

Montana Water Court  
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MONTANA WATER COURT, YELLOWSTONE DIVISION  
YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN  
BASIN 43B  
PRELIMINARY DECREE

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CLAIMANTS: Buffalo Jump Ranch & Mgmt Co. LLC; Crazy  
Mountain 320 Ranch LLC

**CASE 43B-6003-A-2022**  
43B 17162-00  
**43B 30160124**

**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 to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must mail 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**

On December 30, 2024 Crazy Mountain 320 Ranch LLC and Buffalo Jump Ranch & Mgmt

Co. LLC filed a Verified Joint Motion To Amend And Split ["Joint Motion"] their stockwater claim 43B 17162-00 pursuant to section 85-2-233(6), MCA. The Joint Motion requests amendment of the place of use legal descriptions; however, the means of diversion is livestock direct from source so correlative amendments to the point of diversion legal descriptions are also needed. The Joint Motion is sufficient to amend and to split the claim as requested. The Joint Motion is viewable in the Court's FullCourt Enterprise case management system.

#### APPLICABLE LAW

The Montana Water Court has jurisdiction over all matters relating to the determination of existing water rights. Section 3-7-224, MCA.

The Montana Water Court has jurisdiction to review a motion to amend pursuant to section 85-2-233(6), MCA.

Rule 15 M.R.Civ.P. restricts the scope of the amendments to the conduct, transaction, or occurrence set forth in the original pleading or, in other words, the "same set of operative facts as contained in the original pleading." *Sooy v. Petrolane Steel Gas, Inc.*, 218 Mont. 418, 422-423 (1985). The requested amendment "merely makes more specific that which has already been alleged." *Prentice Lumber Company v. Hukill*, 161 Mont. 8, 15 (1972).

Notice must be published by newspaper if the requested amendments "may adversely affect other water rights." Section 85-2-233(6)(a)(i), MCA.

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 claimants amending their own claims. Rule 19, W.R.Adj.R.

The Water Court may split a claim with multiple owners into separate claims upon request of all of the claimants prior to issuance of the final decree. Rule 26, W.R.Adj.R.

#### FINDINGS OF FACT

1. The changes requested in the Joint Motion arise out of the same conduct, transaction, or occurrence specified on the original Statement of Claim, are based on the same

operative facts specified in the Statement of Claim, and merely make more specific that which was already claimed on the original Statement of Claim.

2. The Preliminary Decree states that the point of diversion legal descriptions for this livestock direct from source claim are:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
SW	8	2N	14E	SWEET GRASS
NW	12	2N	13E	SWEET GRASS
SE	12	2N	13E	SWEET GRASS

and the place of use legal descriptions are:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
N2SW	8	2N	14E	SWEET GRASS
	12	2N	13E	SWEET GRASS

The Joint Motion requests the legal description for section 8 be the entirety of section 8 because the livestock are located within the four corners of the section. The legal description for the point of diversion and place of use for a livestock direct from source claim is not the area where the livestock are located but the stretch of the stream from which the livestock drink. Exhibit C attached the Joint Motion is a marked topographic map which clearly shows the stream course across the full width of section 8 but the stream is only in the N2S2 of section 8. For section 8, the legal description should be the N2S2 of section 8 rather than the entire section.

Prior to splitting this claim, the point of diversion and place of use legal descriptions should be amended to:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
N2S2	8	2N	14E	SWEET GRASS
S2N2	12	2N	13E	SWEET GRASS
N2S2	12	2N	13E	SWEET GRASS

3. Claim 43B 17162-00 should be modified to represent only the Buffalo Jump Ranch & Mgmt Co. LLC portion of the claimed right. Split claim 43B 30160124 should be generated for the Crazy Mountain 320 Ranch LLC portion of the claimed right.

4. Claim 43B 17162-00 should be modified as follows: 1) the ownership should be modified by removing Crazy Mountain 320 Ranch LLC, 2) the point of diversion and place of use legal descriptions should be the N2S2 section 8, T2N, R14E, SWEET GRASS, and 3) claim

30160124 should be added to the multiple use remark.

5. The elements of claim 43B 30160124 should be same as 43B 17162-00 except: 1) the owner should be Crazy Mountain 320 Ranch LLC, and 2) the point of diversion and place of use legal descriptions should be the S2N2 and the N2S2 section 12, T2N, R13E, SWEET GRASS.

#### CONCLUSIONS OF LAW

1. The requested amendment does not adversely affect other water rights as it is a correction to the abstract which does not make any change to the actual historical use of the claimed right on the ground. Notice by publication of this amendment is not required. Section 85-2-233(6), MCA.

2. The requested amendment “merely makes more specific that which has already been alleged.” *Prentice Lumber Company v. Hukill*, 161 Mont. 8, 15 (1972).

3. The Joint Motion is sufficient to contradict and overcome the prima facie claim as it appeared in the Preliminary Decree and provides sufficient information to split the claim in order to reflect the divided interests.

#### RECOMMENDATIONS

Based upon the above, this Master recommends that the Court grant the Joint Motion, make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin, and split claim 43B 17162-00 as requested by the claimants. A Post Decree Abstract of Water Right Claim for each claim is served with this Report to confirm the recommended changes to 43B 17162-00 and the generation of split claim 43B 30160124 have been made in the state’s centralized record system.

**ELECTRONICALLY SIGNED AND DATED BELOW**

**Service Via Electronic Mail:**

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**Note: Caption and Service List Updated 2-11-25**

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 17162-00 STATEMENT OF CLAIM  
**Version:** 4 -- SPLIT POST DECREE  
**Status:** ACTIVE

**Owners:** BUFFALO JUMP RANCH & MGMT CO LLC  
125 WORMSER LOOP RD  
BIG TIMBER, MT 59011-7828

**Priority Date:** FEBRUARY 1, 1911

**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 STOCK WATERING 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:** LONG GULCH

**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		N2S2	8	2N	14E	SWEET GRASS

**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			N2S2	8	2N	14E	SWEET GRASS

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

17161-00      17162-00      30160124

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 30160124 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Status:** ACTIVE

**Owners:** CRAZY MOUNTAIN 320 RANCH LLC  
3245 ALPINE DR  
BILLINGS, MT 59102-0337

**Priority Date:** FEBRUARY 1, 1911

**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 WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING 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:** LONG GULCH

**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		S2N2	12	2N	13E	SWEET GRASS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

2		N2S2	12	2N	13E	SWEET GRASS
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**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			S2N2	12	2N	13E	SWEET GRASS
2			N2S2	12	2N	13E	SWEET GRASS

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

17161-00      17162-00      30160124