

IN THE WATER COURT OF THE STATE OF MONTANA  
\_\_\_\_\_  
DIVISION  
\_\_\_\_\_  
RIVER BASIN (\_\_\_\_)

\*\*\*\*\*

CLAIMANT:

OBJECTOR:

CASE \_\_\_\_\_  
XX XXXXX-00

**PROPOSED PRE-TRIAL ORDER**

COMES NOW, \_\_\_\_\_ (hereinafter "Claimant") by and through its undersigned counsel of record, \_\_\_\_\_, hereby submits the following proposed Pre-Trial Order pursuant to the Water Court's Scheduling Order filed on \_\_\_\_\_, 20\_\_ and in accordance with Montana Rule of Civil Procedure 16 (e) and Uniform District Court Rule 5.

**AGREED FACTS**

The following facts are admitted, agreed to be true and require no proof. (Here enumerate all agreed facts, including facts admitted in the pleadings.)

**CLAIMANT'S CONTENTIONS**

Claimant's contentions are as follows:

**OBJECTOR’S CONTENTIONS**

Objector’s contentions are as follows:

**EXHIBITS**

Attached to the pre-trial order are exhibit lists identifying by number and brief description each exhibit and stating any objections to the exhibits. Any exhibit offered at the trial to which no objection was made in the pre-trial order will be admitted into evidence.

Claimant may introduce the following Exhibits:

Objector may introduce the following Exhibits:

**WITNESSES**

The following witnesses and no others will (may) be called to testify except on rebuttal:

Claimant intends to call the following witnesses:

Objector intends to call the following witnesses:

**ISSUES OF FACT**

The following issues of fact, and no others, remain to be litigated upon the trial:  
(Here specify each issue)

Claimant believes the following issues of fact are dispositive of the case:

Objector believes the following issues of fact are dispositive of the case:

**ISSUES OF LAW**

The following issues of law, and no others, remain to be litigated upon the trial:  
(Here set forth a concise statement of each.)

Claimant's issues of law:

Objector's issues of law:

**DISCOVERY**

Claimant intends to introduce the following discovery into evidence:

Objector intends to introduce the following discovery into evidence:

The final pre-trial order shall refer to all those portions of depositions upon oral examination and interrogatories, requests for admissions, and answers and responses that the parties intend to introduce into evidence. Any objections to the use of the above documents shall be stated, and if not stated, shall be deemed

waived. (Because this Rule relates to filing and is designed to consolidate in one place all of the fruits of discovery and because there can be no surprise element involved, the court shall be liberal in permitting the amendment of the pre-trial order to include any material not originally listed.)

### **ADDITIONAL PRE-TRIAL DISCOVERY**

(Here specify any additional discovery contemplated by either party and the time within which such discovery will be completed.)

### **STIPULATIONS**

(Here include any stipulation in addition to the agreed facts set forth above.)

### **DETERMINATION OF LEGAL QUESTIONS IN ADVANCE OF TRIAL**

It was agreed that the following legal issues should be determined by the court in advance of the trial. (Here specify issues and make provision for filing briefs with respect to such issues.)

### **ADDITIONAL ISSUES**

Additional issues to be determined and/or addressed include:

*Examples:*

*order of proof where there is a counterclaim;*

*attorney's fees testimony and/or proof;*

*time of filing and service of trial briefs and other issues.*

### **HEARING**

It is estimated that this case will require \_\_\_\_\_ days for the hearing. The matter will be tried before the Court without a jury.

**IT IS HEREBY ORDERED** that this pre-trial order shall supersede the pleadings and govern the course of the trial of this cause, unless modified to prevent manifest injustice.

**IT IS HEREBY ORDERED** that all pleadings herein shall be amended to conform to this pre-trial order.

DATED this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

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XXXXXX  
Water Master