FILED
10/19/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41O-0024-I-2026
Stern, Anika
5.00

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

* *

CLAIMANT: Montana State Board of Land Commissioners - Forestry and Trust Lands Division OBJECTOR: Montana State Board of Land Commissioners - Forestry and Trust Lands Division NOTICE OF INTENT TO APPEAR: Salmond Ranch Co.	**CASE 41O-0024-I-2026** 41O 30109659 41O 30109666 41O 30109668 41O 30109671

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. Montana State Board of Land Commissioners - Forestry and Trust Lands Division ("Trust Lands") is the record owner of claims 41O 30109659, 41O 30109666, 41O 30109668, and 41O 30109671.

2. Claims 41O 30109659, 41O 30109666, 41O 30109668, and 41O 30109671 were decreed with a Montana Department of Natural Resources and Conservation ("DNRC") issue remark indicating the claims were not included in the 2005 decree in basin 41O.

3. On July 16, 2025, Trust Lands objected to claims 41O 30109659, 41O 30109666, 41O 30109668, and 41O 30109671. Verified Motions to Amend Water Right Claims were attached to each Objection, along with other documents. Following each claim is listed, along with the elements to which Trust Lands objected, and the changes Trust Lands indicated needed to be made to the claims:

41O 30109659: Place of Use/Maximum Acres, Point of Diversion/Means of Diversion

This water right contains a scrivener's error. POD/POU #18 is in the wrong township and not on the source.

The original written legal land description is incorrect, the geocode and the map are correct. VMA and documents attached.

Point of Diversion and Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			SESE	33	24N	4W	TETON
2			N2SWNE	34	24N	4W	TETON
3			E2	36	24N	5W	TETON
4			S2N2	19	25N	2W	TETON
5			N2NE	25	25N	3W	TETON
6			N2S2	26	25N	3W	TETON
7			N2S2	27	25N	3W	TETON
8			NW	34	25N	3W	TETON
9			W2	36	25N	6W	TETON
10			N2	36	25N	7W	TETON
11			N2	36	25N	8W	TETON
12			S2	9	24N	8E	CHOUTEAU
13			N2NW	16	24N	8E	CHOUTEAU
14				16	25N	1E	TETON
15			S2	16	25N	3E	CHOUTEAU
16			N2NENE	36	25N	3E	CHOUTEAU
17			E2NWSE	26	25N	4E	CHOUTEAU
18			W2NWNW	29	25N	5E ~~4E~~	CHOUTEAU
19				36	25N	5E	CHOUTEAU

41O 30109666: Source

The source appears to be incorrectly identified in the application written portion. Current topographical maps show the confluence between Deep Creek, North Fork and Deep Creek, South Fork forming Deep Creek to be in Sec 27. It appears the correct name of the source should be Deep Creek, North Fork. VMA and documentation attached.

Source Name: ~~DEEP CREEK~~ DEEP CREEK, NORTH FORK

41O 30109668: Place of Use/Maximum Acres, Point of Diversion/Means of Diversion

There appears to a data entry error for the township. The township should be T23N R7W. Documentation attached.

Point of Diversion and Place of Use:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SE	36	~~26N~~ 23N	7W	TETON

41O 30109671: Place of Use/Maximum Acres, Point of Diversion/Means of Diversion

POD/POU #1 contains a scrivener's error on the written portion of the water right filing, but the map in the claim file was correct.

POD/POU #2 and #3 contain data entry errors. The water right filing was correct in both the written and on the map. VMA and documentation attached.

Point of Diversion and Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			S2SENW	7	25N	1W ~~2W~~	TETON
2			S2	36 ~~23~~	26N	4W	TETON
3			S2NW	29	26N	6W ~~5W~~	TETON
4			S2SW	30	26N	6W	TETON
5			S2S2	25	26N	7W	TETON

4. On December 17, 2025, Salmond Ranch Co. ("Salmond") filed a Notice of Intent to Appear ("NOIA") to claim 41O 30109666. The NOIA stated:

> Source should be changed from Deep Creek to North Fork of Deep Creek. Claim's priority date is not supported by information in the claim file. State should have to provide evidence confirming priority date.

Source is an issue in front of the Court for claim 41O 30109666, priority date is not.

Salmond's proposal for its source concerns for claim 41O 30109666 appear consistent with Trust Lands' proposal.

5. An Order was issued setting a deadline for Trust Lands to indicate whether the Objections will be resolved if the claims are modified as outlined in the Objections. (Doc.[1]1.00). The Order also set a deadline for Salmond to file documentation indicating whether the NOIA concerns will be resolved if the outlined source name modification is made to claim 41O 30109666.

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

6. On September 30, 2026, Salmond confirmed its NOIA concerns will be resolved if the source name for claim 41O 30109666 is modified as follows:

Source Name: ~~DEEP CREEK~~ DEEP CREEK, NORTH FORK

(Doc. 3.00). On October 9, 2026 Trust Lands confirmed its Objections will be resolved if the modifications outline in its Objections are made to claims 41O 30109659, 41O 30109666, 41O 30109668, and 41O 30109671. (Doc. 4.00). The filing noted a clerical error in the Order Consolidating and Order Setting Filing Deadline.

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) (2025).

CONCLUSIONS OF LAW

1. Claims 41O 30109659, 41O 30109666, 41O 30109668, and 41O 30109671 were decreed in the Basin 41O Interlocutory Decree with a Montana Department of Natural Resources (DNRC) issue remark indicating the claims were not included in the Temporary Preliminary Decree issued on December 29, 2005. Claims 41O 30109659, 41O 30109666, 41O 30109668, and 41O 30109671 are Senate Bill 355 exempt claims that were not included in the Basin 41O Decree issued on December 29, 2005. All water right owners in Basin 41O were given notice of the addition of the claims to the Interlocutory Decree and were informed that any objections to the claims must be filed by the close of the Notice of Intent to Appear period (December 19, 2025). No such objections were filed.

2. The information in the record overcomes the prima facie Statements of Claims for 41O 30109659, 41O 30109666, 41O 30109668, and 41O 30109671.

RECOMMENDATIONS

1. Claims 41O 30109659, 41O 30109666, 41O 30109668, and 41O 30109671 should be modified as shown in Finding of Fact No. 3 resolving the Objections and Notice of Intent to Appear concerns.

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

Abstracts are enclosed.

Service via Electronic Mail

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Note: Service List Updated 10/15/2026

Electronically Signed By:
Hon. Judge Anika Stern
Mon, Oct 19 2026 08:27:26 AM

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

TETON RIVER

BASIN 41O

Water Right Number: **41O 30109659** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: MONTANA STATE BOARD OF LAND COMMISSIONERS
FORESTRY AND TRUST LANDS DIVISION
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: JUNE 26, 1936

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: TETON RIVER

Source Type: SURFACE WATER

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SESE	33	24N	4W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		N2SWNE	34	24N	4W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		E2	36	24N	5W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		S2N2	19	25N	2W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		N2NE	25	25N	3W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
6		N2S2	26	25N	3W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

7	N2S2	27	25N	3W	TETON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

8	NW	34	25N	3W	TETON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

9	W2	36	25N	6W	TETON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

10	N2	36	25N	7W	TETON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

11	N2	36	25N	8W	TETON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

12	S2	9	24N	8E	CHOUTEAU

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

13	N2NW	16	24N	8E	CHOUTEAU

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

14		16	25N	1E	TETON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

15	S2	16	25N	3E	CHOUTEAU

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

16	N2NENE	36	25N	3E	CHOUTEAU

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

17	E2NWSE	26	25N	4E	CHOUTEAU

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

18	W2NWNW	29	25N	5E	CHOUTEAU

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

19		36	25N	5E	CHOUTEAU

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			SESE	33	24N	4W	TETON
2			N2SWNE	34	24N	4W	TETON
3			E2	36	24N	5W	TETON
4			S2N2	19	25N	2W	TETON
5			N2NE	25	25N	3W	TETON
6			N2S2	26	25N	3W	TETON
7			N2S2	27	25N	3W	TETON
8			NW	34	25N	3W	TETON
9			W2	36	25N	6W	TETON
10			N2	36	25N	7W	TETON
11			N2	36	25N	8W	TETON
12			S2	9	24N	8E	CHOUTEAU
13			N2NW	16	24N	8E	CHOUTEAU
14				16	25N	1E	TETON
15			S2	16	25N	3E	CHOUTEAU
16			N2NENE	36	25N	3E	CHOUTEAU
17			E2NWSE	26	25N	4E	CHOUTEAU
18			W2NWNW	29	25N	5E	CHOUTEAU
19				36	25N	5E	CHOUTEAU

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

Water Right Number: **41O 30109666** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: MONTANA STATE BOARD OF LAND COMMISSIONERS
FORESTRY AND TRUST LANDS DIVISION
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: FEBRUARY 7, 1895

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: DEEP CREEK, NORTH FORK

Source Type: SURFACE WATER

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		W2	16	23N	8W	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			W2	16	23N	8W	TETON

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

TETON RIVER

BASIN 41O

Water Right Number: **41O 30109668** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: MONTANA STATE BOARD OF LAND COMMISSIONERS
FORESTRY AND TRUST LANDS DIVISION
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: NOVEMBER 8, 1889

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: QUIGLEY CREEK

Source Type: SURFACE WATER

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SE	36	23N	7W	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			SE	36	23N	7W	TETON

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

TETON RIVER

BASIN 41O

Water Right Number: **41O 30109671** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: MONTANA STATE BOARD OF LAND COMMISSIONERS
FORESTRY AND TRUST LANDS DIVISION
PO BOX 201601
HELENA, MT 59620-1601

Priority Date: FEBRUARY 6, 1919

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: MUDDY CREEK

Source Type: SURFACE WATER

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		S2SENW	7	25N	1W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		S2	36	26N	4W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		S2NW	29	26N	6W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		S2SW	30	26N	6W	TETON
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		S2S2	25	26N	7W	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			S2SENW	7	25N	1W	TETON
2			S2	36	26N	4W	TETON
3			S2NW	29	26N	6W	TETON
4			S2SW	30	26N	6W	TETON
5			S2S2	25	26N	7W	TETON