

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
(406) 586-4364
1-800-624-3270
watercourt@mt.gov

FILED
12/06/2024
Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
43O-0405-I-2024
Nordlund, Julia
2.00

IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
LITTLE BIGHORN RIVER - BASIN 43O

CLAIMANTS: Randall S. Shinn; Deborah G. Steward

CASE 43O-0405-I-2024
43O 197352-00

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, conclusion 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. Claim 43O 197352-00 is owned by Deborah Steward and Randall Shinn.
2. On November 25, 2024, Ms. Steward and Mr. Shinn, filed a withdrawal of claim 43O 197352-00.
3. The Withdrawal state the Claimants have no interest in the claim.

CONCLUSIONS OF LAW

1. The Montana Water Court has jurisdiction over all matters relating to the determination of existing water rights. Section 3-7-224, MCA.
2. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that an element of the prima facie claim is incorrect. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R.

RECOMMENDATIONS

The claim in this case should be dismissed. A Post Decree Abstract of Water Right Claim is served with the Report to confirm that 43O 197352-00 has been dismissed in the state's centralized water right record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Randall S. Shinn
Deborah G. Stewart
13683 Lodge Grass Creek Rd.
Lodge Grass, MT 59050

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE BIGHORN RIVER
BASIN 43O**

Water Right Number: 43O 197352-00 RESERVED CLAIM

Version: 3 -- POST DECREE

Status: DISMISSED

Owners: RANDALL S SHINN
13683 LODGE GRASS CREEK RD
LODGE GRASS, MT 59050

DEBORAH G STEWARD
13683 LODGE GRASS CREEK RD
LODGE GRASS, MT 59050

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: LODGE GRASS 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.