

Montana Water Court  
P.O. Box 1389  
Bozeman, MT 59771-1389  
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(406) 586-4364  
watercourt@mt.gov

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

\*\*\*\*\*

CLAIMANT: Dustin J. Solomon

**CASE 41S-2122-R-2025**  
41S 134288-00

**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

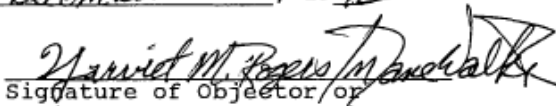
### FINDINGS OF FACT

1. The record owner of stock claim 41S 134288-00 is Dustin J. Solomon ("Solomon").
2. In 1992, then-owner Harriet M. Rogers and her son Michael D. Walker filed a late objection to claim 41S 134288-00, indicating the following:

8. State the changes that you think should be made to this claim and why. State the specific ground and evidence on which the objections are based. (Use additional paper if necessary)

as mentioned in letter included in claim application dated april 1982 regarding existence of dam and protection of right to refurbish dam. Dam will not change outflow and will not change water flowing into the only other property owner James Hicks

DATED this 4 day of December, 1992

  
Signature of Objector or  
Objector's Attorney

Because the objection was several years overdue<sup>1</sup>, an issue remark was added to claim 41S 134288-00 to ensure the late Objection could be addressed during the Preliminary Decree in Basin 41S. The Preliminary Decree was issued on August 18, 2022. Claim 41S 134288-00 was decreed with the following DNRC issue remark:

ON 12/16/1992 HARRIET M. ROGERS AND MICHAEL D. WALKER FILED A LATE OBJECTION TO THE PRIORITY DATE, PURPOSE, AND MEANS OF DIVERSION. THIS WILL BE HEARD AFTER PROPER NOTICE ON THE NEXT OBJECTION LIST.

3. An Order was issued setting a deadline for Harriet M. Rogers and Michael D. Walker to indicate whether they will pursue the late Objection to claim 41S 134288-00. The Order indicated that if nothing is filed by the November 14, 2025 deadline, it would be determined that Harriet M. Rogers and Michael D. Walker do not intend to pursue the late Objection to claim 41S 134288-00 dismissal of the late Objection would be recommended in the Master's Report. Nothing was filed by the deadline.

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<sup>1</sup> The Basin 41S Temporary Preliminary Decree Objection period ended on October 4, 1984.

### 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.

### CONCLUSION OF LAW

1. Nothing in the record overcomes the prima facie status of claim 41S 134288-00. No modifications should be made to the claim.

### RECOMMENDATIONS

1. The late Objection to claim 41S 134288-00 should be dismissed.

2. The issue remark should be removed from claim 41S 134288-00.

An abstract is enclosed for review.

### **ELECTRONICALLY SIGNED AND DATED BELOW.**

#### **Service Via USPS Mail:**

Dustin J. Solomon  
P.O. Box 301  
Stanford, MT 59479-0301

Harriet M. Rogers  
Michael D. Walker  
~~1549 Concord Rd.~~  
~~Helena, MT 59601~~

**Harriet M. Rogers**  
**Michael D. Walker**  
**14 S Montana**  
**Helena, MT 59601**

*(Returned Mail Received)*  
*(Late Objectors)*

**Note Service List Updated: 11/24/2025**

\\JUDHLNSRV-DATA\Share\JUDGALH2OSRV (Data\vol)\Share\WC-BASIN FOLDERS\41S\41S PD\Cases\2122\41S-2122-R-2025 MR 11.24.25 rc.docx

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

Water Right Number:41S 134288-00 STATEMENT OF CLAIM

Version:3 -- POST DECREE

Status:ACTIVE

Owners:DUSTIN J SOLOMON  
PO BOX 301  
STANFORD, MT 59479-0301

Priority Date:JANUARY 2, 1914

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 SAGE 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		NWNESE	2	14N	12E	JUDITH BASIN

Period of Diversion:JANUARY 1 TO DECEMBER 31

Diversion Means:FLOWING

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			NWNESE	2	14N	12E	JUDITH BASIN

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME PLACE OF USE.

84274-00134288-00