

Montana Water Court
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MONTANA WATER COURT
YELLOWSTONE DIVISION
BIGHORN RIVER, BELOW GREYBULL RIVER
BASIN 43P
INTERLOCUTORY DECREE

* * * * *

CLAIMANTS: Julie J. Shick; Timothy Shick

OBJECTORS: Sunlight Ranch Co.; United States, DOI Bureau of
Indian Affairs

CASE 43P-0310-I-2025

43P 30145228

43P 30175279

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

Sunlight Ranch Co. and United States, DOI Bureau of Indian Affairs objected to what was then Sunlight Ranch Co. claim 43P 30145228. The claim appeared in the Interlocutory Decree with the following remarks:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 43P DECREE ISSUED 01/28/2016.

AS OF 10/06/2022 , THIS WATER RIGHT APPEARS TO BE OWNED BY TIMOTHY AND JULIE SHICK ,
PO BOX 311 , LODGE GRASS, MT 59050-0311 ,.

This claim was consolidated with multiple other Sunlight Ranch Co. claims as Case 43P-0025-I-2024. On December 20, 2024 Sunlight Ranch Co. and the United States, DOI Bureau of Indian Affairs parties filed a Stipulation which states that claim 43P 30145228 is owned by Timothy Shick and Julie Shick [“Shicks”]. On December 3, 2025 the claim was removed from Case 43P-0025-I-2024 and consolidated as its own case, 43P-0310-I-2025. On February 17, 2026 the DNRC processed an ownership update reporting the transfer of this claim from Sunlight Ranch Co. to Julie J. Shick and Timothy Shick.

On April 30, 2026 the parties filed a Stipulation. The Stipulation is viewable in the Court’s FullCourt Enterprise case management system.

APPLICABLE LAW

“‘Implied Claim’ means a claim authorized by the water court to be separated and individually identified when a statement of claim includes multiple rights.” Rule 2(a)(33), W.R.C.E.R.

From 41P-108 “Circle S Ranch, Inc.” Order On Motion To Modify Claims 5-16-19, at 2019 Mont. Water LEXIS 8, page 5:

The Water Court recognizes implied claims in certain circumstances *In re Musselshell River below Roundup*, Case 40C-47, 1994 Mont. Water LEXIS 18, *78 (July 14, 1994). However, before the Court will recognize an implied claim, the claimant must prove that several factors exist. These include: (1) proof of two or more water rights in the original claim form or the material submitted with the claim form; (2) proof of historic use corroborating the implied claim; and (3) proof that recognizing the implied claim(s) will avoid causing a change to historic water use or increase the historic burden to other water users. *In re Foss*, Case 76HF-580, 2013 Mont. Water LEXIS 17, *32 (Jan. 31, 2013); *In re Martinell*, Case 41A-148, 2018 Mont. Water LEXIS 3, *6 (June 14, 2018). These standards assure that implied claims are not used to revive a claim that was forfeited as a matter of law by missing the filing deadline. Mont. Code Ann. § 85-2-226 (establishing conclusive presumption of abandonment of for claims not timely filed); *In re Climbing Arrow Ranch*, Case 41F-A19, 2019 Mont. Water LEXIS 1 (Mar. 6, 2019). The implied claim process also cannot be used to expand the elements of a statement of claim. *In re Eliasson Ranch Company*, Order Amending and

Adopting Master's Report, Case 40A-115, 2004 Mont. Water LEXIS 2, *6 (Jun. 28, 2004) ("*Eliasson*").

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. A review of the Stipulation and the Statement of Claim shows that two appropriations are included in the Statement of Claim. A portion of the claim is based on the July 22, 1944 appropriation and the other portion is based on the April 26, 1956, both from an Unnamed Tributary of Packs The Hat Creek.
2. Claim 43P 30145228 should be used for the July 22, 1944 appropriation. Implied claim 43P 30175279 should be used for the April 26, 1956 right.
3. For claim 43P 30145228, the Interlocutory Decree states that the priority date is MAY 7, 1868. The priority date should be JULY 22, 1944. The point of diversion and place of use in the NW section 16, T8S, R33E, BIG HORN should be removed. The remarks should be removed as having served their notice purposes.
4. The elements of implied claim 43P 30125279 should be the same as 43P 30145228 except the priority date should be APRIL 26, 1956, and the point of diversion and place of use should be the NW section 16, T8S, R33E, BIG HORN.

CONCLUSION OF LAW

Statement of Claim 43P 30145228 and the Stipulation are sufficient to generate an implied claim as requested.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusion of Law, this Master recommends

that the Court generate implied claim 43P 30175279 and make the changes specified in the Findings of Fact to correct the Interlocutory 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:

~~David W. Harder
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Note: Caption Updated 7/1/2026

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BIGHORN RIVER, BELOW GREYBULL RIVER
BASIN 43P

Water Right Number: 43P 30145228 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: JULIE J SHICK
PO BOX 311
LODGE GRASS, MT 59050-0311

TIMOTHY SHICK
PO BOX 311
LODGE GRASS, MT 59050-0311

Priority Date: JULY 22, 1944

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 PACKS THE HAT 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		N2SWNE	9	8S	33E	BIG HORN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		S2SWNE	9	8S	33E	BIG HORN
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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			N2SWNE	9	8S	33E	BIG HORN
2			S2SWNE	9	8S	33E	BIG HORN

Remarks:

IMPLIED CLAIM NO. 43P 30175279 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE CROW INDIAN RESERVATION.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
BIGHORN RIVER, BELOW GREYBULL RIVER
BASIN 43P

Water Right Number: 43P 30175279 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: JULIE J SHICK
PO BOX 311
LODGE GRASS, MT 59050-0311

TIMOTHY SHICK
PO BOX 311
LODGE GRASS, MT 59050-0311

Priority Date: APRIL 26, 1956

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 PACKS THE HAT 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		NW	16	8S	33E	BIG HORN

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			NW	16	8S	33E	BIG HORN

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43P 30145228.

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE CROW INDIAN RESERVATION.

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 43P PRELIMINARY DECREE ISSUED 01/25/2016.