

**IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI RIVER DIVISION
MISSOURI RIVER, FROM HOLTER DAM TO SUN RIVER (BASIN 41QJ)**

**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 853 water right claims diverted or used in the Missouri River drainage from Holter Dam to Sun River. All but one of these claims was included in the Basin 41QJ Temporary Preliminary Decree issued in 2008.

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 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 MUST 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 must 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 **April 28, 2009**.

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.
Water Resources Regional Office, 1424 9th Ave., Helena, Montana. Telephone (406) 444-6999.
Water Resources Regional Office, 613 NE Main, Suit E. Lewistown, Montana.
Telephone (406) 538-7459.
2. Clerk of District Court, Cascade County Courthouse, Great Falls, Montana.
3. Montana Water Court, 601 Haggerty Lane, Bozeman, Montana. Telephone (406) 586-4364.

The Objection List and Notice of Intent to Appear form are also posted on the Internet at http://dnrc.mt.gov/wrd/water_rts/adjudication/missouri_river41QJ/default.asp After arriving at the site, 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 \$45.00.

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.

**ALL NOTICES OF INTENT TO APPEAR MUST BE RECEIVED BY THE MONTANA WATER COURT
BEFORE 5:00 PM ON APRIL 28, 2009.**

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.

ONE CLAIM WAS NOT INCLUDED IN THE DECREE

One claim was not included in the Basin 41QJ Decree due to clerical errors. This claim has been added to the Decree, the Basin Objection List, and it will be reviewed by the Water Court. A free copy of the claim abstract will be mailed to you upon request. The missing claim is a Sieben Ranch Co. irrigation claim (41QJ 30030604) for 1.0 c.f.s of Canyon Creek water with a priority date of January 1, 1871. If you wish to participate in the review of this claim, you must file a Notice of Intent to Appear form and identify the claim number of the claim on which you will participate.

BASIN MEETINGS WITH THE WATER COURT

The Water Court will host a **telephone conference call on April 7, 2009 at 7:00 P.M.** On April 7, 2009, at 7:00 PM, dial the toll free telephone number: **1-866-479-6576**. At the prompt, enter the participant pin code of: **46309676#**.

One in-person public meeting will be held by Bruce Loble, Chief Water Judge of the Montana Water Court:
- Tuesday, **April 14, 2009 at 4:00 P.M.** – Wedsworth Memorial Hall, 13 Front Street South, Cascade, Montana. Bring your water right abstracts and your questions to this meeting.

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 Helena Regional office at (406) 444-6999 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 27th day of February, 2009.

**C. BRUCE LOBLE
Chief Water Judge
Montana Water Court
P. O. Box 1389
Bozeman, MT 59771-1389**

REMINDER: Notice of Intent to Appear must be filed by April 28, 2009.