

**DNRC REPORT TO EQC  
HB22 ADJUDICATION PROGRESS  
May 28, 2009**

**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**
- Claims examined July 2005 thru **March, 31 2009**         **32,825**
- Claims examined by Purpose
  - o Irrigation                     7,221      22%
  - o Stock                         19,367     59%
  - o Domestic                    3,611     11%
  - o Other                         2,626     8%

**32,825**

**Claims remaining to be examined**                                 **24,175**

**Summary Reports to Water Court**

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 Creek (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
<b>Little Big Horn River (43O)</b>	<b>Feb 6, 2009</b>
<b>Big Muddy Creek (40R)</b>	<b>April 6, 2009</b>

**Decrees Issued by Water Court**

Teton Basin Decree	December 29, 2005	2,500 claims
Union Creek Decree	March 10, 2006	42 claims
Big Hole River Decree	April 6, 2007	3,892 claims
Missouri River 41QJ	Feb 6, 2008	2,584 claims
Tongue River 42C	Feb 28, 2008	4710 claims
Tongue River 42B	Feb 28, 2008	1345 claims
Forest Service Compact	May 19, 2008	262 rights
<b>BLM – Montana</b>	<b>March 6 2009</b>	<b>2 rights</b>
<b>Compact</b>		
<b>Beaver Creek, trib of</b>	<b>March 20, 2009</b>	<b>2942 claims</b>
<b>Milk River</b>		

Above decrees scanned and available at: [http://dnrc.mt.gov/wrd/water\\_rts/adjudication](http://dnrc.mt.gov/wrd/water_rts/adjudication)

Updated information in bold.

<b>BASINS BY COMPLETION DATE - DNRC WORK PLAN 2009</b>				
<b>BASIN COUNT</b>	<b>BASIN NAME</b>	<b>WORK STATUS</b>	<b>EST COMPLETE DATE</b>	
1	Missouri R to Marias (41Q)	Summary prep pending	7	2009
2	Beaverhead River (41B)	Examination in progress	9	2009
3	Big Horn R below Greybull R (43P)	Summary prep pending	10	2009
4	Missouri R from Marias to Bullwacker (41T)	Examination in progress	10	2009
5	Rosebud Creek (42A)	Examination in progress	6	2010
6	Flathead R below Flathead Lake (76L)	Examination in progress	8	2010
7	Shoshone River (43N)	To be Examined	9	2010
8	Milk River above Fresno (40F)	Summary prep pending	3	2011
9	Arrow Creek (41R)	Examination in progress	6	2011
10	Flathead River (76LJ)	Examination in progress	9	2011
11	Cut Bank River (41L)	Summary prep pending	6	2012
12	St. Mary River (40T)	Summary prep pending	7	2012
13	Yellowstone R below Powder R (42M)	To be Examined	8	2012
14	Red Rock River (41A)	Examination in progress	2	2013
15	Peoples Creek (40I)	Summary prep pending	6	2013
16	Two Medicine River (41M)	Summary prep pending	8	2013
17	Marias River (41P)	Examination in progress	10	2013
18	Missouri R between Bullwacker & Musselshell (40EJ)	To be Examined	3	2015
19	Bitterroot R, E side (76HA)	Examination in progress	6	2015

### District Court Enforcement Actions

- Completed water court assistance on 23 streams 2005 season
- Completed water court assistance on 23 streams 2006 season
- Completed water court assistance on 26 streams 2007 season
- **Completed water court assistance on 35 streams 2009 season**
- Automated indexes are now in use

### Expenses

YTD FY09:	<b>Operating Costs</b>	<b>\$ 310,966.00</b>
	<b>Personnel services</b>	<b><u>\$ 1,488,212.00</u></b>
	<b>Total</b>	<b>\$ 1,799,178.00</b>
	<b>Budget</b>	<b>\$ 2,577,712.00</b>

### Billing System

- 108,000 bills mailed Dec. 27, 2005
- Estimated revenue generated \$6.2 million
- Revenue received **\$5.199 million**

### Appeals

- 5,026 Appeals received
- **4143 appeals have been resolved to date (1093 denied, 3050 resolved with fee correction)**
- **883 appeals remain**

### HB 39 Automate Ownership Updates effective July 1, 2008

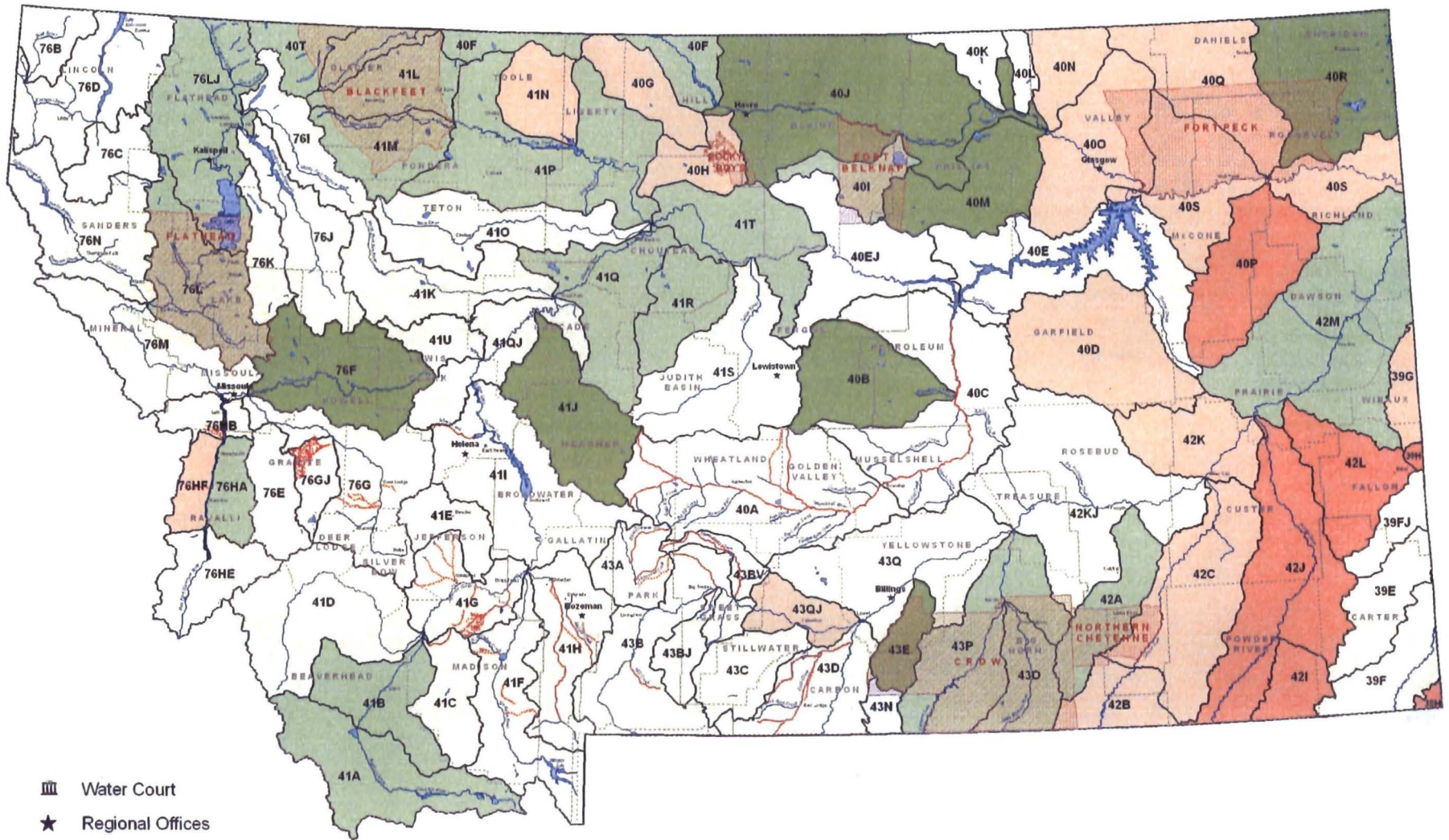
- o Contract is finalized and Tyler Inc is developing the program for DOR to pass thru new property owner names to DNRC for updating water right records. **Anticipate testing program in June 2009.**
- o Geocodes were loaded into DNRC database in June 2008.

### **Database Progress**

- **Water right records that have been matched to property geocodes will be uploaded to DOR Orion property database June 2009.**
- **Final testing** of Reserved Water Right Compact water right records, automating annual reporting and implementing subordination provisions. Anticipated completion date – June 2009.
- Moved Water Right Database to ITSD in May 2007.
- Automated water court objection list (120 hours) August 2007

# Basin Location and Adjudication Status

5/21/09



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

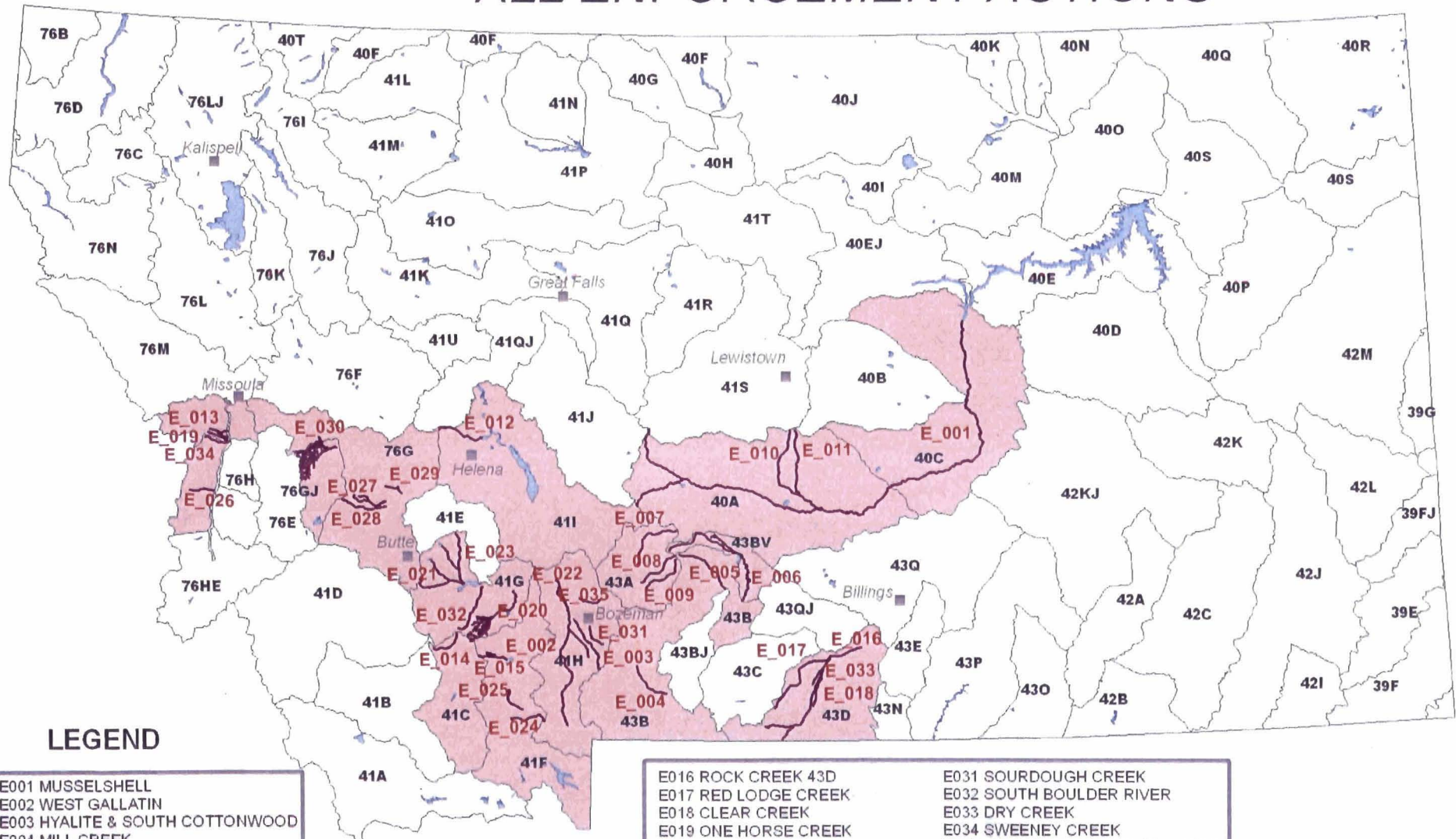
## Basin Boundary & Decree Status

- Currently Examining
- Summary Report Issued
- Not Yet Examined
- Temporary Decree
- Preliminary Decree

**WATER POLICY INTERIM  
COMMITTEE  
JULY 9, 2009  
EXHIBIT 2**



# ALL ENFORCEMENT ACTIONS

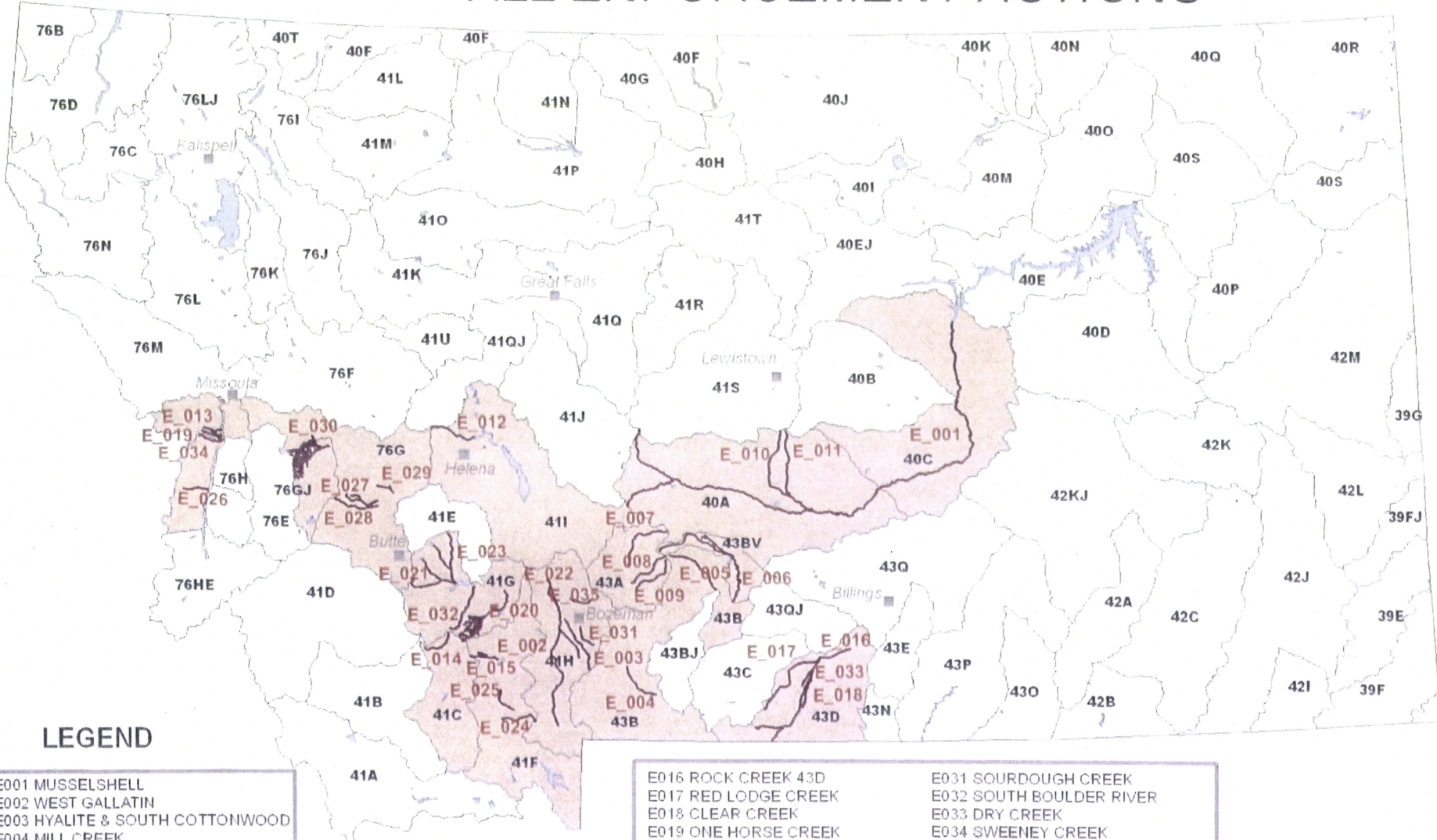


## LEGEND

- E001 MUSSELSHELL
- E002 WEST GALLATIN
- E003 HYALITE & SOUTH COTTONWOOD
- E004 MILL CREEK
- E005 BIG TIMBER CREEK
- E006 SWEET GRASS CREEK
- E007 SHIELDS RIVER
- E008 COTTONWOOD CREEK
- E009 ROCK CREEK 43A
- E010 CARELESS CREEK
- E011 SWIMMING WOMAN CREEK
- E012 SILVER CREEK
- E013 CARLTON CREEK
- E014 WISCONSIN CREEK
- E015 SOUTH MEADOW CREEK

- E016 ROCK CREEK 43D
- E017 RED LODGE CREEK
- E018 CLEAR CREEK
- E019 ONE HORSE CREEK
- E020 WILLOW CREEK
- E021 PIPESTONE & LITTLE PIPESTONE CREEK
- E022 BAKER CREEK
- E023 WHITETAIL DEER CREEK
- E024 INDIAN CREEK
- E025 BEAR CREEK
- E026 SHEAFMAN CREEK
- E027 DEMPSEY CREEK
- E028 RACETRACK CREEK
- E029 COTTONWOOD CREEK 76G
- E030 LOWER WILLOW CREEK
- E031 SOURDOUGH CREEK
- E032 SOUTH BOULDER RIVER
- E033 DRY CREEK
- E034 SWEENEY CREEK
- E035 MIDDLE COTTONWOOD CREEK

# ALL ENFORCEMENT ACTIONS



## LEGEND

- E001 MUSSELSHELL
- E002 WEST GALLATIN
- E003 HYALITE & SOUTH COTTONWOOD
- E004 MILL CREEK
- E005 BIG TIMBER CREEK
- E006 SWEET GRASS CREEK
- E007 SHIELDS RIVER
- E008 COTTONWOOD CREEK
- E009 ROCK CREEK 43A
- E010 CARELESS CREEK
- E011 SWIMMING WOMAN CREEK
- E012 SILVER CREEK
- E013 CARLTON CREEK
- E014 WISCONSIN CREEK
- E015 SOUTH MEADOW CREEK

- E016 ROCK CREEK 43D
- E017 RED LODGE CREEK
- E018 CLEAR CREEK
- E019 ONE HORSE CREEK
- E020 WILLOW CREEK
- E021 PIPESTONE & LITTLE PIPESTONE CREEK
- E022 BAKER CREEK
- E023 WHITETAIL DEER CREEK
- E024 INDIAN CREEK
- E025 BEAR CREEK
- E026 SHEAFMAN CREEK
- E027 DEMPSEY CREEK
- E028 RACETRACK CREEK
- E029 COTTONWOOD CREEK 76G
- E030 LOWER WILLOW CREEK
- E031 SOURDOUGH CREEK
- E032 SOUTH BOULDER RIVER
- E033 DRY CREEK
- E034 SWEENEY CREEK
- E035 MIDDLE COTTONWOOD CREEK

**DNRC REPORT TO EQC**  
**HB22 ADJUDICATION PROGRESS**  
**August 28, 2009**

**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**
  - Claims examined July 2005 thru July, **31 2009**      **36,702**
  - Claims examined by Purpose
    - o Irrigation                      8162      22%
    - o Stock                              21466    58%
    - o Domestic                        4146     11%
    - o Other                              2928    8%
- 36702**

**Claims remaining to be examined**                      **20,298**

**Summary Reports to Water Court**

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
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Pryor Creek (43E)	August 18, 2008
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Beaver Creek (40M)	September 1, 2008
Flatwillow Creek (40B)	September 11, 2008
Milk River (40J)	December 5, 2008
Little Big Horn River (43O)	Feb 6, 2009
Big Muddy Creek (40R)	April 6, 2009
<b>Missouri R to Marias (41Q)</b>	<b>June 16, 2009</b>
<b>Beaverhead River (41B)</b>	<b>August 14, 2009</b>

**Decrees Issued by Water Court**

Teton Basin Decree	December 29, 2005	2,500 claims
Union Creek Decree	March 10, 2006	42 claims
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Missouri River 41QJ	Feb 6, 2008	2,584 claims
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Tongue River 42B	Feb 28, 2008	1345 claims
Forest Service Compact	May 19, 2008	262 rights
BLM – Montana Compact	March 6 2009	2 rights
Beaver Creek, trib of Milk River	March 20, 2009	2942 claims

Above decrees scanned and available at: [http://dnrc.mt.gov/wrd/water\\_rts/adjudication](http://dnrc.mt.gov/wrd/water_rts/adjudication)

<b>BASINS BY COMPLETION DATE - DNRC WORK PLAN 2009</b>				
BASIN COUNT	BASIN NAME	WORK STATUS	EST COMPLETE DATE	
1	Missouri R from Marias to Bullwacker (41T)	Examination in progress	10	2009
2	Arrow Creek (41R)	Examination in progress	12	2009
3	Big Horn R below Greybull R (43P)	Summary prep pending	12	2009
4	Flathead R below Flathead Lake (76L)	Examination in progress	12	2009
5	Rosebud Creek (42A)	Examination in progress	6	2010
6	Shoshone River (43N)	To be Examined	9	2010
7	Milk River above Fresno (40F)	Summary prep pending	3	2011
8	Flathead River (76LJ)	Examination in progress	9	2011
9	Cut Bank River (41L)	Summary prep pending	6	2012
10	St. Mary River (40T)	Summary prep pending	7	2012
11	Yellowstone R below Powder R (42M)	To be Examined	8	2012
12	Red Rock River (41A)	Examination in progress	2	2013
13	Peoples Creek (40I)	Summary prep pending	6	2013
14	Two Medicine River (41M)	Summary prep pending	8	2013
15	Marias River (41P)	Examination in progress	10	2013
16	Missouri R between Bullwacker & Musselshell (40EJ)	To be Examined	3	2015
17	Bitterroot R, E side (76HA)	Examination in progress	6	2015

### **District Court Enforcement Actions**

- Completed water court assistance on 23 streams 2005 season
- Completed water court assistance on 23 streams 2006 season
- Completed water court assistance on 26 streams 2007 season
- **Completed water court assistance on 37 streams 2009 season**
- Automated indexes are now in use



### Post Decree Assistance

- expended 67 hours for certified case assistance
  - expended 1176 hours on 111 cases per 85-2-248
  - expended 375 hours on case assistance
  - expended 167 hours in general post decree assistance
- Total hours 1767

### Expenses

YTD FY09:	Operating Costs	\$ 331,822.00
	Personnel services	<u>\$ 1,915,414.00</u>
	Total	\$ 1,247,236.00
	Budget	\$ 2,555,369.00
YTD FY10:	Operating Costs	\$ 42,000.00
	Personnel services	<u>\$ 166,272.00</u>
	Total	\$ 209,009.00
	Budget	\$ 2,389,985.00

### Billing System

- 108,000 bills mailed Dec. 27, 2005
- Estimated revenue generated \$6.2 million
- Revenue received \$5.202 million

### Appeals

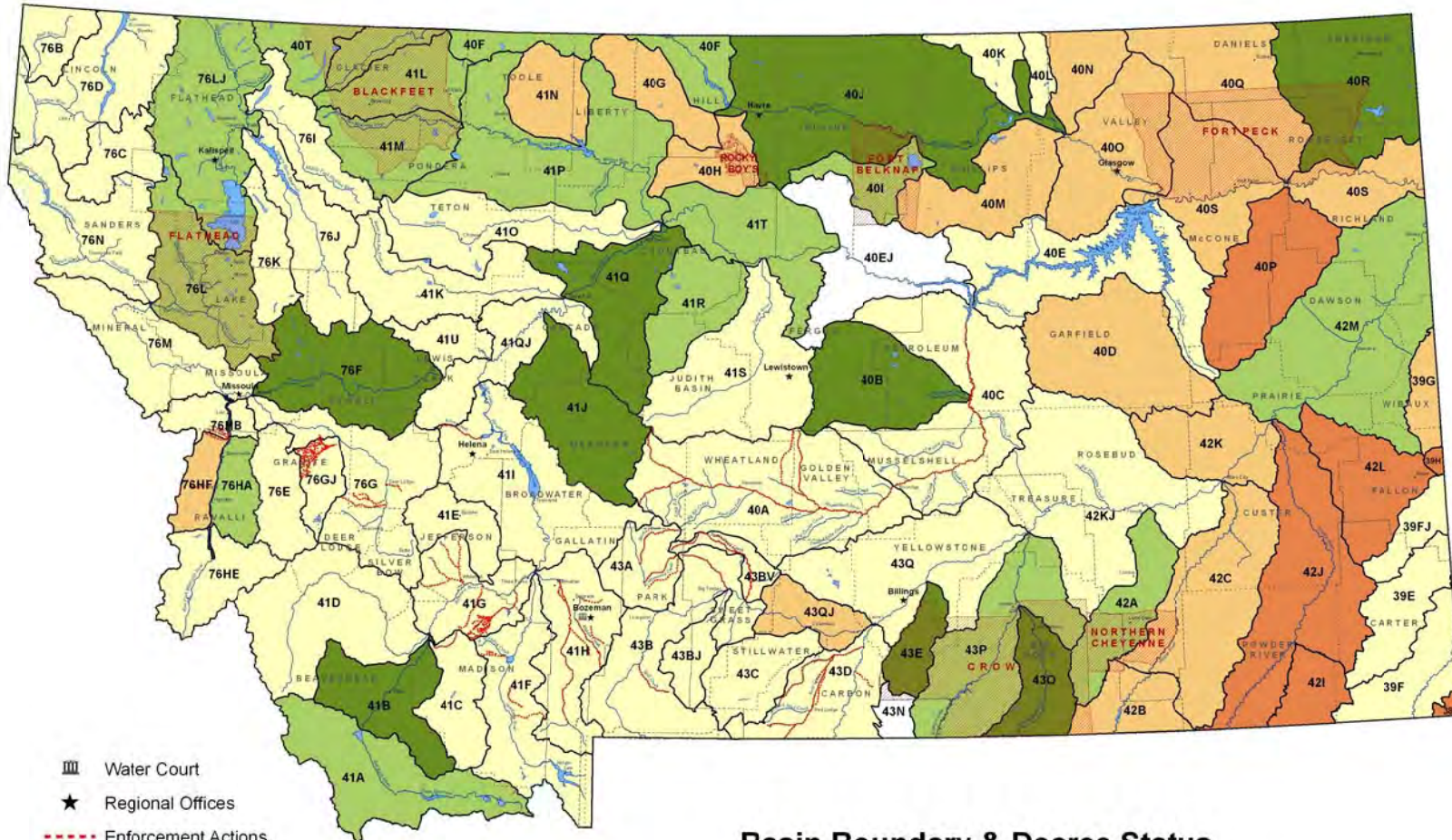
- 5,039 Appeals received
- **4222 appeals have been resolved to date (1104 denied, 3118 resolved with fee correction)**
- **817 appeals remain**

### HB 39 Automate Ownership Updates effective July 1, 2008

- o 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.
- o Geocodes were loaded into DNRC database in June 2008.
- o **Changes to the ownership update program on DOR's Orion system were delivered to DOR July 13, 2009. Due to the deadline for mailing notice of property reappraisals and processing the tax assessment notices, DOR anticipates a state-wide ownership update export to DNRC will be after mid-September.**

# Basin Location and Adjudication Status

8/6/09



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

## Basin Boundary & Decree Status

- Currently Examining
- Summary Report Issued
- Not Yet Examined
- Temporary Decree
- Preliminary Decree
- Final Decree

Water Resources Division  
 August 2009  
 Montana State Plane NAD 83

# MONTANA WATER COURT



## STATE OF MONTANA

(406) 586-4364  
1-800-624-3270 (In-State only)  
FAX: (406) 522-4131

PO BOX 1389  
Bozeman, MT 59771-1389

### **WATER COURT ADJUDICATION PROGRESS**

**Submitted by C. Bruce Loble, Chief Water Judge**

**August 20, 2009**

The Report prepared by the Department of Natural Resources and Conservation identifies the Summary Reports which the DNRC has delivered to the Water Court and the Decrees issued by the Water Court, so that information will not be repeated here.

The Water Court is reviewing several Summary Reports and expects to begin issuing additional decrees once the Department of Revenue water right ownership update process is fully functional. While waiting for the Department of Revenue, the Water Court is working with the DNRC claim examination staff, the United States water adjudication staff, private attorneys, and some water users to gather additional information to complete the examination of (1) Indian and possible Indian successor claims near reservations, (2) claims for private stock water rights on federal lands, and (3) claims asserting the historical marshaling of water rights on irrigated lands. Additionally, the Water Court is working with interested parties to identify flow rate and volume guidelines to apply to instream claims, other than Department of Fish, Wildlife, & Parks Murphy Rights. Once the procedures to examine these issues are resolved and implemented, the prospective decrees represented by the pending Summary Reports will be ready to be issued.

Montana's water rights adjudication effort is undergoing a performance audit by the Montana Legislative Audit Division. As part of that process, the Water Court's senior staff met with the legislative audit team on August 10, 2009 for an entrance conference. The audit team indicated that a draft report may be completed by January 2010 and that a final report is expected to be presented to the Legislative Audit Committee in early 2010. Presumably, the audit team would be available to appear before the EQC and Water Policy Committee.

In response to the 2009 legislative mandate to generate "vacancy savings," the Water Court has not filled a half time FTE position and in response to the suggestion of the Office of the Supreme Court Administrator, a few Water Court staff members have scaled back their hours to slightly less than full time.

*"... to expedite and facilitate the adjudication of existing water rights."*  
CH.697 L. 1979

The Water Court's primary focus is to work through its existing inventory of water right claims that have unresolved objections and other issues. The Court's goal is to draw down its current caseload to clear the decks for the large number of claims that are moving through the DNRC claim examination pipeline and which are scheduled to be incorporated into Water Court decrees in the next few years.

Currently, the Water Court is primarily working on water right claims in the following basins:

Basin	Source	Claims in Decree	Remaining Claims to Resolve
40H	Big Sandy Creek	797	104
40O	Milk River Below Whitewater Creek	3306	1369
40Q	Poplar River	2080	52
40S	Missouri River Below Ft. Peck Dam	2966	483
41D	Big Hole River	3892	2268
41O	Teton River	2524	1278
41QJ	Missouri River from Holter Dam to Sun River	2445	844
42B	Tongue River above and including Hanging Woman Creek	1345	569
42C	Tongue River below Hanging Woman Creek	4689	1186
42KJ	Yellowstone River between Bighorn and Tongue Rivers	4767	915
43Q	Yellowstone River between Clarks Fork Yellowstone and Bighorn Rivers	2473	242
76HF	Westside Subbasin - Bitterroot River	3774	229

**DNRC REPORT TO EQC  
HB22 ADJUDICATION PROGRESS  
January 2010**

**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**
- Claims examined July 2005 thru November, **30 2009**      **39,250**
- 
- Claims examined by Purpose
  - o Irrigation                    9132      23%
  - o Stock                        22287     57%
  - o Domestic                   4649      12%
  - o Other                        3282     8%

**39250**

**Claims remaining to be examined**                              **17,750**

**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
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Big Muddy Creek (40R)	April 6, 2009
Missouri River, Sun River to Marias River (41Q)	June 16, 2009
<b>Beaverhead River (41B)</b>	<b>August 14, 2009</b>
<b>Arrow Creek (41R)</b>	<b>October 23, 2009</b>
<b>Missouri River, from Marias River to Bullwacker Creek (41T)</b>	<b>November 17, 2009</b>

**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

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 2009</b>				
BASIN COUNT	BASIN NAME	WORK STATUS	Estimated Completion Date	
1	Flathead R below Flathead Lake (76L)	Examination in progress	12	2009
2	Big Horn R below Greybull R (43P)	Examination in progress	3	2010
3	Rosebud Creek (42A)	Examination in progress	6	2010
4	Shoshone River (43N)	To be Examined	9	2010
5	Milk River above Fresno (40F)	Summary prep pending	3	2011
6	Flathead River (76LJ)	Examination in progress	9	2011
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14	Missouri R between Bullwacker & Musselshell (40EJ)	Examination in progress	3	2015
15	Bitterroot R, E side (76HA)	Examination in progress	6	2015

**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  
 Automated indexes are now in use

**Post Decree Assistance (July thru Nov 2009)**

<u>Case type</u>	<u>case count</u>	<u>work hours</u>
Certified case	<b>1</b>	<b>81</b>
85-2-248	<b>82</b>	<b>1738</b>
Case	<b>10</b>	<b>54.5</b>
General assist		<b>72.5</b>
Total hours		<b>2242</b>

**Expenses**

YTD FY 2010:	Operating Costs	\$ <b>112,702.73</b>
	Personnel Services	\$ <b>677,255.79</b>
	Total	\$ <b>789,958.52</b>
	Budget	\$ <b>2,375,917.00</b>

**Billing System**

108,000 bills mailed Dec 27, 2005  
Estimated revenue generated \$6.2 million  
Revenue received \$5.202 million

**Appeals**

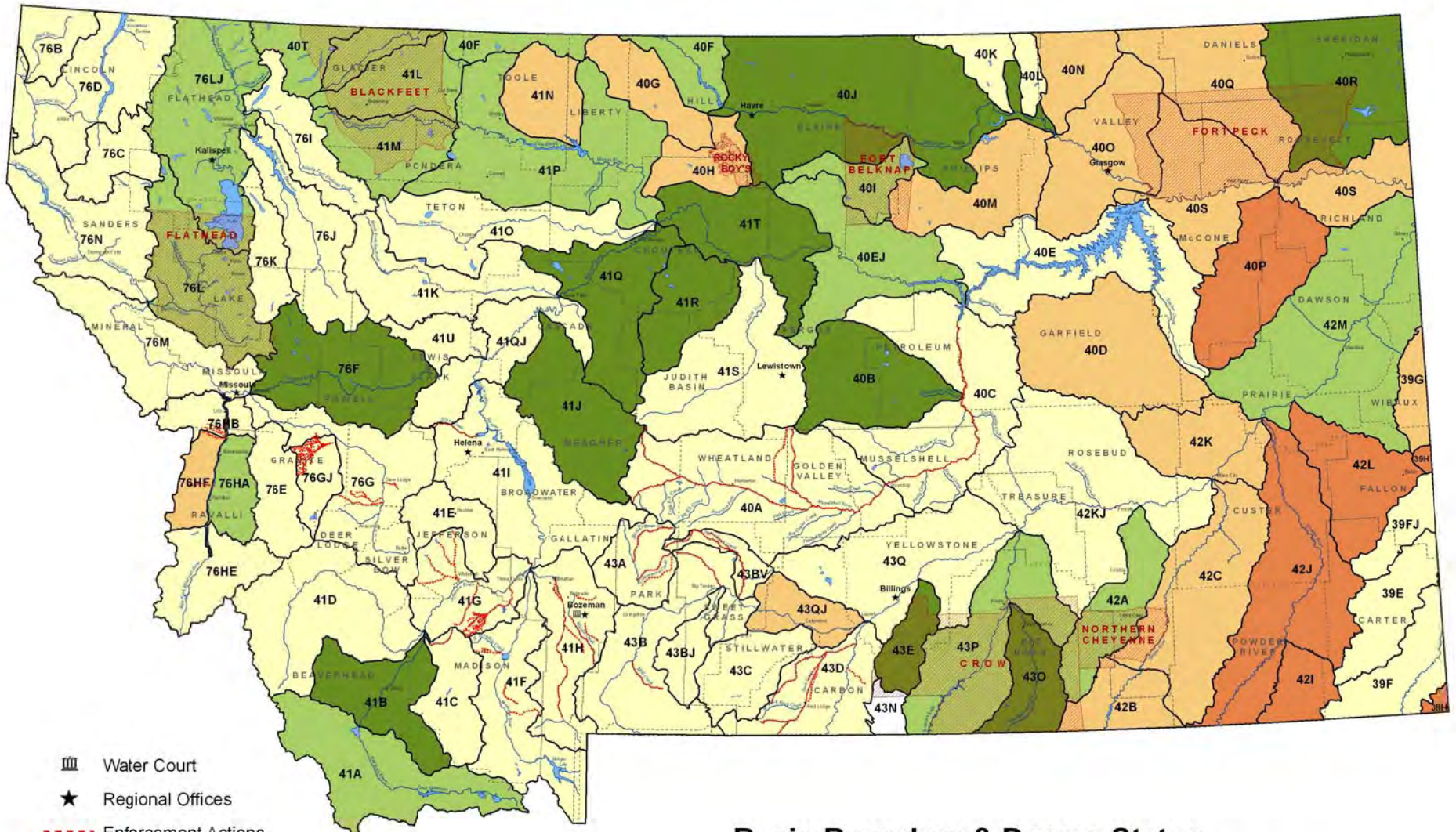
5,048 Appeals received  
**4505** appeals resolved to date (1118 denied, 3387 resolved with fee correction)  
**543** appeals remain

**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.**
- DNRC is scrubbing data for input, estimated completion date June 2010.**

# Basin Location and Adjudication Status

11/20/09



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

## Basin Boundary & Decree Status

- |  |                       |  |                    |
|--|-----------------------|--|--------------------|
|  | Currently Examining   |  | Temporary Decree   |
|  | Summary Report Issued |  | Preliminary Decree |
|  | Not Yet Examined      |  | Final Decree       |



**WATER COURT ADJUDICATION PROGRESS**  
**REPORT TO THE EQC PURSUANT TO § 85-2-281, MCA**  
**Submitted by C. Bruce Loble, Chief Water Judge**  
**December 9, 2009**

The Water Court's primary focus is to work through its existing 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 Court's goal is to draw down its current caseload to clear the decks for the large number of claims that are moving through the DNRC claim examination pipeline and which are scheduled to be incorporated into Water Court decrees within the next few years. Currently, the Water Court is primarily working on water right claims in the following basins:

Basin	Source See Attached Map	Claims in Decree	Remaining Claims to Resolve
40A	Musselshell River above Roundup	5,812	149
40E	Missouri River between Musselshell River & Fort Peck Dam	3,010	204
40H	Big Sandy Creek	797	83
40O	Milk River Below Whitewater Creek	3,306	1,280
40M	Beaver Creek, Tributary of Milk River	2,942	Obj Period Expires January 20, 2010
40Q	Poplar River	2,080	18
40S	Missouri River Below Ft. Peck Dam	2,966	348
41C	Ruby River	2,183	192
41D	Big Hole River	3,892	2,236
41G	Jefferson River	2,407	143
41I	Missouri River upstream of Holter Dam	5,168	218
41O	Teton River	2,541	1,093
41QJ	Missouri River from Holter Dam to Sun River	2,584	819
42B	Tongue River above and including Hanging Woman Creek	1,345	570
42C	Tongue River below Hanging Woman Creek	4,708	1,189
42KJ	Yellowstone River between Bighorn and Tongue Rivers	4,767	673

43B	Yellowstone River above & including Bridger Creek	4,860	303
43Q	Yellowstone River between Clarks Fork Yellowstone and Bighorn Rivers	2,473	212
76HF	Bitterroot River - Westside Subbasin	3,774	222
United States Forest Service - Montana Compact — Several Objections Still Pending Scheduling Conference set for December 17, 2009			
United States Bureau of Land Management - Montana Compact — All Objections Withdrawn Final Documents Due January 6, 2010			

In preparing to issue additional decrees, the Water Court is reviewing eleven Summary Reports (basically draft decrees) which were generated by the DNRC after completing its basin water right claim examination duties. The Water Court has completed the review of most of these Summary Reports, but is holding up the issuance of any new decrees until the Department of Revenue and the DNRC complete the automation of the ownership update process. Until the state's centralized water right ownership record system can provide current names and addresses of the actual water right owners in the affected basins, the Water Court is reluctant to issue new decrees.

The Water Court has been advised that the automation process will not be completed soon. The DNRC has been requested to manually update the ownership records in the Summary Report basins beginning in Basin 40R. Once each basin ownership update is complete, the Water Court will then issue a decree in that basin, hopefully beginning in January 2010. Assuming each basin update is timely completed thereafter, the decrees in the Summary Report basins might be issued as often as one a month in the approximate order of the following basin list:

Basin Designation	Source	Approximate Number of Claims
40R	Big Muddy Creek	2,028
43E	Pryor Creek	625
43O	Little Big Horn River	1,176
41Q	Missouri River from Sun River to Marias River	4,118
41J	Smith River	2,711
76F	Blackfoot River	3,690
40B	Flatwillow Creek	3,633

40J	Milk River between Fresno Reservoir & Whitewater Creek	12,881
41B	Beaverhead River	2,163
41R	Arrow Creek	2,167
41T	Missouri River Between Marias River to and including Bullwacker Creek	3,063
Eleven Basins	Approximate Number of Claims in Prospective Decrees	38,255

The Water Court is working with the DNRC claim examination staff and the United States water adjudication staff to gather additional information to complete the examination of claims for private stock water rights on federal lands. The Water Court is also working with interested parties to identify flow rate and volume guidelines to apply to instream claims, other than Department of Fish, Wildlife, & Parks “Murphy” Rights.

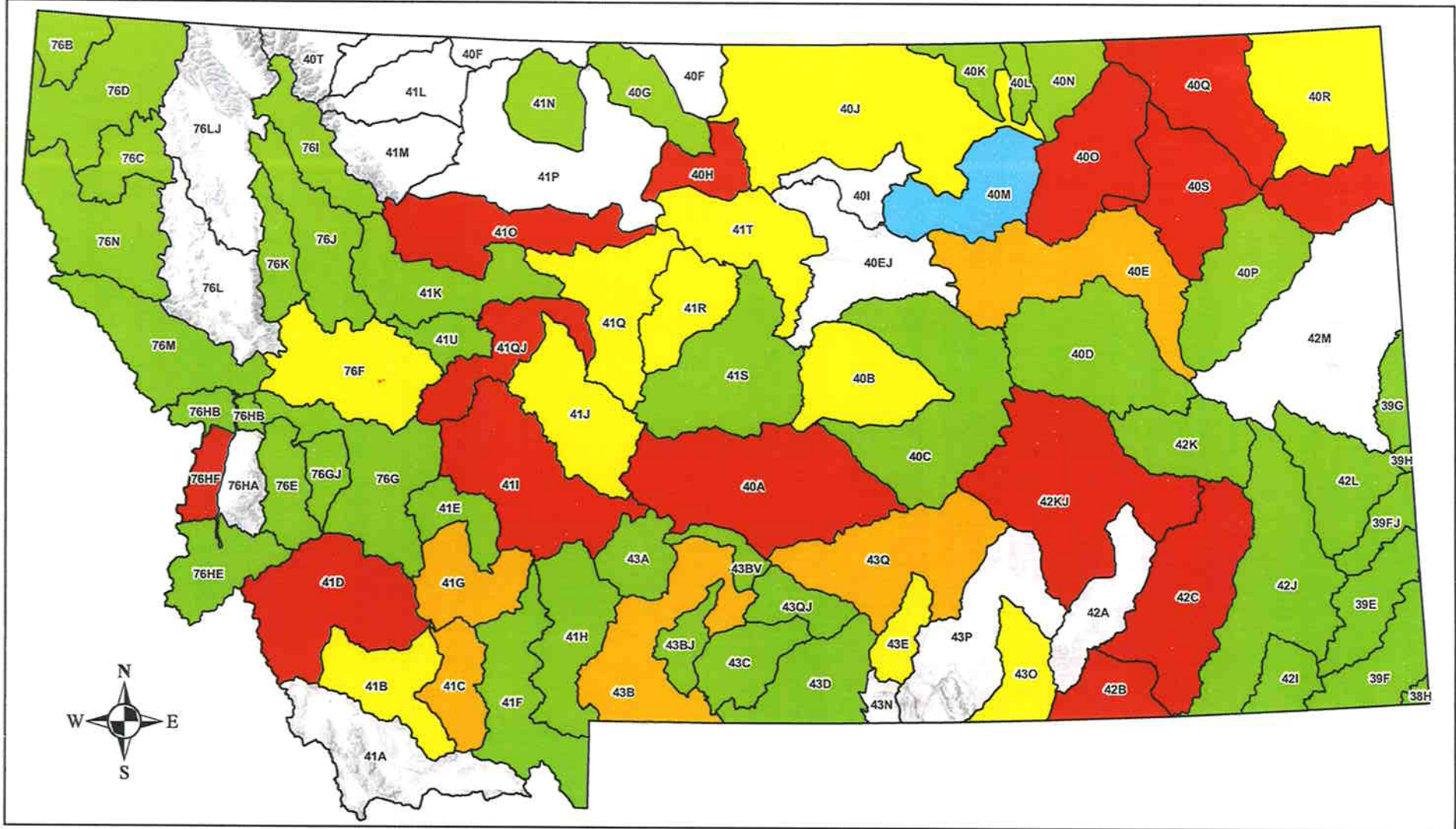
On December 4, 2009, the Water Court directed the DNRC to reexamine approximately 418 claims in Frenchman Creek (Basin 40L), a tributary of the Milk River. The Frenchman Creek (Basin 40L) water right claims were the subject of a Temporary Preliminary Decree issued in 1985.

In anticipation of the DNRC completing its claim examination benchmarks prior to the statutory June 30, 2015 deadline, the Water Court has requested the DNRC to discuss the prospective transfer of four DNRC water adjudication FTEs in FY 2013 to the Water Court.

In response to the 2009 legislative mandate to generate “vacancy savings,” the Water Court has still not filled a half time FTE position. In response to the suggestion of the Office of the Supreme Court Administrator, 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.

# Water Court Basin Activity

December 2009



**DNRC REPORT TO EQC  
HB22 ADJUDICATION PROGRESS  
February, 2010**

**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**
  - Claims examined July 2005 thru February, 1 2010      **40,384**
  - 
  - Claims examined by Purpose
    - o Irrigation                      9341      23%
    - o Stock                              22767      57%
    - o Domestic                        4870      12%
    - o Other                                3406      8%
- 40,384**

**Claims remaining to be examined**                      **16,716**

**Summary Reports to Water Court**

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

**Decrees Issued by Water Court**

<u>Decrees Issued by Water Court</u>	<u>Date Issued</u>	<u>Number of Claims</u>
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

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 2009</b>				
<b>BASIN COUNT</b>	<b>BASIN NAME</b>	<b>WORK STATUS</b>	<b>Estimated Completion Date</b>	
1	Flathead R below Flathead Lake (76L)	Examination in progress	12	2009
2	Big Horn R below Greybull R (43P)	Examination in progress	3	2010
3	Rosebud Creek (42A)	Examination in progress	6	2010
4	Shoshone River (43N)	To be Examined	9	2010
5	Milk River above Fresno (40F)	Summary prep pending	3	2011
6	Flathead River (76LJ)	Examination in progress	9	2011
7	Cut Bank River (41L)	Summary prep pending	6	2012
8	St. Mary River (40T)	Summary prep pending	7	2012
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 prep pending	6	2013
12	Two Medicine River (41M)	Summary prep pending	8	2013
13	Marias River (41P)	Examination in progress	10	2013
14	Missouri R between Bullwacker & Musselshell (40EJ)	Examination in progress	3	2015
15	Bitterroot R, E side (76HA)	Examination in progress	6	2015
16	Frenchman Creek Re-Examination (40L)	Examination in progress	3	2010

**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  
Automated indexes are now in use

**Post Decree Assistance (July thru Jan 2010)**

<u>Case type</u>	<u>case count</u>	<u>work hours</u>
Certified case	<b>1</b>	<b>85</b>
85-2-248	<b>202</b>	<b>2040.5</b>
Case	<b>30</b>	<b>370</b>
<u>General assist</u>		<u><b>203</b></u>
Total hours		<b>2,698.5</b>

**Expenses**

YTD FY 2010:	Operating Costs	\$ <b>143,740.00</b>
	Personnel Services	\$ <b>1,122,423.00</b>
	Total	\$ <b>1,266,163.00</b>
	Budget	\$ <b>2,375,917.00</b>

**Billing System**

108,000 bills mailed Dec 27, 2005  
Estimated revenue generated \$6.2 million  
Revenue received \$5.203 million

**Appeals**

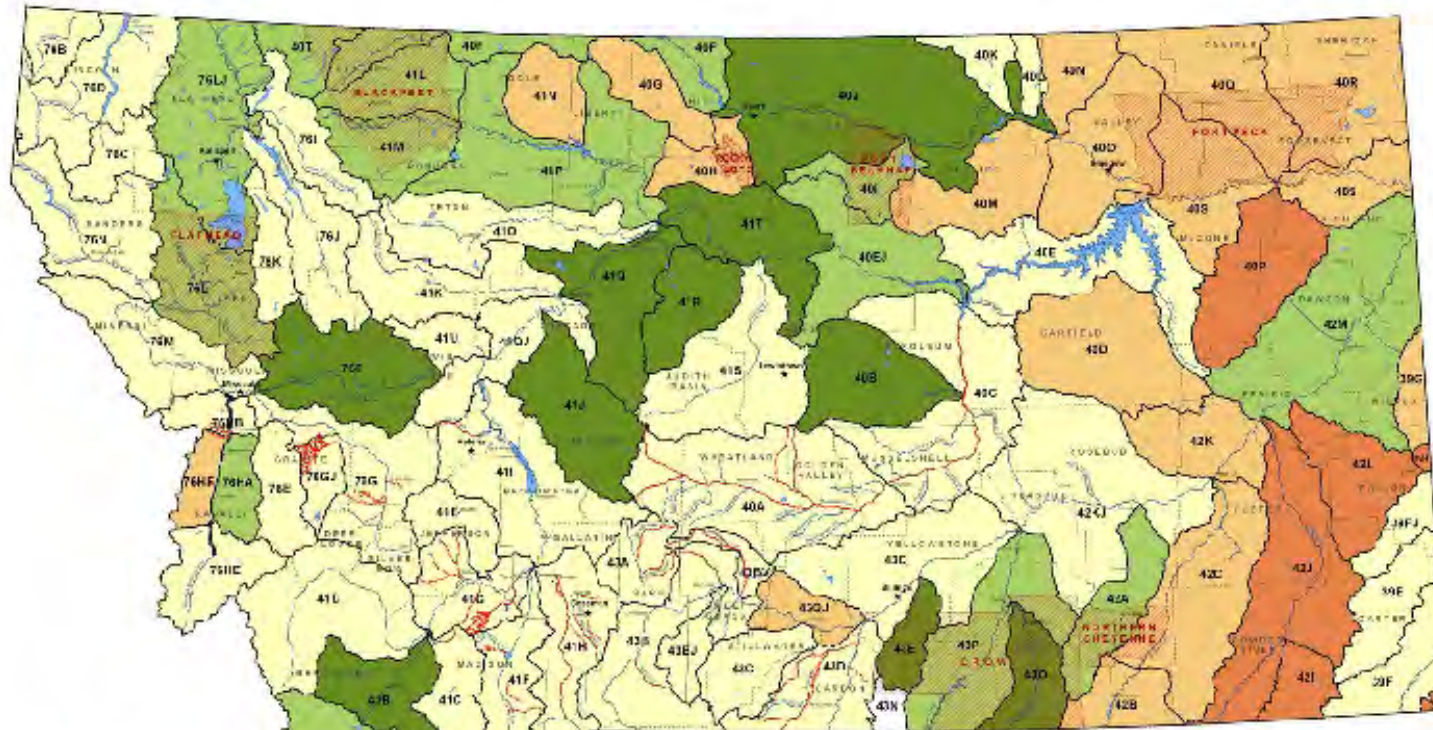
5,048 Appeals received  
**4394** appeals resolved to date (1118 denied, 3387 resolved with fee correction)  
**432** appeals remain

**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.
- DNRC is scrubbing data and validating geocodes for input, estimated completion date June 2010.**
- Re-Examination of basin 40L includes 402 claims not counted towards claim examination progress**

# Basin Location and Adjudication Status

2/3/10



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

## Basin Boundary & Decree Status

- Currently Examining
- Summary Report Issued
- Not Yet Examined
- Temporary Decree
- Preliminary Decree
- Final Decree



Water Resources Division  
February 2010  
Montana State Plane NAD 83



**WATER COURT**  
**ADJUDICATION PROGRESS REPORT TO THE EQC PURSUANT TO § 85-2-281, MCA**  
**Submitted by C. Bruce Loble, Chief Water Judge**  
**February 11, 2010**

The Water Court's primary focus is to work through its existing 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 Court's goal is to draw down its current caseload to clear its docket for the large number of claims that are moving through the DNRC claim examination pipeline and which are scheduled to be incorporated into Water Court decrees within the next few years. Currently, the Water Court is primarily working on water right claims in the following basins:

Basin	Source	Claims in Decree	Remaining Claims to Resolve
40A	Musselshell River above Roundup	5,812	129
40E	Missouri River between Musselshell River & Fort Peck Dam	3,010	208
40H	Big Sandy Creek	797	50
40O	Milk River Below Whitewater Creek	3,306	1,207
40M	Beaver Creek, Tributary of Milk River	2,942	Objections Received - Counter-objection Period is being Scheduled
40Q	Poplar River (this basin will be deleted from the next EQC report)	2,080	7
40R	Big Muddy Creek	2,029	Decree issued 1/28/2010 Objection Deadline Set for July 27, 2010
40S	Missouri River Below Ft. Peck Dam	2,966	335
41C	Ruby River	2,183	187
41D	Big Hole River	3,892	2,204
41G	Jefferson River	2,407	209
41I	Missouri River upstream of Holter Dam	5,168	222
41O	Teton River	2,541	990
41QJ	Missouri River from Holter Dam to Sun River	2,584	716
42B	Tongue River above and including Hanging Woman Creek	1,345	520

42C	Tongue River below Hanging Woman Creek	4,708	1,189
42KJ	Yellowstone River between Bighorn and Tongue Rivers	4,767	618
43B	Yellowstone River above & including Bridger Creek	4,860	301
43Q	Yellowstone River between Clarks Fork Yellowstone and Bighorn Rivers	2,473	176
76HF	Bitterroot River - Westside Subbasin	3,774	212
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 Ten Summary Reports (basically draft decrees) generated by the DNRC following completion of the DNRC basin water right claim examination duties. As the DNRC completes its ongoing ownership update efforts in the Summary Report basins, the Water Court anticipates issuing decrees, perhaps as often as one a month, in the approximate order of the following basin list:

Basin Designation	Source	Approximate Number of Claims
43E	Pryor Creek	625
43O	Little Big Horn River	1,176
41Q	Missouri River from Sun River to Marias River	4,118
41J	Smith River	2,711
76F	Blackfoot River	3,690
40B	Flatwillow Creek	3,633
40J	Milk River between Fresno Reservoir & Whitewater Creek	12,881
41B	Beaverhead River	2,163
41R	Arrow Creek	2,167
41T	Missouri River Between Marias River to and including Bullwacker Creek	3,063
Ten Basins	Approximate Number of Claims in Prospective Decrees	36,227

The Water Court has directed the DNRC claim examination staff to contact water users who are claiming the use of private stock water rights on federal public lands and to obtain base property information in order to identify the private lands to which the stock claims are appurtenant.

In response to the 2009 legislative mandate to generate “vacancy savings,” the Water Court has still not filled a half time FTE position. In response to the suggestion of the Office of the Supreme Court Administrator, 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.

CI2255 0047hsxb.

**WATER COURT**  
**ADJUDICATION PROGRESS REPORT TO THE EQC PURSUANT TO § 85-2-281,**  
**MCA**

**Submitted by C. Bruce Loble, Chief Water Judge**  
**April 14, 2010**

The Water Court's primary focus is to work through its existing 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 Court's goal is to draw down its current caseload to clear its docket for the large number of claims that are moving through the DNRC claim examination pipeline and which are scheduled to be incorporated into Water Court decrees within the next few years. Currently, 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	153
40E	Missouri River between Musselshell River & Fort Peck Dam	3,010	206
40G	Sage Creek	943	225
40H	Big Sandy Creek	797	50
40O	Milk River Below Whitewater Creek	3,306	1,157
40M	Beaver Creek, Tributary of Milk River	2,942	Decree issued 3/20/2009 Objections Received - Counter-objection deadline is May 10, 2010
40R	Big Muddy Creek	2,029	Decree issued 1/28/2010 Objection Deadline is July 27, 2010
40S	Missouri River Below Ft. Peck Dam	2,966	335
41C	Ruby River	2,183	190
41D	Big Hole River	3,892	2,162
41G	Jefferson River	2,407	219
41I	Missouri River upstream of Holter Dam	5,168	224
41K	Sun River	2856	110
41O	Teton River	2,541	930

41QJ	Missouri River from Holter Dam to Sun River	2,584	699
42B	Tongue River above & including Hanging Woman Creek	1,345	515
42C	Tongue River below Hanging Woman Creek	4,708	1,185
42K	Yellowstone River between Tongue and Powder Rivers	1,479	166
42KJ	Yellowstone River between Bighorn and Tongue Rivers	4,767	603
43A	Shields River	3,395	135
43B	Yellowstone River above & including Bridger Creek	4,860	304
43E	Pyror Creek	630	Decree issued 2/25/2010 Objection Deadline is August 24, 2010
43O	Little Big Horn River	1,176	Decree issued 3/25/2010 Objection Deadline is September 21, 2010
43Q	Yellowstone River between Clarks Fork Yellowstone and Bighorn Rivers	2,473	175
76HF	Bitterroot River - Westside Subbasin	3,774	213
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. Now that the DNRC has completed most of its ownership update efforts in the Summary Report basins, the Water Court anticipates issuing decrees, perhaps as often as one a month, in the approximate order of the following basin list:

Basin Designation	Source	Approximate Number of Claims
41Q	Missouri River from Sun River to Marias River	4,127
40J	Milk River between Fresno Reservoir & Whitewater Creek	12,871
41B	Beaverhead River	2,222
41J	Smith River	2,719

76F	Blackfoot River	3,699
40B	Flatwillow Creek	3,677
41R	Arrow Creek	2,173
41T	Missouri River Between Marias River to and including Bullwacker Creek	3,050
Eight Basins	Approximate Number of Claims in Prospective Decrees	34,538

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. A half time position that was kept vacant for several months to help generate vacancy savings was filled in March.

The chief water judge participated in three public meetings held in Havre, Glasgow, and Malta on March 30 and 31, 2010. The Havre and Glasgow meetings were water right conferences organized by the Montana Watercourse. The Malta event was a Water Court sponsored public meeting to explain the counter-objection process for the Beaver Creek (Basin 40M) Decree. Approximately 140 people attended all three meetings.

**DNRC REPORT TO EQC  
HB22 ADJUDICATION PROGRESS  
April, 2010**

**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**
- Claims examined July 2005 thru April, 1 2010      **40,623**
- 
- Claims examined by Purpose
  - o Irrigation                      9367      23%
  - o Stock                              22956      57%
  - o Domestic                        4882      12%
  - o Other                              3418      8%

**40,623**

**Claims remaining to be examined                      16,477**

<b><u>Summary Reports to Water Court</u></b>	<b><u>Date Issued</u></b>
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

<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	2,500
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
<b>Pryor Creek (43E)</b>	<b>2/25/2010</b>	<b>629</b>
<b>Little Big Horn River (43O)</b>	<b>3/17/2010</b>	<b>1,176</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)

<b>BASINS BY COMPLETION DATE - DNRC WORK PLAN 2009</b>				
BASIN COUNT	BASIN NAME	WORK STATUS	Estimated Completion Date	
1	Flathead R below Flathead Lake (76L)	Examination in progress	12	2009
2	Big Horn R below Greybull R (43P)	Examination in progress	3	2010
3	Rosebud Creek (42A)	Examination in progress	6	2010
4	Shoshone River (43N)	To be Examined	9	2010
5	Milk River above Fresno (40F)	Summary prep pending	3	2011
6	Flathead River (76LJ)	Examination in progress	9	2011
7	Cut Bank River (41L)	Summary prep pending	6	2012
8	St. Mary River (40T)	Summary prep pending	7	2012
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 prep pending	6	2013
12	Two Medicine River (41M)	Summary prep pending	8	2013
13	Marias River (41P)	Examination in progress	10	2013
14	Missouri R between Bullwacker & Musselshell (40EJ)	Examination in progress	3	2015
15	Bitterroot R, E side (76HA)	Examination in progress	6	2015
16	Frenchman Creek Re-Examination (40L)	Examination in progress	3	2010



**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 Mar 2010)**

<u>Case type</u>	<u>case count</u>	<u>work hours</u>
Certified case	<b>1</b>	<b>202.5</b>
85-2-248	<b>262</b>	<b>2366</b>
Case	<b>38</b>	<b>805</b>
General assist		<b>1202.5</b>
Total hours		<b>4,576.00</b>

**Expenses**

YTD FY 2010:	Operating Costs	\$ <b>186,210.74</b>
	Personnel Services	\$ <b>1,412,515.81</b>
	Total	\$ <b>1,598,726.55</b>
	Budget	\$ <b>2,375,917.00</b>

**Billing System**

108,000 bills mailed Dec 27, 2005  
Estimated revenue generated \$6.2 million  
Revenue received \$5.216 million

**Appeals**

5,059 Appeals received  
**4774** appeals resolved to date (1128 denied, 3646 resolved with fee correction)  
**285** appeals remain

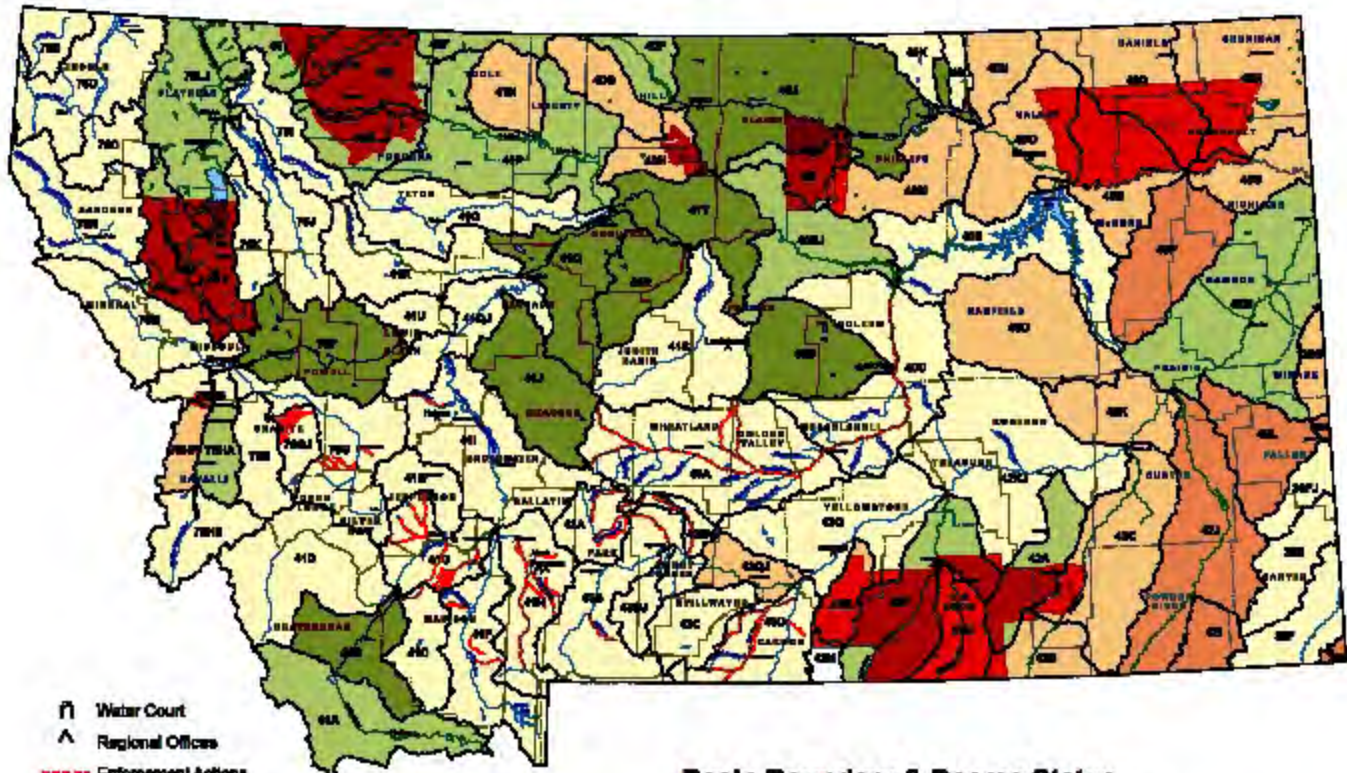
**HB39 Automate Ownership updates (effective July 1, 2008)**

-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.  
-Re-Examination of basin 40L includes 402 claims not counted towards claim examination progress

**-DNRC is scrubbing data and validating geocodes for input, estimated completion date June 2010.**

# Basin Location and Adjudication Status

3/26/10



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

## Basin Boundary & Decree Status

- Currently Examining
- Summary Report Issued
- Not Yet Examined
- Temporary Decree
- Preliminary Decree
- Final Decree



Water Resources Division  
March 2010  
Montana State Plane NAD 83

CI2255 0105hsxa.

**DNRC REPORT TO EQC  
HB22 ADJUDICATION PROGRESS  
July, 2010**

**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**
  - Claims examined July 2005 thru June, **30 2010**      **41,565**
  - 
  - Claims examined by Purpose
    - o Irrigation                      9488      23%
    - o Stock                            23476     57%
    - o Domestic                      5119      12%
    - o Other                            3482     8%
- 41,565**

**Claims remaining to be examined**                      **15,535**

<b><u>Summary Reports to Water Court</u></b>	<b><u>Date Issued</u></b>
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

<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	2,500
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
<b>Missouri River from Sun River to Marias River (41Q)</b>	<b>5/27/2010</b>	<b>4,127</b>
<b>Milk River between Fresno Res &amp; Whitewater (40J)</b>	<b>6/24/2010</b>	<b>12,897</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)

<b>BASINS BY COMPLETION DATE - DNRC WORK PLAN 2009</b>				
BASIN COUNT	BASIN NAME	WORK STATUS	Estimated Completion Date	
1	Flathead R below Flathead Lake (76L)	Examination in progress	12	2009
2	Big Horn R below Greybull R (43P)	Examination in progress	3	2010
3	Rosebud Creek (42A)	Examination in progress	6	2010
4	Shoshone River (43N)	To be Examined	9	2010
5	Milk River above Fresno (40F)	Summary prep pending	3	2011
6	Flathead River (76LJ)	Examination in progress	9	2011
7	Cut Bank River (41L)	Summary prep pending	6	2012
8	St. Mary River (40T)	Summary prep pending	7	2012
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 prep pending	6	2013
12	Two Medicine River (41M)	Summary prep pending	8	2013
13	Marias River (41P)	Examination in progress	10	2013
14	Missouri R between Bullwacker & Musselshell (40EJ)	Examination in progress	3	2015
15	Bitterroot R, E side (76HA)	Examination in progress	6	2015
16	Frenchman Creek Re-Examination (40L)	Examination in progress	3	2010

### **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 June 30 2010)**

<u>Case type</u>	<u>case count</u>	<u>work hours</u>
Certified case	<b>1</b>	<b>426.5</b>
85-2-248	<b>376</b>	<b>3,293</b>
Case	<b>58</b>	<b>1,213.5</b>
<u>General assist</u>		<u><b>1,477.5</b></u>
Total hours		<b>6,410.50</b>

**Expenses**

YTD FY 2010:	Operating Costs	\$ <b>340,740.00</b>
	Personnel Services	\$ <b>1,884,163.00</b>
	Total	\$ <b>2,224,903.00</b>
	Budget	\$ <b>2,375,917.00</b>

**Billing System**

108,000 bills mailed Dec 27, 2005  
Estimated revenue generated \$6.2 million  
Revenue received \$5.205 million

**Appeals**

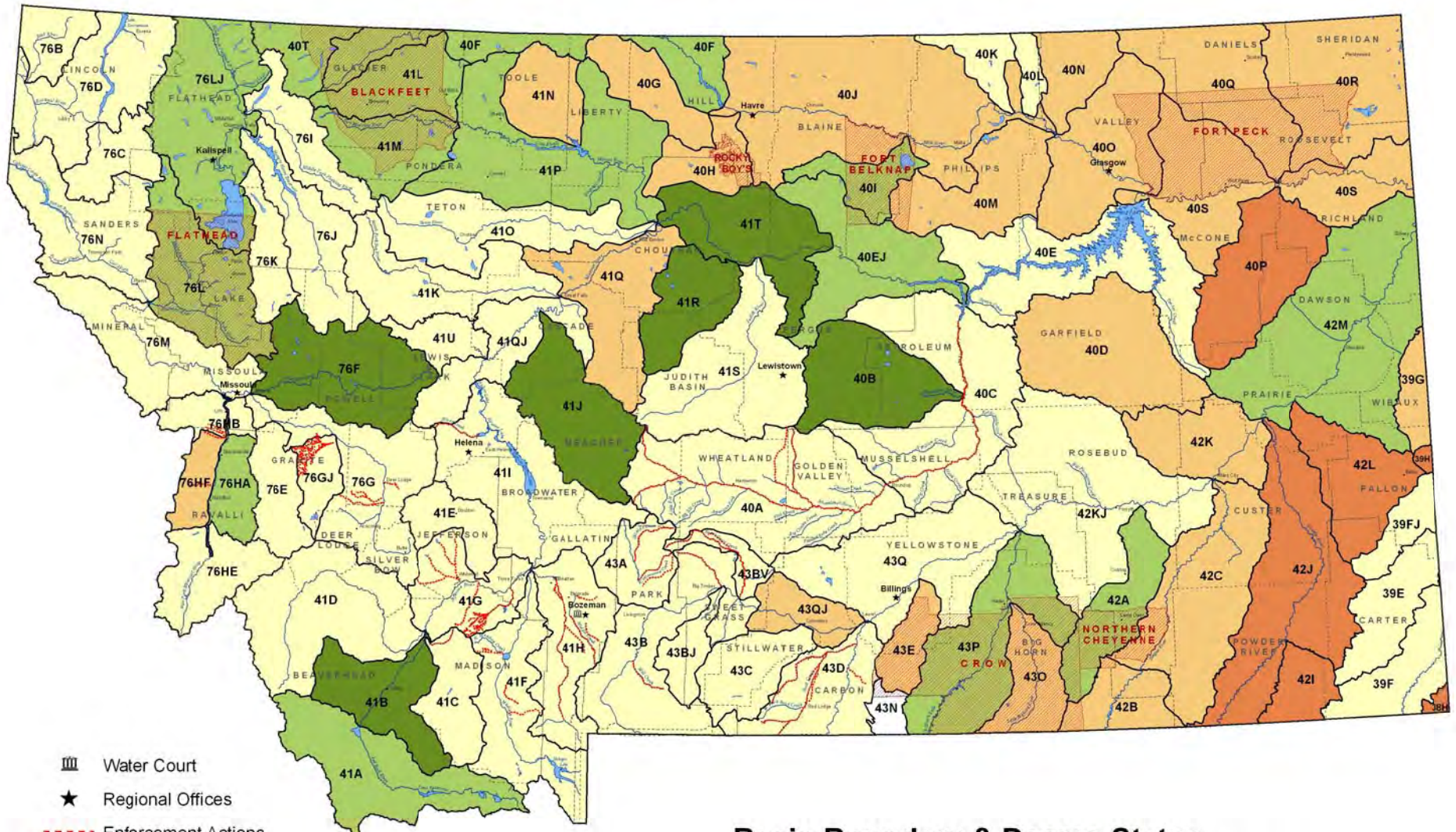
5,059 Appeals received  
**4052** appeals resolved to date (1128 denied, 3928 resolved with fee correction)  
7 appeals remain

**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.
- Re-Examination of basin 40L includes 402 claims not counted towards claim examination progress
- The department has completed the initial data scrubbing and geocode validation due June 2010.**

# Basin Location and Adjudication Status

6/23/10



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

## Basin Boundary & Decree Status

- |  |                       |  |                    |
|--|-----------------------|--|--------------------|
|  | Currently Examining   |  | Temporary Decree   |
|  | Summary Report Issued |  | Preliminary Decree |
|  | Not Yet Examined      |  | Final Decree       |



**WATER COURT**  
**ADJUDICATION PROGRESS REPORT TO THE EQC PURSUANT TO § 85-2-281, MCA**  
**Submitted by C. Bruce Loble, Chief Water Judge**  
**July 1, 2010**

The Water Court's primary focus is to work through its existing 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 Court's goal is to draw down its current caseload to clear its docket for the large number of claims that are moving through the DNRC claim examination pipeline and which are scheduled to be incorporated into Water Court decrees within the next few years. Currently, 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	148
40E	Missouri River between Musselshell River & Fort Peck Dam	3,010	215
40G	Sage Creek	943	91
40H	Big Sandy Creek	797	33
40J	Milk River Between Fresno Reservoir & Whitewater Crk	12,897	Decree issued 6/24/2010 Objection Deadline is 12/21/2010
40O	Milk River Below Whitewater Creek	3,306	1,131
40M	Beaver Creek, Tributary of Milk River	2,942	1,457
40R	Big Muddy Creek	2,029	Decree issued 1/28/2010 Objection Deadline is 7/27/2010
40S	Missouri River Below Ft. Peck Dam	2,966	292
41C	Ruby River	2,183	188
41D	Big Hole River	3,892	1,999
41G	Jefferson River	2,407	213
41I	Missouri River upstream of Holter Dam	5,168	228
41K	Sun River	2,856	111
41O	Teton River	2,541	639
41Q	Missouri River from Sun River to Marias River	4,127	Decree issued 5/27/2010 Objection Deadline 11/23/2010



41QJ	Missouri River from Holter Dam to Sun River	2,584	594
42B	Tongue River above & including Hanging Woman Creek	1,345	433
42C	Tongue River below Hanging Woman Creek	4,708	1,183
42K	Yellowstone River between Tongue and Powder Rivers (This basin will be deleted from the next EQC report)	1,479	14
42KJ	Yellowstone River between Bighorn and Tongue Rivers	4,767	518
43A	Shields River	3,395	137
43B	Yellowstone River above & including Bridger Creek	4,860	342
43E	Pyror Creek	630	Decree issued 2/25/2010 Objection Deadline is 8/24/2010
43O	Little Big Horn River	1,176	Decree issued 3/25/2010 Objection Deadline is 9/21/2010
43Q	Yellowstone River between Clarks Fork Yellowstone and Bighorn Rivers	2,473	161
76HF	Bitterroot River - Westside Subbasin	3,774	200
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. Now that the DNRC has completed most of its ownership update efforts in the Summary Report basins, the Water Court anticipates issuing decrees, perhaps as often as one a month, in the approximate order of the following basin list:

Basin Designation	Source	Approximate Number of Claims
41B	Beaverhead River	2,222
41J	Smith River	2,719
76F	Blackfoot River	3,699
40B	Flatwillow Creek	3,677
41R	Arrow Creek	2,173

41T	Missouri River Between Marias River to and including Bullwacker Creek	3,050
Six Basins	Approximate Number of Claims in Prospective Decrees	17,540

The chief water judge has scheduled the following basin public meetings:

Basin 40J - middle Milk River

- August 25, 2010 - telephone conference call - 8:30 PM
- September 29, 2010 - meeting - Malta High School - 8:00 PM
- September 30, 2010 - meeting - Havre High School - 8:00 PM
- December 2, 2010 - telephone conference call - 7:00 PM

Basin 40M - Beaver Creek

- July 15, 2010 - telephone conference call 8:00 PM

Basin 41Q -Missouri River between Sun River and Marias River

- July 7, 2010 - telephone conference call - 8:00 PM
- September 8, 2010 - meeting - Belt Public School Library 8:00 PM

On June 23, 2010, the Water Court appeared before the Legislative Audit Committee in response to the Performance Audit on the Water Rights Adjudication. The Water Court concurred with the five recommendations contained in the Performance Audit.

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.

**DNRC REPORT TO EQC  
HB22 ADJUDICATION PROGRESS  
September, 2010**

**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**
- Claims examined July 2005 thru **Aug, 1 2010**      **42,041**
- 
- Claims examined by Purpose
  - o Irrigation                      9533      23%
  - o Stock                              23741     57%
  - o Domestic                        5233     12%
  - o Other                              3534     8%

**42,041**

**Claims remaining to be examined**                      **15,059**

<b><u>Summary Reports to Water Court</u></b>	<b><u>Date Issued</u></b>
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

(\* basins not yet decreed)

<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	2,500
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

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 2010</b>				
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 prep pending	5	2011
3	Rosebud Creek (42A)	Summary prep pending	6	2010
4	Shoshone River (43N)	To be Examined	7	2013
5	Milk River above Fresno (40F)	Summary prep in progress	11	2010
6	Flathead River (76LJ)	Examination in progress	9	2011
7	Cut Bank River (41L)	Summary prep pending	6	2012
8	St. Mary River (40T)	Summary prep pending	7	2012
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 prep pending	6	2013
12	Two Medicine River (41M)	Summary prep 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)	Examination complete	3	2010

### **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 Aug 1 2011)**

<u>Case type</u>	<u>case count</u>	<u>work hours</u>
Certified case	<b>0</b>	<b>0</b>
85-2-248	<b>8</b>	<b>321.5</b>
Case	<b>3</b>	<b>338</b>
<u>General assist</u>		<b><u>161</u></b>
Total hours		<b>820.5</b>

**Expenses**

YTD FY 2011:	Operating Costs	\$ <b>14,325.42</b>
	Personnel Services	\$ <b><u>87,107.36</u></b>
	Total	\$ <b>101,432.78</b>
	Budget	\$ <b>2,412,521.00</b>

**Billing System**

108,000 bills mailed Dec 27, 2005  
Estimated revenue generated \$6.2 million  
Revenue received \$5.205 million

**Appeals**

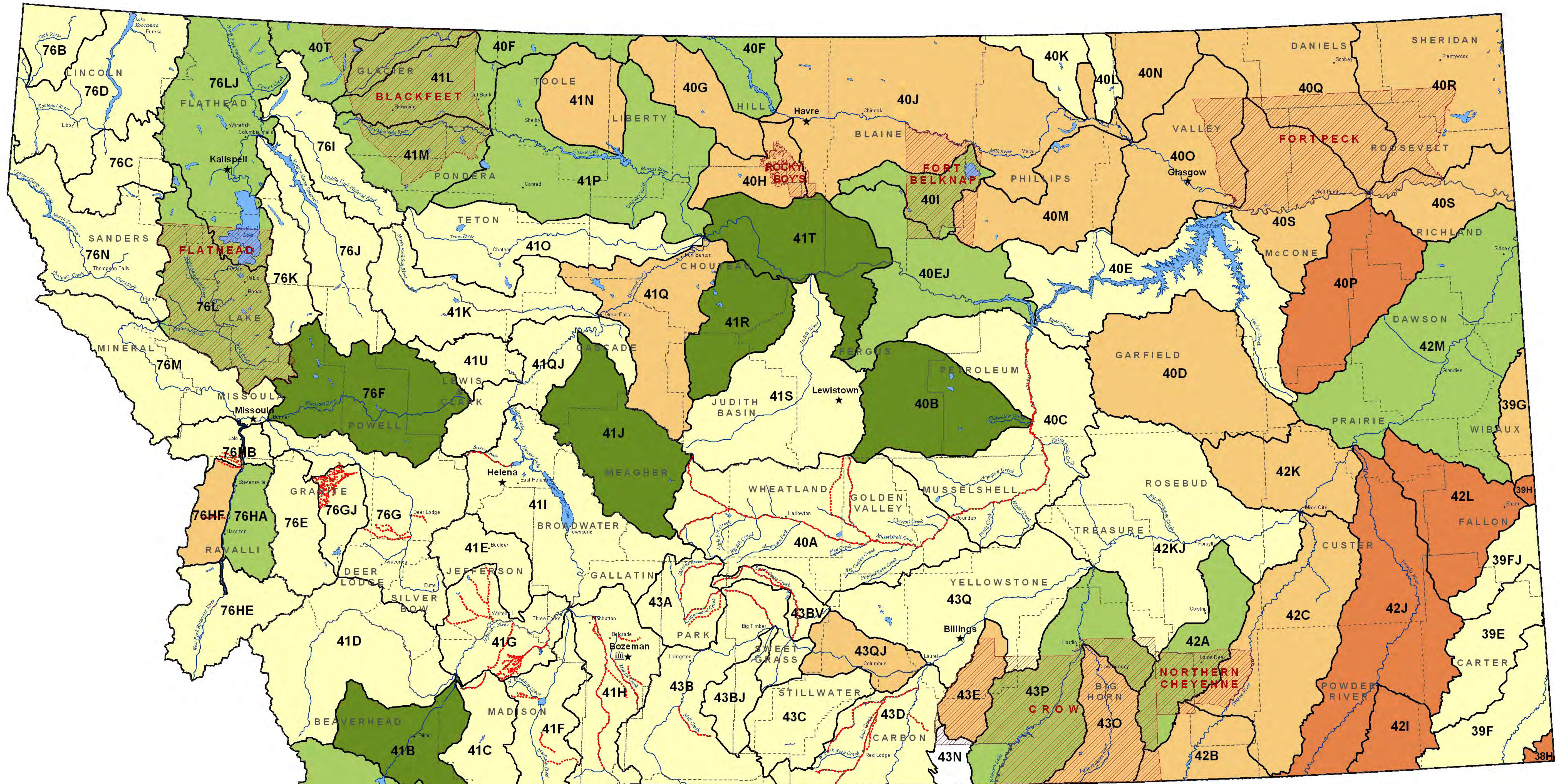
5,059 Appeals received  
**5056** appeals resolved to date (1128 denied, 3928 resolved with fee correction)  
**3** appeals remain

**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.  
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-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.

# Basin Location and Adjudication Status

6/23/10



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

## Basin Boundary & Decree Status

- |   |  |
|---|--|
|  Currently Examining   |  Temporary Decree   |
|  Summary Report Issued |  Preliminary Decree |
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**WATER COURT**  
**ADJUDICATION PROGRESS REPORT TO THE EQC PURSUANT TO § 85-2-281, MCA**  
**Submitted by C. Bruce Loble, Chief Water Judge**  
**August 17, 2010**

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41I	Missouri River upstream of Holter Dam	5,168	227
41K	Sun River	2,856	102
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41Q	Missouri River from Sun River to Marias River	4,127	Decree issued 5/27/2010 Objection Deadline 11/23/2010
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43E	Pyror Creek	630	Decree issued 2/25/2010 Extended Objection Deadline is 11/22/2010
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43Q	Yellowstone River between Clarks Fork Yellowstone and Bighorn Rivers	2,473	145
76HF	Bitterroot River - Westside Subbasin	3,774	181
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 chief water judge has scheduled the following basin public meetings in two newly issued decreed basins:

Basin 40J - middle Milk River

August 25, 2010 - telephone conference call - 8:30 PM

September 29, 2010 - meeting - Malta High School - 8:00 PM

September 30, 2010 - meeting - Havre High School - 8:00 PM

December 2, 2010 - telephone conference call - 7:00 PM

Basin 41Q - Missouri River between Sun River and Marias River

September 8, 2010 - meeting - Belt Public School Library 8:00 PM

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, perhaps as often as one a month, in the approximate order of the following basin list:

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41R	Arrow Creek	2,173
41T	Missouri River Between Marias River to and including Bullwacker Creek	3,050
Six Basins	Approximate Number of Claims in Prospective Decrees	17,540

In June 2010, the Water Court issued a decision dismissing the objections filed by Montana Trout Unlimited (Water Court Case 41D-1: *Trout Unlimited v. Beaverhead Water Company, Garrison Ranches Inc., and Paul H Cleary Jr. Trust*) and Western Watersheds Project & Laurence D. Zuckerman (Case 41D-2) in the Big Hole River basin decree. The Water Court concluded these objectors did not have standing to file objections because they did not meet the Legislature’s “good cause shown” requirement, set forth in § 85-2-233(1)(b), MCA, that objectors must have an “ownership interest in water or its use.”

On August 3, Trout Unlimited filed its Notice of Appeal to the Montana Supreme Court (Supreme Court Cause No. DA 10-0382). In its Notice of Appeal, Trout Unlimited stated that it filed “objections to over-stated water right claims based on its long-standing interest and participation in drought response, streamflow restoration and aquatic conservation in the Big Hole River basin.” Trout Unlimited further stated that its “demonstration of an active interest in water use and more efficient water management in the Big Hole River basin” is sufficient “good cause shown” and satisfied the legislative requirement that an objector must have an “ownership interest in water *or its use. . .*” (Notice of Appeal at 3 and 4, italics in original).

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.