

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
1-800-624-3270
(406) 586-4364
watercourt@mt.gov

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

CLAIMANT: Russell G. Ridgeway

OBJECTOR: John Christensen

CASE 41S-2106-R-2025

41S 5408-00

41S 150643-00

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. Russell G. Ridgeway (hereinafter “Ridgeway” or “Claimant”) is the record owner of claims 41S 5408-00 and 41S 150643-00.

2. During the Basin 41S Temporary Preliminary Decree, Wayne D. Stevenson and John R. Christensen filed Objections to the volume for claim 41S 150643-00. According to a March 24, 2006 Closing Order, the volume Objections were withdrawn. However, John R. Christensen also filed an Affidavit requesting a change to the point of diversion legal description for claim 41S 150643-00 on April 18, 1985.¹ As point of diversion was not included in the original Objection, the Affidavit was deemed a “late Objection” and an issue remark was added to claim 41S 150643-00, ensuring the late Objection would be addressed during the Basin 41S Preliminary Decree.

3. The October 14, 2025 Order Consolidating, Order on Ownership, and Order on Status of Late Objection notified potential owners Robert L. Gilke et al, Robert D. Wichman, and Scott A. Wichman of their possible ownership interest in claims in this Case and set a November 14, 2025 deadline was set for late Objector John E. Christensen indicating whether he will pursue the late Objection to claim 41S 150643-00 along with a description of how the late Objection should be resolved. The Order indicated that if nothing were filed by the deadline, it would be determined that Mr. Christensen did not intend to pursue the late Objection. (Doc.² 1.00). 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.

4. On December 15, 2025, John E. Christensen filed a statement indicating Claimant Russell G. Ridgeway died on October 22, 1981. Further, Mr. Christensen noted potential owner Robert L. Gilke is deceased.

5. An authorized representative of Ridgeway was ordered to meet with a DNRC employee to address the following unresolved issue remarks decreed on claims in this Case:

¹ This Water Master was unable to locate a copy of the Affidavit in the record. In a December 15, 2025 filing; John E. Christensen indicated that he also was unable to locate a copy of the Affidavit.

² “Doc.” numerical references correlate to case file docket numbers in the Water Court’s Full Court case management system.

41S 5408-00:

- ALTHOUGH A RESERVOIR IS VISIBLE ON MODERN AERIAL PHOTOGRAPHS, NO RESERVOIR IS VISIBLE AT THE CLAIMED LOCATION ON JUDITH BASIN CO USDA AERIAL PHOTOGRAPH NO. 179-110, DATED 09/17/1979. IF THE LOCATION OF THIS RESERVOIR IS CLAIMED CORRECTLY, IT APPEARS TO HAVE BEEN CONSTRUCTED AFTER 1979.

41S 150643-00:

- THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- USDA AERIAL PHOTOGRAPH NO(S). 30045-179-110 , DATED 09/17/1979 , APPEARS TO INDICATE 0.00 ACRES IRRIGATED.
- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

(Doc. 2.00). Additional, notice-type issue remarks were decreed on claim 41S 150643-00.

6. DNRC Water Resource Specialist Brandon Ahlgren filed a Memorandum on January 9, 2026. (Doc. 5.00). Mr. Ahlgren reported that nobody contacted him on behalf of the Claimant.

7. **Claim 41S 5408-00:** Mr. Ahlgren explained that he was unable to locate a reservoir at the claimed location in 1979 or before. Mr. Ahlgren recommended claim 41S 5408-00 be dismissed.

8. **Claim 41S 150643-00:** Mr. Ahlgren explained that he examined the original 80.00 acres claimed. Mr. Ahlgren reported:

During this investigation, the DNRC was unable to substantiate that water can be conveyed from the claimed point of diversion to the claimed place of use. The place of use in question is noted as being irrigated in the Judith Basin Co. WRS by Ackley Lake Water Users Association, the ditches identified in the WRS are “Ackley Lake Laterals”. The WRS provides no evidence that the claimed place of use is being irrigated from the Judith River which is claimed.

(Doc. 5.00). Mr. Ahlgren recommended claim 41S 150643-00 be dismissed.

9. To determine if the Claimant agreed with the recommended dismissal of the claims 41S 5408-00 and 41S 150643-00, an Order was issued. (Doc. 6.00). The Order set a deadline for the Claimant to agree or disagree that claims 41S 5408-00 and 41S 150643-00 should be dismissed as recommended by Mr. Ahlgren and indicated that if nothing were filed by the deadline, it would be determined that the Claimant agreed with the recommended dismissal. 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, 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.

RECOMMENDATION

Claims 41S 5408-00 and 41S 150643-00 should be dismissed.
Abstracts are attached for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via Electronic Mail:

John Christensen
christensen@cflawfirm.net
obie@cflawfirm.net
(Late Objector)

Service Via USPS Mail:

Russell G. Ridgeway
42517 US Hwy 87
Stanford, MT 59479

Robert D. Wichman
Scott A. Wichman
Robert L. Gilke et al
3737 Wolverine Creek Rd.
Lewistown, MT 59457-4916
(Potential Owners)

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

Water Right Number: 41S 5408-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: **DISMISSED**

Owners: RUSSELL G RIDGEWAY
RT 3
STANFORD, MT 59479

Priority Date:

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: UNNAMED TRIBUTARY OF JUDITH RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

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

Water Right Number: 41S 150643-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: **DISMISSED**

Owners: RUSSELL G RIDGEWAY
RT 3
STANFORD, MT 59479

Priority Date:

Type of Historical Right:

Purpose (Use): IRRIGATION

Flow Rate:

Volume:

Source Name: JUDITH RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.