

FILED

OCT 28 2016

**IN THE WATER COURT OF THE STATE OF Montana Water Court
MONTANA THE TURTLE MOUNTAIN CHIPPEWA
PRELIMINARY DECREE**

IN THE MATTER OF THE)	
ADJUDICATION OF EXISTING AND)	
RESERVED RIGHTS TO THE USE OF)	AFFIDAVIT OF JOHN PETERSON
WATER, BOTH SURFACE AND)	IN SUPPORT OF THE TURTLE
UNDERGROUND, OF THE TURTLE)	MOUNTAIN CHIPPEWA
MOUNTAIN BAND OF CHIPPEWA)	PRELIMINARY DECREE
INDIANS WITHIN THE STATE OF)	
MONTANA)	

AFFIDAVIT OF JOHN PETERSON

STATE OF MONTANA)

: S S.

County of Lewis and Clark)

I, John Peterson, being duly sworn, depose and state as follows:

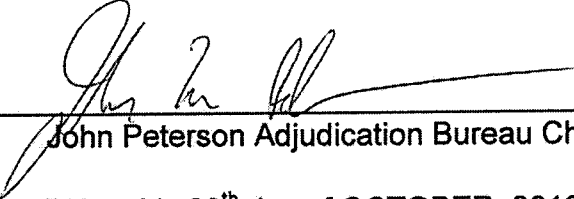
1. The mailing and distribution of Notice of Entry of Preliminary Decree and Notice of Availability for THE TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS PRELIMINARY DECREE was made under my direction and control on October 28, 2016.
2. After consultation with the Water Court, it was determined that the Turtle Mountain Band of Chippewa Indians Preliminary Decree should be mailed to owners of those water rights that fell within sub-basins designated by the DNRC following the general methodology applied to create sub-basins for notice of the Forest Service Compact. These sub-basins were created within the following water adjudication basins: 41P (Marias River), 40H (Big Sandy Creek), 40J (Milk River Between Fresno Reservoir and Whitewater Creek), 40EJ (Missouri River, Between Bullwhacker Creek and Musselshell River), 40K (Whitewater Creek), 40L (Frenchman Creek), 40M (Beaver Creek Tributary of Milk River), 40E (Missouri River, Between Musselshell River and Forth Peck Dam), 40S (Missouri River, Below Fort Peck Dam), 40Q (Poplar River), 40R (Big Muddy Creek) and 39E (Box Elder Creek)
3. At the time the notices were mailed, the DNRC database identified a total of 2,287 water rights claims that fell within the sub-basins created surrounding the claimed points of diversion for the Turtle Mountain Allotments.

4. In my analysis, I designated sub-basins and identified the water users in the following manner:

A. For each Turtle Mountain Allotment water right that listed a perennial or intermittent surface water source (whether named or unnamed) in the abstract for that water right, I designated the sub-basin by first identifying the hydrologic watershed from the point at which the listed water source enters a named stream. I identified all water users contained within the computerized water right database of its centralized record system who owned water rights within that entire watershed. In addition, I included in my designation of the sub-basin a downstream reach from that watershed. I defined the downstream reach as the area from the point where the listed water source enters a named stream (at the bottom of the identified watershed) to the next downstream confluence of the named stream and a perennial stream or major drainage. Within the downstream reach, I identified all persons owning water rights located on or within $\frac{1}{2}$ mile of the named stream. In some situations where the listed source was a named stream and I determined that the entire watershed was unreasonably broad when compared to the size of the Turtle Mountain Allotment water right, I applied an exception to the procedure set forth above. In these situations, I designated the sub-basin as the area upstream from the Turtle Mountain Allotment water right together with a downstream reach to the next confluence with a perennial stream. I identified all persons owning water rights in the area upstream of the Turtle Mountain Allotment water right to the next confluence with a perennial stream on or located within $\frac{1}{2}$ mile reach. I also identified persons owning water rights downstream to the confluence with a perennial stream on or located within $\frac{1}{2}$ mile reach.

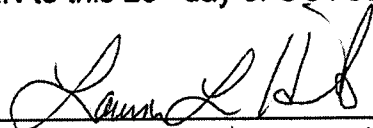
B. For Turtle Mountain Allotment groundwater wells, I designated the sub-basin as a circular area around the well. All wells have a flow rate of less than 1 c.f.s. I designated the sub-basin as a circle with a half mile radius around the well, using the well as the centerpoint. Within the designated circular areas, I identified all persons owning water rights.

Dated this 28th day of October, 2016



John Peterson Adjudication Bureau Chief

SUBSCRIBED AND SWORN to this 28th day of OCTOBER, 2016



Printed name: Laura L. Hinck
Residing at Helena, Montana.
My Commission expires: July 20, 2018

