

WATER RIGHTS

Provo City North Subdivision

(Area 55, Book 7) Proposed Determination

> Public Meeting January 9, 2025

Utah Division of Water Rights

Christopher Stallard, P.E. Adjudication Engineering Manager

www.waterrights.utah.gov

Agenda

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

Questions can be emailed to:

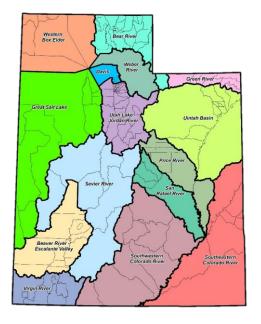
waterrights_adjudication@utah.gov



General Stream Adjudication

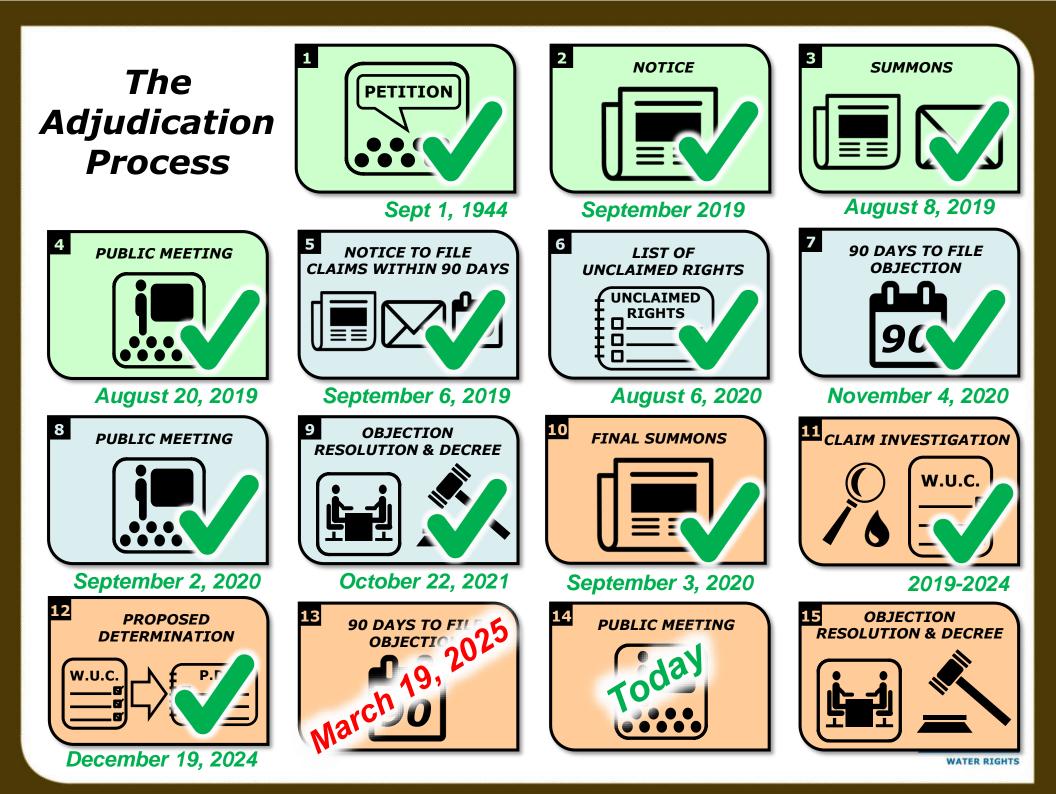
What

- Action in State District Court
- Joins all water users including State and federal agencies - 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

- 1. Bring all claims on to the permanent record:
 - Pre-Statutory Claims
 - Diligence Claims (1903)
 - Underground Water Claims (1935)
 - Federal Reserve Rights
- 2. To prevent a "multiplicity of suits" and bring clarity to the water rights picture.
- 3. Remove/reduce rights which have been wholly or partially forfeited through non-use.
- 4. To obtain final comprehensive decrees on all water rights within the respective drainage.



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 Provo City North adjudication.
- Registered agents for corporate entities owning water rights or having filed claims within the adjudication boundary.
- Council of record who have filed an appearance in the court

The Proposed Determination can be accessed via:

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

The Hydrographic Survey Map can be accessed via:

- <u>http://www.waterrights.utah.gov/pdbooks/ProvoNorthHS</u>
- Hardcopies can be viewed at our office.



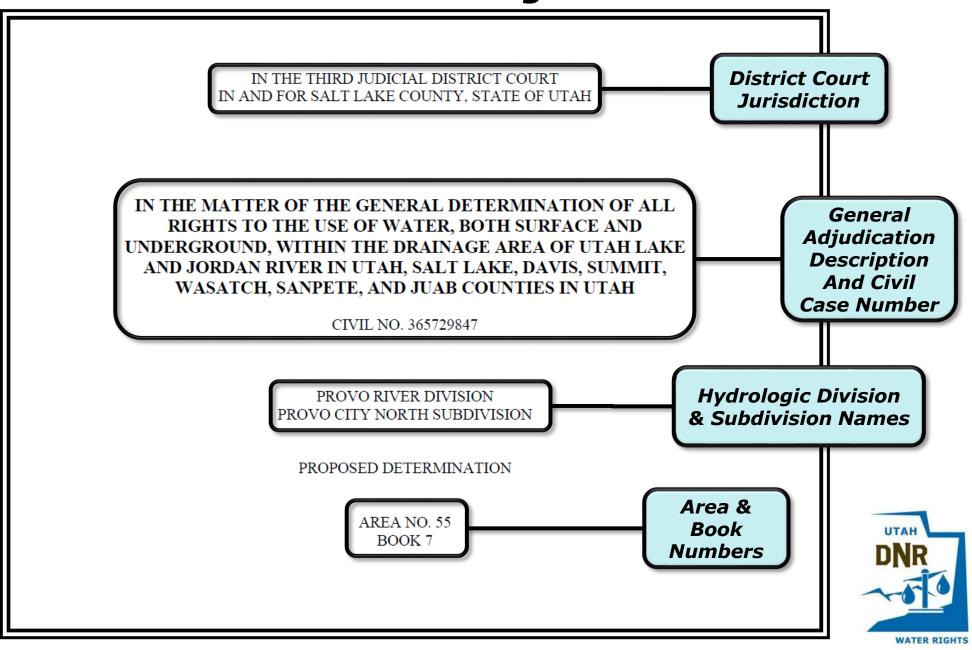
Proposed Determination

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



Provo City North Proposed Determination Title Page



Provo City North Proposed Determination 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, PROVO CITY NORTH SUBDIVISION (55-7)

Salt Lake County Civil No. 365729847 Judge Laura Scott Civil Case Number

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

This is the Proposed Determination of Water Rights for the Provo River Division, Provo City North Subdivision, Area No. 55, Book 7, of the Utah Lake and Jordan River General Adjudication. The Division of Water Rights has prepared the Proposed Determination as required by Utah Code § 73-4-11. The Proposed 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 Provo City North Subdivision should 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, (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 Provo City North 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.

Michael B. Ferguson, No. 17211 Gordon H. Rowe, No. 17308 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 mbferguson@agutah.gov growe@agutah.gov

Instructions on filing an objection

UTAH

Provo City North Proposed Determination How to File Objections

You are hereby notified that under Utah Code § 73-4-11(2), any person claiming a water right in the Provo City North 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.

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Civil Number: 365729847



Provo City North 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

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 Provo City North Subdivision of the Provo River Division of the Utah Lake and Jordan River General Adjudication. The Provo City North Subdivision is the area on the map shown on page viii. The Utah Division of Water Rights has designated the Proposed Determination for this area as Area 55, Book 7.

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

PROPOSED DETERMINATION OF WATER RIGHTS IN THE UTAH LAKE AND JORDAN RIVER GENERAL ADJUDICATION PROVO RIVER DIVISION PROVO CITY NORTH SUBDIVISION AREA NO. 55, BOOK 7

> Salt Lake County Civil No. 365729847 Judge Laura Scott

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 given careful consideration to the Statements of Water User's Claim filed in the Provo City North 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 Provo City North 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 Provo City North Subdivision as required by Utah Code § 73-4-11. The Proposed Determination is available on the Division of Water Rights website at <u>www.waterrights.utah.gov</u> free of charge.

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



Provo City North Proposed Determination Preamble – Prior Decree Section

6. Prior Decrees. Prior to the commencement of the Utah Lake Jordan River General Adjudication, the Court entered a decree in *Provo Reservoir Company, a corporation v. Provo City, et al.*, Fourth Judicial District Court, Utah County, State of Utah (May 2, 1921) a.k.a. the "Provo River Decree." This judicial decree was instrumental in distributing water from the Provo River within the Provo City North Subdivision and other areas. Although the Provo River Decree was neither comprehensive in joinder nor exhaustive in detail, it serves as the basis for many of the water rights recognized within the Provo City North Subdivision. Consequently, the State Engineer continues to reference the attributes and limitations imposed by the historical decree within the body of the respective water right(s) contained within this Proposed Determination. The State Engineer has evaluated each claim in the Provo City North Subdivision that can be tied to an award in the 1921 Provo River Decree.

The 1921 Provo River Decree identified awardees and established a class-

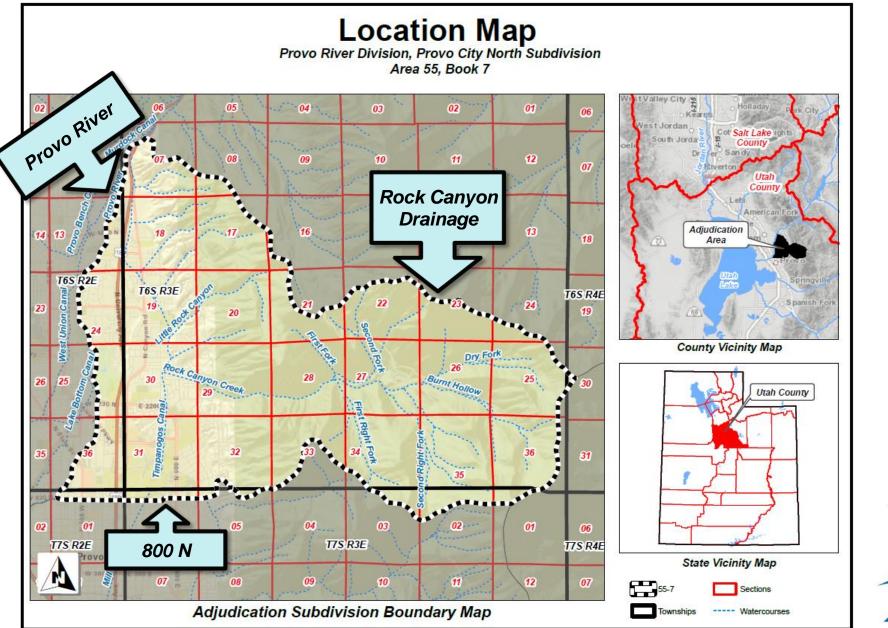
based system to guide equitable distribution of the source. The class system is divided between two divisions, the "Wasatch Division" and the "Provo Division". The Wasatch Division is distributed among classes labeled First through Twentieth, while the Provo Division is distributed among classes labeled A, B, C, D, E, F, G, H, I, and J. Further explanation of how water is distributed amongst the awardees may be found within the decree itself. Copies of the Provo River Decree can be accessed from the Utah Division of Water Rights' website: http://www.waterrights.utah.gov/cgi-bin/decrview.exe

Additionally, on June 9, 1894 the First Judicial Court for Utah County, Utah Territory, entered a decree in *Rock Canyon Irrigation Company v. James Bonnett et al.*, Civil No. 2730 (The "1894 Rock Canyon Creek Decree"). The 1894 Rock Canyon Creek Decree was reaffirmed by the Fourth Judicial District Court for Utah County which on February 19, 1934 entered a decree in *Rock Canyon Water Company v. George H. Bacon as State Engineer of the State of Utah and Provo City.*, Civil No. 8934. The 1894 Rock Canyon Creek Decree adjudicated the water rights to the waters of Rock Canyon Creek. The proposed determination identifies each award.

Decrees available on our website: Programs -> Adjudication -> Decrees



Provo City North Proposed Determination Location Map





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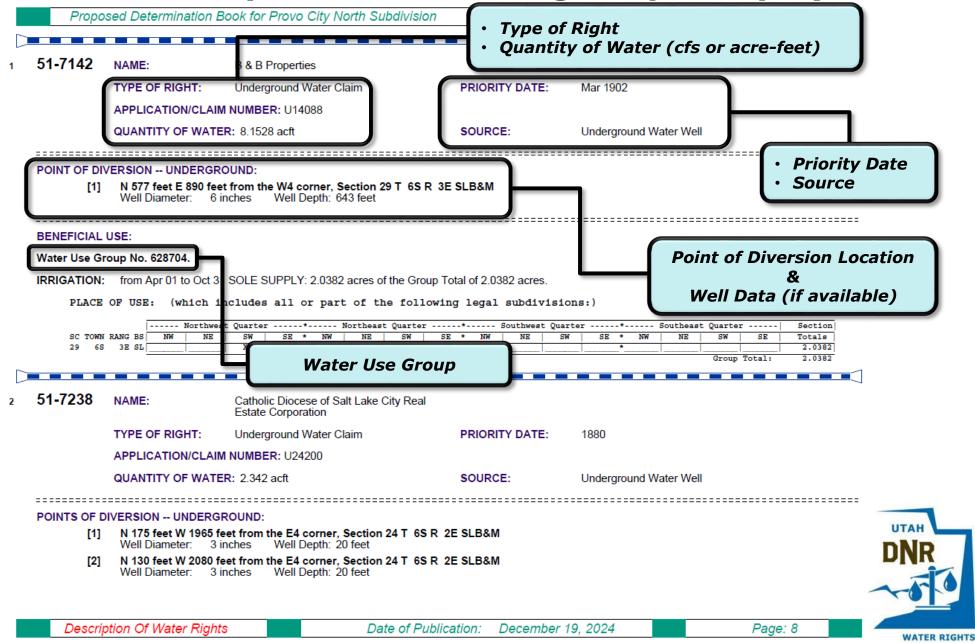
Provo City North Proposed Determination Priority Schedule

Proposed Determination E	Book for Provo City North	Subdivision		Area: 55 Book Number: 7	
PRIORITY CLASS	PRIORITY DATE	FLOW	WR#	NAME	-
					1
		Surface Sou	rces		
Dutchman Spring					
	Jun 18, 1942	0.32 acft	55-184	USA Forest Service	
Mud Spring					
	1884	2 acft	55-1276	William Reinwald Liechty	
				M. Lyman & Jacqueline W. Moody	
				Joseph Muhlestein Estate	
				en	
Provo River		V	Vater Right N	lumber	
	1850	3.52 cfs	5	Creek Water Users	
Water Source	1850	2.45 cfs	55-1 010	Provo City Corporation	
	1850	3.071 cfs	55-1:011	Central Utah Water Conservancy District	
Class A (Provo Division)	1850	0.134 cfs	55-11027	Riverside Country Club	
Class A (Provo Division)	1850	0.134 cfs	55-11028	Riverside Country Club	
Class A (Provo Division)	1850	0.308 cfs	55-1:033	Central Utah Water Conservancy District	
Class A (Provo Division)	1850	2.149 cfs	55-12003	East River Bottom Water Company	
Class A (Provo Division)	18 <mark>5</mark> 0	0.045 cfs	55-12307	Central Utah Water Conservancy District	
Class A (Provo Division)	1850	1. 74 cfs	55-12662	Central Utah Water Conservancy District	
Class A (Provo Division)	1856	36.12 cfs	55-11001		
Class A (Provo Division Prior	ity ¹⁸ Flow	v Rate (cfs)	55-11002	Owner of Record	
Class A (Provo Division Dat	18		55-11003		
Class A (Provo Division	10	or	55-11004	Provo City Corporation	
Class A (Provo Division)		Volume (ac		Central Utah Water Conservancy District	
Class A (Provo Division)	1870	4.1847 cfs	55-11008	Central Utah Water Conservancy District	
Class A (Provo Division)	1870	5.64 cfs	55-12000	Upper East Union Irrigation Company	
Class A (Provo Division)	1870	3.2453 cfs	55-12645	Central Utah Water Conservancy District	
Class A (Provo Division)	1878	2.51 cfs	55-11006	Timpanogos Canal Company	
Class A (Provo Division)	1878	7.27 cfs	55-9658	Central Utah Water Conservancy District	
				USA Bureau of Reclamation	

WATER RIGHTS

Provo City North Proposed Determination Description of Water Rights (Example) Proposed Determination Book for Provo City North Subdivision Area: 55 Book Number: -7142 NAME **B & B Properties** TYPE OF RIGHT: Underground Water Claim PRIORITY DATE: Mar 1902 Water APPLICATION/CLAIM NUMBER: U14088 Riaht QUANTITY OF WATER: 8,1528 acft SOURCE: Underground Water Well Number • Name (Owner of Record) _____ POINT OF DIVERSION -- UNDERGROUND Ownership Interest (if needed) N 577 feet E 890 feet from the W4 corner, Section 29 T 6S R 3E SLB&M [1] Well Diameter: 6 inches Well Depth: 643 feet **BENEFICIAL USE:** Water Use Group No. 628704. IRRIGATION: from Apr 01 to Oct 31 SOLE SUPPLY: 2.0382 acres of the Group Total of 2.0382 acres. PLACE OF USE: (which includes all or part of the following legal subdivisions:) ----- Northwest Quarter -----*---- Northeast Quarter -----*---- Southwest Quarter -----*----- Southeast Quarter Section SC TOWN RANG BS SW SE Totals SR 29 65 3E SL 2.0382 Group Total: 2.0382 51-7238 NAME: Catholic Diocese of Salt Lake City Real Estate Corporation TYPE OF RIGHT: Underground Water Claim PRIORITY DATE: 1880 APPLICATION/CLAIM NUMBER: U24200 QUANTITY OF WATER: 2.342 acft SOURCE: Underground Water Well ______ POINTS OF DIVERSION -- UNDERGROUND: N 175 feet W 1965 feet from the E4 corner, Section 24 T 6S R 2E SLB&M [1] Well Diameter: 3 inches Well Depth: 20 feet [2] N 130 feet W 2080 feet from the E4 corner, Section 24 T 6S R 2E SLB&M Well Diameter: 3 inches Well Depth: 20 feet Date of Publication: Description Of Water Rights December 19, 2024 Page: 8

WATER RIGHTS



Proposed Determination Book for Provo City North Subdivision

Area: 55 Book Number: 7

51-7142	NAME:	B & B Properties			
	TYPE OF RIGHT:	Underground Water Claim	PRIORITY DATE:	Mar 1902	
	APPLICATION/CLAI	M NUMBER: U14088			
	Nature of Be	neficial Use	SOURCE:	Underground Water Well	
POINT OF D	VERSION UNDERGI				
[1] BENEFICIAL	N 577 feet Well Diame Per		SR 3E SLB&M		
Water Use G	roup No. 628 04.				_
IRRIGATION	I: from Apr 01 to Oct 3	31 SOLE SUPPLY: 2.0382 acres of the G	Group Total of 2.0382 acres.	Group Total	
PLACE	OF USE: (which	includes all or part of the fo	llowing legal subdivisi	ons:)	
SC TOW 29 6	N RANG BS NW NE	Sole Supply	*-Southwest Qua SE * NW NE S *	rter* Southeast Quarter W SE * NW NE SW 	SE Totals 2.0382
51-7238	NAME:	Catholic Diocese of Salt Lake City Re Estate Corporation	eal		
	TYPE OF RIGHT:	Underground Water Claim	PRIORITY DATE:	1880	
	APPLICATION/CLAI	M NUMBER: U24200			
	QUANTITY OF WAT	ER: 2.342 acft	SOURCE:	Underground Water Well	
	DIVERSION UNDERG				
[1]	Well Diameter: 3	feet from the E4 corner, Section 24 T inches Well Depth: 20 feet	65 R ZE SLDAW		
[2]	N 130 feet W 2080 Well Diameter: 3	feet from the E4 corner, Section 24 T inches Well Depth: 20 feet	6S R 2E SLB&M		
Descr	iption Of Water Righ	ts Date of	Publication: December	19, 2024	Page: 8
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Proposed Determination Book for Provo City North Subdivision

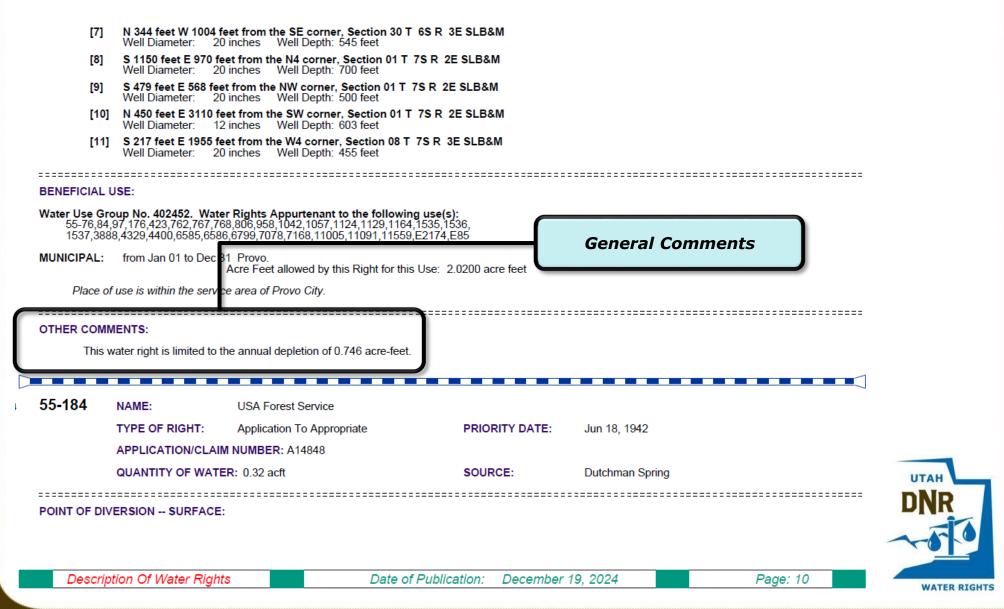
Area: 55 Book Number: 7

51-7142 NAME: B & B Properties	
TYPE OF RIGHT: Underground Water Claim PRIORITY DATE: Mar 1902	
APPLICATION/CLAIM NUMBER: U14088	
QUANTITY OF WATER: 8.1528 acft SOURCE: Underground Water Well	
POINT OF DIVERSION UNDERGROUND:	=====
[1] N 577 feet E 890 feet from the W4 corner, Section 29 T 6S R 3E SLB&M Well Diameter: 6 inches Well Depth: 643 feet	
BENEFICIAL USE: Continue Tournahin	
Section, Township,	
Water Use Group No. 6287 & Range IRRIGATION: from Apr 01 to Oct ST SOLE SOLFTET. 2.0502 acres of the Group Total of 2 Place of Use:	
Ouarter-Sections	
FIRCE OF OSE: (Which includes all of part of the following reg.	-
SC TOWN RANG BS NW NE SW SE * NW NE SW SE TOTAL	ls
29 65 3E SL X * * 2.0 Group Total: 2.0	
51-7238 NAME: Catholic Diocese of Salt Lake City Real Estate Corporation	ace of Use:
TYPE OF RIGHT: Underground Water Claim Place Of OSE:	eage Totals
	Section and
	roup Total
POINTS OF DIVERSION UNDERGROUND:	
[1] N 175 feet W 1965 feet from the E4 corner, Section 24 T 6S R 2E SLB&M Well Diameter: 3 inches Well Depth: 20 feet	ИТАН
[2] N 130 feet W 2080 feet from the E4 corner, Section 24 T 6S R 2E SLB&M	DNR
Well Diameter: 3 inches Well Depth: 20 feet	~5

Proposed Determination Book for Provo City North Subdivision

Area: 55 Book Number: 7

(55-176 - continued)

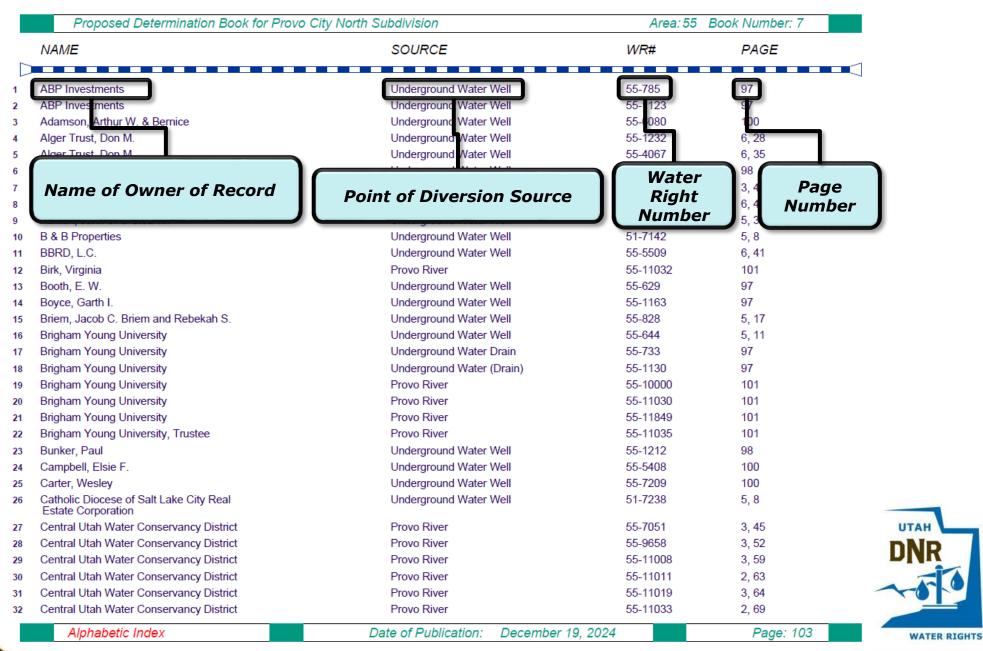


Provo City North Proposed Determination Forfeited Rights

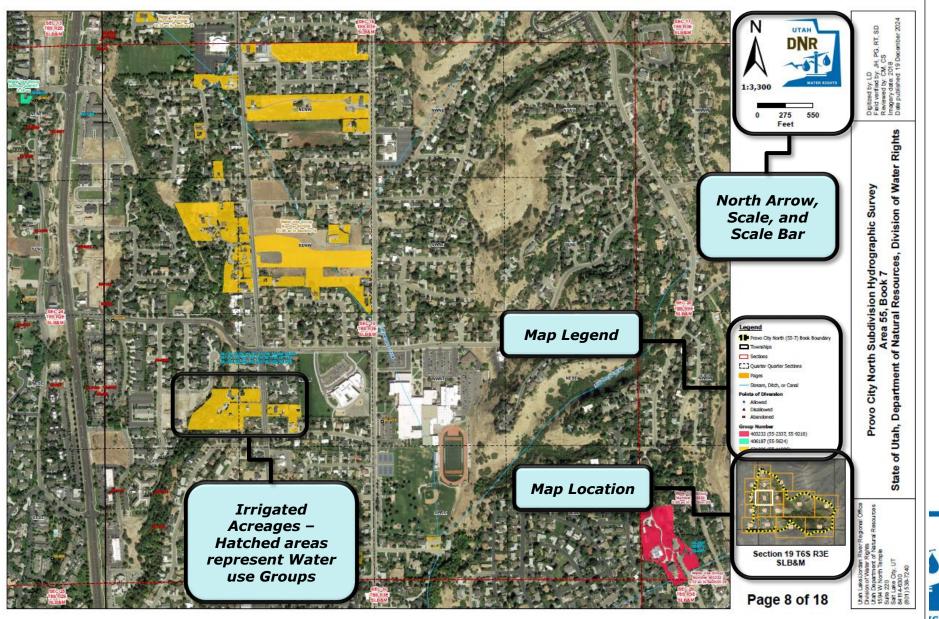
Prop	osed Determination Book fo	or Provo	City North Sub	division	Area: 55 Book Number: 7
WR#	NAME	POI	NT(S) OF DIVE	RSION	SOURCE
55-439	Richard V. Daley	[1]	S 1387 feet W	65 feet from the NE corner,	Underground Water Well Section 13 T 6S R 2E SLB&M
55-440	Rowe A. Clinger	[1]	S 66 feet W	66 feet from the NE corner,	Underground Water Well Section 24 T 6S R 2E SLB&M
55-629	E. W. Booth				Underground Water Well
55-700	Water Right Number	Name	e of Owner	r of Record	Section 24 T 6S R 2E SLB&M Points of Diversion & Source
55-785	ABP Investments				Underground Water Well
		[1]	S 1387 feet W	65 feet from the NE corner,	Section 13 T 6S R 2E SLB&M
55-788	Robert Kimmel				Underground Water Well
		[1]	S 250 feet W	300 feet from the E4 corner,	Section 13 T 6S R 2E SLB&M
55-945	John & Zenda Edwards				Underground Water Well
		[1]	S 725 feet W	544 feet from the E4 corner,	Section 24 T 6S R 2E SLB&M
55-950	William L. Faulkner				Underground Water Well
		[1]	N 76 feet W	44 feet from the E4 corner,	Section 24 T 6S R 2E SLB&M
55-1123	ABP Investments				Underground Water Well
		[1]	N 621 feet W	190 feet from the E4 corner,	Section 13 T 6S R 2E SLB&M
55-1130	Brigham Young Universit	у			Underground Water (Drain)
		[1]	S 768 feet W	557 feet from the N4 corner,	Section 06 T 7S R 3E SLB&M
55-1152	Saint Mark's Lutheran Ch	nurch Mis	souri Synod		Underground Water Well
		[1]	N 390 feet W	2538 feet from the E4 corner,	Section 24 T 6S R 2E SLB&M
Forfei	ted Rights		Date	of Publication: Decemb	per 19, 2024 Page: 97
i oner			Date	or ablication. Decentic	raye. 31

WATER RIGHTS

Provo City North Proposed Determination Alphabetic Index



Provo City North Proposed Determination Hydrographic Survey Maps



GHTS

Who can I contact to discuss the Adjudication Process?

Christopher Stallard, P.E.

Adjudication Engineering Manager Phone: 801-386-0976 E-mail: <u>cstallard@utah.gov</u>

Chase McDonald, P.E.

Assistant State Engineer - Adjudication Phone: 801-538-7459 E-mail: <u>chasemcdonald@utah.gov</u>

General Adjudication Line 801-538-5282

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 can also be emailed to: waterrights_adjudication@utah.gov

Proposed Determination:

http://www.waterrights.utah.gov/pdbooks/ProvoNorthPD

Hydrographic Survey Maps:

http://www.waterrights.utah.gov/pdbooks/ProvoNorthHS

Objections need to be in by March 19, 2025

