

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

* * * * *

CLAIMANTS: Greg H. Langford; Vickie L. Langford

CASE 43QJ-0170-R-2025

43QJ 30136593

43QJ 30136607

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

Greg H. Langford and Vickie L. Langford claim 43QJ 30136593 appeared in the Second Preliminary Decree with the following remarks:

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

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

Greg H. Langford and Vickie L. Langford claim 43QJ 30136607 appeared in the Second Preliminary Decree with the following remarks:

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

A PORTION OF THE CLAIMED POINT OF DIVERSION AND PLACE OF USE DOES NOT MEET THE DEFINITION OF AN EXEMPT RIGHT UNDER 85-2-222, MCA, AND INVOLVES AN ON-STREAM RESERVOIR.

The issue remarks were not addressed through the objection process. The Water Court is required to resolve the issues raised by each issue remark. Section 85-2-248, MCA. Under Section 85-2-248(3), MCA, information in the claim file or other information obtained by the Court can be reviewed to determine if it provides a sufficient basis to resolve the issue raised by a remark, and the Court can provide the claimants an opportunity to file additional information or evidence. On December 16, 2025, the claimants filed their Response To Order Setting Filing Deadline including a Verified Motion To Amend Water Right Claim for each claim. These are motions addressing issues already before the Court, not motions to amend filed pursuant to section 85-2-233(6), MCA. The Response is viewable in the Court's FullCourt Enterprise case management system.

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. For claim 43QJ 30136593, the Second Preliminary Decree does not include a volume.

The volume should be 4.00 AC-FT. The volume issue remark should be removed as addressed and resolved.

The remark concerning the 1985 Decree should be removed as having served its notice purpose.

2. For claim 43QJ 30136607, the Second Preliminary Decree states that the point of diversion and place of use are both the SENESE section 5, T3S, R17E, STILLWATER. The point of diversion includes the following remark: MEANS OF DIVERSION INCLUDES A STOCK TANK AND POND. This remark should be removed. The point of diversion and place of use should both be:

<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
SENESE	5	3S	17E	STILLWATER
SWNESE	5	3S	17E	STILLWATER
SENWSE	5	3S	17E	STILLWATER
SWNWSE	5	3S	17E	STILLWATER
SENESW	5	3S	17E	STILLWATER
SWNESW	5	3S	17E	STILLWATER
NESESW	5	3S	17E	STILLWATER
NWSESW	5	3S	17E	STILLWATER

The issue remark should be removed as addressed and resolved.

The remark concerning the 1985 Decree should be removed as having served its notice purpose.

CONCLUSION OF LAW

The information provided by the claimants is sufficient to resolve the issue remarks 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 for each 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 Electronic Mail:

Christopher T. Scoones
Scoones Law PLLC
chris@scooneslaw.com
(Atty for: Greg H. Langford; Vickie L. Langford)

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE
BASIN 43QJ

Water Right Number: 43QJ 30136593 STATEMENT OF CLAIM
Version: 2 -- POST DECREE
Status: ACTIVE

Owners: GREG H LANGFORD
145 LOWER SWEET GRASS RD
BIG TIMBER, MT 59011-7773

VICKIE L LANGFORD
145 LOWER SWEET GRASS RD
BIG TIMBER, MT 59011-7773

Priority Date: JULY 16, 1957

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		NENESE	4	3S	17E	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	4	3S	17E	STILLWATER
Total:		1.00					

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE
BASIN 43QJ

Water Right Number: 43QJ 30136607 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: GREG H LANGFORD
145 LOWER SWEET GRASS RD
BIG TIMBER, MT 59011-7773

VICKIE L LANGFORD
145 LOWER SWEET GRASS RD
BIG TIMBER, MT 59011-7773

Priority Date: MARCH 15, 1917

Type of Historical Right: USE

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 STOCKWATERING 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, UNNAMED TRIBUTARY OF WORK CREEK

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		SENESE	5	3S	17E	STILLWATER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		SWNESE	5	3S	17E	STILLWATER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		SENWSE	5	3S	17E	STILLWATER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		SWNWSE	5	3S	17E	STILLWATER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		SENESW	5	3S	17E	STILLWATER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

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SWNESW53S17ESTILLWATER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

7

NESESW53S17ESTILLWATER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

8

NWSESW53S17ESTILLWATER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

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			SENESE	5	3S	17E	STILLWATER
2			SWNESE	5	3S	17E	STILLWATER
3			SENWSE	5	3S	17E	STILLWATER
4			SWNWSE	5	3S	17E	STILLWATER
5			SENESW	5	3S	17E	STILLWATER
6			SWNESW	5	3S	17E	STILLWATER
7			NESESW	5	3S	17E	STILLWATER
8			NWSESW	5	3S	17E	STILLWATER