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State of Utah

DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER
Executive Director JERRY D. OLDS
State Engineer/Division Director

January 31, 2007

Dear Professional Engineer or Land Surveyor,

The Division of Water Rights is modifying the procedures for submitting Proofs of Beneficial Use (proofs). It has been our practice to require that proofs be reviewed and accepted as sufficient by our office before being sent back to the licensed engineer or land surveyor (professional) for corrections and signatures.

We are now, hereby, requiring that submitted proofs be complete in form and in substance and conform to the following standards:

1. Proofs must be signed by the applicant or the applicant's appointed representative.
2. Proofs and all related maps must be signed and stamped by the proof professional.
3. The signatures on the proof must be properly notarized.
4. The entity submitting proof must be the current water right owner as shown on our records.

These standards apply to all proofs submitted on or after February 1, 2007. Proofs that do not meet these standards will be promptly returned. **A proof will not be considered filed until it is submitted complete and in accordance with the above standards.**

With this letter we are also clarifying the requirement for submitting proof maps. The statute allows the state engineer to waive the requirement for a proof map in certain situations. In the past we have sometimes waived the map requirement for domestic or stock watering proofs that did not contain irrigation. However, it has become apparent that the map is an invaluable part of the proof for every application, regardless of the water right's size or nature of use. Therefore, we are now requiring that maps be submitted with virtually all proofs.

One of the primary purposes of a proof map is to establish the land on which the water right is appurtenant. Because of that, proof maps involving stock watering must show the locations of troughs or other watering facilities. This is in addition to other livestock facilities such as corrals, barns, or pastures which also must be shown on the map. If the troughs are not permanent fixtures on the land and the applicant's practice is to move them around, the map must show the extent of land on which they would normally be moved. These areas should be identified with polygons, similar to how irrigation boundaries are typically shown. The stock watering rights, then, become appurtenant to those parcels of land and not to the temporary locations of the troughs at the time proof is prepared.

These changes are our first step in revamping the current proof process. Other changes in the works are the development of administrative rules for proofs, development of a proof training manual, periodic training for proof professionals, and an electronic, database-linked proof form.

We expect that the changes will result in more efficient proof processing and in standardized, high quality proofs being submitted.

Please plan your proof work with the new procedures in mind. If proof cannot be submitted by the proof due date, you may want to advise the applicant to file an extension of time request. (See Section 73-3-12 of the Utah Code for the statute governing extensions.)

Enclosed is an updated proof form reflecting changes to the signature pages as discussed in this letter. A shortened version of the form is also enclosed. The short form can be used for any proof that does not go beyond what is listed on the form. Additional signature pages should be used if there is more than one applicant signing the proof. Both proof forms and additional signature pages are available on our website at <http://www.waterrights.utah.gov>.

If you have any questions, please contact Jared Manning in our Salt Lake City Office or an employee in one of the regional offices.

Sincerely,

Jerry D. Olds, P.E.
Utah State Engineer