

Montana Water Court
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FILED
11/18/2025
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41S-2243-R-2025
Stern, Anika
1.00

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

* * * * *

CLAIMANT: Clint W. Trask

CASE 41S-2243-R-2025
41S 119066-00

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. Irrigation claim 41S 119066-00 was decreed with 2.50 cubic feet per second flow rate and the following flow rate issue remark:

THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS 56.00 GPM PER ACRE.

2. No objections were filed to claim 41S 119066-00.

PRINCIPLES OF LAW

1. 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). This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or 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.

2. The Water Court must address all issue remarks decreed a claim. § 85-2-248, MCA.

CONCLUSION OF LAW

The flow rate issue remark decreed on claim 41S 119066-00 is not supported by evidence sufficient to overcome the prima facie status afforded the flow rate of this historically decreed claim.

RECOMMENDATION

The issue remark should be removed from claim 41S 119066-00.

An abstract is enclosed with the Report for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via USPS Mail:

Clint W. Trask
c/o George W. Trask Life Estate
PO Box 867
Whitehall, MT 59759-0867

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

Water Right Number: 41S 119066-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: CLINT W TRASK
C/O GEORGE W TRASK LIFE ESTATE
PO BOX 867
WHITEHALL, MT 59759-0867

Priority Date: JULY 15, 1880

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.50 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 20.00

Source Name: JUDITH RIVER, SOUTH FORK

Source Type: SURFACE WATER

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		SWNWSE	34	12N	11E	JUDITH BASIN

Period of Diversion: JUNE 1 TO OCTOBER 1

Diversion Means: HEADGATE

Period of Use: JUNE 1 TO OCTOBER 1

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	5.00		NWNESE	34	12N	11E	JUDITH BASIN
2	15.00		SENE	34	12N	11E	JUDITH BASIN

Total: 20.00