

**Effective 5/10/2016**

**73-4-11 Proposed determination by engineer to court -- Hydrographic survey map -- Notice -- Public meeting.**

- (1) After full consideration of the statements of claims, records, and files, and after an examination of the river system or water source involved, the state engineer shall for the general adjudication area, division, or subdivision:
  - (a) complete a hydrographic survey map;
  - (b) prepare a proposed determination of all rights to the use of the water and file it with the district court;
  - (c) serve notice of completion of the proposed determination by publication and by mail, 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 proposed determination; or
      - (B) instructions on how to obtain or access an electronic copy of the proposed determination; and
    - (ii) a statement describing the claimant's right to file an objection to the proposed determination within 90 days after the day on which the notice of completion of the proposed determination is served; and
  - (d) hold a public meeting in the area, division, or subdivision covered by the proposed determination to explain the proposed determination to the claimants.
- (2) A claimant who desires to object to the state engineer's proposed determination shall, within 90 days after the day on which the state engineer served the claimant with notice of completion of the proposed determination, file a written objection to the proposed determination with the district court.
- (3) 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.

Amended by Chapter 72, 2016 General Session