FILED
10/15/2026
Melissa Lockman
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
41O-0075-I-2026
Stern, Anika
4.00

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MONTANA WATER COURT
UPPER MISSOURI DIVISION
TETON RIVER
BASIN 41O
INTERLOCUTORY DECREE

* *

CLAIMANT: Cleve R. Igoe

CASE 41O-0075-I-2026
41O 30128127
41O 30128130

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

FINDINGS OF FACT

1. Claimant Cleve R. Igoe is the record owner of claims 41O 30128127 and 41O 30128130.

2. Cleve R. Igoe was ordered to meet with the Montana Department of Natural Resources and Conservation ("DNRC") to address an unresolved issue remark decreed on claims 41O 30128127 and 41O 30128130:

> THIS CLAIM DOES NOT APPEAR TO MEET THE DEFINITION OF AN EXEMPT RIGHT UNDER SECTION 85-2-222(1), MCA.

(Doc.[1] 1.00).

3. DNRC Water Resource Specialist Jamie Verploegen filed a Memorandum on October 6, 2026 regarding her review of the claims. (Doc. 3.00). Ms. Verploegen reported Cleve R. Igoe did not contact the DNRC to discuss the claims. Ms. Verploegen indicated she reviewed the files for claims 41O 30128127 and 41O 30128130 to prepare the Memorandum.

4. Ms. Verploegen explained the following:

> Both of the water right claims listed above were stamped "Received" by the DNRC on July 5, 2019. Both were submitted on forms provided by the DNRC along with the proper filing fees. There is no postmark date on the envelope that was scanned with the forms when they were received by the Department. The forms were signed and dated on June 26, 2019. In the absence of a postmark date, the DNRC believes June 26, 2019, is acceptable as the Statement of Claim submitted date pursuant to §85-2-222 (1), MCA.

Ms. Verploegen recommended the issue remark be removed from claims 41O 30128127 and 41O 30128130.

PRINCIPLES OF LAW

1. The Water Court must address all issue remarks decreed on a claim. Mont. Code Ann. § 85-2-248 (2025).

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Mont. Code Ann. § 85-2-227 (2025). This prima facie validity may be overcome by a preponderance of the evidence showing that one or more elements of the claim are incorrect. Rule 19, W.R.Adj.R.; *Nelson v. Brooks*, 2014 MT 120, ¶ 34, 375 Mont. 86, 329 P.3d 558. This standard of proof applies to objectors or claimants objecting to their own water right claims. *Id*.

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[1] "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system. The "Doc." references in this Report will refer to Case 43A-0011-R-2020, unless otherwise noted.

3. Section 85-2-227, MCA states:

> The department may not accept any statements of claim submitted or postmarked after June 30, 2019. The department shall notify a person who files a claim after June 30, 2019, that the person's claim will not be accepted.

CONCLUSION OF LAW

Claims 41O 30128127 and 41O 30128130 were received at the DNRC on July 5, 2019, after the June 30, 2019 deadline. The DNRC should not have accepted the Statements of Claim and the DNRC should have notified Cleve R. Igoe that the Statements of Claim would not be accepted.

RECOMMENDATION

Claims 41O 30128127 and 41O 30128130 should be dismissed.

Abstracts are attached for review.

Service via USPS Mail

Cleve R. Igoe
7659 Fishel Dr S
Dublin, OH 43016-8748

Electronically Signed By:
Hon. Judge Anika Stern
Thu, Oct 15 2026 02:49:39 PM

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

TETON RIVER

BASIN 41O

Water Right Number: **41O 30128127** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

Owners: CLEVE R IGOE
7659 FISHEL DR S
DUBLIN, OH 43016-8748

***Priority Date:**

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: MUDDY 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.

POST DECREE

ABSTRACT OF WATER RIGHT CLAIM

TETON RIVER

BASIN 41O

Water Right Number: **41O 30128130** STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: **DISMISSED**

Owners: CLEVE R IGOE
7659 FISHEL DR S
DUBLIN, OH 43016-8748

***Priority Date:**

Type of Historical Right:

Purpose (Use): STOCK

Flow Rate:

Volume:

Source Name: MUDDY 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.