

Montana Water Court
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FILED
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Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41I-2076-R-2025
Peters, Bina
17.00

MONTANA WATER COURT
UPPER MISSOURI DIVISION
MISSOURI RIVER ABOVE HOLTER DAM
BASIN 41I
PRELIMINARY DECREE

CLAIMANT: Saddle Mountain Service Corp

OBJECTORS: Saddle Mountain Service Corp; United States, DOI Bureau of
Land Management

CASE 41I-2076-R-2025
41I 89641-00
41I 89642-00
41I 89643-00

ORDER GRANTING MOTION AND CLOSING CASE

I. INTRODUCTION

Claims 41I 89641-00, 41I 89642-00, and 41I 89643-00 were included in the Preliminary Decree for the Missouri River above Holter Dam (Basin 41I) issued on June 24, 2022. Claimant Saddle Mountain Service Corp. (“Saddle Mountain”) owns all three claims. The claims were subject to issue remarks by the DNRC and objections by Saddle Mountain and the United States Bureau of Land Management (“BLM”). On September 2, 2025, Saddle Mountain filed an Unopposed Motion to Amend to Resolve Issue Remarks and Objections and Brief in Support (“Motion to Amend”), (Doc. 7.00), and on March 3, 2026, filed Evidence in Support of the Motion to Amend, (Doc. 14.00), following an order by the Water Court requesting further information to resolve volume issue remarks. (Doc. 11.00).

II. BACKGROUND

Claims 41I 89641-00, 41I 89642-00, and 41I 89643-00 are supplemental rights for groundwater wells serving Saddle Mountain Subdivisions 1 and 2 (the “Subdivision”) in Jefferson County, Montana for multiple domestic purposes. The Subdivision has 132

residential lots as well as nonresidential lots for community storage reservoirs, a fire station, and a park. The wells were installed between 1971 and 1972. In 1991, Saddle Mountain became the owner of all three claims. (Doc. 7.00).

Each claim corresponds to one well. The wells are in the SWNWSW of Section 13, T9N, R3W, Jefferson County. Each well was decreed with a flow rate of 200 GPM and a volume of 195.00 acre-feet. In the Preliminary Decree, the DNRC placed the following issue remarks on all three claims:

THE COMBINED CLAIMED VOLUME FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS 585.00 ACRE-FEET WHICH CANNOT BE CONFIRMED DUE TO LACK OF DATA.

THE CLAIMED VOLUME MAY BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE BASIS FOR THE CLAIMED VOLUME IS 1.50 ACRE-FEET FOR EACH HOUSEHOLD. THIS IS BASED ON THE FULL DEVELOPMENT OF THE SUBDIVISION CONSISTING OF 130 HOUSEHOLDS.

The DNRC also added the following issue remark to claim 41I 89642-00:

ACCORDING TO INFORMATION IN THE CLAIM FILES, THIS WELL IS PRESENTLY NOT BEING USED.

On April 29, 2025, the three claims were consolidated into case 41I-2076-R-2025 and a settlement deadline was set. (Doc. 1.00). BLM objected to the claims' place of use and maximum acreage, asserting overlap with federal land. (Doc. 7.00, Ex. J). Saddle Mountain self-objected to the claims' place of use and maximum acreage. (Doc. 7.00, Ex. K). Saddle Mountain explained:

The place of use as described is incorrect and may be overly broad. Information remarks to clarify which Saddle Mountain subdivisions and portions thereof are served by this system are necessary for orderly administration.

**well number needs to be reflected on
face of abstract for orderly administration**

On September 9, 2025, Saddle Mountain filed an Unopposed Motion to Amend to Resolve Issue Remarks and Objections and Brief in Support. (Doc. 7.00). First, Saddle Mountain proposed removing places of use overlapping with federal land (POU Nos. 8 and 10) to resolve BLM's objection and Saddle Mountain's self-objection. Next, Saddle Mountain proposed addressing its self-objection to information remarks concerning repetitive subdivision name use by adding the following remark under use:

THIS WATER RIGHT IS USED FOR DOMESTIC, LAWN & GARDEN, AND
FIRE PROTECTION IN MARONICK SADDLE MOUNTAIN SUBDIVISION #1
& #2.

To simplify further, Saddle Mountain proposed removing subdivision names from each place of use and instead adding one place of use as follows:

SUBDIVISION NAME: MARONICK SADDLE MOUNTAIN SUBDIVISION #1
& #2

Regarding the non-use issue remark on claim 41I 89642-00, Saddle Mountain explained the remark does not account for a change authorization issued May 19, 2000, that replaced the historical well (Well #1) with the current well (Well #5). (Doc. 7.00, Ex. O). Saddle Mountain then proposed adding the appropriate well numbers to the claims to address its self-objection regarding “orderly administration.” Claim 41I 89641-00 already includes an information remark stating the source is “also known as Well #2,” and Saddle Mountain proposed adding “also known as Well #1” to claim 41I 89642-00 and “also known as Well #3” to claim 41I 89643. (Doc. 700).

Finally, Saddle Mountain stated the volume issue remarks do not overcome the prima facie status of the claims. Saddle Mountain asserted that the issue remark concerning a total volume of 585.00 acre-feet was originally an information remark, not an issue remark. Further, Saddle Mountain asserted multiple municipal purposes of the claims is supported by the DNRC’s minimum domestic volume guideline of 1.5 acre-feet per household, multiplied by 130 residential lots. Saddle Mountain referenced the Saddle Mountain Water System Master Plan (“Master Plan”) conducted when Saddle Mountain became the owner of the claims, which determined that each well has a minimum capacity of 185.00 GPM to meet demands. Saddle Mountain asserted this information supported a volume of 195.00 acre-feet for each claim and a combined volume of 585.00 acre-feet. (Doc. 7.00).

On September 15, 2025, BLM filed a Notice of Resolution of Objections, stating that the proposed amendments by Saddle Mountain in the Motion to Amend would resolve the United States’ objections to the claims. (Doc. 8.00). On November 11, 2025, the Water Court issued an Order Setting Deadline, finding the non-use issue remark on claim 41I 89642-00 was explained by the Motion to Amend. However, the Water Court determined the Motion to Amend raised further questions about the volume issue remarks. Referencing the Master Plan, the Water Court noted neither the total volume of

actual historical beneficial use nor predicted use equals 585.00 acre-feet, but instead “less than 300.00 acre-feet per year...” (Doc. 11.00). The Water Court requested further information concerning the volume issue remarks.

In its Submission of Evidence in Support of Unopposed Motion to Amend to Resolve Issue Remarks and Objections and Brief in Support, Saddle Mountain included a Declaration of Mark Zitzka, explaining that continuous and simultaneous production of 585.00 acre-feet per year as the total combined volume is incorrect, rather, the water distribution system alternates between wells. (Doc. 14.00, Ex. T). Based on the estimated peak demand of 265,668 GPD in the Master Plan, combined with Mr. Zitzka’s explanation of the water distribution system Saddle Mountain stated the historical and predicted actual beneficial use for the combined claims is 297.00 acre-feet per year. Saddle Mountain proposed adding the following information remark to each claim:

THE CAPACITY FOR THIS WATER DISTRIBUTION SYSTEM DOES NOT
EXCEED A COMBINED VOLUME OF 297.00 ACRE-FEET PER YEAR.

Saddle Mountain explained capping the combined volume 297.00 acre-feet per year also resolves the excessive volume issue remarks. Further, Saddle Mountain stated the excessive volume issue remarks were erroneous because they were originally intended to be information remarks during DNRC examination and because the 195.00 acre-feet per year volume on each claim is the correct calculation using DNRC guidelines for domestic claims per the number of households (1.5 acre-feet per year x 130 households = 195.00 acre-feet per year). (Doc. 14.00). According to Saddle Mountain 195.00 acre-feet per year “underestimates” the well capacity because historical use of the residential lots includes “1-2 acres of landscaping, gardens, and lawns.” (Doc. 14.00, Ex. U). Accounting for lawns and gardens, Saddle Mountain stated the applicable DNRC guideline should have been 2.5 acre-feet per household. Finally, Saddle Mountain noted that the non-residential lots were not included in the claimed volume for the claims.

III. ISSUE

1. Should the Water Court resolve the issue remarks and objections on claims in 41I-2076-R-2025?

IV. STANDARDS

Section 85-2-248, MCA, requires that the Water Court resolve all issue remarks. *See also* Rule 7, W.R.Adj.R. A properly filed statement of claim for an existing water right is prima facie proof of its content. § 85-2-227, MCA. When a party seeks to amend an element of their own water right, the party must provide sufficient evidence to prove by a preponderance of the evidence that the modification overcomes the prima facie status of the claims. Rule 19, W.R.Adj.R; *Nelson v. Brooks*, 2014 MT 120, ¶ 34, 375 Mont. 86, 329 P.3d 558. The Water Court may use information submitted by the DNRC, the statement of claim, and any other data obtained by the Court to evaluate a water right. §§ 85-2-227, 231(2), MCA.

V. DISCUSSION

Saddle Mountain's proposed removal of POU Nos. 8 and 10 resolves its self-objection to the overbroad place of use and BLM's objection to place of use and maximum acreage. Further, Saddle Mountain's proposed removal of subdivision names in each POU, addition of a simplified place of use name, and addition of well numbers to claims 41I 89641-00 and 41I 89642-00 resolve its own objections regarding "orderly administration." Additionally, Saddle Mountain's explanation of the monitoring purpose of Well #1 in claim 41I 89642-00 sufficiently supports resolving the non-use issue remark.

Concerning the combined volume issue remark, the Master Report's estimated peak demand of 265,688 GPD along with Mr. Zitzka's declaration about the operation of the water distribution system supports finding the historical and predicted actual beneficial use for the combined claims to be 297.00 acre-feet per year. Therefore, Saddle Mountain's proposed information remark shall be added to claims 41I 69841-00, 41I 69842-00, and 41I 69843-00.

The addition of 297.00 acre-feet per year information remark also resolves the excessive volume issue remark. Saddle Mountain's explanation that the 1.5 acre-feet per household DNRC guideline multiplied by 130 lots further supports the removal of the excessive volume issue remark. Therefore, each above captioned claim shall keep a volume of 195.00 acre-feet per year.

VI. CONCLUSION AND ORDER

Therefore, it is

ORDERED that POU Nos. 8 and 10 are REMOVED from the above captioned claims and related objections are DISMISSED;

ORDERED that the request to modify the named POU on the above captioned claims is GRANTED in accordance with this Order;

ORDERED that the request to include well numbers for claims 41I 89641-00 and 41I 89643-00 is GRANTED in accordance with this Order;

ORDERED that the non-use issue remark on claim 41I 89642-00 is REMOVED;

ORDERED that the request to add an information remark identifying a total combined volume of 297.00 acre-feet per year is GRANTED in accordance with this Order;

ORDERED that the excessive volume issue remarks on the above caption claims are RESOLVED;

ORDERED that all objections are DISMISSED as resolved all issue remarks are RESOLVED; and

ORDERED that this case is CLOSED. Abstracts of the claims are provided with this order.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, ABOVE HOLTER DAM
BASIN 41I**

Water Right Number: 411 89641-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: SADDLE MOUNTAIN SERVICE CORP
919 BIG DIPPER DR
CLANCY, MT 59634-8600

Priority Date: MARCH 13, 1972

Type of Historical Right: FILED

Purpose (Use): MULTIPLE DOMESTIC

THIS WATER RIGHT IS USED FOR DOMESTIC, LAWN & GARDEN AND FIRE PROTECTION - IN MARONICK SADDLE MOUNTAIN SUBDIVISION #1 & #2.

Flow Rate: 200.00 GPM

Volume: 195.00 AC-FT

THE CAPACITY FOR THIS WATER DISTRIBUTION SYSTEM DOES NOT EXCEED A COMBINED VOLUME OF 297.00 ACRE-FEET PER YEAR.

Source Name: GROUNDWATER

Source Type: GROUNDWATER

ALSO KNOWN AS WELL #2

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		SWNWSW	13	9N	3W	JEFFERSON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Subdivision: MARONICK SADDLE MOUNTAIN 2

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			SWSE	19	9N	2W	JEFFERSON
2			SW	19	9N	2W	JEFFERSON
3			SENENE	24	9N	3W	JEFFERSON
4			NWNE	24	9N	3W	JEFFERSON
5			SENE	24	9N	3W	JEFFERSON
6			SWNE	24	9N	3W	JEFFERSON
7			NENW	24	9N	3W	JEFFERSON
8			SENW	24	9N	3W	JEFFERSON
9			SE	24	9N	3W	JEFFERSON
10			SW	24	9N	3W	JEFFERSON

SUBDIVISION NAME: MARONICK SADDLE MOUNTAIN SUBDIVISION #1 & #2

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 08/22/1991: VOLUME, POINT OF DIVERSION, PLACE OF USE.

AUTHORIZATION TO ADD A POINT OF DIVERSION ISSUED 05/19/2000. NOTICE OF COMPLETION DUE 12/31/2000. SEE 41I 89641-00.

WHENEVER THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE COMBINED TO SUPPLY WATER FOR THE CLAIMED PURPOSE, EACH IS LIMITED TO THE HISTORICAL 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. 41I 89641-00, 41I 89642-00, 41I 89643-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, ABOVE HOLTER DAM
BASIN 41I**

Water Right Number: 411 89642-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: SADDLE MOUNTAIN SERVICE CORP
919 BIG DIPPER DR
CLANCY, MT 59634-8600

Priority Date: MARCH 13, 1972

Type of Historical Right: FILED

Purpose (Use): MULTIPLE DOMESTIC

THIS WATER RIGHT IS USED FOR DOMESTIC, LAWN & GARDEN AND FIRE PROTECTION -IN MARONICK SADDLE MOUNTAIN SUBDIVISION #1 & #2.

Flow Rate: 200.00 GPM

Volume: 195.00 AC-FT

THE CAPACITY FOR THIS WATER DISTRIBUTION SYSTEM DOES NOT EXCEED A COMBINED VOLUME OF 297.00 ACRE-FEET PER YEAR.

Source Name: GROUNDWATER

Source Type: GROUNDWATER

ALSO KNOWN AS WELL #1

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		SWNWSW	13	9N	3W	JEFFERSON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Subdivision: MARONICK SADDLE MOUNTAIN 2

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			SWSE	19	9N	2W	JEFFERSON
2			SW	19	9N	2W	JEFFERSON
3			SWNE	24	9N	3W	JEFFERSON
4			NWNE	24	9N	3W	JEFFERSON
5			SENE	24	9N	3W	JEFFERSON
6			SWNE	24	9N	3W	JEFFERSON
7			NENW	24	9N	3W	JEFFERSON
8			SENE	24	9N	3W	JEFFERSON
9			SE	24	9N	3W	JEFFERSON
10			SW	24	9N	3W	JEFFERSON

SUBDIVISION NAME: MARONICK SADDLE MOUNTAIN SUBDIVISION #1 & #2

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 08/22/1991: VOLUME, POINT OF DIVERSION, PLACE OF USE.

AUTHORIZATION TO CHANGE THE POINT OF DIVERSION ISSUED 05/19/2000. NOTICE OF COMPLETION DUE 12/31/2000. SEE 41I 89642-00.

WHENEVER THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE COMBINED TO SUPPLY WATER FOR THE CLAIMED PURPOSE, EACH IS LIMITED TO THE HISTORICAL 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. 41I 89641-00, 41I 89642-00, 41I 89643-00.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, ABOVE HOLTER DAM
BASIN 41I**

Water Right Number: 411 89643-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: SADDLE MOUNTAIN SERVICE CORP
919 BIG DIPPER DR
CLANCY, MT 59634-8600

Priority Date: SEPTEMBER 9, 1971

Type of Historical Right: FILED

Purpose (Use): MULTIPLE DOMESTIC

THIS WATER RIGHT IS BEING USED FOR DOMESTIC, LAWN & GARDEN AND FIRE PROTECTION - IN MARONICK SADDLE MOUNTAIN SUBDIVISION #1 & #2.

Flow Rate: 200.00 GPM

Volume: 195.00 AC-FT

THE CAPACITY FOR THIS WATER DISTRIBUTION SYSTEM DOES NOT EXCEED A COMBINED VOLUME OF 297.00 ACRE-FEET PER YEAR.

Source Name: GROUNDWATER

Source Type: GROUNDWATER

ALSO KNOWN AS WELL #3

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		SWNWSW	13	9N	3W	JEFFERSON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Subdivision: MARONICK SADDLE MOUNTAIN 2

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			SWSE	19	9N	2W	JEFFERSON
2			SW	19	9N	2W	JEFFERSON
3			SENENE	24	9N	3W	JEFFERSON
4			NWNE	24	9N	3W	JEFFERSON
5			SENE	24	9N	3W	JEFFERSON
6			SWNE	24	9N	3W	JEFFERSON
7			NENW	24	9N	3W	JEFFERSON
8			SENW	24	9N	3W	JEFFERSON
9			SE	24	9N	3W	JEFFERSON
10			SW	24	9N	3W	JEFFERSON

SUBDIVISION NAME: MARONICK SADDLE MOUNTAIN SUBDIVISION #1 & #2

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 08/02/1991: VOLUME, POINT OF DIVERSION, PLACE OF USE.

REPLACEMENT WELL-AUTHORIZATION TO CHANGE ISSUED 11/18/1991. FILE REFLECTS RIGHT AS IT EXISTED PRIOR TO JULY 1973. APPROVED CHANGES WILL BE RECORDED AFTER FINAL DECREE.

WHENEVER THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE COMBINED TO SUPPLY WATER FOR THE CLAIMED PURPOSE, EACH IS LIMITED TO THE HISTORICAL 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. 41I 89641-00, 41I 89642-00, 41I 89643-00.