

R655. Natural Resources, Water Rights.

R655-5. Maps Submitted to the Division of Water Rights.

R655-5-1. Purpose.

These rules are promulgated pursuant to Subsection 73-2-1(3) (b) (i) and Sections 73-3-2, 73-3-3 and 73-3-16. The purpose of these rules is to establish when maps must be submitted and the minimum standards that must be met for the maps to be accepted by the State Engineer.

R655-5-2. Definitions.

2.1 APPLICATION MAP--a map filed in support of an Application to Appropriate, Temporary Application to Appropriate, Application to Exchange Water, Application for Permanent Change of Water, or Application for Temporary Change of Water.

2.2 COMPETENT SURVEY--a survey performed by or under the direction of either a Utah-licensed professional land surveyor or a Utah-licensed professional engineer. It must be based on measured ties (metes and bounds) to a regularly established and monumented section corner or quarter corner. The survey shall be conducted to produce location specifications within a one-foot positional tolerance. It may be submitted in support of a Proof of Beneficial Use, Diligence Claim, or Evidence of Pre-statutory Water Use.

2.3 HEREAFTER--in an Application for Permanent Change or Application for Temporary Change, the term "hereafter" means the conditions of authorized use of a perfected or approved water right proposed under the application, including point(s) of diversion, place(s) of beneficial use, nature of beneficial use, and period of use.

2.4 HERETOFORE--in an Application for Permanent Change or Application for Temporary Change, the term "heretofore" means the conditions of authorized use of a perfected or approved water right existing prior to the proposed changes, including point(s) of diversion, place(s) of beneficial use, nature of beneficial use, and period of use.

2.5 MUTUAL IRRIGATION COMPANY--an incorporated non-profit entity properly registered with the Department of Commerce, Division of Corporations, specifically established for the purposes of providing construction, operation, maintenance, and administration of water systems designed to deliver water to its shareholders.

2.6 PARCEL OF LAND--a tract or tracts of land held in undivided ownership by one or more persons. Its legal description may be described by a metes and bounds description, as a lot or subdivision of a section, or entire sections. The place of beneficial use of water is located on the parcel of land and may occupy the entire parcel or only a portion of the parcel.

2.7 PLACE OF BENEFICIAL USE--place of beneficial use that must be located on maps as required in the following rules is defined under one of the two following headings:

2.7.1 Specific Location--for most privately owned water rights, the place of beneficial use is the specific location (identified by a legal description by metes and bounds) of the point, facility, or area where water is placed to a recognized type of beneficial use. The area to be located is described below for each type of beneficial use.

Irrigation - specific location where water will be applied on a parcel of land.

Domestic - specific location of the residence(s).

Stockwater - specific location where stock will be watered or area where stock are impounded or grazed.

Instream - specific location of the reach of stream where flows are to occur.

Fish culture - specific location of the pond, lake, reach of stream, or facility.

Mining - specific location or area where water will be used for mining purposes.

Oil well development - specific location of the oil field described in the developing entity's mineral rights or other development authority or the specific location of the facility or area where beneficial use occurs.

Power, commercial, industrial, or other - specific location of the facility or area where beneficial use occurs.

2.7.2 Service Area--in the case of mutual irrigation companies, the federal government, state agencies, municipalities, water conservancy districts, special service districts, and qualifying water companies that serve subdivisions, the place of beneficial use is the water using entity's service area. The service area boundaries shall be described in sections or 40-acre tracts of each section, township, and range. Service areas are not required to be continuous nor consist of entirely contiguous parcels, i.e., there may be tracts within the described service area that are excluded as well as service area "islands" outside the main service area. Because of the changeable nature of their water service areas, municipalities are not required to define their service area boundaries. The boundaries of platted subdivisions would define the service areas for qualifying water companies.

2.8 PROOF MAP--a map submitted in conjunction with the filing of a Proof of Beneficial Use of Water under Section 73-3-16.

2.9 QUALIFYING WATER COMPANY--a mutual non-profit or private for-profit water entity properly registered with the Department of Commerce, Division of Corporations (if a corporation) or with the

Division of Public Utilities (either as a regulated utility or as holding a letter of exemption). Such companies shall have been established for the purposes of providing construction, operation, maintenance, and administration of water systems specifically designed to serve one or more legally platted and recorded subdivisions. Such entities shall be bound by their articles of incorporation or bylaws to monitor water use within their designated service areas and report annually that use to the State Engineer/Division of Water Rights.

R655-5-3. When Maps Must Be Submitted.

3.1 Waiver of Map Requirement. The State Engineer may waive the filing of maps if in his opinion the written application or proof adequately describes the location of the point of diversion, the diverting works, the location of the place of beneficial use, and the nature and extent of beneficial use.

3.2 Application to Appropriate.

3.2.1 General requirements. Application maps must be submitted with applications for new appropriations showing the parcel of land, the proposed place of beneficial use, and the proposed point of diversion.

3.2.2 Application maps are not required for applications for new appropriations filed by mutual irrigation companies, the federal government, state agencies, municipalities, water conservancy districts, special service districts, and qualifying water companies that serve subdivisions. However, if a map is not submitted, the application must include a description of the service area where the water is proposed to be used.

3.3 Application for Permanent Change of Water.

3.3.1 General requirements. Application maps must be submitted with change applications on both perfected and pending water rights. The map must show the parcel of land and the place of beneficial use where the water was used heretofore and the parcel of land and the proposed place of beneficial use where the water will be used hereafter. The map must also show the proposed point of diversion. If the change application is filed on a perfected water right that is inactive under a currently approved Application for Nonuse of Water, no map of the heretofore place of use will be required.

3.3.2 Application maps of the location of the heretofore place of use will not be required on change applications for water rights owned by mutual irrigation companies, the federal government, state agencies, municipalities, water conservancy districts, special service districts, and qualifying water companies that serve subdivisions, provided that the heretofore use was also occurring pursuant to the water right and within the defined place of use of the qualifying applicant. Application

maps showing the hereafter place of use will be required only of mutual irrigation companies and qualifying water companies serving subdivisions. The mapping requirement for mutual irrigation companies and qualifying water companies serving subdivisions may be waived if the State Engineer determines the written description of the hereafter place of use is sufficiently clear. If the change application involves a change in the nature of use (e.g., irrigation to domestic), a map of the hereafter place of use will be required even if the hereafter place is within the existing service area.

3.4 Application for Temporary Change of Water and Temporary Application to Appropriate Water.

3.4.1 General Requirements. An application map must be submitted with each temporary change application or application for temporary appropriation. The map shall show the proposed point of diversion, the parcel of land, and the place of beneficial use. For temporary change applications, the map shall also show the parcel of land and the place of beneficial use where the water was used heretofore.

3.4.2 Requirements for mutual irrigation companies. For temporary change applications on irrigation company water shares, the State Engineer may waive the mapping requirements for the heretofore and/or the hereafter place of beneficial use. The determination to allow a waiver will be based on the State Engineer's evaluation of the facts described in the temporary change application.

3.5 Application to Exchange Water. Application maps must be submitted with an application to exchange water showing the parcel of land and the place of beneficial use. The map must also show the proposed point of diversion.

3.6 Proof of Beneficial Use of Water.

3.6.1 General Requirements. Maps are required when a proof is submitted on an approved Application to Appropriate Water (permanent or fixed time), on an approved Application for Permanent Change of Water, or on an approved Application to Exchange Water. Proof maps must show the specific point(s) of diversion, the place of beneficial use, and the extent of use. Proof maps shall also clearly show any specific information required in the approval of the application (e.g., water metering devices) or information necessary to make clear the manner in which water is diverted, measured, conveyed, and used.

3.6.2 Municipalities. Proof maps are not required on water rights issued for municipal uses unless the State Engineer determines that the written description inadequately describes the location of the point of diversion, the diverting works, the location of the place of beneficial use, and the nature and extent of beneficial use.

3.7 Diligence Claims and Evidence of Pre-statutory Water Use. Maps shall accompany the Diligence Claim or Evidence of Pre-Statutory Water Use showing the specific location and/or area where the water was first diverted, conveyed, and placed to beneficial use.

R655-5-4. Mapping Standards.

4.1 Acceptability of Maps. The State Engineer will determine the suitability of any proof map or application map submitted to the Division of Water Rights.

4.2 Standards for Maps to be Submitted with Proof of Beneficial Use of Water, Diligence Claims, or Evidence of Pre-Statutory Water Use.

4.2.1 Maps shall be prepared by a Utah-licensed professional engineer or a Utah-licensed professional land surveyor and must be based on a competent survey. The professional engineer or professional land surveyor shall affix his/her seal and shall sign and date the map.

4.2.2 Standard mapping conventions must be used in completing the map, including the following: there must be a north arrow, the scale must be indicated in both written and graphic form, and there must be a legend describing any symbols used on the map. All information included on the map must be legible. The line quality used on the drawings must be distinct. Shading or hatching may be used to show irrigated acreage; however, the boundary of the irrigated area must be delineated.

4.2.3 All surveys must be tied to a section corner (NE,SE,SW,NW) or a quarter section corner (N1/4,E1/4,S1/4,W1/4) of the section-township-range survey for the area of use, and the map must indicate the basis of bearing for the bearings shown. Any public roads adjacent to or near the property surveyed should be shown on the map. If within a legally platted subdivision, the subdivision name and lot/block designations of the subject parcels shall also be shown.

4.2.4 The title block must include the following: water right number, application number, date of the survey, name of the applicant, name and license number of the professional engineer/land surveyor, and the section, township, and range where the parcel in question is located.

4.2.5 Maps must be submitted on standard drafting medium that is durable and reproducible. All information shown on the map must be in black permanent drafting ink or other media of equivalent durability and opacity.

4.2.5.1 Small sized maps. The preferred map sizes are 8 1/2 x 11 inches or 8 1/2 x 14 inches. Maps of this size should be used whenever possible and particularly for all irrigated acreage of five acres or less. Small sized maps may be created on

material that is translucent or opaque. Maps of small parcels shall be drawn to the largest scale practical. The smallest scale allowable on small maps is 1"=300' (1:3600). There must be a margin of at least 1-1/4 inches at the top and 1/2 inch on the sides and bottom. The title block shall appear on the lower right-hand side of the page (the short side being the bottom). For mailing or transport, smaller maps must not be folded.

4.2.5.2 Large sized maps. If a larger sized map is needed, the dimensions shall be 24 x 36 inches. Maps of this size must be created on a translucent drafting medium. The title block shall appear in the lower right-hand corner (the long side of the map being the bottom). Larger maps shall be rolled for mailing or transport. If mailed, a protective mailing tube or box shall be used.

4.3 Standards for Maps to be Submitted with Applications to Appropriate, Temporary Applications to Appropriate, Applications for Permanent Change of Water, Applications for Temporary Change of Water, or Applications to Exchange Water.

4.3.1 The application map may be based upon any of the following:

- 1) A map based on a competent survey as defined herein;
- 2) All or part of a County Recorder's ownership plat map;
- 3) All or part of a USGS topographic quadrangle map;
- 4) All or part of a recorded subdivision plat map;
- 5) An aerial photograph with adequate land location information (section-township-range).
- 6) All or part of a previously filed proof map;
- 7) All or part of a hydrographic survey map prepared by the Division of Water Rights in a general adjudication;
- 8) Any other type of reference map that adequately depicts the land location and provides the necessary location information (section-township-range).

4.3.2 The water user is responsible for the accuracy of the map. After the map is filed, any corrections or adjustments are the responsibility of the applicant. Amendments may be made at the time proof is filed, or earlier by filing an amended map. Amended maps filed prior to proof shall be prepared in accordance with the standards governing the initial submittal, shall be clearly labeled as "amended," and shall bear the date of amendment.

4.3.3 Standard mapping conventions should be used in completing the map, including the following: there should be a north arrow, the scale should be indicated, and there must be a legend describing any symbols used on the map. All information included on the map must be legible. The line quality used on the drawings must be distinct. Shading or hatching may be used to show irrigated acreage; however, the boundary of the irrigated

area must be delineated.

4.3.4 Any referenced land boundaries must be tied to a section corner (NE,SE,SW,NW) or a quarter section corner (N1/4,E1/4,S1/4,W1/4) of the section-township-range survey for the area of use. Any public roads adjacent to or near the depicted place(s) of beneficial use should be shown on the map. If the place of beneficial use is within a legally platted subdivision, the subdivision name and the lot/block designations of the subject parcels shall also be shown. The map must contain, at minimum, adequate information to determine the quarter-quarter section(s) (i.e., 40-acre tracts) for the places of beneficial use.

4.3.5 A signed applicant's certificate shall be included upon or attached to each application map submitted. The certificate shall read: "I/we,, hereby acknowledge that this map (or, the map attached to this application), consisting of pages numbered to, was prepared in support of Application, I/we hereby accept and submit this map as a true representation of the facts shown thereon to the best of my/our knowledge and belief."

4.3.6 Map Sizes.

4.3.6.1 Small sized maps. The preferred map sizes are 8 1/2 x 11 inches or 8 1/2 x 14 inches. Maps of this size should be used whenever possible and particularly for all irrigated acreage of five acres or less. Maps of small parcels shall be drawn to the largest scale practical. The smallest scale allowable on small maps is 1"=300' (1:3600).

4.3.6.2 Large sized maps. If a larger sized map is needed, the dimensions shall be 24 x 36 inches.

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