

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

CLAIMANT: PJ Ranch

OBJECTOR: United States, DOI Bureau of Reclamation

CASE 41F-0225-R-2025
41F 132191-00

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

The captioned irrigation claim received an objection from the United States, DOI Bureau of Reclamation (“BOR”). The claim also received a notice issue remark concerning source.

On March 16, 2026, the parties filed a Stipulation to Resolve Objections.

Issues

1. Is the BOR’s objection to irrigation claim 41F 132191-00 resolved?
2. Should irrigation claim 41F 132191-00 be dismissed?

Finding of fact

Irrigation claim 41F 132191-00 should be dismissed.

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. 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.

5. 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 1-2 - objection resolution, dismissal of claim 41F 132191-00

The BOR's objection stated, "It appears that this water right was either not perfected, or if ever perfected, was abandoned. Aerial photography from 1979 and 2021 show that 0.00 acres were irrigated within the claimed place of use. All elements of this water right are questionable."

PJ Ranch stipulated to the withdrawal of irrigation claim 41F 132191-00. The DNRC Database identifies PJ Ranch as the current claimant of water right claim 41F 132191-00. The Montana Cadastral Database located at <https://svc.mt.gov/msl/mtcadastral>, identifies PJ Ranch as the current property owner of the place of use identified by claim 41F 132191-00.

Although not involved in these case proceedings, the multiple use information remark appearing on stock claim 41F 132207-00 should be removed due to the withdrawal of irrigation claim 41F 132191-00. There is no longer a single water right used for multiple purposes. A copy of the updated abstract for claim 41F 132207-00 is included with this Master's Report.

Conclusions of law

The stipulated withdrawal of statement of claim 41F 132191-00 is properly filed with the court. The dismissal of claim 41F 132191-00 resolves the BOR's objection to the claim and moots the issue remark appearing on the claim.

Recommendations

Irrigation claim 41F 132191-00 should be dismissed.

The multiple use information remark appearing on stock claim 41F 132207-00 should be removed.

Post Decree Abstracts of Water Right Claim accompany this report to confirm the dismissal of irrigation claim 41F 132191-00 and the removal of the multiple use information remark from stock claim 41F 132207-00 in the state's centralized water right record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

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PJ Ranch
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Note: Service List Updated 4-3-2026

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

Water Right Number: 41F 132191-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: **DISMISSED**

Owners: PJ RANCH
1983 STAGECOACH TRAIL RD
MANHATTAN, MT 59741-8275

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: SPRING CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

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

Water Right Number: 41F 132207-00 STATEMENT OF CLAIM

Version: 6 -- POST DECREE

Status: ACTIVE

Owners: PJ RANCH
1983 STAGECOACH TRAIL RD
MANHATTAN, MT 59741-8275

Priority Date: DECEMBER 13, 1954

Type of Historical Right: FILED

Purpose (Use): STOCK

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

***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:** SPRING CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS HOT SPRING CREEK

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 | | SWSWSE | 33 | 1N | 2E | GALLATIN |

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: CROWLEY DITCH

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 | | | E2SW | 9 | 1N | 2E | GALLATIN |
| 2 | | | SENE | 9 | 1N | 2E | GALLATIN |
| 3 | | | NE | 9 | 1N | 2E | GALLATIN |

Remarks:

THE SPLIT CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM. 41F 30103758, 41F 30103759, 41F 30103760.