

**IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
SAGE CREEK BASIN (40G)**

NOTICE OF OPPORTUNITY TO FILE A NOTICE OF INTENT TO APPEAR

This is your notice that the Montana Water Court will review Department of Natural Resources and Conservation (“DNRC”) issue remarks, placed on water rights claims in the Basin 40G Interlocutory Decree which encompasses Sage Creek and its tributaries as well as groundwater located within Basin 40G. All of these claims were included in the Basin 40G Interlocutory Decree issued March 23, 2022. No objections were filed to any of the claims included in the 40G Interlocutory Decree. The Objection List mentioned below includes only issue remarks appearing on the claims.

WHAT IS HAPPENING?

An **Objection List** has been prepared that identifies the claim number, the ownership, the water source involved, and the general nature of the issues which the Water Court will review. Any of the claims on the list may change as a result of this review. *Changes to a neighbor's water right may affect your water rights.* After the Water Court completes its review of these claims, a water commissioner could be appointed to enforce the provisions of these claims on any of the sources involved. The purpose of this proceeding is to determine the historical beneficial use of the claims involved in this drainage. If you are not the claimant, but you would like to be kept informed of the progress of a water right claim through the Water Court, or to become involved as a third party in the claim proceedings, you may file a **Notice of Intent to Appear**.

WE SUGGEST YOU REVIEW THE OBJECTION LIST AND DECIDE WHETHER YOU WANT TO FILE A NOTICE OF INTENT TO APPEAR. YOU CAN SEE THE OBJECTION LIST FOR THIS BASIN AND OBTAIN THE PROPER FORMS AT THE LOCATIONS LISTED BELOW.

WHO MAY FILE A NOTICE OF INTENT TO APPEAR?

If you are ***not already involved*** in a specific water right claim as the claimant, but you wish to intervene and participate in a proceeding regarding a specific water right claim, you may file a **Notice of Intent to Appear**. Those who timely file a **Notice of Intent to Appear** on a claim will receive notice of all further proceedings relevant to the Court’s review of that specific claim.

FILING DEADLINE

A **Notice of Intent to Appear** must be filed on the forms provided by the Water Court and must be returned to the Water Court, P.O. Box 1389, Bozeman, MT 59771-1389 by **November 29, 2022**.

WHERE TO SEE THE OBJECTION LIST AND OBTAIN FORMS

The Objection List may be reviewed and Notice of Intent to Appear forms may be obtained at the:

1. Montana Dept. of Natural Resources & Conservation,
Water Rights Adjudication Office, 1424 Ninth Avenue, Helena, MT 59620 406-444-0560.
Havre Regional Office, 210 6th Ave, Havre, MT 59501 MT 406-265-5516.

2. Montana Water Court, 1123 Research Drive, Bozeman, MT (406) 265-5516.

The Objection List is available at <https://courts.mt.gov/Courts/Water/Notices-Info/PublicNotices> and the Notice of Intent to Appear form is available online at <https://courts.mt.gov/Courts/Water/LegalResources> under Forms. Paper copies of the Objection List and Notice of Intent to Appear form are available from the Water Court upon request for \$5.00.

The **Objection List** does not contain all of the information pertinent to each water right claim. Water right abstracts and other information may be obtained at <http://wrqs.dnrc.mt.gov/> or you may contact the DNRC or Montana Water Court.

WHAT HAPPENS AFTER A NOTICE OF INTENT TO APPEAR IS FILED?

The claimant(s) and those who filed a Notice of Intent to Appear form will be notified by the Court if and when a time and date is set for the First Status Conference and all other Court proceedings. If you file a Notice of Intent to Appear, you will be expected to participate in Court proceedings.

If you do not participate in Water Court proceedings, your right to appeal adverse Water Court decisions is limited by the provisions of Section 85-2-235, MCA.

BASIN MEETINGS WITH THE WATER COURT

An informal public meeting will be held by telephone conference call on **Wednesday, November 2, 2022, at 12:00 pm.** To take part in the telephone conference, dial 406-318-5487, at the prompt enter code: 201058669#

Any Questions? Call the DNRC Adjudication Office at (406) 444-0560 or call the Water Court at (406) 586-4364 or (800) 624-3270.

DATED this 30th day of September, 2022.

**Russ McElyea
Chief Water Judge
Montana Water Court
P. O. Box 1389
Bozeman, MT 59771-1389**

REMINDER: Notice of Intent to Appear forms must be filed by November 29, 2022.