

# CLAIM TO WATER IN THE STATE OF UTAH

## EVIDENCE OF PRE-STATUTORY USE

*This form is used to support a Water User's Claim filed by a claimant in a general adjudication of water rights in accordance with Section 73-4-5 of the Utah Code in order to document claimed uses of water prior to the enactment of the statutes that govern the appropriation of surface waters (March 11, 1903) and/or the appropriation of groundwater (March 21, 1935). Claims to surface water first used after March 11, 1903, or groundwater first used after March 21, 1935, are generally precluded by Section 73-3-1 of the Utah Code. The information on this form must describe the original use of water when the right was first established.*

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### 1. WATER USER'S CLAIM INFORMATION:

- A. WATER USER'S CLAIM NUMBER: \_\_\_\_\_ - \_\_\_\_\_  
B. GENERAL ADJUDICATION: \_\_\_\_\_  
C. PROPOSED DETERMINATION NAME: \_\_\_\_\_  
D. PROPOSED DETERMINATION AREA: \_\_\_\_\_ BOOK: \_\_\_\_\_

### 2. CLAIMANT INFORMATION: (Attach pages for additional Owners)

- A. NAME: \_\_\_\_\_ INTEREST: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

### 3. PERSON WHO FIRST PUT WATER TO BENEFICIAL USE: \_\_\_\_\_

### 4. DATE WHEN WATER WAS FIRST BENEFICIALLY USED: \_\_\_\_\_

### 5. SOURCE INFORMATION WHEN WATER WAS FIRST DIVERTED:

- A. QUANTITY OF WATER: \_\_\_\_\_ cfs or/and \_\_\_\_\_ ac-ft  
B. DIRECT SOURCE: \_\_\_\_\_  
C. COUNTY: \_\_\_\_\_  
D. ORIGINAL POINT OF DIVERSION(S): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description of original diverting works: \_\_\_\_\_

### E. ORIGINAL POINT(S) OF REDIVERSION: (if applicable)

The water was originally rediverted from \_\_\_\_\_ at the point: \_\_\_\_\_  
\_\_\_\_\_

Description of diverting works: \_\_\_\_\_

### F. ORIGINAL POINT(S) OF RETURN: (if applicable)

The water was originally returned to the natural stream/source at a point(s): \_\_\_\_\_  
\_\_\_\_\_



**E. EXPLANATORY AND SUPPORTING EVIDENCE OF PRE-STATUTORY USE:**

As required by section 73-4-5 of Utah Code and as relevant to this claim, the following is set forth to define more clearly the history, extent, and nature of this claim. (Use additional pages as necessary).

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**7. CERTIFICATION OF CLAIM**

The undersigned hereby enters their appearance in this water rights adjudication proceeding and acknowledges service of the notice of completion of survey as required by Section 73-4-3 of the Utah Code.

STATE OF UTAH )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

The undersigned swears on oath that they make and certify this Water User's Claim either as the claimants themselves or as the duly authorized agent of the claimant, that they have read and know the contents of the claim, that they sign the same, and that the information supplied therein is true to the best of their knowledge and belief.

Title: \_\_\_\_\_ Signature: \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(day) (month) (year)

Notary's Signature: \_\_\_\_\_

**INSTRUCTIONS TO COMPLETE AND SUBMIT  
EVIDENCE OF PRE-STATUTORY WATER USE FORM**

In a water rights general adjudication, the claimant wishing to file a water user's claim for a water right not already on the records of the State Engineer that is based on water use prior to the enactment of the statutes governing the appropriation of water rights (March 11, 1903 for surface water or March 21, 1935 for groundwater) must either submit the attached Evidence of Pre-Statutory Water Use or file a Diligence Claim. These instructions describe the requirements for submitting an Evidence of Pre-Statutory Water Use form to substantiate a claim for either surface water or groundwater. It is highly recommended—but not required—that the Evidence of Pre-Statutory Water Use form be prepared by a registered engineer, licensed land surveyor, or other water rights professional. The State Engineer will review the evidence provided on this form in connection with the respective water user's claim and make a recommendation to the Court with regard to the validity of the claim. **The State Engineer's recommendation pertaining to the validity of the pre-statutory claim will be based solely on the evidence provided by the claimant with reference to this form. Consequently, it is the responsibility of the claimant to provide sufficient evidence to substantiate pre-statutory use, otherwise the respective water user's claim may be recommended to be disallowed by the State Engineer in the general adjudication.**

**CLAIMANT INFORMATION:** Once the Evidence of Pre-Statutory Water Use has been submitted to the Division of Water Rights and has been determined to be acceptably complete, the claimant will be responsible to inform the division of any changes in address.

**LEGAL TIES:** All the ties to points of diversion, rediversion, return, etc., must be given by rectangular coordinates with the reference to the United States land survey corners.

**DIVERSION AND CONVEYANCE WORKS:** A concise description of the original diverting and conveyance works shall be given. This description must trace the water from the point of diversion to and including the place of use. The reservoir, if any, diverting dams, head gates, canals, flumes, or well and other related structures shall be included. If the original diverting works was a well, its diameter, depth and a well log, if available, shall be included. This description shall be in the form of a concise word picture or the storage of water, if stored, its release, rediversion, and conveyance to point of use.

**USE OF WATER:** An explanation of the nature and extent of all original uses of the water must be made, including date water was first put to use, acres irrigated, household connections, number of stock, periods or use, etc.

**PLACE OR USE AND ACREAGE:** If the water used for irrigation of a full legal subdivision, the various irrigated areas shall be described as 40 acres tracts of each section, township and range. Where less than a legal subdivision is irrigated, the number of acres within each subdivision of 40 acres must be given. No legal subdivision of forty acres shall be described if no part of it has been irrigated. In no instance is an irrigated area to be given by elimination of non-irrigated areas. The descriptions in the Evidence of Pre-Statutory Water Use form are to conform strictly with any maps provided. Descriptions in the written form by legal subdivision and fractional subdivision shall be prepared in the following manner: 39.7 acres in SW1/4NW1/4, 9.6 acres in NE1/4SW1/4, 7.0 acres in NW1/4SW1/4, Sec. 15, T4S, R2E, SLBM. If the description includes land used in crop rotation, the practices should be explained.

**DOCUMENTATION:** The claimant submitting Evidence of Pre-Statutory Water Use form must provide documentation that he/she is the successor in interest to the person who originally put the water to use. Adequate documentation would include records showing the claimant to be the owner of the land where the water was first put to use or documentation showing the use was moved from the place of original use to the property the claimant now owns. The claimant must also provide documentation that the water right described on the form has not been forfeited for non-use. Documentation may include, but not limited to: (1) affidavits setting forth facts of which the affiant has personal knowledge, (2) documented and historic photographs, plat maps, survey maps, drawings, etc. which aid to establish the above facts, (3) copies of original diaries, personal histories, local histories and other historical documents which aid to establish the above facts, and (4) other records on file with the country recorder's office which aid to establish the above facts.

**MAPS AND DRAWINGS:** Any map which accompanies this form must show and describe the beneficial use for which the water was first put to use. All information directly pertaining to this claim must be in black permanent ink. All other information should be in a contrasting color. Pencil drawings are inadequate. There are two acceptable size formats; with either format, the title block must be in the lower right hand corner. The small size format is the most convenient for filing. Included in this format are maps that are either 8½ X 11 or 8½ X 14 inches with the short side being the bottom. Maps of this size must be on acceptable material that is translucent, transparent, or opaque. The sheets must have a margin of at least 1¼ inch at the top and ½ inch on the side and bottom. Maps of this size must not be folded and must be mailed flat with stiff cardboard to protect against crushing. The large size format is 24 X 36 inches with the long side being the bottom. Maps of this size format must be on acceptable material that is translucent or transparent. The sheets must have a margin of at least ½ inch on all sides. Maps of this size must be rolled and sent in a mailing tube.