



NOTICE OF PUBLIC MEETING

Tuesday, October 05, 2010

RE: DNRC seeks public comment on definition of “combined appropriation”

On August 17, 2010 the Department of Natural Resources and Conservation (DNRC) issued its Ruling on a Petition filed with the DNRC to invalidate Administrative Rule 36.12.101(13), the definition of “combined appropriation.” In its ruling the DNRC found the current definition was consistent and not in conflict with applicable law under the Water Use Act, Section 85-2-101 et. seq, MCA. However, the Ruling acknowledged that, in the face of changing times, the administrative rule needs to be more flexible to determine whether two or more wells are a “combined appropriation” prohibited by the statute.

The DNRC is committed to conducting a formal rulemaking process. Prior to the initiation of formal rulemaking, the DNRC is taking an informal approach seeking suggestions from interested or affected persons for redefining “combined appropriation” in accordance with the statute, §85-2-306(3)(a), Montana Code Annotated (2009). The first public meeting is scheduled for Tuesday, **November 16, 2010** from **9:30 a.m. – 12:00 p.m.** at the following location:

**MT Dept Fish, Wildlife and Parks
First Floor Commission Room
1420 E 6th Avenue
Helena, MT 59620**

The Department will hold additional public meetings statewide in the spring to gather public comments before the formal rule-making process begins. The Declaratory Ruling dated August 17, 2010 can be found on the Internet at:

http://www.dnrc.mt.gov/wrd/declaratory_ruling/declaratory_ruling.pdf.

The Department makes reasonable accommodations for any disability that may interfere with an individual's ability to attend this meeting. For consideration of any such accommodations, please contact Jamie Price, Hearings Assistant, at (406) 444-6615; (TTY number: 1-800-253-4091), as soon as possible.

If you currently are not but would like to be on the Water Rights Bureau's mailing list for all rules, please send your electronic or post office address to: Water Rights Bureau, PO Box 201601, Helena, MT 59620-1601.

We look forward to seeing you.