

**UNITED STATES DEPARTMENT OF INTERIOR, FISH AND WILDLIFE SERVICE,
CHARLES M. RUSSELL NATIONAL WILDLIFE REFUGE–MONTANA COMPACT**

CASE WC-2015-05

**NOTICE OF ENTRY OF UNITED STATES DEPARTMENT OF INTERIOR,
FISH AND WILDLIFE SERVICE, CHARLES M. RUSSELL NATIONAL
WILDLIFE REFUGE–MONTANA COMPACT
PRELIMINARY DECREE AND NOTICE OF AVAILABILITY**

AS A WATER USER YOU MUST READ ALL OF THIS NOTICE

The Montana Water Court has been asked to approve a Compact settling and defining all of the reserved water rights for the Charles M. Russell National Wildlife Refuge claimed by the United States of America on behalf of the U.S. Department of Interior – Fish and Wildlife Service (“FWS”). The United States Department of Interior, Fish and Wildlife Service, Charles M. Russell National Wildlife Refuge–Montana Compact (“the Compact”) was negotiated by the State of Montana and the United States, and ratified by the 2013 Montana Legislature. The Compact needs your review before the Court determines whether to approve the Compact in accordance with applicable law.

The Compact defines the water rights of the United States for the Charles M. Russell National Wildlife Refuge, located in Water Court Basins 40C, 40D, 40E, 40EJ, 40O and 40S. A Summary Description of the water rights in the Compact is enclosed with this Notice.

You are receiving this Notice because the State’s water right records indicate you have filed a statement of claim, have applied for or received a permit to appropriate water, or have a water reservation in the basin in which a reserved water right in the

Compact is located. Since your water rights may be affected by the Compact, you should review the Compact. Accordingly,

THIS IS YOUR OFFICIAL NOTIFICATION that the Montana Water Court has entered a Preliminary Decree containing the United States Department of Interior, Fish and Wildlife Service, Charles M. Russell National Wildlife Refuge–Montana Compact. If the Court approves the Compact, it will enter a Final Decree adjudicating the reserved water rights of the United States as they are recognized in the Compact. That Final Decree will be binding on all water users in the Montana water rights adjudication.

WHAT IS A PRELIMINARY DECREE AND WHAT ARE YOUR RIGHTS AND OBLIGATIONS TO OBJECT TO THE COMPACT?

This Preliminary Decree is a decree entered by the Water Court in accordance with Section 85-2-231, MCA. At this stage in the adjudication, all affected parties are required to state any objections that they may have to the Compact. If you do not agree with the water rights recognized by the Compact, you may file an objection and request a hearing and the Water Court will hear your objection. **This will be your only opportunity to object to the United States Department of Interior, Fish and Wildlife Service, Charles M. Russell National Wildlife Refuge–Montana Compact. Any Final Decree entered by the Water Court adjudicating the reserved water rights for the Charles M. Russell National Wildlife Refuge will be binding on you.**

RIGHT TO APPEAL

If you do not participate in Water Court proceedings, your right to appeal an adverse decision is limited. Section 85-2-235, MCA provides that (1) a person whose existing rights and priorities are finally determined may appeal that determination only if: (a) the person requested a hearing and appeared and entered objections in the Preliminary Decree; (b) the person's rights or priorities as determined in the decree were affected as the result of an objection filed by another person; (c) the person requested a hearing and appeared before the Water Court to finally resolve an issue remark; or (d) the person is a

claimant appealing an adverse decision when the Water Court issued the decision as the result of an evidentiary hearing or as the result of calling the claim in on the Court's own motion. (2) If the Attorney General participated as an intervenor as provided in Section 85-2-248, MCA, the Attorney General may appeal a decision. (3) An interlocutory ruling by a water judge upon a question of law may be appealed by a party affected by the decision and who participated in the matter in which the ruling was issued.

SHOULD YOU FILE AN OBJECTION?

Only you can answer this question. To help you determine whether you should file an objection to the Compact, you should first examine the Compact and the abstracts. Your examination should not stop there, however. You must also compare the water rights in the Compact with the claims that you have filed with the Water Court or the water right permits or certificates that you have received from the Montana Department of Natural Resources and Conservation, and possibly the claims and permits of others within Basins 40C, 40D, 40E, 40EJ, 40O and 40S.

The following documents can be viewed at the list of offices identified below:

- A. The FWS, Charles M. Russell National Wildlife Refuge Compact;
- B. The abstracts of the water rights for the Charles M. Russell National Wildlife Refuge;
- C. All of the water right claims that have been filed and all water right permits and certificates located in Basins 40C, 40D, 40E, 40EJ, 40O and 40S; and
- D. The Court's Order of July 29, 2015 authorizing this proceeding.

The offices at which the documents referenced above can be viewed are:

- 1. The Montana Water Court, 601 Haggerty Lane, Bozeman, Montana. (FWS, Charles M. Russell National Wildlife Refuge Compact, Findings of Fact, Conclusions of Law and Order for Commencement only.)
- 2. The following Montana Department of Natural Resources and Conservation offices:
 - a. Billings – 1371 Rintop Drive – Telephone (406) 247-4415

- b. Glasgow – 222 Sixth Street South – Telephone (406) 228-2561
 - c. Havre – 210 Sixth Ave – Telephone (406) 265-5516
 - d. Lewistown – 613 NE Main, Suite E – Telephone (406) 538-7459
3. Clerk of District Court office for the following counties: Fergus, Garfield, Petroleum, Phillips and Valley. (FWS, Charles M. Russell National Wildlife Refuge Compact, Findings of Fact, Conclusions of Law and Order for Commencement only.)

Internet information at <http://dnrc.mt.gov/divisions/water/adjudication> is also available. Scroll down through the various basins to FWS, Charles M. Russell National Wildlife Refuge Compact. Click on FWS, Charles M. Russell National Wildlife Refuge Compact and click on the Decree information that interests you.

You may obtain a paper or electronic copy of the PRELIMINARY DECREE from the Department of Natural Resources and Conservation, Water Rights Bureau, P.O. Box 201601, Helena, MT, 59620-1601. The cost of a paper copy of this Decree, including the Index, abstracts and Findings and Conclusions (approximately 177 pages) is \$116.00. An electronic copy of this Decree on CD, including the abstracts and Index, FWS, Charles M. Russell National Wildlife Refuge Compact, Findings of Fact, Conclusions of Law and Order for Commencement, is \$10.00.

The FWS, Charles M. Russell National Wildlife Refuge Compact is published in Section 85-20-1701 of the Montana Code Annotated beginning at page 1045 of Volume 10 (2013 edition). The Montana Code Annotated can be found in many public offices and public libraries.

HOW TO FILE AN OBJECTION AND REQUEST A HEARING

An objection to the Compact must be filed on forms provided by the Water Court. Objection forms can be found at any of the offices listed above. **All objections must be filed and received by the Montana Water Court, P.O. Box 1389, Bozeman, Montana 59771-1389, on or before January 26, 2016. LATE OBJECTIONS WILL NOT BE CONSIDERED.**

INFORMATIONAL MEETING

Public meetings to explain the Water Court procedures and the FWS, Charles M. Russell National Wildlife Refuge Compact will be held by the Settling Parties in:

Lewistown at 7:00 p.m. on Tuesday, September 29, 2015, in the Bureau of Land Management Field Office, 920 NE Main Street, Lewistown, MT 59457.

Jordan at 7:00 p.m. on Wednesday, September 30, 2015, in the meeting room of the County Library (Old Grade School Building), 228 East Main Street, Jordan, MT 59377.

Glasgow at 7:00 p.m. on Thursday, October 1, 2015, in the Cottonwood Inn & Suites, 45 First Avenue NE, Glasgow, MT 59230.

Representatives of the Settling Parties will be present to answer your questions.

ANY QUESTIONS?

Use our toll-free number 1-800-624-3270 (in Montana). Our regular office number is (406) 586-4364, and is not toll-free. Or call your regional DNRC office at the telephone number listed in paragraphs 2.a–2.d above.

DATED this 30th day of July, 2015.

/s/ Russ McElyea
Chief Water Judge
Montana Water Court

SUMMARY DESCRIPTION OF RESERVED WATER RIGHTS IN THE UNITED STATES DEPARTMENT OF INTERIOR, FISH AND WILDLIFE SERVICE, CHARLES M. RUSSELL NATIONAL WILDLIFE REFUGE–MONTANA COMPACT

The United States Department of Interior, Fish and Wildlife Service, Charles M. Russell National Wildlife Refuge–Montana Compact (Compact) recognizes federal reserved rights for the Charles M. Russell National Wildlife Refuge for stock, wildlife and Wildlife Habitat uses. The Compact and the abstracts for each current and future water use may also be reviewed on the Montana Department of Natural Resources and Conservation website at: <http://dnrc.mt.gov/divisions/water/adjudication/>.

The Compact quantifies federal reserved water rights of one (1) or one-half (½) cubic feet per second (cfs) for instream use for the purposes of stock, wildlife and Wildlife Habitat as set forth in Table 1 below. The United States holds water rights in the named streams shown in Table 1 from the point furthest upstream where the Refuge boundary crosses the mainstem channel to its confluence with Fort Peck Lake or the Missouri River.

Table 1

Stream Name	Amount (cfs)	Upstream Limit	Downstream Limit
Alkali Creek	0.5	NWSW Sec.27 19N29E	SESW Sec.36 19N29E
Antelope Creek	0.5	NWNE Sec.3 22N23E	SESE Sec.21 22N23E
Armells Creek	1.0	NWSW Sec.18 21N23E	SWSW Sec.32 22N24E
Ash Creek	0.5	NWNW Sec.28 22N42E	SESW Sec.27 22N42E
Bear Creek	0.5	NENE Sec.15 25N42E	SWSE Sec.10 25N42E
Beauchamp Creek	0.5	NWNE Sec.16 22N28E	SESE Sec.35 22N28E
Big Coulee Creek	0.5	NWSW Sec.16 21N33E	SWSW Sec.12 21N33E
Big Dry Creek	1.0	SWSW Sec.26 20N42E	NESW Sec.12 20N42E
Billy Creek	0.5	SESE Sec.33 22N34E	NWNE Sec.22 22N34E
Box Creek, North Fork	0.5	SWSW Sec.18 23N42E	NENE Sec.19 23N42E
Box Creek, South Fork	0.5	SWNW Sec.19 23N42E	SENE Sec.19 23N42E
Bridge Coulee	0.5	SWNW Sec.1 20N42E	NENE Sec.12 20N42E
Cabin Coulee	0.5	SESW Sec.21 23N35E	SWSE Sec.5 22N36E
Carroll Coulee	0.5	SWNW Sec.31 21N26E	SENE Sec.22 21N26E
Cart Trail Coulee	0.5	NWNW Sec.35 23N33E	NENW Sec.1 22N33E
Cat Creek	0.5	NWSW Sec.29 23N42E	SWSW Sec.28 23N42E
Cattle Creek	0.5	SWSE Sec.15 22N39E	SWSE Sec.10 22N39E
CK Creek	0.5	NWNE Sec.1 22N26E	SESE Sec.12 21N27E
Crooked Creek (Garfield County)	0.5	SESE Sec.19 22N39E	NENE Sec.19 22N39E
Sacagawea River/ Crooked Creek	0.5	SWSW Sec.27 20N29E	SWNW Sec.36 20N29E
Dawson Creek	0.5	NWSW Sec.6 23N42E	SWSE Sec.6 23N42E
Devils Creek	0.5	NENE Sec.16 21N32E	SENE Sec.5 21N32E
Doney Coulee	0.5	NWNE Sec.30 23N34E	SESW Sec.29 23N34E
Duck Creek	0.5	NWNW Sec.1 23N37E	NWSE Sec.1 23N37E
Duval Creek	0.5	NENW Sec.5 22N24E	NWSE Sec.34 22N24E
Fifth Coulee	0.5	SWNW Sec.33 25N39E	SESE Sec.2 24N39E
Fourchette Creek	1.0	NWNW Sec.15 22N30E	NWSE Sec.8 22N31E
Germaine Coulee	0.5	SESE Sec.22 19N30E	SWSW Sec.16 19N30E

Gilbert Creek	0.5	SWSE Sec.17 22N40E	NESE Sec.4 22N40E
Hawley Creek	0.5	NENW Sec.35 22N29E	NENE Sec.2 21N28E
Hell Creek	0.5	SESE Sec.16 21N37E	NWNW Sec.13 21N37E
Hilliard Coulee	0.5	NENE Sec.20 26N42E	NWSW Sec.17 26N42E
Kill Woman Creek	0.5	NENE Sec.3 22N32E	SESE Sec.10 22N32E
King Coulee	0.5	NWNW Sec.6 23N37E	SESW Sec.9 23N37E
Lone Tree Creek	0.5	NWSW Sec.34 22N42E	NESW Sec.34 22N42E
Lost Creek	0.5	SWSE Sec.36 21N31E	NWNW Sec.33 21N31E
Middle Eighth Coulee	0.5	NENE Sec.28 24N38E	SWNE Sec.35 24N38E
Nelson Creek	0.5	SESW Sec.26 21N43E	NENW Sec.27 21N43E
Nichols Coulee	0.5	SWSW Sec.7 22N27E	SESE Sec.10 21N27E
North Fork Rock Creek	0.5	NENE Sec.21 23N43E	SWSE Sec.17 23N43E
Norville Creek	0.5	NWNW Sec.36 24N41E	NWNW Sec.31 24N42E
Renick Coulee	0.5	SESE Sec.24 23N40E	NENE Sec.23 23N40E
Ried Coulee	0.5	SWSW Sec.18 21N38E	NWNE Sec.13 21N37E
Rock Creek	1.0	NENE Sec.6 22N25E	NWNE Sec.11 21N25E
Sand Arroyo	0.5	NWNE Sec.20 24N43E	NESW Sec.20 24N43E
Sand Creek	0.5	SWSW Sec.16 21N24E	NENE Sec.9 21N25E
Sandburn Coulee	0.5	SESE Sec.1 19N30E	SESE Sec.25 20N30E
Seven Blackfoot Creek	0.5	SWSE Sec.13 21N33E	NENW Sec.13 21N33E
Sevenmile Creek	0.5	NENW Sec.6 22N26E	SESE Sec.7 21N27E
Seventh Coulee	0.5	NWSW Sec.18 24N39E	SWNW Sec.20 24N39E
Sherman Coulee	0.5	NESE Sec.33 19N30E	NENE Sec.30 19N30E
Siparyann Creek	1.0	NWNW Sec.2 22N24E	SESE Sec.32 22N25E
Sixth Coulee	0.5	NWNW Sec.5 24N39E	SWNW Sec.14 24N39E
Snap Creek	0.5	SWSW Sec.23 21N42E	SENE Sec.26 21N42E
Snow Creek	0.5	SWSW Sec.3 21N36E	NESW Sec.2 21N36E
Soda Creek	0.5	SWNW Sec.33 21N29E	SWNW Sec.8 20N30E
South Fork Duck Creek	0.5	NWNW Sec.21 25N39E	SWNW Sec.14 25N39E
South Fork Rock Creek	0.5	SENE Sec.33 23N43E	NWNE Sec.32 23N43E
Spring Creek	0.5	NESE Sec.11 24N42E	SESE Sec.10 24N42E
Nancy Russell Creek/ Squaw Creek	0.5	SESE Sec.29 20N31E	SWNE Sec.30 20N31E
Sutherland Creek	0.5	SWNW Sec.13 23N36E	SWSW Sec.18 23N37E
Telegraph Creek*	0.5	NENW Sec.30 23N31E	SWSE Sec.31 23N31E
Timber Creek (McCone)	0.5	NENE Sec.17 20N43E	SWSE Sec.6 20N43E
Two Calf Creek	0.5	NWNW Sec.30 22N23E	NENW Sec.28 22N23E
Upper Eighth Coulee	0.5	NWSW Sec.33 24N38E	SENE Sec.4 23N38E
Valentine Creek*	0.5	NWNE Sec.10 21N30E	SENE Sec.14 22N30E
Wilder Creek	0.5	NENW Sec.12 22N25E	SWSE Sec.6 21N26E
Wyatt Coulee	0.5	NWNW Sec.22 23N34E	NESW Sec.22 23N34E

*The downstream end of the quantified reaches of Telegraph Creek and Valentine Creek end at their confluence with Fourchette Creek.

The Compact also implements limitations on larger on-stream impoundments on selected streams.

The priority date for these rights shall be December 11, 1936.

Nothing in this Compact concerns the management of the Charles M. Russell National Wildlife Refuge. The Compact addresses only the federal reserved water rights that Charles M. Russell National Wildlife Refuge managers will have at their disposal.