

Montana Water Court  
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MONTANA WATER COURT  
UPPER MISSOURI DIVISION  
JEFFERSON RIVER  
BASIN (41G)  
PRELIMINARY DECREE

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CLAIMANTS: Joann M. Dale; Richard T. Dale

**CASE 41G-0553-R-2022**

41G 24633-00

NOTICE OF INTENT TO APPEAR: H Double C LLC; Jody Sandru; Rick R. Sandru

**ORDER ON MOTION**

The United States of America (Bureau of Land Management) (“BLM”) filed an objection to claim 41G 24633-00 indicating the point of diversion is on federal land. The BLM’s objection also raised non-perfection and abandonment issues resulting from the point of diversion issue. HDC and Sandrus filed notices of intent to appear on claim 41G 24633-00.

On October 4, 2024, the BLM filed a Motion for Partial Summary Judgment (“the BLM’s Motion”) requesting the point of diversion be removed from federal land. (Doc. 33.00). The Water Master denied the BLM’s Motion determining the point of diversion in Section 35 was not a part of the claim, that there were questions of fact whether the point of diversion in Section 36 was historically used, and questions of fact whether there was a valid point of diversion in Section 36. (Doc. 41.00). After the Order Denying Partial Summary Judgment, the BLM withdrew its objection, however, proceedings continued. (Doc. 43.00).

Rule 8, W.R.Adj.R. allows the Court to issue orders on its own motion when there are particular issues or elements necessary to determine whether a claim accurately reflects its historical, beneficial use. After the BLM’s objection concerning the point of diversion

was withdrawn, additional proceedings were held. The objection was withdrawn, but the issue of whether there is a valid point of diversion in Section 36 was raised pursuant to the Water Master's Order denying the BLM's Motion. To adjudicate claim 41G 24633-00, point of diversion is necessary to be determined.

Therefore, it is

ORDERED that the point of diversion of claim 41G 24633-00 is called in on Motion pursuant to Rule 8, W.R.Adj.R.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via Electronic Mail:**

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