

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
1-800-624-3270 (In-state only)
(406) 586-4364
Fax: (406) 522-4131

RECEIVED

JUL 06 2017

Ravalli County Commissioners

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FILED

JUN 28 2017

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
CLARK FORK DIVISION
MAINSTEM BITTERROOT RIVER AND EAST SIDE SUBBASIN (76HA)

CLAIMANTS: Mildenberger Family LP; Mildenberger Properties LLC

76H 153808-00
76H 153809-00

**ORDER ON OWNERSHIP
AND
CLOSING ORDER**

Claims 153808-00 and 76H 153809-00 are owned by Mildenberger Properties LLC and Mildenberger Family LP. The above-listed claims appeared in the Preliminary Decree for Basin 76HA with a Montana Department of Natural Resources and Conservation (DNRC) ownership issue remark. The remark indicates that the claims appear to be owned by Stock Farm Ranches LLC, Ravalli County, Ravalli County Airport, and Bradley Mildenberger.

Pursuant to section 85-2-248 (5), MCA, the Water Court must address all issue remarks appearing on a claim.

At present, the Montana Department of Natural Resources and Conservation (DNRC) database shows the owner of claims 153808-00 and 76H 153809-00 are owned by Mildenberger Properties LLC and Mildenberger Family LP. However, this ownership does not coincide with the current land ownership as found in the Montana Cadastral Survey database. According to the Survey, the places of use for the claims are owned by Stock Farm Ranches LLC, Ravalli County, Ravalli County Airport, and Bradley Mildenberger. It appears that the parties may have failed to file the proper water right transfer documents when the property was transferred.

Copies of the abstracts may be downloaded from the DNRC's Water Right Query System, <http://nris.mt.gov/dnrc/waterrights/default.aspx>.

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Ravalli County Commissioners

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Dear Mr. [Name],

I am writing to you regarding the [Topic].

The [Topic] is currently being reviewed by the [Committee].

We will contact you again once a decision has been reached.

Thank you for your patience.

Sincerely,
[Name]

On July 10, 2017, the [Committee] met and discussed the [Topic].

The committee members are [List of Names].

The committee has recommended that [Action].

This recommendation is based on the following [Reasons].

We will be presenting this recommendation to the [Board] on [Date].

If you have any questions, please contact [Contact Info].

We appreciate your input and feedback on this matter.

Your comments have been taken into consideration.

We will continue to work towards a resolution that is in the best interest of the community.

Thank you for your understanding and cooperation.

Respectfully,
[Name]

Enclosed for you are [List of Documents].

Please review these documents at your convenience.

If you need any additional information, please do not hesitate to reach out.

We are committed to transparency and open communication.

Thank you for your attention to this matter.

Very truly yours,
[Name]

[Title]

Accordingly, it is

ORDERED that Stock Farm Ranches LLC, Ravalli County, Ravalli County Airport, and Bradley Mildenberger re hereby on notice of their potential ownership interest in claims 153808-00 and 76H 153809-00 and are added to the mailing list as potential owners.

If Stock Farm Ranches LLC, Ravalli County, Ravalli County Airport, and Bradley Mildenberger determines that they have an ownership interest in the *claims*, they may contact the DNRC to update the ownership. The DNRC may be contacted at the following:

Contact Information

Missoula Regional Office, DNRC
2705 Spurgin Rd, Building C
PO Box 5004
Missoula, MT 59806-5004
(406) 721-4284

No further action needs to be taken by the Court on the ownership issue remark.

Mildenberger Properties LLC and Mildenberger Family LP will remain the record owners of claims 153808-00 and 76H 153809-00 until the current owner files an ownership update with the DNRC.

If Mildenberger Properties LLC and Mildenberger Family LP have severed the water rights from the appurtenant place of use, the DNRC should be contacted to correct the geocodes.

ORDERED that the issue remarks are STRICKEN.

Post Decree Abstracts of Water Right Claim are served with this Order to confirm the remarks have been stricken in the DNRC's water right record system.

DATED this 28 day of June, 2017.



Russ McElyea
Chief Water Judge

Mildenberger Family LP
Mildenberger Properties LLC
PO Box 630
Hamilton, MT 59840-0630

Potential Owner:

Stock Farm Ranches LLC
Bradley Mildenberger
PO Box 630
Hamilton, MT 59840-0630

Potential Owners:

Ravalli County Airport
Ravalli County
215 S 4th St Ste A
Hamilton, MT 59840-2703

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BITTERROOT RIVER
BASIN 76H
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.

Water Right Number: 76H 153808-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE
Status: ACTIVE

Owners: MILDENBERGER FAMILY LP
PO BOX 630
HAMILTON, MT 59840 0630
MILDENBERGER PROPERTIES LLC
PO BOX 630
HAMILTON, MT 59840 0630

Priority Date: DECEMBER 31, 1940

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 10.00 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 265.00

Source Name: WASTE & SEEPAGE, UNNAMED TRIBUTARY OF GIRD CREEK

Source Type: SURFACE WATER

WASTE AND SEEPAGE WATER COLLECTED ALONG THE ENTIRE LENGTH OF THE DRAIN DITCH.

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		SESE	29	6N	20W	RAVALLI

Period of Diversion: MAY 15 TO OCTOBER 15

Diversion Means: DIVERSION DAM

Period of Use: MAY 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	35.00		SWSE	20	6N	20W	RAVALLI
2	50.00		N2SW	20	6N	20W	RAVALLI
3	70.00		S2SW	20	6N	20W	RAVALLI
4	80.00		E2NE	29	6N	20W	RAVALLI

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>
5	30.00		SESE	29		6N	20W	RAVALLI
Total:	265.00							

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.

153808-00 153809-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BITTERROOT RIVER
BASIN 76H
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.

Water Right Number: 76H 153809-00 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: MILDENBERGER PROPERTIES LLC
PO BOX 630
HAMILTON, MT 59840 0630

MILDENBERGER FAMILY LP
PO BOX 630
HAMILTON, MT 59840 0630

Priority Date: DECEMBER 31, 1940

Type of Historical Right: FILED

Purpose (use): STOCK

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

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

Source Name: WASTE & SEEPAGE, UNNAMED TRIBUTARY OF GIRD CREEK

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		S2S	WNW	20	6N	20W	RAVALLI
Period of Diversion: JANUARY 1 TO DECEMBER 31							
Diversion Means: LIVESTOCK DIRECT FROM SOURCE							
2		S2N	2SE	20	6N	20W	RAVALLI
Period of Diversion: JANUARY 1 TO DECEMBER 31							
Diversion Means: LIVESTOCK DIRECT FROM SOURCE							
3		N2S	ESE	20	6N	20W	RAVALLI
Period of Diversion: JANUARY 1 TO DECEMBER 31							
Diversion Means: LIVESTOCK DIRECT FROM SOURCE							

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>
4		SW	20		6N	20W	RAVALLI

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

5		W2NW	28		6N	20W	RAVALLI
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

6		NWSW	28		6N	20W	RAVALLI
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

7		E2SESE	29		6N	20W	RAVALLI
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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</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2SWNW	20		6N	20W	RAVALLI
2			S2N2SE	20		6N	20W	RAVALLI
3			N2SESE	20		6N	20W	RAVALLI
4			SW	20		6N	20W	RAVALLI
5			W2NW	28		6N	20W	RAVALLI
6			NWSW	28		6N	20W	RAVALLI
7			E2SESE	29		6N	20W	RAVALLI

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.

153808-00 153809-00