

Montana Water Court  
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**FILED**  
11/03/2025  
Melissa Lockman  
CLERK  
Montana Water Court  
STATE OF MONTANA  
By: D'Ann CIGLER  
41S-2029-R-2025  
Stern, Anika  
2.00

MONTANA WATER COURT  
LOWER MISSOURI DIVISION  
JUDITH RIVER  
BASIN 41S  
PRELIMINARY DECREE

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CLAIMANT: Larry H. Grinde

**CASE 41S-2029-R-2025**  
41S 30125227

OBJECTOR: Larry H. Grinde

**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**

FINDINGS OF FACT

1. Larry H. Grinde is the record owner of domestic claim 41S 30125227.
2. Claim 41S 30125227 was decreed with a Montana Department of Natural Resources and Conservation (DNRC) notice-type issue remark indicating the claim was not included in the Basin 41S Temporary Preliminary Decree; the remark does not require further attention.

3. Claim 41S 30125227 was decreed with the point of diversion and place of use as:

**\*Point of Diversion and Means of Diversion:**

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	14	NWSWSW	18	16N	19E	FERGUS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DEVELOPED SPRING

**\*Place of Use:**

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	1.50	6	NWNWSE	13	16N	18E	FERGUS
Total:	1.50						

A map accompanied the Statement of Claim, showing the point of diversion and place of use<sup>1</sup>:



4. Grinde objected to claim 41S 30125227 on September 26, 2022, indicating:

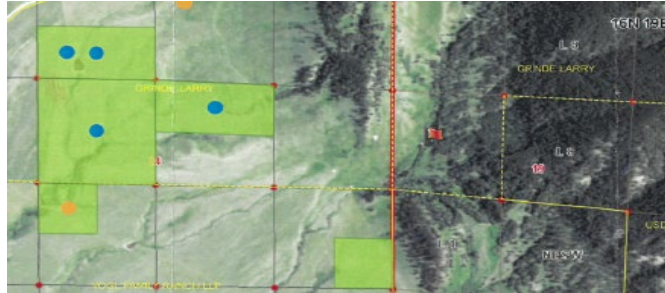
9. State the changes you think should be made to this claim and why. State the specific grounds and evidence on which the Objection is based. (Use additional paper if necessary.)

CLAIM 30125227 AND CLAIM 30125231 SEEM TO BE THE SAME. BOTH REFERENCE SEC 18 WHEN CLAIM 30125227 SHOULD BE IN SEC 19. SEE MAP - INDICATED BY THE RED FLAG. 16 N 19 E - SEC 19 - GOVT LOT #17 - SW 1/4 NW 1/4

A map accompanied the Objection, showing the point of diversion in roughly the same location shown on the Statement of Claim<sup>2</sup>:

<sup>1</sup> This is just a portion of the map attached to the Statement of Claim, showing the marked part.

<sup>2</sup> Again, only a portion of the map is shown – the red flag denotes the point of diversion for claim 41S 30125227.



5. Based on the information in the record and as provided in the Objection, the following modifications to claim 41S 30125227 appear to be supported:

**\*Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>SWSWNW</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	7 14	NWSWSW	18	16N	19E	FERGUS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> DEVELOPED SPRING						

**\*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	1.50	6	NWNWSE	13	16N	18E	FERGUS
<b>Total:</b>		1.50					

6. A deadline was set for Claimant Larry H. Grinde to file a statement indicate whether the following proposed modification to claim 41S 30125227 resolves the Objection:

**\*Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>SWSWNW</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	7 14	NWSWSW	18	16N	19E	FERGUS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> DEVELOPED SPRING						

**\*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	1.50	6	NWNWSE	13	16N	18E	FERGUS
<b>Total:</b>		1.50					

The Order indicated that if nothing were filed by the deadline, it would be concluded that Larry H. Grinde agrees the proposed modification resolves the Objection; nothing was filed by the October 24, 2025 deadline.

### PRINCIPLES OF LAW

1. Section 85-2-248(2), MCA, requires that the Water Court resolve all issue remarks that are not resolved through the objection process. *See also* Rule 7, W.R.Adj.R.

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Mont. Code Ann. § 85-2-227 (2025); Rule 10, W.R.Adj.R.

3. Prima facie proof may be contradicted and overcome by a preponderance of the evidence. Rule 19, W.R.Adj.R. A preponderance of the evidence is evidence that shows a fact is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.

4. The Water Court may use information submitted by the DNRC, the Statement of Claim, and any other data obtained by the Court to evaluate a water right. §§ 85-2-227, -231(2), MCA.

### CONCLUSIONS OF LAW

1. The information in the record overcomes the prima facie status of claim 41S 30125227 and it is appropriate to modify the point of diversion.

2. The notice-type issue remark decree on claim 41S 30125227 has served its purpose; as no objections were filed, no further proceedings are required.

### RECOMMENDATIONS

1. The point of diversion for claim 41S 30125227 should be modified as follows:

**\*Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>SWSWNW</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	7 14	NWSWSW	18	16N	19E	FERGUS
<b>Period of Diversion:</b>		JANUARY 1 TO DECEMBER 31				
<b>Diversion Means:</b>		DEVELOPED SPRING				

2. The Objection to claim 41S 30125227 should be dismissed as it has been addressed.

3. The issue remark decreed on claim 41S 30125227 should be removed.

An abstract is enclosed.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service Via USPS Mail:**

Larry H. Grinde  
2840 Grinde Rd.  
Lewistown, MT 59457

POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JUDITH RIVER  
BASIN 41S

Water Right Number: 41S 30125227 STATEMENT OF CLAIM  
Version: 2 -- POST DECREE  
Status: ACTIVE

Owners: LARRY H GRINDE  
2840 GRINDE RD  
LEWISTOWN, MT 59457

Priority Date: DECEMBER 31, 1930

Type of Historical Right: USE

Purpose (Use): DOMESTIC

Flow Rate: 20.00 GPM

Volume: 4.50 AC-FT

Households: 1

Maximum Acres: 1.50

\*Source Name: SPRING, UNNAMED TRIBUTARY OF BURNETT CREEK  
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	7	SWSWNW	18	16N	19E	FERGUS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DEVELOPED SPRING

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	1.50	6	NWNWSE	13	16N	18E	FERGUS

Total: 1.50

Remarks:

THIS WATER RIGHT IS ASSOCIATED WITH WATER RIGHT NO. 41S 30027301 . THEY ARE BASED ON THE SAME HISTORIC WATER RIGHT.