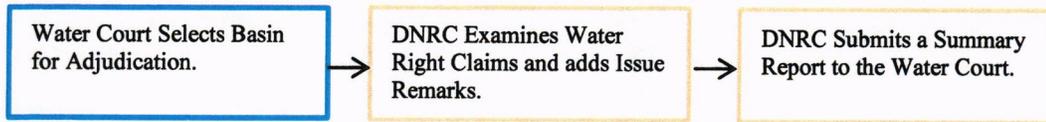
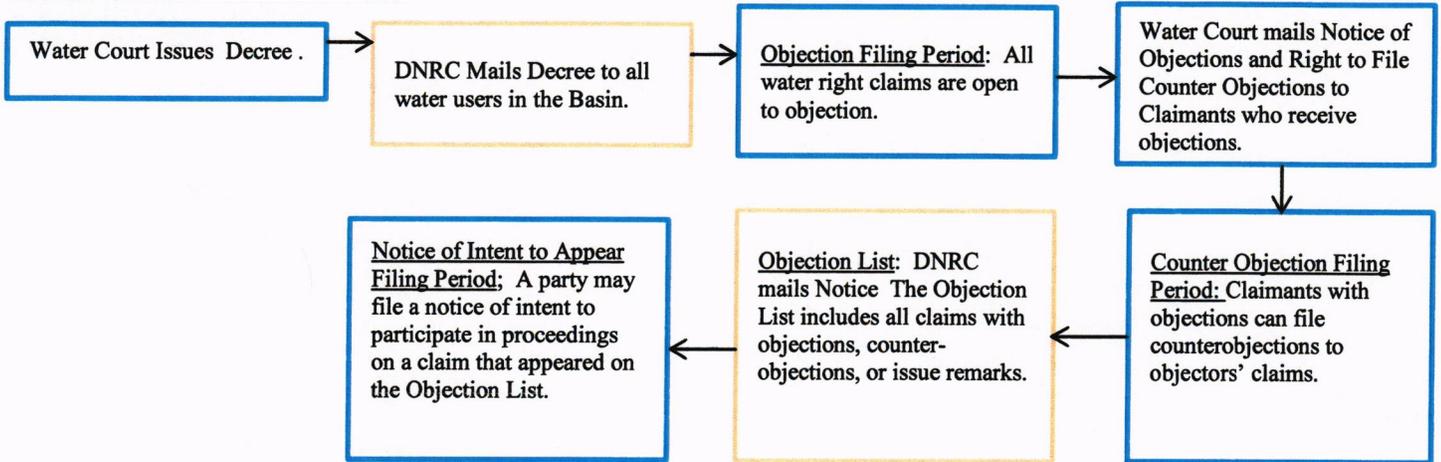


Montana Water Rights Adjudication

Pre-Decree



Decree/ Notice / Objections



Litigation

All objections, counter objections, and issue remarks are resolved through proceedings before the Water Court. Claims are grouped into cases for the litigation process.

Settlement

Schedule set for settlement or issue remark resolution. DNRC provides technical support for issue remark resolution and may provide other assistance to the Master or the parties. Settlement agreements are reviewed by a master or Judge.

Settled cases are incorporated into a Masters Report or Order.

Water Court Review

All Masters Reports are subject to objection by the parties. Chief Water Judge or Associate Water Judge hears objections to Masters Reports.

Supreme Court Review

Water Court decisions can be appealed to the Montana Supreme Court.

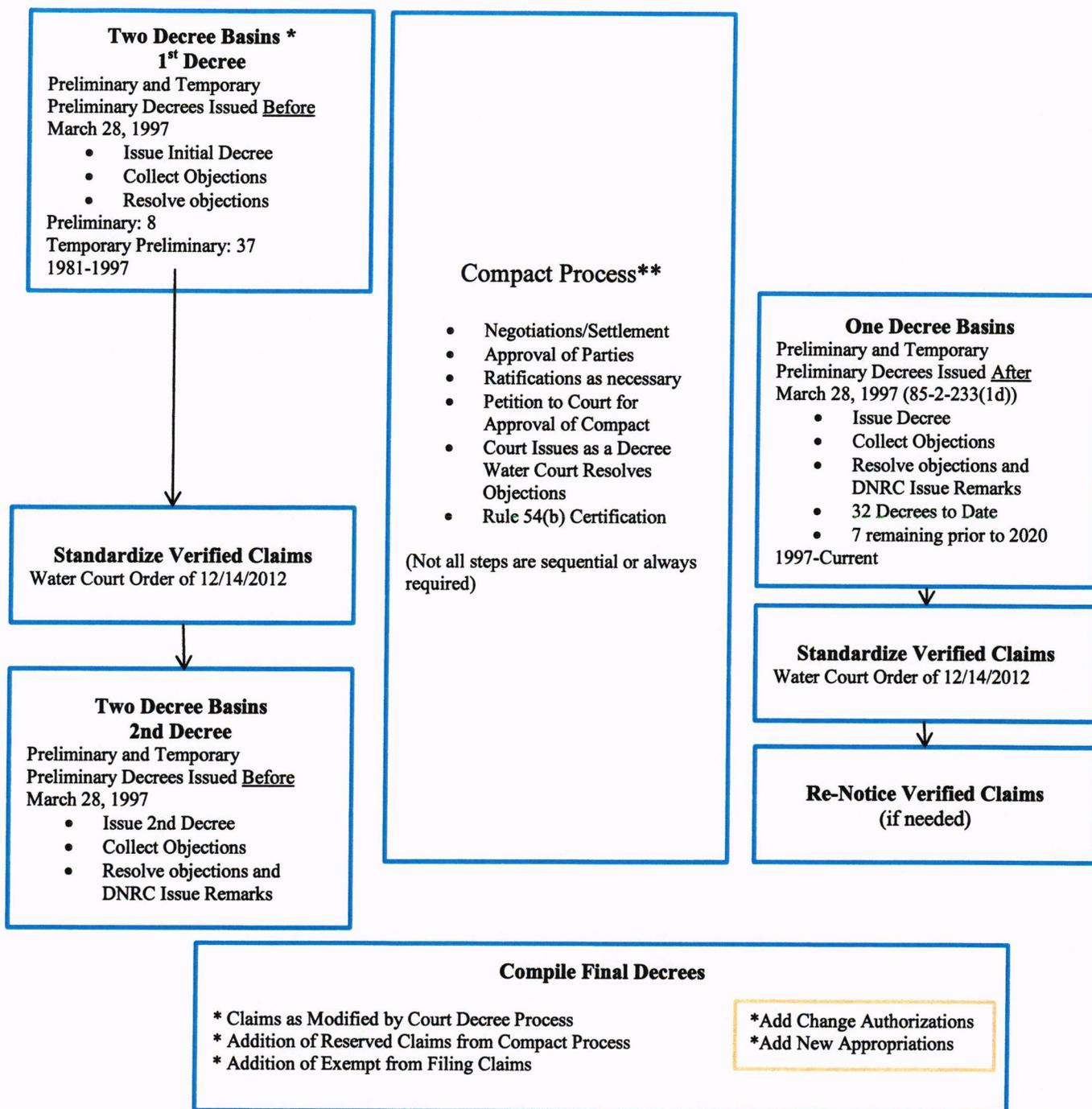
Hearing

Cases that do not settle receive a Scheduling Order and are set for trial.

Cases are heard before a Water Master or Judge following the Rules of Evidence, Rules of Civil Procedure, and Water Right Adjudication Rules.

After trial, the Master or Judge issues a decision.

Path to Final Decree



Enforcement: A Water Court Decree, or a portion of a decree, that has completed the objection and hearing process is enforceable. Upon request from a district court, the Water Court produces tabulations showing the characteristics of all water rights in the identified area. The Water Court is currently providing over 40 enforcement projects to district courts.

Two Decree Basins: The adjudication process originally contemplated issuing Temporary Preliminary Decrees and Preliminary Decrees for every Basin. Each decree required a full objection process. The legislature changed this requirement in 1997, implementing a single preliminary decree system for all remaining Basins. However, the Water Court is still required to issue second decrees and conduct an objection process for those initial decrees before the law changed.