

Montana Water Court
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IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
MADISON RIVER BASIN (41F)
PRELIMINARY DECREE

CLAIMANT: Bull Wheel Ranch HOA Inc.

OBJECTORS: United States of America (Bureau of
Reclamation); United States of America (Bureau
of Land Management)

CASE 41F-0023-R-2024
41F 148520-00

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

Statement of the case

Irrigation claim 41F 148520-00 received objections from the United States of America (Bureau of Reclamation) and United States of America (Bureau of Land Management). The claim also appeared in the Preliminary Decree for this Basin with issue remarks. Issue remarks result from Department of Natural Resources and Conservation ("DNRC") claims examination.

On April 1, 2025, Patrick Toalson, President on behalf of claimant Bull Wheel Ranch HOA Inc. filed a Request to Withdraw Statement of Claim 41F 148520-00.

Issue

Should irrigation claim 41F 148520-00 be dismissed?

Finding of fact

Irrigation claim 41F 148520-00 should be dismissed.

Principles of law

1. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. Section 85-2-227, MCA. Prima facie proof may be overcome by other evidence that proves, by a preponderance of the evidence, that an element of the prima facie claim is incorrect. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R. A preponderance of the evidence is a "modest standard" and is evidence that demonstrates the fact to be proved is "more probable than not." *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 348, 240 P.3d 628.

2. The Montana Water Court is permitted to use information submitted by the Department of Natural Resources and Conservation, the statement of claim, information from approved compacts, and any other data obtained by the Court to evaluate water right claims. Section 85-2-231(2), MCA.

3. When resolving issue remarks, the Montana Water Court must weigh the

information resulting in the issue remark and the issue remark against the claimed water right. Section 85-2-247(2), MCA.

4. The Montana Water Court has the authority to resolve issue remarks when the claim file and information available to the Court provide a sufficient basis to do so. Section 85-2-248(3), MCA.

5. Late claim fees may be waived by the court. Rule 30, W.R.Adj.R.

Analysis

The DNRC Database identifies Bull Wheel Ranch HOA Inc. as the current claimant of water right claim 41F 148520-00.

Conclusion of law

The Request to Withdraw Statement of Claim 41F 148520-00 is properly filed with the court and moots the objections to and issue remarks appearing on the claim.

Recommendation

Irrigation claim 41F 148520-00 should be dismissed.

The late claim fee assessment should be waived as authorized by Rule 30, W.R.Adj.R.

A Post Decree Abstract of Water Right Claim accompanies this report to confirm dismissal of the claim in the state's centralized water right record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail

Bull Wheel Ranch HOA Inc.
% Stuart Stronlin
90 Diamondback Rd
Ennis MT 59729

Potential Alternate Address:
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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F

Water Right Number: 41F 148520-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: **DISMISSED**

Late Claim: B

Owners: BULL WHEEL RANCH HOA INC
%STRONLIN, STUART
90 DIAMONDBACK RD
ENNIS, MT 59729

***Priority Date:**

Enforceable Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: BLAINE SPRING CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.