

***Superseded 5/10/2016***

**73-4-11 Report and recommendation by engineer to court -- Notice -- Public meeting.**

- (1) Within 30 days after the last day on which a claimant may file a statement of claim in accordance with Section 73-4-5, the state engineer shall begin to tabulate the facts contained in the statements filed and to investigate, whenever the state engineer shall consider necessary, the facts set forth in the statements by reference to the surveys already made or by further surveys, and shall as expeditiously as possible report to the court a recommendation of how all rights involved shall be determined.
- (2) After full consideration of the statements of claims, and of the surveys, records, and files, and after a personal examination of the river system or water source involved, if the examination is considered necessary, the state engineer shall:
  - (a) formulate a report and a proposed determination of all rights to the use of the water of the river system or water source;
  - (b) serve notice of completion of the report and proposed determination, in accordance with Subsection 73-4-3(5), to each claimant of record in the state engineer's office within the general adjudication area, division, or subdivision, that includes:
    - (i)
      - (A) a copy of the report and proposed determination; or
      - (B) instructions on how to obtain or access an electronic copy of the report and proposed determination; and
    - (ii) a statement describing the claimant's right to file an objection to the report and proposed determination within 90 days after the day on which the notice of completion of the report and proposed determination is served; and
  - (c) hold a public meeting in the area covered by the report and proposed determination to describe the report and proposed determination to the claimants.
- (3) A claimant who desires to object to the state engineer's report and proposed determination shall, within 90 days after the day on which the state engineer served the claimant notice of completion of the report and proposed determination, file a written objection to the report and proposed determination with the clerk of the district court.
- (4) The state engineer shall distribute the waters from the natural streams or other natural sources:
  - (a) in accordance with the proposed determination or modification to the proposed determination by court order until a final decree is rendered by the court; or
  - (b) if the right to the use of the waters has been decreed or adjudicated, in accordance with the decree until the decree is reversed, modified, vacated, or otherwise legally set aside.