

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: Carol A. Huffine; Dale L. Huffine

CASE 41S-1035-R-2025  
41S 27941-00

**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. Carol A. Huffine and Dale L. Huffine domestic claim 41S 27941-00 was decreed with the following point 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		SESWNE	26	15N	18E	FERGUS

2. The following DNRC point of diversion issue remark was decreed on claim 41S 27941-00:

THE POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE PUMP CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

3. The DNRC examination notes did not provide any information explaining why the issue remark was placed on claim 41S 27941-00.

4. No objections were filed.

#### PRINCIPLES OF LAW

1. 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.

2. The Water Court must address all issue remarks decreed on a claim. Section 85-2-248, MCA.

#### CONCLUSION OF LAW

1. The issue remark decreed on claim 41S 27941-00 is not supported by evidence sufficient to overcome the prima facie status afforded the point of diversion of the claim.

#### RECOMMENDATION

1. The issue remark should be removed from claim 41S 27941-00 with no changes to the elements of the claim.

An abstract is enclosed for review.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

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

Carol A. Huffine  
Dale L. Huffine  
82 Hillview Ln  
Lewistown, MT 59457

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

**Water Right Number:** 41S 27941-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** CAROL A HUFFINE  
82 HILLVIEW LN  
LEWISTOWN, MT 59457  
  
DALE L HUFFINE  
82 HILLVIEW LN  
LEWISTOWN, MT 59457

**Priority Date:** DECEMBER 31, 1971

**Type of Historical Right:** USE

**Purpose (Use):** DOMESTIC

**Flow Rate:** 40.00 GPM

**Volume:** 2.00 AC-FT

**Maximum Acres:** 1.00

**Source Name:** BIG SPRING 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		SESWNE	26	15N	18E	FERGUS

**Period of Diversion:** MAY 1 TO OCTOBER 1

**Diversion Means:** PUMP

**Period of Use:** MAY 1 TO OCTOBER 1

**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	1.00		SESWNE	26	15N	18E	FERGUS

**Total:** 1.00