



GARY R. HERBERT  
Governor  
SPENCER J. COX  
Lieutenant Governor

**State of Utah**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Water Rights**

MICHAEL R. STYLER      KENT L. JONES  
*Executive Director*      *State Engineer/Division Director*

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF BEAR RIVER AND ALL ITS TRIBUTARIES IN UTAH.

**NOTICE TO FILE  
STATEMENT OF WATER USER'S CLAIM**

**CIVIL NO. 550108220  
(AREA 25 - BOOK 7A)**

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The records of the State Engineer show that you are an owner of a water right within Area 25, Book 7A. You are hereby notified that the statements of claim for the right to the use of water within the area covered by Area 25, Book 7A must be filed with the State Engineer or district court within 90 days of this notice. After reviewing and evaluating the statements of claim, the State Engineer will prepare and submit a proposed determination to the court as to how the water rights should be recognized. For each water right you claim, Title 73, Chapter 4 of the Utah Code requires you to file a written Statement of Water User's Claim, signed and verified on oath or by unsworn declaration, setting forth the facts relating to your rights. The Staff of the Division of Water Rights has prepared the enclosed form you may use to make your claim, or you may obtain a blank form at [www.waterrights.utah.gov/wrinfo/forms](http://www.waterrights.utah.gov/wrinfo/forms). After the Proposed Determination has been completed, the Division of Water Rights will file all claims with the District Court.

FAILURE TO FILE A CLAIM WITHIN 90 DAYS OF THIS NOTICE WILL FOREVER BAR AND ESTOP YOU FROM SUBSEQUENTLY ASSERTING ANY UNCLAIMED RIGHTS WITHIN AREA 25, BOOK 7A, AND THEY SHALL BE CONSIDERED ABANDONED.

If you have any questions, please contact TED DEAN AT (435)-752-8755.

DATED: .

KENT L. JONES, P.E.  
State Engineer/Division Director

Enclosure: Statement of Water User's Claim Form No. 25-4338  
(OWNER/1)



IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT

IN AND FOR CACHE COUNTY, STATE OF UTAH

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF BEAR RIVER AND ALL ITS TRIBUTARIES IN UTAH.

STATEMENT OF WATER USER'S CLAIM

Water Right No. 25 - 4338

Civil No. 550108220

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HOW TO USE THIS FORM:

(Printed: 08/11/2016)

Review the information on this form carefully. This Statement of Water User's Claim form is required to assert your water right claim in the pending general adjudication. Under Utah law, unless you file a written Statement of Water User's Claim within 90 days of receiving notice, your water rights will not be recognized and you cannot assert them further. This form constitutes notice to you that your signed Statement of Water User's Claim must be filed within 90 days after service of this notice with the Division of Water Rights, or the District Court. If you file your Statement of Water User's with the Division of Water Rights, the State Engineer will file it with the District Court following the publication of the Proposed Determination. If you agree with the information and accept it as your Statement of Water User's Claim, sign the form and return it to the Division of Water Rights. Alternatively, you may manually revise this claim or obtain a blank Water User's Claim form from the Division of Water Rights' website at: [www.waterrights.utah.gov/wrinfo/forms](http://www.waterrights.utah.gov/wrinfo/forms). Signing and returning this form will NOT update ownership with the Division of Water Rights. If title to a water right needs to be updated, you must prepare and file a separate Report of Water Right Conveyance with the State Engineer. If you have any questions, please contact the Division of Water Rights at: (801) 538-7240.

\*\*\*\*\*

1. WATER RIGHT AND OWNERSHIP INFORMATION:

A. NAME: Hardware Park Mountain Estates, a Utah Non Profit Corporation  
ADDRESS: C/O Michael L. Gailey, Secretary  
3333 South 1000 West  
Syracuse UT 84075

B. TYPE OF RIGHT: Diligence Claim No. D1268

C. PRIORITY DATE: 1895

2. SOURCE INFORMATION:

A. QUANTITY OF WATER: 0.005 cfs

B. DIRECT SOURCE: West Spring and South Spring

C. POINT(S) OF SPRING:

(1) S 1,552 feet W 4,848 feet from NE corner, Section 36, T 9N, R 3E, SLBM  
DIVERTING WORKS: Storage tanks and piping to outlet spigot.

SOURCE OF POD: West Spring

(2) N 1,539 feet W 3,106 feet from SE corner, Section 36, T 9N, R 3E, SLBM  
DIVERTING WORKS: Storage tanks and piping to outlet spigot

SOURCE OF POD: South Spring

D. COUNTY: Cache



**E. STORAGE.** Water is to be diverted for storage into:

- (1) Unnamed Reservoirs, from JAN 1 to DEC 31.  
 CAPACITY: 0.200 acre-feet. INUNDATES: 0.04 acres. DAM HEIGHT: 4 feet.  
 Area inundated includes all or part of the following legal subdivisions:

BASE TOWN RANG SEC	NORTH-WEST 1/4				NORTH-EAST 1/4				SOUTH-WEST 1/4				SOUTH-EAST 1/4							
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE				
SL 9N 3E 36			X		***				***				X				***			

**3. WATER USE INFORMATION:** (The following data is divided into groups according to uses which have supplemental water rights in common.)

Supplemental Group No. 020308. Water Rights Appurtenant to the following use(s):  
 25-4338, 4339

DOMESTIC: from JAN 1 to DEC 31. SOLE SUPPLY: Unevaluated families of the Group Total of 114.0000

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				
	NW	NE	SW	SE	*	NW	NE	SW	SE	*	NW	NE	SW	SE	*	NW	NE	SW	SE	*
36 9N 3E SL			X	X	*					*					*					*

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Supplemental Group No. 638571. Water Rights Appurtenant to the following use(s):  
 25-4089, 4219, 4228, 4231, 4338, 4339

STOCKWATER: from JAN 1 to DEC 31. SOLE SUPPLY: Unevaluated units of the Group Total of 10.0000

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

BASE TOWN RANG SEC	NORTH-WEST 1/4				NORTH-EAST 1/4				SOUTH-WEST 1/4				SOUTH-EAST 1/4			
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE
SL 9N 3E 25			X	X	***		X		X	X		X	***		X	
36		X		X	***				***		X	X	X	***	X	

**5. EXPLANATORY:**

Total volume of water under all rights in the name of Empire Enterprises and its successor, Hardware Park Mountain Estates total 3.717 acre feet.



6. UNSWORN DECLARATION:

The undersigned declares under criminal penalty of the State of Utah that the foregoing is true and correct.

  
Hardware Park Mountain Estates, a Utah Non Profit Corporation

*President Home*  
Title (Authorized Agent)

*August 15, 2016*  
Date

7. CERTIFICATE OF SERVICE:

I hereby certify that on the 11<sup>th</sup> day of August, 2016, a true and correct copy of this Statement of Water Users Claim was served on

Hardware Park Mountain Estates, a Utah Non Profit Corporation

(Owner or Claimant), [] by mail to the address shown, or [] in person.

KENT L. JONES, P.E., State Engineer of the State of Utah

*Kent Jones*  
By: \_\_\_\_\_





Water Right 25-4338  
Hardware Park Mountain Estates  
Section 36 T9N R3E SLBM  
August 11, 2016



- Point of Diversion
- Storage reservoir





GARY R. HERBERT  
Governor  
SPENCER J. COX  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

MICHAEL R. STYLER      KENT L. JONES  
Executive Director      State Engineer/Division Director

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF BEAR RIVER AND ALL ITS TRIBUTARIES IN UTAH.

### NOTICE TO FILE STATEMENT OF WATER USER'S CLAIM

CIVIL NO. 550108220  
(AREA 25 - BOOK 7A)

\*\*\*\*\*

The records of the State Engineer show that you are an owner of a water right within Area 25, Book 7A. You are hereby notified that the statements of claim for the right to the use of water within the area covered by Area 25, Book 7A must be filed with the State Engineer or district court within 90 days of this notice. After reviewing and evaluating the statements of claim, the State Engineer will prepare and submit a proposed determination to the court as to how the water rights should be recognized. For each water right you claim, Title 73, Chapter 4 of the Utah Code requires you to file a written Statement of Water User's Claim, signed and verified on oath or by unsworn declaration, setting forth the facts relating to your rights. The Staff of the Division of Water Rights has prepared the enclosed form you may use to make your claim, or you may obtain a blank form at [www.waterrights.utah.gov/wrinfo/forms](http://www.waterrights.utah.gov/wrinfo/forms). After the Proposed Determination has been completed, the Division of Water Rights will file all claims with the District Court.

FAILURE TO FILE A CLAIM WITHIN 90 DAYS OF THIS NOTICE WILL FOREVER BAR AND ESTOP YOU FROM SUBSEQUENTLY ASSERTING ANY UNCLAIMED RIGHTS WITHIN AREA 25, BOOK 7A, AND THEY SHALL BE CONSIDERED ABANDONED.

If you have any questions, please contact TED DEAN AT (435)-752-8755.

DATED: .

KENT L. JONES, P.E.  
State Engineer/Division Director

Enclosure: Statement of Water User's Claim Form No. 25-4339  
(OWNER/1)



IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT

IN AND FOR CACHE COUNTY, STATE OF UTAH

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF BEAR RIVER AND ALL ITS TRIBUTARIES IN UTAH.

STATEMENT OF WATER USER'S CLAIM

Water Right No. 25 - 4339

Civil No. 550108220

\*\*\*\*\*

HOW TO USE THIS FORM: (Printed: 08/11/2016)  
Review the information on this form carefully. This Statement of Water User's Claim form is required to assert your water right claim in the pending general adjudication. Under Utah law, unless you file a written Statement of Water User's Claim within 90 days of receiving notice, your water rights will not be recognized and you cannot assert them further. This form constitutes notice to you that your signed Statement of Water User's Claim must be filed within 90 days after service of this notice with the Division of Water Rights, or the District Court. If you file your Statement of Water User's with the Division of Water Rights, the State Engineer will file it with the District Court following the publication of the Proposed Determination. If you agree with the information and accept it as your Statement of Water User's Claim, sign the form and return it to the Division of Water Rights. Alternatively, you may manually revise this claim or obtain a blank Water User's Claim form from the Division of Water Rights' website at: [www.waterrights.utah.gov/wrinfo/forms](http://www.waterrights.utah.gov/wrinfo/forms). Signing and returning this form will NOT update ownership with the Division of Water Rights. If title to a water right needs to be updated, you must prepare and file a separate Report of Water Right Conveyance with the State Engineer. If you have any questions, please contact the Division of Water Rights at: (801) 538-7240.

\*\*\*\*\*

1. WATER RIGHT AND OWNERSHIP INFORMATION:

- A. NAME: Hardware Park Mountain Estates, a Utah Non Profit Corporation  
ADDRESS: C/O Michael L. Gailey, Secretary  
3333 South 1000 West  
Syracuse UT 84075  
INTEREST: 100%
- B. TYPE OF RIGHT: Diligence Claim No. D1269
- C. PRIORITY DATE: 1895

2. SOURCE INFORMATION:

- A. QUANTITY OF WATER: 0.01 cfs
- B. DIRECT SOURCE: Buck's Spring and East Spring
- C. POINT(S) OF SPRING:
  - (1) S 943 feet W 3,210 feet from NE corner, Section 25, T 9N, R 3E, SLBM  
DIVERTING WORKS: Tanks and piping to spigot  
SOURCE OF POD: Buck's Spring
  - (2) N 470 feet W 1,780 feet from SE corner, Section 25, T 9N, R 3E, SLBM  
DIVERTING WORKS: Tanks and piping to spigot  
SOURCE OF POD: East Spring
- D. POINTS OF DIVERSION -- OTHER:
  - (1) Stockwatering directly on spring located:  
North 824 feet West 1,122 feet from the SE corner, Sec 25, T9N, R3E, SLBM.  
SOURCE:



(2) Stockwatering directly on spring located:  
 South 990 feet East 2,180 feet from the NW corner, Sec 25, T9N, R3E, SLBM.  
 SOURCE:

E. COUNTY: Cache

F. STORAGE. Water is to be diverted for storage into:

(1) Unnamed Reservoirs, from JAN 1 to DEC 31.  
 CAPACITY: 0.400 acre-feet. INUNDATES: 0.20 acres. DAM HEIGHT: 4 feet.  
 Area inundated includes all or part of the following legal subdivisions:

BASE TOWN RANG SEC	NORTH-WEST 1/4				NORTH-EAST 1/4				SOUTH-WEST 1/4				SOUTH-EAST 1/4			
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE
SL 9N 3E 25		X			***				***				***			X

3. WATER USE INFORMATION: (The following data is divided into groups according to uses which have supplemental water rights in common.)

Supplemental Group No. 020308. Water Rights Appurtenant to the following use(s):  
 25-4338,4339

DOMESTIC: from JAN 1 to DEC 31. SOLE SUPPLY: Unevaluated families of the Group Total of 114.0000

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			
	NW	NE	SW	SE	* NW	NE	SW	SE	* NW	NE	SW	SE	* NW	NE	SW	SE
25 9N 3E SL		X			*				*				*			X

Supplemental Group No. 638571. Water Rights Appurtenant to the following use(s):  
 25-4089,4219,4228,4231,4338,4339

STOCKWATER: from to . SOLE SUPPLY: 0.0 units of the Group Total of

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

BASE TOWN RANG SEC	NORTH-WEST 1/4				NORTH-EAST 1/4				SOUTH-WEST 1/4				SOUTH-EAST 1/4			
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE
SL 9N 3E 25		X			***				***				***			X


5. EXPLANATORY:

Total volume of water under all rights in the name of Empire Enterprises and its successor, Hardware Park Mountain Estates total 3.717 acre feet.

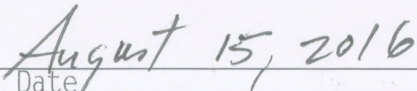


6. UNSWORN DECLARATION:

The undersigned declares under criminal penalty of the State of Utah that the foregoing is true and correct.

  
Hardware Park Mountain Estates, a Utah Non Profit Corporation

  
Title (Authorized Agent)

  
Date

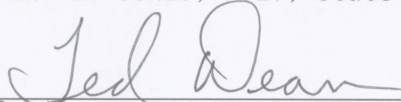
7. CERTIFICATE OF SERVICE:

I hereby certify that on the 11<sup>th</sup> day of August, 2016, a true and correct copy of this Statement of Water Users Claim was served on

Hardware Park Mountain Estates, a Utah Non Profit Corporation

(Owner or Claimant), [] by mail to the address shown, or [] in person.

KENT L. JONES, P.E., State Engineer of the State of Utah

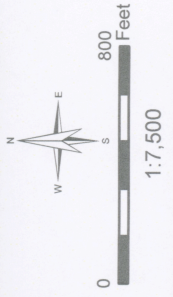
  
By:





Water Right 25-4339  
 Hardware Park Mountain Estates  
 Section 25 T9N R3E SLBM  
 August 11, 2016

● Point of Diversion  
 ■ Storage reservoir







GARY R. HERBERT  
Governor  
SPENCER J. COX  
Lieutenant Governor

**State of Utah**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Water Rights**

MICHAEL R. STYLER      KENT L. JONES  
*Executive Director*      *State Engineer/Division Director*

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF BEAR RIVER AND ALL ITS TRIBUTARIES IN UTAH.

**NOTICE TO FILE  
STATEMENT OF WATER USER'S CLAIM**

**CIVIL NO. 550108220  
(AREA 25 - BOOK 7A)**

\*\*\*\*\*

The records of the State Engineer show that you are an owner of a water right within Area 25, Book 7A. You are hereby notified that the statements of claim for the right to the use of water within the area covered by Area 25, Book 7A must be filed with the State Engineer or district court within 90 days of this notice. After reviewing and evaluating the statements of claim, the State Engineer will prepare and submit a proposed determination to the court as recognized. Based on a review of the records of the Division of Water Rights and a field investigation, it is recommended that the water right listed be DISALLOWED. (See attached memo.)

For each water right you claim, Title 73, Chapter 4 of the Utah Code requires you to file a written Statement of Water User's Claim, signed and verified on oath, setting forth the facts relating to your right. The Staff of the Division of Water Rights has prepared the enclosed form DISALLOWING the water right listed, which you may sign and return if you agree, or you may obtain a blank form upon request.

If you intend to file a Statement of Water User's Claim, you must file it with the Division of Water Rights within ninety (90) days after the date this notice is sent to you. After the Proposed Determination has been completed, the Division of Water Rights will file all claims with the District Court.

FAILURE TO FILE A CLAIM WITHIN 90 DAYS OF THIS NOTICE WILL FOREVER BAR AND ESTOP YOU FROM SUBSEQUENTLY ASSERTING ANY UNCLAIMED RIGHTS WITHIN AREA 25, BOOK 7A, AND THEY SHALL BE CONSIDERED ABANDONED.

If you have any questions, please contact TED DEAN AT (435)-752-8755.

DATED: AUGUST 15, 2016

KENT L. JONES, P.E.  
State Engineer/Division Director

Enclosure: Statement of Water User's Claim Form No. 25-4089  
(OWNER/Dis)





GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

# State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
*Executive Director*

Division of Water Rights

KENT L. JONES  
*State Engineer/Division Director*

## MEMORANDUM

**To:** File

**From:** Ted Dean

**Date:** August 15, 2016

**Re:** Water Right 25-4089

This right is a pending adjudication claim. During the field examination for 25-4338 and 25-4339, it was determined that this is a seepage area that has not been developed by Hardware Park Mountain Estates (the association). At this point in time the association has no plans to develop this water and that the right can be disallowed. In the future if the association determines that there is a need to develop this water source, they will file a change application to add this as an additional point of diversion to water right 25-4338 and 25-4339.





-----> D I S A L L O W E D <-----

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT

IN AND FOR CACHE COUNTY, STATE OF UTAH

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF BEAR RIVER AND ALL ITS TRIBUTARIES IN UTAH.

STATEMENT OF WATER USER'S CLAIM

Water Right No. 25 - 4089

Civil No. 550108220

\*\*\*\*\*
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\*\*\*\*\*

1. WATER RIGHT AND OWNERSHIP INFORMATION:

A. NAME: Hardware Park Mountain Estates, a Utah Non Profit Corporation
ADDRESS: C/O Michael L. Gailey, Secretary
3333 South 1000 West
Syracuse UT 84075
INTEREST: 100%

B. TYPE OF RIGHT: Pending Adjudication Claim, Disallowed

C. PRIORITY DATE: FEBRUARY 29, 1996

2. SOURCE INFORMATION:

A. QUANTITY OF WATER: 0.0045 cfs

B. DIRECT SOURCE: Unnamed Spring



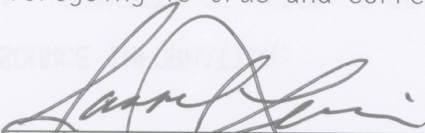
C. POINT(S) OF DIVERSION -- SURFACE:

(1) S 2,100 feet W 2,770 feet from NE corner, Section 36, T 9N, R 3E, SLBM

D. COUNTY: Cache

3. UNSWORN DECLARATION:

The undersigned declares under criminal penalty of the State of Utah that the foregoing is true and correct.

  
\_\_\_\_\_  
Hardware Park Mountain Estates, a Utah Non Profit Corporation

  
\_\_\_\_\_  
President Hume  
Title (Authorized Agent)

8/23/16  
\_\_\_\_\_  
Date



4. CERTIFICATE OF SERVICE:

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
a true and correct copy of this Statement of Water Users Claim was served on

Hardware Park Mountain Estates, a Utah Non Profit Corporation

(Owner or Claimant), [ ] by mail to the address shown, or [ ] in person.

KENT L. JONES, P.E., State Engineer of the State of Utah

By:  Pres Home





Water Right 25-4089  
Hardware Park Mountain Estates  
Section 36 T9N R3E SLBM  
August 15, 2016



1:5,500

● Point of Diversion