

**IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
MISSOURI RIVER, BELOW FORT PECK DAM - BASIN 40S**

**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 water right claims diverted or used in the Missouri River, Below Fort Peck Dam (Basin 40S). All of these claims were included in the Basin 40S Interlocutory Decree re-issued on July 20, 2023

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 are not the claimant or objector and 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 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 MAY 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 may 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 forms provided by the Water Court and must be returned to the Water Court by **May 31, 2024**.

WHERE TO SEE THE OBJECTION LIST AND OBTAIN FORMS

The Objection List is available at <https://courts.mt.gov/Courts/Water/Notices-Info/PublicNotices> and the Notice of Intent to Appear form is available at <https://courts.mt.gov/Courts/Water/LegalResources> under Forms. The Objection List and Notice of Intent to Appear form is also available on the DNRC Adjudication website at <https://dnrc.mt.gov/Water-Resources/Water-Rights/adjudication-pages/Lower-Missouri-River-Division,-Missouri-River-Below-Fort-Peck-Dam---Basin-40S>.

Paper copies of the Objection List and Notice of Intent to Appear form may be reviewed and obtained at:

1. Montana Dept. of Natural Resources & Conservation,
 - a. Water Rights Adjudication Office, 1424 Ninth Avenue, Helena, MT 59620 (406) 444-0560
 - b. Billings Regional Office, 1371 Rimtop Drive, Billings, MT (406) 247-4415
2. Montana Water Court, 1123 Research Drive, Bozeman, MT (406) 586-4364

The Objection List does not contain all the information included on the objection form. Filed objections are available at <http://wrqs.dnrc.mt.gov/> or you may contact the DNRC or Montana Water Court.

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.

BASIN MEETINGS WITH THE WATER COURT

An Informal public meeting will be held by telephone conference call on **Tuesday, April 30, 2024**, at **12:30 pm**. To take part in the telephone conference, dial (646) 558-8656, enter the Meeting ID 861 9326 1825#, then press # to skip participant ID, then enter the meeting password 827690#.

Any Questions? Call the DNRC Adjudication Office at (406) 444-0560 or call the Water Court at (406) 586-4364 or (800) 624-3270.

DATED this 1st day of April, 2024.

**Russell McElyea
Chief Water Judge
Montana Water Court
P. O. Box 1389
Bozeman, MT 59771-1389**

REMINDER: Notice of Intent to Appear forms must be filed by May 31, 2024.