

WATER RIGHTS OWNERSHIP REQUIREMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael R. Styler

AN ACT RELATING TO WATER AND IRRIGATION; SPECIFYING REQUIREMENTS FOR UPDATING WATER RIGHT OWNERSHIP ON RECORDS OF THE STATE ENGINEER; AND AUTHORIZING THE STATE ENGINEER TO MAKE RULES AND CHARGE FEES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

73-1-10, as last amended by Chapter 186, Laws of Utah 1999

73-2-14, as repealed and reenacted by Chapter 241, Laws of Utah 1995

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **73-1-10** is amended to read:

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) (i) A copy of the deed or other conveyance which contains a reference to a water right number for a water right evidenced by any document listed in Subsection 73-1-11(5) shall be promptly transmitted by the county recorder to the state engineer for filing.

(ii) The state engineer may designate regional offices to receive copies of deeds or other conveyances transmitted pursuant to Subsection (1)(c)(i). A county recorder may not be required to transmit documents to more than one regional office.

(d) A recorded deed of a water right shall from the time of its filing in the office of the county recorder constitute notice of its contents to all persons.

(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 agent; 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.

Section 2. Section **73-2-14** is amended to read:

73-2-14. Fees of state engineer.

(1) The state engineer shall charge fees pursuant to Section 63-38-3.2 for the following:

(a) applications to appropriate water;

(b) applications to temporarily appropriate water;

(c) applications for permanent or temporary change;

(d) applications for exchange;

(e) applications for an extension of time in which to resume use of water;

- (f) applications to appropriate water, or make a permanent or temporary change, for use outside the state filed pursuant to Title 73, Chapter 3a, Water Exports;
 - (g) groundwater recovery permits;
 - (h) diligence claims for surface or underground water filed pursuant to Section 73-5-13;
 - (i) republication of notice to water users after amendment of application where required by this title;
 - (j) applications to segregate;
 - (k) requests for an extension of time in which to submit proof of appropriation not to exceed 14 years after the date of approval of the application;
 - (l) requests for an extension of time in which to submit proof of appropriation 14 years or more after the date of approval of the application;
 - (m) groundwater recharge permits;
 - (n) applications for a well driller's license, annual renewal of a well driller's license, and late annual renewal of a well driller's license;
 - (o) certification of copies; [~~and~~]
 - (p) preparing copies of documents[-]; and
 - (q) reports of water right conveyance.
- (2) Fees for the services specified in Subsections (1)(a) through (1)(i) shall be based upon the rate of flow or volume of water. If it is proposed to appropriate by both direct flow and storage, the fee shall be based upon either the rate of flow or annual volume of water stored, whichever fee is greater.