

Montana Water Court
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MONTANA WATER COURT
UPPER MISSOURI DIVISION
MADISON RIVER
BASIN 41F
PRELIMINARY DECREE

CLAIMANT: Quarter Circle One LLC

OBJECTOR: United States, DOI Bureau of Reclamation

CASE 41F-0175-R-2025

41F 132273-00

41F 132274-00

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

Statement of the case

The United States, DOI Bureau of Reclamation ("BOR") filed an objection to the flow rate, volume, priority date, maximum acres irrigated, and place of use identified by

the captioned irrigation claims.

Irrigation claim 41F 132273-00 appeared in the Preliminary Decree with the following issue remarks.

POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

THIS CLAIM APPEARS TO BE CLAIMING THREE SEPARATE SOURCES OF WATER. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.

Irrigation claim 41F 132274-00 appeared in the Preliminary Decree with the following issue remark.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON BEAR CREEK WITH A PRIORITY DATE PREDATING CASE NO 622, MADISON COUNTY. IF NO OBJECTIONS ARE FILED TO PRIORITY DATE OR TYPE OF HISTORICAL RIGHT, THESE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS REMARK WILL BE REMOVED.

Issue remarks result from Department of Natural Resources and Conservation (“DNRC”) claims examination. If claims examination cannot confirm an element of a claim based upon historical resources, or water right claim examination rules require identification of an issue, or a Water Court order requires identification of an issue, an issue remark is added to the claim. The court or DNRC may also add issue remarks providing some sort of notice to water users concerning a claim.

Montana law requires the Water Court to resolve objections and issue remarks.

On June 8, 2026, the parties filed a Stipulation to Resolve Objections.

Issues

1. Should the court accept the stipulated terms?
2. Are the issue remarks on the claims resolved?

Findings of Fact

1. The number of maximum acres irrigated and place of use identified by irrigation claim 41F 132273-00 should be reduced to 285.00.

2. No changes should be made to irrigation claim 41F 132274-00.

Principles of law

1. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. Section 85-2-227, MCA. Prima facie proof may be overcome by other evidence that proves, by a preponderance of the evidence, that an element of the prima facie claim is incorrect. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R. A preponderance of the evidence is a “modest standard” and is evidence that demonstrates the fact to be proved is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 348, 240 P.3d 628.

2. The Montana Water Court is permitted to use information submitted by the Department of Natural Resources and Conservation, the statement of claim, information from approved compacts, and any other data obtained by the Court to evaluate water right claims. Section 85-2-231(2), MCA.

3. Settlement, including the documents filed by a claimant where the claimant is the only party, is subject to review and approval by the Water Court. Rule 17(a), W.R.Adj.R.

4. The Water Court may accept a settlement agreement that reduces or limits an element of a claim and need not determine whether the burden of proof is met unless there is an unresolved issue remark on the claim. Rule 17(c), W.R.Adj.R.

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

6. 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.

Analysis

Issue 1 – acceptance of stipulated terms

The parties stipulated to a reduced number of maximum acres irrigated and reduced place of use for irrigation claim 41F 132273-00. Included with the Stipulation was a map depicting the modified place of use. (Ex. 2)

The Stipulation and its exhibits may be viewed on the court's case management system, FullCourt Enterprise, at document sequence 16.00.

Conclusions of law

The evidence entered into the record results in reductions within the parameters of statement of claim 41F 132273-00. There is no burden of proof to meet. The reductions resolve the BOR's objection to the claim. The stipulated terms should be accepted by the court.

No changes should be made to the elements of irrigation claim 41F 132274-00. The BOR's objection to claim 41F 132274-00 is resolved.

Issue 2 – issue remark resolution

Irrigation claim 41F 132273-00 appeared in the Preliminary Decree with the following issue remark concerning source.

THIS CLAIM APPEARS TO BE CLAIMING THREE SEPARATE SOURCES OF WATER. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.

While statement of claim 41F 132273-00 identifies its source as Bear Creek, attached to and in support of the statement of claim is a Water Resources Survey ("WRS") map. The WRS map identifies a "main source," "alternate sources," and the conveyance system involved for this claim. It is evident from the map that this water right diverts water from several sources as a single appropriation for irrigation.

Irrigation claim 41F 132273-00 also received an issue remark providing notice to water users that the point of diversion was modified by DNRC during reexamination. Irrigation claim 41F 132274-00 received an issue remark providing notice to water users that the priority date was questionable. Water users were given the opportunity to review

the claims and file an objection. The deadline to file objections passed. No water users filed an objection to the point of diversion identified by claim 41F 132273-00. The objection filed by the BOR to the priority date for claim 41F 132274-00 was resolved by these proceedings.

Conclusions of law

Weighing the information resulting in the source issue remark and the issue remark against the claimed water right, the source names identified by the Preliminary Decree abstract for irrigation claim 41F 132273-00 are historically accurate. The original claimant correctly filed one statement of claim for this appropriation. The issue remark concerning source and the possibility of three water rights is resolved.

The point of diversion issue remark on irrigation claim 41F 132273-00 served its notice purpose.

The priority date issue remark on irrigation claim 41F 132274-00 served its notice purpose.

Recommendations

Irrigation claim 41F 132273-00 should be modified as follows to accurately reflect historical use.

MAXIMUM ACRES: ~~390.00~~ **285.00**

PLACE OF USE:

	<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTR SEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
45.00	~~150.00~~		NW	3	8S	1E	MADISON
	80.00		W2SW	3	8S	1E	MADISON
	<u>160.00</u>		S2S2	4	8S	1E	MADISON
TOTAL: 285.00	~~390.00~~						

Irrigation claim 41F 132274-00 accurately reflects historical use. No changes to the elements of the claim should be made.

The issue remarks should be removed from the claim abstracts.

Post Decree Abstracts of Water Right Claim accompany this report to confirm the recommendations have been implemented in the state's centralized water right record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via Electronic Mail

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F**

Water Right Number: 41F 132273-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: QUARTER CIRCLE ONE LLC
140 JEFFERS LOOP S
ENNIS, MT 59729

Priority Date: DECEMBER 19, 1881

Type of Historical Right: DECREED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 4.60 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 285.00

Source Name: BEAR CREEK

Source Type: SURFACE WATER

Source Name: BEAR CREEK, NORTH FORK

Source Type: SURFACE WATER

Source Name: BEAR CREEK, MIDDLE FORK

Source Type: SURFACE WATER

ALSO KNOWN AS UPPER BEAR CREEK

***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		NWNESW	3	8S	1E	MADISON
Source Name:	BEAR CREEK					
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	JASMANN-CLARK DITCH					
2		NWNESE	2	8S	1E	MADISON
Source Name:	BEAR CREEK, MIDDLE FORK					
Period of Diversion:	MAY 15 TO OCTOBER 15					
Diversion Means:	HEADGATE					
Ditch Name:	SOUTH FORK NO. 2 DITCH (KARKEEK-CLARK)					
3		SWSWSW	36	7S	1E	MADISON
Source Name:	BEAR CREEK, NORTH FORK					
Period of Diversion:	MAY 15 TO OCTOBER 15					

Diversion Means:

HEADGATE

Ditch Name:

NORTH FORK DITCH

Period of Use:

MAY 15 TO OCTOBER 15

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	45.00		NW	3	8S	1E	MADISON
2	80.00		W2SW	3	8S	1E	MADISON
3	160.00		S2S2	4	8S	1E	MADISON
Total:	285.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

132273-00132274-00

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.

132265-00132273-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MADISON RIVER
BASIN 41F

Water Right Number: 41F 132274-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: QUARTER CIRCLE ONE LLC
140 JEFFERS LOOP S
ENNIS, MT 59729

Priority Date: APRIL 15, 1881

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 9.10 CFS

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

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 240.00

Source Name: BEAR CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS UPPER BEAR CREEK

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NWNESW	3	8S	1E	MADISON

Period of Diversion: MAY 10 TO JULY 10

Diversion Means: HEADGATE

Ditch Name: JASMANN-CLARK DITCH

Period of Use: MAY 10 TO JULY 10

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			NW	3	8S	1E	MADISON
2	80.00		W2SW	3	8S	1E	MADISON
3	160.00		S2S2	4	8S	1E	MADISON
Total:	240.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

132273-00132274-00