

Montana Water Court
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MONTANA WATER COURT
LOWER MISSOURI DIVISION
PEOPLES CREEK
BASIN 40I
INTERLOCUTORY DECREE

CLAIMANT: Thorstad Ranch Inc.

OBJECTOR: Thorstad Ranch Inc.

CASE 40I-0002-I-2026

40I 30127588

40I 30127590

40I 30127593

40I 30127594

40I 30127616

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. Thorstad Ranch Inc. (hereinafter referred to as “Thorstad” and “the Claimant”) is the record owner of claims 40I 30127588, 40I 30127590, 40I 30127593, 40I 30127594, and 40I 30127616.

2. Claims 40I 30127588, 40I 30127590, 40I 30127593, 40I 30127594, and 40I 30127616 were decreed with DNRC issue remarks:

- THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40I DECREE ISSUED 06/20/2013.
- 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.
- POINT OF DIVERSION COULD NOT BE IDENTIFIED BECAUSE NO CLAIM MAP SUPPLIED BY CLAIMANT.

3. Thorstad was ordered to meet with the DNRC to address unresolved issue remarks decreed on claims 40I 30127588, 40I 30127590, 40I 30127593, 40I 30127594, and 40I 30127616.

4. DNRC Water Resource Specialist Jamie Verploegen filed a Memorandum on August 6, 2026. (Doc.¹ 2.00). Water Resource Specialist Verploegen reported claimant contact was unnecessary because maps were included in the claim files and the claimant marked the location of the points of diversion and places of use. Water Resource Specialist Verploegen made recommendations for the disposition of the issue remarks decreed on the claims.

5. **Claim 40I 30127588:** Water Resource Specialist Verploegen recommended the following modifications be made to claim 40I 30127588, resolving the unresolved issue remarks decreed on the claim:

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3	NWNE	4	28N	19E	BLAINE
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		SPRING BOX				

¹ “Doc.” numerical references correlate to case file docket numbers in the Water Court’s Full Court case management system.

*Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		3	NWNE	4	28N	19E	BLAINE

6. **Claim 40I 30127590:** Water Resource Specialist Verploegen recommended the following modifications be made to claim 40I 30127590, resolving the unresolved issue remarks decreed on the claim:

*Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County	
1		SW	SWNE	36	29N	18E	BLAINE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County	
1			SW	SWNE	36	29N	18E	BLAINE

7. **Claim 40I 30127593:** Water Resource Specialist Verploegen recommended the following modifications be made to claim 40I 30127593, resolving the unresolved issue remarks decreed on the claim:

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
4		NWSW	5	28N	19E	BLAINE
1		N2SW	5	28 N	19E	BLAINE
2		NWSE	5	28 N	19E	BLAINE
3		SWNE	5	28 N	19E	BLAINE
4		SENE	5	28 N	19E	BLAINE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
4			NWSW	5	28N	19E	BLAINE
1			N2SW	5	28 N	19E	BLAINE
2			NWSE	5	28 N	19E	BLAINE
3			SWNE	5	28 N	19E	BLAINE
4			SENE	5	28 N	19E	BLAINE

8. **Claim 40I 30127594:** Water Resource Specialist Verploegen recommended the following modifications be made to claim 40I 30127594, resolving the unresolved issue remarks decreed on the claim:

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County	
1		NW	SWNE	6	28N	19E	BLAINE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County	
1			NW	SWNE	6	28N	19E	BLAINE

9. **Claim 40I 30127616:** Water Resource Specialist Verploegen recommended the following modifications be made to claim 40I 30127616, resolving the unresolved issue remarks decreed on the claim:

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3	NENW	5	28N	19E	BLAINE
2		SENW	5	28 N	19E	BLAINE
3		SWNE	5	28 N	19E	BLAINE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		3	NENW	5	28N	19E	BLAINE
2			SENW	5	28 N	19E	BLAINE
3			SWNE	5	28 N	19E	BLAINE

10. On August 7, 2026, an Order was issued to determine if Thorstad agreed or disagreed with Water Resource Specialist Verploegen's recommendations regarding the claims. (Doc. 3.00). The Order indicated that if nothing was filed by the deadline, this Water Master would conclude that Claimant Thorstad Ranch Inc. agreed claims 40I 30127588, 40I 30127590, 40I 30127593, 40I 30127594, and 40I 30127616 should be modified as recommended by Water Resource Specialist Verploegen. 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.

11. On September 1, 2026, Vice President of Thorstad Ranch Inc., Cindy Thorstad, filed a statement agreeing with the modifications recommended by Water Resource Specialist Verploegen as described in the August 7, 2026 Order. (Doc. 4.00).

PRINCIPLES AND CONCLUSIONS 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. § 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, ¶ 34, 375 Mont. 86, 329 P.3d 558.

3. Claims 40I 30127588, 40I 30127590, 40I 30127593, 40I 30127594, and 40I 30127616 were decreed with a Montana Department of Natural Resources and Conservation (“DNRC”) issue remark:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41O DECREE ISSUED 06/20/2013. The issue remark provided notice that the claims were filed as “exempt” claims under the provisions of House Bill 110 (“HB 110”) passed by the 2017 Montana Legislature (codified at § 85-2-222, MCA). HB 110 provided owners of certain exempt claims the option of filing the claims before a June 30, 2019 filing deadline.

The DNRC examined exempt claims under its claim examination rules. Based on the DNRC examination, the issue remark was placed on the claims, providing notice that the claims did not appear in the temporary preliminary decree (“TPD”) for Basin 41O, issued in 2005, because the TPD predated the exempt claim filing deadline.

The claims did not receive objections during the objection periods. Absent objections, the issue remark does not raise factual or legal issues that need to be addressed. No further proceedings are required to resolve the remark.

RECOMMENDATIONS

1. Claims 40I 30127588, 40I 30127590, 40I 30127593, 40I 30127594, and 40I 30127616 should be modified as follows:

Claim 40I 30127588:

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3	NWNE	4	28N	19E	BLAINE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		3	NWNE	4	28N	19E	BLAINE

Claim 40I 30127590:

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

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SW	36	29N	18E	BLAINE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SW SWNE	36	29N	18E	BLAINE

Claim 40I 30127593:

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
4		NWSE	5	28N	19E	BLAINE
1		N2SW	5	28 N	19E	BLAINE
2		NWSE	5	28 N	19E	BLAINE
3		SWNE	5	28 N	19E	BLAINE
4		SENE	5	28 N	19E	BLAINE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
4			NWSE	5	28N	19E	BLAINE
1			N2SW	5	28 N	19E	BLAINE
2			NWSE	5	28 N	19E	BLAINE
3			SWNE	5	28 N	19E	BLAINE
4			SENE	5	28 N	19E	BLAINE

Claim 40I 30127594:

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NW SWNE	6	28N	19E	BLAINE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NW SWNE	6	28N	19E	BLAINE

Claim 40I 30127616:

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3	NENW	5	28N	19E	BLAINE
2		SENE	5	28 N	19E	BLAINE
3		SWNE	5	28 N	19E	BLAINE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

*Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		3	NENW	5	28N	19E	BLAINE
2			SENE	5	28 N	19E	BLAINE
3			SWNE	5	28 N	19E	BLAINE

2. The issue remarks should be removed from claims 40I 30127588, 40I 30127590, 40I 30127593, 40I 30127594, and 40I 30127616.

Abstracts are attached for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail

Thorstad Ranch Inc.
22675 Lloyd Rd.
Lloyd, MT 59535-9600

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
PEOPLES CREEK
BASIN 40I**

Water Right Number: 40I 30127588 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: THORSTAD RANCH INC
22675 LLOYD RD
LLOYD, MT 59535-9600

Priority Date: JULY 18, 1903

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 8.00 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: SPRING, UNNAMED TRIBUTARY OF PEOPLES CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3	NWNENW	4	28N	19E	BLAINE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		3	NWNENW	4	28N	19E	BLAINE

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
PEOPLES CREEK
BASIN 40I**

Water Right Number: 40I 30127590 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: THORSTAD RANCH INC
22675 LLOYD RD
LLOYD, MT 59535-9600

Priority Date: AUGUST 1, 1903

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 10.00 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:** SPRING, UNNAMED TRIBUTARY OF PEOPLES CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWNE	36	29N	18E	BLAINE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWSWNE	36	29N	18E	BLAINE

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
PEOPLES CREEK
BASIN 40I**

Water Right Number: 40I 30127593 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: THORSTAD RANCH INC
22675 LLOYD RD
LLOYD, MT 59535-9600

Priority Date: AUGUST 1, 1903

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: PEOPLES CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		N2SW	5	28N	19E	BLAINE
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
2		NWSE	5	28N	19E	BLAINE
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
3		SWNE	5	28N	19E	BLAINE
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	LIVESTOCK DIRECT FROM SOURCE					
4		SENE	5	28N	19E	BLAINE
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:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2SW	5	28N	19E	BLAINE
2			NWSE	5	28N	19E	BLAINE
3			SWNE	5	28N	19E	BLAINE
4			SENE	5	28N	19E	BLAINE

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
PEOPLES CREEK
BASIN 40I**

Water Right Number: 40I 30127594 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: THORSTAD RANCH INC
22675 LLOYD RD
LLOYD, MT 59535-9600

Priority Date: AUGUST 1, 1903

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 8.00 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:** SPRING, UNNAMED TRIBUTARY OF PEOPLES CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNE	6	28N	19E	BLAINE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWSWNE	6	28N	19E	BLAINE

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
PEOPLES CREEK
BASIN 40I**

Water Right Number: 40I 30127616 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: THORSTAD RANCH INC
22675 LLOYD RD
LLOYD, MT 59535-9600

Priority Date: AUGUST 1, 1903

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: UNNAMED TRIBUTARY OF PEOPLES CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3	NENW	5	28N	19E	BLAINE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2	3	SENE	5	28N	19E	BLAINE
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3	3	SWNE	5	28N	19E	BLAINE
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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:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		3	NENW	5	28N	19E	BLAINE
2		3	SENE	5	28N	19E	BLAINE
3		3	SWNE	5	28N	19E	BLAINE