Montana Water Court
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Bozeman, MT 59771-1389
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FILED
AUG 21 2014
Montana Water Court

UNITED STATES DEPARTMENT OF AGRICULTURE, AGRICULTURAL RESEARCH SERVICE, FORT KEOGH LIVESTOCK & RANGE RESEARCH LABORATORY–MONTANA COMPACT

CASE WC2014-07

NOTICE OF ENTRY OF UNITED STATES DEPARTMENT OF AGRICULTURE, AGRICULTURAL RESEARCH SERVICE, FORT KEOGH LIVESTOCK & RANGE RESEARCH LABORATORY– MONTANA COMPACT PRELIMINARY DECREE AND NOTICE OF AVAILABILITY

AS A WATER USER YOU MUST READ ALL OF THIS NOTICE

The Montana Water Court has been asked to approve a Compact settling and defining all of the reserved water rights for the Fort Keogh Livestock & Range Research Laboratory claimed by the United States of America on behalf of the U.S. Department of Agriculture – Agricultural Research Service ("ARS"). The United States Department of Agriculture, Agricultural Research Service, Fort Keogh Livestock & Range Research Laboratory–Montana Compact ("the Compact") was negotiated by the State of Montana and the United States, and ratified by the 2007 Montana Legislature. The Compact needs your review before the Court determines whether to approve the Compact in accordance with applicable law.

The Compact defines the water rights of the United States for the Fort Keogh Livestock & Range Research Laboratory ("Fort Keogh"), located in Basins 42C and 42KJ. A summary description of the water rights in the Compact is enclosed with this Notice.

You are receiving this Notice because the State's water right records indicate you have filed a statement of claim, have applied for or received a permit to appropriate water, or have a water reservation in Basin 42C and/or 42KJ. Since your water rights may be affected by the Compact, you should review the Compact. Accordingly,

THIS IS YOUR OFFICIAL NOTIFICATION that the Montana Water Court has entered a Preliminary Decree containing the United States Department of Agriculture, Agricultural Research Service, Fort Keogh Livestock & Range Research Laboratory–Montana Compact. If the Court approves the Compact, it will enter a final decree adjudicating the reserved water rights of the United States as they are recognized in the Compact. That final decree will be binding on all water users in the Montana water rights adjudication.

WHAT IS A PRELIMINARY DECREE AND WHAT ARE YOUR RIGHTS AND OBLIGATIONS TO OBJECT TO THE COMPACT?

This Preliminary Decree is a decree entered by the Water Court in accordance with Mont. Code Ann. § 85-2-231. At this stage in the adjudication, all affected parties are required to state any objections that they may have to the Compact. If you do not agree with the water rights recognized by the Compact, you may file an objection and request a hearing and the Water Court will hear your objection. **This will be your only opportunity to object to the United States Department of Agriculture, Agricultural Research Service, Fort Keogh Livestock & Range Research Laboratory–Montana Compact. Any Final Decree entered by the Water Court adjudicating the reserved water rights for Fort Keogh will be binding on you.**

RIGHT TO APPEAL

If you do not participate in Water Court proceedings, your right to appeal an adverse decision is limited. Mont. Code Ann. § 85-2-235, provides that (1) a person whose existing rights and priorities are finally determined may appeal that determination only if: (a) the person requested a hearing and appeared and entered objections in the

Preliminary Decree; (b) the person's rights or priorities as determined in the 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; 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) If the Attorney General participated as an intervenor as provided in Mont. Code Ann. § 85-2-248, the Attorney General may appeal a decision. (3) An interlocutory ruling by a water judge upon a question of law may be appealed by a party affected by the decision and who participated in the matter in which the ruling was issued.

SHOULD YOU FILE AN OBJECTION?

Only you can answer this question. To help you determine whether you should file an objection to the Compact, you should first examine the Compact and the abstracts. Your examination should not stop there, however. You should also compare the water rights in the Compact with the claims that you have filed with the Water Court or the water right permits or certificates that you have received from the Montana Department of Natural Resources and Conservation, and possibly the claims and permits of others within Basins 42C and 42KJ.

The following documents are available for review:

A. The ARS, Fort Keogh Livestock & Range Research Laboratory Compact;

B. The abstracts of the water rights for Fort Keogh;

C. All of the water rights claims that have been filed and all water right permits and certificates located in Basins 42C and 42KJ; and

D. The Court's Order of August 14, 2014 authorizing this proceeding.

The offices at which the documents referenced above can be viewed are:

1. The Montana Water Court, 601 Haggerty Lane, Bozeman, Montana. (Fort Keogh Livestock & Range Laboratory-Montana Compact, Findings of Fact, Conclusions of Law and Order for Commencement only.)

2. The following Montana Department of Natural Resources and Conservation offices:

   a. Montana DNRC, Water Rights Adjudication Office
   910 Helena Ave.
   Helena, MT 59620
   Telephone (406) 444-0560;

   b. Billings Regional Office
   Airport Industrial Park
   1371 Rimtop Drive
   Billings, Montana 59105
   Telephone (406) 247-4415

3. Clerk of District Court office for Yellowstone and Custer counties. (ARS, Fort Keogh Livestock & Range Research Laboratory, Findings of Fact, Conclusions of Law and Order for Commencement only.)

Internet information at ***www.dnrc.mt.gov/wrd/water_rts/adjudication*** *is also available. Scroll down through the various basins to ARS, Fort Keogh Livestock & Range Research Laboratory Compact. Click on ARS, Fort Keogh Livestock & Range Research Laboratory Compact and click on the Decree information that interests you.*

You may obtain a paper or electronic copy of the PRELIMINARY DECREE from the Department of Natural Resources and Conservation, Water Rights Bureau, P.O. Box 201601, Helena, MT, 59620-1601. The cost of a paper copy of this Decree, including the Index and abstracts (approximately 62 double-sided pages) is $29.00. An electronic copy of this Decree on CD, including the Index, abstracts, ARS, Fort Keogh Livestock & Range Research Laboratory Compact, and Order for Commencement, is $10.00.

The ARS, U.S. Fort Keogh Livestock & Range Research Laboratory Compact is published in section 85-20-1101 of the Montana Code Annotated beginning at page 981

of Volume 10 (2013 edition). The Montana Code Annotated can be found in many public offices and public libraries.

HOW TO FILE AN OBJECTION AND REQUEST A HEARING

An objection to the Compact must be filed on forms provided by the Water Court. Objection forms can be found at any of the offices listed above. **All objections must be filed and received by the Montana Water Court, P.O. Box 1389, Bozeman, Montana 59771-1389, on or before February 17, 2015 by 5:00 P.M. LATE OBJECTIONS WILL NOT BE CONSIDERED.**

INFORMATIONAL MEETING WITH THE WATER COURT

A public meeting to explain the Water Court procedures and the ARS, Fort Keogh Livestock & Range Research Laboratory Compact will be held by the Water Court in:

Miles City at 7:00 p.m. on Tuesday, September 23, 2014, at the ARS Fort Keogh Station in Miles City, Montana.

Representatives of the Settling Parties will be present to answer your questions.

ANY QUESTIONS?

Use our toll-free number 1-800-624-3270 (in Montana). Our regular office number is (406) 586-4364, and is not toll-free. Or call your regional DNRC office at the telephone number listed in paragraphs 2.a and 2.b above.

DATED this 21st day of August, 2014.

Russ McElyea
Chief Water Judge

SUMMARY DESCRIPTION OF RESERVED WATER RIGHTS IN THE UNITED STATES DEPARTMENT OF AGRICULTURE – FORT KEOGH LIVESTOCK & RANGE RESEARCH LABORATORY– MONTANA COMPACT

The United States Department of Agriculture Fort Keogh Livestock & Range Research Laboratory–Montana Compact ("Compact") recognizes federal reserved rights for the Fort Keogh Livestock & Range Research Laboratory ("Fort Keogh") located in Water Court Basins 42KJ and 42C near Miles City, Montana for existing and future stock uses, emergency fire suppression, irrigation, and administrative uses. The Compact and the abstracts for each current and future water use may also be reviewed on the Montana Department of Natural Resources and Conservation website at http://dnrc.mt.gov/rwrcc.

The Compact quantifies federal reserved water rights for Fort Keogh from seeps, naturally-occurring surface flows and groundwater sources.

The Compact recognizes federal reserved water rights within the Fort Keogh lands for:

- consumptive use for current and future irrigation purposes from the Yellowstone River (in Basin 42KJ) as set forth in Compact Appendices 2 and 3 (current uses) and Compact Article II.B.1.c (future use);
- consumptive use for current irrigation purposes from an unnamed tributary of the Tongue River (in Basin 42C) as set forth in Compact Appendix 4;
- consumptive use for current and future stockwatering purposes for the locations in Basins 42KJ and 42C described in Compact Appendix 5 and with the elements as set forth in Compact Appendix 6 and Compact Article II.B.2.b;
- consumptive use for current and future administrative uses in Basins 42KJ and 42C as set forth in Compact Appendix 7 and Compact Article II.B.3.b; and
- emergency fire suppression as needed.

The priority date for these rights shall be April 15, 1924.

Nothing in this Compact concerns the management of Fort Keogh. The Compact addresses only the federal reserved water rights that Fort Keogh managers will have at their disposal.