

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
RUBY RIVER BASIN (41C)

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NOTICE OF ENTRY OF TEMPORARY PRELIMINARY DECREE AND
NOTICE OF AVAILABILITY

AS A WATER CLAIMANT YOU MUST READ ALL OF THIS NOTICE. If you have filed a claim for an existing water right with a priority date before July 1, 1973, we are sending an abstract of your claim with this Notice.

IF YOU DID NOT RECEIVE A WATER RIGHT ABSTRACT

You will not receive an abstract of water right if you have applied for or received a permit to appropriate or reserve water. The law requires that this Notice be sent to you - do not expect to receive a water right abstract.

WHAT IS A TEMPORARY PRELIMINARY DECREE?

The Temporary Preliminary Decree is a compilation of the nonreserved existing water rights filed in the Ruby River Basin.

If you don't agree with your right as printed on your abstract or any other water right which may affect your water right claims, you may file an objection, request a hearing and the Water Courts will hear it. See the general Findings of Fact and Conclusions of Law for further explanation of your right.

CHECK YOURS AND ALL OTHER WATER RIGHT ABSTRACTS CAREFULLY

Look at all water right abstracts carefully, including your own. Elements of your water right may have been changed. If there is a change, such change has occurred as a result of information obtained during the examination of your claim. If an abstract reflects such changes, that information may be contested by filing an objection to those changes. The claim may be modified on Motion of the Water Court in accordance with the examination information.

IF A RIGHT IS NOT OBJECTED TO, OR CALLED IN ON MOTION OF THE WATER COURT, IT SHALL REMAIN UNCHANGED AND BE ENTERED IN THE PRELIMINARY DECREE.

SHOULD YOU FILE AN OBJECTION?

Only you can answer this question. You should first examine the abstract of your water rights. 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 of supply and in the Basin; (2) your water right may be subject to water rights in adjoining Basins or sub-Basins; and (3) your water right may be subject to Indian and Federal reserved water rights. Indian and Federal claims to reserved rights will be determined and included in the Preliminary Decree in one of two ways:

1. As a result of negotiations between the federal agencies or the Tribes and the Montana Reserved Water Rights Compact Commission; or
2. As a result of claims filed in the Water Court and determined after hearings, if necessary.

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. As stated below, you can buy a copy of the Decree, a copy of the Index or you can go to one of the offices listed and look at their copy. The Source Name Index, lists all water rights under the name of each source (for example, all water rights on Williams Creek). Under each source name the water rights are listed by priority date; the earliest priority date first, the latest priority date last. The Priority Date Index, lists all water rights within the Basin from the earliest to the latest, listing the earliest first and the latest last.

You should check all the elements of other water rights which may affect you.

HOW YOU FILE AN OBJECTION AND REQUEST A HEARING

An objection must be filed on the forms provided by the Montana Water Court. The offices where these forms can be found are listed below. ALL OBJECTIONS MUST BE FILED AND RECEIVED BY THE 14TH DAY OF MAY, 1991. Objections must be sent to the Montana Water Court, P. O. Box 879, Bozeman, MT 59771-0879.

(OVER PLEASE)

CAN YOU GET AN EXTENSION?

Extension for filing objections may be granted by the Water Judge. Requests must be received by the Montana Water Court on or before the 14th day of May, 1991. Use the form furnished by the Montana Water Court.

If an extension is granted, it applies to all within this Basin. Any extension may be seen at the Clerk of Court offices listed below and will be advertised in local newspapers.

BASIN MEETINGS WITH THE CHIEF WATER JUDGE

A PUBLIC MEETING WILL BE HELD BY THE CHIEF WATER JUDGE ON FRIDAY DECEMBER 14, 1990 AT 2:00 PM IN THE COURTROOM OF THE MADISON COUNTY COURTHOUSE, VIRGINIA CITY, MONTANA.

A PUBLIC MEETING WILL BE HELD BY THE CHIEF WATER JUDGE ON SATURDAY, JANUARY 12, 1991 AT 7:00 PM AT THE ELKS CLUB IN DILLON, MONTANA.

A PUBLIC MEETING WILL BE HELD BY THE CHIEF WATER JUDGE ON MONDAY, APRIL 29, 1991 AT 2:00 PM IN THE COURTROOM OF THE MADISON COUNTY COURTHOUSE, VIRGINIA CITY, MONTANA.

He will explain the Water Court procedures and answer your questions.

WHERE YOU CAN SEE OR GET THE TEMPORARY DECREE (AND FINDINGS OF FACT AND CONCLUSION OF LAW) FOR THE RUBY RIVER BASIN.

See it at:

1. Montana Water Court, 601 Haggerty Lane, P. O. Box 879, Bozeman, MT 59771-0879
2. Department of Natural Resources and Conservation, Water Rights Bureau, 1520 East Sixth, Helena, Montana 59620.
3. Department of Natural Resources and Conservation, Water Rights Field Office, 111 North Tracy, Bozeman, Montana 59715.
4. Clerk of Court, Madison County Courthouse, Virginia City, MT 59755
5. Clerk of Court, Beaverhead County Courthouse, Dillon, MT 59725

Microfilm of the original water right claims and the abstracts as reviewed by DNRC at:

1. Montana Water Court Office, 601 Haggerty Lane, P.O. Box 879, Bozeman, MT 59771-0879
2. Department of Natural Resources and Conservation, Water Rights Bureau, 1520 East Sixth, Helena, MT 59620
3. Department of Natural Resources and Conservation, Water Rights Field Office, 111 North Tracy, Bozeman, Montana 59715
4. Clerk of Court, Madison County Courthouse, Virginia City, MT 59755

You can buy a copy of the Temporary Preliminary Decree at the Department of Natural Resources and Conservation, Water Rights Bureau, 1520 East Sixth, Helena, MT 59620. The cost is \$130.00.

Any questions? Use our toll free number 1-800-624-3270 (In Montana). Our regular office number is 406-586-4364, it is not toll free.

AFTER OBJECTIONS ARE FILED

After the time for filing objections has passed, the Montana Water Court will notify you 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.

THE WATER COURT OBJECTION AND EXTENSION FORMS CAN BE FOUND AT THE OFFICES LISTED BELOW:

1. Montana Water Court, 601 Haggerty Lane, P. O. Box 879 Bozeman, MT 59771-0879
2. Clerk of Court, Madison County Courthouse, Virginia City, MT 59755
3. Clerk of Court, Beaverhead County Courthouse, Dillon, MT 59725

DATED this 14th day of November, 1990.



C. BRUCE LOBLE
CHIEF WATER JUDGE