

Montana Water Court
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FILED
12/01/2025
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41S-2107-R-2025
Stern, Anika
3.00

MONTANA WATER COURT
LOWER MISSOURI DIVISION
JUDITH RIVER
BASIN 41S
PRELIMINARY DECREE

CLAIMANTS: Lois E. Roe; Grover H. Roe

OBJECTOR: Montana Dept. of Fish Wildlife & Parks

CASE 41S-2107-R-2025
41S 126804-00

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 have 13 days from the service date of the notice of filing of this report to file a written objection or request an extension of the objection period. Rule 23, Water Right Adjudication Rules; Rule 6, Montana Rules of Civil Procedure. 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 owners of power generation claim 41S 126804-00 are Lois E. Roe and Grover H. Roe (Claimants).

2. Claim 41S 126804-00 was decreed with a Montana Department of Natural Resources and Conservation (“DNRC”) issue remark:

- THE POINT OF DIVERSION APPEARS TO BE INCORRECT. THE POINT OF DIVERSION APPEARS TO BE IN THE SENENE SEC 17 TWP 18N RGE 16E FERGUS COUNTY.

3. On April 17, 2023, the State of Montana Department of Fish, Wildlife and Parks (“FWP”) objected to all elements of claim 41S 126804-00 stating:

This claim for power generation has not been perfected and/or has been abandoned.

4. A status conference was conducted on October 16, 2025 by telephone conference call. Anika M. Stern presided and Alexander R. Scolavino III appeared on behalf of the FWP. Lois E. Roe and Grover H. Roe failed to appear at the conference.

During the Conference Mr. Scolavino explained that claim 41S 126804-00 is for power generation and indicated FWP maintains that the use of claim 41S 126804-00 for power generation purposes has been abandoned for some time and claim 41S 126804-00 should be dismissed.

5. A deadline was set for Lois E. Roe and Grover H. Roe to show cause why claim 41S 126804-00 should not be abandoned. The Order indicated the following:

ORDERED that Lois E Roe, and Grover Roe show cause by November 19, 2025 why claim 41S 126804-00 should not be dismissed as abandoned. If nothing is filed by the November 19, 2025 deadline, it will be determined that Lois E. Roe and Grover Roe agree claim 41S 126804-00 should be dismissed.

Failure to comply with the terms of this Order may result in sanctions, up to and including entry of default and termination of a water right claim or dismissal of objections. Rule 22, W.R.Adj.R. (emphasis in original).

(Doc.¹2.00). Nothing was filed by the deadline.

PRINCIPLES AND CONCLUSIONS OF LAW

1. If a claimant fails to comply with an order issued by the Water Court, the Court may issue orders of sanction that are just. Rule 22, W.R.Adj.R.

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

2. Sanctions applied against a claimant may include modification of a claim to conform with data provided by the DNRC, information obtained by the Court, or information included in an objection, or the entry of default and termination of a water right claim. Rule 11, W.R.Adj.R.

3. Dismissing claim 41S 126804-00 is consistent with FWP's Objection.

RECOMMENDATIONS

1. Claim 41S 126804-00 should be dismissed.

An abstract is enclosed.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via USPS Mail:

Lois E. Roe
Grover H. Roe
PO Box 1032
Denton, MT 59430-1032

Service Via Electronic Mail:

Alexander R. Scolavino III
Agency Legal Counsel
Alexander.Scolavino@mt.gov
Audrey.Kelly@mt.gov
(Atty for: Montana Dept. of Fish Wildlife & Parks)

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

Water Right Number: **41S 126804-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: **DISMISSED**

Owners: GROVER H ROE
 PO BOX 1032
 DENTON, MT 59430-1032

 LOIS E ROE
 PO BOX 1032
 DENTON, MT 59430-1032

Priority Date:

Type of Historical Right:

Purpose (Use): POWER GENERATION

Flow Rate:

Volume:

Source Name: WARM 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.