

Montana Water Court  
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**FILED**  
02/25/2025  
Sara Calkins  
CLERK  
Montana Water Court  
STATE OF MONTANA  
By: D'Ann CIGLER  
43C-1002-P-2025  
Block, Nathaniel  
2.00

IN THE WATER COURT OF THE STATE OF MONTANA  
YELLOWSTONE DIVISION  
STILLWATER RIVER - BASIN (43C)

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CLAIMANT: Tom W. Davis

**CASE 43C-1002-P-2025**  
43C 17039-00  
43C 23276-00

**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**

On January 21, 2025, Tom W. Davis filed requests to withdrawal for claims 43C 17039-00 and 43C 23276-00. The withdrawal requests both state that 'the well was replaced and a new water right filed'.

## **FINDINGS OF FACT**

1. Tom Davis is the listed owner of the above-captioned claims. The requests to withdraw claims 43C 17039-00 and 43C 23276-00 are unambiguous.
2. The claims should be withdrawn pursuant to the clear intent of the forms filed.

## **PRINCIPLES OF LAW**

1. The Montana Water Court has the authority to determine the extent of all water rights in the state as they existed prior to July 1, 1973. *Fellows v. Saylor*, 2016 MT 45, ¶ 25, 382 Mont. 298, 367 P.3d 732; §§ 85-2-233, -102(12), MCA.

## **CONCLUSION OF LAW**

1. Upon review of the documentation submitted by the claimant, the record is clear that the above-captioned claims should be dismissed. The intent to withdraw the claims was unambiguous and the claimant has filed documentation stating the same.

## **RECOMMENDATION**

1. Upon review of the record in this case the above-captioned claims should be dismissed pursuant to the filings.

A Post Decree Abstract of Water Right Claim is attached to this Master's Report for review.

## **ELECTRONICALLY SIGNED AND DATED BELOW.**

### **Service via USPS Mail:**

Tom W. Davis  
120 5<sup>th</sup> Ave  
Laurel, MT 59044-2915

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
STILLWATER RIVER  
BASIN 43C**

**Water Right Number:** 43C 17039-00 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** TOM W DAVIS  
120 5TH AVE  
LAUREL, MT 59044-2915

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** DOMESTIC

**Flow Rate:**

**Volume:**

**Source Name:** GROUNDWATER

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
STILLWATER RIVER  
BASIN 43C**

**Water Right Number:** 43C 23276-00 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** TOM W DAVIS  
120 5TH AVE  
LAUREL, MT 59044-2915

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:** GROUNDWATER

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.