

SENATE BILL NO. 23

Introduced: 1/3/83

Referred to Committee on Judiciary: 1/3/83

Hearing: 1/12/83

Report: 02/04/83, Do Pass, As Amended

2nd Reading: 02/07/83

3rd Reading: 02/09/83

Transmitted to House: 2/9/83

Referred to Committee on Judiciary: 02/10/83

Hearing: 3/15/83

Report: 03/15/83, Be Not Concurred In

Bill Killed: 03/17/83

SENATE BILL NO. 23

INTRODUCED BY HAGER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE  
STREAMLINING OF HEARINGS AFTER THE ISSUANCE OF A PRELIMINARY  
DECREE IN THE GENERAL ADJUDICATION OF WATER RIGHTS; AMENDING  
SECTION 85-2-233, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 85-2-233, MCA, is amended to read:

"85-2-233. Hearing on preliminary decree. (1) Upon  
objection to the preliminary decree by the department, a  
person named in the preliminary decree, or any other person,  
for good cause shown, the department or such person is  
entitled to a hearing thereon ~~before the water judge.~~

(2) If a hearing is requested, such request must be  
filed with the water judge within 90 days after notice of  
entry of the preliminary decree. The water judge may, for  
good cause shown, extend this time limit an additional 90  
days if application for the extension is made within 90 days  
after notice of entry of the preliminary decree.

(3) The request for a hearing shall contain a precise  
statement of the findings and conclusions in the preliminary  
decree with which the department or person requesting the  
hearing disagrees. The request shall specify the paragraphs

and pages containing the findings and conclusions to which  
objection is made. The request shall state the specific  
grounds and evidence on which the objections are based.

(4) Upon expiration of the time for filing objections  
and upon timely receipt of a request for a hearing, the  
water judge shall notify each party named in the preliminary  
decree that a hearing has been requested. The water judge  
shall fix a day when all parties who wish to participate in  
future proceedings must appear or file a statement. The  
water judge shall then set a date for a hearing. The water  
judge may conduct individual or consolidated hearings. A  
~~The~~ hearing shall be conducted as for other civil actions.  
At the order of the water judge, ~~the~~ hearing may be  
conducted by the water master, who shall prepare a report of  
the hearing as provided in M.R.Civ.P., Rule 53(e). ~~The water  
judge is not required to hold a hearing on the water  
master's reports.~~

-End-

INTRODUCED BILL

SB 23

Approved by Committee  
on Judiciary

## SENATE BILL NO. 23

INTRODUCED BY HAGER, ETCHART, BOYLAN,

STIMATZ, THOFT, NEUMAN

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person named in the preliminary decree, or any other person,  
for good cause shown, the department or such person is  
entitled to a hearing thereon ~~before the water judge before~~  
~~the water court.~~

(2) If a hearing is requested, such request must be  
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entry of the preliminary decree. The water judge may, for  
good cause shown, extend this time limit an additional 90  
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the hearing shall be conducted as for other civil actions.  
At the order of the water judge, a the hearing may be  
conducted by the water master, who shall prepare a report of  
the hearing as provided in M.R.Civ.P., Rule 53(e). ~~The water~~  
~~judge is not required to hold a hearing on the water~~  
~~master's report."~~

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THE WATER COURT.

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the hearing as provided in M.R.Civ.P., Rule 53(e). The water  
judge is not required to hold a hearing on the water  
master's report."

-End-