


**BUREAU CHIEF'S MEMORANDUM**

To: Water Allocations Bureau and Regions  
 From: Jeff Peppersack   
 Re: **Organization of Water Right Files** (Supplement to Amended Records No. 1)  
 Date: March 23, 2012

The information provided in this document does not supersede Administrative Memorandum Amended Records No. 1, Proper Order of Filing. The information in Amended Records No. 1 is still relevant. This supplemental memorandum is intended to reinforce the existing guidance and to provide direction for new document types and processing changes that have occurred since Amended Records No. 1 was issued.

<p>❖ <b>Examples of Documents filed on the left-side of the water right file.</b></p> <p>Documents that affect the status and elements of a water right are not mixed with other documents and correspondence in a water right file. Documents affecting the status and elements of a water right are filed on the left-side of the water right file in chronological order, with the most recent document on top. All supporting documents or supplements to applications submitted with a document affecting the status and/or elements of a water right should be retained on the left side of the file with the primary document. Cover letters are the exception.</p>	
<b>Water Right Stages</b>	<b>Associated Applications, Forms &amp; Approvals</b>
Application	<ul style="list-style-type: none"> <li>• Application for Permit to Appropriate Water</li> <li>• Assignment of Application for Permit</li> <li>• Withdrawal of Application for Permit</li> </ul>
Permit	<ul style="list-style-type: none"> <li>• Permit to Appropriate Water</li> <li>• Assignment of Permit</li> <li>• Application for Amendment of Permit</li> <li>• Statement of Completion for Submitting Proof of Beneficial Use</li> <li>• Request for Extension of Time to Submit Proof of Beneficial Use</li> <li>• Request to Reinstate a Permit Lapsed more than Sixty Days</li> <li>• Relinquishment of Permit</li> <li>• Application for Amendment for Licensing</li> </ul>
License	<ul style="list-style-type: none"> <li>• Water Right License</li> </ul>
Statutory Claim	<ul style="list-style-type: none"> <li>• Claim to a Water Right</li> </ul>
Decree	<ul style="list-style-type: none"> <li>• Decree or Partial Decree (document from court representing right)</li> </ul>
<b>Subsequent Actions</b>	<ul style="list-style-type: none"> <li>• Orders of the Department or Independent Hearing Officers which directly determine the status of a water right, or which changes existing elements of a water right.</li> <li>• Notice of Power of Attorney</li> </ul>

	<ul style="list-style-type: none"> <li>• Notice of Change in Water Right Ownership</li> <li>• Proof Report (database representation of a water right record)</li> <li>• Notice of Security Interest in a Water Right</li> <li>• Application for Transfer of Water Right</li> <li>• Application for Transfer of Water Right – Point(s) of Diversion</li> <li>• Assignment of Application for Transfer</li> <li>• Transfer of Water Right</li> <li>• Request for Extension of Time to Complete Transfer</li> <li>• Application for Exchange of Water</li> <li>• Exchange of Water Right</li> <li>• Temporary Change Application</li> <li>• Notice of Diversion as an Alternative to Instream Stockwater Use</li> <li>• Application to Sell or Lease a Water Right to the Water Supply Bank</li> <li>• Water Supply Bank Lease Acceptance</li> <li>• Application to Rent Water From the Water Supply Bank</li> <li>• Water Supply Bank Rental Agreement</li> <li>• Water Supply Bank Request to Release or Lease Term Extension</li> <li>• Application for Extension of Time to Avoid Forfeiture of a Water Right</li> <li>• Resumption of Beneficial Use</li> <li>• Notice of Abandonment of Water Right</li> </ul>
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❖ **Examples of Documents filed on the right-side of the water right file.**

Documents and correspondence that provide additional information, review, or explanation regarding the development and changes to status or elements of the water right documented on the left-side of the file are filed on the right-side of the file.

Type of Documents	More Explanation
Correspondence	<ul style="list-style-type: none"> <li>• All letters, notes and emails related to the water right along with any related attachments. Cover letters to applications or other forms are filed on the right-side, while the applications or forms as noted above are filed on the left-side of the file.</li> <li>• Documents received to supplement submitted applications should be retained with the explanatory correspondence filed on top; not filed with the application. Adding documents to the application after it has been submitted confuses the chronology of events. If multiple changes are proposed through correspondence and supplements, an Amended Application should be submitted to clarify the application details.</li> </ul>
Staff Review	<ul style="list-style-type: none"> <li>• Reports, memos or review analysis of various actions by department staff related to applications, actions or events during development and use of a water right.</li> </ul>
Water District	<ul style="list-style-type: none"> <li>• Water Master Comment forms, correspondence or other water district documents.</li> </ul>
Legal Notice	<ul style="list-style-type: none"> <li>• Correspondence, ads, affidavits of publication related to the advertising and public notice process.</li> </ul>
Protest	<ul style="list-style-type: none"> <li>• Notice of Protest forms or letters may be temporarily separated into a separate folder labeled "Protests" when multiple protests for a single matter</li> </ul>

	<p>are received. All related correspondence should be filed on the right-side of the water right file. These documents should be merged chronologically on the right-side of the water right file upon resolution of the protested matter per Amended Records No. 1.</p> <ul style="list-style-type: none"> <li>• Department protest correspondence such as acknowledgement letters, protest withdrawal letters, pre-hearing conference notice, etc.</li> <li>• Other hearing documents such as attendance roster, recording notes, list of exhibits, exhibits, list of parties, etc.</li> <li>• Hearing Exhibits may be separated into a separate folder labeled "Exhibits" when multiple exhibits for a single matter are received. A target sheet is inserted in its place identifying the date, name and location of the documents. All related correspondence should be filed on the right-side of the water right file.</li> </ul>
Petitions	<ul style="list-style-type: none"> <li>• Petitions for Reconsideration of a Department approval or action, related correspondence, and any Withdrawal of Petitions.</li> </ul>
Other Orders	<ul style="list-style-type: none"> <li>• Orders of the Department or Independent Hearing Officers related to interim matters such as setting a matter for hearing, discovery or other procedural matters.</li> <li>• Orders or other legal documents issued by jurisdictions other than IDWR related to a water right. Decrees or Partial Decrees from an adjudication court are primary documents filed on the left-side.</li> </ul>
Reports	<ul style="list-style-type: none"> <li>• Beneficial Use Field Reports and other technical reports submitted separately from applications by staff and the public.</li> </ul>
Address Information	<ul style="list-style-type: none"> <li>• Change in Address form or letter, and other documentation received from the post office or returned mail.</li> </ul>
Withdrawals	<ul style="list-style-type: none"> <li>• Upon receipt of a Withdrawal of Applications for Permit, Amendment of Permit, Transfer or Exchange, the application is marked "Withdrawn" and moved to the right-side of the water right file directly beneath the withdrawal document. Withdrawn applications have no effect on the water right, so they no longer belong on the left-side of the file. The exception to this rule is a Withdrawal of Application for Permit because the water right application process ends and the entire file is scanned and destroyed.</li> </ul>
Returned Mail	<ul style="list-style-type: none"> <li>• Returned mail envelopes (contents can be discarded since a copy is already in the file) document the result of mailing and/or address information provided by post office stamps, notes or certified mail cards. The associated application or water right number should be noted on the face of the envelope along with subsequent action taken.</li> </ul>

❖ **Examples of items that should not be filed in water right files.**

Documents must be evaluated to determine if they should become part of the water right record. All relevant documents should be secured in the file, scanned and made available for public review. Some documents should not be part of the water right record.

Type of Documents	More Explanation
Discovery	<ul style="list-style-type: none"> <li>• During the period between a protest conference and a scheduled hearing, the parties may engage in discovery. Orders authorizing discovery may or may not be issued. If they are, then they should be filed on the right-side of file as noted under Other Orders.</li> </ul> <p>Discovery responses are normally exchanges between the parties without notice to IDWR. Discovery responses should not be made part of the water right record unless submitted as evidence at the hearing. Any discovery documents received prior to the hearing should be placed in a separate envelope and removed at the end of the protest process at the discretion of the hearing officer.</p>
Hearing Officer Notes	<ul style="list-style-type: none"> <li>• Hearing officers keep notes related to protested matters they are considering for decision and resolution. These notes are generally retained by the hearing officer and should be returned to them if found in water right files at the conclusion of the process. There may be exceptions that will be determined by the hearing officer.</li> </ul>
Legal Counsel	<ul style="list-style-type: none"> <li>• Documents or communications from legal counsel advising staff on specific legal matters generally are not to be shared with the public as part of the water right record. There may be exceptions when legal staff participate in a water right process and provide information to the public through correspondence, etc. Documents from department legal staff should be evaluated carefully before being filed in a water right file.</li> </ul>
Personal Financial Information	<ul style="list-style-type: none"> <li>• Personal financial information should be marked out with a black permanent marker after reviewed and an explanatory memo has been placed in the file, so it is not publically shared when included in water right files.</li> </ul> <p>Personal financial information includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>○ Social Security numbers on any documents</li> <li>○ Bank routing and account numbers on copies of checks</li> <li>○ IRS W-9 forms received for Water Supply Bank Rental payments</li> </ul>
Receipts	<ul style="list-style-type: none"> <li>• Record Receipt ID number on the corresponding document and mail the printed receipt to the appropriate party.</li> </ul>
Post-It Notes	<ul style="list-style-type: none"> <li>• Post-It “sticky” notes are temporary notes for or from staff while processing a water right action and should be removed when the action is completed. Most “sticky” notes address staffing matters. If the contents of the note are important, staff should include the information in a standard memo to the file. Clerical staff should not be required to determine the value of these notes and should return the file to the reviewing staff to resolve.</li> </ul>
Envelopes	<ul style="list-style-type: none"> <li>• Envelopes from incoming mail should be discarded unless the only source of the address. A copy of a retained envelope can be placed in the file to be more visible and secure. (See Returned Mail from Examples of Documents filed on Right-side of File for other exception.)</li> </ul>
Unidentifiable	<ul style="list-style-type: none"> <li>• A document with no indication of what it represents, why it is part of the file, or where it originated should not be retained in the file.</li> </ul>

Research	<ul style="list-style-type: none"> <li>Only relevant research documents that are clearly identified or included as attachments of a review memo or letter should be filed.</li> </ul>
Loose	<ul style="list-style-type: none"> <li>All relevant documents should be secured in the file.</li> </ul>
Inappropriate Language	<ul style="list-style-type: none"> <li>All department correspondence, email, memos, etc., should be written in a professional manner with the knowledge that they will become public record as part of the water right file.</li> </ul>

❖ **All documents should be filed in chronological order.**

Documents filed in a water right file are the story of the water right and must be filed in chronological order to provide a clear record of the right through time. Determining the correct location for a document (not to be confused with attachments that may be old and out of order) is an important part of water right record keeping.

Document Type	More Explanation
General	<ul style="list-style-type: none"> <li>Each side of a water right file should have all documents filed in chronological order from the bottom up with the most recent documents on top.</li> </ul>
Department	<ul style="list-style-type: none"> <li>Documents created by department staff should be filed by the document date.</li> </ul>
Outside Sources	<ul style="list-style-type: none"> <li>Documents received from outside sources should be filed according to the earliest department date received stamp. For example, if both a region stamp and state office stamp are on the document, the earliest received date is used to file the document.</li> <li>If a document received from outside sources is <u>returned and subsequently resubmitted</u> to the department, the later department date received stamp on the document is used to file the document. The original date received stamp should be crossed out when a document is submitted a second time to avoid confusion.</li> </ul>

❖ **Examples of documents that cannot be filed in chronological order.**

Certain documents related to processing events cannot easily be stored in chronological order due to number or size and must be consistently accommodated by alternate means. When documents are separated from the chronology of the file, a target sheet is inserted in its place identifying the date, name, and location of the documents.

Document Type	More Explanation
Certified Mail Cards	<ul style="list-style-type: none"> <li>A large number of certified mail cards showing delivery of a common item can be placed together in an envelope that is filed following the mailed item.</li> </ul>
Large Maps	<ul style="list-style-type: none"> <li>Large or oversized maps submitted with documents sometimes cannot be placed in the file and still be viewed. These maps can be labeled, dated, folded separately and placed within a large accordion file along with the water right file.</li> </ul>

Hearing Exhibits	<ul style="list-style-type: none"> <li>• A large number of hearing exhibits can be placed together in an envelope or separate folder marked "Exhibits", as earlier noted, and placed into an accordion folder along with the water right file.</li> </ul>
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❖ **Use of the Support Data stamp on documents.**

Some processes affect more than a single water right. Copying and scanning can become a costly and inefficient use of time and resources. A support data stamp can be used to combine and simplify the process. It should be clear in all affected water right files that some action affecting the water right has occurred and where the documents are located. This practice doesn't preclude filing documents in all files when deemed more appropriate.

**Support Data in File # \_\_\_\_\_.** The support data stamp identifies the location of all documentation associated with a single process related to multiple water right files. The completed Support Data stamp informs anyone viewing the stamped document that other related documents, such as deeds, correspondence, etc., received prior to processing completion or final decision date of this action can be found in a single water right file. Only a copy of the processed form, or final approval or denial document is filed in the related water right files.

Type of Documents	More Explanation
Transfer, Exchange & Water Supply Bank	<ul style="list-style-type: none"> <li>• Applications for Transfer, Applications for Exchange and Applications to Lease or Rent Water Rights to the Water Supply Bank may include multiple rights. All documents related to processing these applications are placed in the lowest numbered water right file. (Water Supply Bank Application Lease forms are related to a single right, but for processing and approval/denial are often combined when related to a common system.)</li> <li>• When the process reaches a conclusion, the approval or denial document is stamped with the Support Data stamp in the bottom right hand corner of the first page of the document and completed by entering the lowest numbered right number. Then the approval/denial document is copied for distribution to other related files and for scanning. <ul style="list-style-type: none"> <li>○ For approval documents with 20 or more pages, the complete original document will be filed in the lowest numbered water right file; scanned and profiled to each related water right number in its entirety.</li> <li>○ A partial approval document will be distributed to all other water right files that includes: <ul style="list-style-type: none"> <li>▪ the first pages with a summary listing all affected rights, summary after changes and the approval signature</li> <li>▪ the pages that specifically describe the individual water right elements and conditions</li> <li>▪ any map attachments to the approval document.</li> </ul> </li> <li>○ The first page of the partial approval document will be clearly marked in the bottom right hand corner "Partial Approval Document. Complete document in File # <u>XX-XXXXX</u>." prior to copying and distribution to water right files.</li> </ul> </li> </ul>

<p>Ownership</p>	<ul style="list-style-type: none"> <li>• When a Notice of Change of Ownership or Security Interest (Notice) includes more than a single right, the Notice is stamped with the Support Data stamp in the bottom right hand corner of the document and completed by entering the lowest numbered affected water right number. When processing is completed, the entire Notice with all attachments is scanned and profiled to all affected rights, then filed in the lowest numbered water right file identified in the stamp. A copy of the stamped first page of the Notice is distributed to all other related files.</li> <li>• When water rights are split through an ownership change (one or a related group), the original stamped Notice is retained in the lowest numbered affected water right file as noted above. The affected portion under new ownership is assigned a new water right number(s), and the remaining, reduced portion of the right(s) remains under the original water right number(s).</li> </ul> <p>During the split process a database comment is added to each split portion that identifies the original parent or resulting child right numbers. Proof Reports for each portion of the split right(s) reflecting the ownership changes are printed and filed on the top left-side of the water right files.</p>
<p>Post Approval/Denial Actions</p>	<ul style="list-style-type: none"> <li>• Documents received after an approval or denial of an action affecting multiple rights should be reviewed to determine if they are related to the recent action or if they are simply correspondence related to one or more of the same rights. <ul style="list-style-type: none"> <li>○ If the documents are related to the recent approval or denial, such as a Petition for Reconsideration, all documents should be placed in the lowest numbered water right file, the Department may grant or deny the petition and/or may issue an amended approval. When the process reaches a conclusion, the amended approval or a denial of the petition is stamped with the Support Data stamp in the bottom right hand corner of the first page of the document and completed by entering the lowest numbered right number. Then the approval/denial document is copied for distribution to other related files and for scanning.</li> <li>○ If the document is not part of an earlier action affecting multiple rights, a copy of the subsequent documents related to multiple files should be filed in each related water right file identified on the document. <ul style="list-style-type: none"> <li>▪ For efficiency, large documents or documents with multiple supplements related to multiple rights received separate from any other action may be stamped with the appropriate stamp and distributed similarly to the examples described above.</li> </ul> </li> </ul> </li> </ul>

❖ **Miscellaneous file maintenance items.**

Maintaining water right records is a primary function of the department. There are some common file maintenance items that should be consistent and will preserve the records in the best manner for future use.

Maintenance Type	More Explanation
Organization	<ul style="list-style-type: none"> <li>• File organization should be completed following any action affecting a water right file. The person completing the final processing steps of an action is responsible for cleanup and proper organization of the documents within the file before forwarding it to other staff, another office, or the vault for storage.</li> <li>• Correspondence or documents that have attachments such as legal notices or affidavits should be filed with the letter or communicating document on top followed by the attachment.</li> </ul>
Security	<ul style="list-style-type: none"> <li>• Documents that have been made part of a water right file should not be removed by staff or by the public. These documents are also secured as part of the official water right record by microfilm or scanned document records for the water right and should be retained.</li> </ul>
Settings	<ul style="list-style-type: none"> <li>• Before punching holes in new documents to be added to a water right file, check the settings on the two-hole punch and verify that they are set correctly for best placement of documents in file folders. Documents should be offset from the center of the file by about a ¼ inch; left-side documents moved to the left and right-side documents moved to the right. This leaves about a ½ inch space in the middle of the file between the papers when secured on the prongs of the file. The file can be closed without curling or damaging documents in the center folding seam where they meet.</li> </ul>
Multiple Folders	<ul style="list-style-type: none"> <li>• When a file folder becomes thicker than one inch of documents, a second folder should be created. Files should be labeled "File 1 of ___", "File 2 of ___" and so on. The second entry shows number of total files (File 2 of 2) and will be adjusted as more folders are created.</li> <li>• All folders related to the same water right are placed together in an accordion file labeled according to standard file label protocol with a typed or printed water right number on the proper color coded label along with a barcode label identifying the same water right number.</li> <li>• When an accordion file is full, a second accordion file is created to hold additional folders. The accordion files must then be labeled in the same fashion as the folders noting "File 1 of 2" and so on. A single bar code label on the first accordion file is sufficient as the files should stay together.</li> </ul>
Large Items	<ul style="list-style-type: none"> <li>• Large documents or maps that are folded and placed on the prongs of a water right file should allow for the document to be opened and viewed without having to remove it and all the documents above it from the file. If this is not possible, place the large document or map within an envelope and attach the envelope to the file prongs or in a large accordion file along with the water right file. A target sheet is inserted in its place identifying the date, name and location of the documents, if they are filed separately.</li> </ul>