

**IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
TONGUE RIVER, BELOW HANGING WOMAN CREEK (BASIN 42C)**

**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 1182 water right claims diverted or used in the Tongue River drainage below Hanging Woman Creek. All but two of these claims were included in the Basin 42C Preliminary Decree issued in 2008.

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 the specific water right claim number.

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 form provided by the Water Court and must be returned to the Water Court, P. O. Box 1389, Bozeman, MT 59771-1389 by **August 25, 2009**.

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 Rights Adjudication, 910 Helena Ave, Helena, Montana. (406) 444-0560.
Water Resources Regional Office, 1371 Rintop Drive, Billings, Montana. (406) 247-4415.
2. Clerk of District Courts,
Big Horn County Courthouse, Hardin, Montana.
Custer County Courthouse, Miles City, Montana.
Powder River County Courthouse, Broadus, Montana.
Rosebud County Courthouse, Forsyth, Montana.
3. Montana Water Court, 601 Haggerty Lane, Bozeman, Montana. (406) 586-4364.

The Objection List and Notice of Intent to Appear form are also posted on the Internet at http://dnrc.mt.gov/wrd/water_rts/adjudication/42C_tongue/default.asp After arriving at the site, click on Notice of Intent to Appear Form or on Objection List. A free CD of the Objection List and Notice of Intent to Appear forms are also available from the Water Court upon request. A paper copy of the Objection List is available from the Water Court for \$35.00.

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 AUGUST 25, 2009.

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 do not 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 THE DECREE

Two claims were not included in the Basin 42C Decree due to clerical errors. These claims have been added to the Decree and the Objection List, and they will be reviewed by the Water Court. A free copy of the claim abstracts will be mailed to you upon request or can be viewed on the DNRC web site listed earlier. The missing claims are: a Big Sky Coal Co. stock claim (42C 27352-00) for Unnamed Tributary of Lay Creek water with a priority date of December 31, 1936; and a Big Sky Coal Co. stock claim (42C 27353-00) for Unnamed Tributary of Lay Creek water with a priority date of December 31, 1936. If you wish to participate in the review of these claims, you must file a Notice of Intent to Appear form and identify the claim number of the claim on which you will participate.

TELEPHONE CONFERENCES WITH THE WATER COURT

The Water Court will host two **telephone conference calls on July 15th, and July 21st, 2009 at 7:00 P.M.** On either day at 7:00 PM, dial the toll free telephone number: **1-866-479-6576**. At the prompt, enter the participant pin code of: **46309676#**.

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 Adjudication office at (406) 444-0560 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 26th day of June, 2009.

**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 August 25, 2009.