

Public Meeting - Water Right Adjudication
List of Unclaimed Rights
Navajo Nation Subdivision
Area 09, Book 1

Division of Water Rights

June 13, 2023



Ryan Broadbent | Engineering Manager - Adjudication
Division of Water Rights



Navajo-Utah Water Right Settlement

Historical Timeline

- Informal initial discussions
- Negotiations began in 2003
- Reserved right report published in 2004
- Agreement signed in 2015
- Federal Congressional approval in 2020
- State Legislative approval in 2021



Initial Reserve Right Quantification Report

- Initial Practicably Irrigable Acres (PIA) Estimate
 - 152,000 acre-feet depletion for irrigation
 - Plus 14,800 acre-feet for domestic/municipal/industrial
- Divisions Concerns:
 - Unrealistic population growth rate
 - Unrealistic crop yields
 - Inclusion of non-irrigable lands
 - Unrealistic labor and power costs
 - Unequitable fraction of Utah's compact allocation





Settlement Details, Part 1

- 435 cfs for San Juan River; 81,500 acre-feet of depletion
 - Block 1 - 69,275 acre-feet - 1884 Priority
 - Block 2 - 4,480 acre-feet - 1905 Priority
 - Block 3 - 3,670 acre-feet - 1933 Priority
 - Block 4 - 4,075 acre-feet - 1958 Priority
- Subordination:
 - No subordination for existing Navajo uses
 - Existing State-based rights protected from impairment by new Navajo uses.
- Compact Curtailment: curtailment by reservation priority date



Settlement Details, Part 2

- Monitoring and Ongoing Notice
 - Any use depleting more than 100 acre-feet/year
- Water Development Project Funding
 - Federal: ~\$200 million
 - State: \$8 million
- No out of state use (unless part of neighboring state's allotment)
- Off reservation use requires approved change application

What happening now?

- Signing Ceremony: May 27, 2022
- General Adjudication: Navajo Nation Subdivision 09-1
 - Summons: March 16, 2022
 - Notice to File Claims
 - General: May 4, 2022
 - Federal: July 28, 2022
- Proposed Determination Planned in 2024
- Federal Hydrographic Survey
 - Expected in 2024



Agenda

- Adjudication Process Review
- List of Unclaimed Rights Overview
- Accessing the List of Unclaimed Rights
- In-depth look at the List of Unclaimed Rights
- Questions
 - Email: waterrights_adjudication@utah.gov



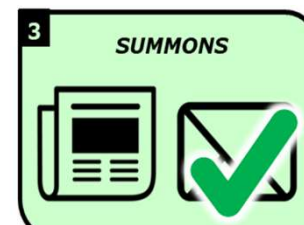
The Adjudication Process



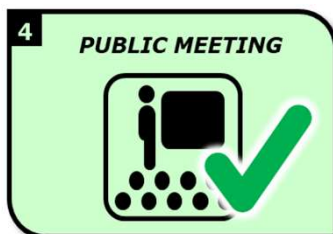
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March 2022



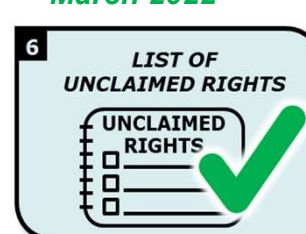
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March 30, 2022



May 4, 2022



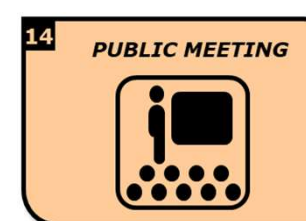
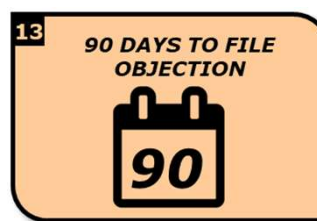
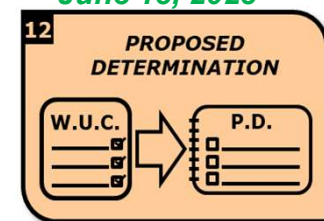
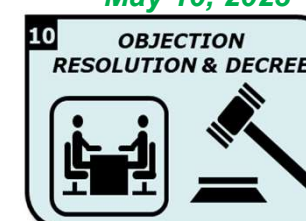
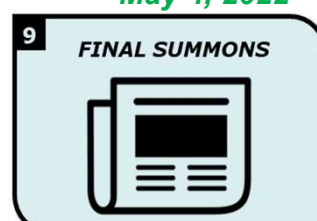
May 10, 2023



Aug. 8, 2023



June 13, 2023



What is The List of Unclaimed Rights

- **Identifies State Based Rights of Record that did not receive a Water Users Claim during the claim filing period**
 - Recommends that rights are to be considered abandoned
 - 29 rights did not receive claims
 - 22 of these are associated with oil and gas companies
- **The Reserve Right established by the 2022 Settlement Agreement is unaffected by the List of Unclaimed Rights**



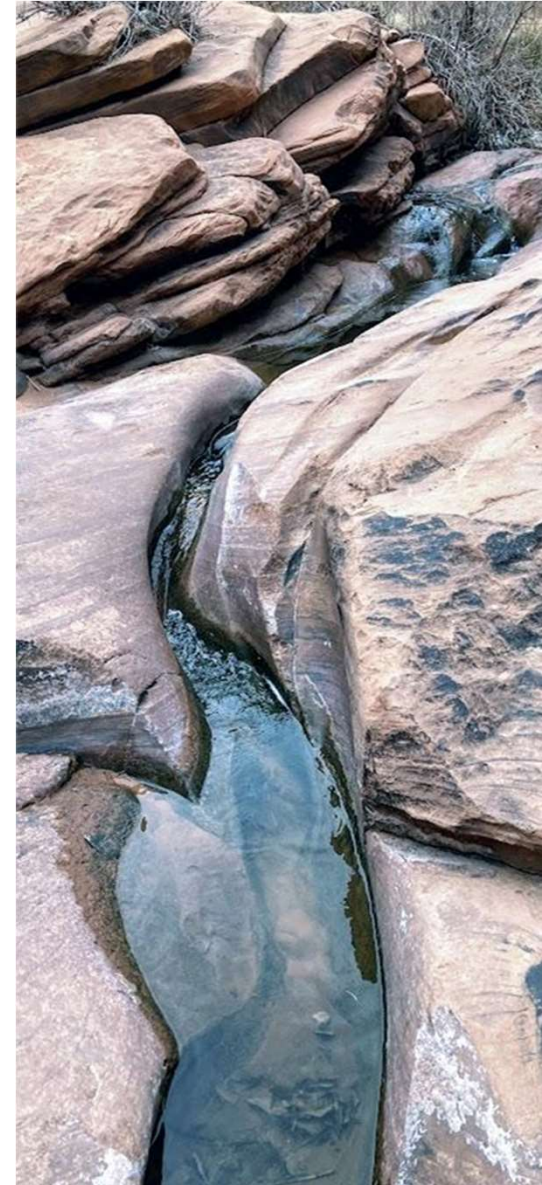
Accessing the List of Unclaimed Rights

Recipients of the Notice of the List of Unclaimed Rights:

- Water Right owners listed on the records of the State Engineer
- Property owners within the Navajo Nation adjudication areas.
- Registered agents for corporate entities within the adjudication boundary.
- Counsel of record who have filed an appearance with the court

The List of Unclaimed Rights can be accessed via:

- <http://www.waterrights.utah.gov/pdbooks/NavajoLUR>
- Hardcopies can be printed at our office for a nominal fee.
- Filed at the District Court



List of Unclaimed Rights

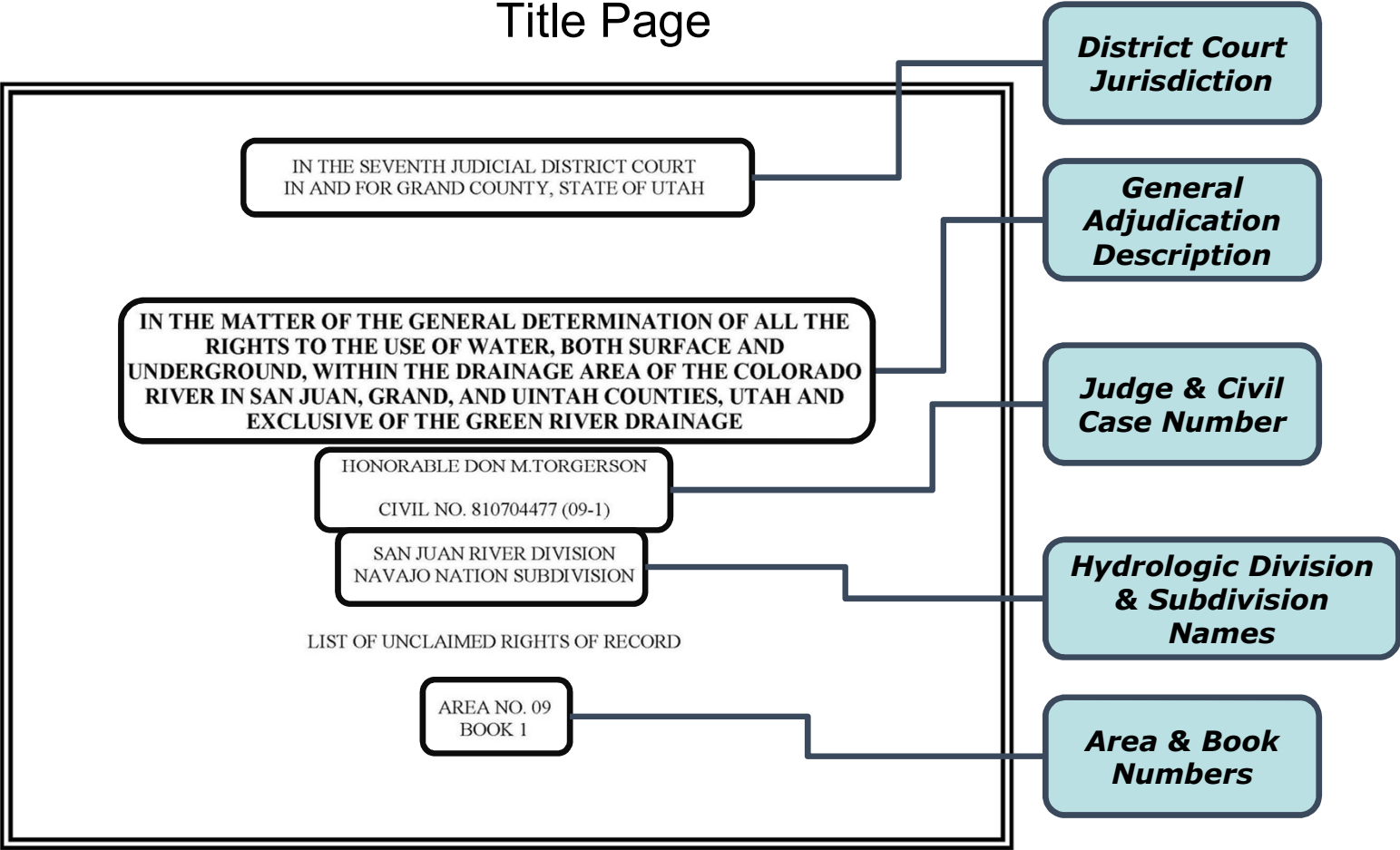
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3. Preamble
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5. Unclaimed Rights
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List of Unclaimed Rights

Title Page



List of Unclaimed Rights

Notice to Water Users

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT IN AND FOR GRAND COUNTY, UTAH

IN THE MATTER OF THE GENERAL DETERMINATION OF ALL THE RIGHTS TO THE USE OF WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF THE COLORADO RIVER IN SAN JUAN, GRAND, AND UTAH COUNTIES, UTAH, AND EXCLUSIVE OF THE GREEN RIVER DRAINAGE

SAN JUAN RIVER DIVISION, NAVAJO NATION SUBDIVISION (09-1)

Grand County Civil No. 810704477
Honorable Don M. Torgerson

NOTICE TO WATER USERS WITHIN THE ABOVE-DESCRIBED DRAINAGE AREA:

This is the List of Unclaimed Rights of Record for the San Juan River Division, Navajo Nation Subdivision, Area No. 09, Book 1, of the Southeastern Colorado River General Adjudication. The Division of Water Rights has prepared this List of Unclaimed Rights of Record as required by Utah Code § 73-4-9.5. The List of Unclaimed Rights of Record lists each **water right of record in the State Engineer's office for which** a statement of claim was not timely filed. A copy of the List of Unclaimed Rights of Record has been filed with the Clerk of the Seventh District Court in Moab, Utah. Printed copies are available, upon payment of printing costs, from the Division of Water Rights at 1594 W. North Temple, Suite 220, Salt Lake City, Utah, telephone, (801) 538-7240. An electronic copy in PDF is also available for download free of charge from the website of the Division of Water Rights at www.waterrights.utah.gov.

You are hereby notified that under Utah Code § 73-4-9.5(2), any person claiming a water right in the Navajo Nation Subdivision who is dissatisfied with the List of Unclaimed Rights of Record may object to it in accordance with the requirements set by statute. The subject of an objection to the List of Unclaimed Rights of Record is limited to inclusion of a water right in the List. To object, the claimant must file both a written objection and a **statement of claim** (i.e., **water user's claim**) in the Seventh Judicial District Court, 125 East Center Street, Moab, Utah 84532, within ninety (90) days after being served with notice of completion of the List of Unclaimed Rights of Record. Service is effective on the date the notice is mailed (or hand delivered) to the claimant or is published. The claimant must also file a statement of claim with, and should send a copy of the objection to, the State Engineer by sending them to counsel for the State Engineer at the address shown below.

Sarah M. Shechter, No. 15357
Gordon Rowe, No. 17308
Michael B. Ferguson, No. 17211
Assistant Utah Attorneys General
SEAN D. REYES
Utah Attorney General
Attorneys for the State Engineer

1594 West North Temple, Suite 300
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Telephone: (801) 538-7227
sshechter@agutah.gov
growe@agutah.gov
mbferguson@agutah.gov

**Instructions
for Filing an
Objection**



List of Unclaimed Rights

Unclaimed Rights

WR#		NAME	POINT(S) OF DIVERSION	SOURCE
<i>List of Unclaimed Rights of Record for Navajo Nation Subdivision</i> <i>Area: 09 Book Number: 1</i>				
1	09-31	Bert Davis	[1] N 287 feet E 1350 feet from the W4 corner, Section 13 T 43S R 14E SLB&M	Moonlight Creek
	09-37	R. E. Walker	[1] N 883 feet W 2301 feet from the S4 corner, Section 08 T 39S R 25E SLB&M	Black Steer Draw
3	09-40	W. E. Olive	[1] S 7 feet E 269 feet from the W4 corner, Section 33 T 41S R 17E SLB&M	Oliver Spring
4	09-62	Jennie R. Nielson Mrs.	[1] N 1090 feet W 637 feet from the SE corner, Section 04 T 39S R 23E SLB&M	Black Rock Spring
5	09-151	F. C. Patterson Reverend	[1] N 937 feet E 3000 feet from the W4 corner, Section 24 T 43S R 14E SLB&M	Underground Water Well
6	09-152	Ojeto Trading Post	[1] S 1480 feet E 1200 feet from the NW corner, Section 20 T 43S R 15E SLB&M	Underground Water Well
7	09-174	F. C. Patterson Reverend	[1] N 900 feet E 2000 feet from the W4 corner, Section 24 T 43S R 14E SLB&M	Underground Water Well
8	09-188	Humble Oil & Refining Company	[1] N 2591 feet E 794 feet from the SW corner, Section 33 T 41S R 22E SLB&M	Underground Water Well
9	09-198	Humble Oil and Refining Company	[1] N 330 feet E 330 feet from the SW corner, Section 31 T 39S R 24E SLB&M	Underground Water Well
10	09-213	Mobil Exploration and Producing North America Inc.	[1] S 1744 feet W 784 feet from the NE corner, Section 14 T 40S R 24E SLB&M	Underground Water Well
11	09-218	Western Natural Gas Company	[1] N 2010 feet E 403 feet from the SW corner, Section 36 T 43S R 22E SLB&M	Underground Water Well
		<i>Unclaimed Rights of Record</i>	<i>Date of Publication: May 10, 2023</i>	<i>Page: 2</i>

Water Right Number

Name of Owner of Record

Point of Diversion Location & Source



Who can I contact to discuss the List of Unclaimed Rights?

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