

Montana Water Court  
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MONTANA WATER COURT, UPPER MISSOURI DIVISION  
MISSOURI RIVER FROM SUN RIVER TO MARIAS RIVER - BASIN 41Q

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CLAIMANTS: Harrison Land & Livestock, LLC; **MPH  
Holdings LLC**

OBJECTOR: Harrison Land & Livestock, LLC

**CASE 41Q-0118-I-2023**  
41Q 30134322  
41Q 30134324

**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**  
**FINDINGS OF FACT**

1. Harrison Land & Livestock, LLC (Harrison Land and Livestock) is the record owner of stock claim 41Q 30134322. Harrison Land and Livestock and MPH Holdings LLC (MPH Holdings) are the record co-owners of stock claim 41Q 30134324.

2. Claims 41Q 30134322 and 41Q 30134324 were decreed with DNRC issue remarks:

**41Q 30134322:**

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41Q DECREE ISSUED 05/27/2010.

**41Q 30134324:**

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41Q DECREE ISSUED 05/27/2010.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 09/30/2019 , A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY MPH HOLDINGS LLC, MPH HOLDINGS LLC, BELT MT 59412.

THIS CLAIM APPEARS TO BE CLAIMING TWO SEPARATE SOURCES OF WATER. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.

3. The first-listed issue remark on the claims is a notice-type remark and does not require further proceedings. The ownership issue remark decreed on claim 41Q 30134324 is also a notice-type remark.

4. Harrison Land and Livestock objected to the place of use and maximum acres of claim 41Q 30134322, and it objected to the place of use and maximum acres, point of diversion and means of diversion, and source for claim 41Q 30134324.

5. Deadlines were set for the parties to file documents addressing the issue remarks and resolving the Objections. On January 17, 2024, the parties filed a Statement in Response to Water Court Order. (Doc.<sup>1</sup> 9.00). The January 17, 2024 filing included proposed abstracts the Claimants indicate correctly show the points of diversion and places of use for the claims. Further, the Claimants indicate that if the changes proposed on the abstracts are made, the Objections will be resolved.<sup>2</sup>

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

<sup>2</sup> The proposed abstracts show modifications to flow rate and volume that were not addressed in the filings or Objections. This Master speculates the flow rate and volume modifications were errors on behalf of the parties, and they are not being addressed in this Master’s Report.

6. Claimant Harrison Land and Livestock indicates the following modifications to claim 41Q 30134322 are appropriate to correctly reflect the historical point of diversion and place of use:

**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   |                 | N2SW           | 10         | 20N        | 7E         | CASCADE       |
| Period of Diversion: APRIL 1 TO OCTOBER 31    |                 |                |            |            |            |               |
| Diversion Means: LIVESTOCK DIRECT FROM SOURCE |                 |                |            |            |            |               |
| 2   |                 | E2E2           | 9          | 20N        | 7E         | CASCADE       |
| Period of Diversion: APRIL 1 TO OCTOBER 31    |                 |                |            |            |            |               |
| Diversion Means: LIVESTOCK DIRECT FROM SOURCE |                 |                |            |            |            |               |

**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         |              |                 | N2SW           | 10         | 20N        | 7E         | CASCADE       |
| 2         |              |                 | E2E2           | 9          | 20N        | 7E         | CASCADE       |

7. Claimants Harrison Land and Livestock and MPH Holdings indicate the following modifications to claim 41Q 30134324 are appropriate to correctly reflect the sources, historical points of diversion, and places of use:

**Source Name:** SPRING, UNNAMED TRIBUTARY OF BELT CREEK **DRY COULEE**

**Source Type:** SURFACE WATER **Source: SPRING, UNNAMED TRIBUTARY OF BELT 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  | S2NE            | SENESE         | 17         | 20N        | 7E         | CASCADE       |
| Period of Diversion: JANUARY 1 TO DECEMBER 31          |                 |                |            |            |            |               |
| Diversion Means: LIVESTOCK DIRECT FROM SOURCE          |                 |                |            |            |            |               |
| <b>SOURCE: SPRING, UNNAMED TRIBUTARY OF DRY COULEE</b> |                 |                |            |            |            |               |
| 2  |                 | NENESE         | 17         | 20N        | 7E         | CASCADE       |
| Period of Diversion: JANUARY 1 TO DECEMBER 31          |                 |                |            |            |            |               |
| Diversion Means: LIVESTOCK DIRECT FROM SOURCE          |                 |                |            |            |            |               |
| <b>SOURCE: SPRING, UNNAMED TRIBUTARY OF BELT CREEK</b> |                 |                |            |            |            |               |

**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         |              | S2NE            | SENESE         | 17         | 20N        | 7E         | CASCADE       |
| 2         |              |                 | NENESE         | 17         | 20N        | 7E         | CASCADE       |

### PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court is required to address all issue remarks decreed on a claim as well as any objections the claim receives. Sections 85-2-233, 85-2-247, and 85-2-248, MCA.

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect.

This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.

3. The remark indicating claims 41Q 30134322 and 41Q 30134324 were not included in the 2010 decree issued in this Basin have served their purpose. As the only Objection in this Case has been resolved, no further proceedings are required.

RECOMMENDATIONS

1. Claims 41Q 30134322 and 41Q 30134324 should be modified as shown in Findings of Fact Nos. 6 and 7.

2. The issue remarks should be removed from claims 41Q 30134322 and 41Q 30134324.

Post Decree Abstracts of Water Right Claims are served with the Report for review.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service Via Electronic Mail:**

Ron A Nelson  
Amber L. Stenson  
Front Range Law, PLLC  
114 Third Street South  
Great Falls, MT 59401  
rnelson@frontrangemt.com  
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**Service via USPS Mail:**

MPH Holdings, LLC  
1366 E Highwood Rd  
Belt MT 59412  
**(Last Order)**

Caption and Service List Updated: 1/29/2024

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**MISSOURI RIVER, FROM SUN TO MARIAS RIVERS**  
**BASIN 41Q**

**Water Right Number:** 41Q 30134322 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** HARRISON LAND & LIVESTOCK LLC  
% CHJW LLC  
114 3RD ST S  
GREAT FALLS, MT 59403

**Priority Date:** NOVEMBER 25, 1898

**Type of Historical Right:** FILED

**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 WILLOW CREEK, NORTH FORK

**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         |                 | N2SW           | 10         | 20N        | 7E         | CASCADE       |

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

|   |  |      |   |     |    |         |
|---|--|------|---|-----|----|---------|
| 2 |  | E2E2 | 9 | 20N | 7E | CASCADE |
|---|--|------|---|-----|----|---------|

**Period of Diversion:** APRIL 1 TO OCTOBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

**Period of Use:** APRIL 1 TO OCTOBER 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         |              |                 | N2SW           | 10         | 20N        | 7E         | CASCADE       |
| 2         |              |                 | E2E2           | 9          | 20N        | 7E         | CASCADE       |

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**MISSOURI RIVER, FROM SUN TO MARIAS RIVERS**  
**BASIN 41Q**

**Water Right Number:** 41Q 30134324 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** HARRISON LAND & LIVESTOCK LLC  
% CHJW LLC  
114 3RD ST S  
GREAT FALLS, MT 59403

MPH HOLDINGS LLC  
1366 E HIGHWOOD RD  
BELT, MT 59412

**Priority Date:** MAY 1, 1904

**Type of Historical Right:** FILED

NO REVIEW OR DETERMINATION OF THE CLAIMED TYPE OF HISTORICAL RIGHT HAS BEEN MADE.

**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:** SPRING, UNNAMED TRIBUTARY OF DRY COULEE

**Source Type:** SURFACE WATER

**Source Name:** SPRING, UNNAMED TRIBUTARY OF BELT 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         |                 | S2NE           | 17         | 20N        | 7E         | CASCADE       |

**Source Name:** SPRING, UNNAMED TRIBUTARY OF DRY COULEE

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

|   |  |      |    |     |    |         |
|---|--|------|----|-----|----|---------|
| 2 |  | NESE | 17 | 20N | 7E | CASCADE |
|---|--|------|----|-----|----|---------|

**Source Name:** SPRING, UNNAMED TRIBUTARY OF BELT CREEK

**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         |              |                 | S2NE           | 17         | 20N        | 7E         | CASCADE       |
| 2         |              |                 | NESE           | 17         | 20N        | 7E         | CASCADE       |