

**MONTANA WATER COURT  
TURTLE MOUNTAIN BAND OF CHIPPEWA PRELIMINARY DECREE**

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**NOTICE OF ENTRY OF THE TURTLE MOUNTAIN CHIPPEWA  
PRELIMINARY DECREE AND NOTICE OF AVAILABILITY**

The Montana Water Court has entered its Preliminary Decree for the Turtle Mountain Chippewa water right claims. This Decree is now available for your review.

The Preliminary Decree for the Turtle Mountain Chippewa contains claims filed by the United States for reserved water rights on behalf of the Turtle Mountain Band of Chippewa (“the Tribe”). These claims are for actual and future use on allotment lands held in trust by the United States for members of the Tribe.

These claims have been filed and included in a decree pursuant to Sections 85-2-217 and 85-2-702(3), MCA, which provide for the filing of claims and issuance of a preliminary decree for reserved rights that have not been resolved by a compact.

***WHAT IS THE PRELIMINARY DECREE?***

The Preliminary Decree is entered by the Water Court in accordance with Section 85-2-231(2), MCA.

The Decree contains 843 water rights. The allotments are located in twelve different hydrologic basins in Montana. Combining these water rights into a single decree spanning multiple basins conserves public and private resources.

Notice of this Preliminary Decree is being provided by publication in newspapers and directly to individuals in sub-basins as determined by the Department of Natural Resources and Conservation pursuant to the affidavit of John Peterson, Adjudication Bureau Chief. A copy of the affidavit can be found on the internet at [www.dnrc.mt.gov/divisions/water/adjudication/turtlemountain](http://www.dnrc.mt.gov/divisions/water/adjudication/turtlemountain).

You are receiving this Notice because the State’s water rights records indicate you have filed a statement of claim, applied for or received a permit to appropriate water, or own a water reservation in an area where a water right in the Decree is located. Those areas include water rights that fall within sub-basins designated by the DNRC. Pursuant to the affidavit of John Peterson, these sub-basins were created within the following water adjudication basins: 39E (Box Elder Creek), 40E (Missouri River, Between Musselshell River and Fort Peck Dam), 40EJ (Missouri River, Between Bullwhacker Creek and Musselshell Rivers), 40H (Big Sandy Creek), 40J (Milk River, Between Fresno Reservoir and Whitewater Creek), 40K (Whitewater Creek), 40L (Frenchman Creek), 40M (Beaver Creek, Tributary of Milk River), 40Q (Poplar River), 40R (Big Muddy Creek), 40S (Missouri River, Below Fort Peck Dam) and 41P (Marias River).

The purpose of entering the Preliminary Decree is to allow potentially affected parties to object to the rights described in the Decree. If the Court approves the water rights in the Decree, it will enter a Final Decree. The Final Decree will be binding on all water users in Montana.

## ***WHAT ARE YOUR RIGHTS AND OBLIGATIONS TO OBJECT TO WATER RIGHTS IN THE DECREE?***

Your interests may be affected by the Decree. If you do not agree with the water rights in the Decree, you may file an objection to those rights and request a hearing before the Montana Water Court.

This will be your only opportunity to object to the water rights in the Decree. If you do not file an objection at this time, you will not be able to object in any other proceedings before the Water Court and you will be bound by any Final Decree when it is entered.

### ***RIGHT TO APPEAL***

If you do not participate in Water Court proceedings, your right to appeal an adverse decision is limited. Section 85-2-235, MCA provides that:

- (1) A person whose existing rights and priorities are determined in a final decree may appeal the determination only if: (a) the person requested a hearing and appeared and entered objections to the temporary preliminary decree or the preliminary decree; (b) the person's rights or priorities as determined in the temporary preliminary decree or the preliminary decree were affected as the result of an objection filed by another person; (c) the person requested a hearing and appeared before the water court to finally resolve an issue remark, as defined in 85-2-250; or (d) the person is a claimant appealing an adverse decision when the water court issued the decision as the result of an evidentiary hearing or as the result of calling the claim in on the court's own motion.
- (2) The attorney general may appeal a determination made in a final decree if the attorney general participated as an intervenor as provided in 85-2-248.
- (3) An interlocutory ruling by the water judge upon a question of law may be appealed by any party who is affected by the decision and who participated in the matter in which the ruling was issued.

### ***WHAT YOU SHOULD DO***

1. Review the abstracts in the Decree, as well as the Decree Indexes.
2. Decide if you want to file objections.
3. File your objections with the Water Court on or before the filing deadline identified below.

The Montana Department of Natural Resources and Conservation (DNRC) has not examined any of the claims in this Decree and these water rights appear as they were filed. Review the abstracts carefully. The Decree Indexes will help your review.

The Source Name Index lists all claims under the name of each source of supply.

The Point of Diversion Index lists all claims by point of diversion.

The Water Right Number Index lists all claims by water right number.

## ***SHOULD YOU FILE AN OBJECTION?***

Only you can answer this question. To help you determine whether you should file an objection, you should examine the water rights in this Preliminary Decree and compare those rights with the claims that you have filed with the Water Court, the water right permits or certificates that you have received from the Montana Department of Natural Resources and Conservation, and possibly the other claims, permits, certificates, and reservations of water within the sub-basins where Turtle Mountain claims are located. All of the water right claims filed and all of the water right permits, certificates, or reservations of water that have been granted in the sub-basins are on record with the Montana Department of Natural Resources and Conservation. All documents can be reviewed during business hours at the following Montana Department of Natural Resources and Conservation, Water Resources Regional Offices:

1. Havre Office, 210 Sixth Ave., PO Box 1828, Havre, MT 59501  
(406) 265-5516
2. Glasgow Office, 222 Sixth St. South, PO Box 1269, Glasgow, MT 59230  
(406) 228-2561
3. Billings Office, 1371 Rimtop Drive, Billings, MT 59105  
(406) 247-4415

The Turtle Mountain Chippewa Preliminary Decree, the affidavit of John Peterson, and this Notice can be reviewed during business hours at the Montana Water Court, 1123 Research Drive, Bozeman, MT 59718, 1-800-624-3270.

The Preliminary Decree, the affidavit of John Peterson, and this Notice are also available on the internet at [www.dnrc.mt.gov/divisions/water/adjudication/turtlemountain](http://www.dnrc.mt.gov/divisions/water/adjudication/turtlemountain).

You may obtain a paper or electronic copy of the Preliminary Decree from the Department of Natural Resources and Conservation, Water Rights Bureau, PO Box 201601, Helena, MT, 59620-1601. The cost of a paper copy of the Preliminary Decree is \$168.00, the indexes are \$29.00. An electronic copy of the Preliminary Decree on CD is \$10.00.

## ***HOW TO FILE AN OBJECTION AND REQUEST A HEARING***

An objection to the Turtle Mountain Preliminary Decree must be filed with the Montana Water Court. Objection forms can be found at the Water Court, the DNRC offices in Havre, Glasgow and Billings, and on the internet at [www.dnrc.mt.gov/divisions/water/adjudication/turtlemountain](http://www.dnrc.mt.gov/divisions/water/adjudication/turtlemountain). Objections may also be filed in any format which complies with the Montana Rules of Civil Procedure. All objections **must be filed and received** by the Montana Water Court, PO Box 1389, Bozeman, MT 59771-1389, on or before **April 26, 2017**.

**LATE OBJECTIONS WILL NOT BE CONSIDERED**

## ***EXTENSIONS***

The Water Judge may grant a request for an extension of the time for filing objections. A request for an extension must be received by the Water Court on or before **April 26, 2017**. A form enabling you to request an extension is available on the internet at [www.dnrc.mt.gov/divisions/water/adjudication/turtlemountain](http://www.dnrc.mt.gov/divisions/water/adjudication/turtlemountain).

If an extension is granted, it will apply to everyone. Any extension will be posted at the offices listed above and will be advertised once in the *Billings Gazette* in Billings, the *Sidney Herald* in Sidney, the *Powder River Examiner* in Broadus, *The Ekalaka Eagle* in Ekalaka, the *Havre Daily News* in Havre, the *Phillips County News* in Malta, the *Sheridan County News* in Plentywood, the *Liberty County Times* in Chester, *The River Press* in Fort Benton, and the *Great Falls Tribune* in Great Falls.

## ***MEETING WITH THE WATER COURT***

Two informal public meeting will be held by the Water Court via telephone conference call listed below. On the specified date dial (877) 526-1243, and at the prompt enter code: 46309676#.

**Tuesday evening, December 6, 2016 at 7:00 p.m.**

**Thursday evening, December 15, 2016 at 7:00 p.m.**

## ***IS YOUR MAILING ADDRESS CORRECT?***

If the address label on the envelope in which this Notice was enclosed is incorrect, please notify the Montana DNRC or update your address on the internet at [www.dnrc.mt.gov/wrd](http://www.dnrc.mt.gov/wrd), scroll down, click on Change Your Water Right Mailing Address and fill out the web form.

## ***ANY QUESTIONS?***

You may contact the Montana Water Court. Our toll-free number is 1-800-624-3270. Our regular office number is (406) 586-4364 and is not toll-free.

DATED this 28th day of October, 2016.

//Russ McElyea  
Chief Water Judge  
Montana Water Court  
PO Box 1389  
Bozeman, MT 59771-1389

**REMEMBER: OBJECTIONS MUST BE RECEIVED BY THE WATER COURT BY April 26, 2017.**