

OFFICE MEMORANDUM DIRECTIVE

DATE: JANUARY 18, 1991

TO: DIRECTING ENGINEERS
AREA ENGINEER/MANAGERS STAFF

FROM: ROBERT L. MORGAN, STATE ENGINEER
KENT L. JONES, APPROPRIATIONS ENGINEER

RE: PROOF REQUIREMENTS FOR SUBDIVISION WATER CERTIFICATION

The State Engineer and staff engineers have met and discussed the variations of receiving and certifying proofs of appropriations and permanent changes describing subdivision developments in Utah. It is noted that several methods have been employed within the state and it is reasonable that uniform standards can be adopted to assist the public, proof engineers & land surveyors, property owners, and developers in complying with those associated rules and regulations.

Proofs of Appropriation and Permanent Change filed on applications that describe water to be used for subdivision purposes, including domestic, irrigation, livestock watering, and light commercial or light industrial uses can now be filed and certification issued by the State Engineer if the following conditions are met:

1. The subdivision has been filed with the county of record and has met all local, county, and state requirements and ordinances. All improvements proposed by the developer and described in the subdivision code or ordinances have been completed and accepted by the county commission (or appropriate regulating agency).
2. A water system has been approved by the State of Utah, Department of Health, Division of Environmental Health, and the installation of all appurtenant works has been completed to the property lines, or as approved, and inspected by that department or through a registered engineer.
3. A water right application or change application has been approved by the State Engineer for all proposed uses. The source (s) of water has sufficient quantity and quality to meet those described needs as proposed in the pending application and has met the rules and regulations as required by the Division of Environmental Health.
4. The source (s) of water is equipped with a water totalizing meter (s) and the developer, as a legal water supplier, or mutual water company shall be prepared to maintain an accurate measurement and record of water used within the system. These records shall be submitted to the Division of Water Rights on a calendar-year basis for inclusion in the annual reports of municipal, commercial, industrial, or related uses.

5. The title to the water right (s) is held by an incorporated water company who has the authority to act for the water users through an elected or appointed board of directors.

This policy will allow those subdivisions with completed water systems that have been approved by the State Engineer and Division of Environment Health to file proof on their present and potential uses of water based on their underlying water right applications. The benefits derived by the Division of Water Rights in regular and routine notification of proof due and the processing of requests for the extension of time will be increased since the policy will reduce personnel time and involvement and will allow the applicants to finalize what, at times, seems to be a never-ending extension and proof process. Upon certification, acre-foot limits will be established for the uses involved, based on actual measurements of water and accepted usage quantities for those purposes described, as approved by the Division of Water Rights.

CHECKLIST
PROOFS ON SUBDIVISIONS

Note: This checklist is provided for general guidance only. For detailed information and policy, contact the State of Utah, Division of Water Rights.

In order for Proofs of Appropriation of Permanent Change to be accepted by the Division of Water Rights prior to full occupancy and beneficial use within a residential subdivision, the following conditions must be met:

- # The underlying water right has been approved by the State Engineer for the purposes described on the proposed development.
- # Provide evidence that the subdivision has been properly filed with the county of record and has met all applicable subdivision ordinances.
- # Provide evidence that all infrastructure improvements proposed by the developer or required by ordinance are complete and have been accepted by the county commission or governing agency.
- # Provide evidence of a completed water system certified by a registered professional engineer as being capable of delivering the proposed quantity and quality of water to the described places of use. Also document that the water system design and installation has been approved and certified by the State of Utah, Department of Health, Division of Environmental Health, or a registered professional engineer.
- # Provide evidence that the source(s) of water for the subdivision is equipped with accurate totalizing meter (s) that will record all water diverted for use within said subdivision.
- # Provide a description of the legally instituted organization (homeowners' association, mutual water company, private water company, etc.) that will assume responsibility for operation of the water system, including bylaws, ordinances, etc., that will (1) bind that organization to maintain accurate measurements and records of water usage, and (2) submit said records of use to the Division of Water Rights at the end of each calendar year.
- # Provide a properly completed and certified Proof of Appropriation or Permanent Change and associated proof map as required by current policy of the Division of Water Rights.

The form of acceptable documentation for the foregoing items may vary from one jurisdiction to another and it is advised that the proof engineer and developer initiate contact with the appropriate area office of the Division of Water Rights early in the proof process to verify the acceptability of the proposed documentation. Proofs submitted under this policy will not be considered complete and accepted for filing unless all requirements are fulfilled. Proof engineers are advised to assemble all required documents into a single submittal to avoid possible loss or misfiling of separately submitted documents.

Staff should be cautious in accepting these proofs. They should be certificated only if all conditions are answered. This type of proof should not be a tool for extending rights for other future purposes.