

Montana Water Court
P.O. Box 1389
Bozeman, MT 59771-1389
(406) 586-4364
1-800-624-3270
watercourt@mt.gov

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
BOULDER RIVER—TRIBUTARY OF THE JEFFERSON RIVER (BASIN 41E)
PRELIMINARY DECREE

* * * * *

CLAIMANT: Bull Mountain Grazing Company

CASE 41E-0226-R-2024
41G 30128692

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, conclusion 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

Bull Mountain Grazing Company stock claim 41G 30128692 appeared in the Preliminary Decree with the following remark:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41E DECREE ISSUED 06/20/1985.

Basin 41G is the Jefferson River. This claim is not an interbasin transfer between the two Basins, so this remark and the inclusion of this claim in the 41E Boulder River Preliminary Decree made no sense. To determine if this claim was erroneously classified as 41G rather than 41E, this Case was consolidated and a scheduling conference was held to discuss the claim with the claimant.

On April 14, 2025 the claimant filed its Motion To Resolve Issues With Water Right 41G 30128692 ["Motion"]. This Motion is viewable in the Court's FullCourt Enterprise case management system.

APPLICABLE LAW

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 for claimants objecting to their own claims. Rule 19, W.R.Adj.R.

FINDINGS OF FACT

1. The Preliminary Decree states that the source is SPRING, GROUNDWATER. The Motion confirms that the spring is a tributary to the Jefferson River, so 41G is the correct Basin code for this claim. In addition, the source name is clearly erroneous and should be corrected as stated in the Motion. The source name should be SPRING, UNNAMED TRIBUTARY OF JEFFERSON RIVER, and the following clarification remark should be added: ALSO KNOWN AS TRAIL SPRING.

2. This claim was not included in the Basin 41G Preliminary Decree issued on February 15, 2018. It will be included in the future Basin 41G Interlocutory Decree. The remark should be modified so it references the Basin 41G Decree rather than the Basin 41E Decree:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41G DECREE ISSUED 02/15/2018.

CONCLUSION OF LAW

The information provided by the claimant is sufficient to resolve the issue raised by the remark without evidentiary hearing. Sections 85-2-248(3) and (11), MCA.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusion of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim is served with this Report to confirm the recommended changes have been made in the state's centralized record system.

ELECTRONICALLY SIGNED AND DATED BELOW

Service Via Electronic Mail:

Jeremy A. Michael
Cusick, Farve, Mattick & Refling, P.C.
office@cmrlawmt.com

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 30128692 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: BULL MOUNTAIN GRAZING COMPANY
2300 MT HIGHWAY 69
BOULDER, MT 59632-9732

Priority Date: DECEMBER 31, 1896

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 0.87 GPM

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: SPRING, UNNAMED TRIBUTARY OF JEFFERSON RIVER

Source Type: GROUNDWATER

ALSO KNOWN AS TRAIL SPRING

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		NWNWNW	19	3N	3W	JEFFERSON

Period of Diversion: JUNE 1 TO NOVEMBER 1

Diversion Means: SPRING BOX

Period of Use: JUNE 1 TO NOVEMBER 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			NWNWNW	19	3N	3W	JEFFERSON

Remarks:

THE FOLLOWING POTENTIAL ISSUES WERE IDENTIFIED DURING CLAIMS EXAMINATION OR DURING PREVIOUS WATER COURT PROCEEDINGS.

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41G DECREE ISSUED 02/15/2018.