



MONTANA WATER SPECIALISTS

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836 Holt Dr. Bigfork, MT 59911



Date: 12-10-2019
To: Montana Water Policy Interim Committee
From: Lamont Kinkade, Montana Water Specialist
Re: Comments and suggestions relevant to Geocoding and timelines of the DNRC Water Rights Query data base

For the past decade I have been a practicing Water Specialist working with consumers to research and resolve their water issues. Over that decade I have accumulated a certain level of experience, as shown in Attachment A. Based on my actual hands-on use of both the Geocode and the DNRC Query tools, I would like to submit the following observations, and suggestions, for your thoughtful consideration.

Regarding the issues apparently surrounding the Geocode and its future - - I find the availability of Geocoding to be an indispensable part of my practice and I would hate to see Montana's water users and water professionals deprived of its valuable applications. Like any system created and implemented by human hands it can have occasional imperfections. But those infrequent "imperfections" pale in comparison to the benefits it provides as an extremely useful tool in locating, tracking and assisting in the documentation of Water Rights information.

Accordingly, I would like to take this opportunity to voice my heartfelt support for the continuing availability of Geocoding! I truly believe that any thought of eliminating it would be would be unwise, unnecessary and an unfortunate step backwards in time.

Inasmuch as many of the concerns about the Geocode seem to be rooted in a lack of understanding of what information all those numbers represent, I might suggest that WPIC consider tasking their staff to create a one-page informational graphic and presentation along the lines of the one shown in Attachment B. A useful addition to such a graphic might be a brief summary of what the Geocode should, and should not, be used for. For example it should be considered to be an extremely useful tool to assist in narrowing down the search for an individual property, but should never be considered to be the equal of, or used as, a traditional "Legal Description!" Other clarification and instructions might be added as well.

With regard to the question of getting Ownership Updates into the DNRC Data Base and Query system in a more timely fashion - - It would seem to me that it should become mandatory for the title company to complete the relevant Water Rights Ownership Update documents, attach a copy of the recorded deed, a check for the fee and mail it all directly to DNRC within 5 days of closing. That way the Water Rights update information would be required to be sent to the right place (DNRC), rather than relying solely on the current requirement that the Water Rights update information in the RTC be sent to the wrong place (DOR); and then everybody waits for it to someday get into a "data-dump" and eventually find its way to the right place (DNRC).

Several title companies in Kalispell are "voluntarily" doing this "Direct Submission" approach as a service to all concerned in the transaction and it's working quite well - - but since it's currently only "voluntary", and done by only a few companies, it's a little hit and miss. "Mandatory Direct Submission" would solve that and go a long way toward reducing the current excessive wait-time for eventual updates. Just a suggestion for your thoughtful consideration.

Thank you for your kind attention and for this opportunity to submit these comments.

Sincerely,


Lamont Kinkade, Senior Specialist
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Attachments: A and B



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Attachment A

QUALIFICATIONS

OF

LAMONT KINKADE

Senior Water Specialist

Summary of Experience, Education, Training & Certifications

During the last 25 years of my practice of “resolving water issues”, I’ve been fortunate to have had a variety of opportunities to keep up to the minute on the rapidly changing events surrounding “Water Rights”, “Water Quality”, and the consumer’s future “Right to Water.” Briefly put, these include the following:

- ✓ Montana Water Law Conference participant (2019, 2018, 2017, 2016, 2014, 2013) *
- ✓ University of Montana training in Water Rights as part of Real Property transactions *
- ✓ Montana State University training events in Water Issues & Practices *
- ✓ Montana DNRC training and certification as a Water Commissioner/Water Mediator *
- ✓ Formal Mediation training, certifications and experience *
- ✓ Montana DEQ training and certifications in Groundwater Issues *
- ✓ Montana DNRC formal training events in evolving Water Rights Issues *
- ✓ Multiple Montana DEQ training events on a variety of water-related environmental issues *
- ✓ 5 years Chairman of the NMAR “Subcommittee for Water Issues” *
- ✓ Participating member of the MAR “Water Rights Working Group” *
- ✓ Presented testimony on Water Issues before the state’s Water Policy Interim Committee (WPIC) *
- ✓ Presented testimony before the Natural Resources Committee of the Montana legislature *
- ✓ Presented testimony on Water Issues before the Montana State Legislature hearings *
- ✓ Thirty years of advanced Continuing Education as a licensed real estate Broker *
- ✓ Earned four nationally recognized certifications, namely SRS, ABR, GRI & CRS *
- ✓ Successful completion of hundreds of Water Rights related transactions *
- ✓ Over two decades of experience in Water Rights related “Issue Resolution”, as well as the marketing, sale and purchase of Water (with and without the appurtenance to land)
- ✓ Completed service in US Navy (1962-1966) Honorable Discharge
- ✓ Graduated University as a Business Administration Major (1968 – Bachelor Degree awarded)

*Detailed specifics for each of the above items are available on request from MontanaWaterSpecialists.com

Notice: This offer is void where prohibited by prior contractual commitments or law. Likewise all Anti-discrimination Laws, Statutes, Regulations & Code of Ethics requirements shall apply. The above items are not intended or offered as legal, tax, engineering, hydrologist or accounting advice but are strictly for general informational purposes only. Accordingly, all consumers are advised to seek competent legal, engineering, hydrologist, regulator agency and tax advice before signing anything. Lamont Kinkade is certified in multiple Water specialties, and holds training certificates for both Water Commissioner and Water Issues Mediator. All offerings are subject to change, correction, or withdrawal without notice.



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Attachment B

UNDERSTANDING THE GEOCODE

Geocode: A key descriptor which identifies a parcel of land by its unique location (county, township, section, quarter section, quarter section block, quarter section lot, and unit number)

A typical sample Geocode might look like this: 32-1227-26-4-01-01-0000 or 32122726401010000. In either configuration it will consist of 17 alpha-numeric characters broken into 7 separate internal codes, as indicated by the "X"s in the example below. Each of these 7 individual internal codes give specific information about the location of the property, as indicated in the boxes below. (Note some county records which are exclusive to a particular county may not show the first 2 characters in their county database.)

This Geocoding system was developed by the Montana Department of Revenue as part of its Computer Assisted Mass Appraisal system (CAMA) for all properties in Montana. This Geocoding system is also being expanded for use as a designation code to identify water rights in Montana.

County #	Township & Range Location Code	Section Number	Quarter Section of largest portion of the parcel	Block Number	Lot Number	Unit Number
XX	XXXX	XX	X	XX	XX	XXXX

First 2 characters

Next 4 characters

Next 2 characters

Next 1 character

Next 2 characters

Next 2 characters

Next 4 characters

Flathead = 07
Lake = 15



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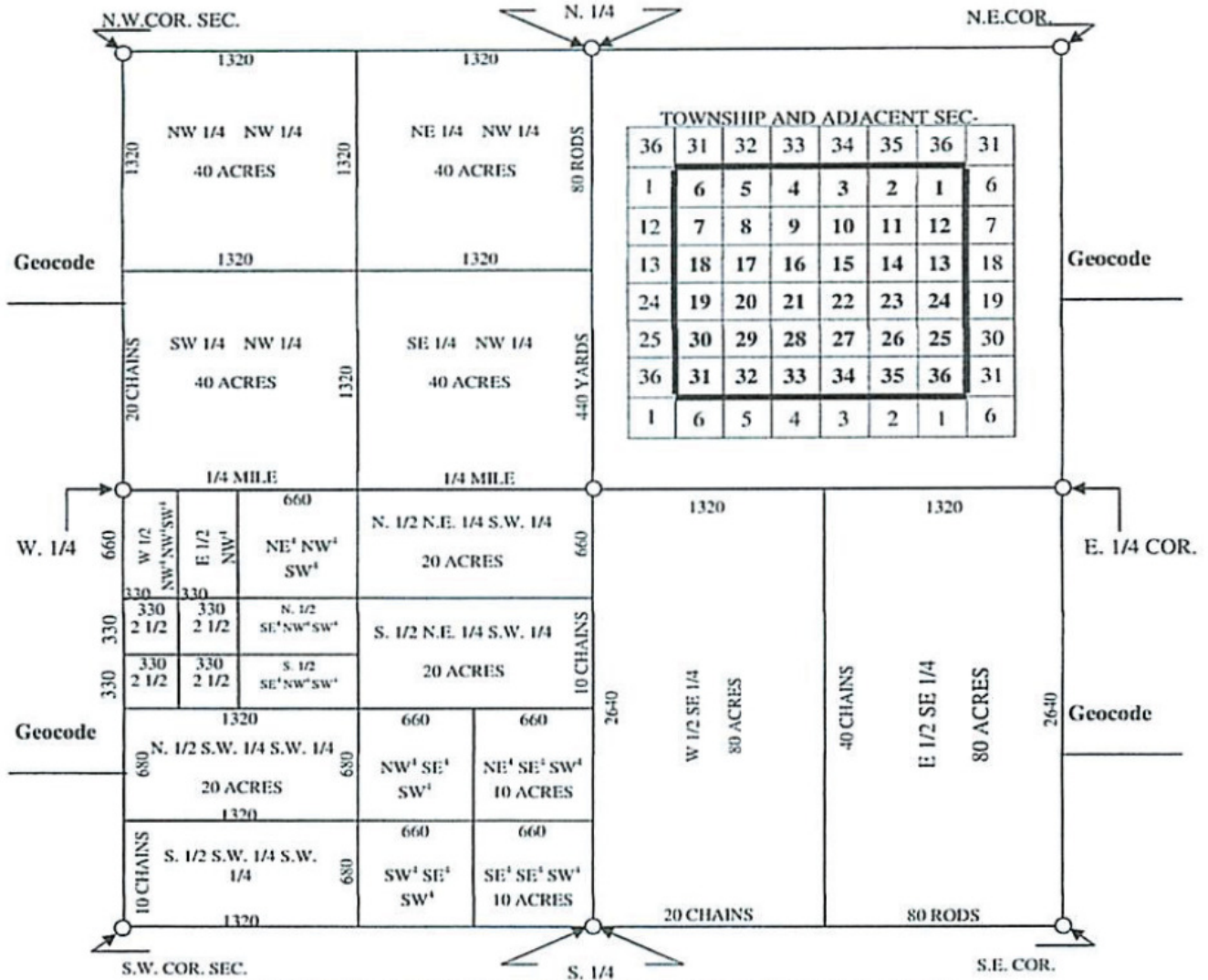
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UNDERSTANDING RANGES-TOWNSHIPS-SECTIONS



TOWNSHIP STARTS NUMBERING AT BASELINE NORTH OF SOUTH

16 1/2 FEET = 1 ROD	10 SQ CHAINS = 1 ACRE	1 SECTION = 640 ACRES
25 LINKS = 1 ROD	160 SQ. RODS = 1 ACRE	1 LINK = 7.92 INCHES
4 RODS = 1 CHAIN	4840 SQ. YARDS = 1 ACRE	.66 FEET = 1 LINK
66 FEET = 1 CHAIN	43560 SQ. FEET = 1 ACRE	5280 FEET = 80 CHAINS

Calculation of legal description elements:

1 Section = 640 ac	1/2 Section = 320 ac	1/4 Section = 160 ac	1/2 of 1/4 Section = 80 ac
1/4 of 1/4 Section = 40 ac	1/4 of 1/4 of 1/4 Section = 10 ac	1/4 of 1/4 of 1/4 of 1/4 Section = 2.5 ac	

Note: In the event the above section is a rare "Correction Section," the area quantifications must be calculated for that unusual section.



GLOSSARY OF TERMS

aliquot

The regular (mathematical) division of a parcel of land defined by the Public Land Survey System (PLSS). The basic unit of land in the PLSS is the section, a parcel of land 1 mile square in extent (640 acres). The NORTH HALF of Section 1 (N 1/2, 320 acres) is an aliquot part, as is the SOUTH EAST QUARTER (SE1/4, 160 acres), or the NORTHEAST QUARTER OF THE NORTH WEST QUARTER (NE1/4 NW1/4, 40 acres).

cadastral

Commonly, land ownership information. Formally, of or relating to an official register of the quantity, value, and ownership of real property used in apportioning truces; showing or recording property boundaries, subdivision lines, buildings, and related details.

CAMA

(Computer Assisted Mass Appraisal) System for recording and determining valuation of real property, and improvements on the property, for purposes of taxation. Various characteristics describing the property and improvements are maintained for this purpose.

css

Cascading Style Sheets, or styles, is a Web formatting convention which allows assignment of several properties at once to all the elements on Web pages marked with a particular tag. Formatting properties not available using standard HTML tags are possible using styles (line spacing, background colors).

FGDC

Federal Geographic Data Committee, an interagency committee, organized in 1990 under OMB Circular A-16 that promotes the coordinated use, sharing, and dissemination of geospatial data on a national basis. The FGDC is composed of representatives from sixteen Cabinet level and independent federal agencies. The Steering Committee sets high-level strategic direction for the FGDC as a whole. The Coordination Group advises on the day-today business of the FGDC. Staff support for FGDC committees is provided by the FGDC Secretariat staff. The FGDC subcommittees are organized by data themes. Working groups play a crosscutting role, dealing with issues that span many subcommittees.

FTP

File Transfer Protocol, an Internet protocol and service providing network file transfer between any two network nodes. User must have file access rights to transfer files to or from node. Typically used between remote host and local host (computers).

geocode

a key descriptor which identifies a parcel of land by its unique location (county, township, section, quarter section, quarter section block, quarter section lot, and unit number).

Geographic Coordinate Database (GCDB)

The GCDB is a database (digital) of the most dependable coordinates available for the US Public Land Survey System (PLSS) corners. It is produced by the US Bureau of Land Management. The data contained in the GCDB has been collected with a 95% level of accuracy. For details see the BLM website.

GIS

Geographic Information System: a combination of computer hardware and software used to collect, maintain, analyze, and display geographic (map) information.

JavaScript

A scripting language embedded within standard HTML pages which makes Web pages more interactive (forms, dynamic page creation, window control). JavaScript can be run in Web pages either client-side (local machine) or server-side (remote host machine). JavaScript was developed by Netscape Communications and is supported by most browsers.

MGIC

(Montana Geographic Information Council) Fourteen members, appointed by the Governor, to provide policy level direction and promote efficiency and effective use of resources for matters related to geographic information. Executive Order N