

MONTANA WATER COURT
UPPER MISSOURI DIVISION
MISSOURI RIVER ABOVE HOLTER DAM
BASIN 41I
PRELIMINARY DECREE

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CLAIMANT: Saddle Mountain Service Corp

OBJECTORS: Saddle Mountain Service Corp; United States, DOI
Bureau of Land Management

CASE 41I-2076-R-2025

41I 89641-00

41I 89642-00

41I 89643-00

ORDER SETTING DEADLINE

Pursuant to the October 7, 2025 Statewide Order Continuing Cases with Federal Parties (Doc. 9.00), deadlines in this case were continued pending restoration of the appropriations for the United States Department of Justice. Appropriations have now been restored. Prior to the continuation of proceedings, Claimant Saddle Mountain Service Corp. ("Saddle Mountain") filed a Motion to Amend to Resolve Issue Remarks and Objections ("Motion"). (Doc. 7.00). Objector United States, Bureau of Land Management ("BLM") filed a response to the Motion stating the request to correct the places of use resolve its objections. (Doc. 8.00). The Motion to amend corrects the place of use to remove federal land, which was the subject of the BLM's objection.

The Motion also requests to resolve the issue remarks. The claims were subject to the following issue remarks:

THE COMBINED CLAIMED VOLUME FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS 585.00 ACRE-FEET WHICH CANNOT BE CONFIRMED DUE TO LACK OF DATA.

THE CLAIMED VOLUME MAY BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE BASIS FOR THE CLAIMED VOLUME IS 1.50 ACRE-FEET FOR EACH HOUSEHOLD. THIS IS BASED ON THE FULL DEVELOPMENT OF THE SUBDIVISION CONSISTING OF 130 HOUSEHOLDS.

Additionally, claim 41I 89642-00, referred to as “Well #1,” received the following issue remark:

ACCORDING TO INFORMATION IN THE CLAIM FILES, THE WELL IS PRESENTLY NOT BEING USED.

The Motion explains that the issue remark noting non-use of Well #1 does not take into account a change authorization for a replacement well. Well #1 is no longer in use and was replaced. However, Well #1 should still be reflected as the pre-1973 historical well. Moreover, the issue remark should be removed.

The Motion also requests the issue remarks concerning the volume that appeared on all three claims should be removed. The Motion argues the issue remarks do not overcome the prima facie status of the claims. However, the documentation provided by Saddle Mountain raises further questions regarding the volume.

A number of documents were provided with the Motion including a Saddle Mountain Water System Master Plan. (Doc. 7.00, Exh. A). The Master Plan documents water use from 1971 through 1998. At the time of the Master Plan all but 12 lots were developed. The Master Plan includes a prediction of water use once all 12 lots are developed based on the use documented between 1971 and 1998. It states:

Water use is not expected to change significantly in the near future. The only possible additions to the system are development of the 12 undeveloped lots. If 12 more residences are added to the current water use, the resulting water demands are increased as follows:

Average Day =	67,280 gpd
Peak Day =	265,668 gpd
Peak Hour =	318 gpm

These values will be used to evaluate the capacity of the system.

(Doc. 7.00, Exh. A).

Each of the water rights in this case has a 195.00 acre-feet per year volume, for a combined volume of 585.00 acre-feet. However, based on the predictions in the Master Plan, if acre-feet per year is calculated based on the Peak Day use predicted and set forth above -- 265,668 gpd at 365 days per year -- the volume is less than 300.00 acre-feet per year rather than 585.00 acre-feet per year.

Moreover, the 585.00 acre-feet volume does not seem to correlate with actual historical beneficial use nor predicted use.

As such, the Motion does not resolve the issue remarks concerning volume. Therefore, it is

ORDERED that by **January 29, 2026**, Saddle Mountain shall file further information to resolve the issue remarks concerning the volume of the claims.

Failure to comply with the terms of this Order may result in sanctions, including entry of default and termination of a water right claim, modification of the claim to conform with information before the Court, or dismissal of objections. Rule 22, W.R.Adj.R. Any request for a continuance must be made before the filing deadline, in accordance with Rules 2 and 3, U.D.C.R., and must include a showing of good cause.

ELECTRONICALLY SIGNED AND DATED BELOW.

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