

**MONTANA WATER COURT  
CLARK FORK DIVISION  
FLATHEAD RIVER, TO AND INCLUDING FLATHEAD LAKE  
BASIN 76LJ**

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**NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY**

**THIS IS AN IMPORTANT NOTICE REGARDING YOUR WATER RIGHTS**

The Montana Water Court issued a Decree (a list of water rights) in your Basin. This notice may include an abstract (a description of your water right as decreed).

- If an abstract is included with this notice, then your water right is part of the Decree.
- If an abstract is not included with this notice, then your water right is not part of the current Decree.

**WHAT IS THE PRELIMINARY DECREE?**

The Decree includes abstracts of existing water rights on all sources of water within Basin 76LJ. Water right claims were examined by the Montana Department of Natural Resources and Conservation (DNRC) pursuant to the Water Right Claim Examination Rules and Water Court orders. The DNRC may have made changes or identified potential problems on your abstract by placing "issue remarks" on the abstract.

Review the abstracts. The Decree, which consists of Findings of Facts, Conclusions of Law, and abstracts of the water rights, can be viewed at: <https://courts.mt.gov/Courts/Water/Notices-Info/PublicNotices>. If you prefer to view a paper copy, please contact the Water Court or your DNRC office. See below for contact information.

If you believe any water rights in the Decree do not reflect historical (before July 1, 1973) beneficial use, you must file an objection by **August 20, 2025**. Objections must be filed on the forms provided by the Water Court. The forms can be found at: <https://courts.mt.gov/Courts/Water/LegalResources> or by contacting the Court: [watercourt@mt.gov](mailto:watercourt@mt.gov) or (406) 586-4364. Objections are limited to water rights described in the Decree.

A request to extend the objection deadline must be filed by August 20, 2025. If an extension is granted it will be advertised in the *Daily Interlake*, the *Flathead Beacon*, *Bigfork Eagle*, and the *Whitefish Pilot*.

**WHAT'S NEXT?**

The Water Court will be offering informal public meetings to explain the objection process on the following dates:

- **Wednesday, April 2, 2025, at 7:00 pm in person** at the Hampton Inn Kalispell, 1140 US Hwy 2 West, Kalispell, MT 59901
- **Tuesday, May 20, 2025, at 12:00 pm via Zoom**. To take part in the telephone conference, dial (646) 558-8656, enter the Meeting ID 835 9782 9948#, then press # to skip participant ID, then enter the meeting password 531397#. Or use this link:  
<https://mt-gov.zoom.us/j/83597829948?pwd=w7GNpIv29aBKTb1daQBUBFbCIH7Zpw.1>

If someone objects to your water rights, the Court will notify you, and you may file a counterobjection to your objector's water rights in this Decree. After all notice periods pass, the Water Court will address all objections, counterobjections, and issue remarks. **Make sure your address is up to date with the DNRC.** You can contact the DNRC at the address below:

### **CONTACT INFORMATION**

Montana Water Court  
1123 Research Drive  
Bozeman, MT 59718  
(406) 586-4364  
watercourt@mt.gov

Montana DNRC, Water Rights Adjudication Office  
1424 9<sup>th</sup> Avenue  
Helena, MT 59620  
(406) 444-0560

Montana DNRC, Kalispell Regional Office  
655 Timberwolf Parkway, Ste 4  
Kalispell, MT 59901-1215  
(406) 752-2288

**Remember, objections must be filed and received by the Water Court by August 20, 2025.**

DATED this 21<sup>st</sup> day of February, 2025,

/s/ Stephen R. Brown  
Chief Water Judge  
Montana Water Court

**IT IS IMPORTANT THAT YOU PARTICIPATE IN THIS PROCESS, OTHERWISE, YOUR RIGHT TO APPEAL ANY DECISIONS AFFECTING YOUR WATER RIGHT IS LIMITED.**

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

**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 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:** 76LJ 12428-00 STATEMENT OF CLAIM  
**Version:** 1 -- ORIGINAL RIGHT  
**Status:** ACTIVE

**Owners:** ROBERTA STILLWELL  
217 OAK ST  
YPSILANTI, MI 48198-3029  
  
CAVIN, BENTON C FAMILY LIVING TRUST  
217 OAK ST  
YPSILANTI, MI 48198-3029

**Priority Date:** APRIL 1, 1938

**Type of Historical Right:** USE

**\*Purpose (Use):** MULTIPLE DOMESTIC

**Flow Rate:** 30.00 GPM

**Volume:** 3.00 AC-FT

**Households:** 2

**Maximum Acres:** 0.50

**\*Source Name:** WHITEFISH RIVER (WHITEFISH LAKE)

**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	1	SWNWNE	23	31N	22W	FLATHEAD

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** PUMP

**Subdivision:** HOUSTON LAKE SHORE TR AMD PT TRACT/LOT: 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		1	S2NWNE	23	31N	22W	FLATHEAD

**Subdivision:** HOUSTON LAKE SHORE TR AMD PT TRACT/LOT: 1

**Remarks:**

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 03/08/2006: POINT OF DIVERSION AND PLACE OF USE.  
STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

**THE DNRC EXAMINATION OF THIS CLAIM FOUND NO SIGNIFICANT FACTS, DATA, OR ISSUES TO REPORT TO THE WATER COURT.**

**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 SUBBASINS OR BASINS 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 PRELIMINARY DECREE AND RELATED MATERIALS CAN BE REVIEWED 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.**

ADJ



**\*UPDATE TO FILE\***



**\*STATEMENT OF CLAIM\***



**\*76LJ\***



**\*12428\***



**\*00\***

Current File Location: **KALISPELL REGIONAL OFFICE**

As of : 6/3/2013

Status: **Checked Out From I.M.**

Box Bar Code: **MRM00015815**

File Bar Code: **148146**

3/2/2023



Return to: ~~Ogle & Worm, PLLP  
P.O. Box 899  
Kalispell, MT 59903~~

Benton C Cavin  
PO Box 965  
Whitefish MT  
59937

201400007518  
Page: 1 of 1  
Fees: \$7.00  
5/2/2014 2:44 PM

Paula Robinson, Flathead County MT by NC

QUITCLAIM DEED

For Value Received, Benton C. Cavin and Doreen N. Cavin, of P.O. Box 965, Whitefish, Montana 59937, the "Grantors", do hereby convey, release, remise and forever quitclaim unto Benton C. Cavin and Doreen N. Cavin, Trustees of the Benton and Doreen Cavin Family Living Trust Dated December 15, 1999, of P.O. Box 965, Whitefish, Montana 59937, the "Grantee", all right, title and interest which the Grantors now have or may hereafter acquire, to the real property situated in Flathead County, Montana, which is more particularly described as follows:

Lot 1 of The Amended Plat of a portion of Houston Lakeshore Tracts according to the official plat thereof, records of Flathead County, Montana

IN WITNESS WHEREOF, the Grantors have hereunto affixed their signatures this 19<sup>th</sup> day of March, 2014.

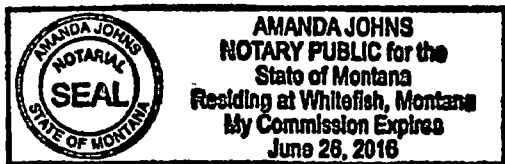
Approved 5/2/14 0393050

Benton C Cavin  
Benton C. Cavin

D N Cavin  
Doreen N. Cavin

STATE OF MONTANA     )  
  :SS.  
County of Flathead     )

This instrument was acknowledged before me on this 19<sup>th</sup> day of March, 2014, by Benton C. Cavin and Doreen N. Cavin.



Amanda Johns  
Notary Public for the State of Montana

When recorded return to:

Leo W. Tracy  
Tracy Law Offices, P.C.  
327 Spokane Avenue  
Whitefish MT 59937

CR-17-065

1

0393050

QUITCLAIM DEED

FOR VALUE RECEIVED, **Benton C. Cavin, Trustee of the Benton and Doreen Cavin Family Living Trust** dated December 15, 1999, the **Grantor**, with mailing address of P.O. Box 965, Whitefish, Montana, 59937, does hereby convey, release, remise and forever quit claim unto **Benton C. Cavin**, the **Grantee**, with mailing address of P.O. Box 965, Whitefish, Montana, 59937, all right, title, and interest which the Grantor now has or may hereafter acquire, to that real property situated in Flathead County, Montana, more particularly described as follows, to-wit:

**Lot 1 of The Amended Plat of a portion of Houston Lakeshore Tracts according to the official plat thereof, records of Flathead County, Montana**

TO HAVE AND TO HOLD AND TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereunto belonging or anywise appertaining, including, but not limited to, any and all water rights, if any, unto the said Grantee forever.

IN WITNESS WHEREOF, Grantor has hereunder set its hand and seal this 21 day of November, 2017.

BENTON C. AND DOREEN CAVIN FAMILY  
LIVING TRUST dated December 15, 1999

By: Benton C Cavin  
Benton C. Cavin, Trustee

Approved 11/22/2017 CW 0393050





WHEN RECORDED RETURN TO:  
Benton C. Cavin Family Living Trust  
217 Oak Street  
Ypsilanti MI 48198  
File number: 2942EPT

Recorded Electronically  
ID: 202100021525  
County: Flathead  
Date: 6-24-21 Time: 2:20pm

**\*CORRECTED  
QUITCLAIM DEED**

\*This document is being re-recorded to correct the legal description.

For Value Received

Benton C. Cavin, Trustee, or successor trustee(s) of the Benton C. Cavin Family Living Trust dated November 16, 2017, Grantor, does hereby grant, bargain, sell and quitclaim unto

Benton C. Cavin, Trustee, or successor trustee(s) of the Benton C. Cavin Family Living Trust dated November 16, 2017 as to an undivided 94% interest and Roberta Stillwell as to an undivided 6% interest with both interests as tenants in common

The Grantees, the following described premises in Flathead County, Montana, to wit:

Lot 1 of The Amended Plat of a portion of Houston Lakeshore Tracts according to the official plat thereof, records of Flathead County, Montana; AND Parcel X of COS 21238, lying in the northeast quarter of Section 23, Township 31 North, Range 22 west, P.M.N., Flathead County, Montana.

TO HAVE AND TO HOLD the said premises, together with appurtenances unto the said Grantees, and to such survivors, heirs and assigns forever.

Dated this 18 day of June, 2021

Benton C. Cavin Family Living Trust dated November 16, 2017

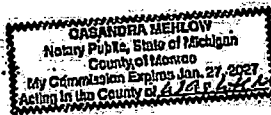
Benton C. Cavin, Trustee  
By Benton C. Cavin, Trustee

State of Michigan  
County of Washitana

On this 18 day of June, 2021, before me, the undersigned, a Notary Public, personally appeared Benton C. Cavin as Trustee of the Benton C. Cavin Family Living Trust and acknowledged to me that he/she/they executed the same on behalf of the Trust.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Cassandra Herlow  
Notary Public for the State of Michigan  
Notary Resides: Marquette County  
My commission expires: Jan 27 2027



Approved 8/2/2022 tg 0393050

When recorded return to:

Leo W. Tracy  
Tracy Law Offices, P.C.  
327 Spokane Avenue  
Whitefish MT 59937

**AFFIDAVIT OF  
DEATH OF TRUSTEE AND  
SUCCESSION AND ASSUMPTION OF DUTIES  
BY THE SUCCESSOR TRUSTEES OF  
THE BENTON C. CAVIN FAMILY LIVING TRUST**

Andrew Isaac Calabro-Cavin, with mailing address of 217 Oak Street, Ypsilanti, MI 48198 and Aaron Ivan Cavin, with mailing address of 3743 No. 30th Street, Tacoma, WA 98407, (herein "Affiants"), being first duly sworn upon oath, hereby depose and state as follows:

1. Affiants are the sons of Benton C. Cavin who died on March 8, 2022, in Whitefish, Flathead County, Montana. Attached hereto is a copy of the Certificate of Death of Benton C. Cavin.

2. During his lifetime, Benton C. Cavin established The Benton C. Cavin Family Living Trust dated November 16, 2017, (herein the "Original Trust"), of which Benton C. Cavin was the Grantor and sole Trustee during his lifetime. The Original Trust was amended in its entirety by the First Amendment to The Benton C. Cavin Family Living Trust (herein the "First Amendment") dated February 18, 2022.

3. The Original Trust dated November 16, 2017, as amended in its entirety by the First Amendment thereto dated February 18, 2022, is hereafter referred to as the "Trust".

4. The Trust has neither been revoked nor further amended, and remains in existence.

5. The Trust provided that when the Trustee died, Affiants would serve together as Successor Trustees and have the authority, just as did the initial Trustee, to hold, administer, and distribute, according to terms of the Trust, any and all assets owned by the Trust.

6. Affiants have herewith assumed and accepted all rights, powers, discretion, responsibilities, obligations, and duties as Successor Trustees in the administration of the Trust and all its assets in accordance with the terms of the Trust.

SA  
0593050

7. Included among the assets owned by the Trust and over which Affiants as Successor Trustees have assumed all control, authority, and responsibility for administration and distribution on behalf of the Trust, is the Trust's ninety four per cent (94%) undivided in-common interest in that real property located in Flathead County, Montana, described as follows:

**Lot 1 of The Amended Plat of a Portion of Houston Lakeshore Tracts, according to the official plat thereof, records of Flathead County, Montana, AND Parcel X of Certificate of Survey No. 21238, lying in the Northeast Quarter of Section 23, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana**

(herein the "Property").

8. Henceforth, Affiants, in their capacity as Successor Trustees of the Trust, shall have the sole power and authority for the administration of the Trust just as did the initial Trustee (except the power to amend or revoke such), and for the execution of any and all instruments and documents on behalf of the Trust including, but not limited to, leases, purchase and sale agreements, deeds, and any other ownership, transfer, sale, lease, purchase, and liquidation documents, including making any and all distributions with regard to the Property.

9. Any person or entity relying upon this Affidavit and the facts contained herein shall be held harmless from any liability or claims made as a result of such reliance upon the authority contained in this Affidavit.

10. A copy of this signed Affidavit may be used and relied upon just as if an original, and may be transmitted by electronic means (to include facsimile) in accordance with the Montana Uniform Electronic Transactions Act.

11. Further Affiants sayeth naught.

DATED this 5th day of August, 2022.

Andrew Isaac Calabro-Cavin  
Andrew Isaac Calabro-Cavin

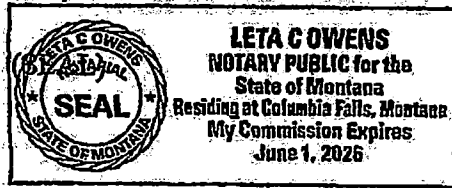
Aaron Ivan Cavin  
Aaron Ivan Cavin

STATE OF MONTANA )

: SS.

County of Flathead )

This instrument was acknowledged before me on the 5<sup>th</sup> day of August, 2022, by Andrew Isaac Calabro-Cavin who is known to me.



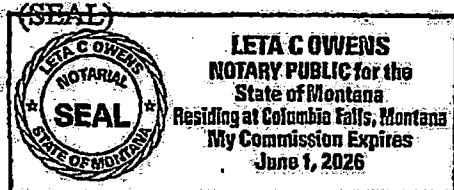
Leta C Owens  
NOTARY PUBLIC for the State of Montana

STATE OF MONTANA )

: SS.

County of Flathead )

This instrument was acknowledged before me on the 5<sup>th</sup> day of August, 2022, by Aaron Ivan Cavin who is known to me.



Leta C Owens  
NOTARY PUBLIC for the State of Montana

February 6, 2023

Attn: State of Montana Department of Natural Resources and Conservation

RE: Water Right Ownership Update Deficiency Response

Geocode: 07429223116010000

Water Right: 76 LJ 12428 00

**Enclosed please find:**

- Voucher for Ownership Update Number 244372
- Form 608 Revised 10/2021
- Quitclaim Deed #201700029033 - 11/21/2017
  - CAVIN BENTON C TRUSTEE, of BENTON CAVIN TRUST and DOREEN CAVIN TRUST
  - to
  - CAVIN BENTON C
- Quitclaim Deed #201700029034 - 11/21/2017
  - CAVIN BENTON C to BENTON C CAVIN TRUST
- Quitclaim Deed #202100021525 – 6/24/2021
  - Re-Recorded under Deed #202200019272 – 8/2/2022
- Affidavit of Death of Trustee – 202200021395 – 8/12/2022
- \$50 filing fee

Please let us know if anything further is needed.

Thank you,



Andrew Calabro-Cavin  
217 Oak St.  
Ypsilanti, MI 48198



\*UPDATE TO FILE\*



\*STATEMENT OF CLAIM\*



\*76LJ\*



\*12428\*



\*00\*

Current File Location: **KALISPELL REGIONAL OFFICE**

As of: 6/3/2013

Bar Box Code \_\_\_\_\_

File Bar Code \_\_\_\_\_

Date/Initials \_\_\_\_\_

Series: **ADJ**

February 15, 2023

Ownership Update DOR 608 #: 244372

KALISPELL REGIONAL OFFICE  
Ownership Update Post Card Notice

# OWNERSHIP UPDATE NOTICE

February 15, 2023

The DNRC processed an ownership update on the following water rights. The owner names were updated to: CAVIN, BENTON C FAMILY LIVING TRUST; ROBERTA STILLWELL

76LJ 12428 00

\*THIS WATER RIGHT IS IN A DECREE ISSUED BY THE WATER COURT

To view copies of water right abstracts, go to <http://wrqs.dnrc.mt.gov/>

For questions, or if you don't have Internet access and would like to request water right abstracts be mailed to you, contact the regional office listed below and reference Ownership Update # **244372**.

KALISPELL REGIONAL OFFICE: 406-752-2288

For more information or to change your address: <http://www.dnrc.mt.gov/wrd>



DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1424 9TH AVENUE  
P.O. BOX 201601  
HELENA, MONTANA 59620-1601

Water Right Ownership Update

### Post Card Addresses:

WATER RIGHT BUYER / SELLER

217 OAK ST  
YPSILANTI, MI 48198

WATER RIGHT BUYER / SELLER

\*\*\*DECEASED\*\*\*  
PO BOX 965  
WHITEFISH, MT 59937

WATER RIGHT BUYER / SELLER

PO BOX 965  
WHITEFISH, MT 59937

-----END OF POST CARD-----

### Post Card Mail to Details: (Address -- Name)

#### Buyers

217 OAK ST  
YPSILANTI, MI 48198

*ROBERTA STILLWELL  
CAVIN, BENTON C FAMILY LIVING TRUST*

#### Sellers

\*\*\*DECEASED\*\*\*

PO BOX 965  
WHITEFISH, MT 59937  
*DOREEN N CAVIN*

PO BOX 965  
WHITEFISH, MT 59937  
*BENTON C CAVIN*

### Post Card Water Right Current Owner Details: (Name -- Address)

CAVIN, BENTON C FAMILY LIVING TRUST  
217 OAK ST  
YPSILANTI, MI 48198

ROBERTA STILLWELL  
217 OAK ST  
YPSILANTI, MI 48198