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FILED
07/01/2026
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Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41S-0504-R-2024
Stern, Anika
23.00

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

CLAIMANTS: Stevensons Diamond Dot Inc.; ~~Bruce J. Turner; Pamela R. Turner~~; Russell G. Ridgeway; Clinton E. Carr; Valerie S. Carr; **Green Valley Angus LLC**

NOTICE OF INTENT TO APPEAR: State of Montana
Department of Fish,
Wildlife & Parks

CASE 41S-0504-R-2024

41S 10504-00
41S 10505-00
41S 10507-00
41S 13437-00
41S 150652-00
41S 150653-00
41S 150654-00
41S 150658-00
41S 150660-00
41S 150661-00

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. Stevensons Diamond Dot Inc. ("Stevensons") is the record owner of claims 41S 10504-00, 41S 10505-00, and 41S 10507-00; Green Valley Angus, LLC ("Green Valley") is the record owner of claim 41S 13437-00; Russell G. Ridgeway ("Ridgeway") is the record owner of claims 41S 150652-00, 41S 150653-00, and 41S 150654-00; and Clinton E. Carr and Valerie S. Carr ("the Carrs") are the record owners of claims 41S 150658-00, 41S 150660-00, and 41S 150661-00.

2. Claims 41S 10504-00, 41S 10505-00, 41S 10507-00, 41S 13437-00, 41S 150652-00, 41S 150653-00, 41S 150654-00, 41S 150658-00, 41S 150660-00, and 41S 150661-00 were decreed with Montana Department of Natural Resources and Conservation ("DNRC") issue remarks:

41S 10504-00:

- THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 300 MINER'S INCHES DECREED IN CASE NO. 982 , FERGUS COUNTY. 40A 10504-00, 40A 150653-00, 40A 150661-00 .
- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-179-110 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE POINT OF DIVERSION LEGAL LAND DESCRIPTION COULD NOT BE REFINED FROM INFORMATION IN THE CLAIM FILE.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

41S 10505-00:

- THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 125 MINER'S INCHES DECREED IN CASE NO. 982 , FERGUS COUNTY. 40A 10505-00, 40A 150654-00, 40A 150660-00 .
- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-179-110 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE POINT OF DIVERSION LEGAL LAND DESCRIPTION COULD NOT BE REFINED FROM INFORMATION IN THE CLAIM FILE.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

41S 10507-00:

- THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 135 MINER'S INCHES DECREED IN CASE NO. 982 , FERGUS COUNTY. 40A 10507-00, 40A 13437-00, 40A 150652-00, 40A 150658-00 .
- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-179-110 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE POINT OF DIVERSION LEGAL LAND DESCRIPTION COULD NOT BE REFINED FROM INFORMATION IN THE CLAIM FILE.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

41S 13437-00:

- THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 135 MINER'S INCHES DECREED IN CASE NO. 982 , FERGUS COUNTY. 40A 10507-00, 40A 13437-00, 40A 150652-00, 40A 150658-00 .
- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

41S 150652-00:

- THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 135 MINER'S INCHES DECREED IN CASE NO. 982 , FERGUS COUNTY. 40A 10507-00, 40A 13437-00, 40A 150652-00, 40A 150658-00 .
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY(1963)APPEARS TO INDICATE 225.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- USDA AERIAL PHOTOGRAPH NO. 30045-179-110 , DATED 09/17/1979 APPEARS TO INDICATE 230.40 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

41S 150653-00:

- THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 300 MINER'S INCHES DECREED IN CASE NO. 982 , FERGUS COUNTY. 40A 10504-00, 40A 150653-00, 40A 150661-00 .
- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-179-110 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE DITCH CONNECTED WITH THIS DIVERSION APPEARS TO BE THE BEEZELBUB DITCH

- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

41S 150654-00:

- THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 125 MINER'S INCHES DECREED IN CASE NO. 982 , FERGUS COUNTY. 40A 10505-00, 40A 150654-00, 40A 150660-00 .
- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-179-110 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- THE DITCH CONNECTED WITH THIS DIVERSION APPEARS TO BE THE BEEZELBUB DITCH
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

41S 150658-00:

- THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 135 MINER'S INCHES DECREED IN CASE NO. 982 , FERGUS COUNTY. 40A 10507-00, 40A 13437-00, 40A 150652-00, 40A 150658-00 .
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY(1963)APPEARS TO INDICATE 225.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- USDA AERIAL PHOTOGRAPH NO. 30045-179-110 , DATED 09/17/1979 APPEARS TO INDICATE 230.40 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

41S 150660-00:

- THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 125 MINER'S INCHES DECREED IN CASE NO. 982 , FERGUS COUNTY. 40A 10505-00, 40A 150654-00, 40A 150660-00 .
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY(1963)APPEARS TO INDICATE 225.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- USDA AERIAL PHOTOGRAPH NO. 30045-179-110 , DATED 09/17/1979 APPEARS TO INDICATE 230.40 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

41S 150661-00:

- THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 300 MINER'S INCHES DECREED IN CASE NO. 982 , FERGUS COUNTY. 40A 10504-00, 40A 150653-00, 40A 150661-00 .
- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY(1963)APPEARS TO INDICATE 225.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
- USDA AERIAL PHOTOGRAPH NO. 30045-179-110 , DATED 09/17/1979 APPEARS TO INDICATE 230.40 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

- THE MAXIMUM COMBINED ACRES FOR THIS GROUP OF SUPPLEMENTAL CLAIMS MAY REQUIRE MODIFICATION PENDING RESOLUTION OF MAXIMUM IRRIGATED ACRES ISSUE.

3. Irrigation claims 41S 10504-00, 41S 150653-00, and 41S 150661-00 are all based on a 300.00 miner's inches (MI) (7.50 cubic feet per second (cfs)) water right decreed to M.T Rooney from the Judith River with a May 8, 1888 priority date in Case 982. The total combined flow rate for these claims, as found in the Preliminary Decree for Basin 41S, is 14.25 cfs, 7.25 cfs more than the decreed right. As a result of this "decree exceeded" situation, a remark noting the issue was decreed on each of the involved claims in the Preliminary Decree for Basin 41S.

4. Irrigation claims 41S 10505-00, 41S 150654-00, and 41S 150660-00 are all based on a 125.00 MI (3.125 cfs) water right decreed to M.T. Rooney from the Judith River with a July 18, 1888 priority date in Case 982. The total combined flow rate for these claims, as found in the Preliminary Decree for Basin 41S, is 9.26 cfs, 6.135 cfs more than the decreed right. As a result of this "decree exceeded" situation, a remark noting the issue was decreed on each of the involved claims in the Preliminary Decree for Basin 41S.

5. Irrigation claims 41S 10507-00, 41S 13437-00, 41S 150652-00, and 41S 150658-00 are all based on a 135.00 MI (3.375 cfs) water right decreed to M.T. Rooney from the Judith River with a July 16, 1886 priority date in Case 982. The total combined flow rate for these claims, as found in the Preliminary Decree for Basin 41S, is 11.54 cfs, 8.165 cfs more than the decreed right. As a result of this "decree exceeded" situation, a remark noting the issue was decreed on each of the involved claims in the Preliminary Decree for Basin 41S.

6. The Department of Fish, Wildlife & Parks ("FWP") filed Notices of Intent to Appear ("NOIA") for claims 41S 10504-00, 41S 10505-00, 41S 10507-00, and 41S 13437-00.

7. A deadline was set for the parties to resolve the issue remarks. (Doc.¹ 3.00).

8. On October 10, 2024, counsel for Clinton E. Carr and Valerie S. Carr filed a Memorandum to Resolve Issue Remarks. (Doc. 10.00). The October 10, 2024 filing addressed issue remarks decreed on claims 41S 150658-00, 41S 150660-00, and 41S 150661-00 and reported that FWP “has been contacted and approves of the resolutions proposed herein.”

41S 150658-00:

- Max acres/place of use:

- The October 10, 2024 filing notes that the max acres for claim 41S 150658-00 were reduced from 295.00 acres to 256.00 acres during verification of the claim. The verification documents are available in the claim file. The October 10, 2024 filing states:

Analysis of historical aerial imagery from 1968 and 1971 identifies the presence of field boundaries, conveyance systems, and shade contrasts indicative of irrigation. Exh. A, Memo. of Teresa E. Olson, 7. The total irrigated area, calculated using the foregoing imagery, is 258.00 acres. This is practically equivalent to the 256.00 acres appearing in the Preliminary Decree.

...

Accordingly, the acres irrigated claim element should remain as it appears in the Preliminary Decree and the issue remarks are resolved.

(Doc 10.00, at 2-3).

- Flow rate:

- As decreed, claim 41S 150658-00 claimed the entire M.T. Rooney July 16, 1886 3.38 cfs right from the Judith River decreed in Case No. 982.
- However, to resolve the decree exceeded issue noted in the issue remark decreed on claims 41S 10507-00, 41S 13427-00, and 41S 150658-00:

the Carrs agree to reduce the flow rate of Claim 41S 150658-00 to 1.68 CFS, proportional to the acres irrigated under each claim. The Carrs reserve the right to amend this reduction should the acres claimed by 41S 15058-00 or 41S 13427-00 be modified in this adjudication. The Carrs’ proposed reduction will resolve the acres irrigated issue remark on Claim 41S 150658-00.

(Doc. 10.00, at 3).

¹ “Doc.” numerical references correlate to case file docket numbers in the Water Court’s Full Court case management system.

41S 150660-00:

- Max acres/place of use:
 - The maximum acres and place of use for claim 41S 150660-00 should remain as decreed in the Preliminary Decree:
As discussed above, historical evidence supports the 256.00 claimed acres irrigated. The claim element should remain as it appears in the Preliminary Decree and the associated issue remark is resolved.
(Doc. 10.00, at 4).
- Flow rate:
 - As decreed, claim 41S 150660-00 claimed the entire M.T. Rooney July 18, 1888 3.13 cfs right from the Judith River decreed in Case No. 982.
 - However, to resolve the decree exceeded issue noted in the issue remark decreed on claims 41S 150660-00, 41S 10505-00 and 41S 150654-00:
the Carrs agree to reduce the flow rate of Claim 41S 150660-00 proportionally to the acres irrigated under each claim, as adjudicated by the Water Court in this case. Such a reduction will resolve the acres irrigated issue remark on the Claim.
(Doc. 10.00, at 4 and 5).

41S 150661-00:

- Max acres/place of use:
 - Claim 41S 150661-00 claims the same place of use as the other Carr claims in this Case:
Water Right Claim 41S 150661-00 claims the same POU and total acres as the other Carr claims in this case. As discussed above, historical evidence supports the 256.00 claimed acres irrigated. The acres irrigated issue remarks are resolved, and the claim element should remain as it appears in the Preliminary Decree.
(Doc. 10.00, at 5).
- Flow rate:
 - As decreed, claim 41S 150661-00 claimed the entire M.T. Rooney May 8, 1888 7.50 cfs right from the Judith River decreed in Case No. 982.
 - However, to resolve the decree exceeded issue noted in the issue remark decreed on claims 41S 150661-00, 41S 10504-00 and 41S 150653-00:
the Carrs agree to reduce the flow rate of Claim 41S 150661-00 proportionally to the acres irrigated under each claim, as adjudicated by the Water Court in this case. Such a reduction will resolve the acres irrigated issue remark on the Claim.
(Doc. 10.00, at 6).

9. On October 25, 2024, counsel for Bruce J. Turner and Pamela R. Turner filed a Memorandum to Resolve Issue Remarks, the Affidavit of Bruce J. Turner was attached, along with consultant Teresa Olsen’s Memorandum. (Doc. 12.00). The October 25, 2024 filing addressed issue remarks decreed on claim 41S 13437-00 and reported that FWP “has been contacted and approves of the resolutions proposed herein.”

41S 13437-00:

- Max acres/place of use:
 - The October 25, 2024 filing notes although evidence of irrigation was not present during the 1963 Judith Basin County Water Resources Survey, irrigation was identified by the DNRC in 1979 aerial imagery. Claimant Bruce J. Turner personally attests that he and his father, James Turner, irrigated the place of use in 1973 and every year thereafter; his statement is supported by aerial imagery from 1977. The October 25, 2024 filing states: “In resolution of the maximum acres irrigated and the NOIA party Montana Fish. Wildlife and Parks, Claimants agree to reduce the acres irrigated to 119.00.”

<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	119.00		SE	31	15N	15E	JUDITH BASIN
Total:	119.00						

(Doc. 12.00, at 2).

- Flow rate:
 - As decreed, claim 41S 13437-00 claimed a portion of the M.T. Rooney July 16, 1886 3.375 cfs right from the Judith River decreed in Case No. 982.
 - However, to resolve the decree exceeded issue noted in the issue remark decreed on claims 41S 10507-00, 41S 13437-00, 41S 150662-00, and 41S 150658-00:
 - ...the Turners agree to reduce the flow rate of Claim 41S 13437-00 to an amount proportionally equal to the acres irrigated under each claim, subject to any modifications resulting from this adjudication. This reduction will resolve the decree exceeded issue remark on the Claim.

(Doc. 12.00, at 3).

10. On November 19, 2024, Senior Water Master Nathan Block conducted a Status Conference in Case 41S-0504-R-2024. During the Conference, the parties discussed “the need to resolve the outstanding issue remarks on claims 41S 10504-00, 41S 10505-00, 41S 10507-00, 41S 150652-00, 41S 150653-00, 41S 150654-00.” The owners of the listed claims had failed to participate in proceedings. An Order was issued

requiring the DNRC to review the issue remarks decreed “on claims 41S 10504-00, 41S 10505-00, 41S 10507-00, 41S 150652-00, 41S 150653-00, 41S 150654-00 and notify the Court and Claimants whether the issue remark(s) should be removed or if further information is needed.” A schedule was set for the Claimants to work with the DNRC to address the issue remarks. (Doc. 15.00).

11. On March 13, 2025, Water Resource Specialist Brandon Ahlgren filed a Memorandum indicating that none of the required Claimants contacted him. Nevertheless, Mr. Ahlgren made recommendations for the disposition of the issue remarks decreed on claims 41S 10504-00, 41S 10505-00, 41S 10507-00, 41S 150652-00, 41S 150653-00, 41S 150654-00:

- **41S 10504-00 (Stevensons Diamond Dot Inc.):**
 - Mr. Ahlgren could not substantiate that water was conveyed from the point of diversion to the claimed place of use. Mr. Ahlgren recommended claim 41S 10504-00 be dismissed.
- **41S 10505-00 (Stevensons Diamond Dot Inc.):**
 - Mr. Ahlgren could not substantiate that water was conveyed from the point of diversion to the claimed place of use. Mr. Ahlgren recommended claim 41S 10505-00 be dismissed.
- **41S 10507-00 (Stevensons Diamond Dot Inc.):**
 - Mr. Ahlgren could not substantiate that water was conveyed from the point of diversion to the claimed place of use. Mr. Ahlgren recommended claim 41S 10507-00 be dismissed.
- **41S 150652-00 (Russell G. Ridgeway):**
 - Mr. Ahlgren could not substantiate that water was conveyed from the point of diversion to the claimed place of use. Mr. Ahlgren recommended claim 41S 150652-00 be dismissed.
- **41S 150653-00 (Russell G. Ridgeway):**
 - Mr. Ahlgren could not substantiate that water was conveyed from the point of diversion to the claimed place of use. Mr. Ahlgren recommended claim 41S 150653-00 be dismissed.
- **41S 150654-00 (Russell G. Ridgeway):**
 - Mr. Ahlgren could not substantiate that water was conveyed from the point of diversion to the claimed place of use. Mr. Ahlgren recommended claim 41S 150654-00 be dismissed.

(Doc. 17.00).

12. On March 18, 2025, Water Master Block issued an Order setting a deadline for the parties to “file documentation regarding their position on the recommendations in

the [DNRC] Memo.” The Order indicated that if nothing were filed by the deadline, it would be viewed as agreement with the recommendations in the Memorandum. (Doc. 18.00).

13. On March 19, 2025, FWP filed its Statement to Water Master Nathaniel Block Regarding Mr. Ahlgren's March 13, 2025, Memorandum and This Court's Order. (Doc. 19.00). The March 19, 2025 filing indicated FWP’s agreement with Mr. Ahlgren’s recommendations.

14. On March 24, 2025, counsel for Bruce J. Turner and Pamela R. Turner, Oliver J. Urick, filed a Statement of Position stating:

Turners and Turners counsel have not performed the thorough investigation nor gathered the information necessary to make an educated statement regarding water right claims 41S 10504-00, 41S 10505-00, 41S 10507-00, 41S 150652-00, 41S 150653-00, and 41S 150654-00. Turners will therefore agree with the recommendations made by DNRC Specialist Brandon Ahlgren who has done a much more thorough review of the rights. Turners will accept whatever determination is made by the Water Court with regard to these claims.

(Doc. 20.00).

15. On March 24, 2025, counsel for Clinton E. Carr and Valerie S. Carr, Oliver J. Urick, filed a Statement of Position stating:

Carrs and Carrs’ counsel have not performed the thorough investigation nor gathered the information necessary to make an educated statement regarding water right claims 41S 1050400, 41S 10505-00, 41S 10507-00, 41S 150652-00, 41S 150653-00, and 41S 150654-00. The Carrs will therefore agree with the recommendations made by DNRC Specialist Brandon Ahlgren who has done a much more thorough review of the rights. Carrs will accept whatever determination is made by the Water Court with regard to these claims.

16. On March 25, 2024, Water Master Block issued a Notice of Correction, stating:

On March 18, 2025, this Master issued an Order Setting Filing Deadline. The Order listed various claims that the Memorandum recommended be dismissed. The Order inadvertently failed to list claim 41S 10507-00 as a claim recommended for dismissal.

Through this Notice, the previous Order is hereby corrected to read as follows:

On March 13, 2025, the Department of Natural Resources filed a Memorandum recommending that claims 41S 10504-00, 41S 10505-00, 41S 10507-00, 41S 150652-00, 41S 150653-00, and 41S 150654-00 be dismissed.

17. Nothing was filed by Stevensons Diamond Dot Inc. or Russell G. Ridgeway in response to the March 18, 2025 Order Setting Filing Deadline.

18. Based on the record, the following table shows the claim number, current owner(s), flow rate as decreed in the Basin 41S Preliminary Decree, and flow rate pursuant to the record for the May 8, 1888 M.T. Rooney decreed right for 7.50 cfs (300 MI) from the Judith River as determined in Case 982:

CLAIM NUMBER and OWNER(S)	PRELIMINARY DECREE FLOW RATE		FLOW RATE	
41S 10504-00 Stevensons Diamond Dot, Inc.	3.00 CFS	120.00 MI	0	0
41S 150653-00 Russell G. Ridgeway	3.75 CFS	150.00 MI	0	0
41S 150661-00 Clinton E. Carr Valerie S. Carr	7.50 CFS	300 MI	7.50 CFS	300 MI
TOTALS:	14.25 CFS	570 MI	7.50 CFS	300 MI

19. Based on the record, the following table shows the claim number, current owner(s), flow rate as decreed in the Basin 41S Preliminary Decree, and flow rate pursuant to the record for the July 18, 1888 M.T. Rooney decreed right for 3.125 cfs (125 MI) from the Judith River as determined in Case 982:

CLAIM NUMBER and OWNER(S)	PRELIMINARY DECREE FLOW RATE		FLOW RATE	
41S 10505-00 Stevensons Diamond Dot, Inc.	3.00 CFS	120.00 MI	0	0
41S 150654-00 Russell G. Ridgeway	3.13 CFS	125.20 MI	0	0
41S 150660-00 Clinton E. Carr Valerie S. Carr	3.13 CFS	125.20 MI	3.13 CFS ²	125.20 MI
TOTALS:	9.26 CFS	370.40 MI	7.50 CFS	300 MI

² The law disregards trifles. Section 1-3-224, MCA.

20. Based on the record, the following table shows the claim number, current owner(s), flow rate as decreed in the Basin 41S Preliminary Decree, and flow rate pursuant to the record for the July 16, 1886 M.T. Rooney decreed right for 3.375 cfs (135.00 MI) from the Judith River as determined in Case 982:

CLAIM NUMBER and OWNER(S)	PRELIMINARY DECREE FLOW RATE		FLOW RATE	
41S 10507-00 Stevensons Diamond Dot, Inc.	3.00 CFS	120.00 MI	0	0
41S 13437-00 Green Valley Angus, LLC	1.78 CFS	71.20 MI	.97	435.42 gpm
41S 150652-00 Russell G. Ridgeway	3.38 CFS	135.20 MI	0	0
41S 150658-00 Clinton E. Carr Valerie S. Carr	3.38 CFS	135.20 MI	2.41 cfs	1,079.49 gpm
TOTALS:	14.25 CFS	570 MI	3.38 CFS	1,514.91 gpm

PRINCIPLES OF LAW

1. The Water Court must address all issue remarks decreed on a claim. Mont. Code Ann. § 85-2-248 (2025).

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. § 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, ¶ 34, 375 Mont. 86, 329 P.3d 558.

CONCLUSIONS OF LAW

1. The DNRC issue remarks decreed on claims 41S 150658-00, 41S 150660-00, 41S 150661-00, do not overcome the prima facie status of the Statements of Claim for claims 41S 150658-00, 41S 150660-00, and 41S 150661-00.

2. Claims 41S 13437-00, 41S 150658-00, 41S 150660-00, and 41S 150661-00, were decreed with a remark indicating “the combined acres” for the group of

supplemental claims may need to be adjusted. Supplemental rights remarks no longer included a quantified acreage figure; the remark is obsolete and can be removed.

RECOMMENDATIONS

1. Claims 41S 10504-00, 41S 10505-00, 41S 10507-00, 41S 150652-00, 41S 150653-00, and 41S 150654-00 should be dismissed.

2. Claim 41S 13437-00 should be modified as follows:

*Flow Rate: 435.42 GPM ~~4.78 CFS~~

Maximum Acres: ~~430.00~~ 119.00

<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	119.00 430.00		SE	31	15N	15E	JUDITH BASIN
Total:	430.00 119.00						

3. Claim 41S 150658-00 should be modified as follows:

Flow Rate: 2.41 ~~3.38~~ CFS

4. The issue remarks should be removed from the abstracts of claims 41S 13437-00, 41S 150658-00, 41S 150660-00, and 41S 150661-00.

Abstracts are enclosed.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Russell G. Ridgeway
Rt 3
Stanford, MT 59479

Stevensons Diamond Dot Inc.
PO Box 178
Hobson, MT 59452-0178

Green Valley Angus LLC
PO Box 332
Hobson, MT 59452

Potential Owners:

Robert L Gilkey Et al.
3737 Wolverine Creek Rd
Lewistown, MT 59457

Thomas Nicholson
9007 New Liberty Rd
Buffalo, MT 59418-8119

Scott A Wichman
3737 Wolverine Creek Rd
Lewistown, MT 59457

Service via Electronic Mail:

Alexander R. Scolavino III
Montana Department of Fish Wildlife &
Parks
PO Box 200701
Helena, MT 59620
(406) 444-3308
alexander.scolavino@mt.gov
audrey.kelly@mt.gov

Oliver J. Urick
Urlick Law Firm PLLC
PO Box 556
Stanford, MT 59479
(406) 566-2500
(406) 538-3181
ourick@uricklawfirm.com

Note: Caption and Service List Updated 6-29-26

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

Water Right Number: 41S 10504-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: DISMISSED

Owners: STEVENSONS DIAMOND DOT INC
PO BOX 178
HOBSON, MT 59452-0178

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: JUDITH RIVER

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
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 10505-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: DISMISSED

Owners: STEVENSONS DIAMOND DOT INC
PO BOX 178
HOBSON, MT 59452-0178

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: JUDITH RIVER

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
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 10507-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: DISMISSED

Owners: STEVENSONS DIAMOND DOT INC
PO BOX 178
HOBSON, MT 59452-0178

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: JUDITH RIVER

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
JUDITH RIVER
BASIN 41S

Water Right Number: 41S 13437-00 STATEMENT OF CLAIM
Version: 5 -- POST DECREE
Status: ACTIVE

Owners: GREEN VALLEY ANGUS LLC
PO BOX 332
HOBSON, MT 59452-0332

Priority Date: JULY 16, 1886

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 435.42 GPM

*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: 119.00

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		NENWNE	6	14N	15E	JUDITH BASIN

Period of Diversion: APRIL 15 TO OCTOBER 1

Diversion Means: PUMP

Period of Use: APRIL 15 TO OCTOBER 1

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	119.00		SE	31	15N	15E	JUDITH BASIN
Total:	119.00						

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

Water Right Number: 41S 150652-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: DISMISSED

Owners: RUSSELL G RIDGEWAY
RT 3
STANFORD, MT 59479

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: JUDITH RIVER

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
JUDITH RIVER
BASIN 41S

Water Right Number: 41S 150653-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: DISMISSED

Owners: RUSSELL G RIDGEWAY
RT 3
STANFORD, MT 59479

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: JUDITH RIVER

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
JUDITH RIVER
BASIN 41S

Water Right Number: 41S 150654-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: DISMISSED

Owners: RUSSELL G RIDGEWAY
RT 3
STANFORD, MT 59479

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: JUDITH RIVER

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
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 150658-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: CLINTON E CARR
PO BOX 184
HOBSON, MT 59452-0184

VALERIE S CARR
PO BOX 184
HOBSON, MT 59452-0184

Priority Date: JULY 16, 1886

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.41 CFS

***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: 256.00

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		NENENE	10	14N	14E	JUDITH BASIN

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

Period of Use: MAY 1 TO OCTOBER 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	149.00		SE	1	14N	14E	JUDITH BASIN
2	40.00		SESW	1	14N	14E	JUDITH BASIN
3	34.00		NESW	1	14N	14E	JUDITH BASIN
4	9.00		SENW	1	14N	14E	JUDITH BASIN
5	24.00		S2NE	1	14N	14E	JUDITH BASIN

Total: 256.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

150632-00	150633-00	150634-00	150635-00	150646-00	150647-00
150648-00	150657-00	150658-00	150659-00	150660-00	150661-00

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

Water Right Number: 41S 150660-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: CLINTON E CARR
PO BOX 184
HOBSON, MT 59452-0184

VALERIE S CARR
PO BOX 184
HOBSON, MT 59452-0184

Priority Date: JULY 18, 1888

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.13 CFS

***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: 256.00

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		NENENE	10	14N	14E	JUDITH BASIN

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

Period of Use: MAY 1 TO OCTOBER 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	149.00		SE	1	14N	14E	JUDITH BASIN
2	40.00		SESW	1	14N	14E	JUDITH BASIN
3	34.00		NESW	1	14N	14E	JUDITH BASIN
4	9.00		SENW	1	14N	14E	JUDITH BASIN
5	24.00		S2NE	1	14N	14E	JUDITH BASIN
Total:	256.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

150632-00	150633-00	150634-00	150635-00	150646-00	150647-00
150648-00	150657-00	150658-00	150659-00	150660-00	150661-00

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

Water Right Number: 41S 150661-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: CLINTON E CARR
PO BOX 184
HOBSON, MT 59452-0184

VALERIE S CARR
PO BOX 184
HOBSON, MT 59452-0184

Priority Date: MAY 8, 1888

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 7.50 CFS

***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: 256.00

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		NENENE	10	14N	14E	JUDITH BASIN

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

Period of Use: MAY 1 TO OCTOBER 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	149.00		SE	1	14N	14E	JUDITH BASIN
2	40.00		SESW	1	14N	14E	JUDITH BASIN
3	34.00		NESW	1	14N	14E	JUDITH BASIN
4	9.00		SENW	1	14N	14E	JUDITH BASIN
5	24.00		S2NE	1	14N	14E	JUDITH BASIN
Total:	256.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

150632-00	150633-00	150634-00	150635-00	150646-00	150647-00
150648-00	150657-00	150658-00	150659-00	150660-00	150661-00