

Montana Water Court  
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**IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
MISSOURI RIVER ABOVE HOLTER DAM BASIN (41I)  
PRELIMINARY DECREE**

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CLAIMANT: R & L Ranch Co.

OBJECTOR: United States of America (Department of  
Agriculture Forest Service)

**CASE 411-0062-R-2023**

41I 117781-00

41I 117790-00

**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**

The above-captioned claims appeared in the Preliminary Decree for the Missouri River Above Holter Dam (Basin 41I) issued on June 24, 2022. The claims are owned by

R & L Ranch Co. The United States Department of Agriculture, Forest Service (Forest Service) objected to the claims.

### FINDINGS OF FACT

1. Claim 41I 117781-00 appeared in the Basin 41I Preliminary Decree as a stock claim from a well in the NESESE of Section 35, T6N, R3E, Broadwater County. The claim was decreed with the following place of use:

**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				1	5N	3E	BROADWATER
2				2	5N	3E	BROADWATER
3				35	6N	3E	BROADWATER
4				36	6N	3E	BROADWATER

2. The Forest Service objected to the claim, stating:

The statement of claim does not describe how water is conveyed from the well to places of use. The place of use may need to be co-located with the well.

4. Claim 41I 117790-00 appeared in the Basin 41I Preliminary Decree as a claim for stock drinking directly from Hudson Spring. The claim was decreed with the same place of use as claim 41I 117781-00.

5. The Forest Service objected to the claim, stating:

The statement of claim does not describe how water is conveyed from the spring to places of use. Place of use may need to be co-located with the spring.

6. On June 6, 2024, the parties filed a stipulation resolving the United States's objections. (Doc.<sup>1</sup> 8.00).

7. The stipulation proposes refining the place of use in Section 36, T6N, R3E, Broadwater County to the S2S2 of Section 36, T6N, R3E, Broadwater County.

### PRINCIPLE 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.

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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.

CONCLUSION OF LAW

1. The Court should approve the parties' stipulation and refine the place of use as requested.

RECOMMENDATION

1. For claims 41I 117781-00 and 41I 117790-00, the place of use in Section 36, T6N, R3E, Broadwater County should be refined to the S2S2 of Section 36, T6N, R3E, Broadwater County.

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

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via USPS Mail**

R & L Ranch Co  
131 Dry Hollow Rd  
Townsend, MT 59644

**Service via Electronic Mail**

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**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MISSOURI RIVER, ABOVE HOLTER DAM  
BASIN 41I**

**Water Right Number:** 41I 117781-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** R & L RANCH CO  
131 DRY HOLLOW RD  
TOWNSEND, MT 59644-9797

**Priority Date:** JANUARY 1, 1927

**Type of Historical Right:** USE

**Purpose (Use):** STOCK

**Flow Rate:** 20.00 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:** GROUNDWATER

**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		NESESE	35	6N	3E	BROADWATER

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

**Diversion Means:** WELL

**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				1	5N	3E	BROADWATER
2				2	5N	3E	BROADWATER
3				35	6N	3E	BROADWATER
4			S2S2	36	6N	3E	BROADWATER

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

117774-00      117781-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MISSOURI RIVER, ABOVE HOLTER DAM  
BASIN 41I**

**Water Right Number:** 41I 117790-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** R & L RANCH CO  
131 DRY HOLLOW RD  
TOWNSEND, MT 59644-9797

**Priority Date:** JUNE 1, 1926

**Type of Historical Right:** USE

**Purpose (Use):** STOCK

**\*Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**\*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 DRY HOLLOW

**Source Type:** SURFACE WATER  
ALSO KNOWN AS HUDSON SPRING

**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		NWSESE	36	6N	3E	BROADWATER

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

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

**Period of Use:** APRIL 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				1	5N	3E	BROADWATER
2				2	5N	3E	BROADWATER
3				35	6N	3E	BROADWATER
4			S2S2	36	6N	3E	BROADWATER