

**MONTANA WATER COURT
LOWER MISSOURI DIVISION
BELOW FORT PECK DAM - BASIN 40S**

**SECOND NOTICE OF ENTRY OF INTERLOCUTORY DECREE AND
SECOND NOTICE OF AVAILABILITY**

THIS IS AN IMPORTANT NOTICE REGARDING YOUR WATER RIGHTS

This second notice of issuance is being sent to you because the Montana Department of Natural Resources and Conservation (DNRC) failed to provide correct notice when this Decree was originally issued.

By statute, each water user in this basin is entitled to proper notice when the Water Court issues a decree. Preparation and mailing of notices is the responsibility of the Montana Department of Natural Resources and Conservation. To ensure proper notice was given, the Water Court ordered the DNRC to include a copy of a Notice of Availability to each water user in this basin. In addition, the Water Court required the DNRC to state in writing that it had followed the Water Court's order.

Despite this Court's order, and the clear requirements of the statute, the DNRC failed to send a Notice of Availability to water users in this basin. In addition, the DNRC inaccurately represented that it had correctly mailed such notice.

Accordingly, the Water Court has ordered the DNRC to issue this SECOND NOTICE OF ENTRY OF INTERLOCUTORY DECREE AND SECOND NOTICE OF AVAILABILITY. The purpose of re-noticing this Decree is to provide you, the water users in Basin 40S, the notice you are entitled to receive by statute.

You are hereby informed that the Montana Water Court has re-issued notice of a Decree (a list of water rights) in your Basin. This notice may include an abstract (a description of your water right as decreed).

- If an abstract is included with this notice, then your claim is part of the Decree.
- If an abstract is not included with this notice, then your claim is not part of the current Decree.

WHAT IS THE INTERLOCUTORY DECREE AND SHOULD YOU FILE AN OBJECTION?

The Decree includes 246 water rights. The water rights were either not previously decreed by the Water Court or have issues that still need to be addressed. Review the abstracts. The Decree can be viewed at: <https://courts.mt.gov/Courts/Water/Notices-Info/>. If you prefer to view a paper copy, please contact the Water Court or your DNRC office. See below for contact information.

If you believe any claims in the Decree do not reflect historical (before July 1, 1973) beneficial use, you should file an objection by **January 16, 2024**. Objections must be filed on the forms provided by the Water Court. The forms can be found at: <https://courts.mt.gov/Courts/Water/LegalResources> or by contacting the Court: watercourt@mt.gov or (406) 586-4364.

A request to extend the objection deadline must be filed by **January 16, 2024**. If an extension is granted it will be advertised in the Sidney Herald, Billings Gazette, and Northern Plains Independent.

Any objections previously filed to water rights in the Interlocutory Decree will be addressed by the Water Court. That means you do not have to file a new objection to replace a previously filed objection.

WHAT'S NEXT?

The Water Court will be offering a call-in meeting to explain the objection process on the following date:

- Wednesday, September 20, 2023, at 12:00 pm.
 - Dial (406) 318-5487
 - At the prompt enter code 215 814 993#

If someone objects to any of your water rights, the Court will notify you, and you will be allowed to file a counterobjection. After all notice periods have passed, the Water Court will address all objections, counterobjections, and issue remarks. **Make sure your address is up to date with the DNRC.**

CONTACT INFORMATION

Montana Water Court
1123 Research Drive
Bozeman, MT 59718
(406) 586-4364
watercourt@mt.gov

Montana DNRC, Water Rights Adjudication Office
1424 9th Avenue
Helena, MT 59620
(406) 444-0560

Montana DNRC, Water Resources Regional Office
222 Sixth Street South
Glasgow, MT 59230
(406) 228-2561

Remember, objections must be filed by January 16, 2024.

DATED this 20th day of July, 2023.

/s/ Russ McElyea
Chief Water Judge
Montana Water Court

IT IS IMPORTANT THAT YOU PARTICIPATE IN THIS PROCESS, OTHERWISE, YOUR RIGHT TO APPEAL ANY DECISIONS AFFECTING YOUR WATER RIGHT IS LIMITED.