

**Representative Kerry W. Gibson** proposes the following substitute bill:

**PRIORITY OF WATER RIGHTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kerry W. Gibson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill repeals and amends sections relating to the priority of water rights.

**Highlighted Provisions:**

This bill:

- ▶ amends a section relating to the priority of water rights; and
- ▶ repeals a section relating to the priority of water rights in times of scarcity.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**73-3-1**, Utah Code Annotated 1953

REPEALS:

**73-3-21**, Utah Code Annotated 1953

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

Section 1. Section **73-3-1** is amended to read:



26           **73-3-1. Appropriation -- Manner of acquiring water rights.**

27           (1) (a) Rights to the use of the unappropriated public waters in this state may be  
28 acquired only as provided in this title.

29           (b) No appropriation of water may be made and no rights to the use thereof initiated  
30 and no notice of intent to appropriate [~~shall be~~] is recognized except application for such  
31 appropriation first be made to the state engineer in the manner hereinafter provided, and not  
32 otherwise.

33           (2) The appropriation must be for some useful and beneficial purpose[~~, and, as~~].

34           (3) As between appropriators, the [~~one~~] appropriator:

35           (a) first in time [~~shall be~~] is first in rights; [~~provided, that when~~] and

36           (b) shall receive the appropriator's whole supply before any subsequent appropriator  
37 shall have any right.

38           (4) If a use designated by an application to appropriate any of the unappropriated  
39 waters of the state would materially interfere with a more beneficial use of such water, the  
40 application shall be dealt with as provided in Section 73-3-8.

41           (5) No right to the use of water either appropriated or unappropriated [~~can~~] may be  
42 acquired by adverse use or adverse possession.

43           Section 2. **Repealer.**

44           This bill repeals:

45           Section **73-3-21, Priorities between appropriators.**