

## VII. IRRIGATION

This chapter describes the procedures unique to the examination of irrigation claims. The suggested order for examining claims is discussed in “Examination Materials and Procedures: Pulling Claims for Review” (Section IV.A). *Early in the examination process of specific basins, procedures or the examination “approach” should be outlined, specifically in areas that may be interpreted differently by individuals. Supervisors may consider outlining such topics and distributing a procedural outline to all staff involved in the examination. This information can be shared with all interested parties.*

The following elements are discussed in this chapter:

- A. Type of Irrigation System
- B. Flow Rate
- C. Volume
- D. Place of Use (POU)
- E. Supplemental Rights
- F. Irrigation Districts
- G. Combined POD, POU, Sources

The examination procedures for other elements of an irrigation claim are contained in Chapter VI: Claim Examination.

<b>TABLE OF CONTENTS</b>		<b>Page</b>
A.	<a href="#"><u>TYPE OF IRRIGATION SYSTEM</u></a> .....	397
1.	<a href="#"><u>Identifying the Claimed Type of Irrigation System</u></a> .....	397
2.	<a href="#"><u>Examining Type of Irrigation System</u></a> .....	397
3.	<a href="#"><u>Type of Irrigation System Issues</u></a> .....	399
a.	<a href="#"><u>No Type of System Claimed</u></a> .....	399
b.	<a href="#"><u>Type of Irrigation Unconfirmed</u></a> .....	399
c.	<a href="#"><u>Priority Date of a Sprinkler System Predates 1955</u></a> .....	400
B.	<a href="#"><u>FLOW RATE</u></a> .....	401
1.	<a href="#"><u>Identifying the Claimed Flow Rate</u></a> .....	401
2.	<a href="#"><u>Examining Flow Rate</u></a> .....	402
a.	<a href="#"><u>Changing Flow Rate</u></a> .....	402
b.	<a href="#"><u>Claimant Contact</u></a> .....	403
3.	<a href="#"><u>Flow Rate Criteria</u></a> .....	403
a.	<a href="#"><u>Systems Involving Reservoirs</u></a> .....	405
b.	<a href="#"><u>Water Spreading Systems</u></a> .....	408
c.	<a href="#"><u>Subirrigation, Natural Overflow, Waste and Seepage</u></a> .....	410
d.	<a href="#"><u>Pumps</u></a> .....	411
e.	<a href="#"><u>Gravity Flow Pipelines</u></a> .....	412
f.	<a href="#"><u>Ditches and Canals</u></a> .....	414
4.	<a href="#"><u>Flow Rate Issues</u></a> .....	416
a.	<a href="#"><u>Specific Decreed Flow Rate Issues</u></a> .....	416

b.	<a href="#">Claimed Flow Rate not Numerically Quantified</a>	419
c.	<a href="#">Undivided Interest</a>	419
d.	<a href="#">Maximum Acres Issue May Affect Flow Rate</a>	420
e.	<a href="#">Flow Rate Inadequate</a>	421
f.	<a href="#">No Flow Rate Claimed</a>	421
g.	<a href="#">Filed Appropriation Documents Multiple Rights</a>	421
5.	<a href="#">Recording Documentation</a>	422
a.	<a href="#">Recording</a>	422
b.	<a href="#">Decreed Rights Exceeded</a>	423
C.	<a href="#">VOLUME</a>	424
1.	<a href="#">Identifying the Claimed Volume</a>	424
2.	<a href="#">Examining Volume</a>	425
a.	<a href="#">Changing Volumes</a>	425
b.	<a href="#">Claimant Contact</a>	425
c.	<a href="#">Climatic Areas</a>	426
d.	<a href="#">Feasibility Check</a>	427
3.	<a href="#">Specific Volume Examination Criteria</a>	427
a.	<a href="#">Systems Involving Reservoirs</a>	427
b.	<a href="#">Water Spreading Systems</a>	429
c.	<a href="#">Direct Flow Systems</a>	430
d.	<a href="#">Prior Decreed Volumes</a>	430
4.	<a href="#">Volume Issues</a>	432
a.	<a href="#">Volume Excessive</a>	432
b.	<a href="#">Volume Inadequate</a>	433
c.	<a href="#">No Volume Claimed</a>	433
d.	<a href="#">Maximum Acres Issue May Affect Volume</a>	433
e.	<a href="#">Claimed Volume not Numerically Quantified</a>	434
D.	<a href="#">PLACE OF USE (POU)</a>	435
1.	<a href="#">Identifying the Claimed Place of Use</a>	435
a.	<a href="#">Modifying by Rule: Claimed Acreage or Legal Land Descriptions</a>	436
b.	<a href="#">Changing Claimant Contact Points</a>	438
2.	<a href="#">Examining Place of Use</a>	439
a.	<a href="#">Data Sources</a>	439
b.	<a href="#">Place of Use Data Source Review</a>	440
c.	<a href="#">Data Source Criteria</a>	441
d.	<a href="#">Mapping Place of Use and Data Source Results</a>	443
e.	<a href="#">Analyzing Claimed and Data Source Acreage Totals</a>	447
f.	<a href="#">Changing Claimed Place of Use</a>	447
3.	<a href="#">Specific POU Acreage Guidelines</a>	448
a.	<a href="#">Both Sources Within Range</a>	448
b.	<a href="#">Both Sources or Only Aerial Photograph Below Range</a>	448
c.	<a href="#">Only WRS Below or Above Range</a>	450
d.	<a href="#">Both Sources or Only Aerial Photograph Above Range</a>	451
e.	<a href="#">Discretionary Contact</a>	451

4.	<a href="#"><u>Place of Use Issues</u></a> .....	452
a.	<a href="#"><u>Overlapping POUs on Claims by Different Owners</u></a> .....	452
b.	<a href="#"><u>Claims by Individuals Where the POU is Located on State or Federal Land</u></a> .....	453
c.	<a href="#"><u>POU Not Irrigated By Source Claimed</u></a> .....	454
d.	<a href="#"><u>Claims to Irrigation District Rights Filed by Individuals</u></a> .....	454
e.	<a href="#"><u>Place of Use not in Montana</u></a> .....	455
f.	<a href="#"><u>Claimed POU Reflects a Post-June 30, 1973 Change</u></a> .....	455
g.	<a href="#"><u>Extended Non-use</u></a> .....	455
h.	<a href="#"><u>Maximum Acres</u></a> .....	455
5.	<a href="#"><u>Geocodes</u></a> .....	455
E.	<a href="#"><u>SUPPLEMENTAL RIGHTS</u></a> .....	457
1.	<a href="#"><u>Identifying Supplemental Rights</u></a> .....	457
2.	<a href="#"><u>Recording Supplemental Rights on Examination Worksheet</u></a> .....	457
3.	<a href="#"><u>Supplemental Rights Issues</u></a> .....	458
a.	<a href="#"><u>Excessive Flow Rates</u></a> .....	458
b.	<a href="#"><u>Excessive Volumes</u></a> .....	459
c.	<a href="#"><u>Multiple Claims from Same Source</u></a> .....	460
4.	<a href="#"><u>Supplemental Rights Remark</u></a> .....	461
F.	<a href="#"><u>CLAIMS FILED ON IRRIGATION DISTRICT FORMS</u></a> .....	462
1.	<a href="#"><u>Irrigation District Form</u></a> .....	462
2.	<a href="#"><u>Identifying an Irrigation District</u></a> .....	462
3.	<a href="#"><u>Worksheet and Decree Information</u></a> .....	464
a.	<a href="#"><u>Irrigation District Numbers</u></a> .....	464
b.	<a href="#"><u>POU Data Distribution</u></a> .....	465
4.	<a href="#"><u>Examination of Water Supply Organization Claims</u></a> .....	465
a.	<a href="#"><u>Point of Diversion</u></a> .....	466
b.	<a href="#"><u>Place of Use</u></a> .....	466
c.	<a href="#"><u>Flow Rate</u></a> .....	467
d.	<a href="#"><u>Volume</u></a> .....	467
5.	<a href="#"><u>Supplemental Rights</u></a> .....	468
a.	<a href="#"><u>Remarking Supplemental Irrigation Districts</u></a> .....	468
b.	<a href="#"><u>Uses Other Than Irrigation</u></a> .....	468
c.	<a href="#"><u>Multiple Uses</u></a> .....	468
6.	<a href="#"><u>Claims to Irrigation District Rights Filed by Individuals</u></a> .....	468
G.	<a href="#"><u>CONSOLIDATION OF POU, POD, SOURCES</u></a> .....	470

## FIGURES & TABLES

<a href="#"><u>FIGURE VII-1 WATER SPREADING SCENARIO 1</u></a> .....	408
<a href="#"><u>FIGURE VII-2 WATER SPREADING SCENARIO 2</u></a> .....	409
<a href="#"><u>FIGURE VII-3: Exporting Mapper Reports and Naming Convention</u></a> .....	445

<a href="#"><u>TABLE VII-1: Climatic Area Guidelines for Systems Involving Reservoirs</u></a> .....	428
<a href="#"><u>TABLE VII-2: Climatic Area Guidelines for Water Spreading Systems</u></a> .....	429
<a href="#"><u>TABLE VII-3: Climatic Area Guidelines for Various Systems (Decreed)</u></a> .....	432
<a href="#"><u>TABLE VII-4: Irrigation Districts</u></a> .....	463

## A. TYPE OF IRRIGATION SYSTEM

The type of irrigation system is the method used to distribute water across the place of use, such as flood irrigation, sprinkler irrigation, or subirrigation. The type of irrigation system will be used in determining the accuracy of the claimed flow rate and volume. It will be identified on the review and decree abstracts under the purpose element for each irrigation water right.

**Claimant contact must occur upon completing examination of the ownership if the type of irrigation system is modified by rule, an issue remark exists, or the system is unclear.**

1. Identifying the Claimed Type of Irrigation System: Using the information in the claim file, check the type of irrigation system identified on the claim form for clerical errors by the claimant, and for consistency with the documentation. If the claimed type of irrigation system is unclear, see “Type of Irrigation System Issues” below ([Section VII.A.3](#)).

Codes: Codes were used to initially input and store the claimed type of system in the legacy database. These codes may appear on the documentation in the files. When more than one irrigation type was indicated on the claim form, e.g., sprinkler/flood, the proper code was written on the claim form by department staff prior to the information being entered into the database. The codes used below may need to be standardized—see [‘Standardizing Irrigation Systems’](#):

<u>Legacy Code</u>	<u>System Type</u>
B	border dike
C	contour ditch
D	spreader dike
F	flood
G	ditch system of other type
H	furrow
P	parallel ditch
S	sprinkler
A	sprinkler/furrow
E	sprinkler/flood
I	furrow/flood
J	sprinkler/furrow/flood
M	multiple methods
X	other

2. Examining Type of Irrigation System: The type of irrigation system indicated on the claim form and examination worksheet will be compared with various data sources. This is usually done while examining the place of use ([Section VII.D](#)).

The examination is intended to determine whether the claimed type of irrigation was perfected at the time of the claimed priority date and practiced before 1973. The examination also determines whether all types of irrigation that appear on the data sources have been claimed. When examining the type of irrigation system, the claim should accurately reflect pre-1973 practices:

- Check the aerial photograph for evidence of the claimed type of system.
- Check the submitted documentation for a discussion of the irrigation method.
- If the claim and documentation are unclear or differ from the data sources, e.g., sprinkler irrigation is claimed, but the aerial photograph shows a portion of the POU being flooded, see “Type of Irrigation System Issues” below ([Section VII.A.3](#)).

Standardizing Irrigation Systems: Generally the claimed type of irrigation system will be accepted. The type of irrigation system **shall be standardized** on the examination worksheet to one of the following categories of system types:

Legacy

<u>Code</u>	<u>System Type</u>
D	water spreading
F	flood
S	sprinkler
N	natural subirrigation
L	controlled subirrigation
O	natural overflow
E	sprinkler/flood
X	other (Use a Diversion Means remark to describe)

Changing Claimed Type of Irrigation System: The claimed type of irrigation system will not be changed during the examination unless:

- amended by the claimant
- modified by rule (clarified) by the department to standardize to one of the above consistent categories. [Rule 6\(d\)\(1\),\(2\), W.R.C.E.R](#)

If the claimed type of irrigation system is standardized so the review or decree abstract will differ from the claim form or amendment, note the change by placing an asterisk in the brackets to the left of the purpose element on the examination worksheet. Document the basis for the change on the examination worksheet. The claimant must be notified of such changes.

If examination of the claim finds a different type of irrigation occurring than what was claimed, such as flood to sprinkler or sprinkler to flood, the claimed type can only be changed by an amendment. [Rule 34, W.R.C.E.R](#) Add a purpose (PU) issue remark to the examination worksheet:

Example: P697 THE TYPE OF IRRIGATION SYSTEM CANNOT BE CONFIRMED. IT IS UNCLEAR IF THIS RIGHT SHOULD BE DEFINED BY FLOW RATE OR VOLUME.

Incidental Types of Irrigation: For claims where an incidental type (e.g., natural subirrigation, natural overflow) of irrigation is also being claimed, add a purpose (PU) information remark to the examination worksheet:

Example: P556 THIS WATER RIGHT ALSO INCLUDES **NATURAL SUBIRRIGATION** AS AN INCIDENTAL TYPE OF IRRIGATION.

Unique Features or Aspects: Any unique aspects or features of the type of irrigation system should be noted in a purpose (PU) information remark:

Example: P560 SUBIRRIGATION CONTROLLED BY CHECK DAM LOCATED ON DRAIN DITCH.

3. Type of Irrigation System Issues: Note any type of irrigation system issues on the examination worksheet using a purpose (PU) issue remark.

**At the completion of examining the ownership, the claimant should be notified through claimant contact of all issue remarks. [Rules 5\(a\)\(6\) and 44, W.R.C.E.R](#)**

a. No Type of System Claimed: If no irrigation type was checked on the claim form; review the accompanying documentation for an indication of the type of system. If the documentation identifies a type, add the irrigation type to the examination worksheet per [Rule 33 W.R.C.E.R.](#)

When no type of system is indicated on the claim form or in the submitted documentation, add a purpose (PU) issue remark to the department's examination worksheet:

Example: P695 NO TYPE OF IRRIGATION SYSTEM HAS BEEN CLAIMED. THE TYPE OF HISTORICAL IRRIGATION APPEARS TO HAVE BEEN A **FLOOD** SYSTEM.

b. Type of Irrigation Unconfirmed: If, from examination of the data sources, it is apparent the claimed type of irrigation system is incorrect, e.g., system claimed is present or future rather than historical, or has never been used; add a purpose (PU) issue remark to the department's examination worksheet:

Examples: P697 THE TYPE OF IRRIGATION SYSTEM CANNOT BE CONFIRMED. IT IS UNCLEAR IF THIS RIGHT SHOULD BE DEFINED BY FLOW RATE OR VOLUME.

P700 THE TYPE OF IRRIGATION SYSTEM CANNOT BE CONFIRMED. USDA AERIAL PHOTOGRAPH NO. **999-111**, DATED **MM/DD/YYYY**, SHOWS **FLOOD** IRRIGATION.

c. Priority Date of a Sprinkler System Predates 1955: When a claim for a sprinkler system lists a priority date earlier than 1955 and does not indicate a prior flood system, check the WRS, aerial photographs, and other data sources for evidence of a prior flood system. Also determine whether the POU could have been flood irrigated. If there is nothing supporting the likelihood or possibility of a prior flood system, contact the claimant. Discuss the apparent inconsistency between the type of system, priority date, and POU. If no prior flood irrigation existed, the claimant may wish to amend the priority date to the date of appropriation for the sprinkler system. If the issue is unresolved, add a priority date (PR) issue remark to the department's examination worksheet: [Rule 13\(d\)\(11\), W.R.C.E.R.](#)

Example: P550 THE CLAIMED PRIORITY DATE MAY BE QUESTIONABLE. IT APPEARS THE PRIORITY DATE SHOULD BE THE DATE THE **SPRINKLER SYSTEM** WAS FIRST PUT TO USE.

If the sprinkler system was installed after June 30, 1973, and there was no pre-July 1, 1973 use, see "Claim Examination: Priority Date Issues: Priority Date Post-June 1973" (Section VI.J.3.g). Also see "Claim Examination: Priority Date" (Section VI.J.3.I) for examination procedures.



B. FLOW RATE  
[Rule 14, W.R.C.E.R.](#)

The flow rate is the rate at which water has been diverted, impounded, or withdrawn from the source. The flow rate will be decreed in cubic feet per second (cfs) or gallons per minute (gpm). See "General Procedures: Standard Measurement of Water" (Section III.B) for standard units and conversions.

Flow rates for claims to lawn and garden use (LG) should be examined using the 35 gpm domestic use guidelines. See "Domestic: Flow Rate" (Section VIII.B). [Rule 19\(b\), W.R.C.E.R.](#)

**Claimant contact must occur upon completing examination of the ownership if the flow rate is modified by rule; an issue remark exists, or is unclear.** [Rules 14\(c\) and 44, W.R.C.E.R.](#)

1. Identifying the Claimed Flow Rate: Using the documentation in the claim file, check that the flow rate is consistent with the claim form. Also check for clerical errors by the claimant. [Rule 14\(a\), W.R.C.E.R.](#)

The flow rate units should be checked for agreement with the documentation and for correct conversion. If incorrect units have been claimed but the documentation in the claim file indicates the correct units, the correction can be made on the examination worksheet ([Rule 33 \(b\)\(7\), W.R.C.E.R.](#)). When the intended flow rate units are unclear, see "Flow Rate Issues" below ([Section VII.B.4](#)).

For claims involving prior decreed rights, the flow rate on the claim form and examination worksheet should not exceed the decreed flow rate as documented. For filed and use rights, claimed flow rates and documentation that do not match will not be considered in conflict. Consult with a supervisor if the claim appears questionable. A priority date issue remark (P455) may be considered. If the claimant's intent is unclear, see "Flow Rate Issues" below ([Section VII.B.4](#)).

Runoff: During the filing period, some claimants wrote "runoff" on their claim forms to describe the flow rate. Typically this was done for intermittent (non-perennial flowing) sources to describe why no specific flow rate was claimed. The term may have been added by the department during initial data entry as an information remark. This remark is no longer needed and should be deleted during examination. See "Flow Rate Issues: No Flow Rate Claimed" below ([Section VII.B.4.f](#)).

Flow Rate Units Standardization: Flow rates will be converted into standard units per [Rule 4 \(b\) W.R.C.E.R.](#) as follows: [Rule 14\(f\)\(4\), W.R.C.E.R.](#)

- less than one cfs will be automatically converted into units of gpm by the database when standards are applied;

- equal to or greater than one cfs will be converted into units of cfs when standards are applied.

2. Examining Flow Rate: The claimed flow rate will be examined using the system type, information in the claim file, a general flow rate guideline, and information gained through claimant contact. A comparison statistic below the flow rate element on the examination worksheet calculates a ratio of flow rate to acres (gpm/acre). The comparison statistic (gpm/acre) is derived from the flow rate and maximum acres; its purpose is to identify those water rights that are above the guideline. [Rules 14\(c\) and 44, W.R.C.E.R.](#)

Specific procedures for examining flow rates are given below by system type. For claimed flow rates that will be decreed, there are two underlying considerations that should be kept in mind. First, has the claimed flow rate actually been diverted? Second, is the claimed flow rate reasonable for the specific purpose? If the answer to either question is no, further information should be pursued to determine what is reasonable and accurate. This thought process should form the basis for examining all claims.

A description of the development of flow rate guidelines can be found in the “History of Flow Rate Guidelines” (Exhibit VII-1).

Unique Features or Aspects: Any unique aspects or features of the flow rate should be noted on the department’s examination worksheet in a flow rate (FR) information remark: [Rule 14\(g\)\(2\), W.R.C.E.R.](#)

Example: F41 PRIMARILY A DIRECT FLOW SYSTEM; FLOW RATE RETAINED.

F75 CASE NO. **0000**, **MONTANA COUNTY** DECREES THIS RIGHT AS AN UNDIVIDED **ONE-THIRD** INTEREST IN A SINGLE WATER RIGHT FOR **2.50 CFS/GPM**.

a. Changing Flow Rate. The claimed flow rate will not be changed during the examination unless:

- amended by the claimant; [Rule 14\(f\)\(1\), W.R.C.E.R.](#)
- modified by rule by the department ([Sections VII.B.1](#) and [VII.B.3](#) and [Rule 14\(f\)\(3\), W.R.C.E.R.](#) );
- to standardize units of measure ([Section VII.B.1](#) and [Rule 14\(f\)\(4\), W.R.C.E.R.](#));
- modified by rule (clarified) by the department without claimant contact if the claimed intent is clear or with claimant contact is the claimed intent is unclear. [Rules 14\(f\)\(2\), 33\(b\)\(7\)\(i\)\(ii\), and 33\(c\), W.R.C.E.R.](#)

When the claimed flow rate is changed so that the review or decree abstract will differ from the claim form or amendment, place an asterisk in the brackets to the left of the

flow rate element on the examination worksheet. The claimant must be notified of such changes.

b. Claimant Contact: In conjunction with the flow rate examination criteria, the claimant should be contacted whenever the claimed flow rate is unclear, has apparent discrepancies, appears insufficient, or unreasonable. This contact can have several outcomes (see overview in Exhibit VII-17): [Rules 14\(c\) and 44, W.R.C.E.R.](#)

- Information discussed confirms the claimed flow rate. Document the information supporting the claimed flow rate.
- A flow rate different from that claimed is substantiated which the claimant wishes to have replace the claimed data. The claimant should submit an amendment.
- If the issue is unresolved (e.g., pump data is insufficient to confirm the claimed flow rate), or data support an actual flow rate different from that claimed, add a flow rate (FR) issue remark to the department's examination worksheet:

Example: F150 THE CLAIMED FLOW RATE APPEARS TO EXCEED THE PUMP CAPACITY. AVAILABLE DATA SUPPORT A FLOW RATE OF **98.50 GPM**.

3. Flow Rate Criteria: This section contains guidelines for examining the claimed flow rate based on prior decreed rights, filed rights, and use rights. The guideline for each type of right is first described, followed by each system: [Rule 14\(d\), W.R.C.E.R.](#)

- [Systems Involving Reservoirs](#)
- [Water Spreading Systems](#)
- [Subirrigation, Natural Overflow, Waste, and Seepage](#)
- [Pumps](#)
- [Gravity Flow Pipelines](#)
- [Ditches and Canals](#)

*Note: It may be determined after consulting with the claimant (and a supervisor) that it is necessary for the administration of a right to have both the flow rate and the volume decreed. The Water Court can make this determination under [§85-2-234\(6\)\(b\)\(iii\)](#) for final decrees.*

- **Prior Decreed Rights**: For claims based on prior decreed rights where a flow rate has been specified, the flow rate will be decreed as claimed or amended. See "Irrigation Flow and Volume Criteria" (Exhibit VII-18). [Rule 14\(d\)\(1\), W.R.C.E.R.](#)

When the claimed flow rate on a single claim is equal to or less than the original decree, the claimed flow rate will generally be accepted but may be examined further if there is an apparent error or conflicting data.

For claimed flow rates greater than 17 gpm/ac, applying standards will calculate a flow rate per acre and add the following flow rate (FR) issue remark to the review and decree abstracts. The claimant must be notified of the issue.

Example: FRSS THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS **65** GPM PER ACRE.

A claimed flow rate greater than 17 gpm/acre may be substantiated by **pre-July 1, 1973** information. This information includes, but is not limited to:

- ditch measurements
- pump information
- water commissioner records on file at the county district court
- information obtained through claimant contact

If substantiated, note a KEEP/CLAIMED flag below the flow rate element on the examination worksheet which will suppress standards from applying the FRSS issue remark above. If the flow rate for a small acreage exceeds the guideline, discuss the claim with a supervisor. Exceeding the guideline is acceptable to a reasonable limit in these situations. Many factors may be involved in this decision: type of irrigation, conveyance loss, soil type, etc. Flow rates that are 'allowed' to exceed the guideline will need to be well documented.

- **Filed or Use Rights:** For claims based on filed or use rights, the flow rate guideline is 17 gpm/acre. Claimed flow rates below this guideline are generally accepted but may be examined further if there is an apparent error or conflicting data. See "Irrigation Flow and Volume Criteria" (Exhibit VII-18). [Rules 14\(b\)\(1\) and 14\(d\)\(2\), W.R.C.E.R.](#)

The flow rate will be examined according to the procedures discussed below. After the claim has been examined, applying standards in the database will compare the claimed flow rate of each claim to the 17 gpm/acre guideline. Claimed flow rates that exceed the guideline will be reduced to the guideline, unless there is a KEEP/CLAIMED flag accompanying the flow rate. When standards reduces a flow rate, the following flow rate (FR) information remark will be added and an asterisk will be noted next to the flow rate element on the review and decree abstracts. The claimant must be notified of the reduction.

Example: FRST THE FLOW RATE OF THIS CLAIM HAS BEEN REDUCED TO 17 GPM PER ACRE. THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

a. Systems Involving Reservoirs: Onstream reservoirs are first described below followed by [offstream reservoirs](#).

## ONSTREAM RESERVOIRS

Onstream Reservoirs—Decreed: When the claim and historical decree both specify a flow rate, the flow rate will be decreed as claimed or amended.

Since district courts usually quantified appropriations utilizing reservoirs by volume, a decreed flow rate may indicate the reservoir was constructed after the decree. Thus, the volume may not have been decreed as it was not known at the time of the decree. A date of construction should be obtained from the claimant or other resources. See "Claim Examination: Reservoirs: Reservoir Issues" (Section VI.H.4).

When both the claim and historical decree do not specify a flow rate, use the procedures under "Onstream Reservoirs—Filed and Use Rights" directly below.

For other variations of claimed and prior decreed flow rates involving onstream reservoirs, see "Flow Rate Issues: Specific Decreed Flow Rate Issues" ([Section VII.B.4.a](#)).

Onstream Reservoirs—Filed and Use Rights: A flow rate will not be decreed, generally. Change the claimed flow rate to null (no value) and add an asterisk in the brackets to the left of the flow rate element of the examination worksheet. Standards will add the following flow rate (FR) information remark to the review and decree abstracts: [Rule 14\(b\)\(2\)\(i\) and 14\(d\)\(3\), W.R.C.E.R.](#)

Example: FF007 A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

A flow rate will be decreed for irrigation claims which use other than stored water, such as direct flow diversions upstream from a reservoir or a small reservoir as part of a large direct flow system, e.g., 0.4 AF reservoir for 20 acres of irrigation.

One method to determine if an irrigation claim uses other than stored water from the reservoir is to compare the claimed volume to a calculated volume. This calculated volume is based on the claimed acres multiplied by the appropriate climatic area volume guideline ([Section VII.C.3.a](#)). Compare the smaller volume to the capacity of the reservoir. If the claimed volume is greater than 2 times the capacity of the reservoir, the claim could be considered primarily a direct flow irrigation system. This approach may not work throughout Montana—consult with a supervisor to determine a basin-wide method.

A Reservoir With Irrigation Questionnaire (Exhibit VI-7) has been developed that may aid in determining direct flow irrigation systems.

When determining a possible direct flow system, be aware of supplemental right relationships. A small reservoir claim as part of a large system may utilize stored water to supplement other water rights and therefore may not be a direct flow system. [Rule 14\(d\)\(4\), W.R.C.E.R.](#)

Claimant contact may be necessary to understand the relationship between the reservoir, the irrigation system, the claimed volume, and claims which may be supplemental. When it is determined that storage is a minimal part of the total volume used, retain the claimed flow rate, note a KEEP/CLAIMED flag and add a flow rate (FR) information remark to the department's examination worksheet. (Also see "Irrigation: Volume: Specific Volume Examination Criteria: Systems Involving Reservoirs" ([Section VII.C.3.a](#)) for direction on removing the volume in direct flow systems.)

Example: F41 PRIMARILY A DIRECT FLOW SYSTEM; FLOW RATE RETAINED.

## OFFSTREAM RESERVOIRS

Offstream Reservoir-Decreed: When the claim and original decree both specify a flow rate, the flow rate will be decreed as claimed or amended.

To examine a claimed flow rate involving an offstream reservoir which appears in error, conflicts with information in the claim file, or exceeds 17 gpm/acre, use the procedures under "Offstream Reservoirs—Filed and Use Rights" directly below.

For other variations of claimed and prior decreed flow rates involving offstream reservoirs, see "Flow Rate Issues: Specific Decreed Flow Rate Issues" ([Section VII.B.4.a](#)).

Offstream Reservoir-Filed and Use Rights: The guideline for offstream reservoir irrigation claims, where control (i.e., ownership of the point of diversion) of the reservoir is part of the right, is the capacity of the diversion and conveyance system. If no information is available on the capacity of the diversion and conveyance system or the system is shared by more than one claimant, the guideline will be 17 gpm/acre ([Rule 14 \(b\)\(2\)\(ii\) W.R.C.E.R.](#)).

Compare the claimed flow rate to information in the claim file and other data sources to identify the capacity of the diversion and conveyance system. If information identifying the diversion or conveyance capacity is available to the examiner, use this information to complete the appropriate portion of the Reservoir Questionnaire (Exhibit VI-6); place a copy in the claim file and document the source of information. When there is no information regarding the capacity of the diversion and conveyance system, compare the claimed flow rate to the 17 gpm/acre guideline.

A Reservoir Questionnaire (Exhibit VI-6) should be sent to the claimant with a cover letter (Exhibit IV-8) when the claimed flow rate:

- appears in error;
- conflicts with other data;
- exceeds the capacity of the diversion and conveyance system;
- exceeds the 17 gpm/acre guideline when diversion and conveyance capacity are unknown;
- insufficient data in the claim file to substantiate the claimed flow rate.

Alternatively, the claimant can be contacted by phone or in a personal interview (see “Examination Materials and Procedures: Claimant Contact Techniques” in Section IV.F). This contact can have one of several outcomes (see overview in Exhibit VII-17):

- Submitted reservoir data confirms the claimed flow rate. Add a KEEP/CLAIMED flag to the claimed flow rate on the examination worksheet if it exceeds the 17 gpm/acre guideline.
- Data about the diversion and conveyance system clearly indicates an actual flow rate less than the claimed flow rate. When the claimed flow rate is not amended to the actual flow rate, add a KEEP/CLAIMED flag to the claimed flow rate on the worksheet. Add a flow rate (FR) issue remark to the department's examination worksheet:

Examples: F120 THE CLAIMED FLOW RATE EXCEEDS THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM WHICH IS **1.80 CFS**.

F135 THE CLAIMED FLOW RATE APPEARS TO EXCEED THE CAPACITY OF THE DIVERSION AND CONVEYANCE FACILITIES.

F145 THE CLAIMED FLOW RATE APPEARS TO EXCEED THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM. AVAILABLE DATA SUPPORT A FLOW RATE OF **2.50 CFS**.

- No documentation is submitted, or reservoir data is insufficient to confirm a flow rate. Additional claimant contact should be pursued. An on-site visit may be conducted at the invitation of the claimant. When reservoir data cannot be obtained and the claimed flow rate exceeds 17 gpm/acre, the claimed flow rate for filed and use rights will be reduced to the guideline when standards are applied. The claimant should be notified of the reduction.

The claimed flow rate for decreed rights will not be reduced by standards. Issue remarks are applied when necessary.

b. Water Spreading Systems:

**Water spreading** is diverting or collecting runoff from natural channels, gullies, or intermittent streams with a system of dams, dikes, ditches, or other means, and spreading it over a relatively flat area. Water spreading applications are dependent on the availability of water through natural runoff rather than the need of the crops. In other words, there is no control of what is coming into the delivery system, (See figures VII-1 and VII-2 below.)

FIGURE VII-1 Water Spreading Scenario 1

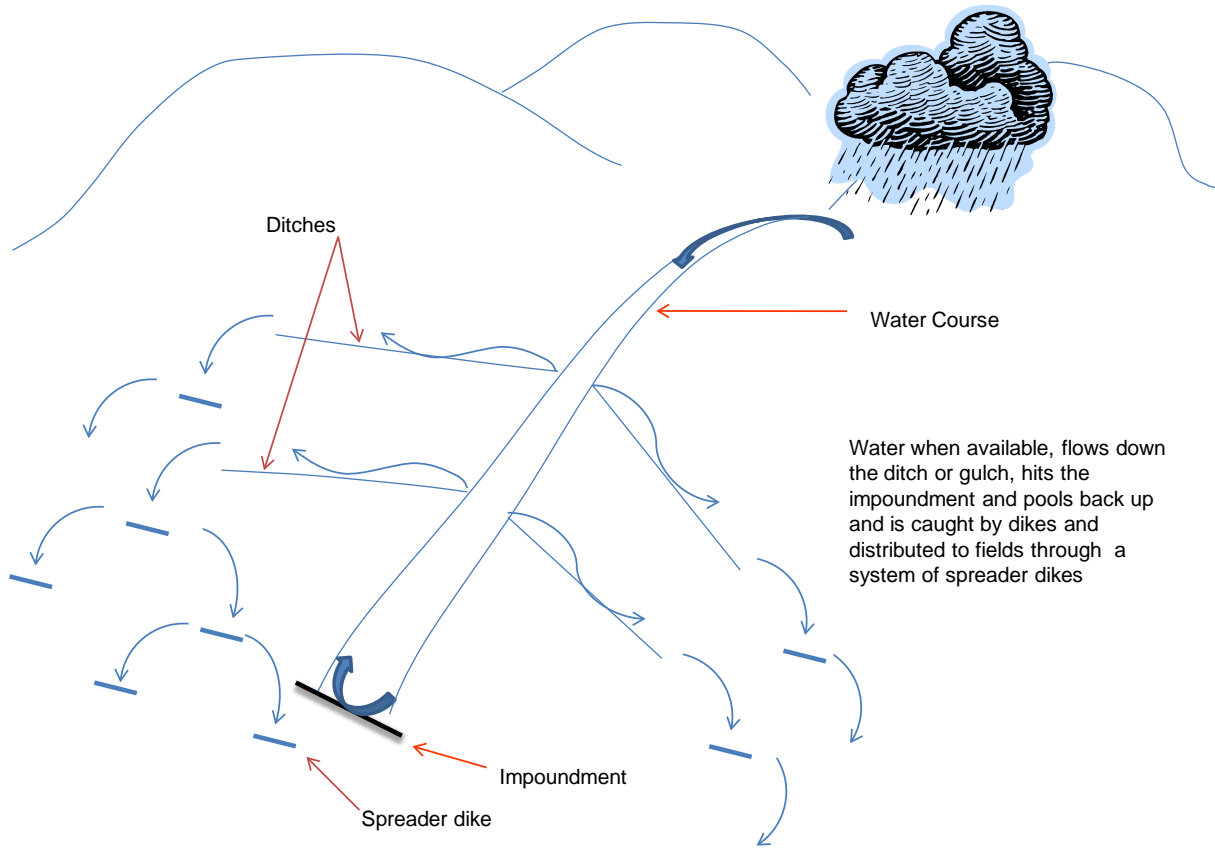
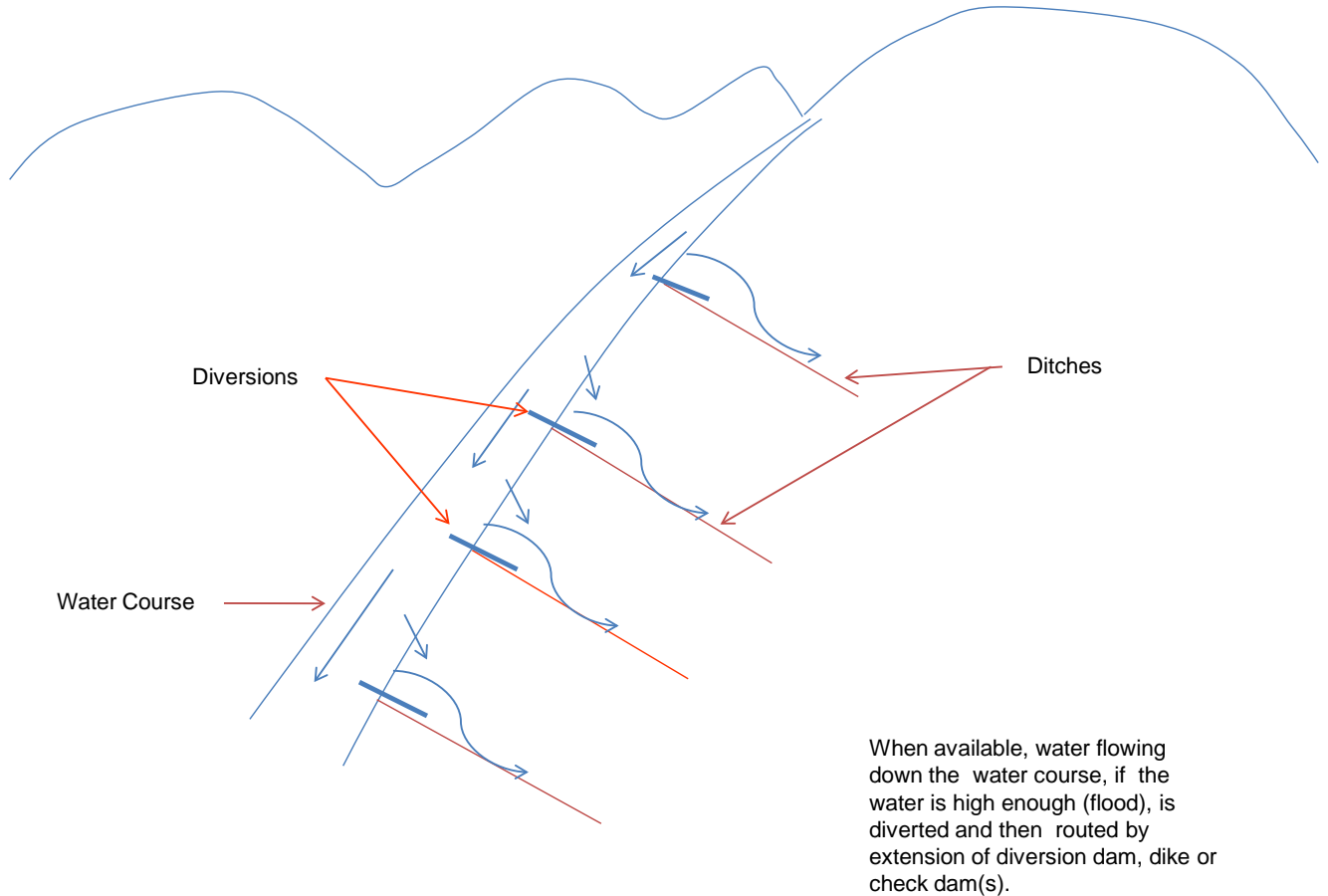




FIGURE VII-2 Water Spreading Scenario 2



*Water Spreading Systems-Decead:* When the claim and original decree both specify a flow rate, the flow rate will be decead as claimed or amended.

When both the claim and original decree do not specify a flow rate, use the procedures under "Water Spreading Systems—Filed and Use Rights" below.

For other variations of claimed and prior decead flow rates, see "Flow Rate Issues: Specific Decead Flow Rate Issues" below ([Section VII.B.4.a](#)).

*Water Spreading Systems-Filed and Use Rights:* A flow rate will not be decead for direct flow water spreading systems ([Rule 14 \(d\)\(5\) W.R.C.E.R.](#)). Change the claimed

flow rate to null (no value) and place an asterisk in the brackets to the left of the flow rate element on the examination worksheet. The following flow rate (FR) information remark will be added to the review and decree abstracts when standards are applied:

Example: FF008 A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Water Spreading Systems Involving Reservoirs: See "Flow Rate: Flow Rate Criteria: Systems Involving Reservoirs" ([Section VII.B.3.a](#)).

c. Subirrigation, Natural Overflow and Waste and Seepage:

Subirrigation, Natural Overflow and Waste and Seepage-Decreed: When the claim and original decree both specify a flow rate, the flow rate will be decreed as claimed or amended.

When both the claim and original decree do not specify a flow rate, use the procedures in "Subirrigation, Natural Overflow and Waste and Seepage-Filed and Use Rights" directly below.

For other variations of claimed and prior decreed flow rates, see "Flow Rate Issues: Specific Decreed Flow Rate Issues" below ([Section VII.B.4.a](#)).

Subirrigation, Natural Overflow and Waste and Seepage-Filed and Use Rights: For natural subirrigation, natural overflow, and waste and seepage, look for evidence of perfection (the POU appears to be irrigated, cropped, etc. as opposed to a bog or swampy area). If none, consider a purpose (PU) issue remark:

Example: P644 IT APPEARS THIS WATER RIGHT MAY NOT HAVE BEEN PERFECTED. ACCORDING TO INFORMATION IN THE CLAIM FILE, THERE APPEARS TO BE NO APPROPRIATION OF WATER. ALL ELEMENTS OF THIS CLAIM MAY BE QUESTIONABLE. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

- Natural Subirrigation and Waste and Seepage: A flow rate will not be decreed. Change the claimed flow rate to null (no value) and place an asterisk in the brackets to the left of the flow rate element on the examination worksheet. The following flow rate (FR) information remark will be added to the review and decree abstracts when standards are applied: [Rule 14 \(d\)\(6\) W.R.C.E.R.](#)

Example: FF004 NO FLOW RATE HAS BEEN DECREED FOR THIS USE OF NATURAL SUBIRRIGATION.

- Controlled Subirrigation and Waste and Seepage: Where subirrigation is controlled by systems such as drain ditches equipped with check dams, a flow rate will be decreed. In reviewing such systems, use the appropriate criteria for the means of control, e.g., ditches or pumps.
- Natural Overflow: A flow rate will not be decreed. Change the claimed flow rate to null (no value) and place an asterisk in the brackets to the left of the flow rate element on the examination worksheet. The following flow rate (FR) information remark will be added to the review and decree abstracts when standards are applied: [Rule 14 \(d\)\(6\) W.R.C.E.R.](#)

Example: FF005 NO FLOW RATE HAS BEEN DECREED FOR THIS NATURAL OVERFLOW METHOD OF IRRIGATION.

d. Pumps:

Pumps-Decreed: When the claim and original decree both specify a flow rate, the flow rate will be decreed as claimed or amended.

To examine a claimed flow rate involving a pump which appears in error, conflicts with pump data in the claim file (such as the pump rate at Means of Diversion), or exceeds 17 gpm/acre, use the procedures under "Pumps-Filed and Use Rights" directly below.

For other variations of claimed and prior decreed flow rates, see "Flow Rate Issues: Specific Decreed Flow Rate Issues" ([Section VII.B.4.a](#)).

Pumps-Filed and Use Rights: The output (flow rate) of a pump is limited primarily by the horsepower of the driving unit, vertical lift, operating pressure, and friction.

If the claim file contains sufficient pump data, "Estimating Pumped Flow Rates" (Exhibit VII-2) can be used to check the accuracy of a claimed flow rate. Remember that the flow rates in this exhibit are estimates based on generalized assumptions.

When a claimed flow rate appears in error, conflicts with pump data in the claim file (such as the pump rate at Means of Diversion), or exceeds the 17 gpm/acre guideline, and there is insufficient information in the claim file to substantiate the claimed flow rate, a Pump Questionnaire (Exhibit VII-3) should be sent to the claimant with a cover letter (Exhibit IV-8). Alternatively, the claimant can be contacted by phone or in a personal interview (see "Examination Materials and Procedures: Claimant Contact Techniques" in Section IV.F). [Rules 14 \(d\)\(2\) and 44, W.R.C.E.R.](#) This contact can have one of several outcomes (see overview in Exhibit VII-17):

- Submitted pump data confirms the claimed flow rate. Add a KEEP/CLAIMED flag to the claimed flow rate element on the examination worksheet if it exceeds the 17 gpm/acre guideline.

- Data about the pump clearly indicates an actual pumping rate less than the claimed flow rate. When the claimed flow rate is not amended to the actual pumping rate, the two most likely outcomes are:
  - If the claimed flow rate is **less than 17 gpm/acre**, add a flow rate (FR) issue remark to the department's examination worksheet:

Example: F150 THE CLAIMED FLOW RATE APPEARS TO EXCEED THE PUMP CAPACITY. AVAILABLE DATA SUPPORT A FLOW RATE OF **98.50 GPM**.

- If the claimed flow rate is **greater than 17 gpm/acre**, add a **KEEP/CLAIMED** flag to the documented flow rate. Add a flow rate (FR) issue remark (F150 above) to the department's examination worksheet:
- No documentation is submitted or submitted pump data is insufficient to confirm a flow rate. Additional claimant contact may be pursued. An on-site visit may be conducted at the invitation of the claimant. When pump data cannot be obtained and the claimed flow rate exceeds 17 gpm/acre, the claimed flow rate for filed and use rights will be reduced to the guideline when standards are applied. The claimant must be notified of the reduction. The following information remark should appear on the abstract below the flow rate element.

Example: FRST THE FLOW RATE OF THIS CLAIM HAS BEEN REDUCED TO 17 GPM PER ACRE. THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

The claimed flow rate for decreed rights will not be reduced by applying standards in the database. If the flow rate is greater than 17 gpm/acre, the following flow rate (FR) issue remark will be added to the review and decree abstracts.

Example: FRSS THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS **95** GPM PER ACRE.

e. Gravity Flow Pipelines:

Gravity Flow Pipelines-Decreed: When the claim and original decree both specify a flow rate, the flow rate will be decreed as claimed or amended.

To examine a claimed flow rate involving a gravity flow pipeline which appears in error, conflicts with pump data in the claim file (such as the pump rate at Means of Diversion), or exceeds 17 gpm/acre, use the procedures under "Gravity Flow Pipelines—Filed and Use Rights" directly below.

For other variations of claimed and prior decreed flow rates, see "Flow Rate Issues: Specific Decreed Flow Rate Issues" ([Section VII.B.4.a](#)).

*Gravity Flow Pipelines-Filed and Use Rights:* The output (flow rate) of a gravity flow pipeline system is limited primarily by pipe type, pipe length, pipe diameter, vertical drop, and friction.

To estimate the flow rate of a gravity flow pipeline, the pipe diameter, pipe length, and vertical drop must be known. If data sources are available which are clear, accurate, and of sufficient scale, an estimated pipe output (flow rate) can be calculated:

- Pipe length can sometimes be estimated from the claimant's map.
- Contour lines on a topographic map can be used to estimate vertical drop.
- Pipe diameter must be known from the claim file or claimant contact.

Refer to "Estimating Pipeline Flow Rates" (Exhibit VII-4). Be aware that there are many variables, and thus room for error, in using this method. The flow rates estimated in Exhibit VII-4 assume PVC (plastic) pipe is used. If the claimant uses aluminum, concrete, or steel pipe, the estimates will be a bit high, but should still be used as a guideline.

When the claimed flow rate for the gravity flow pipeline system appears in error, conflicts with pipeline data in the claim file, or exceeds the 17 gpm/acre guideline, and there is insufficient information in the claim file to substantiate the claimed flow rate, a Gravity Flow Pipeline Questionnaire (Exhibit VII-5) and a cover letter (Exhibit IV-8) should be sent to the claimant. Alternatively, the claimant can be contacted by phone or in a personal interview (see "Examination Materials and Procedures: Claimant Contact Techniques" in Section IV.F). This contact can have one of several outcomes (see overview in Exhibit VII-17): [Rules 14 \(d\)\(2\) and 44, W.R.C.E.R.](#)

- Submitted pipeline data confirms the claimed flow rate. Add a KEEP/CLAIMED flag to the claimed flow rate element on the examination worksheet if it exceeds the 17 gpm/acre guideline.
- Data about the pipeline clearly indicates an actual flow rate less than the claimed flow rate. **When the claimed flow rate is not amended to the actual pipe output, the two most likely outcomes are:**
  - If the claimed flow rate is **less than 17 gpm/acre**, add a flow rate (FR) issue remark to the department's examination worksheet:

Example: F157 THE CLAIMED FLOW RATE APPEARS TO EXCEED THE CAPACITY OF THE GRAVITY FLOW DELIVERY SYSTEM. THE ACTUAL FLOW RATE APPEARS TO BE **88.50** GPM.

- If the claimed flow rate is **greater than 17 gpm/acre**, add a **KEEP/CLAIMED** flag to the documented flow rate to prevent standards from reducing the flow rate. Add a flow rate (FR) issue remark to the department's examination worksheet:

Example: F157 THE CLAIMED FLOW RATE APPEARS TO EXCEED THE CAPACITY OF THE GRAVITY FLOW DELIVERY SYSTEM. THE ACTUAL FLOW RATE APPEARS TO BE **88.50** GPM.

- No documentation is submitted or submitted pipeline data is insufficient to confirm a flow rate. Additional claimant contact may be pursued. An on-site visit may be conducted at the invitation of the claimant. When pipeline data cannot be obtained and the claimed flow rate exceeds 17 gpm/acre, the claimed flow rate for filed and use rights will be reduced to the guideline when standards are applied in the database. The claimant should be notified of the reduction. The following information remark should appear on the abstract below the flow rate element.

Example: FRST THE FLOW RATE OF THIS CLAIM HAS BEEN REDUCED TO 17 GPM PER ACRE. THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

The claimed flow rate for decreed rights will not be reduced by applying standards. If the flow rate is greater than 17 gpm/acre, the following flow rate issue remark will be added to the review and decree abstracts:

Example: FRSS THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS **95** GPM PER ACRE.

f. Ditches and Canals:

*Ditches and Canals-Decreed:* When the claim and original decree both specify a flow rate, the flow rate will be decreed as claimed or amended.

Decreed flow rates greater than 17 gpm/acre involving ditches and canals will generally only have the issue remark shown above listed (FRSS). If specific ditch capacity data are available, the claimed flow rate should be examined using the procedures under "Ditches and Canals—Filed and Use Rights" directly below.

For other variations of claimed and prior decreed flow rates, see "Flow Rate Issues: Specific Decreed Flow Rate Issues" ([Section VII.B.4.a](#)).

*Ditches and Canals-Filed and Use Right:* A ditch or canal cannot flow at a rate greater than its "design rate." A claimed flow rate exceeding the guideline will be reduced

to the guideline when standards are applied. The claimant should be notified of this reduction.

A properly designed ditch or canal should provide:

- velocity of flow causing neither erosion nor sedimentation
- sufficient capacity to carry the design flow
- proper hydraulic gradient or slope
- stable side slopes
- minimum initial cost and maintenance

Flow rate of a ditch or canal may be estimated by using the Manning Equation, which is an empirical formula for open channel flow or flow driven by gravity. See Exhibit VII-16 for further information.

When a claimed flow rate appears in error, conflicts with other data, or exceeds the 17 gpm/acre guideline, and there is insufficient information in the claim file to substantiate the claimed flow rate, a Ditch Questionnaire (Exhibit VII-12) and cover letter (Exhibit IV-8) will be sent to the claimant. Alternatively, the claimant can be contacted by phone or in a personal interview (see “Examination Materials and Procedures: Claimant Contact Techniques” in Section IV.F). This contact can have one of several outcomes (see overview in Exhibit VII-17): [Rules 14 \(d\)\(2\) and 44, W.R.C.E.R.](#)

- Submitted data confirms the claimed flow rate. Add a KEEP/CLAIMED flag to the examination worksheet if information supporting an actual flow rate is obtained from the claim file, claimant contact, or other data sources such as:
  - records submitted with the claim
  - ditch measurements
  - water commissioner records
  - WRS data
  - state project records
  - Bureau of Reclamation records
- Data clearly indicates a ditch capacity less than the flow rate claimed. **When the claimed flow rate is not amended to the actual flow rate, the two most likely outcomes are:**
  - If the claimed ditch capacity is **less than 17 gpm/acre**, add one of the following flow rate (FR) issue remark to the department's examination worksheet:

Example: F158 THE CLAIMED FLOW RATE APPEARS TO EXCEED THE DITCH CAPACITY. AVAILABLE DATA SUGGEST THE DITCH CAPACITY IS **2.75** CFS.

OR

Example: F145 THE CLAIMED FLOW RATE APPEARS TO EXCEED THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM. AVAILABLE DATA SUPPORT A FLOW RATE OF **3 CFS**.

- If the claimed ditch capacity is **greater than 17 gpm/acre**, add a **KEEP/CLAIMED** flag to the documented flow rate. Add a flow rate (FR) issue remark (F158 or F145 above) to the department's examination worksheet.
- No documentation is submitted, or is insufficient to confirm the flow rate. Additional claimant contact may be pursued. An on-site visit may be conducted at the invitation of the claimant. When ditch capacity cannot be obtained and the flow rate exceeds 17 gpm/acre, the claimed flow rate for filed and use rights will be reduced to the guideline when standards are applied. The claimant should be notified of the reduction. The following information remark should appear on the abstract below the flow rate element.

Examples: FRST THE FLOW RATE OF THIS CLAIM HAS BEEN REDUCED TO 17 GPM PER ACRE. THE FLOW RATE MAY BE CONTESTED BY PROPER OBJECTION.

4. Flow Rate Issues: Note any flow rate issues on the examination worksheet. At the completion of examining the ownership, the claimant should be notified through claimant contact of all issue remarks.

**Claimant contact must occur upon completing examination of the ownership if the flow rate is modified by rule, an issue remark exists, or the system is unclear.** [Rules 14 \(c\)\(4\) and 44, W.R.C.E.R.](#)

**Any flow rate with a keep flag that has a flow rate to acre ratio that is greater than twice the standard (2 x 17 gpm/acre = 34 gpm/acre) shall receive a V37 remark:**

Examples: V37 THE CLAIMED FLOW RATE IS **123** GPM/AC. IT APPEARS A VOLUME QUANTIFICATION MAY BE REQUIRED TO ADEQUATELY ADMINISTER THIS RIGHT.

a. Specific Decreed Flow Rate Issues.

Claimed Flow Rate Greater than Original Decree: If the claimed flow rate on a single claim is greater than the original decreed flow rate, or an apparent error exists, add a flow rate (FR) issue remark to the department's examination worksheet:

Example: F90 THE CLAIMED FLOW RATE EXCEEDS THE **150** MINER'S INCHES OF **DOE CREEK** DECREED IN A PRIOR DECREE, CASE NO. **0000**, **MONTANA** COUNTY.



Be aware that an implied claim may be involved if the claimant uses the difference between the claimed and decreed flow rates.

Flow Rate Claimed-No Flow Rate in Original Decree: When a claim specifies a flow rate and the original decree does not, accept the claimed flow rate and add the following flow rate (FR) issue remark:

Example: F91 CASE NO. **0000**, **MONTANA** COUNTY, DOES NOT SPECIFY A FLOW RATE; CLAIMED FLOW RATE RETAINED.

This may be a situation where the decree addressed certain elements of the water right other than the flow rate.

No Flow Rate Claimed-Flow Rate in Original Decree: When no flow rate is indicated on the claim form but the original decree does specify a flow rate, add the following flow rate (FR) issue remark to the department's examination worksheet:

Example: F92 CASE NO. **0000**, **MONTANA** COUNTY, DECREES A FLOW OF **150** MINER'S INCHES; NO FLOW RATE WAS CLAIMED.

On the examination worksheet, the flow rate should be null (no value).

No Flow Rate Claimed-No Flow Rate in Original Decree: For onstream reservoirs, direct flow water spreading, natural subirrigation, and natural overflow, accept the claim as submitted. No issue remark or claimant contact is necessary. Check that the flow rate is null (no value) on the examination worksheet.

For flood or sprinkler systems, offstream reservoirs, pumped water spreading systems, and controlled subirrigation, add the following flow rate (FR) issue remark to the department's examination worksheet:

Example: F93 CASE NO **0000**, **MONTANA** COUNTY, DOES NOT SPECIFY A FLOW RATE; NO FLOW RATE HAS BEEN CLAIMED.

On the examination worksheet, the flow rate should be null (no value).

Flow Rate Decreed at POU: When a claim or documentation states the flow rate was formerly decreed as measured at the POU, add a flow rate (FR) issue remark to the department's examination worksheet:

Example: F95 CASE NO. **0000**, **MONTANA** COUNTY, DECREES THE FLOW RATE AS MEASURED AT THE PLACE OF USE. THE FLOW RATE AT THE POINT OF DIVERSION IS UNKNOWN.

Flow Rate to POU Ratio Low: A claim based on a prior decreed right having a low flow rate to acre ratio (less than 4 gpm/acre) and not involved in a supplemental relationship may be evidence of an expanded or incrementally developed POU.

If the decree does not specify a flow rate standard or the number of acres irrigated, the following flow rate issue remark may be added to claims when place of use issue (PL) remarks are involved. The remark in this circumstance is useful because it provides an additional indication of incremental development. If uncertain, bring the issue to a supervisor.

Example: F110 THE LOW FLOW RATE TO ACRES RATIO FOR THIS CLAIM, **2.30** GPM/ACRE, MAY INDICATE AN EXPANSION OF THE HISTORICAL RIGHT.

If the historical decree specifically states a standard or the acres involved, and the claimed flow rate is less than 4 gpm/acre, add the appropriate flow rate (FR) issue remark to the department's examination worksheet:

Examples: F96 THE LOW FLOW RATE TO ACRES RATIO FOR THIS CLAIM, **2.30** GPM/ACRE, MAY INDICATE AN EXPANSION OF THE HISTORICAL RIGHT. CASE NO. **0000**, **MONTANA** COUNTY, SPECIFICALLY DECREES A FLOW RATE OF **ONE** MINER'S INCH PER ACRE.

F97 THE LOW FLOW RATE TO ACRES RATIO FOR THIS CLAIM, **2.30** GPM/ACRE, MAY INDICATE AN EXPANSION OF THE HISTORICAL RIGHT. CASE NO. **0000**, **MONTANA** COUNTY, SPECIFICALLY DECREES **90.00** ACRES TO THIS RIGHT.

b. Claimed Flow Rate not Numerically Quantified: Where a flow rate is to be decreed by the Water Court and the claim states the flow rate as "ALL" or a portion of "ALL" (e.g., 1/2 of ALL), apply the following procedure. Use Percent of Flow (POF) as the unit when entering flow rate in the database.

- For historically decreed rights where the flow rate is expressed as a percent of flow (POF), the units should be noted as POF on the examination worksheet. If "ALL" is claimed, the flow rate will be noted as "100 POF"; if one-half of flow is claimed, the flow rate will be noted as "50 POF." Add a KEEP/CLAIMED flag below the flow rate element on the examination worksheet. Add a flow rate (FR) information remark to the examination worksheet to identify the claimed flow rate:

Examples: F45 ENTIRE FLOW OF THE SOURCE AS DECREED IN A PRIOR DECREE, CASE NO. **0000**, **MONTANA** COUNTY.

F50 THIS RIGHT IS FOR **ONE-THIRD** THE FLOW OF **DOE CREEK** AS DECREED IN A PRIOR DECREE, CASE NO. **0000**, **MONTANA** COUNTY.

- For a single filed or use right where a flow rate is to be decreed, add a flow rate information remark (F56) and a flow rate issue remark (F170) to the examination worksheet. Check that the flow rate is expressed as POF and a KEEP/CLAIMED flag is noted on the examination worksheet. Add the appropriate flow rate information and issue remarks:

Examples: F56 **ENTIRE/ONE-FOURTH THE FLOW OF DOE CREEK.**

F170 THE FLOW RATE HAS NOT BEEN EXAMINED AS NO QUANTIFIED FLOW RATE WAS CLAIMED.

- For multiple filed or use rights based on the same historical water right filed by the same claimant, where a flow rate is to be decreed and a flow rate has not been identified, add the following flow rate (FR) issue remark to the department's examination worksheet for each claim involved. This remark is in lieu of the F170 issue remark referenced above.

Example: F171 THE FLOW RATE HAS NOT BEEN EXAMINED AS NO QUANTIFIED FLOW RATE WAS CLAIMED. THE CLAIMS LISTED FOLLOWING THIS STATEMENT ARE ALL BASED ON THE SAME HISTORIC WATER RIGHT. **000000-00, 000000-00.**

c. Undivided Interest: An undivided interest is where two or more water users have an interest in a whole unsegregated water right. The undivided interest is generally established in a deed. In an undivided interest, a water right is shared among the users in alternating or rotating use that allows each user to divert the full flow rate during their turn.

When an undivided interest is identified by the claimant on the claim form, in submitted documentation or during claim examination, add a flow rate (FR) information remark to the examination worksheet showing the respective proportional interests to all claims that share the right. The flow rate information remark will be used at summary preparation to identify all water rights in an undivided interest. Note that the F65 or F75 remark will be replaced by a remark that identifies each individual water right (F60, F76). If all claimed rights to an undivided right are known, add the F60, or F76 as needed:

Examples: F65 **UNDIVIDED 1/3 INTEREST IN A SINGLE WATER RIGHT FOR 2.50 CFS/GPM.**

OR

F75 CASE NO. **0000**, **MONTANA** COUNTY DECREED THIS RIGHT IN A PRIOR DECREE AS AN UNDIVIDED  $\frac{1}{4}$  INTEREST IN A SINGLE WATER RIGHT FOR **2.50 CFS/GPM.**

As a rotation of the water use will be occurring, all parties sharing the water right must be identified in a flow rate information remark. The remark should be added to each claim. One method of identifying these claims is at the conclusion of basin examination. Review a remark index for all flow rate information remarks and replace the F65 or F75 remark with a remark (F60 or F76) which identifies all claims to the undivided interest.

Examples: F60 THE WATER RIGHTS FOLLOWING THIS STATEMENT HAVE AN UNDIVIDED INTEREST IN A SINGLE WATER RIGHT FOR **2.50 CFS/GPM. 000000-00, 000000-00, 000000-00.**

F76 THE WATER RIGHTS FOLLOWING THIS STATEMENT HAVE AN UNDIVIDED INTEREST IN A SINGLE WATER RIGHT FOR **2.50 CFS/GPM** AS DECREED IN A PRIOR DECREE, CASE NO. **0000, MONTANA** COUNTY. **000000-00, 000000-00, 000000-00.**

Undivided Interest Exceeds 100%: When all the parties in the undivided interest relationship have been identified and the combined undivided portions exceed 100%, add the following flow rate (FR) issue remark to each claim in the undivided interest relationship. Contact all claimants.

Example: F176 THE UNDIVIDED INTEREST PORTION OF THIS CLAIM MAY BE INCORRECT. THE SUM OF THE PORTIONS FOR THE CLAIMS IN THIS UNDIVIDED INTEREST EQUALS **143%**.

Undivided Interest Less than 100%: If all parties sharing the water right cannot be identified and the combined undivided portions are less than 100%, add the following flow rate (FR) issue remark to each claim in the undivided interest relationship. Contact all known claimants.

Example: F175 THE FLOW RATE MAY BE INCORRECT. ALL PARTIES IN THIS UNDIVIDED FLOW RATE INTEREST GROUP CANNOT BE IDENTIFIED. THE SUM OF THE UNDIVIDED INTEREST PORTIONS EQUALS **80%**.

Undivided Interest Flow Rate Discrepancy: An undivided interest allows each user the full flow rate on a rotating basis. Therefore, the claimed flow rates of the claims in the undivided interest relationship should be identical. If the claimed flow rates are not the same, add a flow rate (FR) issue remark to each claim in the undivided interest relationship. Claimant contact is required.

Example: F177 THE FLOW RATE OF THIS CLAIM MAY BE INCORRECT. THE PARTIES IN THIS UNDIVIDED INTEREST GROUP HAVE CLAIMED DIFFERENT FLOW RATES.

d. Maximum Acres Issue May Affect Flow Rate: If a maximum acreage issue is identified when examining the place of use element and a flow rate is to

be decreed, add the following flow rate (FR) issue remark to the department's examination worksheet if the criteria below are met: [Rule 14 \(c\)\(1\), W.R.C.E.R.](#)

Example: F180 FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

This remark should only be added when there is no KEEP flag on the flow rate and it is determined the gpm/examined acres (using the lowest data source figure) exceeds the guideline. If, for example, the claim indicates a flow rate of 100 gpm, and the lowest number of examined acres equals 20 (5 gpm/ac), this remark is not needed because it is below the 17 gpm/acre guideline.

e. Flow Rate Inadequate: Claimed flow rates that are below the guidelines will generally be accepted. In addition, a low flow rate on a claim in a supplemental relationship will generally be accepted. If, however, the claimed flow rate appears to be in error or inadequate, and is below 4 gpm/acre, add the following flow rate (FR) issue remark to the examination worksheet: [Rule 14 \(c\)\(2\), W.R.C.E.R.](#)

Example: F185 THE CLAIMED FLOW RATE APPEARS TO BE INADEQUATE FOR THE CLAIMED PURPOSE.

f. No Flow Rate Claimed: (*This section does not apply to prior decreed flow rates. See "Specific Decreed Flow Rate Issues" (Section VII.B.4.a).*) [Rule 14 \(c\)\(3\), W.R.C.E.R.](#)

Onstream Reservoirs, Direct Flow Water Spreading, Natural Subirrigation, and Natural Overflow: Accept the claim as submitted. No issue remark or claimant contact is necessary. The flow rate will be nullified (no value) and the appropriate remark applied when standards are run.

Flood or Sprinkler Systems, Offstream Reservoirs, Pumped Water Spreading Systems, and Controlled Subirrigation: When no flow rate is indicated on the claim form or in the documentation, add the following flow rate (FR) issue remark to the department's examination worksheet:

Example: F190 NO QUANTIFIED FLOW RATE HAS BEEN CLAIMED.

Check that the flow rate on the examination worksheet is null (no value) and that a KEEP/CLAIMED flag is applied.

g. Filed Appropriation Documents Multiple Rights: When several claims submit the same filed appropriation as documentation for a filed water right, see "Claim Examination: Purpose: Multiple Uses" (Section VI.C.4) for criteria. If *different owners* have provided the same filed appropriation, the total flow rate should be tracked. Be sure the claims are for the same source (POD or POU); if not, a priority date issue (P455) may be necessary as well. When the flow rate is exceeded, apply the following

general information (GI) issue remark to the examination worksheet of all irrigation water rights involved:

Example: G36 THE TYPE OF HISTORICAL RIGHT, PRIORITY DATE, AND FLOW RATE MAY BE QUESTIONABLE. THE CLAIMS FOLLOWING THIS STATEMENT USE THE SAME FILED APPROPRIATION TO DOCUMENT THE RIGHT. THE COMBINED FLOW RATE FOR THIS GROUP OF CLAIMS EXCEEDS THE TOTAL OF THE ORIGINAL APPROPRIATION. **000000-00, 000000-00, 000000-00.**

5. Recording Documentation: After a claim has been examined, the flow rate of historically decreed rights will be tracked and recorded. No record of documentation for 1962-73 groundwater developments, filed appropriations, or use rights will be maintained.

The purpose for tracking and maintaining a record of prior decreed rights is to check that a prior decreed right for a certain flow rate and priority date is not exceeded by claims against that right.

a. Recording: All claims that will be decreed a flow rate by the Water Court and are based on a historical decreed right will be recorded.

Enter the following in the Historical Rights tab under “Courthouse Filing Information (Historical Filing)”:

- County
- Right Type
- Origin
- Filing Date (to distinguish between cases and documents)
- Case/Document number
- Decreed appropriator
- Source
- Decreed priority date
- Miners inches
- Flow Description
- Volume Description

In the past, the method was to write the decree information on an index of the old decree. When recording the proof of use submitted with a claim in an index, the following information was recorded:

- Purpose code (i.e., IR, FW, CM)
- Claim number
- Claimed flow rate
- Claimant

In some basins, both methods may be used simultaneously. “Recording Decreed Rights (Example WRS Decree Index)” (Exhibit VII-6) is an example of how documentation was recorded.

b. Decreed Rights Exceeded: After all the claims for a basin or subbasin have been examined, review the Summary Preparation Report No. 7—Decree Exceeded Index or the written decree index. Identify any group of claims where the total claimed flow rate for the group exceeds the prior decreed flow rate for that water right. Determine if one or more parties are involved. [Rule 14 \(e\), W.R.C.E.R.](#)

- When only one party is involved, a total flow rate for several claims that is greater than the original decreed flow rate may be a multiple use of the right. See "Claim Examination: Purpose: Multiple Use" (Section VI.C.4). If not multiple use, then the prior decreed right has been exceeded.
- When two or more parties are involved and the sum of the flow rates claimed by the parties is greater than the original decreed flow rate, the prior decreed right has been exceeded.

Where a prior decreed right has been exceeded, add a decree exceeded (DE) issue remark to the department’s examination worksheet:

Example: D5 THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME PRIOR DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 150 MINER’S INCHES DECREED IN CASE NO. 0000, MONTANA COUNTY. 000000-00, 000000-00, 000000-00.

Contact each claimant following claimant contact procedures ([Rules 14 \(c\) and 44, W.R.C.E.R.](#)). A “Decree Exceeded Contact Letter” (Exhibit VII-7) may be used. Typically, this claimant contact is only done as notification, and not to initiate a resolution, although occasionally claimants may take some action to resolve the issue. More often, the Water Court will resolve the issue. See the Water Court’s handout, “Decree Exceeded Issues” (Exhibit VII-14). This handout may be included with the claimant contact letter.

If the parties resolve the decree exceeded issue among themselves and submit amendments for the percentages to which they are entitled prior to the Water Court issuing a decree, remove the decree exceeded (DE) remarks.

When a single claim exceeds the original decreed flow rate, the above decree exceeded remark is not necessary. See “Specific Decreed Flow Rate Issues” ([Section VII.B.4.a](#)). Claimant contact is still required.

C. VOLUME  
[Rule 15, W.R.C.E.R.](#)

Irrigation volume is the amount of water which has been diverted, impounded, or withdrawn from the source over the year for irrigation and is measured in acre-feet (AF). The volume of water needed for irrigation is influenced by several factors including crop, soil type, irrigation systems, seasonal weather, and climatic area.

Volumes for claims to lawn and garden use (LG) should be examined using the domestic use guidelines (2.5 AF/acre) in Section VIII.C.

**Most water rights for irrigation will not be decreed a volume. The types of irrigation rights that will receive a volume are:**

- rights previously decreed by volume
- water spreading systems
- systems involving reservoirs

**Claimant contact must occur upon completing examination of the ownership if the volume is modified by rule; an issue remark exists, or is unclear. [Rule 44, W.R.C.E.R.](#) and Section IV.F**

1. Identifying the Claimed Volume: When applicable, use the documentation in the claim file to check that the volume is consistent with the claim form. Also check for clerical errors by the claimant. Claimant contact is required if a volume is to be decreed and it is unclear. See "Specific Volume Examination Criteria" ([Section VII.C.3](#)). [Rule 15\(a\), W.R.C.E.R.](#)

The volume units of measurement should be checked for agreement with the documentation and for correct conversions. Some claims were for gallons per year. If incorrect units have been claimed but the documentation on the claim form indicates the correct units, the correction may be made on the examination worksheet per [Rule 33 \(b\)\(7\), W.R.C.E.R.](#)

Volume Units Standardization: Irrigation volumes that will be decreed must be expressed in acre-feet. Any such volumes not expressed in acre-feet are to be converted to acre-feet or gallons per [Rule 4 W.R.C.E.R.](#) Make the conversion on the worksheet and note the change is by rule. [Rule 15\(g\)\(4\), W.R.C.E.R.](#)

Make all conversions using the following equivalencies:

- One (1) acre-foot equals 325,851 gallons.
- One (1) acre-foot equals 12 acre-inches.



If a volume that will be decreed is in units that cannot be converted using the above formulas, e.g., "6 applications per season", add a volume (VM) free text issue remark to the examination worksheet:

Example: VMIS VOLUME CLAIMED AS 6 APPLICATIONS PER SEASON.

2. Examining Volume: For the types of irrigation rights to be decreed a volume, examine the claimed volume using the information in the claim file, information gained through claimant contact, and the guidelines. The guidelines for specific system types are given below in "Specific Volume Examination Criteria" ([Section VII.C.3](#)). The guidelines are based on alfalfa as the crop, a drought-year growing season, system type, and climatic area. [Rule 15\(h\)\(3\), W.R.C.E.R.](#)

Unique Features or Aspects: Any unique features or aspects of the volume should be noted on the department's examination worksheet in a volume (VM) information remark:

Example: V12 THIS RIGHT IS FOR **ONE-FOURTH** THE VOLUME OF **DOE CREEK** AS DECREED IN CASE NO. **0000**, **MONTANA** COUNTY.

a. Changing Volumes. The claimed volume will not be changed during the examination unless:

- amended by the claimant; [Rule 15\(g\)\(1\), W.R.C.E.R.](#)
- modified by rule by the department [Rule 15\(g\)\(3\), W.R.C.E.R.](#); [Sections VII.C.1](#) and [VII.C.3](#) ;
- to standardize units of measure [Rule s15\(g\)\(4\) and 4\(b\), W.R.C.E.R. Section VII.C.1](#);
- Modify by rule (clarified) by the department without claimant contact if the claimed intent is clear or with claimant contact if the claimed intent is unclear. [Rules 15\(g\)\(2\) 33\(b\)\(7\), and 33\(c\), W.R.C.E.R. Section VII.C.1 Section VII.C.3.](#)

When the claimed volume is changed so that the review or decree abstracts will differ from the claim form or amendment, place an asterisk in the brackets to the left of the volume element on the examination worksheet. The claimant must be notified of these changes.

b. Claimant Contact: For the system types that will receive a volume in the decree, claimant contact may be required. In conjunction with the volume examination criteria, the claimant should also be contacted whenever the claimed volume is unclear, has apparent discrepancies, appears insufficient, or appears unreasonable. This contact can have several outcomes: [Rule 44, W.R.C.E.R.](#) and Section IV.F.

- Information discussed confirms the claimed volume. Document the information supporting the claimed volume.

- A volume different from that claimed is substantiated which the claimant wishes to have replace the claimed data. The claimant should submit an amendment.
- If the issue is unresolved, or data support an actual volume different from the one claimed, add a volume (VM) issue remark to the department's examination worksheet. See Section V: Volume for the appropriate issue remark.

c. Climatic Areas: The climatic area is used in examining irrigation claims to determine volume and period of use guidelines. The climatic area code is on the examination worksheet under the volume element. It will print under the volume element on the review and decree abstracts of each irrigation claim.

A climatic area designation will be stored in the database for every irrigation claim. Identify the climatic area by referring to the 1986 USDA Natural Resource Conservation Service [Irrigation Climatic Area Map](#) (authorized by the Water Court for use in examination) which is available as a layer in WRMapper. A Roman numeral designation has been given to each of the six climatic areas. The lower the number, the higher the consumptive use of a crop grown in that climatic area. Reviewing the climatic area includes the following steps: [Rule 15\(b\), W.R.C.E.R.](#)

- Assign a climatic area code to each claim based on the POU location by locating the POU on the 1986 USDA map. Determine the climatic area corresponding to that location. If the POU is located in more than one climatic zone, use the climatic area which has the larger consumptive use. If a claim is located in Climatic Area VI (mountainous area), assign either Climatic Area V or the climatic area which is adjacent to the mountainous area.
- Complete or change the climatic area code directly on the worksheet. The climatic area will be entered into the database. No asterisk is needed.
- Review the climatic area code if previously assigned. Climatic area codes were assigned to some irrigation claims as claims were initially being entered into the database. These codes were based on an earlier 1973 Soil Conservation Service (SCS) Irrigation Climatic Area Map of Montana (from the SCS Montana Irrigation Guide, 1974). The 1973 SCS map **has been replaced** by the 1986 update. The two maps look similar, but there are many differences. If a climatic area code has already been assigned to the claim, verify the climatic area using the 1986 map.

d. Feasibility Check: Claims that will be decreed both a flow rate and a total volume should be checked for feasibility. Comparison statistics under the volume element on the examination worksheet list the maximum volume possible if water were diverted at the claimed flow rate throughout the claimed period of use (year round use equals 366 days). Compare this value to the claimed volume. When the claimed flow rate (Q) or period of use has been amended, recalculate the maximum feasible volume (V) using the following equations:

- For cfs: Feasible  $V = Q \times \text{days used} \times 1.9834711$
- For gpm: Feasible  $V = (Q \times \text{days used})/226.28542$

When the claimed volume exceeds the maximum feasible volume, standards will apply volume (VM) issue remarks to the review and decree abstracts. If the claimant wishes to resolve the issue remarks, discuss flow rate, volume, and period of use with the claimant in order to determine which may be in error.

Examples: V23 THE VOLUME OF THIS WATER RIGHT APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME IS GREATER THAN **3.20** ACRE- FEET PER ACRE PER YEAR.

V24 THE CLAIMED VOLUME EXCEEDS MAXIMUM FEASIBLE VOLUME. BASED ON THE FLOW RATE AND PERIOD OF USE, THE MAXIMUM VOLUME POSSIBLE IS **3.20** ACRE- FEET PER YEAR.

3. Specific Volume Examination Criteria: This section contains the guidelines for conducting examination and claimant contact. Separate subsections address the various specific guidelines, which differ depending upon the claimed type of irrigation system and type of historical right. Claimed volumes below the guidelines are generally accepted, but may be examined further if there is an apparent error or conflicting data.

a. Systems Involving Reservoirs: *(This section does not apply to prior decreed volumes—see "Prior Decreed Volumes" below ([Section VII.C.3.d](#))).* The claimed volume will be decreed for irrigation systems involving reservoirs where control of the reservoir is part of the right. When a reservoir is involved, data will be collected ([Rule 15 \(f\) W.R.C.E.R.](#)) according to the procedures in "Claim Examination: Reservoirs" (Section VI.H).

The volume values by climatic area for systems involving reservoirs are below. These values were used previously as volume guidelines for direct flood irrigation systems. A history and description of their development is in "Calculation of Volume Guidelines" (Exhibit VII-8).

Table VII-1: Climatic Area Values for Systems Involving Reservoirs

Climatic Area	AF/AC/YR Values
I	11.4
II	10.2
III	9.4
IV	8.5
V	7.2

When the claimed volume is greater than 15 AF and exceeds the above values, or is greater than 2 times the capacity of the reservoir, add the appropriate volume (VM) issue remark(s) to the department's examination worksheet ([Rule 15 \(h\) 5 W.R.C.E.R.](#)). If questions arise, consult with a supervisor.

Example: V35 THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS **17.80** ACRE FEET PER ACRE.

When the claimed volume is below the AF/AC/YR value and is less than 2 times the reservoir capacity, the volume will generally be accepted, providing the delivery system is adequate. Add a volume (VM) information remark to the examination worksheet noting the volume was not examined:

Example: VM THE VOLUME CLAIMED IS 15 AF OR LESS AND WAS NOT EXAMINED.

If the delivery system cannot deliver the claimed volume, add an issue remark per [Rule 15 \(h\) 5 W.R.C.E.R.](#):

Example: V111 THE CLAIMED VOLUME CANNOT BE CONFIRMED DUE TO LACK OF DATA.

A volume will not be decreed for irrigation claims which use other than stored water, such as direct flow diversions upstream from a reservoir or a small reservoir as part of a large direct flow system, e.g., 0.4 AF reservoir for 20 acres of irrigation.

One method to determine if an irrigation claim uses other than stored water from the reservoir is to compare the claimed volume to a calculated volume based on claimed acres multiplied by the appropriate climatic area volume value. Compare the smaller volume to the capacity of the reservoir. If the claimed or calculated volume is greater than 2 times the capacity of the reservoir, the claim may be primarily a direct flow irrigation system. This approach may not work throughout Montana—consult with a supervisor to determine a basin-wide method. A Reservoir With Irrigation Questionnaire (Exhibit VI-7) has been developed that may aid in determining direct flow irrigation systems.

When determining a possible direct flow system, be aware of supplemental right relationships. A small reservoir claim as part of a large system may utilize stored water to supplement other water rights and therefore may not be a direct flow system.

Claimant contact may be necessary to understand the relationship between the reservoir, the irrigation system, the claimed volume, and claims which may be supplemental. When it is determined that storage is a minimal part of the total volume used, cross out the claimed volume on the examination worksheet, making the value null (no value). Add an asterisk in the brackets to the left of the volume element and add a volume (VM) information remark to the department's examination worksheet. See "Flow Rate: Flow Rate Criteria: Systems Involving Reservoirs" ([Section VII.B.3.a](#)) for further information on retaining the flow rate in such cases. [Rule 15\(f\), W.R.C.E.R.](#)

Examples: V9 PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

Retain the reservoir record. When standards are applied, the following volume (VM) information remark will be added to the review and decree abstracts:

Example: VF009 THE TOTAL VOLUME OF THIS RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

b. Water Spreading Systems: *(This section does not apply to prior decreed volumes. See "Prior Decreed Volumes" below ([Section VII.C.3.d](#))).* A volume will be decreed for water spreading systems. The volume guidelines by climatic area for water spreading systems are below ([Rule 15 \(e\) \(1\) W.R.C.E.R.](#)). These values were used previously as volume guidelines for irrigation systems. A history and description of their development is in "Calculation of Volume Guidelines" (Exhibit VII-8). [Rule 15\(e\), W.R.C.E.R.](#)

Table VII-2: Climatic Area Guidelines for Water Spreading Systems

Climatic Area	AF/AC/YR Guidelines
I	2.3
II	2.0
III	1.9
IV	1.7
V	1.4

When a claimed volume based on a filed or use right for a water spreading system exceeds the guideline for the respective climatic area, it will be reduced to the guideline when standards are applied, unless there is a KEEP/CLAIMED flag accompanying the volume. The V5 information remark (containing the appropriate guideline value) and an asterisk will be added to the review and decree abstracts. The claimant should be notified of this reduction.

Example: V5 THE VOLUME OF THIS WATER RIGHT HAS BEEN REDUCED TO THE 1.7 ACRE-FEET PER ACRE GUIDELINE FOR WATER SPREADING. THE VOLUME MAY BE CONTESTED BY PROPER OBJECTION.

Claims formerly decreed by volume will not have the claimed volume reduced by standards. See "Prior Decreed Volume" below ([Section VII.C.3.d](#)).

A claimed volume greater than the guideline may be substantiated by **pre-July 1, 1973** information:

- records submitted with the claim
- ditch measurements
- water commissioner records
- WRS data
- state project records
- Bureau of Reclamation records
- information obtained through claimant contact

If substantiated, note a KEEP/CLAIMED flag below the volume element on the examination worksheet.

c. Direct Flow Systems: (*This section does not apply to prior decreed volumes—see "Prior Decreed Volumes" below ([Section VII.C.3.d](#))*). A volume will not be decreed for direct flow irrigation rights. Direct flow irrigation includes flood and sprinkler systems (with or without pumps), subirrigation, and natural overflow. (It does not include systems using stored water from reservoirs or water spreading systems.) The volume should be null (no value) on the examination worksheet. Add an asterisk in the brackets to the left of the volume element on the examination worksheet. Standards will apply the following volume (VM) information remark to the review and decree abstracts. The claimant should be notified. [Rule 15\(c\), W.R.C.E.R.](#)

Example: VF009 THE TOTAL VOLUME OF THE RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

d. Prior Decreed Volumes: In some district court cases prior to the passing of SB76, water rights were decreed a volume. Prior decreed volumes must be retained to appear on the review and decree abstracts. Add a volume (VM) information remark to the examination worksheet: [Rule 15\(d\), W.R.C.E.R.](#)

Example: V10 THIS VOLUME WAS DECREED IN A PRIOR DECREE, CASE NO. 0000, MONTANA COUNTY.

Decree Exceeded: Compare the claimed volume to the volume decreed in the submitted documentation. If the claimed amount exceeds the prior decreed amount, add the following volume issue remark to the department's examination worksheet:

Example: V30 THE CLAIMED VOLUME EXCEEDS THE 1,750 ACRE-FEET DECREE IN A PRIOR DECREE, CASE NO. 0000, MONTANA COUNTY.

Be aware that an implied claim may be involved if the claimant uses the difference between the claimed and decreed amounts.

Volumes that are based on prior decreed water rights will be recorded. Enter the following in the Historical Rights tab under “Courthouse Filing Information (Historical Filing)”:

- County
- Right Type
- Origin
- Filing Date (to distinguish a case or document if have the same number)
- Case/Document number
- Decreed appropriator
- Source
- Decreed priority date
- Miners inches or volume
- Flow Description
- Volume Description

In the past, the method was to write the decree information on an index of the old decree. When recording the proof of use submitted with a claim in an index, the following information was recorded:

- Purpose code (i.e., IR, FW, CM)
- Claim number
- Claimed flow rate
- Claimant

In some basins, both methods may be used simultaneously. “Recording Decreed Rights (Example WRS Decree Index)” (Exhibit VII-6) is an example of how documentation was recorded.

When a prior decreed right is found to be exceeded by the combined volume of claims based on that right, add a free text decree exceeded (DE) issue remark similar to the D5 to the department's examination worksheet, but modified to refer to volume and acre-feet:

Example: DEIS THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREEED WATER RIGHT. THE SUM OF THE CLAIMED VOLUMES EXCEEDS THE 15 ACRE-

**FEET DECREED IN CASE NO. 0000, MONTANA COUNTY. 000000-00, 000000-00, 000000-00.**

Compare claimed volume to Table VII-3 below. These values were used previously as volume guidelines for all irrigation systems. A history and description of their development is in "Calculation of Volume Guidelines" (Exhibit VII-8). When the claimed volume exceeds the values, add a volume (VM) issue remark to the department's examination worksheet:

Example: V23 THE VOLUME OF THIS WATER RIGHT APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME IS GREATER THAN **3.20** ACRE-FEET PER ACRE PER YEAR.

Table VII-3: Climatic Area Guidelines for Various Systems (Decreed)

Climatic Area	Systems With Reservoirs AF/AC	Flood Systems Without Pumps AF/AC	Sprinkler and Pumped Systems AF/AC	Water Spreading Systems AF/AC
I	11.4	5.7	3.8	2.3
II	10.2	5.3	3.5	2.0
III	9.4	5.0	3.3	1.9
IV	8.5	4.6	3.1	1.7
V	7.2	4.4	3.0	1.4

4. Volume Issues: Note any volume issues on the examination worksheet. At the completion of examining the ownership, the claimant should be notified through claimant contact of all issue remarks.

**Claimant contact must occur upon completing examination of the ownership if the volume is unreasonable, an issue remark exists, or the system is unclear.**  
[Rules 15\(h\)\(5\) and 44, W.R.C.E.R.](#) and Section IV.F.

a. Volume Excessive: When a claimed volume that will be decreed appears excessive for the circumstances of the claim (diversion and conveyance, POU, climatic area), add a volume (VM) issue remark to the department's examination worksheet:

Examples: V35 THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS **17.80** ACRE-FEET PER ACRE.

V40 THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS **2.9** TIMES THE CAPACITY OF THE RESERVOIR.



G975 THE CLAIMED VOLUME EXCEEDS MAXIMUM FEASIBLE VOLUME. BASED ON THE FLOW RATE AND PERIOD OF USE, THE MAXIMUM VOLUME POSSIBLE IS **210** ACRE-FEET PER YEAR.

b. Volume Inadequate: When a claimed volume that will be decreed appears exceptionally low, generally below 0.5 AF/AC, add the following volume (VM) issue remark to the department's examination worksheet:

Example: V45 THE CLAIMED VOLUME APPEARS TO BE INADEQUATE FOR THE CLAIMED PURPOSE.

c. No Volume Claimed: When no volume has been claimed for a water spreading system, a system involving a reservoir, or a prior decreed volume, add a volume (VM) issue remark to the department's examination worksheet:

Examples: V50 NO VOLUME HAS BEEN CLAIMED. THE VOLUME GUIDELINE FOR THIS AREA IS **2.00** ACRE-FEET PER ACRE.

V95 NO VOLUME HAS BEEN CLAIMED.

V96 THE VOLUME HAS NOT BEEN EXAMINED AS NO QUANTIFIED VOLUME WAS CLAIMED.

Check that the volume element on the examination worksheet is expressed as null (no value) and indicate a KEEP/CLAIMED flag on the examination worksheet.

For direct flow systems where a volume will not be decreed, accept the claim as submitted. No issue remark or claimant contact is necessary. Check that the volume element on the examination worksheet is null (no value).

d. Maximum Acres Issue May Affect Volume: If a maximum acreage issue was identified when examining the place of use element and a volume is to be decreed, add the following volume (VM) issue remark to the department's examination worksheet if the criteria below are met:

Example: V55 VOLUME MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

This remark should only be added when there is no KEEP/CLAIMED flag on the volume and it is determined the acre-feet/examined acres (using the lowest data source figure) exceeds the guideline. If, for example, a claim which involves a reservoir indicates a volume of 100 acre-feet (Climatic Area III), and the lowest number of examined acres equals 20 (5 acre-feet/ac), this remark is not needed because it is below the guideline.

e. Claimed Volume not Numerically Quantified: When a claimed volume for a water spreading system, systems involving a reservoir, or a prior decreed volume states "ALL" or a portion of "ALL" (e.g., "½ of ALL"), the following procedures apply:

- For prior decreed rights, check that the volume is expressed as null (no value) and a KEEP/CLAIMED flag is designated. Add a volume (VM) information remark to the examination worksheet to identify the claimed volume:

Examples: V11 ENTIRE VOLUME OF THE SOURCE AS DECREED IN A PRIOR DECREE, CASE NO. **0000, MONTANA** COUNTY.

V12 THIS RIGHT IS FOR **ONE-FOURTH** THE VOLUME OF **DOE CREEK** AS DECREED IN A PRIOR DECREE, CASE NO. **0000, MONTANA** COUNTY.

- For filed or use rights where a volume is to be decreed, add a volume information remark (V13) **and** a volume issue remark (V96) to the examination worksheet:

Examples: V13 **ENTIRE/ONE-FOURTH THE** VOLUME OF **DOE CREEK**.

V96 THE VOLUME HAS NOT BEEN EXAMINED AS NO QUANTIFIED VOLUME WAS CLAIMED.

Check that the volume is expressed as null (no value) and a KEEP/CLAIMED flag is designated on the examination worksheet.

D. PLACE OF USE (POU)  
[Rule 12, W.R.C.E.R.](#)

An irrigation place of use (POU) is the land to which water is applied. The POU is defined by a legal land description and an acreage value. The size of the POU relates closely to the amount of water claimed for an irrigation water right. As a result, the examination of the POU is a very important part of the overall analysis of an irrigation claim.

The claimant was required to support the POU on the claim form by submitting a map of the POD, conveyance, and POU ([§85-2-224\(2\) MCA](#)).

The examination of the claimed POU for an irrigation claim has two phases. First, identify the claimed POU and, when necessary, clarify it to make it clear and consistent with the claim file. Second, examine the claimed information for consistency with outside data sources. Both phases may require claimant contact. Generally, if the first phase requires contact, pursue the second phase for a better understanding of the claim prior to contact. [Rules 12\(a\)\(2\), and 44, W.R.C.E.R.](#) and Section IV.F.

**Claimant contact must occur upon completing examination of the ownership if the place of use is modified by rule; an issue remark exists, or is unclear.** [Rule 12\(a\),\(b\), W.R.C.E.R.](#)

1. Identifying the Claimed Place of Use: Using just the information in the claim file, check the acreage and location of the claimed POU. The POU on the claim form and the claimant's map should agree.

If the claimant's map is unclear, for example the POU is not outlined, add the following place of use (PL) issue remark to the department's examination worksheet:

Example: P305 THE CLAIMED **PLACE OF USE AND ACRES IRRIGATED** COULD NOT BE IDENTIFIED FROM DATA SUBMITTED WITH THE CLAIM.

P306 THE PLACE OF USE LEGAL LAND DESCRIPTION COULD NOT BE REFINED FROM INFORMATION IN THE CLAIM FILE.

Acreage: On the examination worksheet, compare the maximum acres value with the sum of the individual claimed parcels under the place of use element for agreement. The maximum acres figure is the total acres keypunched directly from the claim form whereas the sum of the individual claimed parcels is a database generated total. When a difference between the maximum acres and total parcel acres exist, check the arithmetic, claimant's map, and aerial photograph.

If the maximum acres do not equal the sum of the parcels, add a maximum acre (MA) issue remark to the examination worksheet. See "Maximum Acre Issues" ([Section VII.D.4.h](#)) for additional information.

Example: M100 THE MAXIMUM ACRES CLAIMED MAY BE QUESTIONABLE. THE SUM OF THE PARCEL ACRES IS **350.00**.

Legal Land Description: Compare the claimed parcel land descriptions to the claimant's map. The map and claimed parcels should agree. Many water right claimants were not familiar with legal land descriptions. One result of this unfamiliarity is a large number of inaccurate and/or overly general descriptions of claimed places of use. See "Modifying by Rule: Claimed Acreage or Legal Land Descriptions" below ([Section VII.D.1.a](#)).

The database allows for the addition of a fourth  $\frac{1}{4}$  section breakdown to a legal land description. This should only be done when the claimant's map or the data sources are extremely precise, or the claim indicates a fourth  $\frac{1}{4}$  description. POUs in highly subdivided areas or a townsite could warrant a fourth  $\frac{1}{4}$  description.

Check whether the POU involves a subdivision, government lot, certificate of survey, etc. See "Claim Examination: Additional Legal Land Descriptions" (Section VI.E.) for processing instructions.

a. Modifying by Rule: Claimed Acreage or Legal Land Descriptions: The degree to which acreage or legal land descriptions can be modified per [Rule 12 \(d\) W.R.C.E.R.](#) without benefit of claimant contact depends on the quality of the claimant's map, and outside data sources (plat books, aerial photos, realty transfer certificates, etc.). The claimant's intent must be clearly established by their map or other information in the claim file, preferably both. [Rules 12\(d\)\(2\) and 33\(b\)\(1\),\(4\), W.R.C.E.R.](#)

- Simple arithmetic errors in acreage may be modified by rule to the correct value. Parcel acreage may be modified by rule without claimant contact. If an acreage discrepancy is not simple arithmetic or parcel adjustment, add a place of use (PL) issue remark to the examination worksheet:

Examples: P305 THE CLAIMED **PLACE OF USE AND ACRES IRRIGATED** COULD NOT BE IDENTIFIED FROM DATA SUBMITTED WITH THE CLAIM.

P306 THE PLACE OF USE LEGAL LAND DESCRIPTION COULD NOT BE REFINED FROM INFORMATION IN THE CLAIM FILE.

A downward or upward change to the total acreage stated on the claim form which involves more than a simple arithmetic error may **only be made by amendment**. **Contact the claimant if there is an issue with the acreage beyond simple arithmetic**. Consider requesting a new map from the claimant.

- Adjustments to the claimed legal land description may be modified by rule to a refined or adjusted value if the claimant’s intent is clearly established. If the claimed legal land description is not clear, add a place of use (PL) issue remark (P305, P306, or M100) to the examination worksheet.

If there are adjustments to the acreage because of mathematical error or the legal land description is refined, document the change to the claimed POU directly on the examination worksheet or by attaching a “DNRC Examination Worksheet POU Addendum” (Exhibit VII-9) or similar, to the examination worksheet. Indicate the acreage or legal land description has been modified by rule under the place of use element on the examination worksheet. If the POU acreage or legal land descriptions are changed so that they differ on the review or decree abstract from the claim form, place an asterisk in the brackets to the left of the place of use element on the examination worksheet. The claimant must be notified of such changes.

Acreage Errors: There are numerous reasons why the claimed parcel acres and maximum acres may need adjustment, such as:

- parcel listed twice
- parcel omitted
- acres too high or too low for land description
- arithmetic errors

For example, a claim is encountered where the claimed acreage values do not match the claimant's map. The claimed place of use on the statement of claim is described as:

32 acres	NWSW
18 acres	SWSW
<u>10 acres</u>	SESWNW
60 acres total	

The **claimant's map** and **department data sources** clearly depict the following:

38 acres	NWSW
18 acres	SWSW
<u>4 acres</u>	SESWNW
60 acres total	

The place of use acreage should be modified by [Rule 12 \(d\) W.R.C.E.R.](#) if no apparent possibility of conflict in ownership exists. If the POU acreage or legal land descriptions are changed so that they differ on the review or decree abstract from the claim form, place an asterisk in the brackets to the left of the place of use element on the worksheet. The claimant should be notified of such changes.

Legal Land Description Errors: There are numerous reasons why the claimed legal land descriptions may need correcting or refining, such as:

- duplicate parcels
- missing parcels
- backwards legal land description
- incorrect legal land description
- overly general or overly specific legal land description

For example, a 10 acre parcel might have been described by the claimant as lying within the NW $\frac{1}{4}$  of Section 26. This legal land description might be revised to more precisely define the POU in several different ways, depending on the information in the claim file and confirmed by other available data sources.

Claimed:	10 acres	NW
Solution 1:	10 acres	SWNW
Solution 2:	7 acres	SESWNW
	3 acres	SWSWNW

In some instances, a claimant may list a larger claimed acreage than the legal land description can accommodate, e.g., 150 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 26. In this example, review the claimant's map and other data sources to identify the place of use. If the claimant's map clearly depicts the POU that is confirmed by other data sources, the legal and the associated acreage should be modified by rule ([Rule 12 \(d\) W.R.C.E.R.](#)). The legal land description could be broken into smaller parcels, or the legal description could be made more general.

Claimed:	150 acres	NWSW
Solution 1:	80 acres	S2SW
	40 acres	NESW
	30 acres	NWSW
Solution 2:	150 acres	SW

If the POU acreage or legal land descriptions are changed so that they differ on the review or decree abstract from the claim form, place an asterisk in the brackets to the left of the place of use element on the examination worksheet. The claimant should be notified of such changes.

b. Changing Claimant Contact Points: If the total acreage value is changed because of modifying by rule or by an amendment submitted by the claimant, the "claimant contact points" must be adjusted. Claimant contact points are discussed further in "Analyzing Claimed and Data Source Acreage Totals" ([Section VII.D.2.e](#)) and a

depiction of how claimant contact points are derived is in “Definition of Claimant Contact Regarding Irrigated Acreage” (Exhibit VII-10).

The claimant contact points are listed directly below the place of use element on the examination worksheet. After the acreage has been updated in the database, generate a new examination worksheet which will show the new claimant contact points. Alternatively, the claimant contact points can be calculated using the equations below. Document the new claimant contact points by writing them on the worksheet.

The contact points are only guidelines. For extremely large acreages (>50,000), the claimant contact points should be used with some judgment—consult with a supervisor.

$$Cp = X - 0.8(X^{0.6})$$
$$Cp = X + 0.8(X^{0.6})$$

where X = new total claimed acres

Cp = new claimant contact point

2. Examining Place of Use: Using WRMapper, digitize the claimed place of use. Sometimes scanning the claimant’s map and adding it to WRMapper (georeferencing known points) may help in re-creating the claimant’s map. Also digitize the examined place of use using two primary data sources. An extensive overview of aerial photo interpretation is available on the Adjudication Shared Drive under Claim Examination Documents\Training.

Once the claimed POU has been properly identified, examine the POU to confirm the accuracy and existence of the irrigated acres, and the accuracy of the legal land descriptions. Variance between the claimed POU and examined POU may only be changed by an amendment.

Water supply organizations, irrigation districts, canal companies, ditch companies, etc. should be mapped if the rights are appurtenant to a specified place of use.

a. Data Sources: The POU indicated on the claim and examination worksheet will be compared with two or more data sources per [Rule 12 \(b\) W.R.C.E.R.](#) These data sources may include but are not limited to the following:

- USDA aerial photographs taken between 1975 and 1980
- USGS orthophotoquads
- USGS topographic maps
- Water Resources Survey (WRS) data and materials
- WRS published survey
- WRS photos
- WRS field notes
- U.S. National Forest Service maps

- Bureau of Land Management maps
- On-site visit at request of claimant

Although topographic maps do not provide a pictorial representation of the POU, they do provide important evidence about slope and the feasibility of irrigating from the source claimed. This information is not easily interpreted on aerial photographs. Also, topographic maps occasionally depict conveyance ditches and spreader dike systems.

The Water Resource Survey (WRS) data and materials were compiled for most counties by the Montana Water Conservation Board in the 1940's through 1960's. WRS materials consist of field notes, published books, 2" per mile (or greater) mylar maps, and 2" per mile (or greater) aerial photographs. The maps in the published survey books are 1" per mile and may be too small to make precise acreage calculations. The 2" per mile mylar maps show areas under irrigation at the time of the survey. Specify the type of WRS data on the examination worksheet.

On-site visits at the invitation of the claimant may become a data source when facts and issues cannot be resolved by other data sources, including claimant contact. See "Examination Materials and Procedures: Investigation Techniques" (Section IV.G).

b. POU Data Source Review: Use a minimum of two data sources to determine whether the claimed acreage is actually irrigated from the claimed POD. The principal data sources used in this examination are the 1975-80 USDA aerial photographs and the WRS data listed above. By comparing the claim and examination worksheet to each of these sources, and the sources to each other, an analysis of the changes in POU over time can be made.

Using two data sources, one earlier than the other, illustrates the changes taking place over time such as significant acreage taken out of, or put into, production between the two snapshots in time. For example, if the WRS data indicate that 50 of the claimed acres were irrigated in 1968, but a 1978 photo shows only 20 acres being irrigated, a non-use issue may exist. Similarly, if the WRS shows 20 irrigated acres, but a 1978 photo shows 50 irrigated acres, an incremental development issue might exist.

Two data sources may not always be available for certain areas or for claims with priority dates nearing 1973. Bring such claims to the attention of a supervisor. Every attempt will be made to find a second data source, preferably pre-1980. If a second data source exist that is post-1980, it will generally not be used for identifying issues (unless it speaks to extended non-use). The post-1980 data source can be used to document the examiner's analysis.



In some cases only one data source will exist. In these situations, only one data source will be used and the fact noted on the examination worksheet. A 1970 priority date, for example, postdates the WRS data for most counties. Since the late priority date makes pre-1973 incremental development or non-use less likely, the lack of a second data source is not likely to result in a deficient examination. If there is reason to believe an issue exists, see "Special Provisions: Change in Appropriation Right" (Section XI.F.) for potential issue remarks. Post-1973 changes in irrigated acreage are subject to the Montana Water Use Act, not the Water Court adjudication.

Also determine whether all acres that appear irrigated are actually served by the claimed source and conveyance system; the acres might be served by a different source or conveyance system. *Care should be taken to avoid crediting an active irrigation system with naturally subirrigated acres. Natural subirrigation sometimes resembles full service irrigation on an aerial photograph.* The area may be adjacent to a stream and always appears wet. Check photo dates and topographic maps for indications of springs in the area.

Claimed Acres 2.50 or Less: Acreage totals of 2.5 acres or less are presumed to be valid unless a data source, e.g., county plat, clearly contradicts the claim. Aerial photographs are generally not effective tools for reviewing small acreage. Note on the examination worksheet "POU not examined due to size."

Claimed Acres 2.51 - 5.00: Compare claims of 2.51 to 5.00 acres with a minimum of two data sources for evidence of irrigation and to see if the claimed acreage appears correct. If the data source clearly contradicts the claimed acreage, add the appropriate place of use (PL) issue remark:

Examples: P320 THE PLACES OF USE FOR **IRRIGATION** CLAIM NO. **000000-00** AND **DOMESTIC** CLAIM NO. **000000-00** OVERLAP.

P325 THE CLAIMED PLACE OF USE DOES NOT APPEAR TO BE USED FOR DOMESTIC IRRIGATION PURPOSES.

P330 ONLY **2.00** ACRES OF THE CLAIMED PLACE OF USE APPEAR IRRIGATED FOR DOMESTIC PURPOSES.

c. Data Source Criteria: For each claimed POU parcel, review the two principal data sources—the 1975-1980 USDA aerial photographs and the WRS data listed above—for evidence that the claimed acreage was being irrigated at the time the data source was compiled. If a third data source is available, review the claimed POU in the same manner. Any two data sources may be used in the examination. If two sources, one of which is not a 'principal data source,' represent the claimed information, use the two best data sources.

Flood Irrigation or Flood/Sprinkler Irrigation: The following are the examination criteria for determining historical flood irrigation or flood/sprinkler irrigation. A claimed parcel needs to meet only one of the criteria to confirm claimed acres on a given data source.

- The 1975-80 USDA aerial photographs must show a definite shade contrast indicating irrigation when compared to non-irrigated lands in the vicinity. Also, evidence of a supply ditch from the claimed source must show on the photo. In a floodplain or areas with a high water table, these criteria may require a liberal interpretation.

OR

- The 1975-80 USDA aerial photograph must show some evidence of the irrigation system. Do not count areas of brush and trees unless claimant contact supports irrigation in such areas. Do not count roads and buildings. Evidence must include:
  - main supply ditch from the claimed source,
  - lateral spreader ditches, or some system of controlled water spreading, and
  - clearly defined field boundaries (shade contrast) especially on the down slope side of the field.

OR

- WRS materials indicate irrigation.

Sprinkler Irrigation: The following are the examination criteria for determining historical sprinkler irrigation. A claimed parcel needs to meet only one of the criteria to confirm claimed acres on a given data source.

- The 1975-80 USDA aerial photograph must show some evidence of the irrigation system, such as:
  - conveyance ditches from the claimed source
  - holding ponds
  - irrigation wells
  - pump houses
  - wheel lines
  - surface or buried mainlines
  - center pivots
  - irrigated field boundary must show a definite shade contrast

OR

- The 1975-80 USDA aerial photograph must show a definite shade contrast indicating irrigation when compared to non-irrigated lands in the vicinity. A definite irrigated field boundary must be determined. A conveyance system from the claimed source should show on the aerial photograph or must be clearly illustrated on the claim map.

*The above criteria are not always valid in areas with a high water table. Most fields irrigated by wheel lines are rectangular in shape but some fields have irregular ends that may be covered with handlines. Fields irrigated by center pivots are round, generally, but some cover corners with end guns or handlines. Acreage claimed under traveling gun sprinklers can be difficult to identify. Few traveling guns were used before 1975. Some traveling boom sprinklers (rotating booms) were installed from about 1969 to 1974, but they irrigated limited amounts of acreage and were limited to less than 4% slope.*

OR

- WRS materials indicate irrigation.

Subirrigation and Natural Overflow: The following are the examination criteria for determining subirrigation or natural overflow. A claimed parcel needs to meet only one of the criteria to confirm claimed acres on a given data source.

- The USGS topographic map must confirm the claimed boundaries as being feasible. The claimed POU must be approximately at the same contour (elevation) as the source.

OR

- The 1975-80 USDA aerial photograph must show a definite shade contrast when compared to non-irrigated lands in the vicinity. Because of dry years or the time of year photographs were taken, there may not be evidence of subirrigation or natural overflow over the entire area.

OR

- WRS field note information and aerials indicate subirrigation or natural overflow. (The published WRS usually does not indicate areas of subirrigation or natural overflow. A remark will not be added to note the WRS data unless the area is specifically documented in the survey and disagrees significantly with the claimed acreage.)

d. Mapping Place of Use and Data Source Results: The place of use for irrigation claims is mapped in WRMapper because it shows the accurate location of the area examined, a pictorial view of supplemental rights, and irrigated land claimed by unrelated owners. Digitize the claimed place of use from the claimant's map. Also

digitize the examination results from the 1979-1980 aerial photograph (referred to in WRMapper as 'Examined') and from the WRS aerial photograph (referred to in WRMapper as 'WRS'). These results should be produced in a PDF report created from WRMapper. The reports MUST be named according to "Exporting and Naming Reports" ([Figure VII-1](#)):

## Figure VII-3

### Exporting Mapper Reports and Naming Convention

#### Exporting Reports to .PDF Format

Once you have your report the way you want it to look, you need to export it as a .PDF.

1. In ArcMap, click on the *File* menu and choose *Export Map* on the dropdown list.
2. In the *Save in* dropdown menu, navigate to *C:\wrmapper\reports\*
3. In the *Save as type* dropdown, choose the PDF (\*.PDF) option.
4. On the *General* tab, set the resolution to 125dpi.
5. For the *File name*, use the naming convention listed below to name your file. Click save.

#### WRMapper Reports Naming Convention:

Reports must be named according to these instructions.

Basin Number Water Right Number Water Right Type Extension.Report Type

#### Examples:

76L 123456 STATEMENT OF CLAIM 00.C.pdf  
76L 123456 STATEMENT OF CLAIM 00.E.pdf  
76L 123456 STATEMENT OF CLAIM 00.W.pdf  
76L 123456 STATEMENT OF CLAIM 00.CE.pdf  
76LJ 123456 STATEMENT OF CLAIM 00.CW.pdf  
76LJ 123456 STATEMENT OF CLAIM 00.CEW.pdf  
76LJ 123456 STATEMENT OF CLAIM 00.EW.pdf  
41QJ 123456 RESERVED CLAIM 00.C.pdf  
76L 123456 IRRIGATION DISTRICT 00.E.pdf  
76LJ 30123456 STATEMENT OF CLAIM.EW.pdf

There should be a space between each part of the name, except for before the report type where there should be a period.

All letters should be in CAPS.

**As we may want to extract all the claimed maps into a separate file, there should be only one file with a 'C' in the report type.**

## Figure VII-1 (cont.)

### Water Right Types:

Water right types must be written exactly as they are in the following list:

IRRIGATION DISTRICT  
STATEMENT OF CLAIM  
RESERVED CLAIM  
POWDER RIVER DECLARATION  
INTER-STATE CLAIM

### Extension:

This is the two digits (usually 00) that follow the water right number. If there isn't an extension for the water right (a 30,000,000 number), you can skip this part of the name.

### Report Types:

Report showing the **claimed** information only: C  
Report showing the **examined** information only: E  
Report showing the **WRS** information only: W  
Report showing the **claimed and examined** on the same report: CE  
Report showing the **claimed, examined & WRS** on the same report: CEW  
Report showing the **claimed and WRS** on the same report: CW  
\*Report showing **stock** claims: CE  
\*Report showing **domestic** claims: CE  
\*Report showing all "**other uses**" claims: CE  
\*\*Report showing **supplemental** claims: SU

\*If you have been using the purpose (or purpose abbreviations) as part of the name; here are your options.

\*\* Should be saved in your own files, not part of the files we export for FileNet.

(Optional: You can export a second copy with any naming convention you wish to another location for your own organizational purposes, but you **MUST** save a copy of every report following the instructions above.)

The POU element on the examination worksheet provides space to record the results of examining two separate data sources. In the "Data Source" area on the examination worksheet, note the data source, e.g. USDA or WRS or a third data source. Record the Photo ID, date, and county of the principal data sources on the examination worksheet.

Using tools in WRMapper to determine examined acres, record the examined irrigated acres from each data source on the examination worksheet. Each data source

has one space per corresponding claimed parcel. For example, a POU of twelve parcels will have twelve lines under Data Source No. 1 and twelve lines under Data Source No. 2. If no acreage issues exist, the examination results may be recorded by broad legal land descriptions, i.e. by section. However, **if acreage issues are apparent, the examination acreage should be by parcel description.**

Examination Worksheet POU Addendum: If additional space is needed to record POU examination results, use the “DNRC Examination Worksheet POU Addendum” (Exhibit VII-9) or similar. This form can be used to document the examination of a refined, amended, or alternative POU. Whenever an addendum is used, make a note in the POU element comments area. It is suggested the entire POU be placed on the addendum to reduce confusion.

e. Analyzing Claimed and Data Source Acreage Totals: After listing the examined irrigated acres on the examination worksheet for each of the data sources, compare the examined acreage totals to the claimant contact points listed below the place of use element.

Claimant Contact Points: The claimant contact points listed on the examination worksheet are based on the logarithmic equations shown in "Changing Claimant Contact Points" above ([Section VII.D.1.b](#)) and in Exhibit VII-10 which shows a scale illustrating the contact points. The range in the contact points allows for aerial photo distortion and examiner interpretation error. These contact points indicate the minimum discrepancy between claimed and data source acreage totals requiring claimant contact. Be sure the contact points have been revised to reflect any adjustments made to the claimed acreage total.

Comparing Data Source Totals to Claimant Contact Points: Compare each of the two principal data source acreage totals with the claimant contact points. If either of the acreage totals falls outside the range defined by the contact points, a place of use (PL) issue remark will be added to the claim. See “Specific POU Acreage Guidelines” ([Section VII.D.3](#)) and “Place of Use Issues” ([Section VII.D.4](#)) below.

f. Changing Claimed Place of Use: The claimed POU will not be changed during the examination unless:

- amended by the claimant; [Rule 12\(d\)\(1\), W.R.C.E.R.](#)
- modified by rule (clarified) by the department without claimant contact if the claimed intent is clear or with claimant contact if the claimed intent is unclear; [Rules 33\(b\)\(1\), \(4\) and \(c\), W.R.C.E.R. Section VII.D.1](#)
- modified by rule (clarified) by the department to the nearest reasonable and concise legal land description [Rules 12\(d\)\(2\) and 33\(b\)\(4\)\(i\), W.R.C.E.R. Section VII.D.1.](#)

When the claimed POU is changed so that the review or decree abstract will differ from the claim form, addendum, or amendment, place an asterisk in the brackets to the

left of the place of use element on the examination worksheet. The claimant must be notified of such changes.

3. Specific POU Acreage Guidelines: The following are guidelines for common situations encountered when examining POU acreage. For each situation described below, a general course of action is described. These specific situations are:

- a. [Both Sources Within Range](#)
- b. [Both Sources or Only Aerial Photograph Below Range](#)
- c. [Only WRS Below or Above Range](#)
- d. [Both Sources or Only Aerial Photograph Above Range](#)
- e. [Discretionary Contact](#)

a. Both Sources Within Range: Both principal data source acreage totals lie within the claimant contact point range. Furthermore, the claimed acreage does not present any discrepancies that may require claimant contact [Rule 12\(b\)\(2\), W.R.C.E.R. Section VII.D.3.e.](#)

Example: Claimed: 100 acres (claimant contact points = 87 to 113 acres)  
Examination Results:  
= WRS 98 acres  
= USDA 95 acres

In this example, there are no acreage issues and thus no claimant contact regarding the place of use element.

b. Both Sources or Only Aerial Photograph Below Range: When just the USDA aerial photograph examined acreage or both of the principal data source acreage totals are below the claimant contact point range, add the appropriate place of use (PL) issue remark to the examination worksheet (see Section V: Place of Use P235 through P330 for issue remarks). Claimant contact is required.

Examples: (1) Both data sources below range:  
Claimed: 100 acres (claimant contact points = 87 to 113 acres)  
Examination Results:  
= **WRS 70 acres**  
= **USDA 83 acres**

(2) USDA aerial photograph below range:  
Claimed: 100 acres (claimant contact points = 87 to 113 acres)  
Examination results:  
= WRS 89 acres  
= **USDA 83 acres**



In addition, examine the flow rate (or volume if to be decreed). If the flow rate (or volume) is above the guideline, add a flow rate (F180) issue remark (or volume (V55) issue remark) to identify the relationship between the place of use and flow rate (or volume).

Examples: F180 FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

V55 VOLUME MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

Contact the claimant by letter notifying them of any issues and the need for further information (see Exhibit IV- 9 or Exhibit VII-11 for examples). If circumstances or available information warrant it, an interview can be scheduled for the claimant to review and discuss the claim and data sources. During claimant contact, review both data sources with the claimant so they understand the issue. In addition, describe the adjudication process (examination, summary report, decrees, objections, etc.), and how the issue would be identified in each step of the process. **DNRC is directed by [Rule 1 \(b\) W.R.C.E.R.](#) to gather facts and identify issues. Do not attempt to persuade the claimant to alter the claim, just outline the options available.** If requested by the claimant, an on-site visit may be scheduled and conducted. It is important that the examiner maintain the chronology of the examination process and **document every step.**

The claimant may do any one of the following:

- The claimant provides documentation that confirms the claimed acreage. Document the data source or other evidence supporting the claimed acreage in the file. Place a copy of the documentation in the file. Also, clearly document any issue resolution. Examine as necessary.
- The claimant amends the claimed acres to within the contact range of both data sources. Check the flow rate (or volume if to be decreed) against the guidelines. If the flow rate (or volume) is above the guideline for the amended acres, run standard to apply the appropriate flow rate (or volume) issue remark (in some circumstances, the appropriate issue remark will need to be added manually). Clearly document any issue resolution. Examine as necessary.
- The claimant amends the claimed acres to a value matching the higher of the two data source totals, e.g., claimant amends from 100 acres to the USDA examined acreage of 83 acres. The claimant contact points are recalculated after the amendment is processed (range now equals 71 to 94 acres). The lower data source acreage (WRS examined acreage of 70 acres) still remains below the claimant contact range of the amended acreage. No other evidence is provided by the claimant to contradict the

lower data source. Check the flow rate (or volume if to be decreed) against the guideline. Examine as necessary. The issue remarks referencing the WRS data source will remain on the claim. Contact the claimant to notify them of the remaining issue remarks. There may be a judgment here if the data sources have a lot of distortion or other features that create an inherent acre discrepancy. Be sure to document any deviation from the claimant contact acreage range.

- The claimant amends the claimed acres to some other amount that is confirmed based on facts or observable data, i.e., another data source. Document the new data source and add a copy to the claim file if possible. Check the flow rate (or volume if to be decreed) against the guidelines. Clearly document any issue resolution. Examine as necessary.
- The claimant amends the claimed acreage to a value other than either examined data source total. Examine the amended total using the newly calculated claimant contact points. If the examined data source totals are within the new contact point range, the issue is resolved. Check the flow rate (or volume if to be decreed) against the guidelines. Clearly document any issue resolution and delete the appropriate issue remark from the database. If examination finds that either data source is outside the new contact point range, issue remarks will remain on the claim (modify the variables in the remark on the examination worksheet and in the database). Contact the claimant to notify them of the place of use (PL) issue remarks.

Flow Rate and Volume: When a claimant chooses to amend their claimed acreage, check the claimed flow rate (or volume if it will be decreed). If **either** is above the guideline for the amended acres, run standards to apply the appropriate flow rate (or volume if it will be decreed) issue remark (in some circumstances, the appropriate issue remark will need to be added manually). Claimant contact is required.

c. Only WRS Below or Above Range: When the acreage total identified in WRS materials is either above or below the claimant contact point range, add the appropriate place of use (PL) issue remark to the examination worksheet (see Chapter V: Place of Use P235 through P330 for issue remarks). Contact the claimant following the procedures in “Both Sources or Only Aerial Photograph Below Range” above ([Section VII.3.b](#)).

Examples: (1) WRS materials below range:  
Claimed: 100 acres (claimant contact points = 87 to 113 acres)

Examination Results:  
= **WRS 70 acres**  
= USDA 95 acres

- (2) WRS materials above range:  
Claimed: 100 acres (claimant contact points = 87 to 113 acres)  
Examination Results:  
= **WRS 138 acres**  
= USDA 95 acres

d. Both Sources or Only Aerial Photograph Above Range. When the aerial photograph or both of the principal data source totals are above the claimant contact point range, add the appropriate place of use (PL) issue remark to the examination worksheet (see Section V: Place of Use P235 through P330 for issue remarks).

Example: Claimed: 100 acres (claimant contact points = 87 to 113 acres)  
Examination Results:  
= WRS 108 acres  
= **USDA 115 acres**

Before contacting the claimant, review all other claims in the ownership including post-1973 rights and the data sources for the following explanations:

- Unclaimed irrigated ground that appears on an aerial photograph may be covered by a post-1973 water use permit.
- Unclaimed irrigated ground is irrigated from a different source, and part of a different water right.
- Unclaimed acreage is subirrigated.

If any one of these explanations is confirmed by a data source, the claimed acreage can be accepted, no issue remark needed, and claimant contact is not necessary.

If the above explanations are not supported by a data source, contact the claimant following the procedures in “Both Sources or Only Aerial Photograph Below Range” ([Section VII.3.b](#)).

e. Discretionary Contact: If a claim raises questions concerning the POU which could be resolved or more clearly understood by contacting the claimant, do so. For example, 100 acres of irrigation are claimed and 89 were identified on both data sources. Neither data source total is below the claimant contact point range; however, the claimed acreage appears incorrect and both data sources appear to be accurate. Claimant contact is optional.

Example: Claimed: 100 acres (claimant contact points = 87 to 113 acres)  
Examination Results:  
= WRS 89 acres  
= USDA 89 acres

Discretionary claimant contact might also be appropriate when claim examination clearly reveals an incremental development issue, even though the difference between the two standard data sources is small. For example, the WRS shows 100 irrigated acres, and the later aerial photograph shows 112. Although the later acreage figure is within the contact point range of 87-113, the option of contacting the claimant is available if it is clear this is an expansion of a water right, e.g., the historical flood irrigation right now expands onto adjacent bench land through the installation of a pump/sprinkler system.

4. Place of Use Issues: In addition to the place of use issues discussed in "Specific POU Acreage Guidelines" ([Section VII.D.3](#)), other issues may be encountered concerning the place of use. This section contains guidelines for the following situations: [Rule 12\(e\)\(6\), W.R.C.E.R.](#)

- a. [Overlapping POUs on Claims by Different Owners](#)
- b. [Claims by Individuals Where the POU is Located on State or Federal Lands](#)
- c. [POU not Irrigable by Source Claimed](#)
- d. [Claims to Irrigation District Rights Filed by Individuals](#)
- e. [Place of Use not in Montana](#)
- f. [Claimed POU Reflects a Post-June 30, 1973 Change](#)
- g. [Extended Nonuse](#)
- h. [Maximum Acres](#)

**Claimant contact must occur upon completing examination of the ownership if the place of use is modified by rule; an issue remark exists, or is unclear.** [Rules 12\(b\)\(c\) and 44, W.R.C.E.R.](#) and Section IV.F.

a. Overlapping POUs on Claims by Different Owners: When recording the POU using WRMapper, overlapping POUs by different owners may be encountered. Review the WRMapper AllCad layer or the [MT Cadastral Mapping Program](#). [Rule 12\(c\) and 12\(e\)\(6\)\(iii\), W.R.C.E.R.](#)

Following are situations where an overlapping issue may not be involved:

- A claim filed by a private individual overlaps the POU of an irrigation district, ditch company, or other water supply organization is not considered an overlapping issue.

- The relationship of the owners is husband/wife, parents/children, corporation/individual, etc. This would need to be confirmed with the claimants. If there is no overlapping issue, these claims should be identified in a supplemental rights relationship. See "Place of Use: Supplemental Rights" ([Section VII.E](#)).

The overlap may be due to imprecise maps and legal land descriptions provided by the claimant or a mapping error by the examiner. Make certain the claimants correctly depicted their POU. Heavily subdivided areas require precise mapping and maps used by many claimants were not adequate to distinguish small adjacent parcels. In some cases, claimed POU legal land descriptions can be modified by rule to correct an ambiguous situation. See "Modifying by Rule: Claimed Acreage or Legal Land Descriptions" ([Section VII.D.1.a](#)) above.

Overlapping POUs may be the result of both the buyer and the seller filing claims. If duplicate claims are involved, all claimants should be presented with options. If the claimants filed on a different water right for the same parcel, i.e., different sources, priority dates, etc., options may include co-ownership or division of the water right through a split process.

If the POU legal land descriptions cannot be modified through the limitations of "Modifying by Rule: Claimed Acreage or Legal Land Descriptions" ([Section VII.D.1.a](#)), add the following ownership (OW) issue remark to the department's examination worksheet for all the claims involved:

Example: O60 THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. **000000-00, 000000-00.**

b. Claims by Individuals Where the POU is Located on State or Federal Land: When examining a claimed POU that appears to be located entirely or partially on state or federal land, add an ownership (OW) issue remark to the department's examination worksheet. In addition, document on the examination worksheet the data source (BLM Land Status map, etc.) used to make this determination.

Examples: O65 THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. THE PLACE OF USE APPEARS TO BE ON **STATE LAND.**

O70 THE OWNERSHIP OF THIS RIGHT MAY BE QUESTIONABLE. PART OF THE PLACE OF USE APPEARS TO BE ON **FEDERAL LAND.**

O85 **MONTANA** COUNTY RECORDS AS OF **MM/DD/YYYY** SHOWS PLACE OF USE IS OWNED BY **USA (DEPT OF INTERIOR BUREAU OF LAND MGMT).**

O85 **MONTANA** COUNTY RECORDS AS OF **MM/DD/YYYY** SHOWS PLACE OF USE IS OWNED BY **15 DIFFERENT OWNERS. SEE CLAIM FILE FOR DETAILS.**

If the claim filed by an individual is duplicated by a state or federal claim, also add the following duplicate right (DU) issue remark to the department's examination worksheet:

Example: D95 THIS CLAIM APPEARS TO DUPLICATE CLAIM NO. **000000-00** FILED BY THE **BUREAU OF LAND MANAGEMENT.**

c. POU not Irrigated by Source Claimed: Data sources may show a claimed POU cannot be irrigated by the source claimed.

When this situation appears to exist, review all the claimant's claims and the data sources to be certain a POD or conveyance has not been overlooked. If the legal land description cannot be modified by [Rule 12 \(d\) W.R.C.E.R.](#) (see "Modifying by Rule: Claimed Acreage or Legal Land Descriptions," [Section VII.D.1.a](#)), add a place of use (PL) issue remark to the department's examination worksheet:

Examples: P295 THE CLAIMED PLACE OF USE DOES NOT APPEAR TO BE IRRIGATED BY WATER FROM THE CLAIMED SOURCE.

P300 PART OF THE CLAIMED PLACE OF USE DOES NOT APPEAR TO BE IRRIGATED BY WATER FROM THE CLAIMED SOURCE.

P301 PART OF THE CLAIMED PLACE OF USE MAY BE QUESTIONABLE. IT DOES NOT APPEAR THE PLACE OF USE **ALONG DOE CREEK AND SMITH CREEK ABOVE THE DOE CANAL** CAN BE IRRIGATED FROM THE CLAIMED SOURCE.

d. Claims to Irrigation District Rights Filed by Individuals: Occasionally individuals filed claims for water rights which duplicate or are shares in water supply organization claims. When it is apparent from the claim form or documentation that an individual has filed on the same water right as the water supplier claim, e.g., claimant mentions "15 shares" on claim form, or documentation contains a contract or certificate for shares, add the following place of use (PL) issue remark to the department's examination worksheet:

Example: D95 THIS CLAIM APPEARS TO DUPLICATE CLAIM NO. **000000-00** FILED BY THE **DOE IRRIGATION ASSOCIATION.**

If the duplication is confirmed, the claimant should be given options (see "Claim Examination: Priority Date: Priority Date Issues: Duplication" Section VI.J.3.h).

e. Place of Use not in Montana: If all or a portion of the place of use is in an adjacent state, the POU must be described with a place of use (PL) information remark on the examination worksheet (other states' principal meridians are different from Montana's). In addition, add a place of use (PL) issue remark to the department's examination worksheet:

Examples: PL PLACE OF USE IS IN SW SEC 2 TWP 20N RGE 21E LEMHI COUNTY, IDAHO.

P310 AN INTERSTATE USE OF WATER IS CLAIMED. PLACE OF USE IS IN **IDAHO**.

f. Claimed POU Reflects a Post-June 30, 1973 Change: When a claimed POU includes a change made after June 30, 1973 not in accordance with [§85-2-402, MCA](#), follow the procedures in "Special Provisions: Change in Appropriation Right" (Section XI.F). Changes may be discovered during claimant contact, on-site visits, or from information submitted with the claim.

g. Extended Non-use: For extended non-use situations, see "Claim Examination: Purpose: Purpose Issues: Extended Non-use" (Section VI.C.3.g).

h. Maximum Acres: Whenever the sum of the parcels claimed or amended do not equal the maximum acres as claimed or amended, attempt to resolve the problem. If, after claimant contact, the sum of the parcels still does not equal the maximum acres, add a maximum acre (MA) issue to the examination worksheet:

Example: M100 THE MAXIMUM ACRES CLAIMED MAY BE QUESTIONABLE. THE SUM OF THE PARCEL ACRES IS **400**.

Sometimes a claim is for a smaller number of acres than is contained within the POU. In this case, the max acres may not equal the sum of the parcels. Add the following place of use (PL) information remark:

Example: P191 ONLY **120** ACRES ARE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON WITHIN THE **400** ACRES DESCRIBED UNDER THIS RIGHT

5. Geocodes: Geocodes were initially assigned to water rights as either a one-to-one match or a one-to-many match based on the legal land description. At times, the legal land description associated with a water right was described very broadly, encompassing several parcels that may not have been within the true place of use. As a result, geocodes must be verified as belonging to the claimed place of use. Any geocodes assigned initially to the water right are listed below the place of use element on the examination worksheet.

Determine valid geocodes by using the AllCad layer in WRMapper or the [Montana Cadastral Mapping Program](#) information. Indicate a valid geocode with a 'Y' on the examination worksheet.

Once a place of use has validated geocodes, cross off any geocodes not associated with the place of use on the examination worksheet. In the database, delete these records from the Geocode tab under the Create and Maintain Water Rights screen.

Geocode issues: Every effort should be made to validate geocodes.

- If a geocode cannot be conclusively determined as belonging partially or wholly within the place of use, the geocode should have a 'N' designation (not validated). If an ownership update occurs involving any geocode with a designation of an 'N', the water right will require further research before the ownership update can occur.
- If a geocode is designated as valid ('Y') and it is found to be in error, change the 'Y' to an 'N' on the examination worksheet and document the resources and/or research in making the determination. In the database, in order to remove an incorrectly validated geocode, first change the 'Y' to an 'N' and then save. The record can then be deleted.
- If a legal land description is found to be in error, review the geocodes. If any changes are made to the legal land description (i.e., a correction to the township, range or section occurs based on the claimant's map, for example), it may be determined that a geocode may need to be deleted or added.
- If the place of use is amended, review the geocodes. It may be determined that a valid geocode needs to be deleted, or a geocode not initially associated with the water right needs to be added.
- Water rights which have been reserved (exempted) from the land, such as those belonging to homeowner's associations, municipalities, and certain other entities that provide service but do not own the place of use, just the water right, will not have any associated geocodes. If a geocode is assigned, delete it from the Geocode tab in the database.



E. SUPPLEMENTAL RIGHTS  
[Rule 40, W.R.C.E.R.](#)

Supplemental rights occur when one or more water rights claimed place of use overlaps the claimed place of use of another water right having the **same purpose** and **ownership**. The procedures in this section apply to irrigation claims. [Rule 40\(a\), W.R.C.E.R.](#)

Supplemental rights involving irrigation districts created under [Title 85, Chapter 7, MCA](#) are discussed in "Irrigation: Claims Filed on Irrigation District Forms" ([Section VII.F](#)). Supplemental rights for "Other Use" claims are processed according to "Other Uses: Place of Use" (Section X.C.3).

1. Identifying Supplemental Rights: Review the places of use for all irrigation claims of **one ownership** for supplemental rights. Irrigation districts and other water supply organizations are not considered supplemental to claims submitted by individual water users.

Supplemental rights are identified by examining the POUs of an ownership (also see "Irrigation: Claims Filed on Irrigation District Forms: Supplemental Rights" ([Section VII.F.5](#))). Use WRMapper to determine all irrigation rights within an ownership which overlap in any way. To be considered supplemental, they can overlap entirely, in part, or in series, e.g., Parcel A overlaps Parcel B which overlaps Parcel C. Parcel A and C are not adjacent, but are in series, and thus Parcels A, B, and C are supplemental.

Using the **claimed acres** perimeter in WRMapper, determine the extent of supplemental rights. (If acreage issues exist, it may be useful to note the examined supplemental acres in the general comments area of the examination worksheet, in the event the issues are resolved prior to decree.)

**If overlapping claims have different owners, they are not supplemental.** See "Irrigation: Place of Use: Place of Use Issues: Overlapping POUs on Claims by Different Owners" ([Section VII.D.4.a](#)).

2. Recording Supplemental Rights on Examination Worksheet: On the examination worksheet, indicate whether the water right is supplemental. [Rule 5\(a\)\(4\), W.R.C.E.R.](#)

SUPPLEMENTAL:  Yes (Enter IR water rights in Related Rights tab and generate report)  No

If the water right is supplemental to other water rights, **prepare a map** in WRMapper depicting the supplemental place of use (using claimed acres). Use the acreage tool in WRMapper to calculate total maximum acres. This map will be attached to the Supplemental Worksheet generated from the database Related Rights tab.

In the database, enter the supplemental irrigation water rights into the Related Rights tab. Select a Relationship Type of “supplemental.” Enter the Maximum Acres—this total should come from the map generated in WRMapper and is used by the Error Check Report. The Related Element is not required.

After standards have been applied to all claims in the supplemental relationship, generate a DNRC Supplemental Rights Worksheet (Exhibit VII-15) from the ‘Create and Maintain Related Rights’ screen in the database. Select Reports: Adjudication Reports: Supplemental Worksheet. The information on the DNRC Supplemental Rights Worksheet is used to identify supplemental claims in the temporary preliminary, preliminary, and final decrees. The worksheet is also used to identify potential supplemental rights issues.

Place a copy of the Supplemental Rights Worksheet together with a supplemental map into each claim file. Note the claim number in the top right corner on each copy.

3. Supplemental Rights Issues: Claimant contact must occur upon completing examination of the ownership if supplemental issues are applied to a water right. [Rules 40\(c\) and 44, W.R.C.E.R.](#) and Section IV.F.

a. Excessive Flow Rates: When supplemental flow rates total more than 60 gpm/acre, add a supplemental rights (SR) issue remark to the examination worksheet: [Rule 40\(c\)\(2\)\(i\), W.R.C.E.R.](#)

Example: S140 THE COMBINED CLAIMED FLOW RATE FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS **69.50** GPM PER ACRE. THE FLOW RATE GUIDELINE FOR INDIVIDUAL CLAIMS IS 17 GPM PER ACRE.

If the issue is discussed with the claimant, determine whether all the rights are used, or were ever perfected. Questions to consider are (1) Was an additional ditch constructed or an existing one extended for the junior rights? (2) Was the capacity of an existing ditch increased? (3) Were there changes in use or appropriations of additional water? ([See also, Consolidation of POU, POD, Sources, VII.G](#))

If all of the supplemental rights are not accounted for by answers to such questions, there may be non-perfected water rights in the group. If so, add a purpose issue remark to the department's examination worksheet on each claim in the supplemental rights relationship:

Example: P639 DNRC EXAMINATION WAS UNABLE TO CONFIRM THE USE OF THIS WATER RIGHT. IT APPEARS THIS WATER RIGHT MAY HAVE NOT BEEN PERFECTED.

When filed or use rights are involved and the claimed flow rates will be reduced by applying standards, the combined flow rate in the remark (S140) should be that of the reduced flow rates.

When the combined flow rate of the supplemental rights exceeds the ditch capacity, add the following flow rate issue remark:

Example: F158 THE CLAIMED FLOW RATE APPEARS TO EXCEED THE DITCH CAPACITY. AVAILABLE DATA SUGGEST THE DITCH CAPACITY IS **2.75** CFS.

b. Excessive Volumes: When supplemental volumes total more than twice the guideline for water spreading systems or more than twice the capacity of the reservoir involved, add a supplemental rights (SR) issue remark and contact the claimant:

Examples: S141 THE COMBINED CLAIMED VOLUME FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS **17.90** ACRE-FEET PER ACRE. THE VOLUME GUIDELINE FOR INDIVIDUAL CLAIMS IS **1.90** ACRE- FEET PER ACRE.

S146 THE COMBINED CLAIMED VOLUME FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS **200** ACRE- FEET WHICH APPEARS TO EXCEED THE CAPACITY OF **DOE RESERVOIR**. ACCORDING TO INFORMATION IN THE CLAIM FILE, THE MAXIMUM STORAGE CAPACITY IS **35** ACRE- FEET.

If the issue is discussed with the claimant, determine aspects such as (1) Was the capacity of the reservoir increased? (2) Were there changes in use of appropriation of additional water? (3) Does the volume on each claim reflect the total amount of water appropriated or the additional amount of water diverted above and beyond that which was appropriated prior to the enlargement?

If all of the supplemental rights are not accounted for by answers to such questions, there may be non-perfected rights in the group. If so, add a purpose issue remark to the department's examination worksheet on each claim in the supplemental rights relationship:

Example: P639 DNRC EXAMINATION WAS UNABLE TO CONFIRM THE USE OF THIS WATER RIGHT. IT APPEARS THIS WATER RIGHT MAY HAVE NOT BEEN PERFECTED.

This remark should only be added when it is determined the acre-feet per acre of all supplemental rights totals more than twice the water spreading guideline or more than twice the capacity of the reservoir. The figure for water spreading systems can be determined by adding the volumes of the supplemental rights and dividing the total by

the maximum combined acres. The maximum combined acres is defined as the total acreage of the entire area claimed on all supplemental rights and is represented on the supplemental map generated in WRMapper.

When filed or use rights are involved and the claimed volume will be reduced by applying standards, the combined volume in the supplemental rights remark (S141, S146) should be that of the reduced volume.

c. Multiple Claims From Same Source: When supplemental claims exist from the same source which irrigate primarily the same POU (75% or greater overlap), this may indicate that certain claims have not been perfected, or may be duplicate or redundant. An issue remark should be added to the claim when: [Rule 40\(c\)\(2\)\(ii\), W.R.C.E.R.](#)

- the supplemental flow rate totals more than 60 gpm/acre:

Example: S140 THE COMBINED CLAIMED FLOW RATE FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS **69.50** GPM PER ACRE. THE FLOW RATE GUIDELINE FOR INDIVIDUAL CLAIMS IS 17 GPM PER ACRE.

- the supplemental volume totals more than twice the guideline:

Examples: S141 THE COMBINED CLAIMED VOLUME FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS **17.90** ACRE-FEET PER ACRE. THE VOLUME GUIDELINE FOR INDIVIDUAL CLAIMS IS **1.90** ACRE- FEET PER ACRE.

S146 THE COMBINED CLAIMED VOLUME FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS **200** ACRE- FEET WHICH APPEARS TO EXCEED THE CAPACITY OF **DOE RESERVOIR**. ACCORDING TO INFORMATION IN THE CLAIM FILE, THE MAXIMUM STORAGE CAPACITY IS **35** ACRE- FEET.

- two or more of the rights are from the same source with the same priority date and same flow rate. *Always use the Related Rights tab to identify duplicate claims.*

#### Related Rights tab:

Identify duplicate water rights by noting the claim numbers in the 'Formatted Remarks' section of the examination worksheet and enter these water right numbers into the Related Rights tab in the database. The following issue remark will automatically be generated on the review and decree abstracts of all claims involved:

Example: THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT APPEAR TO BE DUPLICATE FILINGS. IT APPEARS ONLY ONE WATER RIGHT IS INVOLVED. **000000-00, 000000-00**

4. Supplemental Rights Remark: When water rights are entered into the Related Rights tab in the database, the following supplemental rights remark will print on the review and decree abstracts: [Rules 40\(b\) and 40\(c\)\(1\), W.R.C.E.R.](#)

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE. **000000-00, 000000-00, 000000-00, 000000-00.**

F. CLAIMS FILED ON IRRIGATION DISTRICT FORMS  
[Rule 42, W.R.C.E.R.](#)

This section addresses claims submitted on the Irrigation District Form as well as claims filed by irrigation districts on a standard irrigation statement of claim form. Usually these claims are filed by an institution or a company. The following types of claimants may be included in this group:

- Federal Projects
- State Projects
- Public Service Corporations
- Mutual Irrigation Companies
- Water Companies
- Water User Associations
- Municipal Water Companies
- Drainage Districts
- Conservation Districts
- Corporations, Partnerships, or Trusts (with several rights)
- Individuals (with several rights)

Add information to the claim file that exists in the regional/unit office which pertains to the claim. This could be information from the [Water Resources Survey](#), State Water Conservation Projects Manual, the USDI-BOR Water Conservation Opportunities Study, a file maintained by the regional/unit office on the district, delivery records, diversion records, assessment records, organization's charter, etc. Identify this information by using the department supplemental document stamp. This will distinguish materials added by the department from that of the claimant.

1. Irrigation District Form: The irrigation district form differs from the standard irrigation, domestic, stock, or other use claim forms in that several water rights from one or more sources for the same place of use are identified on one form. The intent of the form is to allow lengthy POU descriptions to be listed only once for several rights. The form listed total combined flow rate, maximum acres, and volume for all the water rights associated to the particular district. Remember, the database representation of the form is not a water right and will not be decreed; only the rights listed on the form that support the district are decreed. The form was not limited to irrigation districts, and has been used by various claimants for many claimed purposes.

Examine claims filed on irrigation district forms according to the purpose identified. [Rule 42\(a\), W.R.C.E.R.](#)

2. Identifying an Irrigation District: To be recognized as a statutory irrigation district created pursuant to [§§85-7-101 through 110](#), a final order from

the district court creating the district should be in the file or obtained from the claimant. Review the irrigation district form and documentation for evidence of incorporation under the statutory requirements. Generally, any entity filing an irrigation district form that has the appearance of an irrigation district should be contacted to request a copy of the court order creating the district (unless the order is already in the claim file). If unsure an irrigation district meets the requirements in statute, review the claim file, and all relevant materials with a supervisor. [Rule 42\(d\), W.R.C.E.R.](#)

Table VII-4 is a listing of irrigation districts compiled by the department's Water Projects Bureau. If an irrigation district is not listed below and does not have a district court order, the qualifications under Title 85 may not be met. The list below may not contain all irrigation districts which meet the qualifications of incorporation.

Table VII-4: Irrigation Districts

<b>Irrigation District</b>	<b>County</b>	<b>Irrigation District</b>	<b>County</b>
Alfalfa Valley	Blaine	Harley	Blaine
Big Flat	Missoula	Helena Valley	Lewis & Clark
Big Horn	Big Horn	Huntley Project	Yellowstone
Bitterroot	Ravalli	Intake	Richland
Blodgett	Ravalli	Lockwood	Yellowstone
Buffalo Rapids	Prairie	Lomo	Ravalli
Bynum	Teton	Lower Little Horn & Lodge Grass	Big Horn
Canyon Creek	Ravalli	Lower Yellowstone Project	Richland
Cartersville	Rosebud	Malta	Phillips
Charlos Heights	Ravalli	Mill Creek	Ravalli
Clinton	Missoula	Missoula	Missoula
Daly Ditches	Ravalli	North Chinook	Blaine
Danford	Yellowstone	Paradise Valley	Blaine
Dodson	Phillips	Savage	Richland
East Bench	Beaverhead	Sunset	Ravalli
Fort Belknap	Blaine	Toston	Broadwater
Fort Shaw	Cascade	Upper Little Horn	Big Horn
Frenchtown	Missoula	Victory	Yellowstone
Glasgow	Phillips	Ward	Ravalli
Glen Lake	Lincoln	West Bench	Beaverhead
Greenfields	Teton	Yellowstone	Treasure
Hammond	Rosebud	Zurich	Blaine

In the Summary Report to the Water Court, the department will identify irrigation districts created under [Title 85, Chapter 7, MCA](#). Add the following ownership (OW) information remark to the department's examination worksheet: [Rule 42\(d\), W.R.C.E.R.](#)

Example: O25 THIS IRRIGATION DISTRICT WAS ESTABLISHED UNDER TITLE 85, CHAPTER 7, MCA.

State Project Claims: Certain state project claims are based on rights originally filed by the State Water Conservation Board (SWCB) pursuant to 89-121 RCM 1947. These department claims can be identified by the Notice of Appropriation, which is in the name of the SWCB, and which references the statute. If there is any doubt, contact the claimant. When a right based on this statute is identified, add an ownership (OW) information remark to the department's examination worksheet:

Example: O30 THIS WATER RIGHT WAS ESTABLISHED PURSUANT TO 89-101 THROUGH 89-141 R.C.M. (1947) (REPEALED).

When a state project claim is based on a private right acquired by the state, add the following ownership (OW) information remark to the department's examination worksheet:

Example: O31 THIS WATER RIGHT WAS ORIGINALLY PERFECTED BY PRIVATE OWNERSHIP AND LATER COMBINED WITH WATER RIGHTS ESTABLISHED PURSUANT TO 89-101 THROUGH 89-141 R.C.M. (1947) (REPEALED).

3. Worksheet and Decree Information: Claims filed on irrigation district forms which identify more than one water right are stored in the database in two parts. The irrigation district form itself has an "irrigation district" number, also known as a "Z" right, and each water right listed on the inside of the irrigation district form has a "statement of claim" number. If there is only one water right listed on the irrigation district form, only one statement of claim number is assigned (no "Z" right). Make certain that if a single right is listed on the irrigation district form that its water right type in the 'Create and Maintain Water Rights' screen in the database is 'statement of claim' (not irrigation district)—otherwise it will miss inclusion in the Water Court decree.

Print an examination worksheet for each statement of claim number. The statement of claim examination worksheet will typically show the values of the individual right (rather than the totals for the entire district). If there is only one water right listed in the irrigation district form, all information will appear on the statement of claim examination worksheet.

a. "Irrigation District" Numbers: An irrigation district number ("Z" right) is not a water right. A "Z" right is usually the lowest number in a group of irrigation district claims and is the form on which the other rights in the group were recorded. This file will contain all original materials, maps, affidavits, and other submitted information. "Z" rights were given a water right number during the filing period, but are not actual water rights. The irrigation district form allowed for recording large places of use for several rights on one or more sources. To avoid confusion, "Z" rights have been suppressed from Water Court decrees since August, 1984.



The statement of claim rights (child rights) listed on the irrigation district form (parent right) should be related to the parent "Z" right in the database. Add a general information (RM) remark to each statement of claim listed on the irrigation district form. Update any similar legacy or archived remarks to the R5.

Example: R5 PARENT FILE FOR THIS RIGHT IS **000000-00**.

b. POU Data Distribution: Since "Z" rights will be suppressed from Water Court decrees, the place of use must be associated with each statement of claim(s). [Rule 42\(b\)\(c\), W.R.C.E.R.](#)

Not all POU have been added to the statements of claim associated with an irrigation district. If the place of use is not associated with the statement of claim, ask the database administrator to populate the POU accordingly.

Each statement of claim file should contain a copy of the original documentation, maps, and other related materials. Each claim should be fully documented to stand on its own. If materials are abundant (greater than 500 pages) or consist of large maps, add a flag to the statement of claim files indicating the location of the original documentation. Also add the following general information (GI) remark to the examination worksheet of the remaining claim rights:

Example: G26 THE COMPLETE SET OF DOCUMENTATION, MAPS AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. **000000-00**.

In some cases, separate statement of claim rights can be associated to specific POU within the total area claimed. If so, list and review the POU by the individual right associated with it. Claimant contact may be helpful or necessary to determine the POU for each right. [Rule 44, W.R.C.E.R.](#) and Section IV. F.

A P190 place of use (PL) information remark may have been added by the DNRC or through an amendment to reflect the POU (due to legacy database limitations). Check with a supervisor to determine if this remark is still appropriate.

Example: P190 THE PLACE OF USE IS GENERALLY FROM TWP **98N** TO TWP **99N**, AND FROM RGE **98W** TO RGE **99E**, **MONTANA COUNTIES**. FOR THE COMPLETE DETAILED PLACE OF USE DESCRIPTION, SEE FILE NO. **000000-00**. (Note: One or more counties can be coded.)

4. Examination of Water Supply Organization Claims: Except as specifically noted in this section, the examination of water supply organization claims will be according to the purpose identified.

a. Point of Diversion: All PODs identified on the irrigation district form may be listed on the statement of claim examination worksheet. Attempt to determine which PODs apply to each statement of claim (this was sometimes done when the claim was originally entered into the database). Information to make this determination may be on the irrigation district form as the POD was listed for each water right. If so, make corrections on the examination worksheet.

If the PODs as identified on the irrigation district form cannot be associated with specific claimed water rights, contact the claimant. If contact is not definitive, add all PODs to each statement of claim examination worksheet within the district. The database administrator may be contacted to facilitate the data entry.

b. Place of Use: All claims filed on irrigation district forms will have the place of use examined. [Rule 42\(b\), W.R.C.E.R.](#)

Combined Parcels: Prior to examining the claimed parcels, attempt to combine parcels. In doing so, try to retain precision in describing irrigated areas. Combine only fully irrigated parcels. See the example below. Do not combine acres to a very general description: 570 acres in Section 30 is not acceptable.

Example:	<u>AC</u>	<u>SEC</u>	combines to:	<u>AC</u>	<u>SEC</u>
	160	NW 30		320	N2 30
	160	NE 30		160	SW 30
	160	SW 30		90	SE 30
	90	SE 30			

After combining parcels, it may be advantageous to enter the consolidated legal land descriptions (as long as the descriptions are clear and concise) in the database and generate a new worksheet.

General POU Review: The place of use examination procedures for irrigation districts are unique. The following should be considered in addition to following the examination procedures in "Irrigation: Place of Use" ([Section VII.D](#)) and "Irrigation: Place of Use: Mapping Place of Use and Data Source Results" ([Section VII.D.2.d](#)):

- Compare the claimed POU, submitted maps, and documentation to two principle data sources.
- The limits of the district's service area must be compared to the claimed POU legal land description.
- The acres claimed must be compared to the acres irrigated within the service area, as evident on the department's data sources.
- Attempt, if possible, to distinguish parcels served by the irrigation district from parcels served exclusively by private water rights.

- Use the documentation of the district's incorporation to examine the claimed POU legal land descriptions for containment within their service area. Determine the limits of the district's area from their maps and documentation and other available materials. Compare this area to the POU claimed and to the aerial photographs.
- If the claimed POU exceeds the contact point range or there appears to be discrepancies between the district's service area and the claimed POU, contact the claimant. This may not be as clearly defined a decision as with individual irrigation claims. If in doubt, review the POU with a supervisor before contacting the claimant.

Exceptionally Large POUs: For irrigation district claims having extremely large acreage, the claimed POU may be examined by setting up a special GIS project. There will always be a full examination of the POU of a claim.

Duplicate or Redundant Rights: See "Claims to Irrigation District Rights Filed by Individuals" below ([Section VII.F.6](#)).

c. Flow Rate: Irrigation District Numbers ("Z" Right): The total claimed flow rate is listed on the irrigation district form. This total flow rate should be compared to the documentation to determine whether the diversion and conveyance facilities are capable of handling the claimed flow. The irrigation district form flow rate should also be compared to the sum of the statement of claim flow rates. If they are not equal, or if the claimed flow rate appears to exceed the conveyance capacity, add a flow rate (FR) issue remark to the department's examination worksheet on all claims involved:

Examples: F135 THE CLAIMED FLOW RATE APPEARS TO EXCEED THE CAPACITY OF THE DIVERSION AND CONVEYANCE FACILITIES.

F200 THE TOTAL FLOW RATE CLAIMED ON THE IRRIGATION DISTRICT FORM DOES NOT EQUAL THE SUM OF THE INDIVIDUAL CLAIMED RIGHTS.

Statement of Claim Numbers: The individual flow rate associated with the specific right will be listed on the examination worksheet. These flow rates will be examined according to "Irrigation: Flow Rate" ([Section VII.B](#)).

Check the combined total of all statement of claim flow rates against the "Z" right flow rate. If not equal, add a flow rate (FR) issue remark (F135 or F200 above) to the department's examination worksheet.

d. Volume: The total claimed volume will be listed on the irrigation district form. Each statement of claim examination worksheet will show the volume claimed for the individual right.

Volumes will be examined according to the purpose. See "Irrigation: Volume" ([Section VII.C](#)).

5. Supplemental Rights: Irrigation districts meeting the statutory requirements will not be considered supplemental to claims submitted by individual water users. If uncertainty exists about whether to identify the supplemental relationship between an individual water user and an entity using an irrigation district form, consult a supervisor. Claimant contact may be necessary to make a determination. [Rule 44, W.R.C.E.R.](#) and Section IV.F.

Irrigation supplemental rights involving water supply organizations other than irrigation districts created under [§§85-7-101 through 110](#) will be identified and reported using the procedures described in "Irrigation: Supplemental Rights."

a. Remarking Supplemental Irrigation Districts: When the water rights associated with an irrigation district created under [§§85-7-101 through 110](#) are supplemental, add the water rights to the Related Rights tab in the database (do not add the "Z" right). The following supplemental rights (SR) information remark will print on the review and decree: [Rules 5\(a\)\(4\) and 40\(c\), W.R.C.E.R.](#)

Example: THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE. **000000-00, 000000-00.**

b. Uses Other Than Irrigation: When irrigation district forms have been filed for uses other than irrigation (i.e., municipal, commercial), supplemental rights will be identified and remarked using the procedures described in "Other Uses: Place of Use" (Section X.D.3).

c. Multiple Uses: Occasionally, irrigation districts claim multiple uses of, for example, both irrigation and stock. This multiple use should be identified. Irrigation districts claims are not identified in multiple use relationships with private right claims. [Rules 5\(a\)\(4\) and 41\(c\), W.R.C.E.R.](#)

6. Claims to Irrigation District Rights Filed by Individuals: Occasionally individuals filed claims on rights held by an irrigation district. When it is apparent from the claim form or documentation that an individual has filed on an irrigation district right (e.g., claimant mentions "15 shares" on claim form, or documentation contains a contract or certificate for shares), add the appropriate duplicate (DU) issue remark to the

examination worksheet of the claim filed by the individual. The claim number in the remark should be that of the statement of claim within the irrigation district, not the “Z” right.

Example: D95 THIS CLAIM APPEARS TO DUPLICATE CLAIM NO. **000000-00**  
FILED BY THE **DOE IRRIGATION ASSOCIATION**.  
D96 THIS CLAIM APPEARS TO BE FOR WATER PROVIDED BY **THE**  
**DOE IRRIGATION PROJECT** UNDER CLAIM NO. **000000-00**.  
THIS CLAIM APPEARS TO BE REDUNDANT.

If the claimant confirms the duplication, the claimant should be given options. See “Claim Examination: Priority Date: Priority Date Issues: Duplication” (Section VI.J.3.h) and “Claim Examination: Priority Date: Priority Date Issues: Redundant Filings” (Section VI.J.3.i).

## G. CONSOLIDATION OF POU, POD, SOURCES

When examining an ownership, be aware of situations where there may be a consolidation of water rights. In all basins that have not received a decree, the DNRC will remove all existing consolidation remarks. This is the series (G60, G62, G64, G66, G68). An error check should be run after the remarks are removed to ensure no other issue remarks were excluded because a consolidation series remark was placed on the claim. DNRC will review all existing irrigation claims with a transfer remark and an amendment remark that are in a supplemental relationship. This review will assess if an unauthorized post 1973 change in water use has occurred. One indicator may be water rights in a supplemental relationship that contain numerical outliers (out of sequence claim numbers). If a water user acquired lands after 1973, and then amended existing water rights on either existing or acquired lands that now covers both properties a CA20 remark should be added. If a CA20 is added to a claim, claimant contact must be made regarding the amendments. In some cases, properties may have been split and now rejoined historically used water over the entire place of use. If this is true, a chain of title would clarify the situation and the issue should be removed.

When reviewing irrigation water rights that are consolidated the following issue remarks may apply. All examination procedures are within the irrigation section of the manual.

Example:

- F134 THE CLAIMED FLOW RATE EXCEEDS THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM WHICH IS ESTIMATED TO BE 1.80 CFS.
- P79 IT APPEARS THAT AN UNAUTHORIZED POST-JUNE 30, 1973 CHANGE IN POINT OF DIVERSION MAY BE REFLECTED IN THIS CLAIM.
- P80 THIS CLAIM DOES NOT APPEAR TO REFLECT THE WATER RIGHT AS IT WAS BEFORE JULY 1, 1973. INFORMATION AVAILABLE INDICATES THE PRE-JULY 1, 1973 POINT OF DIVERSION WAS IN THE NENENE SEC 36 TWP 99N RGE 99W MONTANA COUNTY.
- P291 ACCORDING TO INFORMATION IN THE CLAIM FILE, AN EXPANSION IN THE NUMBER OF IRRIGATED ACRES HAS TAKEN PLACE. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.
- P295 THE CLAIMED PLACE OF USE DOES NOT APPEAR TO BE IRRIGATED BY WATER FROM THE CLAIMED SOURCE.
- P300 PART OF THE CLAIMED PLACE OF USE DOES NOT APPEAR

TO BE IRRIGATED BY WATER FROM THE CLAIMED SOURCE.

- P301 PART OF THE CLAIMED PLACE OF USE MAY BE QUESTIONABLE. IT DOES NOT APPEAR THE PLACE OF USE ALONG DOE CREEK AND SMITH CREEK ABOVE THE DOE CANAL CAN BE IRRIGATED FROM THE CLAIMED SOURCE.
- P345 THIS CLAIM DOES NOT APPEAR TO REFLECT THE WATER RIGHT AS IT WAS BEFORE JULY 1, 1973. INFORMATION AVAILABLE INDICATES A POST-JUNE 30, 1973 CHANGE IN PLACE OF USE.
- P416 THE PRIORITY DATE MAY BE QUESTIONABLE. THE CLAIMED PLACE OF USE IS INCONSISTENT WITH THE PLACE OF USE DESCRIBED IN CASE NO. 556, RAVALLI COUNTY DATED APRIL 10, 1905.
- P455 THE PRIORITY DATE MAY BE QUESTIONABLE. THE SOURCE/PLACE OF USE DESCRIBED ON THE FILED NOTICE OF APPROPRIATION IS INCONSISTENT WITH THE CLAIMED SOURCE/PLACE OF USE.
- P461 THE PRIORITY DATE MAY BE QUESTIONABLE. THE PLACE OF USE FOR THE DOE DECREED RIGHT, DESCRIBED AS NENE SEC 36 TWP 99N RGE 99W IN CASE NO. 0000, MONTANA COUNTY, IS INCONSISTENT WITH THE CLAIMED PLACE OF USE. (Note: can be coded without the ¼ section description.)











