

Bucket of duties for Water Division Model

Other

Tracking & access of private agreements- so can be enforced; commissioner remark (e.g., in water right/abstract; case files; process and mechanism)

Point of contact- filing cases, access to files, routing cases; storage of records; electronic filings (3-5-501-513)

Education and communication- answering general water rights questions

Ditch easement issues

Adjudication

Adjudication of existing water rights 85-2-234 and 85-2-235; note: "water court"

Review motions pursuant to rule 59 or 60 for adjudication 85-2-234(8)

Review DNRC

Certification of objections: 85-2-309 & 3-7-223

Proceedings for judicial review under 2-4-702(2)(e) *adj court expires 10/1/25; note "water court"

Dispute over ownership and splits and severs under 85-2-424(9)

Distribution, enforcement, abandonment

Water commissioner conflict: 85-5-101 & 3-7-211/212

Conduit for DNRC redbook creation for district courts
***not in statute & no funding**

Access to commissioner data, measurements, files and records

Water master support of distribution, mediation; appointed special masters for district court cases

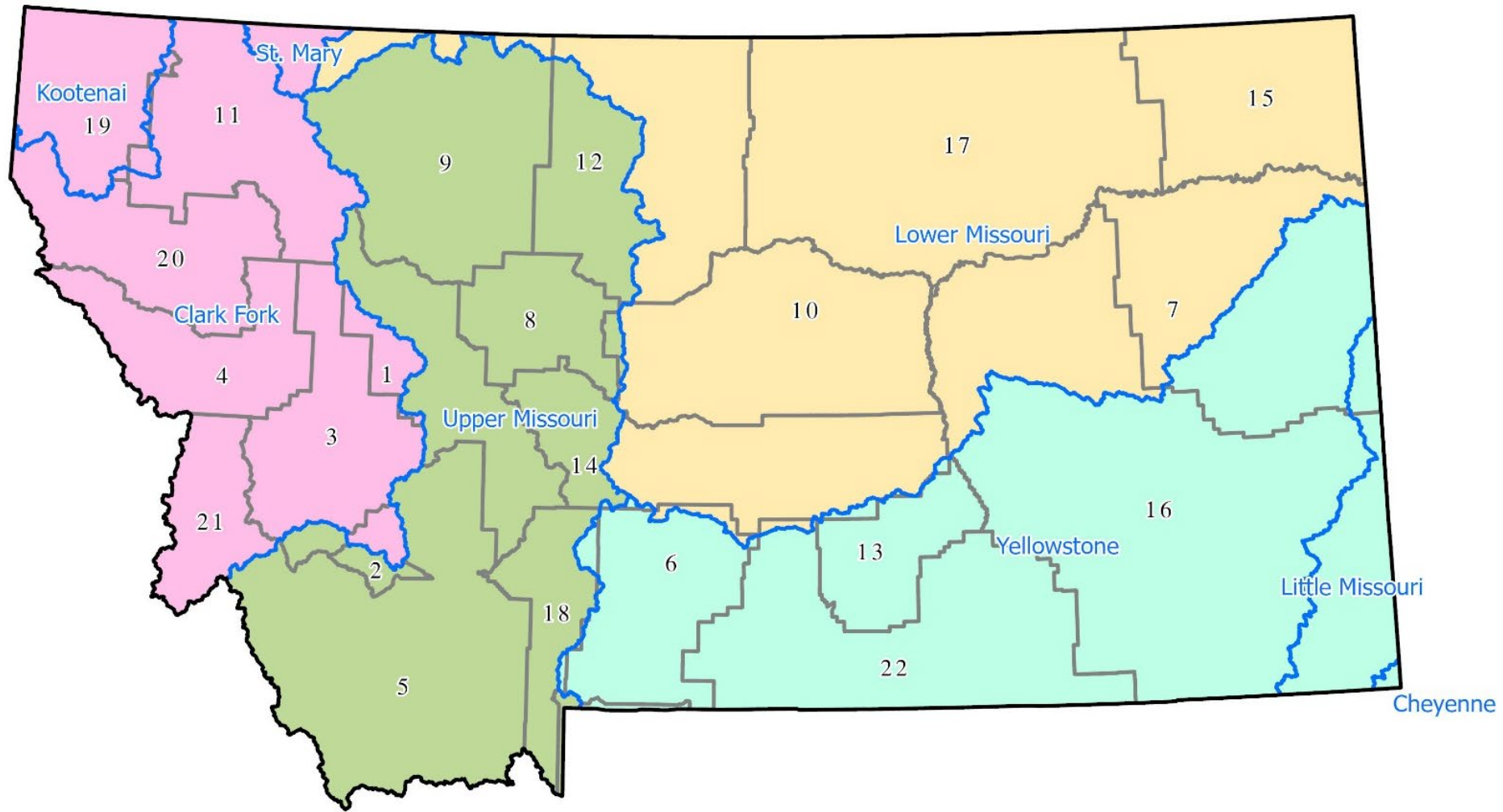
Abandonment of water right under 85-2-404 and 85-2-405 [DC only after final decree]

Enforcement of compacts is compact specific. Court of competent jurisdiction is the Division Court

Water distribution controversies: conflict 85-2-406 & 3-7-211/212

Issues related to waste, unlawful use under 85-2-114 and 85-2-122

Issues related to common law remedies including waste, abandonment Title 27, chapter 19



Water Court Divisions

- Yellowstone River Basin
- Lower Missouri River Basin
- Upper Missouri River Basin
- Clark Fork River Basin
- Major Drainage Areas
- Montana District Courts
- State of Montana

