FILED
10/22/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
40O-0097-I-2024
Brown, Stephen R
28.00

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MONTANA WATER COURT
LOWER MISSOURI DIVISION
MILK RIVER BELOW WHITEWATER CREEK INCLUDING PORCUPINE CREEK
BASIN 40O
INTERLOCUTORY DECREE

* *

CLAIMANTS: Carla R. Tihista; Douglas J. Tihista; Jeremy J. Tihista

OBJECTOR: United States, DOI Bureau of Indian Affairs

NOTICE OF INTENT TO APPEAR: Assiniboine & Sioux Tribes of Fort Peck

CASE 40O-0097-I-2024

40O 30138213	40O 30176118
40O 30138215	40O 30176119
40O 30138217	40O 30176120
40O 30138218	40O 30176121
40O 30138220	40O 30176122
40O 30138487	40O 30176124
40O 30138489	40O 30176125
40O 30138895	40O 30176126
40O 30176117	40O 30176127

ORDER AMENDING AND ADOPTING MASTER'S REPORT

Pursuant to Montana Code Annotated, § 85-2-233(5), the above entitled case was assigned to Senior Water Master Kathryn L. W. Lambert. The Water Master filed a report containing Findings of Fact and Conclusions of Law with the Clerk of Court. A copy of the report was served upon the parties on August 13, 2026.

On August 21, 2026 Carla R. Tihista and Douglas Tihista filed an Objection To Master's Report which includes additional requested changes and states the other parties do not oppose these additional changes.

- For claim 40O 30138217, the Interlocutory Decree states the priority date is JANUARY 15, 1923. The priority date should be APRIL 26, 1920. The E2SE 28, T30N, R41E, VALLEY should be removed from the point of diversion and place of use.

- For claim 40O 30176124, the E2SE 28, T30N, R41E, VALLEY should be added to the point of diversion and place of use.

On August 21, 2026, the Bureau Of Indian Affairs' Motion To Amend was filed requesting the addition of an information remark and stating the claimants do not oppose the addition of the information remark. This is a generic motion to amend, not a motion to amend pursuant to section 85-2-233(6), MCA. Fourteen days have passed with no response filed by the Assiniboine & Sioux Tribes of Fort Peck.

- For claim 40O 30176118, the following information remark should be added:

  THIS WATER RIGHT DOES NOT EXTEND TO LANDS THE UNITED STATES HOLDS IN TRUST.

On September 22, 2026 the Court issued an Order Setting Filing Deadline and Order Updating Caption And Service List which states:

> In the course of preparing the Order Amending And Adopting Master's Report, it was discovered that Jeremy J. Tihista is a co-owner of claim 40O 30138217. He has been a co-owner since August 19, 2022 but the DOR did not report his ownership until a few weeks ago. He was added as a co-owner three weeks ago, on August 31, 2026.
>
> Two concerns: 1) Jeremy J. Tihista has not been involved in any of these proceedings and has not signed the Stipulation For The Resolution Of Objections. Copies of the Stipulation, Master's Report, and Objections to Master's Report are attached to the copy of this Order sent to Jeremey J. Tihista. 2) the parties need to determine which of claims 40O 30138217 and its implied claims 40O 30176121, 40O 30176122, 40O 30176124, and 40O 3067125 [sic] should have Jeremy J. Tihista listed as a co-owner.

On October 13, 2026 Carla R. Tihista and Douglas Tihista filed the Consent To Stipulation, Acceptance Of Proposed Amendments, And Statement Regarding Ownership signed by Jeremy J. Tihista. Jeremy J. Tihista should be removed from the ownership of claim 40O 30138217 and added to the ownership of implied claim 40O 30176125.

Therefore, pursuant to Rule 53(e), M.R.Civ.P., it is

ORDERED that the Master's Report is **AMENDED** to include the changes detailed above, and the Court **ADOPTS** the Master's Report as amended.

Revised abstracts for claims 40O 30138217, 40O 30176118, 40O 30176124, and 40O 30176125 are attached.

Electronically Signed By:
Hon. Judge Stephen R Brown
Thu, Oct 22 2026 11:46:31 AM

Service via USPS Mail

Jeremy J. Tihista
796 Geer Rd
Nashua, MT 59248

Service via Electronic Mail

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POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK

BASIN 40O

Water Right Number: **40O 30138217** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: CARLA R TIHISTA
821 GEER RD
NASHUA, MT 59248-9036

DOUGLAS J TIHISTA
821 GEER RD
NASHUA, MT 59248-9036

Priority Date: APRIL 26, 1920

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: JOHNSON COULEE

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NW	26	30N	41E	VALLEY

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:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			NW	26	30N	41E	VALLEY

Remarks:

THE POINT OF DIVERSION AND PLACE OF USE WERE AMENDED BY THE WATER COURT PURSUANT TO SECTION 85-2-233(6), MCA.

THE IMPLIED CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM. 40O 30176121, 40O 30176122, 30176124, 40O 30176125.

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE FORT PECK INDIAN RESERVATION.

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK

BASIN 40O

Water Right Number: **40O 30176118** STATEMENT OF CLAIM

Version: 2 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: CARLA R TIHISTA
821 GEER RD
NASHUA, MT 59248-9036

DOUGLAS J TIHISTA
821 GEER RD
NASHUA, MT 59248-9036

Priority Date: SEPTEMBER 13, 1926

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: UNNAMED TRIBUTARY OF PORCUPINE CREEK

Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		E2SE	34	30N	41E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		E2W2SE	34	30N	41E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		E2W2W2SE	34	30N	41E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		E2NE	34	30N	41E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		E2E2W2NE	34	30N	41E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					

6	W2E2W2NE	34	30N	41E	VALLEY	

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:**

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			E2SE	34	30N	41E	VALLEY
2			E2W2SE	34	30N	41E	VALLEY
3			E2W2W2SE	34	30N	41E	VALLEY
4			E2NE	34	30N	41E	VALLEY
5			E2E2W2NE	34	30N	41E	VALLEY
6			W2E2W2NE	34	30N	41E	VALLEY

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40O 30138215.

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE FORT PECK INDIAN RESERVATION.

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40O DECREE ISSUED 01/11/2024.

THIS WATER RIGHT DOES NOT EXTEND TO LANDS THE UNITED STATES HOLDS IN TRUST.

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK

BASIN 40O

Water Right Number: **40O 30176124** STATEMENT OF CLAIM

Version: 2 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: CARLA R TIHISTA
821 GEER RD
NASHUA, MT 59248-9036

DOUGLAS J TIHISTA
821 GEER RD
NASHUA, MT 59248-9036

Priority Date: JULY 3, 1916

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: JOHNSON COULEE

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SESENE	27	30N	41E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		SW	27	30N	41E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		W2SE	27	30N	41E	VALLEY
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		E2SE	28	30N	41E	VALLEY
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:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			SESENE	27	30N	41E	VALLEY
2			SW	27	30N	41E	VALLEY
3			W2SE	27	30N	41E	VALLEY
4			E2SE	28	30N	41E	VALLEY

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40O 30138217.

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE FORT PECK INDIAN RESERVATION.

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40O DECREE ISSUED 01/11/2024.

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

MILK RIVER, BELOW WHITEWATER INCLUDING PORCUPINE CREEK

BASIN 40O

Water Right Number: **40O 30176125** STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: CARLA R TIHISTA
821 GEER RD
NASHUA, MT 59248-9036

DOUGLAS J TIHISTA
821 GEER RD
NASHUA, MT 59248-9036

JEREMY J TIHISTA
796 GEER RD
NASHUA, MT 59248

Priority Date: SEPTEMBER 13, 1926

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: JOHNSON COULEE

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		E2SE	27	30N	41E	VALLEY

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:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			E2SE	27	30N	41E	VALLEY

Remarks:

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 40O 30138217.

THIS WATER RIGHT IS LOCATED, IN WHOLE OR IN PART, WITHIN THE BOUNDARY OF THE FORT PECK INDIAN RESERVATION.

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40O DECREE ISSUED 01/11/2024.