

Montana Water Court  
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MONTANA WATER COURT  
UPPER MISSOURI DIVISION  
MADISON RIVER  
BASIN 41F  
PRELIMINARY DECREE

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CLAIMANT: G.O.L.D. Vista Inc.

OBJECTOR: United States, DOA Forest Service

NOTICE OF INTENT TO APPEAR: Bring Em LLC;  
Valley Garden Land  
and Cattle LLC

**CASE 41F-0221-R-2025**

41F 103542-00

**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**

### **Statement of the case**

The United States, DOA Forest Service (“Forest Service”) filed an objection to all elements and abandonment of the captioned claim stating, “Air imagery and DEQ mining report and lack of permits indicates this claim has likely been abandoned.” Bring Em LLC and Valley Garden Land and Cattle LLC filed notices of intent to appear for the captioned claim.

The Water Master held a status conference to discuss the objection to and notices of intent to appear for the captioned claim. Claimant, G. O. L. D. Vista Inc., failed to appear. The Forest Service made a motion pursuant to Rule 22, W.R.Adj.R., for claimant to Show Cause why the claim should not be dismissed. The record did not include evidence supporting the requested sanction. A filing deadline was set for the Forest Service to file additional evidence supporting its requested sanction.

On March 12, 2025, the Forest Service filed its Response to Court Order supporting its request to dismiss the claim.

### **Issue**

Should mining claim 41F 103542-00 be dismissed?

### **Finding of fact**

Mining claim 41F 103542-00 should be dismissed.

### **Principles of law**

1. A properly filed Statement of Claim for Existing Water Right or an amended claim for Existing Water Right is prima facie proof of its content. 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 an element of the prima facie claim is incorrect. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R. A preponderance of the evidence is a “modest standard” and is evidence

that demonstrates the fact to be proved is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 348, 240 P.3d 628.

2. The Montana Water Court is permitted to use information submitted by the Department of Natural Resources and Conservation, the statement of claim, information from approved compacts, and any other data obtained by the Court to evaluate water right claims. Section 85-2-231(2), MCA.

3. All parties subject to the jurisdiction of the Montana Water Court in this adjudication have the obligation to comply with Orders of this Court, including Orders issued by a Master appointed by the Court. When a claimant fails to comply with an Order issued by the Water Court, including an order issued by a Water Master appointed by the Court, the Court upon its own initiative or upon motion, can among other actions: 1) modify the elements of the claim to conform with the information in the claim file, information obtained by the Court, or information included in an objection, or 2) terminate the claim. Rule 22, W.R.Adj.R.

## **Analysis**

### **Requested sanction - dismissal of claim 41F 103542-00, objection resolution and notices of intent to appear resolution**

The Forest Service filed the Declaration of Thor Burbach in support of its request to dismiss claim 41F 103542-00. Mr. Burbach declares that he “participated in/lead the Forest Service’s review of water right claim 41F 103542-00.” Mr. Burbach analyzed aerial imagery from 1995-2024, official BLM files related to mining, and a 1993 inspection report from the Montana Department of State Lands, Abandoned Mine Reclamation Bureau. (*See* Mar. 12, 2026 Response to Court Order, Declaration of Thor Burbach ¶¶ 3-4.)

Based upon Mr. Burbach’s review, the place of use for mining claim 41F 103542-00 is located on National Forest Service lands, no mining activity appears on the aerial photographs from 1995 to present, no federal authorization exists for claimant to conduct mining activity on this federal land, the Bureau of Land Management records reflect that

the mining claims held by claimant for this area have been closed since 1994, and finally the lack of mining activity is further supported by the 1993 inspection report from the Montana Department of State Lands Abandoned Mine Reclamation Bureau. (See Mar. 12, 2026 Response to Court Order, Declaration of Thor Burbach ¶¶ 3-4, Ex. 1-6.)

The United States' Response to Court Order and its attachments may be viewed on the court's case management system, FullCourt Enterprise, at document sequence 6.00.

Notices of intent to appear party Bring Em LLC and Valley Garden Land and Cattle LLC did not object to the Forest Service's motion to show cause, signaling their agreement with the requested sanctions.

### **Conclusions of law**

Based upon the Forest Service's evidence, and the inability to contact and notice G. O. L. D. Vista Inc. and its failure to appear at the status conference, the requested sanction, dismissal of mining claim 41F 103542-00, appears just. The dismissal of claim 41F 103542-00 resolves the Forest Service's objection and Bring Em LLC's and Valley Garden Land and Cattle LLC's notices of intent to appear.

### **Recommendations**

Mining claim 41F 103542-00 should be dismissed.

A Post Decree Abstract of Water Right Claim accompanies this report to confirm dismissal of the claim in the state's centralized water right record system.

**ELECTRONICALLY SIGNED AND DATED BELOW**

**Service Via USPS Mail:**

G.O.L.D. Vista Inc  
~~156 E 2<sup>nd</sup> S~~  
~~Salt Lake City, UT 84111~~  
(Returned Mail received: 10-21-2025)

**Service Via Electronic Mail:**

Romney S. Philpott  
DOJ-ENRD  
Romney.Philpott@usdoj.gov  
MontanaBasins.ENRD@USDOJ.GOV  
(Atty for: United States, DOA Forest Service)

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Kirsa Shelkey  
Breeann M. Johnson  
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(Attys for: Bring Em LLC)

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
MADISON RIVER  
BASIN 41F**

**Water Right Number:** 41F 103542-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** DISMISSED

**Owners:** GOLD VISTA INC  
156 E 2ND S  
SALT LAKE CITY, UT 84111

**Priority Date:**

**Type of Historical Right:**

**\*Purpose (Use):** MINING

**Flow Rate:**

**Volume:**

**Source Name:** SOUTH MEADOW CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.