

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

CLAIMANT: Judith River Ranch LLC

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

CASE 41S-2157-R-2025
41S 126214-00

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. 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		NESWSE	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 T21N R17E 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
Total:		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	<u>SWNWSE</u>	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	<u>N2NWNE</u>	N2N2SE	30	21N	17E	FERGUS
2	98.00		N2	30	21N	17E	FERGUS
3	27.00		SE	19	21N	17E	FERGUS
Total:		136.00					

(Doc.¹1.00). 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

¹ "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:

<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
Period of Diversion: APRIL 15 TO NOVEMBER 15						
Diversion Means: PUMP						

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	N2NWSE	N2N2SE	30	21N	17E	FERGUS
2	98.00		N2	30	21N	17E	FERGUS
3	27.00		SE	19	21N	17E	FERGUS
Total:		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.

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
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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:

<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	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:

<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		N2NWSE	30	21N	17E	FERGUS
2	98.00		N2	30	21N	17E	FERGUS
3	27.00		SE	19	21N	17E	FERGUS

Total: 136.00