

IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
SUN RIVER BASIN (41K)  
PRELIMINARY DECREE

\*\*\*\*\*

CLAIMANTS: Janna M. Pfeifle; Ryan J. Pfeifle

**CASE 41K-0485-R-2024**  
41K 199331-00

**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**

All water right claims that appeared in the Preliminary Decree for Sun River (Basin 41K) were subject to "issue remarks" resulting from pre-decree examination by the DNRC, objections, and counterobjections. Claim 41K 199331-00 received an issue remark during the DNRC's review of the claims.

The claim was consolidated into Case 41K-0485-R-2024 and an Order requiring the Claimants to consult with the DNRC to resolve the issue remark was issued by the Water Court.

### FINDINGS OF FACT

1. Claim 41K 199331-00 received the following substantive issue remark:

THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE ADDRESSED AT THE OBJECTION STAGE. IT APPEARS THE OWNER MADE AN UNAUTHORIZED CHANGE IN THE POINT OF DIVERSION AFTER JULY 1, 1973. 85-2-402 REQUIRES DEPARTMENT APPROVAL OF THIS CHANGE TO PERFECT THIS RIGHT.

2. On June 18, 2024, DNRC Water Resources Specialist Jamie Verploegen filed a *Memorandum* in this matter. The *Memo* states that the DNRC was contacted by claimant Ryan Pfeifle on February 12, 2024, regarding the aforementioned issue remark. During the conversation, Mr. Pfeifle states to the DNRC that no unauthorized changes to the point of diversion were made of which he was aware. The *Memo* states that, upon further review, an application to change the water right was granted to the Claimants' predecessors, Larry and Linda Johnson, to change the point of diversion on July 31, 1985. Therefore, the DNRC made the following recommendations regarding the disposition of the issue remark:

RECOMMENDATION:

General Information Issue GIIS: Based on the above discussion, phone call with Claimant, information in the scanned claim file and a granted change authorization of point of diversion, DNRC considers this issue to be resolved. DNRC recommends this issue remark be removed from the water right and replaced with the CT2 remark code which reads, THIS WATER RIGHT WAS SUBJECT TO A CHANGE APPLICATION APPROVED BY THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERCATION. THE MONTANA WATER COURT INCLUDED SOME OR ALL OF THE CHANGES APPROVED BY THE DEPARTMENT IN THE DECREE OF THIS WATER RIGHT.

### PRINCIPLES OF LAW

1. Section 85-2-248(2), MCA, requires that the Water Court resolve all issue remarks that are not resolved through the objection process. *See also* Rule 7, W.R.Adj.R.
2. The Water Court may use information submitted by the DNRC, the Statement of Claim, and any other data obtained by the Court to evaluate a water right. Sections 85-2-227, -231(2), MCA.

## CONCLUSIONS OF LAW

1. The information in the record is sufficient to resolve the issue remark appearing on claim 41K 199331-00. Based on the information contained Ms. Verploegen's *Memo*, the information remark denoting the approval of the change authorization should be added to the abstract of claim 41K 199331-00 as described in Finding of Fact No. 2, and the issue remark should be removed from the claim.

## RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Water Master recommends that the Court modify claim 41K 199331-00 as described in Finding of Fact No. 2 and remove the issue remark from claim.

A post decree abstract of the water right claim, reflecting the recommended changes, is attached to this Report.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via USPS Mail:**

Janna M. Pfeifle  
Ryan J. Pfeifle  
224 Sun Loop Ln  
Great Falls, MT 59404

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
SUN RIVER  
BASIN 41K**

**Water Right Number:** 41K 199331-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** JANNA M PFEIFLE  
224 SUN LOOP LN  
GREAT FALLS, MT 59404

RYAN J PFEIFLE  
224 SUN LOOP LN  
GREAT FALLS, MT 59404

**Priority Date:** OCTOBER 7, 1892

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER

**\*Flow Rate:** 34.10 GPM

**\*Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 5.50

**Source Name:** SUN RIVER

**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		NESWSW	32	21N	2E	CASCADE

**Period of Diversion:** APRIL 15 TO OCTOBER 15

**Diversion Means:** PUMP

**Subdivision:** TWIN SILOS RANCHETTES TRACT/LOT: 14 BLOCK: 5

**Period of Use:** APRIL 15 TO OCTOBER 15

**\*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	2.07		W2SW	32	21N	2E	CASCADE

**Subdivision:** TWIN SILOS RANCHETTES TRACT/LOT: 13 BLOCK: 5

2 3.43 W2SW 32 21N 2E CASCADE

**Subdivision:** TWIN SILOS RANCHETTES TRACT/LOT: 14 BLOCK: 5

**Total:** 5.50

**Remarks:**

THIS WATER RIGHT WAS SUBJECT TO A CHANGE APPLICATION APPROVED BY THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION. THE MONTANA WATER COURT INCLUDED SOME OR ALL OF THE CHANGES APPROVED BY THE DEPARTMENT IN THE DECREE OF THIS WATER RIGHT.

AMENDED AUTHORIZATION TO CHANGE ISSUED 05/27/1986 FOR CHANGE IN POINT OF DIVERSION. NOTICE OF COMPLETION DUE 12/01/1986.