

10/09/2025

Sara Calkins
CLERKMontana Water Court
STATE OF MONTANA

By: D'Ann CIGLER

43P-0309-I-2025

Lambert, Kathryn

4.00

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MONTANA WATER COURT
YELLOWSTONE DIVISION
BIGHORN RIVER, BELOW GREYBULL RIVER
BASIN 43P
INTERLOCUTORY DECREE

* * * * *

CLAIMANTS: Dianna L. Hammond; Calli A. Thomas; Cory J. Thomas

CASE 43P-0309-I-2025

43P 30145357

43P 30145359

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 may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusion of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must mail 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

Diana L. Hammond claims 43P 30145357 and 43P 30145359 each appeared in the Interlocutory Decree with the following issue remark:

THE TYPE OF HISTORICAL RIGHT MAY BE QUESTIONABLE. DOCUMENTATION SUBMITTED WITH

THE CLAIM INDICATES A FILED APPROPRIATION RIGHT.

The issue remarks were not addressed through the objection process. The Water Court is required to resolve the issues raised by each issue remark. Mont. Code Ann. § 85-2-248 (2024). Under section 85-2-248(3), MCA, information in the claim file or other information obtained by the Court can be reviewed to determine if it provides a sufficient basis to resolve the issue raised by a remark and the Court can provide the claimants an opportunity to file additional information or evidence.

The June 3, 2025 Order Consolidating Case and Order Setting Deadlines Pursuant To Section 85-2-248(5), MCA [“June 3, 2025 Order”] set filing deadlines for the Montana Department of Natural Resources and Conservation [“DNRC”] and the claimants. On July 24, 2025 the DNRC Memorandum was filed stating the type of historical right for each claim should be changed to FILED and the issue remarks should be removed. On August 7, 2025 the DNRC sent the Memorandum to a new address for Diana L. Hammond. The June 3, 2025 Order states:

ORDERED that the **claimants**, with the assistance of the DNRC, *shall prepare and file any documents that are needed to support the resolution by **August 14, 2025**. The claimants’ documentation may be as simple as a written endorsement of the DNRC memorandum. If nothing is filed by the claimants, the Court will conclude they agree with the DNRC memorandum and its recommendations.*

(*Emphasis in original.*) No response to the Memorandum was filed by the claimants. These documents are viewable in the Court’s FullCourt Enterprise case management system.

APPLICABLE LAW

“All issue remarks to claims that are not resolved through the filing of an objection as provided in 85-2-233 must be resolved as provided in this section.” § 85-2-248(2), 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 for claimants objecting to their own claims. Rule 19, W.R.Adj.R.

FINDINGS OF FACT

1. For each claim, the Interlocutory Decree states that the type of historical right is DECREED. The type of historical right should be FILED. The issue remarks should be removed as addressed and resolved.

2. For each claim, the Interlocutory Decree includes the following notice remarks:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 43P DECREE ISSUED 01/28/2016.

AS OF 10/06/2022 , THIS WATER RIGHT APPEARS TO BE OWNED BY DIANNA L HAMMOND , 2314 3RD ST NW , SIDNEY, MT 59270-5801 ,.

These remarks should be removed as having served their notice purposes.

CONCLUSION OF LAW

The information provided by the Statements of Claim and their attachments, and by the DNRC Memorandum is sufficient to resolve the issue remarks without evidentiary hearing. §§ 85-2-248(3), (11), MCA.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusion of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Interlocutory Decree for this Basin. A Post Decree Abstract of Water Right Claim for each 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:

Dianna L. Hammond
450 Dunmore Rd
Hardin, MT 59034-2608
2314 3rd St NW
Sidney, MT 59270-5801

(Returned Mail Received 8-5-2025 by DNRC)

Calli A. Thomas
Cory J. Thomas
11598 N Tullock Creek Rd
Bighorn, MT 59010-9538

\\JUDHLNSRV-DATA\Share\JUDGALH2OSRV (Datavol)\Share\WC-BASIN FOLDERS\43P\43P ILT\43P Cases\43P-309\309I mr 9-30-25.docx

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BIGHORN RIVER, BELOW GREYBULL RIVER
BASIN 43P

Water Right Number: 43P 30145357 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: DIANNA L HAMMOND
2314 3RD ST NW
SIDNEY, MT 59270-5801

***Priority Date:** DECEMBER 31, 1920

Type of Historical Right: FILED

Purpose (Use): STOCK

Flow Rate: 20.00 GPM

***Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING 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		SESWNW	1	2N	35E	BIG HORN

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			SWSNW	1	2N	35E	BIG HORN

Remarks:

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.

30145357 30145359

Contract for Deed Purchasers: CALLI A THOMAS
11598 N TULLOCK CREEK RD
BIGHORN, MT 59010-9538

CORY J THOMAS
11598 N TULLOCK CREEK RD
BIGHORN, MT 59010-9538

THIS WATER RIGHT IS APPURTENANT TO REAL PROPERTY THAT IS THE SUBJECT OF A CONTRACT FOR DEED. THE CONTRACT FOR DEED PURCHASER IS ENTITLED TO THE SAME NOTICE AS THE OWNER OF THE PROPERTY PURSUANT TO 85-2-232(1)(C) AND 70-20-115, MCA. REFERENCE TO THE CONTRACT FOR DEED PURCHASERS IN THIS ABSTRACT IS FOR NOTICE PURPOSES ONLY AND DOES NOT AMOUNT TO A STATEMENT REGARDING OWNERSHIP. UPON TRANSFER OF THE PROPERTY IDENTIFIED AS THE PLACE OF USE FOR THIS WATER RIGHT, THE TRANSFEREE IS RESPONSIBLE FOR UPDATING OWNERSHIP AS REQUIRED BY 85-2-423 AND -424, MCA. IN THE EVENT OF A DEFAULT RESULTING IN TERMINATION OF THE CONTRACT FOR DEED AND RELEASE OF DOCUMENTS FROM ESCROW, THE OWNERS SHALL PROVIDE THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION WITH A COPY OF A QUIT CLAIM DEED OR SIMILAR INSTRUMENT INDICATING THE CONTRACT FOR DEED PURCHASERS ARE NO LONGER ENTITLED TO RECEIVE NOTICE OF PROCEEDINGS INVOLVING THIS WATER RIGHT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BIGHORN RIVER, BELOW GREYBULL RIVER
BASIN 43P

Water Right Number: 43P 30145359 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: DIANNA L HAMMOND
2314 3RD ST NW
SIDNEY, MT 59270-5801

*Priority Date: DECEMBER 31, 1920

Type of Historical Right: FILED

Purpose (Use): DOMESTIC

Flow Rate: 20.00 GPM

Volume: 3.50 AC-FT

Households: 1

Maximum Acres: 1.00

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		SESWNW	1	2N	35E	BIG HORN

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			SESWNW	1	2N	35E	BIG HORN

Remarks:

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