

Montana Water Court
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FILED
02/03/2025
Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41H-0994-R-2024
Nordlund, Julia
3.00

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
GALLATIN RIVER BASIN (41H)
PRELIMINARY DECREE

CLAIMANTS: Sharon Brandenburger; Steve L. Brandenburger;
Carole Martin; Jack Martin

CASE 41H-0994-R-2024
41H 154082-00

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 may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusion of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. 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

Claim 41H 154082-00 is owned by Sharon and Steve Brandenburger and Carole and Jack Martin. The claim was decreed with DNRC issue remarks. The claim was consolidated into Water Court Case 41H-0994-R-2024.

FINDINGS OF FACT

1. On January 3, 2025, Sharon Brandenburger, filed a statement that said the springs on this property have dried up.
2. The Court treats this as a withdrawal of claim 41H 154082-00.
3. The other claimants did not sign the withdrawal, but they are all listed at the same address. No other claimant filed a response.

CONCLUSIONS OF LAW

1. The Montana Water Court has jurisdiction over all matters relating to the determination of existing water rights. Section 3-7-224, MCA.
2. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. 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 an element of the prima facie claim is incorrect. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R.
3. The withdrawal of the claim negates the need for further proceedings.

RECOMMENDATIONS

The claim in this case should be dismissed. A Post Decree Abstract of Water Right Claim is served with the Report to confirm that the claim 41H 154082-00 has been dismissed in the state's centralized water right record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Sharon Brandenburger
Steve L. Brandenburger
Carole Martin
Jack Martin
2377 Cameron Bridge W.
Bozeman, MT 59718

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H

Water Right Number: 41H 154082-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: **DISMISSED**

Owners:

SHARON BRANDENBURGER
2377 CAMERON BRIDGE W
BOZEMAN, MT 59718

STEVE L BRANDENBURGER
2377 CAMERON BRIDGE W
BOZEMAN, MT 59715

CAROLE MARTIN
2377 CAMERON BRIDGE W
BOZEMAN, MT 59715

JACK MARTIN
2377 CAMERON BRIDGE W
BOZEMAN, MT 59715

Priority Date:

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: SPRING, GROUNDWATER

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.