

**Objectives and Test Questions for the Presentation by Kara H. on
“How Water Rights Drive Aquatic Resource Mitigation in the West”**

Objective #1 – Understand the basics about water rights in the arid West.

Objective #2 – Learn about how water rights may affect a compensatory mitigation project.

Objective #3 – Learn some important questions to ask prior to mitigation site selection and design.

Five test questions

1. Which of the following statements are correct in regard to the concept of “prior appropriation”? (select all that apply)
 - A. The prior user is entitled to divert the full amount of water to meet his or her entire water right before the next junior user may legally divert any water.
 - B. If you do not use your water allocation, you lose it.
 - C. The first user to divert and put water to beneficial use has a prior right.
 - D. Water right may not be appropriated unless the water is put to a beneficial use.
 - E. Senior water rights are established by the user’s location in the watershed.

Answer: A, B, C and D

2. Which of the following are types of water rights? (select all that apply)
 - A. Precipitation.
 - B. Direct flow.
 - C. Storage.
 - D. Over bank flooding.
 - E. In-stream flow.

Answer: B, C and E

3. These are the types of questions an entity should consider in states that operate under a prior appropriation doctrine: (select all that apply)
 - A. Is all the water historically used for the property necessary for the mitigation?
 - B. What type of water is required (surface or groundwater)?
 - C. What was the historic use?
 - D. Does the project proponent have a water right for the quantity of water needed to sustain and protect the mitigation work?
 - E. Is the watershed/river over appropriated?

Answer: All of the above

4. What are some reasons to obtain a water right for a compensatory mitigation project?
 - A. To ensure that the project complies with state water law and that the mitigation project won’t injure senior rights.

- B. To ensure that the site is protected from future water depletions and that a call on water from a senior user won't cause injury to the mitigation project.
- C. To ensure that the site is compliant with the 2008 Mitigation Rule.
- D. To ensure that the site is compliant with Clean Water Act Section 404 regulations.
- E. To ensure that the Army Corps can exercise its authority over senior water right holders.

Answer: A, B and C

5. What ways can you determine if a project proponent has the water right for the quantity of water needed to sustain a mitigation site? (select all that apply)
- A. Determine the water rights involved through interviewing landowners, water commissioner, and neighboring water users.
 - B. Determine the water rights involved by reviewing the water decree and the State's database to ensure that there are no restrictions.
 - C. Determine that the water right has not been abandoned.
 - D. Determine the ownership of the water right.
 - E. Determine the actual historical use.

Answer: B, C, D and E