

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

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

\*\*\*\*\*

CLAIMANT: JDAT LLC

OBJECTOR: United States of America (USDA Forest Service)

CASE 41I-1017-R-2024

41I 133664-00

**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, 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 133664-00 received an objection from the United States Forest Service.

The above-captioned claim was consolidated into Case 41I-1017-R-2024 to resolve the objection.

### FINDINGS OF FACT

1. A Status Conference for Case 41I-1017-R-2024 took place on November 7, 2024, by telephone conference call. Water Master Eugene C. White presided; Michelle Ramus was present on behalf of objector United States Forest Service; no representative of claimant JDAT, LLC was in attendance.

During the conference, the Court intended to discuss the objection to claim 41I 133664-00 but was unable without claimant participation. Ms. Ramus requested a 30-day filing deadline for claimant JDAT, LLC to respond showing cause why the objection should not be granted for claim 41I 133664-00. Nothing was filed by the deadline.

2. For reference, the Forest Service's objection proposes the following modifications to resolve the objection for claim 41I 133664-00:

*Refine place of use #2 to NENENW Sec. 15 T9N R4W. Add a remark that the point of diversion and place of use are within COS 462356/B in Owyhee Lode MS 23-B.*

### 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. 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 lack of response to the Order to Show Cause issued by the Court, the proposed modifications should be made to claim 41I 133664-00 as described in Finding of Fact No. 2. These modifications resolve the Forest Service's objection.

### 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.

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:**

JDAT LLC  
2067 Oro Fino Gulch  
Helena, MT 59601

**Service Via Electronic Mail:**

Michelle Ramus  
Trial Attorney  
US Dept of Justice, ENRD-NRS  
PO Box 7611  
Washington, DC 20044-7611  
(202) 514-2598  
[michelle.ramus@usdoj.gov](mailto:michelle.ramus@usdoj.gov)  
MontanaBasins.ENRD@USDOJ.GOV

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MISSOURI RIVER, ABOVE HOLTER DAM  
BASIN 41I**

**Water Right Number:** 411 133664-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** JDAT LLC  
2067 ORO FINO GULCH  
HELENA, MT 59601-9680

**Priority Date:** DECEMBER 5, 1969

**Type of Historical Right:** FILED

**Purpose (Use):** DOMESTIC

**Flow Rate:** 2.00 GPM

**Volume:** 11.00 AC-FT

**Households:** 1

**Maximum Acres:** 5.00

**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		NENENW	15	9N	4W	LEWIS AND CLARK

**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	3.50		SESESW	10	9N	4W	LEWIS AND CLARK
2	1.50		NENENW	15	9N	4W	LEWIS AND CLARK
<b>Total:</b>	<b>5.00</b>						

**Remarks:**

THE POINT OF DIVERSION AND PLACE OF USE ARE WITHIN COS 462356/B IN OWYHEE LODGE MS-23-B.