

March 21, 2023

Water Users Workshop Adjudication Update

Division of Water Rights

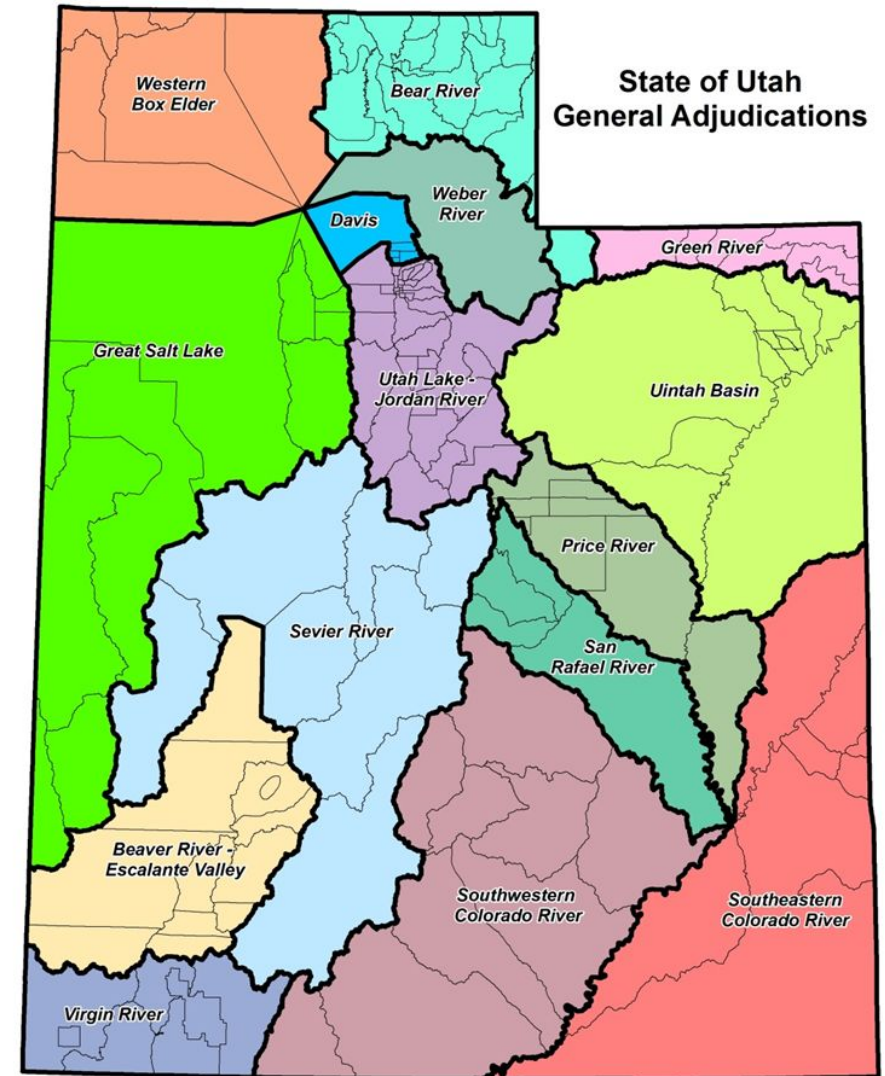


Michael Drake | Assistant State Engineer - Adjudication
Division of Water Rights

What is a General Stream Adjudication?

What it *IS*...

- 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 river drainage



Why Do We Conduct General Adjudications?

- Bring all claims on to the permanent record:

- Pre-Statutory Claims

- *Diligence Claims (1903)*
 - *Underground Water Claims (1935)*

Article 17: 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

- Federal Reserve Rights

- *Winter's Doctrine (1908)*
 - *McCarran Amendment (1952)*

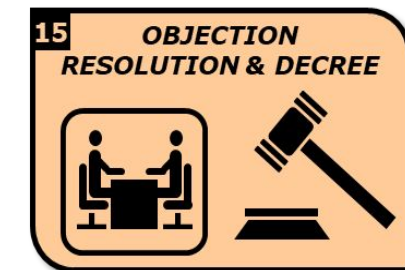
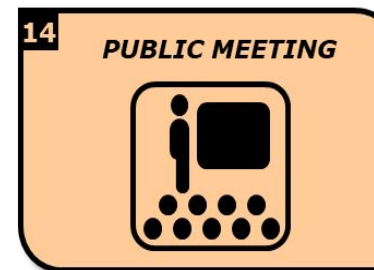
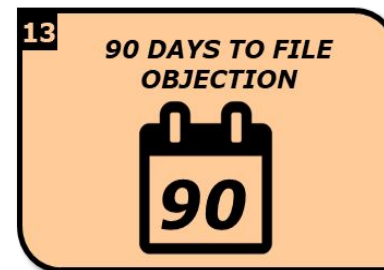
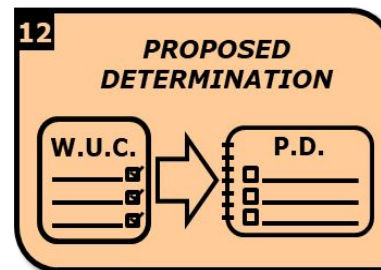
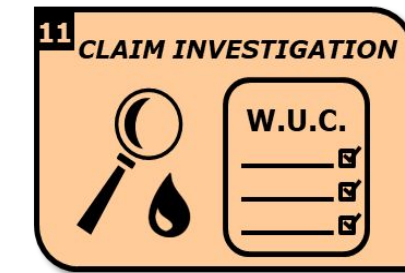
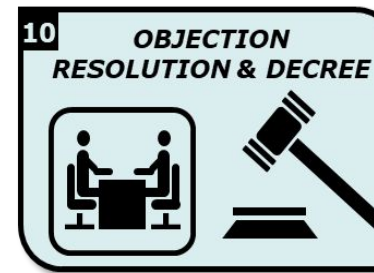
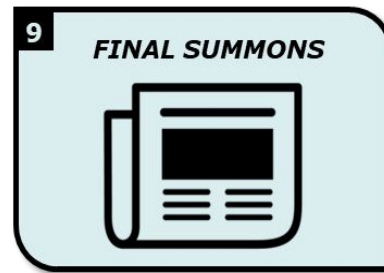
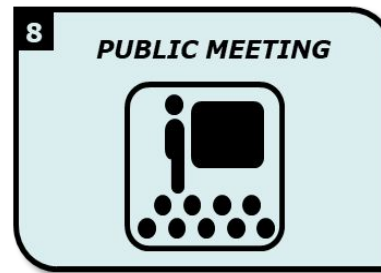
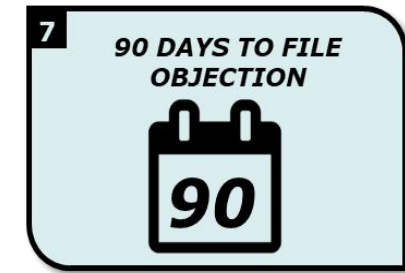
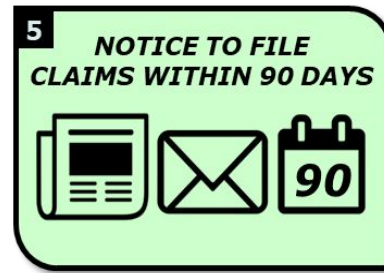
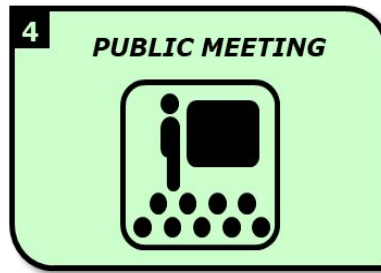
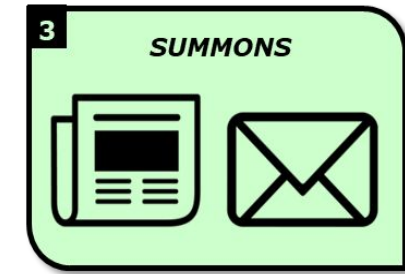
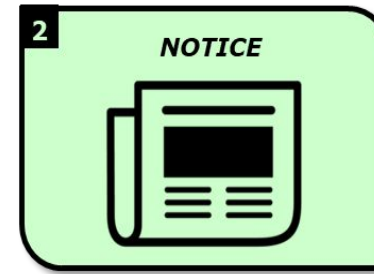
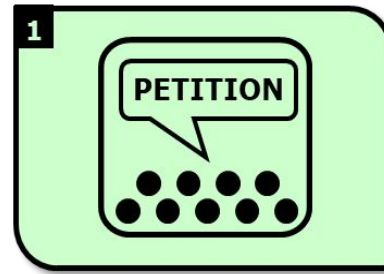
- To prevent a “multiplicity of suits” and bring clarity to the water rights picture.
- Remove/reduce rights which have been wholly or partially forfeited through non-use.
- To obtain final comprehensive decrees on all water rights within the respective drainage.

Types of Rights that are Adjudicated

- Perfected Rights
 - Certificated, No Proof Required, and Decreed Rights
- Pre-Statutory Claims
 - Diligence Claims, Underground Water Claims, Pending Adjudication Claims.
- Federal Reserve Rights
- Adverse Use Claims
- Elections
- Lapsed Small Domestic Applications
- Also Included:
 - Perfected Share Statements, Approved Exchange Applications.



The Adjudication Process



State Engineer's Recommendation (SER)

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)
ALL THE RIGHTS TO THE USE OF WATER, BOTH) **STATE ENGINEER'S**
SURFACE AND UNDERGROUND, WITHIN THE) **RECOMMENDATION**
DRAINAGE AREA OF THE UTAH LAKE AND JORDAN)
RIVER IN UTAH, SALT LAKE, DAVIS, SUMMIT,) **Water Right No. 55-525**
WASATCH, SANPETE, AND JUAB)

Owners:
Name: E Paul & Lucile O B
Address: E. Paul and Lucile
76 South 2300 West
Lehi, Utah 84043

Remarks:

General:
Type of Right: Application
Priority Date: 03/22/19
Quantity of Water: 1.25 ACF
Source: Undergr
County: Utah

Points of Diversion:
Points of Diversion - Undergr
(1) S 1706 ft. E 166 ft. from
Well Diameter: 3 in.

Water Uses:
Water Uses - Group Number:
Water rights appurtenant to the

Irrigation from 01/01 to 12/31
Beneficial Use Amount: 0.2

Domestic from 01/01 to 12/31
Beneficial Use Amount: 1 E

Place Of Use:

Sec 18 T 5S R 1E SLBM	NE	NW
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Use Totals:
Irrigation sole-supply total:
Domestic sole-supply total:

DISALLOWED

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)
ALL THE RIGHTS TO THE USE OF WATER, BOTH) **STATE ENGINEER'S**
SURFACE AND UNDERGROUND, WITHIN THE) **RECOMMENDATION**
DRAINAGE AREA OF THE UTAH LAKE AND JORDAN)
RIVER IN UTAH, SALT LAKE, DAVIS, SUMMIT,) **Water Right No. 55-7833**
WASATCH, SANPETE, AND JUAB COUNTIES, IN UTAH,) **Civil No. 365729844**
) **(AREA 55 - BOOK 4)**

(Printed: 10/30/2019)

Owners:
Name: Alta Clark
Address: 315 North 300 West
Lehi UT 84043

Remarks:

General:
Type of Right: Underground Water Claim
Priority Date: / / 1934
Quantity of Water: 0.002 CFS
Source: Underground Water Well
County: Utah

Points of Diversion:
Points of Diversion - Underground:
(1) S 40 ft. W 1300 ft. from NE corner, Sec 17 T 5S R 1E SLBM
Well Diameter: 2 in. Well Depth:

The State Engineer recommends that this water right be disallowed.

SCANNED

State Engineer's Recommendation

- Recommended definition of the water right based on the file and field reviews.
- A water right may be disallowed based on evidence of non-use (i.e., forfeiture); or a claim may be disallowed due to its invalidity (having no legal basis).
- A copy of the memo, SER, and map (if applicable) will be mailed to the claimant and/or owner of record.

Proposed Determination

- Proposed Determination (PD) represents the State Engineer's official recommendation of rights within an adjudication boundary.
- Filed with the District Court.
- Distributed to water users within the adjudication boundary.

Proposed Determination Book for Draper Subdivision		Area: 57 Book Number: 26																																																																																				
33	57-1110	NAME: State of Utah Department of Transportation TYPE OF RIGHT: Application To Appropriate APPLICATION/CLAIM NUMBER: A17598 QUANTITY OF WATER: 6.6 acft	PRIORITY DATE: May 02, 1946 SOURCE: Unnamed Developed Spring																																																																																			
POINT OF DIVERSION -- SURFACE: [1] N 2565 feet E 50 feet from the S4 corner, Section 12 T 4S R 1W SLB&M Diverting Works: Pipe collection system & Reservoir Source: Unnamed Spring																																																																																						
BENEFICIAL USE: Water Use Group No. 410373. IRRIGATION: from Apr 01 to Oct 31 SOLE SUPPLY: 0.3330 acre of the Group Total of 0.3330 acres. DOMESTIC: from Jan 01 to Dec 31 SOLE SUPPLY: 11.0000 EDUs of the Group Total of 11.0000. PLACE OF USE: (which includes all or part of the following legal subdivisions:)																																																																																						
<table border="1"><thead><tr><th>SC</th><th>TOWN</th><th>RANG</th><th>BS</th><th colspan="4">Northwest Quarter</th><th colspan="4">Northeast Quarter</th><th colspan="4">Southwest Quarter</th><th colspan="4">Southeast Quarter</th><th>Section</th></tr><tr><th></th><th></th><th></th><th></th><th>NW</th><th>NE</th><th>SW</th><th>SE</th><th>NW</th><th>NE</th><th>SW</th><th>SE</th><th>NW</th><th>NE</th><th>SW</th><th>SE</th><th>NW</th><th>NE</th><th>SW</th><th>SE</th><th>Totals</th></tr></thead><tbody><tr><td>12</td><td>4S</td><td>1W</td><td>SL</td><td></td><td></td><td></td><td>*</td><td></td><td></td><td></td><td></td><td>*</td><td></td><td></td><td></td><td>*</td><td>X</td><td></td><td></td><td>0.3330</td></tr><tr><td colspan="19">Group Total:</td><td>0.3330</td></tr></tbody></table>				SC	TOWN	RANG	BS	Northwest Quarter				Northeast Quarter				Southwest Quarter				Southeast Quarter				Section					NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	Totals	12	4S	1W	SL				*					*				*	X			0.3330	Group Total:																			0.3330
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34	57-2449	NAME: Draper Irrigation Company TYPE OF RIGHT: Application To Appropriate APPLICATION/CLAIM NUMBER: A25899 QUANTITY OF WATER: 0.016 cfs OR 0.25 acft	PRIORITY DATE: Jun 15, 1954 SOURCE: Underground Water Well																																																																																			
POINT OF DIVERSION -- ABANDONED UNDERGROUND: [1] N 1508 feet W 654 feet from the SE corner, Section 15 T 4S R 1W SLB&M																																																																																						
Description Of Water Rights		Date of Publication: December 28, 2022																																																																																				
		Page: 59																																																																																				

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

- **Why isn't my name on the water right?**
 - A Water User's Claim (WUC) does not update title.
 - Out-of-date title does not prevent someone from filing a WUC.
 - 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.



Frequently Asked Questions

- **Irrigation Shares or Share Statements**
 - If a 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.



Current Issue

- **Claiming a Provo Decree Right**
 - Identify an exact award if possible.
 - If award is not known:
 - Identify the point of diversion from the Provo River
 - Identify the place of use.
 - Claim ownership of relevant classes.
 - Ownership/Awardee
 - Identify an awardee in your chain of title.
 - Title to a 1980's Water User's Claim is not sufficient by itself.



Current Issue

- **Claiming a Provo Decree Right, cont'd**

- Stockwatering: Decree is ambiguous

“[T]hat all the rights...include the right to divert and use water for irrigation, culinary, domestic and agricultural purposes connected therewith.” (emphasis added)

- We will be looking for “diligence claim-like” evidence for agricultural uses.
- Stockwatering claimed in 1980’s WUC is not sufficient
- Still unclear?...File a Water User’s Claim and the Division will investigate further.



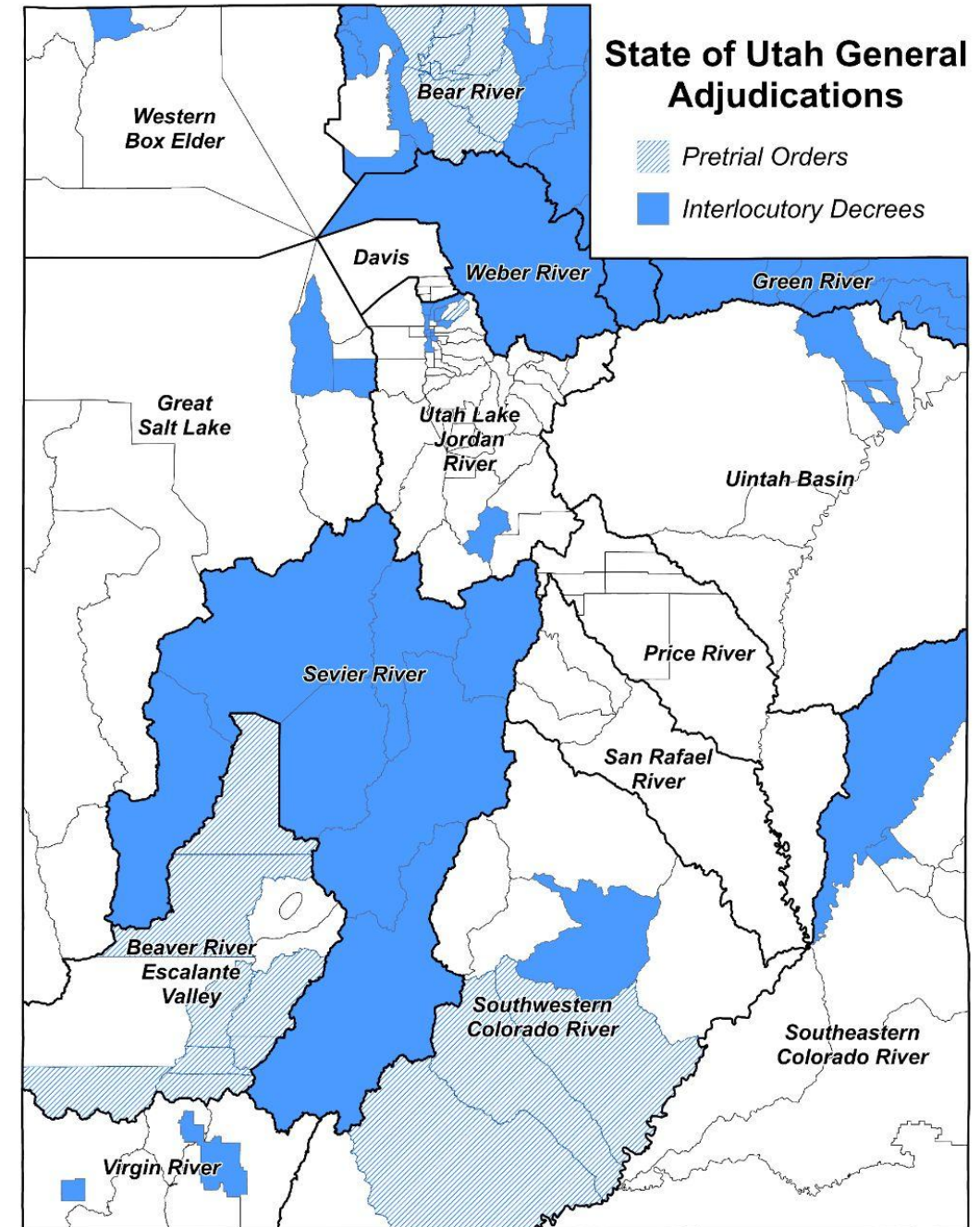
Current Issue

- **Evaluation of an Irrigation Company**
 - The Division will map actually irrigated acreage.
 - We appreciate your help in identifying these fields.
 - Factors that affect our evaluation:
 - Shares owned by a public water supplier.
 - Rights or shares under pending change applications.
 - Shares used supplementally with privately held rights.
 - Approved periods of nonuse.



Current Status

- 15 General Adjudications
 - 1 Complete Adjudication
- 2 Historical Stream Adjudications
 - Weber/Ogden River (1937 & 1948)
 - Sevier River (1936)
- 4 Active Adjudications
 - Utah Lake/Jordan River
 - Virgin River
 - Southeastern Colorado
 - Bear River (Addenda and Objections only)



2022 Accomplishments

- Proposed Determinations

Parleys (57-14)

W. Big Cotton. (57-17)

E. Murray (57-20)

Sandy/Mid. (57-21)

Dimple Dell (57-24)

Willow Creek (57-25)

Draper (57-26)

Moab South (05-5)

- New Subdivisions

Navajo (09-1)

Jordanelle (55-13)

Francis-Wood. (55-14)

Upper Provo (55-15)



Salt Lake County

- PDs Planned in 2023:

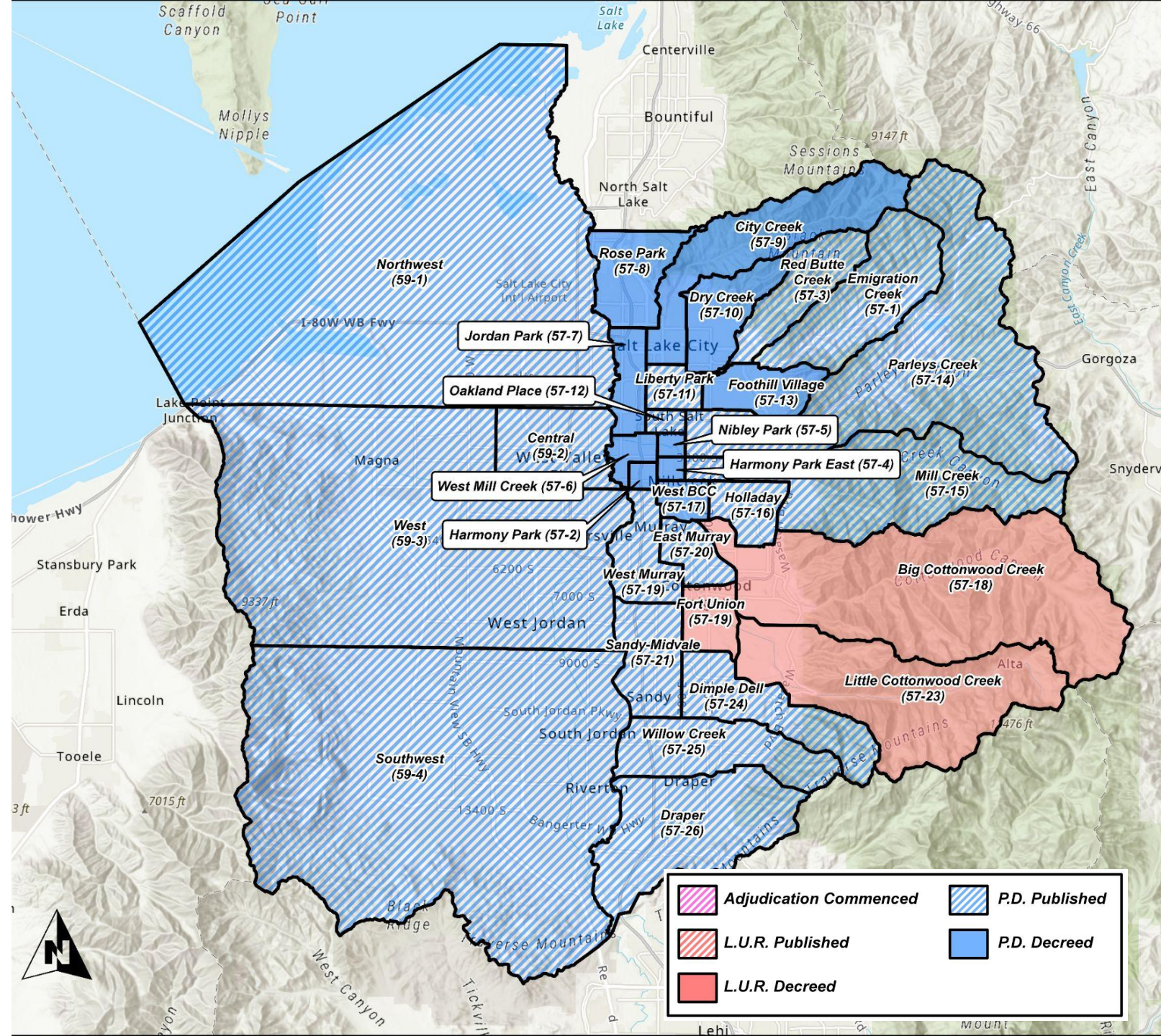
Big Cotton. (57-18)

Fort Union (57-19)

Little Cotton. (57-23)

- What's left?

- Objection Resolution
- Addenda



Provo Division

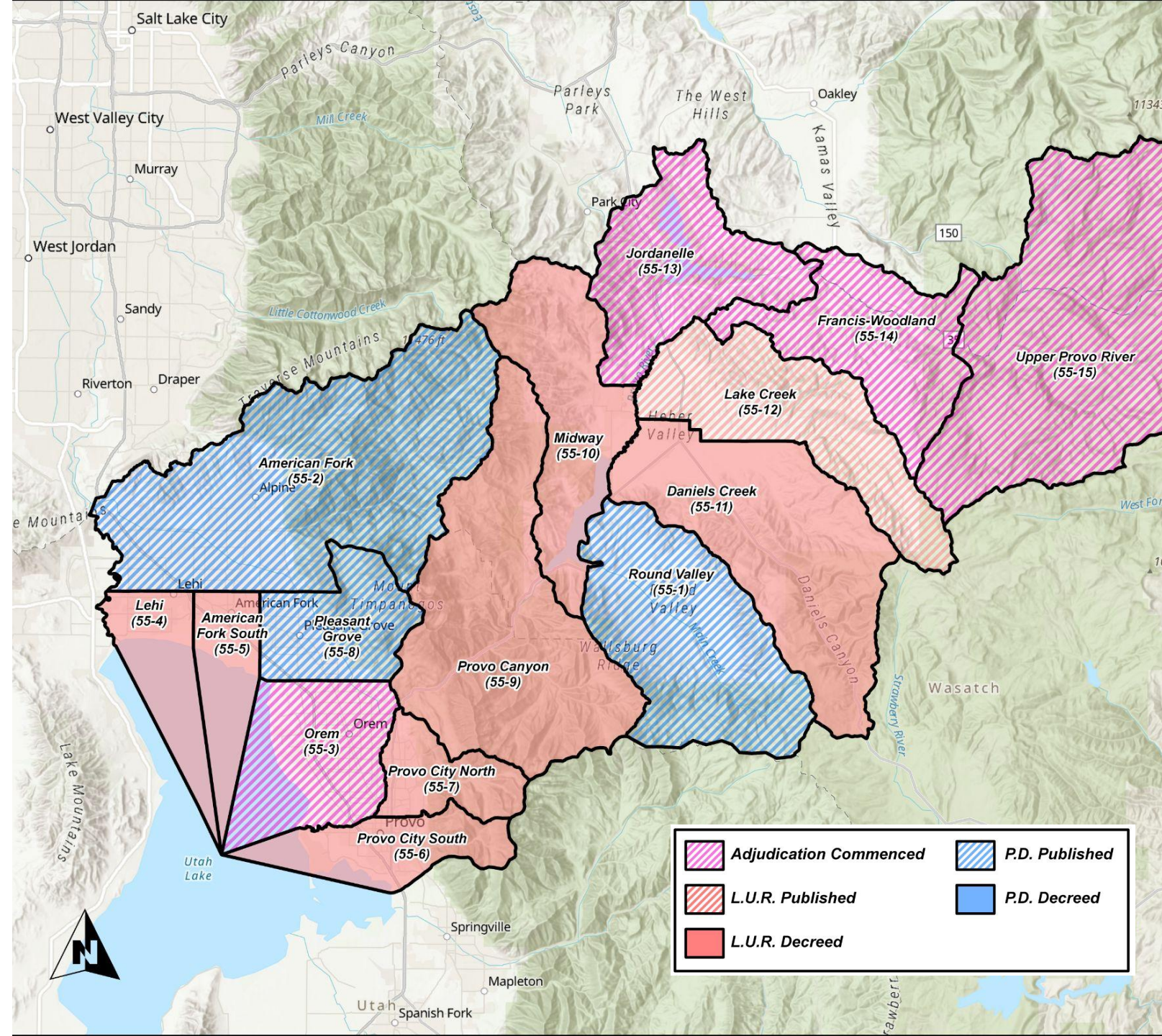
- PDs Planned in 2023:

Provo S. (55-6)

Provo N. (55-7)

- Future Division:

- Santaquin-Spanish Fork
- Mona-Nephi

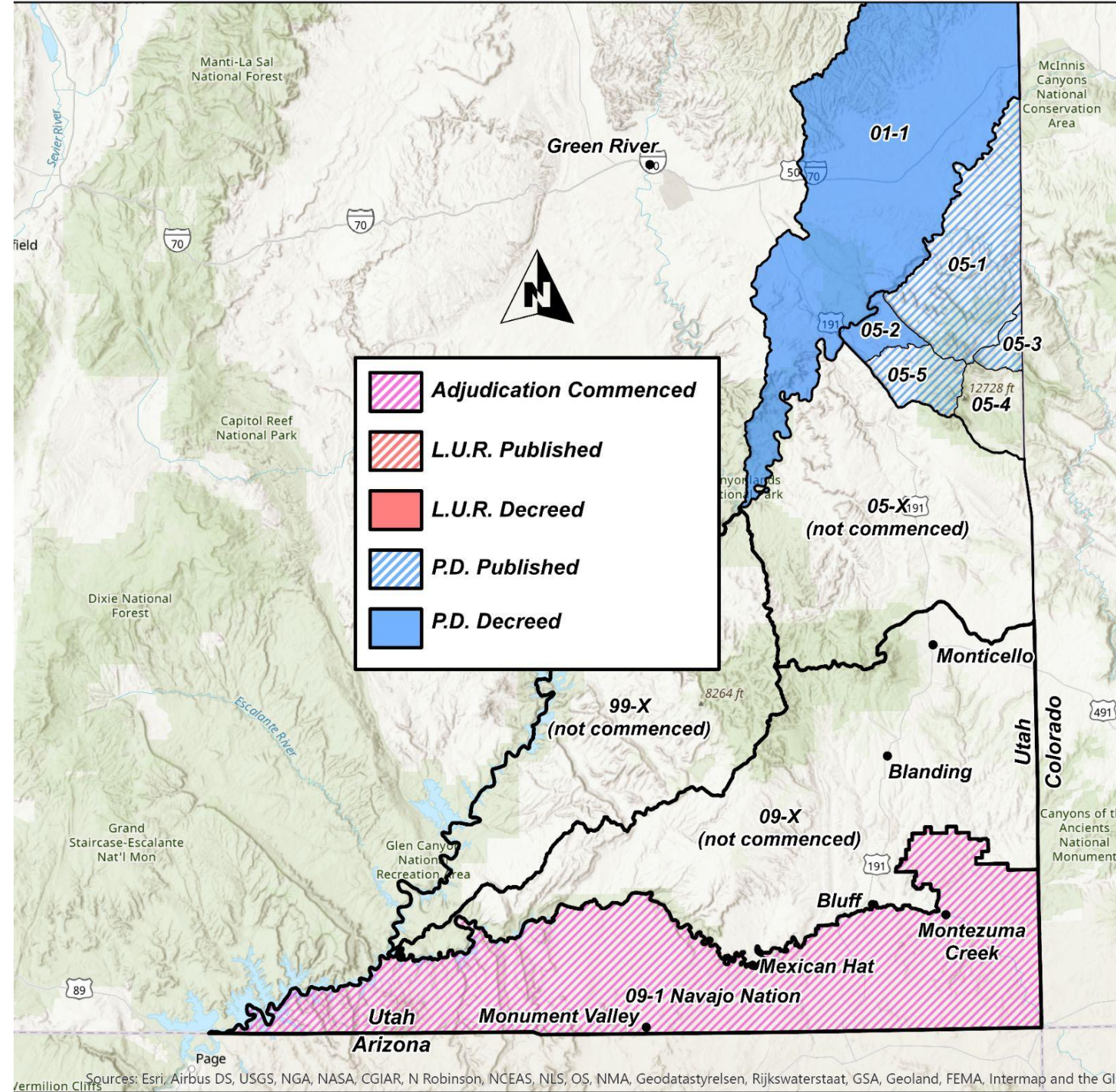


SE Colorado River

- PDs Planned in 2023:

Navajo Nation (09-1)

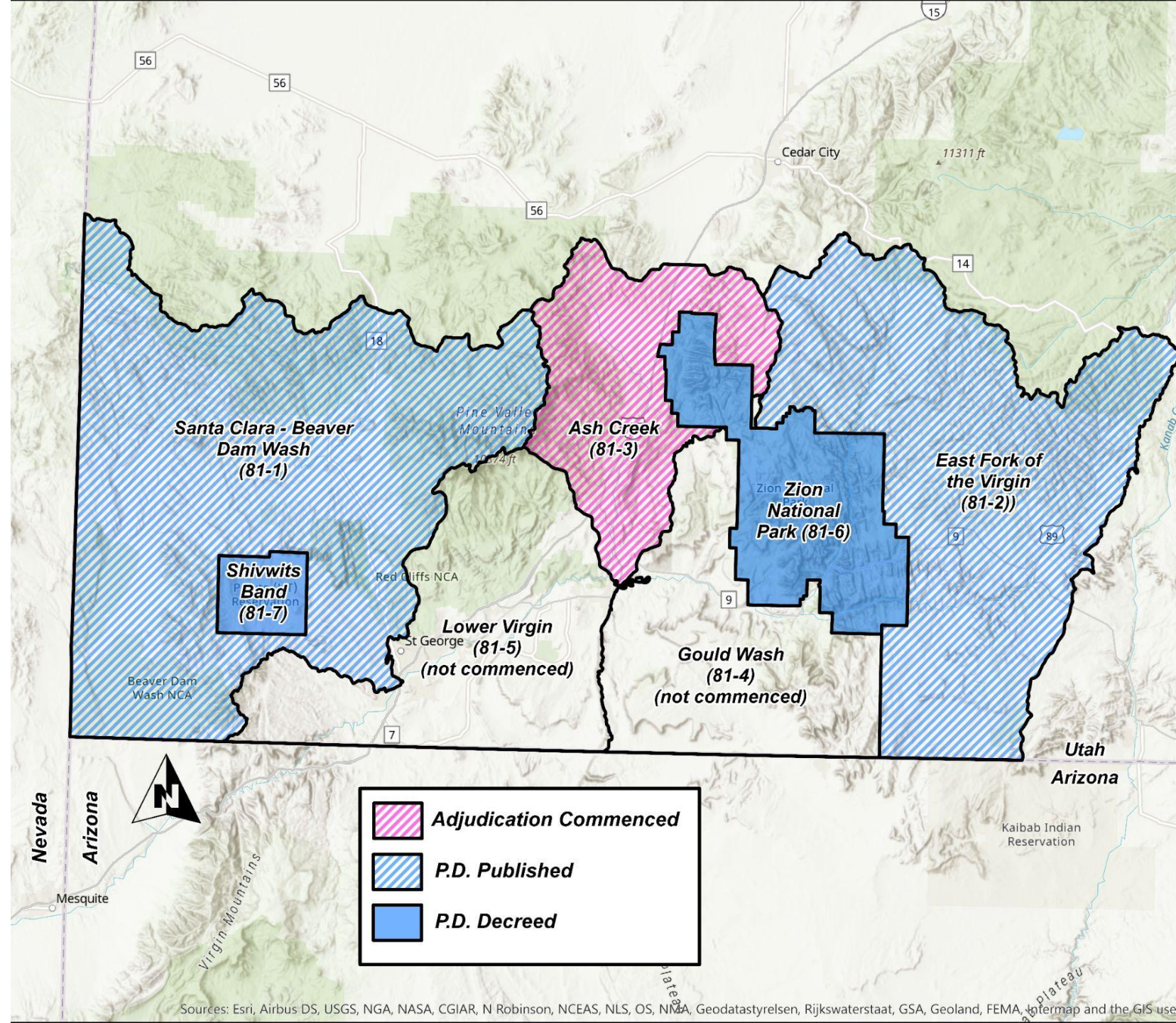
- Evaluating Future Options:
 - La Sal Area
 - Monticello Area
 - Blanding Area
 - Federal Joinder to Existing PDs



Virgin River

- Ongoing Work:

Ash Creek (81-3)





THANK YOU