

WATER COURT REPORT TO WPIC AND EQC September, 2014

Status of Interim Decrees

The Water Court issued 6 Preliminary/Interim decrees in 2013. These decrees are all in an objection or counterobjection period. The table below shows deadlines for the decrees and number of objections or counterobjections received on these decrees as of August 13, 2014.

Basin	Date Prelim Issued	Original Obj Deadline	Extended Deadline	Extended Deadline	Counterobj Deadline	No of Obj & Counterobjections As of 8/13/2014
41A	5/9/2013	11/5/2013	2/3/2014	5/5/2014	8/16/2014 Extended to 10/31/2014	1282
42A	5/23/2013	11/19/2013	2/14/2014	5/14/2014	9/15/2014	511
43N	6/13/2013	12/10/2013	3/10/2014	6/10/2014	9/15/2014	32
40I	6/20/2013	12/17/2013	3/17/2014	6/16/2014	10/6/2014	542
41B	5/9/2013	11/5/2013	2/3/2014	5/5/2014	8/16/2014 Extended to 10/31/2014	863
40F	12/12/2013	6/10/2014	9/8/2014			35

Decrees Issued in 2014: The Water Court has issued 3 degree so far in 2014.

Basin	Date Preliminary Issued	Original Objection Deadline	Extended Deadline	Extended Deadline	No of Objections As of 8/13/2014
42M	1/24/2014	7/23/2014	10/21/2014		27
40EJ	4/25/2014	10/22/2014			2
40T	6/19/2014	12/22/2014			

Initial Decrees remaining to be issued:

There are 7 initial decrees remaining to be issued. Assuming timely production of summary reports and the absence of other issues these 7 decrees should be issued before the end of 2017. We anticipate 50 percent of claims in the new decrees will receive objection or issue remarks. This percentage is based on historical averages and represents the number of claims that must be addressed in court proceedings. Basins without initial decrees are:

- 41L-Cut Bank River
- 41M-Two Medicine River
- 41P-Marias River
- 43P-Bighorn River below Greybull River
- 76HA-Bitterroot River, East side
- 76L-Flathead River below Flathead Lake
- 76LJ-Flathead River including Flathead Lake

Summary Reports

The Water Court is not currently reviewing any Summary Reports. As we receive additional reports from DNRC we will assign staff.

Enforcement Actions for 2014

The Water Court has sent 40 final enforcement tabulations to the district courts with enforcement actions in their jurisdictions. The Water Court is beginning discussions with other areas in the state regarding petitions for enforcement in spring of 2015.

Exempt from filing (SB 355)

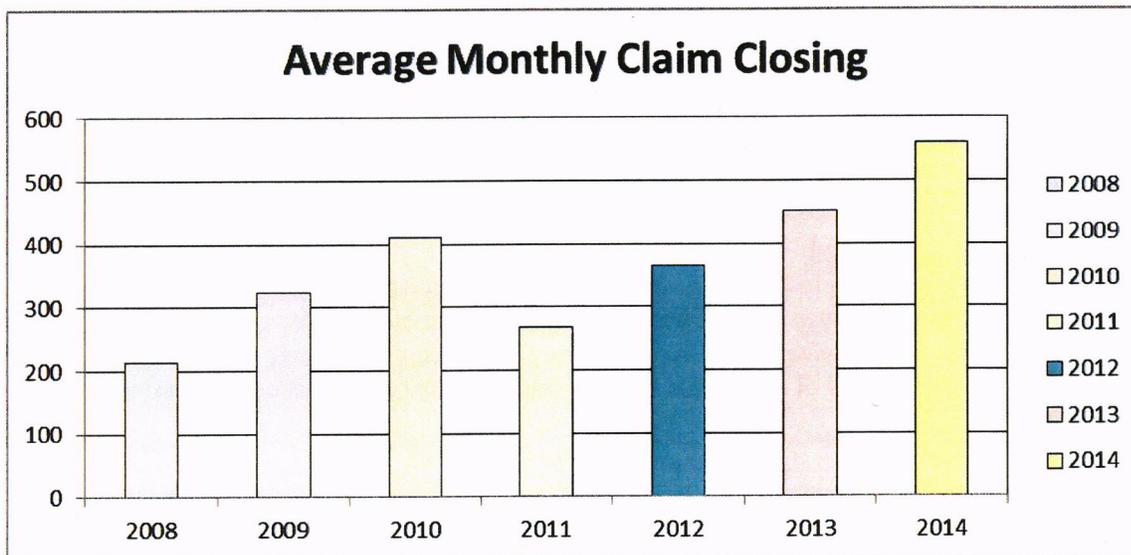
SB 355 was passed during the last legislative session. The resulting law allows individuals to file on exempt claims. The process at the court and DNRC became operational on October 1, 2013. The court continues to receive a number of petitions for this process. Many of the resulting rights are being incorporated into objection lists that will be published later this year.

Staffing Changes

The Water Court employed two temporary legal interns this summer, these individuals provided a great deal of service to the court, but have now returned to law school. Since last report, a half-time Water Master has resigned. The court currently has one vacant deputy clerk position for which we are recruiting.

Progress of Adjudication

The Water Court continues to work on initiatives to increase productivity, quality and responsiveness and track our progress in the adjudication. The following chart shows our average number of claims closed per month.



Decree Issuance Update

Decrees Issued And Still In An Objection Period

Decrees Issued in 2013

Basin	Date Prelim Issued	Original Obj Deadline	Extended Deadline	Extended Deadline	Counterobj Deadline	No of Obj & Counterobjections As of 8/13/2014
41A	5/9/2013	11/5/2013	2/3/2014	5/5/2014	8/16/2014 Extended to 10/31/2014	1282
42A	5/23/2013	11/19/2013	2/14/2014	5/14/2014	9/15/2014	511
43N	6/13/2013	12/10/2013	3/10/2014	6/10/2014	9/15/2014	32
40I	6/20/2013	12/17/2013	3/17/2014	6/16/2014	10/6/2014	452
41B	5/9/2013	11/5/2013	2/3/2014	5/5/2014	8/16/2014 Extended to 10/31/2014	863
40F	12/12/2013	6/10/2014	9/8/2014			35

Decrees Issued in 2014

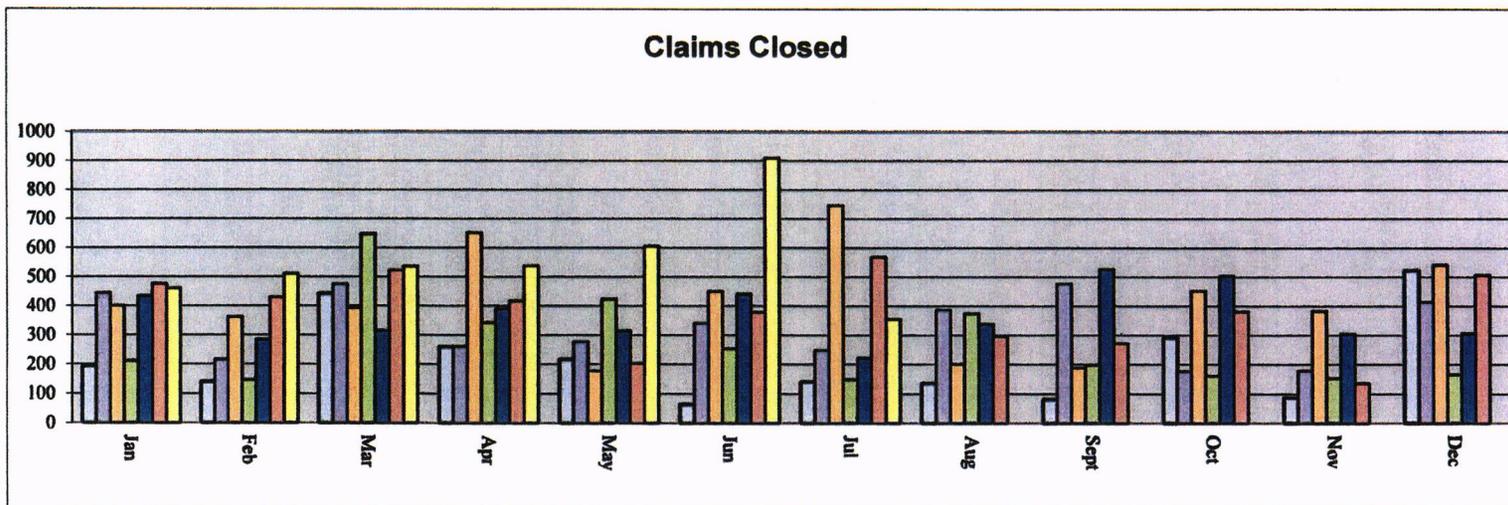
Basin	Date Preliminary Issued	Original Objection Deadline	Extended Deadline	Extended Deadline	No of Objections As of 8/13/2014
42M	1/24/2014	7/23/2014	10/21/2014		62
40EJ	4/25/2014	10/22/2014			24
40T	6/19/2014	12/22/2014			

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

Type of Decree	Status
41L	Pending receipt of summary report from DNRC.
41M	Pending receipt of summary report from DNRC.
41P	Pending receipt of summary report from DNRC.
43P	Pending receipt of summary report from DNRC.
76L	Pending receipt of summary report from DNRC.
76LJ	Pending receipt of summary report from DNRC.
76HA	Pending receipt of summary report from DNRC.

Claim Closing by Month Comparison 2008-2014

	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						559



Updated: 8/15/2014

**Percent of Claims Resolved
Elapsed Time from Notice of Intent to Appear**

Basin	Number of Claims on Objection List	NOIA Deadline	% Complete 6 Months	% Complete 12 Months	% Complete 2 Years	% Complete 5 Years	% Complete 8/1/2014
41D	2233	2/3/2009	-1.8%	0.5%	19.3%	86.16%	94.0%
41QJ	857	4/28/2009	3.4%	25.8%	58.3%	88.68%	88.9%
42C	916	8/25/2009	-29.5%	-29.1%	-5.9%		50.3%
42B	566	8/25/2009	8.3%	33.6%	53.9%		73.3%
40M	1464	8/9/2010	20.3%	25.7%	43.3%		68.9%
40R	728	6/3/2011	5.5%	26.9%	73.9%		86.1%
43E	488	9/26/2011	-15.0%	-13.3%	5.3%		14.3%
43O	1135	10/3/2011	-20.0%	-19.7%	0.4%		10.0%
41Q	1071	11/1/2011	27.9%	59.7%	74.5%		79.6%
40J	4789	4/10/2011	-0.5%	1.1%	15.3%		43.7%
41J	1062	6/11/2012	14.3%	19.8%	28.6%		29.9%
76F	1346	6/30/2012	-0.3%	11.2%	52.5%		54.3%
40B	1419	6/16/2012	12.9%	21.2%	32.6%		34.5%
41R	848	3/12/2012	19.2%	23.5%	69.9%		81.7%
41T	1471	9/17/2013	51.8%				76.8%

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 proceeding 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.

Compact Name	Case #	Status
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	OPEN
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	Not yet at Water Court	
Upper Missouri River Breaks National Monument	Not yet at Water Court	
Fort Belknap Indian Reservation	Not yet at Water Court	
Confederated Salish and Kootenai Tribes of the Flathead Reservation	TBD - Compact Commission	
Turtle Mountain Chippewa	TBD - Compact Commission	

Filename: Compact Status