

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

MONTANA WATER COURT  
LOWER MISSOURI DIVISION  
MILK RIVER BELOW WHITEWATER CREEK INCLUDING PORCUPINE CREEK  
BASIN 400  
INTERLOCUTORY DECREE

\*\*\*\*\*

CLAIMANTS: Leanne Brandt; Mark Brandt

OBJECTOR: United States, DOI Bureau of Indian Affairs

COUNTEROBJECTOR: Mark Brandt

NOTICE OF INTENT TO APPEAR: Assiniboine & Sioux Tribes of  
Fort Peck

CASE 400-0067-I-2024  
400 30124992

**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**

The United States, DOI Bureau of Indian Affairs objected to this claim. The Assiniboine & Sioux Tribes of Fort Peck filed a notice of intent to appear. On October 1, 2025 the parties filed their Stipulation For The Resolution Of Objections. The November 21, 2025 Order Setting Filing Deadline requested clarification of the historical basis for the change requested in the October 1, 2025 Stipulation. On February 17, 2026 the parties filed their second Stipulation For The Resolution Of Objections. The February 18, 2026 Order requested clarification of the historical basis for the changes requested in the February 17, 2026 Stipulation. The March 6, 2026 Bureau Of Indian Affairs Response provides the needed additional information. These documents are viewable in the Court's FullCourt Enterprise case management system.

### APPLICABLE LAW

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 Interlocutory Decree states that the priority date is DECEMBER 19, 1928 and the type of historical right is FILED. The priority date should be MAY 27, 1942, and the type of historical right should be USE.

2. The Interlocutory Decree abstract also includes the following notice remark:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 400 DECREE ISSUED 05/24/1995.

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

### CONCLUSION OF LAW

The settlement filed by the parties is sufficient to contradict and overcome the prima facie claim.

## 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 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:**

Leanne Brandt  
Mark Brandt  
PO Box 3  
Glasgow, MT 59230

#### **Service Via Electronic Mail:**

William Crum  
Rebecca M. Ross  
U.S. Dept of Justice  
william.crum@usdoj.gov  
IRSMontanaWater.enrd@usdoj.gov  
Rebecca.Ross@usdoj.gov

Ryan C. Rusche  
Sonosky, Chambers, Sachse, Enderson & Perry, LLP  
rusche@sonosky.com

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK**  
**BASIN 400**

**Water Right Number:** 400 30124992 STATEMENT OF CLAIM  
**Version:** 2 -- POST DECREE  
**Status:** ACTIVE

**Owners:** LEANNE BRANDT  
PO BOX 3  
GLASGOW, MT 59230  
  
MARK BRANDT  
PO BOX 3  
GLASGOW, MT 59230

**Priority Date:** MAY 27, 1942

**Type of Historical Right:** USE

**Purpose (Use):** DOMESTIC

**Flow Rate:** 10.00 GPM

**Volume:** 4.00 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		SWNE	11	29N	42E	VALLEY

**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		SWNE	11	29N	42E	VALLEY
<b>Total:</b>	<b>1.00</b>						

**Remarks:**

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE FORT PECK INDIAN RESERVATION.