



Midway Subdivision (55-10)

List of Unclaimed Rights

***Public Meeting
April 1, 2021***

Utah Division of Water Rights

Michael 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 large audiences. Current guidelines from the Governor's Office recommend limiting large gatherings 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
- List of Unclaimed Rights Overview
- Accessing the List of Unclaimed Rights
- Anticipated Timeline
- Questions

Questions can be emailed to:

waterrights_adjudication@utah.gov



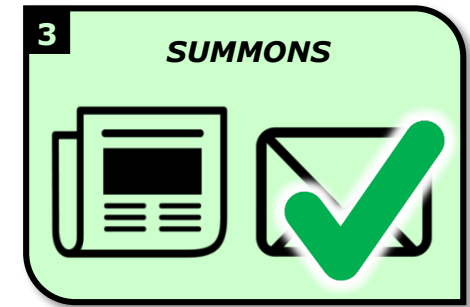
The Adjudication Process



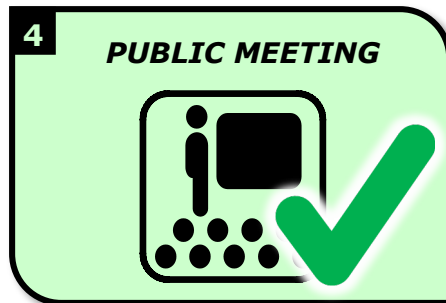
Sep. 1, 1944



Feb. 7, 2020



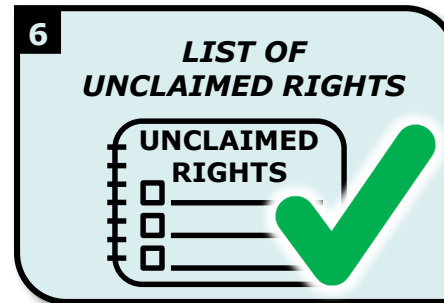
Dec. 27, 2019



Jan. 14, 2020



End: May 7, 2020



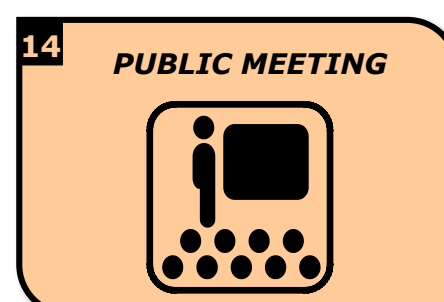
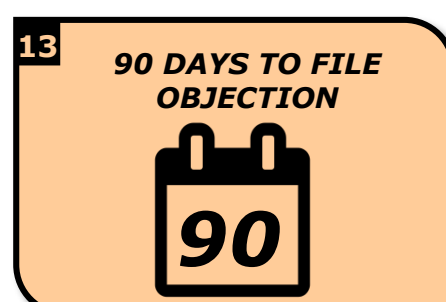
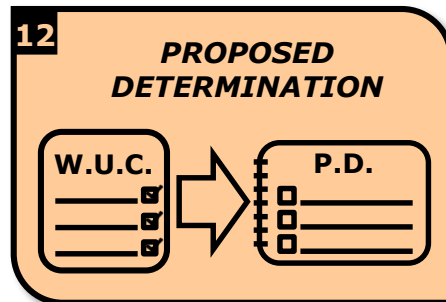
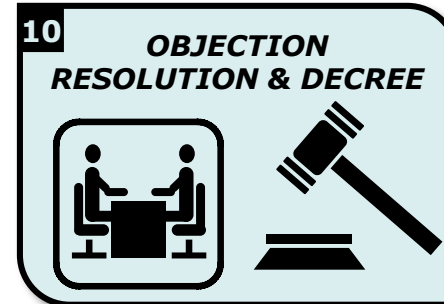
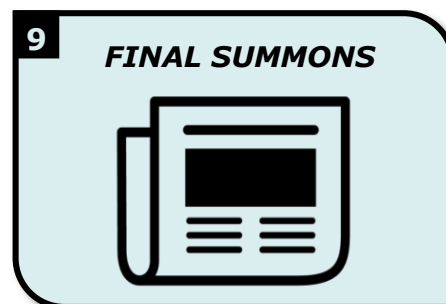
March 17, 2021



End: June 15, 2021



April 1, 2021



List of Unclaimed Rights

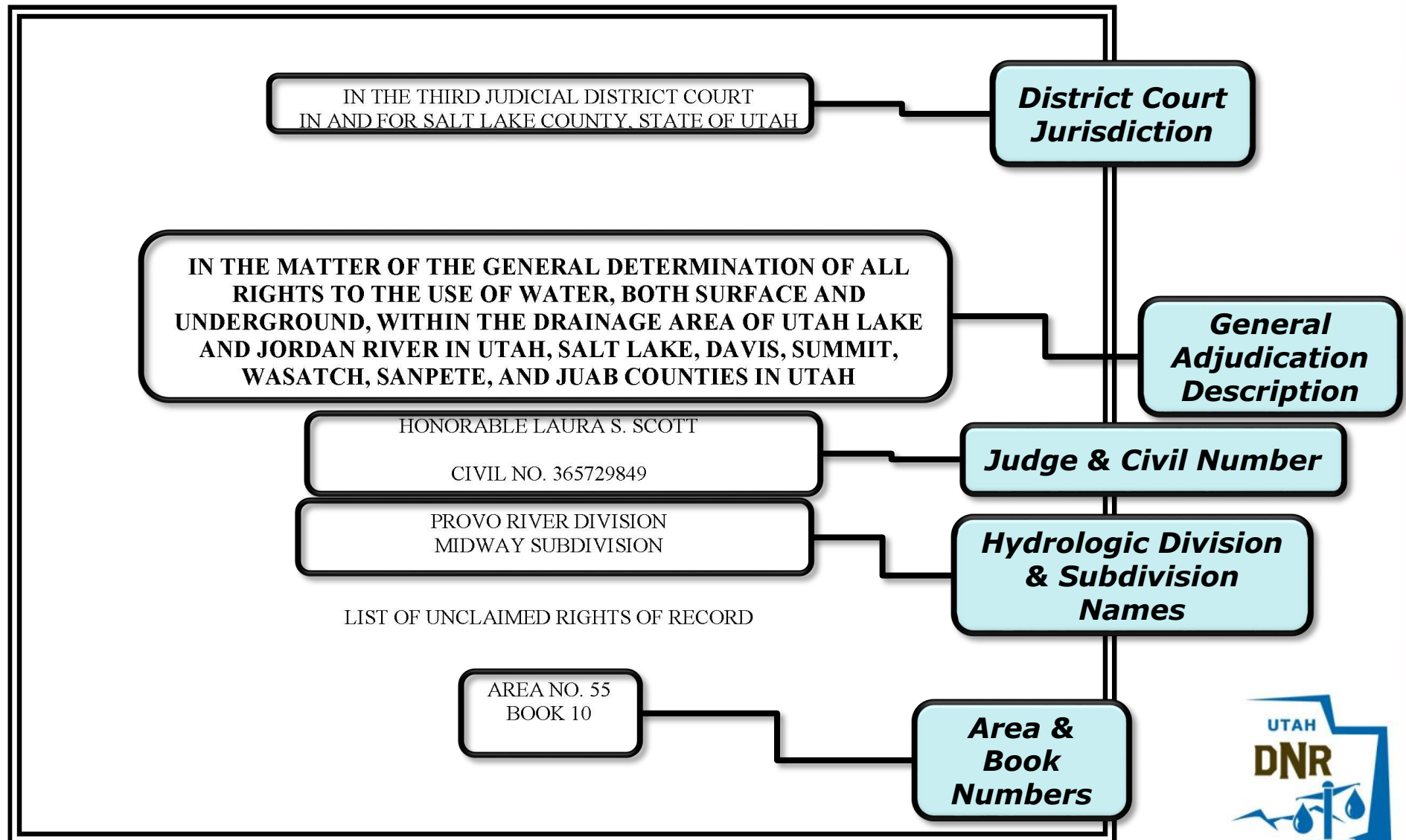
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- 2. Notice to Water Users*
- 3. Preamble*
- 4. Location Map*
- 5. Unclaimed Rights*
- 6. Alphabetic Index*



List of Unclaimed Rights

Title Page



List of Unclaimed Rights Notice to Water Users

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT 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 THE UTAH LAKE AND JORDAN RIVER IN UTAH, SALT LAKE, DAVIS,
SUMMIT, WASATCH, SANPETE, AND JUAB COUNTIES IN UTAH

PROVO RIVER DIVISION, MIDWAY SUBDIVISION (55-10)

Salt Lake County Civil No. 365729849
Honorable Laura S. Scott

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

This is the List of Unclaimed Rights of Record for the Provo River Division, Midway Subdivision, Area No. 55, Book 10, Jordan River General Adjudication. The Division of Water Rights has prepared this List of Unclaimed Rights of Record as required by § 73-4-9.5. The List of Unclaimed Rights of Record lists each water right of record in the State Engineer's office for which a claim has not been timely filed. A copy of the List of Unclaimed Rights of Record has been filed with the Clerk of the Third District Court in Salt Lake City, Utah. 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 is also available for download free of charge from the website of the Division of Water Rights at www.waterrights.utah.gov.

***Instructions
on filing an
objection***

You are hereby notified that under Utah Code § 73-4-9.5(2), any person claiming a water right in the Midway Subdivision who is dissatisfied with the List of Unclaimed Rights of Record may object to it in accordance with the requirements set by statute. The subject of an objection to the List of Unclaimed Rights of Record is limited to inclusion of a water right in the List. To object, the claimant must file both a written objection and a statement of claim (i.e., water user's claim) in the Third Judicial District Court, 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 List of Unclaimed Rights of Record. Service is effective on the date the notice is mailed (or hand delivered) to the claimant or is published. The claimant must also file a statement of claim with, and should send a copy of the objection to, the State Engineer by sending them to counsel for the State Engineer at the address shown below.

Sarah M. Shechter, No. 15357
Benjamin J. Jensen, No. 14216
Gordon Rowe, No. 17308
Assistant Utah Attorneys General
SEAN D. REYES
Utah Attorney General
Attorneys for the State Engineer

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Salt Lake City, UT 84116
Telephone: (801) 538-7227
sshechter@agutah.gov
bjensen@agutah.gov
growe@agutah.gov



List of Unclaimed Rights

Preamble

Relevant Prior Decrees

of Unclaimed Rights of Record on each identified potential claimant that was served with a summons, as required by Utah Code § 73-4-9.5(1)(b). The List of Unclaimed Rights of Record is available on the Division of Water Rights website at www.waterrights.utah.gov file of charge.

4. **Failure to Timely File a Claim.** Where a potential claimant has failed to timely file a Statement of Water User's Claim and that failure is not excused by the Court, the claimant is forever barred and estopped from asserting his or her right to the use of water.

5. **Historical Decrees.** Prior to the publication of this List of Unclaimed Rights awarded in the decrees listed below:

Provo River Decree – *Provo Reservoir Co. v. Provo City*, Civil No. 2888, (Utah 4th Dist. Ct. May 2, 1921) (the "Provo River Decree").

If the List of Unclaimed Rights of Record includes any decree awards for which a timely statement of claim was not filed, the corresponding paragraph of the decree is listed in parentheses next to the owner(s) of record's name(s). Where accurate points of diversion could not be identified from the description in the respective decree, the State Engineer has attempted to describe the Section, Township, and Range within which the point of diversion is located.

6. **State Engineer's Recommendation.** The State Engineer is recommending that the Court adjudge the rights included in this List of Unclaimed Rights of Record abandoned.

7. **Continued Assistance.** The State Engineer and the staff of the Division of Water Rights express their continuing willingness to assist the Court in this General Adjudication, as the Court requests.

8. **Date of Publication.** This List of Unclaimed Rights of Record was approved for publication on the 17th day of March, 2021.

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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT 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

LIST OF UNCLAIMED RIGHTS OF RECORD IN THE UTAH LAKE AND JORDAN RIVER GENERAL ADJUDICATION
PROVO RIVER DIVISION
MIDWAY SUBDIVISION
AREA NO. 55, BOOK 10

Salt Lake County Civil No. 365729849
Honorable Laura S. Scott

Teresa Wilhelmsen, P.E., State Engineer of the State of Utah, respectfully submits this List of Unclaimed Rights of Record 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 List of Unclaimed Rights of Record is limited to water rights with points of diversion in the Midway Subdivision of the Provo River Division of the Utah Lake and Jordan River General Adjudication. The Midway Subdivision is the enlarged area on the map shown on page v. The Utah Division of Water Rights has designated the subdivision for this area as Area 55, Book 10 (or 55-10).

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 June 21, 1972 order 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 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 taken claims from water users within the area. The State Engineer has searched the files of the Division of Water Rights prior to making the recommendations in the List of Unclaimed Rights of Record. To the best knowledge of the State Engineer, this List of Unclaimed Rights of Record contains all rights of record for which a Statement of Water User's Claim was not timely filed. The State Engineer has prepared and served notice of the List

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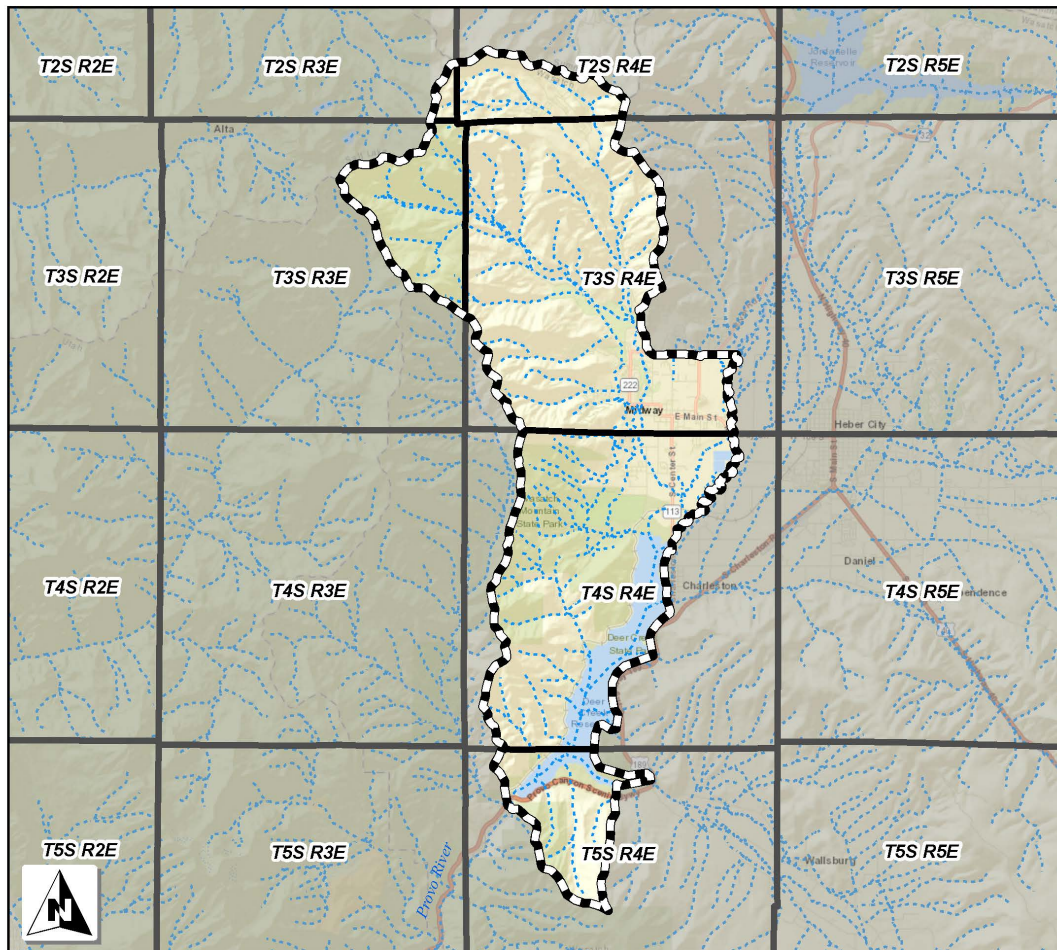


WATER RIGHTS

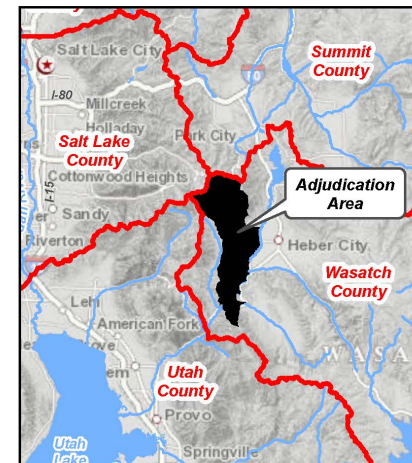
Provo Canyon (55-9) List of Unclaimed Rights

Location Map

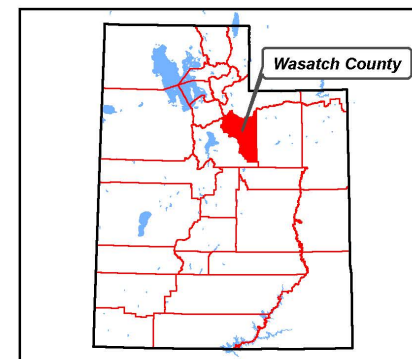
Provo River Division, Midway Subdivision
Area 55, Book 10



Adjudication Subdivision Boundary Map



County Vicinity Map



State Vicinity Map



List of Unclaimed Rights

Unclaimed Rights

List of Unclaimed Rights of Record for Midway Subdivision

Area: 55 Book Number: 10

WR#	NAME	POINT(S) OF DIVERSION	SOURCE
1	55-472	Walter Webster	Underground Water Well
		[1] S 76 feet W 425 feet from the NE corner, Section 11 T 4S R 4E SLB&M	
2	55-937	Abraham Neerings	Underground Water Well
		[1] S 430 feet W 1035 feet from the E4 corner, Section 35 T 3S R 4E SLB&M	
3	55-1361	Joseph E. Huber	Unnamed Spring
		[1] N 1161 feet E 697 feet from the W4 corner, Section 17 T 3S R 4E SLB&M	
4	55-1514		Unnamed Spring
		[1] N 1020 feet E 850 feet from the W4 corner, Section 01 T 4S R 4E SLB&M	
5	55-1541	State of Utah Board of Water Resources	Underground Water Well
		[1] S 1088 feet E 292 feet from the NW corner, Section 36 T 3S R 4E SLB&M	
6	55-1683	Francis Tate	Underground Water Well
		[1] N 500 feet E 2380 feet from the W4 corner, Section 10 T 4S R 4E SLB&M	
7	55-3014	Darwin B. Shair	Underground Water Well
		[1] S 1088 feet E 292 feet from the NW corner, Section 36 T 3S R 4E SLB&M	
8	55-3364	United Park City Mines Company	Underground Water Tunnel
		[1] S 1274 feet E 4219 feet from the NW corner, Section 18 T 3S R 4E SLB&M	
9	55-3981	William Tate	Underground Water Well
		[1] S 990 feet W 14 feet from the N4 corner, Section 10 T 4S R 4E SLB&M	
			Spring
		Stockwatering directly on Spring located: South 291 feet East 570 feet from the W4 corner, Sec 33, T 2S, R 4E SLB&M.	

**Water
Right
Number**

**Point of Diversion Location
and Source**

Name of Owner of Record

Unclaimed Rights of Record

Date of Publication: March 17, 2021

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List of Unclaimed Rights

Alphabetic Index

List of Unclaimed Rights of Record for Midway Subdivision

Area: 55 Book Number: 10

NAME	SOURCE	WR#	PAGE
Allen, J. W.	McAfee Springs	55-11537	4
Bennion, Richard	Faucett's Devils' Hole, Big Hollow, Lower Ledge	55-8824	4
Brickey, Robert E.	Underground Water Well	55-5593	3
Fowler, M. H.	Spring	55-4135	2
Gunn, Dale E. and Fokje D.	Underground Water Well	55-5343	3
Hamilton, Elizabeth	Snake Creek	55-11389	4
Hamilton, Elizabeth	Snake Creek	55-11389	4
Hill, Brent C.	Underground Water Well	55-5897	3
Huber, Joseph E.	Unnamed Spring	55-1361	2
Interlaken Estates	Pine Creek	55-4294	3
Neerings, Abraham	Underground Water Well	55-937	
Nelson, Janet H.	Underground Water Well	55-5863	
Olsen, Clyde L. Family Limited Partnership	Underground Water Well	55-5182	
Palmer, James K.	Unnamed Spring	55-1511	
Probst, Nephi	Snake Creek	55-5385	
	Underground Water Well	55-5744	3
	Schneitter Spring		
	Underground Water Well		
	Underground Water Well		
Spring Creek LLC	Warm Springs or Slough Ditch	55-5477	3
Spring Creek LLC and Joel Van Leeuwen	Pot and Warm Springs	55-9318	4
State of Utah Board of Water Resources	Underground Water Well	55-2541	2
State of Utah Parks & Recreation	Underground Water Well	55-2683	2
Tasso, Marilyn	Underground Water Well	55-5744	3
Tate, Francis	Underground Water Well	55-2683	2
Tate, William	Underground Water Well	55-3981	2
United Park City Mines Company	Underground Water Tunnel	55-3364	2
Wade, Kenneth	Faucett's Devils' Hole, Big Hollow, Lower Ledge	55-8824	4
Webster, Walter	Underground Water Well	55-472	2
YKK Beehive, LC	Underground Water Well	55-6501	4
YKK Beehive, LC	Flowing spring	55-7665	4
YKK Beehive, LC	Thermal springs	55-7746	4

Page
Number

Water
Right
Number

Name of Owner of Record

Point of Diversion Source

Alphabetic Index

Date of Publication: March 17, 2021

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Accessing the List of Unclaimed Rights

Recipients of the Notice of the List of Unclaimed Rights:

- Water right owners listed on the records of the State Engineer.
- Property owners within the Midway adjudication area.
- Registered agents for corporate entities within the adjudication boundary.
- Counsel of record who have filed an appearance in the court.

The List of Unclaimed Rights can be accessed via:

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



Anticipated Timeline

List of Unclaimed Rights Publishing

- March 17, 2021

90-day Objection Period

- June 15, 2021

WHAT'S NEXT...?

Claim Evaluation

- Fall 2020 to Summer 2022

Proposed Determination

- Publish Late 2022 (Approximate)
- 90-day objection period begins
- State Engineer holds a public meeting



Who can I contact to discuss the Adjudication Process?

Michael Drake, P.E.

Assistant State Engineer

Phone: 801-538-7397

Email: michaeldrake@utah.gov

Kjori Shelley

Adjudication Team Leader

Phone: 385-321-9323

Email: kjorishelley@utah.gov

General Adjudication Inquiries

801-538-5282

[waterrights adjudication@utah.gov](mailto:waterrights_adjudication@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?

For online viewers, questions can be emailed to:
waterrights_adjudication@utah.gov

