

1 **Water Rights Applications Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Owens

Senate Sponsor:

3 **LONG TITLE**

4 **Committee Note:**

5 The Legislative Water Development Commission recommended this bill.

6 Legislative Vote: 9 voting for 0 voting against 4 absent

7 **General Description:**

8 This bill addresses applications before the state engineer.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ addresses time frames related to reinstatement of a lapsed application; and
- 12 ▶ makes technical changes.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **73-3-18**, as last amended by Laws of Utah 2021, Chapter 81

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

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

23 **73-3-18 . Lapse of application -- Notice -- Reinstatement -- Priorities --**

24 **Assignment of application -- Filing and recording -- Constructive notice -- Effect of**
 25 **failure to record.**

26 (1) If an application lapses for failure of the applicant to comply with a provision of this
 27 title or an order of the state engineer, the state engineer shall promptly give notice of the
 28 lapse to the applicant by regular mail, or send notice electronically if receipt is verifiable.

29 (2) [~~Within 60 days after notice of a lapse described in Subsection (1), the~~]

30 (a) The state engineer may, upon a showing of reasonable cause, reinstate [the

31 ~~application with] a lapsed application if, no later than 60 days after the state engineer~~
 32 ~~mails or sends electronically the notice of lapse described in Subsection (1), the~~
 33 ~~applicant files:~~

34 (i) ~~a request to reinstate the application using a~~ ~~Ĥ~~ → ~~[restatement]~~ ~~reinstatement~~ ← ~~Ĥ~~ ~~form~~
 34a ~~provided by the~~
 35 ~~state engineer; and~~

36 (ii) ~~a request for an extension of time under Section 73-3-12.~~

37 (b) ~~Except as provided in Subsection (2)(c), the state engineer shall change the date of~~
 38 ~~priority [echanged] of a reinstated application to the date [of] the request for~~
 39 ~~reinstatement was filed.~~

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

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

45 [(5)] (4) ~~Before the state engineer issues a certificate of appropriation, a right claimed under~~
 46 ~~an application for the appropriation of water may be assigned by a written instrument,~~
 47 ~~including by use of a form provided by the state engineer's office.~~

48 [(6)] (5)(a) ~~An instrument assigning a right described in Subsection [(5)] (4) shall be~~
 49 ~~recorded in the office of the applicable county recorder to provide notice of the~~
 50 ~~instrument's contents.~~

51 (b) ~~Beginning July 1, 2017, the state engineer shall consider an assignment using the~~
 52 ~~state engineer's form described in Subsection [(5)] (4) that is recorded and forwarded~~
 53 ~~to the state engineer as a submitted report of water right conveyance for purposes of~~
 54 ~~fulfilling Subsection 73-1-10(3)(a).~~

55 [(7)] (6) ~~An instrument described in Subsection [(5)] (4) that is not recorded as described in~~
 56 ~~Subsection [(6)] (5) is void against any subsequent assignee in good faith and for~~
 57 ~~valuable consideration of the same application or any portion of the same application, if~~
 58 ~~the subsequent assignee's own assignment is recorded as described in Subsection [(6)] (5)~~
 59 ~~first.~~

60 **Section 2. Effective date.**

61 This bill takes effect on May 7, 2025.