

In the Water Court of the State of Montana

Lower Missouri Division Big Sandy Creek - Basin 40H

Notice OF Entry of Preliminary Decree and Notice of Availability

As a Water User you need to Read this Entire Notice.

You are hereby notified that the Montana Water Court has entered its Preliminary Decree for the Big Sandy Creek Basin 40H. The entire water rights Decree is now available for your review.

If you, or your predecessors, filed a claim for an existing water right with a priority date before July 1, 1973, an abstract of your claim is enclosed with this Notice. The abstract reflects your existing water right claim as it appears in this Preliminary Decree. If you, or your predecessors, only applied for or received a permit or certificate from the Department of Natural Resources and Conservation to appropriate water with a priority date after June 30, 1973 (for example: a well drilled in 1975 for domestic or stock purposes), you will not receive an abstract of water right with this Notice.

What is a Preliminary Decree?

This Preliminary Decree is a compilation of 827 existing water right claims filed in the Big Sandy Creek drainage in Basin 40H. This Decree includes all sources of water located within the Big Sandy Creek drainage, including, but not limited to, Big Sandy Creek, Box Elder Creek, Twelve Mile Coulee, and all tributaries. See the general Findings of Facts and Conclusions of Law in the first volume of the Decree for further explanation of the preparation of this Decree.

Should You File an Objection?

Only you can answer this question. You should first examine the abstract of your water rights. Is each abstract correct? If you don't agree with your pre July 1973 water right claim as it is printed on the enclosed abstract, you may file an objection. Your examination must not stop there, though. You must understand three important facts: (1) your water right may be subject to other water rights on your source or on other sources in the Basin; (2) your water right may be subject to water rights in adjoining Basins; and (3) your water right may be subject to Indian and Federal reserved water rights. If you believe other water right claims in this Decree do not reflect their historical beneficial use, you may file an objection and the Water Court will hear your objection.

You can determine the rank of the priority date of your water right in comparison with other water rights in your Basin by using the Index available with the Decree. The Source Name Index lists all water rights under the name of each source of supply (for example, all water rights listed on Box Elder Creek). Under each source name, the water rights are listed from the earliest priority date to the latest priority date. The Priority Date Index lists all water rights within the Basin beginning with the earliest date and continuing to the latest. You can buy a copy of the Decree or just the Index, or you can look at a copy at any of the offices listed on the other side of this Notice or on the Internet. You should review ALL the elements of other water right claims which may affect you.

The reserved water right of the Chippewa Cree Tribe of the Rocky Boy's Indian Reservation is defined in the Chippewa Cree Tribe-Montana Compact and is included within this Decree by reference. Mont. Code Ann. §85-20-601. A contested hearing on the Compact was held in Fort Benton, Montana on April 18, 2002 in Water Court Cause No. WC-2000-01. The Court issued its Order Approving Compact, its Memorandum Opinion, a Final Judgment, and its Decree in May and June 2002.

Review all Water Right Abstracts Carefully

Look carefully at all the water right abstracts in the Decree, including your own abstract. Elements of your water right may have been changed since the claim was originally filed. If there is a change, that change has occurred as a result of information obtained during the examination of your claim by the Montana Department of Natural Resources and Conservation. If an abstract reflects any change, that change may be challenged by filing an objection with the Water Court. Your claim may also be called in and reviewed by the Water Court on its own initiative in accordance with the examination information.

This preliminary decree, as modified after objections and hearings, will be enforceable in accordance with §3-7-212 and §85-2-406 montana code annotated. If a right receives no objection or is not reviewed by the water court on its own initiative, it may remain unchanged, will be enforceable and may be entered in the final decree.

How to File an Objection and Request a Hearing

An objection must be filed on the forms provided by the Montana Water Court. Water Court forms can be found at the offices or Internet address listed below.

A LL OBJECTIONS MUST BE FILED AND RECEIVED AT THE WATER COURT ON OR BEFORE JULY 21, 2003 . OBJECTIONS RECEIVED AFTER THIS DATE WILL BE CLASSIFIED AS LATE. Objections may be mailed to the Montana Water Court, P. O. Box 1389, Bozeman, MT 59771-1389, but they still must be received by JULY 21, 2003.

Can You get an Extension

An extension for filing objections may be granted by the Water Judge. Requests must be received by the Montana Water Court on or before JULY 21, 2003. Use the form furnished by the Montana Water Court. If an extension is granted, it will apply to everyone. Any extension may be seen at the offices listed below and will be advertised once in the Havre Daily News and The Mountaineer in Big Sandy in July 2003 .

Notice of Availability

THE PRELIMINARY DECREE (INCLUDING THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE INDEX,) IS AVAILABLE FOR REVIEW, AND WATER COURT OBJECTION AND EXTENSION FORMS CAN BE OBTAINED AT THE FOLLOWING OFFICES:

1. Montana Water Court, 601 Haggerty Lane, Bozeman, Montana.
2. Montana Dept. of Natural Resources & Conservation, 48 North Last Chance Gulch, Helena, Montana.
3. Montana Dept. of Natural Resources & Conservation, Water Resources Regional Office,

210 Sixth Avenue, Havre, Montana. Telephone (406) 265-5516.

You may obtain a copy of the Preliminary Decree from the Department of Natural Resources and Conservation, Water Rights Bureau, P.O. Box 201601, Helena, MT 59620-1601. The cost of this Decree, including the Index, Findings and Conclusions, is \$85.00. The Index by itself is \$10.00 .

After Objections are Filed

After the time for filing objections has passed, the Montana Water Court will prepare an Objection List, notify you by mail that hearings have been requested and set a date for all interested parties to notify the Montana Water Court of their intent to participate in any of those hearings.

Basin Meeting with the Chief Water Judge

An informal public meeting will be held by Bruce Loble, Chief Water Judge, on Thursday evening, MARCH 13, 2003 at 7:30 P.M. at the Best Western Great Northern Inn, 1345 1 st Street, Havre, Montana.

Is Your Mailing Address Correct?

If the address label on the envelope in which this Notice was enclosed is incorrect, please notify the Department of Natural Resources & Conservation by returning the enclosed Address Correction Form.

Any Questions? Call the DNRC Havre office at (406) 265-5516 or call the Water Court's toll free number 1-800-624-3270 (In Montana). Our regular office number is (406) 586-4364 and it is not toll free.

DATED this 22 day of January, 2003.

C. Bruce Loble
Chief Water Judge
Montana Water Court
P. O. Box 1389
Bozeman, MT 59771-1389

Remember: Objections must be filed in the Water Court by JULY 21, 2003.