

Montana Water Court
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FILED
07/28/2025
Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
43O-0016-I-2025
Lambert, Kathryn
5.00

MONTANA WATER COURT
YELLOWSTONE DIVISION
LITTLE BIGHORN RIVER
BASIN 43O
INTERLOCUTORY DECREE

* * * * *

CLAIMANT: Randall S. Shinn

OBJECTOR: United States, DOI Bureau of Indian Affairs

CASE 43O-0016-I-2025

43O 30134982

43O 30134983

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

The United States, DOI Bureau of Indian Affairs objected each of these claims. On May 30, 2025 the parties filed a Stipulation to resolve the objections. The Stipulation 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. For claim 43O 30134982, the Interlocutory Decree states that the point of diversion legal description is the SWSESW section 21, T7S, R34E, BIG HORN. The legal description should be the NWSESW section 21, T7S, R34E, BIG HORN.

As requested in the Stipulation, the following legal description should be added to the place of use: SESWSW section 21, T7S, R34E, BIG HORN.

2. For claim 43O 30134983, as requested in the Stipulation, the following legal description should be added to the place of use: SESWSW section 21, T7S, R34E, BIG HORN.

3. For each claim, the Interlocutory Decree includes the following remark:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 43O DECREE ISSUED 03/25/2010. This remark provides notice that the claim was not included in the Preliminary Decree. The remark does not raise an unresolved issue which needs to be addressed. There are no proceedings required for this remark.

CONCLUSION OF LAW

The settlement filed by the parties is sufficient to contradict and overcome the prima facie claims.

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 for each 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 USPS Mail:

Randall S. Shinn
13683 Lodge Grass Creek Rd
Lodge Grass, MT 59050

Service Via Electronic Mail:

David W Harder
US DOJ-ENRD-TRS
David.Harder@usdoj.gov
Efile_Denver.enrd@usdoj.gov

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE BIGHORN RIVER
BASIN 43O

Water Right Number: 43O 30134982 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: RANDALL S SHINN
13683 LODGE GRASS CREEK RD
LODGE GRASS, MT 59050-7862

*Priority Date: DECEMBER 31, 1924

*Type of Historical Right: FILED

Purpose (Use): DOMESTIC

Flow Rate: 10.00 GPM

Volume: 1.00 AC-FT

Source Name: GROUNDWATER

Source Type: GROUNDWATER

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		NWSESW	21	7S	34E	BIG HORN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

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			SWSESW	21	7S	34E	BIG HORN
2			SESWSW	21	7S	34E	BIG HORN

Remarks:
THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE CROW INDIAN RESERVATION.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE BIGHORN RIVER
BASIN 43O**

Water Right Number: 43O 30134983 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: RANDALL S SHINN
13683 LODGE GRASS CREEK RD
LODGE GRASS, MT 59050-7862

***Priority Date:** JULY 10, 2019

THIS IS AN EXISTING RIGHT. ITS POST-1973 PRIORITY DATE IS DECREED
PURSUANT TO SECTION 85-2-306(4) MCA.

***Type of Historical Right:** FILED

Purpose (Use): DOMESTIC

Flow Rate: 10.00 GPM

Volume: 1.00 AC-FT

Source Name: GROUNDWATER

Source Type: GROUNDWATER

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		SWSESW	21	7S	34E	BIG HORN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

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			SWSESW	21	7S	34E	BIG HORN
2			SESWSW	21	7S	34E	BIG HORN

Remarks:

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE CROW INDIAN RESERVATION.