FILED
10/05/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41S-0473-R-2024
Hyatt, Robert J.
6.00

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

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

* *

CLAIMANT: Ross Ritter

CASE 41S-0473-R-2024
41S 16467-00
41S 30131073
41S 30131074
41S 30131075
41S 30131076
41S 30131077
41S 30131123

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. Ross Ritter ("Claimant") is the record holder of claims 41S 16467-00, 41S 30131073, 41S 30131074, 41S 30131075, 41S 30131076, 41S 30131077 and 41S 30131123.

2. All captioned claims received issue remarks. All claims included in the Decree were subject to pre-decree examination by the Montana Department of Natural Resources and Conservation ("DNRC").

3. On December 13, 2024, Claimant was ordered to meet with the DNRC to address the unresolved issue remarks on the above captioned claims. (Doc.[1] 1.00)

4. DNRC Water Resource Specialist Brandon Ahlgren filed a Memorandum on March 27, 2025. (Doc. 4.00). Mr. Ahlgren reported that Oliver Urick, representing Ross Ritter, submitted an analysis regarding this case to the DNRC on March 5, 2025. The submitted analysis was included in its entirety at the end of the Memorandum.

5. Claim 41S 16467-00 received the following issue remarks:

> THE MAXIMUM NUMBER OF ACRES CLAIMED ON THE ORIGINAL STATEMENT OF CLAIM IS 120.00 ACRES. THE DNRC'S RE-EXAMINATION WAS OF THESE ORIGINAL CLAIMED ACRES.
> FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.
>
> THE CLAIMED FLOW RATE CANNOT BE CONFIRMED DUE TO A LACK OF DATA.
> THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE PUMP CANNOT BE IDENTIFIED FROM AVAILABLE DATA.
> THE JUDITH BASIN COUNTY WATER RESOURCES SURVEY (1963) APPEARS TO INDICATE 3.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
> USDA AERIAL PHOTOGRAPH NO(S). 30045-279-33 , DATED 09/18/1979 , APPEARS TO INDICATE 3.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

6. During initial claim verification, the DNRC reduced the claimed acreage of claim 41S 16467-00. During the research done for the creation of the Memorandum, Mr. Ahlgren took into account all of the historically claimed acres. The DNRC previously had identified 3.00 acres of irrigation using the Judith Basin County Water Resource Survey and a 1979 USDA aerial photograph. Mr. Ahlgren was able to substantiate 7.00 acres utilizing a USGS aerial. Mr. Ahlgren's Memorandum references the analysis done by

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

Scott Irvin on behalf of the Claimant, stating that Mr. Ahlgren does not agree with Mr. Irvin's finding of 21.00 acres of irrigation, and that the change proposed to the claim would move the acres irrigated to an area that was never claimed by the legal land description. Mr. Ahlgren maintained that the DNRC will not recommend more than 7.00 acres of irrigation.

7. Mr. Ahlgren in the Memorandum stated that the flow rate for claim 41S 16467-00 should be adjusted in accordance with the DNRC guidelines of 17 GPM/Acre/Year. Mr. Ahlgren recommends that the flow rate should be made 119.00 GPM.

8. Utilizing information provided by Mr. Urick, the location of the point of diversion for claim 41S 16467-00 was identified. Mr. Ahlgren reports that the point of diversion does not require modification.

9. On July 28, 2025, an Order Setting Filing Deadline was issued stating:

> It is therefore
>
> **ORDERED** that the parties shall file documentation regarding their position on the recommendations in the Memo by **August 28, 2025**. If nothing is filed, it will be viewed as agreement with the recommendations in the Memo.

(Doc. 5.00). Nothing was filed.

10. Claim 41S 30131077 received the following issue remark:

NO VOLUME HAS BEEN CLAIMED. THE VOLUME GUIDELINE FOR THIS AREA IS 8.00 ACRE-FEET PER ACRE.

11. Claim 41S 30131077 is a claim for multiple domestic uses. No volume of water was claimed. Mr. Ahlgren in his Memorandum states that there is a typographical error in the wording of the issue remark. The remark should be read as "THE VOLUME GUIDELINE FOR THIS AREA IS 8.00 ACRE-FEET." The record indicates that two households and 2.00 acres of irrigation were claimed by claim 41S 30131077. Consistent with Rule (19(b)(2)(i) and (ii), W.R.C.E.R., and the issue remark, Mr. Ahlgren recommends that the volume for claim 41S 30131077 should be 8.00 Acre-Feet.

12. Claim 41S 30131123 received the following issue remark:

THE CLAIMED PRIORITY DATE MAY BE QUESTIONABLE. THE PRIORITY DATE ON THE SUBMITTED AFFIDAVIT IS 12/31/1904.

13. The priority date of claim 41S 30131123 appears as "12/31/1915". Mr. Ahlgren states that the affidavit referenced by the issue remark is actually referring to a stock water right held by a neighbor, and that the affidavit also discusses stock use in the 1890's. Mr. Ahlgren reports that without clarification from the Claimant, the DNRC will defer to the date placed on the claim form. Mr. Ahlgren recommends that the issue remark be removed.

14. Claims 41S 30131073, 41S 30131074, 41S 30131075, 41S30131076, 41S 30131077 and 41S 30131123 all received the same following notice-type issue remark:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41S DECREE ISSUED 05/17/1984.

15. This notice-type issue remark serves to inform potential objectors that these claims were not included in a previous decree. No objections were filed to the claims; therefore, the issue remarks should be removed.

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. Section 85-2-248(2), MCA, requires that the Water Court resolve all issue remarks that are not resolved through the objection process. *See also* Rule 7, W.R.Adj.R.

7. When resolving issue remarks, the Water Court must weigh the information resulting in the issue remark against the claimed water right. Section 85-2-247(2), MCA.

8. The Montana Water Court has the authority to resolve issue remarks when the claim file and information available to the Court provide a sufficient basis to do so. Section 85-2-248(3), MCA.

9. If the Montana Water Court cannot resolve issue remarks based upon information in the claim file or information available to the Court, claimants shall be required to confer with the DNRC to attempt resolution of the issue remarks. Claimants shall file documentation to resolve the issue remarks, and the DNRC shall submit recommendations regarding disposition of the issue remarks. Section 85-2-248(5), MCA.

CONCLUSIONS OF LAW

1. Based upon the claim file, evidence included with DNRC's Memorandum, and DNRC's recommendation, the maximum acres of claim 41S 16467-00 should be reduced as suggested by the Memorandum to reflect the historical use and resolve the acres irrigated issue remarks.

2. Based upon the claim file, evidence included with DNRC's Memorandum, and DNRC's recommendation, flow rate of claim 41S 16467-00 should be reduced as suggested by the Memorandum to reflect the historical use and resolve the flow rate issue remark.

3. Based upon the claim file, evidence included with DNRC's Memorandum, and DNRC's recommendation, the point of diversion for claim 41S 16467-00 does not require modification.

4. Based upon the claim file, evidence included with DNRC's Memorandum, the issue remark, and consistent with Rule (19(b)(2)(i) and (ii), W.R.C.E.R., the volume for claim 41S 30131077 should be established as suggested by the Memorandum in accordance with the DNRC claims examination guidelines.

5. Based upon the claim file and DNRC's recommendation, the priority date for claim 41S 30131123 does not require modification.

6. The notice-type issue remarks received on claims 41S 30131073, 41S 30131074, 41S 30131075, 41S30131076, 41S 30131077 and 41S 30131123 have served their purposes.

RECOMMENDATIONS

1. Claim 41S 16467-00 should have its maximum acres reduced to 7.00 Acres.
2. Claim 41S 16467-00 should have its flow rate reduced to 119.00 GPM.
3. Claim 41S 30131077 should have its volume established as 8.00 Acre-Feet.
2. The issue remarks on claims 41S 16467-00, 41S 30131073, 41S 30131074, 41S 30131075, 41S 30131076, 41S 30131077 and 41S 30131123 should be removed.

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

Service via Electronic Mail

Oliver J. Urick
Urick Law Firm, PLLC
ourick@uricklawfirm.com
(Attorney for Ross Ritter)

Electronically Signed By:
Hon. Judge Robert John Hyatt, III
Mon, Oct 05 2026 03:50:25 PM

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S

Water Right Number: **41S 16467-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: ROSS RITTER
PO BOX 89
STANFORD, MT 59479-0089

Priority Date: JULY 31, 1961

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Flow Rate: 119.00 GPM

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 7.00

Source Name: COYOTE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWNWNE	14	16N	12E	JUDITH BASIN

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: PUMP

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	7.00		E2NW	14	16N	12E	JUDITH BASIN
Total:	7.00						

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 30131073** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: ROSS RITTER
PO BOX 89
STANFORD, MT 59479-0089

Priority Date: DECEMBER 31, 1955

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: SKULL CREEK

Source Type: SURFACE WATER

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NWSW	1	16N	12E	JUDITH BASIN
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		NESE	2	16N	12E	JUDITH BASIN
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		SWSE	2	16N	12E	JUDITH BASIN
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		S2SW	2	16N	12E	JUDITH BASIN
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
5		N2NW	11	16N	12E	JUDITH BASIN
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			NWSW	1	16N	12E	JUDITH BASIN
2			NESE	2	16N	12E	JUDITH BASIN
3			SWSE	2	16N	12E	JUDITH BASIN
4			S2SW	2	16N	12E	JUDITH BASIN
5			N2NW	11	16N	12E	JUDITH BASIN

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 30131074** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: ROSS RITTER
PO BOX 89
STANFORD, MT 59479-0089

Priority Date: NOVEMBER 1, 1948

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 12.00 GPM

***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: GROUNDWATER

Source Type: GROUNDWATER

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWNWNWNW	12	16N	12E	JUDITH BASIN

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			SWNWNW	12	16N	12E	JUDITH BASIN
2			SENWNW	12	16N	12E	JUDITH BASIN

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.

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POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 30131075** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: ROSS RITTER
PO BOX 89
STANFORD, MT 59479-0089

Priority Date: DECEMBER 31, 1955

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:** SPRING, UNNAMED TRIBUTARY OF COYOTE CREEK

Source Type: SURFACE WATER

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWNWNESE	11	16N	12E	JUDITH BASIN

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			SWNWNESE	11	16N	12E	JUDITH BASIN

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 30131076** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: ROSS RITTER
PO BOX 89
STANFORD, MT 59479-0089

Priority Date: DECEMBER 31, 1955

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:** SPRING, UNNAMED TRIBUTARY OF COYOTE CREEK

Source Type: SURFACE WATER

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NENWSWNW	12	16N	12E	JUDITH BASIN

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			NENWSWNW	12	16N	12E	JUDITH BASIN

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 30131077** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: ROSS RITTER
PO BOX 89
STANFORD, MT 59479-0089

Priority Date: NOVEMBER 1, 1948

Type of Historical Right: USE

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

Flow Rate: 12.00 GPM

Volume: 8.00 AC-FT

Maximum Acres: 2.00

Source Name: GROUNDWATER

Source Type: GROUNDWATER

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

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SENWNWNW	12	16N	12E	JUDITH BASIN

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	2.00		W2NWNW	12	16N	12E	JUDITH BASIN
Total:	2.00						

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.

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POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

JUDITH RIVER

BASIN 41S

Water Right Number: **41S 30131123** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: ROSS RITTER
PO BOX 89
STANFORD, MT 59479-0089

Priority Date: DECEMBER 31, 1915

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: SKULL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SESE	2	16N	12E	JUDITH BASIN

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	2	16N	12E	JUDITH BASIN