

PUBLIC NOTICE

PUBLIC HEARING ON PETITION FOR DECLARATORY RULING

BEFORE THE DEPARTMENT
OF NATURAL RESOURCES AND CONSERVATION
STATE OF MONTANA

The DNRC received a Petition for Declaratory Ruling and granted that petition on January 28, 2010, and it is posted on the Department' website at <http://www.dnrc.mt.gov/wrd/>. The Department has determined that this issue is of statewide importance and will have statewide implications. Accordingly, the Department is seeking argument or comment from all interested persons across the State.

Brief or any Statement of Position (written comments) is limited to the following issue raised by Petitioners:

Whether the 'combined appropriation' administrative rule definition (Rule 36.12.101(13) ARM) is consistent with applicable law under the Montana Water Use Act, Section 85-2-101 et.seq, MCA.

BRIEFING SCHEDULE

The Department establishes the following briefing schedule for all interested persons:

1. **OPENING BRIEFS** from Petitioners and any other INTERESTED PERSONS and any **STATEMENT of POSITION** from other interested persons shall be filed concurrently and must be **received** at the DNRC Water Resources Division Hearings Unit in Helena by **5:00 p.m. April 30, 2010**. Any Brief or Statement of Position submitted after the deadline will not be part of the record or considered in the ruling.
2. **RESPONSES** to any BRIEF or STATEMENT OF POSITION shall be filed concurrently and must be **received** at the DNRC Water Resources Division Hearings Unit in Helena by **5:00 p.m. June 4, 2010**. Any response to briefs or statements of position submitted after the deadline will not be part of the record or considered in the ruling.
3. Briefs, Statements of Position, and Responses shall be signed and contact information, including the address of the party who submitted the document, shall be attached on a separate sheet of paper to the submission. Anonymous submissions will not be accepted.

4. Briefs, Statements of Position, and Responses may be filed electronically by submission to dnrcwater@mt.gov.
5. All briefs and statements of position filed with the Department shall be posted on the DNRC Water Resources Division website, and service on all parties is accomplished by this posting.

PUBLIC HEARING

PUBLIC HEARING on the issue is scheduled for **June 17, 2010**, at **9:00 am** at the Room 303 of the State Capitol Building (Old Supreme Court Chamber) 1301 E 6th Avenue, Helena, MT. All parties will have an opportunity to present a short argument or statement of position.

1. The PUBLIC HEARING will be limited to the legal issue identified above.
2. No evidentiary hearing is contemplated under this ORDER.
3. The public hearing will be recorded.
4. All persons who filed briefs, statements of position, or responses thereto in this matter will have a maximum of 10 minutes for argument on the issue at the public hearing.
5. Comments from other members of the public on the issue at the public hearing will be limited to 5 minutes per person.

AVAILABILITY OF DOCUMENTS

The PETITION and all APPENDICES thereto are available for the Parties and interested public on the Department's website at <http://www.dnrc.mt.gov/wrd/default.asp> and at the DNRC Water Resources Division, 1424 9th Avenue, Helena MT.

All correspondence and filings with the Department should be made to the following address:

Department of Natural Resources and Conservation
Water Resources Division
Hearings Unit
1424 Ninth Avenue
P.O. Box 201601
Helena MT 59620-1601

Interested persons are cautioned that the above dates for submission of written materials are receipt dates not postmark dates. Written materials will not be accepted after the deadlines identified above. No written materials will be accepted at the hearing.

The department will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the agency no later than 5:00 p.m. June 8, 2009, to advise the agency of the nature of the accommodation needed. Please contact Kim Overcast, Department of Natural Resources and Conservation, 1424 Ninth Avenue, Helena, MT 59620, telephone (406) 444-6614; fax (406) 444-0533; e-mail kovercast@mt.gov.

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