

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

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CLAIMANTS: Barbara R. Moe; David J. Moe; **Bobbie L. Rouns; Harland H. Rouns**

**CASE 41S-2083-R-2025**  
41S 138148-00

OBJECTOR: Harland H. Rouns

**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 current record owners of claim 41S 138148-00 are Barbara R. Moe and David J. Moe. Harland J. Rouns objected to claim 41S 138148-00.

2. The parties filed a Stipulation on February 27, 2026. (Doc.<sup>1</sup> 6.00). The parties agreed Harland H. Rouns and Bobbie L. Rouns should be added to claim 41S 138148-00 as co-owners of the claim and the following remark should be added, resolving the Objection:

CLAIMANT MOES AND THEIR HEIRS, SUCCESSORS, AND ASSIGNS IN INTEREST DO NOT HAVE A PLACE OF USE UNDER WATER RIGHT CLAIM 41S 138148-00. CLAIMANT MOES MUST GET DNRC APPROVAL THROUGH A CHANGE AUTHORIZATION BEFORE ANY WATER MAY BE USED BY CLAIMANT MOES.

3. An Order was issued on March 3, 2026, alerting the parties that the stipulated remark will not be updated as the Claimants (Moes) change, and therefore, the remark will inevitably be outdated at some point. (Doc. 7.00). The Order suggested an alternative remark:

CLAIMANT MOES AND THEIR HEIRS, SUCCESSORS, AND ASSIGNS IN INTEREST DO NOT HAVE A PLACE OF USE UNDER WATER RIGHT CLAIM 41S 138148-00. CLAIMANT MOES AND THEIR HEIRS, SUCCESSORS, AND ASSIGNS IN INTEREST MUST GET DNRC APPROVAL THROUGH A CHANGE AUTHORIZATION BEFORE ANY WATER MAY BE USED BY CLAIMANT MOES AND THEIR HEIRS, SUCCESSORS, AND ASSIGNS IN INTEREST.

A deadline was set for the parties to file a statement indicating whether they agree the stipulated remark should remain as proposed in the February 27, 2026 filing, or if the parties wish to modify the remark.

4. On March 9, 2026, the parties notified the Court that Claimants Barbara R. Moe and David J. Moe and Objector Harland J. Rouns agree with the wording of the information remark proposed in the March 3, 2026 Order and “the parties accept the proposed remark.” (Doc. 8.00).

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<sup>1</sup> “Doc.” numerical references correlate to case file docket numbers in the Water Court’s Full Court case management system.

The March 9, 2026 filing also notified the Court that Oliver J. Urick, counsel for the parties, was not included on the service list for the March 3, 2026 Order. The service list oversight has been remedied in this Master's report.

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Montana Water Court has the authority to determine the extent of all water rights in the state as they existed prior to July 1, 1973. *Fellows v. Saylor*, 2016 MT 45, ¶ 25, 382 Mont. 298, 367 P.3d 732; §§ 85-2-233, -102(12), MCA.

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.

RECOMMENDATIONS

1. Harland H. Rouns and Bobbie L. Rouns should be added as co-owners of claim 41S 138148-00.

2. The severance information remark should be removed from claim 41S 138148-00, and the following information remark should be added to the claim:

CLAIMANT MOES AND THEIR HEIRS, SUCCESSORS, AND ASSIGNS IN INTEREST DO NOT HAVE A PLACE OF USE UNDER WATER RIGHT CLAIM 41S 138148-00. CLAIMANT MOES AND THEIR HEIRS, SUCCESSORS, AND ASSIGNS IN INTEREST MUST GET DNRC APPROVAL THROUGH A CHANGE AUTHORIZATION BEFORE ANY WATER MAY BE USED BY CLAIMANT MOES AND THEIR HEIRS, SUCCESSORS, AND ASSIGNS IN INTEREST.

A post decree abstract is enclosed.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service Via Electronic Mail:**

Oliver J. Urick

Urlick Law Firm PLLC

ourick@uricklawfirm.com

*(Atty for: Barbara R. Moe; David J. Moe; Harland H. and Bobbie Rouns)*

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

**Water Right Number:** 41S 138148-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** SEVERED

**Owners:** BARBARA R MOE  
62 CAYUSE TRAIL  
LEWISTOWN, MT 59457  
  
DAVID J MOE  
62 CAYUSE TRAIL  
LEWISTOWN, MT 59457  
  
BOBBIE L ROUNS  
PO BOX 759  
LEWISTOWN, MT 59457-0759  
  
HARLAND H ROUNS  
PO BOX 759  
LEWISTOWN, MT 59457-0759

**Priority Date:** MAY 1, 1950

**Type of Historical Right:** FILED

**Purpose (Use):** STOCK

**Flow Rate:** 25.00 GPM

**Volume:** THIS WATER 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 BIG CASINO CREEK

**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		NWSESW	9	14N	18E	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			SWSESW	9	14N	18E	FERGUS

**Remarks:**

CLAIMANTS MOES AND THEIR HEIRS, SUCCESSORS, AND ASSIGNS IN INTEREST DO NOT HAVE A PLACE OF USE UNDER WATER RIGHT CLAIM 41S 138148-00. CLAIMANT MOES MUST GET DNRC APPROVAL THROUGH A CHANGE AUTHORIZATION BEFORE ANY WATER MAY BE USED BY CLAIMANTS MOES AND THEIR HEIRS, SUCCESSORS, AND ASSIGNS IN INTEREST.