


## ADJUDICATION MEMORANDUM #30

TO: Adjudication Bureau Staff

FROM: Don Shaff, Adjudication Bureau Chief 

SUBJECT: Point of Diversion: 10 Acre Tract

REVISED: April 20, 2009

This memo addresses when the point of diversion (POD) has to be determined to the ten-acre tract (QQQ) instead of to the 40-acre tract (QQ).

With the advent of GPS and GIS technology to determine PODs, the department's policy is to determine the POD to the greatest accuracy possible through the use of GIS imagery, claimant information and, where available, GPS technology. The legal description should reflect the Township, Range, Section, and 40-acre tract (QQ) or Government Lot and the department's spatial data will reflect the accurate POD.

Generally, the Adjudication Bureau's policy is not to describe the POD to a 10-acre tract (QQQ) because the increased accuracy and precision of GIS and GPS technology allow for a more precise spatial data point. However, there are licenses and approved transfers where the POD is described to the 10-acre tract, particularly where the source is a spring. For transfers, this is applicable only to approved transfers where the transfer changed the POD. The POD description to the 10-acre tract should be preserved for such licenses and transfers unless the POD is not within the described 10-acre tract and the new legal description can be described as an accomplished transfer.