

**MONTANA WATER COURT
DRY CREEK (BASIN 40D)**

**NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF
AVAILABILITY**

ALL WATER USERS NEED TO READ THIS NOTICE

The Montana Water Court has entered its Preliminary Decree for Basin 40D and the Decree is now available for your review.

If an abstract is included, then you own an existing water right with a priority date before July 1, 1973. The abstract reflects your existing water right claim as it appears in the Decree.

If an abstract is NOT included, then you own a permit or certificate from the DNRC to appropriate water with a priority date after June 30, 1973.

WHAT IS THE PRELIMINARY DECREE?

The Decree includes abstracts of existing water right claims on all sources of water within Basin 40D. These water right claims underwent reexamination by the Montana Department of Natural Resources and Conservation (DNRC). The DNRC may have made changes or identified potential problems on your abstract by placing "issue remarks" on the abstract. The Findings of Fact and Conclusions of Law available at the DNRC Water Rights Adjudication Office or on the Internet explains how the Decree was prepared.

What you should do:

- * **Review the abstract of your own water right claim or claims;**
- * **Review the abstracts of all other water rights that affect your water right;**
- * **Decide if these abstracts correctly identify pre-July 1, 1973 water use;**
- * **Decide if you want to file objections; and**
- * **File your objections with the Water Court by FEBRUARY 15, 2021.**

Your water right can be affected by what is in your abstract and other abstracts in the Decree. Review the abstracts carefully. If changes were made to your abstract, you may challenge those changes by filing an objection. You may also address the DNRC's issue remarks by objection. If there are issue remarks on the abstract of your claim which are not resolved by objection, the remarks will be addressed and resolved by the Water Court.

SHOULD YOU FILE AN OBJECTION?

Only you can answer this question. You need to know:

- * **You can only object to water rights with pre-July 1, 1973 priority dates;**
- * **Your water right may be subject to other water rights on your source or on other sources in the Basin;**
- * **Your water right may be subject to water rights in adjoining Basins;**
- * **Your water right may be subject to Indian and Federal reserved water rights;**
- * **A claim that does not receive objections or issue remarks may remain unchanged and may be entered in the Final Decree as is; and**
- * **This Decree, as modified by objections and hearings, will be enforceable under Montana law.**

If you believe your water right claims or someone else's water right claims in this Decree do not reflect historical (before July 1, 1973) beneficial use, you should file an objection.

HOW TO FILE AN OBJECTION AND REQUEST A HEARING

Objections must be filed on the forms provided by the Water Court and be filed with the Court by **FEBRUARY 15, 2021**. The Objection Form can be found at the offices listed below or on the Internet. Those who wish to file an objection must fill out an objection form and sent it to watercourt@mt.gov or

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389

EXTENSIONS

The Water Court 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 **FEBRUARY 15, 2021**. Extension request forms are available at the offices listed below or on the Internet. If an extension is granted, it will apply to everyone. Any extension will be posted at the offices listed below and will be advertised once in the Billings Gazette, Glasgow Courier, and Miles City Star.

OFFICE LOCATIONS

The Decree and the forms described above are available at these locations:

- * **Montana Water Court:**
1123 Research Drive
Bozeman, MT 59718
Telephone: 406-586-4364
Please call to make an appointment to review the decree or request forms.
- * **Montana DNRC, Water Rights Adjudication Office:**
910 Helena Ave
Helena, MT 59620
Telephone: 406-444-0560
Please call to make an appointment to review the decree or request forms.
- * **Montana DNRC, Water Resources Regional Office(s):**
222 Sixth Street South
Glasgow, MT 59230
Telephone: 406-228-2561
Please call to make an appointment to review the decree or request forms.

The Decree and corresponding forms are also available at: <https://courts.mt.gov/Courts/Water/Notices-and-Information> or <http://dnrc.mt.gov/divisions/water/adjudication>

Contact the DNRC Water Rights Adjudication Office for information about purchasing a printed or electronic copy of the Decree.

NEXT STEPS AFTER OBJECTIONS ARE FILED

If someone objects to your water right claims, the Court will notify you and you are entitled to file counterobjections to their claims. The Water Court will notify you of the time when counterobjections must be filed. After objections and counterobjections have been filed, the Water Court will address and resolve all objections, counterobjections, and issue remarks.

**IT IS IMPORTANT THAT YOU PARTICIPATE IN THIS PROCESS,
OTHERWISE YOUR RIGHT TO APPEAL A DECISION AFFECTING YOUR
WATER RIGHT IS LIMITED.**

QUESTIONS?

Call the **DNRC Water Resources Office** in Glasgow at 406-228-2561 or the **Water Court** at 1-800-624-3270 or 406-586-4364.

-or-

Informal public meeting(s) will be held by telephone conference call on the following dates:

* Tuesday, September 1, 2020 at 12:30 pm

To take part in the call, dial via telephone conference call, dial 406-318-5487, at the prompt enter code: 772 865 425#

* Wednesday, September 2, 2020 at 7:00 pm

To take part in the call, dial via telephone conference call, dial 406-318-5487, at the prompt enter code: 562 068 693#

DATED this *19th day of August 2020*.

/s/ Russ McElyea
Chief Water Judge
Montana Water Court
P. O. Box 1389
Bozeman, MT 59771-1389

Remember: Objections must be received by the Water Court by FEBRUARY 15, 2021.