

Montana Water Court  
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**FILED**  
02/14/2025  
Sara Calkins  
CLERK  
Montana Water Court  
STATE OF MONTANA  
By: D'Ann CIGLER  
43C-6002-A-2025  
Weisz, Madeleine  
2.00

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

\*\*\*\*\*

CLAIMANTS: ~~R.A. Mikelson~~; Grove Creek Ranch LLC

CASE 43C-6002-A-2025  
43C 117912-00

**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.

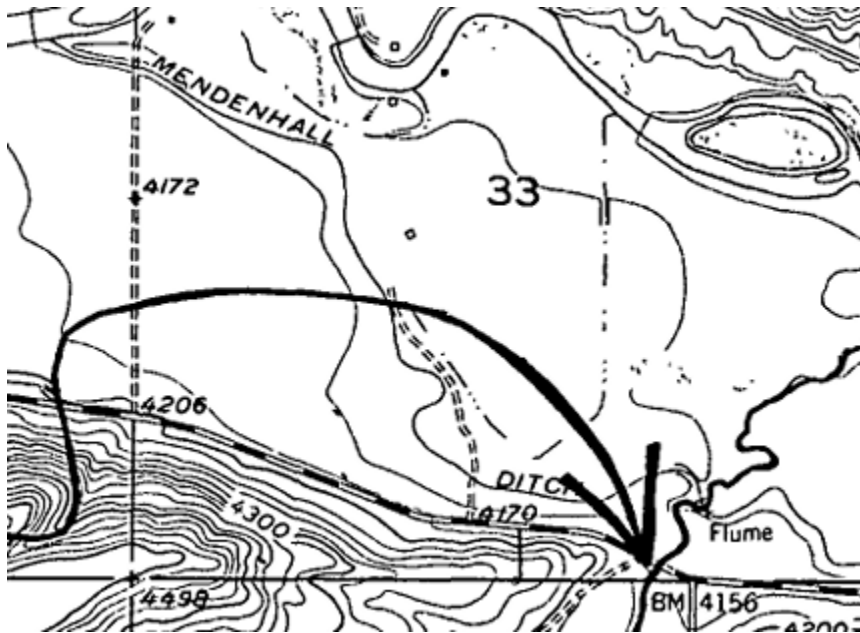
You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure 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

### FINDINGS OF FACT

1. Claim 43C 117912-00 is a stock water claim from Grove Creek. It was filed in the name of R.A. Mikelson in 1982. The place of use and point of diversion is in the SESWSE of Section 33, T3S, R18E. See map attached to Statement of Claim form.



2. On February 10, 2025, Kari Chapman, an owner and managing partner of Grove Creek Ranch LLC, filed a document with the Court requesting help with an ownership update. Chapman indicates that Grove Creek Ranch LLC purchased the property on which claim 43C 117912-00 was historically used from Mikelson Land Co. Chapman included a Warranty Deed showing that in 2023 Mikelson Land Co. conveyed the place of use for claim 43C 117912-00 to Grove Creek Ranch LLC.

3. In a conversation with the undersigned, Chapman explained that she had made attempts to update the ownership for claim 43C 117912-00 into the name of Grove Creek Ranch LLC with the DNRC. However, the DNRC Billings Regional Office indicated that it could not process the ownership update because the Warranty Deed identified the Grantor as Mikelson Land Co., while the water right was in the name of R.A. Mikelson. The Warranty Deed is signed by “Tami Cole Hawkins, Conservator & Guardian for R.A. Mikelson, Mikelson Land Company.” The Warranty Deed did not reserve any water rights from the grant.

## CONCLUSIONS OF LAW

1. The Montana Supreme Court has directed that “when a water right is acquired by appropriation and used for a beneficial and necessary purpose in connection with a given tract of land, it is an appurtenance thereto and, as such, passes with the conveyance of the land, unless expressly reserved from the grant.” *Shields River Basin*, 2000 Mont. Water LEXIS 1, \*31.

Based on the facts before the Court, it is clear that R.A. Mikelson appropriated claim 43C 117912-00 for the beneficial purpose of watering stock on the land owned by Mikelson Land Co. That water right therefore became appurtenant to that tract of land and when the parcel was sold to Grove Creek Ranch LLC in 2023, the water right was conveyed with the land. Grove Creek Ranch LLC should be identified as the owner of claim 43C 117912-00.

## RECOMMENDATIONS

1. The ownership should be updated to recognize Grove Creek Ranch LLC as the owner of claim 43C 117912-00.

An Abstract of Water Right Claim is served with the Report to confirm that the ownership update has been made in the state’s centralized database.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via USPS Mail:**

***Last Order:***  
**R.A. Mikelson**  
**PO Box 1896**  
**Billings, MT 59103**

Grove Creek Ranch LLC  
% Kari Chapman  
7363 Nash Road  
Bozeman, MT 59815

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

**Water Right Number:** 43C 117912-00 STATEMENT OF CLAIM

**Version:** 2 -- REEXAMINED

**Status:** ACTIVE

**Owners:** GROVE CREEK RANCH LLC  
7363 NASH RD  
BOZEMAN, MT 59715-8300

**Priority Date:** AUGUST 31, 1905

**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 STOCKWATERING 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:** GROVE 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		SE	33	3S	18E	STILLWATER

**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			SE	33	3S	18E	STILLWATER

**Remarks:**

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.