

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

CLAIMANT: Hickory Ridge Farms Inc

CASE 41S-1008-R-2024

41S 135182-00

41S 135183-00

41S 135184-00

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

FINDINGS OF FACT

1. Claimant Hickory Ridge Farms, Inc. (Hickory Ridge) is the record owner of claims 41S 135182-00, 41S 135183-00, and 41S 135184-00.

2. Hickory Ridge was ordered to meet with a Montana Department of Natural Resources (DNRC) employee to address unresolved issue remarks decreed on each of the three claims:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE FERGUS COUNTY WATER RESOURCES SURVEY (1970) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30027-178-69 , DATED 09/18/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

(Doc.¹1.00).

3. DNRC Water Resource Specialist Carli Bluhm filed a Memorandum on February 28, 2025. (Doc. 3.00). Ms. Bluhm reported that she reviewed the Fergus County Water Resources Survey field notes and aerial photographs to prepare the Memorandum, and Hickory Ridge failed to contact her. For each claim, Ms. Bluhm stated:

During initial examination, the DNRC found 0 acres of irrigation. After this investigation and no further information provided by the claimant, the DNRC found 0 acres of irrigation.

Ms. Bluhm recommended claims 41S 135182-00, 41S 135183-00, and 41S 135184-00 be dismissed.

4. An Order was issued to determine if Hickory Ridge agreed or disagreed with the recommended dismissal of claims 41S 135182-00, 41S 135183-00, and 41S 135184-00. (Doc. 4.00).

5. On April 1, 2025, Ted Lyon, president of Hickory Ridge Farms, Inc. filed a statement:

¹ “Doc.” numerical references correlate to case file docket numbers in the Water Court’s Full Court case management system.

Dear Montana Water Court,

Hickory Ridge Farms agrees that there is zero acres of irrigation pursuant to Water Resource Specialist Carli Bluhm's memorandum of February 28, 2025.

Thank you,

Ted Lyon
President
Hickory Ridge Farms Inc.

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court must address all issue remarks decreed on a claim.
Section 85-2-248, MCA.
2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.

RECOMMENDATION

1. Claims 41S 135182-00, 41S 135183-00, and 41S 135184-00 should be dismissed.

Abstracts are attached for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Hickory Ridge Farms Inc
18601 LBJ Freeway Ste 525
Mesquite, TX 75150

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

Water Right Number: 41S 135182-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: DISMISSED

Owners: HICKORY RIDGE FARMS INC
18601 LBJ FREEWAY STE 525
MESQUITE, TX 75150

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: SALT 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.

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

Water Right Number: **41S 135183-00** STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: **DISMISSED**

Owners: HICKORY RIDGE FARMS INC
 18601 LBJ FREEWAY STE 525
 MESQUITE, TX 75150

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: SALT CREEK, WEST FORK

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
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 135184-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: DISMISSED

Owners: HICKORY RIDGE FARMS INC
18601 LBJ FREEWAY STE 525
MESQUITE, TX 75150

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: SALT CREEK, EAST FORK

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.