

Montana Water Court
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MONTANA WATER COURT
UPPER MISSOURI DIVISION
MADISON RIVER BASIN
BASIN 41F
PRELIMINARY DECREE

CLAIMANT: Granger Ranches LP

OBJECTOR: Granger Ranches LP

CASE 41F-0147-R-2025

41F 8973-00

41F 8976-00

41F 8978-00

41F 8980-00

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

Statement of the case

Stock well claims 41F 8976-00, 41F 8978-00, and 41F 8980-00 received self-objections from claimant Granger Ranches LP to the legal land descriptions for the point of diversion and/or place of use identified by each claim. Granger Ranches LP, a successor in interest to Granger Ranches LLP, was substituted for late objector Granger Ranches LLP for claim 41F 8973-00. Each claim received the following issue remark:

A LATE OBJECTION HAS BEEN FILED TO THE POINT OF DIVERSION AND PLACE OF USE LEGAL DESCRIPTIONS OF THIS WATER RIGHT CLAIM. IT WILL BE RESOLVED DURING THE ADJUDICATION OF OBJECTIONS TO THE PRELIMINARY DECREE.

On August 8, 2025, Granger Ranches LP filed a Motion to Correct Legal Land Descriptions. Granger Ranches LP requested the removal of associated rights information remarks from several claims. Associated rights remarks are added by the new appropriations division of the Department of Natural Resources and Conservation. The court does not remove new appropriation remarks. Granger Ranches LP should contact the Department of Natural Resources and Conservation concerning this request.

Issues

1. Are Granger Ranches LP's objections to each claim resolved?
2. Is the issue remark on each claim resolved?

Findings of fact

A preponderance of evidence establishes the following historically accurate point of diversion and place of use for each stock well claim.

41F 8973-00: NESENE, Section 11, Township 7 South, Range 1 West

41F 8976-00: SWNESW, Section 6, Township 7 South, Range 1 East

41F 8978-00: NENESE, Section 35, Township 6 South, Range 1 West

41F 8980-00: NWNWSE, Section 12, Township 7 South, Range 1 West

Principles of law

1. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. Section 85-2-227, MCA. Prima facie proof may be overcome by other evidence that proves, by a preponderance of the evidence, that an element of the prima facie claim is incorrect. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R. A preponderance of the evidence is a "modest standard" and is evidence that demonstrates the fact to be proved is "more probable than not." *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 348, 240 P.3d 628.

2. The Montana Water Court is permitted to use information submitted by the Department of Natural Resources and Conservation, the statement of claim, information from approved compacts, and any other data obtained by the Court to evaluate water right claims.

Section 85-2-231(2), MCA.

3. Settlement, including the documents filed by a claimant where the claimant is the only party, is subject to review and approval by the Water Court. Rule 17(a), W.R.Adj.R.

4. The Water Court may accept a settlement agreement that reduces or limits an element of a claim and need not determine whether the burden of proof is met unless there is an unresolved issue remark on the claim. Rule 17(c), W.R.Adj.R.

5. If the settlement agreement expands or enlarges an element of a claim, evidence meeting the burden of proof must be provided. If the evidence does not meet the burden of proof, the element shall not be expanded or enlarged. Rule 17(b), W.R.Adj.R.

6. When resolving issue remarks, the Montana Water Court must weigh the information resulting in the issue remark and the issue remark against the claimed water right. Section 85-2-247(2), MCA.

7. The Montana Water Court has the authority to resolve issue remarks when the claim file and information available to the Court provide a sufficient basis to do so. Section 85-2-248(3), MCA.

Analysis

Issues 1 and 2 – objection resolution and issue remark resolution

Jeffrey S. Granger and David Granger, Jr. filed the captioned statements of claim in 1982. David Granger, Jr. transferred his ownership interest in these claims to Ann G. Laszlo¹ and Carolyn S. Granger, as the Personal Representatives of the Estate of Jeffrey S. Granger. Subsequently, Ann G. Laszlo as the Personal Representative of the Estate of Carolyn Granger, formed Granger Ranches LLP. Granger Ranches LLP is now Granger Ranches LP.² Jeffrey A. Laszlo, the grandson of Jeffrey S. Granger, manages Granger Ranches LP today.

Late objections were filed to these stock well claims by family members associated with what is now Granger Ranches LP. The late objections asserted the historical point of diversion and place of use for the captioned stock well claims were not accurately identified by the statements of claim. During the objection phase for the Basin 41F Preliminary Decree, Granger

¹ Ann G. Laszlo is the daughter of Jeffrey S. Granger and Carolyn S. Granger. See March 11, 1998 Affidavit in claim file 41F 8973-00.

² See Notice of Partnership Conversion attached to the Motion to Substitute Party and Correct Service List for this case at FullCourt Enterprise document sequence 2.00.

Ranches LP filed timely objections to each claim except 41F 8973-00. During these proceedings, Granger Ranches LP was substituted for late objector Granger Ranches LLP for claim 41F 8973-00.

Granger Ranches LP agrees with at least one of the late objections filed for each claim except claim 41F 8973-00. Except for claim 41F 8973-00, the Ann G. Laszlo Affidavit attached to and in support of the late objections in each claim file, supports the historical accuracy of the modifications proposed by Granger Ranches LP to point of diversion and place of use. For claim 41F 8973-00, based upon the familial history and the familial knowledge gained from management of the ranch, the proposed modification to the point of diversion and place of use for claim 41F 8973-00 is historically accurate. Indeed, based upon the familial history and the familial knowledge gained from management of the ranch, the proposed modification to the point of diversion and place of use for each claim is historically accurate.

Conclusions of law

The evidence entered into the record for place of use is a reduction within the parameters of each captioned statement of claim, except 41F 8978-00. The evidence entered into the record for point of diversion overcomes the point of diversion identified by the captioned prima facie statements of claim and overcomes the place of use identified by prima facie statement of claim 41F 8978-00. The record before the court justifies the modifications to each claim, resolves Granger Ranches LP's objection to each claim, and resolves the late objection issue remark appearing on each claim.

Recommendations

Stock claim 41F 8973-00 should be modified as follows to accurately reflect historical use.

POINT OF DIVERSION:

<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
NESENE	SESESE	11	7S	1W	MADISON

PLACE OF USE:

<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
NESENE	NESENE	11	7S	1W	MADISON

Stock claim 41F 8976-00 should be modified as follows to accurately reflect historical

use.

POINT OF DIVERSION:

<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
SWNESW	NWNWSE	6	7S	1E	MADISON

PLACE OF USE:

<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	SWNESW	6	7S	1E	MADISON

Stock claim 41F 8978-00 should be modified as follows to accurately reflect historical use.

POINT OF DIVERSION:

<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
NENESE	SESENE	35	6S 7S	1W	MADISON

PLACE OF USE:

<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	NENESE	35	6S 7S	1W	MADISON

Stock claim 41F 8980-00 should be modified as follows to accurately reflect historical use.

POINT OF DIVERSION:

<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
NWNWSE	SWSENE	12	7S	1W	MADISON

PLACE OF USE:

<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	NWNWSE	12	7S	1W	MADISON

The issue remark should be removed from the claim abstracts.

Post Decree Abstracts of Water Right Claim accompany this report to confirm implementation of the recommendations in the state's centralized water right record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

William C. Fanning
FANNING LAW PLLC
william@fanninglawpllc.com
becki@fanninglawpllc.com
(Atty for: Granger Ranches LP)

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F**

Water Right Number: 41F 8973-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: GRANGER RANCHES LP
PO BOX 691
ENNIS, MT 59729-0691

Priority Date: DECEMBER 31, 1924

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 25.00 GPM

***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: GROUNDWATER

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		NESENE	11	7S	1W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

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			NESENE	11	7S	1W	MADISON

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F**

Water Right Number: 41F 8976-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: GRANGER RANCHES LP
PO BOX 691
ENNIS, MT 59729-0691

Priority Date: DECEMBER 31, 1945

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 25.00 GPM

***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: GROUNDWATER

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		SWNESW	6	7S	1E	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

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			SWNESW	6	7S	1E	MADISON

Remarks:

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

8976-00 91474-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

8976-00 30124094

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE ASSOCIATED. THEY SHARE THE SAME WELL. 41F 91474-00, 41F 8976-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F**

Water Right Number: 41F 8978-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: GRANGER RANCHES LP
PO BOX 691
ENNIS, MT 59729-0691

Priority Date: MAY 4, 1964

Type of Historical Right: FILED

Purpose (Use): STOCK

Flow Rate: 30.00 GPM

***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: GROUNDWATER

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		NENESE	35	6S	1W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

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			NENESE	35	6S	1W	MADISON

Remarks:

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

8978-00 90819-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE ASSOCIATED. THEY SHARE THE SAME WELL.
41F 90819-00, 41F 8978-00.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F

Water Right Number: 41F 8980-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: GRANGER RANCHES LP
PO BOX 691
ENNIS, MT 59729-0691

Priority Date: DECEMBER 31, 1924

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 25.00 GPM

***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: GROUNDWATER

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		NWNWSE	12	7S	1W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

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			NWNWSE	12	7S	1W	MADISON

Remarks:

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

8980-00 91475-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE ASSOCIATED. THEY SHARE THE SAME WELL.
41F 91475-00, 41F 8980-00.