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Montana Water Court

IN THE WATER COURT OF THE STATE OF MONTANA
UNITED STATES FISH AND WILDLIFE SERVICE, BOWDOIN NATIONAL WILDLIFE REFUGE–MONTANA COMPACT

Case No. WC2013-04

NOTICE OF ENTRY OF UNITED STATES FISH AND WILDLIFE SERVICE, BOWDOIN NATIONAL WILDIFE REFUGE–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 Bowdoin National Wildlife Refuge claimed by the United States of America on behalf of the U.S. Department of the Interior – Fish and Wildlife Service ("FWS"). The United States Fish and Wildlife Service, Bowdoin National Wildlife Refuge–Montana Compact ("the Compact" or "Bowdoin 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 Bowdoin National Wildlife Refuge, located in Water Court Basin 40M. 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 the basin in which a reserved water right in the Compact is located. 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 Fish and Wildlife Service,

Bowdoin National Wildlife Refuge–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 Fish and Wildlife Service, Bowdoin National Wildlife Refuge–Montana Compact. Any Final Decree entered by the Water Court adjudicating the reserved water rights for the Bowdoin National Wildlife Refuge 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 Basin 40M.

The following documents can be viewed at the list of offices identified below:

A. The FWS, Bowdoin National Wildlife Refuge Compact;
B. The water right abstracts for the Bowdoin National Wildlife Refuge;
C. All of the water rights claims that have been filed and all water right permits and certificates located in Basin 40M; and
D. The Court's Order of April 2, 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. (Bowdoin National Wildlife Refuge Compact, Preliminary Decree and Order for Commencement only.)

2. The following Montana Department of Natural Resources and Conservation offices:
   a. Helena – Water Rights Adjudication Office, 910 Helena Ave. Telephone (406) 444-0560;
   b. Glasgow – 222 Sixth Street South – Telephone (406) 228-2561
   c. Havre – 210 Sixth Ave – Telephone (406) 265-5516

3. Clerk of District Court office for Phillips County, 314 S 2nd Ave W, Malta, MT 59538 (406) 654-1023 (FWS, Bowdoin National Wildlife Refuge Compact, Preliminary Decree and Order for Commencement only.)

Internet information at ***www.dnrc.mt.gov/wrd/adjudication/water_rts/adjudication*** *is also available. Scroll down through the various basins to FWS, Bowdoin National Wildlife Refuge Compact. Click on FWS, Bowdoin National Wildlife Refuge 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 the Decree, including the Index and abstracts (approximately 23 pages) is $20.00. An electronic copy of this Decree on CD, including the abstracts and Index, FWS, Bowdoin National Wildlife Refuge Compact, and Order of Commencement, is $10.00.

The FWS, Bowdoin National Wildlife Refuge Compact is published in section 85-20-1301 of the Montana Code Annotated beginning at page 993 of Volume 10 (2013 edition). The Montana Code Annotated can be found in many public offices, public libraries and is also available online via several sources.

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 October 14, 2014 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 FWS, Bowdoin National Wildlife Refuge Compact will be held by the Water Court in Malta, at 7:00 p.m. on Wednesday, May 14, 2014, at the Great Northern Hotel.

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.b–2.c above.

DATED this 2nd day of April, 2014.

Russ McElyea
Chief Water Judge