

Executive Water Issues Task Force Bills in 2013 Legislature

Notwithstanding the negative sentiment that may have been generated over one or two water bills the 2013 legislative session was a very successful one for issues which came through the executive water issues task force. The task force recommended issues which were formulated into seven proposed bills. Six of the seven passed which included revisions to the general stream adjudication process, rulemaking authority, allowing water deed addendums to be considered as reports of water right conveyance, the removal of a requirement that land surveyors and engineers have work prepared under their professional seal notarized, revisions which clarify handling of amended diligence claims, nonuse applications, and documents recorded and relied upon by county recorders in their land records.

Additionally three water bills generated outside the task force passed in the legislative session. One which provided there will not be water right enforcement initiated for flood control efforts and slightly changed rainwater capture exemptions, one which seeks to address water rights associated the United States, and one which made some technical corrections regarding change applications for instream flows.

During the 2013 task force we suggest the following new issues be considered:

- 1) Amending the statutes to require county recorders to maintain a uniform water right deed index which references by water right number.
- 2) Remove the provision from the statute for assignment of water right applications or revert to a position that unperfected applications cannot be transferred by deed so there are not overlapping provisions.
- 3) Provide a process with non-use applications to consider and clear potential clouds of forfeiture.
- 4) Look at title issues related to trustee deeds on water rights. Is there a better system to inform people such encumbrances exist?
- 5) Address in statute how unpermitted stream alterations will be handled. We suggest an exemption from enforcement if the applicant is willing to file for a permit and correct work done to conform to conditions of the permit.
- 6) Provide for withdrawal of unperfected applications in statute.
- 7) Modernize language in section 73-3-26 to clarify advertising and contracting practice for well drilling.