



Proof Professional Training 2022-2023

Training Objectives

- **Discuss fundamental water rights concepts**
- **Explore research tools available on our website**
- **Discuss basic proof requirements**
- **Improve the proof preparation and review process for professionals and water rights staff.**

History of Engineering Licensure

FUN FACTS!!!!: Engineering licensure began in 1907 when the state engineer of Wyoming, Clarence Johnston, presented a bill to the state legislature requiring registration for those that wish to represent themselves as an engineer or land surveyor. The first PE license was awarded to Charles Bellamy in August of 1907.

This was largely prompted by insufficient map, survey and data submissions to the office of the WY state engineer.



Beneficial use as the basis of a water right

73-1-3. Beneficial use basis of right to use. Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state.

No Change Since 1953

Proving Beneficial Use

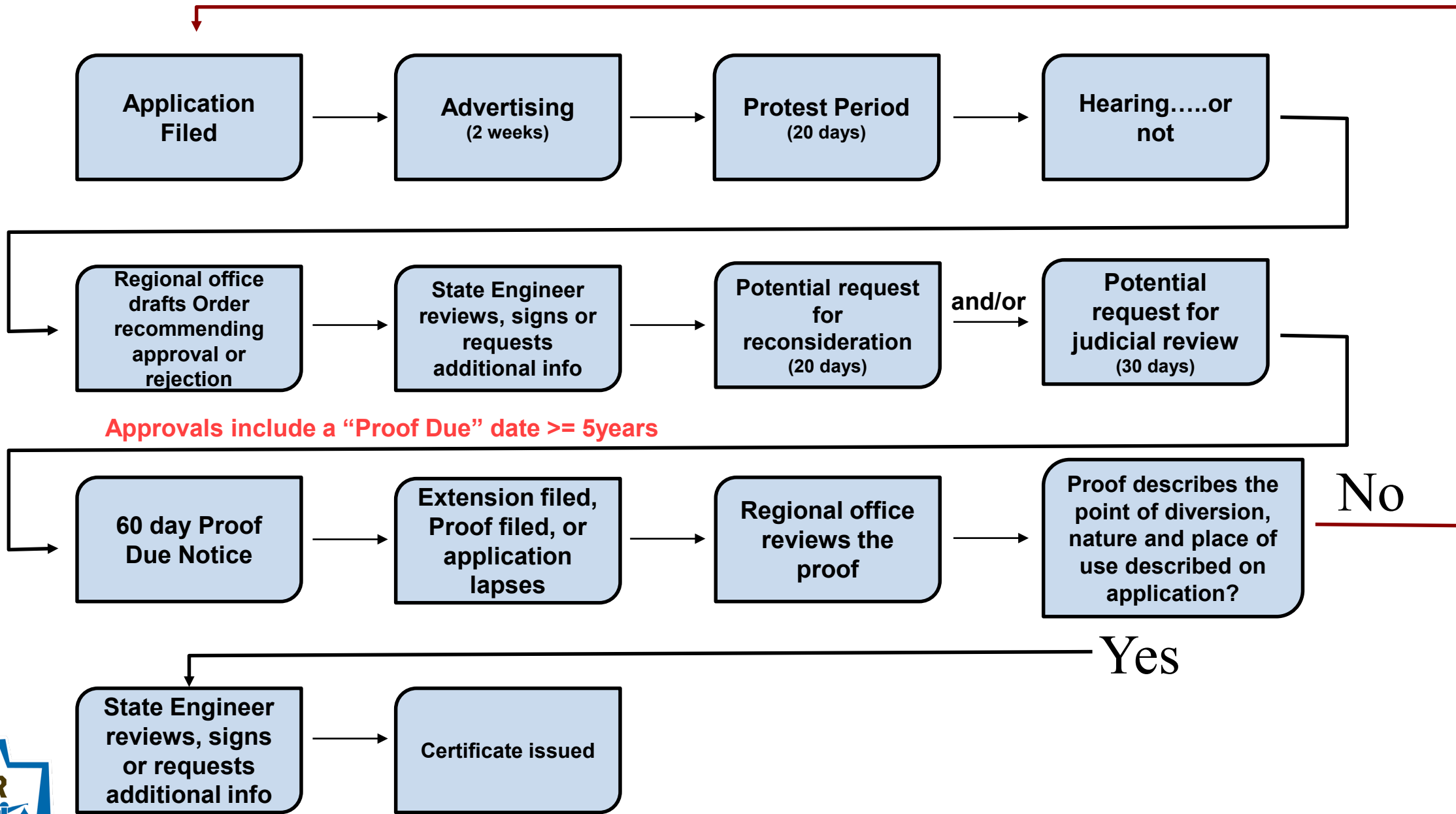
- **Primary purpose of the proof**
- **Development must be complete (no planned or future uses)**
- **“Natural vegetation” is not usually considered to be irrigation**
- **Full-time domestic use needs to be a permanent or semi-permanent structure (not a temporary trailer)**

Options When Beneficial Use is not Complete

- **File an extension**
- **Let the water right lapse and file a new application**
- **Prove up on the part of the water right that has been completed;**
- **segregate the other portion (file an extension on the segregated portion), or let the undeveloped portion lapse**
- **Do not submit proof on something that has not been developed, even if it is almost done**

Application Process

- **Most areas of the state are closed to new appropriations. Many of the open areas are limited to small domestic applications or “small amount” of water for domestic purposes. Proof is usually filed by the applicant via affidavit.**
- **The majority of proofs are filed as proof of completion for developments proposed under a change application. The proposed uses or scope of the project may have changed significantly since approval and the application may require segregation.**



Approvals include a "Proof Due" date \geq 5years

No

Yes



How to find the Order of the State Engineer approving the application

utah.gov Services Agencies Search Utah.gov

Utah Division of Water Rights

Water Right Details

Water Right: 61-2486 Display/Refresh Run Date: 11/9/2022 11:51:29 AM

Select Related Information

WARNING: Water Rights makes NO claims

Water Right: 61-2486

Application/Claim Num

Home Display Scanned Documents Print

Changes

[a26121](#) (Filed: 12/12/2001) Amended by Subsequent Change
[a41704](#) (Filed: 05/26/2016) Approved

Owners

Name: Rickenbach Ranch Inc.
Address: 124 East 1700 South
Orem UT 84058

Remarks:

General

Type of Right: Application To Appropriate Source of Info.: C
Quantity of Water: 0.0013 CFS OR 0.45 ACFT
Source: Underground Water Well
County: Sevier
Common Description: 1.5 mile SE of Koosharem
Proposed Determin. Book: 61- Map:
Land Owned by Applicant: County Tax Id#:

Open Classic View

Water Right: 61-2486 Display/Refresh

Run Date: 11/9/2022 11:51:29 AM

Select Related Information

Checked In Checkout Checkout History

WARNING: Water Rights makes NO claims as to the accuracy of this data.

Water Right: 61-2486

Application/Claim Number: A16164

Certificate Number: 4659

Home Display Scanned Documents Print

View Map

Document Listing For Folder: 61-2486

Show Help

Quickview

PDF of All Docs

Index Documents

Edit Folder

Please INDEX

Track Folder

New Folder

Scan Order

Date

Description

Comment

36	11/08/2022	Memo to File	
35	08/22/2016	Letter with Certificate	3 pages, a41704
34	08/22/2016	Memorandum Decision/Order St. Engineer	2 pages, Approved, a41704
33	07/06/2016	Proof of publication	
30	05/26/2016	Change Application	Amendatory a41704 - 2 pgs
31	05/23/2016	Proof/Affidavit Checklist & Field Report	

Elements of the Order



SPENCER J. COX
Governor
DEIDRE M. HENDERSON
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

JOEL FERRY
Executive Director

TERESA WILHELMESEN
State Engineer/Division Director

ORDER OF THE STATE ENGINEER For Permanent Change Application Number 16-947 (a49133) OCT 11 2022

Permanent Change Application Number 16-947 (a49133) in the names of Mark and Mariam Herrmann, and Utah OSR Land Cooperative was filed on June 23, 2022, to change the points of diversion, place of use, and uses of 4.8 acre-feet of water as evidenced by Water Right Number 16-947. Heretofore, the water has been diverted from the following points located: (1) Well - South 841 feet and East 2866 feet from the W $\frac{1}{4}$ Corner of Section 18, T11S, R8W, SLB&M (existing 12-inch well, 200 feet deep); (2) Well - North 1293 feet and East 1432 feet from the SW Corner of Section 1, T11S, R9W, SLB&M (existing 12-inch well, 445 feet deep); (3) Well - North 738 feet and East 1287 feet from the W $\frac{1}{4}$ Corner of Section 1, T11S, R9W, SLB&M (existing 16-inch well, 448 feet deep); (4) Well - North 736 feet and East 1288 feet from the W $\frac{1}{4}$ Corner of Section 1, T11S, R9W, SLB&M (existing 16-inch well, 448 feet deep); (5) Well - South 3112 feet and East 2859 feet from the SE Corner of Section 12, T11S, R9W, SLB&M (existing 12-inch well, 200 feet deep); (6) Well - South 171 feet and West 376 feet from the NE Corner of Section 13, T11S, R9W, SLB&M (existing 12-inch well, 215 feet deep). The water has been used for the year-round irrigation of 1.2 acres. The water has been used in within the Utah OSR Land Cooperative service area.

Hereafter, it is proposed to divert 4.8 acre-feet of water from a well located North 69 feet and East 775 feet from the W $\frac{1}{4}$ Corner of Section 7, T11S, R8W, SLB&M (originally proposed as a 6-inch well, 150-250 feet deep, but constructed in 2022 as a 6-inch well, 205 feet deep). The water is to be used for the year-round irrigation of 1.00 acre from April 1 to October 31; year-round, indoor, domestic sole supply requirements of 1.00 equivalent domestic unit (EDU); and year-round commercial purposes (work shop, produce processing). The place of use of the water is being changed to all or portion(s) of Section 7, T11S, R8W, SLB&M.

Notice of the application was published in The Times-News on July 6 and 13, 2022. No protests were received.

Heretofore usage description

Proposed Hereafter project description

Elements of the Order (diversion and depletion analysis)

Heretofore (HTF) Beneficial Uses	Quantity	Unit	HTF Diversion (acre-feet)	Depletion Rate	Depletion (acre-feet)
Irrigation	1.20	acres	4.80 ¹	64.65% ²	3.10
Totals			4.80		3.10

This application proposes the following hereafter uses:

Hereafter (HA) Beneficial Uses	Quantity	Unit	HA Diversion (acre-feet)	Depletion Rate	Depletion (acre-feet)
Irrigation	1.00	acre	4.00	64.65%	2.59
Full-time Domestic	1.00	EDU	0.45 ³	20.00%	0.09
Commercial	0.35	acre-foot	0.35 ⁴	20.00%	0.07
Totals			4.80		2.75

It is noted by the State Engineer that the diversion and depletion are equal to or less than the heretofore diversion and depletion, assuring there is no enlargement of the water right.

In evaluating the various elements of the underlying rights, it is not the intention of the State Engineer to adjudicate the extent of these rights, but rather to provide sufficient definition of the rights to ensure that other vested rights are not impaired by the change and/or no enlargement occurs.

Elements of the Order (conditions of approval)

Many times conditions of approval include specific requirements or data that must be included with the filed proof (e.g. flow records, meter readings, well logs, abandonment records etc)

It is, therefore, **ORDERED** and Application to Appropriate Water Number 25-11465 (A81050) is hereby **APPROVED** subject to prior rights and the following requirements:

1. The place of use is corrected to reflect the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 12, T11N, R1W, SLB&M.
2. The water right must be totally developed and placed to beneficial use on or before the noted proof due date which is at least five years from the date of approval. Extensions of time on this application beyond this time period will only be considered where diligence in pursuing the application is demonstrated as provided by statute.
3. The groundwater withdrawal under this application will be included in the withdrawal limitation set forth in the ground water management plan for Cache Valley effective September 1, 1999.
4. The State Engineer will not certificate the water right unless the conditions of approval have been acceptably complied with and noted in the information provided by the proof engineer and applicant in the proofing documents.
5. Section 73-5-4 of the Utah Code provides that "...a person using water in this state, except as provided by Subsection (4), shall construct or install and maintain controlling works and a measuring device at: (a) each location where water is diverted from a source; and (b) any other location required by the state engineer."
6. Due to concerns with the spring rights in the area, the proposed well should access water in a deeper aquifer that is separated from spring resources by a confining geologic layer. The depth of the well should take into account the elevation of the proposed projects' well in relationship to the spring sources in the area. Therefore, the applicant shall not perforate the casing above a confining layer encountered at an elevation of more than 4450 feet. Based on USGS topographic maps, the well head elevation of the well is approximately 4650 feet; therefore the well must be cased and not perforated for at least 200 feet below the ground surface in order to protect existing rights.

Place of use map and layers

utah.gov Services Agencies Search Utah.gov

Utah Division of Water Rights



The map displays an aerial view of a rural area. A large, irregularly shaped area is highlighted in pink. Within this pink area, there are several buildings and structures. Labels '6670 S' and '3075 W' are visible on the map. A yellow label 'H a42524' is located in the bottom right corner of the pink area. To the left of the pink area, there is a vertical scale bar.

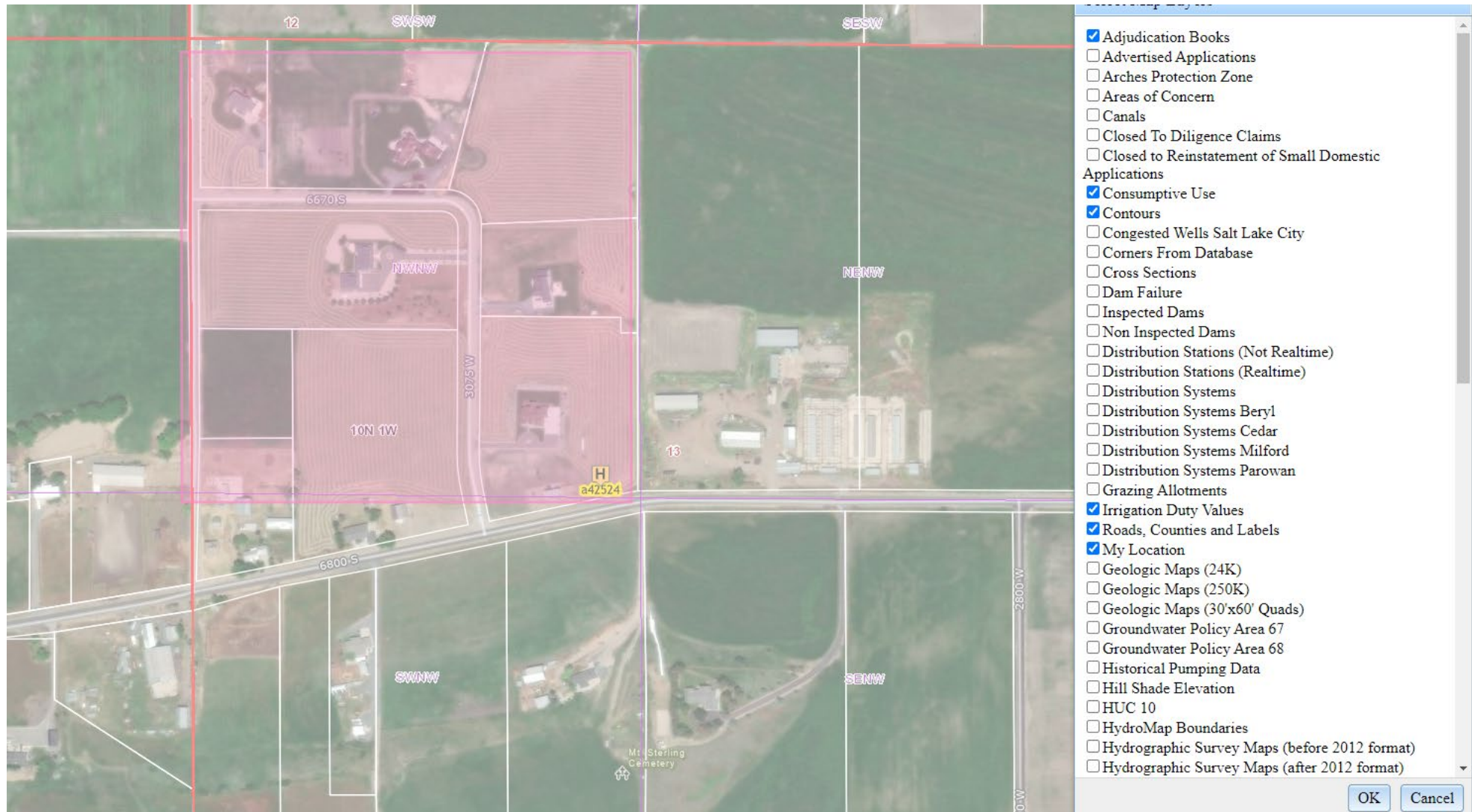
Layers Basemap Search Tools

Search for:
Any Application Number

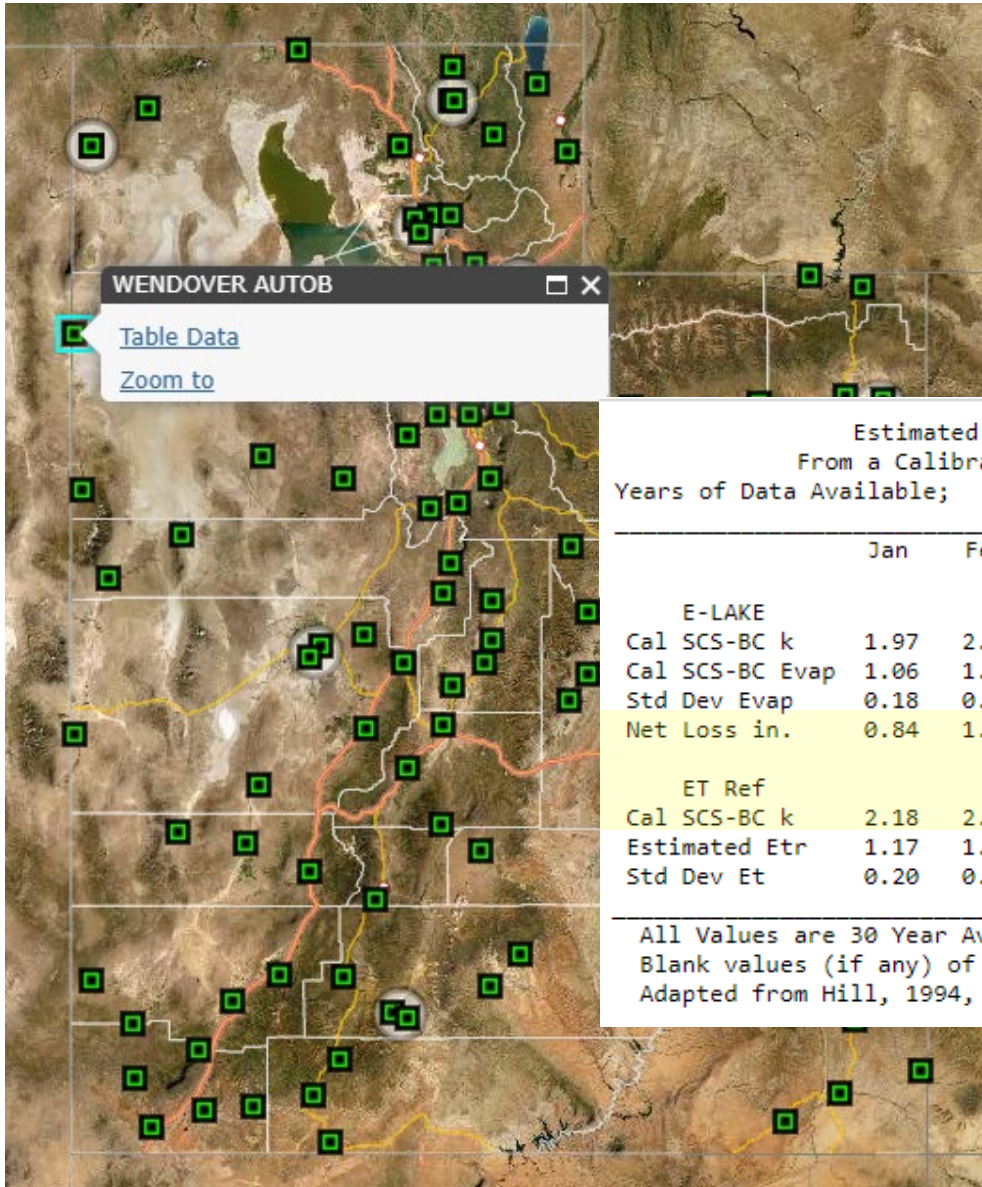
a42524 Search

☒ Change a42524 (APPLAPP) zoom x

Place of use map and layers



Consumptive Use Stations for evaporative loss calculations



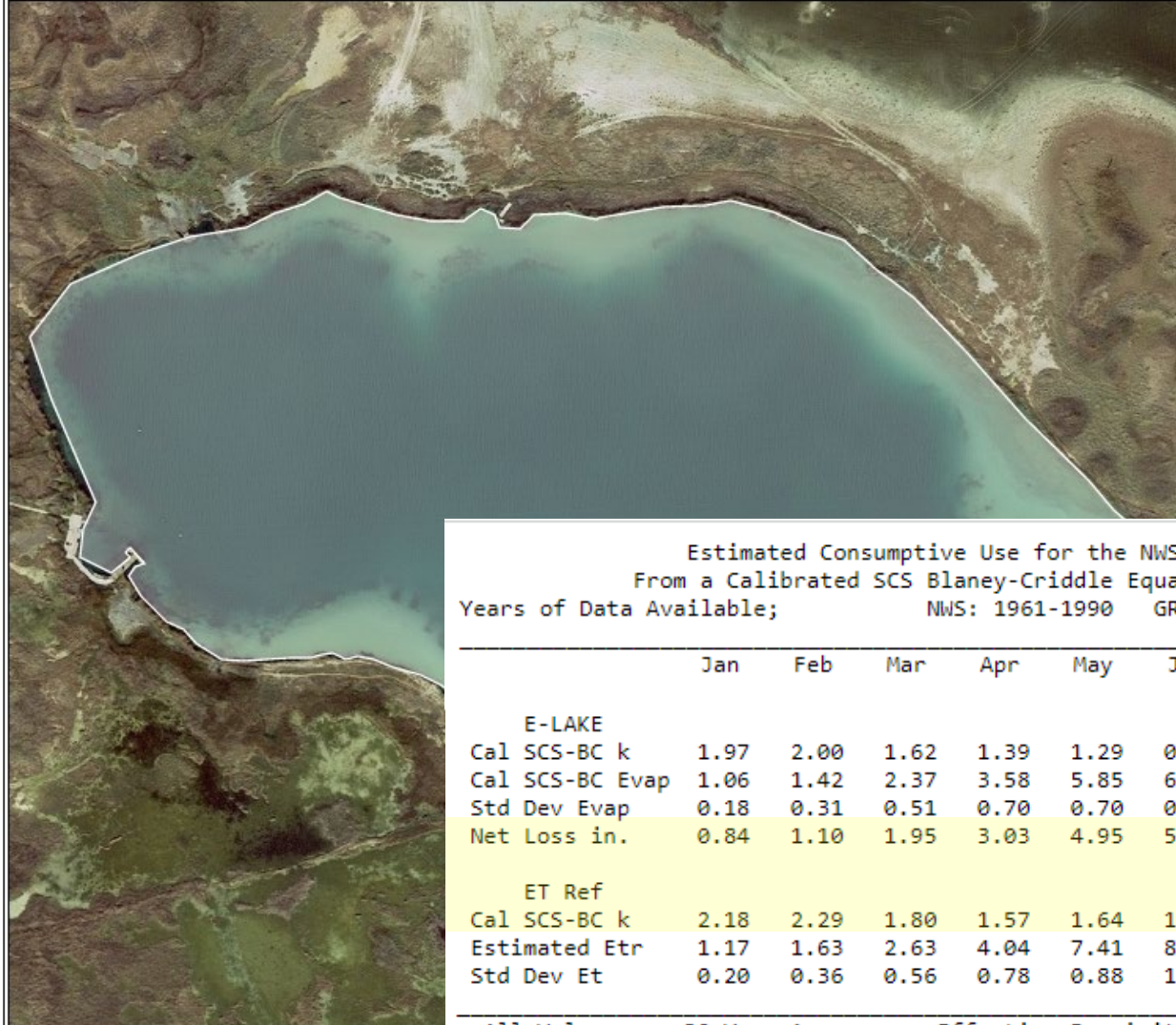
Estimated Consumptive Use for the NWS Station at WENDOVER AUTOB
 From a Calibrated SCS Blaney-Criddle Equation using data from GRANTSVILLE 10-31-1994
 Years of Data Available; NWS: 1961-1990 GRANTSVILLE: 1989-1990 Elev. 4240 ft., Lat. 40.73

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
E-LAKE													
Cal SCS-BC k	1.97	2.00	1.62	1.39	1.29	0.98	0.79	0.86	0.95	1.40	1.74	1.73	
Cal SCS-BC Evap	1.06	1.42	2.37	3.58	5.85	6.43	6.99	6.45	4.32	3.29	1.59	0.93	44.28
Std Dev Evap	0.18	0.31	0.51	0.70	0.70	0.77	0.36	0.48	0.47	0.46	0.26	0.13	2.03
Net Loss in.	0.84	1.10	1.95	3.03	4.95	5.78	6.70	6.00	3.93	2.76	1.20	0.65	38.89
ET Ref													
Cal SCS-BC k	2.18	2.29	1.80	1.57	1.64	1.37	1.14	1.13	1.14	1.58	1.94	1.92	
Estimated Etr	1.17	1.63	2.63	4.04	7.41	8.95	10.00	8.46	5.18	3.71	1.76	1.03	56.00
Std Dev Et	0.20	0.36	0.56	0.78	0.88	1.07	0.51	0.63	0.57	0.51	0.28	0.14	2.51

All Values are 30 Year Averages. Effective Precipitation is 80 Percent of Total During Growing Season
 Blank values (if any) of ET Ref in early and late months denotes only seasonal calibration data
 Adapted from Hill, 1994, Consumptive Use of Irrigated Crops in Utah, Ut Ag Exp Stn Res Rpt #145 Utah State Univ., Logan UT

Consumptive Use Stations

9.26 acres x 3.24 feet/year = 30 acre-feet/year



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 From a Calibrated SCS Blaney-Criddle Equation using data from GRANTSVILLE 10-31-1994
 Years of Data Available; NWS: 1961-1990 GRANTSVILLE: 1989-1990 Elev. 4240 ft., Lat. 40.73

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Diversion Depletion Calculator

Utah Division of Water Rights

DIVERSION/DEPLETION CALCULATOR

Duty / Depletion Values to be Applied

Duty	af	Depletion	units
Irr Duty (af / ac)	4	Irr Dep.(af / ac)	4
Dom Div FT (af / fam of 5)	0.45	FT Dom Dep (%)	20
Dom Div PT (af / fam of 5)	0.25	PT Dom Dep (%)	20
Stock Div (af / elu)	0.028	Stock Dep (%)	100
Municipal	XX	Muni Dep (%)	50
Mining	XX	Mining Dep (%)	50
Power	XX	Power Dep (%)	50
Other Div (af)	XX	Other Dep (%)	50
E Lake Depletion (feet)	0		

Diversion / Depletion Summary for Specified Uses

Use Summary		Qty	Beg	End	#Days	Div(af)	Dep(af)	Min cfs (Div)	
Irrigation (acs)		10	04/01	10/31	214	40.00000	40.00000	0.09424	
Domestic FT (# fams)		1	01/01	12/31	365	0.45000	0.09000	0.00062	
Domestic PT (# fams)		0	01/01	12/31	365	0.00000	0.00000	0.00000	
Stock (# elus)	Calc ▾	50	01/01	12/31	365	1.40000	1.40000	0.00193	
Municipal Div (af)		0	01/01	12/31	365	0.00000	0.00000	0.00000	
Mining Div (af)		0	01/01	12/31	365	0.00000	0.00000	0.00000	
Power Div (af)		0	01/01	12/31	365	0.00000	0.00000	0.00000	
Other Div (af)		0	01/01	12/31	365	0.00000	0.00000	0.00000	
					Uses	Sub Total	41.85000	41.49000	0.09679
Storage Summary									
Capacity (af)		0	01/01	12/31	365	XX	XX	0.00000	
Area Innundated (acs)		0	01/01	12/31	365	XX	0.00000	0.00000	
					Storage	Sub Total	XX	0.00000	0.00000
					GRAND	TOTAL	41.85000	41.49000	0.09679

[Instructions](#)

[CFS to AF](#)

[Reset](#)

[Close](#)

<https://www.waterrights.utah.gov/proofs/proof.asp>

PROOF OF BENEFICIAL USE OF WATER

STATE OF UTAH

- TYPE OF PROOF** ☐ Appropriation ☐ Change ☐ Exchange
Water Right No. _____ Application No. _____
- OWNER DATA** (Entity submitting proof **MUST** be the current owner of record.)
Name _____ Telephone _____
Mailing Address _____
- SOURCE OF WATER** _____
- POINT OF DIVERSION** (Must be based on a competent land survey; all ties must be given by rectangular coordinates with reference to a regularly established U.S. land corner.)
Location _____
Street Address _____
Description of Diverting and Carrying Works _____
- NATURE, EXTENT AND PERIOD OF USE**
Domestic: Number of Families _____ Part-Time/Recreational? _____ From _____ / _____ to _____ / _____
Irrigation: Sole Supply Acres _____ Total Acres _____ From _____ / _____ to _____ / _____
Stock: Number and Type _____ From _____ / _____ to _____ / _____
- QUANTITY OF WATER** _____ cfs and/or _____ ac-ft.
- PLACE OF USE** (ALL uses must be clearly shown on the map to establish appurtenance to the land. List the quarter-quarter sections for all uses.)

Tax ID or Serial Number: _____
- SUPPLEMENTAL WATER RIGHTS** _____
- WATER MEASUREMENTS** (Report flow in units of cubic feet per second.)
Name of Measurement Taker _____
Date _____ Flow _____ cfs
Measurement Method (Include equipment used and any other relevant information.) _____

- EXPLANATORY** (Extra space for above items and to provide additional information. Attach additional 8½" x 11" pages, if needed.)

- MAPS** (Must be submitted and must comply with rules and standards established by the State Engineer.)
- SIGNATURE PAGE** (Must be completed before filing with the State Engineer. Use additional signature pages if more than one applicant is signing the proof. Each signature must be notarized separately.)

CAUTION: File proof only if all desired development is done and the water is being fully put to beneficial use. Otherwise, consider filing an Extension of Time Request. The water right will be limited to the extent and nature of use in the accepted proof.

Proof

CERTIFICATE OF APPLICANT(S) (MUST be complete before filing with the State Engineer.)

STATE OF _____ COUNTY OF _____

Having been duly sworn, I hereby certify that _____ was employed to prepare Proof of Beneficial Use for Water Right No. _____ Application No. _____, and that to the best of my knowledge all information in the proof and all accompanying documents is accurate and complete and is free of fraud, misrepresentation, and omission of material fact.

Name _____ For _____

Check One: ☐ Owner/Co-owner ☐ Shareholder ☐ Agent (Power of Attorney must be provided.)
☐ Appointed/Elected Representative (List title.) _____

Applicant's Signature _____

Sworn to before me this _____ day of _____, 20 _____

Notary's Signature _____

Notary's Seal _____

Name _____ For _____

Check One: ☐ Owner/Co-owner ☐ Shareholder ☐ Agent (Power of Attorney must be provided.)
☐ Appointed/Elected Representative (List title.) _____

Applicant's Signature _____

Sworn to before me this _____ day of _____, 20 _____

Notary's Signature _____

Notary's Seal _____

CERTIFICATE OF PROOF PROFESSIONAL (MUST be complete before filing with the State Engineer.)

STATE OF _____ COUNTY OF _____

Name _____ Phone No. _____

Address _____

I hereby certify that I was employed to prepare Proof of Beneficial Use for Water Right Number _____ Application No. _____, and that to the best of my knowledge all information in the proof and all accompanying documents is accurate and complete and is free of fraud, misrepresentation, and omission of material fact.

Proof Professional's Signature _____

Proof Professional's Seal _____

This area is for Division of Water Rights use only

Maps and drawings filed: Herewith -or- Hanger _____ Page(s) _____

PROOF OF BENEFICIAL USE OF WATER

STATE OF UTAH

1. TYPE OF PROOF

☐ Appropriation ☐ Change ☐ Exchange

Water Right No. _____ Application No. _____
Other Water Rights Under This Proof (applicable to proofs of change only). _____

2. OWNER DATA (Applicant submitting proof **MUST** be the current owner of record.)

Name _____ Telephone _____
Street or Box No. _____
City _____ State _____ Zip _____

3. QUANTITY OF WATER _____ cfs and/or _____ ac-ft.

4. SOURCE OF WATER

5. POINT(S) OF DIVERSION (Must be based on a competent land survey; all ties must be given by rectangular coordinates with reference to a regularly established U.S. land corner.)

Location: _____

Address (if applicable) _____

Description of Diversion and Carrying Works: _____

6. POINT(S) OF REDIVERSION (If applicable, same format as diversions.)

Location: _____

Description of Works: _____

7. POINT(S) OF RETURN (If applicable, same format as diversions)

Location of Return to Natural Stream/Source: _____

Amount of Consumed Water: _____ cfs and/or _____ ac-ft.

Amount of Returned Water: _____ cfs and/or _____ ac-ft.

8. STORAGE (If applicable, describe reservoir, lake, etc.)

Facility Name (if any): _____ Capacity: _____ ac-ft.

Storage Period: _____ From: _____ To: _____

Dam Height: _____ Inundated Area _____ acres.

Legal Description of Storage Area (by competent survey): _____

9. SUPPLEMENTAL WATER RIGHTS FOR THE PURPOSES DESCRIBED HEREIN:

10. NATURE, EXTENT AND PERIOD OF USE (Enter Beginning and Ending Dates; if total uses exceed amounts in application, explain the supplemental rights in Item 9.)

Irrigation: From ____/____/____ to ____/____/____
Total Acres _____ Acres under this right: _____
Stockwatering: From ____/____/____ to ____/____/____
Number and Kind of Stock _____
Domestic: From ____/____/____ to ____/____/____
Number of Families _____ and/or Number of Persons _____
Municipal: From ____/____/____ to ____/____/____
Name of City, District, etc. _____
Mining: From ____/____/____ to ____/____/____
Mine Name _____ Mining District _____
Power: From ____/____/____ to ____/____/____
Type _____ Plant Name _____ Capacity _____
Other: From ____/____/____ to ____/____/____
Description _____

11. PLACE OF USE (By competent survey. Since water rights can be appurtenant to the place of use, be specific and exact in describing the location of each use for the water right owner. Written descriptions and any maps should coincide. The legal description of the property where the water is used should accompany the proof (land deed, tax notice, county plat, etc). Maps must show the configuration of the place of use and the acreage of irrigated land.

Tax ID or Serial Number: _____

MAPS AND DRAWINGS (Must comply with rules and standards established by the State Engineer.)

These documents shall be based on competent land surveys, signed and stamped by the licensed engineer/surveyor, and submitted on standard drafting medium that is durable and reproducible with all information legible and in black permanent drafting ink or other media of equivalent durability. Standard mapping conventions must be used (north arrow, scale in both written and graphic form, legend describing any symbols, etc.). Lines must be distinct. Shading or hatching may show irrigated acreage, but the boundary of the irrigated area must be delineated. All property surveys must tie to the section-township-range survey for the area of use, and basis of bearing for the bearings must be shown. Any public roads or other access information near the surveyed property should be shown. The most convenient map sizes are 8 ½" x 11" or 8 ½" x 14", particularly for irrigated acreages of 5 acres or less. Maps of small parcels should be drawn to the largest scale practical and at the least 1"=300'. There must be at least 1¼" margin at the top and ½" margin on the sides and bottom. The title block should appear on the lower right-hand side of the page (the short side being the bottom). If a larger map is needed, the dimensions should be 24" x 36" with the title block in the lower right-hand corner (the long side being the bottom). The title block must include the water right number, application number, survey date, the applicant's name, proof professional's name and license number, and the section, township, and range of the described parcel(s). Maps must not be folded.

Notary's Signature

Notary's Seal

Proof Maps (Admin Rule R655-5)

- North Arrow
- Scale in both written and graphical form
- Legend
- Title block
 - Water right number
 - Application number
 - Date of Survey
 - Applicant name
 - Section, Township, Range
- Public roads, buildings or landmarks
- Basis of Bearing
- Signed and sealed by professional
- Show POD, diverting and conveyance works
- Irrigation hatched
- Should be professional and tell the full story



PROOF OF BENEFICIAL USE OF WATER STATE OF UTAH

1. **TYPE OF PROOF** ☐ Appropriation ☐ Change ☐ Exchange
Water Right No. _____ Application No. _____

2. **OWNER DATA** (Entity submitting proof MUST be the current owner of record.)
Name _____ Telephone _____
Mailing Address _____

3. **SOURCE OF WATER** _____

4. **POINT OF DIVERSION** (Must be based on a competent land survey; all ties must be given by rectangular coordinates with reference to a regularly established U.S. land corner.)
Location _____
Street Address _____
Description of Diverting and Carrying Works _____

5. **NATURE, EXTENT AND PERIOD OF USE**
Domestic: Number of Families _____ Part-Time/Recreational? _____ From ____ / ____ to ____ / ____
Irrigation: Sole Supply Acres _____ Total Acres _____ From ____ / ____ to ____ / ____
Stock: Number and Type _____ From ____ / ____ to ____ / ____

6. **QUANTITY OF WATER** _____ cfs and/or _____ ac-ft

7. **PLACE OF USE** (ALL uses must be clearly shown on the map to establish appurtenance to the land. List the quarter-quarter sections for all uses.)

Tax ID or Serial Number _____

8. **SUPPLEMENTAL WATER RIGHTS** _____

9. **WATER MEASUREMENTS** (Report flow in units of cubic feet per second.)
Name of Measurement Taker _____
Date _____ Flow _____ cfs
Measurement Method (Include equipment used and any other relevant information.) _____

10. **EXPLANATORY** (Extra space for above items and to provide additional information. Attach additional 8½" x 11" pages, if needed.)

11. **MAPS** (Must be submitted and must comply with rules and standards established by the State Engineer.)
12. **SIGNATURE PAGE** (Must be completed before filing with the State Engineer. Use additional signature pages if more than one applicant is signing the proof. Each signature must be notarized separately.)

CAUTION: File proof only if all desired development is done and the water is being fully put to beneficial use. Otherwise, consider filing an Extension of Time Request. The water right will be limited to the extent and nature of use in the accepted proof.

Common errors or omissions found during proof review

Incorrect application number or attempting to file proof on a small portion of a much larger application (need to segregate)

Ownership has not been updated/is not current for the smaller portion described above

Use quantities and total quantity are inaccurate, exceed the approved volume, confusion on sole supply vs group total

Supplemental rights are described on approval but left off of proof, therefore the certificate will be issued as separate and distinct. Or, supplemental rights are described but the map shows separate areas or parcels, each labeled with separate water right numbers (i.e. not supplemental).

Missing water measurement or measured flow does not meet the minimum flow required to provide volume of water listed on line 6.

CERTIFICATE OF APPLICANT(S) (MUST be complete before filing with the State Engineer.)

STATE OF _____ COUNTY OF _____

Having been duly sworn, I hereby certify that _____ was employed to prepare Proof of Beneficial Use for Water Right No. _____ Application No. _____, and that to the best of my knowledge all information in the proof and all accompanying documents is accurate and complete and is free of fraud, misrepresentation, and omission of material fact.

Name _____ For _____

Check One: ☐ Owner/Co-owner ☐ Shareholder ☐ Agent (Power of Attorney must be provided.)
☐ Appointed/Elected Representative (List title.) _____

Applicant's Signature
Sworn to before me this _____ day of _____, 20 _____

Notary's Signature
Notary's Seal

Name _____ For _____

Check One: ☐ Owner/Co-owner ☐ Shareholder ☐ Agent (Power of Attorney must be provided.)
☐ Appointed/Elected Representative (List title.) _____

Applicant's Signature
Sworn to before me this _____ day of _____, 20 _____

Notary's Signature
Notary's Seal

Missing signatures (e.g. water rights based on irrigation company shares must be signed by the irrigation company. The company is a co-owner of the right and, per approval condition, the shares must be maintained in good standing for the right to remain valid). All signature must be notarized.

CERTIFICATE OF PROOF PROFESSIONAL (MUST be complete before filing with the State Engineer.)

STATE OF _____ COUNTY OF _____

Name _____ Phone No. _____

Address _____

I hereby certify that I was employed to prepare Proof of Beneficial Use for Water Right Number _____ Application No. _____, and that to the best of my knowledge all information in the proof and all accompanying documents is accurate and complete and is free of fraud, misrepresentation, and omission of material fact.

Proof Professional's Signature
Proof Professional's Seal

This area is for Division of Water Rights use only

Maps and drawings filed: Herewith -or- Hanger _____ Page(s) _____

Less common but does happen.

PROOF OF BENEFICIAL USE OF WATER

STATE OF UTAH

1. **TYPE OF PROOF**

☐ Appropriation ☐ Change ☐ Exchange

Water Right No. _____ Application No. _____
Other Water Rights Under This Proof (applicable to proofs of change only). _____

2. **OWNER DATA** (Applicant submitting proof **MUST** be the current owner of record.)

Name _____ Telephone _____
Street or Box No. _____
City _____ State _____ Zip _____

3. **QUANTITY OF WATER** _____ cfs and/or _____ ac-ft.

4. **SOURCE OF WATER** _____

5. **POINT(S) OF DIVERSION** (Must be based on a competent land survey; all ties must be given by rectangular coordinates with reference to a regularly established U.S. land corner.)

Location: _____

Address (if applicable) _____
Description of Diversion and Carrying Works: _____

6. **POINT(S) OF REDIVERSION** (If applicable, same format as diversions.)

Location: _____

Description of Works: _____

7. **POINT(S) OF RETURN** (If applicable, same format as diversions)

Location of Return to Natural Stream/Source: _____

Amount of Consumed Water: _____ cfs and/or _____ ac-ft.
Amount of Returned Water: _____ cfs and/or _____ ac-ft.

8. **STORAGE** (If applicable, describe reservoir, lake, etc.)

Facility Name (if any): _____ Capacity: _____ ac-ft.
Storage Period: _____ From: _____ To: _____
Dam Height: _____ Inundated Area _____ acres.
Legal Description of Storage Area (by competent survey): _____

9. **SUPPLEMENTAL WATER RIGHTS FOR THE PURPOSES DESCRIBED HEREIN:** _____

Points of rediversion, return or storage that were described on the application and approval are left off of the proof.

10. NATURE, EXTENT AND PERIOD OF USE (Enter Beginning and Ending Dates; if total uses exceed amounts in application, explain the supplemental rights in Item 9.)

Irrigation:	From	/	/	to	/	/	Total Acres	Acres under this right:
Stockwatering:	From	/	/	to	/	/	Number and Kind of Stock	
Domestic:	From	/	/	to	/	/	Number of Families and/or Number of Persons	
Municipal:	From	/	/	to	/	/	Name of City, District, etc.	
Mining:	From	/	/	to	/	/	Mine Name Mining District	
Power:	From	/	/	to	/	/	Type	Plant Name Capacity
Other:	From	/	/	to	/	/	Description	

11. PLACE OF USE (By competent survey. Since water rights can be appurtenant to the place of use, be specific and exact in describing the location of each use for the water right owner. Written descriptions and any maps should coincide. The legal description of the property where the water is used should accompany the proof (land deed, tax notice, county plat, etc). Maps must show the configuration of the place of use and the acreage of irrigated land.

Tax ID or Serial Number:

MAPS AND DRAWINGS (Must comply with rules and standards established by the State Engineer.)

These documents shall be based on competent land surveys, signed and stamped by the licensed engineer/surveyor, and submitted on standard drafting medium that is durable and reproducible with all information legible and in black permanent drafting ink or other media of equivalent durability. Standard mapping conventions must be used (north arrow, scale in both written and graphic form, legend describing any symbols, etc.). Lines must be distinct. Shading or hatching may show irrigated acreage, but the boundary of the irrigated area must be delineated. All property surveys must tie to the section-township-range survey for the area of use, and basis of bearing for the bearings must be shown. Any public roads or other access information near the surveyed property should be shown. The most convenient map sizes are 8 1/2" x 11" or 8 1/2" x 14", particularly for irrigated acreages of 5 acres or less. Maps of small parcels should be drawn to the largest scale practical and at the least 1"=300'. There must be at least 1/4" margin at the top and 1/2" margin on the sides and bottom. The title block should appear on the lower right-hand side of the page (the short side being the bottom). If a larger map is needed, the dimensions should be 24" x 36" with the title block in the lower right-hand corner (the long side being the bottom). The title block must include the water right number, application number, survey date, the applicant's name, proof professional's name and license number, and the section, township, and range of the described parcel(s). Maps must not be folded.

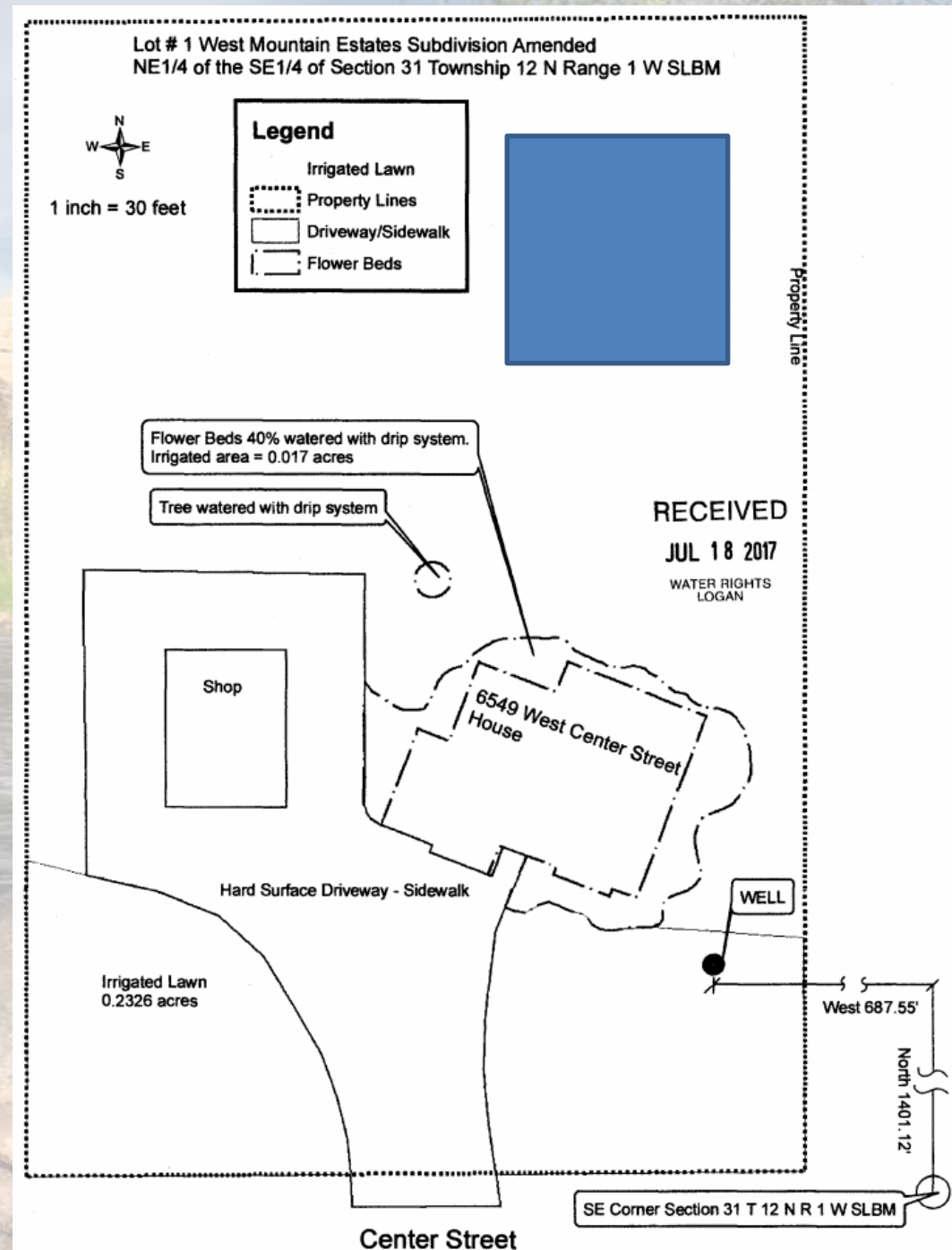
Sole supplies and group totals exceed the application and approval. "Other" uses such as evaporative loss from storage, fish culture, etc. that were described on the application and approval are no included or are calculated incorrectly.

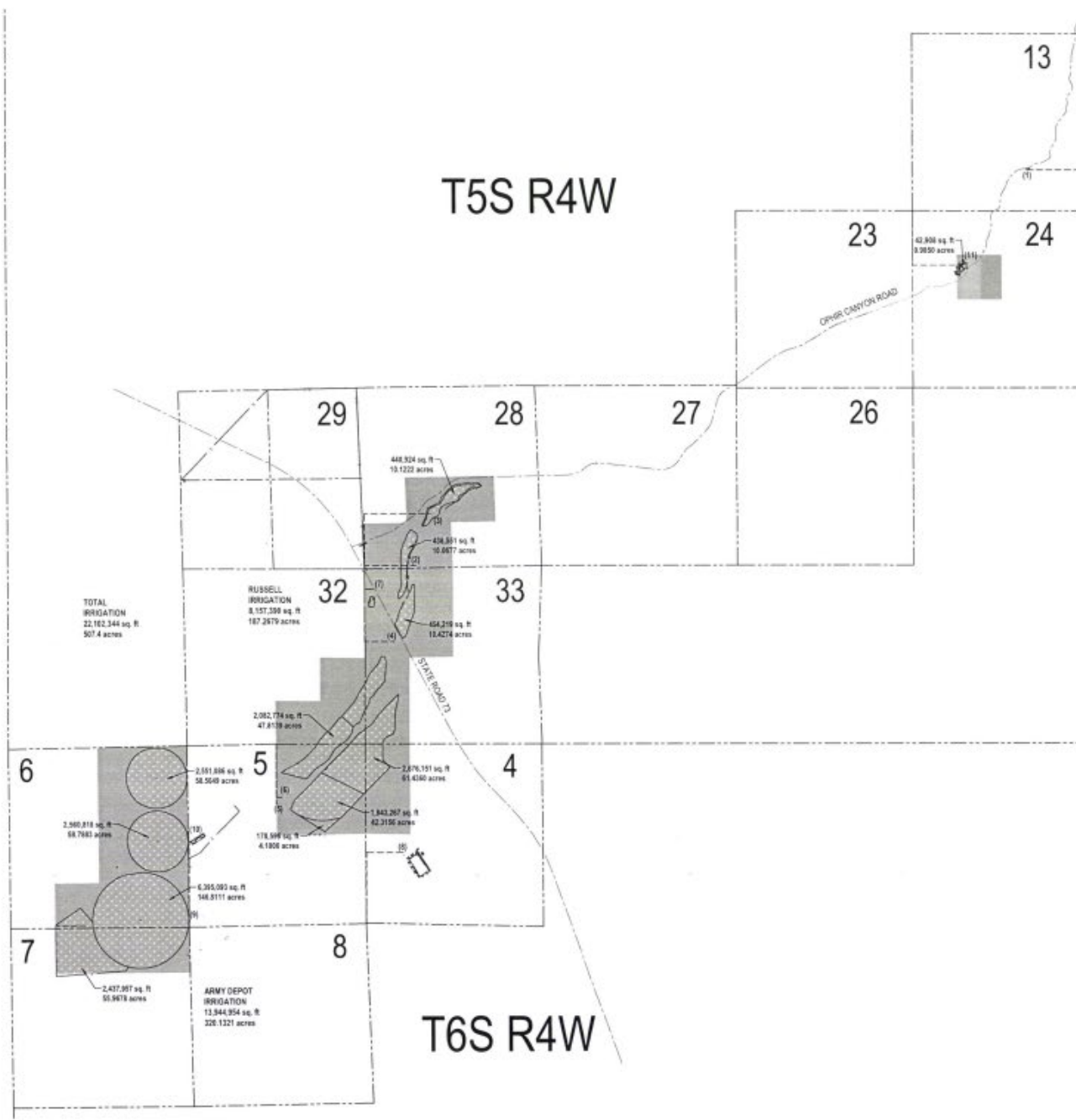


- - - - - SECTION LINE
 - - - - - 1/4 SECTION LINE
 - - - - - 1/16 SECTION LINE
 - - - - - IRRIGATION DITCH OR CANAL
 - - - - - EXISTING FENCE
 - - - - - EDGE OF CULTIVATION
 [Green hatched box] AREA TO BE ADDED TO IRRIGATION
 [Red hatched box] AREA TO BE REMOVED FROM IRRIGATION

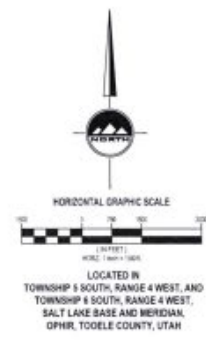
SHEET 2 OF 2	Prepared by: G. Thomas Torgerson, PE License No. 8205593	04-28-2017
Scale: 1" = 1000'		Drawing # 1003KI

Is there something missing from this map?





- LEGEND**
- CENTERLINE
 - FENCE
 - FORD ROAD
 - PLACE OF JAIL
 - IRRIGATED AREA



Appurtenance

- **One of the purposes for submitting proof is to establish water right appurtenance to land**
- **Appurtenance must be shown on the map for all uses including stock watering**
- **All county parcel numbers with appurtenant water rights should be specified and shown on the map**

Supplemental Water Rights

- Definition: Water rights that are used together for a common beneficial use
- Water rights are **NOT NECESSARILY** supplemental just because
 - They have the same owner, or
 - The water rights have the same points of diversion
 - The water rights are used within the same section
- When water rights are supplemental, each water right can potentially provide the entire flow during a given year (the classic case is when a surface right and a well are used on the same land)

Sole Supply

- Definition: A quantification of a water right's beneficial use representing the maximum use of water when used alone and separate from all supplemental water rights
- Water rights are not necessarily limited by sole supply when used supplementally
- Sole supply must be defined for a water right before a certificate can be issued
- If the sole supply is less than the total acreage, all other acreage must be accounted for as the "group total."

6. **POINT(S) OF REDIVERSION** (If applicable, same format as diversions.)

Location: _____

Description of Works: _____

7. **POINT(S) OF RETURN** (If applicable, same format as diversions)

Location of Return to Natural Stream/Source: _____

Amount of Consumed Water: _____ cfs and/or _____ ac-ft.

Amount of Returned Water: _____ cfs and/or _____ ac-ft.

8. **STORAGE** (If applicable, describe reservoir, lake, etc.)

Facility Name (if any): _____ Capacity: _____ ac-ft.

Storage Period: _____ From: _____ To: _____

Dam Height: _____ Inundated Area _____ acres.

Legal Description of Storage Area (by competent survey): _____

9. **SUPPLEMENTAL WATER RIGHTS FOR THE PURPOSES DESCRIBED HEREIN:** _____

10. **NATURE, EXTENT AND PERIOD OF USE** (Enter Beginning and Ending Dates; if total uses exceed amounts in application, explain the supplemental rights in Item 9.)

Irrigation: From 04/01 / 10 / 31

Total Acres ~~2.560~~ 0.64 Acres under this right ~~1.280~~ 0.32

Stockwatering: From _____ / _____ to _____ / _____

Number and Kind of Stock _____

Domestic: From 01 / 01 to 12 / 31

Number of Families 1 and/or Number of Persons _____

Municipal: From _____ / _____ to _____ / _____

7. **WATER USE INFORMATION.** Changed as follows:

IRRIGATION: from Apr 1 to Oct 31. Total Acres: 0.6321 Sole Supply: 0.3121.

DOMESTIC: from Jan 1 to Dec 31. Total Families: 1.0000 Sole Supply: 1.0000.

OTHER: from Jan 1 to Dec 31. Evaporative loss of pond, limited to 0.0316 acft

BASIS OF BEARING
S00°05'11"E 2643.21'

(19-444)
POND
463 SF

STOCK TANK

(19-454)
IRRIGATION
12683 SF

(19-444)
IRRIGATION
13476 SF

(19-454)
CABIN
EAST 700'

HYD.
BATHROOM
(19-454)

CABIN
(19-444)

3000 GALLON TANK

(19-454) 4 FRUIT TREES 1256 S.F.

(19-444)
HOUSE TIE
NORTH 77' AND EAST
362' FROM THE WEST
1/4 COR. SECTION 32,
T32S-R18W, S.L.B.&M.

1.278 AF.

0.002 AF.

0.450 A.F.

1.730 A.F.

1.730 A.F.

PROPERTY LINE



E-1667-2-4

E-1667-2-3

LEGEND

- ◆ SECTION CORNER
- ⊙ WELL
- △ HYD. WATER HYDRANT
- FOUND MONUMENT

WELL TIE
NORTH 168' AND EAST
700' FROM THE WEST
1/4 COR. SECTION 32,
T32S-R18W, S.L.B.&M.

8" WELL

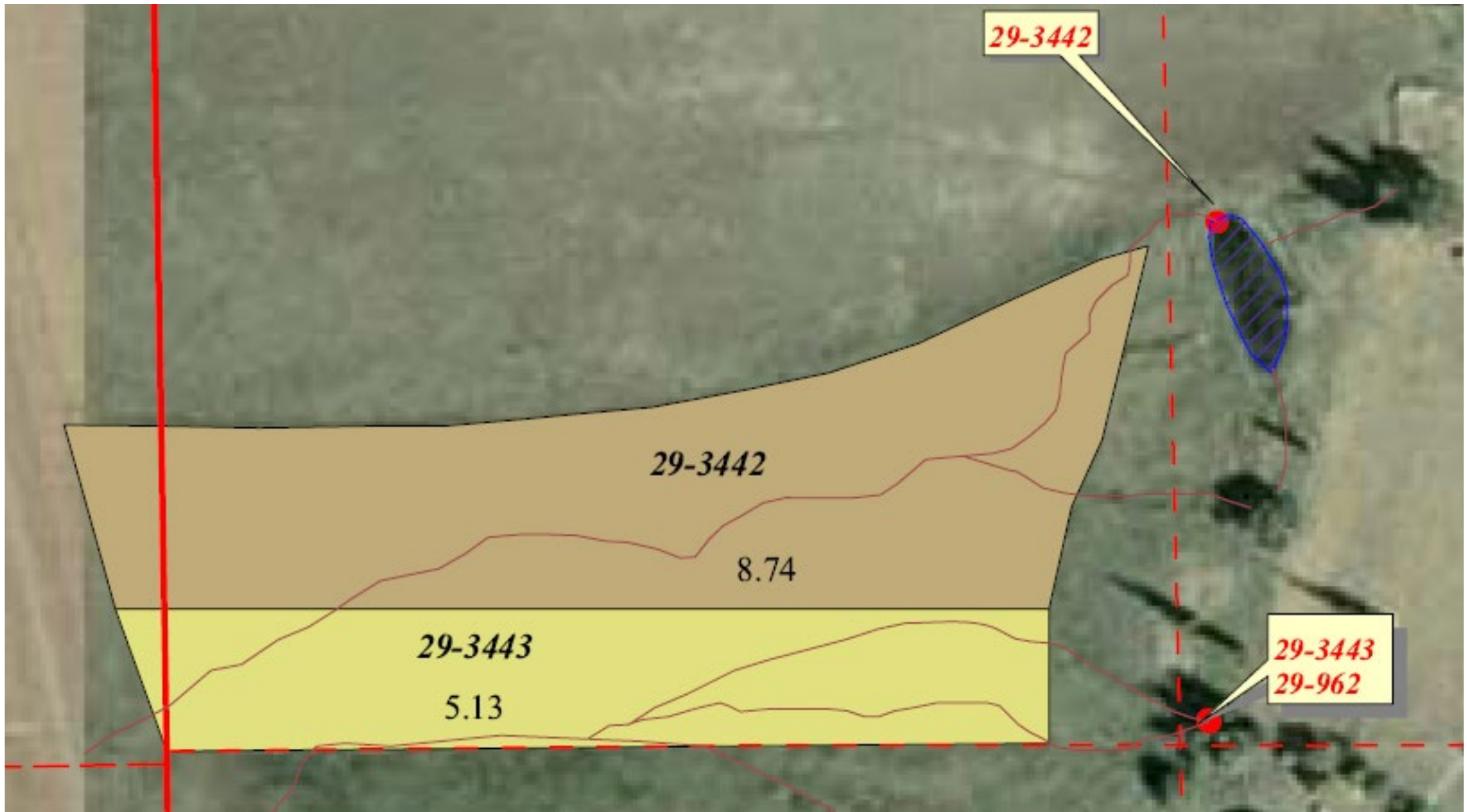
Pinon Circle

GRAPHIC SCALE 1" = 200'

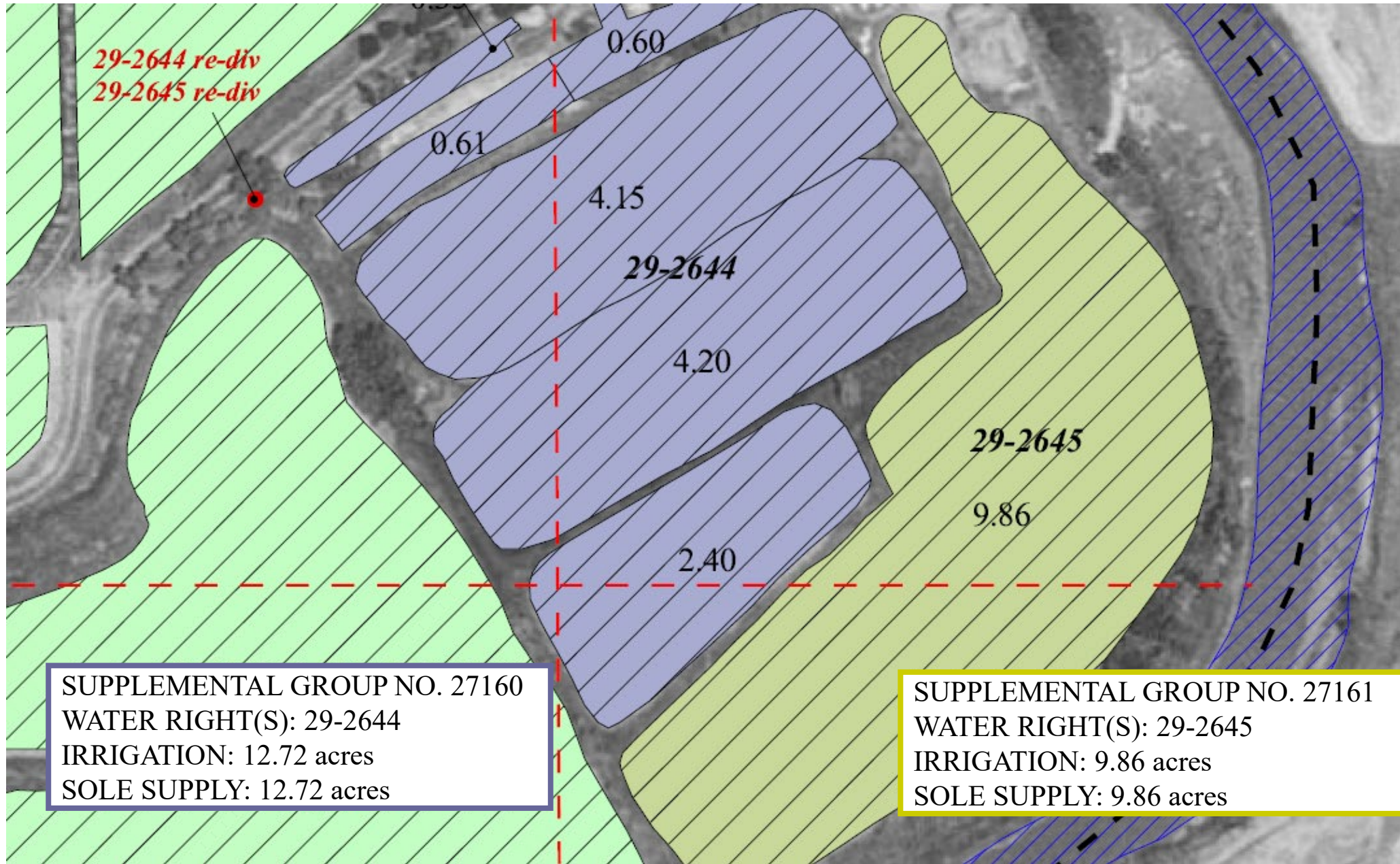


PROOF OF PERMANENT CHANGE

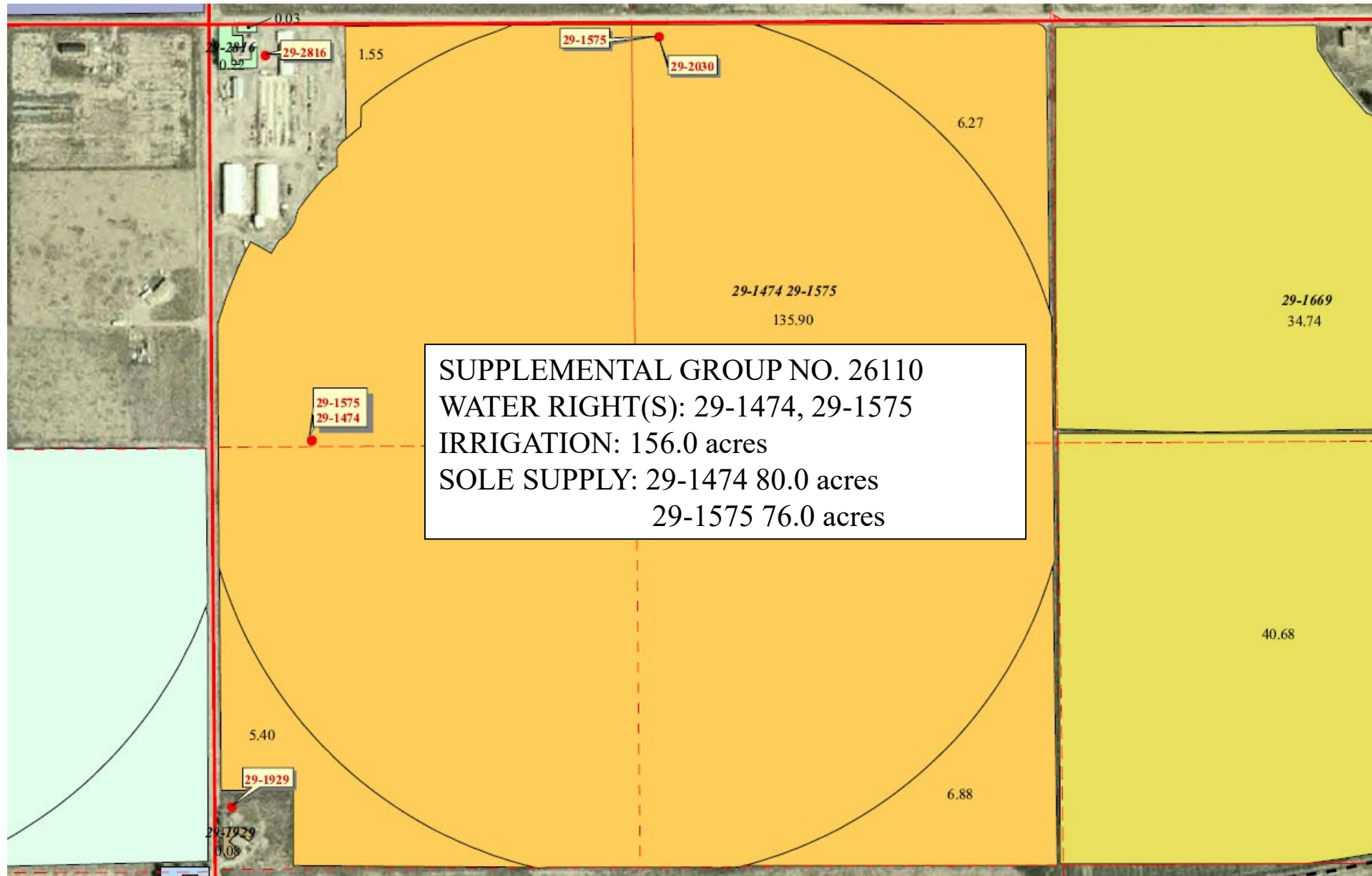
NOT Supplemental (Same Owner, Different Place of Use)



NOT Supplemental (commingled, different place of use)



Supplemental Water Rights



Water “Stacking”

- **Definition: “Stacking” occurs when the place of use has more water rights than the irrigation duty assigned to the area allows.**
- **Water rights generally cannot be certificated if they are being stacked on top of existing water rights; this is especially true when the existing water rights are actively being used**
- **Land needs to be checked for existing water rights during the proof process**

Municipal Proofs

- Step 1) Identify all municipal use water rights owned by the public water supplier.
- Step 2) Determine which municipal use water rights are perfected.
- Step 3) Determine the quantity of perfected municipal use water rights.
- Step 4) Determine the maximum historic annual use from all sources.
- Step 5) A certificate can be issues for the difference between previously certificated volume and the maximum annual use or a certificate can be issued on the difference and the remainder can be segregated and extension filed for proof at a later date or if the water use does not exceed previously certificated volume proof should not be filed and an extension should be filed instead.
- Step 6) If a certificate can be filed determine if the sources have the capacity to produce the water need for the perfected rights AND the rights on the proof.

Amendatory Change Applications

- Required when the proof does not reflect the application and approval
- Must go through the administrative process (advertising, protest, etc.)
- Most likely to trigger a change application
 - The point of diversion is over 150 feet from the approved location
 - The place of use includes an adjacent forty
 - The uses stated on the proof do not coincide with the approved uses

Streamlining the Amendatory Change Process

- **If you see that the proof does not match the application and approved point of diversion, place of use or nature of use, you may submit an amendatory application along side of the proof that accurately describes the changes.**
- **This saves division staff time because they don't need to go through the entire review process only to call the applicant and proof professional to notify them they need to file another application.**
- **It may appear proactive when clients are told upfront rather than 3 months after proof is filed that they will need to file another application with a fee. This is especially true if the applicant is trying to sell or in the middle of a real estate transaction.**



QUESTIONS?