FILED
10/06/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41O-0021-I-2026
Stern, Anika
4.00

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

* *

CLAIMANTS: Wayne B. Maurer; Rye Coulee Ranch

NOTICE OF INTENT TO APPEAR: United States, DOI Bureau of Land Management

CASE 41O-0021-I-2026
41O 30127931

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. Wayne B. Maurer and Rye Coulee Ranch (the Claimants) are the record owners of claim 41O 30127931.

2. Claim 41O 30127931 was decreed with Montana Department of Natural Resources and Conservation ("DNRC") issue remarks:

- THE CLAIMED PRIORITY DATE INDICATES AN APPROPRIATION OF WATER AFTER JUNE 30, 1973
- THIS CLAIM DOES NOT APPEAR TO MEET THE DEFINITION OF AN EXEMPT RIGHT UNDER SECTION 85-2-222(1), MCA.
- FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
- THE PLACE OF USE LEGAL LAND DESCRIPTION COULD NOT BE REFINED FROM INFORMATION IN THE CLAIM FILE.
- THE POINT OF DIVERSION LEGAL LAND DESCRIPTION COULD NOT BE REFINED FROM INFORMATION IN THE CLAIM FILE.
- NO TYPE OF HISTORICAL RIGHT WAS CLAIMED. DOCUMENTATION TO SUPPORT THE TYPE OF HISTORICAL RIGHT WAS NOT SUBMITTED WITH THIS CLAIM.
- THE CLAIMED PURPOSE (USE) COULD NOT BE IDENTIFIED DUE TO LACK OF DATA.
- VOLUME MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

3. The United States, DOI Bureau of Land Management ("BLM") filed a Notice of Intent to Appear ("NOIA") for claim 41O 30127931, indicating:

> Statement of Claim No. 41O 30127931 is for groundwater; DNRC added multiple issue remarks that identified multiple elements. It is unclear if one well or multiple wells are claimed and where they withdraw and use water. This water right claim is in close proximity to federal land administered by the Bureau of Land Management (BLM). BLM holds a surface water right (41O 30140355) east of the claimed area. The United States needs to review the specifics of the proposed changes to ensure its interests are not impacted.
>
> The United States also references and incorporates the DNRC issue remarks, claim file and examination, and all other relevant DNRC materials, although it may not fully agree with them.

4. The Claimants were ordered to meet with the DNRC to address unresolved issue remarks decreed on claim 41O 30127931. (Doc.[1]1.00).

5. On August 21, 2026, DNRC Water Resources Specialist Jamie Verploegen filed a Memorandum stating that the Claimants had not contacted her and explaining:

> **41O 30127931:** The claimed Priority Date of January 31, 1984 indicates an Appropriation of Water after July 1, 1973. Therefore, under Section 85-2-222(1) MCA it does not meet the definition of an Exempt Right. No Claimant contact was received to modify or resolve any of the issues placed on the above claim after the examination process. No Claimant contact has been received as of the date of this filing.

(Doc. 2.00). Water Resources Specialist Verploegen recommended claim 41O 30127931 be dismissed.

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

6. Claim 41O 30127931 was decreed with the priority date as "1-1984" and the priority date was decreed as January 31, 1984.

7. An Order was issued to provide Wayne B. Maurer and Rye Coulee Ranch an opportunity to file evidence supporting the pre-July 1, 1973, priority date for claim 41O 30127931. (Doc. 3.00). The Order Setting Filing Deadline indicated that if nothing were filed by the deadline, it would be determined that the Claimants could not support the historical beneficial use of claim 41O 30127931 and dismissal of the claim and the NOIA would be recommended in the Master's Report. 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.

PRINCIPLES OF LAW

1. The Water Court must address all issue remarks decreed on a claim. Section 85-2-248, MCA.

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. 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; 375 Mont.86, 95; 329 P.3d 558, 564.

3. Under Section 85-2-248(3), MCA, information in the claim file or other information obtained by the Court can be reviewed to determine if it provides a sufficient basis to resolve the issues raised by remarks and the Court can provide Claimants with an opportunity to file additional information or evidence.

4. Pursuant to the Montana Water Use Act, a statement of claim was required to be filed to assert a claim to an existing right to the use of water arising prior to July 1,

1973. 85-2-212, MCA. "Existing right" means a right to the use of water that would be protected under the law as it existed prior to July 1, 1973. Section 85-2-102(13), MCA.

CONCLUSION OF LAW

Claimants Wayne B. Maurer and Rye Coulee Ranch did not file evidence showing claim 41O 30127931 is an existing right.

RECOMMENDATION

Claim 41O 30127931 should be dismissed.

An abstract is enclosed for review.

Service via USPS Mail

Wayne B. Maurer
Rye Coulee Ranch
2630 22nd Rd NE
Dutton, MT 59433

Service via Electronic Mail

Michelle Nkeng, Trial Attorney
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Electronically Signed By:
Hon. Judge Anika Stern
Tue, Oct 06 2026 01:11:09 PM

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

TETON RIVER

BASIN 41O

Water Right Number: **41O 30127931** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

Owners: WAYNE B MAURER
2630 22ND RD NE
DUTTON, MT 59433

RYE COULEE RANCH
2630 22ND RD NE
DUTTON, MT 59433

Priority Date:

Type of Historical Right:

Purpose (Use): DOMESTIC

Flow Rate:

Volume:

Source Name: GROUNDWATER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.