FILED
10/15/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41I-3114-R-2026
Stern, Anika
1.00

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MONTANA WATER COURT
UPPER MISSOURI DIVISION
MISSOURI RIVER ABOVE HOLTER DAM
BASIN 41I
PRELIMINARY DECREE

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CLAIMANTS: Joseph Murphy; Savannah Murphy	**CASE 41I-3114-R-2026** 41I 89292-00 41I 89293-00

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. Joseph Murphy and Savannah Murphy are the record owners of stock claim 41I 89292-00 and fish and wildlife claim 41I 89293-00.

2. Claims 41I 89292-00 and 41I 89293-00 were decreed with Montana Department of Natural Resources and Conservation ("DNRC") issue remarks:

41I 89292-00:

- THE PRIORITY DATE IS QUESTIONABLE, CASE NO. 5860, LEWIS AND CLARK COUNTY, DOES NOT SPECIFY A DAY OR MONTH. THE CLAIMS FOLLOWING THIS STATEMENT HAVE CLAIMED THE SAME PRIORITY DATE. 41I 825-00, 41I 89290-00, 41I 89291-00, 41I 89292-00, 41I 89293-00.

41I 89293-00:

- THE PRIORITY DATE IS QUESTIONABLE. CASE NO. 5860, LEWIS AND CLARK COUNTY, DOES NOT SPECIFY A DAY OR MONTH. THE CLAIMS LISTED FOLLOWING THIS STATEMENT HAVE CLAIMED THE SAME PRIORITY DATE. 41I 825-00, 41I 89290-00, 41I 89291-00, 41I 89292-00, 41I 89293-00.
- THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM CANNOT BE DETERMINED AND THE FLOW RATE REMAINS AS ORIGINALLY CLAIMED. THE CLAIMED FLOW RATE CAN BE CONTESTED BY PROPER OBJECTION. IF NO OBJECTIONS ARE FILED TO THIS CLAIM THE FLOW RATE WILL BE DECREED AS CLAIMED, AND THIS REMARK WILL BE REMOVED FROM THE CLAIM.
- THE CLAIMED PURPOSE (USE) CANNOT BE CONFIRMED DUE TO LACK OF DATA.

3. The issue remark decreed on claim 41I 89292-00 and the first issue remark decreed on claim 41I 89293-00 are notice-type remarks.

4. The second issue remark decreed on claim 41I 89293-00 is a notice-type remark and provided notice of an opportunity to object to the claim. No objections were filed.

5. The DNRC examination notes did not provide any information explaining why the issue remark questioning the fish and wildlife use of claim 41I 89293-00 was placed on the claim.

PRINCIPLES OF LAW

1. The Water Court must address all issue remarks decreed on a claim. Mont. Code Ann. § 85-2-248 (2025).

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Mont. Code Ann. § 85-2-227(2025). This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R.; *Nelson v. Brooks*, 2014 MT 120, ¶ 34, 375 Mont. 86, 329 P.3d 558.

CONCLUSIONS OF LAW

1. The issue remark indicating the claimed purpose (use) of claim 41I 89293-00 cannot be confirmed is not supported by evidence sufficient to overcome the prima facie status afforded the purpose (use) of the claim.

2. The remaining issue remarks decreed on claims 41I 89292-00 and 41I 89293-00 are notice-type issue remarks. As no objections were filed, no further proceedings are required.

RECOMMENDATION

1. The issue remarks should be removed from the claims in this Case with no changes to the elements of the claims.

Abstracts are enclosed.

Service via USPS Mail

Joseph Murphy
Savannah Murphy
20 Cedar Mountain Dr
Cody, WY 82414

Electronically Signed By:
Hon. Judge Anika Stern
Thu, Oct 15 2026 12:06:46 PM

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

MISSOURI RIVER, ABOVE HOLTER DAM

BASIN 41I

Water Right Number: **41I 89292-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: JOSEPH MURPHY
20 CEDAR MOUNTAIN DR
CODY, WY 82414-8865

SAVANNAH MURPHY
20 CEDAR MOUNTAIN DR
CODY, WY 82414-8865

Priority Date: DECEMBER 31, 1888

Type of Historical Right: DECREED

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: GREENHORN CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSWNW	5	10N	5W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: GLASSER DITCH

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			SW	5	10N	5W	LEWIS AND CLARK

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.

89290-00 89291-00 89292-00 89293-00

THE POINT OF DIVERSION AND PLACE OF USE FOR THIS WATER RIGHT ARE LIMITED TO THE PRIVATELY OWNED LANDS DESCRIBED IN PATENT NO. 15232 AND DO NOT INCLUDE THE PUBLIC LANDS OF THE UNITED STATES.

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

MISSOURI RIVER, ABOVE HOLTER DAM

BASIN 41I

Water Right Number: **41I 89293-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: JOSEPH MURPHY
20 CEDAR MOUNTAIN DR
CODY, WY 82414-8865

SAVANNAH MURPHY
20 CEDAR MOUNTAIN DR
CODY, WY 82414-8865

Priority Date: DECEMBER 31, 1888

Type of Historical Right: DECREED

Purpose (Use): FISH AND WILDLIFE

Flow Rate: 40.00 GPM

Volume: THE FLOW RATE AND VOLUME ARE LIMITED TO THE MINIMUM AMOUNTS NECESSARY TO SUSTAIN THIS PURPOSE. THIS RIGHT SHALL CONTINUE TO BE UTILIZED IN ACCORDANCE WITH HISTORICAL PRACTICES.

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: GREENHORN CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSWNW	5	10N	5W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: GLASSER DITCH

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			NWSESW	5	10N	5W	LEWIS AND CLARK

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.

89290-00 89291-00 89292-00 89293-00