FILED
10/05/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41F-0089-R-2025
Brown, Stephen R
14.00

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MONTANA WATER COURT
UPPER MISSOURI DIVISION
MADISON RIVER
BASIN 41F
PRELIMINARY DECREE

* *

CLAIMANTS: Harry D. Page Marital Trust; **Atlas Revocable Trust; Reed Montana Holdings, LLC** OBJECTOR: Harry D. Page Marital Trust NOTICE OF INTENT TO APPEAR: Reed Montana Holdings, LLC; Harry D. Page Marital Trust	**CASE 41F-0089-R-2025** 41F 136410-00 41F 148614-00

ORDER UPDATING OWNERSHIP AND APPROVING MASTER'S REPORT

BACKGROUND

On April 20, 2026, Harry D. Page Marital Trust ("Page"), Atlas Revocable Trust ("Atlas"), and Reed Montana Holdings LLC ("Reed") filed a Stipulation Settling Claims ("Stipulation"). The terms of the Stipulation resolved all pending issues and objections. The senior water master assigned to this case drafted a Master's Report largely recommending acceptance of the terms of the Stipulation. The Master's Report attached modified abstracts that reflect the terms of the Stipulation, other than updating ownership of claim 41F 148614-00.

Reed objected to the Master's Report. The objection is based on a discrepancy between the ownership reflected on the post decree abstract and the terms of the

Stipulation as to claim 41F 148614-00. The abstract reflects the water right claim as owned by Kevin J. Krieg, Linn W. Krieg, and Washington Bar Ranch LLC. The Stipulation reflects ownership vested in Reed and Atlas. The Stipulation also includes copies of recorded deeds conveying ownership as evidence. The Master's Report declined to update ownership on the abstract to reflect the Stipulation. Instead, the Master's Report referred the parties to the Department of Natural Resources and Conservation ("DNRC") to complete the ownership update process.

Reed's objection asks the Water Court to update ownership on the abstract to reflect the parties to the Stipulation, as confirmed by the supporting documents. As part of its objection, Reed asks the Court "to provide additional clarity regarding the ownership element."

DISCUSSION

When reviewing an objection to a master's report, the Court the reviews the master's findings of fact for clear error and the conclusions of law for correctness. M. R. Civ. P. 53(e)(2); Rule 23, W.R.Adj.R.; *Heavirland v. State*, 2013 MT 313, ¶ 14, 372 Mont. 300, 311 P.3d 813. In this case there is no factual dispute that ownership of claim 41F 148614-00 has been conveyed to Reed and Atlas. The Stipulation and supporting evidence prove the conveyance. The issue raised by Reed's objection is whether the Master's Report correctly referred the parties to DNRC to update ownership.

DNRC has statutory authority to update ownership and, as the keeper of the centralized water rights record system, is primarily responsible to do so. Section 85-2-423 to -426, MCA.[1] However, under the Water Use Act the Water Court has authority to adjudicate ownership. Section 85-2-234(6)(a), MCA. The Court sometimes uses this authority when ownership changes, ownership needs to be clarified, or an ownership dispute arises during the course of a case. *See, e.g. In re Stratford,* Case 41H-0791-R-

[1] Even when ownership update paperwork is filed with DNRC, DNRC is required to certify any ownership disputes to the Water Court or another court with jurisdiction within 30 days of being notified of the dispute. Section 85-2-424(9), MCA.

2021, 2022 Mont. Water LEXIS 944; *In re Bozeman Lakes LLC*, 41H-0100-R-2021, 2023 Mont. Water LEXIS 247.

The Water Court cannot forecast every situation where the Court takes responsibility to update ownership, but this case presents an example where the Court should. Reed and Atlas signed the Stipulation. Under Montana law, they are the legal owners of claim 41F 148614-00. Section 85-2-403, MCA (the "right to use water shall pass with a conveyance of the land or transfer by operation of law"). The Master's Report accepted the Stipulation based on these parties' signature. Once the Court approves the Master's Report, the Stipulation becomes an integral part of the water right. *See In re Water Comm'r to Measure & Distribute Water on Beaver Creek Within Basin 41I*, 2026 MT 16, ¶ 28, 426 Mont. 184, 583 P.3d 938 ("[a] stipulation approved by a court and incorporated into a decree is binding on the parties and on court officers charged with administering the decree"). The abstracts are intended to reflect all the elements of the claim as they exist as of the date of the Master's Report and the Court's order adopting it. Under these circumstances—approval of a Master's Report based on a signed stipulation—it is appropriate for the Court to update ownership to ensure the abstract reflects the correct owner as of the date the Court adopts the Stipulation and approves the Master's Report.

ORDER

Therefore, it is ORDERED that Reed's Objection to Master's Report is GRANTED. The abstract for claim 41F 148614-00 is modified to update ownership to Atlas Revocable Trust and Reed Montana Holdings LLC. In all other respects the Court ADOPTS the Master's Report and the claims and this case are CLOSED.

A modified version of the abstract for claim 41F 148614-00 is included with this order to confirm the ownership update has been made in the State's centralized water rights record system.

Electronically Signed By:
Hon. Judge Stephen R Brown
Mon, Oct 05 2026 01:08:47 PM

Service via USPS Mail

Last Order:
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Linn W. Krieg
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Note: Caption and Service List Updated 10-1-2026

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

MADISON RIVER

BASIN 41F

Water Right Number: **41F 148614-00** STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: ATLAS REVOCABLE TRUST
%KRIEG LYNN W
PO BOX 339
MCALLISTER, MT 59740-0339

REED MONTANA HOLDINGS LLC
C/O COHEN & CO
600 SUPERIOR AVE E STE 2430
CLEVELAND, OH 44114-2610

Priority Date: JUNE 1, 1888

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 58.30 GPM

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 5 - LOW

Maximum Acres: 20.00

Source Name: WASHINGTON CREEK

Source Type: SURFACE WATER

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SESENW	9	4S	2W	MADISON

Period of Diversion: MAY 15 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: MCCALLUM DITCH

PUMP IS USED AS AN ADDITIONAL MEANS OF DIVERSION.

Period of Use: MAY 15 TO OCTOBER 1

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	20.00		SENE	9	4S	2W	MADISON
Total:	20.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

148614-00 148619-00 148620-00