

Montana Water Court
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IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
JUDITH RIVER BASIN (41S)
PRELIMINARY DECREE

CLAIMANT: Debbie E. Moore

CASE 41S-0003-R-2023
41S 131713-00

OBJECTOR: State of Montana Department of Fish, Wildlife &
Parks

NOTICE OF FILING OF MASTER’S REPORT

This Master’s Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master’s Report within **10 days** of the stamped date if you disagree or find errors with the Master’s findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master’s 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. If you file an objection, you must serve 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

The above-captioned claim received an objection from the State of Montana Department of Fish, Wildlife and Parks (FWP). On August 9, 2023, a Settlement Stipulation was filed by the parties. The Stipulation states that the claimant agreed to withdraw claim 41S 131713-00 and FWP agreed to withdraw their objection “upon issuance of a Master’s Report, Order Adopting Master’s Report, and Final Decree reflecting the withdrawal of claim number 41S-131713-00”. The Stipulation was signed by both parties. No Notices of Intent to Appear were filed.

FINDINGS OF FACT

1. Pursuant to the Stipulation, claim 41S 131713-00 and FWP’s objection to the claim should be dismissed.

PRINCIPLES OF LAW

1. The Montana Water Court has the authority to determine the extent of all water rights in the state as they existed prior to July 1, 1973. *Fellows v. Saylor*, 2016 MT 45, ¶ 25, 382 Mont. 298, 367 P.3d 732; §§ 85-2-233, -102(12), MCA.

CONCLUSION OF LAW

1. Upon review of the documentation submitted by the parties, the record is clear that the above-captioned claim should be dismissed. The intent to withdraw the claims was unambiguous and the claimant has filed documentation stating the same. Dismissal of the claim resolves FWP’s objection.

RECOMMENDATION

1. Upon review of the record in this case the above-captioned claim should be dismissed pursuant to the Stipulation. Dismissal of the claim resolves the objection to the claim.

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

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Debbie E. Moore
PO Box 1003
Lewistown, MT 59457-1003

Service via Electronic Mail:

Alexander R. Scolavino III
Montana Department of Fish, Wildlife & Parks
PO Box 200701
Helena, MT 59620
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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 131713-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: DISMISSED

Owners: DEBBIE E MOORE
PO BOX 1003
LEWISTOWN, MT 59457 1003

Priority Date:

Type of Historical Right:

Purpose (use): POWER GENERATION

Flow Rate:

Volume:

Source Name: BIG SPRING CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.