q. Accordingly, correction of errors for claims in Basin 40Q requires a Court order and a supplemental decree. Sections 85-2-234(8); 85-2-231, MCA; Rule 46(c), W.R.C.E.R.

ORDER

Therefore, it is ORDERED, that the claim number for claim 40O 30134425 is corrected to 40Q 30134425. The Court will issue a subsequent order to initiate the process for decreeing the claim in Basin 40Q.

¹ The DNRC’s memorandum incorrectly identifies Basin 40O as the “Teton River Basin.” The Teton River Basin is Basin 41O. The correct claim basin is the Milk River Below Whitewater Creek.

A corrected version of the abstract for the claim is included with this Order to confirm the modification has been made in the State's centralized water rights record system. A copy of this Order shall be filed in the basin files for Basin 40O and Basin 40Q.

Stephen R. Brown
Water Judge

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WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
POPLAR RIVER
BASIN 40Q

Water Right Number: 40Q 30134425 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners:

KATHY P GREENWOOD
4475 NASHUA RD N
LARSLAN, MT 59244 9736

CLIFFORD W GREENWOOD
4475 NASHUA RD N
LARSLAN, MT 59244 9736

Priority Date: NOVEMBER 22, 1916

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: 150.00 GPM

Volume: 3.40 AC-FT

Source Name UNNAMED TRIBUTARY OF POPLAR RIVER, WEST FORK

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 | | | 15 | 36N | 42E | VALLEY |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | | 15 | 36N | 42E | VALLEY |