

Montana Water Court  
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IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
MISSOURI RIVER ABOVE HOLTER DAM BASIN (41I)  
PRELIMINARY DECREE

\*\*\*\*\*

CLAIMANTS: Sandra Guedes; Andrew J. Poole; Joseph P. Steffens;  
Regina B. Steffens

CASE 41I-1016-R-2024  
41I 133663-00

OBJECTOR: United States of America (Bureau of Land  
Management)

**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, conclusions 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**

The above-captioned claim appeared in the Preliminary Decree for the Missouri River above Holter Dam (Basin 41I) issued on June 24, 2022. Claim 41I 133663-00 received an objection from the United States Bureau of Land Management (“BLM”). The

claim also received issue remarks. Issue remarks are notations identifying potential legal or factual issues with water rights and the Water Court is required to resolve these potential issues.

The above-captioned claim was consolidated into Case 41I-1016-R-2024 to resolve the objection and issue remarks.

FINDINGS OF FACT

1. A Status Conference for Case 41I-1016-R-2024 took place on October 22, 2024, by telephone conference call. Senior Water Master Eugene C. White presided; Michelle Ramus was present on behalf of objector United States Bureau of Land Management (“BLM”); claimant Andrew J. Poole was present on behalf of himself and claimant Sandra Guedes; claimants Joseph P. Steffens and Regina B. Steffens were not present.

2. On December 3, 2024, the parties filed a *Stipulation*. (Doc. 4.00)<sup>1</sup> The *Stipulation* proposes the following modifications to resolve the objection for claim 41I 133663-00 and the issue remarks appearing on the claim:

1. The maximum acres should be reduced to 24.25.
2. The place of use for claim 41I 133663-00 should be amended as follows:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	<del>6.30</del> <u>6.00</u>		SWSW	28	10N	4W	LEWIS AND CLARK
2	14.5 <u>5.00</u>		SESE	29	10N	4W	LEWIS AND CLARK
3	9.50 <u>8.75</u>		SWSE	29	10N	4W	LEWIS AND CLARK
4	<del>10.0</del> <u>4.50</u>		NWNE	32	10N	4W	LEWIS AND CLARK
Total: <del>40.30</del> <u>24.25</u>							

3. The following information remark should be added to the place of use for claim 41I 133663-00:

**THE POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.**

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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.

### PRINCIPLES OF LAW

1. The Water Court is not bound by parties' settlement agreements. Any settlement reached by the parties is subject to review and approval by the Water Court. Rule 17(a), W.R.Adj.R.

2. 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.

3. 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. Sections 85-2-227, -231(2), MCA.

### CONCLUSION OF LAW

1. Based on the information contained in the *Stipulation*, the proposed modifications should be made to claim 41I 133663-00 as described in Finding of Fact No. 2. These modifications resolve the BLM objection and issue remarks appearing on the claim.

### RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Water Master recommends that the Court modify the claim as described above and remove the issue remark from the claim.

A post decree abstract of the water right claim reflecting the recommended changes is attached to this Report.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via USPS Mail:**

Sandra Guedes  
Andrew J. Poole  
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Helena, MT 59602

Joseph P. Steffens  
Regina B. Steffens  
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**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MISSOURI RIVER, ABOVE HOLTER DAM  
BASIN 41I**

**Water Right Number:** 41I 133663-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** SANDRA GUEDES  
2855 WEST SHORE DR  
HELENA, MT 59602-6405

ANDREW J POOLE  
2855 WEST SHORE DR  
HELENA, MT 59602-6405

JOSEPH P STEFFENS  
5350 HWY 12 W  
HELENA, MT 59601

REGINA B STEFFENS  
5350 HWY 12 W  
HELENA, MT 59601

**Priority Date:** MAY 1, 1869

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** SPRINKLER

**Flow Rate:** 1.68 CFS

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

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 24.25

**Source Name:** TENMILE CREEK

**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		SESWSE	29	10N	4W	LEWIS AND CLARK
<b>Period of Diversion:</b>	MAY 1 TO OCTOBER 1					
<b>Diversion Means:</b>	PUMP					
2		NESESE	29	10N	4W	LEWIS AND CLARK
<b>Period of Diversion:</b>	MAY 1 TO OCTOBER 1					
<b>Diversion Means:</b>	PUMP					
3		NWSWSW	28	10N	4W	LEWIS AND CLARK
<b>Period of Diversion:</b>	MAY 1 TO OCTOBER 1					
<b>Diversion Means:</b>	PUMP					

**Period of Use:** MAY 1 TO OCTOBER 1

**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	6.00		SWSW	28	10N	4W	LEWIS AND CLARK
2	5.00		SESE	29	10N	4W	LEWIS AND CLARK
3	8.75		SWSE	29	10N	4W	LEWIS AND CLARK
4	4.50		NWNE	32	10N	4W	LEWIS AND CLARK
<b>Total:</b>	<u>24.25</u>						

THE PLACE OF USE HAS BEEN SPLIT BY THE CO-OWNERS. SEE CLAIM OR CASE FILE FOR DETAILS.

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**Remarks:**

THE POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

DECREE EXCEEDED DUE TO FLOW RATE VALUE BEING ROUNDED TO THE HUNDREDTH PLACE VALUE FOLLOWING CONVERSION FROM MINER'S INCHES. NO ACTION REQUIRED.