

Superseded 5/10/2016

78B-2-213 What constitutes adverse possession not under written instrument.

Land is considered to be possessed and occupied adversely by a person claiming title not founded upon a written instrument, judgment, or decree in the following cases only, where:

- (1) it has been protected by a substantial enclosure;
- (2) it has been usually cultivated or improved; and
- (3) labor or money amounting to the sum of \$5 per acre has been expended upon dams, canals, embankments, aqueducts, or otherwise for the purpose of irrigating the land.