

Montana Water Court  
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**FILED**

09/25/2024

Sara Calkins  
CLERK

Montana Water Court  
STATE OF MONTANA

By: D'Ann CIGLER

41S-0004-R-2024

McElyea, Russ

15.00

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

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CLAIMANTS: American Prairie Foundation

OBJECTOR: American Prairie Foundation

**CASE 41S-0004-R-2024**

**41S 135365-00**

41S 135366-00

41S 135367-00

41S 135368-00

41S 135370-00

41S 135371-00

41S 135372-00

41S 135373-00

41S 135374-00

41S 135375-00

41S 135376-00

41S 135377-00

41S 135378-00

41S 135400-00

41S 139433-00

41S 139679-00

41S 30143517

**ORDER AMENDING AND ADOPTING MASTER'S REPORT**

Pursuant to Montana Code Annotated, § 85-2-233(5), the above entitled case was assigned to Senior Water Master Nathan Block. The Water Master filed a report containing Findings of Fact and Conclusions of Law with the Clerk of Court. A copy of the report was served upon the claimant and objector American Prairie Foundation (APF) on August 29, 2024. On September 9, 2024, the APF filed an objection to the Report. The Report should accordingly be modified as follows:

- Remove Findings of Fact (FOF) #29 and #30 and Conclusions of Law (COL) #9
- Claim 41S 135366-00 be added to COL #1 and #2.

- Claim 41S 135373-00 be removed from COL #4.
- COL #12 should be modified to read ‘point of diversion and place of use’.
- A new COL #14 be added to state “The evidence presented regarding means of diversion and place of use for claim 41S 135433-00 overcome the prima facie status of the claim and the claim should be modified as discussed above.”

The Court has reviewed the Water Master's Findings and Conclusions. Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report with the above referenced modifications.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via Electronic Mail:**

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