

1 **WATER LAW - APPLICATION WITHDRAWAL**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Margaret Dayton**

5 House Sponsor: Keith Grover

7 **LONG TITLE**

8 **General Description:**

9 This bill authorizes an individual to withdraw an application for the use of water.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ requires an individual who wishes to withdraw an unperfected application to send
- 13 written notice to the state engineer;
- 14 ▶ requires the state engineer, upon receipt of the notice of withdrawal, to update state
- 15 engineer records;
- 16 ▶ states that an individual who withdraws an unperfected application is not entitled to
- 17 a refund of fees; and
- 18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **73-3-6**, as last amended by Laws of Utah 2009, Chapter 388

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

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

29 **73-3-6. Publication of notice of application -- Corrections or amendments of**

30 **applications -- Withdrawal of application.**

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

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

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

37 (b) The notice shall:

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

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

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

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

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

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

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