

**DNRC REPORT TO EQC
HB22 ADJUDICATION PROGRESS
May, 2011**

Claims Examination Progress

- First benchmark 8,000 claims by 12-31-2006
 - Second benchmark 19,000 claims by 12-31-2008
 - Third benchmark 31,000 claims by 12-31-2010
 - **Fourth Benchmark 44,000 claims by 12-31-2012**
 - Claims examined July 2005 thru **May, 1 2011** **48,057**
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 - Claims examined by Purpose
 - o Irrigation 10299 22%
 - o Stock 26921 56%
 - o Domestic 6343 13%
 - o Other 4494 9%
- 48,057**

Claims remaining to be examined **8,946**

Summary Reports to Water Court

Date Issued

Union Creek (part of 76F)	May 19, 2005
Teton River (41O)	August 15, 2005
Big Hole River (41D)	October 31, 2006
Tongue River, below hanging Woman Creek (42C)	August 7, 2007
Blackfoot River (76F)	August 14, 2007
Missouri River, from Holter Dam to Sun River (41QJ)	August 15, 2007
Tongue River, above Hanging Woman (42B)	December 5, 2007
Pryor Creek (43E)	August 18, 2008
Smith River (41J)	September 1, 2008
Beaver Creek (40M)	September 1, 2008
Flatwillow Creek (40B)	September 11, 2008
Milk River (40J)	December 5, 2008
Little Big Horn River (43O)	February 6, 2009
Big Muddy Creek (40R)	April 6, 2009
Missouri River, Sun River to Marias River (41Q)	June 16, 2009
Beaverhead River (41B) *	August 14, 2009
Arrow Creek (41R) *	October 23, 2009
Missouri River, from Marias River to Bullwacker Creek (41T) *	November 17, 2009
Milk River above Fresno *	April 15, 2011

(* basins not yet decreed)

Decrees Issued by Water Court	Date Issued	Number of Claims
Teton River (41O)	12/29/2005	2,500
Union Creek (part of 76F)	3/10/2006	42
Big Hole River (41D)	4/6/2007	3,892
Missouri River (41QJ)	2/6/2008	2,584
Tongue River (42C)	2/28/2008	4,710
Tongue River (42B)	2/28/2008	1,345
Forest Service Compact	5/19/2008	262
BLM-Montana Compact	3/6/2009	2
Beaver Creek (40M)	3/20/2009	2,942
Big Muddy Creek (40R)	1/28/2010	2,029
Pryor Creek (43E)	2/25/2010	629
Little Big Horn River (43O)	3/17/2010	1,176
Missouri River from Sun River to Marias River (41Q)	5/27/2010	4,127
Milk River between Fresno Res & Whitewater (40J)	6/24/2010	12,897
Smith River (41J)	12/16/2010	2,684
Blackfoot River (76F)	2/10/2011	3,717
Flatwillow Creek (40B)	5/5/2011	3,677

Above decrees scanned and available at:

http://www.dnrc.mt.gov/wrd/water_rts/adjudication/default.asp

BASINS BY COMPLETION DATE - DNRC WORK PLAN 2011				
BASIN COUNT	BASIN NAME	WORK STATUS	Estimated Completion Date	
1	Flathead R below Flathead Lake (76L)	Examination complete	12	2009
2	Big Horn R below Greybull R (43P)	Summary Report pending	12	2011
3	Rosebud Creek (42A)	Summary Report pending	10	2011
4	Shoshone River (43N)	Summary Report pending	9	2011
5	Milk River above Fresno (40F)	Summary Completed	4	2011
6	Flathead River (76LJ)	Examination in progress	7	2013
7	Cut Bank River (41L)	Summary Report pending	6	2012
8	St. Mary River (40T)	Summary Report pending	8	2011
9	Yellowstone R below Powder R (42M)	Examination in progress	8	2012
10	Red Rock River (41A)	Examination in progress	2	2013
11	Peoples Creek (40I)	Summary Report pending	9	2011
12	Two Medicine River (41M)	Summary Report pending	8	2013
13	Marias River (41P)	Examination in progress	10	2013
14	Missouri R between Bullwacker & Musselshell (40EJ)	Examination in progress	12	2012
15	Bitterroot R, E side (76HA)	Examination in progress	6	2015
16	Frenchman Creek Re-Examination (40L)	Summary Report pending	7	2014

District Court Enforcement Actions

2005 season completed water court assistance for 23 streams
2006 season completed water court assistance for 23 streams
2007 season completed water court assistance for 26 streams
2008 season completed water court assistance for 32 streams
2009 season completed water court assistance for 36 streams
2010 season completed water court assistance for 38 streams
Automated indexes are now in use

Post Decree Assistance (July thru May 1 2011)

<u>Case type</u>	<u>case count</u>	<u>work hours</u>
Certified case	7	229
85-2-248	77	2178
Case	85	3115
<u>General assist</u>		<u>2326</u>
Total hours		7,848

Expenses

YTD FY 2011:	Operating Costs	\$ 255,981
	Personnel Services	\$ <u>1,905,471</u>
	Total	\$ 2,161,452
	Budget	\$ 2,412,521.00

Billing System

108,000 bills mailed Dec 27, 2005
Estimated revenue generated \$6.2 million
Revenue received \$5.26 million

Appeals

5,089 Appeals received
5089 appeals resolved to date (1121 denied, 3113 resolved with fee correction, 855 cancelled)

HB39 Automate Ownership updates (effective July 1, 2008)

- Contract is finalized and Tyler Inc is developing the program for DOR to pass thru new property owner names to DNRC for updating water right records.
- Geocodes were loaded into DNRC database in June 2008.
- State-wide ownership update export to DNRC was received 12-4-2009.
- The department has completed the initial data scrubbing and geocode validation due June 2010.

WATER COURT
ADJUDICATION PROGRESS REPORT TO THE EQC PURSUANT TO § 85-2-281, MCA
Submitted by C. Bruce Loble, Chief Water Judge
May 10, 2011

The Water Court is continuing to work through its inventory of water right claims that have unresolved objections, issue remarks, motions to amend, and claims certified to the Water Court by the DNRC or District Courts. The Water Court is primarily working on water right claims in the following basins:

Basin	Sources	Claims in Decree	Remaining Claims to Resolve
40A	Musselshell River above Roundup	5,812	184
40B	Flatwillow Creek	3,677	Decree issued 5/5/2011 Objection Deadline is 11/1/2011
40E	Missouri River between Musselshell River & Fort Peck Dam	3,010	169
40G	Sage Creek	943	38
40H	Big Sandy Creek	797	31
40J	Milk River Between Fresno Reservoir & Whitewater Creek	12,897	Decree issued 6/24/2010 Final Objection Deadline is 6/20/2011
40M	Beaver Creek, Tributary of Milk River	2,942	1,152
40O	Milk River Below Whitewater Creek	3,306	369
40R	Big Muddy Creek	2,029	Decree issued 1/28/2010 NOIA Deadline is 6/3/2011
40S	Missouri River Below Ft. Peck Dam	2,966	203
41C	Ruby River	2,183	180
41D	Big Hole River	3,892	1,537
41G	Jefferson River	2,407	226
41I	Missouri River upstream of Holter Dam	5,168	206
41J	Smith River	2,684	Decree issued 12/16/2010 Objection Deadline is 6/14/2011
41K	Sun River	2,856	100
41O	Teton River	2,541	461

41Q	Missouri River from Sun River to Marias River	4,127	Decree issued 5/27/2010 Final Objection Deadline 5/18/2011
41QJ	Missouri River from Holter Dam to Sun River	2,584	353
42B	Tongue River above & including Hanging Woman Creek	1,345	270
42C	Tongue River below Hanging Woman Creek	4,708	1,075
42KJ	Yellowstone River between Bighorn and Tongue Rivers	4,767	387
43A	Shields River	3,395	109
43B	Yellowstone River above & including Bridger Creek	4,860	320
43E	Pyror Creek	629	Decree issued 2/2/2010 Counter-Objection Deadline is 6/13/2011
43O	Little Bighorn River	1,176	Decree issued 3/3/2010 Counter-Objection Deadline is 6/21/2011
43Q	Yellowstone River between Clarks Fork Yellowstone and Bighorn Rivers	2,473	136
76F	Blackfoot River	3,717	Decree issued 2/10/2011 Objection Deadline 8/9/2011
76HF	Bitterroot River - Westside Subbasin	3,774	149
United States Forest Service - Montana Compact — Several Objections Still Pending - Discovery and Pre-hearing Deadlines have been Set			
United States Bureau of Land Management - Montana Compact — All Objections Withdrawn			

The Water Court has completed most of its review of the current Summary Reports (basically draft decrees) generated by the DNRC following completion of the DNRC basin water right claim examination duties. The Water Court anticipates issuing decrees in the approximate order of the following basin list:

Basin Designation	Source	Approximate Number of Claims
41R	Arrow Creek - A Decree is Anticipated in June 2011	2,173
41T	Missouri River Between Marias River to and including Bullwacker Creek - A Decree is Anticipated in July 2011	3,050
40F	Milk River above Fresno Reservoir	2,330
41B	Beaverhead River - A motion to delay issuance of this decree until the Red Rock River (Basin 41B) is ready is pending	2,222
Four Basins	Approximate Number of Claims in Prospective Decrees	9,775

Pursuant to the request of Senator Brenden, the Water Adjudication Advisory Committee will examine options concerning claims which were “exempt” from the filing requirements of the 1979 legislation (SB 76) which created the statewide water rights adjudication effort. Senator Brenden has requested the Advisory Committee to report its review to the EQC.

The 2011 Legislature increased the staff of the Water Court by 3.5 FTEs to be phased in over the next two years. A half time administrative FTE (deputy clerk) will begin on July 1, 2011. A new Water Master will begin in January 2012. A law clerk and Association Water Judge are anticipated to begin on July 1, 2012.

Finally, in response to the 2009 legislative mandate to generate “vacancy savings” and the Supreme Court Administrator’s suggestion, a few Water Court staff members have continued scaling back their hours to slightly less than full time to help the Judicial Branch meet its vacancy savings goals.

Basin Location and Adjudication Status

5/3/11

