

**DNRC REPORT TO EQC
HB22 ADJUDICATION PROGRESS
August 28, 2007**

Claims Examination Progress

- First benchmark 8,000 claims by 12-31-2006
 - **Second benchmark 19,000 claims by 12-31-2008**
 - Claims examined July 2005 thru **July 2007** **20,204**
 - Claims examined by Purpose
 - o Irrigation 4,583 23%
 - o Stock 11,942 59%
 - o Domestic 2,179 11%
 - o Other 1,500 7%
- 20,204**

Claims remaining to be examined **36,796**

Total Claims examined based on original
remaining 57,000 claims (57,000 – 36,796) = ***20204**

*1470 claims were examined prior to enactment of HB22

Summary Reports to Water Court

Union Creek	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

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

Above decrees scanned and available at: <http://nris.state.mt.us/dnrc/waterrights/default.aspx>

Basin Status

<u>Active Basins</u>	<u>Estimated Completion</u>
-Smith River (41J)	Summary report preparation Sept 2007
-Pryor Creek (43E)	Summary report preparation July 2008
-Milk River between Fresno & Whitewater (40J)	Summary prep pending July 2009
-Peoples Creek (40I)	Summary prep pending Dec 2009

-Little Big Horn River (43O)	Summary prep pending	July	2010
-Big Horn R below Greybull R (43P)	Summary prep pending	July	2010
-Beaver Creek (40M)	Summary prep pending	July	2010
-Milk River above Fresno (40F)	Summary prep pending	July	2011
-St. Mary River (40T)	Summary prep pending	July	2012
-Cut Bank River (41L)	Summary prep pending	July	2012
-Two Medicine River (41M)	Summary prep pending	July	2012
-Upper Tongue R (42B)	Examination in progress	Dec	2007
-Flatwillow Creek (40B)	Examination in progress	July	2008
-Rosebud Creek (42A)	Examination in progress	July	2008
-Missouri R to Marias (41Q)	Examination in progress	July	2009
-Big Muddy Creek (40R)	Examination in progress	July	2009
-Beaverhead River (41B)	Examination in progress	July	2009
-Missouri R from Marias to Bullwacker (41T)	Examination in progress	July	2012
-Red Rock River (41A)	Examination in progress	July	2015
-Flathead River (76LJ)	Examination in progress	July	2015
-Bitterroot R, E side (76HA)	Examination in progress	July	2015
-Marias River (41P)	Examination in progress	July	2015
-Flathead R below Flathead Lake (76L)	Examination in progress	July	2015
-Shoshone River (43N)	To be Examined	July	2012
-Missouri R between Bullwacker and Musselshell (40EJ)	To be Examined	July	2015
-Arrow Creek (41R)	To be Examined	July	2015
-Yellowstone R below Powder R (42M)	To be Examined	July	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
- **Automated indexes are now in use**

Expenses

For FY06:	Operating costs	\$ 639,320
	Personnel services	<u>\$1,382,274</u>
	Total	\$2,021,595
	Budget	\$2,037,740
For FY07:	Operating Costs	\$ 284,997.00
	Personnel services	<u>\$1,708,759.00</u>
	Total	\$1,993,756.00
	Budget	\$2,106,845.00
For FY08:	Operating Costs	\$ 27,930.00
	Personnel services	<u>\$ 102,716.00</u>
	Total	\$ 130,646.00
	Budget	\$2,506,301.00

Billing System

- 108,000 bills mailed Dec. 27, 2005
- 18,552 2nd bills mailed March 1, 2006
- Estimated revenue generated \$6.2 million
- Revenue received **\$5.123 million** representing 93,737 invoices paid (in full /or part)

Appeals

- 4,997 Appeals received to date
 - o 3,076 appeals based on ownership;
 - o 1,911 appeals based on fee calculation
- **834 appeals have been resolved to date (36 denied, 798 resolved with fee correction)**

Ownership Records / Forms Received

- **91,716** addresses corrected and/or added, though ownership updates (16,686 hrs) since July, 2005

(Form 608) Ownership Updates
(Form 602) Notices of Completion of Groundwater Development (wells 35gpm or less)

Fiscal Year	608 Counts	602 Counts
2008	742	492
2007	6074	3523
2006	13998	5948
2005	5414	3453
2004	4780	3053

- **HB 39 Automate Ownership Updates effective July 1, 2008**
 - o **Redesign of DOR Realty Transfer Certificate completed August 2007**
 - o Purchase software for matching property geocodes with water right parcels in July. Match and upload geocodes to water right database by Dec 2007.
 - o DOR Orion property records system updated with water right fields by Jan 2008
 - o Public and realty industry education on HB 39 and new process Aug 2007 thru June 2008

Database Progress

- Moved Water Right Database to ITSD in May 2007.
- **Automated water court objection list (120 hours) August 2007**
- Final contract in progress for development of Reserved Water Right Compact water right records, automating annual reporting and implementing subordination provisions. Completion date - November 2007.

Montana General Adjudication Basin Status														Thru Aug 1, 2007		
Basin #	Basin Name	Cost	Water Master/ Clerk	Date Temporary Issued	Date Preliminary Issued	Date Final Issued	Date Objection Deadline	Date Extended Deadline	Counter Objection Notice Mailed	Counter Objection Deadline	Objection list Mailed	Deadline Notice of Appearance	Total Claims	Total Unexamined Claims	Decreed Claims to Date	Verified Claims
	Northern Cheyenne Compact		BL/AB		19-Jan-94		18-Jul-94						1		1	
	Fort Peck Compact		BL/AB		6-Apr-94		3-Oct-94						1		1	
	National Park Service Compact		BL/AB		10-Dec-96		9-Jun-97						1		1	
	Rocky Boy's Compact		BL/AB		27-Apr-00		24-Oct-00						1		1	
	US F&WS Benton Lake Compact		BL/AB		5-Apr-01		2-Oct-01						1		1	
	US F&WS Red Rock Lakes Compact		BL/AB		10-May-02		6-Nov-02						1		1	
	US F&WS Black Coulee Compact		BL/AB		31-Oct-02		28-Apr-03						1		1	
FINAL DECREES																
1	42I	Little Powder River	\$ 65.00		7-May-81	31-May-83							2281	0	2281	yes
2	42J	Powder River	\$ 65.00		7-May-81	31-May-83							8934	0	8934	yes
3	40P	Redwater River	\$ 35.00		6-Jan-84	22-May-85	9-Mar-84	23-Apr-84			21-May-84	26-Jul-84	1940	0	1940	yes
4	38H	Belle Fourche River above Cheyenne	\$ 20.00		2-Nov-83	27-Mar-84	3-Feb-84						210	0	210	yes
5	39H	Little Missouri below Little Beaver	\$ 20.00		2-Nov-83	27-Mar-84	3-Feb-84						203	0	203	yes
6	42L	O'Fallon Creek	\$ 55.00		7-Feb-84	17-Apr-85	10-May-84	25-Jun-84			25-Jul-84	28-Aug-84	2786	0	2786	yes
PRELIMINARY DECREES												SUBTOTAL	16354	0	16354	
1	40G	Sage Creek	\$ 20.00	KL/AB	20-Dec-83		23-Mar-84	13-Apr-84			2-May-84	7-Jun-84	943	0	943	yes
2	41N	Willow Creek	\$ 25.00	KL/AB	6-Jul-84		9-Oct-84				31-Oct-84	5-Dec-84	1489	0	1489	yes
3	40D	Big Dry Creek	\$ 55.00	KL/AB	28-Sep-84		4-Jan-85				14-Feb-85	29-Mar-85	2985	0	2985	yes
4	39G	Beaver Creek	\$ 20.00	KL/AB	31-Jan-85		10-May-85				19-Jun-85	22-Jul-85	708	0	708	yes
5	43QJ	Yell R from Bridger to Clarks Fork Ye	\$ 20.00	KL/AB	23-Jul-85		21-Oct-85	3-Feb-86			21-Mar-86	21-Apr-86	1088	0	1088	yes
6	40N	Rock Creek	\$ 30.00	BL/AB	13-Aug-85		18-Nov-85				27-Feb-86	31-Mar-86	1520	0	1520	yes
7	42K	Yellowstone River between Tongue &	\$ 30.00	KL/AB	19-Sep-85		18-Nov-85	18-Mar-86			2-May-86	2-Jun-86	1479	0	1479	yes
8	40O	Milk River below Whitewater including	\$ 280.00	MG/	24-May-95		20-Nov-95	16-May-96	14-Nov-97	13-Jan-98	4-Feb-98	6-Apr-98	3403	97	3306	
9	76HF	Westside Subbasin Bitterroot River	\$ 365.00	DR/SK	14-Jan-98		13-Jul-98	13-Oct-98	10-May-99	9-Jul-99	25-Aug-99	25-Oct-99	3774	0	3774	
10	40S	Missouri River below Fort Peck Dam	\$ 265.00	HM/JR	29-Dec-99		26-Jun-00	25-Aug-00	2-Jan-01	5-Mar-01	10-Apr-01	11-Jun-01	2966	14	2966	
11	40Q	Poplar River	\$ 170.00	HM/JR	29-Dec-99		26-Jun-00	25-Sep-00	2-Jan-01	5-Mar-01	10-Apr-01	11-Jun-01	2080	0	2080	
12	40H	Big Sandy Creek	\$ 85.00	CC/PG	22-Jan-03		21-Jul-03	17-Oct-03	11-Dec-03	9-Feb-04			827	30	797	
TEMPORARY PRELIMINARY DECREES												SUBTOTAL	23262	141	23135	
1	76N	Lower Clark Fork	\$ 25.00	KL/AB	28-Feb-84		4-Jun-84	3-Aug-84			30-Aug-84	5-Oct-84	1245	0	1245	yes
2	76C	Fisher River	\$ 20.00	KL/AB	28-Feb-84		4-Jun-84	3-Aug-84			30-Aug-84	5-Oct-84	245	0	245	yes
3	76D	Kootenai River	\$ 25.00	KL/AB	22-Mar-84		26-Jun-84	10-Aug-84			30-Aug-84	5-Oct-84	1462	0	1462	yes
4	76B	Yaak River	\$ 20.00	KL/AB	22-Mar-84		26-Jun-84	10-Aug-84			30-Aug-84	5-Oct-84	104	0	104	yes

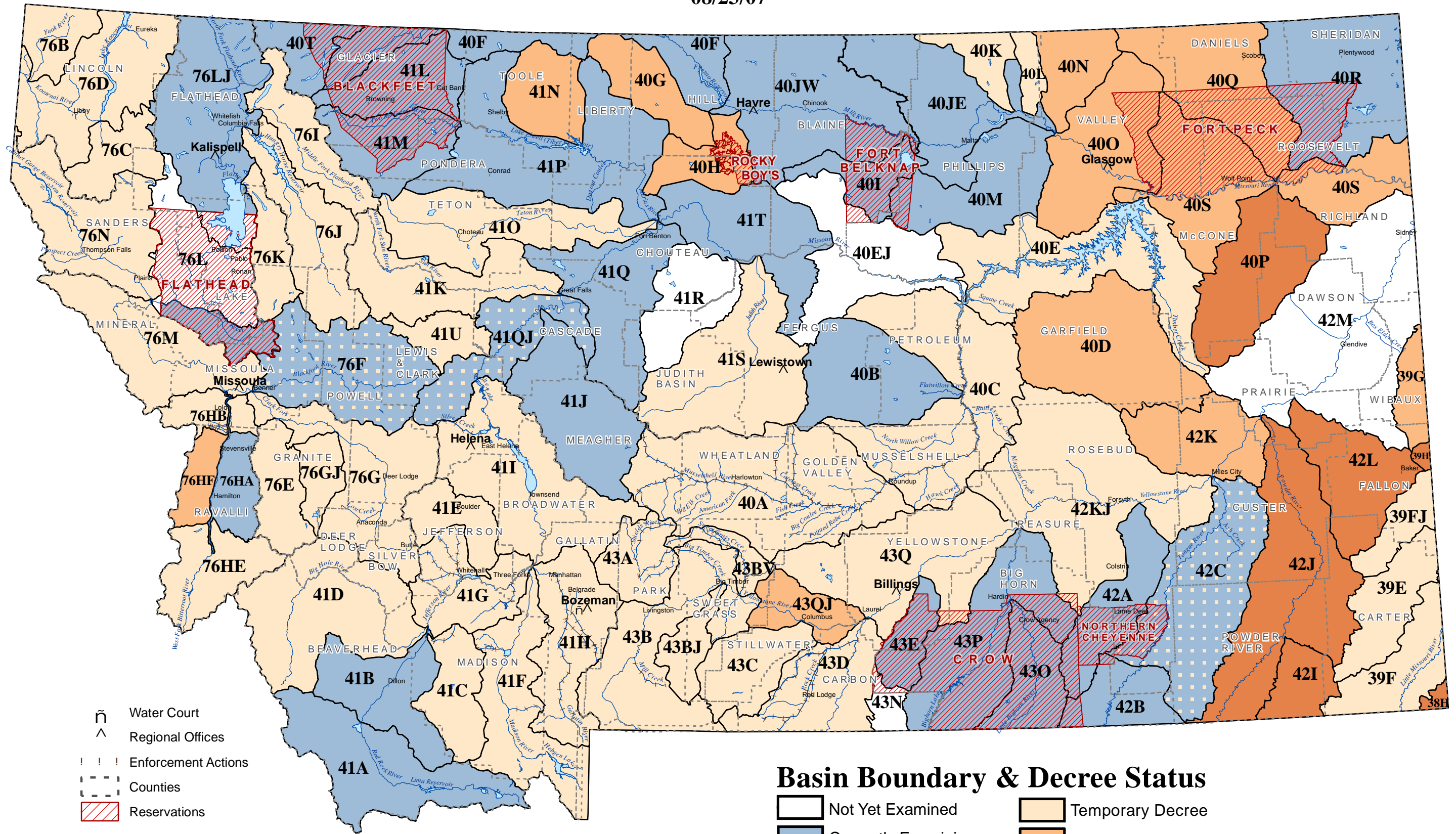
5	76GJ	Flint Creek	\$ 20.00	KL/AB	29-Mar-84			3-Jul-84	3-Sep-84			21-Nov-84	31-Dec-84	1050	0	1050	yes	
6	76E	Rock Creek	\$ 20.00	KL/AB	29-Mar-84			3-Jul-84	20-Aug-84			18-Oct-84	23-Nov-84	719	0	719	yes	
7	41U	Dearborn River	\$ 30.00	KL/AB	10-May-84			9-Aug-84	24-Aug-84			27-Sep-84	2-Nov-84	876	0	876	yes	
8	41S	Judith River	\$ 90.00	KL/PG	17-May-84			21-Aug-84	4-Oct-84			13-Nov-84	19-Dec-84	5268	0	5268	yes	
9	41F	Madison River	\$ 55.00	KL/AB	25-Jul-84			29-Oct-84	29-Nov-84			14-Feb-85	29-Mar-85	2842	10	2832	yes	
10	76K	Swan River	\$ 20.00	KL/AB	9-Aug-84			13-Nov-84				28-Dec-84	1-Feb-85	573	0	573	yes	
11	76I	Middle Fork Flathead River	\$ 20.00	BL/AB	9-Aug-84			13-Nov-84				28-Dec-84	1-Feb-85	199	17	182	yes	
12	76J	South Fork Flathead River	\$ 20.00	BL/AB	9-Aug-84			13-Nov-84				28-Dec-84	1-Feb-85	130	0	130	yes	
13	76M	Middle Clark Fork River	\$ 50.00	KL/AB	29-Nov-84			5-Mar-85	3-Jun-85			3-Oct-85	7-Nov-85	2587	7	2580	yes	
14	43BV	Sweet Grass Creek	\$ 20.00	KL/PG	19-Dec-84			26-Mar-85	10-May-85			15-Jul-85	14-Aug-85	826	0	826	yes	
15	43B	Yellowstone River above & incl Bridge	\$ 80.00	KL/PG	16-Jan-85			23-Apr-85	22-Jul-85			3-Mar-86	4-Apr-86	4890	30	4860	yes	
16	40L	Frenchman Creek	\$ 20.00	KL/AB	16-Jan-85			23-Apr-85				12-Jul-85	16-Jul-85	418	0	418	yes	
17	39FJ	Little Beaver Creek	\$ 20.00	KL/AB	31-Jan-85			10-May-85				19-Jun-85	22-Jul-85	984	0	984	yes	
18	39F	Little Missouri above Little Beaver Cre	\$ 50.00	KL/AB	1-Feb-85			10-May-85				14-Aug-85	13-Sep-85	2993	0	2993	yes	
19	39E	Box Elder Creek	\$ 45.00	KL/AB	1-Feb-85			10-May-85				1-Aug-85	3-Sep-85	2474	1	2473	yes	
20	40E	Missouri R. between Muss & Fort Pec	\$ 50.00	BL/AB	7-Mar-85			7-Jun-85	8-Jul-85			16-Oct-85	22-Nov-85	3010	0	3010	yes	
21	43BJ	Boulder River tributary of Yellowstone	\$ 20.00	KL/PG	3-Apr-85			3-Jul-85	3-Sep-85			6-Nov-85	11-Dec-85	826	0	826	yes	
22	40A	Musselshell River	\$ 100.00	KL/PG	7-May-85			6-Jul-85	1-Nov-85			8-Apr-86	5-May-86	5812	0	5812	yes	
23	41K	Sun River	\$ 50.00	DR/PG	14-May-85			13-Aug-85	13-Jan-86			11-Nov-88	15-Dec-88	2856	0	2856	yes	
24	76G	Clark Fork River above Blackfoot Riv	\$ 80.00	DR/SK	17-May-85			15-Aug-85	17-Dec-85			23-Mar-88	22-Apr-88	4935	0	4935	yes	
25	41E	Boulder River tributary of Jefferson R	\$ 25.00	BL/AB	20-Jun-85			17-Sep-85	17-Dec-85			30-Sep-87	30-Oct-87	1249	0	1249	yes	
26	43C	Stillwater River	\$ 35.00	KL/AB	7-Nov-85			5-Feb-86	6-May-86			13-Jun-86	14-Jul-86	1743	0	1743	yes	
27	41H	Gallatin River	\$ 105.00	CC/PG	26-Sep-85			26-Dec-85	24-Jun-86			6-Aug-87	8-Sep-87	5756	11	5745	yes	
28	43A	Shields River	\$ 125.00	CC/PG	3-Aug-88			1-Nov-88	16-Mar-89			7-Nov-89	7-Dec-89	3395	0	3395	yes	
29	41G	Jefferson River	\$ 135.00	KL/AB	17-Oct-89			16-Apr-90	16-Jul-90			16-Apr-91	17-May-91	2474	67	2407	yes	
30	40K	Whitewater Creek	\$ 160.00	BL/AB	21-Nov-89			21-May-90	20-Aug-90			19-Dec-90	18-Jan-91	3967	378	3589	yes	
31	40C	Lower Musselshell River	\$ 185.00	CC/PG	6-Feb-90			6-Aug-90	5-Dec-90			17-Oct-91	18-Nov-91	3871	1	3870	yes	
32	41C	Ruby River	\$ 130.00	KL/AB	14-Nov-90			14-May-91	12-Aug-91			19-Apr-95	20-Jun-95	2201	18	2183		
33	76HB	North End Subbasin Bitterroot River	\$ 135.00	DR/SK	16-Sep-92			15-Mar-93	7-Sep-93			23-Mar-94	24-May-94	1164	3	1161		
34	43D	Clarks Fork Yellowstone River	\$ 275.00	KL/SK	9-Jun-93			6-Dec-93	1-Jun-94			24-Jan-95	31-Mar-95	2646	16	2630		
35	76HE	South End Subbasin Bitterroot River	\$ 145.00	DR/SK	25-May-94			21-Nov-94	21-Mar-95			22-Jun-95	22-Aug-95	1533	4	1529		
36	41I	Missouri R above Holter Dam	\$ 480.00	KL/PG	8-Mar-95			5-Sep-95	9-Jan-96			10-Jul-96	17-Sep-96	5237	69	5168		
37	43Q	Yell R between Clarks Fork Yell & Big	\$ 210.00	KL/PG	29-Dec-98			28-Jun-99	30-Aug-99	24-Nov-99	24-Jan-00	23-Feb-00	24-Apr-00	2473	0	2473		
38	42KJ	Yell R between Bighorn & Tongue Riv	\$520.00	JP/EE	14-Nov-03			12-May-04	8-Nov-04	27-Dec-04	25-Feb-05	20-Oct-05	19-Dec-05	4775	8	4767		
39	41O	Teton River	\$355.00	DR/EE	29-Dec-05			27-Jun-06	5-Dec-06	27-Mar-07	29-May-07			2524	0	2524		
40	76FA	Union Creek	\$58.00	HM/JR	3-Mar-06			6-Sep-06	5-Dec-06	3-Jan-07	5-Mar-07	13-Mar-07	14-May-07	42	0	42		
2	41D	Big Hole River	\$ 407.00	KL/PG	6-Apr-07			3-Oct-07						3892	0	3892		

													SUBTOTAL	96266	640	95626		
													TOTAL	UNEXAMINED		Total		
BASINS CURRENTLY BEING EXAMINED													CLAIMS	CLAIMS		Examined	%	
BILLINGS REGIONAL OFFICE																		
1	42A	Rosebud Creek												1201	259		942	78.4%
2	42C	Tongue River below Hanging Woman												4689	-19		4708	100.4%
3	43E	Pryor Creek												623	0		623	100.0%
4	43O	Little Big Horn River												1197	0		1197	100.0%
5	43P	Bighorn River below Greybull River												2132	57		2075	97.3%
BOZEMAN REGIONAL OFFICE																		
1	41A	Red Rock River												2767	2179		588	21.3%
GLASGOW REGIONAL OFFICE																		
1	40R	Big Muddy Creek												2006	711		1295	64.6%
HAVRE REGIONAL OFFICE																		
1	40T	St. Mary River												181	6		175	96.7%
2	40F	Milk River above Fresno												2323	7		2316	99.7%
3	40I	Peoples Creek												670	46		624	93.1%
4	40J	Milk River between Fresno Res & Whitewater												12856	37		12819	99.7%
5	40M	Beaver Creek Tributary of Milk River												2923	18		2905	99.4%
6	41L	Cut Bank River												647	0		647	100.0%
7	41P	Marias River												3688	3168		520	14.1%
8	41M	Two Medicine River												1110	41		1069	96.3%
HELENA REGIONAL OFFICE																		
1	41B	Beaverhead River												2146	1373		773	36.0%
KALISPELL REGIONAL OFFICE																		
1	76LJ	Flathead River including Flathead Lake												5275	5218		57	1.1%
LEWISTOWN REGIONAL OFFICE																		
1	40B	Flatwillow Creek												3633	83		3550	97.7%
MISSOULA REGIONAL OFFICE																		
1	76HA	Bitterroot River, East side												2837	2109		728	25.7%
2	76L	Flathead River below Flathead Lake												3068	2884		184	6.0%
SWAT TEAMS																		
1	41J	Smith River												2653	219		2434	91.7%
2	41QJ	Missouri River from Holter Dam to Sun River												2584	0		2584	100.0%
3	76F	Blackfoot River												3691	0		3691	100.0%
4	42B	Tongue River including Hanging Woman												1342	500		842	62.7%
5	41Q	Missouri River from Sun River to Marias River												4079	4056		106	2.6%

BASINS YET TO BE EXAMINED													TOTAL	UNEXAMINED	Examined	%	
													66242	22952	47346		
1	40EJ	Missouri Riv between Bullwacker & Musselshell											2531	2531	0	0.0%	
2	41R	Arrow Creek											2204	2013	191	8.7%	
3	41T	Missouri River from Marias incl Bullwacker Cr											3073	3073	0	0.0%	
4	42M	Yellowstone River below Powder River											5282	5282	0	0.0%	
5	43N	Shoshone River											164	164	0	0.0%	
													SUBTOTAL	13254	13063	0	191
		<u>Chief Water Judge</u>	<u>Court Administrator</u>	<u>Water Masters</u>	<u>Water Masters</u>	<u>Water Masters</u>	<u>Clerk Of Court</u>	<u>Deputy Clerks</u>									
		C. Bruce Loble	Sandra Palakovich	Kathryn Lambert	Doug Ritter	Anna Stradley-Rodman	Anna Burton	Patty Gunderson	TOTAL	215378	36796						
				Anika Stern	Colleen Coyle	Peter Fritsch		Dianne Lawson									
				Dan Cole	Hugh McFadden			Emily Emmons	Late claims filed and recorded= 4986								
				Jay Porteen	Mary Gallagher			Joy Robinson									
				Terry Dawson	Katy Brandis				Claim count for benchmark (57,000 - 36,796) = 20,204								
				Jay Porteen													

Basin Location and Adjudication Status

08/23/07



- ⌂ Water Court
- ^ Regional Offices
- ! ! ! Enforcement Actions
- - - Counties
- ▨ Reservations

Basin Boundary & Decree Status

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