

Montana Water Court
Report to the
Water Policy Interim Committee
January, 2018

Decree Issuance Update

Decrees Issued in 2016 and 2017 and still in an Objection Period:

Basin	Name	Date Prelim Issued	Original Obj Deadline	Extended Deadline	Extended Deadline	Counter Obj Deadline	NOIA Deadline	Objections Rcd as of 12/18/2017
Many	Turtle Mountain Claims	10/28/2016	4/26/2017	7/25/2017	N/A	10/10/2017	1/3/2018	16
43D	Clarks Fork Yellowstone River	4/7/2017	10/4/2017	1/2/2018				41
40A	Musselshell River, Above Roundup	6/7/2017	12/4/2017	3/5/2018				94
40C	Musselshell River, Below Roundup	6/7/2017	12/4/2017	3/5/2018				34
40L	Frenchman Creek	10/26/17	4/24/2018					

First Decrees remaining to be Issued:

Basin	Name	Status
76L	Flathead River, below Flathead Lake	Summary report received. Stay in place for Preliminary Decree until January 2018.
76LJ	Flathead River, to and including Flathead Lake	Summary report received. Stay in place for Preliminary Decree until January 2018.

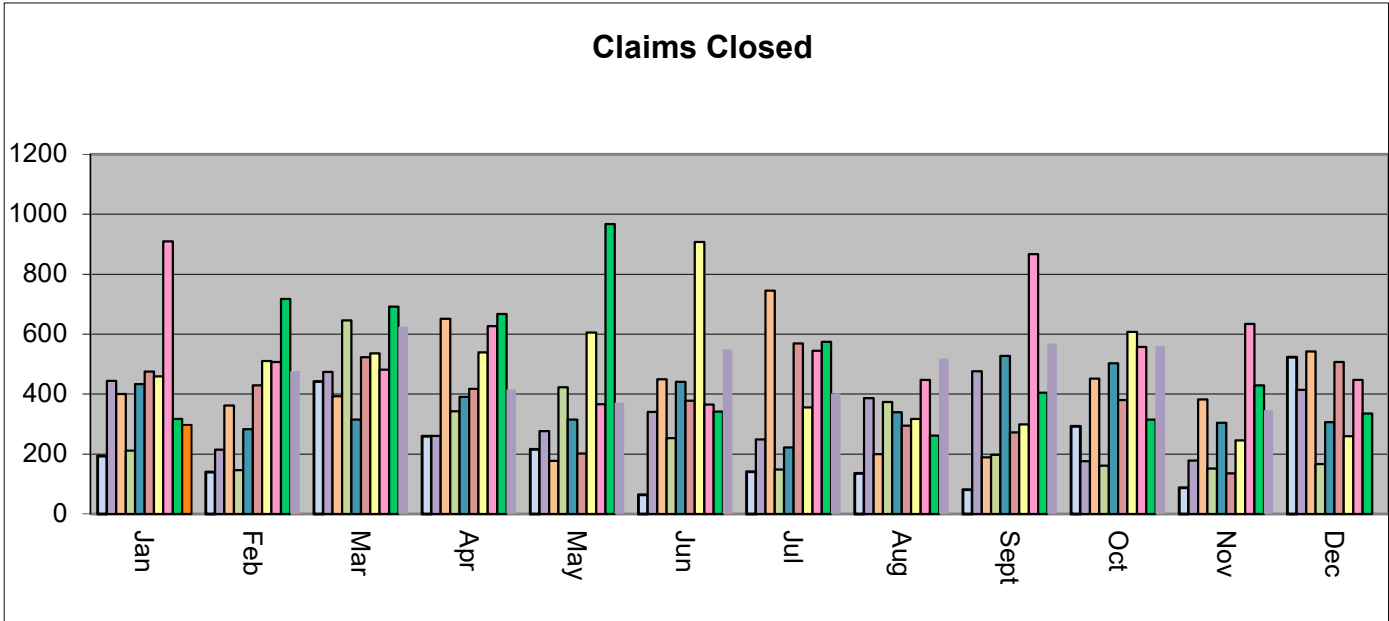
Next Up for Issuance of Decree (Basins under Reexamination Order):

Basin	Name	Anticipated Receipt of Summary Report from DNRC
41G	Jefferson River	Received and under review; decree to be issued 01/2018
41N	Willow Creek	Received and under review; decree to be issued 02/2018
41H	Gallatin River	January 2018
76E	Rock Creek, Tributary of Clark Fork River	January 2018
43B	Yellowstone River above & including Bridger Creek	2018
43A	Shields River	2018
39E	Box Elder Creek	2018
39G	Beaver Creek, Tributary of Little Missouri River	*
40K	Whitewater Creek	*
39F	Little Missouri River, above Little Beaver Creek	*
39FJ	Little Beaver Creek	*
40G	Sage Creek	*

*date of issuance of summary report depends on complexity of review by DNRC

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	692	667	967	342	574	262	405	315	429	335	502
2017	297	476	625	415	371	549	401	518	568	559	346		466



Updated: 12/18/2017

**Percentage of Claims Resolved
Elapsed Time from Notice of Intent to Appear
for Basins Under Active Review**

Basin	Basin Name	Number of Claims on Obj List	NOIA Deadline	% Complete 6 Months	% Complete 12 Months	% Complete 2 Years	% Complete 5 Years	% Complete 12/1/2017
41O	Teton River	1623	01/17/08	1.5%	10.5%	40.9%	90.3%	99.9%
41D	Big Hole River	2233	02/03/09	-1.8%	0.5%	19.3%	86.2%	99.5%
41QJ	Missouri River from Holter Dam to Sun River	857	04/28/09	3.4%	25.8%	58.3%	88.7%	100.0%
42C	Tongue River below Hanging Woman	916	08/25/09	-29.5%	-29.1%	-5.9%	53.1%	99.5%
42B	Tongue River including Hanging Woman	566	08/25/09	8.3%	33.6%	53.9%	73.3%	98.9%
40M	Beaver Creek Tributary of Milk River	1464	08/09/10	20.3%	25.7%	43.3%	69.0%	74.8%
40R	Big Muddy Creek	728	06/03/11	5.5%	26.9%	73.9%	95.2%	97.0%
43E	Pryor Creek	488	09/26/11	-15.0%	-13.3%	5.3%	62.5%	90.8%
43O	Little Big Horn River	1135	10/03/11	-20.0%	-19.7%	0.4%	47.9%	75.0%
41Q	Missouri River from Sun River to Marias River	1071	11/01/11	27.9%	59.7%	74.5%	93.7%	98.2%
40J	Milk River between Fresno Res & Whitewater	4789	04/10/11	-0.5%	1.1%	15.3%	76.8%	89.2%
41J	Smith River	1062	06/11/12	14.3%	19.8%	28.6%	85.4%	89.4%
76F	Blackfoot River	1346	06/30/12	-0.3%	11.2%	52.5%	97.2%	99.8%
40B	Flatwillow Creek	1419	06/16/12	12.9%	21.2%	32.6%	94.4%	96.3%
41R	Arrow Creek	848	03/12/12	19.2%	23.5%	69.9%	96.7%	97.3%
41T	Missouri River from Marias incl Bullwacker Cr	1471	09/17/13	51.8%	78.3%	97.0%		100.0%
43N	Shoshone River	100	12/01/14	50.0%	64.0%	82.0%		99.0%
42A	Rosebud Creek	510	12/15/14	20.1%	24.9%	32.7%		52.5%
40I	Peoples Creek	414	01/06/15	42.8%	73.4%	90.3%		96.9%
41A	Red Rock River	1436	02/17/15	27.3%	36.8%	53.6%		74.0%
41B	Beaverhead River	992	02/17/15	22.6%	38.4%	66.7%		81.8%
40F	Milk River, Above Fresno Reservoir	1218	04/28/15	26.3%	53.5%	81.5%		92.4%
42M	Yellowstone River, below Powder River	1868	07/20/15	53.4%	88.8%	97.5%		98.7%
40EJ	Missouri River, btwn Bullwhacker Crk & Musselshell	1134	10/19/15	8.1%	97.9%	77.8%		77.8%
40T	St. Mary River	161	12/22/15	24.8%	31.7%	49.1%		49.1%
41M	Two Medicine River	850	09/20/16	-3.4%	27.3%			28.6%
41P	Marias River	1380	12/20/16	17.3%	46.2%			46.2%
41L	Cut Bank Creek	620	04/24/17	23.4%				23.4%
76HA	Bitterroot River, Main Stem	1858	06/13/17	22.8%				22.8%
43P	Bighorn River, below Greybull River	1609	07/25/17					21.3%
76GJ	Flint Creek	751	08/08/17					45.0%
Many	Turtle Mountain Claims	16	01/03/18					
43D	Clarks Fork Yellowstone River	41						
40A	Musselshell River, Above Roundup	94						
40C	Musselshell River, Below Roundup	34						
40L	Frenchman Creek	0						

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 12/18/2017

Compact Status

<u>Compact Name</u>	<u>Case #</u>	<u>Status</u>
Blackfeet Tribe Compact	Not yet at Water Court	
Fort Peck-Montana Compact	WC1992-1	OPEN
Northern Cheyenne Compact	WC1993-1	OPEN
National Park Service-MT Compact	WC1994-1	OPEN
Rocky Boys Compact	WC2000-01	OPEN
Red Rock Lakes Compact	WC2000-02	CLOSED
USFWS Black Coulee and Benton Lake Compact	WC2000-03 WC2002-04	CLOSED
USDA Forest Service	WC2007-03	CLOSED
USA-BLM-MT Compact (Bear Trap/Wild & Scenic)	WC2008-10	CLOSED
National Bison Range Compact	WC2011-01	CLOSED
Crow Tribe Compact	WC2012-06	OPEN
Bowdoin National Wildlife Refuge Compact	WC2013-04	CLOSED
USDA Fort Keogh Research Station	WC2014-07	CLOSED
USDA Sheep Experiment Station	WC2014-06	CLOSED
Charles M. Russell National Wildlife Refuge	WC2015-05	OPEN
BLM-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	