

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
1-800-624-3270
(406) 586-4364
watercourt@mt.gov

ELECTRONICALLY FILED

BASIN-0004-41N-1984

November 10, 2022

Montana Water Court

**MONTANA WATER COURT, UPPER MISSOURI RIVER DIVISION
WILLOW CREEK, BASIN 41N**

CERTIFICATE OF MAILING

I, Sara Calkins, Clerk of Court of the Montana Water Court, hereby certify that a true and correct copy of the **NOTICE OF ENTRY OF INTERLOCUTORY DECREE AND NOTICE OF AVAILABILITY, OBJECTION FORM, and REQUEST FOR EXTENSION FORM** were duly served upon the persons listed on the attached list as noted.

DATED this 10th day of November, 2022.



Sara Calkins
Clerk of Court

**MONTANA WATER COURT
WILLOW CREEK, BASIN 41N
UPPER MISSOURI DIVISION**

NOTICE OF ENTRY OF INTERLOCUTORY DECREE AND NOTICE OF AVAILABILITY

THIS IS AN IMPORTANT NOTICE REGARDING YOUR WATER RIGHTS

You received this notice to inform you that the Montana Water Court has issued a Decree (a list of water rights) in your Basin. This notice may include an abstract (a description of your water right as decreed).

- If an abstract is included with this notice, then your claim is part of the Decree.
- If an abstract is not included with this notice, then your claim is not part of the current Decree.

WHAT IS THE INTERLOCUTORY DECREE AND SHOULD YOU FILE AN OBJECTION?

The Decree includes 9 water rights. The water rights were either not previously decreed by the Water Court or have issues that still need to be addressed. Review the abstracts. The Decree can be viewed at:

<https://courts.mt.gov/Courts/Water/Notices-Info/>. If you prefer to view a paper copy, please contact the Water Court or your DNRC office, see below for contact information.

If you believe any claims in the Decree do not reflect historical (before July 1, 1973) beneficial use, you should file an objection by **May 9, 2023**. Objections must be filed on the forms provided by the Water Court. The forms can be found at: <https://courts.mt.gov/Courts/Water/LegalResources> or by contacting the Court: watercourt@mt.gov or (406)586-4364.

A request to extend the objection deadline must be filed by **May 9, 2023**. If an extension is granted it will be advertised in Great Falls Tribune, Shelby Promoter, and Independent Observer.

WHAT'S NEXT?

The Water Court will be offering a call-in meeting to explain the objection process on the following date:

- Wednesday, December 14, 2022, at 12:00 pm.
 - Dial (406)318-5487
 - At the prompt enter code 600 185 474#

If someone objects to any of your water rights, the Court will notify you, and you will be allowed to file a counterobjection. After all notice periods have passed, the Water Court will address all objections, counterobjections, and issue remarks. Make sure your address is up to date with the DNRC.

CONTACT INFORMATION

Montana Water Court
1123 Research Drive
Bozeman, MT 59718
(406)586-4364
watercourt@mt.gov

Montana DNRC, Water Rights Adjudication Office
1424 9th Avenue
Helena, MT 59620
(406)444-0560

Montana DNRC, Water Resources Regional Office
210 Sixth Avenue
Havre, MT 59501
(406)265-5516

Remember, objections must be filed by May 9, 2023.

DATED, this 10th day of November, 2022,

/s/ Russ McElyea
Chief Water Judge
Montana Water Court

**IT IS IMPORTANT THAT YOU PARTICIPATE IN THIS PROCESS, OTHERWISE, YOUR
RIGHT TO APPEAL ANY DECISIONS AFFECTING YOUR WATER RIGHT IS LIMITED.**

**MONTANA WATER COURT
WILLOW CREEK, UPPER MISSOURI DIVISION
BASIN 41N
INTERLOCUTORY DECREE**

NOTICE OF OBJECTION AND REQUEST FOR HEARING

1. Claim #: _____ 2. County: _____
(One Claim Number Per Form)

3. Page number in Decree: _____ 4. Source: _____

5. Name of Owner(s) to whom the water right was issued: _____

6. Objector's Name, Address, and Phone Number: 7. Objector's Attorney name, address, and phone number:

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

LAST NAME FIRST NAME MID. INITIAL

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE
()
PHONE NUMBER E-MAIL

8. Basis of Objection:

- All Elements
- Flow Rate/Volume
- Ownership
- Period of Diversion/Period of Use
- Place of Use/Maximum Acres
- Point of Diversion/Mean of Diversion

- Priority Date
- Purpose of Right
- Source
- Abandonment/Non-Perfection
- Other: _____

9. State the changes you think should be made to this claim and why. State the specific grounds and evidence on which the Objection is based. (Use additional paper if necessary.)

DATED this ____ day of _____, 20__.

SIGNATURE OF OBJECTOR OR OBJECTOR'S ATTORNEY

(TURN FORM OVER AND COMPLETE OTHER SIDE)

⇒ You **must** mail a copy of this Objection to all the Owners on the water right. If you are objecting to your own water right and are the sole owner listed on the water right then you do not need to fill out the Certificate of Mailing.

⇒ If you are objecting to your own water right and there are multiple owners on the claim you **must** mail a copy of this Objection to all the other Owners listed on your water right.

⇒ The Certificate of Mailing **must** be completed and mailed **when** filing the original Objection with the Water Court.

CERTIFICATE OF MAILING

I, _____, declare under penalty of perjury, that on the ____ day of
YOUR NAME
_____, 20 __, I mailed a copy of this Objection, postage prepaid, addressed to the
following owner(s):

OWNER

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

OWNER

STREET ADDRESS OR PO BOX

CITY STATE ZIP CODE

(Use additional paper if needed for more names & addresses)

SIGNATURE FOR CERTIFICATE OF MAILING

**Please send this completed original to: Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail: watercourt@mt.gov

Questions? Call the Montana Water Court at 1-800-624-3270 or (406) 586-4364.

**OBJECTIONS MUST BE RECEIVED AT THE WATER COURT
BY MARCH 9, 2023.**

**MONTANA WATER COURT
UPPER MISSOURI DIVISION, WILLOW CREEK BASIN 41N
INTERLOCUTORY DECREE**

REQUEST FOR EXTENSION

1. Name, address and phone number of party requesting extension:

Last Name	First Name	Middle Initial
Street Address or Post Office Box		
City	State	Zip Code
Area Code	Phone Number	E-mail

2. Name, address and phone number of party's attorney, if any:

Last Name	First Name	Middle Initial
Street Address or Post Office Box		
City	State	Zip Code
Area Code	Phone Number	E-mail

3. On the space provided on back or on an attached 8 X 11 1/2 sheet of paper, include the following:

- A. A statement of the party's rights or interest that could adversely be affected;
- B. A precise statement of the reasons why the objection could not be completed within the 180 days prescribed.

Send completed Request for Extension forms to:

**Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389**

or E-mail:

watercourt@mt.gov

**UPPER MISSOURI DIVISION
WILLOW CREEK, BASIN 41N**

Served via Electronic Mail:

Patrick Barry, Attorney
JoAnn Kintz, Attorney
US Department of Justice
Indian Resources Section, ENRD
Patrick.Barry@usdoj.gov
JoAnn.Kintz@usdoj.gov
IRSMontanaWater.enrd@usdoj.gov

Cusick, Farve, Mattick & Refling, P.C.
Attorneys at Law
office@cmrlawmt.com

A. Suzanne Nellen
Attorney at Law, PLLC
nellen@nellenlaw.com
kthomas@nellenlaw.com

Thomas K. Snodgrass
US Department of Justice
ENRD – Natural Resources Section
Thomas.Snodgrass@usdoj.gov
MontanaBasins.enrd@usdoj.gov

Holly J. Franz
Ryan McLane
Franz & Driscoll, PLLP
Holly@franzdriscoll.com
Ryan@franzdriscoll.com
Office@franzdriscoll.com

Jeanne S. Whiteing
Attorney at Law
jwhiteing@whiteinglaw.com

John E. Bloomquist
Bloomquist Law Firm, P.C.
blf@helenalaw.com

Cindy E. Younkin
Attorney at Law
cyounkin@bozeman.legal
admin@bozeman.legal

MT DNRC Water Rights Adjudication
Attn: Laura Hinck
lhinck2@mt.gov

David W. Harder
Assistant Section Chief
US Department of Justice
ENRD – Indian Resources Section
David.Harder@usdoj.gov
Efile_Denver.enrd@usdoj.gov

MT DNRC Helena Regional Office
Laura.Zanolli@mt.gov
lenore.austin@mt.gov
mitch.hoffman@mt.gov
jdaly2@mt.gov

Dana Elias Pepper
Bina Peters
River and Range Law, PLLC
bina@riverandrangelaw.com
dana@riverandrangelaw.com
office@riverandrangelaw.com

MT Dept of Fish, Wildlife, and Parks
Kevin Rechkoff
kevin.rechkoff@mt.gov
cbell@mt.gov
alexander.scolavino@mt.gov

DMS Natural Resources, LLC
stephenson@dmsnaturalresources.com
office@dmsnaturalresources.com
moore@dmsnaturalresources.com
telander@dmsnaturalresources.com

Emily Jones
Assistant Attorney General
emily@joneslawmt.com
edoj@mt.gov
paralegal@joneslawmt.com

Aislinn Brown
Assistant Attorney General-TLMD
Agency Legal Services Bureau
BLCWaterCourt@mt.gov

Toole County District Court
Clerk of Court
DMunson3@mt.gov

Liberty County District Court
Clerk of Court
aseidlitzmelton@mt.gov

Derek Kline
Blackfeet Legal Department
dkline@blackfeetnation.com
tgilham@blackfeetnation.com

Roselyn Rennie, Attorney
Office of the Field Solicitor
roselyn.rennie@sol.doi.gov
sol-jeffrey.snell@sol.doi.gov
kelsey.golden@sol.doi.gov

Served via USPS Mail:

All Federal Land Management Agencies in the Upper Missouri Division

US Department of the Interior
Office of the Solicitor
2021 4th Avenue North, Suite 112
Billings, MT 59101

Regional Director
Bureau of Reclamation
PO Box 30137
Billings, MT 59107-0137

Area Director
USDA Forest Service
26 Fort Missoula Road
Missoula, MT 59804

US Army Corps of Engineers
10 W. 15th Street, Suite 2200
Helena, MT 59626

Regional Director
Bureau of Land Management
5001 Southgate Drive
Billings, MT 59101

Water Rights Branch
National Park Service
Water Resources Division
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80521

All Neighboring States of the Upper Missouri Division

Regional Director
Idaho Dept. of Water Resources
822 E. Front Street, 6th Floor
PO Box 83720
Boise, ID 83720-0098

Brandon Gebhart, State Engineer
Wyoming State Engineer's Office
Herschler Building 2 West
Cheyenne, WY 82002

All Indian Tribes

Chippewa Cree Tribal Council
96 Clinic Road North
Box Elder, Montana 59521

Crow Tribal Council Chairman
PO Box 159
Crow Agency, MT 59022-0159

Fort Belknap Community Council
656 Agency Main Street
Harlem, MT 59526

Blackfeet Tribal Business Council
Blackfeet Agency
PO Box 850
Browning, MT 59417-0850

Fort Peck Tribal Council
PO Box 1027
Poplar, MT 59255-1027

Northern Cheyenne Tribal Council
PO Box 128
Lame Deer, MT 59043-0128

Donald Frederick Matt, Chairman
Salish & Kootenai Tribal Council
PO Box 278
Pablo MT 59855-0278

Turtle Mountain Tribal Council
4180 Highway 281
Belcourt, ND 58316

Other Interested Parties

Austin Knudsen, Attorney General
State of Montana
Department of Justice
PO Box 201401
Helena, MT 59620-1401

BIA Water Resources Office
Attn: Kevin Bradley
2021 4th Avenue North
Billings, MT 59101

Bill Bishop
Black Otter Water Resources LLP
1827 Avenue E
Billings, MT 59102

John Chaffin
Office of the Field Solicitor
2021 4th Avenue North, Suite 112
Billings, MT 59101

Jim Gilman
1012 Billings Avenue
Helena, MT 59601

US Attorney's Office (Montana)
2601 2nd Avenue North, Suite 3200
Billings, MT 59101-2238

WGM Group, Inc.
Attn: John Westenberg
Senior Water Rights Specialist
1111 E. Broadway
Missoula, MT 59802

US Attorney General
US Department of Justice Building
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Matthew W. Williams
Attorney at Law
777 East Main Street # 205
Bozeman, MT 59715

KD Feedback, Attorney
Toole & Feedback, PLLC
PO Box 907
Lincoln, MT 59639-0907

John B. Carter, Tribal Attorney
Confederated Salish and Kootenai Tribes
Tribal Legal Department
PO Box 278
Pablo, MT 59855-0278

Thane Johnson
Johnson, Berg & Saxby, PLLP
PO Box 3038
Kalispell, MT 59903-3038

Ron A. Nelson, Attorney
Church, Harris, Johnson & Williams PC
PO Box 1645
Great Falls, MT 59403-1645

US Fish and Wildlife Service
Attn: Regional Director
Denver Federal Center
PO Box 25486
Denver, CO 80225-5486

Jody Miller, Special Assistant
United States Attorney
26 Fort Missoula Road
Missoula, MT 59804