



Date: September 9, 2022
To: Water Policy Interim Committee
From: DNRC Water Adjudication Bureau
Subject: DNRC Adjudication Status Report

The Water Adjudication Bureau assists the Montana Water Court in the adjudication of all claims to pre-July 1, 1973, water rights. The Bureau examines all claims and provides a summary report to the Water Court on each of the 85 basins in the state. The Bureau has reviewed claims under several protocols:

- 1982 – 2005: Verification
- 2005 – 2015: Supreme Court rules examination
- 2012 – current: Reexamination, which includes SB355 & HB110 (exempt claims)

Pursuant to legislation passed in 2005 (HB22), the Bureau completed the examination of 57,000 claims under the Supreme Court rules by the June 30, 2015, deadline. As of July 1, 2015, the Bureau was responsible for the reexamination of 90,000 claims in 44 basins, previously decreed under the verification process. The legislature set benchmarks for the Bureau in 2015 (SB57), modified them in 2020 (SB13), requiring all reexamination to be completed by June 30, 2025. The Bureau is required to report progress quarterly to the Water Policy Interim Committee.

Reexamination Benchmarks

- ✓ First benchmark: 10,000 claims by 6-30-2017 (**First Benchmark met**)
- ✓ Second benchmark: 30,000 claims by 6-30-2019 (**Second Benchmark met**)
- ✓ Reexamination (with HB110 and SB355) 65,000 claims by 6-30-2022 (**Third Benchmark met**)
- ✓ Reexamination (with HB110 and SB355) 85,000 claims by 6-30-2023 (**Fourth Benchmark met**)
- Reexamination (with HB110 and SB355) 95,000 claims by 6-30-2024
- Reexamination (with HB110 and SB355) All Timely Filed Claims by 6-30-2025
- As of 9/7/2022, DNRC has reexamined 88,521 claims, including 10,927 HB110 and 1,931 SB355 claims

Summary Reports and Decrees Issued

- Since 2015, DNRC has delivered 45 Summary Reports (reexam & exempt) to the Water Court.
- Since 2016, the DNRC has assisted the Water Court in issuing 40 decrees.

Exempt Claim Filings under SB355 (filing period Oct 1, 2013 - May 7, 2017)

- The DNRC received 2,498 statements of claims for household uses from groundwater, livestock drinking from groundwater, and livestock drinking directly from surface water streams and lakes. As of 9/7/2022 the DNRC has examined 1,931 SB355 claims.

Exempt Claim Filings under HB110 (filing period May 7, 2017 – June 30, 2019)

- The DNRC received 27,965 statements of claims for household uses from groundwater, livestock drinking from groundwater, and livestock drinking directly from surface water streams and lakes. As of 9/7/2022 examined 10,927 HB110 claims.
- DNRC is currently in the process of examining, processing amendments, and making other

corrections in 6 different basins.

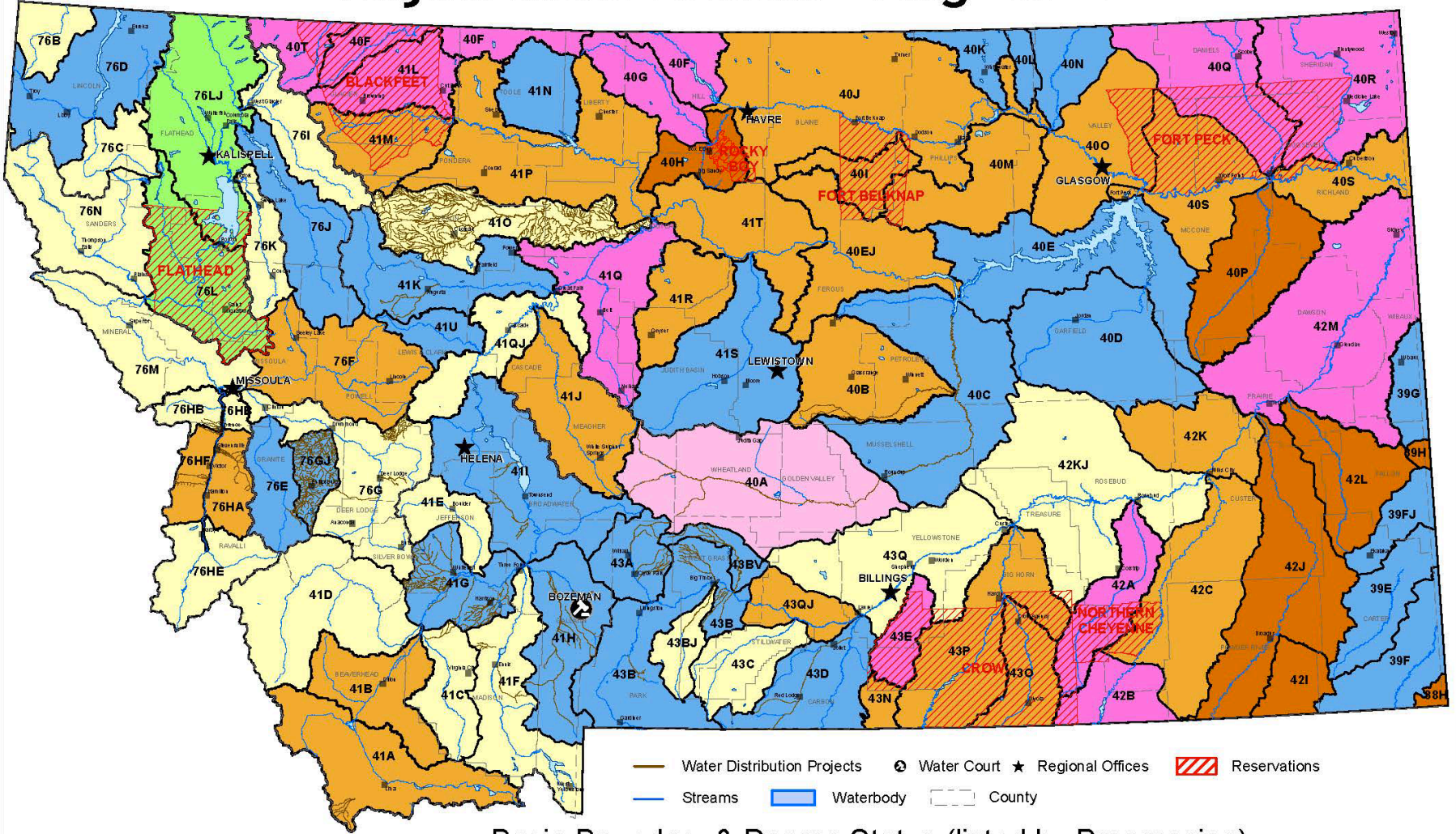
Assistance to District Courts for Enforcement of Water Court Decrees

- District Courts approve petitions to create Enforcement Projects that give authority to a Water Commissioner to oversee water distribution and resolve conflicts among water users on 76 water sources and their tributaries. The Water Court has directed DNRC to create Enforcement Projects for these 76 locations.
- An Enforcement Project identifies the location and priority date of all legal diversions of water, along with the flow rates allowed at each point of diversion, including all rights to surface water and groundwater that have potential to affect availability of water to the owner of a right with a more senior priority date. Of these 76 Enforcement Projects, 48 are active and there are currently 6 new projects for 2022: Dry Creek Canal Company (43B), Flathead Creek (43A), Three Mile Creek (76G), Parrot Ditch Company (41G), Burnt Fork Creek (76HA).

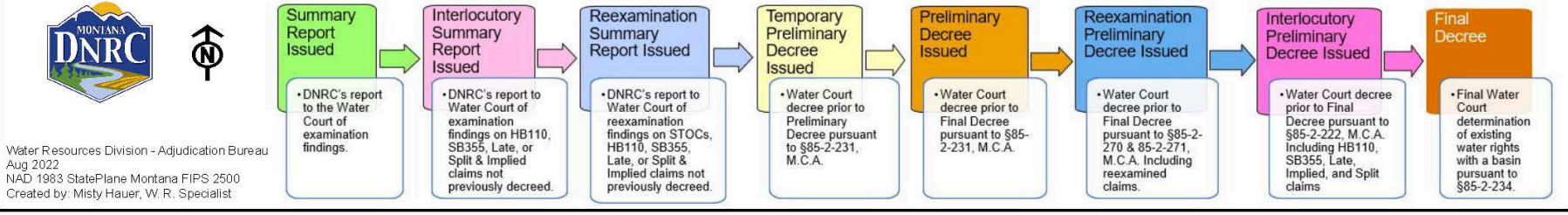
Assistance to Water Court for Post Decree Assistance

- The Water Court may at any time direct the DNRC to provide information and assistance required to adjudicate claims of existing rights. This includes conducting field investigations, assistance with the enforcement of Water Court decrees, and assistance for issue remark resolution. This involves creation of maps, providing documentation, extensive research, all sent to the court in a memo. In 2022, DNRC has provide post decree assistance for a total of 3,537 hours with an average of 393 a month.

Adjudication Status - Aug 2022



Basin Boundary & Decree Status (listed by Progression)



Water Resources Division - Adjudication Bureau
 Aug 2022
 NAD 1983 StatePlane Montana FIPS 2500
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Reexamination Benchmarks September 2022

