

Montana Water Court  
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MONTANA WATER COURT  
YELLOWSTONE DIVISION  
O'FALLON CREEK  
BASIN 42L  
FINAL DECREE

\* \* \* \* \*

CLAIMANTS: Lisa Lamb; Roberta R. Willman

**CASE 42L-6004-A-2025**  
42L 562-00

**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**

On September 22, 2025 Roberta Willman and Lisa Lamb filed a Verified Motion To Correct Water Right Claim. This is a motion to amend filed pursuant to section 85-2-233(6), MCA. The motion is viewable in the Court's FullCourt Enterprise case management system.

APPLICABLE LAW

The Montana Water Court has jurisdiction to review a motion to amend pursuant to

section 85-2-233(6), MCA.

Rule 15 M.R.Civ.P. restricts the scope of the amendments to the conduct, transaction, or occurrence set forth in the original pleading or, in other words, the “same set of operative facts as contained in the original pleading.” *Sooy v. Petrolane Steel Gas, Inc.*, 218 Mont. 418, 422-423, 708 P.2d 1014, 1017 (1985). The requested amendment “merely makes more specific that which has already been alleged.” *Prentice Lumber Co. v. Hukill*, 161 Mont. 8, 15, 504 P.2d 277, 281 (1972).

Notice must be published by newspaper if the requested amendments “may adversely affect other water rights.” Section 85-2-233(6)(a)(i), MCA.

A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content pursuant to section 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect including claimants amending their own claims. Rule 19, W.R.Adj.R.

#### FINDINGS OF FACT

1. The change requested in the motion to amend arises out of the same conduct, transaction, or occurrence specified on the original Statement of Claim, is based on the same operative facts specified in the Statement of Claim, and merely makes more specific that which was already claimed on the original Statement of Claim.

2. The Preliminary Decree states that the legal description for the 4.00 acre parcel in the place of use is the N2SW section 10, T8N, R57E, FALLON. The legal description should be the N2SWNE section 10, T8N, R57E, FALLON.

3. The following remark should be added to the abstract of this claim noting the amendment: THE PLACE OF USE LEGAL DESCRIPTION WAS AMENDED BY THE WATER COURT PURSUANT TO SECTION 85-2-233(6), MCA.

4. The standard flow rate remark for irrigation claims with an onstream reservoir is missing on the abstract for this claim. The following standard remark should be added: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM

RESERVOIR.

CONCLUSIONS OF LAW

1. The requested amendment does not adversely affect other water rights as it is a correction to the abstract which does not make any change to the actual historical use of the claimed right on the ground. Notice by publication of this amendment is not required. Section 85-2-233(6), MCA.

2. The requested amendment “merely makes more specific that which has already been alleged.” *Prentice Lumber Co.*, 161 Mont. at 15, 504 P.2d at 281.

3. The motion to amend is sufficient to contradict and overcome the prima facie claim as it appeared in the Preliminary Decree.

RECOMMENDATIONS

Based upon the above, this Master recommends that the Court grant the motion to amend this claim and make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim is served with this Report to confirm the recommended changes have been made in the state's centralized record system.

**ELECTRONICALLY SIGNED AND DATED BELOW**

**Service Via USPS Mail:**

Lisa Lamb  
641 Cemetery Rd  
Ismay, MT 59336

Roberta R. Willman  
PO Box 66  
Plevna, MT 59344-0066

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
O'FALLON CREEK  
BASIN 42L**

**Water Right Number:** 42L 562-00 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** LISA LAMB  
641 CEMETERY RD  
ISMAY, MT 59336  
  
ROBERTA R WILLMAN  
PO BOX 66  
PLEVNA, MT 59344-0066

**Priority Date:** MARCH 16, 1961

**Type of Historical Right:** FILED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

**Volume:** 48.30 AC-FT

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 23.00

**Source Name:** UNNAMED TRIBUTARY OF SANDSTONE CREEK

**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		SENE	10	8N	57E	FALLON

**Period of Diversion:** MARCH 1 TO JULY 31

**Diversion Means:** HEADGATE

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SENE	10	8N	57E	FALLON

**Diversion to Reservoir:** DIVERSION # 1

**Period of Use:** MARCH 1 TO JULY 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	4.00		N2SWNE	10	8N	57E	FALLON
2	16.00		NWNE	10	8N	57E	FALLON
3	3.00		SWNE	10	8N	57E	FALLON

**Total:** 23.00

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**Remarks:**

THE PLACE OF USE LEGAL DESCRIPTION WAS AMENDED BY THE WATER COURT PURSUANT TO SECTION 85-2-233(6), MCA.