

**DNRC REPORT TO EQC
HB22 ADJUDICATION PROGRESS
January 14, 2008**

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 **Dec, 31 2007** **24,052**
 - Claims examined by Purpose
 - o Irrigation 5,288 22%
 - o Stock 14,537 60%
 - o Domestic 2,536 11%
 - o Other 1,691 7%
- 24,052**

Claims remaining to be examined **32,948**

Total Claims examined based on original
remaining 57,000 claims (57,000 – 32,948) = ***24,052**

*1470 claims were examined prior to enactment of HB22

Summary Reports to Water Court

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 Creek (42B)	December 5, 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://dnrc.mt.gov/wrd/water_rts/adjudication/default.asp

Basin Status

BASIN	WORK STATUS	EST COMPLETION DATE	
Smith River (41J)	Summary prep pending	1	2008
Flatwillow Creek (40B)	Summary prep pending	2	2008
Beaver Creek (40M)	Summary prep pending	2	2008
Pryor Creek (43E)	Summary prep pending	1	2009
Little Big Horn River (43O)	Summary prep pending	3	2009
Big Horn R below Greybull R (43P)	Summary prep pending	7	2009
Milk River between Fresno & Whitewater (40J)	Summary prep pending	7	2009
Peoples Creek (40I)	Summary prep pending	12	2009
Milk River above Fresno (40F)	Summary prep pending	7	2011
Cut Bank River (41L)	Summary prep pending	7	2012
St. Mary River (40T)	Summary prep pending	7	2012
Two Medicine River (41M)	Summary prep pending	8	2012
Rosebud Creek (42A)	Examination in progress	7	2008
Beaverhead River (41B)	Examination in progress	7	2009
Big Muddy Creek (40R)	Examination in progress	10	2009
Missouri R to Marias (41Q)	Examination in progress	7	2010
Flathead River (76LJ)	Examination in progress	12	2010
Flathead R below Flathead Lake (76L)	Examination in progress	10	2011
Red Rock River (41A)	Examination in progress	3	2012
Marias River (41P)	Examination in progress	4	2014
Missouri R from Marias to Bullwacker (41T)	Examination in progress	5	2014
Bitterroot R, E side (76HA)	Examination in progress	6	2015

Shoshone River (43N)	To be Examined	1	2009
Arrow Creek (41R)	To be Examined	7	2010
Yellowstone R below Powder R (42M)	To be Examined	8	2012
Missouri R between Bullwacker & Musselshell (40EJ)	To be Examined	3	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

YTD FY08: Operating Costs	\$ 118,620.00
Personnel services	<u>\$ 830,708.00</u>
Total	\$ 949,328.00
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

- 4,999 Appeals received to date
 - o 3,071 appeals based on ownership;
 - o 1,928 appeals based on fee calculation
- **1545 appeals have been resolved to date (239 denied, 1306 resolved with fee correction)**

Ownership Records / Forms Received

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

Fiscal Year	608 Counts	602 Counts
2008	2446	1590
2007	6093	3717
2006	13998	5948
2005	5414	3453
2004	4780	3053

- **HB 39 Automate Ownership Updates effective July 1, 2008**
 - o **Geocode matching to water rights completed in 31 eastern Montana basins with 85% accuracy.**
 - 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 June 2008.
 - o DOR Orion property records system updated with water right fields by June 2008
 - o Public and realty industry education on HB 39 and new process Aug 2007 thru June 2008

Database Progress

- **Final contract in progress for development of Reserved Water Right Compact water right records, automating annual reporting and implementing subordination provisions. Completion date – March 2008**
- Moved Water Right Database to ITSD in May 2007.
- Automated water court objection list (120 hours) August 2007

Montana General Adjudication Basin Status														Thru Dec 31, 2007			
Basin #	Basin Name	Cost	Water Clerk	Date Issued	Date Issued	Date Issued	Date Deadline	Date Deadline	Counter Objection	Counter Objection	Objection list	Deadline Notice of Appearance	Total Claims	Total Unexamined Claims	Decreed Claims to Date	Verified Claims	
																	Master/ Temporary Preliminary Final
	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	0	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	127	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

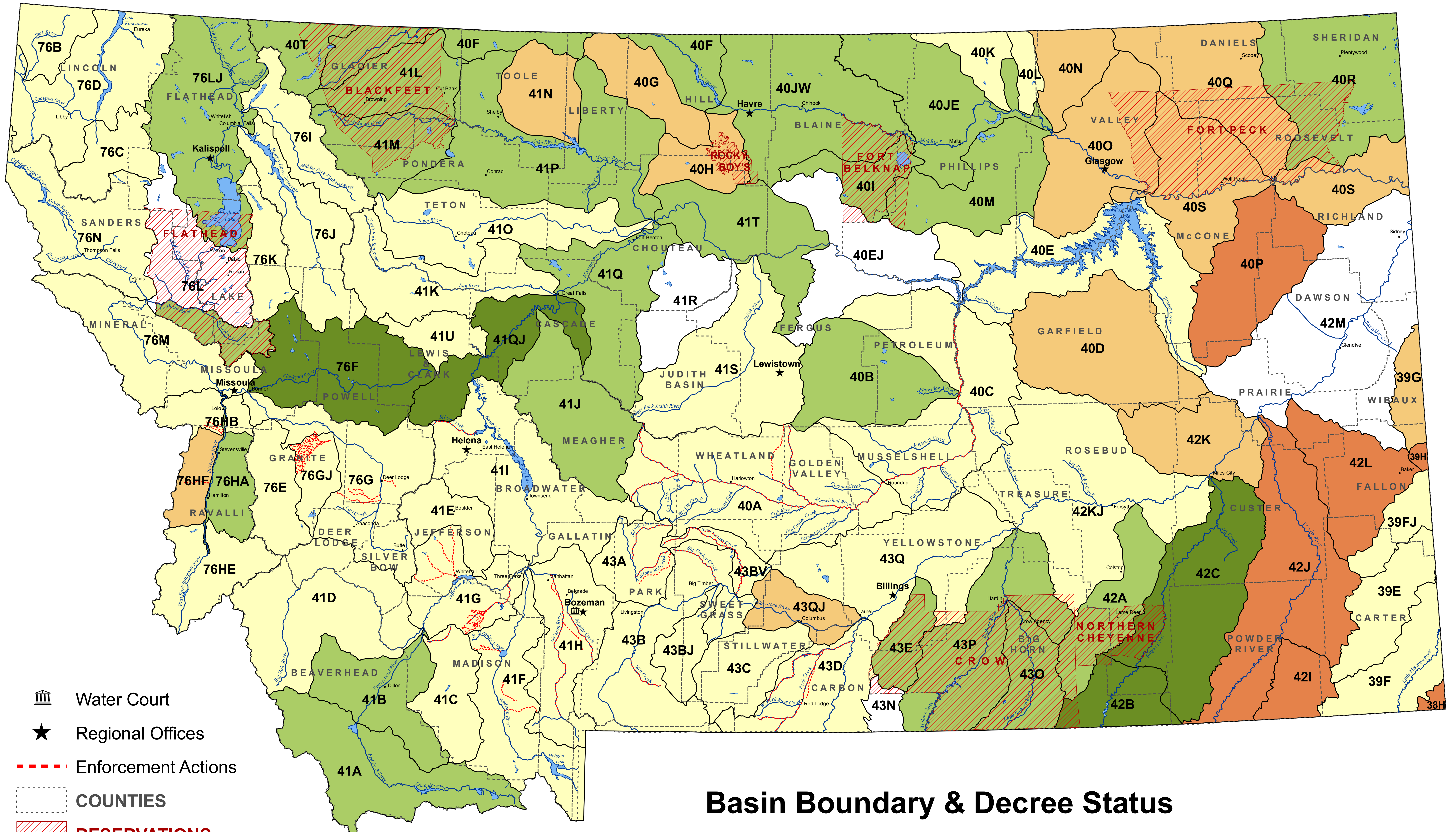
5	76GJ	Flint Creek	\$ 20.00	KL/AB	29-Mar-84			3-Jul-84	3-Sep-84			21-Nov-84	31-Dec-84	1050	0	1050	yes	
6	76E	Rock Creek	\$ 20.00	KL/AB	29-Mar-84			3-Jul-84	20-Aug-84			18-Oct-84	23-Nov-84	719	0	719	yes	
7	41U	Dearborn River	\$ 30.00	KL/AB	10-May-84			9-Aug-84	24-Aug-84			27-Sep-84	2-Nov-84	876	0	876	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	15-Nov-07	17-Jan-08	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		
41	41D	Big Hole River	\$ 407.00	KL/PG	6-Apr-07			3-Oct-07	31-Mar-08					3892	0	3892		




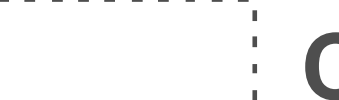

													SUBTOTAL	96266	640	95626		
													TOTAL	UNEXAMINED		Total		
BASINS CURRENTLY BEING EXAMINED													CLAIMS	CLAIMS		Examined	%	
BILLINGS REGIONAL OFFICE																		
1	42A	Rosebud Creek											1201	259	942	78.4%		
2	42C	Tongue River below Hanging Woman											4689	0	4689	100.0%		
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	2053	714	25.8%		
GLASGOW REGIONAL OFFICE																		
1	40R	Big Muddy Creek											2006	411	1595	79.5%		
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	2915	773	21.0%		
8	41M	Two Medicine River											1110	34	1076	96.9%		
HELENA REGIONAL OFFICE																		
1	41B	Beaverhead River											2146	1201	945	44.0%		
KALISPELL REGIONAL OFFICE																		
1	76LJ	Flathead River including Flathead Lake											5275	5179	96	1.8%		
LEWISTOWN REGIONAL OFFICE																		
1	40B	Flatwillow Creek											3633	3	3630	99.9%		
MISSOULA REGIONAL OFFICE																		
1	76HA	Bitterroot River, East side											2837	2087	750	26.4%		
2	76L	Flathead River below Flathead Lake											3068	2700	368	12.0%		
SWAT TEAMS																		
1	41J	Smith River											2653	11	2642	99.6%		
2	41QJ	Missouri River from Holter Dam to Sun River											2445	0	2445	100.0%		
3	76F	Blackfoot River											3690	0	3690	100.0%		
	42B	Tongue River including Hanging Woman											1342	0	1342	100.0%		
5	41Q	Missouri River from Sun River to Marias River											4079	2513	1566	38.4%		

6	41T	Missouri River from Marias incl Bullwacker Cr										3073	2654		419	13.6%		
BASINS YET TO BE EXAMINED												TOTAL	UNEXAMINED	Examined	%			
												73254	22191	51063				
1	40EJ	Missouri Riv between Bullwacker & Musselshell										2531	2531		0	0.0%		
2	41R	Arrow Creek										2204	2013		191	8.7%		
3	42M	Yellowstone River below Powder River										5282	5282		0	0.0%		
4	43N	Shoshone River										164	164		0	0.0%		
												SUBTOTAL	10181	9990	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	219317	32948
			Anika Stern			Colleen Coyle		Peter Fritsch				Dianne Lawson						
			Dan Cole			Hugh McFadden						Emily Emmons		Late claims filed and recorded= 4986				
			Jay Porteen									Joy Robinson						
			Terry Dawson			Katy Brandis								Claim count for benchmark (57,000 - 32,948) =				
			Jay Porteen															



Basin Location and Adjudication Status

1/7/08



-  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 |