



ADJUDICATION PROCESS OVERVIEW

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One or more water users on a stream system or within a groundwater hydrographic basin may petition the State Engineer to begin adjudication proceedings. In the absence of a petition, the State Engineer may initiate the proceedings.

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The State Engineer investigates facts and conditions concerning the stream system or groundwater hydrographic basin and determines whether or not to enter an Order granting the petition.

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If the adjudication is initiated, the State Engineer notifies all claimants and has a Notice of Order and Proceedings published for four consecutive weeks in one or more newspapers of general circulation within the boundaries of the stream system or groundwater hydrographic basin.

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The next step in the process is filing the proofs, along with supporting documentation, and title reports by the claimants according to the schedule published in the Notice of Order for taking proofs.

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From the evidence submitted during the period for taking Proofs and field investigations conducted by the Division, a Preliminary Order of Determination is prepared by the State Engineer. The Preliminary Order allocates the waters of the stream system or groundwater hydrographic basin to claimants with valid vested rights.

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All evidence submitted during the period for taking Proofs and used in preparing the Preliminary Order, and the Preliminary Order itself, is available for inspection in the Office of the State Engineer by any claimant for a period of 20 days or more.

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The Preliminary Order of Determination is subject to objections by any of the claimants, and if objections are filed, a hearing is held before the State Engineer.

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An Order of Determination is prepared by the State Engineer and is submitted to all claimants and to the District Court having jurisdiction. All evidence and maps are also forwarded to the District Court.

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Any claimant may file an exception to the Order of Determination with the District Court and be heard before the District Judge at a hearing.

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The District Judge then enters Findings of Fact, Conclusions of Law and the Decree, which determines the water rights on the stream system or groundwater hydrographic basin.

Each claimant must pay their proportionate share of the costs involved in the proceedings such as publication costs, map reproduction costs, court reporter costs, etc. These costs do not include the fee to be paid to a State Water Right Surveyor for the survey and map preparation or the filing fee, which is required at the time the proof is filed.