

Montana Water Court  
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IN THE WATER COURT OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
JUDITH RIVER BASIN (41S)  
PRELIMINARY DECREE

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CLAIMANTS: Jackie K. Urick-Galt; Leann Galt  
Feisthamel; Jackie K. Urick (/aka/ Jackie  
K. Lemond)

CASE 41S-0852-R-2024  
41S 154072-00  
41S 154073-00  
41S 154074-00

**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. The record co-owners of the claims in Case 41S-0852-R-2024 are as listed in the caption.

2. In 1995, Jackie K. Urick-Galt and then-co-owner James E. Galt filed a late objection to claim 41S 154072-00, indicating the following:

SOME OF THE LAND LISTED IN THE P.O.U. IS ACTUALLY OWNED BY A ~~NEIGHBOR~~ NEIGHBOR AND SHOULD NOT HAVE BEEN CLAIMED. THE CORRECT POU SHOULD BE 80 ACRES IN THE E2SW SECTION 29 & 60 ACRES IN THE S2NW SEC. 29, ALL IN T-16N, R-12E FOR A TOTAL OF 140 ACRES.

DATED this 11<sup>th</sup> day of JULY, 1995

*Jackie K. Galt Urick*

*James E. Galt*  
Signature of Objector or  
Objector's Attorney

Because the objection was approximately a decade overdue, an issue remark was added to claim 41S 154072-00 to ensure the objection could be addressed during the Preliminary Decree in Basin 41S. The Preliminary Decree was issued on August 18, 2022. Claim 41S 154072-00 was decreed with the following DNRC issue remark noting the late objection:

- ON 07/12/1995 JAMES E. GALT AND JACKIE K. GALT URICK FILED A LATE OBJECTION TO THE PLACE OF USE AND MAXIMUM ACRES. THIS WILL BE HEARD AFTER PROPER NOTICE ON THE NEXT OBJECTION LIST.

3. Other issue remarks were decreed on claim 41S 154072-00:

**41S 154072-00:**

- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY ( 1963 ) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-179-159 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE POINTS OF DIVERSION MAY BE INCORRECT. THE LOCATIONS OF THE HEADGATES CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

Issue remarks were also decreed on claims 41S 154073-00 and 41S 154074-00:

**41S 154073-00:**

- THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 160.00 ACRES. THE DNRC'S RE-EXAMINATION WAS OF THESE ORIGINAL CLAIMED ACRES.
- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY ( 1963 ) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-279-33 , DATED 09/18/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

**41S 154074-00:**

- THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 40.00 ACRES. THE DNRC'S RE-EXAMINATION WAS OF THESE ORIGINAL CLAIMED ACRES.
- THE FLOW RATE IS MISSING.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-279-35 AND 30045-279-63 , DATED 09/18/1979 , APPEARS TO INDICATE 28.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

4. The Claimants were ordered to meet with a DNRC employee to address the unresolved issue remarks.

5. DNRC Water Resource Specialist Brandon Ahlgren filed a Memorandum. (Doc.<sup>1</sup> 4.00). Mr. Ahlgren reported that he reviewed the Judith Basin County Water Resources Survey and several aerial photos to prepare the Memorandum. Additionally, attorney Oliver Urick contacted the DNRC on behalf of the Claimants; Mr. Ahlgren confirmed the Claimants “do not oppose the findings of the DNRC.”

6. **41S 154072-00:** Mr. Ahlgren was unable to confirm historical irrigation at the claimed place of use and Mr. Ahlgren recommended claim 41S 154072-00 be dismissed.

7. **41S 154073-00:** Mr. Ahlgren was unable to confirm historical irrigation at the claimed place of use and Mr. Ahlgren recommended claim 41S 154073-00 be dismissed.

8. **41S 154074-00:** Mr. Ahlgren recommended claim 41S 154074-00 be modified as follows, reflecting the historical beneficial use of the claim, and resolving the issue remarks:

<b>Flow Rate:</b>								
								1.08 CFS
<b>Maximum Acres:</b>								34.00 28.00
<b>Place of Use:</b>								
<b>ID</b>	<b>Acres</b>	<b>Govt Lot</b>	<b>Qtr Sec</b>	<b>Sec</b>	<b>Twtp</b>	<b>Rge</b>	<b>County</b>	
1	13.00		SESE	31	17N	12E	JUDITH BASIN	
2	15.00 24.00		NENW	5	16N	12E	JUDITH BASIN	
<b>Total:</b>	<b>34.00</b>							<b>28.00</b>

9. On January 9, 2025, the Claimants filed a Memorandum to Resolve Issue

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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.

Remarks. (Doc. 5.00). The January 9, 2025 filing states the Claimants agree claims 41S 154072-00 and 41S 154073-00 should be dismissed, and claim 41S 154074-00 should be modified as recommended by Mr. Ahlgren.

#### PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court must address all issue remarks decreed on a claim as well as any objections the claim receives. Sections 85-2-233, 85-2-247, and 85-2-248, MCA.

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.

3. The source name issue remark decreed on claim 41S 154074-00 is a notice-type issue remark. As no objections were filed to claim 41S 154074-00, no further proceedings are required.

#### RECOMMENDATIONS

1. Claim 41S 154072-00 should be dismissed; consequently, the Objection to claim 41S 154072-00 should also be dismissed.

2. Claim 41S 154073-00 should be dismissed

3. Claim 41S 154074-00 should be modified as shown in Finding of Fact 8; the issue remarks should be removed.

Abstracts are attached for review.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via USPS Mail:**

Jackie K. Urick-Galt  
Jackie K. Urick (/aka/ Jackie K. Lemond)  
PO Box 241  
Stanford, MT 59479  
***(Last Order)***

Leann Galt Feisthamel  
3104 2nd Ave S  
Great Falls, MT 59405-3352  
***(Last Order)***

**Service Via Electronic Mail:**

Oliver J Urick  
Hubble Law Firm PLLP  
PO Box 556  
Stanford, MT 59479  
406-566-2500 W  
[ourick@uricklawfirm.com](mailto:ourick@uricklawfirm.com)

**Service List Updated: 12/26/2024**



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JUDITH RIVER  
BASIN 41S**

**Water Right Number:** 41S 154072-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** JACKIE K URICK-GALT  
PO BOX 241  
STANFORD, MT 59479

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:** SKULL CREEK

**Source Type:** SURFACE WATER

**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  
JUDITH RIVER  
BASIN 41S**

**Water Right Number:** 41S 154073-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** JACKIE K URICK  
/AKA/ JACKIE K LEMOND  
PO BOX 241  
STANFORD, MT 59479-0241

**Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:** UNNAMED TRIBUTARY OF SKULL CREEK

**Source Type:** SURFACE WATER

**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  
JUDITH RIVER  
BASIN 41S**

**Water Right Number:** 41S 154074-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** LEANN GALT FEISTHAMEL  
3104 2ND AVE S  
GREAT FALLS, MT 59405-3352  
  
JACKIE K URICK  
/AKA/ JACKIE K LEMOND  
PO BOX 241  
STANFORD, MT 59479-0241

**Priority Date:** DECEMBER 31, 1920

**Type of Historical Right:** USE

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.06 CFS

**Volume:** 68.00 AC-FT

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 28.00

**\*Source Name:** SUBIRRIGATION, WOLF CREEK

**Source Type:** SURFACE WATER

**\*Source Name:** SUBIRRIGATION, UNNAMED TRIBUTARY OF WOLF 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		NENW	5	16N	12E	JUDITH BASIN

**\*Source Name:** SUBIRRIGATION, WOLF CREEK

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE W/DITCH OR PIPELINE/FLOOD AND DIKE

2		SESE	31	17N	12E	JUDITH BASIN
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**Source Name:** SUBIRRIGATION, UNNAMED TRIBUTARY OF WOLF CREEK

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** HEADGATE W/DITCH OR PIPELINE/FLOOD AND DIKE

**Period of Use:** APRIL 1 TO OCTOBER 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	13.00		SESE	31	17N	12E	JUDITH BASIN

2	<u>15.00</u>	NENW	5	16N	12E	JUDITH BASIN
<b>Total:</b>	28.00					