

IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
MUSSELSHELL RIVER ABOVE ROUNDUP (BASIN 40A)
PRELIMINARY DECREE

CLAIMANTS: George L. Cremer; Leo J. Cremer Jr.

OBJECTORS: Cremer Rodeo Land & Livestock Co.

CASE 40A-0634-R-2023
40A 187799-00

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 may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. 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

Claim 40A 187799-00 appeared in the Preliminary Decree for the Musselshell River above Roundup (Basin 40A) issued on June 7, 2017. The claim is owned by George L. Cremer and Leo J. Cremer, Jr. The claim received an objection from Cremer Rodeo Land & Livestock Co.

FINDINGS OF FACT

1. Claim 40A 187799-00 was decreed as a claim for a domestic well in the NESENW of Section 10, T3N, R17E, Sweet Grass County. Cremer Rodeo Land & Livestock objected to the claim, stating:

The Sweet Grass County cadastral records indicates the current owner is Cremer Rodeo Land & Livestock, PO Box 276, Melville, MT 59055-0276. The Ground Water Information Center well log Id: #14791 indicates a priority date of 01/01/1912.

2. Counsel for Claimants, Objector, and Sure Shot Land Company indicated that an ownership update has been submitted but has not been completed. There are no ownership updates currently pending in the DNRC's database.

3. Claim 40A 187799-00 was decreed with a priority date of December 31, 1912.

4. The Court ordered Cremer Rodeo to file evidence supporting their contention that the priority date should be January 1, 1912.

5. On December 18, 2023, counsel for the parties file a statement indicating “[t]he priority date for this claim should be 1912 as supported by the Declaration of Vested Groundwater Rights[.]” (Doc.¹ 4.00). The statement included a copy of the Declaration of Vested Groundwater Rights that was attached to the Statement of Claim.

6. The Declaration of Vested Groundwater Rights states the earliest beneficial use is 1912. No month or day were included.

PRINCIPLE OF LAW

1. When a claimed priority date only identifies a year, the last day of the year is assigned to the priority date. See Rule 13(f)(3)(iii), W.R.C.E.R.

CONCLUSION OF LAW

1. The objection fails to overcome the prima facie status of claim 40A 187799-00. The evidence provided by Objector is the same as the information in the claim file. Because only the year (1912) was claimed as the priority date, based on Rule 13(f)(3)(iii), W.R.C.E.R., the priority date was correctly decreed as December 31, 1912.

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

RECOMMENDATIONS

1. The priority date for claim 40A 187799-00 should remain as December 31, 1912.

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

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail

George L Cremer
Cremer Rodeo Land & Livestock Co
PO Box 276
Melville, MT 59055

Leo J Cremer Jr
241 S Frontage Road
Big Timber, MT 59011

Service via Electronic Mail

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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MUSSELSHELL RIVER, ABOVE ROUNDUP
BASIN 40A

Water Right Number: 40A 187799-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: GEORGE L CREMER
PO BOX 276
MELVILLE, MT 59055-0276

LEO J CREMER JR
241 S. FRONTAGE ROAD
BIG TIMBER, MT 59011-8030

Priority Date: DECEMBER 31, 1912

Type of Historical Right: FILED

Purpose (Use): DOMESTIC

Flow Rate: 15.00 GPM

Volume: 5.00 AC-FT

Households: 1

Maximum Acres: 2.00

Source Name: GROUNDWATER

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		NESENW	10	3N	17E	SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

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	2.00		NESENW	10	3N	17E	SWEET GRASS
Total:	2.00						

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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