

Montana Water Court
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FILED
06/12/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
76I-0006-R-2026
Thompson, Eliot
4.00

MONTANA WATER COURT
CLARK FORK DIVISION
FLATHEAD RIVER, MIDDLE FORK
(BASIN 76I)
PRELIMINARY DECREE

CLAIMANTS: Patricia O'Connell; Tod M. O'Connell

CASE 76I-0006-R-2026

76I 45191-00

OBJECTOR: United States, DOA Forest Service

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

Claim 76I 45191-00 appeared in the Preliminary Decree for the Middle Fork of the Flathead River (Basin 76I) issued on December 6, 2024.

FINDINGS OF FACT

1. Claim 76I 45191-00 is a domestic claim with its point of diversion described as in the N2NESE of Section 15, Twp 29N, Rge 16W, Flathead County.

2. Claim 76I 45191-00 received an objection from the United States Department of Agriculture – Forest Service (“Forest Service”), stating

There is no special use permit authorizing infrastructure for claimed point of diversion on federal lands managed by the U.S. Forest Service, and no diversion or conveyance is visible on imagery. The claim appears to have been abandoned, never perfected or the point of diversion is incorrectly described.

3. On May 26, 2026, Patricia O’Connell filed a Request to Withdraw Statement of Claim for claim 76I 45191-00, indicating they have no existing water right to claim and no interest in the Statement of Claim.

PRINCIPLES AND CONCLUSIONS OF LAW

1. If a claimant agrees to reduce or limit a claim, the Water Court may accept the reduction or limitation without reviewing further evidence, unless an unresolved issue remark remains. Rule 17(c), W.R.Adj.R.

2. Patricia O’Connell’s motion to withdraw claim 76I 45191-00 resolves the Forest Service’s objection, and there are no issue remarks to resolve.

RECOMMENDATION

Claim 76I 45191-00 should be dismissed.

A Post Decree Abstract of Water Right Claim is served with this Report to confirm that the recommended dismissal has been made in the state’s centralized record system.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Patricia O’Connell
Tod M. O’Connell
~~336 Parma Dr~~
Essex, MT 59916
1510 S Santa Belia
Green Valley, AZ 85614
(Per Claimant Request: 5-01-2026)

Service Via Electronic Mail:

Romney S. Philpott
DOJ-ENRD
Romney.Philpott@usdoj.gov
MontanaBasins.ENRD@USDOJ.GOV

****Note: Service List Updated 6-10-2026****

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
FLATHEAD RIVER, MIDDLE FORK
BASIN 76I**

Water Right Number: 76I 45191-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: **DISMISSED**

Owners: PATRICIA O'CONNELL
1510 S SANTA BELIA
GREEN VALLEY, AZ 85614

TOD M O'CONNELL
1510 S SANTA BELIA
GREEN VALLEY, AZ 85614

Priority Date:

Type of Historical Right:

Purpose (Use): DOMESTIC

Flow Rate:

Volume:

Source Name: ESSEX CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.