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Delta Canal Company, Melville Irrigation Company, Abraham Irrigation Company, Deseret Irrigation Company, and Central Utah Water Company v. Frank Vincent Family Ranch : Amicus Brief

Utah Supreme Court

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IN THE UTAH SUPREME COURT

DELTA CANAL COMPANY; MELVILLE
IRRIGATION COMPANY; ABRAHAM
IRRIGATION COMPANY; DESERET
IRRIGATION COMPANY; and CENTRAL
UTAH WATER COMPANY,

Appellants

vs.

FRANK VINCENT FAMILY RANCH, LC.

Appellee

Appeal No. 20120470

(District Court Case No. 080700087)

BRIEF OF AMICUS CURIAE UTAH STATE ENGINEER

APPEAL FROM THE FOURTH JUDICIAL DISTRICT COURT,
MILLARD COUNTY, STATE OF UTAH
THE HONORABLE JUDGE DONALD EYRE, JR.

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UTAH APPELLATE COURTS

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I. INTRODUCTION

The State Engineer submits this Brief of Amicus Curiae to address whether partial forfeiture of a water right was part of Utah water law before the Utah legislature amended Utah Code Ann. § 73-1-4 in 2002 to explicitly provide for partial forfeiture of a water right. Because the period of concern extends back to the passage of the original forfeiture statute in 1897, the State Engineer bases his arguments on the version of the statute in place during most of that time, as represented by the pre-1996 version, which read:

When an appropriator or his successor in interest abandons or ceases to use water for a period of five years, the right ceases, unless, before the expiration of the five-year period, the appropriator or his successor in interest files a verified application for an extension of time with the state engineer.

Utah Code Ann. § 73-1-4(1)(a) (1989).¹

Prior to 2002, the plain language of section 73-1-4 provided for partial forfeiture of

¹ After minor amendments in 1996 and prior to 2002, the statute stated:

(1)(a) When an appropriator or the appropriator's successor in interest abandons or ceases to use water for a period of five years, the water right ceases and the water reverts to the public, unless, before the expiration of the five-year period, the appropriator or the appropriator's successor in interest files a verified application for an extension of time with the state engineer.

Utah Code Ann. § 73-1-4(1)(a) (Supp. 2001). The current version of the statute reads:

When an appropriator or the appropriator's successor in interest abandons or ceases to use all or a portion of a water right for a period of seven years, the water right or the unused portion of that water right is subject to forfeiture in accordance with Subsection (2)(c), unless the appropriator or the appropriator's successor in interest files a nonuse application with the state engineer.

Utah Code Ann. § 73-1-4(2)(a) (Supp. 2012).

water rights. Partial forfeiture is also consistent with the beneficial use provision set out in Utah Code Annotated Section 73-1-3. Holding that partial forfeiture was not part of Utah water law prior to 2002 would put Utah's forfeiture statute, section 73-1-4, in conflict with the state's beneficial use statute, section 73-1-3. It would also create an absurd result by allowing the owner of a water right to preserve the entire right by using only a small portion for long periods of time, perhaps decades. Such a result is contrary to the prior appropriation doctrine and basic beneficial use policy.

Other legal and policy considerations support partial forfeiture. Partial forfeiture encourages beneficial use and discourages waste and speculation. It also strikes a balance between the property rights of the individual water user and those of other water users in the hydrologic system. It is consistent with the law in other states. Moreover, the consequences of partial forfeiture are fair because a water user has long had the option—among others—to protect a water right from forfeiture for non-use by filing a non-use application in accordance with section 73-1-4. Forfeiture does not occur if sufficient water for the right is unavailable due to a lack of natural supply. Finally, partial forfeiture is inherent in the Utah general adjudication statutes. Without partial forfeiture, a general adjudication becomes largely a clerical procedure of listing, not investigating, water rights.

II. ARGUMENT

A. PARTIAL FORFEITURE HAS LONG BEEN A PART OF UTAH WATER LAW.

1. The Utah Statutes Provided for Partial Forfeiture Prior to 2002.

For much of the period prior to 2002, the Utah forfeiture statute, Utah Code Ann. § 73-1-4, stated:

When an appropriator or his successor in interest abandons or ceases to use water for a period of five years, the right ceases, unless, before the expiration of the five-year period, the appropriator or his successor in interest files a verified application for an extension of time with the state engineer.

Utah Code Ann § 73-1-4(1)(a) (1989). Regarding that statute, this Court in *Eskelsen v. Town of Perry*, 819 P.2d 770 (Utah 1991), remarked:

The question of partial forfeiture is not addressed in our statutes and has never been directly before this court, with regard to a city or any other entity. A 1943 case did, however, intimate—without squarely deciding—that partial forfeiture is possible. *See Rocky Ford Irr. Co. v. Kents Lake Reservoir Co.*, 104 Utah 202, 135 P.2d 108, 112 (1943). As a matter of law, the trial court in this case held that partial forfeiture does not apply in the state of Utah. Such a result would mean that the use of any part of a water right, no matter how small, would preserve the whole. As a matter of public policy, it might be prudent to allow partial forfeiture; all of the policy reasons that support forfeiture as a general principle would be furthered by, and hindered without, partial forfeiture. Because we hold that there is no forfeiture in this case, however, we do not reach the question of partial forfeiture.

Id. at 775 n.9. In *Eskelsen*, the Court noted that it had not directly addressed whether section 73-1-4 included partial forfeiture. To address that issue, the Court must interpret the statute then in effect. The statute prior to 2002 provided that forfeiture occurred “[w]hen an appropriator or his successor in interest abandon[ed] or cease[d] to use water for a period of

five years.” Utah Code Ann. § 73-1-4(1)(a)(1989). Therefore, the question before the Court is whether that statutory language encompassed partial forfeiture.

This Court interprets a statute according to its plain language: ““We read the plain language of the statute as a whole [] and interpret its provisions in harmony with other statutes in the same chapter and related chapters.”” *LPI Servs. v. McGee*, 2009 UT 41, ¶ 11, 215 P.3d 135 (quoting *Miller v. Weaver*, 2003 UT 12, ¶ 17, 66 P.3d 592).

Section 73-1-4 drew no distinction between total or partial cessation of use. By its plain language, the phrase “ceases to use water for a period of five years” referred to use of all or a portion of the water right. The statute stated not that forfeiture occurs when the appropriator or his successor “ceases to use the entire quantity of water allowed under the water right.” Rather, the statute applied when the user “ceased to use water” with no implicit or explicit limits. Under the plain language of the statute, forfeiture occurred if the appropriator “cease[d] to use water,” even if the unused water was only a portion of the entire water right.

Similarly, the phrase “the right ceases” relates to the phrase “ceases to use water.” Thus, when the appropriator ceased to use water for the five-year period, the right to use that particular quantity of water ceased. The right that ceased, under the statute, was for the water that was not used. If the quantity of water not used was less than the total quantity allowed under the water right, the resulting forfeiture was for less than the entire water right. Conversely, the right did not cease for the portion that was used. This reading of the statute

comports with the statute's plain language. A reading that contends a water right ceased only when there was no use of any water under the right for the statutory forfeiture period does not.

The plain language of section 73-1-4 prior to 2002 refers to the cessation of use of water for the forfeiture period and the corresponding loss of the right to use that water as a result. Partial forfeiture therefore comports with the plain language of section 73-1-4.

2. Partial Forfeiture Was Generally Accepted as Law When the Legislature Enacted the Forfeiture Statute.

The Utah legislature passed the first forfeiture statute in 1897 during the second legislative session after statehood, linking forfeiture to beneficial use:

The appropriation must be for some useful or beneficial purpose, and when the appropriator or his successor in interest abandons or ceases to use the water for a period of seven years the right ceases

1897 Utah Laws ch. 111 § 2.²

Regarding forfeiture, Clesson S. Kinney, a member of the Utah Bar, stated in his 1912 treatise on western water law:

Also, after the works have been finally completed and the appropriation finally consummated by the application of all of the water claimed thereunder to some useful purpose, the failure thereafter to use all of the water so claimed for a specified time provided by the statute works a forfeiture either to all of the rights or the portion so unused, and that, too, regardless of the intent not to

² In 1907, the legislature separated the beneficial use portion of the forfeiture statute and created the statute that today is found unchanged in section 73-1-3, which provides that beneficial use is the basis, measure, and limit of rights to use water in Utah. *See Compiled Laws of Utah 1907*, § 1288x20. In 1919, the legislature changed the forfeiture period to five years. 1919 Utah Laws ch. 67 § 6.

abandon.

Clesson S. Kinney, *A Treatise on the Law of Irrigation and Water Rights*, vol. II § 1119, at 2022 (2nd ed. 1912). Another commentator of the time spoke similarly:

[T]he correct statement seems to be that the right to water by appropriation is lost in whole or part by nonuse for an unreasonable time (not exceeding the period fixed by statute for loss of right by nonuse) prior to the time a controversy arises.

Samuel C. Wiel, *Water Rights in the Western States*, § 578 (3rd ed. 1911).

The Utah legislature enacted the first forfeiture statute in this legal context. Partial forfeiture was one and the same as forfeiture, and statutes such as Utah's were generally understood to apply equally to partial forfeiture and complete forfeiture, with no reason to address the principles separately. The legislature undoubtedly believed the statute it enacted encompassed partial forfeiture with no need for specificity. That understanding has existed in Utah water law since statehood.

3. Partial Forfeiture Harmonizes the Forfeiture Statute with the Beneficial Use Statute.

This Court interprets a statute in harmony with other statutes, *LPI Servs.*, 2009 UT 41, ¶ 11, and avoids a statutory interpretation that would render another statute meaningless: “When a construction of an act will bring it into serious conflict with another act, our duty is to construe the acts to be in harmony and avoid conflicts.” *Board of Educ. of Jordan Sch. Dist. v. Sandy City Corp.*, 2004 UT 37, ¶ 9, 94 P.3d 234 (quoting *Jerz v. Salt Lake County*, 822 P.2d 770, 773 (Utah 1991) (citations omitted)).

Utah's beneficial use statute declares, "Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state." Utah Code Ann. § 73-1-3 (1989). Beneficial use is a pillar of Utah water law and the prior appropriation doctrine. It embodies a policy that allows individuals to acquire rights to use a scarce public resource only if their use advances the general public welfare.

To rule that partial forfeiture was not a part of Utah water law contravenes section 73-1-3 and the bedrock principle of beneficial use. If there were no partial forfeiture and an entire water right could be maintained by minimal use, beneficial use would be neither the basis, the measure, nor the limit of water rights. Rather, the measure of the right would be the quantity originally appropriated, even if most of the beneficial use ceased immediately after appropriation. Such a holding would be in direct conflict with the beneficial use requirement the legislature enshrined in section 73-1-3.

The principle of partial forfeiture, conversely, is harmonious with the beneficial use statute. If a water right is limited to the water actually used, then beneficial use is the basis, measure, and limit of the water right. To rule that the former section 73-1-4 encompassed partial forfeiture, therefore, harmonizes, not conflicts, with the beneficial use provision in section 73-1-3.

Finding that beneficial use is the limit of a water right does not mean the water right fluctuates from year-to-year, depending on the quantity of water used. Instead, the legislature established specific terms and conditions defining when a water right would be limited to

beneficial use, and those terms are found in the forfeiture statute, section 73-1-4. The legislature thus created a fair balance between the water right as originally appropriated and the beneficial use requirement, reflecting the its judgment as to sound Utah water policy.

4. A Ruling That Section 73-1-4 Did Not Include Partial Forfeiture Leads to an Absurd Result.

This Court will not interpret a statute in a manner that yields an absurd result: “[A] court should not follow the literal language of a statute if its plain meaning works an absurd result.” *LPI Servs.*, 2009 UT 41, ¶ 9 (quoting *Savage v. Utah Youth Vill.*, 2004 UT 102, ¶ 18, 104 P.3d 1242). If a water user could preserve a water right in its entirety by using only 2% of the water right for 100 years, it not only renders the beneficial use provision in section 73-1-3 meaningless, it makes a mockery of the forfeiture statute in section 73-1-4. Such an interpretation would yield the kind of absurd result the Court seeks to avoid. But to hold that section 73-1-4 has always included partial forfeiture promotes consistency among the statutes, respects the integrity of the forfeiture statute, and creates a sensible accord between the forfeiture and beneficial use statutes.

B. POLICY CONSIDERATIONS SUPPORT A FINDING THAT PARTIAL FORFEITURE WAS A PART OF UTAH LAW PRIOR TO THE 2002 AMENDMENT.

When the Court interprets a statute, it’s “primary objective ‘is to give effect to the legislature’s intent.’” *Alliant Techsystems Inc. v. Salt Lake County Bd. of Equalization*, 2012 UT 4, ¶ 21, 270 P.3d 441 (quoting *LPI Servs.*, 2009 UT 41, ¶ 11). The Court discerns such intent by looking to the statute’s language. *Id.* “But where the language of a statute is

ambiguous, [the Court] may look beyond the statute's text in order to ascertain its legislative purpose." *Id.* (citing *Martinez v. Media-Paymaster Plus/Church of Jesus Christ of Latter-Day Saints*, 2007 UT 42, ¶ 47, 164 P.3d 384).

The plain language of the forfeiture statute prior to 2002 encompassed partial forfeiture. But even if the Court finds the statute ambiguous, it should look beyond the language to ascertain the statute's purpose. Such a look confirms that "all of the policy reasons that support forfeiture as a general principle would be furthered by, and hindered without, partial forfeiture." *Eskelsen*, 819 P.2d at 775 n. 9.

1. Partial Forfeiture Promotes State Policies that Encourage Beneficial Use and Discourage Waste and Speculation.

Utah's longstanding water right and water use policies seek to maximize the use of a scarce public resource while protecting existing rights to that resource. *See J.J.N.P. Co. v. State*, 655 P.2d 1133, 1136 (Utah 1982). Those policies encourage economic development, but not at the expense of those who have established rights to use water. Allocation of the use of water accrues "to the benefit and welfare of the people of the state as a whole." *Id.*

This Court has "repeatedly recognized the importance of insuring that waters of our state are put to beneficial use." *Butler, Crockett and Walsh Dev. Corp. v. Pinecrest Pipeline Operating Co.*, 2004 UT 67, ¶ 49, 98 P.3d 1. Partial forfeiture furthers this policy by requiring that a water right actually be used. Consistent with the policy to maximize use, when a water right is not used, in part or in whole, the water should be made available for

others to appropriate and use for purposes that benefit the public. If an entire water right can be preserved by using only a small portion every few years, beneficial use is not encouraged and overall water use is not maximized. By requiring use of the water when it is available, partial forfeiture supports the policy of maximum beneficial use and discourages waste.

Partial forfeiture also discourages speculation. If an entire water right could be preserved by using only a small portion, users would be encouraged to use only a minimal portion of their water right to preserve the entire right for a possible, future sale—a practice of pure speculation. Such a practice runs contrary to the statutory requirement that an applicant demonstrate her application is “filed in good faith and not for purposes of speculation or monopoly.” Utah Code Ann. § 73-3-8(1)(v) (Supp. 2012).

In *Eskelsen*, this Court recognized the merits of partial forfeiture, noting that it supports sound water law policies. See *Eskelsen*, 819 P.2d at 775 n. 9. Such policies include encouraging beneficial use, discouraging waste, and preventing speculation.

2. Partial Forfeiture Provides a Fair and Equitable Balance Between the Property Rights of the Owner and the Property Rights of Other Water Users.

The primary policy argument supporting partial forfeiture is the issue of fairness and equity. Water is a finite resource. *Longley v. Leucadia Fin. Corp.*, 2000 UT 69, ¶ 15, 9 P.3d 762. It follows that a water right is a valuable property right. See *Whitmore v. Murray City*, 154 P.2d 748, 750 (Utah 1944). “This [C]ourt has likened ‘a drop of water [to] a drop of gold.’” *Longley*, 2000 UT 69, ¶ 15 (quoting *Carbon Canal Co. v. Sanpete Water Users Ass’n*, 425 P.2d 405, 407 (Utah 1967)). This is particularly true for those who use their water rights

according to the law of beneficial use and who often rely upon that water for their livelihood. In a fully-appropriated basin, use of water by one right holder necessarily means a corresponding quantity of water is unavailable for use by others. Thus, any withdrawal of water in a basin, including the revival of a long unused water right, affects the property rights of other water users. If such a water right is reactivated, it has a more severe effect than a new appropriation because the reactivated right would have an earlier priority date. In addition, those who have come to rely on the water are more likely to suffer actual damage if water is no longer available to them because a use resumes, more so than a person who seeks to resume using water he has not benefitted from and for whom the resumed use is a windfall. The property rights of other water users in the basin are as valid and worthy of protection as those of a water user seeking to reactivate a long unused portion of a water right. And equity favors water users who have followed the law and used their water rights, sometimes for many decades, or who have protected their rights by filing non-use applications, rather than those who have neglected their water rights through non-use. Equity should not favor those who disregard the law over those who follow it.

Kinney recognized and expressed this western water law policy a century ago:

The very life of this arid country depends largely upon the use of all of the available water supply. Therefore, by the forfeiture of the rights which are claimed by certain parties, but who fail to use them, the ends of justice are met, and the water is made to do the greatest good to the greatest number. This is upon the correct theory that the continuance of the title to a water right is based only upon continuous user; and where a person claims a certain right which he does not use for a certain period of time, the statute declares that the right to the unused portion is forfeited and available for the appropriation of others.

Kinney, *supra*, § 1118, at 2021.

3. Courts in States with Statutes Similar to Utah’s Recognize Partial Forfeiture.

Other states recognize that partial forfeiture is implicit in the concept of forfeiture. In 1997, the Idaho Supreme Court faced a case with a legal background similar to this one. *See Idaho v. Hagerman Water Rights Owners, Inc.*, 947 P.2d 400 (Idaho 1997). There, the Idaho statute provided for forfeiture in general but did not specify partial forfeiture.³ *Id.* at 403. Much like this Court, the Idaho Supreme Court had presumed, but not squarely defined, the existence of partial forfeiture in Idaho water law. *Id.* at 403-05; *see Eskelsen*, 819 P.2d at 775 n. 9. Partial forfeiture had long been accepted as part of Idaho law, including by the Idaho state engineer. *Id.* at 406-07. Too, partial forfeiture furthered important state water policy goals. *Id.* at 407-08. Recognizing those factors, the Idaho court concluded that the Idaho statute encompassed partial forfeiture. *Id.* at 408.

That decision comports with other states that have also recognized partial forfeiture. *See, e.g., Smith v. Hawkins*, 52 P. 139, 140 (Cal. 1898) (“If plaintiffs could forfeit their entire

³ An early version of the Idaho statute stated,

All rights to the use of water acquired under this chapter or otherwise shall be lost and abandoned by a failure for the term of five years to apply it to the beneficial use for which it was appropriated, and when any right to the use of water shall be lost through nonuse or abandonment such rights to such water shall revert to the state and be again subject to appropriation under this chapter. . . .”

Hagerman, 947 P.2d at 403 (quoting *Albrethsen v. Wood River Land Co.*, 231 P. 418 (Idaho 1924)).

right of appropriation by nonuser, equally will they be held to forfeit less than the whole by like failure”); *State v. Birdwood Irrigation Dist.*, 46 N.W.2d 884, 888 (Neb. 1951) (“We conclude that the power to cancel the whole of an appropriation for irrigation purposes for nonuser carries with it the right to cancel a part.” (citations omitted)). This Court should also so hold.

C. SUFFICIENT DEFENSES AND ALTERNATIVES TO PARTIAL FORFEITURE EXIST TO PROTECT THE RIGHTS OF THOSE WHO TRY IN GOOD FAITH TO USE THE WATER OR TO PRESERVE A WATER RIGHT WHEN USE IS NOT POSSIBLE.

The doctrine of partial forfeiture is neither draconian nor a dire threat to property rights because water users possess defenses to protect water rights from forfeiture for non-use. The first remedy is statutory. Namely, section 73-1-4 permitted a water user to file an “application for an extension of time,” commonly referred to as a “non-use application,” which, if granted, preserved the water right from forfeiture during periods of time when the water user could not use the water. *See* Utah Code Ann. § 73-1-4(1)(a) (1989). If part of the water right was still in use, the water user had several options, including filing a non-use application covering the entire water right and continuing to use a portion (the non-use permit does not preclude use of the water), or segregating the unused portion of water right and filing a non-use application on that portion. Whatever method the water right holder chose, he had the opportunity and responsibility to protect all or part of his water right from forfeiture.⁴

⁴ In 1935, the legislature established the non-use application as a mechanism to protect a water right from forfeiture. Recognizing, however, the potential for abuse in violation of the beneficial use principle, the legislature also attached extensive requirements to non-use

The common law also protects against forfeiture or partial forfeiture in specific instances. This Court has held that forfeiture does not occur when nature does not provide sufficient water for use under the water right. *See, e.g., Rocky Ford Irrigation Co. v. Kents Lake Reservoir Co.*, 135 P.2d 108, 113 (Utah 1943). If the water user was making a good faith effort to use the water, but the water was not available because of drought or other natural shortage, courts may excuse the non-use.

The combination of a multi-year continuous period during which the water must be available and not used, together with the option of filing a non-use application for all or a portion of the water right, provided adequate protection from forfeiture for water users who were trying in good faith to place water to beneficial use.

D. PARTIAL FORFEITURE HAS LONG BEEN IMPLEMENTED IN THE GENERAL ADJUDICATION OF WATER RIGHTS IN UTAH.

The principle of partial forfeiture is inherent in the Utah general adjudication statutes and the overall concept of a general adjudication. Utah statutes require the State Engineer to physically investigate and map the diversion points, conveyance systems, and places of use for each water right. Utah Code Ann. §73-4-3(3) (Supp. 2012). This careful and detailed investigation of actual use is required because beneficial use is the measure and limit of all water rights. *See* Utah Code Ann. § 73-1-3. The process of investigation in the general adjudication loses most of its purpose if the State Engineer cannot make recommendations to

applications to discourage people from misusing the application for speculation. *See* 1935 Utah Laws ch. 104 § 1.

the court based on observations of actual beneficial use, which sometimes demonstrate non-use of a portion of a water right. The differential between the quantity of water described on paper and the beneficial use actually observed and thence recommended to the district court in a proposed determination is based on partial forfeiture. Partial forfeiture, therefore, is central to the concept and procedure of general adjudications. It is a corollary to the fundamental beneficial use principle. *See id.*

Although this Court has not directly addressed the question of partial forfeiture, the district courts and the State Engineer have had no choice but to either assume partial forfeiture was a part of Utah law, or assume it was not. Given the history of partial forfeiture explained in section II.A.2 above, they understandably assumed it was.⁵ They recognized that partial forfeiture is consistent with and not contrary to the statutes and policies regarding full forfeiture. *Cf. Eskelsen*, 819 P.2d at 775 n. 9. Like the Utah Supreme Court, the district courts and the State Engineer assumed partial forfeiture was available under Utah water law. *Cf. id.* (“[*Rocky Ford*] did, however, intimate—without squarely deciding—that partial forfeiture is possible.”). They relied on that assumption when they prepared and decreed proposed

⁵ For illustrative purposes, the November 6, 1922 decree on the Santa Clara River awarded Water Right 81-1149 (Award No. 3) to the St. George Clara Field Canal Company for a total of 800 irrigated acres. In 1988, the State Engineer published the Proposed Determination for the Santa Clara River, Area 81 Book 1, and recommended that the court recognize Water Right 81-1149 for a total of 546.26 acres (together with Water Rights 81-203 and 81-323, wells that were drilled later, and Water Right 81-1101, a water right owned by Gunlock Reservoir Company that is used on certain fields with Water Right 81-1149). Water Right 81-1149 was decreed in the Partial Interlocutory Decree dated February 11, 2002. All documents underlying this illustration are available on the State Engineer’s web page, www.water rights.gov.

determinations. The courts, the State Engineer, and water users now rely on those decrees and proposed determinations in the administration, distribution, and use of water throughout the state.

The first general adjudications in Utah were commenced in the early 1920s on the Weber, Sevier, and Virgin Rivers. *See Provo River Water User's Ass'n v. Morgan*, 857 P.2d 927, 929 (Utah 1993) (discussing Weber River general adjudication); *Watson v. Deseret Irrigation Co.*, 169 P.2d 793, 794 (Utah 1946) (discussing Sevier River general adjudication); *Orderville Irrigation Co. v. Glendale Irrigation Co.*, 409 P.2d 616, 618 (Utah 1965) (discussing Virgin River general adjudication). Those adjudications resulted in basin-wide decrees. *See, e.g., Provo River Water Users*, 857 P.2d at 929; *Orderville*, 409 P.2d at 618; *Richlands Irrigation Co. v. Westview Irrigation Co.*, 80 P.2d 458, 460 (Utah 1938).

Since that time, general adjudications have proceeded throughout the state. The State Engineer has published approximately 138 proposed determinations, of which approximately 122 were published before 2002. *See* State Engineer's Web Page, www.waterrights.gov, attached as Appendix 1. Some proposed determinations are covered by a final decree, some have no decrees, some have an "interlocutory" or partial decree that applies to that particular proposed determination, and some are covered by a "pre-trial order" that details the resolution of some objections and specifies unresolved issues that are set for trial.⁶ Each decree and

⁶ A list of proposed determinations and the associated decrees and pre-trial orders can be found at the State Engineer's Web Page at <http://www.waterrights.utah.gov/adjdinfo/pdbook.asp>.

order was entered, and all of the proposed determinations were published, under the assumption that partial forfeiture has always applied in Utah water law.

It is not clear what the effect on those proposed determinations and decrees would be if the Court were to uphold the trial court and now determine that partial forfeiture did not apply in Utah prior to 2002. While defenses may exist to prevent the complete unraveling of those decrees and proposed determinations, a holding that partial forfeiture did not apply under Utah law prior to 2002 would, at the least, call them into question. This could create wide-spread displacement and impairment of water rights throughout the state.

The State Engineer acknowledges that long-time assumptions and practices do not determine the law. Nevertheless, a ruling on partial forfeiture will have consequences for the proposed determinations and decrees that provide the basis for the administration and distribution of much of the water in Utah. As the Idaho Supreme Court observed in *Hagerman*, “The Court declines to ‘unsettle[] the repose of all those who have detrimentally relied on . . . agency interpretations. . . .’” *Hagerman*, 947 P.2d at 407 (quoting *J.R. Simplot Co. v. Idaho State Tax Comm’n*, 820 P.2d 1206, 1214 (Idaho 1991)) (omissions in original). This Court should follow suit.

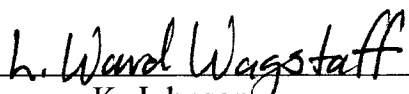
III. CONCLUSION

Partial forfeiture is consistent with the long-standing Utah statutes, policy, and case law. Finding that partial forfeiture did not exist prior to 2002 contravenes those statutes, judicial and administrative decisions, and policies. The State Engineer therefore urges this

Court to rule that since statehood Utah's water law has included the important principle of partial forfeiture.

Respectfully submitted this 7th day of November, 2012.

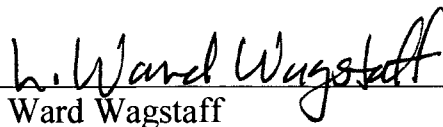
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RULE 24(F)(1)(C) CERTIFICATE

I certify that the foregoing complies with the type-volume limitations of Rule 24(f)(1)(A) of the Utah Rules of Appellate Procedure. According to the count provided by WordPerfect, the brief contains 5029 words.


L. Ward Wagstaff

CERTIFICATE OF SERVICE

I certify that on the 7th day of November, 2012, I had two copies of the foregoing Brief of Amicus Curiae Utah State Engineer served via U.S. Mail, postage prepaid, to the following parties:

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ADDENDUM

1. **LIST OF PROPOSED DETERMINATIONS**

State Engineer's Web Page: <http://www.waterrights.utah.gov/adjdinfo/pdbook.asp>

[Online Services](#) [Agency List](#) [Business](#)

Utah Division of Water Rights



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Publication Listing by Type

Select a link below to look at a specific publication.

Publication Title

[Proposed Determinations \(PD\) Books Area 01 BOOK 1; WATER RIGHTS IN THE COLORADO RIVER DRAINAGE AREA; NORTHWEST COLORADO RIVER DIVISION,1993,](#)

[Proposed Determinations \(PD\) Books Area 05 BOOK 1; MOAB DIVISION, CASTLE CREEK SUBDIVISION,2008,UTAH DIVISION OF WATER RIGHTS](#)

[Proposed Determinations \(PD\) Books Area 11 WATER RIGHTS IN BOX ELDER COUNTY; SNAKE RIVER DIVISION; GEORGE CREEK, JOHNSON CREEK, AND TRIBUTARIES,1959,](#)

[Proposed Determinations \(PD\) Books Area 11 WATER RIGHTS IN BOX ELDER COUNTY; SNAKE RIVER DIVISION; GOOSE CREEK, RAFT RIVER, AND CLEAR CREEK VICINITY,1965,](#)

[Proposed Determinations \(PD\) Books Area 13 WATER RIGHTS IN BOX ELDER COUNTY; GREAT SALT LAKE DIVISION; GROUSE CREEK AND VICINITY,1966,](#)

[Proposed Determinations \(PD\) Books Area 13 WATER RIGHTS IN BOX ELDER COUNTY; GREAT SALT LAKE DIVISION; PARK VALLEY VICINITY,1968,](#)

[Proposed Determinations \(PD\) Books Area 13 WATER RIGHTS IN BOX ELDER COUNTY; GREAT SALT LAKE DIVISION; SNOWVILLE, PROMONTORY POINT AND VICINITY,1969,](#)

[Proposed Determinations \(PD\) Books Area 13 WATER RIGHTS IN BOX ELDER COUNTY; GREAT SALT LAKE DIVISION; SOUTHWESTERN BOX ELDER COUNTY,1970,](#)

[Proposed Determinations \(PD\) Books Area 13 WATER RIGHTS IN BOX ELDER COUNTY; GREAT SALT LAKE DIVISION; SUPPLEMENT, PENDING APPLICATIONS, DISALLOWED CLAIMS, AND INDEXES,1971,](#)

[Proposed Determinations \(PD\) Books Area 15 ADDENDUM TO THE PROPOSED DETERMINATION OF WATER RIGHTS IN TOOELE COUNTY; GRANTSVILLE DIVISION,1999,](#)

[Proposed Determinations \(PD\) Books Area 15 BOOK 1; WATER RIGHTS IN GREAT SALT LAKE DRAINAGE AREA; RUSH VALLEY DIVISION,1973,](#)

[Proposed Determinations \(PD\) Books Area 15 BOOK 2; WATER RIGHTS IN THE GREAT SALT LAKE DRAINAGE AREA; GRANTSVILLE DIVISION,1985,](#)

Proposed Determinations (PD) Books Area 15 BOOK 3; WATER RIGHTS IN THE GREAT SALT LAKE DRAINAGE AREA; ERDA/LAKEPOINT DIVISION,1989,

Proposed Determinations (PD) Books Area 15 BOOK 3; FIRST ADDENDUM TOOELE VALLEY DIVISION, ERDA / LAKE POINT SUBDIVISION,2005,UTAH DIVISION OF WATER RIGHTS

Proposed Determinations (PD) Books Area 15 BOOK 3; SECOND ADDENDUM; TOOELE VALLEY DIVISION ERDA / LAKE POINT SUBDIVISION,2006,UTAH DIVISION OF WATER RIGHTS

Proposed Determinations (PD) Books Area 15 BOOK 4; WATER RIGHTS IN TOOELE VALLEY DIVISION, TOOELE CITY SUBDIVISION,2010,UTAH DIVISION OF WATER RIGHTS

Proposed Determinations (PD) Books Area 19 WATER RIGHTS IN THE GREAT SALT LAKE DRAINAGE; HAMBLIN VALLEY DIVISION,1969,HUBERT C. LAMBERT

Proposed Determinations (PD) Books Area 21 WATER RIGHTS IN BEAR RIVER, SUMMIT COUNTY DRAINAGE AREA,,WAYNE D. CRIDDLE

Proposed Determinations (PD) Books Area 21 WATER RIGHTS IN BEAR RIVER; SUMMIT COUNTY DIVISION,,

Proposed Determinations (PD) Books Area 23 BOOK 1 WATER RIGHTS IN BEAR RIVER AND RICH COUNTY DRAINAGE AREAS,,

Proposed Determinations (PD) Books Area 23 REVISED DETERMINATION OF WATER RIGHTS IN BEAR RIVER DRAINAGE AREA, PAGE 1-140; RICH COUNTY DIVISION; SOUTHEAST SUBDIVISION (BEAR RIVER DIVISIONS, CRAWFORD MOUNTAIN, AND SALERATUS CREEK),,HUBERT C. LAMBERT

Proposed Determinations (PD) Books Area 23 REVISED DETERMINATION OF WATER RIGHTS IN BEAR RIVER DRAINAGE AREA, PAGE 143-221; RICH COUNTY DIVISION - WOODRUFF CREEK AND VICINITY,,

Proposed Determinations (PD) Books Area 23 REVISED DETERMINATION OF WATER RIGHTS IN BEAR RIVER DRAINAGE AREA, PAGE 222-346; RICH COUNTY DIVISION; BIG CREEK, RANDOLPH CREEK, OTTER CREEK, AND VICINITY,,

Proposed Determinations (PD) Books Area 23 REVISED DETERMINATION OF WATER RIGHTS IN BEAR RIVER DRAINAGE AREA, PAGE 347-402; RICH COUNTY SUBDIVISION AND NORTHEAST SUBDIVISION; SAGE CREEK, SIX MILE CREEK, NORTH EDEN CREEK, SOUTH EDEN CREEK AND VICINITY,,

Proposed Determinations (PD) Books Area 23 REVISED DETERMINATION OF WATER RIGHTS IN BEAR RIVER DRAINAGE AREA, PAGE 403-522; RICH COUNTY - LAKETOWN, MEADOWVILLE, GARDEN CITY AND VICINITY,,

Proposed Determinations (PD) Books Area 23 REVISED DETERMINATION OF WATER RIGHTS IN BEAR RIVER DRAINAGE AREA, PAGE 523-632; RICH COUNTY DIVISION; LAKETOWN, MEADOWVILLE, GARDEN CITY AND VICINITY,,

Proposed Determinations (PD) Books Area 23 REVISED DETERMINATION OF WATER RIGHTS IN BEAR RIVER DRAINAGE AREA, PAGE 633-735; RICH COUNTY DIVISION; SUPPLEMENT, PENDING APPLICATIONS, DISALLOWED CLAIMS, AND INDEXES,,

Proposed Determinations (PD) Books Area 25 BOOK 1; WATER RIGHTS IN BEAR RIVER DRAINAGE AREA; CACHE COUNTY DIVISION; LOGAN RIVER SUBDIVISION,1974,

Proposed Determinations (PD) Books Area 25 BOOK 2; WATER RIGHTS IN BEAR RIVER DRAINAGE AREA; CACHE COUNTY DIVISION; LOGAN RIVER SUBDIVISION,1974,

Proposed Determinations (PD) Books Area 25 BOOK 3; WATER RIGHTS IN BEAR RIVER DRAINAGE AREA; CACHE COUNTY DIVISION; LOGAN RIVER SUBDIVISION,1976,

Proposed Determinations (PD) Books Area 25 BOOK 4; WATER RIGHTS IN BEAR RIVER DRAINAGE AREA; CACHE COUNTY DIVISION; RICHMOND--HIGH CREEK DIVISION,1977,

Proposed Determinations (PD) Books Area 25 BOOK 5; WATER RIGHTS IN BEAR RIVER DRAINAGE AREA; LEWISTON--CLARKSTON--NEWTON SUBDIVISION,1979,

Proposed Determinations (PD) Books Area 25 BOOK 6; WATER RIGHTS IN BEAR RIVER DRAINAGE AREA; SUPPLEMENT, PENDING APPLICATIONS, DISALLOWED CLAIMS, AND INDEXES,1980,

Proposed Determinations (PD) Books Area 25 WATER RIGHTS IN BEAR RIVER DRAINAGE AREA; BLACKSMITH FORK SUBDIVISION,1967,

Proposed Determinations (PD) Books Area 25 WATER RIGHTS IN LITTLE BEAR RIVER DRAINAGE AREA; DIRECT DIVERSIONS FROM LITTLE BEAR RIVER,,

Proposed Determinations (PD) Books Area 25 WATER RIGHTS IN LITTLE BEAR RIVER DRAINAGE AREA; DISALLOWED CLAIMS, PENDING APPLICATIONS, PROPERTY OWNERS SIGNING DISCLAIMERS AND INDEXES,,

Proposed Determinations (PD) Books Area 25 WATER RIGHTS IN LITTLE BEAR RIVER DRAINAGE AREA; TRIBUTARY STREAMS OF LITTLE BEAR RIVER,,

Proposed Determinations (PD) Books Area 25 WATER RIGHTS IN LITTLE BEAR RIVER DRAINAGE AREA; WELLS AND SPRINGS IN LITTLE BEAR RIVER DRAINAGE AREA; DRY LAKE DRAINAGE AREA,,

Proposed Determinations (PD) Books Area 29 BOOK 1; ADDENDUM BOX ELDER COUNTY DIVISION - BRIGHAM CITY/DEWYVILLE SUBDIVISION,2005,JERRY OLDS

Proposed Determinations (PD) Books Area 29 BOOK 1; WATER RIGHTS IN BEAR RIVER DRAINAGE AREA; BOX ELDER COUNTY DIVISION; BRIGHAM CITY-DEWEYVILLE SUBDIVISION,1990,

Proposed Determinations (PD) Books Area 29 BOOK 2; WATER RIGHTS IN THE BEAR RIVER DRAINAGE AREA; BOX ELDER COUNTY DIVISION, WILLARD/PERRY SUBDIVISION,2006,JERRY D. OLDS

Proposed Determinations (PD) Books Area 29 BOOK 3; ADDENDUM TO THE PROPOSED DETERMINATION OF WATER RIGHTS IN THE BEAR RIVER DRAINAGE AREA; BOX ELDER COUNTY DIVISION, PORTAGE CREEK SUBDIVISION; BOOK #3,1995,ROBERT MORGAN

Proposed Determinations (PD) Books Area 29 BOOK 3; WATER RIGHTS IN BEAR RIVER DRAINAGE AREA; BOX ELDER COUNTY DIVISION. PORTAGE CREEK SUBDIVISION,1991,BOB MORGAN

Proposed Determinations (PD) Books Area 29 BOOK 4; BOX ELDER COUNTY DIVISION, BEAR RIVER BAY SUBDIVISION,2005,UTAH DIVISION OF WATER RIGHTS

Proposed Determinations (PD) Books Area 29 BOOK 5; WATER RIGHTS IN THE BEAR RIVER DRAINAGE AREA; BOX ELDER COUNTY DIVISION, BOTHWELL POCKET SUBDIVISION,2006,JERRY D. OLDS

Proposed Determinations (PD) Books Area 29 BOOK 6; WATER RIGHTS IN THE BEAR RIVER DRAINAGE AREA; BOX ELDER COUNTY DIVISION, MALAD RIVER SUBDIVISION,2007,JERRY D. OLDS

Proposed Determinations (PD) Books Area 31 BOOK 1; WATER RIGHTS IN DAVIS COUNTY; SOUTH DAVIS COUNTY DIVISION,1966,

Proposed Determinations (PD) Books Area 31 BOOK 2; PROPOSED DETERMINATION OF WATER RIGHTS IN DAVIS COUNTY; SOUTH DAVIS COUNTY DIVISION,,

Proposed Determinations (PD) Books Area 31 BOOK 3; WATER RIGHTS IN DAVIS COUNTY; SOUTH DAVIS COUNTY DIVISION,1966,

Proposed Determinations (PD) Books Area 31 BOOK 4; WATER RIGHTS IN DAVIS COUNTY; CENTERVILLE DIVISION,1970,

Proposed Determinations (PD) Books Area 31 WATER RIGHTS IN DAVIS COUNTY; PENDING APPLICATIONS, DISALLOWED CLAIMS, AND INDEXES,1966,

Proposed Determinations (PD) Books Area 35 WEBER RIVER,1924,

Proposed Determinations (PD) Books Area 41 BOOK 2; WATER RIGHTS IN GREEN RIVER; BURNT FORK DIVISION,,WAYNE D. CRIDDLE

Proposed Determinations (PD) Books Area 41 BOOK 3; WATER RIGHTS IN GREEN RIVER; WESTERN DIVISION,,WAYNE D. CRIDDLE

Proposed Determinations (PD) Books Area 41 BOOK 4; WATER RIGHTS IN GREEN RIVER; CARTER CREEK, GREENDALE AND DAVENPORT DIVISIONS,,WAYNE D. CRIDDLE

Proposed Determinations (PD) Books Area 41 BOOK 5; WATER RIGHTS IN GREEN RIVER; JACKSON, TOLIVERS, AND GROUSE CREEKS DIVISION,,WAYNE D. CRIDDLE

Proposed Determinations (PD) Books area 41 BOOK 7; WATER RIGHTS IN GREEN RIVER; BIRCH SPRING DRAW AND SHEEP CREEK DIVISION,,WAYNE D. CRIDDLE

Proposed Determinations (PD) Books Area 41 WATER RIGHTS IN GREEN RIVER; POT CREEK DIVISION,,

Proposed Determinations (PD) Books Area 41 WATER RIGHTS IN GREEN RIVER; SUPPLEMENT, PENDING APPLICATIONS, DISALLOWED CLAIMS, AND INDEXES,,

Proposed Determinations (PD) Books Area 45 ADDENDUM TO THE PROPOSED DETERMINATION OF WATER RIGHTS IN THE UINTAH BASIN; ASHLEY DIVISION - ASHLEY CREEK-DRY FORK DIVISION BOOK NO. 4,1995,

Proposed Determinations (PD) Books area 45 BOOK 1; ORIGINAL PROPOSED DETERMINATION OF WATER RIGHTS FOR BRUSH CREEK,1960,WAYNE D. CRIDDLE

Proposed Determinations (PD) Books area 45 BOOK 2; AMENDED PROPOSED DETERMINATION OF WATER RIGHT FOR BRUSH CREEK,1960,WAYNE D. CRIDDLE

Proposed Determinations (PD) Books Area 45 BOOK 4; SECOND ADDENDUM TO THE PROPOSED DETERMINATION OF WATER RIGHTS IN THE UINTAH BASIN; AHSLEY DIVISION, ASHLEY CREEK DRY FORK DIVISION,1999,ROBERT L. MORGAN

Proposed Determinations (PD) Books Area 45 GENERAL DETERMINATION OF THE RIGHTS TO THE USE OF ALL THE WATER BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF THE UINTA BASIN; ASHLEY DIVISION-SOUTH UPPER AND HIGHLINE SUBDIVISION; BOOK 8,2005,UTAH DIVISION OF WATER RIGHTS

Proposed Determinations (PD) Books Area 45 GENERAL DETERMINATION OF THE RIGHTS TO THE USE OF ALL THE WATER BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF THE UINTA BASIN; ASHLEY DIVISION-SOUTH UPPER AND HIGHLINE SUBDIVISION; BOOK 8 ADDENDUM,2006,UTAH DIVISION OF WATER RIGHTS

Proposed Determinations (PD) Books Area 45 GENEREAL DETERMINATION OF THE RIGHTS TO THE USE OF WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF THE UINTA BASIN IN UTAH (REVISED ADDENDUM); ASHLEY DIVISION - UPPER AND HIGHLINE SUBDIVISION, BOOK NO. 7AR,2005,JERRY D. OLDS

Proposed Determinations (PD) Books Area 45 WATER RIGHTS IN THE UINTAH BASIN; ASHLEY DIVISION - AHSLEY CREEK-DRY CREEK FORK SUBDIVISION BOOK NO. 4,1990,

Proposed Determinations (PD) Books Area 45 WATER RIGHTS IN THE UINTAH BASIN; ASHLEY DIVISION - ROCK POINT SUBDIVISION BOOK 5,1999,UTAH DIVISION OF WATER RIGHTS

Proposed Determinations (PD) Books Area 45 WATER RIGHTS IN THE UINTAH BASIN; ASHLEY DIVISION - UPPER & HIGHLINE SUBDIVISION BOOK NO. 7,2002,

Proposed Determinations (PD) Books Area 45 WATER RIGHTS IN UINTAH BASIN; ASHLEY DIVISION; BRUSH CREEK SUBDIVISION,1969,

Proposed Determinations (PD) Books Area 45 WATER RIGHTS IN UINTAH BASIN; ASHLEY DIVISION; DIAMOND MOUNTAIN SUBDIVISION,1968,

Proposed Determinations (PD) Books Area 45 WATER RIGHTS IN UINTAH BASIN; ASHLEY DIVISION; TWELVE MILE WASH SUBDIVISION,1968,

Proposed Determinations (PD) Books Area 47 WATER RIGHTS IN UINTAH BASIN; NINE MILE CREEK DIVISION; TOWNSHIP 11 SOUTH SLBM TO TOWNSHIP 12 SOUTH SLBM; CENTRAL UNIT,1964,WAYNE D. CRIDDLE

Proposed Determinations (PD) Books Area 47 WATER RIGHTS IN UINTAH BASIN; NINE MILE CREEK DIVISION; TOWNSHIP 8 SOUTH SLBM TO TOWNSHIP 10 SOUTH SLBM AND TOWNSHIP 4 SOUTH USM; NORTHERN UNIT,1964,

Proposed Determinations (PD) Books Area 47 WATER RIGHTS IN UINTAH BASIN; NINE MILE CREEK DIVISION; TOWNSHIPS 13 SOUTH SLBM TO 17 SOUTH SLBM; SOUTHERN UNIT,1964,WAYNE D. CRIDDLE

Proposed Determinations (PD) Books Area 51 ADDENDUM TO PROPOSED DETERMINATION OF WATER RIGHTS IN UTAH LAKE AND JORDAN RIVER DRAINAGE AREA; SPANISH FORK RIVER DIVISION, HOBBLE CREEK - SPRINGVILLE SUBDIVISION; BOOK #4,,

Proposed Determinations (PD) Books Area 51 BOOK 1; WATER RIGHTS IN UTAH LAKE AND JORDAN RIVER DRAINAGE AREA; UTAH COUNTY DIVISION AND SPANISH FORK SUBDIVISION,1976,

Proposed Determinations (PD) Books Area 51 BOOK 2; WATER RIGHTS IN UTAH LAKE AND JORDAN RIVER DRAINAGE AREA; UTAH COUNTY DIVISION AND SPANISH FORK CANYON SUBDIVISION,1976,

Proposed Determinations (PD) Books Area 51 BOOK 3; WATER RIGHTS IN UTAH LAKE AND JORDAN RIVER DRAINAGE AREA; SPANISH FORK RIVER DIVISION AND PALMYRA--LAKE SHORE SUBDIVISION,1986,

Proposed Determinations (PD) Books Area 51 BOOK 4; ADDENDUM TO WATER RIGHTS IN THE UTAH LAKE AND JORDAN RIVER DRAINAGE AREA; SPANISH FORK RIVER DIVISION. HOBBLE CREEK -

SPRINGVILLE SUBDIVISION,,ROBERT L. MORGAN

Proposed Determinations (PD) Books Area 51 BOOK 4; WATER RIGHTS IN UTAH LAKE AND JORDAN RIVER DRAINAGE AREA; SPANISH FORK RIVER DIVISION AND HOBBLE CREEK--SPRINGVILLE SUBDIVISION,1986,

Proposed Determinations (PD) Books Area 51 RIGHTS TO THE USE OF RETURN FLOW FROM WATER IMPORTED FROM THE UINTA BASIN TO UTAH VALLEY BY THE STRAWBERRY VALLEY PROJECT,2009,UTAH DIVISION OF WATER RIGHTS

Proposed Determinations (PD) Books Area 53 BK 1; WATER RIGHTS IN UTAH LAKE AND JORDAN RIVER DRAINAGE; JUAB-GOSHEN VALLEY DIVISION; GOSHEN VALLEY SUBDIVISION,,

Proposed Determinations (PD) Books Area 54 BOOK NO. 1 PROPOSED DETERMINATION OF WATER RIGHTS IN UTAH LAKE AND JORDAN RIVER DRAINAGE AREA; UTAH COUNTY DIVISION, CEDAR VALLEY SUBDIVISION,1975,DEE C. HANSEN

Proposed Determinations (PD) Books Area 55 BOOK 1; WATER RIGHTS IN UTAH LAKE AND JORDAN RIVER DRAINAGE AREA; PROVO RIVER DIVISION AND ROUND VALLEY SUBDIVISION,1984,

Proposed Determinations (PD) Books Area 55 BOOK 2; WATER RIGHTS IN UTAH LAKE AND JORDAN RIVER DRAINAGE AREA; PROVO RIVER DIVISION; AMERICAN FORK RIVER SUBDIVISION,1990,

Proposed Determinations (PD) Books Area 55 BOOK 8; WATER RIGHTS IN UTAH LAKE AND JORDAN RIVER DRAINAGE AREA; PROVO RIVER DIVISION; PLEASANT GROVE SUBDIVISION,1990,

Proposed Determinations (PD) Books Area 57 BOOK 1; WATER RIGHTS IN UTAH LAKE AND JORDAN RIVER DRAINAGE AREA; SALT LAKE COUNTY EAST DIVISION AND EMIGRATION CREEK SUBDIVISION,1983,

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Proposed Determinations (PD) Books Area 59 BOOK 3; WATER RIGHTS IN UTAH LAKE AND JORDAN RIVER DRAINAGE AREA; SALT LAKE COUNTY WEST DIVISION AND WEST SUBDIVISION,1977,

Proposed Determinations (PD) Books Area 59 BOOK 4; WATER RIGHTS IN UTAH LAKE AND JORDAN RIVER DRAINAGE AREA; SALT LAKE COUNTY WEST DIVISION AND SOUTHWEST SUBDIVISION,1979,

Proposed Determinations (PD) Books Area 59 BOOK 5; WATER RIGHTS IN UTAH LAKE AND JORDAN RIVER DRAINAGE AREA; SALT LAKE COUNTY WEST DIVISION; SUPPLEMENT, DISALLOWED CLAIMS, PENDING APPLICATIONS, AND INDEXES,1979,

Proposed Determinations (PD) Books Area 71 BERYL AREA; WATER RIGHTS IN BEAVER RIVER-ESCALANTE VALLEY; ESCALANTE VALLEY DIVISION; TOWNSHIP 31 SOUTH SLBM TO 35 SOUTH SLBM,,

Proposed Determinations (PD) Books Area 71 ENTERPRISE AREA; WATER RIGHTS IN BEAVER RIVER-ESCALANTE VALLEY; ESCALANTE VALLEY DIVISION; TOWNSHIP 36 SOUTH SLBM TO 38 SOUTH SLBM,,

Proposed Determinations (PD) Books Area 71 MILFORD AREA; WATER RIGHTS IN BEAVER RIVER-

ESCALANTE VALLEY; ESCALANTE VALLEY DIVISION; FROM BEAVER-MILLARD COUNTY LINE IN TOWNSHIP 26 SOUTH SLBM TO 30 SOUTH SLBM,,

Proposed Determinations (PD) Books Area 71 MILLARD COUNTY AREA; WATER RIGHTS IN BEAVER RIVER - ESCALANTE VALLEY, ESCALANTE DIVISION,1964,WAYNE D. CRIDDLE

Proposed Determinations (PD) Books Area 71 WATER RIGHTS IN BEAVER RIVER--ESCALANTE RIVER VALLEY; ESCALANTE VALLEY DIVISION; SUPPLEMENT, PENDING APPLICATIONS, DISALLOWED CLAIMS, AND INDEXES,1965,WAYNE D. CRIDDLE

Proposed Determinations (PD) Books Area 71 WATER RIGHTS IN ESCALANTE VALLEY DRAINAGE AREA; IN WASHINGTON, IRON, AND BEAVER COUNTIES,,

Proposed Determinations (PD) Books Area 73 BOOK 1; WATER RIGHTS IN THE BEAVER RIVER-ESCALANTE VALLEY; CEDAR CITY VALLEY DIVISION,1966,HUBERT C. LAMBERT

Proposed Determinations (PD) Books Area 73 BOOK 2; WATER RIGHTS IN THE BEAVER RIVER-ESCALANTE VALLEY; CEDAR CITY VALLEY DIVISION,1966,HUBERT C. LAMBERT

Proposed Determinations (PD) Books Area 73 BOOK 3; WATER RIGHTS IN BEAVER RIVER-ESCALANTE VALLEY; CEDAR CITY DIVISION,1966,

Proposed Determinations (PD) Books Area 73 BOOK 4; WATER RIGHTS IN BEAVER RIVER--ESCALANTE VALLEY; CEDAR CITY VALLEY DIVISION; SUPPLEMENT, PENDING APPLICATIONS, DISALLOWED CLAIMS, AND INDEXES,1966,

Proposed Determinations (PD) Books Area 73 WATER RIGHTS IN CEDAR CITY VALLEY DRAINAGE AREA,,

Proposed Determinations (PD) Books Area 75 BOOK 1; WATER RIGHTS IN THE BEAVER RIVER-ESCALANTE VALLEY, PAROWAN VALLEY DIVISION,1967,HUBERT C. LAMBERT

Proposed Determinations (PD) Books Area 75 BOOK 2; WATER RIGHTS IN BEAVER RIVER - ESCALANTE VALLEY, PAROWAN VALLEY DIVISION,1967,HUBERT C. LAMBERT

Proposed Determinations (PD) Books Area 75 BOOK 3; WATER RIGHTS IN BEAVER RIVER - ESCALANTE VALLEY, PAROWAN VALLEY DIVISION,1967,HUBERT C. LAMBERT

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