

MONTANA WATER COURT  
LOWER MISSOURI DIVISION  
JUDITH RIVER  
BASIN 41S  
PRELIMINARY DECREE

\*\*\*\*\*

CLAIMANTS: Carol M. Campbell; Myron H. Campbell

CASE 41S-0441-R-2024  
41S 104388-00

**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**

FINDINGS OF FACT

1. Carol M. Campbell and Myron H. Campbell (hereinafter referred to as "the Campbells" and "the Claimants") are the record owners of claim 41S 104388-00.
2. The Campbells were ordered to meet with the Montana Department of Natural Resources and Conservation ("DNRC") to address the unresolved issue remark decreed on the captioned claim:

**41S 104388-00:**

- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY ( 1963 ) APPEARS TO INDICATE 53.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

3. DNRC Water Resource Specialist Brandon Ahlgren filed a Memorandum on October 30, 2025 regarding his review of the claims. (Doc. 2.00). Mr. Ahlgren explained he reviewed aerial photographs to prepare the Memorandum. Additionally, Mr. Ahlgren stated: “Carol Campbell called the DNRC to discuss this case on October 17, 2024. She agrees with the DNRC conclusion”

4. Mr. Ahlgren stated that during its initial examination the DNRC identified 111.00 acres of irrigation using USDA aerial photograph 30045-179-108 which he stated, “falls within the DNRC’s margin of error”. He found there is sufficient evidence of the claimed maximum acres and recommended the issue remark be moved.

5. This claim also received the following notice-based issue remark:

POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

No objection was filed; therefore, this remark should be removed.

6. On December 5, 2025, a filing deadline was set with the court including the language:

ORDERED that the claimants shall file documentation regarding their position on the recommendations in the Memo by **January 2, 2026**. If no response is filed, it will be taken as agreement with DNRC findings.

No response was filed.

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court must address all issue remarks decreed on a claim.  
Section 85-2-248, MCA.

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right

claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.

3. 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.

4. If the Montana Water Court cannot resolve issue remarks based upon information in the claim file or information available to the Court, claimants shall be required to confer with the DNRC to attempt resolution of the issue remarks. Claimants shall file documentation to resolve the issue remarks, and the DNRC shall submit recommendations regarding disposition of the issue remarks. Section 85-2-248(5), MCA.

**RECOMMENDATIONS**

The issue remarks should be removed from claim 41S 104388-00.

An abstract is attached for review.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via USPS Mail:**

***Last Order:***

Carol M. Campbell  
Myron H. Campbell  
9212 MT HWY 239  
Hobson, MT 59452-8609

**Service Via Electronic Mail:**

**Oliver J. Urick**  
**Urick Law Firm, PLLC**  
**ourick@uricklawfirm.com**

**Note: Service List Updated 2-4-26**

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
JUDITH RIVER  
BASIN 41S**

**Water Right Number:** 41S 104388-00 STATEMENT OF CLAIM  
**Version:** 4 -- POST DECREE  
**Status:** ACTIVE

**Owners:** CAROL M CAMPBELL  
9212 MT HWY 239  
HOBSON, MT 59452-8609  
  
MYRON H CAMPBELL  
9212 MT HWY 239  
HOBSON, MT 59452-8609

**Priority Date:** SEPTEMBER 20, 1880

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 12.25 CFS

UNDIVIDED 40% INTEREST IN 490 INCH RIGHT.

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

**Climatic Area:** 3 - MODERATE

**Maximum Acres:** 120.00

**Source Name:** JUDITH 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		NESWNE	15	14N	13E	JUDITH BASIN

**Period of Diversion:** APRIL 15 TO OCTOBER 15

**Diversion Means:** HEADGATE

**Period of Use:** APRIL 15 TO OCTOBER 15

**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	120.00		N2	12	14N	13E	JUDITH BASIN

**Total:** 120.00