

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

CLAIMANTS: Sherri A. Olson; Virginia R. Olson

CASE 41S-2099-R-2025
41S 20689-00

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. Sherri A. Olson and Virginia R. Olson (the Olsons) are the record owners of claim 41S 20689-00.
2. Claim 41S 20689-00 was decreed with the source listed as:
Source Name: SPRING, UNNAMED TRIBUTARY OF FRAZIER CREEK
3. The following issue remark was decreed on claim 41S 20689-00:

ON 12/19/1986 THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FILED A MEMORANDUM STATING THAT THE SOURCE SHOULD BE SPRING, UNNAMED TRIBUTARY OF SEVEN SPRING COULEE. THIS WILL BE HEARD AFTER PROPER NOTICE ON THE NEXT OBJECTION LIST.

4. An Order Consolidating and Order Setting Filing Deadlines was issued on October 6, 2025 setting a deadline for Claimants **Sherri A. Olson and Virginia R. Olson** to file a statement agreeing or disagreeing with modifying the source name for claim 41S 20689-00 as follows:

Source Name: SPRING, UNNAMED TRIBUTARY OF ~~FRAZIER CREEK~~ SEVEN SPRING COULEE

(Doc. ¹1.00). On November 3, 2025, the Olsons filed a Response indicating in part:

Sherri A. Olson and Virginia R. Olson request the following modifying Source Name: "SPRING, UNNAMED TRIBUTARY OF ~~FRAZIER CREEK~~ SEVEN SPRING COULEE ROSS FORK CREEK" based on the USGS topographic maps. ROSS FORK CREEK is the next named downstream source NOT Frazier Creek or Seven Spring Coulee.

(Doc. 2.00).

5. An Order Setting Deadlines Pursuant to Section 85-2-248(5), MCA was issued ordering the Claimants to work with the DNRC to address the DNRC issue remark. (Doc. 3.00).

6. On November 18, 2025, DNRC Water Resources Specialist Brandon Ahlgren filed a Memorandum indicating his agreement with the Claimants. Mr. Ahlgren stated that the correct source name for claim 41S 20689-00 is "Spring, Unnamed Tributary of Ross Fork Creek." (Doc. 4.00).

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court must address all issue remarks decreed on a claim. Mont. Code Ann. § 85-2-248 (2025).

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. § 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard

¹ "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

of proof applies to objectors and claimants objecting to their own water right claims.
Rule 19, W.R.Adj.R.; *Nelson v. Brooks*, 2014 MT 120, ¶ 34, 375 Mont. 86, 329 P.3d 558.

RECOMMENDATIONS

1. The source name for claim 41S 20689-00 should be modified to “Spring, Unnamed Tributary of Ross Fork Creek.”

2. The issue remark should be removed from 41S 20689-00

An abstract is attached for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via USPS Mail:

Sherri A. Olson
3684 MT Highway 297
Judith Gap, Mt 59453

Virginia R. Olson
PO Box 171
Judith Gap, MT 59453

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

Water Right Number: 41S 20689-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: SHERRI A OLSON
3684 MT HIGHWAY 297
PO BOX 171
JUDITH GAP, MT 59453

VIRGINIA R OLSON
PO BOX 171
JUDITH GAP, MT 59453-0171

Priority Date: APRIL 30, 1947

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 ROSS FORK 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		SWNWNE	29	11N	16E	WHEATLAND

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

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			SWNWNE	29	11N	16E	WHEATLAND