

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
(406) 586-4364
1-800-624-3270
watercourt@mt.gov

MONTANA WATER COURT
LOWER MISSOURI DIVISION
MUSSELSHELL RIVER BELOW ROUNDUP
BASIN 40C
PRELIMINARY DECREE

CLAIMANTS: ~~Linda Fisher~~; Callie L. Taylor; Highlife
Family Partnership; Eric J. Bashore; Sarah
Browning; Shelby Browning; Timothy G.
Browning; Brady Burdick; Brandy Burdick;
John W. Collier Jr.; Mary M. Collier; Jim
M. Dawson; Walter Einer; Jill C. Ellingson;
Jon W. Ellingson; James R. Eversole;
Thaddeus Faeth; Nickolas Kallin; Rebecca
Kallin; Larimer Out-of-State Property Trust;
Kelsey Loper; Azariah Martin; Hyrum
Matthews; Brooke J. Miller; Kelly Mulhern;
Shawn C. Munter; Ernest C. Robertson;
Jennifer A. Robertson; Tyler J. Schmoe;
Aaron R. Simbeck; Elise Simbeck; Arhen
A. Teerlink; Derek Wright; Sierra Wright

CASE 40C-0394-R-2025
40C 169139-00
40C 202075-00

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

On November 25, 2025, Linda Fisher filed two Requests to Withdraw Interest in Statement of Claim. Ms. Fisher requested that she be removed from the ownership of irrigation claims 40C 169139-00 and 40C 202075-00.

A December 29, 2025 order set a filing deadline for Linda Fisher to identify modifications required to the number of acres irrigated and/or the legal land descriptions for the place of use resulting from the removal of Ms. Fisher as an owner of claims 40C 169139-00 and 40C 202075-00.

On January 15, 2026, Brandon Ahlgren, Water Resources Specialist, Lewistown Regional Office, Department of Natural Resources and Conservation filed a letter and proposed abstracts with the court identifying the modifications to the maximum acres irrigated and the place of use identified by claims 40C 169139-00 and 40C 202075-00 that would result from the removal of Linda Fisher as an owner of the claims.

An order set a deadline for co-claimants to comment upon the proposed changes to the claims. The order included language that if no comments were received by the deadline it would be deemed agreement “from all claimants to the proposed modifications to the number of acres irrigated and the legal land descriptions for the place of use identified by claims 40C 169139-00 and 40C 202075-00 resulting from the removal of Linda Fisher as an owner of the claims.” No comments were filed by the deadline.

Findings of fact

1. Linda Fisher should be removed from a) the ownership of the captioned irrigation claims, b) the caption of the case, and c) the service list for this case upon issuance of this Master's Report.

2. Due to Ms. Fisher’s removal from the ownership of the irrigation claims the following modifications should be made to the maximum acres irrigated and the place of use for the claims:

Claim 40C 169139-00

MAXIMUM ACRES: ~~57.00~~ **55.80**

PLACE OF USE:

MODIFY FOLLOWING PARCEL:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
10.80 42.00		NWSW	17	16N	30E	PETROLEUM

Claim 40C 202075-00

MAXIMUM ACRES: ~~684.30~~ **678.20**

PLACE OF USE:

MODIFY FOLLOWING PARCEL:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
77.35 83.45		E2	17	16N	30E	PETROLEUM

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.

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.

Conclusions of law

The modifications to the claims in this proceeding do not constitute challenges to the prima facie status of the claims. The accurate representation of the results of Linda Fisher’s withdrawal of interest in the captioned claims, the evidence provided in support of Linda Fisher’s withdrawal of interest in the captioned claims, and the agreement of all claimants to the modifications resulting from Linda Fisher’s withdrawal of interest in the

captioned claims provided sufficient information to complete Linda Fisher's request to withdraw interest in the claims.

Recommendations

Based upon the above Findings of Fact and Conclusions of Law, this Master recommends that the Court make the modifications specified in the Findings of Fact to correct the Preliminary Decree for this Basin.

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 USPS Mail:

Callie L Taylor (FKA Callie L. Mashburn)
5830 W Post Rd
Las Vegas NV 89118-3406

Highlife Family Partnership
% RD Family Partnership
24054 Minnesota Highway 22
Litchfield MN 55355-5830

Eric J. Bashore
PO Box 80242
Billings, MT 59108-0242

Sarah Browning
Shelby Browning
PO Box 144
Winnett, MT 59087-0144

Timothy G. Browning
PO Box 144
Winnett, MT 59087-0144
~~1549 Old Stage Rd~~
~~Mosby, MT 59058-9606~~

Brady Burdick
Brandy Burdick
Kelsey Loper
23 Sagebrush Rd N
Livingston, MT 59047-9404

John W. Collier Jr.
Mary M. Collier
212 S Haley Coulee Trl
Winnett, MT 59087-9755

Jim M. Dawson
38365 Riverwood Dr
Kenai, AK 99611-5940

Walter Einer
~~5334 Lower River Rd~~
~~Winnett, MT 59087~~
(Returned Mail received: 1-29-2026)

Jill C. Ellingson
Jon W. Ellingson
20 Buckskin Trl
Livingston, MT 59047-9282

James R. Eversole
12352A Hwy 29
Lower Lake, CA 95457-9539

Thaddeus Faeth
PO Box 3736
Telluride, CO 81435-3736

Nickolas Kallin
Rebecca Kallin
5245 Staton Dr
Billings, MT 59106-4802

Larimer Out-of-State Property Trust
Lauren W. & Angelina D. Larimer, Trustees
121 Tashas Lane
Yakima, WA 98901

Azariah Martin
8439 74th Pl NE
Marysville, WA 98270-4081

Hyrum Matthews
4987 W 6515 SW
West Jordan, UT 84081-4018

Brooke J. Miller
Shawn C. Munter
2410 Elizabeth St
Billings, MT 59102-2118

Kelly Mulhern
18865 64th Ave
Chippewa Falls, WI 54729-6422

Ernest C. Robertson
Jennifer A. Robertson
816 W Colorado Ave
Trinidad, CO 81082-1320

Service Via USPS Mail (cont'd):

Tyler J. Schmoe
Aaron R. Simbeck
Elise Simbeck
21805 36th Ave NW
Stanwood, WA 98292

Arhen A. Teerlink
PO Box 113
Winnett, MT 59087-0113

Derek Wright
Sierra Wright
497 Haley Coulee Trl
Winnett, MT 59087-9782

Last Order:

Linda Fisher
422 Haley Coulee Trl
Winnett MT 59087-9782

Service Via Electronic Mail:

Courtesy Copy:

Lewistown Regional Office, DNRC
Water Resources
steven.hamilton@mt.gov
brandon.ahlgren@.mt.gov

****Note: Caption and Service List Updated 4-3-2026****

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, BELOW ROUNDUP
BASIN 40C**

Water Right Number: 40C 169139-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: CALLIE L TAYLOR
/FKA/ MASHBURN, CALLIE L
5830 W POST RD
LAS VEGAS, NV 89118-3406

HIGHLIFE FAMILY PARTNERSHIP
% RD FAMILY PARTNERSHIP
24054 MINNESOTA HIGHWAY 22
LITCHFIELD, MN 55355-5830

Priority Date: NOVEMBER 1, 1915

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.16 CFS

THE MAXIMUM COMBINED FLOW RATE FOR THE RIGHTS FOLLOWING THIS STATEMENT IS 5.00 CFS: 40C 169137-00, 40C 169138-00, 40C 169139-00, 40C 202075-00

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

Climatic Area: 1 - HIGH

Maximum Acres: 55.80

Source Name: UNNAMED TRIBUTARY OF HALEY COULEE

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		E2SENE	18	16N	30E	PETROLEUM

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

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	40.00		NW	17	16N	30E	PETROLEUM
2	10.80		NWSW	17	16N	30E	PETROLEUM
3	5.00		E2SENE	18	16N	30E	PETROLEUM

Total: 55.80

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

169137-00

169139-00

202075-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, BELOW ROUNDUP
BASIN 40C

Water Right Number: 40C 202075-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners:

ERIC J BASHORE

PO BOX 80242

BILLINGS, MT 59108-0242

SARAH BROWNING

PO BOX 144

WINNETT, MT 59087-0144

SHELBY BROWNING

PO BOX 144

WINNETT, MT 59087-0144

TIMOTHY G BROWNING

PO BOX 144

WINNETT, MT 59087-0144

BRADY BURDICK

23 SAGEBRUSH RD N

LIVINGSTON, MT 59047-9404

BRANDY BURDICK

23 SAGEBRUSH RD N

LIVINGSTON, MT 59047-9404

JOHN W COLLIER JR

212 S HALEY COULEE TRL

WINNETT, MT 59087-9755

MARY M COLLIER

212 S HALEY COULEE TRL

WINNETT, MT 59087-9755

JIM M DAWSON

38365 RIVERWOOD DR

KENAI, AK 99611-5940

JILL C ELLINGSON

20 BUCKSKIN TRL

LIVINGSTON, MT 59047-9282

JON W ELLINGSON

20 BUCKSKIN TRL

LIVINGSTON, MT 59047-9282

JAMES R EVERSOLE
12352A HWY 29
LOWER LAKE, CA 95457-9539

THADDEUS FAETH
PO BOX 3736
TELLURIDE, CO 81435-3736

NICKOLAS KALLIN
5245 STATON DR
BILLINGS, MT 59106-4802

REBECCA KALLIN
5245 STATON DR
BILLINGS, MT 59106-4802

KELSEY LOPER
23 SAGEBRUSH RD N
LIVINGSTON, MT 59047-9404

AZARIAH MARTIN
8439 74TH PL NE
MARYSVILLE, WA 98270-4081

HYRUM MATTHEWS
4987 W 6515 SW
WEST JORDAN, UT 84081-4018

BROOKE J MILLER
2410 ELIZABETH ST
BILLINGS, MT 59102-2118

KELLY MULHERN
18865 64TH AVE
CHIPPEWA FALLS, WI 54729-6422

SHAWN C MUNTER
2410 ELIZABETH ST
BILLINGS, MT 59102-2118

ERNEST C ROBERTSON
816 W COLORADO AVE
TRINIDAD, CO 81082-1320

JENNIFER A ROBERTSON
816 W COLORADO AVE
TRINIDAD, CO 81082-1320

AARON R SIMBECK
21805 36TH AVE NW
STANWOOD, WA 98292

ELISE SIMBECK
21805 36TH AVE NW
STANWOOD, WA 98292

ARHEN A TEERLINK

PO BOX 113
WINNETT, MT 59087-0113

DEREK WRIGHT
2882 US HIGHWAY 275
HAMBURG, IA 51640-5051

SIERRA WRIGHT
2882 US HIGHWAY 275
HAMBURG, IA 51640-5051

HIGHLIFE FAMILY PARTNERSHIP
% RD FAMILY PARTNERSHIP
24054 MINNESOTA HIGHWAY 22
LITCHFIELD, MN 55355-5830

LARIMER OUT-OF-STATE PROPERTY TRUST
LAUREN W & ANGELINA D LARIMER TRUSTEES
121 TASHAS LANE
YAKIMA, WA 98901

Priority Date: NOVEMBER 1, 1915

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 5.00 CFS

THE MAXIMUM COMBINED FLOW RATE FOR THE RIGHTS FOLLOWING THIS STATEMENT IS 5.00 CFS: 40C 169137-00, 40C 169138-00, 40C 169139-00, 40C 202075-00

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

Climatic Area: 1 - HIGH

Maximum Acres: 678.20

Source Name: MUSSELSHELL RIVER

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	17	16N	30E	GARFIELD
Period of Diversion:	MARCH 1 TO OCTOBER 31					
Diversion Means:	PUMP					
2		NENESE	19	16N	30E	PETROLEUM
Period of Diversion:	MARCH 1 TO OCTOBER 31					
Diversion Means:	PUMP					
3		SENENW	20	16N	30E	GARFIELD
Period of Diversion:	MARCH 1 TO OCTOBER 31					
Diversion Means:	PUMP					
4		NENWNW	20	16N	30E	PETROLEUM
Period of Diversion:	MARCH 1 TO OCTOBER 31					
Diversion Means:	PUMP					

5 SESENW 29 16N 30E GARFIELD

Period of Diversion: MARCH 1 TO OCTOBER 31

Diversion Means: PUMP

Period of Use: MARCH 1 TO OCTOBER 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	36.30		S2SW	8	16N	30E	GARFIELD
2	80.75		W2	17	16N	30E	PETROLEUM
3	80.75		W2	17	16N	30E	GARFIELD
4	77.35		E2	17	16N	30E	PETROLEUM
5	83.45		E2	17	16N	30E	GARFIELD
6	3.00	3	NENW	20	16N	30E	PETROLEUM
7	85.00		E2W2	20	16N	30E	GARFIELD
8	20.00		W2SW	20	16N	30E	GARFIELD
9	18.80	7	SWNW	20	16N	30E	PETROLEUM
10	0.70	7	S2NE	19	16N	30E	PETROLEUM
11	20.00	9	S2NE	19	16N	30E	PETROLEUM
12	1.00	10	SE	19	16N	30E	GARFIELD
13	46.00	11	SE	19	16N	30E	PETROLEUM
14	2.00	12	SE	19	16N	30E	PETROLEUM
15	24.00	16	SE	19	16N	30E	PETROLEUM
16	20.00	17	SE	19	16N	30E	PETROLEUM
17	79.10		NW	29	16N	30E	GARFIELD

Total: 678.20

PLACE OF USE ID NO. 7 INCLUDES GOVT LOTS 4, 8, 9, 14, 15, AND 20.

PLACE OF USE ID NO. 8 INCLUDES GOVT LOTS 16, 17, 18, AND 19.

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

169137-00 169139-00 202075-00

Contract for Deed Purchasers: WALTER EINER
PO BOX 94
WINNETT, MT 59087-0094

TYLER J SCHMOE
21805 36TH AVE NW
STANWOOD, WA 98292

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.