

**IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
MILK RIVER BELOW WHITewater CREEK INCLUDING PORCUPINE CREEK (400)**

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

This is your personal notice that objections have been filed and hearings have been requested on about 677 water right claims issued in the Preliminary Decree of the Milk River Below Whitewater Creek including Porcupine Creek (400). If your water right was objected to by another party, you previously received an individual "Notice of the Filing of an Objection" concerning that objection.

NOTICE OF OPPORTUNITY FOR MARCH 1998 PUBLIC MEETING

A PUBLIC MEETING WILL BE HELD BY BRUCE LOBLE, THE CHIEF WATER JUDGE, IF THERE IS SUFFICIENT INTEREST AMONG WATER USERS IN THIS BASIN. IF YOU WOULD LIKE TO ATTEND A PUBLIC MEETING REGARDING THE ADJUDICATION OF MILK RIVER BASIN 400 WATER RIGHTS, PLEASE CONTACT THE WATER COURT BY FEBRUARY 26, 1998. IF ENOUGH PEOPLE ARE INTERESTED, THE COURT WILL SCHEDULE A MEETING THE FIRST WEEK OF MARCH. IF YOU EXPRESS INTEREST IN A MEETING, THE COURT WILL CONTACT YOU AND LET YOU KNOW IF THE MEETING WILL BE HELD AND THE TIME AND LOCATION.

WHAT IS HAPPENING?

An Objection List has been prepared that sets out the claim number, the ownership and source of the claims that received an objection and further identifies the objecting party and the general nature of the objection. Any of these claims may be changed as a result of evidence submitted to the Water Court. Changes to a neighbor's water right may affect your water rights. Accordingly, you may want to file a Notice of Intent to Appear in order to monitor the progress of objections to certain water right claims or become an active third party in the claim proceedings. After this decree has been modified by objections and hearings, it is enforceable.

FOR YOUR PROTECTION, WE SUGGEST THAT YOU THOROUGHLY REVIEW THE OBJECTION LIST. YOU CAN THEN DECIDE WHETHER YOU WANT TO FILE A NOTICE OF INTENT TO APPEAR AND TAKE PART IN ANY CLAIM PROCEEDINGS. YOU CAN SEE THE OBJECTION LIST FOR THIS BASIN AT THE LOCATIONS LISTED ON THE OTHER SIDE.

WHO MUST FILE A NOTICE OF INTENT TO APPEAR?

If you are not already involved in a water right claim as the claimant or objector but you wish to participate in the proceedings regarding that water right claim, you must file a Notice of Intent to Appear. You will be limited to discussing those issues that have already been raised by the objections. Those who timely file a Notice of Intent to Appear on a claim will receive notice of all further proceedings relevant to the objections to that claim. **A CLAIMANT AND OBJECTOR TO A WATER RIGHT CLAIM DO NOT HAVE TO FILE A NOTICE OF INTENT TO APPEAR IN ORDER TO PARTICIPATE IN ANY OF THE PROCEEDINGS FOR THAT CLAIM.**

HOW TO FILE A NOTICE OF INTENT TO APPEAR

A NOTICE OF INTENT TO APPEAR MUST BE FILED ON THE FORMS PROVIDED BY THE WATER COURT. These forms can be found at the offices listed on the other side. Notices of Intent to Appear must be returned to the Montana Water Court, P. O. Box 879, Bozeman, MT 59771-0879.

(OVER)

ALL NOTICES OF INTENT TO APPEAR MUST BE RECEIVED BY THE MONTANA WATER COURT BEFORE 5:00 PM ON APRIL 6, 1998.

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:

1. Montana Water Court, 601 Haggerty Lane, Bozeman, Montana
2. Mt. Dept. of Natural Resources & Conservation, 21 N. Last Chance Gulch Helena, Montana.
3. Mt. Dept. of Natural Resources & Conservation, Water Resources Regional Office, 222 6th Street South, Glasgow, Montana. Due to budget reductions, no DNRC adjudication specialists are permanently stationed in the Glasgow office. Call the DNRC Havre Office, (406) 265-5516, for assistance.
4. Mt. Dept. of Natural Resources & Conservation, Water Resources Regional Office, 210 6th Ave., Havre, Montana. Telephone (406) 265-5516.

You may obtain a copy of the 372 page Objection List from the Montana Water Court. The cost of this List is \$15.00. The Objection List and Notice of Intent to Appear Forms are also available from the Water Court on a 3½" computer disk in DOS WordPerfect 5.1 for \$2.00.

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 879, Bozeman, MT 59771-0879, (406) 586-4364 or toll free (in Montana only) 1-800-624-3270.

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

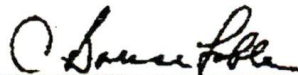
The claimant, objectors and those who filed a Notice of Intent to Appear will be notified by the Court of the time and date set for the First Status Conference and all other Court proceedings. If you file a Notice of Intent to Appear, you will be expected to participate actively in the Court proceedings.

ARE WE USING YOUR CORRECT MAILING ADDRESS?

If the mailing label on the envelope in which this Notice was enclosed is incorrect, please notify the Dept. of Natural Resources & Conservation.

Any Questions? Use our toll free number 1-800-624-3270 (in Montana). Our regular office number is (406) 586-4364 and it is not toll free.

DATED this 4th day of February, 1998.



C. BRUCE LOBLE
Chief Water Judge
Montana Water Court
P. O. Box 879
Bozeman, MT 59771-0879

REMINDER:

- CONTACT COURT IF YOU WANT A PUBLIC MEETING BY FEBRUARY 26, 1998.
- NOTICES OF INTENT TO APPEAR MUST BE FILED BY APRIL 6, 1998.

Montana Water Court
PO Box 879
Bozeman, MT 59771-0879
1-800-624-3270 (In-state only)
(406) 586-4364

IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
MILK RIVER BELOW WHITEWATER CREEK INCLUDING PORCUPINE CREEK (400)

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IN THE MATTER OF THE ADJUDICATION OF)
THE EXISTING RIGHTS TO THE USE OF ALL)
THE WATER, BOTH SURFACE AND UNDERGROUND)
WITHIN THE MILK RIVER BELOW WHITEWATER)
CREEK DRAINAGE AREA INCLUDING ALL)
TRIBUTARIES OF THE MILK RIVER BELOW)
WHITEWATER CREEK IN VALLEY COUNTY,)
MONTANA)
_____)

NOTICE OF INTENT TO APPEAR

1. Claim # _____
2. Source _____
3. County _____
4. Name, Address and Phone Number of Party Appearing:

Last Name	First Name	Middle Initial
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Street Address or Post Office Box

City	State	Zip Code	Phone
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5. Name, address and phone number of party's attorney, if any

Last Name	First Name	Middle Initial
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Street Address or Post Office Box

City	State	Zip Code	Phone
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(TURN FORM OVER AND COMPLETE BACKSIDE)

6. State the changes that you think should be made to this claim and why.

Appearing Party
(Your Name)

YOU MUST MAIL A COPY OF THIS NOTICE OF INTENT TO APPEAR TO THE OWNER OF THIS WATER RIGHT. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, INDICATES TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS NOTICE OF INTENT TO APPEAR TO THE OWNER OF THIS WATER RIGHT.

CERTIFICATE OF MAILING

I, _____, do solemnly swear that on the _____ day of _____, 19____, I placed a copy of this Notice of Intent to Appear in the U. S. Mail, postage prepaid. The copy of this Notice of Intent to Appear was mailed to:

Name: _____
Address: _____
City & State: _____

Appearing Party
(Your Name)

Please send this completed form to: Montana Water Court
P. O. Box 879
Bozeman, MT 59771-0879

IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
MILK RIVER BELOW WHITEWATER CREEK INCLUDING PORCUPINE CREEK (400)

**NOTICE OF INCLUSION OF ADDITIONAL LATE CLAIMS IN
PRELIMINARY DECREE AND OPPORTUNITY
TO FILE OBJECTIONS**

On May 24, 1995, you were notified that the Montana Water Court entered its Preliminary Decree for the Milk River Below Whitewater Creek Including Porcupine Creek (400). The entire water rights Decree was made available for your review at that time.

Pursuant to § 85-2-221(3), MCA, the legislature provided for the remission of the forfeiture of existing water rights filed after the April 30, 1982 deadline. Subject to certain terms and conditions, claimants were given the opportunity to file "late claims" for existing rights until July 1, 1996. After the entry of the Preliminary Decree for this basin on May 24, 1995 and prior to the July 1, 1996 deadline, the following four "late claims" for existing water rights were filed:

- 400-W-214802-00 - a Milk River claim
- 400-W-215210-00 - a Lime Creek claim
- 400-W-215805-00 - a Porcupine Creek claim
- 400-W-215962-00 - a Milk River claim

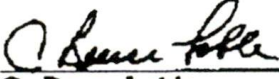
These four claims are subordinate to all valid, timely filed claims and all federal and Indian reserved water rights. These claims may also be subordinate to certain permits and reservations of water if the holder of the permit or reservation files an objection and proves that they reasonably relied to their detriment upon the failure of the late claimant to file a timely claim. See § 85-2-221(3)(e) and (f) MCA.

THIS IS TO NOTIFY YOU THAT THESE ADDITIONAL CLAIMS ARE NOW BEING INSERTED INTO THE PRELIMINARY DECREE FOR THIS BASIN AND YOU MAY FILE AN OBJECTION TO THESE FOUR CLAIMS. An objection must be filed on the forms provided by the Montana Water Court. These forms can be found at the offices listed on the Notice that Objections Have Been Filed and Hearings Requested which accompanies this Notice of Inclusion.

This Notice of Inclusion applies only to the four claims listed above. The regular objection period for all the other claims listed in the Basin 400 Preliminary Decree expired in 1996.

OBJECTIONS TO THESE FOUR CLAIMS MUST BE SENT TO THE MONTANA WATER COURT, P. O. Box 879, Bozeman, MT 59771-0879. ALL OBJECTIONS TO THESE FOUR "LATE CLAIMS" MUST BE FILED AND RECEIVED BY 5:00 P.M. ON THE 3RD DAY OF AUGUST, 1998.

DATED this 4th day of February, 1998.



C. Bruce Loble
Chief Water Judge
Montana Water Court
P. O. Box 879
Bozeman, MT 59771-0879