

Water Use Groups and Supplemental Rights

RWAU Training—April 2021

Sarah Dehnert





diversion should they be in the same water use





Of one or more water right(s).

than one water use group.

A single water right can belong to more





































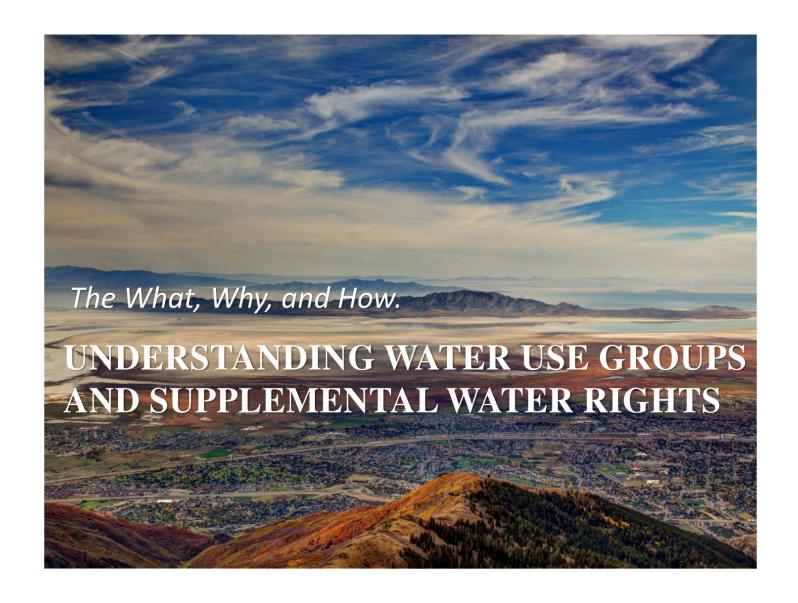














GROUPING WATER RIGHTS TOGETHER

- —Water Rights can be grouped together based on common place, period, and type of uses.
- —Water Use Groups are an administrative tool to organize the records of the State Engineer*

*Errors may occur, send a written request to review and include statements as to how groups should be modified



WHAT IS A WATER USE GROUP?

- A grouping of Water Right(s) that have a common use at the same place of use.
- A Water Right must belong to at least one water use group.
- Each water use group represents a unique beneficial use of water and ties together the water rights that serve that use.
 - Beneficial use is the basis, measure, and limit of a water right.



A WATER USE GROUP DEFINES

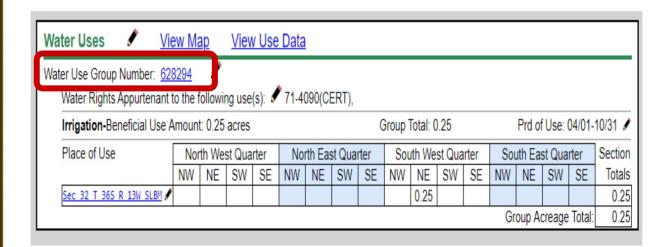
- The place(s) of use
- The period(s) of use
- The beneficial use(s)

Of one or more water right(s).

A single water right can belong to more than one water use group.



ALL WATER USE GROUPS ARE IDENTIFIED BY A GROUP NUMBER



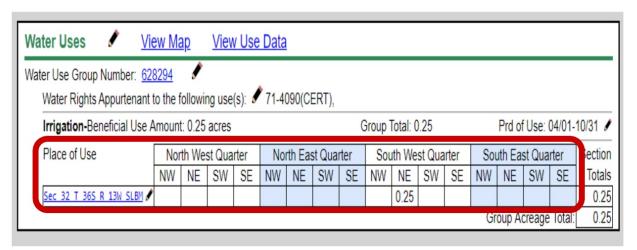


PLACE OF USE

- -The place of use
 - Defines the authorized and recognized place of use for the use of water described in the group.
 - Should be consistent with the information contained in the State Engineer's records.
 - May include more than one Section or Quarter Section of land



PLACE OF USE



0.25 acres of irrigation in the NE¼ SW¼ of Section 32, Township 36 South, Range 13 West SLB&M.



PERIOD OF USE

 The period of use is the time period a beneficial use takes place



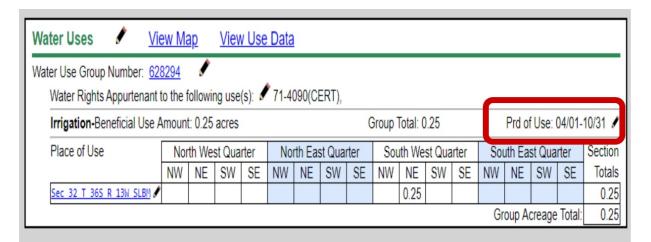
HOMES YEAR-ROUND

IRRIGATION
APRIL 1 TO OCTOBER 31

STOCK YEAR-ROUND



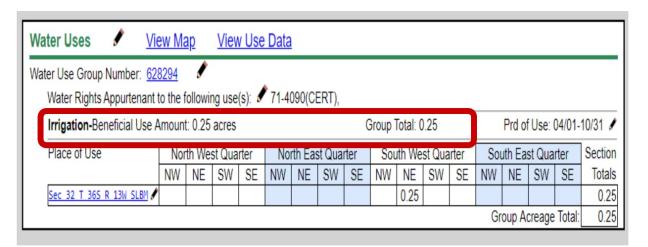
PERIOD OF USE



Irrigation used from April 1st to October 31st.



BENEFICIAL USE



Water Right used for the irrigation of 0.25 acre.



BENEFICIAL USE

- The beneficial use is
 - The basis, measure, and limit of a water right.
 - Some of the most common types of beneficial use
 - Irrigation
 - Domestic
 - Stock watering

- Municipal
- Mining
- Power Generation
- "Other" water uses
 - Commercial
 - Fish Culture
 - Geothermal
 - Industrial
 - Instream Flow

- Recreation
- Road Maintenance
- Oil Exploration
- Wildlife
- Other



OTHER TERMS TO UNDERSTAND

Sole Supply

- May be expressed as a limit of use of a water right
- May also refer to a water right limit in a group

Group Total

The total use in this particular water use group

Beneficial Use Amount

• The amount of beneficial use a water right contributes to a Water Use Group in which it is included. May be referred to as "Group Contribution".



WHY DO WE USE WATER USE GROUPS?

- To account for the limits and measure of each water right.
- As an index to the water rights that serve a use.
- To uniquely account for all uses of water in the state.



HOW WILL YOU USE AND INTERACT WITH WATER USE GROUPS?

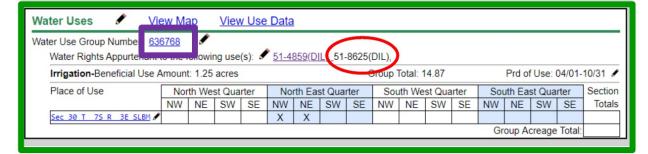
- As a key indicator of value when acquiring a right.
- As an issue to be reconciled when changing a right.*
- As a limit to be observed when using a right alone.

*Since many of the water use groups which relate to more than one water right are not completely quantified you will likely become involved in an effort to complete that work in water right processes.



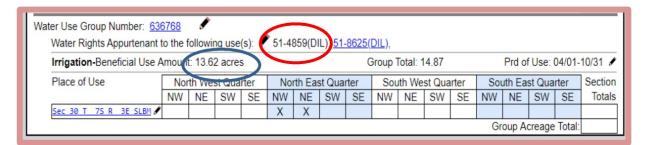
HOW TWO WATER RIGHTS ARE REPRESENTED IN ONE GROUP

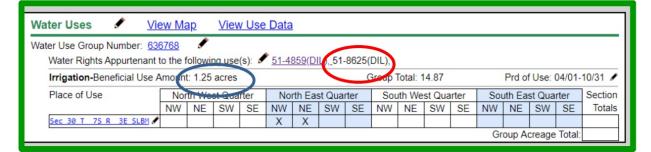






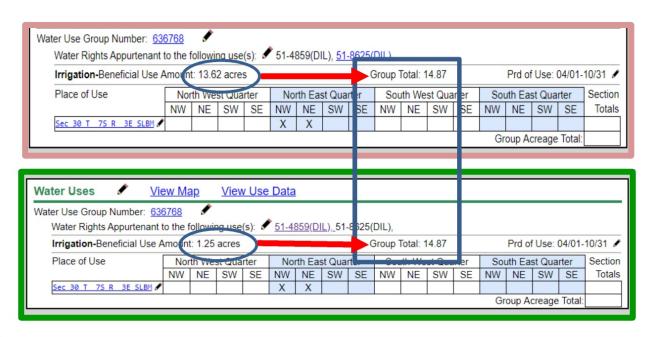
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HOW TWO WATER RIGHTS ARE REPRESENTED IN ONE GROUP



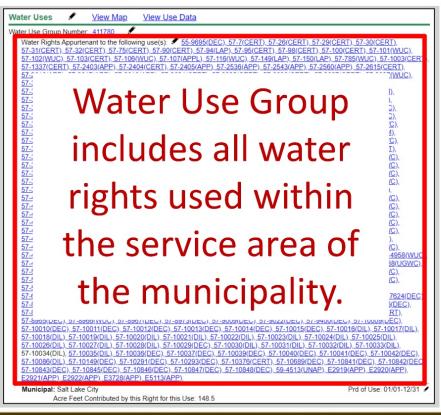


Municipal Use Water Rights





Municipal Use Water Rights





WHAT DOCUMENTS PROVIDE INFORMATION TO HELP CLARIFY WHAT IS INCLUDED IN A WATER USE GROUP?

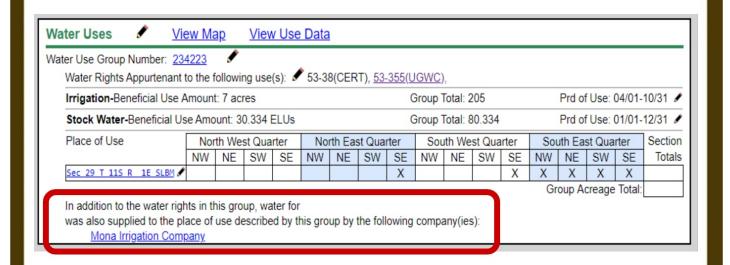
- Information included in a water right file
 - Application to Appropriate
 - Diligence or Underground Water Claim
 - Certificate of Beneficial Use
 - Judicial Decree
 - Published Proposed Determination Book / Addendum
 - Maps (application, claims, certificate, hydrographic survey maps)



- A group contains a water right owned by an individual and the water rights for an irrigation company. What does this mean?
 - The use described in the group is supplemental to shares of stock in an irrigation company.
 - The individual right provides only a portion of the total Beneficial Use Amount.
 - The land is within the service area of the irrigation company.
 - Shares in an irrigation company are bought and sold as securities and lands served by the company may change.
 - This is an error that you can ask the Division to correct.
 We no longer include irrigation company rights in groups with private rights.

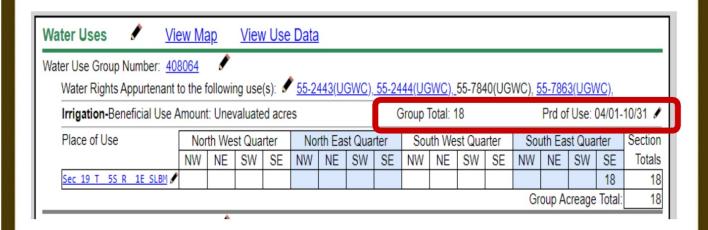


IRRIGATION COMPANY USE NOTE



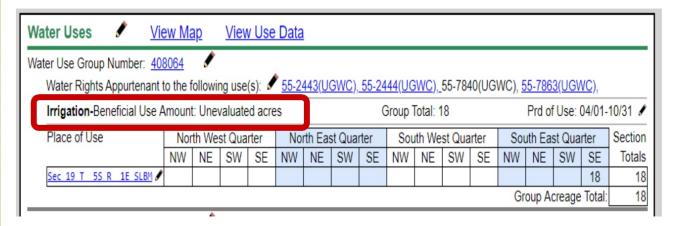


EVALUATING UNEVALUATED WATER USE GROUPS





EVALUATING UNEVALUATED WATER USE GROUPS



How does a group or water right get evaluated?



Administrative Rule R655-16

Declaring Beneficial Use Amounts

- 1. Written request for corrections to be made.
- 2. Declaration of Beneficial Use
 - Used to declare the beneficial use amount of a water right in a use group.
- 3. Application for Apportionment of Beneficial Use Amounts.
 - The applicant has exhausted all reasonable efforts to complete a Declaration of Beneficial Use.



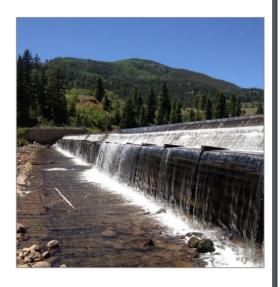


Why do you need to define the Beneficial Use Amount (Group Contribution)?

- To file a segregation.
- To file a change application.

Defining the Beneficial Use Amount of all water rights within a group ensures the amount of water and beneficial use of the individual water rights in the group is properly defined so there won't be confusion if the rights are used independent of each other.





DECLARATION OF BENEFICIAL USE AMOUNTS UTAH DIVISION OF WATER RIGHTS

This Declaration of Beneficial Use Amounts is hereby submitted to the State Engineer pursuant to UTAH ADMIN. CODE R655-16 et seq. for the purpose of declaring the beneficial use amounts of some or all of the supplemental water rights indicated below, which make up the water use group listed. This form must be signed by all the water right holders shown on the records of the State Engineer for the water rights in the water use group.

By signing this form, the water right holders achknowledge that the beneficial use amounts declared herein is not a general adjudication of the water rights under UTAH CODE ANN. & 73-4 et seq.

Water Use Group Number: 409720

Beneficial Use Amounts for this Water Use Group:

(If a beneficial use amount is declared for all the rights in the water use group, the sum of the amounts must equal the total beneficial uses shown for the group below.

PLEASE ATTACH DOCUMENTATION OR EXPLANATION SUPPORTING THE BENEFICIAL USE AMOUNTS DECLARED.

Irrigation (acres)

55-1640 acocy.6.6

SOURCE Is the ground Ware well

Already Green Use

Taken Is the ground Ware well

Already Green Use

Taken Is the ground Ware well

Taken Is the ground Ware well

Taken Is the ground Ware well

The

Group Totals: 27.12



APPLICATION FOR APPORTIONMENT OF BENEFICIAL USE

When to use

- Have exhausted all efforts to complete a Declaration of Beneficial Use
- Owner does not believe water right database correctly reflects his right to use water
- Immediate need for an administrative action on an application or Proof of Beneficial Use



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