

Montana Water Court  
PO Box 1389  
Bozeman, MT 59771-1389  
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**FILED**  
**OCT 28 2016**

**Montana Water Court**

**MONTANA WATER COURT  
TURTLE MOUNTAIN BAND OF CHIPPEWA PRELIMINARY DECREE**

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**TURTLE MOUNTAIN CHIPPEWA PRELIMINARY DECREE**

The United States has filed claims for reserved water rights on behalf of the Turtle Mountain Band of Chippewa (“the Tribe”).

These claims are for actual and future use on allotment lands held in trust by the United States for members of the Tribe. The water right claims on these allotments are incorporated into this Preliminary Decree. This Decree is issued pursuant to Sections 85-2-217 and 85-2-702(3), MCA, which provide for the filing of claims and issuance of preliminary decrees for reserved rights that have not been resolved by a compact.

The Preliminary Decree contains 843 water rights. The allotments are located in twelve different hydrologic basins in Montana. Combining these water rights into a single decree spanning multiple basins conserves public and private resources.

Unlike previous decrees issued by the Water Court, the Montana Department of Natural Resources and Conservation (DNRC) has not examined any of the claims in this Decree and these water rights appear as they were filed.

The basins covered by this Decree include 39E (Box Elder Creek), 40E (Missouri River, Between Musselshell River and Fort Peck Dam), 40EJ (Missouri River, Between Bullwhacker Creek and Musselshell Rivers), 40H (Big Sandy Creek), 40J (Milk River, Between Fresno Reservoir and Whitewater Creek), 40K (Whitewater Creek), 40L (Frenchman Creek), 40M (Beaver Creek, Tributary of Milk River), 40Q (Poplar River), 40R (Big Muddy Creek), 40S (Missouri River, Below Fort Peck Dam) and 41P (Marias River).

Notice of this Preliminary Decree is being provided by publication in newspapers and directly to individuals in sub-basins as determined by the Department of Natural

Resources and Conservation pursuant to the affidavit of John Peterson, Adjudication Bureau Chief. A copy of the affidavit can be found on the internet at [www.dnrc.mt.gov/divisions/water/adjudication/turtlemountain](http://www.dnrc.mt.gov/divisions/water/adjudication/turtlemountain). The DNRC has identified specific areas, or sub-basins, where these claims are located and notice is being provided to water users in these sub-basins rather than to every water user in each basin with a Turtle Mountain claim.

The purpose of entering this Preliminary Decree is to allow potentially affected parties to object to the rights described in the Decree. If the Court approves the water rights in the Decree, it will enter a Final Decree. The Final Decree will be binding on all water users in Montana.

This Decree is entered by the Water Court in accordance with Section 85-2-231(2), MCA.

This Decree can be reviewed during business hours at the Montana Water Court, 1123 Research Drive, Bozeman, MT 59718, 1-800-624-3270, and at the following Department of Natural Resources and Conservation, Water Resources Regional Offices:

1. Havre Office, 210 Sixth Ave., PO Box 1828, Havre, MT 59501  
(406) 265-5516
2. Glasgow Office, 222 Sixth St. South, PO Box 1269, Glasgow, MT 59230  
(406) 228-2561
3. Billings Office, 1371 Rimtop Drive, Billings, MT 59105  
(406) 247-4415

This Decree is also available on the internet at [www.dnrc.mt.gov/divisions/water/adjudication/turtlemountain](http://www.dnrc.mt.gov/divisions/water/adjudication/turtlemountain).

You may obtain a paper or electronic copy of the Preliminary Decree from the Department of Natural Resources and Conservation, Water Rights Bureau, PO Box 201601, Helena, MT, 59620-1601. The cost of a paper copy of the Preliminary Decree is \$168.00, indexes are \$29.00. An electronic copy of the Preliminary Decree on CD is \$10.00.

## ***HOW TO FILE AN OBJECTION AND REQUEST A HEARING***

An objection to the Turtle Mountain Preliminary Decree must be filed with the Montana Water Court. Objection forms can be found at the Water Court, the DNRC offices in Havre, Glasgow and Billings, and on the internet at [www.dnrc.mt.gov/divisions/water/adjudication/turtlemountain](http://www.dnrc.mt.gov/divisions/water/adjudication/turtlemountain). Objections may also be filed in any format which complies with the Montana Rules of Civil Procedure. All objections **must be filed and received** by the Montana Water Court, PO Box 1389, Bozeman, MT 59771-1389, on or before **April 26, 2017**. **LATE OBJECTIONS WILL NOT BE CONSIDERED**

### ***EXTENSIONS***

The Water Judge may grant a request for an extension of the time for filing objections. A request for an extension must be received by the Water Court on or before April 26, 2017. A form enabling you to request an extension is available on the internet at [www.dnrc.mt.gov/divisions/water/adjudication/turtlemountain](http://www.dnrc.mt.gov/divisions/water/adjudication/turtlemountain).

If an extension is granted, it will apply to everyone. Any extension will be posted at the offices listed above and will be advertised once in the *Billings Gazette* in Billings, the *Sidney Herald* in Sidney, the *Powder River Examiner* in Broadus, *The Ekalaka Eagle* in Ekalaka, the *Havre Daily News* in Havre, the *Phillips County News* in Malta, the *Sheridan County News* in Plentywood, the *Liberty County Times* in Chester, *The River Press* in Fort Benton, and the *Great Falls Tribune* in Great Falls.

### ***ANY QUESTIONS?***

You may contact the Montana Water Court. Our toll-free number is 1-800-624-3270. Our regular office number is (406) 586-4364 and is not toll-free.

DATED this 28th day of October, 2016.

//Russ McElyea  
Chief Water Judge  
Montana Water Court  
PO Box 1389  
Bozeman, MT 59771-1389