Utah Department of Natural Resources
Division of Water Rights

Water Right Adjudication Amendments

Resolving Conflict / Securing a Future

Where Did This Bill Come From?

The Executive Water Issues Task Force met this last summer and this summer and identified improvements in the water right general adjudication process described in Utah Code Chapter 73-4 that could be easily implemented. This bill contains the solution unanimously supported by the task force.

What is the Background?

General Adjudication is the process outlined in statute to update water right records by adjudicating in state district court all of the water rights in a hydrological basin. Such adjudications bring into the record all previously unrecorded claims including those of the United States so that all water rights will be known. It is a big complicated process because so many parties are involved but ultimately it solves problems. The General Adjudication process has been in the statutes since about 1905. Many general adjudications have been initiated throughout the state but only a handful have been completed (Sevier and Weber Rivers). Several procedure changes have been implemented informally over the years to modernize and streamline the process. This proposal implements three of those changes in statute.

What are the Changes?

- Allow the state engineer rather than the court to maintain the list of claimants and their addresses. Functionally because the state engineer works with water users daily, state engineer records of water user names and addresses are more current than those maintained by the court through claimant filing during the adjudication. Historically the state engineer has petitioned the court to substitute state engineer records for the court list when notice processes occur but it is believed it will add efficiency to the process if statutory authority is just transferred to the state engineer to maintain these records.

- While General Adjudications ultimately adjudicate all water rights of an entire basin the practice for years has been to prepare proposed determinations and seek decrees on smaller areas and then petition the court to join all of those decrees as a general adjudication. This is a practical consideration since resources aren't available to adjudicate all claims in the entire basin in a short timeframe that would allow the adjudication to proceed with current information. This adjudication proposal adopts the current practice in statute.

- General Adjudications require a lot of paper work. Notice and communication with water right claimants is required. The state engineer must prepare a proposed determination of each claim filed and publish those claims to all water users. That is a time consuming and expensive process. The state engineer is attempting to use technology to lower the costs but is seeking legislative authority in this bill to use electronic means to provide information where delivery of the information can be confirmed.

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