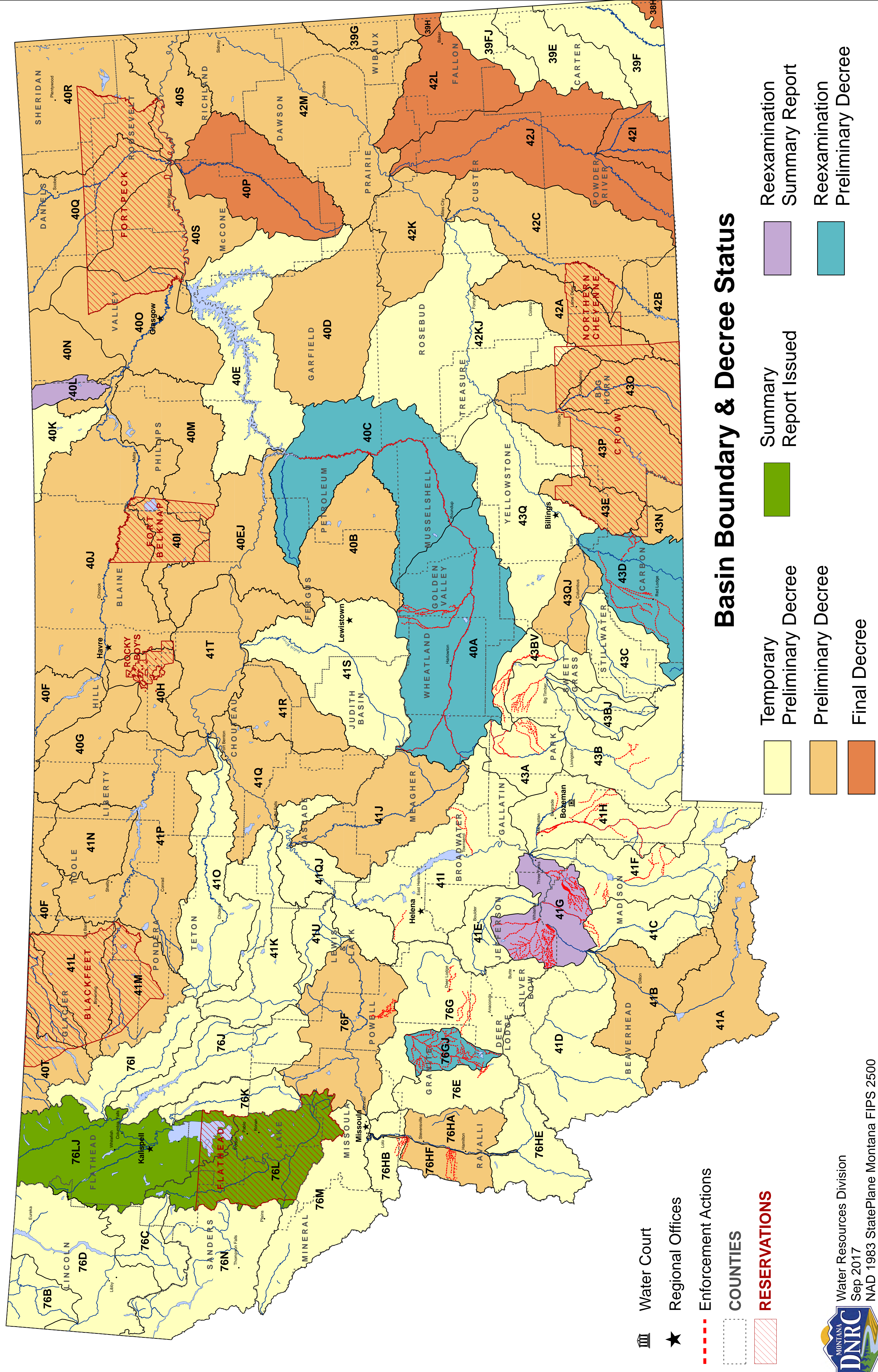


# Basin Location and Adjudication Status

September 5, 2017





**DNRC REPORT TO WPIC  
ADJUDICATION PROGRESS  
September 12, 2017**

**Claims Reexamination Progress**

- First benchmark 10,000 claims by 6-30-2017\* (*First Benchmark met*)
- 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 = 15,327**

**Summary Reports to Water Court**

**Date Issued**

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)  
 Flathead River (76LJ)  
 Flathead River below Flathead Lake (76L)

June 10, 2015  
 March 17, 2017  
 March 17, 2017

<b>Decrees Issued by Water Court</b>	<b>Date Issued</b>	<b>Number of Claims</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 Refuge-Montana Compact	7/30/2015	114
BLM Upper Missouri River National Monument- Montana Compact	9/24/2015	2
Cut Bank Creek (41L)	10/8/2015	722
Bitterroot River, East Side (76HA)	12/4/2015	2,867
Bighorn River below Greybull River (43P)	1/28/2016	2,117

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)

<b>Reexamination - Summary Reports to Water Court</b>	<b>Date Issued</b>
Flint Creek (76GJ)	10/30/2015
Clarks Fork Yellowstone River (43D)	5/24/2016
Musselshell River, Below Roundup (40C)	6/9/2016
Musselshell River, above Roundup (40A)	1/12/2017
Frenchman Creek (40L)	5/31/2017
<b>Jefferson River (41G)</b>	<b>7/27/2017</b>

<b>Reexamination Decrees Issued by Water Court</b>	<b>Date Issued</b>	<b>Number of Claims</b>
Flint Creek (76GJ)	5/19/2016	1,129
Clarks Fork Yellowstone River (43D)	4/7/2017	2,888
Musselshell River, Below Roundup (40C)	6/7/2017	3,951
Musselshell River, above Roundup (40A)	6/7/2017	6,108

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

2017 season completed updates and created new projects totaling 40 distribution areas including the entire Teton River basin.

**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
- In 2016, 9,120 ownerships were updated involving 20,358 water rights
- In 2017, 10,351 ownerships were updated involving 21,797 water rights
- For 2018 1,345 ownerships were updated involving 2, 696 water rights so far this Fiscal year.**

**Post Decree Assistance (FY2018)**

<u>Case type</u>	<u>Case count</u>	<u>Work hours</u>
Certified case		
Case with Objector	<b>6</b>	<b>140</b>
85-2-248 case	<b>20</b>	<b>1,047</b>
<u>General assist</u>		<b>170</b>
Total hours		<b>1,357</b>

**Exempt Claim Filings SB355 (effective Oct 1, 2013 - May 7,2017)**

The department received 2,430 statements of claims including: 363 for domestic wells and 2,067 for instream stock.

**Exempt Claim Filings HB110 (effective May 7,2017)**

**For the period May 7<sup>th</sup> through September 12<sup>th</sup> we received 667 *claims*. These claims include 167 *domestic* and 500 *stock* claims with many more in the process.**

**Help with the filing process can be obtained by calling the help line at 444-0560 or visiting the following link:**

***<http://dnrc.mt.gov/divisions/water/adjudication/hb-110-exempt-claim-filing>***

Montana Water Court  
Report to the  
Water Policy Interim Committee  
October 2017

## Decree Issuance Update

Rec'd by LEPO on Sept. 20, 2017

### 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 9/19/2017
Many	Turtle Mountain Claims	10/28/2016	4/26/2017	7/25/2017	N/A	10/10/2017	12/12/2017	21
43D	Clarks Fork Yellowstone River	4/7/2017	10/4/2017					20
40A	Musselshell River, Above Roundup	6/7/2017	12/4/2017					41
40C	Musselshell River, Below Roundup	6/7/2017	12/4/2017					1

### First Decrees remaining to be Issued:

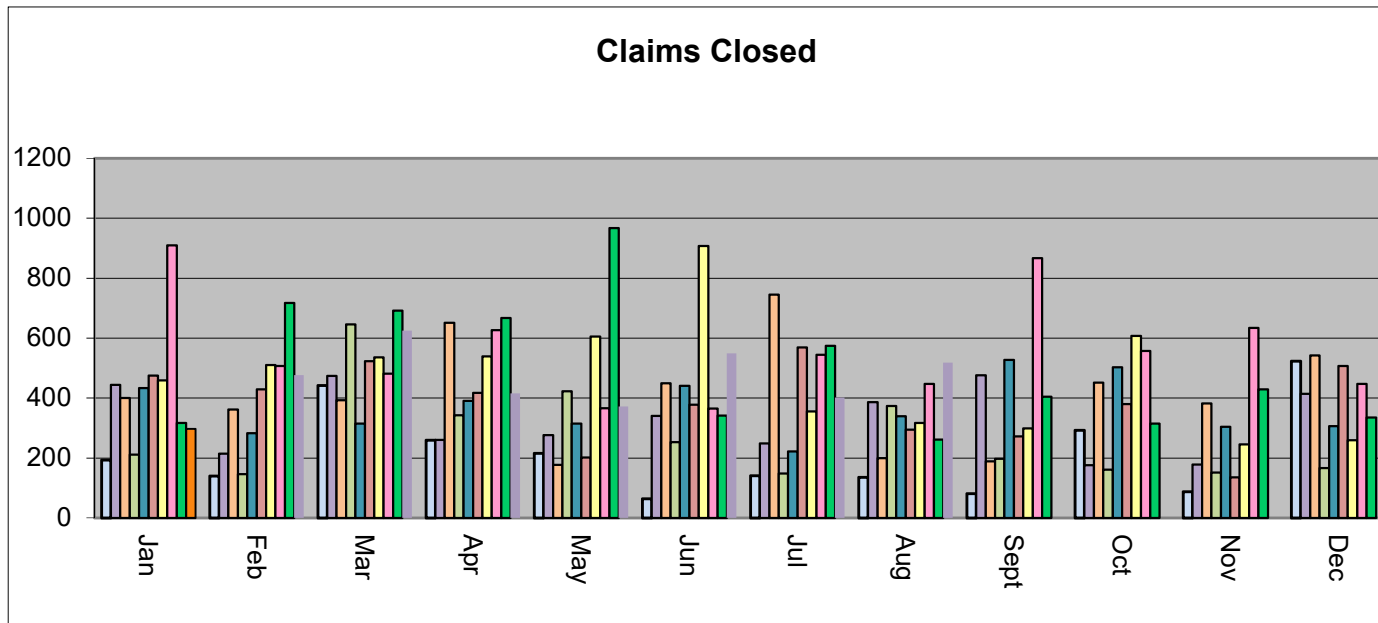
Basin	Name	Status
76L	Flathead River, Below Flathead Lake	Summary report received. Stay in place for Preliminary Decree until January 2018.
76LJ	Flathead River, to and including Flathead Lake	Summary report received. Stay in place for Preliminary Decree until January 2018.

### Next Up:

Basin	Name	Anticipated Receipt of Summary Report
40L	Frenchman Creek	Received and under review
41G	Jefferson River	Received and under review
41N	Willow Creek	Fall 2017
41H	Gallatin River	Winter 2017
76E	Rock Creek, Tributary of Clark Fork River	Winter 2017
43B	Yellowstone River above & including Bridger Creek	Early 2018
43A	Shields River	Spring 2018
39E	Box Elder Creek	Spring 2018

### 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					457



Updated: 9/19/2017



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

Rec'd by LEPO on Sept. 20, 2017

Basin	Basin Name	Number of Claims on Obj List	NOIA Deadline	% Complete 6 Months	% Complete 12 Months	% Complete 2 Years	% Complete 5 Years	% Complete 9/1/2017
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%	99.1%
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%	74.7%
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%	80.9%
43O	Little Big Horn River	1135	10/03/11	-20.0%	-19.7%	0.4%	47.9%	62.2%
41Q	Missouri River from Sun River to Marias River	1071	11/01/11	27.9%	59.7%	74.5%	93.7%	96.8%
40J	Milk River between Fresno Res & Whitewater	4789	04/10/11	-0.5%	1.1%	15.3%	76.8%	86.4%
41J	Smith River	1062	06/11/12	14.3%	19.8%	28.6%	85.4%	86.9%
76F	Blackfoot River	1346	06/30/12	-0.3%	11.2%	52.5%	97.2%	98.2%
40B	Flatwillow Creek	1419	06/16/12	12.9%	21.2%	32.6%	94.4%	95.4%
41R	Arrow Creek	848	03/12/12	19.2%	23.5%	69.9%	96.7%	97.2%
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%		48.2%
40I	Peoples Creek	414	01/06/15	42.8%	73.4%	90.3%		91.1%
41A	Red Rock River	1436	02/17/15	27.3%	36.8%	53.6%		65.6%
41B	Beaverhead River	992	02/17/15	22.6%	38.4%	66.7%		79.3%
40F	Milk River, Above Fresno Reservoir	1218	04/28/15	26.3%	53.5%	81.5%		92.2%
42M	Yellowstone River, below Powder River	1868	07/20/15	53.4%	88.8%	97.5%		97.2%
40EJ	Missouri River, btwn Bullwhacker Crk & Musselshell	1134	10/19/15	8.1%	97.9%			77.5%
40T	St. Mary River	161	12/22/15	24.8%	31.7%			45.3%
41M	Two Medicine River	850	09/20/16	-3.4%	27.3%			27.3%
41P	Marias River	1380	12/20/16	17.3%				37.5%
41L	Cut Bank Creek	620	04/24/17					12.6%
76HA	Bitterroot River, Main Stem	1858	06/13/17					19.4%
43P	Bighorn River, below Greybull River	1609	07/25/17					18.4%
76GJ	Flint Creek	751	08/08/17					18.5%
Many	Turtle Mountain Claims	21	12/12/17					
43D	Clarks Fork Yellowstone River	20						
40A	Musselshell River, Above Roundup	41						
40C	Musselshell River, Below Roundup	1						

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 9/19/2017

Filename: Percent by Elapsed

## Compact Status

Rec'd by LEPO on Sept. 20, 2017

<b><u>Compact Name</u></b>	<b><u>Case #</u></b>	<b><u>Status</u></b>
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	