



# **Birdseye Subdivision**

*(Area 51, Book 5)*

*Proposed Determination*

*Public Meeting*

*May 23<sup>rd</sup>, 2018*

**Utah Division of Water Rights**

**Blake W. Bingham, P.E.**

**Assistant State Engineer - Adjudication**


[www.waterrights.utah.gov](http://www.waterrights.utah.gov)

# ***Agenda***

- Adjudication Process Review
- Proposed Determination Overview
- Hydrographic Map Overview
- Accessing the Proposed Determination and Hydrographic Survey Maps
- Questions

# Adjudication Process


**1**



The State Engineer initiates the process by receiving a petition from water users or courts to initiate a General Adjudication. (UCA 73-4-1)


*Sep. 1, 1944*

**2** **NOTICE**




The State Engineer publishes notice of the pending adjudication for 2 weeks in a local newspaper. (UCA 73-4-3)

**3** **SUMMONS**



The State Engineer serves Summons on claimants and publishes Summons for 5 weeks in a local newspaper. (UCA 73-4-4)


**4** **PUBLIC MEETING**



The State Engineer holds a Public Meeting in the area to inform water users of the adjudication process. (UCA 73-4-5)

*May 29, 2012*

**5** **HYDROGRAPHIC SURVEY**




The State Engineer conducts an initial hydrographic survey of the area. (UCA 73-4-3)

**6** **Notice & 90 days**

The State Engineer serves notice on Claimants to file claims. Claimants have 90 days to file claims with the court or State Engineer to avoid forfeiture. (UCA 73-4-3 & 9)


**7**



The State Engineer reviews User's Claims and other evidence and prepares a Proposed Determination which is then distributed to the claimants and filed with District Court. (UCA 73-4-11)

*May 9, 2018*

**8** **PUBLIC MEETING**



The State Engineer holds a Public Meeting to discuss the Proposed Determination with claimants. (UCA 73-4-11)

*May 23, 2018*


**9**

**90 days**

*In Progress*


Claimants have 90 days to file an objection to the Proposed Determination with the District Court. (UCA 73-4-11)

**10** **FINAL SUMMONS**




The State Engineer serves the final summons via publication for 5 weeks in a local newspaper. (UCA 73-4-22)

**11** **OBJECTION RESOLUTION**



The State Engineer resolves objections to the Proposed Determination with respective water users. (UCA 73-4-14)

**12** **DECREE**



The District Court issues a Decree (or Interlocutory Decree) on the Proposed Determination. (UCA 73-4-15)

# ***Proposed Determination***

## **Contents**

- 1. Title Page*
- 2. Notice to Water Users*
- 3. Preamble*
- 4. Location Map*
- 5. Priority Schedule*
- 6. Description of Water Rights*
- 7. Description of Exchanges*
- 8. Renumbered Rights*
- 9. Disallowed Rights*
- 10. Alphabetic Index*



# ***Birdseye Proposed Determination Title Page***

IN THE THIRD JUDICIAL DISTRICT COURT  
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

***District Court  
Jurisdiction***

**IN THE MATTER OF THE GENERAL DETERMINATION OF ALL  
RIGHTS TO THE USE OF WATER, BOTH SURFACE AND  
UNDERGROUND, WITHIN THE DRAINAGE AREA OF UTAH LAKE  
AND JORDAN RIVER IN UTAH, SALT LAKE, DAVIS, SUMMIT,  
WASATCH, SANPETE, AND JUAB COUNTIES IN UTAH**

***General  
Adjudication  
Description  
And Civil  
Number***

UTAH COUNTY DIVISION  
BIRDSEYE SUBDIVISION

***Hydrologic Division  
& Subdivision  
Names***

AREA NO. 51  
BOOK 5

***Area &  
Book  
Numbers***



# ***Birdseye Proposed Determination Notice to Water Users***

## ***Civil Case Number***

COURT OF THE THIRD JUDICIAL DISTRICT IN AND FOR SALT LAKE COUNTY, UTAH

THE GENERAL DETERMINATION OF ALL RIGHTS TO THE USE OF WATER, BOTH SURFACE AND  
THE DRAINAGE AREA OF UTAH LAKE AND JORDAN RIVER IN UTAH, SALT LAKE, DAVIS, SUMMIT,  
WASATCH, SANPETE, AND JUAB COUNTIES IN UTAH

UTAH COUNTY DIVISION, BIRDSEYE SUBDIVISION (51-5)

Salt Lake County Civil No. 365729818

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

## ***Instructions on filing an objection***

This is the Proposed Determination of Water Rights in the Utah County Division, Birdseye Subdivision, Area No. 51, Boco River General Adjudication. The Division of Water Rights has prepared the Proposed Determination as required by Utah Code § 73-4 before the Court. The Proposed Determination is the State Engineer's report and recommendation to the Court of how all rights in the determined. A copy of the Proposed Determination has been filed with the Clerk of the Third District Court in Salt Lake City, Utah. Additional CDs or printed copies are available, upon payment of cost of printing, from the Division of Water Rights at 1594 West North Temple, Suite 220, Salt Lake City, Utah, telephone 801-538-7240. An electronic PDF copy is also available for download on the Division of Water Rights website at [www.waterrights.utah.gov](http://www.waterrights.utah.gov).

You are hereby notified that under Utah Code § 73-4-11(2), any person claiming a water right in the Birdseye Subdivision who is dissatisfied with the Proposed Determination may object to it, but only in accordance with the following requirements: the objection must be in writing and filed in the Third Judicial District Court, Salt Lake City Department, 450 South State Street, Salt Lake City, Utah 84114-1860, within ninety (90) days after being served with notice of completion of the Proposed Determination. Service is effective on the date the notice is mailed or hand delivered to the claimant. The claimant should also file a copy of the objection with counsel for the State Engineer at the address shown below.

Melissa L. Reynolds  
Sarah M. Shechter  
Benjamin J. Jensen  
Assistant Utah Attorneys General  
SEAN D. REYES  
Utah Attorney General  
Attorneys for the State Engineer  
1594 West North Temple, Suite 300  
Salt Lake City, UT 84116





# ***Birdseye Proposed Determination Preamble***

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
IN AND FOR SALT LAKE COUNTY, UTAH

IN THE MATTER OF THE GENERAL DETERMINATION OF  
ALL RIGHTS TO THE USE OF WATER, BOTH SURFACE AND  
UNDERGROUND, WITHIN THE DRAINAGE AREA OF UTAH  
LAKE AND JORDAN RIVER IN UTAH, SALT LAKE, DAVIS,  
SUMMIT, WASATCH, SANPETE, AND JUAB COUNTIES IN  
UTAH

PROPOSED DETERMINATION OF WATER RIGHTS IN  
THE UTAH LAKE – JORDAN RIVER GENERAL  
ADJUDICATION  
UTAH COUNTY DIVISION  
BIRDSEYE SUBDIVISION  
AREA NO. 51, BOOK 5

Salt Lake County Civil No. 365729818

Kent L. Jones, P.E., State Engineer of the State of Utah, respectfully  
submits this report to the Court.

**1. Geographical Area Covered.** This General Adjudication, known as the Utah Lake - Jordan River General Adjudication, includes all water sources, both surface and underground, within the drainage of Utah Lake and the Jordan River in Utah, Salt Lake, Davis, Summit, Wasatch, Sanpete, and Juab Counties, Utah. This Proposed Determination includes water rights in the Birdseye Subdivision of the Utah County Division of the Utah Lake - Jordan River General Adjudication. The Birdseye Subdivision is the enlarged area on the map shown hereinafter. The Utah Division of Water Rights has designated the Proposed Determination for this area as Area No. 51, Book 5.

**2. Commencement.** Pursuant to petitions filed by Spanish Fork West Field Irrigation Company and others in *Salt Lake City, a Municipal Corporation of the State of Utah, et al., v. Tamar Anderson et al.*, on September 1, 1944, this Court ordered the State Engineer to make a determination and adjudication of all rights to the use of water of Utah Lake in Utah County, Utah, and of the Jordan River in Utah

and Salt Lake Counties, Utah, and their tributaries.

On June 21, 1972, the Court issued an order clarifying the scope of the drainage area of the Utah Lake and Jordan River in Utah, Salt Lake, Davis, Summit, Wasatch, Sanpete and Juab Counties, Utah. The Court further ordered that the action no longer be designated as *Salt Lake City, a Municipal Corporation of the State of Utah, et al., v. Tamar Anderson, et al.*, but be designated as "*In the Matter of the General Determination of the Rights to the Use of all of the Water, both Surface and Underground, Within the Drainage Area of the Utah Lake and Jordan River in Utah, Salt Lake, Davis, Summit, Wasatch, Sanpete and Juab Counties, Utah.*"

As part of the ongoing Utah Lake - Jordan River General Adjudication, in 1976 the State Engineer published and submitted to the Court Proposed Determinations for Spanish Fork Canyon Subdivisions, Area 51, Book No.1 and Book No. 2, recommending how water rights should be defined for those areas. As time passed it became evident that significant inconsistencies and inaccuracies existed between the two Spanish Fork Canyon Proposed Determinations, primarily within the Birdseye area. These problems



# Birdseye Proposed Determination Location Map

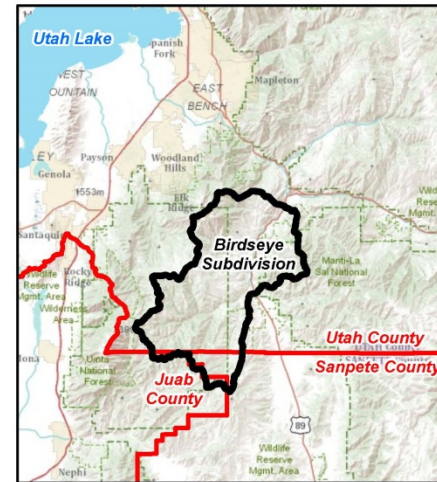
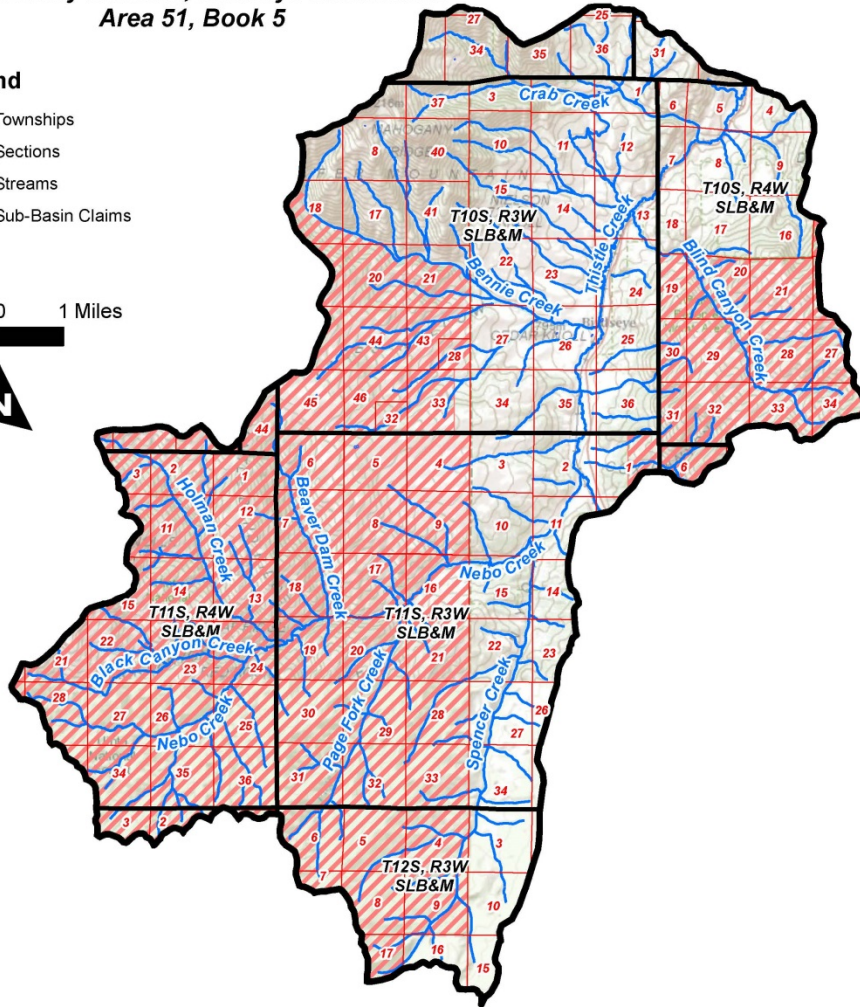
## Location Map

Utah County Division, Birdseye Subdivision  
Area 51, Book 5

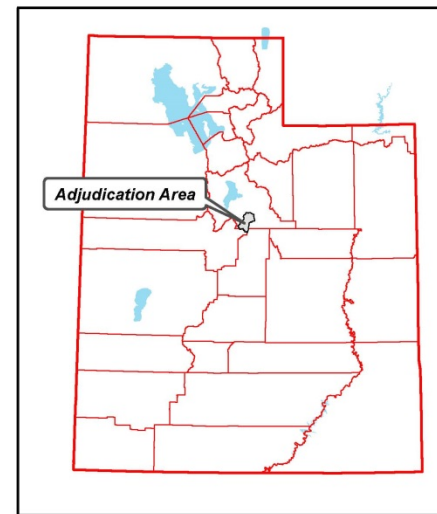
### Legend

- Townships
- Sections
- Streams
- Sub-Basin Claims

1 0.5 0 1 Miles



County Vicinity Map



State Vicinity Map



# Birdseye Proposed Determination Priority Schedule

Proposed Determination Book for Birdseye Subdivision

Area: 51 Book Number: 5

PRIORITY

FLOW

WR#

NAME

Water Source

Aggie Creek

1850

1850

1879

1879

1880

1900

Anderson Hollow

1850

1850

Priority  
Date

1879

1879

1879

1879

1890

1900

1900

Dec 12, 2012

Beaver Pond Spring

1850

1862

Dec 08, 1949

Aug 08, 1955

0.1 cfs

0.03 18 cfs

0.1 cfs

0.3 cfs

Flow Rate (cfs)  
or  
Annual Volume (acft)

0.2 cfs

0.1 cfs

0.1 cfs

0.1 cfs

0.1 cfs

0.2 cfs

0.1 cfs

30 acft

2 acft

1 acft

1 acft

51-300

51-627

51-283

51-8607

51-8610

51-8613

51-646

51-633

51-634

51-643

51-644

51-645

51-263

51-611

51-629

51-632

51-4321

51-4322

51-651

E5279

51-522

51-6171

51-6165

51-6250

Spanish Fork City, a Municipal Corporation

Spanish Fork City, a Municipal Corporation

Howard R. and Deanne Tanner Francis  
Larry Lee and Ann Banks Francis

Spanish Fork City, a Municipal Corporation

Spanish Fork City, a Municipal Corporation

Spanish Fork City, a Municipal Corporation

Spanish Fork City, a Municipal Corporation

Frances Oberhansly

Frances Oberhansly

Kent W. and Kari H. Barber

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Frances Oberhansly

Spanish Fork City, a Municipal Corporation

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Frances Oberhansly

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Frances Oberhansly

Frances Oberhansly

Kent W. and Kari H. Barber

Francis Trust

Big Horn Mountain Property Owners Association

State of Utah Division of Wildlife Resources

Big Horn Mountain Property Owners Association Inc.

Big Horn Mountain Property Owners Association Inc.

Water Right Number and  
Owner of Record

Priority Schedule

Date of Publication: May 09, 2018

Page: 2



# Birdseye Proposed Determination Description of Water Rights (Example)

**Water Right Number**

*Area: 51 Book Number: 5*

**51-54**

**Propose** *Birdseye Subdivision*

**NAME:** K. D. Mitchell

**TYPE OF RIGHT:** DEC

**FLOW:** 0.2 cfs

**FULL SUPPLY EQUIVALENCE:** 39.5%

**PRIORITY:** 1879

**SOURCE:** Nebo Creek

---

**POINT OF DIVERSION -- SURFACE:**

[1] S 2346 feet E 2178 feet from the NW corner, Section 11 T 11S R 3E SLB&M  
 Diverting Works: Santaquin Ditch  
 Source: Nebo Creek

---

**BENEFICIAL USE:**

*[The following use data has appurtenant supplemental water rights.]*

**Water Use Group No. 228472. Water Rights Appurtenant to the following use(s):**  
 51-44,51,54,217,4373

**IRRIGATION:** from Apr 01 to Oct 31 SOLE SUPPLY: 3.1000 acres of the Group Total of 31.9300 acres.

**PLACE OF USE:** (which includes all or part of the following legal subdivisions:)

SC TOWN RANG BS	----- Northwest Quarter -----				----- Northeast Quarter -----				----- Southwest Quarter -----				----- Southeast Quarter -----				Section Totals
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	
02 11S 3E SL				*				*				*					22.7500
11 11S 3E SL				X	X	X	X	*				*			X	X	9.1800
<b>Group Total:</b>																<b>31.9300</b>	

---

**OTHER COMMENTS:**

This water right is a Second Class right [McCarty decree of 1899]. Second Class water is available at three different levels depending upon the stage of the Spanish Fork River. When the stage of the Spanish Fork River is greater than or equal to 344.5 cfs, all Second Class rights are satisfied. When the river stage is less than 344.5 cfs but greater than or equal to 253.5 cfs, all of the Second Class rights cannot exceed 2% of the river flow. When the river stage is less than 253.5 cfs but greater than 118.4 cfs, all of the Second Class rights cannot exceed 1% of the river flow. When the river stage is equal to or less than 118.4 cfs, no water is available for Second Class rights. The availability and the acre-foot amount of water delivered to the irrigated land under this Second Class water right are limited by the priority date [1879 or later].

*Description Of Water Rights*
*Date of Publication: May 09, 2018*
*Page: 66*



# Birdseye Proposed Determination Description of Water Rights (Example)

## Proposed Determination Book for Birdseye Subdivision

30 51-54

**NAME:** K. D. Mitchell  
**TYPE OF RIGHT:** DEC  
**FLOW:** 0.2 cfs  
**FULL SUPPLY EQUIVALENCE:** 39.5%

**PRIORITY:**  
**SOURCE:** Nebo Creek

- Name (Owner of Record)
- Type of Right
- Flow Rate (cfs or acre-feet)
- Full Supply Equivalence

### POINT OF DIVERSION -- SURFACE:

[1] S 2346 feet E 2178 feet from the NW corner, Section 11 T 11S R 3E SLB&M  
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02 11S 3E SL				*				*				*					22.7500
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Group Total:																	31.9300

### OTHER COMMENTS:

This water right is a Second Class right [McCarty decree of 1899]. Second Class water is available at three different levels depending upon the stage of the Spanish Fork River. When the stage of the Spanish Fork River is greater than or equal to 344.5 cfs, all Second Class rights are satisfied. When the river stage is less than 344.5 cfs but greater than or equal to 253.5 cfs, all of the Second Class rights cannot exceed 2% of the river flow. When the river stage is less than 253.5 cfs but greater than 118.4 cfs, all of the Second Class rights cannot exceed 1% of the river flow. When the river stage is equal to or less than 118.4 cfs, no water is available for Second Class rights. The availability and the acre-foot amount of water delivered to the irrigated land under this Second Class water right are limited by the priority date [1879 or later].



# Birdseye Proposed Determination Description of Water Rights (Example)

Proposed Determination Book for Birdseye Subdivision

Area: 51 Book Num

30 51-54

NAME: K. D. Mitchell

TYPE OF RIGHT: DEC

FLOW: 0.2 cfs

FULL SUPPLY EQUIVALENCE: 39.5%

PRIORITY: 1879

SOURCE: Nebo Creek

- Priority Date
- Source

## POINT OF DIVERSION -- SURFACE:

[1] S 2346 feet E 2178 feet from the NW corner, Section 11 T 11S R 3E SLB&M  
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## BENEFICIAL USE:

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	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	Totals
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# Birdseye Proposed Determination Description of Water Rights (Example)

Proposed Determination Book for Birdseye Subdivision

Area: 51 Book Number: 5

30 51-54

NAME: K. D. Mitchell

TYPE OF RIGHT: DEC

PRIORITY: 1879

FLOW: 0.2 cfs

SOURCE: Nebo Creek

FULL SUPPLY EQUIVALENCE: 39.5%

## POINT OF DIVERSION -- SURFACE:

- [1] S 2346 feet E 2178 feet from the NW corner, Section 11 T 11S R 3E SLB&M  
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02 11S 3E SL				*				*				*					22.7500
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Group Total:																	31.9300

## OTHER COMMENTS:

This water right is a Second Class right [McCarty decree of 1899]. Second Class water is available at three different levels depending upon the stage of the Spanish Fork River. When the stage of the Spanish Fork River is greater than or equal to 344.5 cfs, all Second Class rights are satisfied. When the river stage is less than 344.5 cfs but greater than or equal to 253.5 cfs, all of the Second Class rights cannot exceed 2% of the river flow. When the river stage is less than 253.5 cfs but greater than 118.4 cfs, all of the Second Class rights cannot exceed 1% of the river flow. When the river stage is equal to or less than 118.4 cfs, no water is available for Second Class rights. The availability and the acre-foot amount of water delivered to the irrigated land under this Second Class water right are limited by the priority date [1879 or later].

Point of Diversion Location  
&  
Well Data (if available)

# Birdseye Proposed Determination Description of Water Rights (Example)

Proposed Determination Book for Birdseye Subdivision

Area: 51 Book Number: 5

30 51-54

NAME: K. D. Mitchell

TYPE OF RIGHT: DEC

PRIORITY: 1879

FLOW: 0.2 cfs

SOURCE: Nebo Creek

FULL SUPPLY EQUIVALENCE: 39.5%

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Water Use Group

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				NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	
02	11S	3E	SL				*				*				*					22.7500
11	11S	3E	SL				X	*	X	X	*				*		X	X	X	9.1800
Group Total:																				31.9300

## OTHER COMMENTS:

This water right is a Second Class right [McCarty decree of 1899]. Second Class water is available at three different levels depending upon the stage of the Spanish Fork River. When the stage of the Spanish Fork River is greater than or equal to 344.5 cfs, all Second Class rights are satisfied. When the river stage is less than 344.5 cfs but greater than or equal to 253.5 cfs, all of the Second Class rights cannot exceed 2% of the river flow. When the river stage is less than 253.5 cfs but greater than 118.4 cfs, all of the Second Class rights cannot exceed 1% of the river flow. When the river stage is equal to or less than 118.4 cfs, no water is available for Second Class rights. The availability and the acre-foot amount of water delivered to the irrigated land under this Second Class water right are limited by the priority date [1879 or later].

# Birdseye Proposed Determination Description of Water Rights (Example)

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# Birdseye Proposed Determination Description of Water Rights (Example)

Proposed Determination Book for Birdseye Subdivision										Area: 51 Book Number: 5																																																																																						
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# Birdseye Proposed Determination Description of Water Rights (Example)

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Sole Supply  
Contribution



# Birdseye Proposed Determination Description of Water Rights (Example)

Proposed Determination Book for Birdseye Subdivision

Area: 51 Book Number: 5

30 51-54

NAME: K. D. Mitchell

TYPE OF RIGHT: DEC

PRIORITY: 1879

FLOW: 0.2 cfs

SOURCE: Nebo Creek

FULL SUPPLY EQUIVALENCE: 39.5%

## POINT OF DIVERSION -- SURFACE:

- [1] S 2346 feet E 2178 feet from the NW corner, Section 11 T 11S R 3E SLB&M  
Diverting Works: Santaquin Ditch  
Source: Nebo Creek

## BENEFICIAL USE:

*[The following use data has appurtenant supplemental water rights.]*

Water Use Group No. 228472. Water Rights Appurtenant to the following use(s):  
51-44, 51-54, 217, 4373

IRRIGATION: from Apr 01 to Oct 31 SOLE SUPPLY: 3.1000 acres of the Group Total of 31.9300 acres.

PLACE OF USE: (which includes all or part of the following legal subdivisions:)

SC TOWN RANG BS	----- Northwest Quarter -----				----- Northeast Quarter -----				----- Southwest Quarter -----				----- Southeast Quarter -----				Section
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	Totals
02 11S 3E SL				*				*				*					22.7500
11 11S 3E SL				X	X	X	X	*				*		X	X	X	9.1800
Group Total:																	31.9300

## OTHER COMMENTS:

This water right is a Second Class right [McCarty decree of 1899]. Second Class water is available at three different levels depending upon the stage of the Spanish Fork River. When the stage of the Spanish Fork River is greater than or equal to 344.5 cfs, all Second Class rights are satisfied. When the river stage is less than 344.5 cfs but greater than or equal to 253.5 cfs, all of the Second Class rights cannot exceed 2% of the river flow. When the river stage is less than 253.5 cfs but greater than 118.4 cfs, all of the Second Class rights cannot exceed 1% of the river flow. When the river stage is equal to or less than 118.4 cfs, no water is available for Second Class rights. The availability and the acre-foot amount of water delivered to the irrigated land under this Second Class water right are limited by the priority date [1879 or later].

# Birdseye Proposed Determination Description of Water Rights (Example)

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# Birdseye Proposed Determination Description of Water Rights (Example)

Proposed Determination Book for Birdseye Subdivision

Area: 51 Book Number: 5

30 51-54

NAME: K. D. Mitchell

TYPE OF RIGHT: DEC

PRIORITY: 1879

FLOW: 0.2 cfs

SOURCE: Nebo Creek

FULL SUPPLY EQUIVALENCE: 39.5%

## POINT OF DIVERSION -- SURFACE:

- [1] S 2346 feet E 2178 feet from the NW corner, Section 11 T 11S R 3E SLB&M  
Diverting Works: Santaquin Ditch  
Source: Nebo Creek

## BENEFICIAL USE:

*[The following use data has appurtenant supplemental water rights.]*

Water Use Group No. 228472. Water Rights Appurtenant to the following use(s):  
51-44, 51-54, 217, 4373

IRRIGATION: from Apr 01 to Oct 31 SOLE SUPPLY: 3.1000 acres of the Group Total of 31.9300 acres.

PLACE OF USE: (which includes all or part of the following legal subdivisions:)

SC TOWN RANG BS	----- Northwest Quarter -----				----- Northeast Quarter -----				----- Southwest Quarter -----				----- Southeast Quarter -----				Section Totals
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	
02 11S 3E SL					*				*								22.7500
11 11S 3E SL				X	*	X	X	X	*				*		X	X	9.1800
Group Total:																	31.9300

## OTHER COMMENTS:

This water right is a Second Class right [McCarty decree of 1899]. Second Class water is available at three different levels depending upon the stage of the Spanish Fork River. When the stage of the Spanish Fork River is greater than or equal to 344.5 cfs, all Second Class rights are satisfied. When the river stage is less than 344.5 cfs but greater than or equal to 253.5 cfs, all of the Second Class rights cannot exceed 2% of the river flow. When the river stage is less than 253.5 cfs but greater than 118.4 cfs, all of the Second Class rights cannot exceed 1% of the river flow. When the river stage is equal to or less than 118.4 cfs, no water is available for Second Class rights. The availability and the acre-foot amount of water delivered to the irrigated land under this Second Class water right are limited by the priority date [1879 or later].

**Place of Use:  
Quarter-Section**



# Birdseye Proposed Determination Description of Water Rights (Example)

Proposed Determination Book for Birdseye Subdivision

Area: 51 Book Number: 5

30 51-54 NAME: K. D. Mitchell  
TYPE OF RIGHT: DEC PRIORITY: 1879  
FLOW: 0.2 cfs SOURCE: Nebo Creek  
FULL SUPPLY EQUIVALENCE: 39.5%

## POINT OF DIVERSION -- SURFACE:

[1] S 2346 feet E 2178 feet from the NW corner, Section 11 T 11S R 3E SLB&M  
Diverting Works: Santaquin Ditch  
Source: Nebo Creek

## BENEFICIAL USE:

*[The following use data has appurtenant supplemental water rights.]*

Water Use Group No. 228472. Water Rights Appurtenant to the following use(s):  
51-44, 51-54, 217, 4373

IRRIGATION: from Apr 01 to Oct 31 SOLE SUPPLY: 3.1000 acres of the Group Total of 31.9300 acres.

PLACE OF USE: (which includes all or part of the following legal subdivisions:)

----- Northwest Quarter -----				----- Northeast Quarter -----				----- Southwest Quarter -----				----- Southeast Quarter -----				Section
SC TOWN	RANG	BS		NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	Totals
02	11S	3E	SL					*				*				22.7500
11	11S	3E	SL				X	*	X	X		*		X	X	9.1800
Group Total:																31.9300

## OTHER COMMENTS:

This water right is a Second Class right [McCarty decree of 1899]. Second Class water is available at three different levels depending upon the stage of the Spanish Fork River. When the stage of the Spanish Fork River is greater than or equal to 344.5 cfs, all Second Class rights are satisfied. When the river stage is less than 344.5 cfs but greater than or equal to 253.5 cfs, all of the Second Class rights cannot exceed 2% of the river flow. When the river stage is less than 253.5 cfs but greater than 118.4 cfs, all of the Second Class rights cannot exceed 1% of the river flow. When the river stage is equal to or less than 118.4 cfs, no water is available for Second Class rights. The availability and the acre-foot amount of water delivered to the irrigated land under this Second Class water right are limited by the priority date [1879 or later].

Place of Use:  
Quarter-Quarter  
(40-acre tract)

# Birdseye Proposed Determination Description of Water Rights (Example)

Proposed Determination Book for Birdseye Subdivision

Area: 51 Book Number: 5

30 51-54

NAME: K. D. Mitchell

TYPE OF RIGHT: DEC

PRIORITY: 1879

FLOW: 0.2 cfs

SOURCE: Nebo Creek

FULL SUPPLY EQUIVALENCE: 39.5%

## POINT OF DIVERSION -- SURFACE:

- [1] S 2346 feet E 2178 feet from the NW corner, Section 11 T 11S R 3E SLB&M  
Diverting Works: Santaquin Ditch  
Source: Nebo Creek

## BENEFICIAL USE:

*[The following use data has appurtenant supplemental water rights.]*

Water Use Group No. 228472. Water Rights Appurtenant to the following use(s):  
51-44, 51-54, 217, 4373

IRRIGATION: from Apr 01 to Oct 31 SOLE SUPPLY: 3.1000 acres of the Group Total of 31.9300 acres.

PLACE OF USE: (which includes all or part of the following legal subdivisions:)

SC TOWN RANG BS	----- Northwest Quarter -----				----- Northeast Quarter -----				----- Southwest Quarter -----				----- Southeast Quarter -----				Section
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	Totals
02 11S 3E SL				*				*				*					22.7500
11 11S 3E SL				X	X	X	X	*				*		X			9.1800
Group Total																	31.9300

## OTHER COMMENTS:

This water right is a Second Class right [McCarty decree of 1899]. Second Class water is available at three different levels depending upon the stage of the Spanish Fork River. When the stage of the Spanish Fork River is greater than or equal to 344.5 cfs, all Second Class rights are satisfied. When the river stage is less than 344.5 cfs but greater than or equal to 253.5 cfs, all of the Second Class rights cannot exceed 2% of the river flow. When the stage is less than 253.5 cfs but greater than 118.4 cfs, all Second Class rights cannot exceed 1% of the river flow. When the stage is equal to or less than 118.4 cfs, no water is available for Second Class rights. The availability and the acre-foot amount of water available for irrigated land under this Second Class water right are limited by the priority date [1879 or later].

**Place of Use:  
Acreage Total per Section**

# Birdseye Proposed Determination Description of Exchanges (Example)

Proposed Determination Book for Birdseye Subdivision

Area: 51 Book Number: 5

7 **E4304** **NAME:** Loyd G. Jackson  
**TYPE OF RIGHT:** Exchange (51-7764) **PRIORITY:** Feb 26, 2003  
**FLOW:** 12 acft **SOURCE:** Crab Creek

**POINT OF DIVERSION -- SURFACE:**

[1] **S 218 feet E 1184 feet from the NW corner, Section 08 T 10S R 4E SLB&M**  
Diverting Works: Jackson Crab Ditch  
Source: Crab Creek

**BENEFICIAL USE:**

*[The following use data has appurtenant supplemental water rights.]*

**Water Use Group No. 635029.** Water Rights Appurtenant to the following use(s):  
51-3937, E4304

**IRRIGATION:** from Apr 01 to Oct 31 **SOLE SUPPLY:** Unevaluated Acres of the Group Total of 2.3500 acres.

*This water use group is supplemented with 12.00 acre-feet of Strawberry Valley Project water.*

**PLACE OF USE:** (which includes all or part of the following legal subdivisions:)

		----- Northwest Quarter -----				----- Northeast Quarter -----				----- Southwest Quarter -----				----- Southeast Quarter -----				Section
SC	TOWN	RANG	BS	NW	NE	SW	SE	*	NW	NE	SW	SE	*	NW	NE	SW	SE	Totals
08	10S	4E	SL		X			*					*					2.3500
Group Total:																		2.3500

**OTHER COMMENTS:**

The underlying water rights associated with this Exchange have points of diversion on sources in the Uinta Basin that are located outside the boundary of the Proposed Determination for the Utah County Division, Birdseye Subdivision [Area 51, Book 5] and ultimately outside the boundary of the Utah Lake-Jordan River General Adjudication. Consequently, this Exchange is not subject to the Utah Lake-Jordan River adjudicative proceedings and is included within the Birdseye Proposed Determination for information, administration, and distribution purposes only.



# ***Birdseye Proposed Determination Renumbered Rights***

Proposed Determination Book for Birdseye Subdivision		Area: 51	Book Number: 5
OLD WATER RIGHT NUMBER		NEW WATER RIGHT NUMBER	
51-20	has been Renumbered to	51-5	
51-24	has been Renumbered to	51-5	
51-25	has been Renumbered to	51-5	
51-26	has been Renumbered to	51-5	
51-71	has been Renumbered to	51-70	
51-72	has been Renumbered to	51-70	
51-73	has been Renumbered to	51-70	
51-74	has been Renumbered to	51-70	
51-75	has been Renumbered to	51-70	
51-76	has been Renumbered to	51-70	
51-77	has been Renumbered to	51-70	
51-78	has been Renumbered to	51-70	
51-79	has been Renumbered to	51-70	
51-80	has been Renumbered to	51-70	
51-81	has been Renumbered to	51-70	
51-82	has been Renumbered to	51-70	
51-83	has been Renumbered to	51-70	
51-84	has been Renumbered to	51-70	
51-85	has been Renumbered to	51-70	
51-86	has been Renumbered to	51-70	
51-87	has been Renumbered to	51-70	
51-88	has been Renumbered to	51-70	
51-89	has been Renumbered to	51-70	
51-90	has been Renumbered to	51-70	
51-91	has been Renumbered to	51-70	
51-92	has been Renumbered to	51-70	
51-93	has been Renumbered to	51-70	
51-94	has been Renumbered to	51-70	
51-95	has been Renumbered to	51-70	
51-96	has been Renumbered to	51-70	
51-97	has been Renumbered to	51-70	
51-98	has been Renumbered to	51-70	
51-99	has been Renumbered to	51-70	



# Birdseye Proposed Determination Disallowed Rights

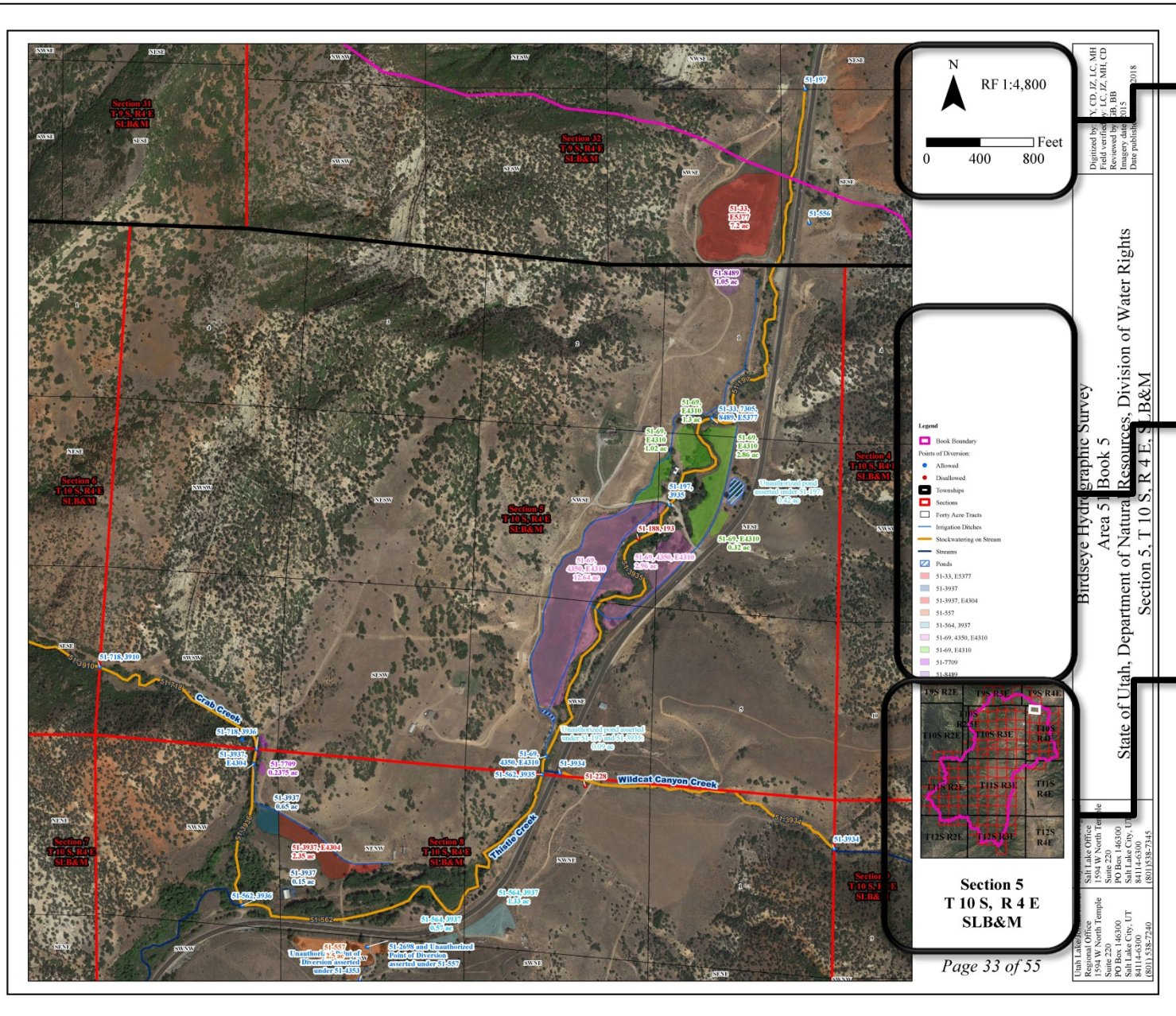
Water Right Number		Proposed Determination for Birdseye Subdivision		Area: 51 Book Number: 5
WR#	NAME	POINT(S) OF DIVERSION	SOURCE	
51-9	Max Nicholes	[1] N 540 feet W 1330 feet from the E4 corner, Section 02 T 11S R 3E SLB&M	Cox Canyon Creek	
51-12	Merlyn & Renae O. Swenson	[1] S 780 feet E 630 feet from the N4 corner, Section 02 T 11S R 3E SLB&M	Gardner Hollow	
51-13	Name of Owner of Record	810 feet from the S4 corner, Section 35 T 10S R 3E SLB&M	Hudson Hollow Stream	
51-15		[1] S 120 feet W 725 feet from the E4 corner, Section 27 T 10S R 3E SLB&M	Spring Stream (Mitchell Ditch)	
51-16	The Condley Family Trust	[1] S 120 feet W 725 feet from the E4 corner, Section 27 T 10S R 3E SLB&M	Points of Diversion & Source	
51-17	Lois B. Roach	[1] S 259 feet W 1225 feet from the W4 corner, Section 22 T 10S R 3E SLB&M	Mitchell Spring	
51-18	Lois B. Roach	[1] N 95 feet W 1516 feet from the SE corner, Section 22 T 10S R 3E SLB&M	Benny Creek (Clinton Ditch)	
51-21	The Condley Family Trust	[1] N 1155 feet W 1320 feet from the SE corner, Section 27 T 10S R 3E SLB&M	North Water Hollow Stream	
51-22	The Condley Family Trust	[1] N 1200 feet W 785 feet from the SE corner, Section 27 T 10S R 3E SLB&M	Water Hollow Stream	
51-35	Spanish Fork City, a Municipal Corporation	[1] N 1700 feet W 1800 feet from the SE corner, Section 02 T 10S R 3E SLB&M	Crab Creek (Crab Creek Ditch)	
51-37	Keith O. Dixon	[1] N 1170 feet W 1435 feet from the E4 corner, Section 14 T 10S R 3E SLB&M	House Stream	

# Birdseye Proposed Determination Alphabetic Index

Proposed Determination Book for Birdseye Subdivision				Area: 51 Book Number: 5
NAME	SOURCE	WR#	PAGE	Page Number
Barber, Kent and Kari	Bennie Creek	E5375	6, 438	Water Right Number
Barber, Kent W. and Kari H.	Bennie Creek	51-432	4, 152	
Barber, Kent W. and Kari H.	Stick Spring	51-433	19, 154	Point of Diversion Source
Barber, Kent W. and Kari H.	Caradine Stream	51-434		
Barber, Kent W. and Kari H.	Caradine Stream	51-435		Name of Owner of Record
Barber, Kent W. and Kari H.	Caradine Stream	51-436		
Barber, Kent W. and Kari H.	Lower Caradine Spring	51-339		Page Number
Barber, Kent W. and Kari H.	Anderson Hollow	51-643	2, 244	
Barber, Kent W. and Kari H.	Anderson Hollow	51-644	2, 245	Water Right Number
Barber, Kent W. and Kari H.	Anderson Hollow	51-651	2, 251	
Barber, Kent W. and Kari H.	Stick Spring			Point of Diversion Source
Barber, Kent W. and Kari H.	Stick Spring			
Barber, Kent W. and Kari H.	Stick Spring			Name of Owner of Record
Barber, Kent W. and Kari H.	Stick Spring			
Barber, Kent W. and Kari H.	Bennie Creek	51-4292	10, 300	Page Number
Barber, Kent W. and Kari H.	Bennie Creek	51-4293	5, 309	
Barber, Kent W. and Kari H.	Caradine Stream	51-4294	8, 311	Water Right Number
Barber, Kent W. and Kari H.	Caradine Stream	51-4295	464	
Barber, Kent W. and Kari H.	Caradine Stream	51-4296	8, 312	Page Number
Barber, Kent W. and Kari H.	Caradine Stream	51-8541	7, 402	
Barber, Kent W. and Kari H.	Crab Creek	51-557	9, 209	Water Right Number
Berrett Family Revocable Trust, Carol C.	Underground Water Well	51-2698	25, 286	
Berrett Family Revocable Trust, Carol C.	Left Fork Spencer Creek	51-519	13, 189	Page Number
Big Horn Mountain Property Owners Association	Unnamed Spring	51-521	23, 190	
Big Horn Mountain Property Owners Association	Colorado, Homestead, Beaver Springs	51-522	2, 8, 11, 191	Water Right Number
Big Horn Mountain Property Owners Association	Beaver Pond Spring	51-523	453	
Big Horn Mountain Property Owners Association	Right Fork Spencer Creek	51-4378	17, 365	Page Number
Big Horn Mountain Property Owners Association	Spencer Creek	51-4380	18, 365	
Big Horn Mountain Property Owners Association	Homestead Spring	51-6128	466	Water Right Number
Big Horn Mountain Property Owners Association Inc.	Beaver Pond, Watusi, Pine Springs	51-6165	2, 16, 24, 372	
Big Horn Mountain Property Owners Association Inc.	Beaver Pond, Watusi, Pine Springs	51-6250	2, 16, 24, 376	Page Number
Big Horn Mountain Property Owners Association Inc.	Beaver Pond, Watusi, Pine Springs	51-6251	2, 16, 24, 378	
Black, George W. and Kathryn D.	Underground Water Well	51-6929	25, 388	



# Birdseye Proposed Determination Hydrographic Survey Maps



North Arrow,  
Scale, and  
Scale Bar

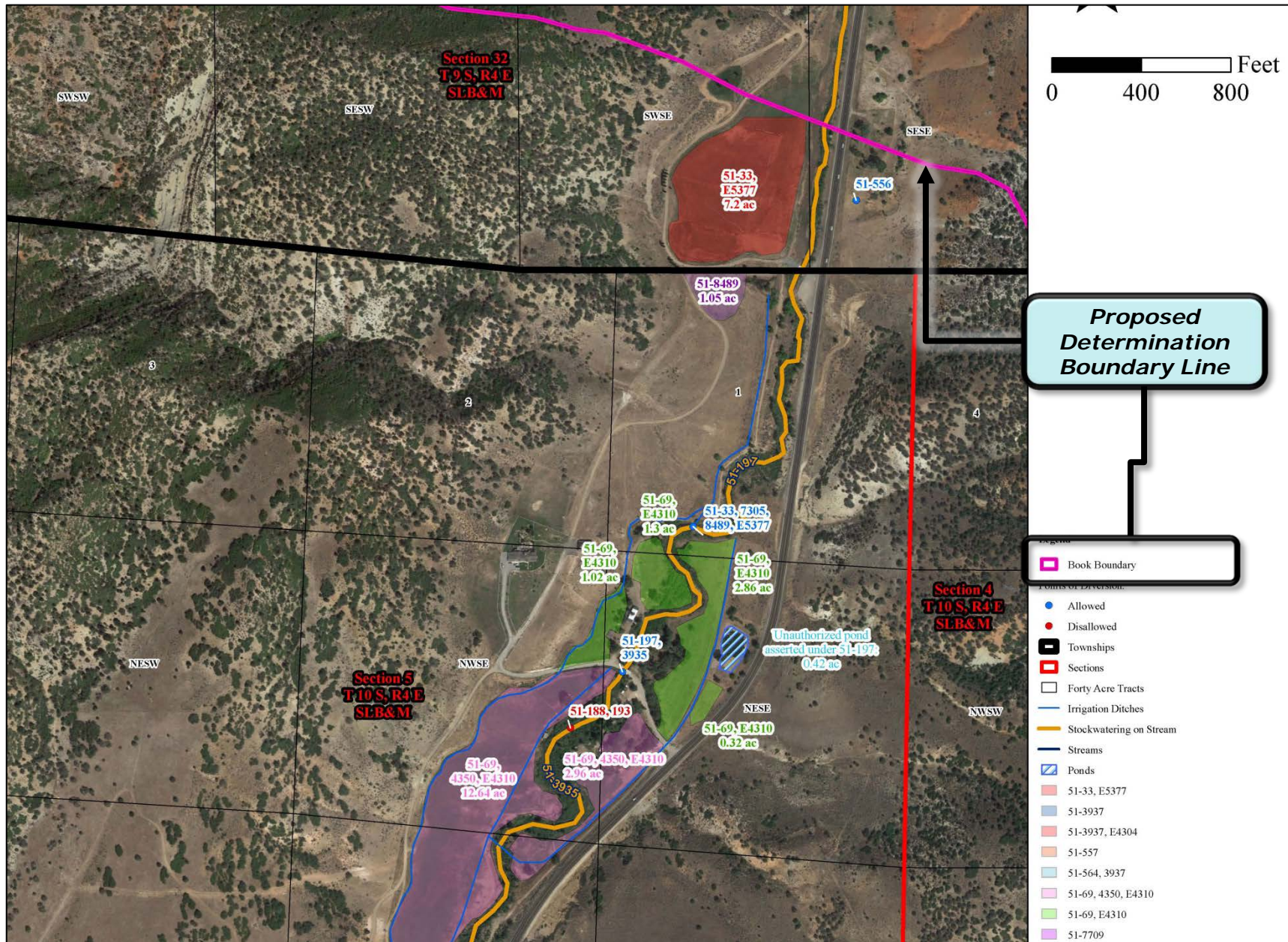
Map Legend

Map Location



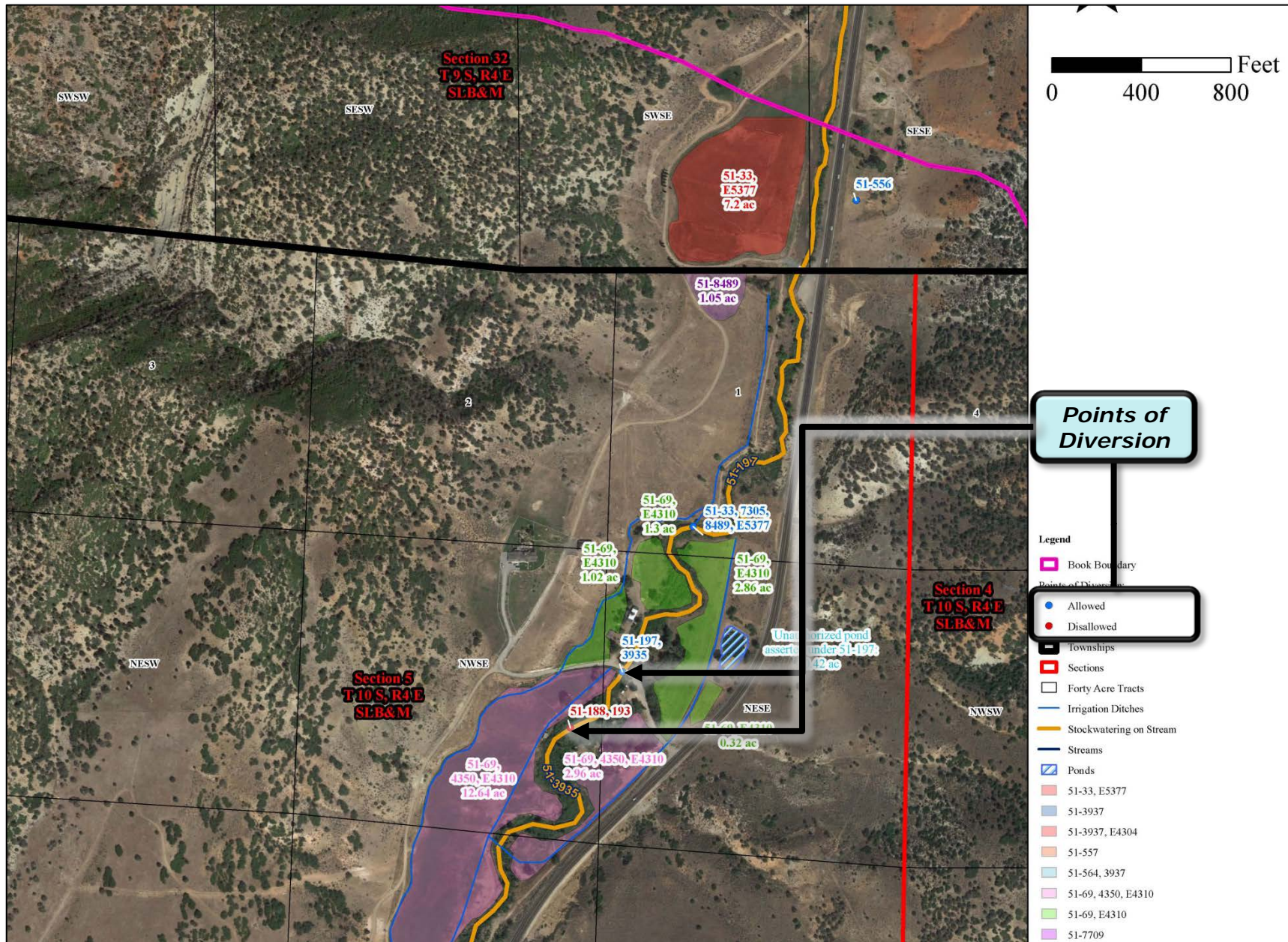


# Birdseye Proposed Determination Hydrographic Survey Maps



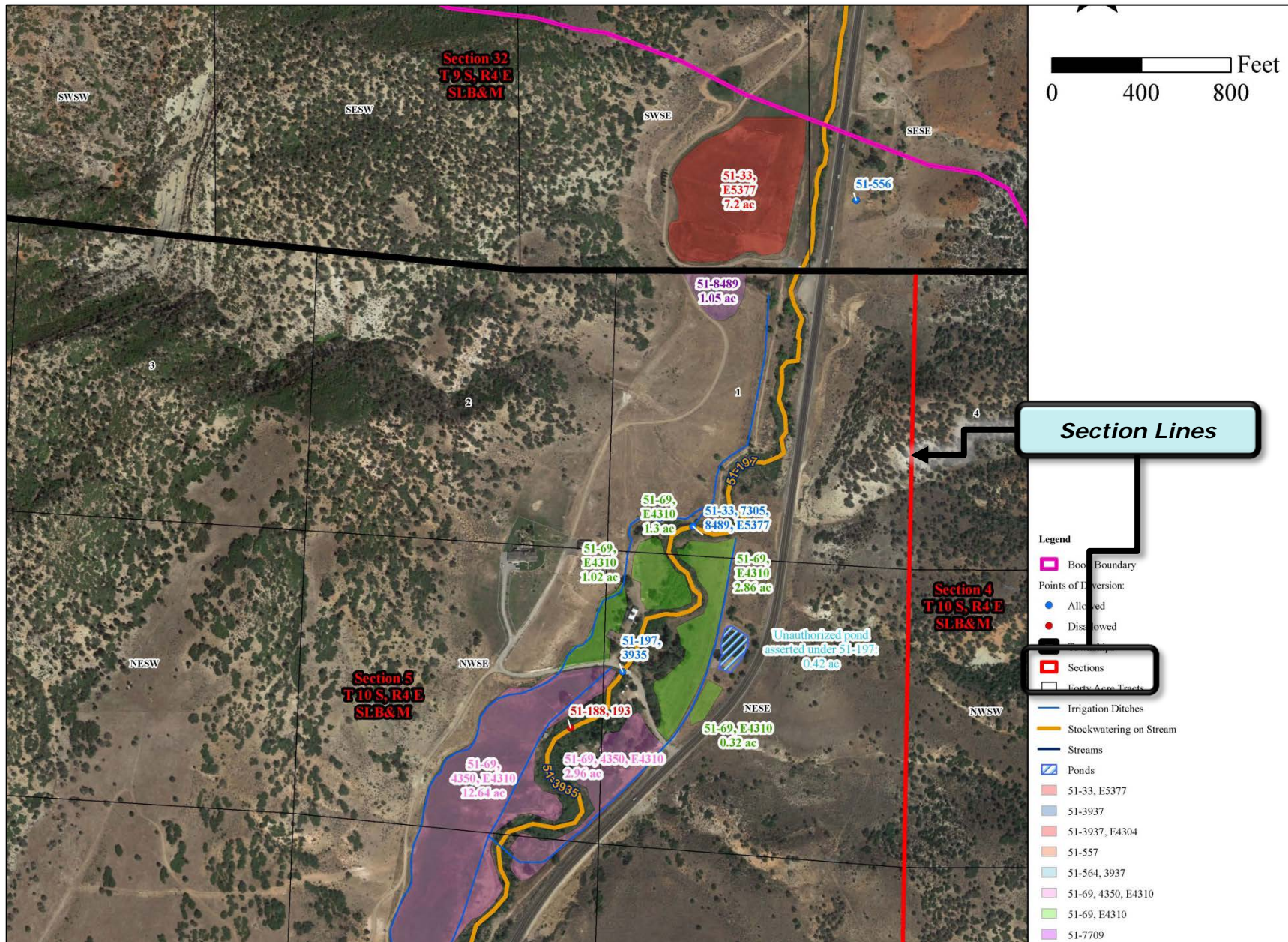


# Birdseye Proposed Determination Hydrographic Survey Maps



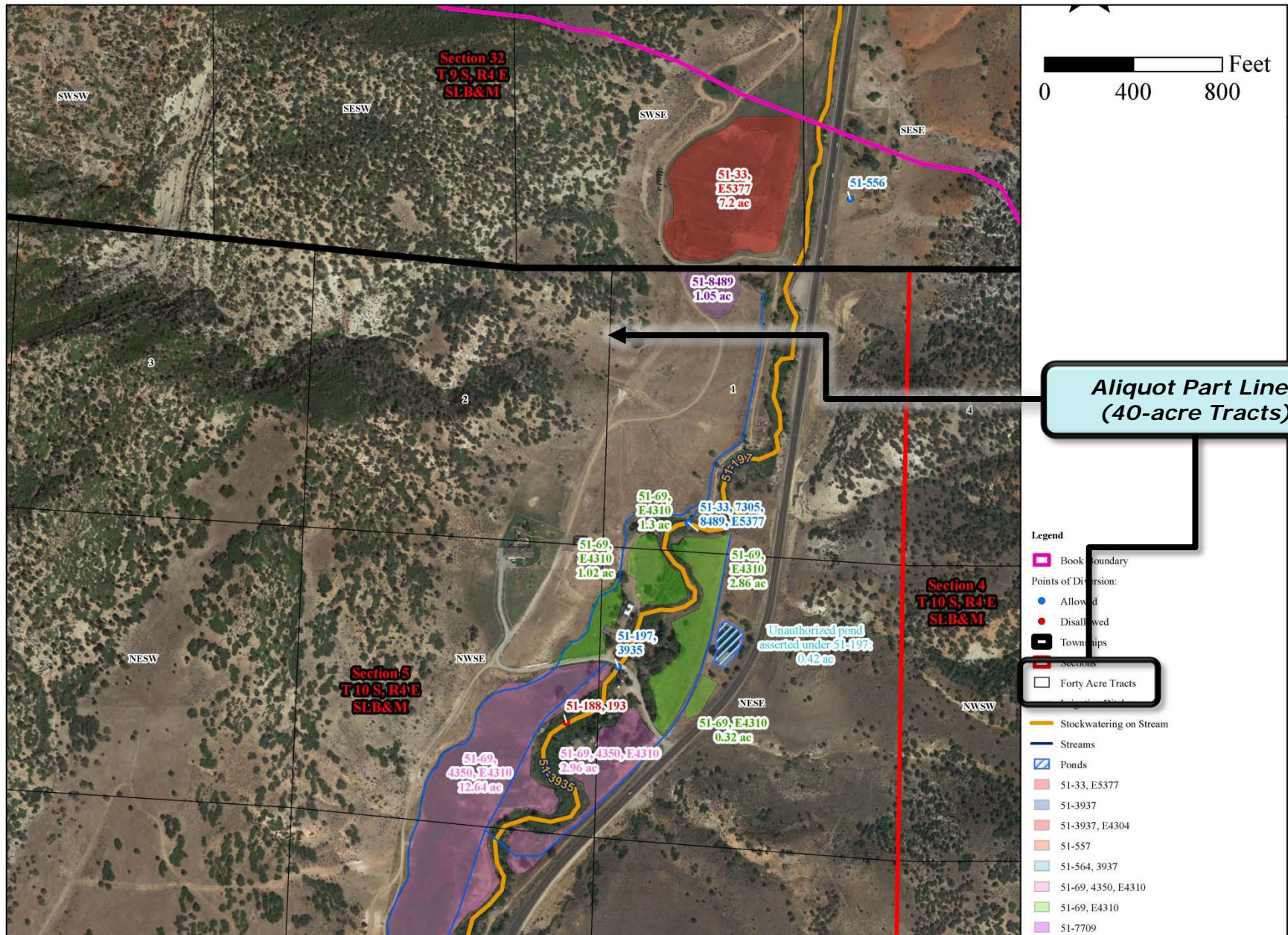


# Birdseye Proposed Determination Hydrographic Survey Maps



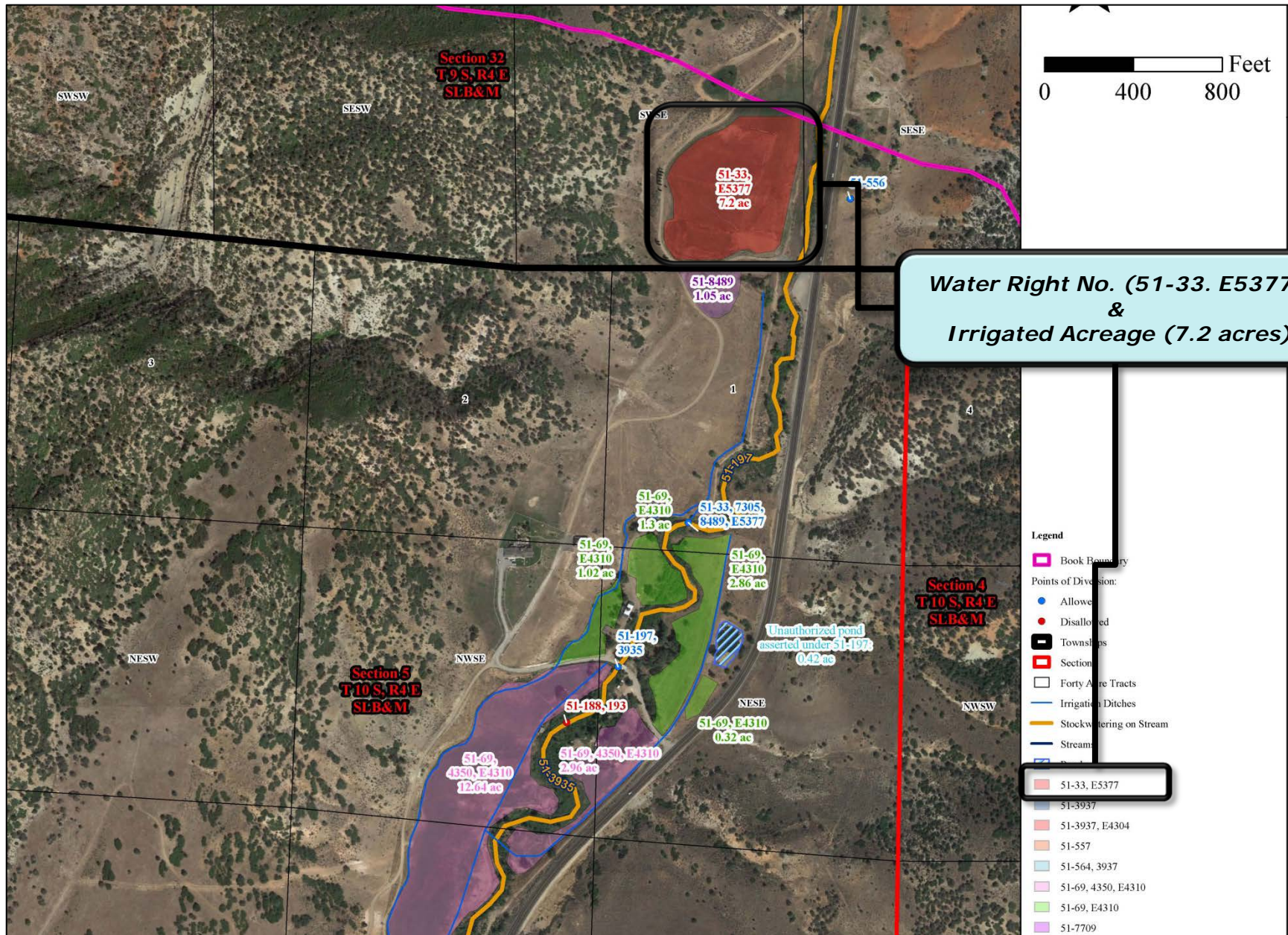


# Birdseye Proposed Determination Hydrographic Survey Maps





# Birdseye Proposed Determination Hydrographic Survey Maps





# ***Accessing the Proposed Determination***

## ***Recipients of the Notice of the Proposed Determination:***

- Water right owners & claimants listed on the records of the State Engineer.
- Counsel of record who have filed an appearance in the court.

## ***The Proposed Determination can be accessed via:***

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

## ***The Hydrographic Survey Map can be accessed via:***

- <http://www.waterrights.utah.gov/pdbooks/BirdseyeHS>
- Hardcopies can be viewed at our office.



# ***Who can I contact to discuss the Adjudication Process?***

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***Questions?***

