

Montana Water Court  
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**FILED**  
**OCT 20 2017**

**Montana Water Court**

**MONTANA WATER COURT, LOWER MISSOURI DIVISION  
FRENCHMAN CREEK - BASIN 40L**

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**ORDER DESIGNATING THE DNRC AND THE WATER COURT TO MAIL  
NOTICE OF AVAILABILITY OF LOWER MISSOURI DIVISION  
FRENCHMAN CREEK - BASIN 40L**

Pursuant to the requirements of § 85-2-232, MCA, the Montana Water Court sent the Notice of Availability to: (1) all federal land management agencies in the Lower Missouri Division; (2) all Indian tribes of the Lower Missouri Division; (3) the County Clerks of Court for Phillips and Valley Counties, Montana; and (4) any other persons who have requested service of notice from the Water Judge.

The Montana Water Court will publish the Notice of Availability (modified for publication purposes) once a week for three consecutive weeks in the Glasgow Courier, Phillips County News, and Billings Gazette.

Pursuant to the requirements of § 85-2-232, MCA it is.

**ORDERED** that on October 26, 2017, the Department of Natural Resources and Conservation (Department) send by mail to each person and their successor in interest (including any “purchaser under contract for deed” as that term is defined in § 70-20-115, MCA), if known, who has filed a claim for an existing water right in the Lower Missouri Division, Frenchman Creek (Basin 40L) a copy of the Notice of Availability of the Preliminary Decree for that Basin and an abstract of the disposition of such person’s claim of existing right.

**ORDERED** that, on the same date, the Department mail the Notice of Availability to: (1) all parties in the Lower Missouri Division, Frenchman Creek (Basin 40L) issued permits for water use in that basin pursuant to § 85-2-301, MCA or their successor in

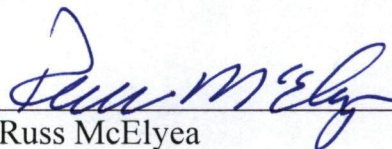


interest, if known; (2) all parties who have applied for and have not been denied permits for use of water in the Lower Missouri Division, Frenchman Creek (Basin 40L) pursuant to § 85-2-301, MCA; (3) all parties who have been granted a reservation in the Lower Missouri Division, Frenchman Creek (Basin 40L) pursuant to § 85-2-316, MCA; and (4) all parties in the Lower Missouri Division, Frenchman Creek (Basin 40L) who have received certificates of water rights pursuant to § 85-2-306, MCA for wells under 100 gallons per minute.

**ORDERED** that the Department shall make a general certificate of mailing certifying that a copy of the notice was placed in the United States Mail, postage pre-paid and addressed to each party required by this Order to be served notice of the Preliminary Decree.

**ORDERED** that the Department file the original certificate of mailing with the Montana Water Court.

DATED this 20<sup>th</sup> day of October, 2017.

  
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Russ McElyea  
Chief Water Judge

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