FILED
10/16/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41H-1305-R-2026
Stern, Anika
3.00

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MONTANA WATER COURT
UPPER MISSOURI DIVISION
GALLATIN RIVER
BASIN 41H
PRELIMINARY DECREE

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CLAIMANTS: Hallie B. Rugheimer; Paul P. Rugheimer; Peter M. Rugheimer; Mary R. Wictor OBJECTOR: Mary R. Wictor	**CASE 41H-1305-R-2026** 41H 19231-00

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

FINDINGS OF FACT

1. Hallie B. Rugheimer, Paul P. Rugheimer, Peter M. Rugheimer, and Mary R. Wictor are the record owners of domestic claim 41H 19231-00.

2. Mary R. Wictor objected to the flow rate/volume and place of use/maximum acres claim 41H 19231-00. The Objection explained:

9. State the changes you think should be made to this claim and why. State the specific grounds and evidence on which the Objection is based. (Use additional paper if necessary.)

PLACE OF USE/Maximum Acres should be 1.2 acres (instead of only 0.25)
Maximum Volume should be 4.02 AC-FT to include Lawn & Garden.
Review of Abstract identified pre-July 1973 water use as insufficient.
Based on records and actual historical uses changes were submitted as an ADDENDUM (lost/missing), so filing this Objection to get the information corrected.

DATED this 9th day of MAY, 2019.

Mary R. Wictor
SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

An additional page was attached to the Objection, stating specific ground on which the Objection is based:

Claim #: 41H 19231-00 NOTICE OF OBJECTION AND REQUEST FOR HEARING … continued
… State specific grounds and evidence on which the Objection is based (using additional paper):

GROUNDS & EVIDENCE
This private 1946 Well in Gallatin County uses GROUNDWATER and is located inside the house at 1400 Story Mill Road, Bozeman, MT 59715 in qtr-qtr-qtr **SWSENW of Section 32, Twp 1S, Rge 6E.**

Our mother, Hallie B. Rugheimer, purchase of the farm (roughly 370 acres) recorded as Film 11 Page 881 Administratrix's Deed dated September 18, 1971.

Thus, our family and historical uses pre-date the July 1, 1973, cut-off date for the 41H Basin Decree.

Purpose (use): DOMESTIC only includes Household, lacking Lawn & Garden historic/beneficial uses. [Kara McCarver of MT DNRC in Bozeman via attached 5/7/19 email indicated that Lawn & Garden *"…is typically rolled into Domestic as a purpose but not specifically called out."*]

GWIC actual Well Log #92053 shows, Yield: 1200 gpm [per calculation equals 107 Miner's inches]
GWIC for Well #92053 from prior owner Carl E. Vogel for Declaration of Vested Groundwater Rights, Dec. 26, 1963, was handwritten on the Form, and clearly shows the following:
2. beneficial use is for "… *Household, Lawn & Garden* Irrigation…"
6. … means… location of *"Well for House hold, Lawn, Garden, & Live stock"*

{Note: the page written by Carl E. Vogel 12/26/1963 indicates *"unlimited" "Sub Irrigation"* of *"about 90 acres"* with *"160 miner's inches"* [equal to 1495 gallons per minute (gpm)] as beneficial use with the earliest date *"Since Ranch was Homesteaded"* (somewhat before 1880.)
When I had talked in person with Ben Davis at MT DNRC in Bozeman in 2017 & 2018. He said there was NOT a way to file on this "sub-irrigation" water right, since it is NOT a well, stream, or pit, e.g.}

Our mother, Hallie Rugheimer, filed DNRC Ownership update for the Well #92053 Aug. 1971 as part of purchasing the whole farm/property. (After that, we moved to the farm/ranch & brought our horses, too.)

DOMESTIC use Volume of 1.50 AC-FT represents only household use for a "Family of Five" as was filed by our parents (Hallie & Mac) June 9, 1981 with DNRC—neglected to account for Lawn & Garden uses. Within 30 days of the official Dec. 1, 2017 Letter, on Friday 12/29/2017, I did in-person submit an Addendum, but DNRC has not processed it yet, and cannot find it (I only have the 1st page copied).

Thus, our family's historical use of groundwater from this Well for Lawn & Garden is shown on the polygon drawn on the Google Earth map with aerial image, and measures 1.2 acres using that online tool.

OBJECTION BY 9-MAY-2019 requests changes to the General Abstract to correct for historical uses. **Place of Use/Maximum Acres should thus be 1.2** acres (& not just 0.25 which is inaccurate/too small.)

Using HOW TO FILL OUT YOUR STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS page 12 of 13 (printed doc. I picked up at MT DNRC in Bozeman) shows **Domestic Volume Requirements** of **1.5 acre-foot/year** for **Family of Five** gets added to a **¼ Acre Lawn & Garden** of **0.63 acre-foot/year.**

The gravel road (0.1 acre) and three roofs (0.1 acre) shown on the Google Earth polygon Map were not watered, so that 0.2 acres is subtracted from 1.2 acres Place of Use, giving an area of 1.0 acres watered historically; calculating the Volume as 0.63 * 4 = **2.52 acre-foot/year.**

Thus, **Volume for 41H 19231-00** should be 1.50 AC-FT + 2.52 AC-FT for a sum total of **4.02 AC-FT.**

3. The record shows that Mary R. Wictor submitted an Addendum to the Statement of Claim to the Montana Department of Natural Resources and Conservation ("DNRC") on December 29, 2017, and that was subsequently lost and not processed. The Objection appears to try to remedy the missing Addendum.

Based on the information provided by Wictor the Statement of Claim only reflects the household 0.25 acres of lawn and garden, and historically the claim has accounted for a single household and 1.00 acre of lawn and garden at the historical place of use.

4. An Order was issued explaining that based on available information, it appears the volume for claim 41H 19231-00 should be 4.00 acre-feet (1.50 ac-ft (one household) + 2.50 ac-ft (1.00 acre of lawn and garden) = 4.00 ac-ft). It is unclear how Wictor determined the volume for claim 41H 19231-00 should be 4.02 acre-feet. (Doc. [1]1.00). The Order set a deadline for Claimants Hallie B. Rugheimer, Paul P. Rugheimer, and Peter M. Rugheimer, and Claimant/Objector Mary R. Wictor to file a statement agreeing or disagreeing that the volume for claim 41H 19231-00 should be 4.00 acre-feet and the place of use should be 1.00 acre, as follows:

[1] "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

Volume: 4.00 ~~1.50~~ AC-FT
Maximum Acres: ~~0.25~~ 1.00
Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	1.00 ~~0.25~~		SWSENW	32	1S	6E	GALLATIN
Total:	~~0.25~~ 1.00						

The Order indicated that if nothing were filed by the deadline, it would be determined Claimants Hallie B. Rugheimer, Paul P. Rugheimer, and Peter M. Rugheimer, and Claimant/Objector Mary R. Wictor agree with the proposed modifications to claim 41H 19231-00. (Doc. 1.00). The following language was included in the Order:

> Failure to comply with the terms of this Order may result in sanctions, up to and including entry of default and termination of a water right claim or dismissal of objections. Rule 22, W.R.Adj.R.

5. On October 9, 2026, Mary R. Wictor filed a statement indicating agreement with the proposed modifications and indicating the proposed modifications to claim 41H 19231-00 resolve her Objection. (Doc. 2.00). Nothing was filed by the other Claimants.

PRINCIPLES OF LAW

1. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. § 85-2-227. This prima facie validity may be overcome by a preponderance of evidence showing that one or more elements of the claim are incorrect. Rule 19, W.R.Adj.R.; *Nelson v. Brooks*, 2014 MT 120, ¶ 34, 375 Mont. 86, 329 P.3d 558. This standard of proof applies to objectors or claimants objecting to their own water right claims. *Id*.

2. The Water Court may use information submitted by the DNRC, the Statement of Claim, and any other data obtained by the Court to evaluate a water right. §§ 85-2-227, -231(2), MCA.

3. Rule 19(b)(2)(i), W.R.C.E.R., sets the volume guideline to 1.50 acre-feet per household for domestic claims. Rule 19(b)(2)(ii), W.R.C.E.R., sets the volume guideline to 2.50 acre-feet per acre of lawn and garden for domestic irrigation.

CONCLUSION OF LAW

1. The information in the record overcomes the prima facie status of claim 41H 19231-00 and it is appropriate to modify the volume, maximum acres, and place of use to reflect the historical use of the claim.

RECOMMENDATION

1. Claim 41H 19231-00 should be modified as follows, resolving the Objection:

Volume: 4.00 ~~1.50~~ AC-FT
Maximum Acres: ~~0.25~~ 1.00
Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	1.00 ~~0.25~~		SWSENW	32	1S	6E	GALLATIN
Total:	~~0.25~~ 1.00						

An abstract is enclosed.

Service via USPS Mail

Hallie B. Rugheimer
Mary R. Wictor
408 208th Ave NE
Sammamish, WA 98074

Paul P. Rugheimer
506 Oxford Dr
Bozeman, MT 59715

Peter M. Rugheimer
33 Privratsky Ln
Sheridan, MT 59749

Electronically Signed By:
Hon. Judge Anika Stern
Fri, Oct 16 2026 07:55:17 AM

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
GALLATIN RIVER
BASIN 41H

Water Right Number: **41H 19231-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners:

HALLIE B RUGHEIMER
408 208TH AVE NE
SAMMAMISH, WA 98074

PAUL P RUGHEIMER
506 OXFORD DR
BOZEMAN, MT 59715-1788

PETER M RUGHEIMER
33 PRIVRATSKY LN
SHERIDAN, MT 59749

MARY R WICTOR
408 208TH AVE NE
SAMMAMISH, WA 98074-6959

Priority Date: DECEMBER 31, 1946

Type of Historical Right: USE

Purpose (Use): DOMESTIC

Flow Rate: 20.00 GPM

Volume: 4.00 AC-FT

Maximum Acres: 1.00

Source Name: GROUNDWATER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSENW	32	1S	6E	GALLATIN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	1.00		SWSENW	32	1S	6E	GALLATIN
Total:	1.00						