

**CRITERIA FOR
AGRICULTURAL IRRIGATION AND LIVESTOCK WATERING EASEMENT
(DITCH BILL EASEMENT) ELIGIBILITY**

FSM 2729.16a – Qualifying water conveyance facilities on National Forest System lands include reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other facilities and systems for the impoundment, storage, transportation or distribution of water, including roads and trails required by the owner and/or assignees for maintenance and operation of the system facilities, provided that such facilities were constructed and in operation before October 21, 1976.

The authorized officer must issue the permanent easement without charge for uses under this designation if all of the following criteria are met:

1. The applicant submits a written application on or before December 31, 1996.
2. The system to be authorized was constructed and placed into operation prior to October 21, 1976. Specify which act the system was authorized under, if known.
3. The National Forest System lands occupied by the system are located in a State where the appropriation doctrine governs the ownership of water rights.
4. At the time an application is submitted, the water system or that portion of the system for which the application applies is used solely for agricultural irrigation or livestock watering purposes, Agricultural irrigation and livestock watering uses are distinguished from industrial and municipal water uses, but include incidental domestic use of water which may be either consumptive or non-consumptive.
5. The use served by the water system is not located solely on Federal lands.
6. The originally constructed facilities comprising the water system have been in substantially continuous operation without abandonment.
7. The applicant has a valid existing right, established under applicable State law, for water to be conveyed by the water system.
8. The applicant submits a recordable survey and other information concerning the location and characteristics of the system.