

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

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

\* \* \* \* \*

CLAIMANT: Thorstad Ranch Inc.

OBJECTOR: Thorstad Ranch Inc.

**CASE 40I-0003-I-2026**

40I 30127591

40I 30127592

40I 30127614

40I 30127615

40I 30127617

**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. The record owner of claims 40I 30127591, 40I 30127592, 40I 30127614, 40I 30127615, and 40I 30127617 is Thorstad Ranch, Inc. ("Thorstad").

2. Claims 40I 30127591, 40I 30127592, 40I 30127614, 40I 30127615, and 40I 30127617 were decreed with a Montana Department of Natural Resources and Conservation (“DNRC”) issue remark:

- THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 40I DECREE ISSUED 06/20/2013.

3. Thorstad objected to claims 40I 30127614, 40I 30127615, 40I 30127617, 40I 30127591, and 40I 30127592 stating: “Other: Resolving issues in interlocutory decree identified by the DNRC.” Maps were attached to the Objections.

No issues were identified by the DNRC requiring resolution. It is unclear how the Thorstad Objections to the claims in this Case should be resolved.

4. As it was unclear how the Thorstad Objections should be resolved, an Order was issued setting a deadline for Thorstad to address the Objections. (Doc.<sup>1</sup>1.00).

5. On September 8, 2026, Thorstad filed its Response:

Thorstad Ranch, Inc. would like to file this statement regarding Case 40I-01-0003-2026. Every claim in this case (40I 30127591, 40I 30127592, 40I 30127614, 40I 30127615 and 40I 30127617) had the statement "This claim number was not included in the basin 40I decree issued 06/20/2013". That statement was placed in the "issues" box in the remarks section of the abstracts. It was our understanding that we needed to file the objections to protect our rights to these claims during this process. We agree to the descriptions of the claims in this case as stated on the abstracts and agree no modifications are needed and the objections can be dismissed.

Cindy Thorstad  
Vice President  
Thorstad Ranch, Inc.

(Doc. 2.00).

### PRINCIPLES OF LAW

1. The Water Court is required to address all issue remarks decreed on a claim as well as any objections the claim receives. Sections 85-2-233, 85-2-247, and 85-2-248, MCA.

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

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.

#### CONCLUSION OF LAW

1. The issue remark decreed on claims 40I 30127591, 40I 30127592, 40I 30127614, 40I 30127615, and 40I 30127617 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 only Objections to the claims have been resolved. Absent other 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. The issue remark should be removed from the claim abstracts.
2. The Objections should be dismissed as resolved.

Post decree abstracts are enclosed.

**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 30127591 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

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

**Priority Date:** AUGUST 14, 1900

**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         |                 | SESE           | 25         | 29N        | 18E        | 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         |              |                 | SESE           | 25         | 29N        | 18E        | BLAINE        |

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

**Water Right Number:** 40I 30127592 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:** 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         | 2               | NWNE           | 19         | 28N        | 19E        | BLAINE        |

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

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

|   |  |        |    |     |     |        |
|---|--|--------|----|-----|-----|--------|
| 2 |  | N2SENW | 19 | 28N | 19E | BLAINE |
|---|--|--------|----|-----|-----|--------|

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

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

|   |   |      |    |     |     |        |
|---|---|------|----|-----|-----|--------|
| 3 | 5 | SWNW | 19 | 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         |              | 2               | NWNE           | 19         | 28N        | 19E        | BLAINE        |
| 2         |              |                 | N2SENW         | 19         | 28N        | 19E        | BLAINE        |
| 3         |              | 5               | SWNW           | 19         | 28N        | 19E        | BLAINE        |

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

**Water Right Number:** 40I 30127614 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         |                 | NWSE           | 36         | 29N        | 18E        | 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         |              |                 | NWSE           | 36         | 29N        | 18E        | BLAINE        |

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

**Water Right Number:** 40I 30127615 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

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

**\*Priority Date:** JUNE 28, 2019

THE PRIORITY DATE OF THIS WATER RIGHT HAS BEEN CHANGED TO THE FILING DATE OF THE STATEMENT OF CLAIM. THE PRIORITY DATE MAY BE CONTESTED BY PROPER OBJECTION.

THIS IS AN EXISTING RIGHT. ITS POST-1973 PRIORITY DATE IS DECREED PURSUANT TO SECTION 85-2-306(4) MCA.

**\*Type of Historical Right:** FILED

**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         |                 | NWSESW         | 24         | 28N        | 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         |              |                 | NWSESW         | 24         | 28N        | 18E        | BLAINE        |

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

**Water Right Number:** 40I 30127617 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

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

**Priority Date:** AUGUST 10, 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         |                 | NWSE           | 6          | 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         |              |                 | NWSE           | 6          | 28N        | 19E        | BLAINE        |