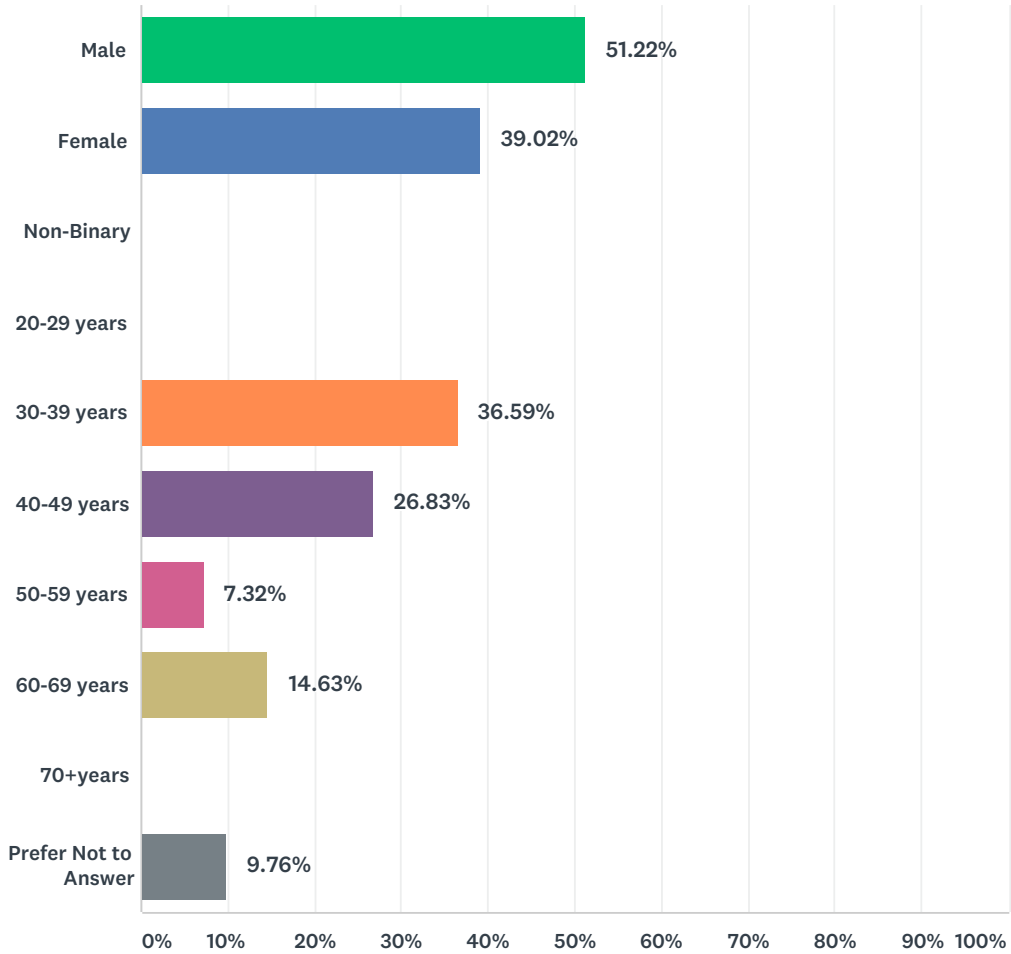


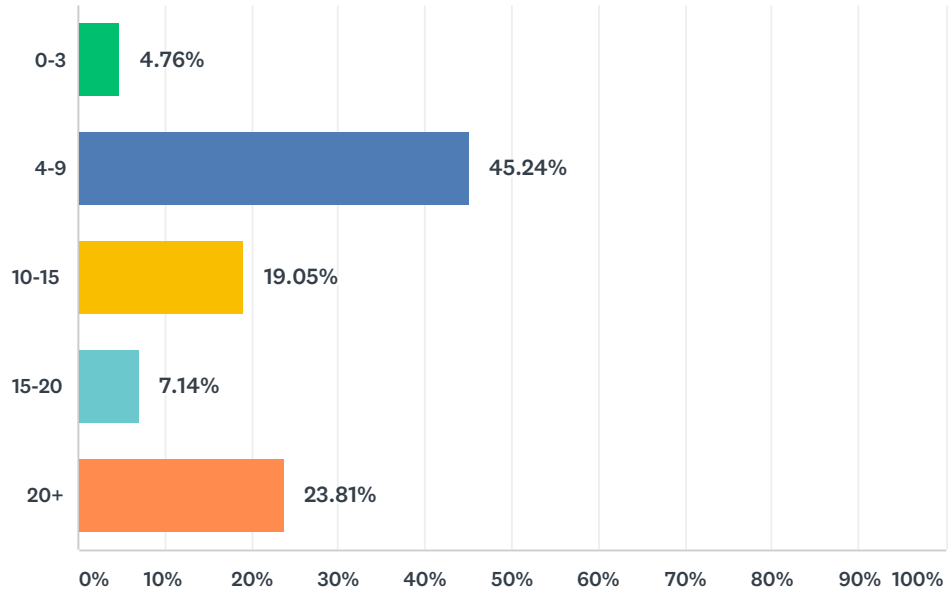
Q1 Please provide your Gender and Age (optional, but for demographic purposes)

Answered: 41 Skipped: 1



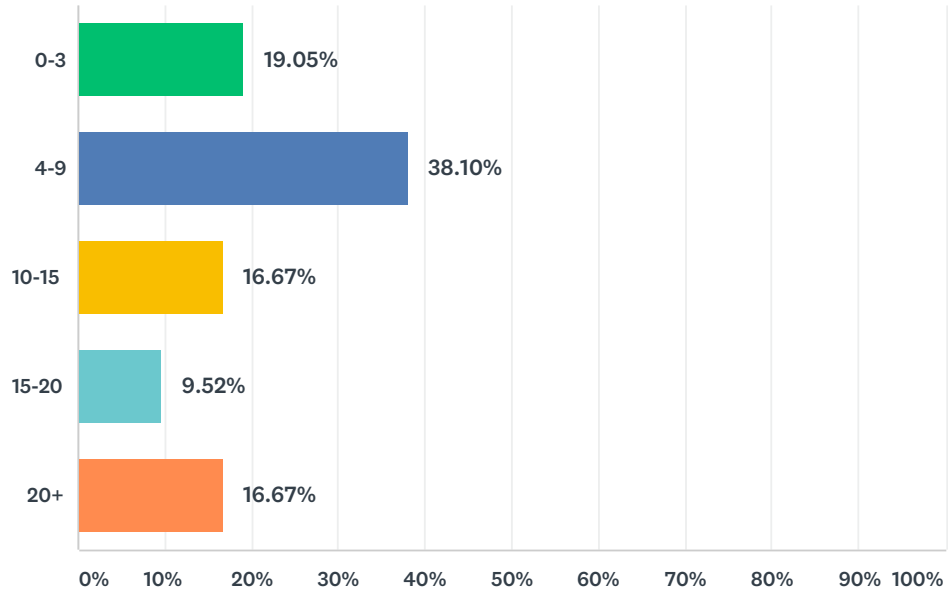
Q2 How many years have you been practicing law?

Answered: 42 Skipped: 0



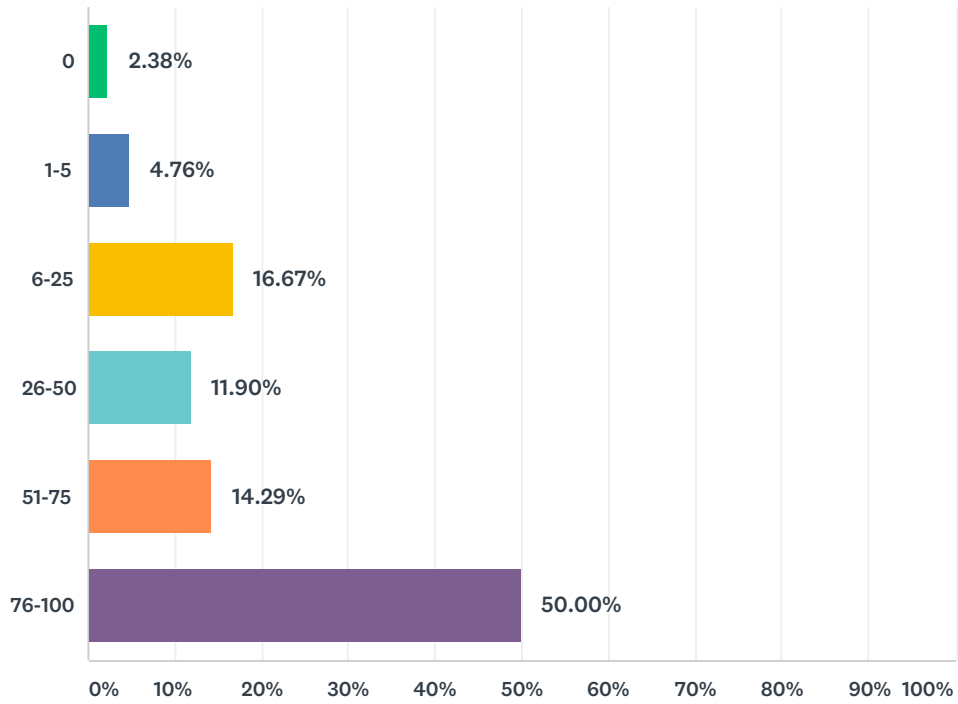
Q3 How many years have you been practicing water law?

Answered: 42 Skipped: 0



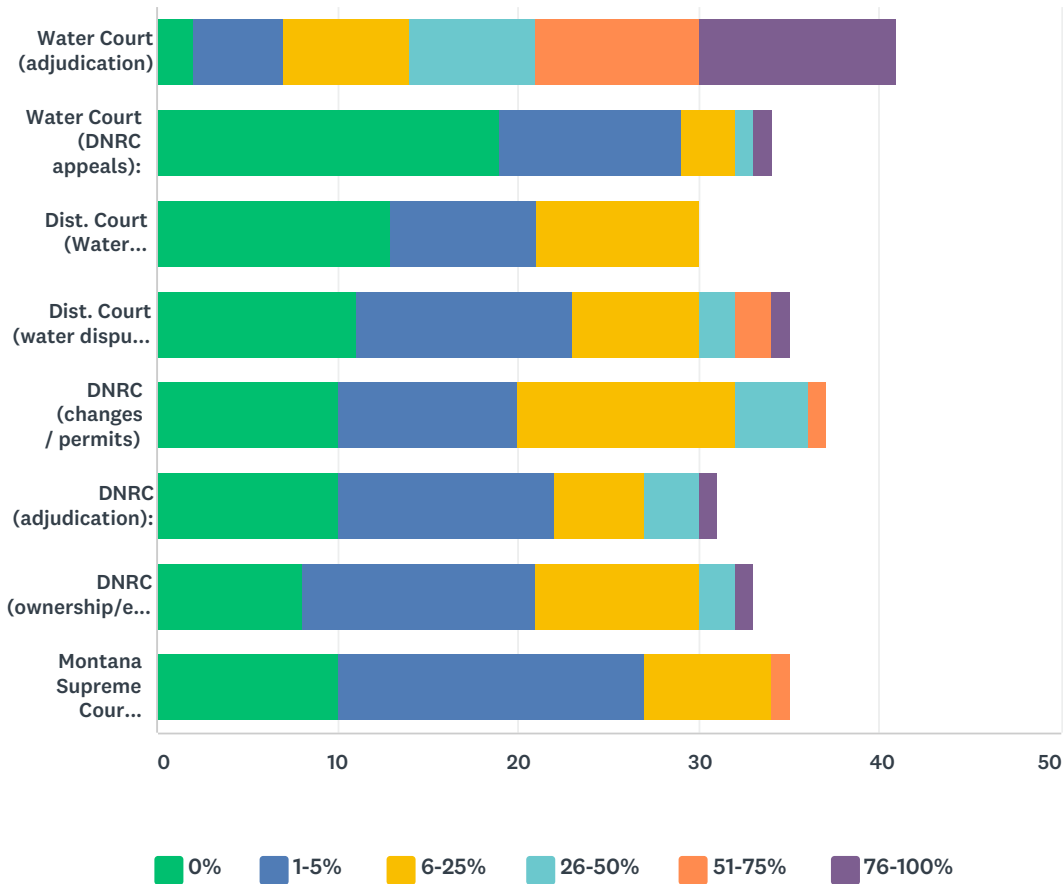
Q4 About what percentage of your practice over the last 5 years involves water issues?

Answered: 42 Skipped: 0



Q5 In the last 5 years, approximately what percentage of your water law practice has been in front of:

Answered: 42 Skipped: 0



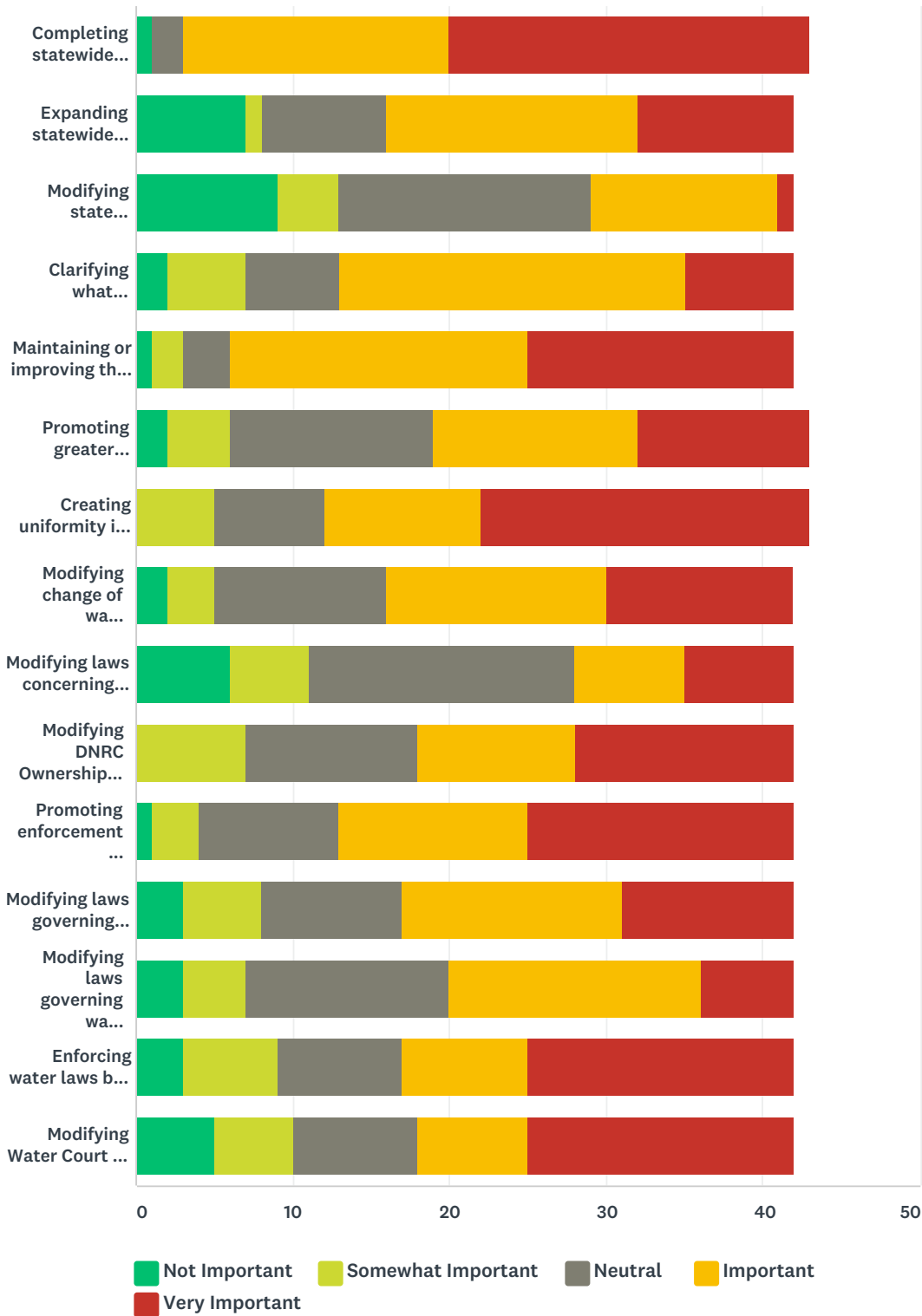
	0%	1-5%	6-25%	26-50%	51-75%	76-100%	TOTAL RESPONDENTS
Water Court (adjudication)	4.88% 2	12.20% 5	17.07% 7	17.07% 7	21.95% 9	26.83% 11	41
Water Court (DNRC appeals):	57.58% 19	30.30% 10	9.09% 3	3.03% 1	0.00% 0	3.03% 1	33
Dist. Court (Water Commissioner):	43.33% 13	26.67% 8	30.00% 9	0.00% 0	0.00% 0	0.00% 0	30
Dist. Court (water disputes / DNRC appeals):	31.43% 11	34.29% 12	20.00% 7	5.71% 2	5.71% 2	2.86% 1	35
DNRC (changes / permits)	27.03% 10	27.03% 10	32.43% 12	10.81% 4	2.70% 1	0.00% 0	37
DNRC (adjudication):	32.26% 10	38.71% 12	16.13% 5	9.68% 3	0.00% 0	3.23% 1	31
DNRC (ownership/exempt wells/other):	24.24% 8	39.39% 13	27.27% 9	6.06% 2	0.00% 0	3.03% 1	33
Montana Supreme Court (water related issue(s)):	28.57% 10	48.57% 17	20.00% 7	0.00% 0	2.86% 1	0.00% 0	35

Water Law Section Survey of Membership (2019)

#	OTHER TRIBUNAL NOT LISTED ABOVE (PLEASE SPECIFY):	DATE
1	water compacts, not really in front of a tribunal	12/19/2019 5:22 PM
2	Water rights related transactional work.	12/2/2019 9:21 PM
3	MDEQ re: public water system permitting issues	11/19/2019 7:21 PM
4	legislative policy	11/18/2019 9:50 PM
5	Federal District Court	11/18/2019 9:07 PM

Q6 Please identify the importance of each of the following actions in the context of improving Montana’s water laws.

Answered: 42 Skipped: 0



	NOT IMPORTANT	SOMEWHAT IMPORTANT	NEUTRAL	IMPORTANT	VERY IMPORTANT	TOTAL RESPONDENTS
--	---------------	--------------------	---------	-----------	----------------	-------------------

Water Law Section Survey of Membership (2019)

Completing statewide adjudication (as contemplated under current state law)	2.38% 1	0.00% 0	4.76% 2	40.48% 17	54.76% 23	42
Expanding statewide adjudication to address additional issues (Such as adjudicating post-1973 changes of water use that have not been taken through the DNRC Change Process)	16.67% 7	2.38% 1	19.05% 8	38.10% 16	23.81% 10	42
Modifying state adjudication laws	21.43% 9	9.52% 4	38.10% 16	28.57% 12	2.38% 1	42
Clarifying what constitutes a Final Decree / issuance of Final Decrees	4.76% 2	11.90% 5	14.29% 6	52.38% 22	16.67% 7	42
Maintaining or improving the integrity of Montana's centralized water rights record-keeping system	2.38% 1	4.76% 2	7.14% 3	45.24% 19	40.48% 17	42
Promoting greater compliance with change of water right and/or new appropriation laws (as currently contemplated under state law)	4.76% 2	9.52% 4	30.95% 13	30.95% 13	26.19% 11	42
Creating uniformity in DNRC processes across regional offices (in all facets, including examination, issue remarks, new appropriations)	0.00% 0	11.90% 5	16.67% 7	23.81% 10	50.00% 21	42
Modifying change of water right and/or new appropriation laws	4.76% 2	7.14% 3	26.19% 11	33.33% 14	28.57% 12	42
Modifying laws concerning exempt rights	14.29% 6	11.90% 5	40.48% 17	16.67% 7	16.67% 7	42
Modifying DNRC Ownership Update process / geocoding system	0.00% 0	16.67% 7	26.19% 11	23.81% 10	33.33% 14	42
Promoting enforcement / administration of water rights in the state	2.38% 1	7.14% 3	21.43% 9	28.57% 12	40.48% 17	42
Modifying laws governing enforcement / administration of water rights	7.14% 3	11.90% 5	21.43% 9	33.33% 14	26.19% 11	42
Modifying laws governing water user disputes	7.14% 3	9.52% 4	30.95% 13	38.10% 16	14.29% 6	42
Enforcing water laws by State of Montana	7.14% 3	14.29% 6	19.05% 8	19.05% 8	40.48% 17	42
Modifying Water Court / District Court / DNRC jurisdictions concerning water rights issues	11.90% 5	11.90% 5	19.05% 8	16.67% 7	40.48% 17	42

Water Law Section Survey of Membership (2019)

Q7 Please identify issues of great importance to improving Montana's water laws that were not listed in the previous question 6. Please explain your response as thoroughly as possible. If you have no comment, type "none."

Answered: 42 Skipped: 0

#	RESPONSES	DATE
1	The DNRC should not make changes to any water rights without first contacting the listed attorney or water right owner.	12/20/2019 4:35 AM
2	Cleaning up DNRC ownership changes made without due process or authority	12/20/2019 3:21 AM
3	Integrating water quality and water quantity regulation to some extent	12/19/2019 7:03 PM
4	Water measurement. Without reliable water measurement enforcement will be very difficult and adjudication will continue to be a guessing game. New water resource maps would be good.	12/19/2019 5:22 PM
5	moving to a 5 or 10 year forfeiture list	12/18/2019 11:57 PM
6	none	12/18/2019 11:44 PM
7	none	12/18/2019 10:58 PM
8	To me, providing relief to district courts by promoting enforcement through the Water Court should be a top priority. Thus, giving Water Court jurisdiction to offer injunctive relief and supervision of ditch disputes should be a priority. In my experience the district courts do not want these responsibilities and do not have time in their already crowded dockets to handle such time intensive matters and hearings.	12/18/2019 10:19 PM
9	none	12/18/2019 8:08 PM
10	none	12/16/2019 5:39 PM
11	none	12/13/2019 9:17 PM
12	Professionalizing water commissioners and having a more robust measurement, monitoring, and enforcement program at DNRC is critical to water right administration state-wide.	12/13/2019 4:09 PM
13	Montana needs to undertake administration / enforcement of its existing water rights. We do not need to continue creating adjudication opportunities, or other related "paper" exercises. These rights need to start being exercised by priority amongst all other water rights in the state. The overwhelming likelihood is that in most areas, can be addressed within the framework of our existing water laws. Attempting to 'guess' what problems exist, when we have never tried to actually enforce or administer our water rights does not make sense. Moreover, there is all too much focus on the current problems with our water rights system, with little recognition that it was drafted to operate effectively after completion of the state-wide adjudication. Although few expected the state-wide adjudication to be entering its 5th decade, that is not a reason to change our state laws under the assumption that the adjudication will never end. We must have some patience with the adjudication process, and trust that Montana's water laws are drafted such that will work better once adjudication is complete.	12/11/2019 11:24 PM
14	none	12/11/2019 9:41 PM
15	Requiring water measurement and reporting. Measurement data is critical to the future of determining water availability for new uses, authorizing changes in use, enforcement, administration and abandonment determinations.	12/5/2019 5:04 PM
16	none	12/5/2019 4:42 PM
17	None	12/4/2019 11:05 PM
18	none	12/3/2019 11:37 PM
19	None	12/3/2019 5:22 PM

Water Law Section Survey of Membership (2019)

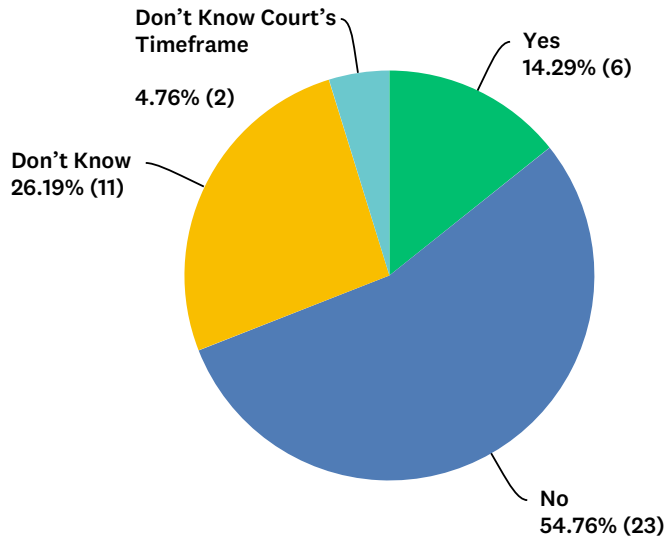
20	None	12/3/2019 4:53 PM
21	Updating the system to reflect water rights transfers instantly similar to property right transfers.	12/3/2019 4:56 AM
22	none	12/2/2019 9:57 PM
23	Creating clear and transparent property rights	12/2/2019 9:21 PM
24	Clarifying rights between holders of exempt water rights and other existing rights in adjudicated basins;	12/2/2019 7:34 PM
25	I don't think the inconsistencies between DNRC regional offices can be underscored enough. These inconsistencies are apparent in every aspect of DNRC operations, from claims examination through new permitting processes. There is no reason for the inconsistencies, given the number of handbooks and rules DNRC has, but yet, inconsistencies persist.	12/2/2019 6:52 PM
26	none	12/2/2019 6:45 PM
27	none	12/2/2019 6:41 PM
28	none	12/2/2019 6:04 PM
29	Using private mediators and mediation should be encouraged as the avenue of first attempt prior to litigation in water court.	11/25/2019 6:40 PM
30	As indicated above, the completion of as accurate as possible adjudication is first priority. While recognizing the imperfections and inaccuracies of the adjudication, the second priority is to make effective enforcement of water rights available to Montana water users without incurring excessive costs.	11/25/2019 3:00 AM
31	Revision of abandonment laws: Despite the adjudication, the state's database is riddled with thousands of bogus water rights that have either never been used, are not physically capable of being used, or are long since abandoned. The burden should be placed on water rights holders to verify ongoing use of water rights or risk abandonment.	11/20/2019 5:30 PM
32	none	11/19/2019 10:37 PM
33	NONE	11/19/2019 8:39 PM
34	I believe the legislature needs to review notice requirements for DNRC actions on water rights, particularly PLACE OF USE changes, conversions from private to municipal, etc. While the DNRC tries to enforce its own requirement for certified mail notice to other water rights owners who may be impacted, the MCA mandate for a single timely newspaper notice seems to be the only legally enforceable notice requirement (e.g., claims that a change of use applicant failed to directly notify a potentially impacted neighboring owner are weak because that only represents a violation of a DNRC rule/policy and not an MCA provision). The change process, particularly in the context of conversion of a water right from private to municipal with corresponding change of place of use, should be subject to far more stringent public notice requirements than those which are currently in place. Average people do not monitor the public notice section of the newspaper every day, and the DNRC's reliance on an applicant to identify and directly notice potentially affected parties falls short of the due process that should be in place in the context of significant water right changes. ALSO, what's up with the DNRC extension process lacking a public notice component? If a water right owner secures a change along with a corresponding timeframe in which to complete that change (which is typically a couple decades), and fails to make use of the water, why does the DNRC just treat the mere submission of a rudimentary extension request form as an AUTOMATIC EXTENSION? I wouldn't propose the same process for an extension as the original change followed, but I think the DNRC's policy of unquestioningly rubber stamping poorly explained extension requests without any public notice whatsoever, is absurd and should be reviewed.	11/19/2019 7:21 PM
35	none	11/19/2019 4:13 PM
36	none	11/18/2019 10:15 PM
37	Comprehensive review of cohesiveness of water policy across tribunals. Current statutory/regulatory schemes have come into being piecemeal as some of the big players in policy have decided to turn their attention to it. Unfortunately, many of these players are controlled by interests outside of the everyday water users and practitioners of Montana.	11/18/2019 9:50 PM
38	.	11/18/2019 9:29 PM
39	none.	11/18/2019 9:07 PM
40	none.	11/18/2019 7:41 PM

Water Law Section Survey of Membership (2019)

41	None.	11/18/2019 7:09 PM
42	None.	11/18/2019 6:48 PM

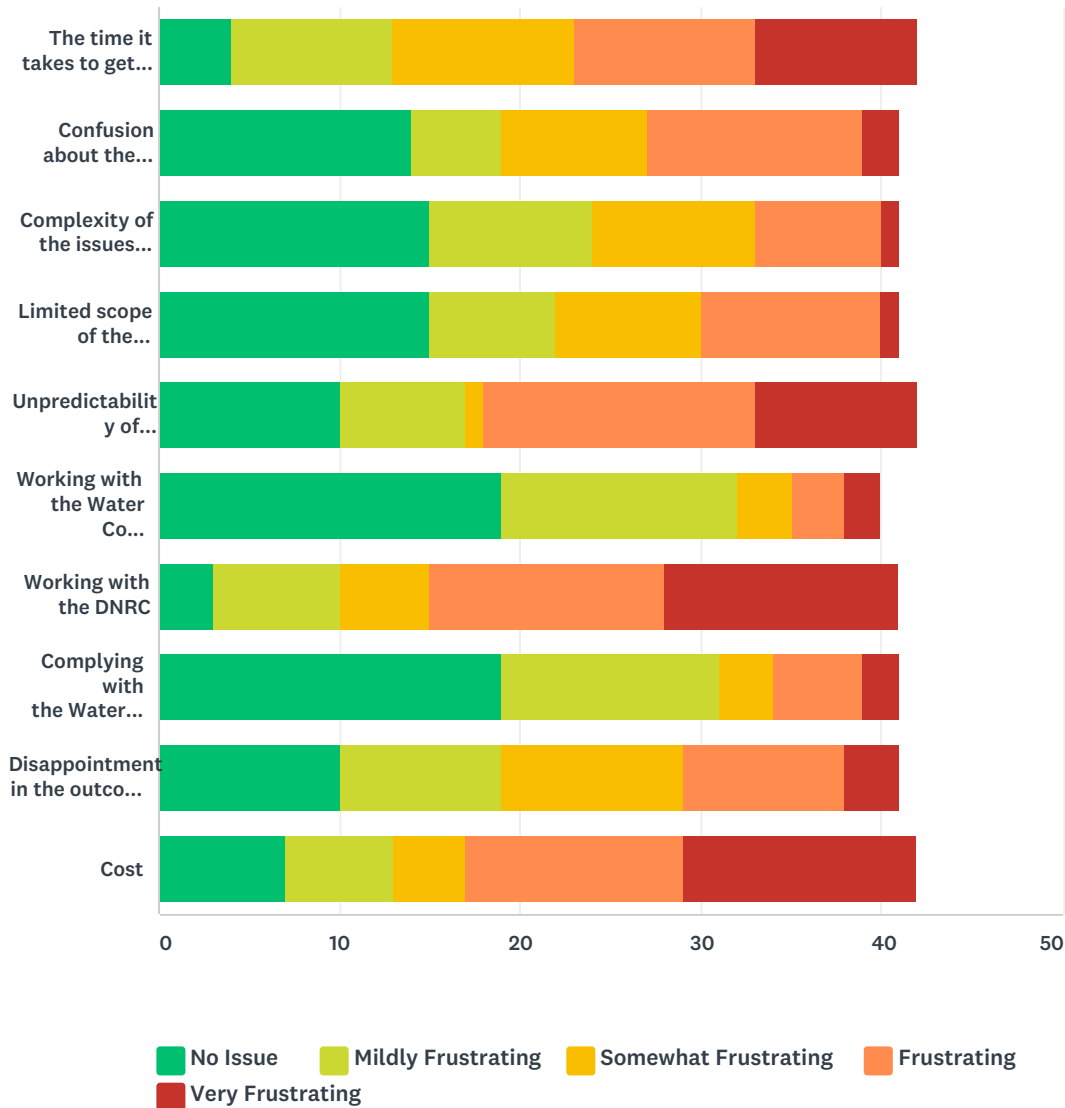
Q8 Can water attorneys and individual water users adequately resolve all adjudication issues within the Water Court's contemplated timeframe?

Answered: 42 Skipped: 0



Q9 How frustrating are the following proceedings before the Water Court for your clients?

Answered: 42 Skipped: 0



	NO ISSUE	MILDLY FRUSTRATING	SOMEWHAT FRUSTRATING	FRUSTRATING	VERY FRUSTRATING	TOTAL RESPONDENTS
The time it takes to get through the adjudication	9.52% 4	21.43% 9	23.81% 10	23.81% 10	21.43% 9	42
Confusion about the issues that the Water Court will address during the adjudication	34.15% 14	12.20% 5	19.51% 8	29.27% 12	4.88% 2	41
Complexity of the issues addressed	36.59% 15	21.95% 9	21.95% 9	17.07% 7	2.44% 1	41
Limited scope of the adjudication	36.59% 15	17.07% 7	19.51% 8	24.39% 10	2.44% 1	41
Unpredictability of proceedings	23.81% 10	16.67% 7	2.38% 1	35.71% 15	21.43% 9	42

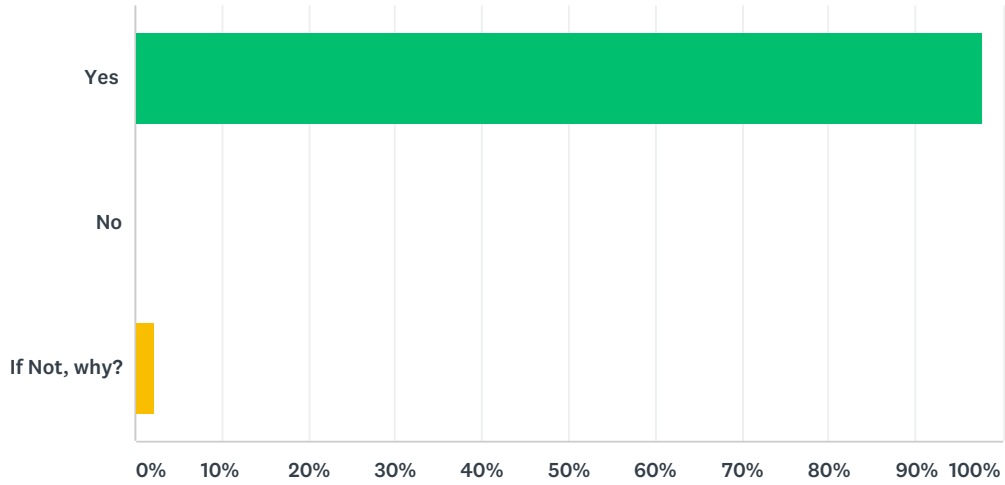
Water Law Section Survey of Membership (2019)

Working with the Water Court	47.50% 19	32.50% 13	7.50% 3	7.50% 3	5.00% 2	40
Working with the DNRC	7.32% 3	17.07% 7	12.20% 5	31.71% 13	31.71% 13	41
Complying with the Water Court's / DNRC's deadlines	46.34% 19	29.27% 12	7.32% 3	12.20% 5	4.88% 2	41
Disappointment in the outcomes / disagreement with substantive law	24.39% 10	21.95% 9	24.39% 10	21.95% 9	7.32% 3	41
Cost	17.07% 7	14.63% 6	9.76% 4	29.27% 12	31.71% 13	41

#	OTHER (PLEASE SPECIFY)	DATE
1	Frustration with working with DNRC depends on which office; Cost is nebulous, cost of what?; highest frustration is the disparity in Water Master decisions on the same or similar issues, such as huge expansions of acreage with or without notice to adjoining land owners. No expansion in excess of 50 - 100 acres should ever be allowed without notice. There are always negative impacts of marshalling waters.	12/20/2019 3:21 AM
2		12/13/2019 9:17 PM
3	No comment	12/5/2019 5:04 PM
4	The ability to access information and electronically file are the most frustrating aspects.	12/2/2019 9:21 PM
5	none	11/20/2019 5:30 PM
6	I don't practice before the water court so the responses above, with the exception of working with the DNRC which I've experienced firsthand...unfortunately.	11/19/2019 7:21 PM
7	The resolution of issue remarks-both that the AG is using the DNRC as its expert (where the Claimant was required by the Court to informally meet with the DNRC) and that many Masters drag out the resolution process.	11/18/2019 9:29 PM

Q10 Should the adjudication be funded to its completion?

Answered: 42 Skipped: 0

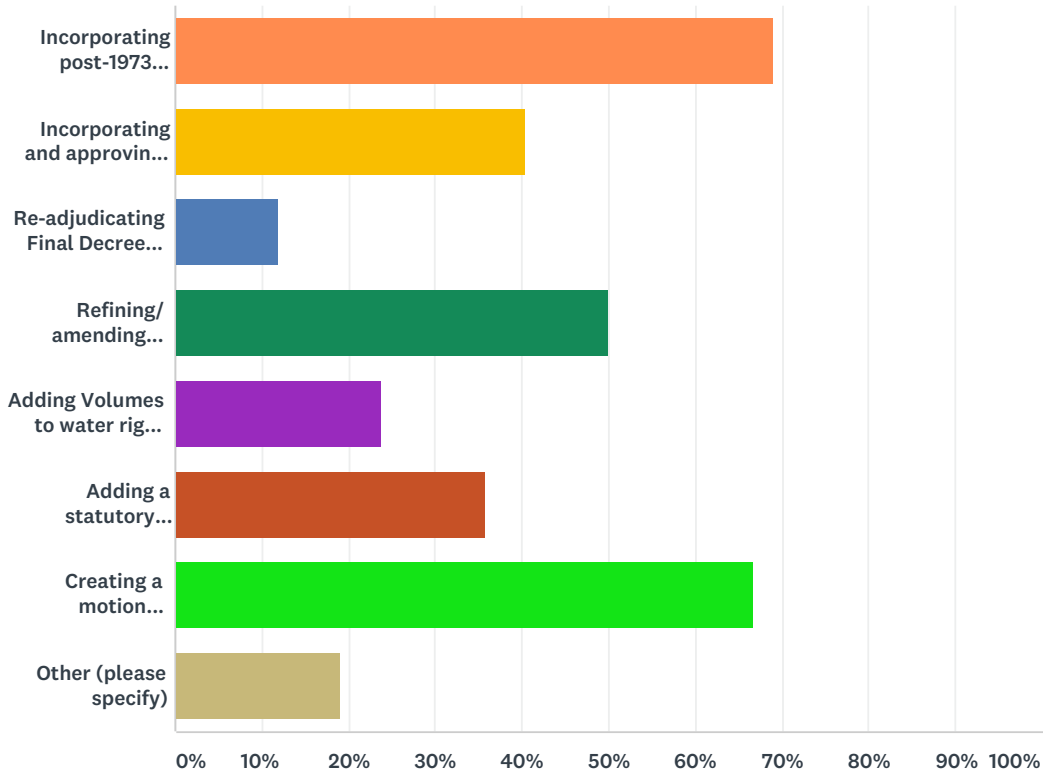


ANSWER CHOICES	RESPONSES	
Yes	97.62%	41
No	0.00%	0
If Not, why?	2.38%	1
TOTAL		42

#	IF NOT, WHY?	DATE
1	The tax payer should not be burdened by an adjudication system set up on the premise that the claimant gets to dictate the basis for his or her water right. Overstated claims are the reason the statewide adjudication has taken so long.	12/19/2019 5:22 PM

Q11 Should the current statewide adjudication laws be modified to address any of the following additional issues or elements of a water right? [Select all that apply]:

Answered: 42 Skipped: 0



ANSWER CHOICES	RESPONSES
Incorporating post-1973 approved changes into post-decree abstracts;	69.05% 29
Incorporating and approving any post-1973 change (including changes not authorized by DNRC)	40.48% 17
Re-adjudicating Final Decree basins	11.90% 5
Refining/ amending geocodes attached to a water right	50.00% 21
Adding Volumes to water rights as a matter of course (rather than at the discretion of the Water Court)	23.81% 10
Adding a statutory deadline by which motions to amend can be filed in each basin	35.71% 15
Creating a motion proceeding in the Water Court for ownership updates that include splits, reservations, or severances of water (in lieu of filing a Form 641 or 642 with DNRC).	66.67% 28
Other (please specify)	19.05% 8
Total Respondents: 42	

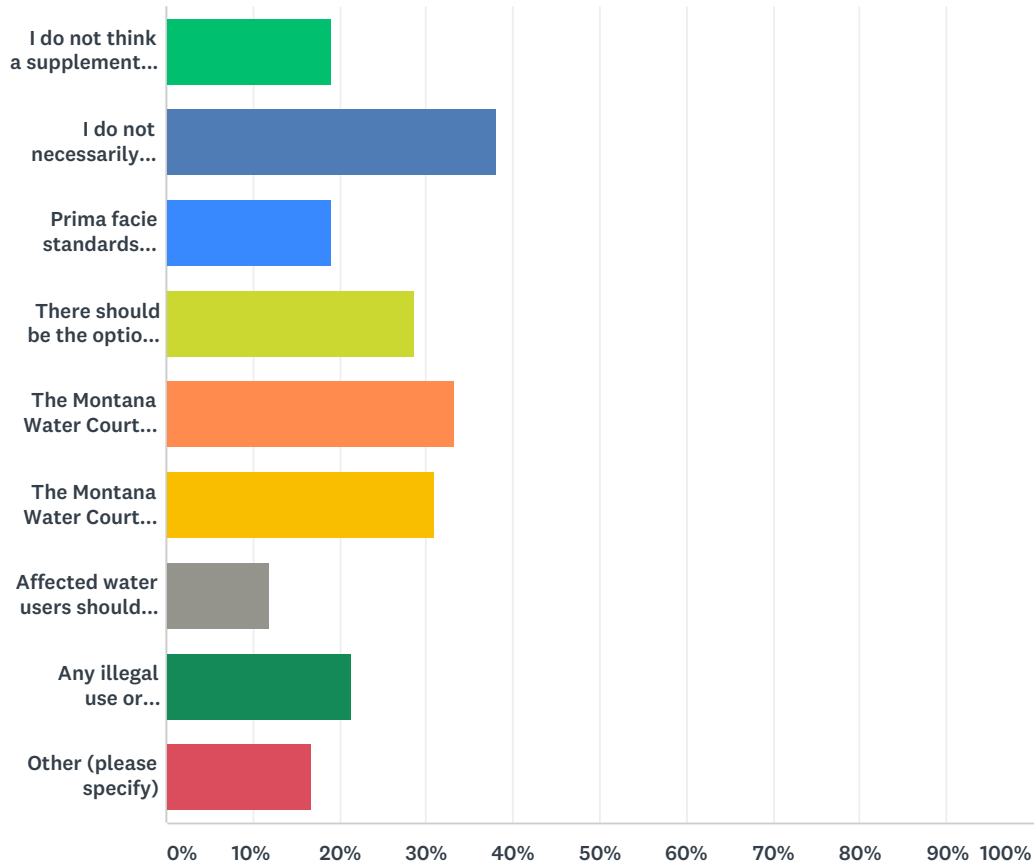
#	OTHER (PLEASE SPECIFY)	DATE
1	I would need more information to answer.	12/20/2019 4:35 AM

Water Law Section Survey of Membership (2019)

2	It seems post-73 issues should be dealt with on a rolling basis. The statewide adjudication was meant to provide a snapshot in time from which to be able to have a definite basis for comparison. Post-73 issues should be dealt with, in my opinion, through perhaps regional water courts set up for the different watershed basins as related to an appropriate HUC level (perhaps the 4 digit HUC). Water judges would then adjudicate ongoing water disputes in the same way as the district courts did prior to the advent of the state-wide adjudication.	12/19/2019 5:22 PM
3	no comment/opinion	12/11/2019 9:41 PM
4	While volumes in decrees would have been helpful, its too late to decree volumes at this point in time. Focus should remain on completion of the adjudication. Water measurement reporting and time will sort out any shortcomings in decrees.	12/5/2019 5:04 PM
5	I don't know, i can't find a job	12/5/2019 4:42 PM
6	the current adjudication should finish its work with out an expanded or changed scope. A different process, probably motions work before the water court, should address the other issues. Or, a technical review followed by a period to file a motion or accept the change.	12/2/2019 9:21 PM
7	none	11/20/2019 5:30 PM
8	improve the ownership update process focusing on accuracy and timeliness - the old paper filing system seemed to work better and did not have the problem of people erroneously added as co-owners which the current geocode based system has	11/19/2019 10:37 PM

Q12 If a supplemental adjudication proceeding was put into place to incorporate water right uses from 1973 to present, how should illegal or unauthorized changes of use of a water right be handled? [Check all that apply]:

Answered: 42 Skipped: 0



ANSWER CHOICES	RESPONSES
I do not think a supplemental adjudication proceeding like this should be implemented	19.05% 8
I do not necessarily oppose the idea, but the issue is more complicated than can be adequately addressed in this survey question.	38.10% 16
Prima facie standards should not apply to claimants in such a proceeding.	19.05% 8
There should be the option to initiate a special proceeding, but the affirmative burden to prove no injury should be on the claimant.	28.57% 12
The Montana Water Court should be able to entertain such cases as part of the general adjudication.	33.33% 14
The Montana Water Court should be able to enforce the existing statutory change laws, and grant or deny the claims or impose terms and conditions.	30.95% 13
Affected water users should affirmatively avail themselves of the current dissatisfied water user complaint process to protect themselves from injury.	11.90% 5
Any illegal use or unauthorized post-1973 change which has already been the subject of a judicial or administrative proceeding should be treated as res judicata.	21.43% 9

Water Law Section Survey of Membership (2019)

Other (please specify)

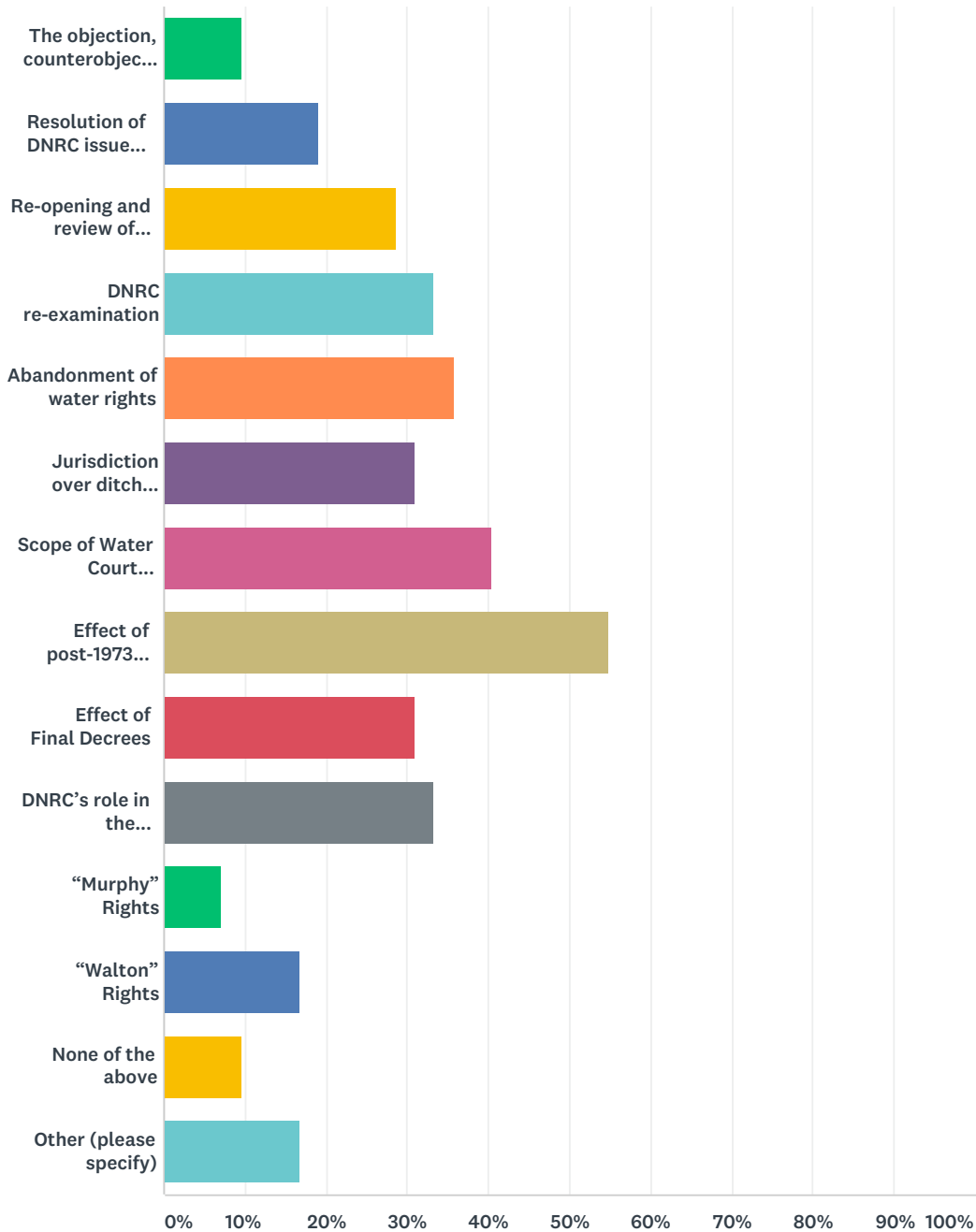
16.67% 7

Total Respondents: 42

#	OTHER (PLEASE SPECIFY)	DATE
1	illegally changed water rights should be unenforceable until they go through the change process	12/18/2019 11:57 PM
2	This is a terrible idea. Montana law, since 1973, has required water users who desire to change their water rights to bear the burden of proving that their proposed change will not injure other water users. These changes are required to satisfy common-sense statutory criteria established by the Montana legislature. In short: if you want to change your water right, you need to bear the costs of proving that it won't injure your neighbor. It's unclear why the Water Court would do a better job of this task than the DNRC. Assumedly, the Water Court would continue to require compliance with Montana's existing change laws, requiring a proof of no injury. (Departure from Montana's existing change laws is worse still, because there would then be no firm legal basis to protect other people's valuable senior water rights.) But assuming the law was changed whereby the Water Court simply heard such cases under the same law, it is still unlikely that the Water Court will do a better job. DNRC relies on experienced and specialized staff to review such applications. The Water Court, albeit knowledgeable about water rights, law, and general hydrologic principals, are not hydrologists or able to conduct complicated groundwater hydrologic analyses. Moreover, under this scenario, the cost of protecting a senior water right would skyrocket. Existing water right holders would no longer be able to rely upon a protective government agency to thoroughly vet proposed changes, and instead would be required to hire a water lawyer and water rights consultant to litigate the issue in front of the Water Court. For a variety of reasons, this change will increase expense to existing water users and likely result in more injury to senior water rights holders.	12/11/2019 11:24 PM
3	no comment/opinion	12/11/2019 9:41 PM
4	i dont know; i cant find a job	12/5/2019 4:42 PM
5	The basin by basin quiet title action works for pre '73 issues. We dont need it for post "permitted" changes. Proposed changes by the DNRC and notice with recourse to the Water Court is sufficient.	12/2/2019 9:21 PM
6	There might be multiple justifications for supplemental adjudication, including: (1) to deal with tribal/federal water rights; (2) to deal with exempt "110" water right filings; and (3) to deal with post-1973 uses or changes. To do a separate, supplemental adjudication for each such issue would be burdensome. Many issues regarding finality, res judicata, and scope of any supplemental adjudication remain uncertain. I agree that the Water Bar, and WPIC, should be considering these issues in detail before advancing any proposed legislation.	12/2/2019 7:34 PM
7	Complicated - think we should change the statutory directive/role for DNRC as guardian of the water on behalf of the public to a model more like the pre-1973 change statute (for all elements, not just a few) - precise notice of every requested changes should be required before any change authorized	11/19/2019 10:37 PM

Q13 Which areas of Montana’s laws (or lack of laws) governing statewide adjudication need clarification or revision [Select all that apply]:

Answered: 42 Skipped: 0



ANSWER CHOICES	RESPONSES
The objection, counterobjection, and notice of intent to appear process	9.52% 4
Resolution of DNRC issue remarks	19.05% 8
Re-opening and review of existing decrees by the Montana Water Court	28.57% 12
DNRC re-examination	33.33% 14

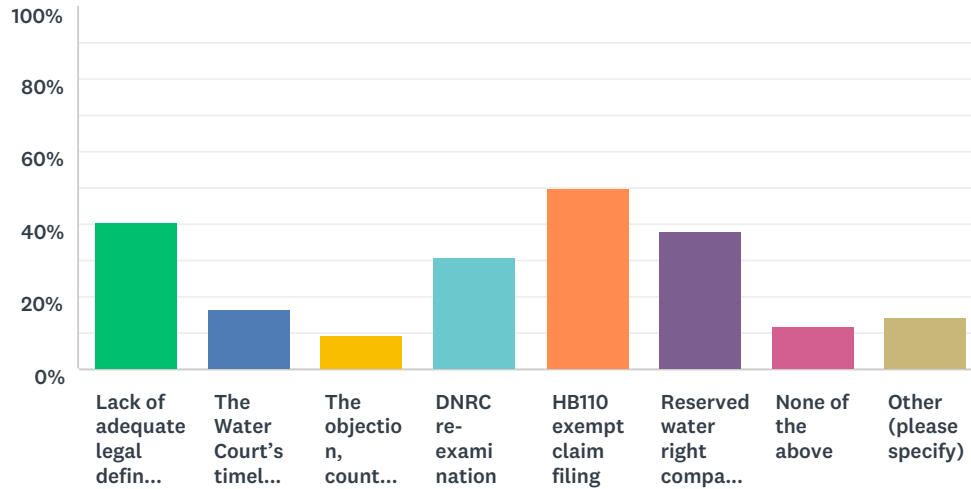
Water Law Section Survey of Membership (2019)

Abandonment of water rights	35.71%	15
Jurisdiction over ditch rights and access	30.95%	13
Scope of Water Court jurisdiction	40.48%	17
Effect of post-1973 changes to existing water rights	54.76%	23
Effect of Final Decrees	30.95%	13
DNRC's role in the adjudication	33.33%	14
"Murphy" Rights	7.14%	3
"Walton" Rights	16.67%	7
None of the above	9.52%	4
Other (please specify)	16.67%	7
Total Respondents: 42		

#	OTHER (PLEASE SPECIFY)	DATE
1	Volumes and measurement requirements need to be attached to each adjudicated water right.	12/19/2019 5:22 PM
2	Boy, I am torn on some of these issues, but i think they are better resolved by Court proceedings than additional statutory clarification or revision.	12/18/2019 8:08 PM
3	no comment/opinion	12/11/2019 9:41 PM
4	Each revision of the adjudication statutes results in further delay of the adjudication, which is now been underway for FORTY years. Any revision of the adjudication statutes should focus on finishing the adjudication, not further complicating it or adding responsibility to the water court.	12/5/2019 5:04 PM
5	i don't know; i cant find a job	12/5/2019 4:42 PM
6	The role of the water court to review water permitting issues and changes.	12/2/2019 9:21 PM
7	need an end date for motions to amend prior to issuance of a Final Decreed	11/19/2019 10:37 PM

Q14 Are any of the following laws governing adjudication impediments to the completion of the statewide adjudication and issuance of final decrees? [Check all that apply]:

Answered: 42 Skipped: 0

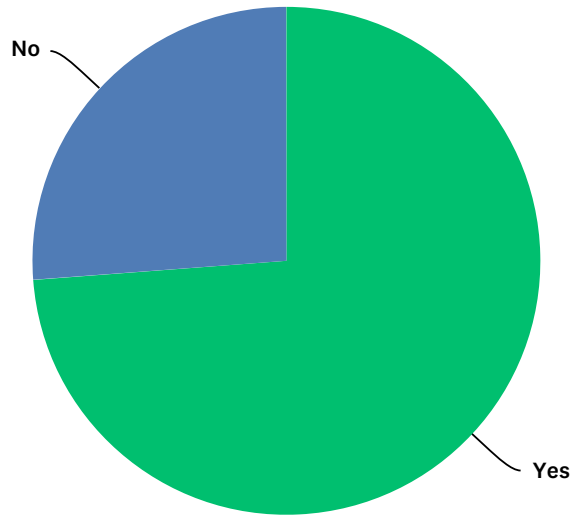


ANSWER CHOICES	RESPONSES
Lack of adequate legal definition of what should constitute a "Final Decree." See Definition at Section 85-2-234, MCA	40.48% 17
The Water Court's timeline for basin adjudication	16.67% 7
The objection, counterobjection, and notice of intent to appear process	9.52% 4
DNRC re-examination	30.95% 13
HB110 exempt claim filing	50.00% 21
Reserved water right compacts	38.10% 16
None of the above	11.90% 5
Other (please specify)	14.29% 6
Total Respondents: 42	

#	OTHER (PLEASE SPECIFY)	DATE
1	The Water Court needs to myopically pursue a pre-'73 baseline understanding of what the water use in Montana looked like so that we can have a basis for comparison.	12/19/2019 5:22 PM
2	Exempt claim entry and examination.	12/18/2019 8:08 PM
3	no comment/opinion	12/11/2019 9:41 PM
4	The adjudication has been underway for FORTY years. The biggest impediment to its completion is deflecting attention from the adjudication to the "future role of the water court"	12/5/2019 5:04 PM
5	i dont know, i cant find a job	12/5/2019 4:42 PM
6	municipal water rights	11/18/2019 9:29 PM

Q15 Once Final Decrees are issued by the Water Court, should there be a legal framework allowing water users to correct or modify the Final Decree?

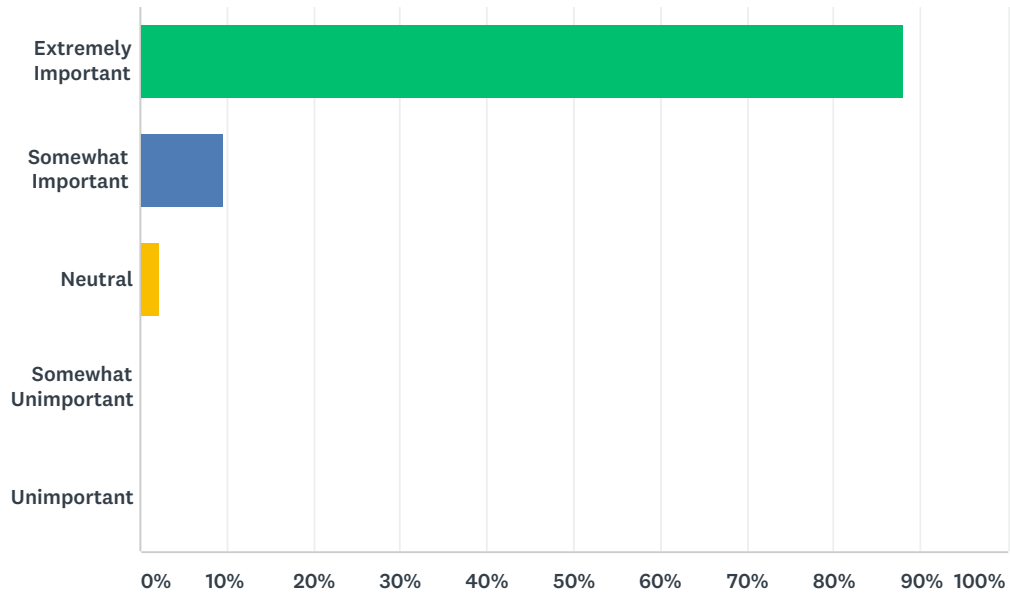
Answered: 42 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	73.81%	31
No	26.19%	11
TOTAL		42

Q16 How important is it to have long-term, public availability of all court decisions / stipulations entered in a Water Court proceeding?

Answered: 42 Skipped: 0



ANSWER CHOICES	RESPONSES	
Extremely Important	88.10%	37
Somewhat Important	9.52%	4
Neutral	2.38%	1
Somewhat Unimportant	0.00%	0
Unimportant	0.00%	0
TOTAL		42

Water Law Section Survey of Membership (2019)

Q17 Please identify any other issues of great importance to improving Montana's statewide adjudication of water rights that have not been previously addressed in this section on adjudication questions. Please explain your response as thoroughly as possible.

Answered: 42 Skipped: 0

#	RESPONSES	DATE
1	None	12/20/2019 4:35 AM
2	There needs to be clarity on NOIAs roll in the adjudication. The NOIA should be used as a mechanism to hide in the weeds and then try to back door objections where no issues were identified. In other words, the NOIA should not get a second bite at the apple and get to expand the scope of the issue remarks if they did not object to begin with.	12/20/2019 3:21 AM
3	Clarification of standard of review for Water Master's orders, is it de novo, abuse of discretion, etc. Seems to fluctuate.	12/19/2019 7:03 PM
4	The water judge needs to stop advocating for changes and do the job he was appointed to do - adjudicate all pre-73 wate rights in the state.	12/19/2019 5:22 PM
5	Taking a hard look at our enforcement mechanisms and improving them	12/18/2019 11:57 PM
6	none	12/18/2019 11:44 PM
7	none	12/18/2019 10:58 PM
8	none	12/18/2019 10:19 PM
9	The Court must have the financial ability to hire attorneys with experience for the Water Master positions rather than new attorneys who use it as a training ground.	12/18/2019 8:08 PM
10	none	12/16/2019 5:39 PM
11	The adjudication needs to be completed as soon as possible.	12/13/2019 9:17 PM
12	none	12/13/2019 4:09 PM
13	Montana water attorneys are having trouble keeping up with the Montana Water Court's ambitious adjudication timelines. Moreover, we are regularly unable to accept all potential clients who approach us. It appears there are significantly under-served, or ill-served, water users in the state who are unable to timely obtain qualified legal representation. Their legal issues are not being resolved, and will re-surface in the future.	12/11/2019 11:24 PM
14	no comment/opinion	12/11/2019 9:41 PM
15	The most important issue regarding improvement of the adjudication is its completion. The adjudication was not intended to be all things. However, its completion is critical to the other aspects of the MWUA that backfill what the adjudication does not do. FInal decree triggers important aspects of administration, abandonment, and provisional permits. The chroninc delay in completion of the adjudication jeopardizes the core principles behind the MWUA.	12/5/2019 5:04 PM
16	na	12/5/2019 4:42 PM
17	None	12/4/2019 11:05 PM
18	none	12/3/2019 11:37 PM
19	None	12/3/2019 5:22 PM
20	None	12/3/2019 4:53 PM
21	None	12/3/2019 4:56 AM
22	none	12/2/2019 9:57 PM

Water Law Section Survey of Membership (2019)

23	Centralized record keeping and data administration. DNRC provides technical review, but not substantive determinations.	12/2/2019 9:21 PM
24	Legal issues related to future changes to water availability (reduced flows, perhaps, or changes to when within the year water is available) due to climate change.	12/2/2019 7:34 PM
25	In DNRC's rush to get something into their system, the agency has improperly entered hundreds of HB 110 claims. Rather than correcting errors, they've taken the position that errors will not be corrected until claim examination, which may not be for several years. Meanwhile, errors persist and are creating issues for real estate transactions. DNRC should reconsider this policy.	12/2/2019 6:52 PM
26	none	12/2/2019 6:45 PM
27	none	12/2/2019 6:41 PM
28	uniformity	12/2/2019 6:04 PM
29	Mediation by a private mediator should be pushed to settle cases before lengthy litigation . Other jurisdictions have found good success in reducing court caseload which, since Court is inadequately funded, is of high importance.	11/25/2019 6:40 PM
30	In question 15, it ask about a legal framework to correct or modify a final decree. My affirmative answer does not indicate a need for a new procedure but recognizes that the relief available under the MRCivP needs to apply. The adjudication, regardless of inaccuracy, needs to be a final decree.	11/25/2019 3:00 AM
31	Once Final Decrees have been issued, the State will (for the most part) only have an enforceable list of water uses as they existed 50 years ago, not today. While water users should NOT have the ability to further amend the historical elements of their claims after the issuance of a Final Decree, water users should have the ability to defend against post-1973 changes that were not approved. The Water Court may be the appropriate venue for such challenges.	11/20/2019 5:30 PM
32	The integrity and functionality of the DNRC database - the abstracts need to be protected from inadvertant corruption	11/19/2019 10:37 PM
33	NONE	11/19/2019 8:39 PM
34	none	11/19/2019 7:21 PM
35	none	11/19/2019 4:13 PM
36	none	11/18/2019 10:15 PM
37	Better coordination between DNRC and the Water Court, primarily DNRC understanding and acting upon its role to facilitate and not impede water court proceedings. For example, placing issue remarks on claims because the claimed place of use is off by de minimis amounts between original claims and what the DRNC can map using sophisticated technology is not helpful and puts an inappropriate and needless burden on both the Court and water users. We need to keep focus on the actual purpose of adjudication and not let perfection be the enemy of the good.	11/18/2019 9:50 PM
38	I believe the Court needs to stop acting as the prosecutor in cases and the AG need to properly fund is water division so they properly and thoroughly prosecute water adjudication cases. I think it is unfair that Claimant are ordered by the Court to meet with DNRC personnel which they often do without counsel and then this same personnel is being used by the AG as an expert witness against them. I think the MT Supreme Court's lack of understanding of water law which has resulted in opinions being issued that are nonsensical if you have an indepth understnading of water law.	11/18/2019 9:29 PM
39	n	11/18/2019 9:07 PM
40	none.	11/18/2019 7:41 PM
41	None.	11/18/2019 7:09 PM
42	None.	11/18/2019 6:48 PM

Q18 Please identify any other issues of great importance to improving Montana's Water Court that have not been previously addressed in this section. Please explain your response as thoroughly as possible.

Answered: 42 Skipped: 0

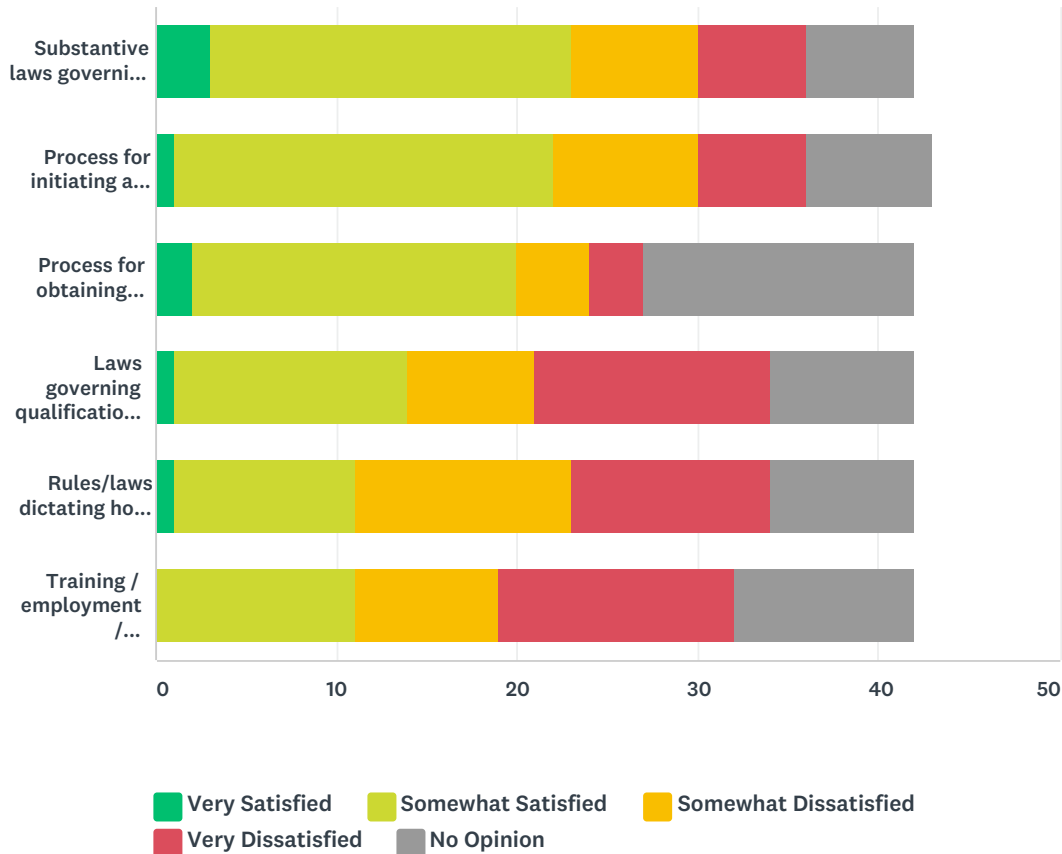
#	RESPONSES	DATE
1	None	12/20/2019 4:35 AM
2	N/A	12/20/2019 3:21 AM
3	None	12/19/2019 7:03 PM
4	I commend the Water Court's efforts to provide more avenues for mediation. The cost associated with adjudication is too high for many producers to be expected to bear.	12/19/2019 5:22 PM
5	None	12/18/2019 11:57 PM
6	Water Court should have jurisdiction over post-decree administration.	12/18/2019 11:44 PM
7	Providing the Water Court with jurisdiction to handle dissatisfied water users complaints against water commissioners would be very helpful. The district court judges don't like these cases and generally treat their other cases (criminal, dependent neglect, family law) with greater priority.	12/18/2019 10:58 PM
8	none	12/18/2019 10:19 PM
9	none	12/18/2019 8:08 PM
10	none	12/16/2019 5:39 PM
11	NA	12/13/2019 9:17 PM
12	All documents filed with the Water Court on a particular claim need to be scanned and made part of the water right record maintained by the DNRC.	12/13/2019 4:09 PM
13	The Water Court is very good at what it does, but it needs to focus on completing its efforts and then folding up shop. Local control of water issues is important to water users, notwithstanding the district court's reluctance to deal with problems it would rather pass onto somebody else.	12/11/2019 11:24 PM
14	no comment/opinion	12/11/2019 9:41 PM
15	None	12/5/2019 5:04 PM
16	na	12/5/2019 4:42 PM
17	Lack of consistent case law from even the same judge.	12/4/2019 11:05 PM
18	none	12/3/2019 11:37 PM
19	None	12/3/2019 5:22 PM
20	None	12/3/2019 4:53 PM
21	None	12/3/2019 4:56 AM
22	none	12/2/2019 9:57 PM
23	A statutory role for the Court past the adjudication.	12/2/2019 9:21 PM
24	Perhaps not of "great" importance, but it would be nice if electronic filings could include color exhibits without such color exhibits needing to be submitted in hard copy.	12/2/2019 7:34 PM
25	The Water Court's timeframes are unrealistic and sacrifice quality for quantity. Practitioners are working as quickly as they can and everyone (Water Court included) should deliberately recommit themselves to achieving quality adjudication.	12/2/2019 6:52 PM
26	none	12/2/2019 6:45 PM
27	none	12/2/2019 6:41 PM

Water Law Section Survey of Membership (2019)

28	none	12/2/2019 6:04 PM
29	none	11/25/2019 6:40 PM
30	Turnover and training of new personnel.	11/25/2019 3:00 AM
31	none	11/20/2019 5:30 PM
32	same as 17 - the decisions represented on the abstracts need to be secure	11/19/2019 10:37 PM
33	There needs to be a better way for water users to access final decree water rights to be able to see, for instance, all water rights on one source. This would simplify the process of obtaining red book tabulations for enforcement.	11/19/2019 8:39 PM
34	I think any attorney who does not practice water law exclusively, but runs into water-related issues during the course of other representation (transactional/real estate/land development) would benefit from a panel-type CLE where a water court judge, an official from the DNRC, and a District court judge who has handled water right disputes, could explain their own understanding of what falls within their jurisdiction, where there is overlap, and how a practitioner would determine venue for cases where overlapping jurisdiction presents.	11/19/2019 7:21 PM
35	none	11/19/2019 4:13 PM
36	none	11/18/2019 10:15 PM
37	Proper funding to obtain and retain quality water masters. The turnover in water masters has made cohesiveness in decisions and proceedings troublesome. Perhaps moving the Water Court out of the most expensive area of the state in terms of cost of living should be considered.	11/18/2019 9:50 PM
38	I believe member of the water court need to follow the precedent established by the Water judges both on substantive and procedural issues.	11/18/2019 9:29 PM
39	n	11/18/2019 9:07 PM
40	The unpredictability of proceedings is very frustrating. I think this could be solved by more oversight and mentorship of Water Masters. This is most frustrating in terms of issue remark resolution. The same issue remark can result in automatic removal by a Water Master or years of proceedings.	11/18/2019 7:41 PM
41	The Legislature should explore a better way to utilize the divisional water judges in coordination with the Water Court, particularly as related to jurisdiction over enforcement actions (which currently rests with district courts).	11/18/2019 7:09 PM
42	None.	11/18/2019 6:48 PM

Q19 How satisfied are you with the following aspects of water distribution, water user disputes, and enforcement actions in the district courts?

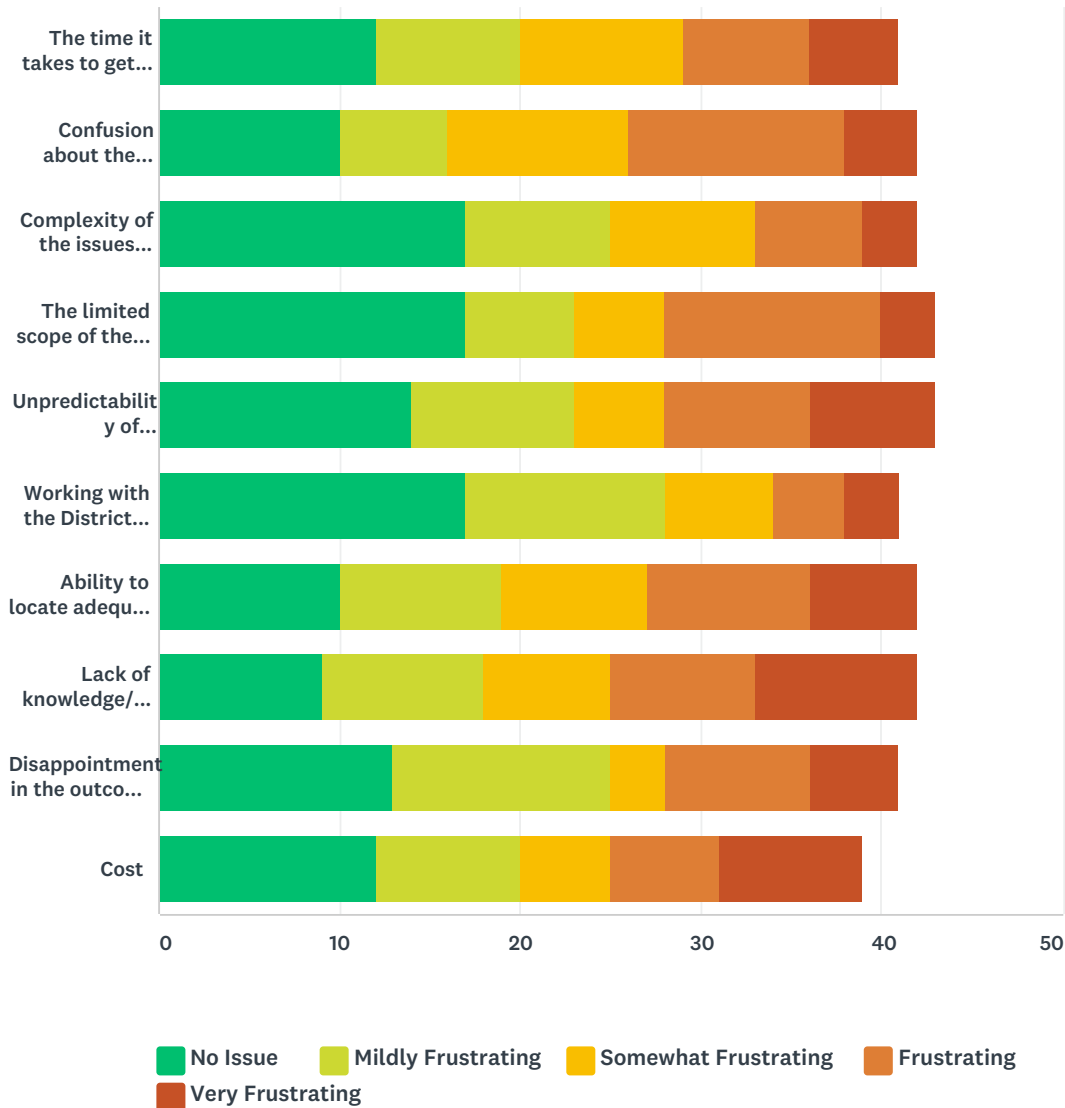
Answered: 42 Skipped: 0



	VERY SATISFIED	SOMEWHAT SATISFIED	SOMEWHAT DISSATISFIED	VERY DISSATISFIED	NO OPINION	TOTAL RESPONDENTS
Substantive laws governing use of water in Montana	7.14% 3	47.62% 20	16.67% 7	14.29% 6	14.29% 6	42
Process for initiating an action in the district court	2.38% 1	50.00% 21	19.05% 8	14.29% 6	16.67% 7	42
Process for obtaining tabulation /certification of water rights (Water Court)	4.76% 2	42.86% 18	9.52% 4	7.14% 3	35.71% 15	42
Laws governing qualifications/appointment of Water Commissioner	2.38% 1	30.95% 13	16.67% 7	30.95% 13	19.05% 8	42
Rules/laws dictating how Water Commissioners' enforce/distribute water	2.38% 1	23.81% 10	28.57% 12	26.19% 11	19.05% 8	42
Training / employment / support dedicated to District Court / Water Commissioners by the State of Montana	0.00% 0	26.19% 11	19.05% 8	30.95% 13	23.81% 10	42

Q20 How frustrating are the following aspects of water distribution/ water use dispute cases in front of the District Court for your clients?

Answered: 42 Skipped: 0



	NO ISSUE	MILDLY FRUSTRATING	SOMEWHAT FRUSTRATING	FRUSTRATING	VERY FRUSTRATING	TOTAL RESPONDENTS
The time it takes to get through the process	29.27% 12	19.51% 8	21.95% 9	17.07% 7	12.20% 5	41
Confusion about the issues the District Court will address	23.81% 10	14.29% 6	23.81% 10	28.57% 12	9.52% 4	42
Complexity of the issues addressed	40.48% 17	19.05% 8	19.05% 8	14.29% 6	7.14% 3	42
The limited scope of the proceedings	40.48% 17	14.29% 6	11.90% 5	28.57% 12	7.14% 3	42
Unpredictability of proceedings/ outcomes	33.33% 14	21.43% 9	11.90% 5	19.05% 8	16.67% 7	42

Water Law Section Survey of Membership (2019)

Working with the District Court	41.46% 17	26.83% 11	14.63% 6	9.76% 4	7.32% 3	41
Ability to locate adequate Water Commissioners and/or working with the Water Commissioner	23.81% 10	21.43% 9	19.05% 8	21.43% 9	14.29% 6	42
Lack of knowledge/ experience/ training of Water Commissioners	21.43% 9	21.43% 9	16.67% 7	19.05% 8	21.43% 9	42
Disappointment in the outcomes / disagreement with substantive law	31.71% 13	29.27% 12	7.32% 3	19.51% 8	12.20% 5	41
Cost	30.77% 12	20.51% 8	12.82% 5	15.38% 6	20.51% 8	39

#	OTHER (PLEASE SPECIFY)	DATE
1	Inability to rely on DNRC to enforce water rights/permits	12/19/2019 5:22 PM
2	This question does not apply to my clients.	12/13/2019 4:09 PM
3	no comment/opinion	12/11/2019 9:41 PM
4	Not Applicable	12/5/2019 5:04 PM
5	I don't handle such cases.	12/2/2019 7:34 PM
6	I am frustrated by the Supreme Court's lack of understanding of water law.	11/18/2019 9:29 PM
7	Cost is frustrating in relation to having to often go through both district court and water court proceedings.	11/18/2019 7:41 PM

Water Law Section Survey of Membership (2019)

Q21 Please identify any other issues of great importance to improving Montana's laws / process governing water distribution, water commissioners, water user disputes, or enforcement actions that have not been previously addressed in this section. Please explain your response as thoroughly as possible.

Answered: 42 Skipped: 0

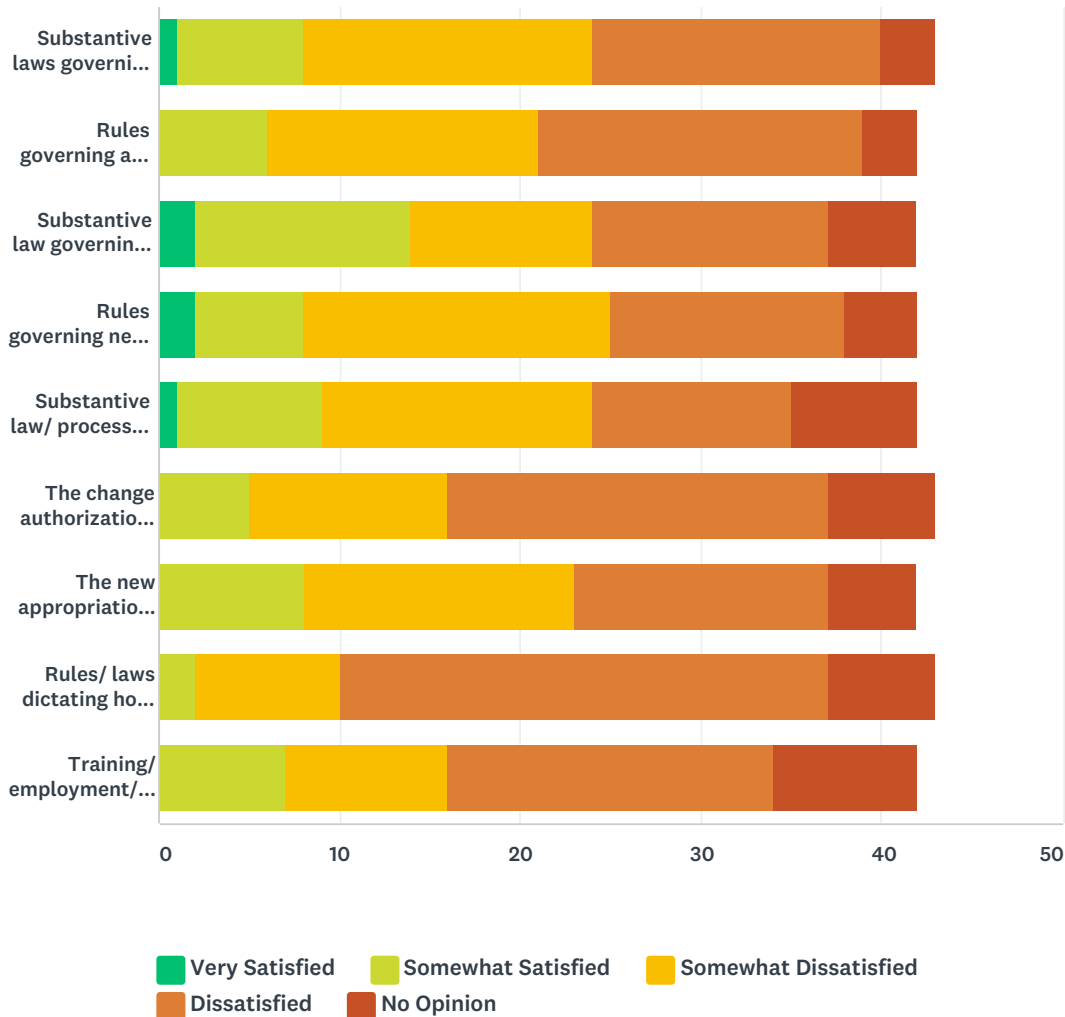
#	RESPONSES	DATE
1	None	12/20/2019 4:35 AM
2	N/A	12/20/2019 3:21 AM
3	lack of enforceable decrees, clarity in decrees leave much discretion in the hands of water commissioners subject to public pressures	12/19/2019 7:03 PM
4	Water Commissioners should be paid better. Water mediators should be used more. Every water user should have to have a valid form of measurement and a water right/permit with a flow rate and volume.	12/19/2019 5:22 PM
5	None	12/18/2019 11:57 PM
6	none	12/18/2019 11:44 PM
7	See answer to 18	12/18/2019 10:58 PM
8	Providing district court's with relief from complex distribution controversies they don't have time to handle.	12/18/2019 10:19 PM
9	With enforceable decrees, distribution issues will be more at the forefront. There will need to be much more education for everyone involved.	12/18/2019 8:08 PM
10	none	12/16/2019 5:39 PM
11	Water Commissioners should be DNRC employees	12/13/2019 9:17 PM
12	Water commissioners should be professionalized and housed at DNRC. Measurement on all water rights should be required.	12/13/2019 4:09 PM
13	Montana's water distribution, enforcement, and administration laws are antiquated and unresponsive to water user needs. The DNRC is no better, with no desire or budget to resolve any obvious illegal water uses. Water Users are regularly left with a Hobson's choice of initiating a district court action which provides little benefit at great cost, or hoping that the problem improves while slowly losing money as a result of their water rights enforcement issues. This is only compounded when the water thief is a rich landowner.	12/11/2019 11:24 PM
14	no comment/opinion	12/11/2019 9:41 PM
15	None	12/5/2019 5:04 PM
16	none	12/5/2019 4:42 PM
17	None	12/4/2019 11:05 PM
18	none	12/3/2019 11:37 PM
19	None	12/3/2019 5:22 PM
20	None	12/3/2019 4:53 PM
21	None	12/3/2019 4:56 AM
22	none	12/2/2019 9:57 PM
23	Judicial enforcement makes little sense. An agency should enforce water rights.	12/2/2019 9:21 PM
24	None	12/2/2019 7:34 PM

Water Law Section Survey of Membership (2019)

25	None	12/2/2019 6:52 PM
26	none	12/2/2019 6:45 PM
27	There is a general lack of consensus as to if a Water Commissioner is an officer of the court. Therefore, when a dissatisfied water user's complaint or other equitable action is brought in District Court there is confusion as to if the Water Commissioner needs to pay for his own defense. This creates a scenario where District Judges are less likely to rule against their appointed water commissioners as they would be forcing them to pay for their own defense. In turn, dissatisfied water users who seek equitable relief run the risk of being forced to pay the cost of any action brought. If the Water Commissioner were an officer of the Court, the District Judge may need to be recused from an equitable action brought against the water commissioner, but the water commissioner would also not need to pay for his own defense.	12/2/2019 6:41 PM
28	none	12/2/2019 6:04 PM
29	none	11/25/2019 6:40 PM
30	Conflict of interest criteria should apply to water commissioners.	11/25/2019 3:00 AM
31	none	11/20/2019 5:30 PM
32	none	11/19/2019 10:37 PM
33	SEE ABOVE.	11/19/2019 8:39 PM
34	none	11/19/2019 7:21 PM
35	none	11/19/2019 4:13 PM
36	none	11/18/2019 10:15 PM
37	If DNRC and some industrial water users want to continue to posit policy arguments that center on unlawful water use, rather than creating more laws, the laws that are currently on the books need to be maximized first. More laws are not necessarily the solution.	11/18/2019 9:50 PM
38	.	11/18/2019 9:29 PM
39	n	11/18/2019 9:07 PM
40	none.	11/18/2019 7:41 PM
41	The current statutes (85-5-101 et seq) are from 1921. They are inadequate and difficult to apply in 2019 for everyone involved - judges, water users, water attorneys, commissioners.	11/18/2019 7:09 PM
42	None.	11/18/2019 6:48 PM

Q22 How satisfied are you with the following aspects of the DNRC change of water right/ new appropriations process?

Answered: 42 Skipped: 0



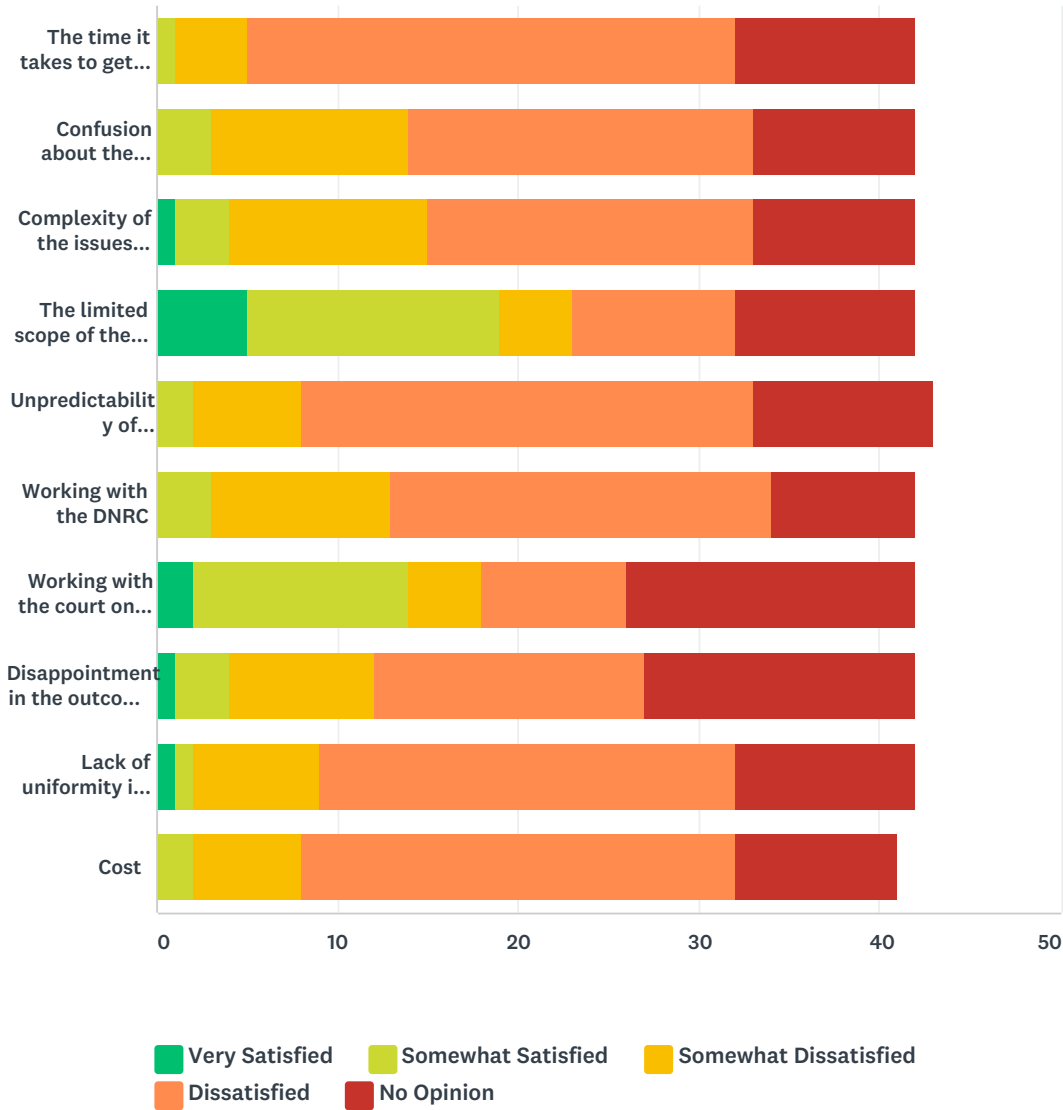
	VERY SATISFIED	SOMEWHAT SATISFIED	SOMEWHAT DISSATISFIED	DISSATISFIED	NO OPINION	TOTAL RESPONDENTS
Substantive laws governing change of a water right	2.38% 1	16.67% 7	38.10% 16	38.10% 16	7.14% 3	42
Rules governing a change of water right	0.00% 0	14.29% 6	35.71% 15	42.86% 18	7.14% 3	42
Substantive law governing new appropriation of a water right	4.76% 2	28.57% 12	23.81% 10	30.95% 13	11.90% 5	42
Rules governing new appropriation of a water right	4.76% 2	14.29% 6	40.48% 17	30.95% 13	9.52% 4	42
Substantive law/ process concerning exempt groundwater certificates	2.38% 1	19.05% 8	35.71% 15	26.19% 11	16.67% 7	42
The change authorization permitting process	0.00% 0	11.90% 5	26.19% 11	50.00% 21	14.29% 6	42

Water Law Section Survey of Membership (2019)

The new appropriation permitting process	0.00% 0	19.05% 8	35.71% 15	33.33% 14	11.90% 5	42
Rules/ laws dictating how DNRC enforces unauthorized water uses	0.00% 0	4.76% 2	19.05% 8	64.29% 27	14.29% 6	42
Training/ employment/ support dedicated to DNRC by the State of Montana	0.00% 0	16.67% 7	21.43% 9	42.86% 18	19.05% 8	42

Q23 How frustrating do your clients find the following aspects of the change of water right/ new appropriations of water rights processes in front of the DNRC?

Answered: 42 Skipped: 0



	VERY SATISFIED	SOMEWHAT SATISFIED	SOMEWHAT DISSATISFIED	DISSATISFIED	NO OPINION	TOTAL RESPONDENTS
The time it takes to get through the process	0.00% 0	2.38% 1	9.52% 4	64.29% 27	23.81% 10	42
Confusion about the issues the DNRC will review during the process	0.00% 0	7.14% 3	26.19% 11	45.24% 19	21.43% 9	42
Complexity of the issues addressed	2.38% 1	7.14% 3	26.19% 11	42.86% 18	21.43% 9	42
The limited scope of the DNRC's jurisdiction	11.90% 5	33.33% 14	9.52% 4	21.43% 9	23.81% 10	42

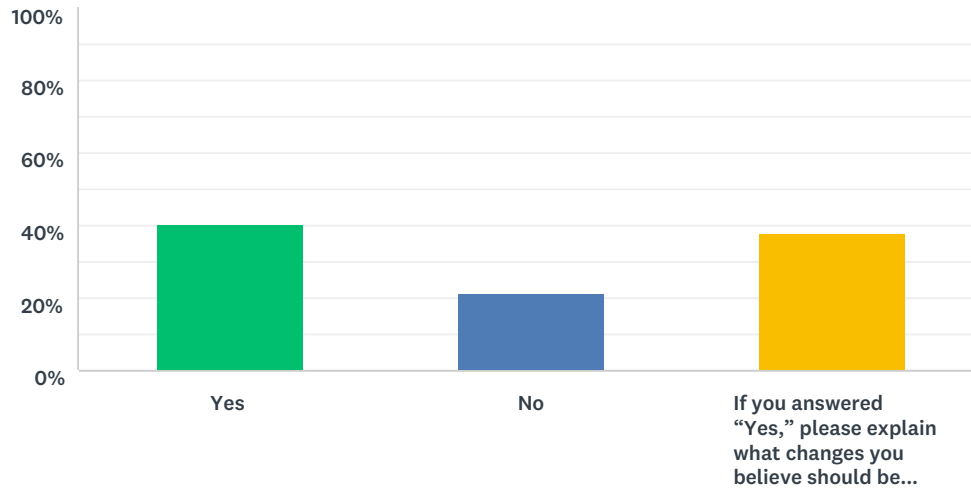
Water Law Section Survey of Membership (2019)

Unpredictability of proceedings/ outcomes	0.00% 0	4.76% 2	14.29% 6	59.52% 25	23.81% 10	42
Working with the DNRC	0.00% 0	7.14% 3	23.81% 10	50.00% 21	19.05% 8	42
Working with the court on judicial review of agency determination	4.76% 2	28.57% 12	9.52% 4	19.05% 8	38.10% 16	42
Disappointment in the outcomes / disagreement with substantive law	2.38% 1	7.14% 3	19.05% 8	35.71% 15	35.71% 15	42
Lack of uniformity in how new appropriations are treated	2.38% 1	2.38% 1	16.67% 7	54.76% 23	23.81% 10	42
Cost	0.00% 0	4.88% 2	14.63% 6	58.54% 24	21.95% 9	41

#	OTHER (PLEASE SPECIFY)	DATE
1	Dissatisfaction with DNRC depends on the office and arbitrary denials	12/20/2019 3:21 AM
2	This question does not apply to my clients.	12/13/2019 4:09 PM
3	DNRC needs to stop making the rules harder to comply with. This is not a comment on the rules or law themselves, and more a comment on DNRC's approach to enforcement. They are regularly more restrictive than the rules or statute require.	12/11/2019 11:24 PM
4	none	12/3/2019 11:37 PM
5	Note your question asks "how frustrating" but the answers are about levels of satisfaction. I assume "dissatisfied" equals "frustrated."	12/2/2019 7:34 PM
6	The DNRC is the most frustrating state agency that I've ever worked with. They are adversarial, unpredictable, secretive, unreasonable, and lack respect for communication or public service.	11/20/2019 5:30 PM

Q24 Should the laws/ process governing changes of water rights be revised?

Answered: 42 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	40.48% 17
No	21.43% 9
If you answered "Yes," please explain what changes you believe should be revised.	38.10% 16
TOTAL	42

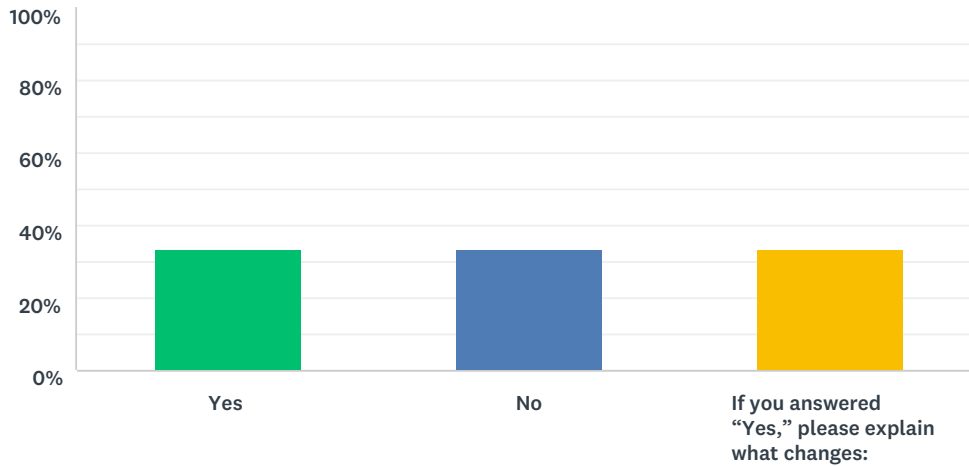
#	IF YOU ANSWERED "YES," PLEASE EXPLAIN WHAT CHANGES YOU BELIEVE SHOULD BE REVISED.	DATE
1	The process for a simple change is too difficult. It discourages water right owners from making changes required by law, forcing them to choose between costs they cannot afford or being out of compliance.	12/20/2019 4:35 AM
2	limits to agency discretion to arbitrarily ratchet up burdens of proof on applicants	12/19/2019 7:03 PM
3	Water right changes are complicated and its made worse by having to basically rely on a fudging of data to ensure no adverse impact. I don't know what the answer is here. I think a baseline adjudication of pre-73 water rights would definitely help; I think everyone measuring their water would help; and I think a new water resources survey would be great.	12/19/2019 5:22 PM
4	More clarity about what constitutes a change and more consequences for failure to go through the change process	12/18/2019 11:57 PM
5	Addition of stock water tanks should be an easy process to get through.	12/18/2019 8:08 PM
6	none	12/16/2019 5:39 PM
7	no comment/opinion	12/11/2019 9:41 PM
8	Administrative rules and/ or the statutory laws need to be revised to clearly define the standards, terms, and procedures the DNRC may use in order to confirm or deny a permit. Statutory timelines should be put in place for all aspects of DNRC review and there should be clear enforcement mechanisms for applicants to hold DNRC accountable. Administrative "black holes" need to be closed so that applicants have expectations for DNRC timelines, procedures, and when actions are considered appealable either directly to the agency or to the District or Water Court.	12/3/2019 4:53 PM
9	too complex for this survey.	11/25/2019 6:40 PM

Water Law Section Survey of Membership (2019)

10	This is too complicated to answer in this survey, but in general, the current water right change laws unequally favor the status quo and disincentivize water users from making common sense improvements to their systems. Among other issues, the DNRC is re-adjudicating water rights, implementing a higher burden of proof than what the law requires, and creating its own extra-judicial body of "case law" that it can bend to reach whatever pre-determined outcome it desires in a particular situation. Without additional oversight and changes to statute, this situation will only get worse.	11/20/2019 5:30 PM
11	As noted several questions above, very complicated - think accurate notice before processing more important than DNRC's scientific review	11/19/2019 10:37 PM
12	Process needs to be more streamlined and uniform from one regional office to another.	11/19/2019 8:39 PM
13	Notice requirements should be more rigorous/public participation should be facilitated and encouraged, particularly for changes with community-wide impacts like conversion to municipal	11/19/2019 7:21 PM
14	The regulations concerning allow too much discretion to the DNRC on how to proceed and reach conclusions that then create a presumption prior to the time an interested party is informed of the process.	11/19/2019 4:13 PM
15	As the statutory changes that have been adopted in the last 10 years are being applied, it is clear that there are procedural issues requiring clarification and substantive criteria that are not necessarily applicable to Montana. This is in part the danger of adopting policy from other states with both different water law and different water availability situations than Montana. The specific statutory items that should be revised are more detailed than a simple survey can cover, but suffice it to say that the workability needs to be examined with input from actual practice.	11/18/2019 9:50 PM
16	Jurisdictional laws should be changed to provide options for more efficient and timely decisions and outcomes.	11/18/2019 7:41 PM

Q25 Should the laws/ process governing new appropriations of water rights be revised?

Answered: 42 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	33.33%	14
No	33.33%	14
If you answered "Yes," please explain what changes:	33.33%	14
TOTAL		42

#	IF YOU ANSWERED "YES," PLEASE EXPLAIN WHAT CHANGES:	DATE
1	Agency must abide by burdens of proof, analyze adverse effect on case by case, judged by facts provided by applicants, not by agency experts overriding burden of proof with scientific levels of certainty	12/19/2019 7:03 PM
2	I am not sure if the laws/processes do need revision. I need an "I don't know" option here	12/19/2019 5:22 PM
3	DNRC's legal should not be involved in the outcome of a hearing on a change or a new approp.	12/18/2019 8:08 PM
4	none	12/16/2019 5:39 PM
5	no comment/opinion	12/11/2019 9:41 PM
6	Administrative rules and/ or the statutory laws need to be revised to clearly define the standards, terms, and procedures the DNRC may use in order to confirm or deny a permit. Statutory timelines should be put in place for all aspects of DNRC review and there should be clear enforcement mechanisms for applicants to hold DNRC accountable. Administrative "black holes" need to be closed so that applicants have expectations for DNRC timelines, procedures, and when actions are considered appealable either directly to the agency or to the District or Water Court.	12/3/2019 4:53 PM
7	Montana needs to confront the absurdity that is exempt claims. Why invest money in water rights when a new subdivision, or old subdivision, can undermine the entire appropriation scheme?	12/2/2019 9:21 PM
8	Legal availability needs to be better defined.	12/2/2019 6:04 PM
9	too many transation costs, too easy on developers, too hard for individuals.	11/25/2019 6:40 PM
10	I don't deal with new permits as much as changes, but it seems to me that some of the issues noted above exist for new permits as well as changes.	11/20/2019 5:30 PM
11	not familiar with this process but if like the change application process, should also have it's focus shifted from science to detailed notice	11/19/2019 10:37 PM

Water Law Section Survey of Membership (2019)

12	The DNRC regulations are too vague and allow DNRC to reach conclusions that then create presumptions that an interested party must overcome without any opportunity to address issues on a level playing field.	11/19/2019 4:13 PM
13	see comments on 24 above.	11/18/2019 9:50 PM
14	Laws should be changed for more efficient processes and quicker decisions.	11/18/2019 7:41 PM

Water Law Section Survey of Membership (2019)

Q26 Please identify any other issues of great importance to improving Montana's laws / process governing changes to and new appropriations of water rights that have not been previously addressed in this section. Please explain your response as thoroughly as possible.

Answered: 42 Skipped: 0

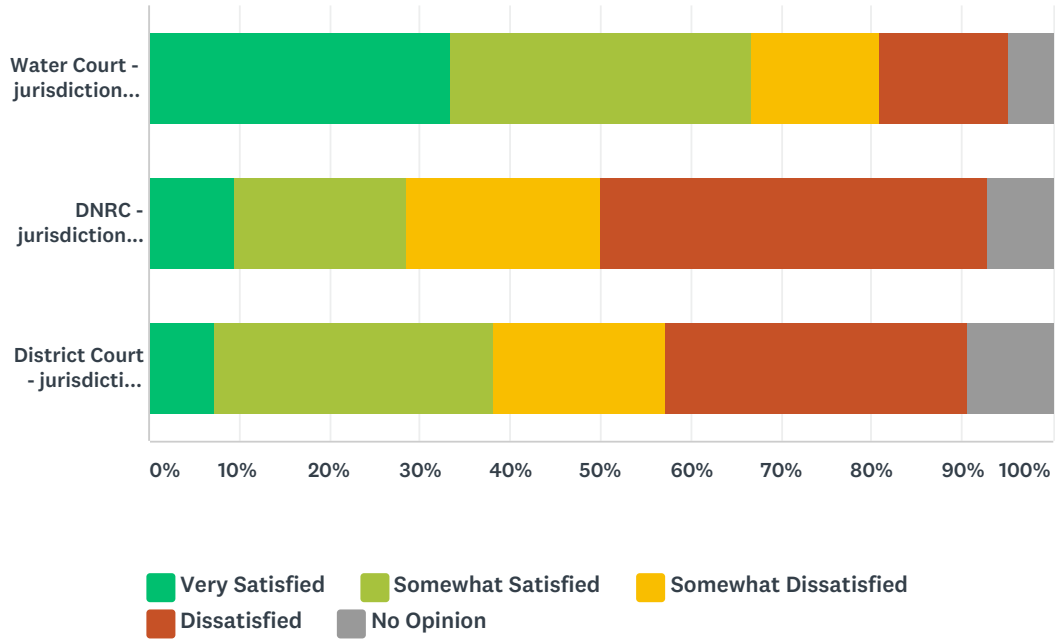
#	RESPONSES	DATE
1	The process for a very simple change or permit (such as adding a stock tank to an existing water right) is much too difficult and expensive. The process discourages law-abiding citizens from obeying the law by being too costly to allow compliance.	12/20/2019 4:35 AM
2	N/A	12/20/2019 3:21 AM
3	DNRC has fashioned its culture of changes and new appropriations to become a legal opponent of any application. I believe the Water Use Act charges DNRC with the role of referee who should review the evidence provided to them by applicant to determine sufficiency against the burden of proof. The agency has become an independent, wildcat technical agency that doesn't abide by the law and arbitrarily shifts rules and regulations to suit its whims.	12/19/2019 7:03 PM
4	I think mandatory water mediation would perhaps benefit these processes at least on the objection side of things.	12/19/2019 5:22 PM
5	None	12/18/2019 11:57 PM
6	none	12/18/2019 11:44 PM
7	none	12/18/2019 10:58 PM
8	New appropriation and change laws need to be enforced uniformly across regional offices. The use of internal rules and memoranda that are not memorialized in the ARM and thus do not have the force of law needs to be forbidden.	12/18/2019 10:19 PM
9	none	12/18/2019 8:08 PM
10	none	12/16/2019 5:39 PM
11	none	12/13/2019 9:17 PM
12	A thorough study should be conducted and stakeholders engaged to determine the best approach to water right administration post-adjudication. The legislature should avoid expanding the jurisdiction of the Water Court over DNRC new appropriations decisions and require all Water Court resources to go to completely the adjudication as quickly as possible.	12/13/2019 4:09 PM
13	none	12/11/2019 11:24 PM
14	no comment/opinion	12/11/2019 9:41 PM
15	Clarifying DNRC's authority to require measurement	12/5/2019 5:04 PM
16	none	12/5/2019 4:42 PM
17	None	12/4/2019 11:05 PM
18	none	12/3/2019 11:37 PM
19	None	12/3/2019 5:22 PM
20	None	12/3/2019 4:53 PM
21	None	12/3/2019 4:56 AM
22	none	12/2/2019 9:57 PM
23	none	12/2/2019 9:21 PM

Water Law Section Survey of Membership (2019)

24	In some cases, DNRC review has been unduly slow, or raised issues that were not warranted under the circumstances. DNRC frequently requires applicants to supplement the information they provided, and rely more heavily on consultants. Some additional facts DNRC requests/requires appear to go beyond the scope of the statutory process.	12/2/2019 7:34 PM
25	None.	12/2/2019 6:52 PM
26	none	12/2/2019 6:45 PM
27	none	12/2/2019 6:41 PM
28	none	12/2/2019 6:04 PM
29	DNRC rules need to be simplified and made uniform as applied throughout the state.	11/25/2019 6:40 PM
30	Water practicioners and users need to recognize water is a limited resource.	11/25/2019 3:00 AM
31	none	11/20/2019 5:30 PM
32	none	11/19/2019 10:37 PM
33	NONE	11/19/2019 8:39 PM
34	none	11/19/2019 7:21 PM
35	The Montana legislature must find a way to prevent colloquial complaints to become law.	11/19/2019 4:13 PM
36	none	11/18/2019 10:15 PM
37	In general, DNRC's focus on the de minimis impacts of changes to water conditions rather than practical on-the-ground application hinders both efficient use of water and adherence to the law. In addition, variances in how the existing law is applied among regional offices, as well as the existence of agency "guidance" that has neither been adopted in statute nor put into regulation through the MAPA process need to be examined by policymakers.	11/18/2019 9:50 PM
38	.	11/18/2019 9:29 PM
39	n	11/18/2019 9:07 PM
40	none.	11/18/2019 7:41 PM
41	None.	11/18/2019 7:09 PM
42	None.	11/18/2019 6:48 PM

Q27 How satisfied are you with the current jurisdictional structure?

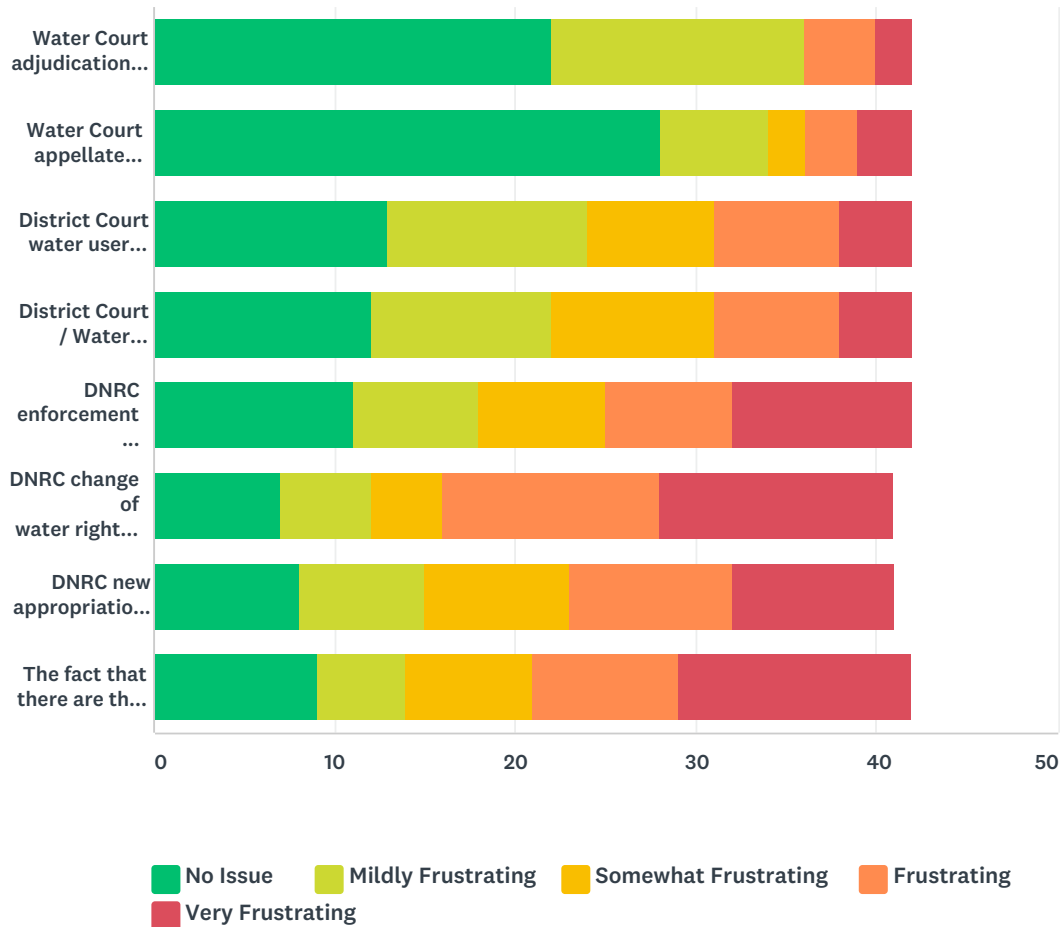
Answered: 42 Skipped: 0



	VERY SATISFIED	SOMEWHAT SATISFIED	SOMEWHAT DISSATISFIED	DISSATISFIED	NO OPINION	TOTAL	WEIGHTED AVERAGE
Water Court - jurisdiction over adjudication and DNRC appeals	33.33% 14	33.33% 14	14.29% 6	14.29% 6	4.76% 2	42	2.76
DNRC - jurisdiction over changes and new appropriations	9.52% 4	19.05% 8	21.43% 9	42.86% 18	7.14% 3	42	1.81
District Court - jurisdiction over distribution, water user disputes, and DNRC appeals	7.14% 3	30.95% 13	19.05% 8	33.33% 14	9.52% 4	42	1.93

Q28 In which of these contexts are your clients most frustrated concerning the jurisdiction of water rights?

Answered: 42 Skipped: 0



	NO ISSUE	MILDLY FRUSTRATING	SOMEWHAT FRUSTRATING	FRUSTRATING	VERY FRUSTRATING	TOTAL RESPONDENTS
Water Court adjudication of existing water rights	52.38% 22	33.33% 14	0.00% 0	9.52% 4	4.76% 2	42
Water Court appellate jurisdiction of DNRC permit & change decisions	66.67% 28	14.29% 6	4.76% 2	7.14% 3	7.14% 3	42
District Court water user disputes	30.95% 13	26.19% 11	16.67% 7	16.67% 7	9.52% 4	42
District Court / Water Commissioner enforcement actions	28.57% 12	23.81% 10	21.43% 9	16.67% 7	9.52% 4	42
DNRC enforcement of unauthorized use	26.83% 11	17.07% 7	17.07% 7	17.07% 7	24.39% 10	41
DNRC change of water right process	17.07% 7	12.20% 5	9.76% 4	29.27% 12	31.71% 13	41
DNRC new appropriation permitting process	19.51% 8	17.07% 7	19.51% 8	21.95% 9	21.95% 9	41

Water Law Section Survey of Membership (2019)

The fact that there are three separate governing bodies for water rights issues in Montana.	21.43% 9	11.90% 5	16.67% 7	19.05% 8	30.95% 13	42
---	-------------	-------------	-------------	-------------	--------------	----

Water Law Section Survey of Membership (2019)

Q29 Please identify any other issues of great importance to improving Montana's laws regarding jurisdiction over water rights that have not been previously addressed in this section. Please explain your response as thoroughly as possible.

Answered: 42 Skipped: 0

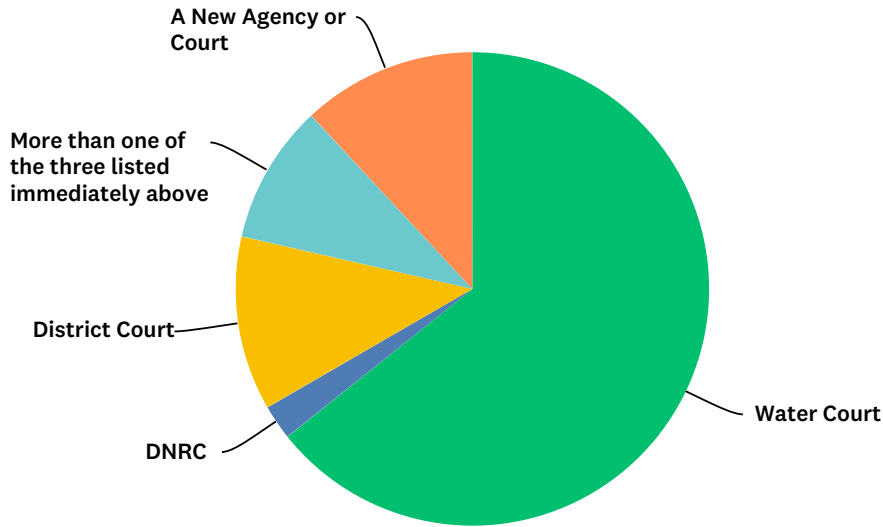
#	RESPONSES	DATE
1	None	12/20/2019 4:35 AM
2	DNRC should only be the record keeper; changes in water rights through the adjudication need to be conveyed to DNRC, including maps, and put into the query system; DNRC needs to ensure the query system is accurate and timely updated, without the use of Dept of Revenue information	12/20/2019 3:21 AM
3	None	12/19/2019 7:03 PM
4	Water is money in Montana and so it is political. As such, I do not think concentrating power in one jurisdiction or tribunal is wise. I think water is also inherently local and so having localized jurisdictional process is important.	12/19/2019 5:22 PM
5	None	12/18/2019 11:57 PM
6	none	12/18/2019 11:44 PM
7	none	12/18/2019 10:58 PM
8	I believe we need to move away from the three-venue system that we currently have, eliminating both the DNRC role in permitting decisions and the District Court's role in enforcement actions. The DNRC should still provide its valuable analysis of the scientific elements necessary to meet statutory criteria for permitting, but the decision making authority should be vested in the court, eliminating the MAPA contested case process and vesting authority with the Water Court.	12/18/2019 10:19 PM
9	none	12/18/2019 8:08 PM
10	none	12/16/2019 5:39 PM
11	NA	12/13/2019 9:17 PM
12	none	12/13/2019 4:09 PM
13	Montana needs to administer water rights. This means require measuring devices on every diversion, and requiring daily measurement and reporting to the DNRC (or similar state-wide entity). It appears to me that changes and new appropriations are being severely restricted under the theory that there is no water in the system, or that water rights are being adversely impacted. These analyses then rely on hypothetical / claimed / assumed water use patterns. If we actually had data of actual water use, there would be no need to have expensive and complicated debates about hypothetical injury, and instead the DNRC could focus on actual evidence suggesting potential injury. Montana's water rights need to start being administered and enforced.	12/11/2019 11:24 PM
14	no comment/opinion	12/11/2019 9:41 PM
15	There is one executive agency with jurisdiction over water rights and two judicial branch "courts" with jurisdiction over water rights. Upon completion of the adjudication, the water court goes away. The primary jurisdictional complaint - that there are three entities with jurisdiction over water rights - is the product of the chronic delay in completion of the adjudication. Had the adjudication concluded in a timely manner, there would only be one executive agency and one judicial branch court with original jurisdiction over water rights. The solution to an jurisdictional concerns, as with many other issues related to water rights, is completion of the adjudication.	12/5/2019 5:04 PM
16	none	12/5/2019 4:42 PM
17	None	12/4/2019 11:05 PM
18	none	12/3/2019 11:37 PM

Water Law Section Survey of Membership (2019)

19	None	12/3/2019 5:22 PM
20	None	12/3/2019 4:53 PM
21	None	12/3/2019 4:56 AM
22	none	12/2/2019 9:57 PM
23	none	12/2/2019 9:21 PM
24	None	12/2/2019 7:34 PM
25	It would be my preference that the Water Court assume jurisdiction over DNRC appeals as well as all matters of water right enforcement. Having three different jurisdictional frameworks is expensive and creates unnecessary frustration for water users.	12/2/2019 6:52 PM
26	none	12/2/2019 6:45 PM
27	none	12/2/2019 6:41 PM
28	none	12/2/2019 6:04 PM
29	none.	11/25/2019 6:40 PM
30	The problem with water rights jurisdiction is the time that it has taken to complete the adjudication. If the Water Court ever finishes the job, the district courts can take over to enforce water rights since they are closer to the water users.	11/25/2019 3:00 AM
31	none	11/20/2019 5:30 PM
32	none	11/19/2019 10:37 PM
33	NONE	11/19/2019 8:39 PM
34	none	11/19/2019 7:21 PM
35	none	11/19/2019 4:13 PM
36	none	11/18/2019 10:15 PM
37	Utilizing the Water Court's expertise in addressing a variety of water-related controversies needs to be maximized. The policy argument that the Water Court needs to remain solely focused on adjudication does not hold up. As the Chief Water Judge has said to the legislature, the Court can walk and chew gum at the same time, so to speak.	11/18/2019 9:50 PM
38	I believe the greatest issue is that there is no court I would currently support having jurisdiction. District Court judge as a general statement do not understand water law. Water Master are generally new lawyers who do not have the experience to smooth manage case procedure and understand the substantive law. If I were a legislature, I would place jurisdiction of the adjudication, distribution and change in the water court and only have judges and law clerks.	11/18/2019 9:29 PM
39	z	11/18/2019 9:07 PM
40	none.	11/18/2019 7:41 PM
41	None.	11/18/2019 7:09 PM
42	None.	11/18/2019 6:48 PM

Q30 After the conclusion of the statewide adjudication, who should have authority to interpret Water Court Orders and Decrees, and/ or enforce disputes concerning Water Court Orders and Decrees?

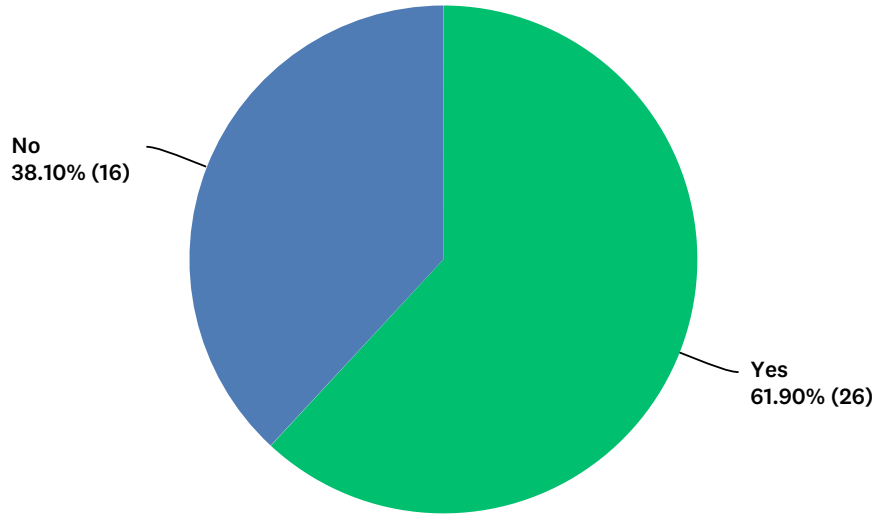
Answered: 42 Skipped: 0



ANSWER CHOICES	RESPONSES	
Water Court	64.29%	27
DNRC	2.38%	1
District Court	11.90%	5
More than one of the three listed immediately above	9.52%	4
A New Agency or Court	11.90%	5
TOTAL		42

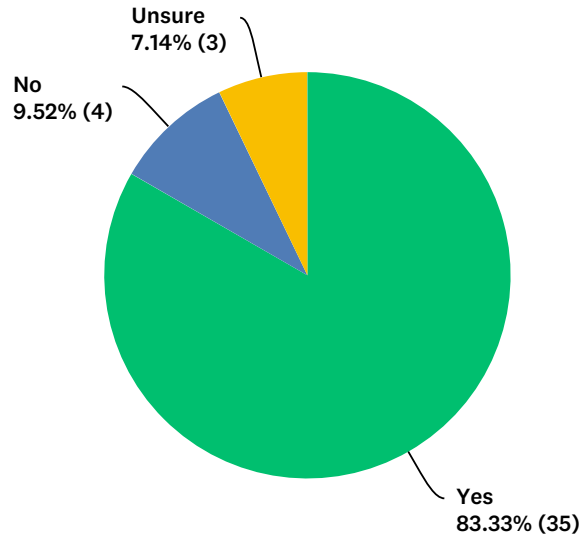
Q31 Would you support a single governing body having control over all water right issues in Montana, including scope of a water right, changes/new appropriations, adjudication/interpretation, and distribution/administration/enforcement?

Answered: 42 Skipped: 0



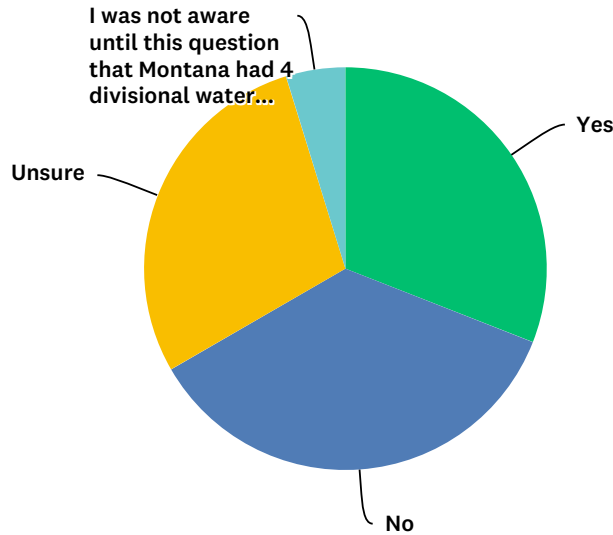
Q32 Should the Water Court and/ or dedicated Water Judges be a permanent institution in Montana?

Answered: 42 Skipped: 0



Q33 Rather than a permanent, centralized water court, should Montana consider reworking its existing statutes regarding 4 divisional water judges (Title 3, Ch. 7, Pt. 1, MCA) to handle water rights related issues at the close of the statewide adjudication?

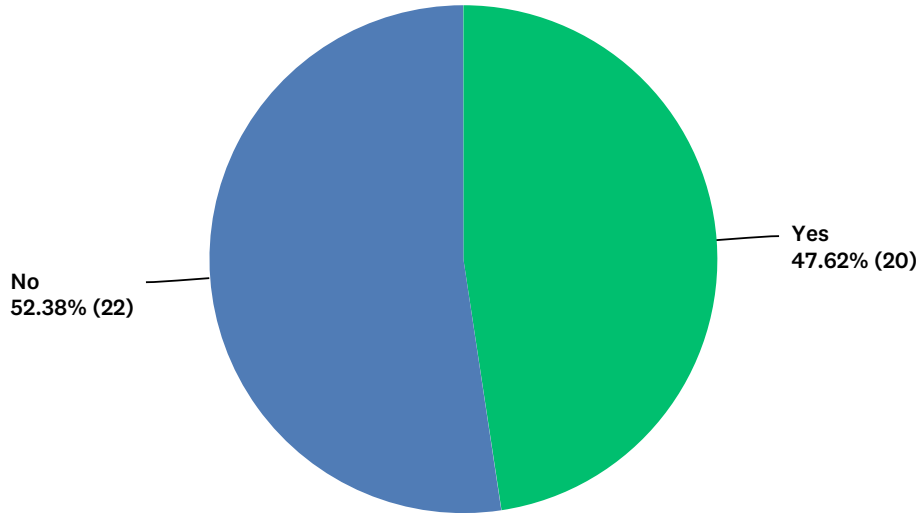
Answered: 42 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	30.95%	13
No	35.71%	15
Unsure	28.57%	12
I was not aware until this question that Montana had 4 divisional water judges	4.76%	2
TOTAL		42

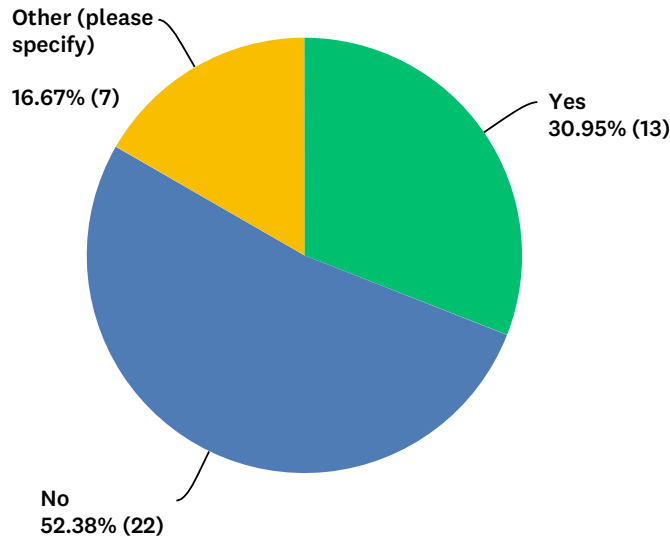
Q34 Should all water users be required to measure and report their diversions?

Answered: 42 Skipped: 0



Q35 Should Montana pursue an active administrative enforcement model but relocate enforcement powers to a Bureau of the DNRC or a newly created Office of the State Engineer?

Answered: 42 Skipped: 0

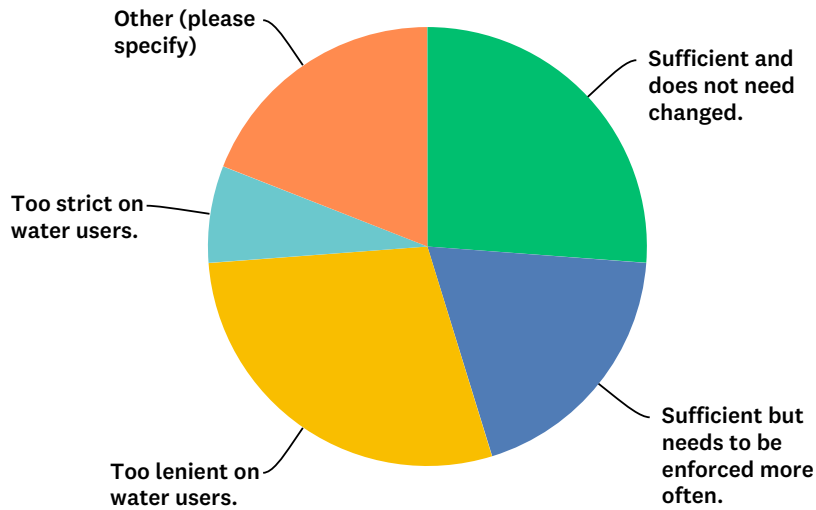


ANSWER CHOICES	RESPONSES	
Yes	30.95%	13
No	52.38%	22
Other (please specify)	16.67%	7
TOTAL		42

#	OTHER (PLEASE SPECIFY)	DATE
1	I'm in favor of one-stop shopping for water issues - whether that's a court or an administrative agency I feel less strongly about	12/18/2019 11:57 PM
2	need more specifics on this issue.	12/18/2019 11:44 PM
3	no comment/opinion	12/11/2019 9:41 PM
4	I think the only way this would work is if a new agency, e.g. Office of the State Engineer, is created to do the administrative enforcement. The agency would also need to be adequately funded and have adequate technical staff. If the legislature cannot see its way to do this, then I do not think an administrative enforcement model will work. Instead, additional resources, support, and training should be provided to the DNRC and Water Court to bolster judicial enforcement. Further, all jurisdiction over water issues, including ditch easements, and water disputes should be placed with the Water Court.	12/3/2019 4:53 PM
5	This option is worth considering, but I'm uncomfortable giving a definitive yes or no without a consideration of the variables--cost, personnel, operation with existing statute and other involved governmental bodies, etc.	11/18/2019 9:50 PM
6	Don't know	11/18/2019 9:29 PM
7	Not DNRC. Perhaps Office of State Engineer (or similar).	11/18/2019 7:09 PM

Q36 Montana's current law of abandonment is:

Answered: 42 Skipped: 0



ANSWER CHOICES	RESPONSES	
Sufficient and does not need changed.	26.19%	11
Sufficient but needs to be enforced more often.	19.05%	8
Too lenient on water users.	28.57%	12
Too strict on water users.	7.14%	3
Other (please specify)	19.05%	8
TOTAL		42

#	OTHER (PLEASE SPECIFY)	DATE
1	Currently is based on completely disparate legal decisions out of the court; recent ruling would indicate there is no abandonment where previously it was relatively clear that a water right could be abandoned, money or no money	12/20/2019 3:21 AM
2	In a state of suspended animation, hard to say if there is a law of abandonment in Montana. Post adjudication 10-year period will help	12/19/2019 7:03 PM
3	no comment/opinion	12/11/2019 9:41 PM
4	The current statute regarding abandonment has largely been ineffective because the adjudication is not complete. Measurement records will be key to meaningful abandonment enforcement.	12/5/2019 5:04 PM
5	Needs clearer statutory definition and clear parameters for enforcement.	12/3/2019 4:53 PM
6	Like reading tea leaves. The statutory/common law is ambiguous, and difficult to correctly predict how claims examiners and courts will apply the current laws to a specific factual scenario.	12/2/2019 7:34 PM
7	ReDespite the adjudication, the state's database is riddled with thousands of bogus water rights that have either never been used, are not physically capable of being used, or are long since abandoned. The burden should be placed on water rights holders to verify ongoing use of water rights or risk abandonment.	11/20/2019 5:30 PM
8	Could use some statutory clarification.	11/18/2019 9:50 PM

Q37 Please identify any other issues of great importance to improving Montana's current system for the administration and enforcement of water rights that have not been previously addressed in this section. Please explain your response as thoroughly as possible. If you have no comment, type "none."

Answered: 42 Skipped: 0

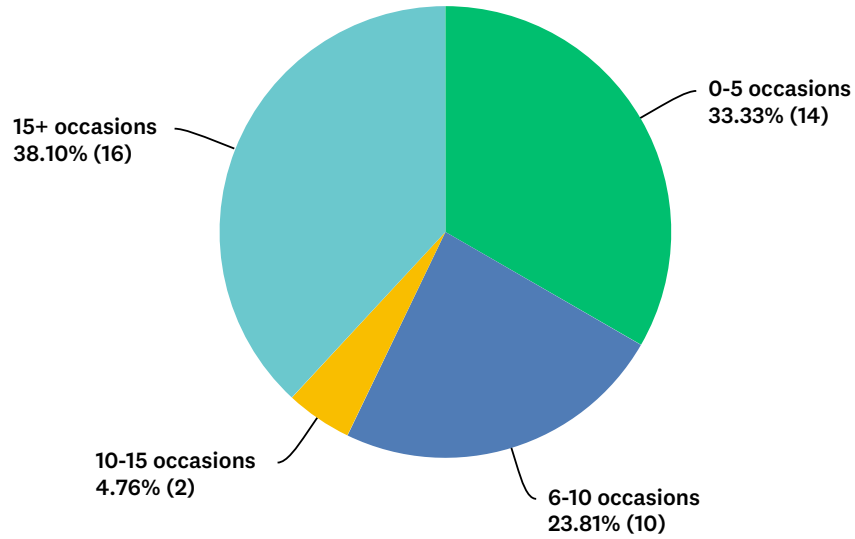
#	RESPONSES	DATE
1	None	12/20/2019 4:35 AM
2	"none"	12/20/2019 3:21 AM
3	None	12/19/2019 7:03 PM
4	The basis and extent of a water right is its beneficial use. Any erosion to this premise needs to be corrected.	12/19/2019 5:22 PM
5	None	12/18/2019 11:57 PM
6	none	12/18/2019 11:44 PM
7	Measurement devices should be required for diversions and available upon request by DNRC if valid enforcement action is initiated	12/18/2019 10:58 PM
8	none	12/18/2019 10:19 PM
9	none	12/18/2019 8:08 PM
10	none	12/16/2019 5:39 PM
11	none	12/13/2019 9:17 PM
12	none	12/13/2019 4:09 PM
13	none	12/11/2019 11:24 PM
14	no comment/opinion	12/11/2019 9:41 PM
15	Mandatory measurement reporting is key to administration and enforcement.	12/5/2019 5:04 PM
16	none	12/5/2019 4:42 PM
17	None	12/4/2019 11:05 PM
18	none	12/3/2019 11:37 PM
19	None	12/3/2019 5:22 PM
20	None	12/3/2019 4:53 PM
21	None.	12/3/2019 4:56 AM
22	none	12/2/2019 9:57 PM
23	none	12/2/2019 9:21 PM
24	None	12/2/2019 7:34 PM
25	None	12/2/2019 6:52 PM
26	none	12/2/2019 6:45 PM
27	none	12/2/2019 6:41 PM
28	none	12/2/2019 6:04 PM
29	DNRC needs funding to do enforcement	11/25/2019 6:40 PM

Water Law Section Survey of Membership (2019)

30	If the Water Court become permanent, it should be set up using the four divisional water judges.	11/25/2019 3:00 AM
31	none	11/20/2019 5:30 PM
32	none	11/19/2019 10:37 PM
33	NONE	11/19/2019 8:39 PM
34	none	11/19/2019 7:21 PM
35	I believe that there needs to be single Water Court judicial office, but that relies on a strong DNRC presence to respond quickly to issues. I am concerned that reliance solely on a court system will not be too slow.	11/19/2019 4:13 PM
36	none	11/18/2019 10:15 PM
37	Examination of DNRC policy on return flow analysis, carriage water for in stream flow, and general evaluation of in stream flow applications.	11/18/2019 9:50 PM
38	none	11/18/2019 9:29 PM
39	z	11/18/2019 9:07 PM
40	none.	11/18/2019 7:41 PM
41	None.	11/18/2019 7:09 PM
42	None.	11/18/2019 6:48 PM

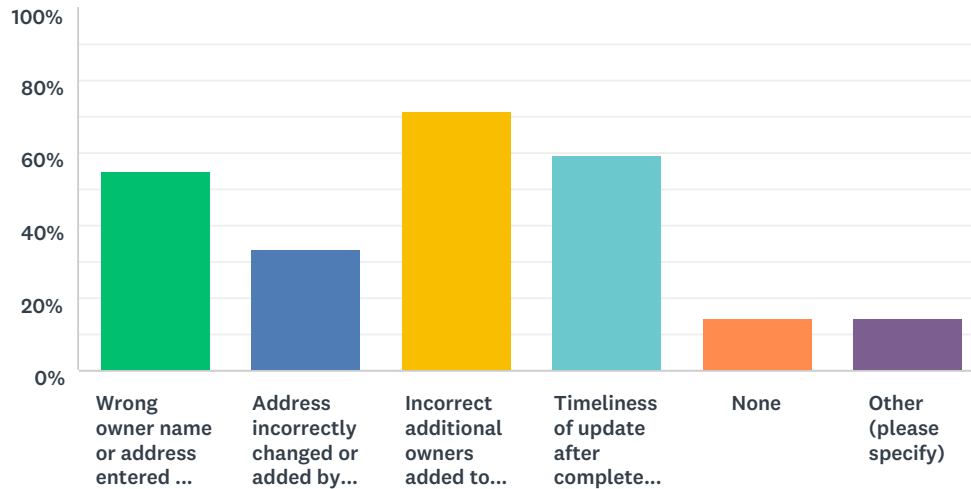
Q38 On approximately how many occasions have your clients experienced problems with the water right ownership update process?

Answered: 42 Skipped: 0



Q39 Which of the following ownership update problems have your clients experienced [Check all that apply]:

Answered: 42 Skipped: 0

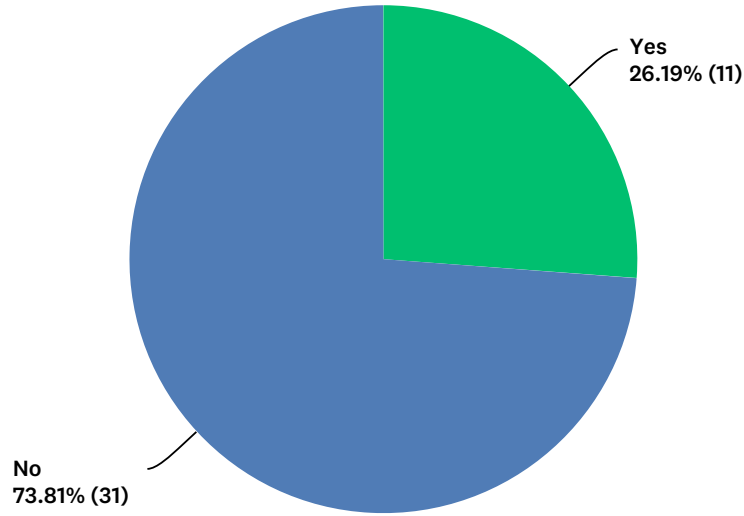


ANSWER CHOICES	RESPONSES
Wrong owner name or address entered by DNRC	54.76% 23
Address incorrectly changed or added by DNRC based on updated Department of Revenue Records	33.33% 14
Incorrect additional owners added to the claim by DNRC	71.43% 30
Timeliness of update after completed ownership update forms are filed with DNRC regional office	59.52% 25
None	14.29% 6
Other (please specify)	14.29% 6
Total Respondents: 42	

#	OTHER (PLEASE SPECIFY)	DATE
1	Previously unirrigated ground added to water right based on geocode manipulation by DNRC	12/20/2019 3:21 AM
2	This question does not apply to my clients.	12/13/2019 4:09 PM
3	NA	12/5/2019 5:04 PM
4	DNRC's process for change of a water user's name [eg. a corporation changing its name] is more onerous than the processes used by DOR, assessors, etc.	12/2/2019 7:34 PM
5	Incorrect division of split ownership.	11/18/2019 9:50 PM
6	Adding owners leads to DNRC re-examining parts of claims.	11/18/2019 7:41 PM

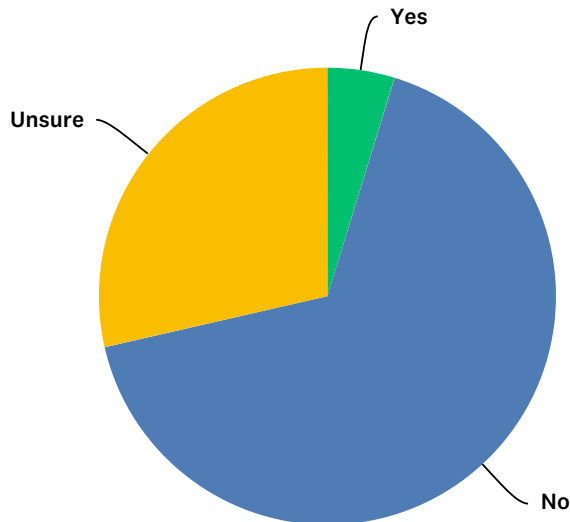
Q40 Should the ownership update process through DNRC remain the same?

Answered: 42 Skipped: 0



Q41 Should DNRC have authority to update the record ownership of a water right based only on Department of Revenue records of cadastral ownership, geocodes, and legal descriptions?

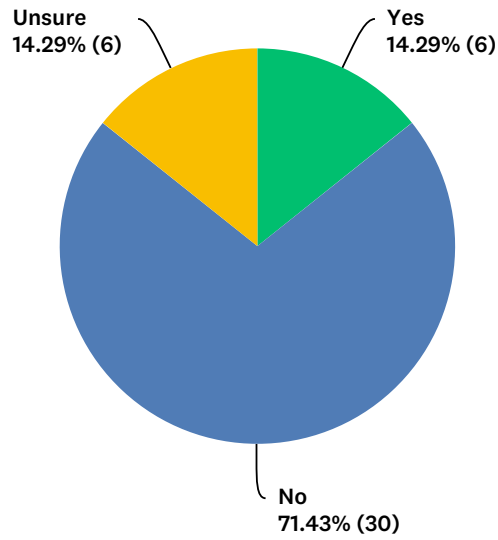
Answered: 42 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	4.76%	2
No	66.67%	28
Unsure	28.57%	12
TOTAL		42

Q42 Should the state revise the laws of conveyance of water rights, so that water rights do not pass with the sale of land unless explicitly stated in the instrument of conveyance?

Answered: 42 Skipped: 0



Water Law Section Survey of Membership (2019)

Q43 Please identify any other issues of great importance to improving Montana's current ownership update of water rights system, that have not been previously addressed in this section. Please explain your response as thoroughly as possible. If you have no comment, type "none."

Answered: 42 Skipped: 0

#	RESPONSES	DATE
1	The DNRC should contact the listed attorney or water right owner before making any unrequested changes to a water right.	12/20/2019 4:35 AM
2	"none"	12/20/2019 3:21 AM
3	DNRC has to have the capacity to keep up	12/19/2019 7:03 PM
4	Cadastral needs to be better funded and updated to be able to reliably use it for property and water right associated inquiries. This should be public information that is easy to obtain.	12/19/2019 5:22 PM
5	none	12/18/2019 11:57 PM
6	none	12/18/2019 11:44 PM
7	none	12/18/2019 10:58 PM
8	none	12/18/2019 10:19 PM
9	If there is a question of ownership, it should be addressed by the Water Court, not DNRC. Owners should never just be added by DNRC.	12/18/2019 8:08 PM
10	none	12/16/2019 5:39 PM
11	none	12/13/2019 9:17 PM
12	Education and training for realtors and title companies is necessary to ensure water right transfers are accurately reported.	12/13/2019 4:09 PM
13	This process works for the vast majority of water users in the state, and we should not throw the baby out with the bathwater. Admittedly some small percentage of problems do occur, however it is vastly better than the ownership update process that existed prior to the current governing law. Moreover, attorneys will over-report problems with this system, because currently the only solution is a legal approach. (i.e. any problems on this front are brought to attorneys). The DNRC and Water Court have magnified the problems of the system by having a turf war over the issue. The Water Court indicates that its aliquat (ie qtr qtr qtr) legal descriptions are the last word on the place of use -- even when they are not and very detailed stipulation maps and place of use maps prove otherwise. Similarly, the DNRC is more than happy to ignore all other information in water rights claim file other than the aliquat place of use, and subsequently assign obviously incorrect geocodes to the water right. Then there is no simple administrative relief to fix the problem. The DNRC / Water Court should not be permitted to modify or add any information to a water right abstract without first providing notice to the water right owner, and opportunity by the water user to challenge the modifications. Water Rights are valuable personal property rights, and regardless of jurisdiction the DNRC/Water Court must comply with due process. Both the DNRC and Water Court ignore this treat water rights abstracts as subject to their whims.	12/11/2019 11:24 PM
14	no comment/opinion	12/11/2019 9:41 PM
15	none	12/5/2019 5:04 PM
16	none	12/5/2019 4:42 PM
17	None	12/4/2019 11:05 PM
18	none	12/3/2019 11:37 PM
19	None	12/3/2019 5:22 PM
20	None	12/3/2019 4:53 PM

Water Law Section Survey of Membership (2019)

21	None.	12/3/2019 4:56 AM
22	none	12/2/2019 9:57 PM
23	none	12/2/2019 9:21 PM
24	None	12/2/2019 7:34 PM
25	None.	12/2/2019 6:52 PM
26	none	12/2/2019 6:45 PM
27	none	12/2/2019 6:41 PM
28	none	12/2/2019 6:04 PM
29	none	11/25/2019 6:40 PM
30	DNRC is the agency maintaining the central record of water rights. While DOR cadastral records are helpful to identifying transfers of ownership, the process needs improvement.	11/25/2019 3:00 AM
31	none	11/20/2019 5:30 PM
32	none	11/19/2019 10:37 PM
33	NONE	11/19/2019 8:39 PM
34	none	11/19/2019 7:21 PM
35	none	11/19/2019 4:13 PM
36	none	11/18/2019 10:15 PM
37	Training for real estate professionals to facilitate an awareness of water rights. Many of the issues I see in my practice arise from a lack of understanding by real estate and title professionals as to the transfer and split of water rights, particularly when land being sold is being converted from agricultural to residential use.	11/18/2019 9:50 PM
38	none	11/18/2019 9:29 PM
39	z	11/18/2019 9:07 PM
40	none.	11/18/2019 7:41 PM
41	None.	11/18/2019 7:09 PM
42	None.	11/18/2019 6:48 PM