

**DNRC REPORT TO EQC
HB22 ADJUDICATION PROGRESS
March 11, 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 **Feb, 29 2008** **25,153**
 - Claims examined by Purpose
 - o Irrigation 5,436 22%
 - o Stock 15,245 60%
 - o Domestic 2,686 11%
 - o Other 1,798 7%
- 25,153**

Claims remaining to be examined **31,847**

Total Claims examined based on original
remaining 57,000 claims (57,000 – 32,948) = ***25,153**

*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
Missouri River 41QJ	Feb 6, 2008	2,584 claims
Tongue River 42C	Feb 28, 2008	4710
Tongue River 42B	Feb 28, 2008	1345

Above decrees scanned and available at: http://dnrc.mt.gov/wrd/water_rts/adjudication

BASINS BY COMPLETION DATE - DNRC WORK PLAN 2008				
BASIN COUNT	BASIN NAME	WORK STATUS	EST COMPLETE DATE	
1	Beaver Creek (40M)	Summary prep pending	4	2008
2	Flatwillow Creek (40B)	Summary prep pending	4	2008
3	Smith River (41J)	Summary prep pending	5	2008
4	Rosebud Creek (42A)	Examination in progress	7	2008
5	Milk River between Fresno & Whitewater (40J)	Summary prep pending	7	2008
6	Pryor Creek (43E)	Summary prep pending	1	2009
7	Shoshone River (43N)	To be Examined	1	2009
8	Little Big Horn River (43O)	Summary prep pending	3	2009
9	Beaverhead River (41B)	Examination in progress	7	2009
10	Big Horn R below Greybull R (43P)	Summary prep pending	7	2009
11	Big Muddy Creek (40R)	Examination in progress	10	2009
12	Peoples Creek (40I)	Summary prep pending	12	2009
13	Arrow Creek (41R)	To be Examined	7	2010
14	Missouri R to Marias (41Q)	Examination in progress	7	2010
15	Flathead River (76LJ)	Examination in progress	12	2010
16	Milk River above Fresno (40F)	Summary prep pending	7	2011
17	Flathead R below Flathead Lake (76L)	Examination in progress	10	2011
18	Red Rock River (41A)	Examination in progress	3	2012
19	Cut Bank River (41L)	Summary prep pending	7	2012
20	St. Mary River (40T)	Summary prep pending	7	2012
21	Two Medicine River (41M)	Summary prep pending	8	2012
22	Yellowstone R below Powder R (42M)	To be Examined	8	2012
23	Marias River (41P)	Examination in progress	4	2014
24	Missouri R from Marias to Bullwacker (41T)	Examination in progress	5	2014
25	Missouri R between Bullwacker & Musselshell (40EJ)	To be Examined	3	2015
26	Bitterroot R, E side (76HA)	Examination in progress	6	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	\$ 194,947.00
	Personnel services	<u>\$ 1,091,259.00</u>
	Total	\$ 1,286,206.00
	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 **\$5.139 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
- **1610 appeals have been resolved to date (264 denied, 1346 resolved with fee correction)**
- **Hired a temp to help resolve appeals**

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	3206	2016
2007	6098	3720
2006	13998	5948
2005	5414	3453
2004	4780	3053

- **HB 39 Automate Ownership Updates effective July 1, 2008**
 - o **Assign Geocodes to water rights in database by March 27.**
 - 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 FEBRUARY 29, 2008				
Basin #	Basin Name	Cost	Water Master/ Clerk	Date Temporary Issued	Date Preliminary Issued	Date Final Issued	Date Objection Deadline	Date Extended Deadline	Counter Objection Notice Mailed	Counter Objection Deadline	Objection list Mailed	Deadline Notice of Appearance	Total Claims	Total Unexamined Claims	Decreed Claims to Date	Verified Claims		
	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		
13	42C	Tongue River below Hanging Woman	\$ 502.00	JP/EE		28-Feb-08		26-Aug-08						4689	0	4710	100.0%	
14	42B	Tongue River including Hanging Won	\$ 163.00	JP/EE		28-Feb-08		26-Aug-08						1342	0	1345	100.0%	
TEMPORARY PRELIMINARY DECREES													SUBTOTAL	29293	127	29190		
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 Rive	\$ 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			
42	41QJ	Missouri River from Holter Dam to Su	\$ 290.00	AS/EE	6-Feb-08			4-Aug-08						2445	0	2584		100.0%	
														SUBTOTAL	98711	640	98210		
														TOTAL	UNEXAMINED		Total		
		BASINS CURRENTLY BEING EXAMINED												CLAIMS	CLAIMS		Examined	%	
BILLINGS REGIONAL OFFICE																			
1	42A	Rosebud Creek												1201	259		942	78.4%	
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	2031		736	26.6%	
GLASGOW REGIONAL OFFICE																			
1	40R	Big Muddy Creek												2006	318		1688	84.1%	
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	2689		999	27.1%	
8	41M	Two Medicine River												1110	34		1076	96.9%	
HELENA REGIONAL OFFICE																			
1	41B	Beaverhead River												2146	1058		1088	50.7%	
KALISPELL REGIONAL OFFICE																			
1	76LJ	Flathead River including Flathead Lake												5275	5139		136	2.6%	
LEWISTOWN REGIONAL OFFICE																			
1	40B	Flatwillow Creek												3633	0		3633	100.0%	
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%	
3	76F	Blackfoot River												3690	0		3690	100.0%	
5	41Q	Missouri River from Sun River to Marias River												4079	1987		2092	51.3%	

6	41T	Missouri River from Marias incl Bullwacker Cr										3073	2606		467	15.2%		
BASINS YET TO BE EXAMINED												TOTAL	UNEXAMINED	Examined	%			
												64778	21090	43688				
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	31847
			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 - 31,847) =				
			Jay Porteen													25153		