

73-1-10 Conveyance of water rights -- Deed -- Exceptions -- Filing and recording of deed -- Report of water right conveyance.

- (1)
 - (a) A water right, whether evidenced by a decree, a certificate of appropriation, a diligence claim to the use of surface or underground water, or a water user's claim filed in general determination proceedings, shall be transferred by deed in substantially the same manner as is real estate.
 - (b) The deed must be recorded in the office of the recorder of the county where the point of diversion of the water is located and in the county where the water is used.
 - (c) A recorded deed of a water right shall from the time of its recording in the office of the county recorder constitute notice of its contents to all persons.
 - (d)
 - (i) Beginning July 1, 2011, a deed under Subsection (1)(a) may include a water rights addendum as provided in Section 57-3-109.
 - (ii) The state engineer shall consider a water rights addendum that is recorded and forwarded to the state engineer by a county recorder, in accordance with Section 57-3-109, as a submitted report of water right conveyance under Subsection (3).
- (2) The right to the use of water evidenced by shares of stock in a corporation shall be transferred in accordance with the procedures applicable to securities set forth in Title 70A, Chapter 8, Uniform Commercial Code - Investment Securities.
- (3)
 - (a) To update water right ownership on the records of the state engineer, a water right owner shall submit a report of water right conveyance to the state engineer.
 - (b) The report of water right conveyance shall be on forms provided by the state engineer.
 - (c) The report shall be prepared by:
 - (i) or prepared under the direction of and certified by, any of the following persons licensed in Utah:
 - (A) an attorney;
 - (B) a professional engineer;
 - (C) a title insurance producer; or
 - (D) a professional land surveyor; or
 - (ii) the water right owner as authorized by rule of the state engineer.
 - (d) The filing and processing of a report of water right conveyance with the state engineer is neither an adjudication of water right ownership nor an opinion as to title or validity of the water right.
 - (e) The state engineer shall adopt rules that specify:
 - (i) the information required in a report of water right conveyance; and
 - (ii) the procedures for processing the reports.

Amended by Chapter 363, 2013 General Session