

**REAL PROPERTY PURCHASE -
NOTIFICATION OF WATER RIGHTS**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ben C. Ferry

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires a certain notification to be provided if ~~H→~~ **[a] an approved or perfected** ~~←H~~ water right is included in a sale of real property.

Highlighted Provisions:

This bill:

► requires a notice to be provided to a purchaser of real property if ~~H→~~ **[a] an approved or perfected** ~~←H~~ water right is included with the real property; and

► requires the Division of Water Rights to create a form on which a required notice concerning ~~H→~~ **[a] an approved or perfected** ~~←H~~ water right included with the sale of real property may be made.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

57-1-46, Utah Code Annotated 1953

73-2-29, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section **57-1-46** is enacted to read:

29 **57-1-46. Notice required for sale of real property that includes a water right.**

30 If the sale of real property includes ~~H~~→ [a] **an approved or perfected** ←~~H~~ water right, the
30a seller shall provide the buyer with:

31 (1) notice that ~~H~~→ [a] **an approved or perfected** ←~~H~~ water right is included; and

32 (2) a completed notice form created under Section 73-2-29.

33 Section 2. Section **73-2-29** is enacted to read:

34 **73-2-29. Creation of notice form to be included with the sale of a water right with**
35 **other real property.**

36 (1) The division shall, by rule, create a form on which a person may make the notice
37 required by Section 57-1-46 concerning the sale of real property that includes ~~H~~→ [a] **an approved**
37a **or perfected** ←~~H~~ water right.

38 (2) The form created under Subsection (1) shall include information concerning:

39 (a) identification of the ~~H~~→ **approved or perfected** ←~~H~~ water right;

40 (b) the possibility for forfeiture of ~~H~~→ [a] **an approved or perfected** ←~~H~~ water right if
40a other provisions of law are not
41 satisfied;

42 (c) how to contact the division for further information or assistance; and

43 (d) any other information the division considers advisable to include.

Legislative Review Note
as of 2-11-08 1:49 PM

Office of Legislative Research and General Counsel

H.B. 394 - Real Property Purchase - Notification of Water Rights

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
