

TRANSFER OF WATER RIGHTS

REQUIREMENT

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Robert M. Muhlestein

AN ACT RELATING TO WATER AND IRRIGATION; SPECIFYING REQUIREMENTS AND PROCEDURES FOR THE TRANSMITTAL BY COUNTY RECORDERS TO THE STATE ENGINEER OF DEEDS AND OTHER CONVEYANCES WHICH REFER TO WATER RIGHTS.

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

AMENDS:

73-1-10, as last amended by Chapter 135, Laws of Utah 1998

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 recordation of deed.

(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 [certified] copy of the deed[;] or other [instrument, transferring the] 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

28 conveyances transmitted pursuant to Subsection (1)(c)(i). A county recorder may not be required
29 to transmit documents to more than one regional office.

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

32 (2) The right to the use of water evidenced by shares of stock in a corporation shall be
33 transferred in accordance with the procedures applicable to securities set forth in Title 70A,
34 Chapter 8, Uniform Commercial Code - Investment Securities.

Legislative Review Note
as of 2-1-99 11:32 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel