

NOTICE OF **OPPORTUNITY TO FILE** **FOR EXEMPT WATER RIGHTS.**

You are receiving this notice because HB110 passed by the 65th Montana Legislature requires all property owners in the State of Montana to receive notice by July 1, 2017 of an opportunity to file a claim for an Exempt Water Right. The conditions required to file may or may not apply to you. If you or prior owners of your property have used groundwater for individual domestic or stock purposes, or have owned stock that drink directly from a stream, or domestic use in stream before July 1, 1973, you have an opportunity to file for a water right. You may not claim an existing water right(s) for other types of purposes under this particular law.

This legislation allows for filing of exempt water rights on or before June 30th 2019. An exempt from filing water right is one that was put to use before July 1, 1973. You now have the opportunity to file a claim on a water right which did not have to be filed during the previous claim filing periods. You are not required to file a claim. However, if you don't file a claim, your water right will be subordinate (junior in priority date) to all other filed water rights. These filings must be received or post marked on or before June 30th 2019.

The legal definition of an exempt right is: "Those claims for existing rights livestock and individual uses as opposed to municipal domestic uses based upon instream flow or ground water sources and claims for rights in the Powder River basin included in a declaration filed pursuant to the order of the department or a District Court Issued under sections 8 and 9 of Chapter 452, Laws of 1973, or under sections 3 and 4 of Chapter 485, Laws of 1975. An exempt right is exempt from the filing requirements of 85-2-221(1)", §85-2-222(1), MCA.

Some people previously filed a 627 form Notice of Water Right with the DNRC. This notice is not a water right but it provided a method to ensure exempt water right holders that did not file a claim received notice in accordance with other water users that had water rights on record with the DNRC. The 627 was only for noticing purposes and isn't considered a valid water right filing. If you have one of these filings you may consider filing an Exempt Statement of Claim at this time.

Attached is a check list to help determine if you are eligible to file a Statement of Claim for exempt water rights and a form for both domestic and livestock purposes. Additional forms can be obtained from our website or local Water Resource Regional Offices. In addition to forms, information on how to fill out the form and frequently asked questions are also available. If you file a claim be sure to provide a clear map, legal land description, and historic appropriations/decrees where applicable. See these links for form and contact information: <http://dnrc.mt.gov/divisions/water/adjudication/hb-110-exempt-claim-filing> <http://dnrc.mt.gov/divisions/water/water-rights> or call 406-444-0560