

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

\*\*\*\*\*

CLAIMANTS: Jennilou E. Isackson; Ron Isackson

CASE 41S-1037-R-2024

41S 152150-00

41S 152151-00

**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. Jennilou E. Isackson and Ron E. Isackson are the record owners of claims 41S 152150-00 and 41S 152151-00.
2. Claims 41S 152150-00 and 41S 152151-00 were decreed with DNRC issue remarks:

**41S 152150-00:**

- THE WATER COURT FINDS NO LEGAL BASIS FOR THIS PURPOSE TO BE CONSIDERED A BENEFICIAL USE OR AN APPROPRIATION OF WATER.
- THE CLAIMED FLOW RATE WAS NOT EXAMINED AS NO FLOW RATE GUIDELINES FOR THIS PURPOSE HAVE BEEN ESTABLISHED BY THE CLAIM EXAMINATION RULES.
- THE FLOW RATE IS MISSING.
- THE CLAIMED VOLUME WAS NOT EXAMINED AS NO VOLUME GUIDELINES FOR THIS PURPOSE HAVE BEEN ESTABLISHED BY THE CLAIMS EXAMINATION RULES.

**41S 152151-00:**

- THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE PUMP CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

3. **41S 152150-00:** The first-listed issue remark decreed on claim 41S 152150-00 points to the April 30, 1982 Statement of Claim. Then-Claimants Jenro Ranch Co., Inc. and Edna F. Halley filed claim 41S 152150-00 for “aesthetic” purposes:

**3. Use:** (Check Only One)

FR <input type="checkbox"/> Fish Raceways	GE <input type="checkbox"/> Geothermal	MN <input type="checkbox"/> Mining
FW <input type="checkbox"/> Fish & Wildlife	NV <input type="checkbox"/> Navigation	PG <input type="checkbox"/> Power Generation
CM <input type="checkbox"/> Commercial	FP <input type="checkbox"/> Fire Protection	RC <input type="checkbox"/> Recreation
IN <input type="checkbox"/> Industrial	AS <input type="checkbox"/> Agricultural Spraying	OT <input checked="" type="checkbox"/> Other
MC <input type="checkbox"/> Municipal	OF <input type="checkbox"/> Oil Well Flooding	Explain <u>AESTHETIC</u>

As noted in the DNRC issue remark, “aesthetic” is not considered a beneficial use in Montana.

4. **Claim 41S 152151-00:** No information was provided by DNRC to substantiate the addition of the point of diversion issue remark to claim 41S 152151-00.
5. An Order was issued, providing Claimants Jennilou E. Isackson and Ron E. Isackson the opportunity to show why “aesthetic” should be considered a beneficial use for claim 41S 152150-00. The Order indicated that if nothing were filed by the December 2, 2024 filing deadline, this Waer Master would conclude that Jennilou E. Isackson and Ron E. Isackson agree that “aesthetic” is not a beneficial use of water and a Master’s

Report should be issued recommending dismissal of claim 41S 152150-00. The Order included the following language:

Failure to comply with the terms of this Order may result in sanctions, up to and including entry of default and termination of a water right claim or dismissal of objections. Rule 22, W.R.Adj.R.

6. On December 5, 2024, the Isacksons filed a document indicating agreement with the proposed dismissal of claim 41S 152150-00. Additionally, the Isacksons stated the following regarding claim 41S 152151-00:

*Talked with DNRC in Lewistown - this was discussed and the point of diversion is recorded below -*  
**Claim 41S 152151-00:** Claim 41S 152151-00 was decreed with the following DNRC issue remark:  
 • THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE PUMP CANNOT BE IDENTIFIED FROM AVAILABLE DATA. \* GOV lot 2 sec 31 T15N R19E

7. The claimed and decreed point of diversion for claim 41S 152151-00 is:

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			NW	31	15N	19E	FERGUS

The location described in the December 5, 2024 filing is within the point of diversion legal land description.

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court is required to address all issue remarks decreed on a claim as well as any objections the claim receives. 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.

Regarding claim 41S 152151-00, the DNRC point of diversion issue remark alone does not overcome the prima facie Statement of Claim.

RECOMMENDATIONS

1. Claims 41S 152150-00 should be dismissed as “aesthetic” is not a beneficial use.
2. The issue remarks should be removed from claim 41S 152151-00.  
Abstracts are attached for review.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service Via Electronic Mail:**

Jennilou E. Isackson  
Ron Isackson  
4080 Upper Spring Creek Rd  
Lewistown, MT 59457-8701

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JUDITH RIVER  
BASIN 41S**

**Water Right Number:** 41S 152150-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** JENNILOU E ISACKSON  
4080 UPPER SPRING CREEK RD  
LEWISTOWN, MT 59457-8701

RON ISACKSON  
4080 UPPER SPRING CREEK RD  
LEWISTOWN, MT 59457-8701

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** UNKNOWN

**Purpose (Use):** UNKNOWN

**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:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JUDITH RIVER  
BASIN 41S**

**Water Right Number:** 41S 152151-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** JENNILOU E ISACKSON  
4080 UPPER SPRING CREEK RD  
LEWISTOWN, MT 59457-8701

RON ISACKSON  
4080 UPPER SPRING CREEK RD  
LEWISTOWN, MT 59457-8701

**Priority Date:** APRIL 25, 1953

**Type of Historical Right:** USE

**Purpose (Use):** FIRE PROTECTION

**Flow Rate:** 100.00 GPM

**\*Volume:** THE VOLUME OF THIS WATER RIGHT IS LIMITED TO THE MINIMUM AMOUNTS NECESSARY FOR FIRE PROTECTION PURPOSES.

**Source Name:** BIG SPRING CREEK

**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		NW	31	15N	19E	FERGUS

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

**Diversion Means:** PUMP

**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			NW	31	15N	19E	FERGUS