

Montana Water Court
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FILED
07/28/2025
Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41I-0136-R-2024
Lockman, Melissa
12.00

**IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
MISSOURI RIVER ABOVE HOLTER DAM BASIN (41I)
PRELIMINARY DECREE**

* * * * *

CLAIMANT: Prickly Pear Estates LLC

CASE 41I-0136-R-2024
41I 90327-00

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 41I 90327-00 was decreed as a domestic claim that diverts groundwater with a well for two houses and 0.50 acres of irrigation.
2. The claim received the following issue remarks:

CLAIM FORM NOT SIGNED OR NOTARIZED.

THIS CLAIMED WATER RIGHT MAY BE QUESTIONABLE. ACCORDING TO INFORMATION IN THE CLAIM FILE, THE WELL CAVED IN YEARS AGO.

NO VOLUME HAS BEEN CLAIMED. THE VOLUME GUIDELINE FOR THIS PURPOSE IS 4.5 ACRE-FEET PER YEAR.

3. On an amended claim form submitted just over a year after the original claim form was submitted, Claimant acknowledged that the well “caved in” in two different spots on the form:

4. Source of Water: (Check Only One)

☐ Spring Name _____

☒ Well Name it is caved in

6. Means of Diversion:

☐ Pump Capacity 20 gpm

☐ Gravity flow

☒ Other: Explain none of the above - well is caved in

4. On July 7, 2025, Prickly Pear Estates LLC filed a *Request to Withdraw Statement of Claim*, stating:

Non-use. Claim states well caved in. No replacement well has been located.

(Doc.¹ 11.00).

PRINCIPLE AND CONCLUSION OF LAW

1. If a claimant agrees to reduce or limit a claim, the Water Court may accept the reduction or limitation without reviewing further evidence, unless an unresolved issue remark remains. Rule 17(c), W.R.Adj.R.

2. Based on the evidence in the claim file and Claimant’s *Request*, claim 41I 90327-00 should be dismissed

RECOMMENDATION

1. Claim 41I 90327-00 should be dismissed

A post decree abstract of the water right claim reflecting the recommended dismissal is attached to this Report.

ELECTRONICALLY SIGNED AND DATED BELOW.

¹ “Doc.” numerical references correlate to case file docket numbers in the Water Court’s Full Court case management system.

SERVICE VIA ELECTRONIC MAIL

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, ABOVE HOLTER DAM
BASIN 41I**

Water Right Number: 41I 90327-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: DISMISSED

Owners: PRICKLY PEAR ESTATES LLC
175 N 27TH ST STE 900
BILLINGS, MT 59101-2065

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:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.