

Montana Water Court
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MONTANA WATER COURT
UPPER MISSOURI DIVISION
MISSOURI RIVER ABOVE HOLTER DAM
BASIN 41I
PRELIMINARY DECREE

* * * * *

CLAIMANT: Catlin Ranch LP

CASE 41I-0701-R-2025

41I 30136638

41I 30136760

41I 30136762

CLOSING ORDER AND ORDER RECONSOLIDATING CLAIM

The Water Court decreed the claims in this case in the Preliminary Decree for the Missouri River Above Holter Dam (Basin 41I) issued on June 24, 2022. Catlin Ranch LP (“Catlin”) owns these claims. Each of the claims is decreed as a right to use water from Battle Creek and various tributaries in Meagher County for stock water use.

The preliminary decree abstracts for each of the claims contain issue remarks. The claims did not receive objections. The Water Use Act requires the Water Court to resolve these potential issues prior to including the claim in a final decree for this basin.

On January 5, 2026, the Court consolidated into this case claims 41I-30136632, 41I 30136638, 41I 30136760, and 41I 30136762 to resolve the remarks. The Court’s consolidation order quotes each of the issue remarks and requested a response from Catlin. After several extensions, Catlin filed a response on August 11, 2026. Catlin’s response includes the following:

1. **Duplicate claim remarks.** Each of the claims received some form of a duplicate claim or redundant claim remark. Catlin’s response agrees that the issue remarks properly identify claims that should be dismissed by the Court. Based on the response, the Court dismisses the following claims, which resolves the issue remarks for

each claim: 41I 30136638 and 41I 30136762. Catlin's response resolves the duplicate claim remarks for claims 41I-30136632 and 41I 30136760.

2. **Partial overlap of points of diversion.** Claim 41I 30136730 received a remark stating:

PODS CLAIMED IN SEC. 29, 7N, 6E APPEAR TO DUPLICATE PODS
IN CLAIMS 41I 30136739, 41I 30136638, & 41I 30136632.

Unlike the duplicate and redundant claim remark, this remark only applies to portions of claimed points of diversion for livestock direct from source claims. The remark is more a function of overlapping legal descriptions rather than duplicate filings. The legal descriptions do not appear to implicate other owners, and the remark did not generate any objections. For purposes of this case, the remark is considered a notice remark and may be removed.

3. **Prior decree remarks.** Each of the claims received a remark stating the claim was not included in the Basin 41I decree issued on March 8, 1995. These claims were filed under the claim filing extension the Legislature provided for certain water rights previously exempt from filing. The filing post-dated the date of the Basin 41I Temporary Preliminary Decree. The remark provided basin-wide notice, and no one objected, so the remark may be removed.

4. **Priority date remarks.** Claim 41I 30136760 received a remark stating the priority date is questionable whether it should be 1881 or 1882. The claim was decreed with a December 31, 1882 priority date, which Catlin accepts so the remark is resolved.

5. **Type of right.** Claim 41I 30136760 received a type of right remark. Type of right is an evidentiary issue used to establish the evidentiary basis for the claim. Section 85-2-224(2), MCA. Catlin's response notes that stock water rights rarely were specifically mentioned in old district court decrees. Catlin requests that the type of right be recognized as a use right. Given the lack of any objection, Catlin's response resolves the remark, and a use right designation is added to the claim.

6. **Source.** Claim 41I 30136760 received a remark questioning the claimed source as inconsistent with what was decreed by the district court in Meagher County

case 3731. With the modification to a use right, this remark is moot. The springs and tributaries claimed are prima facie evidence of the source and the remark is resolved.

7. **Claim 41I-30136632.** Claim 41I-30136632 received the same remarks as addressed for claim 41I 30136760. Additionally, claim 41I-30136632 received the following remark:

A PORTION OF THE CLAIMED POINT OF DIVERSION AND PLACE OF USE DOES NOT MEET THE DEFINITION OF AN EXEMPT RIGHT UNDER 85-2-222, MCA, AND INVOLVES AN ON-STREAM RESERVOIR.

Catlin's response does not contain information necessary to resolve this remark. The Court reconsolidates the claim into a new case with other claims from other cases to address this remark.

ORDER

Therefore, it is ORDERED that:

1. Claims 41I 30136638 and 41I 30136762 are DISMISSED;
2. Claims 41I 30136760 is MODIFIED as provided in this Order, with all remarks removed;
3. Claim 41I-30136632 is RECONSOLIDATED into case 41I-0765-R-2026 and will be addressed in separate orders in that case.
4. Claims 41I 30136638, 41I 30136760, 41I 30136762 and this case are CLOSED.

Post decree abstracts of claims 41I 30136638, 41I 30136760, 41I 30136762 are included with this Order to confirm the modifications have been made in the State's centralized water rights record system.

Service via Electronic Mail

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Note: Caption Updated 9-22-26

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, ABOVE HOLTER DAM
BASIN 41I**

Water Right Number: 41I 30136638 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: DISMISSED

Owners: CATLIN RANCH LP
3660 HWY 12 W
WHITE SULPHUR SPRINGS, MT 59645

***Priority Date:**

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: BATTLE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, ABOVE HOLTER DAM
BASIN 41I**

Water Right Number: 41I 30136760 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: CATLIN RANCH LP
3660 HWY 12 W
WHITE SULPHUR SPRINGS, MT 59645

***Priority Date:** DECEMBER 31, 1882

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 BATTLE 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			30	7N	7E	MEAGHER

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				30	7N	7E	MEAGHER

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, ABOVE HOLTER DAM
BASIN 41I**

Water Right Number: 41I 30136762 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: DISMISSED

Owners: CATLIN RANCH LP
3660 HWY 12 W
WHITE SULPHUR SPRINGS, MT 59645

***Priority Date:**

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: UNNAMED TRIBUTARY OF BATTLE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.