

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

CLAIMANTS: McDantim Inc.; Roylance Revocable Trust

CASE 41I-0716-R-2026
41I 127846-00

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

FINDINGS OF FACT

1. Claimants McDantim Inc. and Roylance Revocable Trust are the record owners of claims 41I 127846-00.
2. The captioned claim received issue remarks. All claims included in the Decree were subject to pre-decree examination by the Montana Department of Natural Resources and Conservation ("DNRC"). If during claims examination the DNRC cannot

confirm some aspect of a claim, an issue remark is added to the claim for review by the Water Court.

3. On June 7, 2026, Claimants were ordered to meet with the DNRC to address the unresolved issue remarks on the above captioned claim. (Doc.¹ 1.00).

4. DNRC Water Resource Specialist Katherine Berreman filed a Memorandum on August 31, 2026. (Doc. 3.00). Ms. Berreman reported that Dave Allard, CEO of claimant McDantim Inc., contacted DNRC as ordered but that Roylance Revocable Trust did not. (Doc. 3.00). Ms. Berreman further stated that no claimant contact is required to resolve the issue remarks.

5. 41I 127846-00 received the following issue remarks:

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE LEWIS AND CLARK COUNTY WATER RESOURCES SURVEY (1957) APPEARS TO INDICATE 0.00 ACRES IRRIGATED.

6. During examination of claim 41I 127846-00, Ms. Berreman reviewed historical images spanning 1955 to 1978. Ms. Berreman stated in the Memorandum that she determined the amount of total acres of irrigation and compared her finding to the claimed acreage in the original claim file. Ms. Berreman found that a Water Resource Survey (“WRS”) aerial photo dated to 1955 supported 2.3 acres of irrigation and that a USDA aerial photograph dated to 1978 supported 1.5 acres of irrigation. Ms. Berreman stated that the above measurements fall within the contact point range for the 3 acres of claimed irrigation per the Mont. Dep’t of Nat. Res. & Conservation, Water Rights Claim Examination Manual Ch. VII.D.2.e.

7. In light of Ms. Berreman's finding of irrigation within the contact points for 3.00 acres on claim 41I 127846-00, there is no modification required to the flow rate.

8. In the Memorandum, Ms. Berreman recommended that the issue remarks be removed.

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

PRINCIPLES OF LAW

1. Section 85-2-248(2), MCA, requires that the Water Court resolve all issue remarks that are not resolved through the objection process. *See also* Rule 7, W.R.Adj.R.

2. The Water Court may use information submitted by the DNRC, the Statement of Claim, and any other data obtained by the Court to evaluate a water right. Sections 85-2-227, -231(2), MCA.

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

4. 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.

CONCLUSION OF LAW

1. Based upon the claim file, evidence included with DNRC's Memorandum, and DNRC's recommendation, the maximum acres identified by claim 41I 127846-00 should not be modified. The Memorandum confirms 3.00 acres of irrigation on claim 41I 127846-00.

RECOMMENDATION

1. The issue remarks on claim 41I 127846-00 should be removed.

A post decree abstract of the water right claim reflecting the recommendation is attached to this Report.

Service via USPS Mail

McDantim Inc
750 Shephard Way
Helena, MT 59601-9790

Roylance Revocable Trust
51 Elk Hills Rd
Sheridan, MT 59749-9657

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

Water Right Number: 41I 127846-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: MCDANTIM INC
750 SHEPHARD WAY
HELENA, MT 59601-9790

ROYLANCE REVOCABLE TRUST
51 ELK HILLS RD
SHERIDAN, MT 59749-9657

Priority Date: APRIL 15, 1927

Type of Historical Right: USE

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 50.00 GPM

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

Climatic Area: 3 - MODERATE

Maximum Acres: 3.00

Source Name: SPRING, UNNAMED TRIBUTARY OF PRICKLY PEAR 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		NWNWNW	34	10N	3W	LEWIS AND CLARK

Period of Diversion: APRIL 15 TO OCTOBER 1

Diversion Means: PIPELINE

Period of Use: APRIL 15 TO OCTOBER 1

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	3.00		NWSWSW	27	10N	3W	LEWIS AND CLARK

Total: 3.00

Remarks:

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.

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