

**73-3b-206 Proof of completion, certification, or lapse of recovery permit.**

- (1) Sixty days before the date on which the recovery permit will lapse under Subsection (3), the state engineer shall notify the applicant by mail when proof of completion is due.
- (2)
  - (a) Before the date on which the recovery permit will lapse under Subsection (3), the applicant shall file proof of completion with the state engineer on a form furnished by the state engineer, which shall include documentation and a map prepared by a Utah licensed land surveyor or Utah licensed professional engineer that shows:
    - (i) the location and description of the recovery works constructed;
    - (ii) the method of recovering the artificially recharged water;
    - (iii) the facilities in place to recover and deliver the recovered water; and
    - (iv) the purpose and place of use of the recovered water.
  - (b) The state engineer may waive the filing of a map, profile, or drawing, if in the state engineer's opinion the written proof of completion adequately describes the works and the nature and extent of the recovery project.
  - (c) The completed proof shall conform to a rule established by the state engineer.
- (3) A recovery permit will lapse if the recovery project is not completed within five years from the date of the recovery permit application's approval unless:
  - (a) the applicant requests an extension of time to complete the recovery project; and
  - (b) the state engineer approves the extension of time.
- (4)
  - (a) The state engineer shall issue a recovery certificate if the recovery permittee has demonstrated to the state engineer's satisfaction that:
    - (i) the recovery project is perfected in accordance with the recovery permit; and
    - (ii) water is being recovered.
  - (b) The recovery certificate shall include:
    - (i) the name and post office address of the recovery permittee;
    - (ii) the works used to recover and deliver recovered water; and
    - (iii) other information that defines the extent and conditions of the recovery permit.
  - (c) A recovery certificate issued for a recovery permit need show no more than the facts shown in the proof of completion.
  - (d) A recovery certificate issued under this section does not extend the rights described in the recovery permit.
  - (e)
    - (i) The state engineer shall:
      - (A) retain and file one copy of the recovery certificate; and
      - (B) deliver one copy of the recovery certificate to the recovery permittee.
    - (ii) A recovery permittee shall file the recovery certificate with the county recorder of the county in which the water is recovered.
  - (f) The recovery certificate issued and filed under this section is prima facie evidence of the recovery permittee's right to the recovered water for the purpose, at the place, and during the time specified in the recovery certificate.

Amended by Chapter 107, 2010 General Session