


ADJUDICATION MEMORANDUM #15

TO: Adjudication Staff

FROM: Don Shaff, Adjudication Bureau Chief 

SUBJECT: Preparing Domestic & Stockwater Claims for Data Entry

REVISED: March 3, 2009

The following are recommended guidelines for staff to follow when data entering claims. Circumstances sometimes require changes to facilitate data entry. The scope of this memo is to address when and how to make clarifications. Depending on the situation, notifying the claimant of changes may be necessary.

The original claim form received by IDWR must not be altered except for the received stamp, receipt number, initials of person receiving claim, etc. The information describing the water right must not be altered on the original claim form. Any clarifications are to be made to a photocopy of the claim form received by IDWR. Annotations on the copy must be initialed, dated and the copy kept with the original claim form.

A. Data entry not requiring notification of the claimant:

Item #1

If the mailing address is incomplete, it may be completed by use of a telephone book, check stub, internet lookup, etc. (e.g. claimant supplies zip code but does not list city). If two names are listed but there is no connector, supply "and/or."

Item #3

If the claimant indicates the source as "well," "ground," "aquifer," etc., the source will be data entered as "ground water." If a source is not listed in Item #3, but is described on the claim form (usually in Item #5), add the source.

Item #4

If the complete legal description is not listed, but documentation such as a deed is attached or the parcel number is listed, IDWR will add the legal description listed on the attached documentation. If a subdivision is indicated with the lot and block, IDWR will data enter the legal description using applicable county subdivision maps or tax lot data. If the county is not listed, supply the county.

Item #5

If this item is not completed, but the diversion is indicated elsewhere (e.g. “well” indicated in Item #3), add the description during data entry.

Item #9

If the complete legal description is not listed, but documentation such as a deed is attached or the parcel number is listed, data enter the legal description listed on the attached documentation. If a subdivision with lot and block is listed, data enter the legal description using applicable county subdivision maps or tax lot data. If the county is not listed, supply the county. If the purposes are not checked, the same purposes listed in Item #6 will be supplied.

Data enter the place of use consistent with the purpose(s) listed under Item #6, regardless of purpose(s) of use checked under Item #9. If there is any confusion, IDWR should contact the claimant.

Item #10

Data enter the county if not listed.

Item #11

If ownership is not indicated, assume “yes” unless otherwise indicated by claimed documentation.

Item #12

If no other rights are listed, data enter “none.”

Item #14

If the basis of claim is not indicated and there is no indication of a previously recorded water right, data enter “beneficial use.” If the basis is listed incorrectly (e.g. license has been issued but a permit is claimed as the basis), data enter accordingly.

Item #15

If the docket sheet subscription is not marked, assume no subscription is desired.

B. Data entry requiring notification of the claimant:

Notification is defined as sending a letter, with a copy of the data entered form, informing the claimant of the clarifications. The form would not have to be signed and returned by the claimant to make the changes permanent. The claimant has the opportunity to change any items on the form that misrepresent their intent by returning a signed, amended form.

Item #2

When only a year is listed, data enter the last day of the year. When only a year and month are listed, data enter the last day of the month. Note: These guidelines also apply when “approximately” or “estimated” precede the claimed date. If seasons of a particular year are claimed, data enter the following dates:

- Spring – May 20
- Summer – August 20
- Fall – November 20
- Winter – December 31

An apparently erroneous priority date (e.g. date claim was completed) appearing in the priority date can be corrected if an apparently correct date appears elsewhere on the form such as in Item #5. If a correct date does not appear elsewhere, the claim form should be returned to the claimant for completion or correction.

Item #4

If a deed, parcel number or plat is attached, and the legal description listed in Item #4 does not match the parcel(s) shown in the attached information, data enter the legal description consistent with the attached information.

Item #6

If the period of use is not listed for domestic or stockwater, data enter year-round use. If the amounts for each purpose are not listed but the total amount is provided on the claim, supply the standard amount for each purpose if domestic and/or stockwater uses are described on the claim (i.e. number of households and stock) and if each standard amount is not greater than the total amount claimed.

Item #7

If the total quantity claimed is not completed, data enter the sum of the amounts listed in Item #6.

Item #8

If domestic use is the only purpose claimed, data enter 1 house for domestic use in the absence of other information.

Item #9

If it appears the claimant’s intent was to claim the same 40-acre tract as the point of diversion, data enter the POU accordingly. If #9 is blank, but a POD legal description is listed in #4, data enter the POU accordingly.

C. There are many situations in which a claim should be returned. Some of these include:

- a. Name or address not included.
- b. No priority date listed or more than one priority date listed.
- c. Complete POD and POU legal description (40-acre) tract not listed nor a deed or other documentation describing the 40-acre parcel attached.
- d. Claim not signed by appropriate parties.
- e. Appropriate filing fees not submitted.
- f. Claim is for two or more separate water rights.
- g. Claim is for uses which fall under permit requirements for which no permit was filed. In this case be sure the claimant is advised of his option to file the claim. (See Adjudication Memorandum #1.)
- h. Claim is for uses which are not appropriate for the domestic and stockwater form. (We do not return claims for instream stock watering on the domestic and stockwater form if all needed information has been included.)