

73-3-17 Certificate of appropriation -- Evidence.

- (1) Upon the satisfaction of the state engineer that an appropriation, a permanent change of point of diversion, place or purpose of use, or a fixed time change authorized by Section 73-3-30 has been perfected in accordance with the application, and that the water appropriated or affected by the change has been put to a beneficial use, as required by Section 73-3-16 or 73-3-30, the state engineer shall issue a certificate, in duplicate, setting forth:
 - (a) the name and post-office address of the person by whom the water is used;
 - (b) the quantity of water in acre-feet or the flow in second-feet appropriated;
 - (c) the purpose for which the water is used;
 - (d) the time during which the water is to be used each year;
 - (e) the name of the stream or water source:
 - (i) from which the water is diverted; or
 - (ii) within which an instream flow is maintained;
 - (f) the date of the appropriation or change; and
 - (g) other information that defines the extent and conditions of actual application of the water to a beneficial use.
- (2) A certificate issued on an application for one of the following types of projects need show no more than the facts shown in the proof submitted under Section 73-3-16:
 - (a) a project constructed according to Title 73, Chapter 10, Board of Water Resources - Division of Water Resources;
 - (b) a federal project constructed by the United States Bureau of Reclamation, referred to in Section 73-3-16; and
 - (c) a surface water storage facility in excess of 1,000 acre-feet constructed by a public water supplier.
- (3) A certificate under this section does not extend the rights described in the application.
- (4) Failure to file proof of appropriation or proof of change of the water on or before the date set therefor causes the application to lapse.
- (5) One copy of a certificate issued under this section shall be filed in the office of the state engineer and the other shall be delivered to the appropriator or to the person making the change who may record the certificate in the office of the county recorder of the county in which the water is diverted from the natural stream or source.
- (6) The certificate issued under this section is prima facie evidence of the owner's right to use the water in the quantity, for the purpose, at the place, and during the time specified therein, subject to prior rights.

Amended by Chapter 128, 2011 General Session