

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

* * * * *

CLAIMANT: Stevensons Diamond Dot Inc.

OBJECTOR: Stevensons Diamond Dot Inc.

NOTICE OF INTENT TO APPEAR: Montana Dept. of Fish
Wildlife & Parks

CASE 41S-2137-R-2025

41S 10502-00

41S 13388-00

41S 14325-00

41S 134202-00

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. Stevensons Diamond Dot Inc. (hereinafter "Stevensons" or "Claimant") is the record owner of claims 41S 10502-00, 41S 13388-00, 41S 14325-00, and 41S 134202-00.

2. Claims 41S 10502-00, 41S 13388-00, 41S 14325-00, and 41S 134202-00 were decreed with DNRC issue remarks:

41S 10502-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-179-110 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.
- THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

41S 13388-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-179-74 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

41S 14325-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-179-74 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

41S 134202-00:

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-179-65 , DATED 09/17/1979 , 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.

3. Stevensons self-objected to claims 41S 10502-00 and 41S 134202-00, stating:

41S 10502-00:

9. State the changes you think should be made to this claim and why. State the specific grounds and evidence on which the Objection is based. (Use additional paper if necessary.)

Point of Diversion is wrong based on personal knowledge

41S 134202-00:

9. State the changes you think should be made to this claim and why. State the specific grounds and evidence on which the Objection is based. (Use additional paper if necessary.)

Multiple elements need changed, decree is error. Objection based on personal knowledge, historical photos, original notice of water right filed in Judith Basin County and other evidence,

No specific information was provided as to how the claims should be modified to resolve the Objections. The Montana Dept. of Fish Wildlife and Parks (FWP) filed a Notice of Intent to Appear for claim 41S 10502-00:

Montana Fish, Wildlife and Parks seeks the resolution of DNRC's issue remarks, as listed on the decree, in accordance with historic evidence.

4. Stevensons was ordered to meet with a DNRC employee to address certain issue remarks decreed on claims 41S 10502-00, 41S 13388-00, 41S 14325-00, and 41S 134202-00. (Doc.¹1.00).

5. DNRC Water Resource Specialist Brandon Ahlgren filed a Memorandum on October 30, 2025 regarding his review of the issue remarks. (Doc. 3.00). Mr. Ahlgren reported nobody contacted him on behalf of Claimant Stevensons as required by the September 15, 2025 Order. Mr. Ahlgren indicated he reviewed the Judith Basin County Water Resources Survey and aerial photographs to prepare the Memorandum

6. **Claim 41S 10502-00:** Mr. Ahlgren reported that consistent with the earlier examination of claim 41S 10502-00, he was unable to confirm historical irrigation or the claimed point of diversion. Mr. Ahlgren recommended claim 41S 10502-00 be dismissed.

¹ "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

7. **Claim 41S 13388-00:** Mr. Ahlgren reported that consistent with the earlier examination of claim 41S 13388-00, he was unable to confirm historical irrigation. Mr. Ahlgren recommended claim 41S 13388-00 be dismissed.

8. **Claim 41S 14325-00:** Mr. Ahlgren reported that consistent with the earlier examination of claim 41S 14325-00, he was unable to confirm historical irrigation or the claimed point of diversion. Mr. Ahlgren recommended claim 41S 14325-00 be dismissed.

9. **Claim 41S 134202-00:** Mr. Ahlgren reported that consistent with the earlier examination of claim 41S 134202-00, he was unable to confirm historical irrigation or the claimed point of diversion. Mr. Ahlgren recommended claim 41S 134202-00 be dismissed.

10. An Order was issued to determine if Claimant Stevensons Dot Inc. agreed or disagreed with Mr. Ahlgren's recommendations that claims 41S 10502-00, 41S 13388-00, 41S 14325-00, and 41S 134202-00 be dismissed. The Order indicated that if nothing were filed by the deadline, it would be determined that Stevensons agreed the claims should be dismissed. The following language was included in the Order:

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.

Nothing was filed.

PRINCIPLES OF LAW

1. The Water Court must address all issue remarks decreed on a claim. Mont. Code Ann. § 85-2-248 (2025).

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. § 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, ¶ 34, 375 Mont. 86, 329 P.3d 558.

CONCLUSION OF LAW

Claims 41S 10502-00, 41S 13388-00, 41S 14325-00, and 41S 134202-00 should be dismissed as the DNRC was unable to confirm historical irrigation at the claimed places of use.

RECOMMENDATIONS

1. Claims 41S 10502-00, 41S 13388-00, 41S 14325-00, and 41S 134202-00 should be dismissed.

2. The Objections to claims 41S 10502-00 and 41S 134202-00 should be dismissed and the Notice of Intent to Appear filed for claim 41S 10502-00 should also be dismissed without further procedure.

Abstracts are attached for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

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)

Service Via USPS Mail:

Stevensons Diamond Dot Inc.
P.O. Box 178
Hobson, MT 59452-0178

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

Water Right Number: 41S 10502-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: DISMISSED

Owners: STEVENSONS DIAMOND DOT INC
PO BOX 178
HOBSON, MT 59452-0178

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: JUDITH RIVER

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 13388-00** STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: **DISMISSED**

Owners: STEVENSONS DIAMOND DOT INC
 PO BOX 178
 HOBSON, MT 59452-0178

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: SPRING, UNNAMED TRIBUTARY OF SPRING BRANCH

Source Type: GROUNDWATER

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 14325-00** STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: **DISMISSED**

Owners: STEVENSONS DIAMOND DOT INC
 PO BOX 178
 HOBSON, MT 59452-0178

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: HAUCK COULEE

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 134202-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: DISMISSED

Owners: STEVENSONS DIAMOND DOT INC
PO BOX 178
HOBSON, MT 59452-0178

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: SPRING COULEE

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.