

Red Butte Creek Subdivision

(Area 57, Book 3)
Proposed Determination

Public Meeting
December 15, 2020

Utah Division of Water Rights

Michael T. Drake, P.E.

Assistant State Engineer - Adjudication

www.waterrights.utah.gov

Electronic Meeting Statement

The holding of a meeting in person at an anchor location presents a substantial risk to the health and safety of those who may be present due to the ongoing COVID-19 pandemic. Public meetings held by the State Engineer regarding the adjudication of water rights in the past have drawn in excess of fifty (50) people. Current guidelines from the Governor's Office recommend limiting gatherings and groups to fifty (50) people and encourage working remotely whenever feasible. Therefore, the State Engineer determines that holding this meeting through electronic means without an anchor location will best serve the State of Utah's efforts to combat COVID-19 while still allowing interested members of the public to participate in proceedings.

Agenda

- Adjudication Process Review
- Proposed Determination Overview
- Hydrographic Survey Map Overview
- Accessing the Proposed Determination and Hydrographic Survey Maps
- Questions



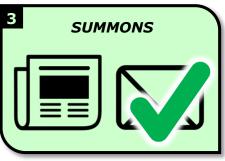
The Adjudication Process



Sep. 1, 1944



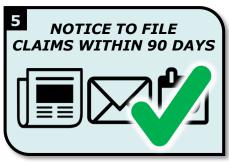
October 15, 2014



November 12, 2014



February 4, 2015



2015 - 2017



N/A



N/A



N/A



N/A



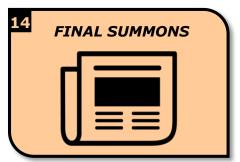
2015 - 2020



November 25, 2020









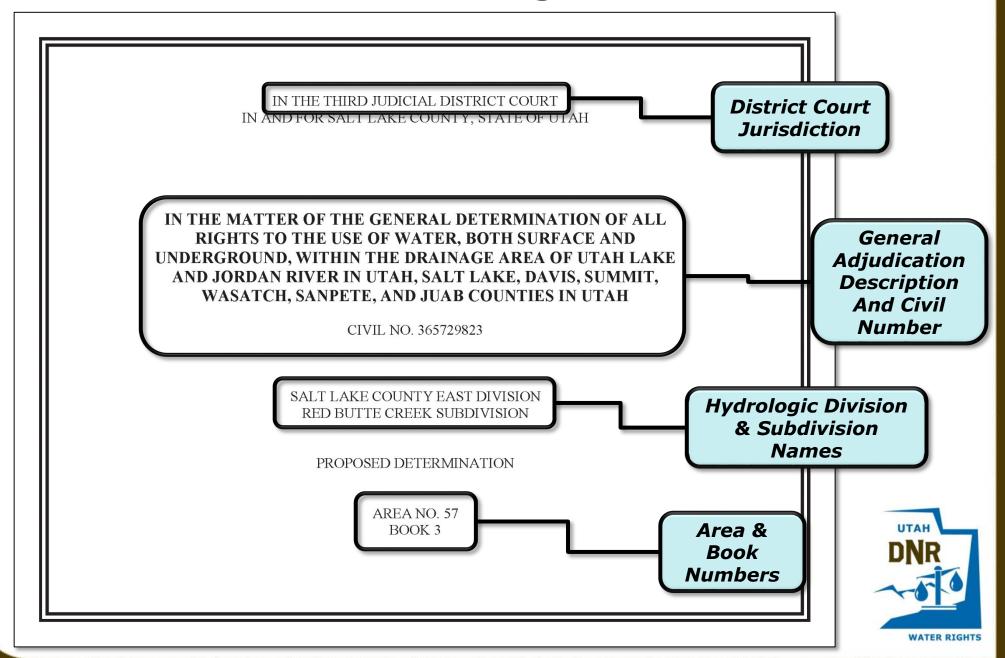
Proposed Determination

Contents

- 1. Title Page
- 2. Notice to Water Users
- 3. Preamble
- 4. Location Map
- 5. Priority Schedule
- 6. Description of Water Rights
- 7. Disallowed Rights
- 8. Alphabetic Index



Red Butte Creek Proposed Determination Title Page



Red Butte Creek Proposed Determination Notice to Water Users

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT IN AND FOR SALT LAKE COUNTY, UTAH

Civil Case Number

ERAL DETERMINATION OF THE RIGHTS TO THE USE OF ALL OF THE WATER, BOTH SURFACE AND AGE AREA OF THE UTAH LAKE AND JORDAN RIVER IN UTAH, SALT LAKE, DAVIS, SUMMIT, WASATCH, SANPETE, AND JUAB COUNTIES IN UTAH

SALT LAKE COUNTY EAST DIVISION, RED BUTTE CREEK SUBDIVISION (57-3)

Salt Lake County Civil No. 365729823 Honorable Judge Laura S. Scott

NOTICE TO WATER USERS WITHIN THE ABOVE-DESCRIBED DRAINAGE AREA:

This is the Proposed Determination of Water Rights for the Salt Lake County East Division, Red Butte Creek Subdivision, Area No. and Jordan River General Adjudication. The Division of Water Rights has prepared the Proposed Determination as required by Utah Determination is the State Engineer's report and recommendation to the Court as to how all rights to the use of the water in the Red be determined. A copy of the Proposed Determination has been filed with the Clerk of the Third District Court in Salt Lake City, Utah. Additional printed copies

are available, upon payment of printing costs, from the Division of Water Rights at 1594 W. North Temple Suite 220. Salt Lake City. Utah. telephone. (801) 538-7240. An electronic copy in PDF format is also available for download free of charge from the website of the Division of Water Rights at www.waterrights.utah.gov.

You are hereby notified that under Utah Code § 73-4-11(2), any person claiming a water right in the Red Butte Creek Subdivision who is dissatisfied with the Proposed Determination may object to it, but only in accordance with the following requirements: the objection must be in writing and filed in the Third Judicial District Court, in Salt Lake County, 450 South State Street, P.O. Box 1860, Salt Lake City, Utah 84114, within ninety (90) days after being served with notice of completion of the Proposed Determination. Service of the Proposed Determination is effective on the date the notice is mailed. A claimant who wishes to object to the Proposed Determination should also serve a copy of the objection on counsel for the State Engineer at the address shown below.

> Benjamin J. Jensen, No. 14216 Sarah M. Shechter, No. 15357 Assistant Utah Attorneys General SEAN D. REYES Utah Attorney General Attorneys for the State Engineer

1594 West North Temple, Suite 300 Salt Lake City, UT 84116 Telephone: (801) 538-7227 bjensen@agutah.gov sshechter@agutah.gov

Instructions on filing an

objection



Red Butte Creek Proposed Determination Preamble

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR SALT LAKE COUNTY, UTAH

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHTS TO THE USE OF ALL OF THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF UTAH LAKE AND JORDAN RIVER IN UTAH, SALT LAKE, DAVIS, SUMMIT, WASATCH, SANPETE, AND JUAB COUNTIES IN UTAH

PROPOSED DETERMINATION OF WATER RIGHTS IN
THE UTAH LAKE AND JORDAN RIVER GENERAL ADJUDICATION
SALT LAKE COUNTY EAST DIVISION
RED BUTTE CREEK SUBDIVISION
AREA NO. 57, BOOK 3

Salt Lake County Civil No. 365729823 Honorable Judge Laura S. Scott

Teresa Wilhelmsen, P.E., State Engineer of the State of Utah, respectfully submits this report and recommendation to the Court.

- 1. Geographical Area Covered. This General Adjudication, known as the Utah Lake and Jordan River General Adjudication, includes all water sources, both surface and underground, within the drainage of the Utah Lake and Jordan River in Utah, Salt Lake, Davis, Summit, Wasatch, Sanpete, and Juab Counties in Utah. This Proposed Determination is limited to water rights with points of diversion in the Red Butte Creek Subdivision of the Salt Lake County East Division of the Utah Lake and Jordan River General Adjudication. The Red Butte Creek Subdivision is the area on the map shown on page vii. The Utah Division of Water Rights has designated the Proposed Determination for this area as Area 57, Book 3.
- 2. Commencement. On September 1, 1944, the Court ordered the State Engineer to make a determination and adjudication of all rights to the use of water of Utah Lake and Jordan River and their tributaries in Utah and Salt Lake Counties. On June 21, 1972, the Court issued an order clarifying that the adjudication area includes all the rights to the use of water, both surface and underground, within the drainage area of Utah Lake and Jordan River and their tributaries in Utah, Salt Lake, Davis, Summit, Wasatch, Sanpete, and Juab Counties. The Court also ordered that the title of this action be amended to read, "In the Matter of the General Determination of the Rights to the Use of

all of the Water, Both Surface and Underground, Within the Drainage Area of the Utah Lake and Jordan River in Utah, Salt Lake, Davis, Summit, Wasatch, Sanpete and Juab Counties in Utah."

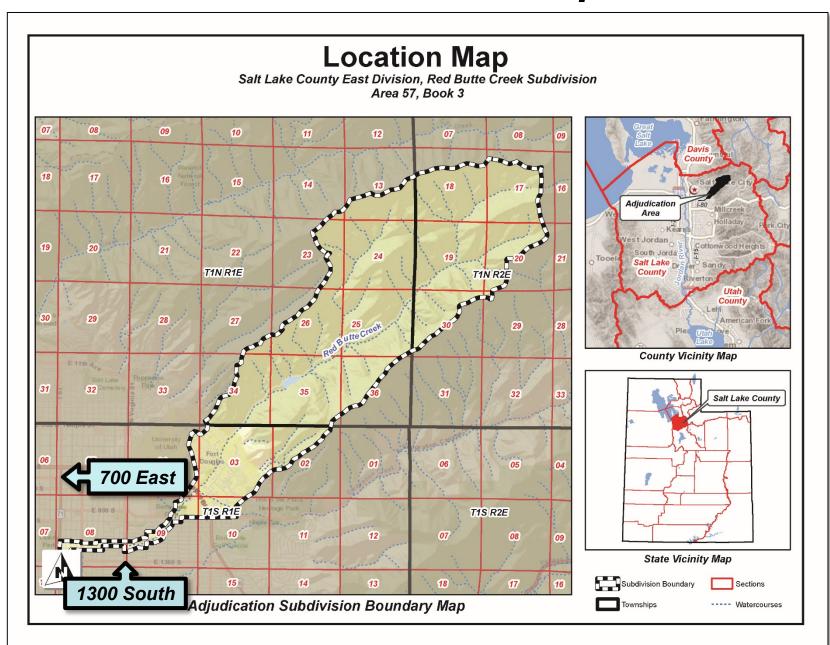
3. State Engineer's Activity. The State Engineer has followed the requirements of Title 73, Chapter 4 of the Utah Code. She has given the required notices, served and published summons, completed hydrographic surveys, and evaluated claims from water users within the area. Prior to making the recommendations in the Proposed Determination, the State Engineer has carefully considered the Statements of Water User's Claim filed in the Red Butte Creek Subdivision. To the best knowledge of the State Engineer, this Proposed Determination contains all rights to the use of water with points of diversion located within the Red Butte Creek Subdivision for which a claim was timely filed or for which the Court has excused the late filing.

Contemporaneously with the filing of this Proposed Determination, the State Engineer has published and served notice of the Proposed Determination on each claimant of record within the Red Butte Creek Subdivision as required by Utah Code § 73-4-11. The Proposed Determination is available on the Division of Water Rights website at www.waterrights.utah.gov free of charge.

4. Beneficial Use. In preparing the Proposed Determination, the State Engineer based her recommendations on Utah water law, including the

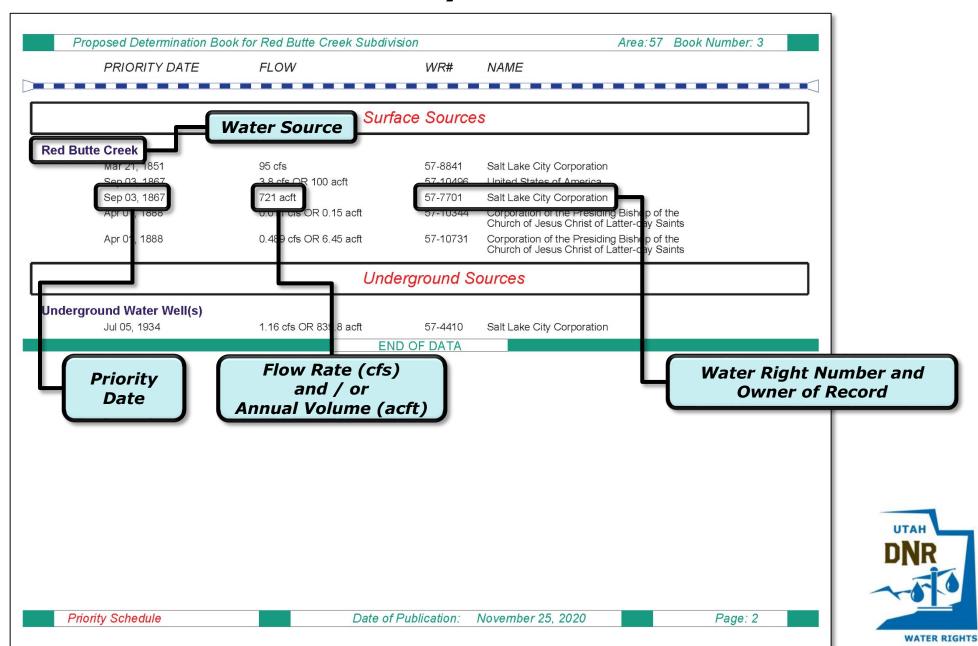


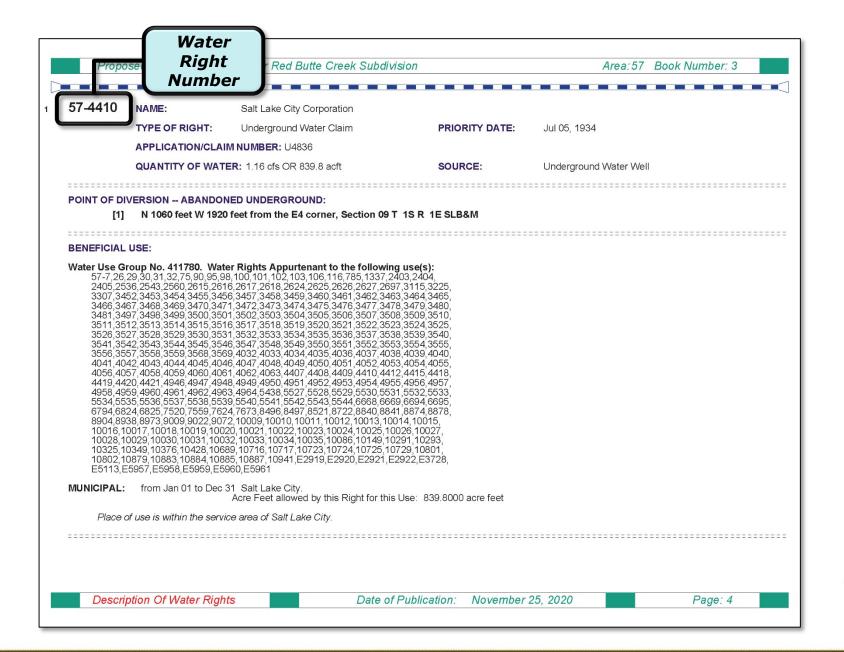
Red Butte Creek Proposed Determination Location Map



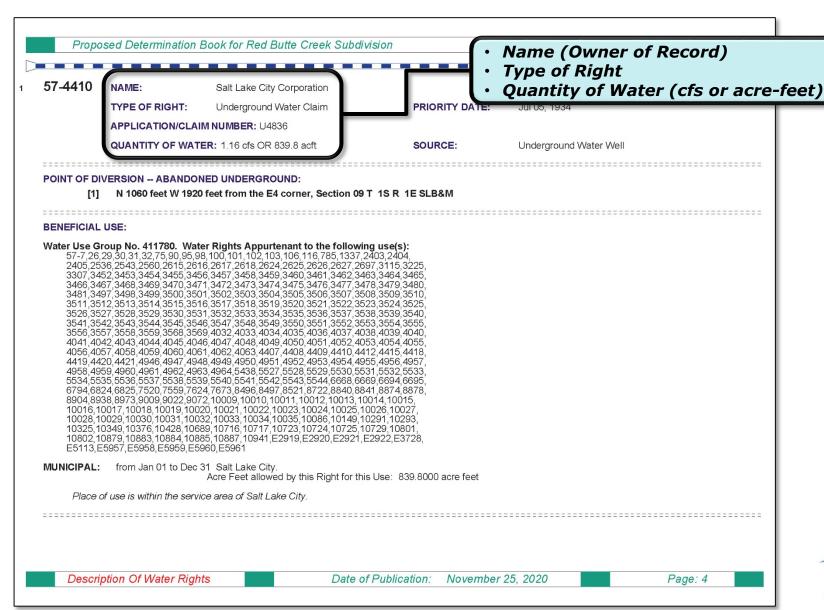


Red Butte Creek Proposed Determination Priority Schedule

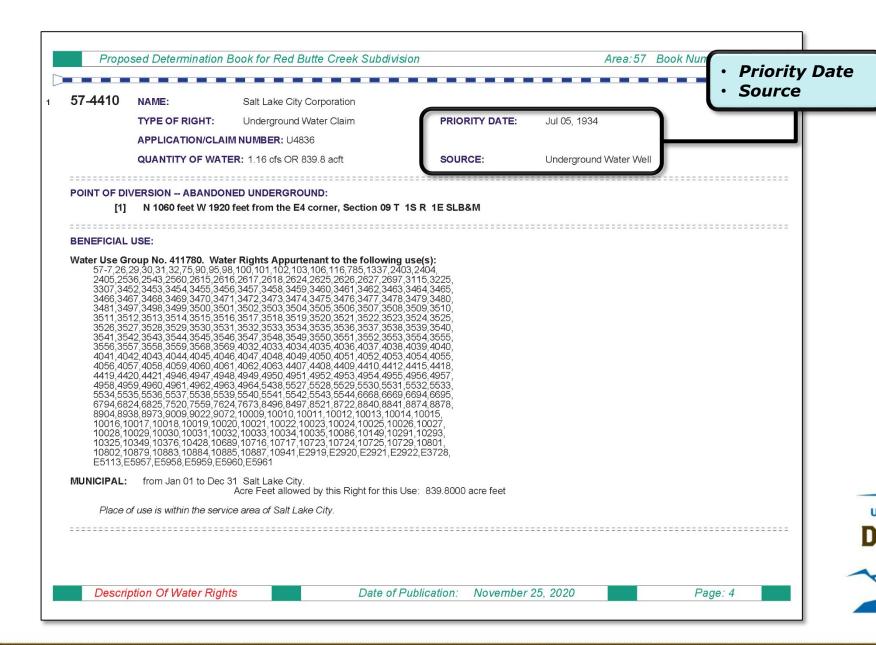




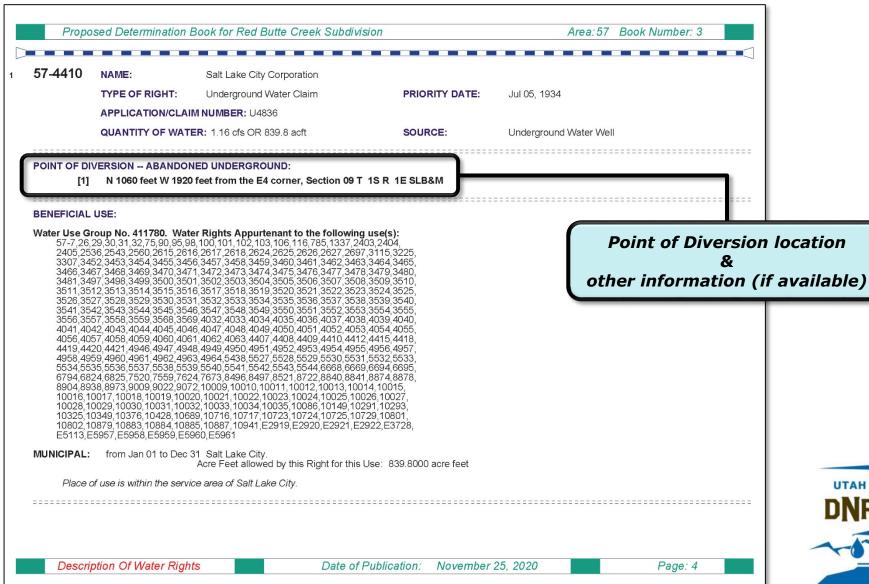




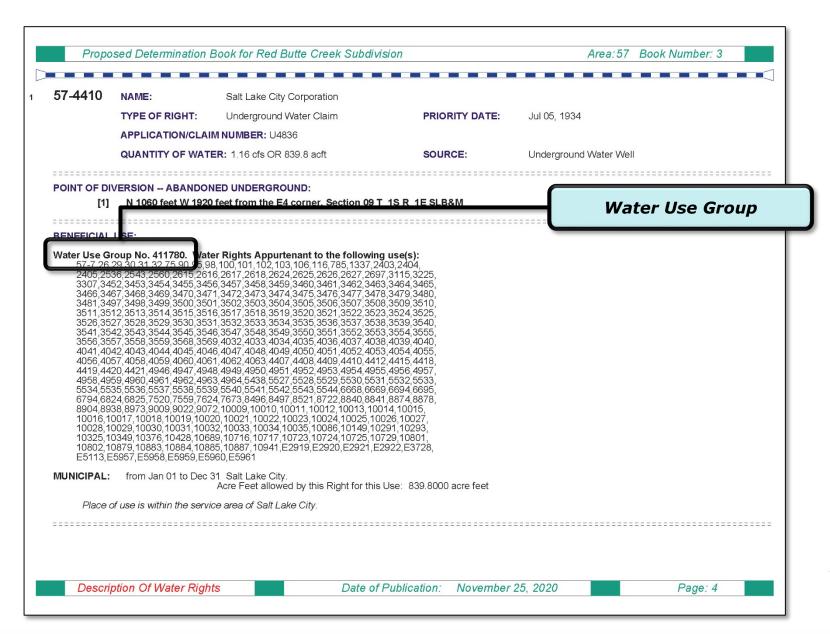




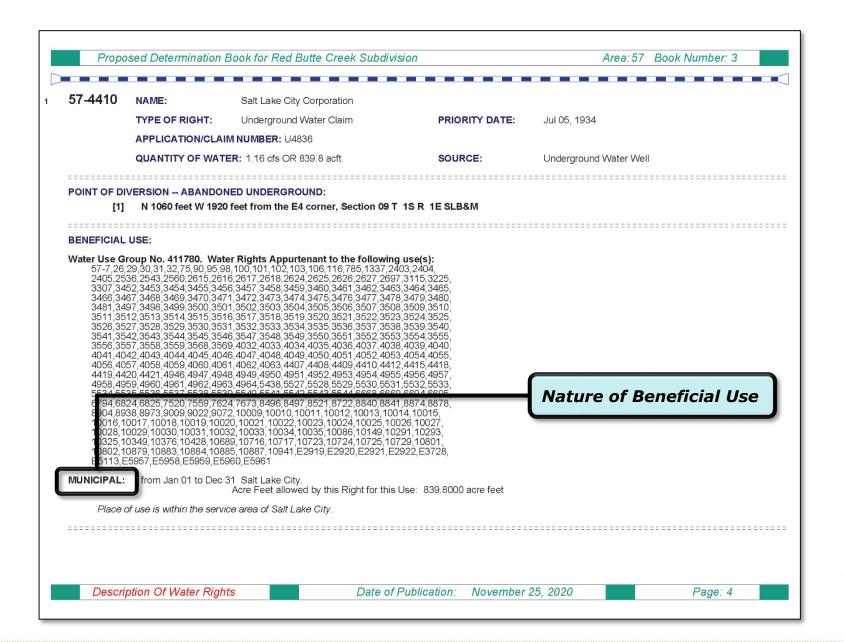
WATER RIGHTS



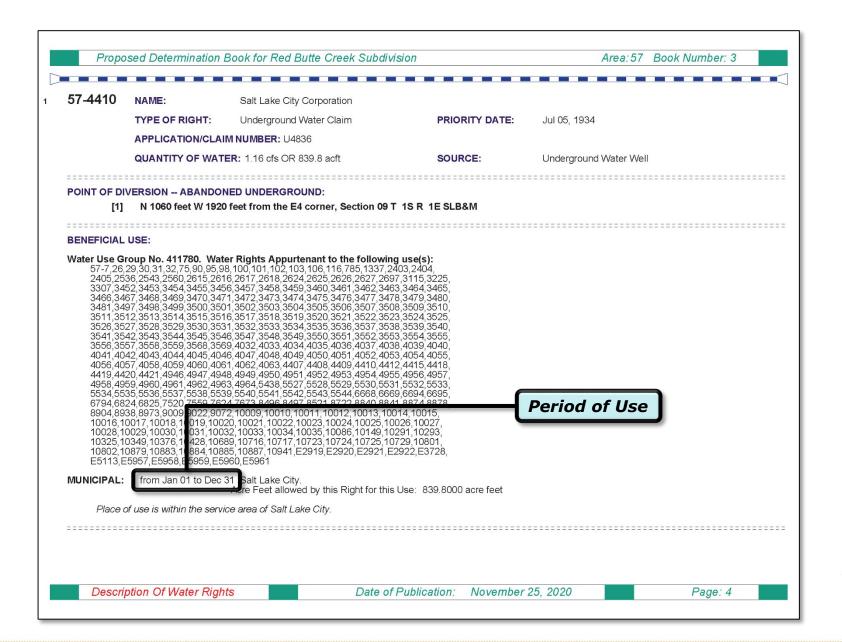




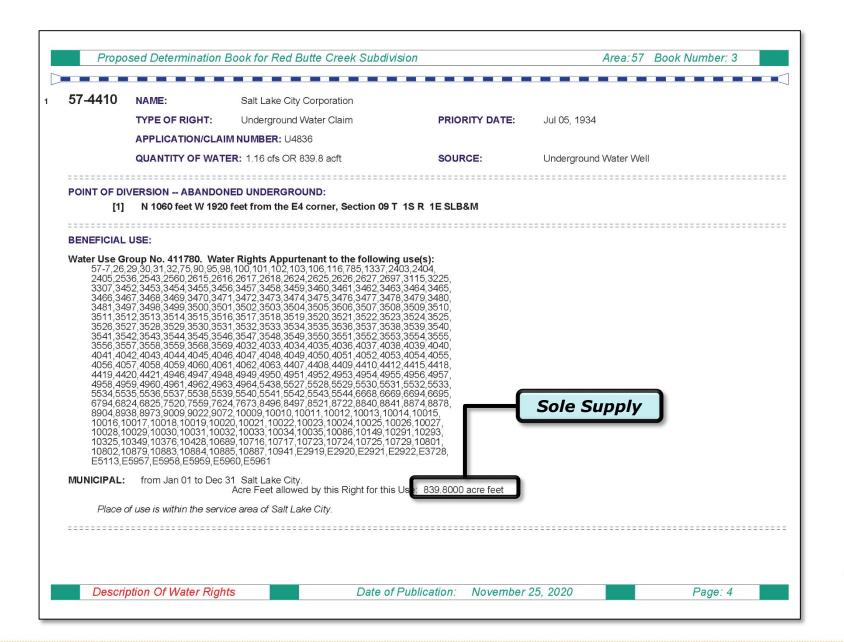




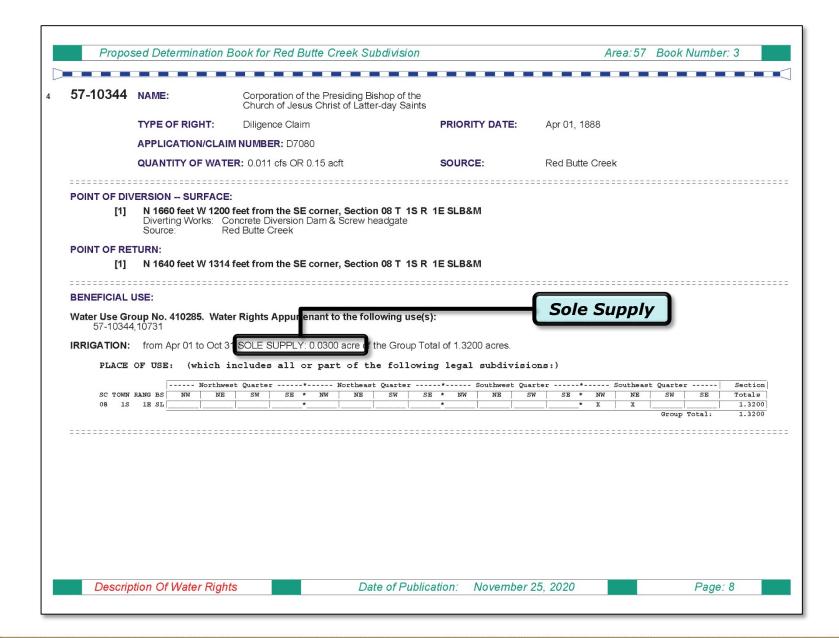




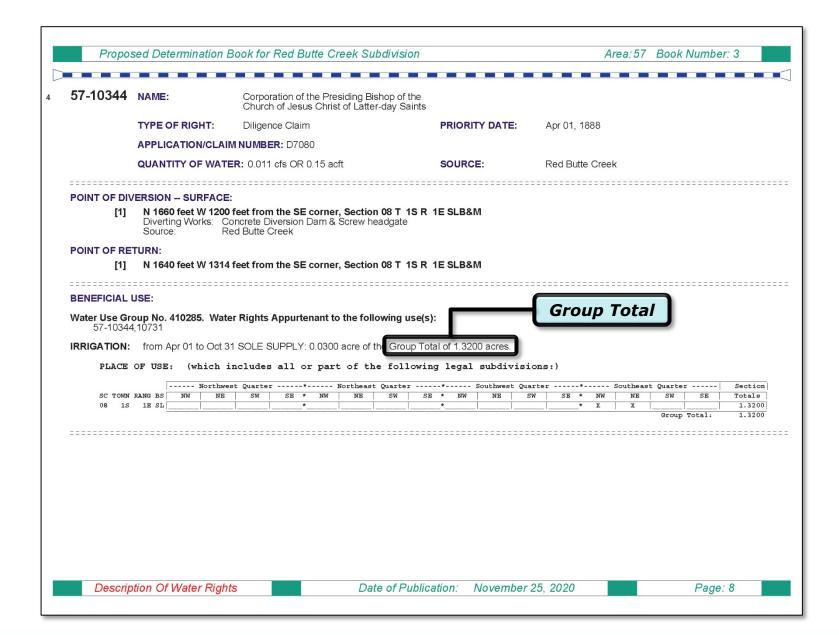




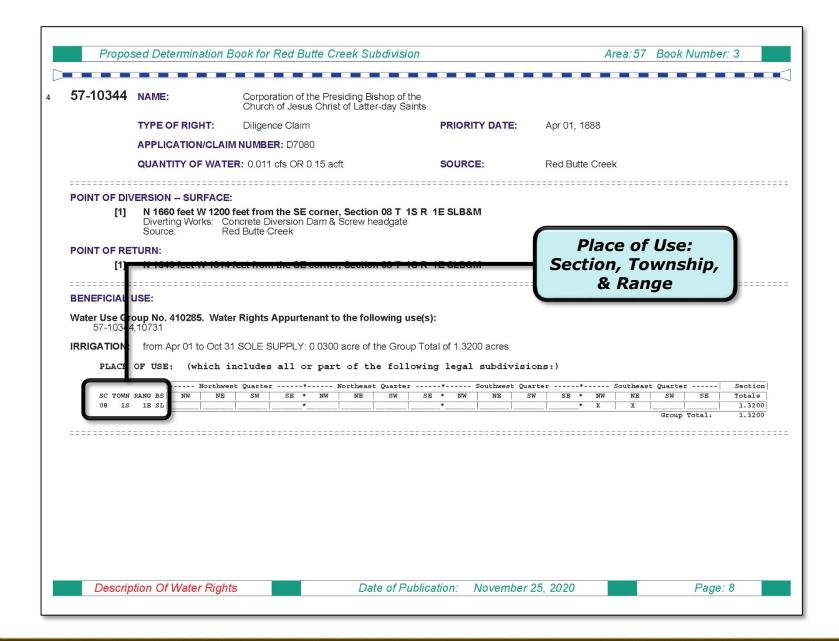




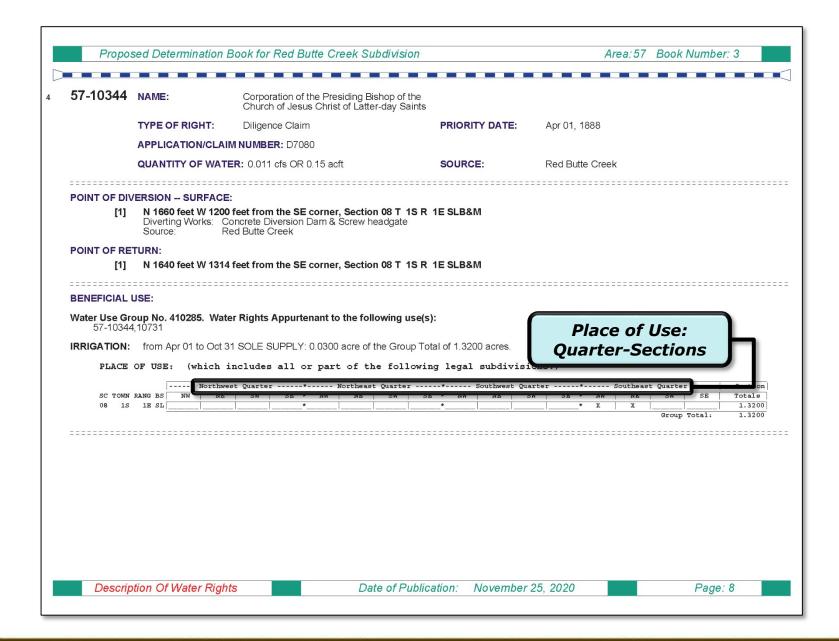




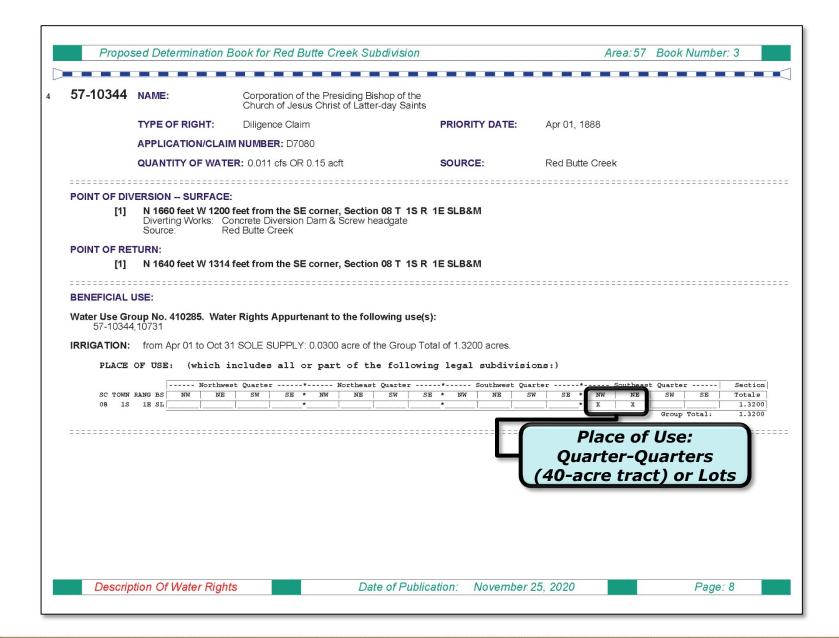




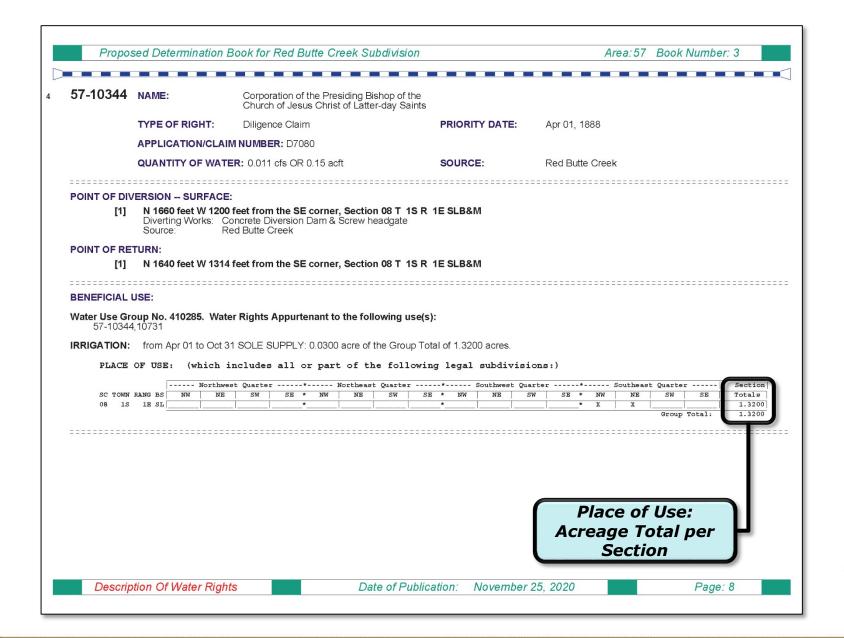






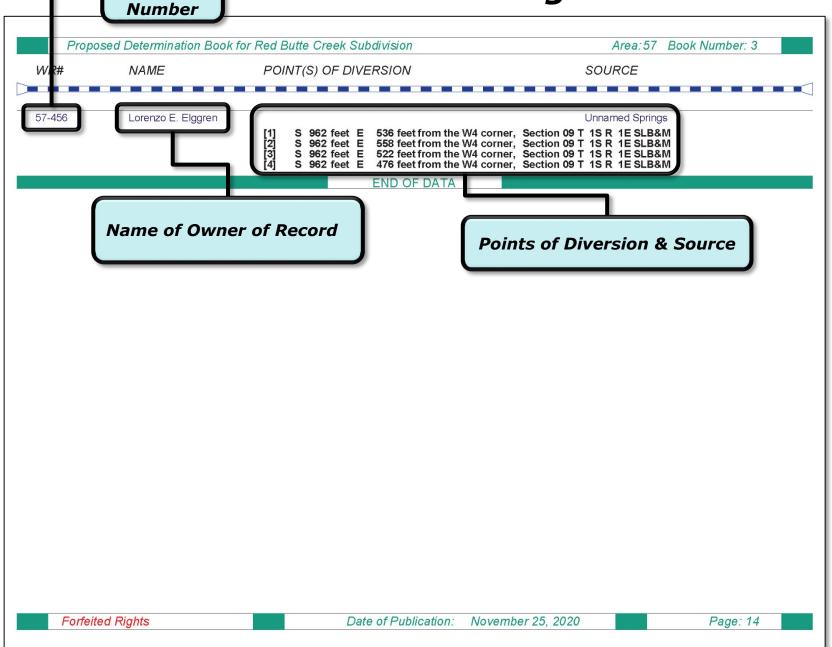






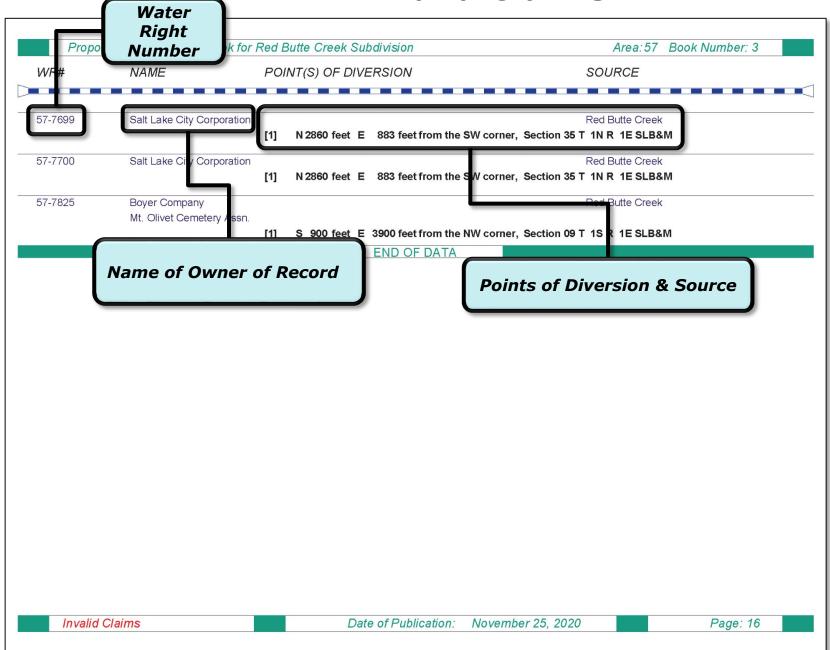


Red Butte Creek Proposed Determination Water Right Forfeited Rights



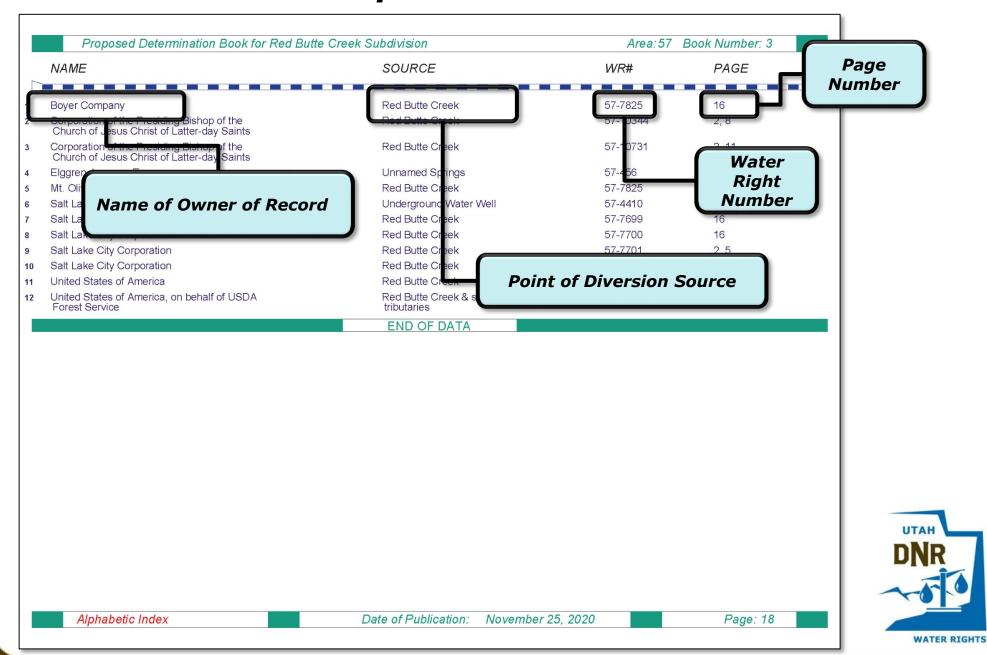


Red Butte Creek Proposed Determination Invalid Claims

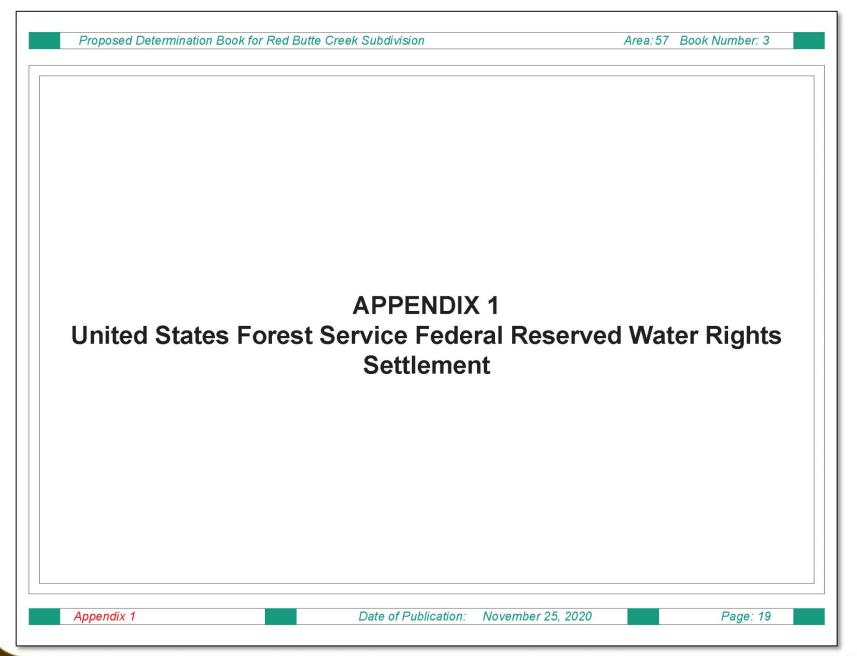




Red Butte Creek Proposed Determination Alphabetic Index

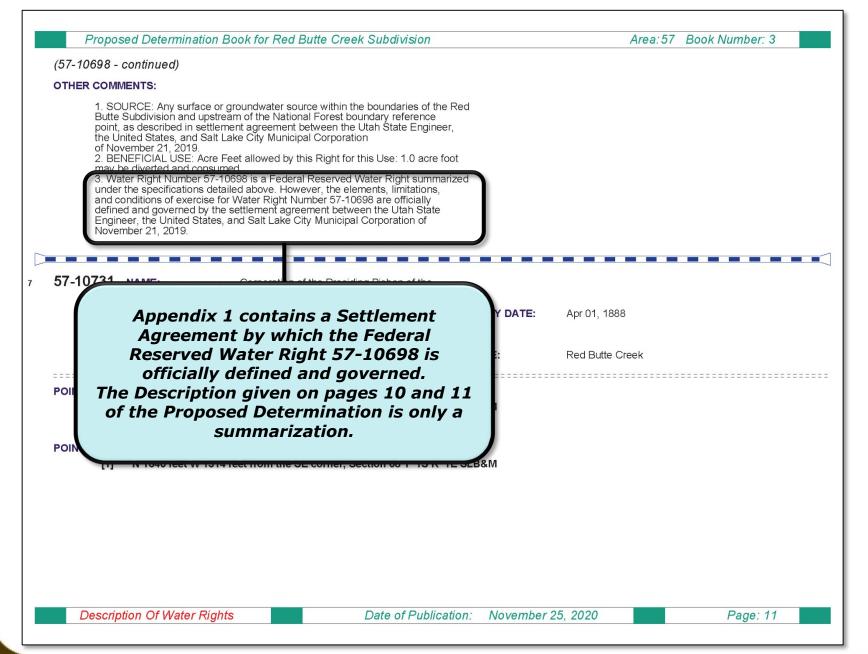


Red Butte Creek Proposed Determination Appendix 1



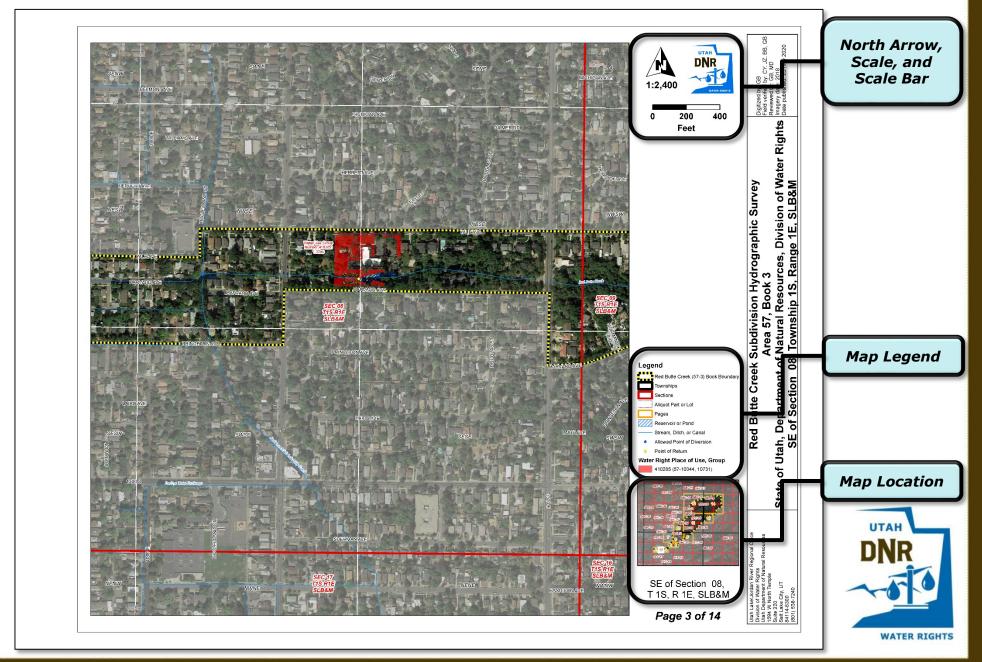


Red Butte Creek Proposed Determination Appendix 1





Red Butte Creek Proposed Determination Hydrographic Survey Maps



Accessing the Proposed Determination

Recipients of the Notice of the Proposed Determination:

- Water right owners listed on the records of the State Engineer.
- Claimants who submitted claims in the Red Butte Creek adjudication.
- Registered agents for corporate entities owning water rights or having filed claims within the adjudication boundary.
- Counsel of record who have filed an appearance in the court.

The Proposed Determination can be accessed via:

- http://www.waterrights.utah.gov/pdbooks/RBCPD
- Hardcopies can be printed at our office for a nominal fee.
- Filed at the District Court.

The Hydrographic Survey Map can be accessed via:

- http://www.waterrights.utah.gov/pdbooks/RBCHS
- Hardcopies can be viewed at our office.



Who can I contact to discuss the Adjudication Process?

Mike Drake, PE

Assistant State Engineer - Adjudication

E-mail: michaeldrake@utah.gov

Gary Brimley, PE

Adjudication Engineer

E-mail: garybrimley@utah.gov

Utah Division of Water Rights

1594 West North Temple Suite 220, PO Box 146300 Salt Lake City, UT 84114-6300 www.waterrights.utah.gov



Questions?

