

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

CLAIMANT: Ronald Reardon

CASE 41K-0493-R-2023
41K 5434-00

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 5434-00 received an issue remark during the DNRC's review of the claims.

The claim was consolidated into Case 41K-0493-R-2023 and an Order Requiring the Claimant to consult with the DNRC to resolve the issue remark was issued by the Water Court.

FINDINGS OF FACT

1. Claim 41K 5434-00 received the following 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 March 25, 2024, DNRC Water Resources Specialist Dixie Brough filed a *Memorandum* in this matter. The *Memo* states that the DNRC was never contacted by the Claimant regarding the aforementioned issue remark. However, the *Memo* states that there was an application to change the point of diversion filed by the Claimant's predecessor on February 20, 1985. Subsequently, that application was approved by the DNRC on June 28, 1985, and a notice of completion of the change was filed with the DNRC on September 16, 1985. Therefore, upon review, the DNRC recommended removing the issue remark.

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.

CONCLUSION OF LAW

1. The information in the record is sufficient to resolve the point of diversion issue remark appearing on claim 41K 5434-00. Based on the information contained Ms. Brough's *Memo*, the issue remark should be removed from the claim.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, this Water Master recommends that the Court remove the issue remark from claim 5434-00.

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:

Ronald Reardon
145 Riverfront Ln
Great Falls, MT 59404

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

Water Right Number: 41K 5434-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: RONALD REARDON
145 RIVERFRONT LN
GREAT FALLS, MT 59404-6237

Priority Date: OCTOBER 7, 1892

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

***Flow Rate:** 15.50 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: 2.50

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 | | SWNWSW | 32 | 21N | 2E | CASCADE |

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: PUMP

Subdivision: TWIN SILOS RANCHETTES TRACT/LOT: 010 BLOCK: 005

Period of Use: MAY 1 TO OCTOBER 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 | 1.15 | | SWNWSW | 32 | 21N | 2E | CASCADE |

Subdivision: TWIN SILOS RANCHETTES TRACT/LOT: 10 BLOCK: 5

| | | | | | | | |
|---|------|--|--------|----|-----|----|---------|
| 2 | 1.20 | | SENWSW | 32 | 21N | 2E | CASCADE |
|---|------|--|--------|----|-----|----|---------|

Subdivision: TWIN SILOS RANCHETTES TRACT/LOT: 10 BLOCK: 5

| | | | | | | | |
|---|------|--|--------|----|-----|----|---------|
| 3 | 0.15 | | NENWSW | 32 | 21N | 2E | CASCADE |
|---|------|--|--------|----|-----|----|---------|

Subdivision: TWIN SILOS RANCHETTES TRACT/LOT: 10 BLOCK: 5

Total: 2.50