

**IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
BIG DRY CREEK - BASIN 40D**

**NOTICE THAT OBJECTIONS HAVE BEEN FILED
AND HEARINGS REQUESTED**

This is your personal notice that the Montana Water Court will hear objections, receive evidence, and review the historical beneficial use of water right claims diverted or used in Big Dry Creek, Basin 40D. All of these claims were included in the Basin 40D Preliminary Decree issued August 19, 2020.

WHAT IS HAPPENING?

An **Objection List** has been prepared that identifies the claim number, the ownership, the water source involved, the names of any objectors, and the general nature of the issues which the Water Court will review. Any of the claims on the list may change as a result of this review. *Changes to a neighbor's water right may affect your water rights.* After the Water Court completes its review of these claims, a water commissioner could be appointed to enforce the provisions of these claims on any of the sources involved. The purpose of this proceeding is to determine the historical beneficial use of the claims involved in this drainage. If you are not the claimant or objector and you want to be kept informed of the progress of a water right claim through the Water Court, or to become involved as a third party in the claim proceedings, you need to file a **Notice of Intent to Appear**.

FOR YOUR PROTECTION, WE SUGGEST THAT YOU THOROUGHLY REVIEW THE OBJECTION LIST AND THEN DECIDE WHETHER YOU WANT TO FILE A NOTICE OF INTENT TO APPEAR. YOU CAN SEE THE OBJECTION LIST FOR THIS BASIN AND OBTAIN THE PROPER FORMS AT THE LOCATIONS LISTED BELOW.

WHO MAY FILE A NOTICE OF INTENT TO APPEAR?

If you are ***not already involved*** in a specific water right claim as the claimant or objector, but you wish to intervene and to participate in the proceeding regarding a specific water right claim, you may file a **Notice of Intent to Appear**. Those who timely file a **Notice of Intent to Appear** on a claim will receive notice of all further proceedings relevant to the Court's review of that specific claim.

FILING DEADLINE

A **Notice of Intent to Appear** must be filed on the forms provided by the Water Court and must be returned to the Water Court via email to watercourt@mt.gov or mail/delivered to P.O. Box 1389, Bozeman, MT 59771-1389 by **August 2, 2021**.

WHERE TO SEE THE OBJECTION LIST AND OBTAIN FORMS

The Objection List may be reviewed and Notice of Intent to Appear forms may be obtained at the:

1. Montana Dept. of Natural Resources & Conservation,
Water Rights Adjudication, 910 Helena Ave, Helena, MT (406) 444-0560.
Glasgow Regional Office, 222 Sixth Street South, Glasgow, MT (406) 228-2561.
2. Montana Water Court, 1123 Research Drive, Bozeman, MT (406) 586-4364.

The Objection List and Notice of Intent to Appear form are available online at www.dnrc.mt.gov/divisions/water/adjudication. After arriving at the site, scroll down to Basin 40D and click on Big Dry Creek, Preliminary #2. Click on Notice of Intent to Appear Form or on Objection List. A free CD of the Objection List and Notice of Intent to Appear forms are also available from the Water Court upon request. A paper copy of the Objection List is available from the Water Court for \$30.00.

The **Objection List** does not contain all of the information included on the objection form. To obtain a copy of an objection in its entirety, contact the Montana Water Court.

WHAT HAPPENS AFTER A NOTICE OF INTENT TO APPEAR IS FILED?

The claimant, objectors and those who filed a Notice of Intent to Appear form will be notified by the Court of the time and date set for the First Status Conference and all other Court proceedings. If you file a Notice of Intent to Appear, you will be expected to participate actively in the Court proceedings.

If you do not participate in Water Court proceedings, your right to appeal adverse Water Court decisions is limited by the provisions of Section 85-2-235, MCA.

BASIN MEETINGS WITH THE WATER COURT

Informal public meetings will be held by telephone conference call on the following dates:

- **Wednesday, June 16, 2021 at 5:00 p.m.** To take part in the telephone conference, dial 406-318-5487, at the prompt enter code: 839 672 076#
- **Thursday, June 17, 2021 at 12:30 p.m.** To take part in the telephone conference, dial 406-318-5487, at the prompt enter code: 502 109 853#

Any Questions? Call the DNRC Adjudication Office at (406) 444-0560 or call the Water Court at (406) 586-4364 or (800) 624-3270.

DATED this 3rd day of June, 2021.

**Russell McElyea
Chief Water Judge
Montana Water Court
P. O. Box 1389
Bozeman, MT 59771-1389**

REMINDER: Notice of Intent to Appear forms must be filed by August 2, 2021.