

Effective 5/10/2016

73-4-22 State engineer's duty to search records for and serve summons on claimants -- Filing of affidavit -- Publication of summons -- Binding on unknown claimants.

- (1) The state engineer, throughout the pendency of proceedings, shall serve summons in the manner prescribed by Section 73-4-4 upon all claimants to the use of water in the described source embraced by said action, whenever the names and addresses of said persons come to the attention of the state engineer.
- (2) Immediately after the notice of the proposed determination is given, in accordance with Section 73-4-11 hereof, the state engineer shall diligently search for the names and addresses of any claimants to water in the source covered by the proposed determination who have not been previously served with summons other than by publication, and any such persons located shall forthwith be served with summons.
- (3) After the state engineer has exhausted the search for other claimants, as described in Subsection (2), the state engineer shall:
 - (a) make such fact known to the district court by affidavit; and
 - (b) as ordered by the court, again publish summons five times, once each week, for five successive weeks which said service shall be binding upon all unknown claimants.

Amended by Chapter 72, 2016 General Session