

Montana Water Court  
PO Box 1389  
Bozeman, MT 59771-1389  
1-800-624-3270  
(406) 586-4364  
watercourt@mt.gov

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

\* \* \* \* \*

CLAIMANT: Judith River Ranch LLC

**CASE 41S-2157-R-2025**

41S 126214-00

OBJECTORS: United States, DOI Bureau of Land  
Management; William C. Hendricks

**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. Judith River Ranch LLC is the record owner of irrigation claim 41S 126214-00.
2. Claim 41S 126214-00 was decreed with a Montana Department of Natural Resources and Conservation (“DNRC”) issue remark:

- POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

The remark provided notice of a DNRC modification to the point of diversion after the Temporary Preliminary Decree in Basin 41S.

3. The point of diversion for claim 41S 126214-00 was decreed as:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESE	30	21N	17E	FERGUS

4. William C. Hendricks objected to the point of diversion/means of diversion for claim 41S 126214-00, indicating:

*Point of diversion should be SWNWSE Sect. 30 Twp 21N Rge 17E because the point of diversion is identical for this water right and water right 41S 126215-00*

5. The place of use for claim 41S 126214-00 was decreed as:

<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	11.00		N2N2SE	30	21N	17E	FERGUS
2	98.00		N2	30	21N	17E	FERGUS
3	27.00		SE	19	21N	17E	FERGUS
<b>Total:</b>				136.00			

6. The United States, DOI Bureau of Land Management (“BLM”) objected to the place of use/maximum acres for claim 41S 126214-00, indicating:

As described on the Preliminary Decree for Basin 41S, Place of Use ID No. 1 incorrectly includes federal land administered by the Bureau of Land Management (BLM). Modification of Place of Use ID No. 1 from the N2N2SE Section 30, Township 21N, Range 17E, Fergus County to the N2NWSE Section 30, Township 21N, Range 17E, Fergus County will resolve BLM's objection.

7. An Order was issued explaining that based on the available information, both Objections will be resolved if the following modifications are made to claim 41S 126214-00:

**Point 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	SWNWSE	NESWSE	30	21N	17E	FERGUS

**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	11.00	N2NWNE	N2N2SE	30	21N	17E	FERGUS	
2	98.00		N2	30	21N	17E	FERGUS	
3	27.00		SE	19	21N	17E	FERGUS	
<b>Total:</b>		<b>136.00</b>						

(Doc.<sup>1</sup>1.00). The Order set a deadline for Claimant Judith River Ranch LLC to file a statement agreeing or disagreeing with the proposed modifications to claim 41S 126214-00. The Order indicated that if nothing were filed by the deadline, it would be determined that Judith River Ranch LLC agrees with the proposed modifications. The Order set a deadline for Objectors William C. Hendricks and the BLM file statements by November 21, 2025 indicating whether the above-listed modifications resolve their Objections to claim 41S 126214-00. The Order stated that if nothing were filed by the deadline, it would be determined that the Objectors agree the proposed modifications resolve their Objections to claim 41S 126214-00.

On November 18, 2025, the BLM filed a Response noting a clerical error in the September 22, 2025 Order:

The United States' objection form stated that modification of POU ID No. 1 from N2N2SE Section 30 to N2NWSE Section 30 would resolve the objection. The Court's proposed modification would change the legal description to N2NWNE Section 30, placing the parcel in a different quarter-section. Correction of the Court's proposed POU ID No. 1 to N2NWSE Section 30 would resolve the United States' objection.

(Doc. 4.00). The Objection was reflected correctly in the September 22, 2025 Order, the PDF-mark-up included the error.

Nothing was filed by Claimant Judith River Ranch LLC or Objector William C. Hendricks.

### PRINCIPLES OF LAW

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

1. Section 85-2-248(2), MCA, requires that the Water Court resolve all issue remarks that are not resolved through the objection process. *See also* Rule 7, W.R.Adj.R.

2. A properly filed Statement of Claim for an existing water right is *prima facie* proof of its content. Mont. Code Ann. § 85-2-227 (2025); Rule 10, W.R.Adj.R.

3. *Prima facie* proof may be contradicted and overcome by a preponderance of the evidence. Rule 19, W.R.Adj.R. A preponderance of the evidence is evidence that shows a fact is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.

4. The Water Court may use information submitted by the DNRC, the Statement of Claim, and any other data obtained by the Court to evaluate a water right. §§ 85-2-227, -231(2), MCA.

### CONCLUSION OF LAW

The point of diversion issue remark decreed on claim 41S 126214-00 is a notice-type issue remark. Objections were filed and they have been addressed. The issue remark can be removed.

### RECOMMENDATIONS

1. The following modifications should be made to claim 41S 126214-00:

**\*Point of Diversion and Means of Diversion:**

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	SWNWSE	NESWSE	30	21N	17E	FERGUS
<b>Period of Diversion:</b>		APRIL 15 TO NOVEMBER 15				
<b>Diversion Means:</b>		PUMP				
<b>Place of Use:</b>						
ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge
1	11.00	N2NWSE	N2N2SE	30	21N	17E
2	98.00		N2	30	21N	17E
3	27.00		SE	19	21N	17E
<b>Total:</b>		136.00				

2. The Objections to claim 41S 126214-00 should be dismissed.

3. The issue remarks should be removed from claim 41S 125214-00.

An abstract is enclosed.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

Electronically Signed By:  
Hon. Judge Anika Stern

Mon, Dec 01 2025 09:47:39 AM

**Service Via USPS Mail:**

Judith River Ranch LLC  
William C. Hendricks  
9718 Judith River Rd.  
Winifred, MT 59489

**Service Via Electronic Mail:**

Jennifer A. Najjar  
Alexa Penalosa, Trial Attorney  
US Dept of Justice, ENRD-NRS  
Jennifer.Najjar@usdoj.gov  
Alexa.penalosa@usdoj.gov  
MontanaBasins.ENRD@USDOJ.GOV  
(Attys for: *United States, DOI Bureau of Land Management*)

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

**Water Right Number:** **41S 126214-00 STATEMENT OF CLAIM**

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** JUDITH RIVER RANCH LLC  
9718 JUDITH RIVER RD  
WINIFRED, MT 59489

**Priority Date:** JULY 31, 1900

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 5.15 CFS

**\*Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 136.00

**Source Name:** JUDITH RIVER

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<b>ID</b>	<b>Govt Lot</b>	<b>Qtr Sec</b>	<b>Sec</b>	<b>Twp</b>	<b>Rge</b>	<b>County</b>
1		SWNWSE	30	21N	17E	FERGUS

**Period of Diversion:** APRIL 15 TO NOVEMBER 15

**Diversion Means:** PUMP

**Period of Use:** APRIL 15 TO NOVEMBER 15

**Place of Use:**

<b>ID</b>	<b>Acres</b>	<b>Govt Lot</b>	<b>Qtr Sec</b>	<b>Sec</b>	<b>Twp</b>	<b>Rge</b>	<b>County</b>
1	11.00		N2NWSE	30	21N	17E	FERGUS
2	98.00		N2	30	21N	17E	FERGUS
3	27.00		SE	19	21N	17E	FERGUS
<b>Total:</b>	136.00						