

IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
SUN RIVER BASIN (41K)  
PRELIMINARY DECREE

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CLAIMANTS: Patricia M. Olson; Rodney V. Olson

**CASE 41K-0473-R-2023**  
41K 216262-00

**NOTICE OF FILING OF MASTER'S REPORT**

This Master's Report was filed with the Clerk of the Montana Water Court. Please review this Report carefully.

You may file a written objection to this Master's Report if you disagree or find errors with the Master's Findings of Fact, Conclusions of Law, or Recommendations. The above stamped date indicates the date this Master's Report was filed and mailed. Rule 23 of the Water Right Adjudication Rules requires written objections to a Master's Report be filed within 10 days of the date of the Master's Report. Because this Master's Report was mailed to you, Rule 6(d) of the Montana Rules of Civil Procedure provides an additional 3 days to the 10-day objection period.

If you file an objection, you must mail a copy of the objection to all parties on the Service List found at the end of this 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**

All water right claims that appeared in the Preliminary Decree for Sun River (Basin 41K) were subject to "issue remarks" resulting from pre-decree examination by the DNRC, objections, and counterobjections. Claim 41K 216262-00 received issue remarks during the DNRC's review of the claims.

The claim was consolidated into Case 41K-0473-R-2023 and a status conference was set by the Water Court to discuss actions needed to resolve the issue remarks.

FINDINGS OF FACT

1. Claim 41K 216262-00 received the following issue remarks:

THIS CLAIMED WATER RIGHT WAS FILED ON THE SAME FORMERLY DECREED WATER RIGHT AS THOSE WATER RIGHTS INCLUDED IN WATER COURT CASE 41K-1. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 22 MINER'S INCHES DECREED IN CASE NO. 4247, CASCADE COUNTY.

THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS 39.00 GPM PER ACRE.

2. A Status Conference for Case 41K-0473-R-2023 took place on January 31, 2024, by telephone conference call. Water Master Eugene C. White presided; claimants Patricia M. Olsen and Rodney V. Olsen did not appear for the conference. During the conference, the Court intended to discuss the issue remarks appearing on claim 41K 216262-00 as well as the decree exceeded situation noted in the above-listed issue remark.

3. After the status conference, the Court set a filing deadline for the claimants to file information or evidence addressing the above-listed issue remarks. Nothing was filed by the ordered deadline.

4. On April 22, 2024, the Water Court issued an Order Setting Show Cause Filing Deadline with the following language regarding the above-listed issue remarks:

ORDERED that the claimants file information or evidence addressing the above-listed issue remarks and showing cause why claim 41K 216262-00 should not be dismissed by **Wednesday, May 29, 2024**. *If nothing is filed by the deadline, this Water Master will conclude that the claimants agree that claim 41K 216262-00 should be dismissed.*

5. No information was filed by the Claimants at the deadline to show cause.

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. If a claimant fails to comply with an order issued by the Water Court, the Court may issue orders of sanction that are just. Rule 22, W.R.Adj.R.

3. Sanctions applied against a claimant may include modification of a claim to conform with data provided by the DNRC, information obtained by the Court, or information included in an objection, or the entry of default and termination of a water right claim. Rule 11, W.R.Adj.R.

#### CONCLUSIONS OF LAW

1. The information in the record resolves issue remarks appearing on claim 41K 216262-00. Because nothing was filed at the show cause filing deadline by the Claimants, claim 41 216262-00 should be dismissed pursuant to Rule 22, W.R.Adj.R.

#### RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Master recommends that the Court dismiss claim 41K 216262-00 pursuant to Rule 22, W.R.Adj.R.

A post decree abstract of the water right claim reflecting the dismissal of claim 41K 216262-00 is attached to this Report.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

#### *Service via USPS Mail:*

Patricia M. Olson  
Rodney V. Olson  
185 River Front Lane  
Great Falls, MT 59404

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**SUN RIVER**  
**BASIN 41K**

**Water Right Number:** 41K 216262-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** **DISMISSED**

**Late Claim:** B

**Owners:** PATRICIA M OLSON  
185 RIVER FRONT LANE  
GREAT FALLS, MT 59404  
  
RODNEY V OLSON  
185 RIVER FRONT LANE  
GREAT FALLS, MT 59404

**Priority Date:**

**Enforceable Priority Date:**

**Type of Historical Right:**

**Purpose (Use):** IRRIGATION

**Flow Rate:**

**Volume:**

**Source Name:** SUN RIVER

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.