FILED
10/06/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41F-0266-R-2026
Stradley, Anna
4.00

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

* *

CLAIMANT: Kroenke Land & Livestock Co. LLC	**CASE 41F-0266-R-2026** 41F 114884-00
OBJECTOR: Kroenke Land & Livestock Co. LLC	41F 114892-00

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

Statement of the case

Stock claim 41F 114884-00 and domestic claim 41F 114892-00 received self-objections from claimant Kroenke Land & Livestock Co. LLC ("Kroenke") to the place of use identified by the claims.

The claims also received the following issue remark:

> THIS CLAIM TO BE DUPLICATED BY CERTIFICATE NO. 41873-00, THEREFORE NO NEW WATER RIGHT CERTIFICATE WILL BE ISSUED.

Issue remarks often result from Department of Natural Resources and Conservation ("DNRC") claims examination. Claims examination confirms the historical use of water right claims and identifies issues with claims.

Montana law requires the Water Court to resolve issue remarks and objections.

Issues

1. Are Kroenke's objections to each claim resolved?
2. Is the issue remark on each claim resolved?

Findings of fact

1. The historical place of use for stock claim 41F 114884-00 is the NWSWNE, Section 21, Township 6 South, Range 1 East, Madison County.

2. The historical place of use for domestic claim 41F 114892-00 is the NESENW, Section 21, Township 6 South, Range 1 East, Madison County.

Principles of law

1. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. Section 85-2-227, MCA. Prima facie proof may be overcome by other evidence that proves, by a preponderance of the evidence, that an element of the prima facie claim is incorrect. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R. A preponderance of the evidence is a "modest standard" and is evidence that demonstrates the fact to be proved is "more probable than

not." *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 348, 240 P.3d 628.

2. The Montana Water Court is permitted to use information submitted by the Department of Natural Resources and Conservation, the statement of claim, information from approved compacts, and any other data obtained by the Court to evaluate water right claims. Section 85-2-231(2), MCA.

3. Settlement, including the documents filed by a claimant where the claimant is the only party, is subject to review and approval by the Water Court. Rule 17(a), W.R.Adj.R.

4. When resolving issue remarks, the Montana Water Court must weigh the information resulting in the issue remark and the issue remark against the claimed water right. Section 85-2-247(2), MCA.

5. The Montana Water Court has the authority to resolve issue remarks when the claim file and information available to the Court provide a sufficient basis to do so. Section 85-2-248(3), MCA.

Analysis

Issues 1 and 2 – self-objection resolution and issue remark resolution

Kroenke provided a 1976 aerial photograph depicting the place of use for stock claim 41F 114884-00 and the place of use for domestic claim 41F 114892-00. (DNRC Memorandum, Att. 2).

Kroenke's aerial photograph may be viewed on the court's case management system, FullCourt Enterprise, at document sequence 2.00.

Kroenke filed a copy of a request to withdraw groundwater certificate 41F 41873-00, received by the Bozeman DNRC on June 16, 2026, stating that the withdrawal was contingent upon the Water Court modifying the place of use for each claim as recommended by this report.

Kroenke's request to withdraw groundwater certificate may be viewed on the court's case management system, FullCourt Enterprise, at document sequence 3.00.

Conclusions of law

The evidence entered into the record overcomes the prima facie statements of claim for stock claim 41F 114884-00 and domestic claim 41F 114892-00, justifies the proposed modification to each claim, and resolves Kroenke's self-objections to the claims.

The duplicate claim issue remark on each claim will be resolved when DNRC processes Kroenke's request. **DNRC is added to the service list for notification purposes. DNRC may now withdraw groundwater certificate 41F 41873-00 as requested by Kroenke.**

Recommendations

Stock claim 41F 114884-00 should be modified as follows to accurately reflect historical use.

PLACE OF USE:

GOVT LOT	QTR SEC	SEC	TWP	RGE	COUNTY
NWSWNE	~~SWSWNE~~	21	6S	1E	MADISON

Domestic claim 41F 114892-00 should be modified as follows to accurately reflect historical use.

PLACE OF USE:

GOVT LOT	QTR SEC	SEC	TWP	RGE	COUNTY
NESENW	~~SWSWNE~~	21	6S	1E	MADISON

The duplicate claim issue remark should be removed from the claim abstracts.

Post Decree Abstracts of Water Right Claim accompany this report to confirm implementation of the recommendations in the state's centralized water right record system.

Electronically Signed By:
Hon. Judge Anna Stradley
Tue, Oct 06 2026 09:26:12 AM

Service via Electronic Mail

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This Order Only:
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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F

Water Right Number: **41F 114884-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: KROENKE LAND & LIVESTOCK CO LLC
% DEBORAH STEPHENSON DMS NATURAL RESOURCES, LLC
602 S FERGUSON AVE, STE 2
BOZEMAN, MT 59718

Priority Date: FEBRUARY 18, 1982

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 20.00 GPM

Volume: 0.20 AC-FT

Source Name: SPRING, UNNAMED TRIBUTARY OF MCDEED CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SENESE	21	6S	1E	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DEVELOPED SPRING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			NWSWNE	21	6S	1E	MADISON

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

114884-00 114892-00

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

MADISON RIVER

BASIN 41F

Water Right Number: **41F 114892-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: KROENKE LAND & LIVESTOCK CO LLC
% DEBORAH STEPHENSON DMS NATURAL RESOURCES, LLC
602 S FERGUSON AVE, STE 2
BOZEMAN, MT 59718

Priority Date: FEBRUARY 18, 1982

Type of Historical Right: USE

Purpose (Use): DOMESTIC

Flow Rate: 20.00 GPM

Volume: 14.00 AC-FT

Maximum Acres: 5.00

Source Name: SPRING, UNNAMED TRIBUTARY OF MCDEED CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SENESE	21	6S	1E	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DEVELOPED SPRING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	5.00		NESENW	21	6S	1E	MADISON
Total:	5.00						

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

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