Department of Natural Resources and Conservation Geocoding Process
Prepared for Water Policy Interim Committee
November 21, 2019

WATER POLICY INTERIM COMMITTEE 2019-20
December 11, 2019 Exhibit 5

Background Information

- DOR/Counties assign a geocode to all individually owned land parcels in the state
- Unless specifically reserved/severed from land in a recorded document, water rights transfer with the land
- DNRC assigns geocodes to water rights based upon place of use identified in the water right record

The Geocoding Process

1. DNRC completed an initial overlay using mapping software in 2008. Water rights were assigned the geocodes of all parcels that fell within the legal land description on the water right.
2. DNRC sends all geocode/water right combinations to DOR on a monthly basis. DOR notes any geocodes that DNRC has added or removed (see discussion below) during the previous month.
3. DOR returns a list of all property transfers for geocodes that are currently listed on DNRC water rights.
4. DNRC completes technical processes on the spreadsheet that DOR sent and forwards cleaned up spreadsheets for Regional Offices to review line by line.
5. DNRC Regional Offices review all water right/geocode combinations and "validate" the geocodes on the water rights. Validating geocodes consists of reviewing the file, maps, available deeds, and prior ownership records. DNRC staff use common sense while geocoding but if no (or poor quality) maps are available, the amount of discretion available is limited. Once geocodes are validated, future validation is not required.
    a. If a legal description is 40 acres that includes 2 parcels, both will be assigned unless there is some way to differentiate. All examples assume no, or poor-quality maps exist.
        i. If the water right is a domestic right and only 1 of the parcels has a residence, that parcel will likely be assigned. Alternately, if DNRC has access to full chain of title from the original owner, a geocode can be assigned based upon the deeds.
        ii. If the water right is a domestic right and both parcels have residences built around the same time and prior deeds are not available, both geocodes will be considered potential and this will be marked as unresolved until additional information can be obtained.
        iii. If the water right is for 30 acres of irrigation and one parcel is a completely treed 10-acre parcel, only the 30-acre parcel will be assigned.
        iv. If the water right is for 30 acres of irrigation and both parcels appear to be irrigable fields, both parcels will be assigned, assuming chain of title is not available.
    b. When geocodes are reviewed and processed, there are 3 potential outcomes—
        i. The geocode is "validated" and the ownership update is allowed to progress.
        ii. The geocode is removed from the water right and a different geocode is validated. This would result in no ownership update occurring.
        iii. The geocode is considered unresolved. If an owner supplies more information or requests to be added to the water right with justification, DNRC will add the new owner. DNRC will NOT solicit for owners (no fee letter will be sent). This accounts for about 1.2% of the total geocoded water rights.
6. If DNRC determines an ownership update should be created, (see 5.b.i. above), the update procedure progresses. If the owner already paid a fee, the ownership update is processed. If the owner has not paid the required fee, DNRC sends a fee letter explaining that there is a water right associated to the property they recently purchased. If the owner agrees that there is a water right appurtenant to their recently acquired property, and chooses to pay the fee, the update is allowed to proceed.
7. Once a month DNRC processes ownership updates. Once updates are processed, DNRC sends notice to buyers and sellers. A postcard is sent that explains the ownership of water rights was updated (and lists the new owner) and tells the recipient how to contact DNRC or review full abstracts of the water rights online.
8. If a mistake is noted, and properly documented/justified, DNRC will process a correction forthwith. About 2.5% of DOR related updates have been corrected. Prior to this process, nearly 16% of updates were corrected. Corrections may be the result of incorrect data entry by DNRC or incorrect information provided from the owners or DOR.
9. If, somewhere along the way an incorrect legal land description is noted on the water right, DNRC will immediately correct any New Appropriation water right or non-decreed Statement of Claim. If a decreed Statement of Claim lists an incorrect legal description, the owner or DNRC must move to correct the legal description through the Water Court. Only situations such as this or disputed ownership require court intervention.

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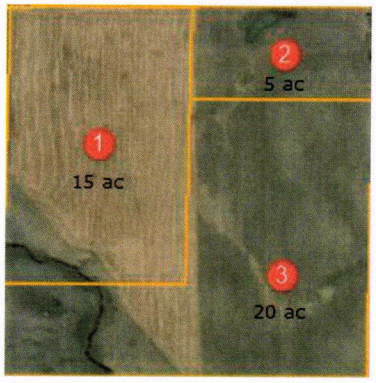

This is the NWNW of Section 1. The legal land description equals 40 acres.

Easy Example:

The owner filed a Statement of Claim stating that she irrigated 15 acres in the NWNW of Section 1. The map provided indicates the tan area of this photo.

2008 DNRC Map overlay assigns geocodes 1, 2, and 3.

→ DNRC sends geocodes 1, 2, and 3 to DOR.

→ DOR tells DNRC that property geocode 1 sold last month.

→ DNRC "validates" geocodes 1 and 3 for this water right, geocode 2 is removed.

→ DNRC initiates an ownership update which may include sending a fee letter.

→ If the fee is paid, DNRC updates the ownership and sends a postcard to the buyer and seller.

Complicated Example:

The owner filed a Statement of Claim stating that he irrigated 35 acres in the NWNW of Section 1. The map provided outlined the entire 40-acre location. None of the owners listed match the original claimant and full chain of title is not available.

2008 DNRC Map overlay assigns geocodes 1, 2, and 3.

→ DNRC sends geocodes 1, 2, and 3 to DOR.

→ DOR tells DNRC that property geocode 2 sold last month.

→ DNRC "validates" geocodes 1, 2, and 3 for this water right.

→ DNRC initiates an ownership update which may include sending a fee letter.

→ If the fee is paid, DNRC updates the ownership and sends a postcard to the buyer and seller.

→ The owner of geocodes 1 and 3 tells DNRC that 2 should be removed.

→ This is a decreed claim; the owner must address the place of use with the water court.

→ If the land description is updated, DNRC corrects ownership record.