FILED
10/02/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41O-0014-I-2026
Stern, Anika
4.00

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
1-800-624-3270
(406) 586-4364
watercourt@mt.gov

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

* *

CLAIMANT: Copper Horse LLC

CASE 41O-0014-I-2026[1]
41O 30127368
41O 30127369
41O 30127370
41O 30127372
41O 30127374

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.

[1] Claim 41O 30127373 was consolidated into Case 41O-0015-I-2026 on July 27, 2026. That Case was closed through a Master's Report on September 2, 2026, which was adopted on September 25, 2026. Claim 41O 30127373 was erroneously included in the caption of Case 41O-0014-I-2026 in the August 25, 2026 Order Setting Filing Deadline and it is not being addressed in this Case. It has been removed from the caption in this Report and for any future Orders.

MASTER'S REPORT

FINDINGS OF FACT

1. Copper Horse LLC (hereinafter referred to as "Copper Horse") is the record owner of claims 41O 30127368, 41O 30127369, 41O 30127370, 41O 30127372, and 41O 30127374.

2. Claims 41O 30127368, 41O 30127369, 41O 30127370, 41O 30127372, and 41O 30127374 were decreed with Montana Department of Natural Resources and Conservation ("DNRC") issue remarks:

Claim 41O 30127368:

- NO FLOW RATE HAS BEEN CLAIMED. THE FLOW RATE GUIDELINE FOR THIS PURPOSE IS 35 GPM.
- THE TYPE OF HISTORICAL RIGHT AND PRIORITY DATE MAY BE QUESTIONABLE. DOCUMENTATION TO SUPPORT THE TYPE OF HISTORICAL RIGHT AND PRIORITY DATE WAS NOT SUBMITTED WITH THIS CLAIM.
- NO TYPE OF HISTORICAL RIGHT WAS CLAIMED. DOCUMENTATION TO SUPPORT THE TYPE OF HISTORICAL RIGHT WAS NOT SUBMITTED WITH THIS CLAIM.
- NO VOLUME HAS BEEN CLAIMED. THE VOLUME GUIDELINE FOR THIS PURPOSE IS 8.00 ACRE-FEET PER YEAR.

Claims 41O 30127369 and 41O 30127370:

- THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41O DECREE ISSUED 12/29/2005 .
- NO FLOW RATE HAS BEEN CLAIMED. THE FLOW RATE GUIDELINE FOR THIS PURPOSE IS 35 GPM.
- NO VOLUME HAS BEEN CLAIMED.

Claims 41O 30127372 and 41O 30127374:

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

3. Copper Horse was ordered to meet with the DNRC to address unresolved issue remarks decreed on claims 41O 30127368, 41O 30127369, and 41O 30127370. (Doc.[2]1.00).

4. DNRC Water Resource Specialist Jamie Verploegen filed a Memorandum on August 21, 2026. (Doc. 2.00). Water Resources Specialist Verploegen reported no contact from Copper Horse. Nevertheless, recommendations were made as to the disposition of the issue remarks decreed on claims 41O 30127368, 41O 30127369, and 41O 30127370. Water Resources Specialist Verploegen reported reviewing the claim files

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

for claims 41O 30127368, 41O 30127369, and 41O 30127370 as well as USDA and WRS aerial photos to make the recommendations.

5. **Claim 41O 30127368:**[3] Consistent with Rule 19(b)(1), W.R.C.E.R., and the issue remarks, Water Resources Specialist Verploegen recommended the flow rate for domestic claim 41O 30127368 be 35.00 gallons per minute ("gpm").

The record indicates two households and 2.00 acres were claimed by claim 41O 30127368. Consistent with Rule 19(b)(2)(i) and (ii), W.R.C.E.R., and the issue remark, Water Resources Specialist Verploegen recommended the volume for claim 41O 30127368 be 8.00 acre-feet ("ac-ft").

Water Resources Specialist Verploegen recommended the type of historical right be "use" because nothing was filed to support any other type of historical right.

6. **Claim 41O 30127369:** Consistent with Rule 19(b)(1), W.R.C.E.R., and the issue remarks, Water Resources Specialist Verploegen recommended the flow rate for domestic claim 41O 30127369 be 35.00 gpm.

The record indicates one household and no acres were claimed for claim 41O 30127369. Consistent with Rule 19(b)(2)(i) and (ii), W.R.C.E.R., and the issue remark, Water Resources Specialist Verploegen recommended the volume for claim 41O 30127369 be 1.50 ac-ft.

7. **Claim 41O 30127370:** Consistent with Rule 19(b)(1), W.R.C.E.R., and the issue remarks, Water Resources Specialist Verploegen recommended the flow rate for domestic claim 41O 30127370 be 35.00 gpm.

The record indicates one household and 1.00 acre was claimed for claim 41O 30127370. Consistent with Rule 19(b)(2)(i) and (ii), W.R.C.E.R., and the issue remark, Water Resources Specialist Verploegen recommended the volume for claim 41O 30127370 be 4.00 ac-ft.

8. An Order was issued to determine if Copper Horse agreed or disagreed with Water Resources Specialist Verploegen's recommendations regarding the claims. (*See*

[3] The August 21, 2026 DNRC Memorandum contains a typographical error when referring to claim 41O 30127**368**. The Memorandum refers to the water right claim as 41O 30127**618**.

Doc. 3.00). The Order indicated that if nothing was filed by the deadline, this Water Master would conclude that Claimant Copper Horse LLC agreed that claims 41O 30127368, 41O 30127369, and 41O 30127370 should be modified as recommended in the DNRC Memorandum. (Doc. 3.00). 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.

Nothing was filed.

9. Claims 41O 30127372 and 41O 30127374 were decreed with a DNRC issue remark indicating the claims were not included in the 1984 Temporary Preliminary Decree ("TPD") for Basin 41O. The issue remark provided notice that the claim was filed as an "exempt" claim under the provisions of House Bill 110 ("HB 110") passed by the 2017 Montana Legislature (codified at § 85-2-222, MCA). HB 110 provided owners of certain exempt claims the option of filing the claims before a June 30, 2019 filing deadline.

The DNRC examined the exempt claims under its claim examination rules. Based on the DNRC examination, the issue remark was placed on the claim, providing notice that the claim did not appear in the TPD for Basin 41O, issued in 2005, because the TPD predated the exempt claim filing deadline.

The claims did not receive objections during the objection periods. Absent objections, the issue remarks do not raise factual or legal issues that need to be addressed. No further proceedings are required to resolve the remark.

PRINCIPLES AND CONCLUSIONS OF LAW

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

2. 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 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*.

RECOMMENDATIONS

1. Claims 41O 30127368, 41O 30127369, and 41O 30127370 should be modified as follows:

Claim 41O 301276368:

Type of Historical Right:	USE
Flow Rate:	35.00 GPM
Volume:	8.00 AC-FT

Claim 30127369:

Flow Rate:	35.00 GPM
Volume:	1.50 AC-FT

Claim 30127370:

Flow Rate:	35.00 GPM
Volume:	4.00 AC-FT

2. The issue remarks should be removed from claims 41O 30127368, 41O 30127369, 41O 30127370, 41O 30127372, and 41O 30127374.

Abstracts are attached for review.

Service via USPS Mail

Copper Horse LLC
640 19th Rd. NW
Choteau, MT 59422-9102

Note: Caption Updated 10-2-2026

Electronically Signed By:
Hon. Judge Anika Stern
Fri, Oct 02 2026 03:12:46 PM

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
TETON RIVER
BASIN 41O

Water Right Number: **41O 30127368** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: COPPER HORSE LLC
640 19TH RD NW
CHOTEAU, MT 59422-9102

***Priority Date:** DECEMBER 31, 1920

Type of Historical Right: USE

***Purpose (Use):** MULTIPLE DOMESTIC

Flow Rate: 35.00 GPM

Volume: 8.00 AC-FT

Maximum Acres: 2.00

Source Name: GROUNDWATER

Source Type: GROUNDWATER

OLD HOMESTEAD WELL

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSWNW	21	25N	4W	TETON

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			SWSWNW	21	25N	4W	TETON

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

TETON RIVER

BASIN 41O

Water Right Number: **41O 30127369** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: COPPER HORSE LLC
640 19TH RD NW
CHOTEAU, MT 59422-9102

***Priority Date:** DECEMBER 31, 1947

Type of Historical Right: USE

Purpose (Use): DOMESTIC

Flow Rate: 35.00 GPM

Volume: 1.50 AC-FT

Source Name: GROUNDWATER

Source Type: GROUNDWATER

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NENENE	33	25N	4W	TETON

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			NENENE	33	25N	4W	TETON

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

TETON RIVER

BASIN 41O

Water Right Number: **41O 30127370** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: COPPER HORSE LLC
640 19TH RD NW
CHOTEAU, MT 59422-9102

***Priority Date:** DECEMBER 31, 1900

Type of Historical Right: USE

Purpose (Use): DOMESTIC

Flow Rate: 35.00 GPM

Volume: 4.00 AC-FT

Maximum Acres: 1.00

Source Name: GROUNDWATER

Source Type: GROUNDWATER

ORIGINAL HOMESTEAD WELL

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NENWNE	33	25N	4W	TETON

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			NENWNE	33	25N	4W	TETON

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

TETON RIVER

BASIN 41O

Water Right Number: **41O 30127372** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: COPPER HORSE LLC
640 19TH RD NW
CHOTEAU, MT 59422-9102

***Priority Date:** DECEMBER 31, 1890

Type of Historical Right: USE

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:** UNNAMED TRIBUTARY OF SPRING COULEE

Source Type: SURFACE WATER

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		N2NE	33	25N	4W	TETON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
2		N2NW	33	25N	4W	TETON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

***Place of Use:**

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			N2NE	33	25N	4W	TETON
2			N2NW	33	25N	4W	TETON

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

TETON RIVER

BASIN 41O

Water Right Number: **41O 30127374** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: COPPER HORSE LLC
640 19TH RD NW
CHOTEAU, MT 59422-9102

***Priority Date:** DECEMBER 31, 1890

Type of Historical Right: USE

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: UNNAMED TRIBUTARY OF SPRING COULEE

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NWSW	16	25N	4W	TETON

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
2		E2SW	16	25N	4W	TETON

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: APRIL 1 TO OCTOBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			NWSW	16	25N	4W	TETON
2			E2SW	16	25N	4W	TETON