

Table 1. Legal authorities related to water rights in Montana

Agency or entity	Water right-related function(s)
Any state agency, state political subdivision, or federal agency	Acquire a state water reservation for beneficial uses or to maintain flow, level or quality
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation; Blackfeet Tribe; Chippewa Cree Tribe of the Rocky Boy's Indian Reservation, Crow Tribe, Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Reservation; Northern Cheyenne Tribe	Administer tribally based water rights on designated reservations
Attorney General	Water Court may join to certain cases of abandonment or non-perfection May litigate: <ul style="list-style-type: none"> • issues of state-wide importance • unresolved issues on historic water rights claims • water waste or water right abandonment • certain compact-related proceedings • fines for violations of Title 85, chapter 2, MCA May offer general legal services to carry out Title 85, chapter 2, MCA
Board of Land Commissioners	Appropriate water for use upon state lands
County attorneys	Intervene, if necessary, in cases of water waste or water right abandonment
Conservation districts	Develop plans for conservation, development, use, and disposal (sale) of excess water Obtain water rights (water reservations) for district use
Department of Environmental Quality	Ensure proof of water rights from DNRC for certain subdivision approvals Provide discharge permit for aquifer recharge or mitigation plan to DNRC, if necessary

Agency or entity	Water right-related function(s)
Department of Natural Resources and Conservation	<ul style="list-style-type: none"> • Process historic water rights claims for pre-1973 adjudication • Process and consider permits for new water rights and changes to existing water rights • Aid district courts, Water Court in water distribution controversies • Maintain a centralized database of water rights • Implement compacts with federal reserved water rights holders (tribes and federal agencies) • Process water reservation requests from other government entities • Process stream depletion zone petitions • Administer basins closed to additional appropriations • Designate, process petitions for, and administer controlled groundwater areas • Investigate water waste • Administer state water projects • Develop state water plan
Department of Revenue	Notify DNRC of property transfers including an associated water right
District Court	Enforce water rights through court proceedings Appoint water commissioners to distribute water Appoint water mediators to settle disputes Consider cases of water waste, water right abandonment Consider appeals of permitting, change, or adjudication decisions
Irrigation districts/Water users' associations	Improve, develop, and maintain common water delivery systems
Legislature	Pass and amend water right-related laws Consider certain out-of-state appropriations of water and large groundwater appropriations Designate closed basins
Montana Bureau of Mines and Geology	Maintain groundwater well log reports Manage the Ground Water Assessment Program
Montana Supreme Court	Consider appeals of district court, Water Court decisions
Regional Water Authority	Secure source of water for individual public agencies for sale

Agency or entity	Water right-related function(s)
Reserved Water Rights Compact Commission	Inactive; negotiated settlements with 19 Indian tribes, federal agencies
Unitary Management Board of the Flathead Indian Reservation	Administer water rights on the Flathead Indian Reservation*
Water Court	Conduct legal proceedings related to historic, pre-1973 water rights claims Produce enforceable decrees of water rights Aid district courts in water distribution controversies Consider petitions for certain historic domestic and stock water right claims

NOTE: Most – but not all – of the authorities described in this table are found in Title 85 of Montana Code Annotated

* After compact ratification by Congress and the Confederated Salish and Kootenai Tribes