

65A-12-3 Water rights to be appurtenant to land -- Lien for purchase price -- Foreclosure and redemption.

- (1)
 - (a) The water rights to all lands acquired under this chapter shall attach to and become appurtenant to the land as soon as the title passes from the United States to the state.
 - (b) Any person furnishing water for any tract of land so acquired shall have a first and prior lien on those water rights and land upon which the water is used for all deferred payments for such water rights.
 - (c) The lien is to be in all respects prior to any and all other liens created or attempted to be created by the owner and possessor of the land.
 - (d) The lien shall remain in force and effect until the last deferred payment for the water rights is fully paid and settled according to the terms of the contract under which such water rights were acquired.
- (2)
 - (a) The contract for the water rights upon which the lien is founded shall be recorded in the office of the county recorder of the county where the land is situated.
 - (b) Upon default of any deferred payments secured by any lien under this chapter, the person holding the lien may foreclose the lien according to the terms and conditions of the contract granting and selling to the settler the water rights.
 - (c) Foreclosure shall be in the manner in which mortgages are foreclosed in this state.
 - (d) The settler shall have the right, within one year from the date of foreclosure as provided in this section, to redeem the land and water rights, by payment of the sum of deferred payment with interest at not to exceed 12% per annum, with accrued cost of maintenance.

Renumbered and Amended by Chapter 294, 1994 General Session