

Montana Water Court  
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MONTANA WATER COURT  
YELLOWSTONE DIVISION  
YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE  
BASIN 43QJ  
SECOND PRELIMINARY DECREE

\* \* \* \* \*

CLAIMANT: Donald K. Skibstad

OBJECTOR: Donald K. Skibstad

**CASE 43QJ-0152-R-2025**  
43QJ 30129572

**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**

Donald K. Skibstad claim 43QJ 30129572 appeared in the Second Preliminary Decree with the following remark:

NO VOLUME HAS BEEN CLAIMED. THE VOLUME GUIDELINE FOR THIS PURPOSE IS 4 ACRE-FEET PER YEAR.

On November 21, 2024 - during the objection filing period - Donald K. Skibstad filed an Amendment To Statement Of Claim to address and resolve the issue remark. This was deemed and docketed as his objection to the claim. The Amendment is viewable in the scanned copies of the claim file on the DNRC Water Right Query System at <http://wrqs.dnrc.mt.gov>.

### **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." 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 85-2-222, 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. The Second Preliminary Decree does not include a volume or the number of households. The volume should be 2.00 AC-FT. The number of households should be 1. The issue remark should be removed as addressed and resolved.

2. The Second Preliminary Decree also includes the following notice remark:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 43QJ DECREE ISSUED 07/23/1985.

The remark should be removed as having served its notice purpose.

### **CONCLUSION OF LAW**

The settlement filed by the claimant is sufficient to contradict and overcome the prima facie claim and to resolve the issue remark without evidentiary hearing. Sections 85-2-248(3)

and (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 Second 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:**

Donald K. Skibstad  
634 Joliet Rd  
Columbus, MT 59019-7435

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE

BASIN 43QJ

Water Right Number: 43QJ 30129572 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: DONALD K SKIBSTAD  
634 JOLIET RD  
COLUMBUS, MT 59019-7435

Priority Date: AUGUST 17, 1960

Type of Historical Right: FILED

Purpose (Use): DOMESTIC

Flow Rate: 9.00 GPM

Volume: 2.00 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		NENESE	18	3S	21E	STILLWATER
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	1.00		NENESE	18	3S	21E	STILLWATER
Total:		1.00					