

From: [Krista Evans](#)
To: [Mohr, Jason](#)
Subject: [EXTERNAL] WPIC Comment
Date: Tuesday, December 10, 2019 10:11:01 AM
Attachments: [KEvans_memo-OwnershipUpdates.pdf](#)

Jason --

Thank you for the opportunity to provide comment for the WPIC call/meeting scheduled for tomorrow. Please forward the following to the committee. Thank you. Krista

Dear Members of WPIC --

I am writing to provide comment regarding geocodes and their use in the water right ownership update process.

- 1) The deed trumps all. The statutes are clear that if the deed is silent the water transfers with the property. Entities that think that filing an ownership update form with DNRC transfers the water right are not correct. I would recommend working with the legal profession and the Title companies to improve education on this point.
- 2) This is not a new issue. Please see the memo that I provided to WPIC at their March 2016 meeting regarding HB 39. The issues in this memo still exist.
- 3) The geocodes serve a valuable purpose in that they provide notice to DNRC that property was transferred. The next level of analysis is where we appear to be having some challenges. I would strongly suggest that we retain the use of geocodes for the purpose of notification when property has transferred. The second phase of validation is where the process needs some adjustments. I would recommend that if there is any question about how much if any of the water right transferred with the property that DNRC contact the buyer and the seller. The current postcard method is not working. Often, buyers who have no understanding are making an uninformed statement when they say "sure, I own the water right". The questions to the buyers and sellers are going to have to be case and land transfer specific. I recognize that this comes with a cost both from a personnel standpoint and financial.
- 4) The accuracy of the database is critical due to the fact that it is this information that is used to provide public notice in the adjudication (decree issuance, etc) and for new appropriations and the opportunity to object. Without an accurate database there may be due process and proper notice questions.
- 5) There have been statements made that the geocodes are not part of the water right. It is important to note that the HB 110 exempt from filing claim forms had a line item for the geocode.
- 6) Any and all maps associated with a claim MUST be included in the claim file so that the information is available to DNRC, the Water Court, claimants, and others. This is important information that MUST be included in the claim file. DNRC has to have the whole picture in order to conduct an analysis to determine what water transfers.
- 7) DNRC can't "fix" some of these challenges. In situations where the Water Court has DECREED an over broad place of use it is impossible for DNRC to make corrections.

Because it is decreed, only the Water Court can make corrections.

8) Based on comments reflected on the WPIC website it appears that DNRC sent out a survey. Blake Creek Project Management did not receive that survey and therefore is unable to respond.

I will not be able to attend the WPIC meeting/call on December 11. However, Blake Creek staff will be available to answer questions.

Krista

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