

Montana Water Court  
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**FILED**  
09/27/2024  
Sara Calkins  
CLERK  
Montana Water Court  
STATE OF MONTANA  
By: Regina Certalic  
41S-0807-R-2024  
Stern, Anika  
2.00

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

\*\*\*\*\*

CLAIMANTS: Carla J. Dennison; Richard T. Miller; Thomas  
A. Miller; Douglas M. Miller; Terence A.  
Miller; Terence (Terry) A. Miller; Ellen M.  
Miller

**CASE 41S-0807-R-2024**  
41S 30131083  
41S 30131084  
41S 30131133

**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**  
**FINDINGS OF FACT**

1. The record owner of claims 41S 30131083 and 41S 30131084 is Terence A. Miller. The record co-owners of claim 41S 30131133 are Carla J. Dennison, Douglas M. Miller, Richard T. Miller, Terrance A. Miller, Terence (Terry) A. Miller, and Thomas A. Miller.

2. Claims 41S 30131083, 41S 30131084, and 41S 30131133 were decreed with Montana Department of Natural Resources and Conservation (DNRC) issue remarks. Issue remarks identifying potential legal or factual issues with water rights that the Water Court is required to resolve. The unresolved issue remarks decreed on the claims in this Case are:

**Claims 41S 30131083 and 41S 30131084:**  
CLAIM FORM NOT SIGNED OR NOTARIZED.  
THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41S DECREE ISSUED 05/17/1984.

**Claim 41S 30131133:**  
CLAIM FORM NOT SIGNED BY ALL CLAIMANTS.  
THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41S DECREE ISSUED 05/17/1984

3. Nobody signed the July 1, 2019 statements of claims for claims 41S 30131083 and 41S 30131084 and only Douglas M. Miller signed the June 18, 2019 Statement of Claim for 41S 30131133.

4. A September 16, 2024 deadline was set for Claimants Carla J. Dennison, Richard T. Miller, Terrance A. Miller, Terence (Terry) A. Miller, and Thomas A. Miller to file a sworn (signed) statement verifying claims 41S 30131083, 41S 30131084, and 41S 30131133 are true and correct to the best of their knowledge. Nothing was filed by the deadline.

**PRINCIPLES AND CONCLUSIONS OF LAW**

1. Under Section 85-2-224(1)(g), MCA, the statement of claim must include a “sworn statement that the claim set forth is true and correct to the best of claimant’s knowledge and belief.”

Douglas M. Miller signed the June 18, 2019 statement of claim swearing to the truth and correctness of claim 41S 30131133; however, no claimant has sworn that claims 41S 30131083 and 41S 30131084 are true and correct.

2. If claimants fail to comply with an Order issued by the Water Court in its review of issue remarks, including an Order issued by a Water Master appointed by the Court, the Court on its own initiative may amend or dismiss claims to conform with information in the claim file or information obtained as part of the adjudication process. Section 85-2-248(9) MCA. The information before the court indicates that claims 41S 30131083 and 41S 30131084 should be dismissed.

3. The remarks indicating that the claims in this Case were not included in the 1984 decree are notice-type remarks; as no objections were filed, no further proceedings are required.

#### RECOMMENDATIONS

1. The issue remarks should be removed from claim 41S 30131133 with no changes to the elements of the claim.

2. Claims 41S 30131083 and 41S 30131084 should be dismissed.  
Abstracts are attached for review.

#### **ELECTRONICALLY SIGNED AND DATED BELOW.**

#### **Service via USPS Mail:**

Carla J. Dennison  
PO Box 679  
Lewistown, MT 59457

Richard T. Miller  
Thomas A. Miller  
Douglas M. Miller  
4691 Castle Butte Rd  
Lewistown, MT 59457

Terence A. Miller  
Terence (Terry) A. Miller  
Ellen M. Miller  
5456 Castle Butte Rd  
Lewistown, MT 59457-8736

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

**Water Right Number:** 41S 30131083 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** TERENCE A MILLER  
5456 CASTLE BUTTE RD  
LEWISTOWN, MT 59457-8736

**\*Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** STOCK

**Flow Rate:**

**Volume:**

**Source Name:** SPRING, UNNAMED TRIBUTARY OF CASTLE CREEK

**Source Type:** SURFACE WATER

**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 30131084 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** TERENCE A MILLER  
5456 CASTLE BUTTE RD  
LEWISTOWN, MT 59457-8736

**\*Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** STOCK

**Flow Rate:**

**Volume:**

**Source Name:** SPRING, UNNAMED TRIBUTARY OF BIG SPRING CREEK

**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 30131133 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:**

CARLA J DENNISON  
PO BOX 827  
LEWISTOWN, MT 59457

DOUGLAS M MILLER  
4691 CASTLE BUTTE RD  
LEWISTOWN, MT 59457

ELLEN M MILLER  
5456 CASTLE BUTTE RD  
LEWISTOWN, MT 59457-8736

RICHARD T MILLER  
C.O. 4691 CASTLE BUTTE RD  
LEWISTOWN, MT 59457

TERENCE A MILLER  
5456 CASTLE BUTTE RD  
LEWISTOWN, MT 59457-8736

TERENCE (TERRY) A MILLER  
5456 CASTLE BUTTE RD  
LEWISTOWN, MT 59457-8736

THOMAS E MILLER  
377 FLOWER HILLS RD  
LEWISTOWN, MT 59457

**Priority Date:** NOVEMBER 28, 1892

**Type of Historical Right:** USE

**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:** CASTLE CREEK

**Source Type:** SURFACE WATER

**\*Source Name:** UNNAMED TRIBUTARY OF CASTLE CREEK

**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		W2E2SE	24	14N	18E	FERGUS
<b>Source Name:</b> CASTLE CREEK						
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
2		W2NE	25	14N	18E	FERGUS
<b>*Source Name:</b> UNNAMED TRIBUTARY OF CASTLE CREEK						
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
3		W2NENE	25	14N	18E	FERGUS
<b>Source Name:</b> CASTLE CREEK						
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
<b>Period of Use:</b> 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			W2E2SE	24	14N	18E	FERGUS
2			W2NE	25	14N	18E	FERGUS
3			W2NENE	25	14N	18E	FERGUS