

Montana Water Court  
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Bozeman, MT 59771-1389  
(406) 586-4364  
1-800-624-3270  
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MONTANA WATER COURT  
UPPER MISSOURI DIVISION  
MADISON RIVER  
BASIN 41F  
PRELIMINARY DECREE

\* \* \* \* \*

CLAIMANTS: L R Huckaba Ranch Inc.; Brian Mason

OBJECTOR: United States, DOA Forest Service

NOTICE OF INTENT TO APPEAR: Marara, LLC; Three  
Dollar Ranch LLC

**CASE 41F-0207-R-2025**

41F 3404-00

41F 40738-00

41F 40739-00

**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, DOA Forest Service ("Forest Service") filed an objection to each of the captioned irrigation claims. The Forest Service objected to all elements of each claim. Marara, LLC ("Marara") and Three Dollar Ranch LLC ("Three Dollar") filed a notice of intent to appear for claims 41F 3404-00 and 41F 40739-00.

Each captioned claim received issue remarks. Issue remarks most often 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. An issue remark may provide notice to water users concerning a claim. The claims received the following issue remarks:

#### **41F 3404-00**

DITCH NAME 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.

#### **41F 40738-00**

POINT OF DIVERSION AND DITCH NAME WERE 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.

#### **41F 40739-00**

DITCH NAME 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.

THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS 32.00 GPM PER ACRE.

On May 12, 2026, co-claimant L R Huckaba Ranch Inc. ("Huckaba"), by and through counsel of record, filed a Motion to Amend Claim. On May 26, 2026, the Forest

Service, by and through counsel of record, filed a Response to Motion to Amend. The Forest Service stated Huckaba's proposed modifications would resolve its objections to the claims. On July 2, 2026, Marara and Three Dollar by and through counsel of record, filed a Response to Motion to Amend. Marara and Three Dollar stated that Huckaba's proposed modifications would resolve their concerns for the claims. Co-claimant Brian Mason did not file a response by the deadline. The court order informed Brian Mason that his lack of reply would be deemed his "agreement with Huckaba's proposed modifications."

### **Issues**

1. Are the objections to each claim resolved?
2. Are the notices of intent to appear for claims 41F 3404-00 and 41F 40739-00 resolved?
3. Are the issue remarks resolved?

### **Finding of fact**

The points of diversion for each captioned irrigation claim should be the SWNWNW and the NWSESW, both in Section 23, Township 12 South, Range 2 East, Madison County.

### **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. This prima facie proof may be contradicted and 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. If the settlement agreement expands or enlarges an element of a claim, evidence meeting the burden of proof must be provided. If the evidence does not meet the burden of proof, the element shall not be expanded or enlarged. Rule 17(b), W.R.Adj.R.

5. A clerical mistake or mistake arising from omission or oversight may be corrected by the court at any time. Rule 60(a), M.R.Civ.P.

6. 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.

7. 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**

### **Issues 1 and 2 – objection and notice of intent to appear resolution**

Huckaba's Motion explains:

- Claims 41F 40738-00 and 41F 40739-00 were implied from claim 41F 3404-00. All three claims are based on the same information - the

information in claim file 41F 3404-00.

- Statement of claim 41F 3404-00 identified one point of diversion in the SESWW2 of Section 23, Township 12 South, Range 2 East, Madison County.
- During claims examination, DNRC modified the point of diversion for statement of claim 41F 3404-00, and the implied claims generated from claim 41F 3404-00, claims 41F 40738-00 and 41F 40739-00, to the NENENW of Section 26, Township 12 South, Range 2 East, Madison County.

The point of diversion legal land description identified as the SESWW2 of Section 23, Township 12 South, Range 2 East identified by prima facie statement of claim 41F 3404-00 appears to be a clerical error. When viewed as the W2 only, the legal land description includes ditches identified by the map attached to statement of claim 41F 3404-00 and the Madison County Water Resources Survey map provided by Huckaba with its Motion.

Huckaba's Motion and its attachments may be viewed on the court's case management system, FullCourt Enterprise, at document sequence 13.00.

### **Conclusions of law**

The refined and corrected points of diversion for the captioned claims are within the parameters of the original statement of claim, 41F 3404-00. The modifications should be made to the abstracts, resolving the Forest Service's objections to each claim, and resolving Marara's and Three Dollar's notice of intent to appear for claims 41F 3404-00 and 41F 40739-00.

### **Issue 3 – issue remark resolution**

Claim 41F 40739-00 received an issue remark noting the flow rate exceeds the 17.00 GPM/acre guideline for irrigation claims. Information in the claim file does not

indicate the claimed flow rate is historically inaccurate. A guideline, without further explanation, is not evidence sufficient to overcome the prima facie proof afforded the flow rate for this claim. The flow rate of claim 41F 40739-00 does not require modification.

Each of the captioned claims received an issue remark, noting modifications to elements made by the DNRC during claims examination. The issue remark instructed claimants and other water users that if no objections were filed to the modifications, the modified elements would remain as they appear on the Preliminary Decree abstracts.

Water users were given the opportunity to review the claims and file an objection. The objections filed to each captioned claim are resolved by these case proceedings. No further modifications to the claims are required.

### **Conclusions of law**

The flow rate issue remark appearing on irrigation claim 41F 40739-00 does not raise an issue that requires resolution by the court. The flow rate issue remark is resolved.

The issue remark on each captioned claim noting modification of elements by the DNRC served its notice purpose.

### **Recommendations**

Each of the captioned irrigation claims should be modified as follows to accurately reflect historical use.

#### **POINT OF DIVERSION:**

| <b><u>GOVT LOT</u></b> | <b><u>QTR SEC</u></b> | <b><u>SEC</u></b> | <b><u>TWP</u></b> | <b><u>RGE</u></b> | <b><u>COUNTY</u></b> |
|------------------------|-----------------------|-------------------|-------------------|-------------------|----------------------|
|                        | <del>NENENW</del>     | <del>26</del>     | <del>12S</del>    | <del>2E</del>     | <del>MADISON</del>   |
|                        | <b>SWNWNW</b>         | <b>23</b>         | <b>12S</b>        | <b>2E</b>         | <b>MADISON</b>       |
|                        | <b>NWSESW</b>         | <b>23</b>         | <b>12S</b>        | <b>2E</b>         | <b>MADISON</b>       |

The issue remarks should be removed from the claim abstracts.

Post Decree Abstracts of Water Right Claim accompany this report to confirm implementation of the recommendations in the state's centralized water right record

system.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service Via USPS Mail**

Brian Mason  
PO Box 97  
Cross Junction VA 22625-0797

**Service Via Electronic Mail**

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

**Water Right Number:** 41F 3404-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** BRIAN MASON  
PO BOX 97  
CROSS JUNCTION, VA 22625-0797

L R HUCKABA RANCH INC  
26 MT HIGHWAY 359  
CARDWELL, MT 59721-9604

**Priority Date:** JUNE 26, 1900

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.46 CFS

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

**Climatic Area:** 5 - LOW

**Maximum Acres:** 58.00

**Source Name:** MILE CREEK

**Source Type:** SURFACE WATER

ALSO KNOWN AS MILE AND LITTLE MILE 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         |                 | SWNWNW         | 23         | 12S        | 2E         | MADISON       |

**Period of Diversion:** JUNE 1 TO OCTOBER 20

**Diversion Means:** HEADGATE

**Ditch Name:** SHAW DITCH

|   |  |        |    |     |    |         |
|---|--|--------|----|-----|----|---------|
| 2 |  | NWSESW | 23 | 12S | 2E | MADISON |
|---|--|--------|----|-----|----|---------|

**Period of Diversion:** JUNE 1 TO OCTOBER 20

**Diversion Means:** HEADGATE

**Ditch Name:** SHAW DITCH

**Period of Use:** JUNE 1 TO OCTOBER 20

**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        |                 | W2NW           | 23         | 12S        | 2E         | MADISON       |
| 2         | 8.00         |                 | NENENE         | 22         | 12S        | 2E         | MADISON       |



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

**Water Right Number:** 41F 40738-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** BRIAN MASON  
PO BOX 97  
CROSS JUNCTION, VA 22625-0797

L R HUCKABA RANCH INC  
26 MT HIGHWAY 359  
CARDWELL, MT 59721-9604

**Priority Date:** JUNE 1, 1903

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.04 CFS

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

**Climatic Area:** 5 - LOW

**Maximum Acres:** 58.00

**Source Name:** MILE 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         |                 | SWNWNW         | 23         | 12S        | 2E         | MADISON       |

**Period of Diversion:** JUNE 1 TO OCTOBER 20

**Diversion Means:** HEADGATE

**Ditch Name:** SHAW DITCH

|   |  |        |    |     |    |         |
|---|--|--------|----|-----|----|---------|
| 2 |  | NWSESW | 23 | 12S | 2E | MADISON |
|---|--|--------|----|-----|----|---------|

**Period of Diversion:** JUNE 1 TO OCTOBER 20

**Diversion Means:** HEADGATE

**Ditch Name:** SHAW DITCH

**Period of Use:** JUNE 1 TO OCTOBER 20

**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         | 5.00         |                 | SWSENW         | 23         | 12S        | 2E         | MADISON       |
| 2         | 45.00        |                 | W2NW           | 23         | 12S        | 2E         | MADISON       |
| 3         | 8.00         |                 | NENENE         | 22         | 12S        | 2E         | MADISON       |

**Total:** 58.00

**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.

|         |          |          |
|---------|----------|----------|
| 3404-00 | 40738-00 | 40739-00 |
|---------|----------|----------|

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

**Water Right Number:** 41F 40739-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** BRIAN MASON  
PO BOX 97  
CROSS JUNCTION, VA 22625-0797

L R HUCKABA RANCH INC  
26 MT HIGHWAY 359  
CARDWELL, MT 59721-9604

**Priority Date:** JULY 19, 1902

**Type of Historical Right:** DECREED

**Purpose (Use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 4.17 CFS

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

**Climatic Area:** 5 - LOW

**Maximum Acres:** 58.00

**Source Name:** MILE 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         |                 | SWNWNW         | 23         | 12S        | 2E         | MADISON       |

**Period of Diversion:** JUNE 1 TO OCTOBER 20

**Diversion Means:** HEADGATE

**Ditch Name:** SHAW DITCH

|   |  |        |    |     |    |         |
|---|--|--------|----|-----|----|---------|
| 2 |  | NWSESW | 23 | 12S | 2E | MADISON |
|---|--|--------|----|-----|----|---------|

**Period of Diversion:** JUNE 1 TO OCTOBER 20

**Diversion Means:** HEADGATE

**Ditch Name:** SHAW DITCH

**Period of Use:** JUNE 1 TO OCTOBER 20

**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         | 5.00         |                 | SWSENW         | 23         | 12S        | 2E         | MADISON       |
| 2         | 45.00        |                 | W2NW           | 23         | 12S        | 2E         | MADISON       |
| 3         | 8.00         |                 | NENENE         | 22         | 12S        | 2E         | MADISON       |

**Total:** 58.00

**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.

|         |          |          |
|---------|----------|----------|
| 3404-00 | 40738-00 | 40739-00 |
|---------|----------|----------|