

Montana Water Court  
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IN THE WATER COURT OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
JUDITH RIVER BASIN (41S)  
PRELIMINARY DECREE

\*\*\*\*\*

CLAIMANTS: Clinton E. Carr; Valerie S. Carr

**CASE 41S-0529-R-2024**

41S 150640-00

41S 150641-00

NOTICE OF INTENT TO APPEAR: State of Montana  
Department of Fish,  
Wildlife & Parks

**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 received Notices of Intent to Appear from the State of Montana Department of Fish, Wildlife and Parks (“FWP”). On August 12, 2024, a Request to Withdraw Statements of Claim was filed by claimants Clinton and Valerie Carr. Claims 41S 150640-00 and 41S 150641-00 are hereby consolidated into case **41S-0529-R-2024** for the purposes of this Master’s Report.

## **FINDINGS OF FACT**

1. Pursuant to the Request to Withdraw Statements of Claim, claims 41S 150640-00 and 41S 150641-00 should be dismissed.
2. Dismissal of the claims makes the Notice of Intent to Appear for the claims moot.

## **PRINCIPLES OF LAW**

1. The Montana Water Court has the authority to determine the extent of all water rights in the state as they existed prior to July 1, 1973. *Fellows v. Saylor*, 2016 MT 45, ¶ 25, 382 Mont. 298, 367 P.3d 732; §§ 85-2-233, -102(12), MCA.

## **CONCLUSION OF LAW**

1. Upon review of the documentation submitted by the parties, the record is clear that the above-captioned claims should be dismissed. The intent to withdraw the claims was unambiguous and the claimants have filed documentation stating the same. Dismissal of the claims moots FWP’s NOIAs.

## **RECOMMENDATION**

1. Upon review of the record in this case the above-captioned claims should be dismissed pursuant to the Request to Withdraw. Dismissal of the moots FWP’s NOIAs.

Post Decree Abstracts of Water Right Claims are attached to this Master’s Report for review.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via Electronic Mail:**

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**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**JUDITH RIVER**  
**BASIN 41S**

**Water Right Number:** 41S 150640-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** CLINTON E CARR  
PO BOX 184  
HOBSON, MT 59452-0184  
  
VALERIE S CARR  
PO BOX 184  
HOBSON, MT 59452-0184

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:** SPRING, UNNAMED TRIBUTARY OF JUDITH RIVER

**Source Type:** GROUNDWATER

**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.

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**JUDITH RIVER**  
**BASIN 41S**

**Water Right Number:** 41S 150641-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** CLINTON E CARR  
PO BOX 184  
HOBSON, MT 59452-0184  
  
VALERIE S CARR  
PO BOX 184  
HOBSON, MT 59452-0184

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:** SPRING, UNNAMED TRIBUTARY OF JUDITH RIVER

**Source Type:** GROUNDWATER

**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.