

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

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

AS A WATER CLAIMANT YOU NEED TO READ ALL OF THIS NOTICE.

You are hereby notified that the Montana Water Court has entered its Preliminary Decree for the Milk River Below Whitewater Creek Including Porcupine Creek (400). The entire water rights Decree is now available for your review.

If you 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. That abstract reflects your existing water right claim as it appears in the Preliminary Decree. You will not receive an abstract of water right with this Notice if you only applied for or received a permit or certificate to appropriate water after June 30, 1973.

WHAT IS A PRELIMINARY DECREE?

This Preliminary Decree is a compilation of the existing water rights filed in the Milk River Below Whitewater Creek including Porcupine Creek Basin 400. This Decree includes all sources of water located within the drainage of the Milk River below the confluences of Beaver and Rock Creeks with the Milk River.

If you don't agree with your pre July 1973 water right claim as it is printed on the enclosed abstract or any other water right claim in this Decree, you may file an objection and the Water Court will hear your objection. See the general Findings of Facts and Conclusions of Law in the first 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 the abstract correct? 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.

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 Brazil 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 on the other side of this Notice. You should review ALL the elements of other water rights which may affect you.

The reserved water right of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation that is located within Basin 400 is defined in the Fort Peck-Montana Compact and is included within this Decree by reference. It is specifically described in the April 6, 1994 Special Fort Peck Compact Subbasin Decree spanning several basins and is currently before the Water Court in Cause WC-92-1. The Tribal Water Right does not include the Milk River.

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. The claim may also be modified on Motion of the Water Court in accordance with the examination information.

THIS PRELIMINARY DECREE, AS MODIFIED AFTER OBJECTIONS AND HEARINGS, WILL BE ENFORCEABLE IN ACCORDANCE WITH §3-7-212 AND §85-2-231 MONTANA CODE ANNOTATED. IF A RIGHT RECEIVES NO OBJECTION OR IS NOT CALLED IN ON MOTION OF THE WATER COURT, IT WILL REMAIN UNCHANGED, WILL BE ENFORCEABLE AND WILL BE ENTERED IN THE NEXT DECREE.

(OVER PLEASE)

HOW TO FILE AN OBJECTION AND REQUEST A HEARING

An objection must be filed on the forms provided by the Montana Water Court. The offices where these forms can be found are listed below.

ALL OBJECTIONS MUST BE FILED AND RECEIVED BY THE 20TH DAY OF NOVEMBER, 1995. OBJECTIONS RECEIVED AFTER THIS DATE WILL BE CLASSIFIED AS LATE. OBJECTIONS MUST BE SENT TO THE MONTANA WATER COURT, P. O. Box 879, Bozeman, MT 59771-0879.

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 **NOVEMBER 20, 1995**. 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 in the Glasgow Courier, Phillips County News and The Havre Daily News.

NOTICE OF AVAILABILITY

THE PRELIMINARY DECREE (INCLUDING THE INDEX, THE FINDINGS OF FACT AND CONCLUSIONS OF LAW) 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. Mt. Dept. of Natural Resources & Conservation, 1520 East Sixth, Helena, Montana.
3. Mt. Dept. of Natural Resources & Conservation, Water Resources Regional Office, 839 1st Avenue 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, 1708 West 2nd Street, Havre, Montana. Telephone (406) 265-5516.

You may obtain a copy of the Preliminary Decree from the Department of Natural Resources and Conservation, Water Rights Bureau, 1520 East Sixth, Helena, MT 59620. The cost of this Decree, including the Index, Findings and Conclusions, is \$280.00. The Index alone is \$ 50.00. A microfiche copy of the decree, including the Index, Findings and Conclusions, is \$12.00.

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.

BASIN MEETING WITH THE CHIEF WATER JUDGE

An informal public meeting will be held by Bruce Loble, the Chief Water Judge on JULY 13, 1995 at the Elks Lodge, 309 2nd Ave. South, and on AUGUST 17, 1995 in the Courtroom of the Valley County Courthouse. Both meetings are in Glasgow, Montana and will begin at 7:30 P.M.

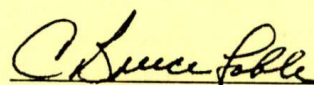
NOTICE OF OPPORTUNITY TO FILE A LATE CLAIM

Enclosed with this Notice is a "Notice of Opportunity to File a Late Claim." **The enclosure of this late claim notice does not mean your water right claim was filed late.** The Water Court routinely includes this late claim notice in its general basin wide mailings to alert people of this recent legislation.

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

Any Questions? Call the DNRC Havre office at (406) 265-5516 or call the Water Court's 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 24th day of May, 1995.


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