

HB0180S02 compared with HB0180S01

~~text~~ shows text that was in HB0180S01 but was deleted in HB0180S02.

Inserted text shows text that was not in HB0180S01 but was inserted into HB0180S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Logan Wilde proposes the following substitute bill:

WATER RIGHTS TRANSFER AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Logan Wilde

Senate Sponsor: ~~_____~~ D. Gregg Buxton

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ states that a right claimed under an application for the appropriation of water may be assigned including by a form provided by the state engineer's office;
- ▶ provides that, beginning July 1, 2017, the state engineer shall consider an assignment that is recorded and forwarded to the state engineer ~~by a county recorder~~ as a submitted report of water right conveyance; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

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Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

(2) Within 60 days after 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 priority changed to the date of reinstatement.

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

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

(5) Before the state engineer issues a certificate of appropriation, a right claimed under an application for the appropriation of water may be ~~transferred or~~ assigned by a written instrument ~~assigned~~, including by use of a form provided by the state engineer's office.

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

(b) Beginning July 1, 2017, the state engineer shall consider an assignment ~~as~~ using the state engineer's form described in Subsection (5) that is recorded and forwarded to the state engineer ~~by a county recorder, in accordance with Section 57-3-109,~~ as a submitted report of

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water right conveyance for purposes of fulfilling Subsection 73-1-10(3)(a).

(7) An instrument described in Subsection ~~[(6)]~~ [(5)] that is not recorded as described in Subsection (6) is void against any subsequent assignee in good faith and for valuable consideration of the same application or any portion of the same application, if the subsequent assignee's own assignment is recorded as described in Subsection (6) first.