

**WATER RIGHTS ADDENDUM AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Logan Wilde**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions in regard to transferring or assigning water rights by a written instrument.

**Highlighted Provisions:**

This bill:

▸ provides that, beginning July 1, 2017, an instrument transferring or assigning a water right may include a water rights addendum;

▸ provides that the state engineer shall consider a water rights addendum that is recorded and forwarded to the state engineer by a country recorder as a submitted report of water right conveyance; and

▸ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**73-3-18**, as last amended by Laws of Utah 2014, Chapter 369

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



28 Section 1. Section 73-3-18 is amended to read:

29 **73-3-18. Lapse of application -- Notice -- Reinstatement -- Priorities --**  
30 **Assignment of application -- Filing and recording -- Constructive notice -- Effect of**  
31 **failure to record.**

32 (1) If an application lapses for failure of the applicant to comply with a provision of  
33 this title or an order of the state engineer, the state engineer shall promptly give notice of the  
34 lapse to the applicant by regular mail.

35 (2) Within 60 days after notice of a lapse described in Subsection (1), the state engineer  
36 may, upon a showing of reasonable cause, reinstate the application with the date of priority  
37 changed to the date of reinstatement.

38 (3) The original priority date of a lapsed application may not be reinstated, except upon  
39 a showing of fraud or mistake of the state engineer.

40 (4) Except as provided in Section 73-3-5.6, Section 73-3-12, Section 73-3-20, or  
41 Subsection (2), the priority of an application is determined by the day on which the state  
42 engineer's office receives the written application.

43 (5) Before the state engineer issues a certificate of appropriation, a right claimed under  
44 an application for the appropriation of water may be transferred or assigned by a written  
45 instrument.

46 (6) (a) An instrument transferring or assigning a right described in Subsection (5) shall  
47 be recorded in the office of the applicable county recorder to provide notice of the instrument's  
48 contents.

49 (b) Beginning July 1, 2017, an instrument described in Subsection (5) may include a  
50 water rights addendum, as provided in Section 57-3-109.

51 (c) The state engineer shall consider a water rights addendum that is recorded and  
52 forwarded to the state engineer by a county recorder, in accordance with Section 57-3-109, as a  
53 submitted report of water right conveyance for purposes of fulfilling Subsection 73-1-10(3)(a).

54 (7) An instrument described in Subsection (6) that is not recorded as described in  
55 Subsection (6) is void against any subsequent assignee in good faith and for valuable  
56 consideration of the same application or any portion of the same application, if the subsequent  
57 assignee's own assignment is recorded as described in Subsection (6) first.

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**