



April 16, 2026

NOTICE OF HEARING AND PROCEDURE TO PARTICIPATE

IN THE MATTER OF WATER RESERVATION NO. 40R L084502-00 BY SHERIDAN COUNTY CONSERVATION DISTRICT

The Department of Natural Resources and Conservation (Department) has received a request from the Sheridan County Conservation District (SCCD) for a hearing regarding the use of its remaining groundwater reservation.

Under the *Final Order Establishing Water Reservations Below Fort Peck Dam* (December 30, 1994) [hereinafter “1994 Final Order”], SCCD was granted a reservation of 15,479 acre-feet (AF) of groundwater per year, subject to the condition that SCCD suspend authorizations once permitted use reached 5,809 AF. In 2005, a new Order of the Department authorized SCCD to increase its permitted use to 10,000 AF per year. When the total volume authorized by SCCD reaches 9,000 AF per year, and SCCD has monitored this development for at least one growing season, SCCD must pause further authorizations and notify the Department. SCCD has requested another hearing to determine whether additional development would adversely affect other water users or resources for the remaining amount of reserved groundwater.

The 1994 Final Order requires the Department to notify local water users and interested parties—including, but not limited to, the U.S. Fish and Wildlife Service, Fort Peck Tribes, and Montana Fish, Wildlife & Parks—that SCCD will present evidence showing further groundwater development will not cause adverse effect. SCCD bears the burden of proof. If the Department finds no adverse effects, it may authorize continued development subject to any appropriate conditions. If adverse effects are found, the Department may modify or condition the remaining reservation.



PARTICIPATION IN THE HEARING

Parties to Prior Proceedings: Must file a **NOTICE OF APPEARANCE** by **May 29, 2026**, to indicate continued interest. Filings should be emailed to **DNRCOAH@mt.gov** or sent by mail to the address below and must be received by the deadline.

New Participants: Persons or entities not previously involved may request to participate upon showing that their interests may be impacted by further development. **Requests must include written evidence of how continued development will affect your interests.** A **REQUEST TO PARTICIPATE** must be filed by **May 29, 2026**. Filings should be emailed to **DNRCOAH@mt.gov** or sent by mail to the address below and must be received by the deadline. The **REQUEST TO PARTICIPATE** Form is available on the DNRC Office of Administrative Hearings website under the Hearing Orders for Pending Water Appropriation Permits and Change Authorizations tab at: <https://dnrc.mt.gov/Directors-Office/HearingOrders>.

PARTY STATUS AND REQUIREMENTS

Those filing a Request to Participate will have *Temporary Party Status* until admitted as full parties by the Hearing Examiner. Full parties must:

- Attend scheduling and prehearing conferences (in person or via attorney)
- Participate in discovery as ordered
- Submit written testimony before the hearing
- Present witnesses and evidence at the hearing
- Comply with all Hearing Examiner orders

Parties admitted will receive further instructions on participation. Note: All legal entities, including but not limited to corporations, limited liability companies, trusts, partnerships and not-for-profit associations, must be represented by an attorney eligible to practice law in Montana as a result of either Montana licensure or admission pro hac vice. See ARM 36.12.206(1).

QUESTIONS:

Direct inquiries regarding this proceeding, Notice of Appearance, or Request to Participate to:

Department of Natural Resources and Conservation
Office of Administrative Hearings
1539 Eleventh Avenue
P.O. Box 201601
Helena, MT 59620-1601
Phone: (406) 444-6615
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