

Montana Water Court  
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**FILED**

JUN 15 2020

Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
MISSOURI RIVER FROM MARIAS RIVER  
TO AND INCLUDING BULLWHACKER CREEK (BASIN 41T)

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CLAIMANT: Ag Ranch Properties, LLC

**CASE 41T-A300**  
41T 171415-00

**NOTICE OF FILING OF MASTER'S REPORT**

You may file a written objection to the Report if you disagree with the Master's Findings of Fact, Conclusions of Law, or Recommendations, or if there are errors in the Report.

The above stamped date indicates the date the Master's Report was filed and mailed. Rule 23 of the Water Right Adjudication Rules requires that written objections to a Master's Report must be filed within 10 days of the date of the Master's Report. Because the Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10 day objection period. Rule 6(d), M. R. Civ. P. This means your objection must be received no later than 13 days from the above stamped date.

If you file an objection, you must mail a copy of the objection to all parties on the Service List found at the end of the Master's Report. The original objection and a certificate of mailing to all 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  
FINDINGS OF FACT**

1. On June 18, 2019, Lucky 13 Livestock & Rodeo, LLC ("Lucky 13") filed a Verified Motion to Amend ("VMA") for Claim No. 41T 41911-00. On January 24, 2020, Ag Ranch filed an Amended Motion to Amend ("VMA"), seeking to expand the place of use.

2. On January 31, 2020, this Court issued an Order Requiring Notice and Setting Filing Deadline, requiring the Claimant to publish newspaper notice pursuant to §85-2-233(6), MCA. On April 16, 2020, Claimant filed proof of publication pursuant to the Order. No party filed objections to the Motion to Amend.

3. Pursuant to the VMA, the Claimant proposes the following modifications to the Claim:

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>
<del>1</del>	<del>20.00</del>		SESENE	19	23N	17E	Choteau
<del>2</del>	<del>80.00</del>		S2NW	20	23N	17E	Choteau
<b>1</b>	<b>20.00</b>	<b>10</b>		<b>19</b>	<b>23N</b>	<b>17E</b>	<b>Choteau</b>
<b>2</b>	<b>15.00</b>		S2SWNE	<b>19</b>	<b>23N</b>	<b>17E</b>	<b>Choteau</b>
<b>3</b>	<b>23.00</b>		SENE	<b>19</b>	<b>23N</b>	<b>17E</b>	<b>Choteau</b>
<b>4</b>	<b>77.00</b>		S2NW	<b>20</b>	<b>23N</b>	<b>17E</b>	<b>Choteau</b>
Total: <del>400.00</del>		135.00					

**PRINCIPLES OF LAW**

1. Montana law allows claimants to amend their statements of claim after the objection period in a basin has closed pursuant to Section 85-2-233(6), MCA.

2. Rule 15 M.R.Civ.P. restricts the scope of the amendments to the conduct, transaction, or occurrence set forth in the original pleading or, in other words, the "same set of operative facts as contained in the original pleading." *Sooey v. Petrolane Steel Gas, Inc.* (1985), 218 Mont. 418, 422-423.

**CONCLUSIONS OF LAW**

1. The newspaper notice gave all water users notice of the possible correction of the elements addressed in this Master's Report in regard to claim 41T 171415-00. This notice is reasonably calculated to inform parties of proceedings affecting their water rights. Thus, additional notice is not required before the corrections to claim 41T 171415-00 are implemented. *Geil v. Missoula Irrigation District*, 2002 MT 269, ¶ 53, 312 Mont. 320, 59 P.3d 398.

2. The notice requirements for a motion to amend claim specified in section 85-2-233(6), MCA have been met in regard to claim 41T 171415-00.

### RECOMMENDATIONS

1. Upon review of the record in this case, Claim No. 41T 171415-00 should be modified as discussed above.

A Post Decree Abstract of Water Right Claim is attached to this Master's Report for review.

DATED this 15<sup>th</sup> day of June, 2020.



Nathan Block  
Water Master

#### Service Via Electronic Mail:

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