What is adjudication?

Adjudication is a process for resolving problems or issues. For water rights the process involves the examination of claims, issuance of water right decrees and resolution of water right issues.

Why is adjudication important?

Water is an extremely valuable resource. The determination of Montana's water rights helps protect our most fundamental industries such as agriculture, inventories water use so water resource availability is known, and protects Montana's water rights from downstream states.

What is DNRC's role in adjudication?

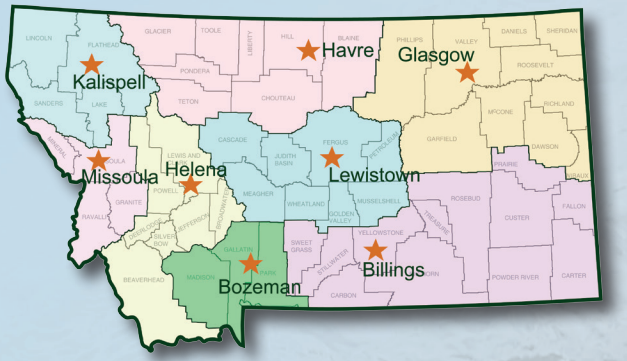
DNRC assists the Montana Water Court (the water right decision maker) in a technical capacity to examine water right claims for consistency and clarity, to prepare summary reports of water rights by basin, and to provide technical assistance during issue resolution.

What does this mean to you?

Make sure your water rights are in order and you are confident with the examination findings. If you are not, you may contact DNRC to have your questions and/or issues addressed. Please see back of brochure for contact information.

For more information:

REGIONAL OFFICES



Billings
1371 Rimtop Drive
Billings, MT 59105
406-247-4415

Bozeman
2273 Boot Hill Court
Suite 110
Bozeman, MT 59715
406-586-3136

Glasgow
222 Sixth Street South
P.O. Box 1269
Glasgow, MT 59230
406-228-2561

Havre
210 Sixth Avenue
P.O. Box 1828
Havre, MT 59501
406-265-5516

Helena
1424 Ninth Avenue
P.O. Box 201601
Helena, MT 59620
406-444-6999

Kalispell
655 Timberwolf
Parkway, Suite 4
Kalispell, MT 59901
406-752-2288

Lewistown
613 NE Main
Suite E
Lewistown, MT 59457
406-538-7459

Missoula
1610 S. Third St. W.
Suite 103
P.O. Box 5004
Missoula, MT 59806
406-721-4284

DNRC Adjudication Bureau
910 Helena Avenue
PO Box 201602
Helena, MT 59620-1602
406-444-0560

http://dnrc.mt.gov/wrd/water_rts

Navigating Water Right Claim Examination

Kerri Strasheim

Fort Peck Reservoir

Department of
Natural Resources and Conservation

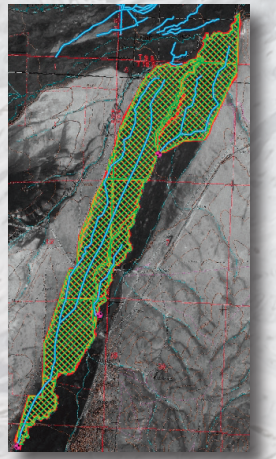
The Water Resource Division promotes and coordinates the wise use and conservation of Montana's water resources for current and future generations.

February 2008

The Claims Examination Process: A Step-By-Step Explanation

DNRC examines the water right statements of claims

Step 1 The claim filing period for pre-July 1st, 1973 water rights ended in 1982. If the owner missed this deadline and a subsequent late filing deadline (1996) the Montana Supreme Court has held that any claims not filed with DNRC are considered forfeit. You can search DNRC's records and update your contact information at: http://nris.mt.gov/dnrc/waterrights



Example of a mapped water right

Step 2 The claims were entered into the DNRC water rights database. Organized by basin, claim files are examined by DNRC by order of the MT Water Court. See the adjudication program web-site for more information such as the claim examination manual or a map of a particular basin. http://dnrc.mt.gov/wrd/water_rts/adjudication

Step 3 DNRC specialists examine water rights by ownership and water source. For clarity and consistency, water right claims are compared to old aerial photos (2 snapshots in time), maps, Water Resource Surveys, court decrees, information in the claim file, and other sources of historical information (claimants can also submit this information). When an ownership is examined, the claimant is contacted with any issues or questions that have arisen in regard to their water rights. Also, the claimant can double-check the water rights for accuracy. See the following website for info on Water Resource Surveys by county: http://dnrc.mt.gov/wrd/water_rts/survey_books

Claimant contact – the time for the water right owner to check their claims

Step 4 Once a claimant is contacted by a DNRC specialist, this is the time for a water right owner to work with the specialist to ensure the accuracy of the water right. The law now requires the Water Court to resolve all issue remarks on claims; any remarks that can be resolved at this stage may save the claimant time and money. Provide the DNRC specialist with any information pertinent to the water right. Contact the regional office in your area (listed on this brochure) – questions are welcome at any time.

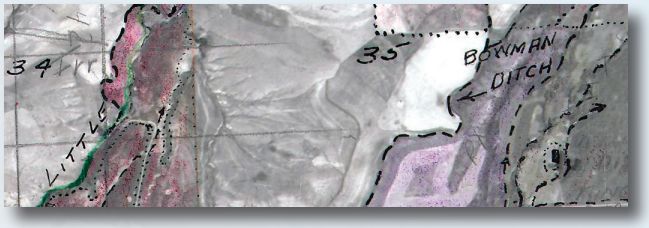
US Farm Services

Step 5 Once all claims in a basin are examined, the DNRC specialists take one last look at the water rights, checking for errors and inconsistencies. A claimant may be contacted at this stage if further information is needed. The water rights are then turned over to the Water Court in a Summary Report. The court reviews the report, then issues a decree. See the Water Court site: http://courts.mt.gov/water/

Kerri Strasheim

Water Court decrees the water right claims

Step 6 DNRC specialists may find inaccuracies with water rights claims. However, the neighbors are the ones who know the area's history and how water has been used historically. People familiar with the area are often the best resource to help ensure water right records are accurate. When a decree is issued, all claimants are mailed information on all the water rights and given a chance to object to elements of their claims or other users' claims to water. Look closely at the decree from the Water Court to make sure area water rights are historically accurate. The objection period is the best opportunity to protect water rights from being adversely affected by inaccurate claims. After the Water Court issues a decree, an objection period deadline is specified. Claimants then may respond to objections with counter-objections. A hearing will be held if no settlement is reached. For water right related forms see http://courts.mt.gov/water/forms.asp



Step 7 Any unresolved issue remarks on water rights will be addressed. The Water Court requests technical assistance from DNRC specialists to assist claimants in resolving issues. If issues cannot be resolved, the Water Court will set a hearing. The Water Court proceeds through several stages. See the Water Court website at: http://courts.mt.gov/water/guidebook.pdf for an overview.