

IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
SWEET GRASS - BASIN (43BV)

CLAIMANT: J Bar L Ranches, LLC

CASE 43BV-0351-R-2023
43BV 127326-00

OBJECTOR: J Bar L Ranches, LLC

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

FINDINGS OF FACT

1. J Bar L Ranches, LLC (J Bar L) is the record owner of claim 43BV 127326-00.
2. Claim 43BV 127326-00 was decreed with a DNRC issue remark indicating the flow rate is missing.
3. J Bar L objected to claim 43BV 127326-00, stating:

The location of the spring should be corrected to more accurately reflect historical beneficial use. It appears the spring may be located in the SESENW of Section 31, T4N, R16E and the means of diversion is a developed spring.

4. On September 21, 2023, J Bar L filed a Motion to Modify Preliminary Decree of Water Right 43BV 127326-00. (Doc.¹2.00); the Declaration of ranch manager Andrew Anderson was attached (Exhibit 1), a map (Exhibit A), and a proposed abstract (Exhibit 2) were also attached.

5. According to the record, claim 43BV 127326-00 should be modified to reflect the historical use of the claim as follows:

Flow Rate: 12.00 GPM

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSENW	31	4N	16E	SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING DEVELOPED SPRING

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			NESESE	36	4N	15E	SWEET GRASS
2		NWNESW	SWSENW	31	4N	16E	SWEET GRASS

CONCLUSIONS OF LAW

1. The Water Court is required to address all issue remarks decreed on a claim as well as any objections filed. Sections 85-2-233, 85-2-247, and 85-2-248, MCA.

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.

RECOMMENDATIONS

1. Claims 43BV 127326-00 should be modified as shown in Finding of Fact No. 5.

¹ “Doc.” numerical references correlate to case file docket numbers in the Water Court’s Full Court case management system.

2. The issue remark should be removed from claim 43BV 127326-00.
A Post Decree Abstract of Water Right Claim is served with the Report for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV

Water Right Number: 43BV 127326-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: J BAR L RANCHES LLC
PO BOX 11925
BOZEMAN, MT 59719 1925

Priority Date: MAY 15, 1896

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: 12.00 GPM

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: SPRING, UNNAMED TRIBUTARY OF SWEET GRASS CREEK

Source Type: GROUNDWATER

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		SWSNW	31	4N	16E	SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DEVELOPED SPRING

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			NESESE	36	4N	15E	SWEET GRASS
2			NWNESW	31	4N	16E	SWEET GRASS