

**DNRC REPORT TO EQC
HB22 ADJUDICATION PROGRESS
March, 2014**

Claims Examination Progress

- First benchmark 8,000 claims by 12-31-2006
 - Second benchmark 19,000 claims by 12-31-2008
 - Third benchmark 31,000 claims by 12-31-2010
 - Fourth benchmark 44,000 claims by 12-31-2012

 - Claims examined July 2005 thru January 31, 2014 **56,885**
 - Claims examined by Purpose
 - o Irrigation 13,068 23%
 - o Stock 31,307 55%
 - o Domestic 7,321 13%
 - o Other 5,189 9%
- 56,885**

Claims remaining to be examined **115**

As of the date of the report, 115 claims remained to be examined, but we anticipate to have completed the examination of those claims by the time of the meeting.

<u>Summary Reports to Water Court</u>	<u>Date Issued</u>
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

(* basins not yet decreed)

Decrees Issued by Water Court	Date Issued	Number of Claims
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

Above decrees scanned and available at:

http://www.dnrc.mt.gov/wrd/water_rts/adjudication/default.asp

BASINS BY COMPLETION DATE - DNRC WORK PLAN FY 2014				
BASIN COUNT	BASIN NAME	WORK STATUS	Estimated Completion Date	
1	Flathead R below Flathead Lake (76L)	Summary Report pending	1	2015
2	Big Horn R below Greybull R (43P)	Summary Report pending	10	2014
3	Flathead River (76LJ)	Examination in progress	4	2014
4	Cut Bank River (41L)	Summary Report pending	12	2014
5	Two Medicine River (41M)	Summary Report pending	8	2014
6	Marias River (41P)	Summary report Pending	7	2014
7	Bitterroot R, E side (76HA)	Examination in progress	4	2014
8	Frenchman Creek Re-Examination (40L)	Summary Report pending	7	2015

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 42 streams

Post Decree Assistance (July- FY2014)

<u>case type</u>	<u>case count</u>	<u>work hours</u>
Certified case		0
Case with Objector	32	952
85-2-248 case	110	2,244
General assist		667
Total hours		3,863

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.

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.
- In 2013 8,208 ownerships were updated involving 19,305 water rights.
- So far this fiscal year 4,988 ownerships have been updated involving 11,482 water rights.

SB355 Fillings (effective Oct 1, 2013)

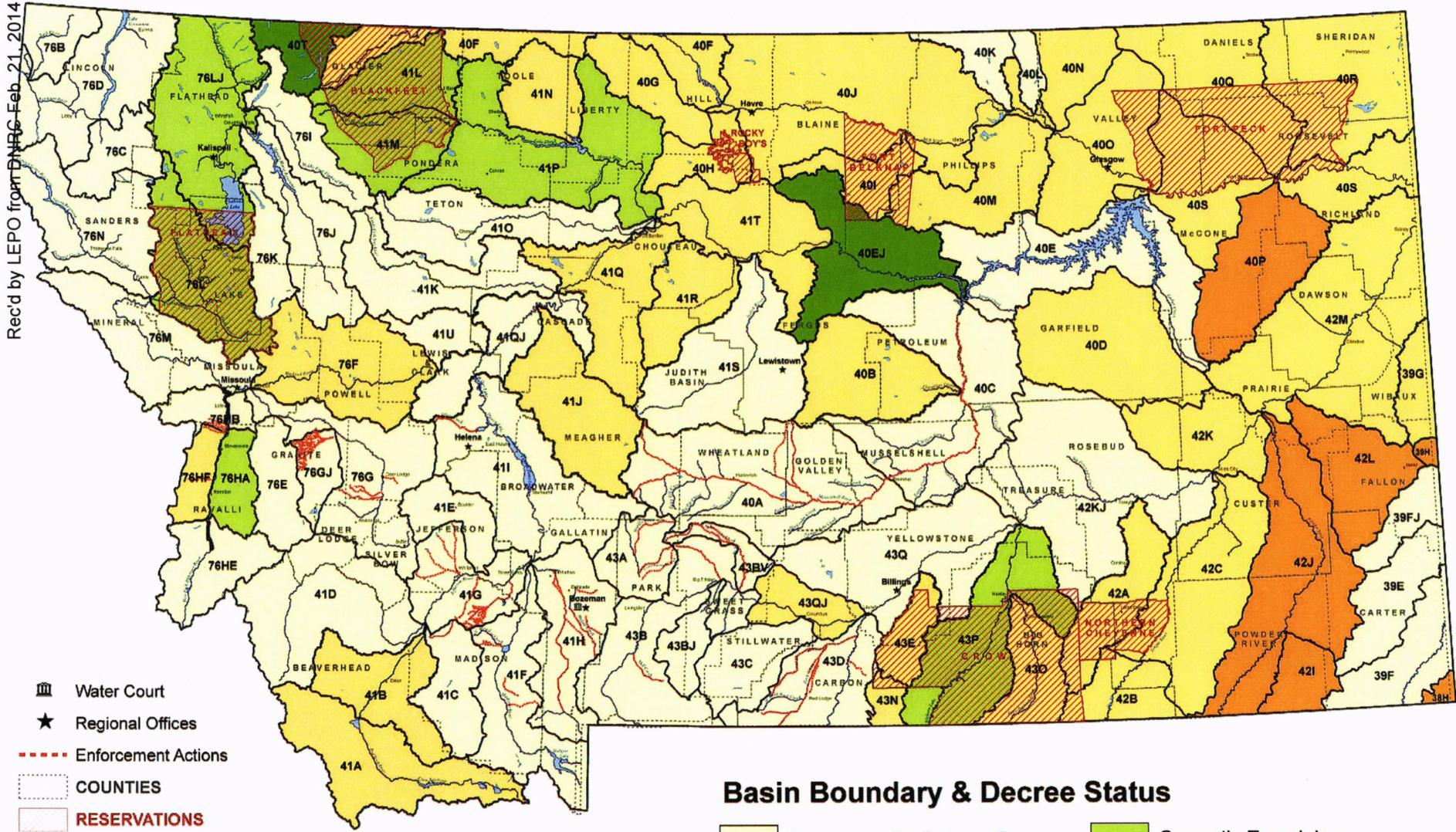
The department has received 73 statement of claims to date. 10 of these have the purpose of domestic and 63 have the purpose of stock. Examination is occurring on basins nearing initial decree and basins with notice deadlines.

Re-examination order on verified and early examined basins

The department has not started working on the 43 basins with approximately 90,000 claims affected by this order. The work involved primarily addresses water distribution issues and is not a full examination of the claims. Work in these basins is anticipated to be complete by July 1st of 2021.

Basin Location and Adjudication Status

2/10/2014



**WATER COURT REPORT TO WPIC AND EQC
FEBRUARY, 2014**

Status of Interim Decrees

The Water Court issued Preliminary/Interim decrees in 2013. These decrees are all in an objection period and continue to receive objections. The table below shows deadlines for the decrees and number of objections received on these decrees as of February 20, 2014.

Basin	Date Preliminary Issued	Original Objection Deadline	Extended Deadline	Extended Deadline	No of Objections As of 2/20/2014
41A	5/9/2013	11/5/2013	2/3/2014	5/5/2014	67
42A	5/23/2013	11/19/2013	2/14/2014	5/14/2014	1
43N	6/13/2013	12/10/2013	3/10/2014		5
40I	6/20/2013	12/17/2013	3/17/2014		17
41B	5/9/22013	11/5/2013	2/3/2014	5/5/2014	130
40F	12/12/2013	6/10/2014			3

The Water Court has issued 1 degree so far in 2014.

Basin	Date Preliminary Issued	Original Objection Deadline	Extended Deadline	Extended Deadline	No of Objections As of 2/20/2014
42M	1/24/2014	7/23/2014			7

Compacts

The Crow Compact (WC 2012-06): On February 4, 2014 Judge McElyea issued a scheduling order in this case. All parties who filed an objection have been ordered to attend a mediation conference in May to be moderated by former Chief Water Judge Loble.

WC 2013-04 – Bowdoin National Wildlife Refuge – Montana Compact. On December 3, 2013 Judge McElyea set a status conference for January 15, 2014. An additional conference call was held the week of February 10. The parties in the case will be filing documents with the court so that the compact can be issued.

Summary Reports

The Water Court is reviewing Summary Reports in Basins 40EJ (Missouri River between Bullwhacker and Musselshell) and 40T (St Mary River). The court plans to issue the decree for basin 40EJ in March 2014 and basin 40T in May 2014.

Certification Cases Filed in 2014

WC2014-03 – Certification Case from the 5th Judicial District regarding two claims.

Enforcement Actions for 2014:

The Water Court has been busy preparing the enforcement actions for the 2014 irrigation season. In addition to the 36 tabulations from previous seasons, one additional enforcement areas has been completed for South Meadow Creek in basin 41F and two are being evaluated, Cottonwood Creek in basin 76F and Rock Creek in basin 41D. Documentation for the enforcement actions will be sent out to water commissioners and district court judges starting in April.

Exempt from filing (SB 355)

SB 355 was passed during the last legislative session. The resulting law allows individuals to file on exempt claims. The process at the court and DNRC became operational on October 1, 2013. As of February 14, 2014, 73 petitions have been received.