

Montana Water Court
Report To
The Water Policy Interim Committee
August 2015

Decree Issuance Update

Decrees Issued in 2013

| Basin | Date Prelim Issued | Original Obj Deadline | Extended Deadline | Extended Deadline | Counterobj Deadline | NOIA Deadline | Number of Claims on Objection List |
|-------|--------------------|-----------------------|-------------------|-------------------|--|---------------|------------------------------------|
| 41A | 5/9/2013 | 11/5/2013 | 2/3/2014 | 5/5/2014 | 8/16/2014 Extended to 10/31/2014 | 2/17/2015 | 1436 |
| 42A | 5/23/2013 | 11/19/2013 | 2/14/2014 | 5/14/2014 | 9/15/2014 | 12/15/2014 | 510 |
| 43N | 6/13/2013 | 12/10/2013 | 3/10/2014 | 6/10/2014 | 9/15/2014 | 12/1/2014 | 100 |
| 40I | 6/20/2013 | 12/17/2013 | 3/17/2014 | 6/16/2014 | 10/6/2014 | 1/6/2015 | 414 |
| 41B | 5/9/2013 | 11/5/2013 | 2/3/2014 | 5/5/2014 | 8/16/2014 Extended to 10/31/2014 | 2/17/2015 | 992 |
| 40F | 12/12/2013 | 6/10/2014 | 9/8/2014 | | 2/10/2015 | 4/28/2015 | 1218 |

Decrees Issued And Still In An Objection Period

Decrees Issued in 2014

| Basin | Date Preliminary Issued | Original Objection Deadline | Extended Deadline | Extended Deadline | Counterobj Deadline | NOIA Deadline | No of Objections As of 8/4/2015 |
|-------|-------------------------|-----------------------------|-------------------|-------------------|---------------------|---------------|---------------------------------|
| 42M | 1/24/2014 | 7/23/2014 | 10/21/2014 | 1/20/2015 | 4/20/2015 | 7/20/2015 | 279 |
| 40EJ | 4/25/2014 | 10/22/2014 | 1/20/2015 | 4/20/2015 | 8/3/2015 | *10/19/2015 | 112 |
| 40T | 6/19/2014 | 12/22/2014 | 3/23/2015 | 6/22/2015 | 8/31/2015 | | 131 |

Decrees Issued in 2015

| Basin | Date Preliminary Issued | Original Objection Deadline | Extended Deadline | Extended Deadline | No of Objections As of 8/4/2015 |
|-------|-------------------------|-----------------------------|-------------------|-------------------|---------------------------------|
| 41M | 3/20/2015 | 9/16/2015 | | | 2 |
| 41P | 4/23/2015 | 10/20/2015 | | | 0 |

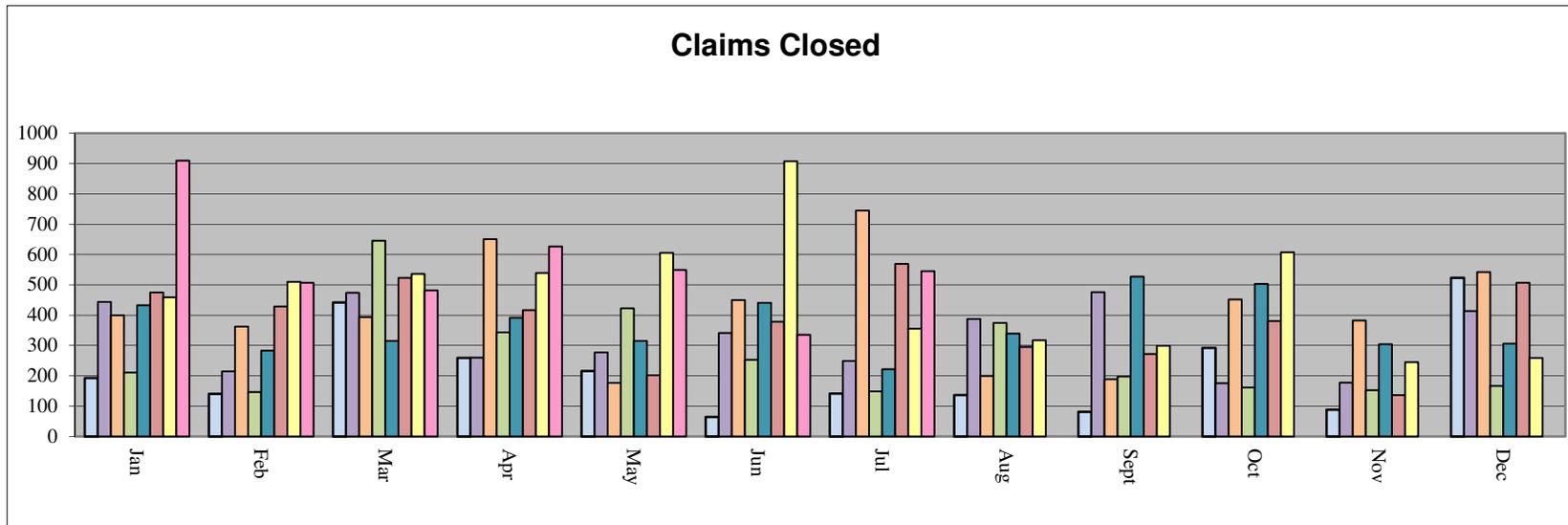
First Decrees Remaining to be Issued: Five first decrees still need to be issued.

| Type of Decree | Status |
|----------------|--|
| 41L | Decree Ready to Publish – Date TBD |
| 76HA | Summary Report Received 5/8/2015 |
| 43P | Summary Report Received 6/10/2015 |
| 76L | Pending receipt of summary report from DNRC. |
| 76LJ | Pending receipt of summary report from DNRC. |

* Anticipated

Claim Closing by Month Comparison 2008-2015

| | 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 | 549 | 335 | 545 | | | | | | 565 |



Updated:

8/4/2015

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

| Basin | Basin Name | Number of Claims on Objection List | NOIA Deadline | % Complete 6 Months | % Complete 12 Months | % Complete 2 Years | % Complete 5 Years | % Complete 8/3/2015 |
|-------|---|------------------------------------|---------------|---------------------|----------------------|--------------------|--------------------|---------------------|
| 41O | Teton River | 1623 | 1/17/2008 | 1.5% | 10.5% | 40.9% | 90.3% | 99.2% |
| 41D | Big Hole River | 2233 | 2/3/2009 | -1.8% | 0.5% | 19.3% | 86.16% | 95.9% |
| 41QJ | Missouri River from Holter Dam to Sun River | 857 | 4/28/2009 | 3.4% | 25.8% | 58.3% | 88.68% | 94.0% |
| 42C | Tongue River below Hanging Woman | 916 | 8/25/2009 | -29.5% | -29.1% | -5.9% | 53.05% | 67.7% |
| 42B | Tongue River including Hanging Woman | 566 | 8/25/2009 | 8.3% | 33.6% | 53.9% | 73.32% | 73.9% |
| 40M | Beaver Creek Tributary of Milk River | 1464 | 8/9/2010 | 20.3% | 25.7% | 43.3% | | 66.3% |
| 40R | Big Muddy Creek | 728 | 6/3/2011 | 5.5% | 26.9% | 73.9% | | 94.0% |
| 43E | Pryor Creek | 488 | 9/26/2011 | -15.0% | -13.3% | 5.3% | | 21.7% |
| 43O | Little Big Horn River | 1135 | 10/3/2011 | -20.0% | -19.7% | 0.4% | | 21.1% |
| 41Q | Missouri River from Sun River to Marias River | 1071 | 11/1/2011 | 27.9% | 59.7% | 74.5% | | 93.0% |
| 40J | Milk River between Fresno Res & Whitewater | 4789 | 4/10/2011 | -0.5% | 1.1% | 15.3% | | 63.2% |
| 41J | Smith River | 1062 | 6/11/2012 | 14.3% | 19.8% | 28.6% | | 52.4% |
| 76F | Blackfoot River | 1346 | 6/30/2012 | -0.3% | 11.2% | 52.5% | | 81.1% |
| 40B | Flatwillow Creek | 1419 | 6/16/2012 | 12.9% | 21.2% | 32.6% | | 77.2% |
| 41R | Arrow Creek | 848 | 3/12/2012 | 19.2% | 23.5% | 69.9% | | 95.3% |
| 41T | Missouri River from Marias incl Bullwacker Cr | 1471 | 9/17/2013 | 51.8% | 78.3% | | | 95.5% |
| 43N | Shoshone River | 100 | 12/1/2014 | 50.0% | | | | 50.0% |
| 42A | Rosebud Creek | 510 | 12/15/2014 | 20.1% | | | | 20.1% |
| 40I | Peoples Creek | 414 | 1/6/2015 | | | | | 42.8% |
| 41A | Red Rock River | 1436 | 2/17/2015 | | | | | 24.3% |
| 41B | Beaverhead River | 992 | 2/17/2015 | | | | | 21.2% |
| 40F | Milk River, Above Fresno Reservoir | 1218 | 4/28/2015 | | | | | 17.7% |

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.

| <u>Compact Name</u> | <u>Case #</u> | <u>Status</u> |
|---|--|----------------------|
| Blackfeet Tribe Compact | WC-1991-1 | OPEN |
| Fort Peck-Montana Compact | WC-1992-1 | CLOSED |
| Northern Cheyenne Compact | WC1993-1 | CLOSED |
| National Park Service-MT Compact | WC1994-1 | CLOSED |
| Rocky Boys Compact | WC-2000-01 | CLOSED |
| Red Rock Lakes Compact | WC-2000-02 | CLOSED |
| USFWS Black Coulee and Benton Lake Compact | WC-2000-03 WC-2002-04 | CLOSED |
| USDA Forest Service | WC-2007-03 | CLOSED |
| USA-BLM-MT Compact | WC-2008-10 | CLOSED |
| National Bison Range Compact | WC-2011-01 | CLOSED |
| Crow Tribe Compact | WC-2012-06 | OPEN |
| Bowdoin National Wildlife Refuge Compact | WC-2013-04 | OPEN |
| USDA Fort Keogh Research Station | WC2014-07 - Issued 8/21/2014 | OPEN |
| USDA Sheep Experiment Station | WC2014-06 - Issued 8/21/2014 | OPEN |
| Charles M. Russell National Wildlife Refuge | WC2015-05 - Issued 7/29/2015 | OPEN |
| Upper Missouri River Breaks National Monument | WC2015-06 - Issuance anticipated in 8/2015 | |
| Fort Belknap Indian Reservation | Not yet at Water Court | |
| Confederated Salish and Kootenai Tribes of the Flathead Reservation | Not yet at Water Court | |
| Turtle Mountain Chippewa | No compact negotiated - claims filed with DNRC | |

Filename: Compact Status

Date: 8/4/2015