FILED
10/08/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41E-0168-R-2024
Lambert, Kathryn
46.00

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MONTANA WATER COURT
UPPER MISSOURI DIVISION
BOULDER RIVER, TRIBUTARY OF THE JEFFERSON RIVER
BASIN 41E
PRELIMINARY DECREE

* *

CLAIMANTS: Anita L. McCauley; Edward K. McCauley OBJECTORS: Anita L. McCauley; Edward K. McCauley	**CASE 41E-0168-R-2024** 41E 93866-00

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

Anita L. McCauley and Edward K. McCauley objected to this claim. NR & EJ Limited Partnership filed a notice of intent to appear. On February 7, 2025 NR & EJ Limited Partnership's Withdrawal Of Notice Of Intent To Appear was filed. (FCE Doc. 19.00) On September 25, 2026 Claimant City Of Boulder's Withdrawal Of Interest was filed. (FCE Doc. 43.00) On October 5,

2026 Anita L. McCauley and Edward K. McCauley filed their Notice Of Filing Proposed Abstract. (FCE Doc. 45.00). 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. The City of Boulder should be removed as an owner of this claimed right.
2. The Preliminary Decree states that the point of diversion is:

QTRSEC	SEC	TWP	RGE	COUNTY
SWSW	34	6N	4W	JEFFERSON
S2NWSE	33	6N	4W	JEFFERSON
N2SESE	33	6N	4W	JEFFERSON

The point of diversion should be:

QTRSEC	SEC	TWP	RGE	COUNTY
SW	34	6N	4W	JEFFERSON

3. The Preliminary Decree states that the place of use is:

QTRSEC	SEC	TWP	RGE	COUNTY
SW	34	6N	4W	JEFFERSON
S2NWSE	33	6N	4W	JEFFERSON
N2SESE	33	6N	4W	JEFFERSON

The place of use should be:

QTRSEC	SEC	TWP	RGE	COUNTY
SW	34	6N	4W	JEFFERSON

CONCLUSION OF LAW

The settlement documents filed by the parties are sufficient to contradict and overcome

the prima facie claim.

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 Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim is served with this Report to confirm the recommended changes have been made in the state's centralized record system.

Service via Electronic Mail

Benjamin S. Sudduth
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(Attorney for City of Boulder)

Oliver J. Urick
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(Attorney for Anita L. McCauley and Edward K. McCauley)

Electronically Signed By:
Hon. Judge Kathryn Lambert
Thu, Oct 08 2026 10:05:49 AM

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

BOULDER RIVER, TRIBUTARY TO JEFFERSON RIVER

BASIN 41E

Water Right Number: **41E 93866-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: ANITA L MCCAULEY
PO BOX 393
BOULDER, MT 59632

EDWARD K MCCAULEY
PO BOX 393
BOULDER, MT 59632

Priority Date: JANUARY 1, 1888

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: BOULDER RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SW	34	6N	4W	JEFFERSON

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			SW	34	6N	4W	JEFFERSON