

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION BEAVERHEAD RIVER - BASIN 41B

**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 992 water right claims diverted or used in the Beaverhead River Basin (Basin 41B). All but ten of these claims were included in the Basin 41B Preliminary Decree issued May 9, 2013.

The ten claims not included in the Basin 41B Preliminary Decree are recently filed SB 355 Exempt Claims. These claims have been added to the Decree and are being publicly noticed in the Basin Objection List. The Basin 41B Notice of Intent to Appear period is the ONLY opportunity to file a timely objection to these exempt claims. NO EXTENSIONS will be granted. A free copy of the claim abstracts will be mailed to you upon request. The claims are all stock claims owned by Gretchen and Stephen Burke; the claim number, source and priority dates are: 41B 30068728 (Stodden Slough, 11/19/1877), 41B 30068731 (Unnamed Tributary of Beaverhead River, 11/19/1877), 41B 30068732 (Stodden Slough, 1/25/1901), 41B 30068733 (Stodden Slough, 1/20/1871), 41B 30068734 (Unnamed Tributary of Beaverhead River 1/20/1871), 41B 30068735 (Stodden Slough, 3/29/1876), 41B 30068736 (Beaverhead River, 8/1/1883), 41B 30068737 (Unnamed Tributary of Beaverhead River, 1/1/1866), 41B 30068738 (Stodden Slough, 4/5/1879), 41B 30069329 (Unnamed Tributary of Beaverhead River, 8/1/1883).

Three Reserved Rights Compacts have claims that fall within the boundary of this basin, they are: The U.S. Sheep Experiment Station - Montana Compact, The U.S. Fish and Wildlife Red Rocks Lake – Montana Compact, and The U.S. Department of Agriculture Forest Service – Montana Compact. For information on any of these reserved claims contact the Montana Water Court.

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, P. O. Box 1389, Bozeman, MT 59771-1389 by **February 17, 2015**.

ALL NOTICES OF INTENT TO APPEAR MUST BE RECEIVED BY THE MONTANA WATER COURT BEFORE 5:00 PM ON FEBRUARY 17, 2015.

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, Montana. (406) 444-0560.
Helena Regional Office, 1424 Ninth Ave, Helena, Montana. (406) 444-6999.
2. Montana Water Court, 601 Haggerty Lane, Bozeman, Montana. (406) 586-4364.

The Objection List and Notice of Intent to Appear form are posted on the Internet at www.dnrc.mt.gov/wrd/water_rts/adjudication After arriving at the site, scroll down to Basin 41B and click on Beaverhead River. 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 \$55.00.

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, P. O. Box 1389, Bozeman, MT 59771-1389, (406) 586-4364 or toll free (in Montana only) 1-800-624-3270.

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

The Water Court will host one **telephone conference call on January 15, 2015 at 7:00 P.M.** On that date at 7:00 P.M., dial the toll free telephone number: **1-877-526-1243**. At the prompt, enter the participant pin code of: **46309676#**.

ARE WE USING YOUR CORRECT MAILING ADDRESS?

If the mailing label on the envelope in which this Notice was enclosed is incorrect, please mail the enclosed address correction form to the DNRC.

Any Questions? Call the DNRC Adjudication Office at (406) 444-0560 or call the Water Court's toll free number 1-800-624-3270 (In Montana). Our regular office number is (406) 586-4364; it is not toll free.

DATED this 18th day of December, 2014.

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

REMINDER: Notice of Intent to Appear must be filed by February 17, 2015.