

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

**Claims Reexamination Progress**

- 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 = 7,125**

**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

**Pending Summary Reports to Water Court**

**Estimated Completion Date Issued**

Flathead River (76LJ)

September 2016

Flathead R below Flathead Lake (76L)

September 2016

**Decrees Issued by Water Court**

**Date Issued**

**Number of Claims**

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

BLM Upper Missouri River National Monument-  
Montana Compact

9/24/2015

2

Cut Bank Creek (41L)

10/8/2015

7,22

Bitterroot River, East Side (76HA)

12/4/2015

2,867

Bighorn River below Greybull River (43P) 1/28/2016 2,117

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)

**Reexamination - Summary Reports to Water Court** **Date Issued**

|   |                  |
|---|------------------|
| Flint Creek (76GJ)                            | 10/30/2015       |
| <b>Clarks Fork Yellowstone River (43D)</b>    | <b>5/24/2016</b> |
| <b>Musselshell River, Below Roundup (40C)</b> | <b>6/9/2016</b>  |

**Reexamination Decrees Issued by Water Court** **Date Issued** **Number of Claims**

|                           |                  |              |
|---------------------------|------------------|--------------|
| <b>Flint Creek (76GJ)</b> | <b>5/19/2016</b> | <b>1,129</b> |
|---------------------------|------------------|--------------|

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

**2016 season completed updates and created new projects totaling 44 distribution areas**

**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
- In 2016, 9,120 ownerships were updated involving 20,358 water rights**
- Current fiscal year to date, 1,392 ownerships have been updated involving 2,984 water rights**

**Post Decree Assistance (July - FY2017)**

| <u>Case type</u>      | <u>Case count</u> | <u>Work hours</u> |
|-----------------------|-------------------|-------------------|
| Certified case        |                   |                   |
| Case with Objector    | <b>4</b>          | <b>178</b>        |
| 85-2-248 case         | <b>6</b>          | <b>410</b>        |
| <u>General assist</u> |                   | <b>16</b>         |
| Total hours           |                   | <b>604</b>        |

**Exempt Claim Fillings (effective Oct 1, 2013)**

**The department has received 1,535 statements of claim to date including: 243 for domestic wells and 1,292 for instream stock.**

**Examination is occurring on basins nearing a decree and basins with notice deadlines.**

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

## Decree Issuance Update

### Decrees Issued in 2014

| Basin | Name   | Date Prelim Issued | Original Obj Deadline | Extended Deadline | Extended Deadline | CounterObj Deadline | NOIA Deadline | Number of Claims on Objection List |
|-------|--|--------------------|-----------------------|-------------------|-------------------|---------------------|---------------|------------------------------------|
| 42M   | Yellowstone River, Below Powder River                            | 1/24/2014          | 7/23/2014             | 10/21/2014        | 1/20/2015         | 4/20/2015           | 7/20/2015     | 1868                               |
| 40EJ  | Missouri River, between Bullwhacker Creek and Musselshell Rivers | 4/25/2014          | 10/22/2014            | 1/20/2015         | 4/20/2015         | 8/3/2015            | 10/19/2015    | 1134                               |
| 40T   | St. Mary River   | 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 and 2016

| Basin | Name                                | Date Prelim Issued      | Original Obj Deadline | Extended Deadline | Extended Deadline | CounterObj Deadline | NOIA Deadline | Objections Rcd as of 7/29/2016 |
|-------|-------------------------------------|-------------------------|-----------------------|-------------------|-------------------|---------------------|---------------|--------------------------------|
| 41M   | Two Medicine River                  | 3/20/2015               | 9/16/2015             | 12/15/2015        | 3/14/2016         | 6/7/2016            | 9/20/2016     | 1241                           |
| 41P   | Marias River                        | 4/23/2015               | 10/20/2015            | 1/19/2016         | 4/18/2016         | 7/12/2016           |               | 591                            |
| 41L   | Cut Bank River                      | 10/8/2015               | 4/5/2016              | 7/5/2016          | 10/3/2016         |                     |               | 7                              |
| 76HA  | Bitterroot River, Main Stem         | 12/4/2015               | 6/1/2016              | 8/30/2016         |                   |                     |               | 96                             |
| 43P   | Bighorn River, below Greybull River | 1/28/2016               | 7/26/2016             | 10/24/2016        |                   |                     |               | 57                             |
| Many  | Turtle Mountain Claims              | Anticipated August 2016 |                       |                   |                   |                     |               |                                |

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

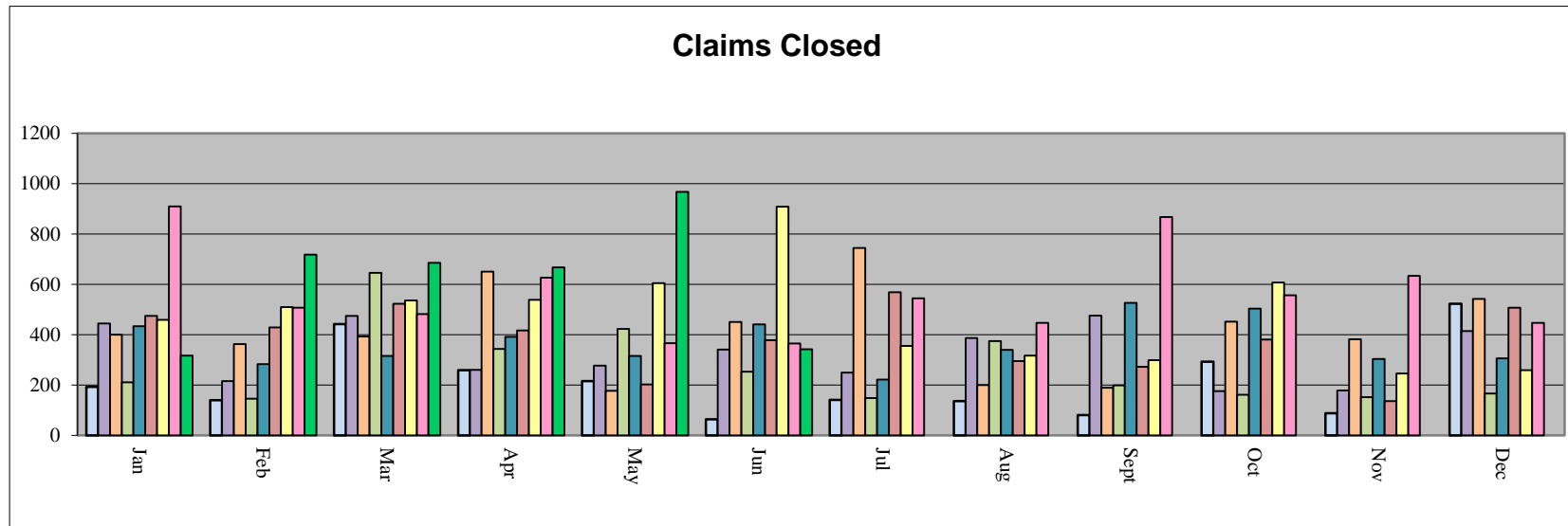
| Basin | Name   | Status   |
|-------|--|--|
| 76L   | Flathead River, Below Flathead Lake            | Pending receipt of summary report from DNRC. Stay in place for Preliminary Decree until 1/31/2017. |
| 76LJ  | Flathead River, to and including Flathead Lake | Pending receipt of summary report from DNRC. Stay in place for Preliminary Decree until 1/31/2017. |

**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                             | Date Preliminary Issued  | Original Objection Deadline | Extended Deadline | Extended Deadline | CounterObj Deadline | NOIA Deadline | Obj As of 7/29/2016 |
|-------|----------------------------------|--|-----------------------------|-------------------|-------------------|---------------------|---------------|---------------------|
| 76GJ  | Flint Creek                      | 5/19/2016  | 11/15/2016                  |                   |                   |                     |               | 6                   |
| 43D   | Clarks Fork Yellowstone River    | Summary Report received. Preliminary Decree Issuance pending completion of summary report review.                            |                             |                   |                   |                     |               |                     |
| 40C   | Musselshell River, Below Roundup | Summary Report received. Preliminary Decree will be issued at the same time as the 40A Decree.                               |                             |                   |                   |                     |               |                     |
| 40A   | Musselshell River, Above Roundup | Summary Report has not yet been received by the court. Preliminary Decree will be issued at the same time as the 40C Decree. |                             |                   |                   |                     |               |                     |

## Claim Closing by Month Comparison 2008-Current

|      | 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 | 366 | 365 | 545 | 447 | 867  | 557 | 634 | 447 | 563     |
| 2016 | 317 | 718 | 686 | 667 | 967 | 342 |     |     |      |     |     |     | 616     |



Updated: 7/18/2016

**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 7/1/2016 |
|-------|--|------------------------------------|---------------|---------------------|----------------------|--------------------|--------------------|---------------------|
| 41O   | Teton River  | 1623                               | 1/17/2008     | 1.5%                | 10.5%                | 40.9%              | 90.3%              | 99.4%               |
| 41D   | Big Hole River                                     | 2233                               | 2/3/2009      | -1.8%               | 0.5%                 | 19.3%              | 86.16%             | 96.8%               |
| 41QJ  | Missouri River from Holter Dam to Sun River        | 857                                | 4/28/2009     | 3.4%                | 25.8%                | 58.3%              | 88.68%             | 99.3%               |
| 42C   | Tongue River below Hanging Woman                   | 916                                | 8/25/2009     | -29.5%              | -29.1%               | -5.9%              | 53.05%             | 88.2%               |
| 42B   | Tongue River including Hanging Woman               | 566                                | 8/25/2009     | 8.3%                | 33.6%                | 53.9%              | 73.32%             | 97.7%               |
| 40M   | Beaver Creek Tributary of Milk River               | 1464                               | 8/9/2010      | 20.3%               | 25.7%                | 43.3%              | 68.99%             | 73.5%               |
| 40R   | Big Muddy Creek                                    | 728                                | 6/3/2011      | 5.5%                | 26.9%                | 73.9%              | 95.19%             | 95.2%               |
| 43E   | Pryor Creek  | 488                                | 9/26/2011     | -15.0%              | -13.3%               | 5.3%               |                    | 53.5%               |
| 43O   | Little Big Horn River                              | 1135                               | 10/3/2011     | -20.0%              | -19.7%               | 0.4%               |                    | 34.2%               |
| 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%              |                    | 77.6%               |
| 41J   | Smith River  | 1062                               | 6/11/2012     | 14.3%               | 19.8%                | 28.6%              |                    | 61.3%               |
| 76F   | Blackfoot River                                    | 1346                               | 6/30/2012     | -0.3%               | 11.2%                | 52.5%              |                    | 91.1%               |
| 40B   | Flatwillow Creek                                   | 1419                               | 6/16/2012     | 12.9%               | 21.2%                | 32.6%              |                    | 87.7%               |
| 41R   | Arrow Creek  | 848                                | 3/12/2012     | 19.2%               | 23.5%                | 69.9%              |                    | 96.9%               |
| 41T   | Missouri River from Marias incl Bullwacker Cr      | 1471                               | 9/17/2013     | 51.8%               | 78.3%                | 97.0%              |                    | 99.5%               |
| 43N   | Shoshone River                                     | 100                                | 12/1/2014     | 50.0%               | 64.0%                |                    |                    | 66.0%               |
| 42A   | Rosebud Creek                                      | 510                                | 12/15/2014    | 20.1%               | 24.9%                |                    |                    | 31.0%               |
| 40I   | Peoples Creek                                      | 414                                | 1/6/2015      | 42.8%               | 73.4%                |                    |                    | 87.9%               |
| 41A   | Red Rock River                                     | 1436                               | 2/17/2015     | 27.3%               | 36.8%                |                    |                    | 47.0%               |
| 41B   | Beaverhead River                                   | 992                                | 2/17/2015     | 22.6%               | 38.4%                |                    |                    | 53.5%               |
| 40F   | Milk River, Above Fresno Reservoir                 | 1218                               | 4/28/2015     | 26.3%               | 53.5%                |                    |                    | 65.4%               |
| 42M   | Yellowstone River, Below Powder River              | 1868                               | 7/20/2015     | 53.4%               |                      |                    |                    | 84.6%               |
| 40EJ  | Missouri River, btwn Bullwhacker Crk & Musselshell | 1134                               | 10/19/2015    | 8.1%                |                      |                    |                    | 52.5%               |
| 40T   | St. Mary River                                     | 161                                | 12/22/2015    | 24.8%               |                      |                    |                    | 28.6%               |

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.

Update 7/18/2016



| <b><u>Compact Name</u></b>  | <b><u>Case #</u></b>   | <b><u>Status</u></b> |
|---|--|----------------------|
| Blackfeet Tribe Compact   | Not yet at Water Court   |                      |
| 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   | CLOSED               |
| Bowdoin National Wildlife Refuge Compact                            | WC-2013-04   | CLOSED               |
| USDA Fort Keogh Research Station                                    | WC2014-07  | CLOSED               |
| USDA Sheep Experiment Station                                       | WC2014-06  | CLOSED               |
| Charles M. Russell National Wildlife Refuge                         | WC2015-05  | CLOSED               |
| Upper Missouri River Breaks National Monument                       | WC2015-06  | CLOSED               |
| 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, court will issue Preliminary Decree in 2016 |                      |

Filename: Compact Status

Date: 7/29/2016