

Montana Water Court  
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MONTANA WATER COURT  
UPPER MISSOURI DIVISION  
MADISON RIVER  
BASIN 41F  
PRELIMINARY DECREE

\*\*\*\*\*

CLAIMANTS: RLBH LLC; Sampson Investments LLC

OBJECTOR: United States, DOI Bureau of Reclamation

**CASE 41F-0041-R-2024**

41F 30114843

41F 30114845

**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 have **13 days** from the service date of the notice of filing of this report to file a written objection or request an extension of the objection period. Rule 23, Water Right Adjudication Rules; Rule 6, Montana Rules of Civil Procedure. 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**

**Statement of the case**

The United States, DOI Bureau of Reclamation ("BOR") filed an objection to the priority date, flow rate, volume, maximum acres irrigated, and place of use identified by

the captioned irrigation claims.

On September 12, 2025, the parties filed a Stipulation to Resolve Objections.

### **Issue**

Should the court accept the stipulated terms?

### **Findings of Fact**

1. The volume for claim 41F 30114843 should be 2,088.00 AF. The following information remark should appear under the quantified volume:

USE OF THIS WATER RIGHT IS NOT TO EXCEED A TOTAL CONSUMPTIVE VOLUME OF 340.90 ACRE- FEET PER YEAR.

2. The volume for claim 41F 30114845 should be 2,175.30 AF. The following information remark should appear under the quantified volume:

USE OF THIS WATER RIGHT IS NOT TO EXCEED A TOTAL CONSUMPTIVE VOLUME OF 355.10 ACRE- FEET PER YEAR.

### **Principles of law**

1. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. Mont. Code Ann. § 85-2-227 (2025). Prima facie proof may be overcome by other evidence that proves, by a preponderance of the evidence, that an element of the prima facie claim is incorrect. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R. A preponderance of the evidence is a “modest standard” and is evidence that demonstrates the fact to be proved is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 348, 240 P.3d 628.

2. The Montana Water Court is permitted to use information submitted by the Department of Natural Resources and Conservation, the statement of claim, information from approved compacts, and any other data obtained by the Court to evaluate water right claims. § 85-2-231(2), MCA.

3. Settlement, including the documents filed by a claimant where the claimant is

the only party, is subject to review and approval by the Water Court. Rule 17(a), W.R.Adj.R.

4. The Water Court may accept a settlement agreement that reduces or limits an element of a claim and need not determine whether the burden of proof is met unless there is an unresolved issue remark on the claim. Rule 17(c), W.R.Adj.R.

5. The Water Court may add clear and unambiguous information remarks to a claim abstract that describe historical use and reduce the possibility of future conflict. *See Clark Fork Coalition v. Hirsch*, 2014 Mont. Water LEXIS 15 at \*\*10-14 (Oct. 29, 2014).

## **Analysis**

### **Acceptance of stipulated terms**

The parties stipulated to a quantified volume for each irrigation claim in lieu of the standard volume information remark for direct flow irrigation claims, thereby placing a limitation on the amount of water used each year. The parties stipulated to limit the quantified volume even further with the addition of an information remark noting the consumptive volume used by each claim each year.

### **Conclusions of law**

The evidence entered into the record is a reduction within the parameters of the parent statements of claim<sup>1</sup> from which these split claims were generated, justifies the modifications to the claims, and resolves the BOR's objection to each claim. The stipulated volume information remark provides further information about historical use of the claims and reduces the possibility of future conflict. The volume information remark should be added to the claim abstracts. The stipulated terms should be accepted by the court.

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<sup>1</sup> Claim 41F 136420-00 is the parent claim for split claim 41F 30114843. Claim 41F 136421-00 is the parent claim for split claim 41F 30114845.

## Recommendations

Irrigation claim 41F 30114843 should be modified as follows to accurately reflect historical use.

**VOLUME:**                    2,088.00 AF

**Add Remark:**

**USE OF THIS WATER RIGHT IS NOT TO EXCEED A TOTAL CONSUMPTIVE VOLUME OF 340.90 ACRE-FEET PER YEAR.**

~~THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.~~

Irrigation claim 41F 30114845 should be modified as follows to accurately reflect historical use.

**VOLUME:**                    2,175.30 AF

**Add Remark:**

**USE OF THIS WATER RIGHT IS NOT TO EXCEED A TOTAL CONSUMPTIVE VOLUME OF 355.10 ACRE-FEET PER YEAR.**

~~THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.~~

Post Decree Abstracts of Water Right Claim accompany this report to confirm the recommendations have been implemented in the state's centralized water right record system.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service Via Electronic Mail:**

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**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MADISON RIVER  
BASIN 41F**

**Water Right Number:** 41F 30114843 STATEMENT OF CLAIM

**Version:** 5 -- POST DECREE

**Status:** ACTIVE

**Owners:** RLBH LLC  
PO BOX 1350  
WILSON, WY 83014-1350  
  
SAMPSON INVESTMENTS LLC  
PO BOX 457  
ENNIS, MT 59729-0457

**\*Priority Date:** AUGUST 18, 1947

**\*Type of Historical Right:** FILED

**\*Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 15.31 CFS

**Volume:** 2,088.00 AC-FT

USE OF THIS WATER RIGHT IS NOT TO EXCEED A TOTAL CONSUMPTIVE VOLUME  
OF 340.90 ACRE-Feet PER YEAR.

**Climatic Area:** 4 - MODERATELY LOW

**\*Maximum Acres:** 621.00

**\*Source Name:** MADISON RIVER

**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		SESESE	33	7S	1W	MADISON

**\*Period of Diversion:** MAY 1 TO OCTOBER 20

**Diversion Means:** HEADGATE

**Ditch Name:** EIKLAND DITCH

**\*Period of Use:** MAY 1 TO OCTOBER 20

**\*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	172.00		E2	20	7S	1W	MADISON
2	129.00		E2	21	7S	1W	MADISON
3	320.00		W2	21	7S	1W	MADISON

**Total:** 621.00

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**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

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THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

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THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41F 136420-00.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MADISON RIVER  
BASIN 41F**

**Water Right Number:** 41F 30114845 STATEMENT OF CLAIM

**Version:** 5 -- POST DECREE

**Status:** ACTIVE

**Owners:** RLBH LLC  
PO BOX 1350  
WILSON, WY 83014-1350  
  
SAMPSON INVESTMENTS LLC  
PO BOX 457  
ENNIS, MT 59729-0457

**\*Priority Date:** AUGUST 18, 1947

**\*Type of Historical Right:** USE

**\*Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 15.95 CFS

**Volume:** 2,175.30 AC-FT

USE OF THIS WATER RIGHT IS NOT TO EXCEED A TOTAL CONSUMPTIVE VOLUME OF 355.10 ACRE-Feet PER YEAR.

**Climatic Area:** 4 - MODERATELY LOW

**\*Maximum Acres:** 621.00

**\*Source Name:** MADISON RIVER

**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		SESESE	33	7S	1W	MADISON

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**Diversion Means:** HEADGATE

**Ditch Name:** EIKLAND DITCH

**\*Period of Use:** MAY 1 TO OCTOBER 20

**\*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>
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THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 41F 136421-00.