

XII. POST-EXAMINATION PROCEDURES

After a claim has been examined, a review abstract will be generated in the database. The review abstract is a database generated report of the examination results. It is used as a tool to inform the claimant of their water right and of any additional facts and findings, including potential issues. The review abstract is important in preparing for the department's Summary Report to the Water Court.

Once the examination of all claims in a basin has been completed, the basin is ready for the finishing processes in preparation for the Summary Report and the issuance of the Water Court decree.

All examination materials will be scanned by [Records](#) after the Summary Report is sent to the Water Court and the claims are ready for the issuance of the Water Court decree.

The following sections outline the procedures involved in the final stage of basin examination.

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A. DECREE PREPARATION

1. Overview. In order to run a decree for the Water Court, certain procedures are followed:

- DNRC examines all claims in the basin.
- Requests for implied claims (and other corrections) are made of the court.
- DNRC identifies and examines (with the court's approval if it is a claim that has been included in a Water Court decree) all interbasin transfer and misbasined claims:
 - A definitive basin boundary is required.
 - A GIS analysis is run to target all potential surface and groundwater interbasin transfers.
 - An analysis is made by examiners as the GIS data extract uses centroids (the geographical center of a polygon), not PODs with accurate X, Y coordinates. Making the determination of an interbasin transfer requires the claim file and maps.
 - The regional/unit office or the adjudication team compiles a list of interbasin transfers and sends it to the Bureau Chief.
- The Bureau Chief creates a decree list for the basin. It is populated by every claim that has a POD in the basin and those interbasin transfers added manually from the list compiled by the regional/unit office or the adjudication team.
- Summary Report preparation indexes are generated once the basin examination is complete based on the decree list.
- Claims are corrected based on the indexes, Supreme Court Rules, and the examination manual.
- A draft of the Summary Report is generated by purpose (rather than water right number) for a final review by DNRC staff before sending to the Water Court for their review.
- Possible corrections pursuant to the Water Right Claims Examination Rules identified by the Water Court may be made based upon further analysis by the claims examiner.
- DNRC and the Water Court determine a decree issuance date and set public meetings.

It is imperative that every claim that belongs in the decree is included. In the 'Create and Maintain Water Rights' screen in the database, there is a decree tab that indicates if the claim is included in a decree and specifies which decree(s).

Create a new version of an abstract any time a claim has been decreed by the Water Court in another basin and it is examined a subsequent time with the Water Court's permission. Depending upon what proceedings have or have not occurred, the new version or the abstract may be a version higher of any kind of abstract, for example, post decree or original right. Add an operating authority to the new version the day the examination is completed. Finally, consult with the Adjudication Bureau Chief to make

sure the new version is tied to the correct decree (the decree being prepared for summary report review) under the decree tab in the database so it will be issued in the correct basin and water users will receive notice of the claim.

B. REVIEW ABSTRACTS

The intent of the review abstract is to reflect the examination. Review abstracts must contain all updated information as shown on the examination worksheet, appropriate standards when applicable, and any information or issue remarks. The review abstract informs the claimant of their water right and any additional facts and findings, including potential issues as a result of the examination.

Prior to generating this review abstract, two steps must be performed:

1. Standards. Standards are a database application of specific guidelines to certain elements of a Statement of Claim at the conclusion of examining a claim. Standards are applied by locating the 'Run Standards/Error Checks' button on the 'Create and Maintain Water Rights' screen in the database. Standards can be applied to individual claims, all claims within an ownership, or an entire basin. Applying standards does the following:

- changes flow rates and volumes based on certain specific criteria, and adds information or issue remarks as necessary;
- renumbers parcel records consecutively; (**However, standards does not sort the PODs or POU by TRS—this must be done by the examiner by clicking on the 'Sort' button in the POD tab or the POU tab. If this is not done, the error check report will indicate the POD and POU do not match.**)
- changes volumes in the 'Create and Maintain Purpose' record to match volumes in the 'Create and Maintain Water Right Details' screen.
- changes the period of diversion in diversion records to match the period of use on all claims.

"Automated Procedure for Applying Standards" (Exhibit XII-1) shows a breakdown of the execution of standards.

2. Error Check Report. The error check report analyzes data for incomplete or inconsistent information and will report messages to the examiner to ensure the claim was examined properly. **The error check report has limitations and should not be used solely as a quality assurance mechanism.** Typically, the report is generated when a claim's examination is completed. The error check is applied by running an 'Error Check Abstract' from the 'Reports: Adjudication Reports' menu in the 'Create and Maintain Water Right Details' screen in the database. It can also be run by ownership or by basin. The "Error Check Automated Procedures" (Exhibit XII-2) is a listing of the error checks performed when the report is generated. This exhibit is also available in the database by selecting 'Error Check Abstracts Support Document' on the 'Help' menu. While every effort will be made to keep this document up to date in the database, the most current error check documentation will always be available on the Adjudication Shared Drive.

The purpose of the error check report is to provide a tool for the examiner to use to check their work. An example of the Error Check Report is available as Exhibit XII-3. Note the disclaimer on the header of the report:

THIS REPORT IS FOR INTER-DEPARTMENTAL USE ONLY AND IS NOT INTENDED FOR USE IN ANY COURT PROCEEDING, LEGAL ARGUMENT, OR OFFICIAL BUSINESS.

This report is similar, in a way, to the examination worksheet. If it provides documentation of an action, it should become part of the file. As part of the file, it becomes further documentation of the DNRC's examination of the claim. The examiner can use this report to document the corrections made to the file or the documentation can be made on a review abstract.

3. Generate a Review Abstract. Once Standards have been applied and the Error Check Report completed, generate a review abstract. Compare this review abstract with the examination worksheet. This comparison verifies that the examination results and data entry have been done properly. An example of a review abstract is available as Exhibit XII-4.

Checking the review abstract is a visual process. Develop a systematic approach so items are not overlooked. Verify the following:

- The examination worksheet and review abstract claim numbers are the same.
- Corrections made on the examination worksheet or revised abstract appear on the final review abstract.
 - All remarks and data on the examination worksheet (and addendum, if used) were entered in the database accurately.
 - Remarks are printed in the proper place on the review abstract. For example, all flow rate related remarks should appear under Flow Rate. General information remarks print at the bottom of the abstract under Remarks.
 - Check for changed data which should not have been changed.
- Asterisks denoting changes have been added where appropriate.
- Keep an eye out for inconsistent or nonsensical claim information. This is the last comprehensive review of the claim by the department before the decree is issued. Standards and Error Check Reports cannot catch all possible errors. **The quality of the examination reflects on each examiner as well as the entire department.**

Note in detail any corrections on the review abstract and place it in the file. Make the corresponding changes in the database. Generate a new review abstract; compare for accuracy and also place in the file. If additional changes are needed, make corrections on the new review abstract and repeat the process until all data is accurate. **Initial and date each review abstract** generated in the review process to document the abstract has been checked.

The examination worksheet, (which should clearly identify data sources used to examine the claim, claimant contact letter, claimant contact, and corrections made to the claim pursuant to rule.) any attachments, the error check report, and review abstracts become part of the claim file. **Organize all examination materials and review abstracts chronologically when examination is completed.** This will expedite pulling materials for scanning. See "Post-Examination Procedures: Scanning Examination Materials" ([Section XII.E](#)) for guidelines regarding the organization of this material.

C. SUMMARY REVIEW PREPARATION

1. Overview. After all examination results in a basin have been entered in the database *and* all interbasin transfers, irrigation districts, and water rights involved in certification cases* have been identified, the Summary Review Preparation Indexes will be generated by the database administrator. These indexes will be distributed to those completing the summary preparation.

IMPORTANT: Any water rights involved in a certification case should be considered the equivalent of 'decreed'. These water rights should not be modified without first communicating with the Water Court. Examination inconsistencies may be discovered during Summary Review—if this occurs, the Water Court must be notified.

The indexes are a tool used to further review the examination results prior to creating the department's Summary Report to the Water Court. This review is useful for determining consistency and adherence to guidelines and can locate potential problems which may have been overlooked during examination. The review will be completed by the appropriate regional/unit office and/or adjudication team. There are several documents referenced in this section:

Summary Report and Decree Preparation Checklist: outlines the steps in summary review ([Figure XII-1](#)).

Summary Index and Decree Preparation Instructions: detailed instructions on the approach to each index (Exhibit XII-5; available on the adjudication shared drive)

Summary Review Preparation Indexes: generated by the database administrator after key steps are completed. Examples of each index are included in the instructions noted above.

Summary Report: the department's report to the Water Court consisting of individual abstracts, the claimed and clarified data and a summary of the department's examination findings for each claim within a basin or subbasin (Exhibit XII-6).

The summary review process is constantly being updated as better tools are developed. Proficiency in Summary Report preparation is directly related to experience with the process; the basics are covered in this section. Expect a learning curve.

As an index is reviewed, corrections are documented and entered in the database. Any corrections to a claim must be documented on the review abstract and filed.

*If directed to do so by the Water Court.

FIGURE XII-1

SUMMARY REPORT AND DECREE PREPARATION CHECKLIST

1. _____ Identify all interbasin transfers on a spreadsheet and send to the Bureau Chief. See “Claim Examination: Point of Diversion (POD): Interbasin Transfer, Including Potential Interbasin Groundwater Effect” (Section VI.F.5).
2. _____ Identify irrigation districts and make sure all irrigation district numbers (“Z” rights) are not part of the decree. See “Irrigation: Claims Filed on Irrigation District Forms: Worksheet and Decree Information: Irrigation District Numbers” (Section VII.F.3.a).
3. _____ The Bureau Chief will populate the decree tab in the ‘Create and Maintain Water Rights’ screen in the database with all active statements of claim, reserved claims, and interbasin transfers. Pay attention to which version of the interbasin transfer rights are to be decreed.
4. _____ Check basin closures.
5. _____ Complete the review of the following Summary Review Preparation Indexes (number of indexes may change over time). Detailed instructions for each index are found in ‘Summary Index and Decree Preparation Instructions’.

INITIALS	DATE DONE	REPORT	GENERAL INDEX NAME
		A	RESERVED CLAIMS INDEX
		B	RESERVED CLAIMS INDEX
		1	STANDARDS INDEX (STANDARDS NOT RUN)
		2	STANDARDS INDEX (STANDARDS ARE RUN)
		3	REMARKS INDEX
COMPLETE THE ABOVE INDEXES BEFORE RUNNING THE INDEXES BELOW			
		4	MULTIPLE USE INDEX
		5	MULTIPLE USE INDEX (RELATED RIGHTS TAB)
		6	OWNER INDEX
		7	DECREE EXCEEDED INDEX
		7.a	FILED APPROPRIATION EXCEEDED INDEX
		8	RESERVOIR INDEX (PERIOD OF DIVERSION) – SORTED BY OWNERSHIP
		8.a	RESERVOIR INDEX (PERIOD OF DIVERSION) – SORTED BY WATER RIGHT NUMBER
		9	RESERVOIR INDEX
		10	SUPPLEMENTAL RIGHTS INDEX (OTHER USES; NOT IR)
		10.5	SUPPLEMENTAL RIGHT INFORMATION INDEX (IRRIGATION)
		11	RELATED RIGHTS RECORD HAS ONLY ONE CLAIM INDEX
		12	LIVESTOCK DIRECT POD AND POU INDEX
		13	MEANS OF DIVERSION – “INSTREAM” INDEX
		14	BEAN LAKE REMARKS INDEX

		15	SUBDIVISION INDEX
		16	SOURCE INDEX
		16.5	SOURCE INDEX – WITH MEANS OF DIVERSION INDEX
		17	DITCH INDEX
		18	GOVERNMENT LOT INDEX
		19	IMPLIED CLAIM INDEX
		20	POINT OF DIVERSION SORT (AND PERFORMED BY DATABASE ADMINISTRATOR)
		21	PLACE OF USE SORT (AND PERFORMED BY DATABASE ADMINISTRATOR)
		22	EXAMINATION CLOMPLETION DATE MISSING INDEX
		23	MULTIPLE VERSION EXISTS INDEX (AND PERFORMED BY DATABASE MANAGER)
		24	INTER BASIN TRANSFER REMARKS INDEX
		G1	GEOSPATIAL – NON-TRIBAL OWNERS ON TRIBAL LAND INDEX
		G2	GEOSPATIAL – PRIVATE OWNERS ON FEDERAL LAND INDEX
		25	ERROR CHECK REPORTS FOR BASIN

6. _____ Decree Inventory list is generated by the database administrator and sent to regional/unit office or adjudication team to account for claims.
7. _____ Bureau Chief requests a Summary Report issue event in the database. All claims are locked from further changes while the database administrator generates the report. The lock will be removed after the database administrator generated the Summary Report so the Water Court and the DNRC can proceed with review. In some cases, the Summary Report may remain locked indefinitely if progress toward issuing a decree is delayed.
8. _____ Database Administrator runs Summary Report for the Water Court in the requested format (electronic or hardcopy; PDF) and sorted as needed. All interbasin transfer claims and water right types (usually all active claims, reserved claims, and withdrawn claims) are included in the Summary Report unless excluded per Court direction. The Water Court must be informed of any changes made to the database after the issuance of the Summary Report.
9. _____ Bureau Chief and database administrator generate Summary Report Indexes as requested by the Water Court for their review in electronic of hardcopy, PDF and Excel.
10. _____ Examination materials are sent to Records to be scanned prior to issuance of the decree.
11. _____ DNRC and the Water Court determine a decree issuance date. Bureau Chief requests a decree issue event in the database. All claims are locked

from further changes without database permissions.

2. Internal Review. The department may be required to internally review a claim that has been examined due to the following:

- amendments to the Supreme Court Water Right Claim Examination Rules;
- claim examination manual updates;
- varying levels of examiner expertise;
- lack of documentation; or
- other factors.

Any examination prior to the 2006 Supreme Court Claim Examination Rules may have outdated examination results. Any examination completed prior to the 2008 Claim Examination Manual updates may have outdated examination results.

A byproduct of conducting Summary Review Preparation is the discovery of new issues and corrections. **Any corrections or modifications to a claim that result in a change, the claimant must be contacted.** For example, an element may be modified or issues may be identified. Spelling errors or legacy remark updates do not require claimant contact if the claimant has been contacted previously about the same.

Additional claimant contact also occurs when decree exceeded situations are identified. By tracking historical decree information in the 'Historical Rights' tab in the 'Create and Maintain Water Rights' screen, an index can be generated after the examination of all claims in a basin is complete. Although some decree exceeded issues may be identified as claim examination progresses, most will not be identified until the Summary Review Preparation phase. **The claimant must be contacted;** provide an updated review abstract showing the decree exceeded issue and the Water Court's handout on the issue. See "Irrigation: Flow Rate: Recording Documentation: Decreed Rights Exceeded" (Section VII.B.5.b). Also see "General Procedures: Pre-Examination Office Organization: District Court Decrees" (Section III.D.4) and "Decree Indexes" (Section III.D.5).

If there was no documentation of claimant contact during examination, or a rule change has occurred in the intervening time period, contact the claimant.
[Rule 44, W.R.C.E.R.](#)

3. Review Draft Summary Report. After all corrections are made to the claims per the summary review indexes, a draft Summary Report (and indexes) is generated for a final check. This may include a GIS analysis as noted in Figure XII-2 below.

FIGURE XII-2

SUMMARY REPORT OVERVIEW USING GIS

This is a geospatial review of the basin conducted from a point of diversion data set. This data set is based on centroids provided by the [Natural Resource Information System](#) (NRIS) and compiled by the GIS staff or other members of the adjudication staff. A centroid is the geographical center of a polygon created from the examined point of diversion's legal land description. The data set is reviewed within an ArcMap project. This project should have all quads in the basin, and the basin boundary. A key benefit of this review is to see if all the points of diversion match the named source on the quads and to see what points of diversion fall outside of the basin. A timely review can also be made for the following:

- (1) Use the query system in ArcMap to check for source name discrepancies (surface water), invalid means of diversion, and claims with no priority dates.
- (2) The following data sets should be created and reviewed:
 - POD layer to visually check locations outside of basin.
 - POU layer to visually check locations outside of basin.
 - BLM pothole lake or natural pit claims for FW and livestock with no volume.
 - Stock claims with "livestock direct from source" as the means of diversion and may have a flow or volume.
 - Domestic claims with a flow over 35 gpm.
 - Fire protection claims with no volume.
 - Ag spraying claims with no flow or volume.
 - Commercial claims with no flow or volume.
 - Natural sub-irrigation with a flow or volume.
 - Fish and wildlife with instream means of diversion that may have a flow and volume (excluding Murphy rights).
 - Irrigation claims with a flow and volume.
 - Groundwater with means of diversion as pump.
 - Priority date post-1973.
 - Source is groundwater but may be surface water.
 - Mining with instream means of diversion.
 - Mining with flows over 100 gpm.

Other data sets should be created as needed.

D. DEPARTMENT'S SUMMARY REPORT
[Rule 5\(a\), W.R.C.E.R.](#)

The department's Summary Report is a draft of the Water Court decree, which consists of all abstracts for the basin. The report is bound into books and sent to the Water Court in paper and/or electronic form for review before the decree is issued. The six basic decree indexes are also sent to the Court—Source, Owner Name, Point of Diversion, Priority Date, Water Right Number, and Issue Remarks.

The Chief Water Judge (CWJ) assigns a water master to the basin. The master will conduct a review of the Summary Report according to the Water Court's summary review responsibilities. See the "Water Court Summary Review Process" for an overview (Exhibit XII-7). The master will correspond with the regional/unit office or adjudication team supervisor who conducted the summary review preparation.

1. Making Corrections to Summary Reports. When errors are discovered **after** the Summary Report has been sent to the Water Court, the responsible regional/unit office or adjudication team will follow the procedures outlined below:

- An electronic copy of the Summary Report is obtained from the database administrator and provided to the office/team assisting the Water Court in its review. The master and the responsible office/team can both refer to the same document during review.
- Make corrections as necessary. Responses to the Court should be complete, thoroughly researched, and documented. The Water Court does not tell claims examiners how to modify a claim, The Water Court asks questions concerning possible errors. The claims examiners determine whether a correction should be made. Additional claimant contact may be required as part of this process. Remember that the claimant must be notified of any changes made to their claims including corrections, issue remarks, and information remarks that result as part of the Summary Report review process. Claimants must be notified if an issue remark is placed on their claim, during the review process and if possible given enough time to respond and resolve the issue remark before the decree is issued, just as would occur during the regular claim examination period. Notify the master assigned to the review if any additional time is required to complete this process.
- Notify the Water Court ANYTIME a change is made to an abstract during the Summary Report review process, according to the Master's direction or due to the Master's questions. This process should continue until the claims examiners are notified by the Water court, Bureau Chief, and the Database Administrator, that the basin is locked down. After the basin is locked down, NO CHANGES CAN BE MADE

TO ANY WATER RIGHT CLAIM ABSTRACTS. A basin is normally locked down about two weeks prior to the projected issuance date for a decree.

- If problems are discovered, these will be discussed between the supervisor and the responsible office/team.
- The resulting materials and updated Summary Report abstract or review abstract will need to be scanned and sent to the appropriate claim file. ALL CHANGES made during the Summary Report review process and any claimant contact and correspondence with the Water Court, including Orders issued by the Court specifically addressing a claim, should be clearly documented in the claim file.

For amendments received **after** the Summary Report has been sent to the Water Court, see "Special Provisions: Amended Claims" (Section XI.A).

At the conclusion of the summary review process, the basin may be archived until the Water Court needs the files to begin resolving objections and issue remarks (about 2 years).

E. SCANNING EXAMINATION MATERIALS
[Rule 5\(b\), W.R.C.E.R.](#)

The scanning of all examination materials for a basin will occur generally at one time after all claims have been examined and the Summary Report has been sent to the Water Court. The responsible office/team will organize each file as listed below before sending to [Records](#) for scanning (ideally, the claim should be organized chronologically as each examination is completed). After all files have been scanned, they will be archived in storage (referred to as 'New Storage' in the 'Location' tab in the database).

If scanning occurs before Water Court review of the Summary Report, any resulting changes made to the Summary Report or review abstract must then be sent to Records to be included in the scanned file.

General guidelines for organizing examination materials for scanning:

- The claim number is identified on all examination materials.
- Documents are arranged in chronological order.
- Critique the supplemental documents:
 - All documents received from the claimant are date-stamped.
 - All documents received from the claimant, i.e., questionnaires, maps, affidavits, are identified with a supplemental document stamp.
 - All documents (survey maps, well logs, documents belonging to reservoir data, etc.) added to the claim file by the department should be stamped with a DNRC supplemental document stamp.
- Pack and organize examination materials numerically in boxes.
- Reconcile the Decree Inventory list.
- Request the database administrator record the destination of the files in the 'Location' tab in the database and the date sent to [Records](#). It is suggested a copy of the Decree Inventory List showing the claim material being sent be placed in the first box.
- Arrange for files to be transported and delivered to Records when the Summary Report is sent to the Water Court.

Congratulations on a job well done!

