FILED
10/20/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41S-0040-R-2025
Hyatt, Robert J.
8.00

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MONTANA WATER COURT
LOWER MISSOURI DIVISION
JUDITH RIVER
BASIN 41S
PRELIMINARY DECREE

* *

CLAIMANTS: Keith A. Glass; Rungsima N. Glass	**CASE 41S-0040-R-2025**
	41S 140364-00
OBJECTOR: United States, DOI Bureau of Land Management	41S 140365-00

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. Claimants Keith A. Glass and Rungsima N. Glass ("Claimants") are the record owners of claims 41S 140364-00 and 41S 140365-00.

2. The United States of America DOI Bureau of Land Management ("Bureau of Land Management" or "BLM") filed objections to the maximum acres and places of use to both of the above captioned claim.

3. Claims 41S 140364-00 and 41S 140365-00 received no substantive issue remarks.

4. Claimants were ordered to attend a status conference on April 29, 2025. (Doc.[1] 1.00). Present at the conference was attorney Mark Widerschein for objector the Bureau of Land Management. Claimants Keith A. Glass and Rungsima N. Glass did not appear. (Doc. 3.00).

5. Subsequent the conference, the Bureau of Land Management was ordered to file documentation outlining a proposed resolution to its objections.

6. On June 11, 2025, the Bureau of Land Management filed a Response to Court Order. (Doc. 4.00).

7. The response stated that the objections were placed on both rights due to the place of use for both claims incorrectly including federal land. The response stated that the proposed modifications to both claims would resolve the BLM's objections.

8. The proposed modifications would appear as:

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

41S 140364-00

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1				14	20N	15E	FERGUS
2				22	20N	15E	FERGUS
3				15	20N	15E	FERGUS
4				11	20N	15E	FERGUS
5			N2NE	10	20N	15E	FERGUS
6			E2W2	10	20N	15E	FERGUS
7			SWSW	10	20N	15E	FERGUS
8			SWSE	10	20N	15E	FERGUS
~~6~~ 9			SE	3	20N	15E	FERGUS

Remarks: THE POINTS OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND

Exhibit 1 (Doc. 4.00).

41S 140365-00

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			N2NE	10	20N	15E	FERGUS
2			E2W2	10	20N	15E	FERGUS
3			SWSW	10	20N	15E	FERGUS
4			SWSE	10	20N	15E	FERGUS
~~2~~ 5				14	20N	15E	FERGUS
~~3~~ 6				22	20N	15E	FERGUS
~~4~~ 7				15	20N	15E	FERGUS
~~5~~ 8				11	20N	15E	FERGUS
~~6~~ 9			SE	3	20N	15E	FERGUS

Remarks: THE POINTS OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND

9. On May 5, 2026, the Court issued an order setting a show cause filing deadline. This order contained the following language:

> ORDERED that **Claimants Keith A. Glass and Rungsima N. Glass** show cause by **May 29 2026,** why the places of use for claims 41S 140364-00 and 41S 140365-00 should not be refined as proposed by BLM. If nothing is filed by the deadline, the places of use will be refined as described above.

(Doc. 7.00). No evidence or response was filed.

PRINCIPLES OF LAW

1. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA; Rule 10, W.R.Adj.R.

2. Prima facie proof may be contradicted and overcome by a preponderance of the evidence. Rule 19, W.R.Adj.R.

3. A preponderance of the evidence is evidence that shows a fact is "more probable than not." *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.

4. If prima facie status is overcome, the burden shifts back to the claimant to demonstrate historical use. *79 Ranch v. Pitsch*, 204 Mont. 426, 432-33, 666 P.2d 215, 218 (1983).

5. 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. Sections 85-2-227, -231(2), MCA.

6. If a claimant fails to comply with an order issued by the Water Court, the Court may issue orders of sanction that are just. Rule 22, W.R.Adj.R.

7. Sanctions applied against a claimant may include modification of a claim to conform with data provided by the DNRC, information obtained by the Court, or information included in an objection, or the entry of default and termination of a water right claim. Rule 11, W.R.Adj.R.

CONCLUSION OF LAW

1. Based upon the claim file, the Bureau of Land Management's filings, Rule 22, W.R.Adj.R., and Rule 11, W.R.Adj.R, the places of use of claims 41S 140364-00 and 41S 140365-00 should be reduced as suggested by the Memorandum to reflect the historical use and resolve the BLM's objections.

RECOMMENDATIONS

1. Claim 41S 140364-00 should have its place of use modified as:

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1				14	20N	15E	FERGUS
2				22	20N	15E	FERGUS
3				15	20N	15E	FERGUS
4				11	20N	15E	FERGUS
5			N2NE	10	20N	15E	FERGUS
6			E2W2	10	20N	15E	FERGUS
7			SWSW	10	20N	15E	FERGUS
8			SWSE	10	20N	15E	FERGUS
69			SE	3	20N	15E	FERGUS

2. Claim 41S 140365-00 should have its place of use modified as:

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			N2NE	10	20N	15E	FERGUS
2			E2W2	10	20N	15E	FERGUS
3			SWSW	10	20N	15E	FERGUS
4			SWSE	10	20N	15E	FERGUS
2 5				14	20N	15E	FERGUS
3 6				22	20N	15E	FERGUS
4 7				15	20N	15E	FERGUS
5 8				11	20N	15E	FERGUS
6 9			SE	3	20N	15E	FERGUS

3. Claims 41S 140364-00 and 41S 140365-00 should each receive a remark stating:

"THE POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND"

Post decree abstracts of the water right claims reflecting the recommendations are attached to this Report.

Service via USPS Mail

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Service via Electronic Mail

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(Attorneys for United States, DOI Bureau of Land Management)

Electronically Signed By:
Hon. Judge Robert John Hyatt, III
Tue, Oct 20 2026 10:02:17 AM

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 140364-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: KEITH A GLASS
808 BROADWAY
DENTON, MT 59430

RUNGSIMA N GLASS
808 BROADWAY
DENTON, MT 59430

Priority Date: DECEMBER 31, 1943

Type of Historical Right: USE

Purpose (Use): AGRICULTURAL SPRAYING

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 1.66 AC-FT

Source Name: UNNAMED TRIBUTARY OF BUFFALO COULEE

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWNWNW	14	20N	15E	FERGUS

***Period of Diversion:** JANUARY 1 TO DECEMBER 31

Diversion Means: PUMP

Reservoir: ONSTREAM

Govt Lot	Qtr Sec	Sec	Twp	Rge	County
	SWNWNW	14	20N	15E	FERGUS

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 30 TO OCTOBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1				14	20N	15E	FERGUS
2				22	20N	15E	FERGUS
3				15	20N	15E	FERGUS
4				11	20N	15E	FERGUS
5			N2NE	10	20N	15E	FERGUS
6			E2W2	10	20N	15E	FERGUS
7			SWSW	10	20N	15E	FERGUS
8			SWSE	10	20N	15E	FERGUS
9			SE	3	20N	15E	FERGUS

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

140364-00 140366-00

THE POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 140365-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: KEITH A GLASS
808 BROADWAY
DENTON, MT 59430

RUNGSIMA N GLASS
808 BROADWAY
DENTON, MT 59430

Priority Date: JANUARY 1, 1953

Type of Historical Right: USE

Purpose (Use): AGRICULTURAL SPRAYING

Flow Rate: 5.00 GPM

Volume: 2.03 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		SWNENE	10	20N	15E	FERGUS

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			N2NE	10	20N	15E	FERGUS
2			E2W2	10	20N	15E	FERGUS
3			SWSW	10	20N	15E	FERGUS
4			SWSE	10	20N	15E	FERGUS
5				14	20N	15E	FERGUS
6				22	20N	15E	FERGUS
7				15	20N	15E	FERGUS
8				11	20N	15E	FERGUS
9			SE	3	20N	15E	FERGUS

Remarks:

THE POINT OF DIVERSION AND PLACE OF USE ARE LIMITED TO PRIVATE LAND.