

BEFORE THE DEPARTMENT
OF NATURAL RESOURCES AND CONSERVATION
STATE OF MONTANA

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**KATRIN R. CHANDLER, BETTY J.) ORDER GRANTING IN PART PETITION FOR
LANNEN, POLLY REX, JOSEPH MILLER,) DECLARATORY RULING AND REQUEST
and THE CLARK FORK COALITION,) TO AMEND RULE 36.12.101 (13)
Petitioners.)**

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The Department of Natural Resources and Conservation (Department) hereby GRANTS the Petition for Declaratory Ruling, limited to issue of whether the 'combined appropriation' administrative rule definition is consistent with applicable law. The decision on whether to move forward with Petitioners' request to adopt a new definition on Rule 36.12.101 (13) is deferred until such time as the ruling on the first issue is decided.

The Department hereby gives notice that a Hearing Examiner will be appointed and the Department will proceed to establish a procedural schedule and schedule a hearing in the near future.

IT IS SO ORDERED.

Dated this 28th day of January, 2010.

/Original signed by Jan Langel for/
THOMAS SCHULTZ, Acting Administrator
Water Resources Division
Department of Natural Resources
and Conservation
P.O. Box 201601
Helena, Montana 59620-1601
(406) 444-6605

CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the **ORDER GRANTING IN PART PETITION FOR DECLARATORY RULING AND REQUEST TO AMEND RULE 36.12.101 (13)** was served upon all parties listed below on this 28th day of January, 2010 by first-class United States mail.

MATTHEW BISHOP
WESTERN ENVIRONMENTAL LAW CENTER
103 REEDER'S ALLEY
HELENA, MT 59601

/Original signed by Jamie Price/

Jamie Price, Hearings Assistant
Hearings Unit, 406-444-6615