

Nibley Park Subdivision Proposed Determination

- Frequently Asked Questions -

Q: What is a water right?

A: A “water right” is a right to divert (remove from its natural source) and beneficially use water. It typically includes a defined nature and extent 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, and a specified place of beneficial use. A water right may, or may not, be a part of the records maintained by the State Engineer.

Q: What is a General Adjudication of water rights?

A: An adjudication of water rights is an action in a district court to determine the water rights in the area involved in the action.

Q: What is the State Engineer’s role in a General Adjudication?

A: The State Engineer (i.e., Division of Water Rights) is the party to the court action with the statutory responsibility to study the water right records and prepare a Proposed Determination of water rights. The Proposed Determination is submitted to the court and serves as the basis for the court's decree on the water rights in the area.

Q: What is the purpose of a General Adjudication of Water Rights?

A: The ultimate goal of water rights adjudication is to bring clarity and present definition to the water rights within the State of Utah, while simultaneously making them of permanent record and resolving disputes among various water users.

Q: Will I lose my water right?

A: If you are currently using your water right in conformance with the records on file with the Division of Water Rights, you should have nothing to worry about. However, water rights that have fallen out of use for a period of seven years or more are subject to forfeiture and may be recommended to be disallowed in the Proposed Determination.

Q: What are the statutes governing the adjudication process?

A: Utah Code Annotated Title 73, Chapters 1-6 and 22 cover water rights law in the State of Utah; however, the majority of statutes associated with the determination of water rights through the adjudication process can be found in Title 73, Chapter 4.

Q: How will I know what is happening with my water right?

A: The Adjudication Program makes every effort to work with individual water users in order to aid in filing their Water User’s Claim. Prior to the completion of the Proposed Determination, each water user will be mailed a Water User’s Claim form to complete or review and file with the Division of Water Rights for inclusion in the Proposed Determination. However, if water users have inaccurate information listed on the records of the Division of Water Rights, notice may be sent to the wrong address. Consequently, it is very important for water users to update contact information in order to ensure accurate and timely processing of Water User’s Claims and dissemination of the Proposed Determination to water users. Water users without rights of record may notify the State Engineer to be added to a list of claimants to be notified as the adjudication proceeds.

Q: What is the Nibley Park Subdivision Proposed Determination Area?

A: The Nibley Park Proposed Determination is a subdivision of the Salt Lake County East Division of the Utah Lake / Jordan River General Adjudication. It covers the area that extends from 2700 South to 3300 South between Main Street and 700 East in Salt Lake County as shown in the figure below.

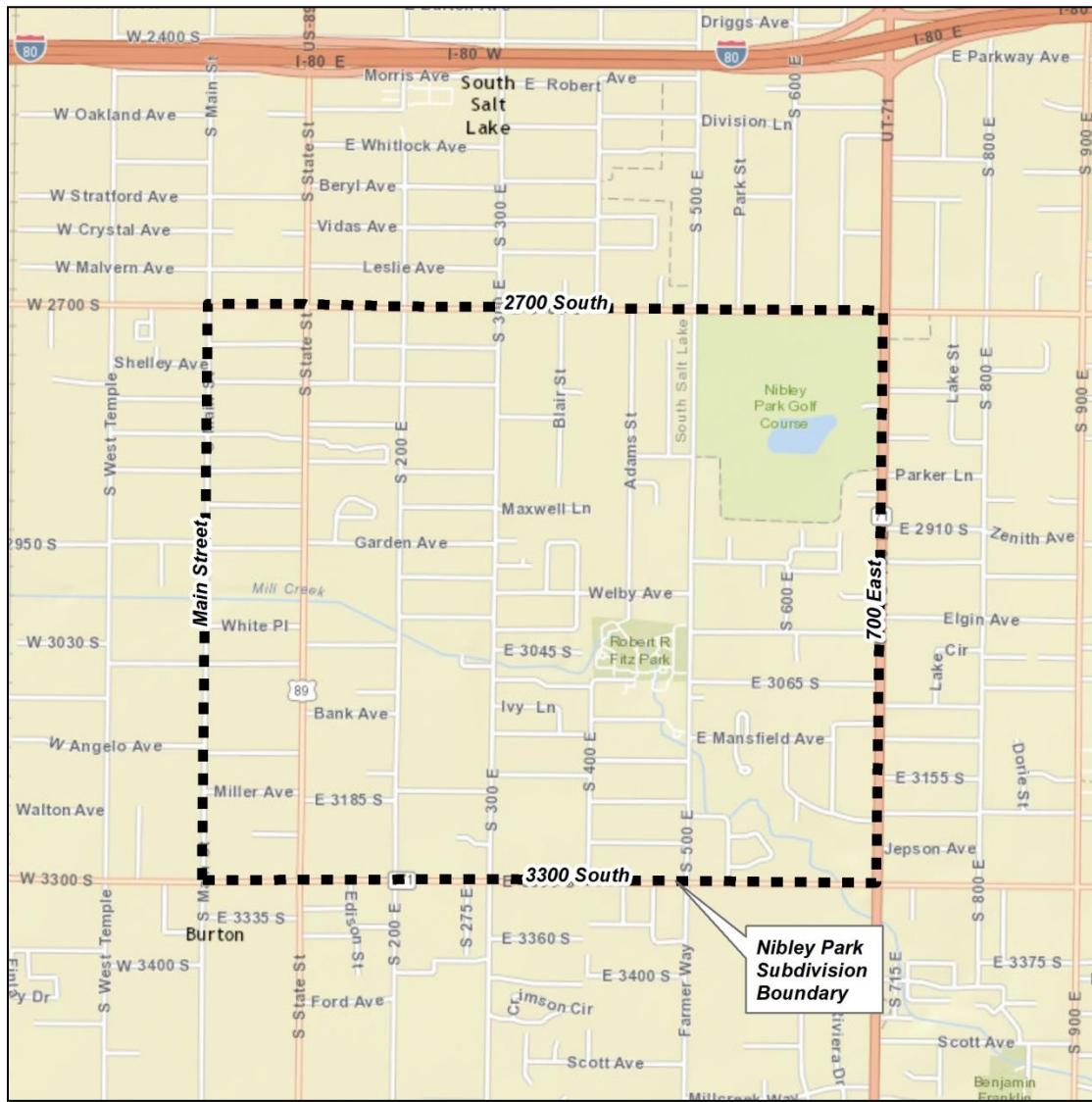


Figure 1 – Nibley Park Subdivision Proposed Determination (Area 57, Book 5)

Q: Who can I contact to discuss the Nibley Park Proposed Determination?

A: Individuals desiring to know more about the adjudication or who would like to discuss the status of their water rights can contact the following Adjudication Program staff:

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