

**IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
MISSOURI RIVER, FROM HOLTER DAM TO SUN RIVER (BASIN 41QJ)**

**NOTICE OF ENTRY OF TEMPORARY PRELIMINARY DECREE AND
NOTICE OF AVAILABILITY**

AS A WATER USER YOU NEED TO READ THIS ENTIRE NOTICE.

You are hereby notified that the Montana Water Court has entered its Temporary Preliminary Decree for the Missouri River, From Holter Dam To Sun River (Basin 41QJ). The entire water rights Decree is now available for your review.

If you, or your predecessors, filed a claim for an existing water right with a priority date before July 1, 1973, an abstract of your claim is enclosed with this Notice. The abstract reflects your existing water right claim as it appears in this Decree. If you, or your predecessors, only applied for or received a permit or certificate from the Department of Natural Resources and Conservation to appropriate water with a priority date after June 30, 1973 (for example: a well drilled in 1975 for domestic or stock purposes), you will not receive an abstract of water right with this Notice.

WHAT IS A TEMPORARY PRELIMINARY DECREE?

This Temporary Preliminary Decree is a compilation of 2584 existing water right claims filed in the Missouri River, From Holter Dam To Sun River drainage in Basin 41QJ. This Decree includes all sources of water located within the Missouri River, From Holter Dam To Sun River drainage, including, but not limited to Little Muddy Creek, Little Prickley Pear Creek, Missouri River and all tributaries, except for the Dearborn River drainage (Basin 41U) and the Smith River drainage (Basin 41J). See the general Findings and Facts and Conclusions of Law in the Index volume of the Decree for further explanation of the preparation of this Decree.

SHOULD YOU FILE AN OBJECTION?

Only you can answer this question. You should first examine the abstract of your water rights. Is each abstract correct? If you don't agree with your pre-July 1973 water right claim as it is printed on the enclosed abstract, you may file an objection. 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 or on other sources in the Basin; (2) your water right may be subject to water rights in adjoining Basins; and (3) your water right may be subject to Indian and Federal reserved water rights. If you believe other water right claims in this Decree do not reflect their historical beneficial use, you may file an objection and the Water Court will hear your objection.

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. The Source Name Index lists all water rights under the name of each source of supply (for example, all water rights listed on Little Muddy Creek). Under each source name, the water rights are listed from the earliest priority date to the latest priority date. The Priority Date Index lists all water rights within the Basin beginning with the earliest date and continuing to the latest. You can buy a copy of the Decree or just the Index, or you can look at a copy at any of the offices listed below on this Notice or on the Internet. You should review ALL the elements of other water right claims which may affect you.

REVIEW ALL WATER RIGHT ABSTRACTS CAREFULLY

Look carefully at all the water right abstracts in the Decree, including your own abstract. Elements of your water right may have been changed since the claim was originally filed. If there is a change, that change has occurred as a result of information obtained during the examination of your claim by the Montana Department of Natural Resources and Conservation. If an abstract reflects any change, that change may be challenged by filing an objection with the Water Court. Your claim may also be called in and reviewed by the Water Court on its own initiative in accordance with the examination information.

This Decree, as modified after objections and hearings, will be enforceable in accordance with §3-7-212 and §85-2-406 Montana Code Annotated. If a right receives no objection or is not reviewed by the Water Court on its own initiative, it may remain unchanged, will be enforceable and may be entered in the Final Decree.

HOW TO FILE AN OBJECTION AND REQUEST A HEARING

An objection must be filed on the forms provided by the Montana Water Court. Water Court forms can be found at the offices or Internet address listed below.

ALL OBJECTIONS MUST BE FILED AND RECEIVED AT THE WATER COURT ON OR BEFORE AUGUST 4, 2008. OBJECTIONS RECEIVED AFTER THIS DATE WILL BE CLASSIFIED AS LATE. Objections may be mailed to the Montana Water Court, PO Box 1389, Bozeman, MT 59771-1389, but they still must be received by AUGUST 4, 2008.

CAN YOU GET AN EXTENSION?

An extension for filing objections may be granted by the Water Judge. Requests must be received by the Montana Water Court on or before AUGUST 4, 2008. Use the form furnished by the Montana Water Court. If an extension is granted, it will apply to everyone. Any extension may be seen at the offices listed below and will be advertised once in the *Cascade Courier and the Great Falls Tribune*.

NOTICE OF AVAILABILITY

THE DECREE (INCLUDING THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE INDEX,) IS AVAILABLE FOR REVIEW, AND WATER COURT OBJECTION AND EXTENSION FORMS CAN BE OBTAINED AT THE FOLLOWING OFFICES:

1. Montana Water Court, **601 Haggerty Lane, Bozeman, Montana.**
2. Montana Dept. of Natural Resources, Water Rights Adjudications, **910 Helena Ave, Helena, Montana.**
3. Montana Dept. of Natural Resources & Conservation, Water Resources Regional Office(s):
1424 9th Avenue, Helena, Montana.
613 NE Main, Suite E, Lewistown, Montana.
4. Clerk of District Court, **Cascade County Courthouse, Great Falls, Montana.**

You may obtain a copy of the TEMPORARY PRELIMINARY DECREE from the Department of Natural Resources and Conservation, Water Rights Bureau, P.O. Box 201601, Helena, MT, 59620-1601. The cost of this Decree, including the Index, Findings and Conclusions is \$290.00. The Index by itself is \$43.00. Electronic copies of this Decree, including the Index on CD are \$10.00.

Internet access to Basin 41QJ water right Decree information is available. Point your browser to the World Wide Web address of www.dnrc.mt.gov/wrd. Place mouse pointer over Water Rights and click on Adjudication. Then scroll down through the various basins to Basin #41QJ and click on MISSOURI RIVER, FROM HOLTER DAM TO SUN RIVER. Then scroll down and click on the 41QJ Decree information that interests you.

AFTER OBJECTIONS ARE FILED

After the time for filing objections has passed, the Montana Water Court will prepare an Objection List, notify you by mail 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.

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 Temporary 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 85-2-248, 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.

Basin Meeting with the Chief Water Judge

An informal public meeting will be held by Bruce Loble, Chief Water Judge,
at the Wedsworth Memorial Hall, 13 Front Street South, Cascade Montana.

1) Thursday evening, APRIL 10, 2008 at 7:00pm.

Is Your Mailing Address Correct?

If the address label on the envelope in which this Notice was enclosed is incorrect, please notify the Department of Natural Resources & Conservation by returning the enclosed Address Correction Form.

Any Questions? Call the DNRC Helena office at 406-444-0560 or call the Water Court's toll free number at 800-624-3270 (In Montana). Our regular office number is 406-586-4364 and it is not toll free.

DATED this 6th day of February 2008.

/s/ C. Bruce Loble

Chief Water Judge

Montana Water Court

P. O. Box 1389

Bozeman, MT 59771-1389

Remember: Objections must be filed in the Water Court by AUGUST 4, 2008.