

Montana Water Court  
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MONTANA WATER COURT  
UPPER MISSOURI DIVISION  
SMITH RIVER  
BASIN 41J  
INTERLOCUTORY DECREE

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CLAIMANT: Catlin Ranch LP

OBJECTOR: United States, DOA Forest Service

CASE 41J-0003-I-2025

41J 30136700

41J 30136701

**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 the legal land description identified by stock claim 41J 30136701.

Stock claims 41J 30136700 and 41J 30136701 appeared in the Basin 41J Interlocutory Decree with issue remarks noting the claims missed the previous Basin 41J decree and that the claims appeared to be duplicate filings.

Issue remarks most often result from Department of Natural Resources and Conservation (“DNRC”) claims examination. If claims examination cannot confirm an element of a claim based upon historical resources, or water right claim examination rules require identification of an issue, an issue remark is added to the claim.

Montana law requires the Water Court to resolve issue remarks and objections.

On January 12, 2026, Catlin Ranch LP agreed with the corrected Range proposed by the Forest Service objection to claim 41J 30136701 but provided no information resolving the duplicate claim issue remark.

Pursuant to § 85-2-248(3), MCA, a deadline was set for Catlin Ranch LP to state why claim 41J 30136700 should not be dismissed based upon the duplicate claim issue remark appearing on the claim. The order included language that Catlin Ranch’s failure to respond by the filing deadline would be deemed its agreement that claim 41J 30136700 should be dismissed. Catlin Ranch LP did not respond by the deadline.

## **Issues**

1. Is the Forest Service’s objection to stock claim 41J 30136701 resolved?
2. Are the issue remarks on each claim resolved?

## **Findings of fact**

1. The historically accurate legal land description for stock claim 41J 30136701 is the NESWNW of Section 13, Township 8 North, Range 6E, Meagher County.
2. Stock claim 41J 30136700 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 85-2-222,

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. Settlement, including the documents filed by a claimant where the claimant is the only party, is subject to review and approval by the Water Court. Rule 17(a), W.R.Adj.R.

4. When resolving issue remarks, the Montana Water Court must weigh the information resulting in the issue remark and the issue remark against the claimed water right. Section 85-2-247(2), MCA.

5. The Montana Water Court has the authority to resolve issue remarks when the claim file and information available to the Court provide a sufficient basis to do so. Section 85-2-248(3), MCA.

## **Analysis**

### **Issues 1-2 – objection and issue remark resolution**

The Forest Service filed an objection to stock claim 41J 30136701 stating, “There appears to be a range number error in the point of diversion/place of use. Claim map indicates a tank in Section 13, Township 8N Range 6E. Correction of the range number would resolve the United States’ objection.” The map attached to statement of claim 41J 30136701 supports the proposed modified correction for the Range from 7E to 6E. Catlin Ranch LP agreed with the Forest Service’s objection.

The Forest Service’s objection and the map attached to the statement of claim are

in the claim file and may be viewed at <https://gis.dnrc.mt.gov/apps/WRQS/>.

Claim 41J 30136701 appeared in the Interlocutory Decree with the following issue remark:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41J DECREE ISSUED 12/16/2010.

Water users were given the opportunity to review the claim and file an objection. The deadline to file objections expired. The only objection filed to the claim is resolved by these case proceedings.

Catlin Ranch LP's silence is deemed its agreement with the duplicate claim issue remark on claims 41J 30136700 and 41J 30136700 and its agreement that claim 41J 30136700 should be dismissed.

### **Conclusions of law**

The map attached to statement of claim 41J 30136701, the Forest Service's objection, and Catlin Ranch LP's agreement support the proposed modification to the Range identified by claim 41J 30136701, overcoming the prima facie statement of claim. The record before the court justifies the modification proposed by the Forest Service's objection and resolves its objection to claim 41J 30136701.

The issue remark on claim 41J 30136701 noting the lack of the claim's inclusion in the previous Basin 41J decree served its notice purpose.

The dismissal of stock claim 41J 30136700 resolves the duplicate claim issue remark on stock claim 41J 30136701 and moots the issue remarks appearing on claim 41J 30136700.

### **Recommendations**

Stock claim 41J 30136701 should be modified as follows to accurately reflect historical use.

#### **POINT OF DIVERSION AND PLACE OF USE:**

<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	NESWNW	13	8N	<del>6E</del> 7E	MEAGHER

The issue remarks should be removed from the abstract of claim 41J 30136701.

Stock claim 41J 30136700 should be dismissed.

Post Decree Abstracts of Water Right Claim accompany this report to confirm implementation of the recommendations in the state's centralized water right record system.

**ELECTRONICALLY SIGNED AND DATED BELOW**

**Service Via Electronic Mail:**

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**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
SMITH RIVER  
BASIN 41J**

**Water Right Number:** 41J 30136700 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** **DISMISSED**

**Owners:** CATLIN RANCH LP  
3660 HWY 12 W  
WHITE SULPHUR SPRINGS, MT 59645

**\*Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** STOCK

**Flow Rate:**

**Volume:**

**Source Name:** SPRING, UNNAMED TRIBUTARY OF SMITH RIVER, SOUTH FORK

**Source Type:** GROUNDWATER

**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.

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
SMITH RIVER  
BASIN 41J**

**Water Right Number:** 41J 30136701 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** CATLIN RANCH LP  
3660 HWY 12 W  
WHITE SULPHUR SPRINGS, MT 59645

**\*Priority Date:** MAY 13, 1882

**Type of Historical Right:** FILED

**Purpose (Use):** STOCK

**Flow Rate:** 35.00 GPM

**\*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:** SPRING, UNNAMED TRIBUTARY OF SMITH RIVER, SOUTH FORK

**Source Type:** GROUNDWATER  
ALSO KNOWN AS CATLIN SPRING

**\*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		NESWNW	13	8N	6E	MEAGHER

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** PUMP

**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			NESWNW	13	8N	6E	MEAGHER