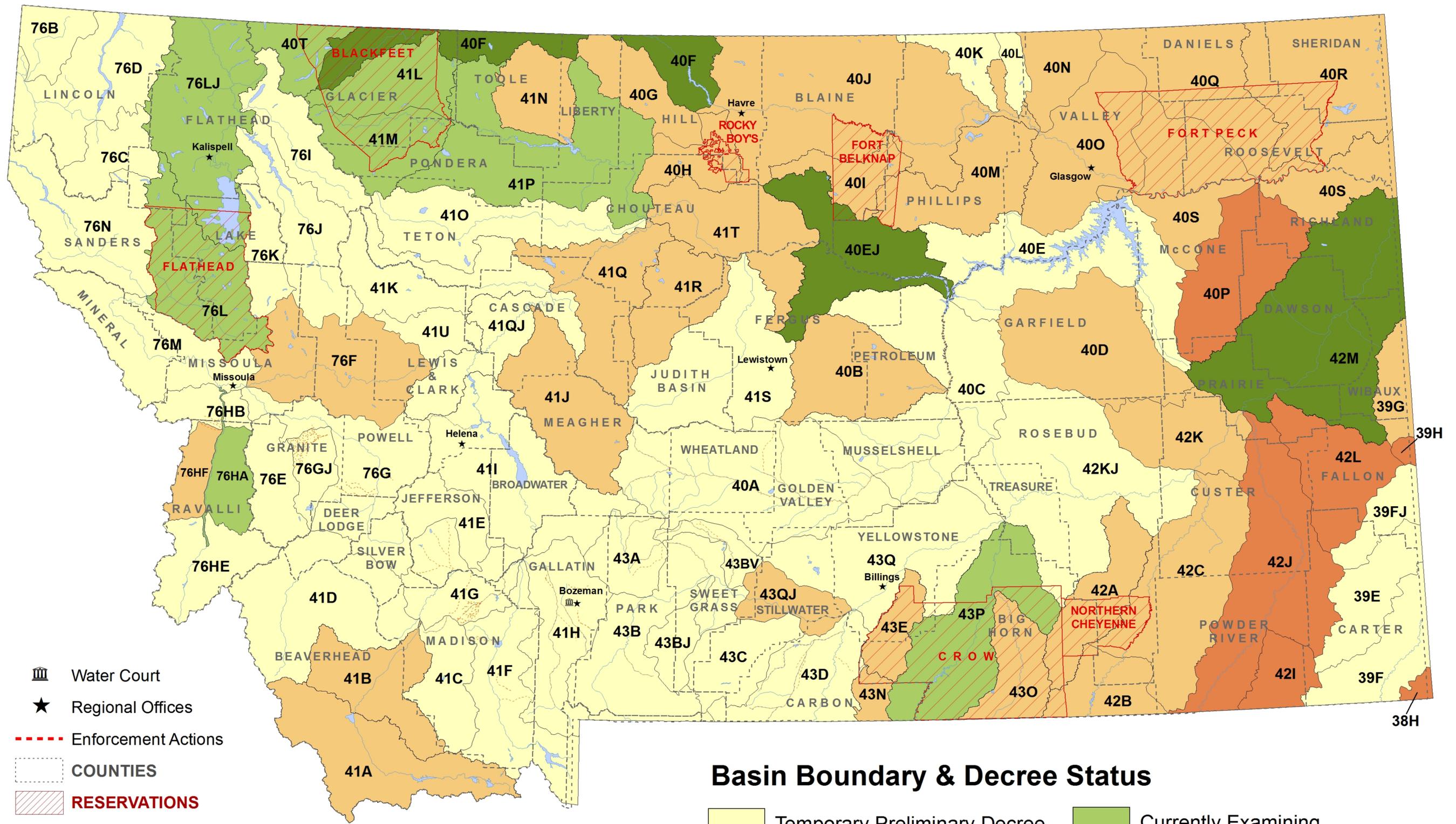


# Basin Location and Adjudication Status

11/25/2013



- Water Court
- Regional Offices
- Enforcement Actions
- COUNTIES
- RESERVATIONS

## Basin Boundary & Decree Status

- Temporary Preliminary Decree
- Preliminary Decree
- Final Decree
- Currently Examining
- Summary Report Issued

**DNRC REPORT TO EQC  
HB22 ADJUDICATION PROGRESS  
January, 2014**

**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 November 30, 2013 **56,321**
  - Claims examined by Purpose
    - o Irrigation                   12,704   23%
    - o Stock                        31,170   56%
    - o Domestic                    7,277   13%
    - o Other                         5,170   9%
- 56,321**

**Claims remaining to be examined****679****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 Bullwhacker Creek (41T)	November 17, 2009
Milk River above Fresno (40F) *	April 15, 2011
Rosebud Creek (42A)	December 13, 2012
Red Rock River (41A)	January 10, 2013
Peoples Creek (40I)	February 5, 2013
Shoshone River (43N)	February 12, 2013

Yellowstone River below Powder River (42M)\*  
**Missouri R between Bullwhacker & Musselshell (40EJ)\***

July 17, 2013  
**September 25, 2013**

(\* basins not yet decreed)

<b>Decrees Issued by Water Court</b>	<b>Date Issued</b>	<b>Number of Claims</b>
Teton River (41O)	12/29/2005	2,541
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	2,719
Blackfoot River (76F)	2/10/2011	3,717
Flatwillow Creek (40B)	5/5/2011	3,677
Arrow Creek (41R)	6/23/2011	2,179
National Bison Range Compact	9/30/2011	97
Missouri River, from Marias River to Bullwhacker Creek (41T)	4/19/2012	3,073
Crow Tribe of Indians Montana Compact	1/28/2013	NA
Beaverhead River (41B)	5/9/2013	2,238
Red Rock River (41A)	5/9/2013	2,861
Rosebud Creek (42A)	5/23/2013	1,220
Shoshone River (43N)	6/13/2013	165
Peoples Creek (40I)	6/20/2013	686

Above decrees scanned and available at:

[http://www.dnrc.mt.gov/wrd/water\\_rts/adjudication/default.asp](http://www.dnrc.mt.gov/wrd/water_rts/adjudication/default.asp)

<b>BASINS BY COMPLETION DATE - DNRC WORK PLAN FY 2013</b>				
BASIN COUNT	BASIN NAME	WORK STATUS	Estimated Completion Date	
1	Flathead R below Flathead Lake (76L)	Summary Report pending	1	2015
2	Big Horn R below Greybull R (43P)	Summary Report pending	10	2014
3	Flathead River (76LJ)	Examination in progress	4	2014
4	Cut Bank River (41L)	Summary Report pending	12	2014
5	St. Mary River (40T)	Summary Report pending	2	2014
6	Two Medicine River (41M)	Summary Report pending	7	2014
7	Marias River (41P)	Examination in progress	12	2013
8	Bitterroot R, E side (76HA)	Examination in progress	6	2014
9	Frenchman Creek Re-Examination (40L)	Summary Report pending	7	2015

**Assistance for District Court Enforcement of Water Court Decrees**

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  
2011 season completed water court assistance for 38 streams  
2012 season completed water court assistance for 40 streams  
2013 season completed water court assistance for 42 streams

**Post Decree Assistance (July- FY2014)**

<u>case type</u>	<u>case count</u>	<u>work hours</u>
Certified case		<b>0</b>
Case with Objector	<b>24</b>	<b>681</b>
85-2-248 case	<b>67</b>	<b>1,464</b>
<u>General assist</u>		<b>408</b>
Total hours		<b>2,553</b>

*Post Decree assistance primarily involves working with claimants and the Water Court to help resolve issue remarks on water rights. This assistance is generated through the on motion process (85-2-248) and objections by water users resulting in a case. Assistance includes meeting with claimants, conducting field investigations, mapping, and providing recommendations and technical reports pertaining to individual cases. In addition, assistance is requested by the Water Court to help with certified cases before and after the initial decree phase. Unique requests to help the Water Court resolve specific cases such as large basin mapping projects, and other technical requests fall within the general assistance category.*

**HB39 Automate Ownership updates (effective July 1, 2008)**

- Department staff continue to validate water right geocodes for property transfers that occurred from November 2010 thru January 2012.
- In 2010, 3,821 ownerships were updated involving 9,460 water rights
- In 2011, 6,245 ownerships were updated involving 15,765 water rights.
- In 2012 8,729 ownerships were updated involving 20,496 water rights.
- In 2013 8,208 ownerships were updated involving 19,305 water rights.
- So far this fiscal year 3,340 ownerships have been updated involving 7,272 water rights.**

**WATER COURT REPORT TO WPIC AND EQC**  
**JANUARY, 2014**

**Status of Interim Decrees**

The Water Court has issued 5 Preliminary/Interim decrees this year.

Basin	Date Preliminary Issued	Original Objection Deadline	Extended Deadline
41A	5/9/2013	11/5/2013	2/3/2014
42A	5/23/2013	11/19/2013	2/14/2014
43N	6/13/2013	12/10/2013	3/10/2014
40I	6/20/2013	12/17/2013	3/17/2014
41B	5/9/22013	11/5/2013	2/3/2014

**Compacts**

The Crow Compact (WC 2012-06) is in the objection period. A request for extension was requested and on November 6, 2013 Judge McElyea granted an extension of the Objection period until December 23, 2013.

WC 2013-04 – Bowdoin National Wildlife Refuge – Montana Compact. On December 3, 2013 Judge McElyea set a status conference for January 15, 2014.

**Upcoming Decree Issuance**

The Water Court issued the Preliminary Decree in basin 40F (Milk River above Fresno) on December 12, 2013. The Objection deadline is June 10, 2014. By statute, the objection deadline can be extended for two 90 day periods.

**Summary Reports**

The Water Court is reviewing Summary Reports in Basins 42M (Yellowstone River below Powder River) and 40EJ (Missouri River between Bullwhacker and Musselshell). The court plans to issue the decree for basin 42M in January 2014 and basin 40EJ in February 2014.

**Certification Cases Filed since September 2013**

- WC 2013-03 – Certification Case from the 5<sup>th</sup> Judicial District regarding application for Beneficial Water use permit and change application by Bar C. Inc. The Order Certifying the case was received by the Water Court on November 20, 2013.
- WC 2013-05 - Verified Motion to Amend Claims in basin 76L by Flathead Joint Board of Control of the Flathead, Mission and Jocko Valley Irrigation Districts. This case has been assigned to Judge Ritter.

**Exempt from filing (SB 355)**

SB 355 was passed during the last legislative session. The resulting law allows individuals to file on exempt claims. The process at the court and DNRC became operational on October 1, 2013. DNRC received 42 claim filings by early December. Petitions are primarily being received in active basins. (41R, 40I, 40A). The Water Court is providing information about the new law in the course of other regular public speaking engagements associated with enforcement and decree issuance. Additionally, the Water Court has added a section on the law to the Findings of Facts and Conclusions of Law that are published when a decree is issued.

### **Staffing**

The court is currently interviewing candidates for 2 clerk positions and expects to have those positions filled by the WPIC meeting in January.