

17B-1-104.5 Groundwater right owner provisions -- Vote.

- (1) For purposes of this title, an owner of a groundwater right, is on the date of the filing of a groundwater right owner petition or groundwater right owner request, the owner according to:
 - (a) a deed recorded with the county recorder in accordance with Section 73-1-10; or
 - (b) a water right of record filed in the state engineer's office in accordance with Section 73-1-10.
- (2) For purposes of each provision of this title that requires the owners of groundwater rights covering a percentage of the total groundwater rights within the proposed local district to sign a request, petition, or protest:
 - (a) a groundwater right may not be included in the calculation of the required percentage unless the request or petition is signed by:
 - (i) except as provided in Subsection (2)(a)(ii), owners representing a majority ownership interest in that groundwater right; or
 - (ii) if the groundwater right is owned by joint tenants or tenants by the entirety, 50% of the number of owners of that groundwater right;
 - (b) the signature of a person signing a request or petition in a representative capacity on behalf of an owner is invalid unless:
 - (i) the person's representative capacity and the name of the owner the person represents are indicated on the request or petition with the person's signature; and
 - (ii) the person provides documentation accompanying the request or petition that reasonably substantiates the person's representative capacity; and
 - (c) subject to Subsection (2)(b), a duly appointed personal representative may sign a request or petition on behalf of the estate of a deceased owner.
- (3) For an election by groundwater right owners described in this title, each owner of a groundwater right is entitled to cast one vote.

Enacted by Chapter 68, 2011 General Session