

Chapter 12

Lands Granted Under the Carey Act

65A-12-1 Authority of division to manage lands granted under the Carey Act.

The selection, management, and disposal of lands granted by Congress under the Carey Act is vested in the division, which is authorized to make rules and contracts necessary to carry out the provisions of this chapter.

Repealed and Re-enacted by Chapter 294, 1994 General Session

65A-12-2 Reclamation Trust Fund -- Carey Act Expense Fund.

- (1)
 - (a) All money received by the division from the sale of lands selected under this chapter shall be deposited with the state treasurer.
 - (b) Any sums necessary shall be available for the payment of the expenses of the division in carrying out the provisions of this chapter.
- (2)
 - (a) Any balance remaining over and above the expenses necessary to carry out the provisions of this chapter shall constitute a trust fund to be used only for the reclamation of other arid lands.
 - (b)
 - (i) Until there is sufficient money in the Reclamation Trust Fund, the expenses of the division in carrying out the provisions of this chapter may be paid from a Carey Act Expense Fund to be appropriated by the Legislature.
 - (ii) The Division of Finance shall register claims paid out of the expense fund in the order of their presentation.
 - (c) Whenever, except as provided in this chapter, money in the reclamation trust fund equals a claim which has been paid out of the Carey Act Expense Fund, the Division of Finance shall draw a warrant on the reclamation fund to reimburse the state for sums that have been paid out of the Carey Act Expense Fund.
- (3)
 - (a) The division shall draw by requisition on the Division of Finance the sums necessary to pay the United States in order to obtain patent to lands accepted in this chapter.
 - (b) The Division of Finance shall draw this warrant on the Reclamation Trust Fund giving precedence to sums to be paid to the United States over warrants to reimburse the state for expenses.

Renumbered and Amended by Chapter 294, 1994 General Session

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