

12/29/2025

Melissa Lockman
CLERKMontana Water Court
STATE OF MONTANA

By: D'Ann CIGLER

43QJ-0145-R-2025

Lambert, Kathryn

4.00

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

MONTANA WATER COURT
YELLOWSTONE DIVISION
YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE
BASIN 43QJ
SECOND PRELIMINARY DECREE

* * * * *

CLAIMANTS: Greg Lofing; Kristi Lofing

OBJECTORS: Greg Lofing; Kristi Lofing

CASE 43QJ-0145-R-2025

43QJ 191555-00

43QJ 191556-00

43QJ 191560-00

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

Greg Lofing and Kristi Lofing objected to each of these Greg Lofing and Kristi Lofing claims. On October 16, 2025 the Lofings filed their Resolution Of Objections with the attached Declaration Of Kristi Lofing. This document is viewable in the Court's FullCourt Enterprise case management system.

APPLICABLE LAW

A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content pursuant to section 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect including for claimants objecting to their own claims. Rule 19, W.R.Adj.R.

FINDINGS OF FACT

1. For claim 43QJ 191555-00, the Second Preliminary Decree states that the flow rate is 2.80 GPM and the volume is 2.78 AC-FT. The flow rate should be 35.00 GPM. The volume should be 56.50 AC-FT.

2. For claim 43QJ 191556-00, the Second Preliminary Decree states that the priority date is JUNE 29, 1973 and the type of historical right is FILED. The priority date should be DECEMBER 31, 1957. The type of historical right should be USE.

3. For claim 43QJ 191560-00, the Second Preliminary Decree states that the priority date is NOVEMBER 18, 1963. The priority date should be DECEMBER 31, 1957.

The Second Preliminary Decree states that the flow rate is 2.08 GPM. The flow rate should be 35.00 GPM.

The Second Preliminary Decree states that the period of diversion and period of use are each JULY 1 TO FEBRUARY 1. They should both be JANUARY 1 TO DECEMBER 31.

CONCLUSION OF LAW

The settlement filed by the claimants is sufficient to contradict and overcome the prima facie claims.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusion of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Second Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim for each claim is served with this Report to confirm the recommended changes have been made in the state's centralized record system.

ELECTRONICALLY SIGNED AND DATED BELOW

Service Via Electronic Mail:

Nicholas J. Lofing
Garlington, Lohn & Robinson, PLLP
njlofing@garlington.com
kjpetererson@garlington.com

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE

BASIN 43QJ

Water Right Number:43QJ 191555-00 STATEMENT OF CLAIM

Version:3 -- POST DECREE

Status:ACTIVE

Owners:

GREG LOFING

823 HWY 10

COLUMBUS, MT 59019-7102

KRISTI LOFING

823 HWY 10

COLUMBUS, MT 59019-7102

Priority Date:DECEMBER 31, 1957

Type of Historical Right:FILED

Purpose (Use):DOMESTIC

Flow Rate:35.00 GPM

Volume:56.50 AC-FT

Households:1

Maximum Acres:1.00

*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		SESWNE	19	2S	21E	STILLWATER
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	1.00		SESWNE	19	2S	21E	STILLWATER
Total:		1.00					

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE
BASIN 43QJ

Water Right Number: 43QJ 191556-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: GREG LOFING
823 HWY 10
COLUMBUS, MT 59019-7102

KRISTI LOFING
823 HWY 10
COLUMBUS, MT 59019-7102

Priority Date: DECEMBER 31, 1957

Type of Historical Right: USE

Purpose (Use): STOCK

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

***Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING 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:** SPRING, UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

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		SESENW	19	2S	21E	STILLWATER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

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			SESENW	19	2S	21E	STILLWATER

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE
BASIN 43QJ

Water Right Number: 43QJ 191560-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: GREG LOFING
823 HWY 10
COLUMBUS, MT 59019-7102

KRISTI LOFING
823 HWY 10
COLUMBUS, MT 59019-7102

Priority Date: DECEMBER 31, 1957

Type of Historical Right: FILED

Purpose (Use): STOCK

Flow Rate: 35.00 GPM

***Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING 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:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWNE	19	2S	21E	STILLWATER

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			SESWNE	19	2S	21E	STILLWATER