FILED
10/19/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41O-0027-I-2026
Stern, Anika
4.00

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

* *

CLAIMANT: Keith Vansetten	**CASE 41O-0027-I-2026** 41O 30127786 41O 30127787 41O 30127788

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. Keith Vansetten (hereinafter "Vansetten" or "Claimant") is the record owner of claims 41O 30127786, 41O 30127787, and 41O 30127788.

2. Claims 41O 30127786, 41O 30127787, and 41O 30127788 were decreed with Montana Department of Natural Resources and Conservation ("DNRC") issue remarks:

41O 30127786:
- THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41O DECREE ISSUED 12/29/2005.
- NO TYPE OF HISTORICAL RIGHT WAS CLAIMED. DOCUMENTATION TO SUPPORT THE TYPE OF HISTORICAL RIGHT WAS NOT SUBMITTED WITH THIS CLAIM.
- THIS CLAIM DOES NOT APPEAR TO MEET THE DEFINITION OF AN EXEMPT RIGHT UNDER SECTION 85-2-222(1), MCA.
- ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 1/07/2020, THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY MABEL BERNICE WILT.

41O 30127787
- THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41O DECREE ISSUED 12/29/2005.
- NO TYPE OF HISTORICAL RIGHT WAS CLAIMED. DOCUMENTATION TO SUPPORT THE TYPE OF HISTORICAL RIGHT WAS NOT SUBMITTED WITH THIS CLAIM.
- THIS CLAIM DOES NOT APPEAR TO MEET THE DEFINITION OF AN EXEMPT RIGHT UNDER SECTION 85-2-222(1), MCA.

41O 30127788
- THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41O DECREE ISSUED 12/29/2005.
- NO TYPE OF HISTORICAL RIGHT WAS CLAIMED. DOCUMENTATION TO SUPPORT THE TYPE OF HISTORICAL RIGHT WAS NOT SUBMITTED WITH THIS CLAIM.
- NO PRIORITY DATE WAS CLAIMED.
- THIS CLAIM DOES NOT APPEAR TO MEET THE DEFINITION OF AN EXEMPT RIGHT UNDER SECTION 85-2-222(1), MCA.

3. An Order was issued requiring Vansetten to meet with a DNRC employee to address the unresolved issue remarks decreed on claims 41O 30127786, 41O 30127787, and 41O 30127788. (Doc.[1]1.00). The August 10, 2026 Order Setting Filing Deadline notified potential owner Justin B. Lee of a potential ownership interest in claim 41O 30127786.

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

4. DNRC Water Resource Specialist Jamie Verploegen filed a Memorandum on October 8, 2026. (Doc. 3.00). Ms. Verploegen indicated that nobody contacted the DNRC regarding the claims in this Case. Ms. Verploegen reviewed the scanned claim files to prepare the Memorandum.

5. **Claims 41O 30127786 and 41O 30127787:** Ms. Verploegen reported the following regarding claims 41O 30127786 and 41O 30127787:

> The DNRC reviewed the scanned documents for these claims. The claimed priority date of June 1, 2006 indicates an Appropriation of Water after June 30, 1973. Therefore, under Section 85-2-222(1), MCA, this does not meet the definition of an Exempt Right.

Ms. Verploegen recommended claims 41O 30127786 and 41O 30127787 be dismissed.

6. **Claim 41O 30127788:** Ms. Verploegen recommended the following regarding claim 41O 30127788:

> The DNRC reviewed the scanned documents for this claim. The priority date claimed was written as "not yet used". Therefore, under Section 85-2-222(1), MCA, this does not meet the definition of an Exempt Right, as it was not put to use before July 1, 1973.

Ms. Verploegen recommended claim 41O 30127788 be dismissed.

PRINCIPLES OF LAW

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

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*.

3. 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. Mont. Code Ann. § 85-2-212 (2025). "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. Mont. Code Ann. § 85-2-102(13) (2025).

CONCLUSION OF LAW

Based on available information, claims 41O 30127786, 41O 30127787, and 41O 30127788 do not appear to be existing rights.

RECOMMENDATION

Claims 41O 30127786, 41O 30127787, and 41O 30127788 should be dismissed.

Abstracts are enclosed.

Service via USPS Mail

Keith Vansetten
PO Box 696
Choteau, MT 59422

Potential Owner:
Justin B. Lee
761 MT Hwy 220
Choteau, MT 59422-9703

Electronically Signed By:
Hon. Judge Anika Stern
Mon, Oct 19 2026 08:24:05 AM

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

TETON RIVER

BASIN 41O

Water Right Number: **41O 30127786** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

Owners: KEITH VANSETTEN
PO BOX 696
CHOTEAU, MT 59422

Priority Date:

Type of Historical Right:

Purpose (Use): STOCK

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.

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

TETON RIVER

BASIN 41O

Water Right Number: **41O 30127787** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

Owners: KEITH VANSETTEN
PO BOX 696
CHOTEAU, MT 59422

Priority Date:

Type of Historical Right:

Purpose (Use): STOCK

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.

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

TETON RIVER

BASIN 41O

Water Right Number: **41O 30127788** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

Owners: KEITH VANSETTEN
PO BOX 696
CHOTEAU, MT 59422

Priority Date:

Type of Historical Right:

Purpose (Use): STOCK

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.