

MONTANA

Hohenlohe v. State, Department of Natural Resources & Conservation

2010 MT 203 · Decided September 21, 2010

SUMMARY

The Montana Supreme Court reviewed the Department of Natural Resources and Conservation's denial of the Hohenlohes' application to change irrigation water rights to instream flow. The Court held that the applicants bore the burden of proving the statutory criteria, including lack of adverse effect on other water-right holders, but that the Department improperly treated historic consumptive use under the statutory limitation as an additional applicant burden. The Court reversed the district court and remanded to the Department for further proceedings.

CASE DETAILS

JURISDICTION	Montana
DECIDED	September 21, 2010

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