Summary

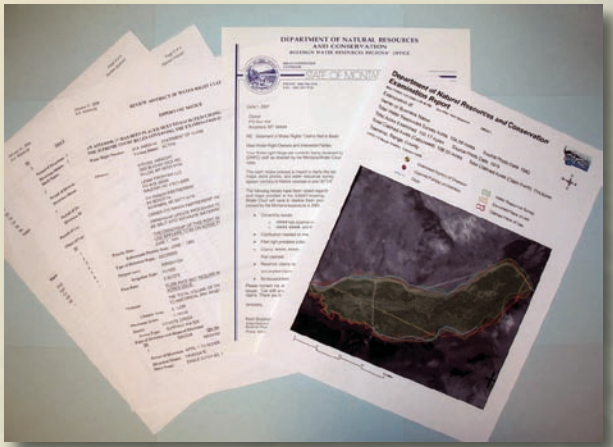
Typically, all claims under an individual ownership are examined at once. When complete, the claimant will be contacted by a DNRC specialist.

The claimant will receive a packet of materials including a letter, maps, and review abstracts. One of the most common issues raised during examination is the maximum acres irrigated.

A review abstract for each water right will summarize the examination. Issue remarks will be underlined and often are listed either under the appropriate element of the water right or at the end of the review abstract.

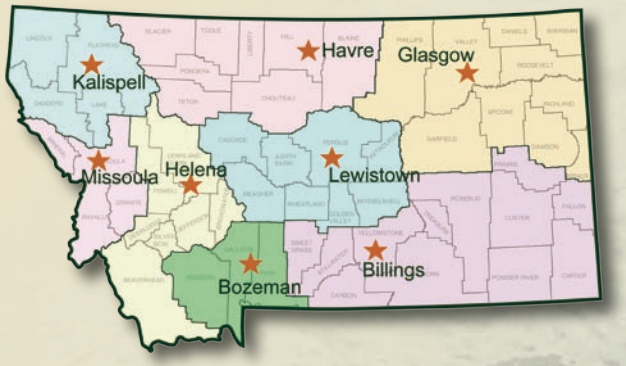
Lastly, a map showing the claimed place of use, examined place of use, and the water resource survey place of use will be included. The map will show the claimed acreage and the examined acreages.

Once the owner has reviewed the information, the DNRC specialist should be contacted with any questions or clarifications.



For more information:

REGIONAL OFFICES



Billings
1371 Rimtop Drive
Billings, MT 59105
406-247-4415

Glasgow
222 Sixth Street South
P.O. Box 1269
Glasgow, MT 59230
406-228-2561

Helena
1424 Ninth Avenue
P.O. Box 201601
Helena, MT 59620
406-444-6999

Lewistown
613 NE Main
Suite E
Lewistown, MT 59457
406-538-7459

Bozeman
2273 Boot Hill Court
Suite 110
Bozeman, MT 59715
406-586-3136

Havre
210 Sixth Avenue
P.O. Box 1828
Havre, MT 59501
406-265-5516

Kalispell
109 Cooperative Way
Suite 110
Kalispell, MT 59901
406-752-3267

Missoula
1610 S. Third St. W.
Suite 103
P.O. Box 5004
Missoula, MT 59806
406-721-4284

DNRC Adjudication Bureau
910 Helena Avenue
PO Box 201602
Helena, MT 59620-1602
406-444-0560

http://dnrc.mt.gov/wrd/water_rts

Claim Examination Acreage Issues

Department of
Natural Resources and Conservation

The Water Resource Division promotes and coordinates the wise use and conservation of Montana's water resources for current and future generations.

February 2008

The irrigation claim

Pre-July 1st, 1973 water rights were filed on Statements of Claim. The Statement of Claim details the water right elements, including the place of use as a legal land description. At the time of filing, a map was also required to show the place of use (Fig. 1).

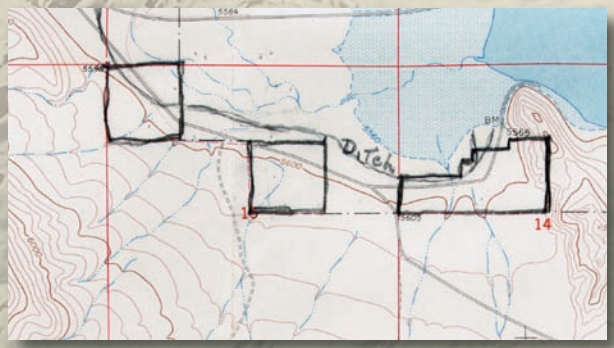


Fig. 1 Claimant's map submitted with the claim

The examination

A DNRC specialist examines pre-July 1st, 1973 claims for consistency and clarity by comparing the claimed elements to historical aerial photos, maps, county-specific Water Resource Surveys (WRS), information in the file and other sources, including information submitted by the claimant. Using a GIS program called Mapper, the specialist transfers the claimant's submitted map, including points of diversion, ditches, and the place of use into Mapper (Fig. 2).

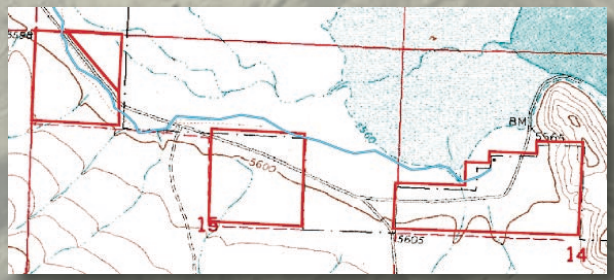


Fig. 2 Claimant's place of use in Mapper

Examination of place of use

The examination proceeds systematically:

1. The claimed legal land description of the irrigated area is compared to the map provided by the claimant.

2. The claimant's place of use is compared to two data sources: a 1975 through 1980 USDA photo (Fig. 3) and a WRS map or photo (Fig. 4) typically from the 1940s through the 1960s.

3. A comparison is also made with a topographic map.

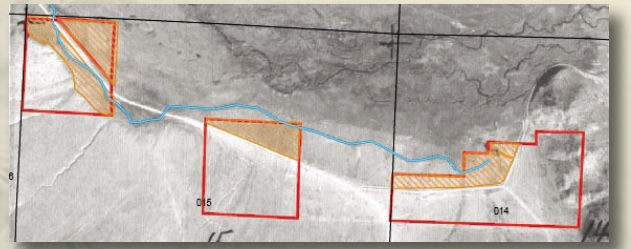


Fig. 3 Examined place of use on 1979 USDA aerial photo

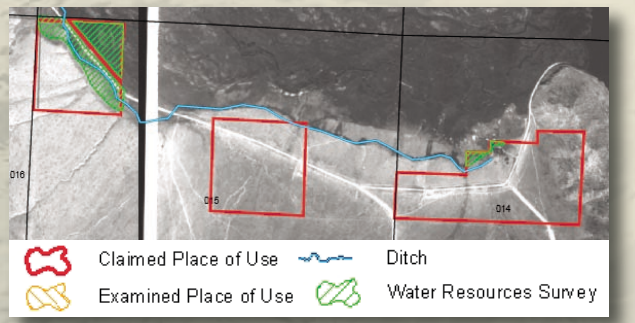


Fig. 4 Examined place of use on 1965 WRS aerial photos

The DNRC specialist looks for characteristics indicating irrigation on aerial photos. Primarily, the specialist is looking for a shade contrast, indicative of irrigation. Other possible indicators include a combination of supply ditches, evidence of controlled water spreading, or clearly defined field boundaries (or the Survey map indicated irrigation).

Water Resource Surveys for Each County
http://dnrc.mt.gov/wrd/water_rts/survey_books

The issue

Using the acres calculated by Mapper, the examined acreage is compared to the maximum acres claimed. A range to allow for variance in mapping is calculated using an equation. If the acreage falls outside this range, the DNRC is required to contact the claimant or add an issue remark to the claim.

An example of acreage issue remarks on a water right claiming 1183 acres:

USDA AERIAL PHOTOGRAPH NO(S). 979-100, DATED 9/20/79, APPEARS TO INDICATE 1079.4 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). CXM-14P-91, CXM-14P-92, DATED 8/9/1955, APPEARS TO INDICATE 1065.3 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

Acreage issue options

Closely review the materials received from the DNRC specialist. Contact the specialist examining the claim with any questions or clarifications.

1. If the DNRC maps accurately represent the historical irrigation, submitting an amendment and map showing the more accurate place of use and maximum acres is one option.

2. If the historical irrigation is not represented in the DNRC maps, submit additional materials to the DNRC. This may include aerial photos, affidavits, operation records, receipts, etc.

3. The Water Court is required by statute to resolve all issue remarks. Resolving remarks prior to being called into the Water Court may save time and money, though legal proceedings are an option.