

**DNRC REPORT TO WPIC  
ADJUDICATION PROGRESS  
January, 2016**

**Claims Reexamination Progress**

*The Department met every benchmark set for it by the Legislature in 2005 with the completion of initial examination of the 57,000 unexamined claims. The 2015 Legislature set new benchmarks for completion of the next phase of the adjudication including:*

- First benchmark 10,000 claims by 6-30-2017
- Second benchmark 30,000 claims by 6-30-2019
- Third benchmark 60,000 claims by 6-30-2021
- Fourth benchmark 90,000 claims by 6-30-2023

**Reexamination claims completed to date:**

**Total = 968**

**Reexamination - Summary Reports to Water Court**

**Date Issued**

**Flint Creek (76GJ)**

**10/30/2015**

**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 Reservoir (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)	July 17, 2013

Missouri R between Bullwhacker & Musselshell (40EJ)	September 25, 2013
St. Mary River (40T)	January 31, 2014
Marias River (41P)	September 8, 2014
Two Medicine River (41M)	October 27, 2014
Cut Bank Creek (41L)	January 23, 2015
Mainstem Bitterroot River and East Side (76HA)	May 8, 2015
Bighorn River below Greybull River (43P)	June 10, 2015

<b><u>Pending Summary Reports to Water Court</u></b>	<b><u>Estimated Completion Date Issued</u></b>
Flathead River (76LJ)	September 2016
Flathead R below Flathead Lake (76L)	September 2016

<b><u>Decrees Issued by Water Court</u></b>	<b><u>Date Issued</u></b>	<b><u>Number of Claims</u></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
Milk River above Fresno Reservoir (40F)	12/12/2013	2,339
Yellowstone River below Powder River (42M)	1/24/2014	5,290
Bowdoin National Wildlife Refuge Compact	4/2/2014	7
Missouri River between Bullwhacker & Musselshell River (40EJ)	4/25/2014	2,676
St. Mary River (40T)	6/25/2014	267
Two Medicine River (41M)	3/20/2015	1,149
Marias River (41P)	4/23/2015	3,905
US F&WS, Charles M. Russell National Wildlife		

Refuge-Montana Compact	7/30/2015	114
<b>BLM Upper Missouri River National Monument-Montana Compact</b>	<b>9/24/2015</b>	<b>2</b>
<b>Bitterroot River, East Side (76HA)</b>	<b>12/4/2015</b>	<b>2,867</b>

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)

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

2005 season	completed water court assistance for 23 projects
2006 season	completed water court assistance for 23 projects
2007 season	completed water court assistance for 26 projects
2008 season	completed water court assistance for 32 projects
2009 season	completed water court assistance for 36 projects
2010 season	completed water court assistance for 38 projects
2011 season	completed water court assistance for 38 projects
2012 season	completed water court assistance for 40 projects
2013 season	completed water court assistance for 42 projects
2014 season	completed water court assistance for 42 projects
<b>2015 season</b>	<b>completed water court assistance for 49 projects</b>

**Ownership Updates**

Department staff validate water right geocodes for property transfers:

- 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 2014 7,618 ownerships were updated involving 18,360 water rights.
- In 2015 7,711 ownerships were updated involving 17,483 water rights
- So far this fiscal year 3842 ownerships have been updated involving 8,193 water rights**

**Post Decree Assistance (July - FY2016)**

<u>Case type</u>	<u>Case count</u>	<u>Work hours</u>
Certified case		<b>37</b>
Case with Objector	<b>44</b>	<b>931</b>
85-2-248 case	<b>98</b>	<b>2,529</b>
General assist		<b>770</b>
Total hours		<b>4,267</b>

*Post Decree assistance primarily involves working with claimants and the Water Court to help resolve issue remarks on water rights. 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.*

**SB355 Filings (effective Oct 1, 2013)**

**The department has received 637 statements of claim to date. Of these, 156 have the purpose of domestic and 481 have the purpose of stock. Examination is occurring on basins nearing initial decree and basins with notice deadlines.**

Montana Water Court  
Report To  
The Water Policy Interim Committee  
January 2016

## Decree Issuance Update

### Decrees Issued in 2014

Basin	Date Prelim Issued	Original Obj Deadline	Extended Deadline	Extended Deadline	Counterobj Deadline	NOIA Deadline	Number of Claims on Objection List
42M	1/24/2014	7/23/2014	10/21/2014	1/20/2015	4/20/2015	7/20/2015	1868
40EJ	4/25/2014	10/22/2014	1/20/2015	4/20/2015	8/3/2015	10/19/2015	1134
40T	6/19/2014	12/22/2014	3/23/2015	6/22/2015	8/31/2015	12/22/2015	161

### Decrees Issued And Still In An Objection Period

#### Decrees Issued in 2015

Basin	Date Preliminary Issued	Original Objection Deadline	Extended Deadline	Extended Deadline	No of Objections As of 12/11/2015
41M	3/20/2015	9/16/2015	12/15/2015	3/14/2016	2
41P	4/23/2015	10/20/2015	1/19/2016		56
41L	10/8/2015	4/5/2016			0
76HA	12/4/2015	6/1/2016			0

**First Decrees Remaining to be Issued:** Three first decrees still need to be issued.

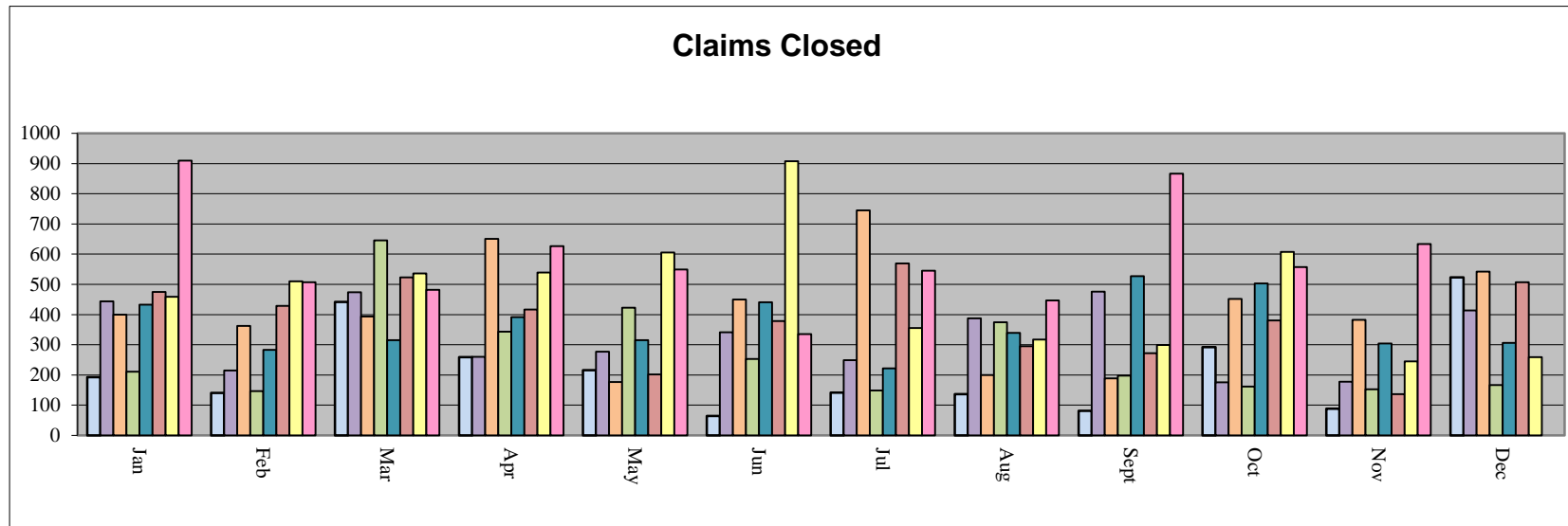
Type of Decree	Status
43P	Issuance date pending – anticipated January 2016
76L	Pending receipt of summary report from DNRC.
76LJ	Pending receipt of summary report from DNRC.

**Second Decrees:** Issuance of Preliminary Decrees for basins in previous Temporary Preliminary Decrees will commence in 2016. The following represents activity in this category.

Basin	Name	
76GJ	Flint Creek	Anticipated issuance of Preliminary Decree in January or February 2016.

## Claim Closing by Month Comparison 2008-2015

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Average
2008	193	140	442	259	216	64	141	136	81	292	88	523	214
2009	444	215	474	260	277	341	249	387	476	176	178	414	324
2010	400	362	393	651	177	450	745	200	189	452	382	542	411
2011	211	146	646	343	423	253	148	374	198	161	152	166	268
2012	433	283	315	391	315	441	222	339	527	503	304	306	365
2013	475	429	523	417	202	378	569	295	272	380	136	507	452
2014	459	510	536	539	605	908	355	317	299	607	245	259	469
2015	910	507	482	627	549	335	545	447	867	557	634		587



Updated: 12/4/2015

**Percentage of Claims Resolved  
Elapsed Time from Notice of Intent to Appear  
For Basins Under Active Review**

Basin	Basin Name	Number of Claims on Objection List	NOIA Deadline	% Complete 6 Months	% Complete 12 Months	% Complete 2 Years	% Complete 5 Years	% Complete 10/6/2015
41O	Teton River	1623	1/17/2008	1.5%	10.5%	40.9%	90.3%	99.2%
41D	Big Hole River	2233	2/3/2009	-1.8%	0.5%	19.3%	86.16%	96.1%
41QJ	Missouri River from Holter Dam to Sun River	857	4/28/2009	3.4%	25.8%	58.3%	88.68%	95.9%
42C	Tongue River below Hanging Woman	916	8/25/2009	-29.5%	-29.1%	-5.9%	53.05%	70.6%
42B	Tongue River including Hanging Woman	566	8/25/2009	8.3%	33.6%	53.9%	73.32%	66.6%
40M	Beaver Creek Tributary of Milk River	1464	8/9/2010	20.3%	25.7%	43.3%	68.99%	66.3%
40R	Big Muddy Creek	728	6/3/2011	5.5%	26.9%	73.9%		94.0%
43E	Pryor Creek	488	9/26/2011	-15.0%	-13.3%	5.3%		22.1%
43O	Little Big Horn River	1135	10/3/2011	-20.0%	-19.7%	0.4%		21.3%
41Q	Missouri River from Sun River to Marias River	1071	11/1/2011	27.9%	59.7%	74.5%		93.1%
40J	Milk River between Fresno Res & Whitewater	4789	4/10/2011	-0.5%	1.1%	15.3%		67.3%
41J	Smith River	1062	6/11/2012	14.3%	19.8%	28.6%		57.4%
76F	Blackfoot River	1346	6/30/2012	-0.3%	11.2%	52.5%		83.4%
40B	Flatwillow Creek	1419	6/16/2012	12.9%	21.2%	32.6%		80.1%
41R	Arrow Creek	848	3/12/2012	19.2%	23.5%	69.9%		95.8%
41T	Missouri River from Marias incl Bullwacker Cr	1471	9/17/2013	51.8%	78.3%			97.0%
43N	Shoshone River	100	12/1/2014	50.0%				50.0%
42A	Rosebud Creek	510	12/15/2014	20.1%				20.1%
40I	Peoples Creek	414	1/6/2015	42.8%				52.9%
41A	Red Rock River	1436	2/17/2015	27.3%				30.6%
41B	Beaverhead River	992	2/17/2015	22.6%				24.9%
40F	Milk River, Above Fresno Reservoir	1218	4/28/2015					22.3%
42M	Yellowstone River, Below Powder River	1868	7/20/2015					34.5%
40EJ	Missouri River, btwn Bullwhacker Crk & Musselshell	1134	10/19/2015					
40T	St. Mary River	161	12/22/2015					

Elapsed Time is calculated from date that the NOIA period closed to the month indicated in last column.

Percentage Complete is calculated based on number of claims on the objection list compared to the number of claims open. When % complete is negative, this indicates that filings outside the decree issuance process have been received by the court and need attention. These additional proceedings include but are not limited to motions to amend, splits, and claims called in on-motion of the court.

Greyed out cells indicate that the the elapsed time has not been reached.



<b><u>Compact Name</u></b>	<b><u>Case #</u></b>	<b><u>Status</u></b>
Blackfeet Tribe Compact	WC-1991-1	OPEN
Fort Peck-Montana Compact	WC-1992-1	CLOSED
Northern Cheyenne Compact	WC1993-1	CLOSED
National Park Service-MT Compact	WC1994-1	CLOSED
Rocky Boys Compact	WC-2000-01	CLOSED
Red Rock Lakes Compact	WC-2000-02	CLOSED
USFWS Black Coulee and Benton Lake Compact	WC-2000-03 WC-2002-04	CLOSED
USDA Forest Service	WC-2007-03	CLOSED
USA-BLM-MT Compact	WC-2008-10	CLOSED
National Bison Range Compact	WC-2011-01	CLOSED
Crow Tribe Compact	WC-2012-06; approved & appealed	OPEN
Bowdoin National Wildlife Refuge Compact	WC-2013-04; approved	OPEN
USDA Fort Keogh Research Station	WC2014-07; approved	OPEN
USDA Sheep Experiment Station	WC2014-06	CLOSED
Charles M. Russell National Wildlife Refuge	WC2015-05 - Issued 7/29/2015	OPEN
Upper Missouri River Breaks National Monument	WC2015-06	OPEN
Fort Belknap Indian Reservation	Not yet at Water Court	
Confederated Salish and Kootenai Tribes of the Flathead Reservation	Not yet at Water Court	
Turtle Mountain Chippewa	No compact negotiated - claims filed with DNRC	

Filename: Compact Status

Date: 12/4/2015