

Montana Water Court
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MONTANA WATER COURT
UPPER MISSOURI DIVISION
MISSOURI RIVER ABOVE HOLTER DAM
BASIN (41I)
PRELIMINARY DECREE

CLAIMANTS: Lynn Brainard; Ronald Brainard; Preston R. Hauber;
Jason Lacross; Jennifer Lacross; Sally Jo Ryan

CASE 41I-1028-R-2024

41I 143568-00

41I 143570-00

ORDER AMENDING AND ADOPTING

Pursuant to Montana Code Annotated § 85-2-233(5), the above-entitled case was assigned to Water Master Eugene White. 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 parties on May 6, 2025. Claimants Lynn Brainard, Jason Lacross, and Jennifer Lacross (“Brainard and Lacross”) filed an objection to the Master’s Report.

The objection to the report asserts the ownership is out of date and Ronald Brainard, Preston R. Hauber, and Sally Jo Ryan are past owners that should be removed from the ownership of 41I 143568-00 and 41I 143570-00. According to Brainard and Lacross, the place of use is the area immediately around the well, which is in Lot 1 in Minor Subdivision 260 of Section 13, Township 4 North, Range 4 East, and an information remark should be added to clarify the place of use is the area immediately around the well.

The Court set a deadline for Ronald Brainard, Preston R Hauber and Sally Jo Ryan to show cause why they should not be removed from the ownership of 41I 143568-00 and 41I 143570-00. Nothing was filed.

Therefore, it is

ORDERED that Ronald Brainard, Preston R. Hauber, and Sally Jo Ryan are removed from the ownership of the claims 41I 143568-00 and 41I 143570-00.

ORDERED that the following information remark is added to the abstract of claims 41I 143568-00 and 41I 143570-00:

PLACE OF USE IS LOT 1 OF MINOR SUBDIVISION 260, SECTION 13, TWP 4N, RGE 4E IN GALLATIN COUNTY.

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 USPS Mail:

Ronald Brainard
% 6760 Sypes Canyon Rd
Bozeman, MT 59715

Preston R. Hauber
165 Hidden Hills Rd
Sheridan, WY 82801

Sally Jo Ryan
4311 50th Ave NE
Seattle, WA 98105

Service Via Electronic Mail:

Benjamin S. Sudduth
Sudduth Law, PLLC
benjamin@sudduthlaw.com

Drew Moore Gaertner
McLean, Younkin & Willett, PLLC
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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, ABOVE HOLTER DAM
BASIN 41I

Water Right Number: **41I 143568-00 STATEMENT OF CLAIM**

Version: 3 -- POST DECREE

Status: ACTIVE

Owners:
LYNN BRAINARD
3070 THORPE RD
BELGRADE, MT 59714

JASON LACROSS
6760 SYPES CANYON RD
BOZEMAN, MT 59715

JENNIFER LACROSS
6760 SYPES CANYON RD
BOZEMAN, MT 59715-7797

Priority Date: AUGUST 31, 1947

Type of Historical Right: FILED

Purpose (Use): STOCK

Flow Rate: 60.00 GPM

***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: GROUNDWATER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NWNENW	13	4N	4E	GALLATIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			NWNENW	13	4N	4E	GALLATIN

PLACE OF USE IS LOT 1 OF MINOR SUBDIVISION 260, SECTION 13, TWP 4N, RGE 4E IN GALLATIN COUNTY.

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

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

Water Right Number: **41I 143570-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners:
LYNN BRAINARD
3070 THORPE RD
BELGRADE, MT 59714

JASON LACROSS
6760 SYPES CANYON RD
BOZEMAN, MT 59715

JENNIFER LACROSS
6760 SYPES CANYON RD
BOZEMAN, MT 59715-7797

Priority Date: AUGUST 31, 1947

Type of Historical Right: FILED

Purpose (Use): DOMESTIC

Flow Rate: 60.00 GPM

Volume: 5.00 AC-FT

Households: 2

Maximum Acres: 0.50

Source Name: GROUNDWATER

Source Type: GROUNDWATER

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		NWNENW	13	4N	4E	GALLATIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Period of Use: 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	0.50		NWNENW	13	4N	4E	GALLATIN
Total:	0.50						

PLACE OF USE IS LOT 1 OF MINOR SUBDIVISION 260, SECTION 13, TWP 4N, RGE 4E IN GALLATIN COUNTY.

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

143568-00

143570-00