

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

CLAIMANTS: Luke A. Heisey; Susan V. Heisey

CASE 41K-0649-R-2024
41K 192921-00

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 192921-00 received an issue remark during the DNRC's review of the claims.

The claim was consolidated into Case 41K-0649-R-2024 and the Water Court issued an Order Setting Filing Deadline to resolve the issue remark.

FINDINGS OF FACT

1. Claim 41K 192921-00 received the following substantive issue remarks:

FILING FEE INSUFFICIENT TO COVER CLAIM. TOTAL AMOUNT DUE \$40.00.

2. On March 15, 2024, the Court consolidated the claim and set a filing deadline for the Claimants to file a receipt or other proof of payment made to the DNRC.

3. On April 24, 2024, DNRC Water Rights Compliance Technician Dustin J. Haas filed a *Statement* confirming that the Claimants had successfully paid the filing fee for claim 41K 192921-00.

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. Under Section 85-2-225, MCA, the filing fee for water right claims must be paid. Failure to pay the filing fee or swear to the validity of the claim may subject the claim to dismissal.

3. 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.

CONCLUSION OF LAW

1. Based on the information contained in Mr. Haas's *Statement*, the Claimants successfully paid the filing fee for claim 41K 192921-00, and the issue remark should be removed from the claim.

RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Master recommends that the Court remove the issue remark from claim 41K 192921-00.

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:

Luke A. Heisey
Susan V. Heisey
611 3rd Rd NE
Fairfield, MT 59436

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

Water Right Number: 41K 192921-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: SUSAN V HEISEY
611 3RD RD NE
FAIRFIELD, MT 59436-9102

LUKE A HEISEY
611 3RD RD NE
FAIRFIELD, MT 59436-9102

Priority Date: JUNE 1, 1933

Type of Historical Right: USE

Purpose (Use): DOMESTIC

Flow Rate: 3.00 GPM

Volume: 2.50 AC-FT

Households: 2

Maximum Acres: 0.25

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		SWSWSW	15	22N	2W	TETON

Source Name: GROUNDWATER

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	0.25		SWSWSW	15	22N	2W	TETON

Total: 0.50