

Montana Water Court
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MONTANA WATER COURT
LOWER MISSOURI DIVISION
JUDITH RIVER
BASIN 41S
PRELIMINARY DECREE

* * * * *

CLAIMANTS: Linda M. Brooks; Bruce J. Turner

CASE 41S-2158-R-2025

41S 13386-00

NOTICE OF INTENT TO APPEAR: Montana Dept. of Fish
Wildlife & Parks

ORDER AMENDING AND ADOPTING MASTER'S REPORT

Pursuant to Montana Code Annotated, § 85-2-233(5), the above-entitled Case was assigned to Senior Water Master Anika Stern. The Water Master filed a Report containing Findings of Fact and Conclusions of Law with the Clerk of Court. Copies of the Report were served on August 20, 2026. On August 27, 2026, counsel for Bruce J. Turner, filed an Objection to Master's Report, noting the Master's Report recommended place of use legal land descriptions for claim 41S 13386-00 that differed from those stipulated by the parties.

On June 30, 2026, the parties filed a Stipulation for the purpose of resolving and settling "all outstanding issues with the elements of claim 41S 13386-00." (Doc.¹ 10.00). On July 7, 2026, counsel for Bruce J. Turner filed maps reflecting the proposed modified place of use for claim 41S 13386-00. (Doc. 12.00). Pursuant to the Stipulation, the parties agreed the place of use should be modified to:

¹ "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	~~100.00~~ 41.4		~~S2S2-N2S2~~	28	15N	15E	JUDITH BASIN
2	~~00.00~~ 89.5		~~SW02NE~~	~~29-28~~	15N	15E	JUDITH BASIN
3	~~40.00~~ 93.5		~~SE SENW~~	~~29-28~~	15N	15E	JUDITH BASIN
4	~~40.00~~ 10.2		~~NESE NWNE~~	~~30-28~~	15N	15E	JUDITH BASIN
5	~~320.00~~ 80.0		~~W2 G2~~	~~28-20~~	15N	15E	JUDITH BASIN
~~6-5~~	~~320.00~~ 22.6		~~N2N2NW N2~~	32	15N	15E	JUDITH BASIN
~~7~~	~~00.00~~		~~N2SE~~	~~32~~	~~15N~~	~~15E~~	~~JUDITH BASIN~~
Total:	~~1040.00~~ 337.2						

(Doc. 12.00, Exhibit A).

Finding of Fact No. 8 indicated:

8. **Place of Use/Acres Irrigated:** Bruce J. Turner indicated he agreed to reduce the place of use for claim 41S 13386-00 to 337.20 acres:

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	41.40	~~100.00~~	S2S2	N2S2	28	15N	15E
2	89.50	~~00.00~~	SWS2NE	G2NE	29	20	15N
3	93.50	~~40.00~~	SE	SENW	29	28	15N
4	10.20	~~40.00~~	NESE	NWNE	30	28	15N
5	22.60	~~320.00~~	W2	S2	28	20	15N
6	80.00	~~320.00~~	N2N2NW	N2	32	15N	15E
7	00.00		N2SE	32	15N	15E	JUDITH BASIN
Total:	~~1040.00~~ 337.20						

And the Master's Report recommended the place of use for claim 41S 13386-00 be modified as shown in Finding of Fact No. 8.

The August 27, 2026 Objection correctly identified errors in the recommended place of use for claim 41S 13386-00:

- POU #2 should be the SW of section 29;
- POU #5 should be 80 acres in W2 of section 28;
- POU #6 should be 22.6 acres in the N2N2NW of section 32.

(Doc. 14.00).

Therefore, the place of use for claim 41S 13386-00 should be amended to

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	41.40		S2S2	28	15N	15E	JUDITH BASIN
2	89.50		SW	29	15N	15E	JUDITH BASIN
3	93.50		SE	29	15N	15E	JUDITH BASIN
4	10.20		NESE	30	15N	15E	JUDITH BASIN
5	80.00		W2	28	15N	15E	JUDITH BASIN
6	22.60		N2N2NW	32	15N	15E	JUDITH BASIN
Total:	337.20						

The Court has reviewed the Water Master's Findings and Conclusions. Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report as **AMENDED** above. An abstract of claim 41S 13386-00 is served with this Order to confirm the correction has been adopted.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail

Linda M. Brooks
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Service via Electronic Mail

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JUDITH RIVER
BASIN 41S**

Water Right Number: 41S 13386-00 STATEMENT OF CLAIM

Version: 5 -- POST DECREE

Status: ACTIVE

Owners: LINDA M BROOKS
PO BOX 385
HOBSON, MT 59452

BRUCE J TURNER
PO BOX 332
HOBSON, MT 59452-0332

Priority Date: JUNE 30, 1890

Type of Historical Right: FILED

Purpose (Use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 12.70 CFS

Volume: 1,080.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 337.20

Source Name: UNNAMED TRIBUTARY OF JUDITH RIVER

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		NESENW	10	14N	14E	JUDITH BASIN

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: MURRAY DITCH

Period of Use: APRIL 1 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	41.40		S2S2	28	15N	15E	JUDITH BASIN
2	89.50		SW	29	15N	15E	JUDITH BASIN
3	93.50		SE	29	15N	15E	JUDITH BASIN
4	10.20		NESE	30	15N	15E	JUDITH BASIN
5	80.00		W2	28	15N	15E	JUDITH BASIN
6	22.60		N2N2NW	32	15N	15E	JUDITH BASIN

Total: 337.20

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.

13386-00	13389-00	13430-00	13434-00	13440-00	13441-00
THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME PLACE OF USE.					
13386-00	13389-00	13430-00	13434-00	13440-00	13441-00
28066-00					