

Water Court Update

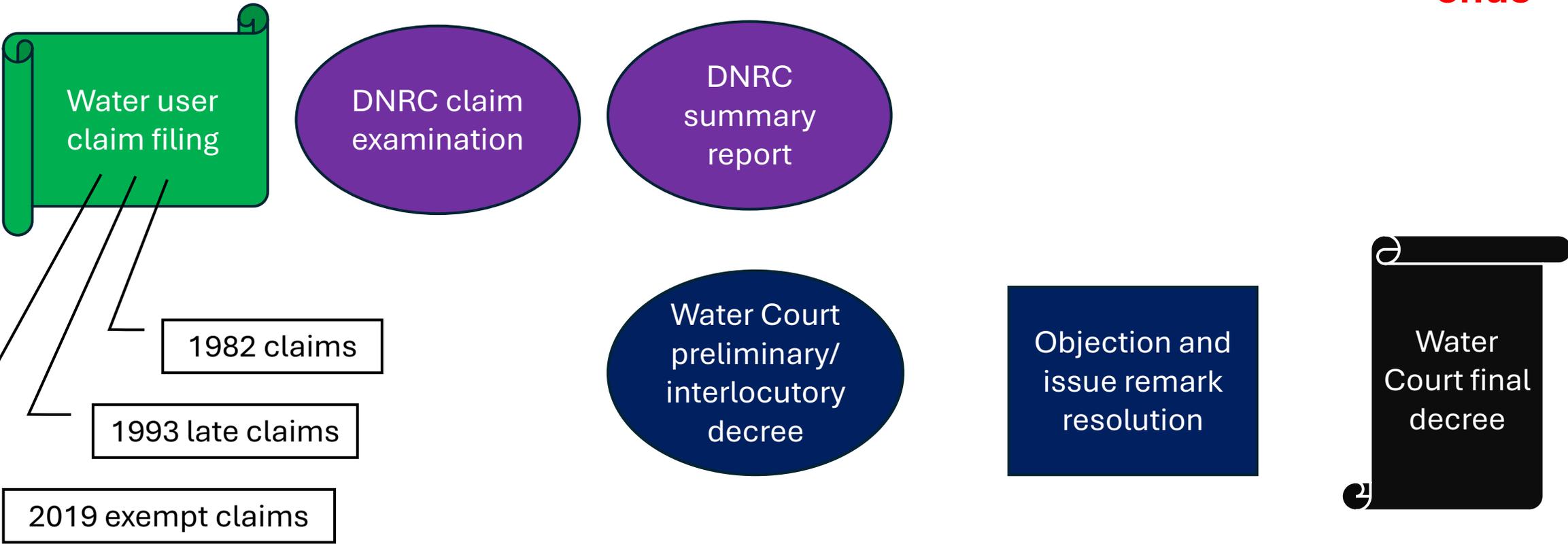
Water Policy Interim Committee

January 12, 2026

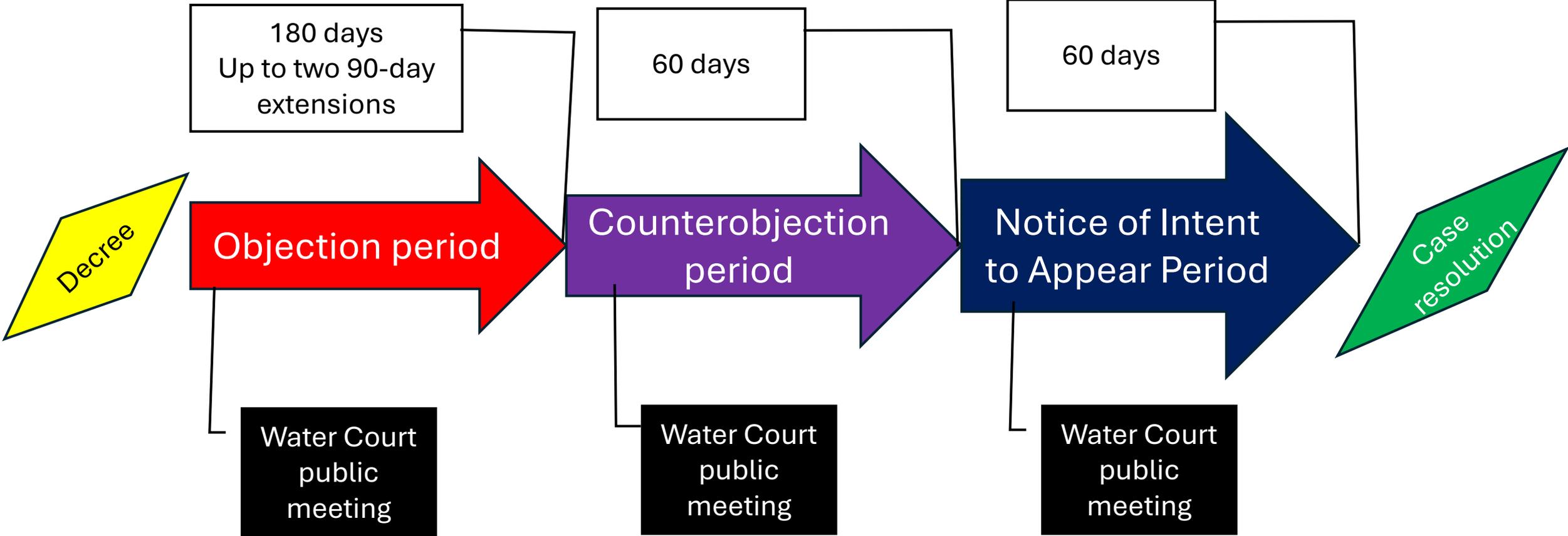
Montana's adjudication process

Adjudication starts

Adjudication ends



Preliminary / Interlocutory Decree Process





Decree terminology

- **Summary Report** – draft of decree prepared by DNRC, reviewed by Water Court prior to decree issuance.
 - **Temporary Preliminary Decree (TPD)** – Process used prior to ~ 2008 to allow claims to be decreed and enforced prior to reserved right determinations.
 - **Preliminary Decree** – Decree containing DRNC and Water Court determination of claim elements and issues – subject to objections.
 - **Interlocutory Decree** – Supplements prior preliminary decree with exempt claims and claims with unresolved issues.
 - **Final Decree** – Issued by Water Court upon resolution of all issue remarks and objections.
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	Division	Basin	Name	Type	Claims	Date
1	UM	41O	Teton River	Interlocutory	285	1/17/2025
2	UM	41A	Red Rock River	Interlocutory	837	1/31/2025
3	UM	41B	Beaverhead River	Interlocutory	688	1/31/2025
4	CF	76LJ	Upper Flathead River incl Flathead Lake	Preliminary	5914	2/24/2025
5	CF	76L	Lower Flathead River	Preliminary	3578	5/2/2025
6	YE	42K	Yellowstone River between Tongue & Powder	Preliminary	1638	5/8/2025
7	YE	43C	Stillwater River	Preliminary	2182	6/18/2025
8	UM	41C	Ruby River	Preliminary	2932	6/25/2025
9	LM	40I	Peoples Creek	Interlocutory	13	7/9/2025
10	YE	42KJ	Yellowstone River between Bighorn & Tongue Rivers	Interlocutory	458	7/21/2025
11	YE	43BJ	Boulder River (tributary of Yellowstone)	Preliminary	912	8/15/2025
12	UM	41QJ	Missouri River from Holter Dam to Sun River	Interlocutory	582	9/5/2025
13	LM	40EJ	Missouri River between Bullwacker Cr. & Musselshell	Interlocutory	344	9/25/2025
14	LM	40T	St. Mary River	Final	199	10/15/2025
15	LM	40A	Musselshell River (upper)	Interlocutory	858	10/31/2025
16	LM	40C	Musselshell River (lower)	Interlocutory	318	10/31/2025
17	LM	40M	Beaver Creek (Milk tributary)	Interlocutory	513	11/11/2025
18	YE	43A	Shields River	Interlocutory	294	11/19/2025
19	UM	41G	Jefferson River	Interlocutory	650	12/3/2025
20	LM	41R	Arrow Creek	Interlocutory	171	12/10/2025
21	LM	40B	Flatwillow Creek	Interlocutory	348	12/17/2025
22	CF	76H	Bitterroot River (all)	Interlocutory	1415	12/30/2025
Total					25,129	

2025 Decreets Issued

	Division	Basin	Name	Type	Claims	Date
1	UM	41D	Big Hole River	ILD	629	Q1
2	UM	41H	Gallatin River	ILD	582	Q1
3	YE	43B	Yellowstone River above & incl Bridger Creek	ILD	719	Q1
4	YE	43D	Clarks Fork Yellowstone River	ILD	589	Q1
5	CFD	76F	Blackfoot River	ILD	461	Q1
6	CFD	76E	Rock Creek	ILD	51	Q1
7	CFD	76GJ	Flint Creek	ILD	115	Q1
8	UM	41P	Marias River	ILD	151	Q2
9	LM	41T	Missouri Ri. from Marias incl Bullwacker Cr	ILD	287	Q2
10	YE	43Q	Yellowstone between Clarks Fork & Bighorn River	ILD	801	Q2
11	LM	40J	Milk River between Fresno Res & Whitewater Cr.	ILD	622	Q2
12	LM	40L	Frenchman Creek	ILD	151	Q2
13	CFD	76B	Yaak River	PD	118	Q2
14	CFD	76C	Fisher River	PD	301	Q2
15	CFD	76K	Swan River	PD	647	Q2
16	YE	38H	Belle Fourche River above Cheyenne River	ILD	19	Q3
17	YE	39H	Little Missouri below Little Beaver	ILD	4	Q3
18	LM	40P	Redwater River	ILD	130	Q3
19	YE	42I	Little Powder River	ILD	41	Q3
20	YE	42J	Powder River	ILD	208	Q3
21	YE	42L	O'Fallon Creek	ILD	205	Q3
Total					6,831	

2026 Preliminary/ Interlocutory Decreases (Anticipated)

2026 Final Decreases (Anticipated)

Div	Basin	Name
LM	40D	Big Dry Creek
LM	40E	Missouri River, between Musselshell River and Fort Peck Dam
LM	40F	Milk River, above Fresno Reservoir
LM	40K	Whitewater Creek
LM	40S	Missouri River, below Fort Peck Dam
YE	39F	Little Missouri River, above Little Beaver Cr.
YE	42A	Rosebud Creek
YE	42B	Tongue River, above and including Hanging Woman Cr.

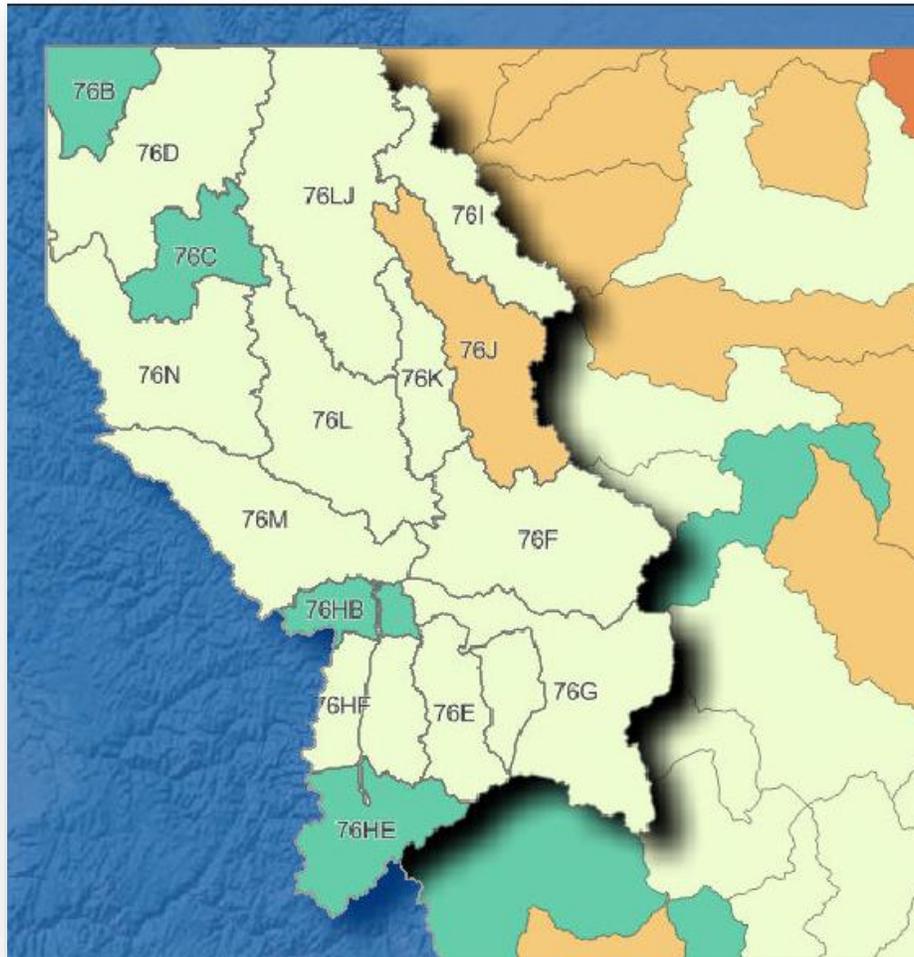
Decree status update

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%
Total	233,713	17,956	251,669	6,832	244,837	97.3%

Assessing division and basin status

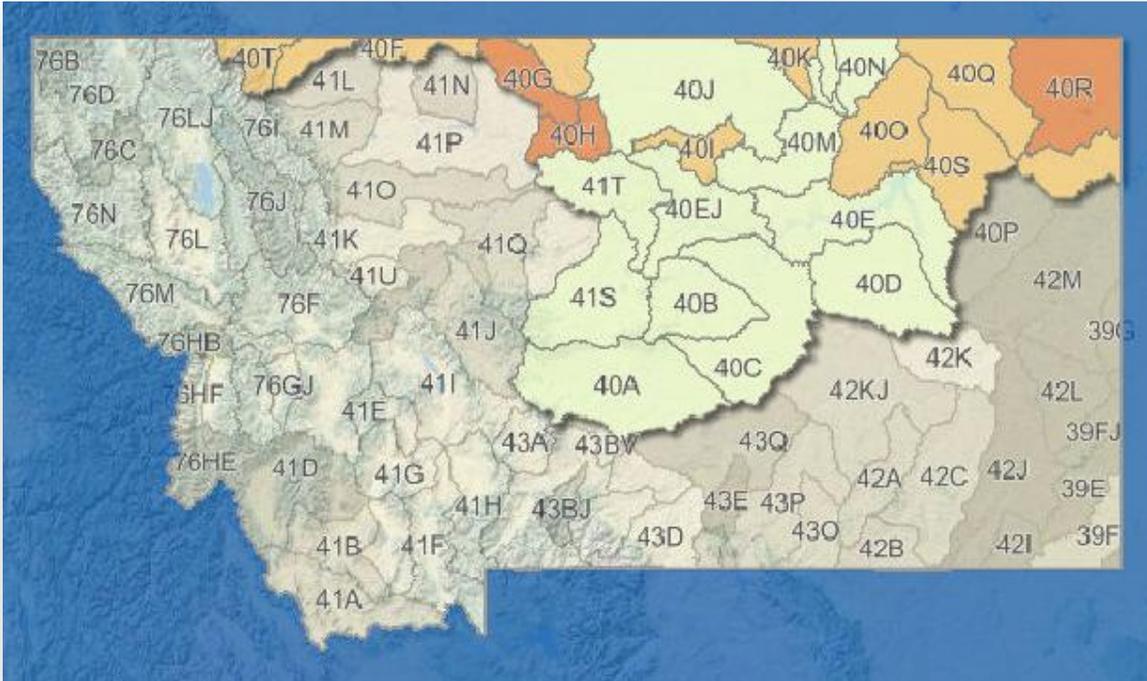
- Table 1 – Total claims decreed, and total claims closed (by number and percentage)
- Table 2 – Basins decreed and all objection periods closed.
 - Claims with issue remarks or objections are “consolidated” when put into a case for resolution.
 - “Cases” refer to an open litigation case. When cases close, claims close.
- Table 3 – Basins in active objection periods.
- Table 4 – Basins remaining to be decreed.

Clark Fork Division Status



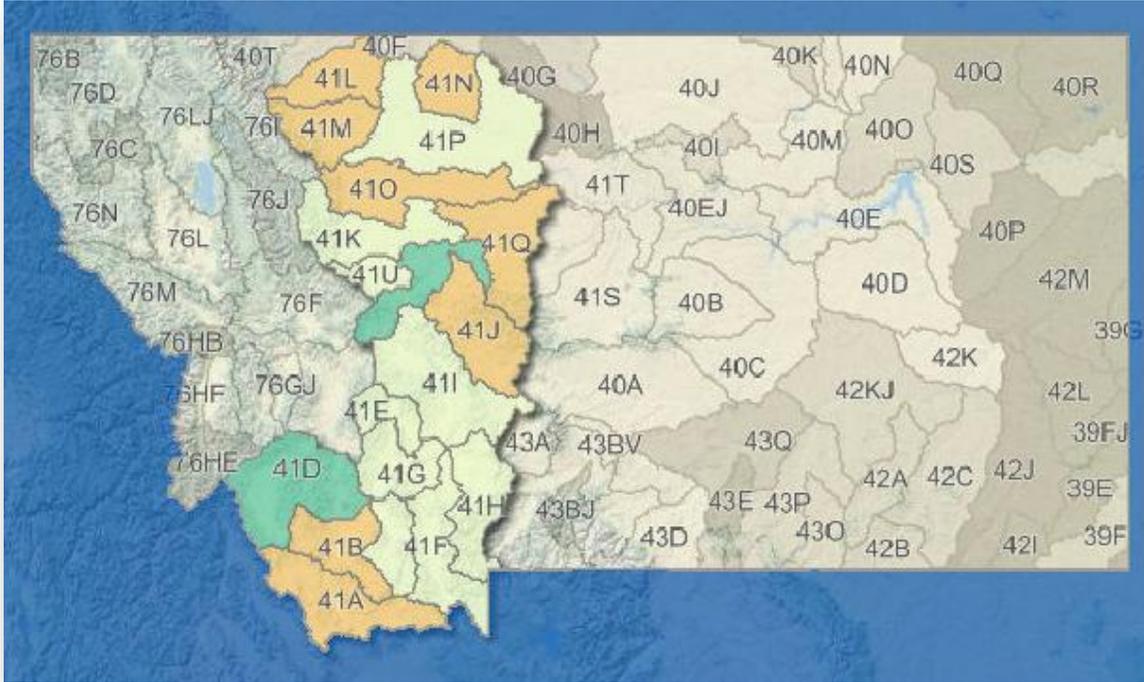
- 15 Basins
- 40,034 claims (not including CSKT)
 - 19,315 (48.6%) closed
- 0 final decrees
- 5 basins in active adjudication
- 3 basins in objection periods
 - 15,423 claims
- 6 decrees yet to be issued
 - 3 Preliminary
 - 3 Interlocutory
 - 1693 claims
- 95.8% decreed

Lower Missouri Division Status



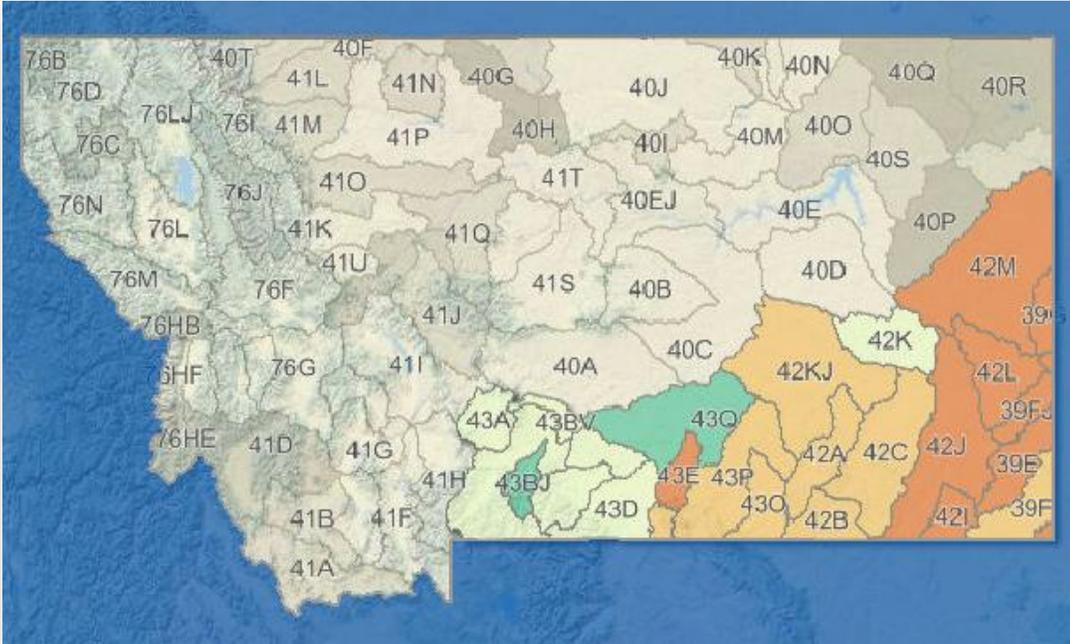
- 24 Basins
- 79,372 claims
 - 74,487 closed (93.8%)
- 6 Final Decrees
- 2 decrees in objection period
- 4 decrees yet to be issued
 - all interlocutory
 - 1191 claims
- 98.5% decreed

Upper Missouri Division Status



- 19 Basins
- 62,451 claims
 - 49,790 closed (79.7%)
- 0 Final Decrees
- 3 Decrees in objection periods
- 4 Decrees yet to be issued
 - All interlocutory
 - 1362 claims
- 97.8% decreed

Yellowstone Division Status



- 27 Basins
- 69,812 claims
 - 62,955 closed (90.2%)
- 10 Final Decrees*
- 3 Decrees in objection periods
- 8 Decrees yet to be issued
(*includes interlocutory decrees for Powder River Finals)
 - 3792 claims
- 96.3% decreed

Claim closing progression

	2021	2022	2023	2024	2025
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	
Total	4564	10224	8225	5897	3847
Avg	761	852	685	491	350

Compact Status

Federal (all completed)

Bowdoin National Wildlife Refuge Compact
Charles M. Russell National Wildlife Refuge
Fort Peck-Montana Compact
National Bison Range Compact
National Park Service-MT Compact
Red Rock Lakes Compact
Upper Missouri River Breaks National Monument
USA-BLM-MT Compact
USDA Forest Service
USDA Fort Keogh Research Station
USDA Sheep Experiment Station
USFWS Black Coulee and Benton Lake Compact

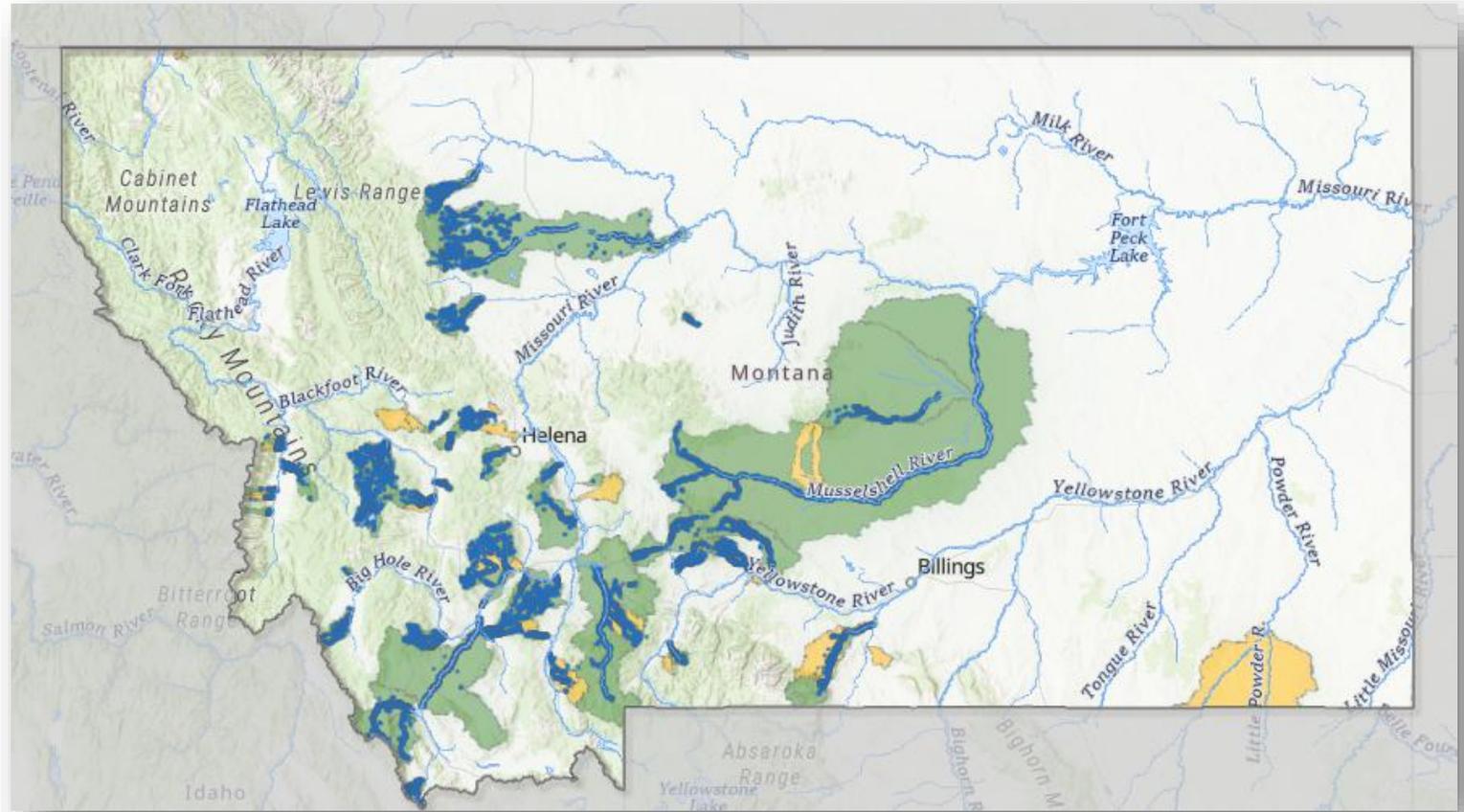
Tribal

Blackfeet Tribe Compact
Blackfeet Tribe Stipulated Rights
Crow Tribe Compact
Northern Cheyenne Compact
Rocky Boys Compact
CSKT – Case WC-0001-C-2021
Fort Belknap – Pending before Congress



Distribution (Enforcement) Projects

- 90 District Court distribution/enforcement projects
- 55 active in 2025
- Each with a Water Court case number
- Tabulations issued each year for active projects



Various distribution projects in west central MT

