

Montana Water Court  
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**FILED**  
07/10/2024  
Sara Calkins  
CLERK  
Montana Water Court  
STATE OF MONTANA  
By: D'Ann CIGLER  
42B-0004-I-2022  
Lockman, Melissa  
17.00

IN THE WATER COURT OF THE STATE OF MONTANA  
YELLOWSTONE RIVER DIVISION  
TONGUE RIVER, ABOVE & INCLUDING HANGING WOMAN CREEK (BASIN 42B)  
INTERLOCUTORY DECREE

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CLAIMANT: State of Montana Board of Land Commissioners  
  
OBJECTOR: Montaylor Corp.

**CASE 42B-0004-I-2022**  
42B 30111796

**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**

Claim 42B 30111796 appeared in the Interlocutory Decree for the Tongue River, above and including Hanging Woman Creek (Basin 42B) issued on January 12, 2022. The claim is owned by the State of Montana Board of Land Commissioners, Trust Land Management Division (TLMD). The claim received an objection from Montaylor Corp.

## FINDINGS OF FACT

1. Claim 42B 30111796 was decreed as a November 8, 1889 claim for stock drinking directly from an unnamed tributary of Monument Creek in Section 16, T8S, R40E, Big Horn County.

2. Montaylor Corp. objected, stating:

No information in the claim's file supports the claimed priority date. Furthermore, this claim was never perfected and/or has been abandoned.

3. The parties requested, and the Court ordered, that the DNRC perform a field investigation. On June 14, 2024, DNRC Water Resource Specialist Brandy Gray filed her Field Investigation Memorandum. (Doc.<sup>1</sup> 15.00).

4. Based on the results of the field investigation, TLMD filed a motion to withdraw claim 42B 30111796. (Doc. 16.00).

5. The motion states that dismissal of claim 42B 30111796 resolves Montaylor Corp.'s objection.

## PRINCIPLE AND CONCLUSION OF LAW

1. If a claimant agrees to reduce or limit a claim, the Water Court may accept the reduction or limitation without reviewing further evidence, unless an unresolved issue remark remains. Rule 17(c), W.R.Adj.R. Claim 42B 30111796 should be dismissed.

## RECOMMENDATION

1. Claim 42B 30111796 should be dismissed.

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

**ELECTRONICALLY SIGNED AND DATED BELOW.**

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<sup>1</sup> "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

**Service via Electronic Mail**

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**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**TONGUE RIVER, ABOVE & INCLUDING HANGING WOMAN CREEK**  
**BASIN 42B**

**Water Right Number:** 42B 30111796 STATEMENT OF CLAIM  
**Version:** 2 -- POST DECREE  
**Status:** **DISMISSED**

**Owners:** MONTANA STATE BOARD OF LAND COMMISSIONERS  
TRUST LAND MANAGEMENT DIVISION  
PO BOX 201601  
HELENA, MT 59620-1601

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** STOCK

**Flow Rate:**

**Volume:**

**Source Name:** UNNAMED TRIBUTARY OF MONUMENT 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.