

IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE RIVER DIVISION
YELLOWSTONE RIVER DRAINAGE BETWEEN THE BIGHORN AND TONGUE RIVERS
BASIN 42KJ

**NOTICE THAT OBJECTIONS HAVE BEEN FILED
AND HEARINGS REQUESTED**

This is your personal notice that the Montana Water Court will hear objections, receive evidence, and review the historical beneficial use of 1085 water right claims diverted or used in the Yellowstone River drainage between the Bighorn and Tongue Rivers. All but two of these claims were included in the Basin 42KJ Temporary Preliminary Decree issued in 2003.

WHAT IS HAPPENING?

An **Objection List** has been prepared that identifies the claim number, the ownership, the water source involved, the names of any objectors, 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 want 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 need to file a **Notice of Intent to Appear**.

FOR YOUR PROTECTION, WE SUGGEST THAT YOU THOROUGHLY REVIEW THE OBJECTION LIST AND THEN 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 MUST FILE A NOTICE OF INTENT TO APPEAR?

If you are *not already involved* in a specific water right claim as the **claimant** or **objector**, but you wish to intervene and to participate in the proceeding regarding a specific water right claim, you must 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 **DECEMBER 19, 2005**.

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 Resources Regional Office, Airport Business Park, 1371 Rimtop Drive, Billings, Montana. Telephone (406) 247-4415.
2. Montana Water Court, 601 Haggerty Lane, Bozeman, Montana. Telephone (406) 586-4364.
3. Clerk of Court, Rosebud County Courthouse, Forsyth, Montana.

The Objection List and Notice of Intent to Appear Forms are also available from the Water Court on a computer disk in Microsoft Word and Corel WordPerfect 11 for FREE. The Objection List and forms are also posted on the Internet at www.dnrc.state.mt.us/wrd/home.htm Click on Water Rights, then Water Court Activity, then scroll down to Basin #42KJ and click on Yellowstone River, between Bighorn & Tongue Rivers, and finally click on Objection List. You may also obtain a paper copy of the Objection List from the Montana Water Court for \$10.00.

The **Objection List** does not contain all of the information included on the objection form. To obtain a copy of an objection in its entirety, contact the Montana Water Court, P. O. Box 1389, Bozeman, MT 59771-1389, (406) 586-4364 or toll free (in Montana only) 1-800-624-3270.

***ALL NOTICES OF INTENT TO APPEAR MUST BE RECEIVED
BY THE MONTANA WATER COURT
BEFORE 5:00 PM ON DECEMBER 19, 2005.***

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

The **claimant, objectors and those who filed a Notice of Intent to Appear** form will be notified by the Court of the time and date 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 actively in the Court proceedings.

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

TWO CLAIMS WERE NOT INCLUDED IN DECREE

Two United States Department of Interior Bureau of Land Management claims were not included in the Basin 42KJ decree when it was issued in 2003. The United States stock claim 42KJ 79593-00 and wildlife claim 42KJ 79594-00 were incorrectly designated as Basin 42C claims and this clerical error was not discovered until after the Basin 42KJ decree was issued. These two claims are now being added to the Basin 42KJ decree. Copies of these two claims are available for inspection at the Billings DNRC Office and the Water Court. Copies will be mailed to you upon request. Since these two claims were not available for objection, they will be reviewed by the Water Court. If you wish to participate in this review, you must file a Notice of Intent to Appear form for these two claims.

BASIN MEETING WITH THE CHIEF WATER JUDGE

An informal public meeting will be held by Bruce Loble, Chief Water Judge, on Thursday evening, December 1, 2005 at 7:00 P.M. in the Rosebud County Public Library basement meeting room, 201 North 9th Avenue, Forsyth, Montana. Representatives of the United States Bureau of Indian Affairs, Bureau of Reclamation, and Bureau of Land Management will also be present to answer your questions.

ARE WE USING YOUR CORRECT MAILING ADDRESS?

If the mailing label on the envelope in which this Notice was enclosed is incorrect, please mail the enclosed address correction form to the DNRC.

Any Questions? Call the DNRC Billings office at (406) 247-4415 or call the Water Court's toll free number 1-800-624-3270 (In Montana). Our regular office number is (406) 586-4364; it is not toll free.

DATED this 20TH day of October, 2005.

**C. BRUCE LOBLE
Chief Water Judge
Montana Water Court
P. O. Box 1389
Bozeman, MT 59771-1389**

REMINDER: Notice of Intent to Appear must be filed by DECEMBER 19, 2005.