

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

Yellowstone Division

Yellowstone River - Between Clarks Fork, Yellowstone and Bighorn Rivers - Basin 43Q

Notice of Entry of Temporary 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 Temporary Preliminary Decree for the Yellowstone River Between the Clarks Fork Yellowstone and Bighorn Rivers Basin (43Q). 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 Temporary 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 Temporary Preliminary Decree?

This Temporary Preliminary Decree is a compilation of the existing water rights filed in Basin 43Q. This Decree includes all sources of water located within the Yellowstone River drainage from the confluence of the Yellowstone and the Clarks Fork Yellowstone Rivers near Laurel to the confluence of the Bighorn and Yellowstone Rivers just upstream from Bighorn, Montana. 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.

This Decree Will Become Enforceable

This Temporary Preliminary Decree, as modified after objections and hearings, will be enforceable in accordance with sections 3-7-212 and 85-2-406 Montana Code Annotated. If a right receives no objection or is not modified by the Water Court on its own initiative, it will remain unchanged, will be enforceable, and will be entered in the next 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. You must also understand that: (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.

Please 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 your 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 (DNRC). If an abstract reflects any change, that change may be challenged by filing an objection with the Water Court.

You can determine the rank of the priority date of your water right in comparison with other water rights in this 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 Cedar 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. 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.

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 28th day of JUNE, 1999. 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 June 28, 1999. 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 Billings Gazette and the Laurel Outlook.

Notice of Availability

The Temporary 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. DNRC Water Resources Regional Office, 1371 Rimtop Drive., Billings MT 59105-1978. 3. DNRC Water Resources, 1424 Ninth Avenue, Helena, Montana.

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 Thursday, February 18, 1999 at 7:00 P.M. in the Gallatin Room of the Holiday Inn, 5500 Midland Road, Billings, Montana.

Is Your Mailing Address Correct?

If the address label on the envelope in which this Notice was enclosed is incorrect, please notify the Department of Natural Resources & Conservation. Unless changed, the Court will mail further notices to you at the address listed on the envelope.

Any Questions? Call the DNRC Billings office at (406) 247-4415, 247-4421, 247-4424 or 247-4426, 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 29th day of December, 1998.

_____ C. Bruce Loble Chief Water Judge Montana Water Court

Remember: Public meeting on February 18, 1999 at 7:00 P.M. Objections must be filed by June 28, 1999