



FROM: John Beyrau, Water Resources Specialist
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TO:

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RE: FIP examination notes.

This a summary of the process of examination of the water rights for the Flathead Irrigation Project in basin 76L.

The examination was broken down into several parts. Also, the Jocko district was examined separately from the rest of the project.

The Jocko district was examined by 3 members of John Peterson's team (team "C"- Zachary Marshall, Jen Miller and John Rasmann) in the summer of 2007 before the start of the examination of the rest of the water rights.

The Camas district was treated as a totally separate area since it receives no water from the main body of the project in the Mission Valley. All of the mapping of the Camas District, claimed, examined and Water Resources Survey (WRS), was performed by John Beyrau.

The Mission Valley water rights, which encompass the major area of the irrigation project, were mapped in multiple stages. The Claimed and overall Examined area were mapped, primarily, by Kimberly Brown of the Missoula Regional Office of the DNRC. The Water Resources Survey data was scanned from the original Mylar maps of the Lake Co. Water Resources Survey (1963).

The examination of the individual claims was undertaken by John Beyrau of team "A" of the Helena Adjudication staff. The examination was broken down into several steps. A special project was set up in the DNRC WRmapper application of the ArcMap program. Also, the "Z" file was looked over and a list of the information and issue remarks would probably be needed was compiled so as to speed the examination process. As an additional step, the major canals and ditches were mapped, based on the USGS 1:24000 quad maps, so as to provide a framework for the examination.

In addition, a list of the duplicate claims that had been filed by the Bureau of Indian Affairs on behalf of the CSKT tribe was generated in a spreadsheet. This list, originally created by the Missoula R.O., also includes the claimed Point of Diversion (POD) location and the project's diversion reference number. The list also helped pinpoint which claim was being duplicated when private claims appeared to be claiming project water. (note: The BIA claims appear to be identical-Xerox copies- to the Joint Board of Control claims. They did not appear on the list of claims that needed to be examined. They were also not on the original "do not examine" list from the CSKT. It appears that they are tribal rights filed by the BIA on behalf of the tribe.)

The Examined and Claimed area maps were not immediately available. So, as a first step, the claimed points of diversion were mapped for all of the claims. A small scale map from the "Z" file (file no.:76L-166594) was used to check the locations of the POD's. During the examination of the places of use of the claims, the location of the POD was checked and corrected based on the large scale maps provided as part of the claims. These maps are blueprint maps of the project, dated 1960. They have a scale of approx. 3.5inches/ mile and show the claimed places of use in green. The maps were scanned and georeferenced to the Arc maps and the POD location corrected when needed. The ditches associated with each diversion were also traced from the maps. Frequently there was disagreement in stream locations between the project maps and the USGS quads as to the location of streams. The locations were adjusted to the nearest stream point on the USGS quad that was consistent with the legal description.

Each claim was examined and the appropriate areas mapped and issue and information remarks were added to the water right as needed. The examination attempted to determine what area could actually be served by a given source, Point of Diversion and the associated canals and ditches. The Examined and WRS layers were initially mapped for the water right whose diversion and source appeared (at least in theory) to be able to provide water for all of the claimed area (water right No. 76L-166602). This area was then copied to each water right as it was examined. The point of diversion was checked and the associated water conduits mapped. At this point, the limits of where the water could be transported by the ditches /canals associated with the Point of Diversion were determined by checking the topographic map and the available aerial photographs. Once a probable boundary had been determined all area outside the boundary were eliminated and the area left was measured and added to the examination sheets in the appropriate places as the examined area. The examined Water Resources Survey area is that part of the WRS GIS layer that appears to be within the boundary determined for the examined layer.

The claim examination was then completed and an abstract printed and added to the file. Maps of the claimed area were generated and added to the files after the examination was completed for all of the water rights as the normal map generating process would not work for these water rights.

The mapping must be considered a close approximation due to the time constraints for examination and the nature of the data supplied by the claimant in the files.

Some notes about the overall examination and the Project:

The data provided by the claimant about the area served/claimed is not internally consistent. The area served by water provided by the project may be as little as 98,000 acres or as much as 138,990 acres. Various numbers with this range are found in the documents within the "Z" file (76l-166594). An analysis of the Claimant's POU list does not clarify the situation to any degree.

No Court order establishing an irrigation district under MCA85-7-101 is provided in the file. A letter in the "Z" file refers to such a document and gives a date of August 26, 1926 for the required court decree. No copy of the document is in the file.

The Owner name was changed by an amendment dated 03/27/1989. The DNRC staff, at the time, determined that no form 608 ownership update, as required by statute, was needed. This may be incorrect since there was a change of legal entity that needed to take place in legal records. The examiner was specifically told by the program manager NOT to make an issue out of this.

The entire ditch/canal system was not mapped during this examination. Only those ditches and canals directly connected to a claimed point of diversion were mapped. The purpose was to help determine the area served by a particular diversion point. When mapped, the ditches and canals were named as identified on the project maps. A detailed mapping of the system was done by the BIA/ project some years back. This was not available to the examiner during the examination*. The mapping was based only on that data that was in the files and a schematic map of water movement that was in a Joint Board of Control document about the project from 1997**. A copy of the schematic is in each claim file as a DNRC supplemental document.

All claims were given a duplicate issue remark and a separate table of the claims and duplicates was generated for reference purposes.

On many of the claims, there is a statement that the water is integrated into the whole system. In many cases this appears to be impossible. The indicated diversions and their ditches do not appear to connect to the larger system on the claimant supplied maps- they appear to be self contained systems. Additionally the water would have to run uphill in some cases, a physically unlikely situation !

No information on the pumps on Crow Creek or the Flathead River was supplied. A request for pump information needs to be sent to the project.

The amendment that changed the priority date, did not change the type of right. It is unclear, as a result, whether the water right is supposed to be a reserved right or not.

Claims, where persons appeared to be claiming the project water, were given duplicate or redundant claim remarks. An attempt was made to determine which of the claims of the project were duplicated by the private owner claim.

* I only learned of this data a few days before the examinations were completed. The mapping was performed based on the original claimant maps.

** Flathead Irrigation Project, 1997. Compiled by the Joint Board of Control of the Jocko Valley Irrigation District, The Mission Irrigation District and the Flathead Irrigation District, Montana.