

WATER RIGHTS PUBLICATION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel K. Briscoe

Senate Sponsor: Michael K. McKell

LONG TITLE**Committee Note:**

The Legislative Water Development Commission recommended this bill.

Membership: 13 legislators 11 non-legislators

Total Vote: 10 voting for 0 voting against 3 absent

Legislative Vote: 10 voting for 0 voting against 3 absent

General Description:

This bill addresses publication of notices by the state engineer.

Highlighted Provisions:

This bill:

- ▶ permits the state engineer to confirm publication of a notice of application through electronic means; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

73-3-6, as last amended by Laws of Utah 2015, Chapter 285

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

Section 1. Section **73-3-6** is amended to read:

73-3-6. Publication of notice of application -- Corrections or amendments of applications -- Confirmation -- Withdrawal of application.

(1) (a) When an application is filed in compliance with this title, the state engineer shall publish a notice of the application:

(i) once a week for a period of two successive weeks in a newspaper of general circulation in the county in which the source of supply is located, and where the water is to be used; and

(ii) in accordance within Section **45-1-101** for two weeks.

(b) The notice shall:

(i) state that an application has been made; and

(ii) specify where the interested party may obtain additional information relating to the application.

(c) Clerical errors, ambiguities, and mistakes that do not prejudice the rights of others may be corrected by order of the state engineer either before or after the publication of notice.

(d) The state engineer may confirm publication of a notice of application under this Subsection (1) through electronic means.

(2) After publication of notice to water users, the state engineer may authorize amendments or corrections that involve a change of point of diversion, place, or purpose of use of water, only after republication of notice to water users.

(3) (a) An applicant or an applicant's successor in interest may withdraw an unperfected application by notifying, in writing, the state engineer of the withdrawal.

(b) Upon receipt of the notice described in Subsection (3)(a), the state engineer shall promptly update state engineer records to reflect that the application has been withdrawn and is of no further force or effect.

(c) An individual who withdraws an unperfected application under Subsection (3)(a) is not entitled to a refund of fees.

Section 2. Effective date.

This bill takes effect on May 1, 2024.