FILED
10/27/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41O-0003-I-2026
Stern, Anika
4.00

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MONTANA WATER COURT
UPPER MISSOURI DIVISION
TETON RIVER
BASIN 41O
INTERLOCUTORY DECREE

* *

CLAIMANTS: Beth Ann Hodgskiss; Lyle E. Hodgskiss

OBJECTOR: Montana State Board of Land Commissioners - Forestry and Trust Lands Division

CASE 41O-0003-I-2026
41O 30127702

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. The record owners of claim 41O 30127702 are Beth Ann Hodgskiss and Lyle E. Hodgskiss ("Claimants").

2. Claim 41O 30127702 was decreed with a Montana Department of Natural Resources and Conservation ("DNRC") notice-type issue remark:

- THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41O DECREE ISSUED 12/29/2005.

3. On July 16, 2025, the Montana State Board of Land Commissioners – Forestry and Trust Lands Division ("Trust Lands") objected to place of use/maximum acres and priority date of claim 41O 30127702, stating:

> The applicant did not include a priority date on the original application. Trust Lands asking for POU #10 SESWSW Sec 36 T23N R6N Sec 36 Teton and POU #11 NENESW T23N R6W Teton to be removed as place of use. Trust Land lease documents and aerials show these places of use did not exist prior to 1973.

4. A first Status Conference for Case 41O-0003-I-2026 took place on August 26, 2026 by telephone conference call. Lyle E. Hodgskiss was present on behalf of himself and Beth Ann Hodgskiss. Clare N. Ols appeared for the State Board of Land Commissioners – Forestry and Trust Lands Division ("Trust Lands").

Ms. Ols reported the Trust Lands Objection will be resolved if the following modifications are made to claim 41O 30127702:

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			S2NESE	13	22N	6W	TETON
2			NESWSE	12	22N	6W	TETON
3			SWSWNW	7	22N	5W	TETON
4			NWNESE	7	22N	5W	TETON
5			NENENW	8	22N	5W	TETON
6			NWSESW	6	22N	5W	TETON
7			SENWNW	5	22N	5W	TETON
8			NENENE	11	22N	6W	TETON
9			SWSWNW	1	22N	6W	TETON
~~10~~			~~SESWSW~~	~~36~~	~~23N~~	~~6W~~	~~TETON~~
~~11~~			~~NENESW~~	~~36~~	~~23N~~	~~6W~~	~~TETON~~
12			SWSWSW	35	23N	6W	TETON
13			NENENE	16	22N	6W	TETON

(Doc.[1] 3.00)

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

5. An Order was issued setting a deadline for the Claimants to file a statement by October 23, 2026 agreeing or disagreeing with the proposed modification to claim 41O 30127702. (Doc. 3.00). The Order indicated if nothing were filed by the deadline, it would be determined Claimants Beth Ann Hodgskiss and Lyle Hodgskiss agree with the proposed modification to claim 41O 30127702. A deadline was also set for Objector Trust Lands to agree or disagree that the proposed modification to claim 41O 30127702 resolves the Objection. The Order indicated that if nothing were filed by the October 23, 2026 deadline, it would be determined that the Objection would be resolved if claim 41O 30127702 is modified as proposed. The August 17, 2026 Order included the following language:

> 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.

Nothing was filed.

PRINCIPLES OF LAW

1. 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 a preponderance of the 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. Mont. Code Ann. §§ 85-2-227, -231(2).

CONCLUSION OF LAW

The information in the record overcomes the prima facie status of claim 41O 30127702 and the claim should be modified to remove places of use Nos. 10 and 11 from the places of use.

RECOMMENDATIONS

1. The place of use for claim 41O 30127702 should be modified to:

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			S2NESE	13	22N	6W	TETON
2			NESWSE	12	22N	6W	TETON
3			SWSWNW	7	22N	5W	TETON
4			NWNESE	7	22N	5W	TETON
5			NENENW	8	22N	5W	TETON
6			NWSESW	6	22N	5W	TETON
7			SENWNW	5	22N	5W	TETON
8			NENENE	11	22N	6W	TETON
9			SWSWNW	1	22N	6W	TETON
~~10~~			~~SESWSW~~	~~36~~	~~23N~~	~~6W~~	~~TETON~~
~~11~~			~~NENESW~~	~~36~~	~~23N~~	~~6W~~	~~TETON~~
12			SWSWSW	35	23N	6W	TETON
13			NENENE	16	22N	6W	TETON

2. The issue remarks should be removed from the claim abstract.

An abstract for claim 41O 30127702 is enclosed.

Service via USPS Mail

Beth Ann Hodgskiss
Lyle E. Hodgskiss
PO Box 1415
Choteau, MT 59422

Service via Electronic Mail

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(Attorneys for Montana State Board of Land Commissioners – Forestry and Trust Lands Division)

Electronically Signed By:
Hon. Judge Anika Stern
Tue, Oct 27 2026 11:41:36 AM

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

TETON RIVER

BASIN 41O

Water Right Number: **41O 30127702** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: BETH ANN HODGSKISS
PO BOX 1415
CHOTEAU, MT 59422

LYLE E HODGSKISS
PO BOX 1415
CHOTEAU, MT 59422

***Priority Date:** JULY 1, 2019

THIS IS AN EXISTING RIGHT. ITS POST-1973 PRIORITY DATE IS DECREED PURSUANT TO SECTION 85-2-306(4) MCA.

***Type of Historical Right:** FILED

Purpose (Use): STOCK

Flow Rate: 25.00 GPM

***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:** SPRING, UNNAMED TRIBUTARY OF NUNEMAKER COULEE

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		S2NESE	13	22N	6W	TETON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			S2NESE	13	22N	6W	TETON
2			NESWSE	12	22N	6W	TETON
3			SWSWNW	7	22N	5W	TETON
4			NWNESE	7	22N	5W	TETON
5			NENENW	8	22N	5W	TETON
6			NWSESW	6	22N	5W	TETON
7			SENWNW	5	22N	5W	TETON
8			NENENE	11	22N	6W	TETON
9			SWSWNW	1	22N	6W	TETON
10			SWSWSW	35	23N	6W	TETON
11			NENENE	16	22N	6W	TETON