

Montana Water Court
Report to the
Water Policy Interim Committee

May 2020

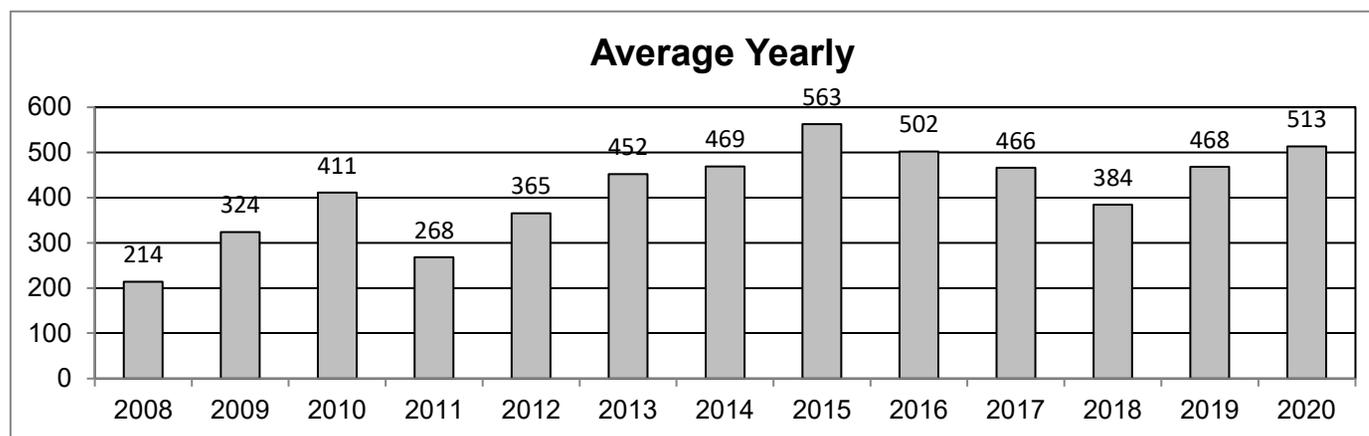


Claim Closing by Month Comparison 2008-Current

| | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sept | Oct | Nov | Dec | Avg |
|------|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|
| 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 | 366 | 365 | 545 | 447 | 867 | 557 | 634 | 447 | 563 |
| 2016 | 317 | 718 | 692 | 667 | 967 | 342 | 574 | 262 | 405 | 315 | 429 | 335 | 502 |
| 2017 | 297 | 476 | 625 | 415 | 371 | 549 | 401 | 518 | 568 | 559 | 346 | 468 | 466 |
| 2018 | 617 | 546 | 723 | 345 | 450 | 302 | 261 | 258 | 223 | 260 | 177 | 451 | 384 |
| 2019 | 557 | 247 | 494 | 457 | 657 | 318 | 552 | 420 | 380 | 549 | 285 | 703 | 468 |
| 2020 | 464 | 416 | 597 | 575 | | | | | | | | | 513 |

Claim Closure by Type:

| Type | Feb-19 | Mar-19 | Apr-19 | May-19 | Jun-19 | Jul-19 | Aug-19 | Sep-19 | Oct-19 | Nov-19 | Dec-19 | Jan-20 | Feb-20 | Mar-20 | Apr-20 |
|------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Objections | 109 | 129 | 114 | 265 | 117 | 170 | 137 | 163 | 112 | 81 | 243 | 163 | 103 | 174 | 114 |
| Motions to Amend | 4 | 18 | 13 | 7 | 6 | 3 | 4 | 9 | 6 | 4 | 6 | 35 | 0 | 1 | 0 |
| Certification | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Action | 45 | 71 | 79 | 31 | 42 | 10 | 20 | 17 | 13 | 7 | 213 | 17 | 32 | 18 | 9 |
| Issue Remarks | 89 | 273 | 250 | 354 | 153 | 369 | 259 | 191 | 418 | 193 | 241 | 249 | 281 | 404 | 452 |
| Exempt Petitions | 0 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 247 | 494 | 457 | 657 | 318 | 552 | 420 | 380 | 549 | 285 | 703 | 464 | 416 | 597 | 575 |



Decree Issuance Update

Decrees in an Objection Period:

| Basin | Name | Date Prelim Issued | Original Obj Deadline | 1 st Extended Deadline | 2 nd Extended Deadline | Counter Obj Deadline | NOIA Deadline | Objections Rcd as of 4/15/20 |
|-------|---|--------------------|-----------------------|-----------------------------------|-----------------------------------|----------------------|---------------|------------------------------|
| 43B | Yellowstone River above & including Bridger Creek | 5/9/19 | 11/5/19 | 12/5/19 | n/a | 2/14/20 | 5/12/20 | 691 |
| 39E | Box Elder Creek | 2/5/20 | 8/3/20 | | | | | 20 |

First Decrees remaining to be Issued:

| Basin | Name | Status |
|-------|--|---|
| 76L | Flathead River, below Flathead Lake | Summary report received. Stay in place for Preliminary Decree until January 10, 2023. |
| 76LJ | Flathead River, to and including Flathead Lake | Summary report received. Stay in place for Preliminary Decree until January 10, 2023. |

Next Up for Issuance of Decree (Basins under Reexamination Order):

| Basin | Name | Anticipated Receipt of Summary Report from DNRC | Issuance of Preliminary or Interlocutory Decree | Master |
|-------|---|---|---|---------|
| 40N | Rock Creek, Tributary of Milk River | May, 2020 | Preliminary Decree to be issued by 5/28/2020 | Anna |
| 40H | Big Sandy Creek | May, 2020 | Interlocutory Decree to be issued late Spring, 2020 | Kathryn |
| 40D | Big Dry Creek | End of May, 2020 | Preliminary Decree to be issued Summer, 2020 | Julie |
| 41K | Sun River | End of June, 2020 | Preliminary Decree to be issued Summer, 2020 | Nate |
| 40E | Missouri River, between Musselshell River and Fort Peck Dam | End of September, 2020 | Preliminary Decree to be issued Fall, 2020 | Eyvind |
| 41Q | Missouri River, from Sun to Marias Rivers | End of October, 2020 | Interlocutory Decree to be issued Fall, 2020 | Maddy |
| 40Q | Poplar River | End of October, 2020 | Interlocutory Decree to be issued Fall, 2020 | Anika |
| 41I | Missouri River, above Holter Dam | End of 2020 | Preliminary Decree to be issued Winter, 2020 | Melissa |

Compact Status

| Compact Name | Case # | Status |
|---|---------------------|------------------------|
| Fort Peck-Montana Compact | WC1992-1 | CLOSED |
| Northern Cheyenne Compact | WC1993-1 | CLOSED |
| National Park Service-MT Compact | WC1994-1 | CLOSED |
| Rocky Boys Compact | WC2000-01 | CLOSED |
| Red Rock Lakes Compact | WC2000-02 | CLOSED |
| USFWS Black Coulee and Benton Lake Compact | WC2000-03 WC2002-04 | CLOSED |
| USDA Forest Service | WC2007-03 | CLOSED |
| USA-BLM-MT Compact (Bear Trap/Wild & Scenic) | WC2008-10 | CLOSED |
| National Bison Range Compact | WC2011-01 | CLOSED |
| Crow Tribe Compact | WC2012-06 | CLOSED |
| Bowdoin National Wildlife Refuge Compact | WC2013-04 | CLOSED |
| USDA Fort Keogh Research Station | WC2014-07 | CLOSED |
| USDA Sheep Experiment Station | WC2014-06 | CLOSED |
| Charles M. Russell National Wildlife Refuge | WC2015-05 | CLOSED |
| BLM-Upper Missouri River Breaks National Monument | WC2015-06 | CLOSED |
| Blackfeet Tribe Compact | WC2018-06 | OPEN |
| Fort Belknap Indian Reservation | | Not yet at Water Court |
| Confederated Salish and Kootenai Tribes of the Flathead Reservation | | Not yet at Water Court |

Preparation for Final Decree Issuance

| Basin | Number of Claims on Objection List | NOIA Deadline | % Complete 5 Years | % Complete 5/1/20 | Open Claims 5/1/20 | Compact Complete | Basin Wide Objections Open | Exempt Petitions Filed | Late Claims (Action needed) | Mis-basined/ Missed Decree Claims | Pending Motions to Amend (# of claims) | Master |
|-------|------------------------------------|---------------|--------------------|-------------------|--------------------|------------------|----------------------------|------------------------|-----------------------------|-----------------------------------|--|---------|
| 42I | NA | NA | 100.0% | 100.0% | 0 | Complete | no | 39 | 0 | 1 | 0 | Nate |
| 42J | NA | NA | 100.0% | 100.0% | 0 | Complete | no | 143 | 0 | 4 | 0 | Nate |
| 39H | NA | NA | 100.0% | 100.0% | 0 | Complete | no | 4 | 0 | 0 | 0 | Maddy |
| 38H | NA | NA | 100.0% | 100.0% | 0 | Complete | no | 19 | 0 | 0 | 0 | Maddy |
| 40P | NA | 04/23/84 | 100.0% | N/A | 2 | Complete | no | 113 | 7 | 11 | 0 | Kathryn |
| 42L | NA | 06/25/84 | 100.0% | N/A | 0 | Complete | no | 194 | 11 | 2 | 0 | Kathryn |
| 40O | 677 | 04/06/98 | NA | 100.0% | 0 | Complete | no | 418 | 0 | 0 | 0 | Anna S. |
| 76HF | 1931 | 10/25/99 | NA | 99.7% | 6 | Pending | yes | 849* | 0 | 0 | 0 | Anika |
| 43Q | 466 | 04/24/00 | NA | 99.8% | 1 | Pending | no | 779 | 2 | 7 | 3 | |
| 40Q | 628 | 06/11/01 | NA | 100.0% | 0 | Complete | no | 85 | 0 | 1 | 0 | Anika |
| 40S | 1451 | 06/11/01 | NA | 99.9% | 2 | Complete | no | 234 | 1 | 5 | 0 | Nate |
| 40H | 351 | 11/08/04 | 76.4% | 99.4% | 2 | Complete | yes | 25 | 0 | 5 | 0 | Kathryn |
| 42KJ | 1083 | 12/19/05 | NA | 100.0% | 0 | Complete | no | 450 | 35 | 2 | 13 | Anna S. |
| 41O | 1623 | 01/17/08 | 90.3% | 99.6% | 6 | Pending | yes | 255 | 0 | 2 | 0 | |
| 41D | 2233 | 02/03/09 | 86.2% | 100.0% | 0 | Pending | no | 574 | 2 | 2 | 0 | Kathryn |
| 41QJ | 857 | 04/28/09 | 88.7% | 99.8% | 2 | Pending | yes | 541 | 2 | 0 | 0 | Anika |
| 42C | 916 | 08/25/09 | 53.1% | 100.0% | 0 | Complete | no | 295 | 1 | 0 | 0 | Kathryn |
| 42B | 566 | 08/25/09 | 73.3% | 100.0% | 0 | Complete | no | 56 | 0 | 3 | 0 | Kathryn |
| 40M | 1464 | 08/09/10 | 69.0% | 91.7% | 122 | Pending | no | 505 | 0 | 4 | 0 | Colton |
| 40R | 728 | 06/03/11 | 95.2% | 98.2% | 13 | Complete | no | 90 | 2 | 0 | 0 | Anika |
| 43E | 488 | 09/26/11 | 62.5% | 100.0% | 0 | Complete | no | 41 | 0 | 0 | 0 | Anika |
| 43O | 1135 | 10/03/11 | 47.9% | 99.9% | 1 | Complete | no | 176 | 0 | 0 | 0 | Anika |
| 41Q | 1071 | 11/01/11 | 93.7% | 99.8% | 2 | Pending | yes | 233 | 4 | 1 | 0 | Maddy |
| 40J | 4789 | 04/10/11 | 76.8% | 99.4% | 29 | Pending | yes | 609 | 0 | 4 | 0 | Anna S. |
| 41J | 1062 | 06/11/12 | 64.9% | 99.3% | 7 | Pending | no | 1206 | 0 | 0 | 0 | Nate |
| 76F | 1346 | 06/30/12 | 96.8% | 99.3% | 9 | Pending | no | 442 | 0 | 0 | 0 | Maddy |
| 40B | 1419 | 06/16/12 | 92.4% | 99.5% | 7 | Pending | no | 368 | 0 | 0 | 2 | Julie |
| 41R | 848 | 03/12/12 | 97.2% | 99.9% | 1 | Pending | no | 173 | 0 | 1 | 0 | Anika |
| 41T | 1471 | 09/17/13 | 100.0% | 99.9% | 1 | Pending | no | 283 | 0 | 0 | 2 | |
| 41A | 1436 | 02/17/15 | 98.6% | 99.4% | 8 | Pending | no | 819 | 1 | 0 | 1 | |
| 41B | 992 | 02/17/15 | 94.2% | 94.1% | 59 | Pending | no | 665 | 1 | 0 | 0 | |
| 42A | 510 | 12/15/14 | 87.1% | 91.8% | 42 | Complete | no | 126 | 0 | 0 | 0 | Nate |

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|-------|------------------------------------|---------------|--------------------|-------------------|--------------------|------------------|----------------------------|------------------------|-----------------------------|-----------------------------------|--|---------|
| 43N | 100 | 12/01/14 | 100.0% | 100.0% | 0 | Pending | no | 16 | 0 | 0 | 0 | |
| 40I | 414 | 01/06/15 | 99.5% | 99.5% | 2 | Pending | no | 15 | 0 | 0 | 0 | Maddy |
| 40F | 1218 | 04/28/15 | 95.6% | 95.6% | 53 | Pending | no | 44 | 0 | 0 | 0 | Anna S. |
| 42M | 1868 | 07/20/15 | | 99.1% | 17 | Complete | no | 513 | 0 | 0 | 0 | Anika |
| 40EJ | 1134 | 10/19/15 | | 98.9% | 12 | Pending | no | 345 | 0 | 0 | 1 | AWJ |
| 40T | 161 | 12/22/15 | | 88.8% | 18 | Pending | no | 28 | 0 | 0 | 0 | Maddy |
| 41M | 850 | 09/20/16 | | 62.5% | 319 | Pending | no | 106 | 0 | 0 | 0 | Anna S |
| 41P | 1380 | 12/20/16 | | 95.0% | 69 | Pending | no | 156 | 0 | 0 | 10 | Melissa |
| 41L | 620 | 04/24/17 | | 83.7% | 101 | Pending | no | 31 | 0 | 1 | 0 | Anna S. |
| 76HA | 1858 | 06/13/17 | | 62.3% | 700 | Pending | no | 849* | 0 | 0 | 8 | Anika |
| 43P | 1609 | 07/25/17 | | 72.8% | 437 | Complete | no | 205 | 0 | 0 | 0 | Julie |
| 76L | | | | | | Pending | no | 496 | 0 | 0 | 0 | |
| 76LJ | | | | | | Pending | no | 587 | 176 | 0 | 0 | |
| TMAL | 17 | 01/13/18 | | 100.0% | 0 | n/a | no | 0 | 0 | 0 | 0 | CWJ |
| 76GJ | 751 | 08/08/17 | | 96.0% | 30 | Pending | yes | 136 | 0 | 0 | 0 | Kathryn |
| 43D | 1455 | 09/10/18 | | 48.5% | 750 | Pending | no | 583 | 0 | 0 | 0 | Anna S. |
| 40A | 2850 | 11/26/18 | | 36.5% | 1811 | Pending | no | 830 | 0 | 0 | 6 | Melissa |
| 40C | 1339 | 11/26/18 | | 84.9% | 202 | Pending | no | 312 | 0 | 0 | 7 | Colton |
| 40L | 289 | 03/11/19 | | 87.2% | 37 | Pending | no | 148 | 1 | 0 | 0 | Kathryn |
| 41N | 713 | 05/24/19 | | 23.0% | 549 | Complete | no | 9 | 0 | 0 | 101 | Nate |
| 41G | 1347 | 07/09/19 | | 12.8% | 1174 | Pending | no | 627 | 0 | 0 | 2 | Maddy |
| 76E | 429 | 08/23/19 | | 70.9% | 125 | Pending | yes | 51 | 0 | 0 | 1 | Anika |
| 41H | 2666 | 11/15/19 | | 12.3% | 2337 | Pending | yes | 553 | 0 | 0 | 0 | Julie |
| 39FJ | 580 | 09/24/19 | | 12.4% | 508 | Complete | no | 70 | 0 | 0 | 0 | Melissa |
| 76J | 62 | 10/15/19 | | -1.6% | 63 | Pending | yes | 3 | 0 | 0 | 0 | Melissa |
| 39G | 420 | 11/04/19 | | 64.5% | 149 | Complete | no | 50 | 0 | 0 | 0 | Eyvind |
| 43A | 1566 | 03/17/20 | | -0.3% | 1570 | Pending | no | 277 | 0 | 0 | 0 | Anika |
| 40K | 3174 | 03/03/20 | | 0.2% | 3169 | Complete | no | 64 | 0 | 0 | 0 | Gene |
| 43B | 2533 | 05/12/20 | | 0.0% | 2533 | Pending | no | 707 | 0 | 0 | 0 | Kathryn |
| 40G | 366 | 03/10/20 | | 41.8% | 213 | Complete | no | 52 | 0 | 0 | 0 | Kirsa |
| 39E | | | | | 0 | Complete | no | 0 | 0 | 0 | 0 | Nate |
| 39F | 1187 | 04/21/20 | | 0.0% | 1187 | Complete | no | 154 | 0 | 0 | 0 | Colton |

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|-------|------------------------------------|---------------|--------------------|-------------------|--------------------|------------------|----------------------------|------------------------|-----------------------------|-----------------------------------|--|---------|
| 40N | | | | | 2 | Pending | yes | 315 | 1 | 8 | 0 | Anna S. |
| 43BV | | | | | 59 | Pending | no | 501 | 0 | 9 | 0 | Nate |
| 40D | | | | | 0 | Complete | no | 279 | 15 | 5 | 0 | Julie |
| 40E | | | | | 3 | Complete | no | 381 | 3 | 18 | 0 | Nate |
| 41S | | | | | 3 | Pending | no | 1178 | 0 | 0 | 1 | |
| 41C | | | | | 1 | Pending | yes | 619 | 11 | 11 | 0 | |
| 41E | | | | | 1 | Pending | yes | 311 | 9 | 2 | 0 | Maddy |
| 41F | | | | | 2 | Pending | yes | 379 | 0 | 12 | 0 | Anna S. |
| 41I | | | | | 6 | Pending | yes | 1090 | 0 | 4 | 5 | Melissa |
| 41K | | | | | 2 | Pending | yes | 308 | 0 | 5 | 0 | Nate |
| 41U | | | | | 0 | Pending | no | 66 | 0 | 2 | 0 | Anika |
| 42K | | | | | 0 | Complete | no | 141 | 4 | 4 | 0 | Anna S. |
| 43BJ | | | | | 0 | Pending | no | 62 | 0 | 1 | 0 | Julie |
| 43C | | | | | 0 | Pending | no | 436 | 8 | 0 | 0 | Maddy |
| 43QJ | | | | | 0 | Pending | no | 365 | 1 | 22 | 0 | Colton |
| 76B | | | | | 1 | Pending | yes | 14 | 1 | 1 | 0 | Maddy |
| 76C | | | | | 1 | Pending | yes | 27 | 0 | 0 | 0 | Kathryn |
| 76D | | | | | 28 | Pending | yes | 181 | 1 | 0 | 0 | Colton |
| 76G | | | | | 12 | Pending | yes | 727 | 1 | 2 | 0 | Kathryn |
| 76HB | | | | | 2 | Pending | yes | 849* | 0 | 21 | 1 | Colton |
| 76HE | | | | | 3 | Pending | yes | 849* | 2 | 1 | 2 | Melissa |
| 76I | | | | | 1 | Pending | yes | 12 | 0 | 1 | 0 | Nate |
| 76K | | | | | 1 | Pending | yes | 58 | 1 | 2 | 0 | Julie |
| 76M | | | | | 5 | Pending | yes | 307 | 0 | 18 | 0 | Anika |
| 76N | | | | | 1 | Pending | yes | 116 | 35 | 0 | 0 | Anna S. |

Percentage complete is calculated based on number of issues on the objection list compared to the number of claims open and could result in a negative %. Issues include but are not limited to motions to amend, exempt claims, splits, and claims called in on-motion of the court. Greyed out cells indicate that the the elapsed time has not been reached.

*= total exempt claims in 76H basin group.