

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

CLAIMANT: Spring Creek Hutterian Society

OBJECTOR: United States, DOI Bureau of Land Management

CASE 41S-2128-R-2025
41S 139556-00

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. Spring Creek Hutterian Society (“Spring Creek” or “Claimant”) is the record owner of stock claim 41S 139556-00.

2. Claim 41S 139556-00 was decreed with a Montana Department of Natural Resources and Conservation (“DNRC”) issue remark:

- SOURCE NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

The remark provided notice that that the DNRC modified the source name after issuance of the Temporary Preliminary Decree and before the Preliminary Decree was issued.

3. The United States of America (Bureau of Land Management) objected to claim 41S 139556-00.

4. On March 3, 2026, Claimant Spring Creek and Objector Bureau of Land Management filed a Stipulation to resolve the Objection to claim 41S 139556-00. (Doc.¹8.00).

The Stipulation indicated the following modifications should be made to the point of diversion and place of use for claim 41S 139556-00:

<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			SW	W2	3	16N	17E FERGUS
2			N2NW	3	16N	17E	FERGUS
3	2				4	16N	17E FERGUS
4	3				5	16N	17E FERGUS
5	4		S2	6	16N	17E	FERGUS
6	5		S2S2S2	32	17N	17E	FERGUS

PRINCIPLES OF LAW

1. The Water Court must address all issue remarks decreed on a claim. Mont. Code Ann. § 85-2-248 (2025).

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

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 issue remark decreed on claim 41S 139556-00 is a notice-type issue remarks. As the only Objection has been resolved, no further proceedings are required.

RECOMMENDATIONS

1. The point of diversion and place of use legal land description for claim 41S 139556-00 should be modified as follows:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SW	W2	3	16N	17E FERGUS
2			N2NW	3	16N	17E	FERGUS
3	2				4	16N	17E FERGUS
4	3				5	16N	17E FERGUS
5	4			S2	6	16N	17E FERGUS
6	5		S2S2S2	32	17N	17E	FERGUS

2. The issue remark should be removed from the claim abstract.
A post decree abstract is enclosed.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via USPS Mail:

Spring Creek Hutterian Society
PO Box 518
Lewistown, MT 59457-0518

Service Via Electronic Mail:

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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 139556-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: SPRING CREEK HUTTERIAN SOCIETY
PO BOX 518
LEWISTOWN, MT 59457-0518

Priority Date: DECEMBER 21, 1899

Type of Historical Right: USE

Purpose (Use): STOCK

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

***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:** UNNAMED TRIBUTARY OF BIG SPRING CREEK

Source Type: SURFACE WATER
ALSO KNOWN AS BLUE JOINT COULEE

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SW	3	16N	17E	FERGUS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		N2NW	3	16N	17E	FERGUS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3			4	16N	17E	FERGUS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4			5	16N	17E	FERGUS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		S2	6	16N	17E	FERGUS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		S2S2S2	32	17N	17E	FERGUS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

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			SW	3	16N	17E	FERGUS
2			N2NW	3	16N	17E	FERGUS
3				4	16N	17E	FERGUS
4				5	16N	17E	FERGUS
5			S2	6	16N	17E	FERGUS
6			S2S2S2	32	16N	17E	FERGUS