### DNRC REPORT TO EQC HB22 ADJUDICATION PROGRESS June, 2013

### **Claims Examination Progress**

- First benchmark <u>8,000</u> claims by <u>12-31-2006</u>
- Second benchmark <u>19,000</u> claims by <u>12-31-2008</u>
- Third benchmark 31,000 claims by <u>12-31-2010</u>
- Fourth Benchmark 44,000 claims by 12-31-2012
- Claims examined July 2005 thru April, 31 2013 53,234
- Claims examined by Purpose

	•	/ 1		
0	Irrigation		11,768	22%
0	Stock		29,595	55%
0	Domestic		6,885	13%
0	Other		4,986	10%
			53,234	
			•	

Claims remaining to be examined

3,766

**Date Issued** 

## Summary Reports to Water Court

Union Creek (part of 76F)	May 19, 2005
Teton River (410)	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 (40F) *	April 15, 2011
Rosebud Creek (42A)	December 13, 2012
Red Rock River (41A)	<b>January 10, 2013</b>
Peoples Creek (401)*	February 5, 2013
Shoshone River (43N) *	February 12, 2013

(\* basins not yet decreed)

Decrees Issued by Water Court	Date Issued	Number of Claims
Teton River (410)	12/29/2	2005 2,541
Union Creek (part of 76F)	3/10/20	006 42
Big Hole River (41D)	4/6/200	3,892
Missouri River (41QJ)	2/6/200	08 2,584
Tongue River (42C)	2/28/20	008 4,710
Tongue River (42B)	2/28/20	008 1,345
Forest Service Compact	5/19/20	008 262
BLM-Montana Compact	3/6/200	)9 2
Beaver Creek (40M)	3/20/20	009 2,942
Big Muddy Creek (40R)	1/28/20	2,029
Pryor Creek (43E)	2/25/20	010 629
Little Big Horn River (43O)	3/17/20	)10 1,176
Missouri River from Sun River to Marias River (41Q)	5/27/20	010 4,127
Milk River between Fresno Res & Whitewater (40J)	6/24/20	010 12,897
Smith River (41J)	12/16/2	2010 2,719
Blackfoot River (76F)	2/10/20	011 3,717
Flatwillow Creek (40B)	5/5/202	3,677
Arrow Creek (41R)	6/23/20	011 2,179
National Bison Range Compact	9/30/20	)11 97
Missouri River, from Marias River to Bullwhacker Creek (4	41T) 4/19/20	3,073
Crow Tribe of Indians Montana Compact	1/28/20	)13 NA
Beaverhead River (41B)	5/9/202	13 2,238
Red Rock River (41A)	5/9/201	13 2,861
Rosebud Creek (42A)	5/23/20	)13 1,220

Above decrees scanned and available at: http://www.dnrc.mt.gov/wrd/water\_rts/adjudication/default.asp

BASIN NAME Flathead R below Flathead Lake (76L)	WORK STATUS Summary Report pending	Estimated Completion Date 1	2015
Flathead R below Flathead Lake (76L)	Summary Report pending	Completion Date	2015
Flathead R below Flathead Lake (76L)	Summary Report pending		2015
	pending	1	2015
		1	2015
Big Horn P below Greybull P (43P)	Summary Report		
Big Horn P below Greybull P (43P)	Niimmary Report		
		5	2014
		5	2014
$T_{\rm L}$ (h = 1 $D_{\rm L}$ (7 $C_{\rm L}$ I)		0	2014
Flathead River (76LJ)	* •	9	2014
$\Gamma_{-1}$ $D_{-1}$ $D_{}$ $(411)$			2014
Lut Bank River (41L)	1 0	0	2014
A Marry Direct (40T)		11	2012
St. Mary River (401)	pending	11	2013
	Summary Danant		
Vallewaters R halow Devider R (42M)		E	2013
renowstone R below Powder R (42141)		0	2015
Two Madicina Divor (41M)		2	2014
wo medicine River (41M)	Examination in	2	2014
Marias River (11P)		10	2013
		10	2013
		Q	2013
TUSSCISHCII (TULJ)		7	2013
Sitterroot R E side $(76HA)$		10	2014
	* 8	10	2017
Frenchman Creek Re-Examination $(401)$		7	2014
	ig Horn R below Greybull R (43P) lathead River (76LJ) cut Bank River (41L) t. Mary River (40T) Yellowstone R below Powder R (42M) Wo Medicine River (41M) Marias River (41P) Missouri R between Bullwhacker & Musselshell (40EJ) itterroot R, E side (76HA) renchman Creek Re-Examination (40L)	Lathead River (76LJ)Examination in progressLut Bank River (41L)Summary Report pendingLut Bank River (41L)Summary Report pendingLut Bank River (40T)Summary Report pendingLut Mary River (41P)Summary Report pendingLut Marias River (41P)Progress ProgressLut Mary River (40EJ)Examination in pendingLut Mary Report R, E side (76HA)Examination in progressLut Mary Report Summary ReportSummary Report Pending	ig Horn R below Greybull R (43P)pending5Iathead River (76LJ)Examination in progress9Summary Report pending6Summary Report pending6Summary Report pending11K. Mary River (40T)Summary Report pending11Summary Report pending6Summary Report pending6Summary Report pending6Summary Report pending6Summary Report pending6Summary Report pending2Karas River (41M)pendingMarias River (41P)progressItssouri R between Bullwhacker & Musselshell (40EJ)Summary Report 

# Assistance for District Court Enforcement of Water Court Decrees

2005 season	completed water court assistance for 23 streams
2006 season	completed water court assistance for 23 streams
2007 season	completed water court assistance for 26 streams
2008 season	completed water court assistance for 32 streams
2009 season	completed water court assistance for 36 streams
2010 season	completed water court assistance for 38 streams
2011 season	completed water court assistance for 38 streams
2012 season	completed water court assistance for 40 streams
2013 season	completed water court assistance for 42streams

Case type	case count	work hours
Certified case	e	5
85-2-248	114	3208
Case	30	484
General assis	st	<u>1370</u>
Total hours		5067

Post Decree assistance primarily involves working with claimants and the Water Court to help resolve issue remarks on water rights. This assistance is generated through the on motion process (85-2-248) and objections by water users resulting in a case. Assistance includes meeting with claimants, conducting field investigations, mapping, and providing recommendations and technical reports pertaining to individual cases. In addition, assistance is requested by the Water Court to help with certified cases before and after the initial decree phase. Unique requests to help the Water Court resolve specific cases such as large basin mapping projects, and other technical requests fall within the general assistance category.

### Expenses

YTD FY 2013:	<b>Operating Costs</b>	\$ 177,191
	Personnel Services	\$ 1,325,098
	Total	\$ 1,502,289
	Budget	\$ 2,012,286

#### HB39 Automate Ownership updates (effective July 1, 2008)

-Department staff continue to validate water right geocodes for property transfers that occurred from November 2010 thru January 2012.

-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.

-So far this fiscal year, 7,592 ownerships have been updated involving 18,021 water rights.

### WATER COURT ADJUDICATION PROGRESS REPORT TO THE EQC AND WATER POLICY INTERIM COMMITTEE PURSUANT TO § 85-2-281, MCA Submitted by C. Bruce Loble, Chief Water Judge As of May 30, 2013

The Water Court is continuing to work through its expanding inventory of water right claims that have unresolved objections, issue remarks, motions to amend, and claims certified to it by the DNRC or District Courts. The Water Court is primarily working on water right claims in the following basins:

Basin	Sources	Claims in Decree	Remaining Claims to Resolve
40B	Flatwillow Creek	3,677	1,189
40H	Big Sandy Creek	797	1
40J	Milk River Between Fresno Reservoir & Whitewater Cr.	12,897	3,901
40M	Beaver Creek, Tributary of Milk River	2,942	766
400	Milk River Below Whitewater Creek	3,306	131
40R	Big Muddy Creek	2,029	204
41A	Red Rock River	2,861	Decree issued 5/9/2013 Objection Deadline Expires 11/5/2013
41B	Beaverhead River	2,238	Decree issued 5/9/2013 Objection Deadline Expires 11/5/2013
41D	Big Hole River	3,892	543
41I	Missouri River upstream of Holter Dam to Three Forks	5,168	112
41J	Smith River	2,719	853
41K	Sun River	2,856	108
410	Teton River	2,541	134
41Q	Missouri River from Sun River to Marias River	4,127	332
41QJ	Missouri River from Holter Dam to Sun River	2,584	194
41R	Arrow Creek	2,179	605
41T	Missouri River from Marias River to & including Bullwhacker Creek	3,073	Decree issued 4/19/2012 Objection Deadline Expired 4/12/13
42A	Rosebud Creek	1,220	Decree issued 5/23/2013 Objection Deadline Expires 11/19/2013
42B	Tongue River above & including Hanging Woman Creek	1,345	166
42C	Tongue River below Hanging Woman Creek	4,710	757
42KJ	Yellowstone River between Bighorn and Tongue Rivers	4,767	41
43A	Shields River	3,395	101
43B	Yellowstone River above & including Bridger Creek	4,860	29

43E	Pryor Creek	629	472
430	Little Bighorn River	1,176	1,124
43Q	Yellowstone River between Clarks Fork Yellowstone and Bighorn Rivers	2,473	87
76F	Blackfoot River	3,717	1,217
76HF	Bitterroot River - Westside Subbasin	3,774	70

The United States Forest Service - Montana Compact was approved by the Water Court on April 23, 2013.

The United States of America, Fish and Wildlife Service, National Bison Range - Montana Compact decree was issued on September 30, 2011. One objection was received. The initial settlement deadline is June 28, 2013.

The Crow Tribe - Montana Compact decree was issued on January 9, 2013. The objection deadline expires on June 24, 2013.

On October 23, 2012, Senior Water Master Doug Ritter was recognized by the Montana Supreme Court as a Judicial Branch Employee of the Year. Doug Ritter is the third Water Court employee to be so recognized in the last 5 years.

In June 2013, the Water Court anticipates issuing decrees for the Peoples Creek (Basin 40I) and the Shoshone River (Basin 43N) drainages.

Chief Justice McGrath recently appointed Associate Water Judge Russ McElyea to be Chief Water Judge, effective August 1, 2013.

