

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

BASINS BY COMPLETION DATE - DNRC WORK PLAN 2009				
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	1	426.5
85-2-248	376	3,293
Case	58	1,213.5
<u>General assist</u>		<u>1,477.5</u>
Total hours		6,410.50

Expenses

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

Billing System

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

Appeals

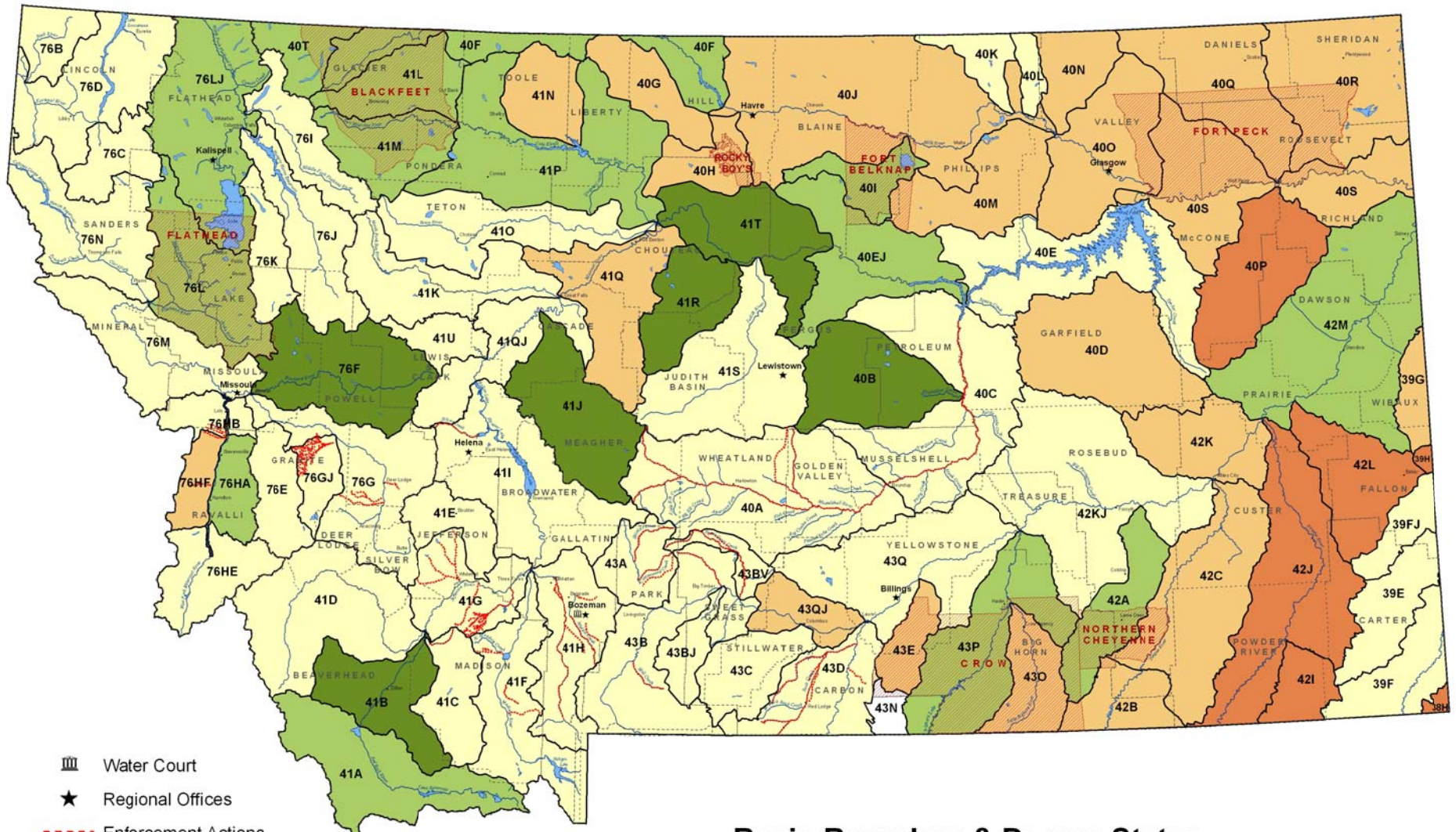
5,059 Appeals received
4052 appeals resolved to date (1128 denied, 3928 resolved with fee correction)
7 appeals remain

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.