

Effective 5/1/2024

Superseded 5/6/2026

73-3-16 Proof of appropriation or permanent change -- Notice -- Manner of proof -- Statements -- Maps, profiles, and drawings -- Verification -- Waiver of filing -- Statement in lieu of proof of appropriation or change.

- (1) Sixty days before the date set for the proof of appropriation or proof of change to be made, the state engineer shall notify the applicant by mail, or send notice electronically if receipt is verifiable, when proof of completion of the works and application of the water to a beneficial use is due.
- (2)
 - (a) On or before the date set for completing the proof in accordance with the approved application, the applicant shall file proof with the state engineer on forms furnished by the state engineer.
 - (b) The filing of a proof in accordance with this section is a request for agency action under Title 63G, Chapter 4, Administrative Procedures Act, only between the applicant and the state engineer.
- (3) Except as provided in Subsection (4), the applicant shall submit the following information:
 - (a) a description of the works constructed;
 - (b) the quantity of water in acre-feet or the flow in second-feet diverted, or both;
 - (c) the method of:
 - (i) applying the water to beneficial use; or
 - (ii) verifying a net decrease in depletion or net reduction in diversion in accordance with an application to quantify saved water, as defined in Section 73-3-3; and
 - (d)
 - (i) detailed measurements:
 - (A) of water put to beneficial use; and
 - (B) if applicable, demonstrating the quantity of saved water, as defined in Section 73-3-3;
 - (ii) the date the measurements were made; and
 - (iii) the name of the person making the measurements.
- (4)
 - (a)
 - (i) On applications filed for appropriation or permanent change of use of water to provide a water supply for state projects constructed pursuant to Chapter 10, Board of Water Resources - Division of Water Resources, or for federal projects constructed by the United States Bureau of Reclamation for the use and benefit of the state, any of its agencies, its political subdivisions, public and quasi-municipal corporations, or water users' associations of which the state, its agencies, political subdivisions, or public and quasi-municipal corporations are stockholders, the proof shall include:
 - (A) a statement indicating construction of the project works has been completed;
 - (B) a description of the major features with appropriate maps, profiles, drawings, and reservoir area-capacity curves;
 - (C) a description of the point or points of diversion and rediversion;
 - (D) project operation data;
 - (E) a map showing the place of use of water and a statement of the purpose and method of use;
 - (F) the project plan for beneficial use of water under the applications and the quantity of water required; and
 - (G) a statement indicating what type of measuring devices have been installed.

- (ii) The director of the Division of Water Resources shall sign proofs for the state projects and an authorized official of the Bureau of Reclamation shall sign proofs for the federal projects specified in Subsection (4)(a)(i).
- (b) Proof on an application for appropriation or permanent change for a surface storage facility in excess of 1,000 acre-feet constructed by a public water supplier to provide a water supply for the reasonable requirements of the public shall include:
 - (i) a description of the completed water storage facility;
 - (ii) a description of the major project features and appropriate maps, profiles, drawings, and reservoir area-capacity curves as required by the state engineer;
 - (iii) the quantity of water stored in acre-feet;
 - (iv) a description of the water distribution facility for the delivery of the water; and
 - (v) the project plan for beneficial use of water including any existing contracts for water delivery.
- (5) The proof on an application shall be sworn to by the applicant or the applicant's appointed representative.
- (6)
 - (a) Except as provided in Subsection (6)(b), when filing proof, the applicant shall submit maps, profiles, and drawings made by a Utah licensed land surveyor or Utah licensed professional engineer that show:
 - (i) the location of the completed works;
 - (ii) the nature and extent of the completed works;
 - (iii) the natural stream or source from which and the point where the water is diverted and, in the case of a nonconsumptive use, the point where the water is returned; and
 - (iv) the place of use.
 - (b) The state engineer may waive the filing of maps, profiles, and drawings if in the state engineer's opinion the written proof adequately describes the works and the nature and extent of beneficial use.
- (7) In those areas in which general determination proceedings are pending, or have been concluded, under Chapter 4, Determination of Water Rights, the state engineer may petition the district court for permission to:
 - (a) waive the requirements of this section and Section 73-3-17; and
 - (b) permit each owner of an application to file a verified statement to the effect that the applicant has completed the appropriation or change and elects to file a statement of water users claim in the proposed determination of water rights or any supplement to it in accordance with Chapter 4, Determination of Water Rights, in lieu of proof of appropriation or proof of change.
- (8) This section does not apply to a fixed time or temporary change application.