

Montana Water Court
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MONTANA WATER COURT
LOWER MISSOURI DIVISION
JUDITH RIVER
BASIN 41S
PRELIMINARY DECREE

CLAIMANT: Lewis Ranch Inc.

OBJECTOR: United States, DOA Forest Service

CASE 41S-2064-R-2025
41S 119054-00

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

FINDINGS OF FACT

1. The record owner of stock claim 41S 119054-00 is Lewis Ranch Inc.¹
2. Claim 41S 119054-00 was decreed with a Montana Department of Natural Resources and Conservation (“DNRC”) issue remark:

- A LATE OBJECTION HAS BEEN FILED TO THE PLACE OF USE & POINT OF DIVERSION OF THIS WATER RIGHT CLAIM. IT WILL BE RESOLVED DURING THE ADJUDICATION OF OBJECTIONS TO THE PRELIMINARY DECREE.

A review of the claim file provides no information regarding the history of the late objection or the remark decreed on claim 41S 119054-00; it appears that the remark was added to claim 41S 119054-00 in error.

3. The United States (Forest Service) objected to claim 41S 119054-00 based on place of use/maximum acres and point of diversion/means of diversion stating:

The point of diversion and place of use as described incorrectly include federal land managed by the Forest Service. The place of use and point of diversion should be changed to the the NWNW, Section 1, Township 12N, Range 19E, Fergus County. In addition, a remark should be added clarifying that the point of diversion and place of use are limited to private land.

The United States also references and incorporates the DNRC issue remarks, claim file and examination. and all other relevant DNRC materials. although it may not fully agree with them. The United States reserves the right to identify additional bases for its objections and to object to all other elements of this claim to ensure that additional issues that arise during field investigations, discovery, negotiations, or otherwise can be addressed by the Water Court during adjudication.

4. A first Status Conference for Case 41S-2064-R-2025 took place on January 8, 2026 by telephone conference call. Anika M. Stern presided. Daniel Lueke was present for the United States (Forest Service). Nobody appeared on behalf of the Claimant.

Mr. Luecke indicated that the Forest Service objection to claim 41S 119054-00 will be resolved if the following modifications are made to point of diversion and place of use:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	NWNW	NENENE	1 2	12N	19E	FERGUS

And the remark is added to the claim:

¹ John Lewis of Lewis Ranch Inc. contacted the Water Court on September 25, 2025 and indicated that he no longer owns property appurtenant to claim 41S 119054-00.

“THE POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.”

5. A February 13, 2026, deadline was set for Claimant Lewis Ranch Inc. to file a statement agreeing or disagreeing that the above-listed modifications should be made to claim 41S 119054-00. (Doc. 7.00). The Order indicated that if nothing were filed by the deadline, it would be determined that Claimant Lewis Ranch Inc. agrees with the proposed modifications and a Master’s Report may be issued. The following language was included in the Order:

Failure to comply with the terms of this Order may result in sanctions, up to and including entry of default and termination of a water right claim or dismissal of objections. Rule 22, W.R.Adj.R.

Nothing was filed.

PRINCIPLES OF LAW

1. The Water Court must address all issue remarks decreed on a claim. Mont. Code Ann. § 85-2-248 (2025).
2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. § 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R.; *Nelson v. Brooks*, 2014 MT 120, ¶ 34, 375 Mont. 86, 329 P.3d 558.
3. 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.

CONCLUSION OF LAW

The information in the record overcomes the prima facie status of claim 41S 119054-00 and it is appropriate to modify the point of diversion and place of use.

RECOMMENDATIONS

1. The point of diversion and place of use legal land description for claim 41S 119054-00 should be modified as follows:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	NWNW	NENENE	1 2	12N	19E	FERGUS

And the following information remark should be added to claim 41S 119054-00:

THE POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

2. The issue remark should be removed from the claim abstract.
3. The Objection should be dismissed.

An abstract is enclosed.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via USPS Mail:

Lewis Ranch Inc.
P.O. Box 204
Lavina, MT 59046-0204

East Fork Holdings LLC
109 Royal Palm Way
Palm Beach, FL 33480
(Potential Owners)

Service Via Electronic Mail:

Jennifer A. Najjar
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(Atty for: United States, DOA Forest Service)

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 119054-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: LEWIS RANCH INC
PO BOX 204
LAVINA, MT 59046-0204

Priority Date: DECEMBER 31, 1920

Type of Historical Right: FILED

Purpose (Use): STOCK

Flow Rate: 4.00 GPM

***Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING 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 NO NAME CANYON

Source Type: GROUNDWATER

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		NWNW	1	12N	19E	FERGUS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

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			NWNW	1	12N	19E	FERGUS

Remarks:

THE POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.