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1	WATER RIGHTS AMENDMENTS
2	2011 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Jack R. Draxler
5	Senate Sponsor: Ralph Okerlund
6	LONG TITLE
7 8	
	General Description:
9	This bill addresses water rights applications.
10	Highlighted Provisions:
11	This bill:
12	<ul> <li>eliminates a provision referring to forfeiture of a water right application;</li> </ul>
13	<ul> <li>changes a reference concerning exceptions to application-based priority dates for</li> </ul>
14	water rights; and
15	makes technical changes.
16	Money Appropriated in this Bill:
17	None
18	Other Special Clauses:
19	None
20	<b>Utah Code Sections Affected:</b>
21	AMENDS:
22	73-3-18, as last amended by Laws of Utah 1959, Chapter 137
23	
24	Be it enacted by the Legislature of the state of Utah:
25	Section 1. Section <b>73-3-18</b> is amended to read:
26	73-3-18. Lapse of application Notice Reinstatement Priorities
27	Assignment of application Filing and recording Constructive notice Effect of
28	failure to record.
29	(1) When an application lapses for failure of the applicant to comply with [the

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30 provisions of this title this title provisions or the state engineer's order [of the state engineer], 31 notice of [such lapsing] the lapse shall [forthwith] promptly be given to the applicant by regular 32 mail. 33 (2) Within 60 days after [such] notice of a lapse described in Subsection (1), the state engineer may, upon a showing of reasonable cause, reinstate the application with the date of 34 35 priority changed to the date of reinstatement. 36 (3) The original priority date of a lapsed [or forfeited] application [shall] may not be 37 reinstated, except upon a showing of fraud or mistake of the state engineer. 38 (4) The priority of an application shall be determined by the date of receiving the 39 written application in the state engineer's office, except as provided in Section [73-3-17] 40 73-3-12 and as [herein] provided in this section. [Prior to] 41 (5) Before issuance of a certificate of appropriation, rights claimed under applications 42 for the appropriation of water may be transferred or assigned by instruments in writing. [Such 43 instruments, 44 (6) An instrument transferring or assigning a right described in Subsection (5), when 45 acknowledged or proved and certified in the manner provided by law for the 46 [acknowledgement] acknowledgment or proving of conveyances of real estate, may be filed in 47 the office of the state engineer and shall from time of filing [of same in said office] impart 48 notice to all persons of the contents thereof. 49 (7) Every assignment of an application [which shall not be recorded] that is not filed as [herein] provided [shall be] by this section is void as against any subsequent assignee in good 50 51 faith and for valuable consideration of the same application or any portion thereof where [his]

the subsequent assignee's own assignment [shall be] is first duly [recorded] filed.

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