

Public Meeting - Water Right Adjudication
Francis-Woodland and Upper Provo Subdivisions
Area 55, Books 14 and 15

Division of Water Rights

January 26, 2023



Michael Drake | Assistant State Engineer - Adjudication
Division of Water Rights

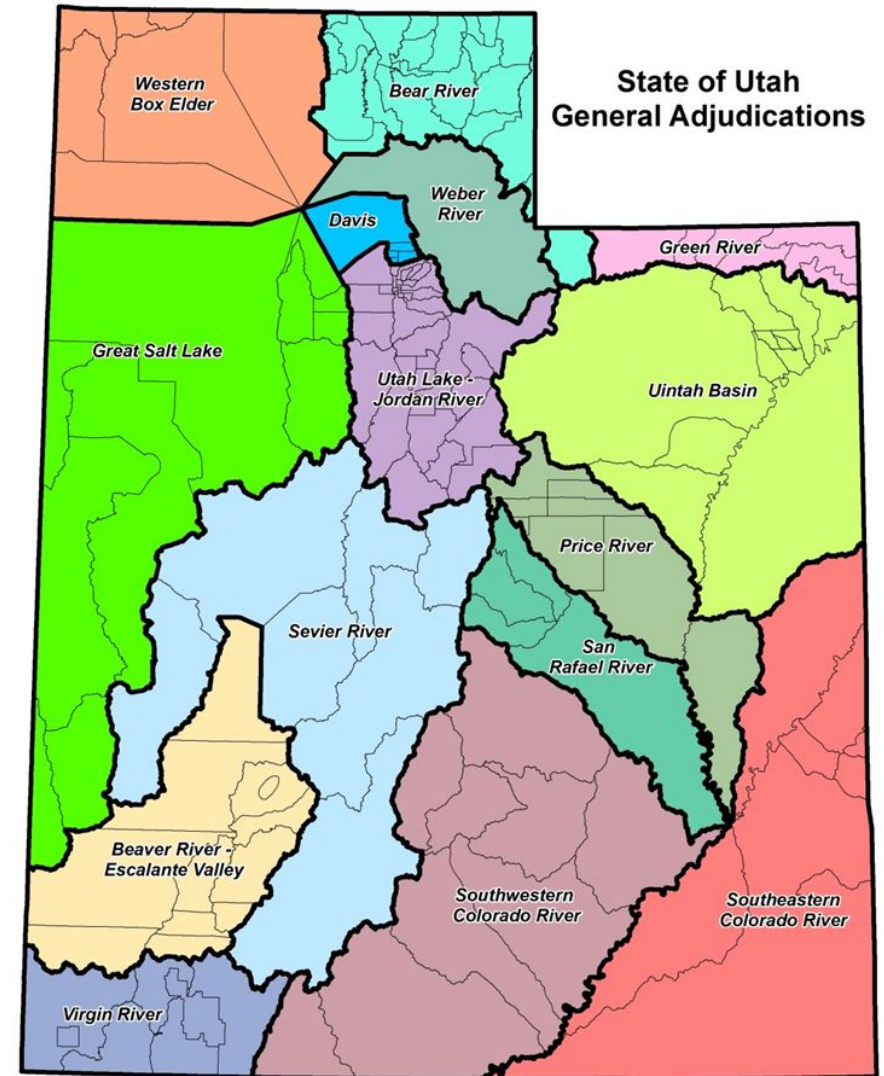
Agenda

- Water Right and Adjudication Overview
- Adjudication Process
- Anticipated Timeline
- Questions
 - Staff Consultation
 - Email: **waterrights_adjudication@utah.gov**



What is a General Adjudication?

- Action in State District Court
- Joins and binds all water users and the State Engineer (Division of Water Rights)
- Governed by Utah State Code: Title 73, Chapter 4
- To determine the nature and extent of all existing water rights within each drainage.



What is a Water Right?

A **water right** is a right to divert and beneficially use water. The defining elements of a typical water right will include:

- A defined **nature of beneficial use**
- A **priority date**
- A defined **quantity** of water allowed for diversion by flow rate (cfs) and/or by volume (acre-feet)
- A specified **point of diversion** and source of water
 - Examples: Well, Spring box, Head-gates
- A specified **place of beneficial use**

A water right is NOT:

- A share in an irrigation company.
- Water provided by a municipality.



Frequently Asked Questions

- **Why did I receive a summons?**
 - Summons are sent to **all known water right holders** and **all property owners**.
 - Also published in a local newspaper.
 - This is done to make the general adjudication comprehensive.



Frequently Asked Questions

- **Irrigation Shares or Share Statements**
 - If your right is based on ownership of shares in a local irrigation company, you typically don't need to file a Water User's Claim. The irrigation company will file on your behalf. However, shareholders may file if desired.
- **Local Examples:**
 - New Washington Irrigation Co.
 - South Kamas Irrigation Co.
 - Beaver and Shingle Creek Irrigation Co.



Frequently Asked Questions

- **Weber River Decree Rights**
 - If your water right was previously decreed in the Weber River Decree, or is descended from a Weber River decree right, you won't need to file a Water User's Claim.
 - Typically 35-8xxx series rights.



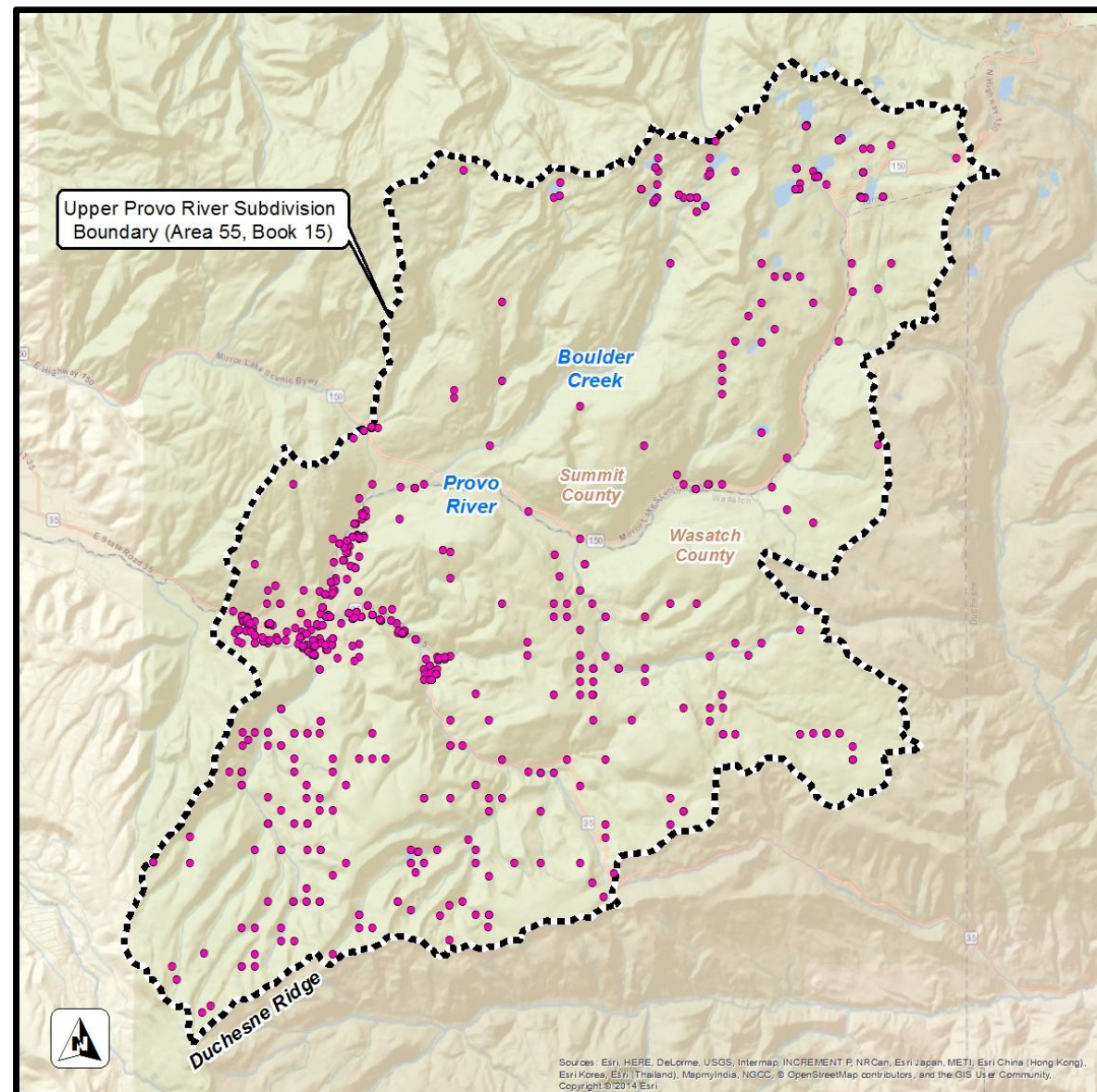
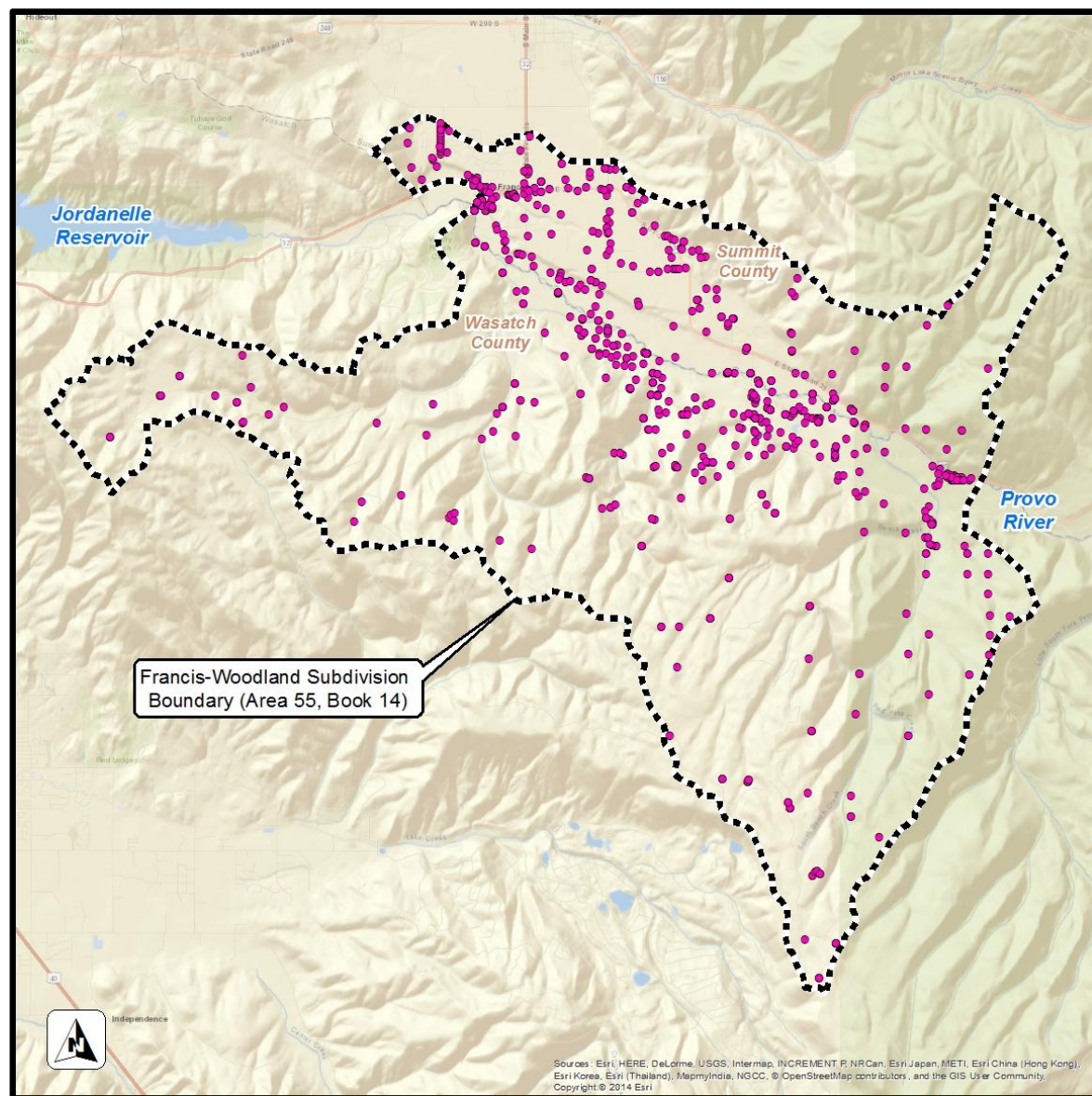
Why Do We Conduct General Adjudications?

- Bring all claims onto the permanent record:
 - Pre-Statutory Claims
 - *Diligence Claims (1903)*
 - *Underground Water Claims (1935)*
 - Federal Reserve Rights
 - *Winter's Doctrine (1908)*
 - *McCarran Amendment (1952)*
- Increased clarity to the water rights picture.
- Remove/reduce rights which have been wholly or partially forfeited through non-use.
- To obtain final comprehensive decrees on all water rights within the respective drainage.

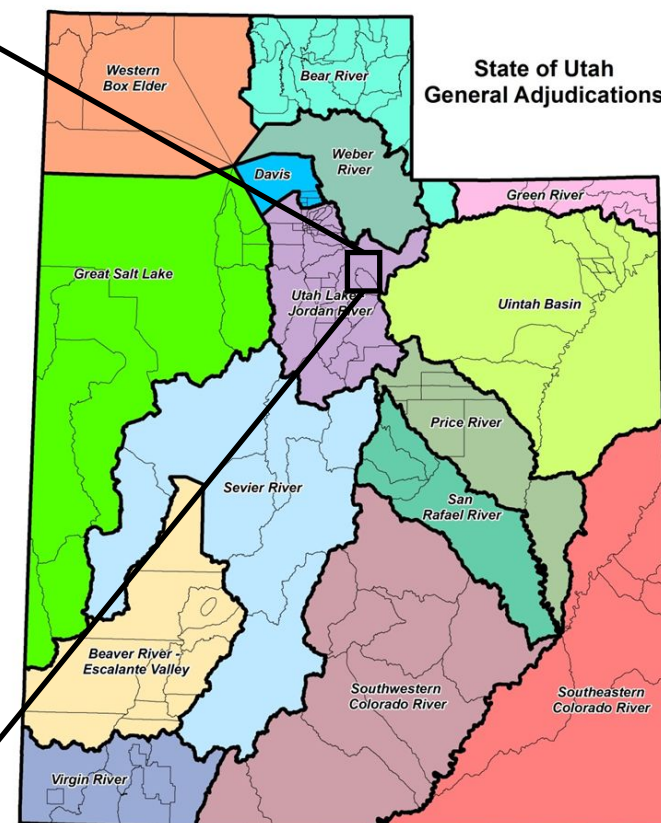
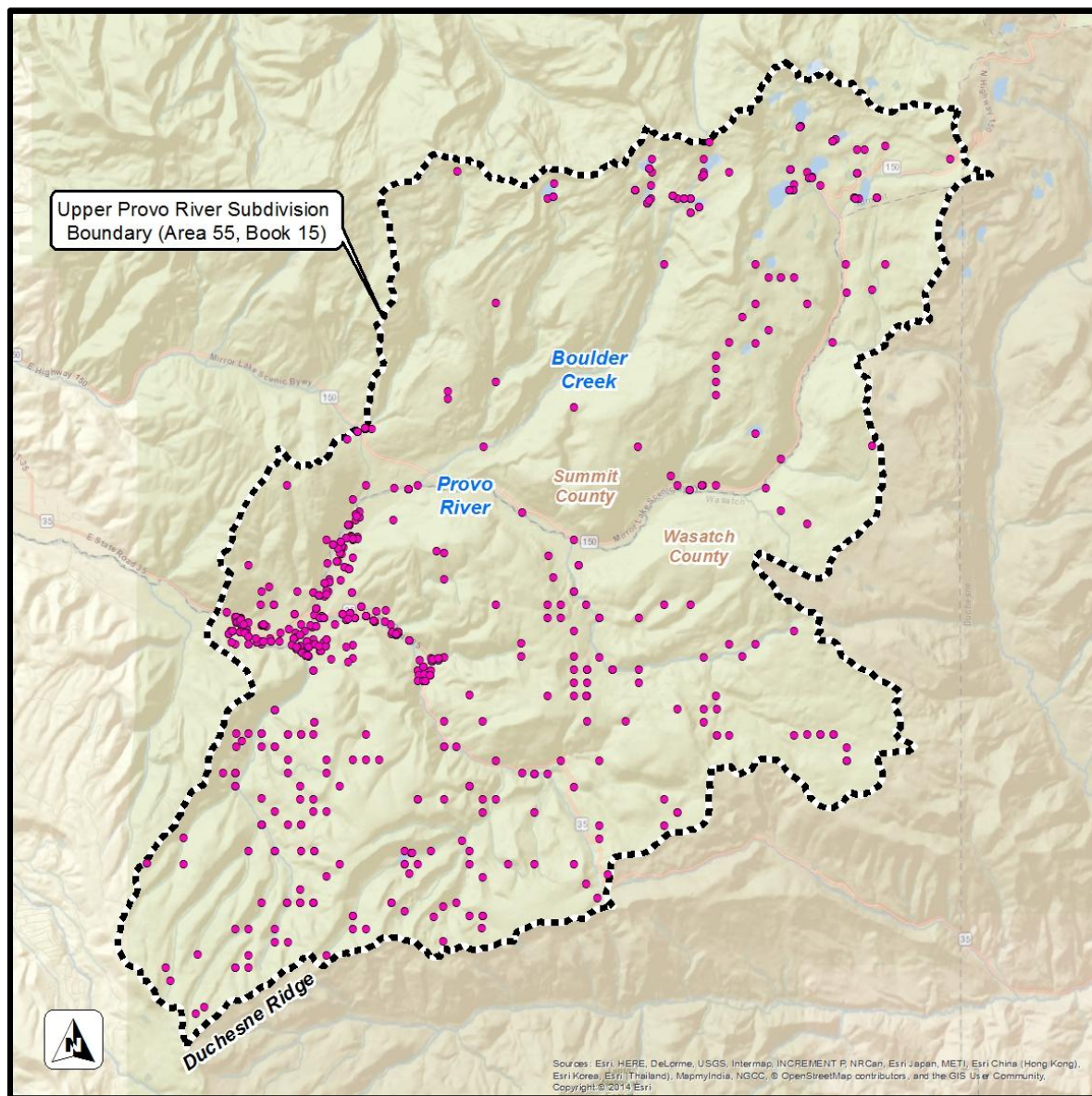
Article 17, Utah Constitution: All existing rights to the use of any of the waters in this State for any useful or beneficial purpose, are hereby recognized and confirmed



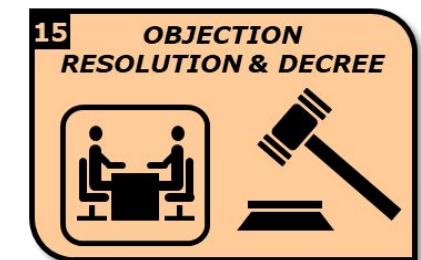
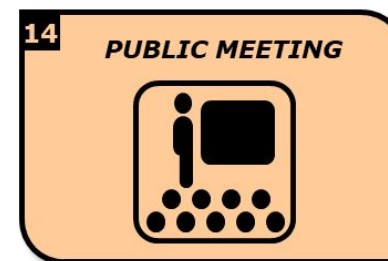
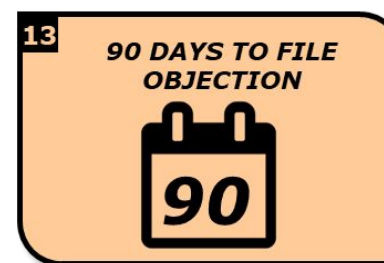
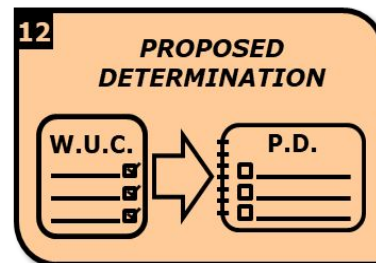
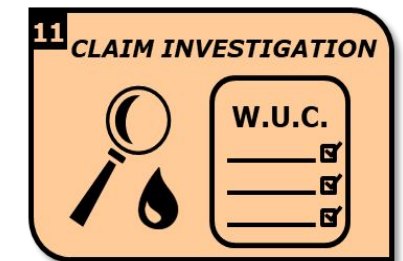
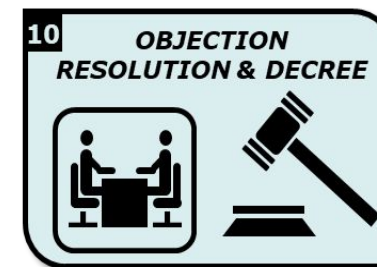
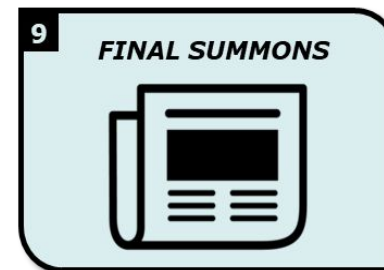
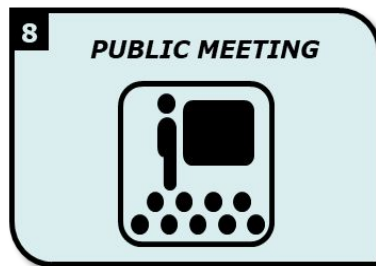
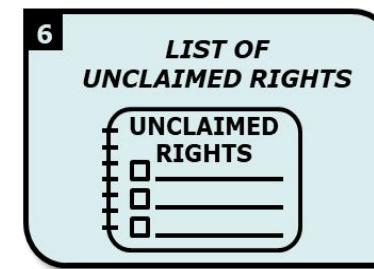
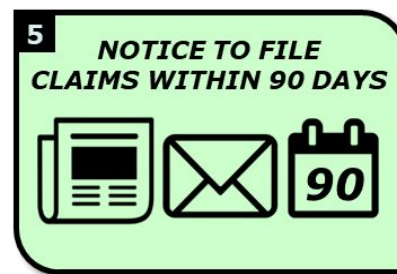
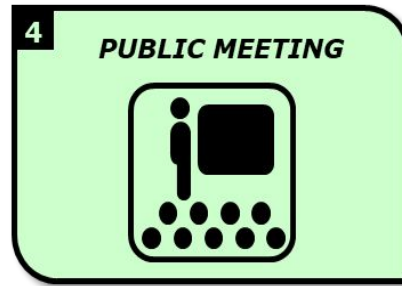
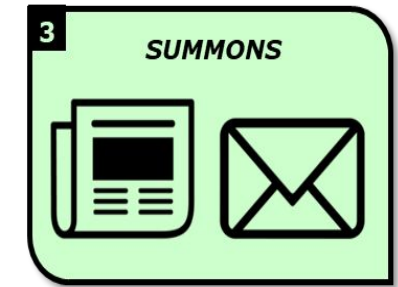
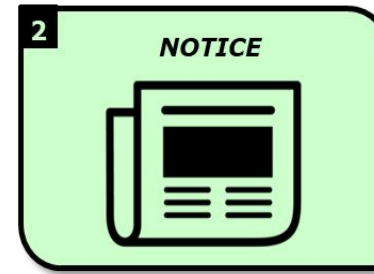
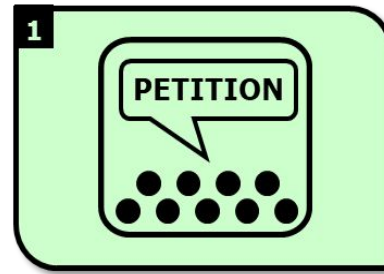
Subdivision Boundaries



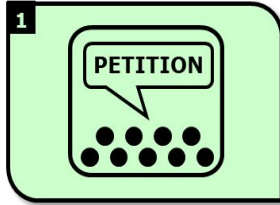
Upper Provo Subdivision Boundary



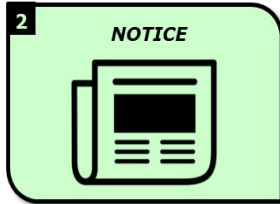
The Adjudication Process



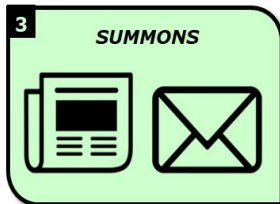
Phase 1: Summons and Notice to File Claims



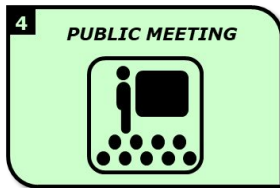
- Not typically relevant today, but all of the general stream adjudications began with a petition for action.



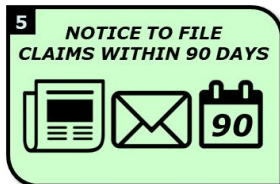
- A notice of commencement is published in the local newspaper.



- The summons is mailed to water right owners and property owners. It is also published in the local newspaper.



- An initial public meeting is held to inform water users of the adjudication process.



- The notice to file claims is given. Claimants have 90 days to file a *Water Users Claim*. A claimant that does not participate may be prevented from asserting a claim in the future.

Water User's Claim

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
IN AND FOR _____ COUNTY, STATE OF UTAH

IN THE MATTER OF THE GENERAL
DETERMINATION OF RIGHTS TO THE
USE OF ALL THE WATER, BOTH
SURFACE AND UNDERGROUND,

STATEMENT OF WATER USER'S CLAIM

WATER RIGHT NO. _____

CIVIL NO. _____

HOW TO USE THIS FORM:
Review the information you provide on this form carefully. This Statement of Water User's Claim form is required to assert
your water right claim in the pending general adjudication. Under Utah law, unless you file a written Statement of Water User's Claim
within 90 days of receiving notice, your water rights will not be recognized and you cannot assert them further. This form
constitutes notice to you. Your District Court. If you file your Statement of Water User's Claim within 90 days of receiving notice, you must
update ownership with the Division of Water Rights at (801) 538-5282.

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

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

STATEMENT OF
WATER USER'S CLAIM

Water Right No. 57 - 10172

Civil No. 365729840

HOW TO USE THIS FORM:
Review the information on this form carefully. This Statement of Water User's Claim form is required to assert your water
right claim in the pending general adjudication. Under Utah law, unless you file a written Statement of Water User's Claim
within 90 days of receiving notice, your water rights will not be recognized and you cannot assert them further. This form
constitutes notice to you that your signed Statement of Water User's Claim must be filed within 90 days after service of this
notice with the Division of Water Rights, or the District Court. If you file your Statement of Water User's Claim with the
Division of Water Rights, the State Engineer will file it with the District Court following the publication of the Proposed
Determination. If you agree with the information and accept it as your Statement of Water User's Claim, sign the form and
return it to the Division of Water Rights. Alternatively, you may manually revise this claim or obtain a blank Water User's
Claim form from the Division of Water Rights' website at: www.waterrights.utah.gov/info/forms. Signing and returning this
form will NOT update ownership with the Division of Water Rights. If little to a water right needs to be updated, you must
prepare and file a separate Report of Water Right Conveyance with the State Engineer. If you have any questions, please
contact the Division of Water Rights at: (801) 538-5282.

1. WATER RIGHT AND OWNERSHIP INFORMATION:

A. NAME: Big Willow Irrigation Company
ADDRESS: c/o Clayne Poulsen
8018 Danish Road
Salt Lake City UT 84121
PHONE: _____ EMAIL: _____

B. TYPE OF RIGHT: Diligence Claim No. D50, CERTIFICATED a1314

C. PRIORITY DATE: 1860

2. SOURCE INFORMATION:

A. QUANTITY OF WATER: 787.153 acre-feet

B. DIRECT SOURCE: Little Willow Creek and North Fork

C. POINT(S) OF DIVERSION -- SURFACE:
(1) S 1.638 feet E 3.195 feet from NW corner, Section 01, T 3S, R 1E, SLBM
SOURCE OF POD: Little Willow Creek
(2) S 1.069 feet E 2.667 feet from NW corner, Section 01, T 3S, R 1E, SLBM
SOURCE OF POD: North Fork of Little Willow Creek
(3) S 2.055 feet W 632 feet from NE corner, Section 02, T 3S, R 1E, SLBM
SOURCE OF POD: Little Willow Creek

D. COUNTY: Salt Lake

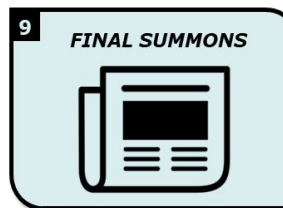
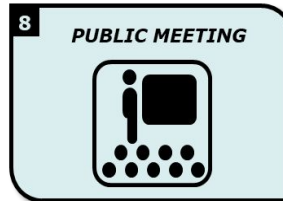
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JAN 28 2019
WATER RIGHTS
SALT LAKE

Description of divert:

Water User's Claim

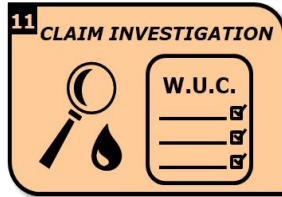
- The water user must complete a Water User's Claim and **file with the State Engineer or the District Court** for each water right.
- Due to complexity of defining water rights, **Adjudication staff can help** the water user in completing the claim.
- State Engineer files the claim with the Court on behalf of the water user as a courtesy.
- Claims are only required on **perfected rights** (i.e., certificated rights, decreed rights, and diligence claims). **All entities** that own a water right in the adjudication area must file a claim.
- Irrigation Company **shareholders are not normally required** to submit a claim.

Phase 2: List of Unclaimed Rights and Final Summons

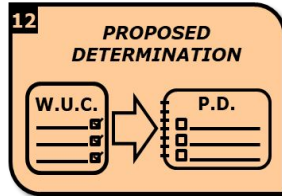


- Any known rights not claimed are published on the List of Unclaimed Rights which is published with the court. Notice is also given to all claimants. Any dissatisfied party may object within 90 days.
- A second public meeting is held to discuss the List of Unclaimed Rights and how to file an objection.
- The State Engineer makes a final search for potential claimants and publishes a final summons.
- Objections to the List of Unclaimed Rights are resolved and the court renders a decree.

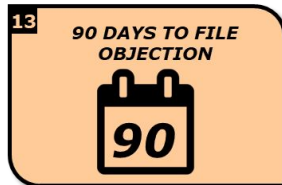
Phase 3: Proposed Determination and Final Decree



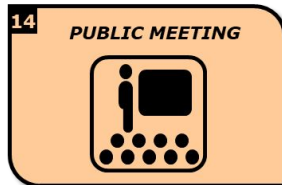
- Division staff evaluates and maps the claims. A State Engineer's Recommendation (SER) is prepared.



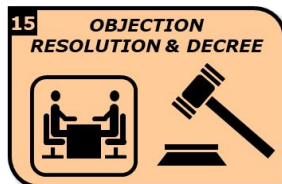
- The Proposed Determination represents the State Engineer's recommendation to the court for each water right.



- Any dissatisfied party may object within 90 days.



- A final public meeting is held to discuss the Proposed Determination and how to file an objection.



- Objections to the Proposed Determination are resolved and the court renders a decree.

Anticipated Timeline

February 15, 2023 (Planned):

- Notice to file claims; 90-day claim filing period.

May 16, 2023 (Tentative):

- Claim investigation begins

February 2024:

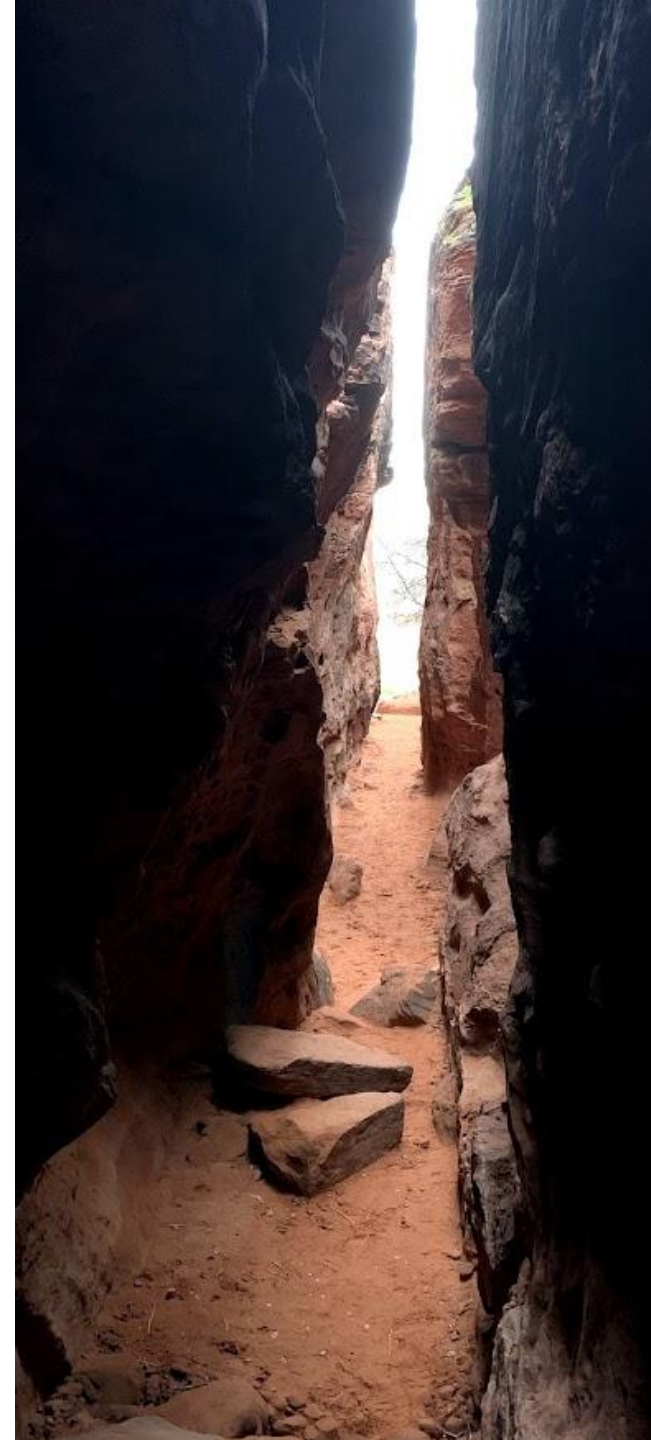
- List of Unclaimed Rights; Public Meeting, 90-day objection period

September 2025:

- Proposed Determination; Public Meeting; 90-day objection period

2026:

- Interlocutory Decree



Common Issues

- **Why isn't my name on the water right?**
 - A Water User's Claim (WUC) does not update title.
 - Submit a Report of Conveyance (ROC)
- **Lapsed Applications**
 - Lapsed applications for small amounts of water can be reinstated.
 - Submit a Water User's Claim and an Affidavit of Beneficial Use.



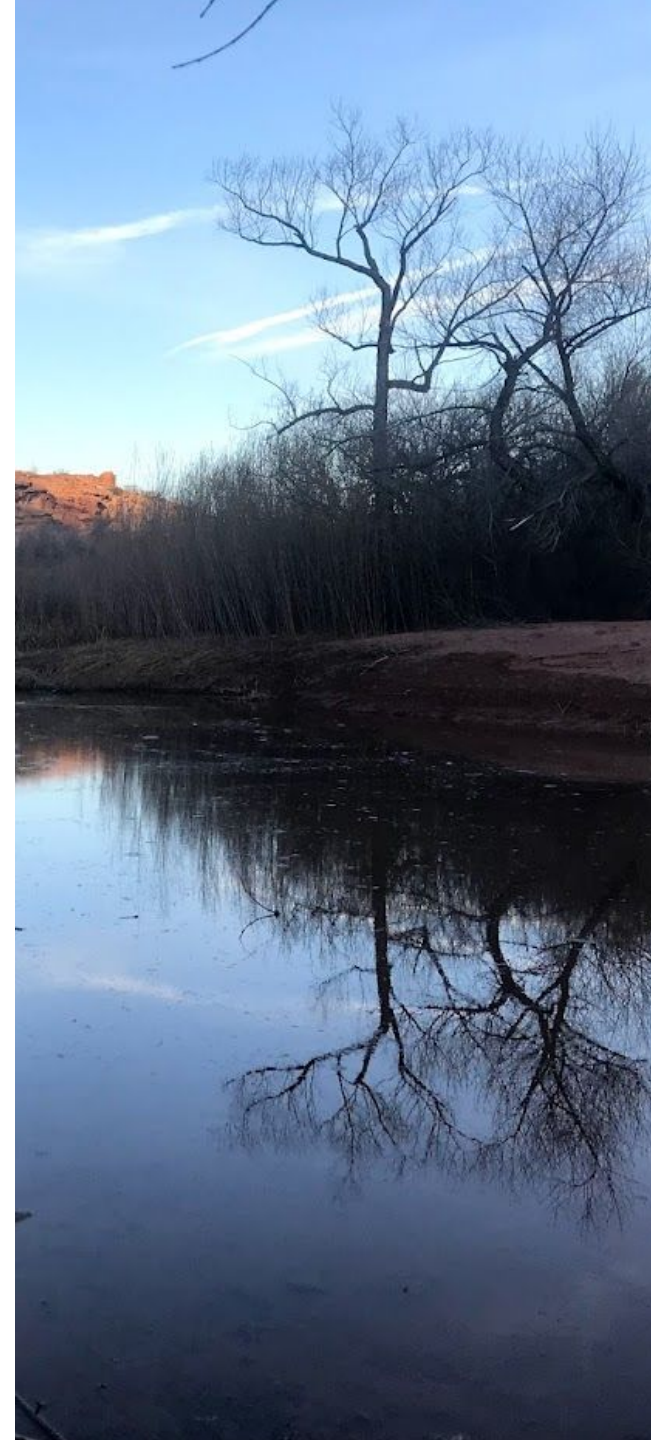
Common Issues

- **30-Day Extensions**
 - Must be accompanied by a Water User's Claim
- **Reminder:**
 - 30-Day Extension is requested from the Division.
 - michaeldrake@utah.gov, or;
 - waterrights_adjudication@utah.gov



Will I lose my water right?

- Water users who are currently using their water right in conformance with the records on file have nothing to worry about, as long as they file a Water User's Claim.
- If the water use have fallen **out of use for 7-years or more**, the water right - or a portion of it - may be recommended to be **disallowed** in the proposed determination.
- Individuals using water **without a water right of record** are required to submit a claim during the adjudication or **risk being barred** from future claims and use.



Who can I contact to discuss the Adjudication Process?

Michael Drake, PE

Assistant State Engineer - Adjudication

Tel: 801-538-7397

E-mail: **michaeldrake@utah.gov**

Aspen Johnston

Adjudication Program Manager

Tel: 385-522-1789

E-mail: **aspenj@utah.gov**

Skyler Bishop

Adjudication Program Specialist

Tel: 435-299-0032

E-mail: **sbishop@utah.gov**

Austin Adams

Adjudication Program Specialist

Tel: 385-386-1057

E-mail: **ajadams@utah.gov**

waterrights_adjudication@utah.gov



Website Tour



Questions?

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Assistant State Engineer - Adjudication

Tel: 801-538-7397

E-mail: **michaeldrake@utah.gov**

Aspen Johnston

Adjudication Program Manager

Tel: 385-522-1789

E-mail: **aspenj@utah.gov**

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