

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

**Claims Reexamination Progress**

*The Department met every benchmark set for it by the Legislature in 2005 with the completion of initial examination of the 57,000 unexamined claims. The 2015 Legislature set new benchmarks for completion of the next phase of the adjudication including:*

- 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 = 968**

| <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 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     |

| <b><u>Pending Summary Reports to Water Court</u></b> | <b><u>Estimated Completion Date Issued</u></b> |
|--|--|
| Flathead River (76LJ)                                | September 2016                                 |
| Flathead R below Flathead Lake (76L)                 | September 2016                                 |

| <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                | 2,541                          |
| 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<br>Refuge-Montana Compact | 7/30/2015                 | 114                            |

|  |                  |              |
|--|------------------|--------------|
| BLM Upper Missouri River National Monument-<br>Montana Compact | 9/24/2015        | 2            |
| Cut Bank Creek (41L)   | 10/8/2015        | 722          |
| Bitterroot River, East Side (76HA)                             | 12/4/2015        | 2,867        |
| <b>Bighorn River below Greybull River (43P)</b>                | <b>1/28/2016</b> | <b>2,117</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)

| <u>Reexamination - Summary Reports to Water Court</u> | <u>Date Issued</u> |
|---|--------------------|
| Flint Creek (76GJ)                                    | 10/30/2015         |

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

|                    |   |
|--------------------|---|
| 2005 season        | completed water court assistance for 23 projects        |
| 2006 season        | completed water court assistance for 23 projects        |
| 2007 season        | completed water court assistance for 26 projects        |
| 2008 season        | completed water court assistance for 32 projects        |
| 2009 season        | completed water court assistance for 36 projects        |
| 2010 season        | completed water court assistance for 38 projects        |
| 2011 season        | completed water court assistance for 38 projects        |
| 2012 season        | completed water court assistance for 40 projects        |
| 2013 season        | completed water court assistance for 42 projects        |
| 2014 season        | completed water court assistance for 42 projects        |
| 2015 season        | completed water court assistance for 49 projects        |
| <b>2016 season</b> | <b>completed water court assistance for 21 projects</b> |

#### 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
- So far this fiscal year 7691 ownerships have been updated involving 14,749 water rights**

**Post Decree Assistance (July - FY2016)**

| <u>Case type</u>   | <u>Case count</u> | <u>Work hours</u> |
|--------------------|-------------------|-------------------|
| Certified case     |                   | <b>71</b>         |
| Case with Objector | <b>73</b>         | <b>1,518</b>      |
| 85-2-248 case      | <b>170</b>        | <b>4,156</b>      |
| General assist     |                   | <b>1,244</b>      |
| Total hours        |                   | <b>6,989</b>      |

*Post Decree assistance primarily involves working with claimants and the Water Court to help resolve issue remarks on water rights. Assistance includes meeting with claimants, conducting field investigations, mapping, and providing recommendations and technical reports pertaining to individual cases. In addition, assistance is requested by the Water Court to help with certified cases before and after the initial decree phase. Unique requests to help the Water Court resolve specific cases such as large basin mapping projects, and other technical requests fall within the general assistance category.*

**SB355 Fillings (effective Oct 1, 2013)**

**The department has received 1,035 statements of claim to date. Of these, 214 have the purpose of domestic and 821 have the purpose of stock. Examination is occurring on basins nearing initial decree and basins with notice deadlines.**