

IN THE WATER COURTS OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
WHITewater CREEK BASIN (40K)

RECEIVED

NOV 21 1989

NOTICE OF ENTRY OF TEMPORARY PRELIMINARY DECREE AND
NOTICE OF AVAILABILITY

Montana DNRC
Glasgow Field Office

If you have filed a claim for an existing water right with a priority date before July 1, 1973, we are sending an abstract of your claim with this Notice.

IF YOU DID NOT RECEIVE A WATER RIGHT ABSTRACT

You will not receive an abstract of water right if you have applied for or received a permit to appropriate or reserve water. The law requires that this Notice be sent to you - do not expect to receive a water right abstract.

WHAT IS A TEMPORARY PRELIMINARY DECREE?

The Temporary Preliminary Decree is a compilation of the nonreserved existing water rights filed in the Whitewater Creek Basin.

If you don't agree with your right as printed on your abstract or any other water right which may affect your water right claims, you may file an objection, request a hearing and the Water Courts will hear it. See the general Findings of Fact and Conclusions of Law for further explanation of your right.

CHECK YOURS AND ALL OTHER WATER RIGHT ABSTRACTS CAREFULLY

Look at all water right abstracts carefully, including your own. Elements of your water right may have been changed. If there is a change, such change has occurred as a result of information obtained during the examination of your claim. If an abstract reflects such changes, that information may be contested by filing an objection to those changes. The claim may be modified on Motion of the Water Court in accordance with the examination information.

IF A RIGHT IS NOT OBJECTED TO, OR CALLED IN ON MOTION OF THE WATER COURT, IT SHALL REMAIN UNCHANGED AND BE ENTERED IN THE FINAL DECREE.

SHOULD YOU FILE AN OBJECTION?

Only you can answer this question. You should first examine the abstract of your water rights. Your examination must not stop there, though. You must understand three important facts: (1) your water right may be subject to other water rights on your source of supply and in the Basin; (2) your water right may be subject to water rights in adjoining Basins or sub-Basins; and (3) your water right may be subject to Indian and Federal reserved water rights. Indian and Federal claims to reserved rights will be determined and included in the Preliminary Decree in one of two ways:

1. As a result of negotiations between the federal agencies or the Tribes and the Montana Reserved Water Rights Compact Commission; or
2. As a result of claims filed in the Water Court and determined after hearings, if necessary.

You can determine the rank of the priority date of your water right in comparison with other water rights in your Basin by using the Index available with the Decree. As stated below, you can buy a copy of the Decree, a copy of the Index or you can go to one of the offices listed and look at their copy. The Source Name Index, lists all water rights under the name of each source (for example, all water rights on Hammond Creek). Under each source name the water rights are listed by priority date; the earliest priority date first, the latest priority date last. The Priority Date Index, lists all water rights within the Basin from the earliest to the latest, listing the earliest first and the latest last.

You should check all the elements of other water rights which may affect you.

HOW YOU FILE AN OBJECTION AND REQUEST A HEARING

An objection must be filed on the forms provided by the Montana Water Court. The offices where these forms can be found are listed below.

(OVER PLEASE)

ALL OBJECTIONS MUST BE FILED AND RECEIVED BY THE 21st DAY OF May, 1990. Objections must be sent to the Montana Water Court, P. O. Box 879, Bozeman, MT 59771-0879.

CAN YOU GET AN EXTENSION?

Extension for filing objections may be granted by the Water Judge. Requests must be received by the Montana Water Court on or before the 21st day of May, 1990. Use the form furnished by the Montana Water Court.

If an extension is granted, it applies to all within this Basin. Any extension may be seen at the Clerk of Court offices listed below and will be advertised in local newspapers.

BASIN MEETING WITH THE WATER MASTER

A public meeting will be held by the Water Master on Tuesday December 19, 1989, at 10:00 AM in the GN Motor Hotel Meeting Room, Malta, Montana.

She will explain the Water Court procedures and answer your questions.

WHERE YOU CAN SEE OR GET THE TEMPORARY DECREE (AND FINDINGS OF FACT AND CONCLUSION OF LAW) FOR THE WHITEWATER CREEK BASIN (40K).

See it at:

1. Montana Water Court, 601 Haggerty Lane, P. O. Box 879, Bozeman, MT 59771-0879
2. Department of Natural Resources and Conservation, Water Rights Bureau, 1520 East Sixth, Helena, MT 59620
3. Department of Natural Resources and Conservation, Water Rights Field Office, P. O. Box 894, Glasgow, MT 59230
4. Clerk of Court, Phillips County Courthouse, Malta, MT 59538

Microfilm of the original water right claims and the abstracts as reviewed by DNRC at:

1. Montana Water Court Office, 601 Haggerty Lane, P.O. Box 879, Bozeman, MT 59771-0879
2. Department of Natural Resources and Conservation, Water Rights Bureau, 1520 East Sixth, Helena, MT 59620
3. Department of Natural Resources and Conservation, Water Rights Field Office, P. O. Box 894, Glasgow, MT 59230
4. Clerk of the Court, Phillips County, Malta, MT 59538

You can buy a copy of the Temporary Preliminary Decree at the Department of Natural Resources and Conservation, Water Rights Bureau, 1520 East Sixth, Helena, MT 59620. The cost is \$160.00.

Any questions? Use our toll free number 1-800-624-3270 (In Montana). Our regular office number is 406-586-4364, it is not toll free.

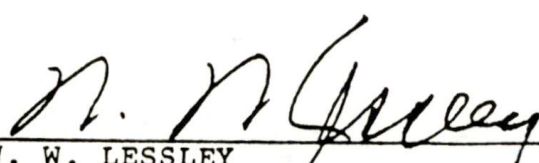
AFTER OBJECTIONS ARE FILED

After the time for filing objections has passed, the Montana Water Court will notify you that hearings have been requested and set a date for all interested parties to notify the Montana Water Court of their intent to participate in any of those hearings.

THE WATER COURT OBJECTION AND EXTENSION FORMS CAN BE FOUND AT THE OFFICES LISTED BELOW:

1. Montana Water Court, 601 Haggerty Lane, P. C. Box 879 Bozeman, MT 59771-0879
2. Clerk of Court, Phillips County, Malta, MT 59538

DATED this 21st day of November, 1989.



W. W. LESSLEY
CHIEF WATER JUDGE
MONTANA WATER COURT

DECREE INDEX INSTRUCTIONS

The attached index is designed to help a person research and find water rights included in the decree. The decree consists of a computer-printed abstract for each individual water right decreed in the basin. Depending on the number of water rights within a basin, the decree may be in one or more volumes. Each volume is organized numerically by a water right identification (ID) number.

Whenever a water right is referred to or discussed, use the entire water right ID number. This is the best way to be sure that everyone is communicating about the same water right.

Example of ID number: 41H-W-119240-00

41H	Code for drainage basin.
W-119240-00	Specific identification number assigned to each water right by Department of Natural Resources and Conservation (DNRC)

There are six sections to the index. Each section is organized in a different manner, as outlined below.

1. SOURCE NAME INDEX

This index lists all water rights alphabetically by the source name (source at point of diversion). If the point of diversion of a water right is not on the "main stem" of the source listed, a two letter tributary code will be shown immediately to the left of the source name. For example, UT West Gallatin River means the water right is diverted from an Unnamed Tributary to the West Gallatin River. Additional tributary codes are: SP (spring), WS (waste and seepage), SI (subirrigation), NP (natural pit), MP (manmade pit).

Some sources have more than one commonly used name but only one has been selected as the standardized name. Standardization was based on names designated by the United States Geological Survey, Water Resources Survey, or that in most common local usage. It is recommended that all known names be checked. Also keep in mind that some source names (Spring Creek, Deer Creek, etc..) might identify more than one stream in a basin.

Water rights with the same source name are listed chronologically by priority date. This secondary sort is useful in identifying the seniority of water rights on a specific source.

2. OWNER NAME INDEX:

This index organizes all water rights alphabetically by all owner names. If you want to locate John Q. Public's water rights, look under "P" for Public. If a partnership or corporation is involved, such as Big Sky Angus Ranch, look under "B" for Big. Be sure to look for all likely owner names (ranch name, estate name, etc.) when you use this index as some owners filed rights both under a corporate name and individually.

3. POINT OF DIVERSION INDEX:

In this index, every point of diversion for each water right in the basin is listed by legal land description. The land descriptions are listed from lowest numbered township and range to highest numbered township and range. Within each township and range the sections are listed numerically.

Water rights with the same point of diversion are listed chronologically by priority date. This secondary sort is useful in identifying the seniority of water rights diverted at a particular location.

4. PRIORITY DATE:

All water rights within the drainage are listed from earliest to latest priority date according to month/day/year. Where no priority date has been decreed, the index shows 00/00/0000. Check the individual decree abstract for an explanation.

Water rights with the same priority date are organized alphabetically by source name. For example, all June 15, 1865, water rights from the West Gallatin River would be together.

5. WATER RIGHT ID INDEX:

Every water right has been assigned an identification number, for example, 41H-W-119240-00. This index organizes all water right ID numbers in numerical order from lowest to highest.

6. ISSUE REMARKS INDEX:

This index is a list of the remarks used by the Water Courts to identify certain problems or issues in the decree. The Water Court used these remarks when there was insufficient information to resolve a problem or potential problem.

This index is arranged numerically by water right ID number. For each right listed the use, flow rate, priority date, source name, and owners are given along with the text of the issue remarks.

SUMMARY:

If you have questions about how to look up water right information in these indexes or how to read the decree abstracts, please contact the DNRC Water Rights Bureau Field Office listed in the Notice of Entry for the decree of this basin.

If you have questions about the correctness of any information in a particular water right, contact the Water Court and perhaps file an objection. How to file an objection is outlined in the Notice of Entry for the decree in each basin.

WATER RIGHT ID	USE	FLOW RATE	PRIORITY DATE	POINT OF DIVERSION				TRIB	SOURCE NAME	OWNER NAME				
				QTR	SEC	SEC	TWP	RGE	CN					
41H-W-119240-00	IR	9.33C	06/15/1904	NENWNE	3	02S	04E	GA		WEST GALLATIN RIVER	VALLEY DITCH CO			
41H-W-114869-00	IR	1.23C	06/20/1905	NENWSW	27	01S	04E	GA		WEST GALLATIN RIVER	EMMELKAMP	VIVIAN	R	
											EMMELKAMP	TRUMAN	L	
41H-W-055122-00	ST		03/07/1906		S2	28	07S	04E	GA	UT WEST GALLATIN RIVER	US DEPT OF AGRICULTURE FOREST S			
41H-W-022541-00	IR	.75C	03/07/1906	SESWSE	19	01N	04E	GA		WEST GALLATIN RIVER	KEYES	E JANE		
											SMITH	C SPENCER		
41H-W-055131-00	ST		06/01/1906		E2	32	07S	04E	GA	UT WEST GALLATIN RIVER	US DEPT OF AGRICULTURE FOREST S			
41H-W-055132-00	ST		06/01/1906			32	07S	04E	GA	UT WEST GALLATIN RIVER	US DEPT OF AGRICULTURE FOREST S			
41H-W-055133-00	ST		06/01/1906		S2	28	07S	04E	GA	UT WEST GALLATIN RIVER	US DEPT OF AGRICULTURE FOREST S			
41H-W-138863-00	ST		01/07/1910	NENWSW	23	02S	04E	GA		WEST GALLATIN RIVER	ECTON	RAY	D	
											ELLIOT	ADA	E	
41H-W-140994-00	IR	2.00C	05/21/1911	NESWNE	16	01S	04E	GA		WEST GALLATIN RIVER	HEINTZ	THOMAS	M	
41H-W-210619-00	ST		05/23/1911	SESESW	9	01S	04E	GA		WEST GALLATIN RIVER	BEAN	BRADLEY	J	
											BEAN	JACQUELINE	M	
41H-W-030586-00	IR	2.50C	06/01/1912	SESESE	15	03S	04E	GA		UT WEST GALLATIN RIVER	A H BLACK CO			
41H-W-136826-00	DM	12.00G	08/13/1912	SESWSW	16	07S	04E	GA		SP WEST GALLATIN RIVER	TONN	WILLABELLE	L	
											TONN	KENNETH	E	
41H-W-015370-00	IR		06/30/1913		SW	20	01N	04E	GA	SI WEST GALLATIN RIVER	MYERS	GRACE	E	
41H-W-015369-00	ST	30.00G	06/30/1913		SWSW	20	01N	04E	GA	WS WEST GALLATIN RIVER	MYERS	GRACE	E	
41H-W-140698-00	IR	1.25C	05/10/1914	NESENE	20	07S	04E	GA		SP WEST GALLATIN RIVER	TONN	KENNETH	E	

NOTE: This is a sample of the Source Name Index. The other indexes have the same seven (7) columns except for the Issue Remarks Index.

- Column 1: This is the water right identification number. This number is necessary to look up a water right abstract in the decree. The best way to request information from either the Water Court or the DNRC for a particular water right is to use this entire number.
- Column 2: This two-letter code designates what the water is used for in this water right. The most common codes are ST for stockwater, DM for domestic, and IR for irrigation. A list of all use codes is on page 4 of these instructions.
- Column 3: This number designates the flow rate for this water right. The letter "C" after the number means the flow rate is measured in cubic feet per second. A letter "G" means gallons per minute. A blank means the Water Court did not quantify a flow rate for this right. Reasons for this can be found in the Findings of Fact and Conclusions of Law for the decree.
- Column 4: This is the priority date for this water right written month/day/year. A 00/00/0000 priority date is explained on the abstract for that right.
- Column 5: This column gives the point of diversion for this water right. All indexes except the Point of Diversion Index List only one point of diversion for each right regardless of the number of diversions claimed. The legal land description is in the format: Quarter Section-Section-Township-Range-County. Counties are listed as two-letter codes. A list of county codes is on page 4 of these instructions.
- Column 6: This is the name of the source of water for the right. A blank space usually indicates a problem with identifying the claimed source. Some names have a two letter code to the left of the source name. This indicates the diversion is on a tributary of the named source listed. These tributary codes are: (UT) Unnamed, (SP) Spring, (WS) Waste and Seepage, (SI) Subirrigation, (MP) Manmade Pit, and (NP) Natural Pit.
- Column 7: This is the owner or owners of this water right. All owners of each right are listed.

COUNTY CODES

BE	Beaverhead	MC	McCone
BH	Big Horn	ME	Meagher
BL	Blaine	MI	Mineral
BR	Broadwater	MS	Missoula
CA	Carbon	MU	Musselshell
CH	Chouteau	PA	Park
CR	Carter	PE	Petroleum
CS	Cascade	PH	Phillips
CU	Custer	PI	Prairie
DA	Daniels	PO	Pondera
DL	Deer Lodge	PR	Powder River
DW	Dawson	PW	Powell
FA	Fallon	RA	Ravalli
FE	Fergus	RI	Richland
FL	Flathead	RO	Roosevelt
GA	Gallatin	RS	Rosebud
GF	Garfield	SA	Sanders
GL	Glacier	SB	Silver Bow
GR	Granite	SG	Sweet Grass
GV	Golden Valley	SH	Sheridan
HI	Hill	ST	Stillwater
JB	Judith Basin	TE	Teton
JE	Jefferson	TO	Toole
LA	Lake	TR	Treasure
LC	Lewis and Clark	VA	Valley
LI	Liberty	WH	Wheatland
LN	Lincoln	WI	Wibaux
MA	Madison	YE	Yellowstone
		YP	Yellowstone Park

USE CODES

AS	agricultural spraying	LG	lawn and garden
CM	commercial	MC	municipal
DM	domestic	MD	multiple domestic
DW	dewatering	MN	mining
EC	erosion control	NV	navigation
ED	exploratory drilling	OF	oil well flooding
FC	flood control	OT	observation & testing of groundwater aquifer
FP	fire protection	PA	pollution abatement
FR	fish raceways	PG	power generation
FW	fish and wildlife	RC	recreation
GP	geothermal, power generation	SC	sediment control
IN	industrial	ST	stockwatering
IR	irrigation	WI	wildlife
IS	institutional		