

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-0171-R-2025
43QJ 30136601

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 30136601 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.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 08/08/2023 , A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY STANAWAY JO ANN N, PO BOX 2059, BILLINGS, MT 59103-2059.

The ownership remark was not addressed through the objection process. The September 3, 2025 Order Consolidating Case And Setting Filing Deadline set a deadline for Jo Ann N. Stanaway to file an ownership update. On September 10, 2025 an email was received from the Billings Regional Office, Montana Department of Natural Resources and Conservation [“DNRC”], stating that Jan Kvilstad, on behalf of Jo Ann N. Stanaway, contacted the DNRC to report that Ms. Stanaway transferred her property to Jordahl Cattle Company LLC [“Jordahl”]. The September 11, 2025 Order Setting Filing Deadline set a deadline for Jordahl to file an ownership update.

On October 16, 2025 Jordahl filed a Motion To Be Added As Co-Owners [Doc.4]. On October 24, 2025 the Langfords filed their Response To Jordahl’s Motion [Doc. 8] and their Motion To Amend the point of diversion and place of use to remove the Jordahl property erroneously included in the claim [Doc. 9]. On October 30, 2025 Jordahl filed a Withdrawal Of Motion agreeing that the Jordahl property should be removed from the claim [Doc. 10].

These documents are viewable in the Court’s FullCourt Enterprise case management system.

APPLICABLE LAW

The Montana Water Court has jurisdiction to review a motion to amend pursuant to section 85-2-233(6), MCA.

Rule 15 M.R.Civ.P. restricts the scope of the amendments to the conduct, transaction, or occurrence set forth in the original pleading or, in other words, the “same set of operative facts as contained in the original pleading.” *Sooy v. Petrolane Steel Gas, Inc.*, 218 Mont. 418, 422-423, 708 P.2d 1014, 1017 (1985). The requested amendment “merely makes more specific that which has already been alleged.” *Prentice Lumber Company v. Hukill*, 161 Mont. 8, 15, 504 P.2d 277, 281 (1972).

Notice must be published by newspaper if the requested amendments “may adversely affect other water rights.” Section 85-2-233(6)(a)(i), MCA.

A properly filed Statement of Claim for Existing Water Right is *prima facie* proof of its content pursuant to section 85-2-227, 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 amending their own claim. Rule 19, W.R.Adj.R.

FINDINGS OF FACT

1. Both remarks should be removed as having served their notice purposes.
2. The changes requested in the Motion to Amend arise out of the same conduct, transaction, or occurrence specified on the original Statement of Claim, are based on the same operative facts specified in the Statement of Claim, and merely make more specific that which was already claimed on the original Statement of Claim.
3. The Second Preliminary Decree states that the point of diversion and place of use legal descriptions are:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	NENESW	4	3S	17E	STILLWATER
	SWSWNE	4	3S	17E	STILLWATER
	NESWNE	4	3S	17E	STILLWATER
	NWSENE	4	3S	17E	STILLWATER
1	SWNENE	4	3S	17E	STILLWATER
2	SENWNE	4	3S	17E	STILLWATER
2	SWNWNE	4	3S	17E	STILLWATER
3	E2NENW	4	3S	17E	STILLWATER

The point of diversion and place of use legal descriptions should be:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
1		4	3S	17E	STILLWATER
2		4	3S	17E	STILLWATER
3		4	3S	17E	STILLWATER
4		4	3S	17E	STILLWATER
	W2SENE	4	3S	17E	STILLWATER
	S2SWNE	4	3S	17E	STILLWATER
	NWNWSE	4	3S	17E	STILLWATER

CONCLUSIONS OF LAW

1. The requested amendments do not adversely affect other water rights as they are refinements of the point of diversion and place of use legal descriptions which do not make any change to the actual historical use of the claimed right on the ground. Notice by publication of this amendment is not required. Section 85-2-233(6), MCA.
2. Each requested amendment "merely makes more specific that which has already been alleged." *Prentice Lumber Company v. Hukill*, 161 Mont. 8, 15, 504 P.2d 277, 281 (1972).
3. The Motion to Amend is sufficient to contradict and overcome the *prima facie* claim as it appeared in the Second Preliminary Decree.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusion of Law, this Master recommends that the Court grant the Motion To Amend and 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 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:

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
R, FROM BRIDGER CREEK TO CLARKS FORK YELLOW
BASIN 43QJ**

Water Right Number: 43QJ 30136601 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, 1920

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: 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	1		4	3S	17E	STILLWATER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2	2		4	3S	17E	STILLWATER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3	3		4	3S	17E	STILLWATER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4	4		4	3S	17E	STILLWATER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		W2SENE	4	3S	17E	STILLWATER
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

6 S2SWNE 4 3S 17E STILLWATER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

7 NWNWSE 4 3S 17E STILLWATER

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:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		1		4	3S	17E	STILLWATER
2		2		4	3S	17E	STILLWATER
3		3		4	3S	17E	STILLWATER
4		4		4	3S	17E	STILLWATER
5			W2SENE	4	3S	17E	STILLWATER
6			S2SWNE	4	3S	17E	STILLWATER
7			NWNWSE	4	3S	17E	STILLWATER