

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

CLAIMANTS: Betty Ann Williams; Burl D. Williams;
John H. Williams; Christie Williams

CASE 41S-2037-R-2025
41S 139361-00

OBJECTOR: Burl D. Williams

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. The record owners of stock claim 41S 139361-00 are Betty Ann Williams, Burl D. Williams, Christie Williams, and John H. Williams (“the Claimants”).

2. Stock claim 41S 139361-00 was decreed with the following point of diversion and place of use:

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		SENE	6	13N	20E	FERGUS

Period of Diversion: MAY 1 TO NOVEMBER 30

Diversion Means: FLOWING

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			SENE	6	13N	19E	FERGUS

3. A Montana Department of Natural Resources and Conservation (“DNRC”) issue remark was decreed on claim 41S 139361-00:

ON 01/12/2009 THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FILED A MEMORANDUM STATING THAT IT APPEARS THE PLACE OF USE LEGAL DESCRIPTION SHOULD STATE RANGE 20E RATHER THAN RANGE 19E. THIS WILL BE HEARD AFTER PROPER NOTICE ON THE NEXT OBJECTION LIST.

All issue remarks must be addressed.

4. On February 13, 2023, Claimant Burl D. Williams objected to claim 41S 139361-00, stating:

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.)

Place of use is in wrong Range. Shows currently 19E but should be 20E to match point of diversion.

5. An Order was issued on October 14, 2025 explaining that based on the information in the record and as provided in the Objection, the following modification to the place of use for claim 41S 139361-00 appears to be supported:

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			SENE	6	13N	<u>20E</u> 19E	FERGUS

(Doc.¹1.00). A November 14, 2025 deadline was set for late Objector Burl D. Williams to indicate whether modifying the place of use legal land description Range to “20E” resolves the late Objection. The Order indicated that if nothing were filed by the deadline, it would be determined the proposed modification resolves the late Objection and a Master’s Report would be issued. Further, a November 14, 2025 deadline was set for the Claimants to agree that the place of use legal land description modification should be made to claim 41S 139361-00. The Order indicated that if nothing were filed by the deadline, it would be determined the Claimants agree the following modification should be made to claim 41S 139361-00:

Place of Use:							
<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>20E</u>	<u>County</u>
1			SENE	6	13N	49E	FERGUS

Nothing was filed.

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.

¹ “Doc.” numerical references correlate to case file docket numbers in the Water Court’s Full Court case management system. The “Doc.” references in this Report will refer to Case 41S-2037-R-2025, unless otherwise noted.

CONCLUSION OF LAW

The information in the record overcomes the prima facie status of claim 41S 139361-00 and it is appropriate to modify the place of use legal land description to correct the Range.

RECOMMENDATIONS

1. The place of use legal land description for claim 41S 139361-00 should be modified as follows:

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Range</u>	<u>County</u>
1			SENE	6	13N	20E 49E	FERGUS

2. The issue remark should be removed from claim 41S 139361-00.

An abstract is enclosed.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via USPS Mail:

Betty Ann Williams
Burl D. Williams
John H. Williams
Christie Williams
554 Red Baron Ln.
Lewistown, MT 59457-8896

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

Water Right Number: 41S 139361-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: BETTY ANN WILLIAMS
554 RED BARON LN
LEWISTOWN, MT 59457-8896

BURL D WILLIAMS
554 RED BARON LN
LEWISTOWN, MT 59457-8896

CHRISTIE WILLIAMS
554 RED BARON LN
LEWISTOWN, MT 59457-8896

JOHN H WILLIAMS
554 RED BARON LN
LEWISTOWN, MT 59457-8896

Priority Date: DECEMBER 31, 1946

Type of Historical Right: USE

Purpose (Use): STOCK

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

***Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF BIG SPRING CREEK, EAST FORK

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		SENENE	6	13N	20E	FERGUS

Period of Diversion: MAY 1 TO NOVEMBER 30

Diversion Means: FLOWING

Period of Use: MAY 1 TO NOVEMBER 30

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			SENENE	6	13N	20E	FERGUS