

Montana Water Court
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MONTANA WATER COURT
YELLOWSTONE DIVISION
YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE
BASIN 43QJ
SECOND PRELIMINARY DECREE

CLAIMANTS: Eunice C. Goddard; Lee R. Goddard; Lori
Goddard

CASE 43QJ-0161-R-2025
43QJ 30137087
43QJ 30137147

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

Eunice C. Goddard, Lee R. Goddard, and Lori Goddard claim 43QJ 30137087 appeared in the Second Preliminary Decree with the following remark:

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 07/24/2023, THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY DAVID AND GAYLE OTT.

Eunice C. Goddard, Lee R. Goddard, and Lori Goddard claim 43QJ 30137147 appeared in the Second Preliminary Decree with the following remark:

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 07/25/2023, THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY OTT DAVID & GAYLE.

The August 11, 2025 Order Consolidating Case And Setting Filing Deadline set a deadline for the Otts to file an ownership update if they determined they have an ownership interest in these claimed stockwater rights. On August 27, 2025 the Goddards filed a response stating that the point of diversion and place of use legal descriptions in section 13, T2S, R17E are erroneous on both claims. The response provides corrected descriptions and marked aerial photographs which locate the points of diversion and places of use on the Goddard property in section 12, T2S, R17E rather than on the Ott property in section 13, T2S, R17E. On December 15, 2025 David And Gayle Ott's Report Of Ownership Interest, including the Affidavit of David Ott, was filed clearly identifying the property they own in section 12, T2S, R17E and confirming that the corrected legal descriptions provided by the Goddards locate the Goddard points of diversion and places of use on the Goddard portion of section 12, T2S, R17E. The January 2, 2026 Order Setting Filing Deadline included DRAFT abstracts showing the corrected legal descriptions and set a deadline for filing any responses if Otts had any remaining concerns. On January 26, 2026 David And Gayle Ott's Statement Of Concern Regarding Abstract For Water Right Claim 43QJ 30137087 ["Statement"] was filed which suggests a different legal description for the point of diversion and place of use. These documents are viewable in the Court's FullCourt Enterprise case management system.

APPLICABLE LAW

A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content pursuant to section 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect including for claimants objecting to their own claims. Rule 19, W.R.Adj.R.

FINDINGS OF FACT

1. Claim 43QJ 30137087 appeared in the Second Preliminary Decree with the following notice remarks:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 43QJ DECREE ISSUED 07/23/1985.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 07/24/2023, THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY DAVID AND GAYLE OTT.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 43QJ 30137087 AND 43QJ 30138884.

The remarks should all be removed as having served their notice purposes.

The Second Preliminary Decree states that the legal description for the point of diversion and place of use is the NENW section 13, T2S, R17E, SWEET GRASS. The Goddards' proposed corrected legal description is the SESWSW section 12, T2S, R17E, SWEET GRASS. This description correlates with the red X on the aerial photograph included with the Goddard response. The Ott Statement suggests the legal description should be the W2SW section 12. The means of diversion is a spring box. The more refined Goddard legal description should be used. The point of diversion and place of use legal description should be the SESWSW section 12, T2S, R17E, SWEET GRASS.

2. Claim 43QJ 30137147 appeared in the Second Preliminary Decree with the following notice remarks:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 43QJ DECREE ISSUED 07/23/1985.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 07/25/2023, THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY OTT DAVID & GAYLE.

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 43QJ 30137147 AND 43QJ 30138986.

The remarks should all be removed as having served their notice purposes.

The Second Preliminary Decree states that the legal description for the point of diversion and place of use is the NENW section 13, T2S, R17E, SWEET GRASS. The point of diversion and place of use legal description should be the SWNESW section 12, T2S, R17E, SWEET GRASS.

CONCLUSION OF LAW

The information provided by the claimants is sufficient to contradict and overcome the prima facie claims.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusion of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Second Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim for each claim is served with this Report to confirm the recommended changes have been made in the state's centralized record system.

ELECTRONICALLY SIGNED AND DATED BELOW

Service Via USPS Mail:

Eunice C. Goddard
PO Box 305
Reed Point, MT 59069

Lee R. Goddard
Lori Goddard
PO Box 24
Reed Point, MT 59069

Service Via Electronic Mail:

Afton E. Ball
Keturah Shaules
MOULTON BELLINGHAM PC
Afton.Ball@moultonbellingham.com
Keturah.Shaules@moultonbellingham.com
(Atty for: David Ott and Gayle Ott)

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE
BASIN 43QJ**

Water Right Number: 43QJ 30137087 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: EUNICE C GODDARD
PO BOX 305
REED POINT, MT 59069

LEE R GODDARD
122 E 1ST AVE N
PO BOX 24
REED POINT, MT 59069

LORI GODDARD
122 E 1ST AVE N
PO BOX 24
REED POINT, MT 59069

Priority Date: MAY 22, 1914

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 25.00 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 HUMP 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		SESWSW	12	2S	17E	SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

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			SESWSW	12	2S	17E	SWEET GRASS

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE
BASIN 43QJ**

Water Right Number: 43QJ 30137147 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: EUNICE C GODDARD
PO BOX 305
REED POINT, MT 59069

LEE R GODDARD
122 E 1ST AVE N
PO BOX 24
REED POINT, MT 59069

LORI GODDARD
122 E 1ST AVE N
PO BOX 24
REED POINT, MT 59069

Priority Date: MAY 22, 1914

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 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 HUMP CREEK

Source Type: SURFACE WATER

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		SWNESW	12	2S	17E	SWEET GRASS

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			SWNESW	12	2S	17E	SWEET GRASS