

Montana Water Court  
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IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
BOULDER RIVER—TRIBUTARY OF THE JEFFERSON RIVER (BASIN 41E)  
PRELIMINARY DECREE

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CLAIMANT: Golden Sunlight Mines Inc.

OBJECTOR: Golden Sunlight Mines Inc.

**CASE 41E-0198-R-2024**

41E 143436-00

41E 143437-00

**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 to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must mail 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**

Golden Sunlight Mines Inc. objected to its claims 41E 143436-00 and 41E 143437-00. On April 3, 2024 Claimant/Objector’s Filing of Documentation To Address And Resolve Objections was filed. This settlement documentation is viewable in the Court’s FullCourt Enterprise case management system.

APPLICABLE LAW

A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content pursuant to 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 the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect including for claimants objecting to their own claims. Rule 19, W.R.Adj.R.

FINDINGS OF FACT

1. For claim 41E 143436-00, the Preliminary Decree states that the point of diversion and means of diversion are:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
2	NWNE	2	1N	3W	JEFFERSON

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

For claim 41E 143437-00, the Preliminary Decree states that the point of diversion and means of diversion are:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
SENENW	35	2N	3W	JEFFERSON

Diversion Means: DITCH  
Ditch Name: CARDWELL DITCH

For both claims, the point of diversion and means of diversion should be:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	S2NE	26	2N	3W	JEFFERSON

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

	W2NESE	26	2N	3W	JEFFERSON
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Diversion Means: LIVESTOCK DIRECT FROM SOURCE

	SENWSE	26	2N	3W	JEFFERSON
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Diversion Means: LIVESTOCK DIRECT FROM SOURCE

	N2SWSE	26	2N	3W	JEFFERSON
--	--------	----	----	----	-----------

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

	SESW	26	2N	3W	JEFFERSON
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Diversion Means: LIVESTOCK DIRECT FROM SOURCE

	E2W2	35	2N	3W	JEFFERSON
--	------	----	----	----	-----------

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

W2W2SE 35 2N 3W JEFFERSON

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

W2NWNE 2 1N 3W JEFFERSON

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

E2NW 2 1N 3W JEFFERSON

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

SESWNW 2 1N 3W JEFFERSON

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

NESWSE 26 2N 3W JEFFERSON

Diversion Means: DITCH

SENEW 35 2N 3W JEFFERSON

Diversion Means: DITCH

Ditch Name: CARDWELL DITCH

NWSEW 35 2N 3W JEFFERSON

Diversion Means: DITCH

Ditch Name: SHAW DITCH

NWNWNE 2 1N 3W JEFFERSON

Diversion Means: DITCH

Ditch Name: HUCKABA DITCH

2. For claim 41E 143436-00, the Preliminary Decree states that the place of use is:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
2	NWNE	2	1N	3W	JEFFERSON

For claim 41E 143437-00, the Preliminary Decree states that the place of use is:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
NW	35	2N	3W	JEFFERSON
SWNE	35	2N	3W	JEFFERSON
W2SE	35	2N	3W	JEFFERSON
E2	2	1N	3W	JEFFERSON

For both claims, the place of use should be:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
S2NE	26	2N	3W	JEFFERSON
SE	26	2N	3W	JEFFERSON
SESW	26	2N	3W	JEFFERSON

	35	2N	3W	JEFFERSON
N2	2	1N	3W	JEFFERSON
N2SE	2	1N	3W	JEFFERSON
SESE	2	1N	3W	JEFFERSON

3. The abstract of claim 41E 143436-00 includes the following notice remarks:

POINT OF DIVERSION AND PLACE OF USE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

This remark provides notice of these changes made prior to issuance of the Preliminary Decree. The remark does not raise unresolved issues which need to be addressed. There are no proceedings required for this remark. The remark should be removed as having served its notice purpose.

CONCLUSION OF LAW

The settlement filed by the claimant is sufficient to contradict and overcome the prima facie claims.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusion of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim for each claim is served with this Report to confirm the recommended changes have been made in the state's centralized record system.

**ELECTRONICALLY SIGNED AND DATED BELOW**

**Service Via Electronic Mail:**

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**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER**  
**BASIN 41E**

**Water Right Number:** 41E 143436-00 STATEMENT OF CLAIM

**Version:** 5 -- POST DECREE

**Status:** ACTIVE

**Owners:** GOLDEN SUNLIGHT MINES INC  
310 S MAIN ST STE 1150  
SALT LAKE CITY, UT 84101-2114

**Priority Date:** DECEMBER 31, 1886

**Type of Historical Right:** FILED

**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:** BOULDER RIVER

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2NE	26	2N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					
2		W2NESE	26	2N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					
3		SENWSE	26	2N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					
4		N2SWSE	26	2N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					
5		SESW	26	2N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					
6		E2W2	35	2N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					

7	W2W2SE	35	2N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31				
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE				
8	W2NWNW	2	1N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31				
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE				
9	E2NW	2	1N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31				
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE				
10	SESWNW	2	1N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31				
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE				
11	NESWSE	26	2N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31				
<b>Diversion Means:</b>	DITCH				
12	SENEW	35	2N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31				
<b>Diversion Means:</b>	DITCH				
<b>Ditch Name:</b>	CARDWELL DITCH				
13	NWSEW	35	2N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31				
<b>Diversion Means:</b>	DITCH				
<b>Ditch Name:</b>	SHAW DITCH				
14	NWNWNE	2	1N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31				
<b>Diversion Means:</b>	DITCH				
<b>Ditch Name:</b>	HUCKABA DITCH				

**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			S2NE	26	2N	3W	JEFFERSON
2			SE	26	2N	3W	JEFFERSON
3			SESW	26	2N	3W	JEFFERSON
4				35	2N	3W	JEFFERSON
5			N2	2	1N	3W	JEFFERSON
6			N2SE	2	1N	3W	JEFFERSON
7			SESE	2	1N	3W	JEFFERSON

**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.

THIS APPROPRIATION OF WATER TAKES WATER FROM THE BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER DRAINAGE (BASIN 41E ) AND USES IT IN THE JEFFERSON RIVER DRAINAGE (BASIN 41G ) AND THE BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER DRAINAGE (BASIN 41E ). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.



**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER**  
**BASIN 41E**

**Water Right Number:** 41E 143437-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** GOLDEN SUNLIGHT MINES INC  
310 S MAIN ST STE 1150  
SALT LAKE CITY, UT 84101-2114

**Priority Date:** DECEMBER 31, 1868

**Type of Historical Right:** FILED

**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:** BOULDER 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		S2NE	26	2N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					
<b>Ditch Name:</b>	CARDWELL DITCH					
2		W2NESE	26	2N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					
<b>Ditch Name:</b>	CARDWELL DITCH					
3		SENWSE	26	2N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					
<b>Ditch Name:</b>	CARDWELL DITCH					
4		N2SWSE	26	2N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	LIVESTOCK DIRECT FROM SOURCE					
<b>Ditch Name:</b>	CARDWELL DITCH					
5		SESW	26	2N	3W	JEFFERSON
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					



3	SESW	26	2N	3W	JEFFERSON
4		35	2N	3W	JEFFERSON
5	N2	2	1N	3W	JEFFERSON
6	N2SE	2	1N	3W	JEFFERSON
7	SESE	2	1N	3W	JEFFERSON

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**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.

143432-00            143437-00

THIS APPROPRIATION OF WATER TAKES WATER FROM THE BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER DRAINAGE (BASIN 41E ) AND USES IT IN THE JEFFERSON RIVER DRAINAGE (BASIN 41G ) AND THE BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER DRAINAGE (BASIN 41E ). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.