

**Montana Water Court**  
**Report to the**  
**Water Policy Interim Committee**  
**January 2026**



## Decree and Claim Closing Update

### Decreed Claim Summary by Division

Division	Preliminary decree claims	Interlocutory decree claims	Total claims	To be decreed	Decreed	% Decreed
Clark Fork	37,989	2,045	40,034	1,693	38,341	95.8%
Lower Missouri	74,516	4,856	79,372	1,191	78,181	98.5%
Upper Missouri	56,437	6,014	62,451	1,362	61,089	97.8%
Yellowstone	64,771	5,041	69,812	2,586	67,226	96.3%
<b>Total</b>	<b>233,713</b>	<b>17,956</b>	<b>251,669</b>	<b>6,832</b>	<b>244,837</b>	<b>97.3%</b>

### Closed Claim Summary by Division

Division	Total claims	Decreed claims	Closed claims	% Closed
Clark Fork	40,034	38,341	19,444	48.6%
Lower Missouri	79,372	78,181	74,487	93.8%
Upper Missouri	62,451	61,089	50,037	80.1%
Yellowstone	69,812	67,226	62,955	90.2%
<b>Total</b>	<b>251,669</b>	<b>244,837</b>	<b>206,923</b>	<b>82.2%</b>

The following section includes four tables for each of the four divisions. The tables provide detail about decree and adjudication status of the various basins within each division and provide additional detail. The information is current as of January 1, 2026, but changes constantly.

The basins denoted with an asterisk on Table 1 for each division are so-called “two-decree” basins, meaning the claims have been or will be decreed with both a preliminary decree and an interlocutory decree.

### Clark Fork Division

#### Summary:

- 15 basins / 40,034 claims / 19,315 claims resolved (Table 1)
- No final decrees issued or ready.
- Five basins in active objection and issue remark resolution (Table 2).
- Three basins in open objection periods (Table 3).
- Six basins with remaining interlocutory decrees to issue (Table 4).

Clark Fork Division Table 1 Status of closed claims by basin				
Basin	Name	Total claims	Closed claims	Pct. Complete
*76B	Yaak River	118	0	0%
*76C	Fisher River	301	0	0%
76D	Kootenai River	1665	1658	99.6%
*76E	Rock Creek	733	733	93.5%
*76F	Blackfoot River	3725	3725	89.0%
76G	Upper Clark Fork River	5931	0	0%
*76GJ	Flint Creek	1272	1157	91.0%
*76H	Bitterroot River - All	10927	9438	86.4%
76I	Middle Fk. Flathead R.	218	129	59.2%
*76J	South Fk. Flathead R.	134	131	97.8%
76K	Swan River	647	0	0%
76L	Lower Flathead River	3578	0	0%
76LJ	Upper Flathead River	5914	0	0%
76M	Middle Clark Fork R.	2956	1277	43.2%
76N	Lower Clark Fork R.	1361	1154	84.8%
	<b>Total</b>	<b>40,034</b>	<b>19,315</b>	<b>48.6%</b>

Clark Fork Division Table 2 Status of basins in active objection and issue remark resolution						
Basin	Name	Last Decree	Decree date	NOIA date	Open claims	Open cases
76D	Kootenai River	Preliminary	5/6/2021	7/11/2022	7	5
76I	Middle Fork Flathead	Preliminary	12/6/2024	12/16/2025	89	0
76J	South Fork Flathead	Interlocutory	12/6/2024	8/15/2025	3	0
76M	Middle Clark Fork	Preliminary	10/9/2024	12/22/2025	1679	1
76N	Lower Clark Fork	Preliminary	9/21/2023	8/19/2024	207	20

Clark Fork Division Table 3 Status of basin decrees in active objection periods							
Basin	Name	Type of Decree	Claims	Decree Issued	Objection Deadline	Counter objection	NOIA Deadline
76G	Upper Clark Fork	Prelim.	5931	11/14/2024	11/10/2025	2/17/2026	TBD
76LJ	Upper Flathead	Prelim.	5914	12/21/2024	2/17/2026	TBD	TBD
76L	Lower Flathead	Prelim.	3578	5/2/2025	4/27/2026	TBD	TBD
<b>Total</b>			<b>15,423</b>				

**Clark Fork Division**  
**Table 4**  
**Status of remaining preliminary/interlocutory decrees**

<b>Basin</b>	<b>Name</b>	<b>Type of Decree</b>	<b>Claims</b>	<b>Projected Issuance Date</b>
76E	Rock Creek	Interlocutory	51	2026 – Q1
76F	Blackfoot River	Interlocutory	461	2026 – Q1
76GJ	Flint Creek	Interlocutory	115	2026 – Q1
76B	Yaak River	Preliminary	118	2026 – Q2
76C	Fisher River	Preliminary	301	2026 – Q2
76K	Swan River	Preliminary	647	2026 – Q2
<b>Total</b>			<b>1,693</b>	

## Lower Missouri Division

### Summary:

- 24 basins / 79,372 claims / 93.8% resolved (Table 1).
- Six final decrees issued (40P requires supplement)
- Five basins (40F, 40K, 40D, 40E, and 40S) ready for final decree.
- Two basins in active objection and issue remark resolution (Table 2).
- Seven basins in open objection periods (Table 3).
- Four basins with remaining interlocutory decrees to issue (Table 4).

<b>Lower Missouri Division</b>					
<b>Table 1</b>					
<b>Status of closed claims by basin</b>					
<b>Basin</b>	<b>Name</b>	<b>Total claims</b>	<b>Closed claims</b>	<b>Pct. Complete</b>	<b>Final Decree status</b>
*40A	Upper Musselshell River	6969	6094	87.4%	
*40B	Flatwillow Creek	4027	3679	91.4%	
*40C	Lower Musselshell River	4270	3951	92.5%	
40D	Big Dry Creek	3262	3262	100.0%	Issue 2026
40E	Missouri River between Musselshell & Ft. Peck Dam	3450	3450	100.0%	Issue 2026
*40EJ	Missouri River between Bullwacker Cr. & Musselshell	3021	2677	88.6%	
*40F	Milk River above Fresno	2420	2420	100.0%	Issue 2026
*40G	Sage Creek	1029	1029	100.0%	Completed (2024)
*40H	Big Sandy Creek	893	893	100.0%	Completed (2021)
*40I	Peoples Creek	709	696	98.2%	
*40J	Milk River below Fresno Res	13541	12919	95.4%	
*40K	Whitewater Creek	4033	4033	100%	Issue 2026
*40L	Frenchman Creek	575	424	73.7%	
*40M	Beaver Creek (Milk trib)	3461	2948	85.2%	
40N	Rock Creek	1837	1837	100.0%	
*40O	Milk R. below Whitewater Cr.	3857	3804	98.6%	
*40P	Redwater River	2061	1931	93.7%	Issued (1985)
*40Q	Poplar River	2184	2183	100.0%	Completed (2022)
*40R	Big Muddy Creek	2149	2149	100.0%	Completed (2022)
*40S	Missouri River below Ft. Peck	3252	3251	99.9%	Issue 2026
*40T	St. Mary River	299	299	100%	Completed (2025) <sup>1</sup>
*41R	Arrow Creek	2209	2036	92.2%	
41S	Judith River	6499	5445	83.8%	
41T	Missouri River below Marias	3365	3078	91.5%	
	<b>Total</b>	<b>79,372</b>	<b>74,487</b>	<b>93.8%</b>	

<sup>1</sup> The Basin 40T Final Decree will be supplemented with several dozen reserved water right claims in Glacier National Park that were approved in the National Park Service Compact, but required new abstracts.

<b>Lower Missouri Division</b>						
<b>Table 2</b>						
<b>Basins in active objection and issue remark resolution</b>						
<b>Basin</b>	<b>Name</b>	<b>Last Decree</b>	<b>Decree date</b>	<b>NOIA date</b>	<b>Open claims</b>	<b>Open cases</b>
40O	Milk R. below Whitewater Cr.	Interlocutory	1/11/2024	12/9/2024	53	11
41S	Judith River	Preliminary	8/18/2022	9/29/2023	1054	281

<b>Lower Missouri Division</b>							
<b>Table 3</b>							
<b>Status of basin decrees in active objection periods</b>							
<b>Basin</b>	<b>Name</b>	<b>Type of Decree</b>	<b>Claims</b>	<b>Decree Issued</b>	<b>Objection Deadline</b>	<b>Counter objection</b>	<b>NOIA Deadline</b>
40I	Peoples Creek	Interlocutory	13	7/9/2025	1/5/2026	TBD	TBD
40EJ	Missouri River - Bullwacker to Musselshell	Interlocutory	344	9/25/2025	3/24/2026	TBD	TBD
40A	Upper Musselshell	Interlocutory	858	10/31/2025	4/29/2026	TBD	TBD
40C	Lower Musselshell	Interlocutory	318	10/31/2025	4/29/2026	TBD	TBD
40M	Beaver Creek	Interlocutory	513	11/12/2025	5/11/2026	TBD	TBD
41R	Arrow Creek	Interlocutory	171	12/10/2025	6/28/2026	TBD	TBD
40B	Flatwillow Creek	Interlocutory	348	12/17/2025	6/15/2026	TBD	TBD

<b>Lower Missouri Division</b>				
<b>Table 4</b>				
<b>Status of remaining preliminary/interlocutory decrees</b>				
<b>Basin</b>	<b>Name</b>	<b>Type of Decree</b>	<b>Claims</b>	<b>Projected Issuance Date</b>
40J	Milk River below Fresno Res	Interlocutory	622	2026 – Q2
40L	Frenchman Creek	Interlocutory	151	2026 – Q2
41T	Missouri River below Marias	Interlocutory	288	2026 – Q2
40P	Redwater River	Interlocutory	130	2026 – Q3
<b>Total</b>			<b>1191</b>	

## Upper Missouri Division

**Summary:**

- 19 basins / 62,454 claims / 79.7% resolved (Table 1).
- No final decrees issued; two basins (41Q and 41U) close to ready.
- Eight basins in active objection and issue remark resolution (Table 2).
- Four basins in open objection periods (Table 3).
- Four basins with remaining interlocutory decrees to issue (Table 4).

<b>Upper Missouri Division</b>				
<b>Table 1</b>				
<b>Status of closed claims by basin</b>				
<b>Basin</b>	<b>Name</b>	<b>Total claims</b>	<b>Closed claims</b>	<b>Pct. Complete</b>
*41A	Red Rock River	3731	2894	77.6%
*41B	Beaverhead River	2946	2258	76.6%
41C	Ruby River	2932	2932	0%
*41D	Big Hole River	4578	3949	86.3%
41E	Boulder River tributary of Jefferson River	1584	1512	95.5%
41F	Madison River	3666	1959	53.4%
*41G	Jefferson River	3297	2639	80.0%
*41H	Gallatin River	6852	6260	91.4%
41I	Missouri River above Holter Dam	6593	4672	70.9%
*41J	Smith River	3952	2799	70.8%
41K	Sun River	3239	3193	98.6%
41L	Cut Bank Creek	752	711	94.5%
41M	Two Medicine River	1283	1172	91.3%
41N	Willow Creek	1550	1541	99.4%
*41O	Teton River	2850	2565	90.0%
*41P	Marias River	4112	3961	96.3%
*41Q	Missouri River from Sun to Marias	4398	4398	100.0%
*41QJ	Missouri River from Holter Dam to Sun R.	3177	2595	81.7%
41U	Dearborn River	959	959	100.0%
	<b>Total</b>	<b>62,451</b>	<b>49,790</b>	<b>79.7%</b>

Upper Missouri Division Table 2 Basins in active objection and issue remark resolution						
Basin	Name	Last Decree	Decree date	NOIA date	Open claims	Open cases
41K	Sun River	Preliminary	1/28/2021	3/21/2022	46	9
41I	Missouri River (upper)	Preliminary	6/24/2022	9/25/2023	1921	90
41E	Boulder River	Preliminary	10/19/2022	12/15/2023	72	13
41F	Madison River	Preliminary	7/26/2023	8/26/2024	1707	105
41J	Smith River	Interlocutory	9/11/2024	7/18/2025	1151	10
41O	Teton River	Interlocutory	1/17/2025	12/19/2025	285	0
41A	Red Rock River	Interlocutory	1/31/2025	1/6/2026	837	0
41B	Beaverhead River	Interlocutory	1/31/2025	1/6/2026	686	0

Upper Missouri Division Table 3 Status of basin decrees in active objection periods							
Basin	Name	Type of Decree	Claims	Decree Issued	Objection Deadline	Counter objection	NOIA Deadline
41C	Ruby River	Preliminary	2932	6/25/25	3/23/2026	TBD	TBD
41QJ	Missouri – Holter to Sun River	Interlocutory	582	8/31/2025	3/4/2026	TBD	TBD
41G	Jefferson River	Interlocutory	642	12/3/2025	6/1/2026	TBD	TBD
<b>Total</b>			<b>4156</b>				

Upper Missouri Division Table 4 Status of remaining preliminary/interlocutory decrees				
Basin	Name	Type of Decree	Claims	Projected Issuance Date
41D	Big Hole River	Interlocutory	629	1/14/2026
41H	Gallatin River	Interlocutory	582	Q1 – 2026
41P	Marias River	Interlocutory	151	Q2 - 2026
<b>Total</b>			<b>1362</b>	

## Yellowstone Division

### Summary:

- 27 basins / 69,812 claims / 90.2% resolved (Table 1).
- Ten final decrees issued; five Powder River basins require supplemental decrees.
- Two basins in active objection and issue remark resolution (Table 2).
- Three basins in open objection periods (Table 3).
- Eight basins with remaining interlocutory decrees to issue (five are Powder River basins) – all expected 2026 (Table 4).

<b>Yellowstone Division</b>					
<b>Table 1</b>					
<b>Status of closed claims by basin</b>					
<b>Basin</b>	<b>Name</b>	<b>Total claims</b>	<b>Closed claims</b>	<b>Pct. Complete</b>	<b>Final Decree status</b>
*38H	Belle Fourche River above Cheyenne River	229	210	91.7%	Issued 1984, to be supplemented
*39E	Box Elder Creek	2669	2669	100.0%	Completed 2024
*39F	Little Missouri above Little Beaver Creek	3168	3168	100.0%	Issue 2026
*39FJ	Little Beaver Creek	1073	1073	100.0%	Completed 2024
*39G	Beaver Creek	773	773	100.0%	Completed 2024
*39H	Little Missouri below Little Beaver	203	203	98.1%	Issued 1984, to be supplemented
*42A	Rosebud Creek	1350	1350	100.0%	Issue 2026
*42B	Tongue River incl. Hanging Woman	1409	1409	100.0%	Issue 2026
42C	Tongue River below Hanging Woman	5006	4944	98.8%	
*42I	Little Powder River	2314	2273	98.2%	Issued 1983, to be supplemented
*42J	Powder River	9063	8855	97.7%	Issued 1983, to be supplemented
42K	Yellowstone River – Tongue to Powder	1638	0	0%	
42KJ	Yellowstone River - Bighorn to Tongue	5269	4811	91.3%	
*42L	O'Fallon Creek	2959	2754	93.1%	Issued 1985, to be supplemented
42M	Yellowstone River below Powder River	5895	5375	100.0%	Completed 2024
*43A	Shields River	3848	3554	92.4%	
*43B	Yellowstone River (upper)	5836	5103	87.4%	
43BJ	Boulder River (Yellowstone trib)	912	0	0%	

43BV	Sweet Grass Creek	1243	1211	97.4%	
43C	Stillwater River	2182	2182	0%	
*43D	Clarks Fork Yellowstone River	3477	2888	83.1%	
43E	Pryor Creek	673	0	100.0%	Completed 2024
43N	Shoshone River	182	0	100.0%	
43O	Little Big Horn River	1364	1330	97.5%	
43P	Bighorn River below Greybull River	2336	2295	98.2%	
*43Q	Yellowstone - Clarks Fork to Bighorn	3288	2487	75.6%	
43QJ	Yellowstone - Bridger to Clarks Fork	1449	1183	81.6%	
<b>Total</b>		<b>69,812</b>	<b>62,955</b>	<b>90.2%</b>	

<b>Yellowstone Division Table 2 Basins in active objection and issue remark resolution</b>						
<b>Basin</b>	<b>Name</b>	<b>Last Decree</b>	<b>Decree date</b>	<b>NOIA date</b>	<b>Open claims</b>	<b>Open cases</b>
43BV	Sweet Grass Cr.	Preliminary	5/27/2021	7/26/2022	32	12
42C	Tongue River below Hanging Woman	Interlocutory	10/11/2023	9/27/2024	62	4
43QJ	Yellowstone - Bridger to Clarks Fork	Preliminary	9/25/2024	8/4/2025	266	119

<b>Yellowstone Division Table 3 Status of basin decrees in active objection periods</b>							
<b>Basin</b>	<b>Name</b>	<b>Type of Decree</b>	<b>Claims</b>	<b>Decree Issued</b>	<b>Objection Deadline</b>	<b>Counter objection</b>	<b>NOIA Deadline</b>
42K	Yellowstone R. – Tongue to Powder	Preliminary	1638	5/8/2025	2/2/2026	TBD	TBD
43C	Stillwater River	Preliminary	2182	6/18/2025	3/16/2026	TBD	TBD
42KJ	Yellowstone River - Bighorn to Tongue	Interlocutory	458	7/16/2025	1/12/2026	TBD	TBD
43BJ	Boulder River (Yellowstone trib)	Preliminary	912	9/3/2025	3/2/2026	TBD	TBD
43A	Shields River	Preliminary	294	11/19/2025	5/18/2026	TBD	TBD
<b>Total</b>			<b>5,484</b>				

<b>Yellowstone Division</b>				
<b>Table 4</b>				
<b>Status of remaining preliminary/interlocutory decrees</b>				
<b>Basin</b>	<b>Name</b>	<b>Type of Decree</b>	<b>Claims</b>	<b>Projected Issuance Date</b>
43B	Upper Yellowstone River (above & including Bridger Creek)	Interlocutory	719	Q1 2026
43D	Clarks Fork Yellowstone River	Interlocutory	589	Q1 2026
43Q	Yellowstone River between Clarks Fork & Bighorn River	Interlocutory	801	Q1 2026
38H	Belle Fourche River above Cheyenne River	Interlocutory	19	Q3 2026
39H	Little Missouri below Little Beaver	Interlocutory	4	Q3 2026
42I	Little Powder River	Interlocutory	41	Q3 2026
42J	Powder River	Interlocutory	208	Q3 2026
42L	O'Fallon Creek	Interlocutory	205	Q3 2026
<b>Total</b>			<b>1,867</b>	

### Claims Resolved by Month

	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Jan		850	587	371	468
Feb		870	573	303	398
Mar		934	728	437	390
Apr		932	755	574	392
May		767	592	346	249
Jun		1016	379	495	203
Jul	799	1030	603	659	383
Aug	851	1040	1764	455	617
Sep	704	659	420	500	302
Oct	571	753	838	656	227
Nov	607	810	658	392	218
Dec	1032	563	328	709	
<b>Total</b>	<b>4564</b>	<b>10224</b>	<b>8225</b>	<b>5897</b>	<b>3847</b>
<b>Avg</b>	<b>761</b>	<b>852</b>	<b>685</b>	<b>491</b>	<b>350</b>

## Federal and Tribal Compact Status

Compact Name	WC Case #	Status
Crow Tribe Compact	WC-0006-C-2012	CLOSED
Blackfeet Tribe Compact	WC-0006-C-2018	Closed
Blackfeet Tribe Stipulated Rights	WC-0001-C-1991	Closed
Fort Peck-Montana Compact	WC-1992-1	Closed
Northern Cheyenne Compact	WC-0001-C-1993	Closed
National Park Service-MT Compact	WC-1994-1	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 and 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
Bowdoin National Wildlife Refuge Compact	WC-2013-04	Closed
USDA Fort Keogh Research Station	WC-2014-07	Closed
USDA Sheep Experiment Station	WC-2014-06	Closed
Charles M. Russell National Wildlife Refuge	WC-2015-05	Closed
Upper Missouri River Breaks National Monument	WC-2015-06	Closed
Confederated Salish and Kootenai Tribes of the Flathead Reservation	WC-0001-C-2021	Active
Fort Belknap Indian Reservation		Pending before Congress