

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
MISSOURI RIVER ABOVE HOLTER DAM BASIN (41I)
PRELIMINARY DECREE

* * * * *

CLAIMANT: Dimock Farms Inc.

OBJECTOR: United States of America (Bureau of Reclamation)

CASE 41I-1018-R-2024

41I 139717-00

41I 139718-00

41I 139719-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Clerk of the Montana Water Court. Please review this Report carefully.

You may file a written objection to this Master's Report if you disagree or find errors with the Master's Findings of Fact, Conclusions of Law, or Recommendations. The above stamped date indicates the date this Master's Report was filed and mailed. Rule 23 of the Water Right Adjudication Rules requires written objections to a Master's Report be filed within 10 days of the date of the Master's Report. Because this Master's Report was mailed to you, Rule 6(d) of the Montana Rules of Civil Procedure provides an additional 3 days to the 10-day objection period.

If you file an objection, you must mail a copy of the objection to all parties on the Service List found at the end of this 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 appeared in the Preliminary Decree for the Missouri River above Holter Dam (Basin 41I) issued on June 24, 2022. Claims 41I 139717-00, 41I

139718-00, and 41I 139719-00 each received an objection from the United States Bureau of Reclamation. The claims also received issue remarks. Issue remarks are notations identifying potential legal or factual issues with water rights and the Water Court is required to resolve these potential issues.

The claims were consolidated into Case 41I-1018-R-2024 and an Order Setting Status Conference was issued by the Court in order to discuss the resolution of the objection and issue remarks with the parties.

FINDINGS OF FACT

1. A Status Conference for Case 41I-1018-R-2024 took place on November 7, 2024, by telephone conference call. Senior Water Master Eugene C. White presided; Michelle Ramus was present on behalf of objector United States Bureau of Reclamation (“BOR”); Matt Williams was present on behalf of claimant Dimock Farms Inc.

During the conference, the parties discussed the objection to the claims. All parties at the conference agreed to a 120-day filing deadline for the parties to file settlement documents.

2. On November 21, 2024, Claimant Dimock Farms, Inc. filed a *Withdrawal of Statement of Claim* for claims 41I 139717-00, 41I 139718-00, and 41I 139719-00. The *Withdrawal* states that the Claimant consents to a judgement dismissing the claims.

PRINCIPLES OF LAW

1. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA; Rule 10, W.R.Adj.R.

2. If a claimant agrees to reduce or limit a claim, the Water Court may accept the reduction or limitation without reviewing further evidence, unless an unresolved issue remark remains. Rule 17(c), W.R.Adj.R.

CONCLUSION OF LAW

1. The information in the record resolves the objection and issue remarks appearing on claims 41I 139717-00, 41I 139718-00, and 41I 139719-00. Based on the *Withdrawal* filed by the Claimant, the claims should be dismissed per Rule 17(c), W.R.Adj.R. Dismissal of the claims resolves the objections from the BOR.

RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Master recommends that the Court dismiss claims 41I 139717-00, 41I 139718-00, and 41I 139719-00 as described above.

Post decree abstracts of the water right claims reflecting the recommended dismissal are attached to this Report.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

Matthew W. Williams
MW Law Firm PLLC
777 E Main Street, Ste 205
Bozeman, MT 59715
(406) 551-6169
Mattheww53@aol.com

Michelle Ramus
Trial Attorney
US Dept of Justice, ENRD-NRS
PO Box 7611
Washington, DC 20044-7611
(202) 514-2598
michelle.ramus@usdoj.gov
MontanaBasins.ENRD@USDOJ.GOV

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, ABOVE HOLTER DAM
BASIN 41I**

Water Right Number: 41I 139717-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: DISMISSED

Owners: DIMOCK FARMS INC
PO BOX 236
THREE FORKS, MT 59752

Priority Date:

Type of Historical Right:

Purpose (Use): INDUSTRIAL

Flow Rate:

Volume:

Source Name: GARDEN GULCH

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.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, ABOVE HOLTER DAM
BASIN 41I**

Water Right Number: 41I 139718-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: DISMISSED

Owners: DIMOCK FARMS INC
PO BOX 236
THREE FORKS, MT 59752

Priority Date:

Type of Historical Right:

Purpose (Use): INDUSTRIAL

Flow Rate:

Volume:

Source Name: UNNAMED TRIBUTARY OF GARDEN GULCH

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.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, ABOVE HOLTER DAM
BASIN 41I**

Water Right Number: 41I 139719-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: DISMISSED

Owners: DIMOCK FARMS INC
PO BOX 236
THREE FORKS, MT 59752

Priority Date:

Type of Historical Right:

Purpose (Use): INDUSTRIAL

Flow Rate:

Volume:

Source Name: UNNAMED TRIBUTARY OF GARDEN GULCH

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.