

OWNERSHIP TRANSFERS

There are only two ways water right ownership is conveyed:

1. Appurtenance

Appurtenance is when water rights are attached to the property. This is the most convenient when someone is buying and selling real estate.

You should never assume that a property automatically has water access. Do careful research and understand your water rights and water access before making decisions.

2. By Deed

Ownership of a water right is often separate from ownership of a property. In these cases, water rights must be transferred in substantially the same way as real estate.

For the deed to be effective, you must:

- Complete a Report of Water Right Conveyance form (ROC) with the Division of Water Rights; and
- Complete requirements at the county recorder's office where water is used, for your deed to be valid.

MAIN OFFICE

Utah Division of Water Rights
Office of the State Engineer
1594 W. North Temple, Ste. 220
Salt Lake City, UT 84116-6300
801-538-7467

REGIONS

Utah Lake/Jordan River
801-538-7240

Weber River/Western Utah
801-538-7240

Northern Region
435-752-8755

Eastern Region
435-247-1514

Sevier River Region
435-895-2557

Southwestern Region
435-586-4231

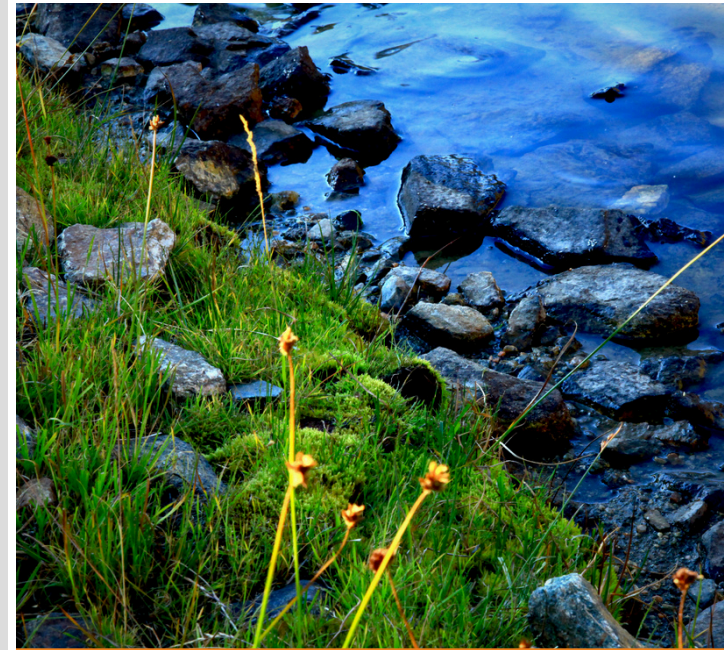
Southeastern Region
435-613-3750



The Utah Division of Water Rights is an agency of Utah State Government within the Department of Natural Resources.

Buying, Selling & Transferring

Water rights in Utah



*What you need to know
about your water right ownership,
obligations, recordkeeping and processes*



Utah Division of Water Rights

WHO OWNS WATER

In Utah, all water is owned by the public. However, having permission to use water for a specific purpose and in a defined location is called a “water right.” Utah law treats “water rights” much like it treats ownership of property.

Water rights are based on “prior appropriation.” This means that the use of a water right is based on seniority (who got there first) and on the proven beneficial use (showing there is need to use water for clear and tangible benefits).

A water right is *not* automatically attached to a property. So it’s important to consider water rights before you buy real estate, develop, build or sell a property.



RECORDKEEPING

The **Division of Water Rights** maintains records of every water right in the state. Those records are publicly available.

Water rights records are the institutional memory of all state water rights activity since 1897.

Records are used for planning and distribution, and they are imperative for proof of ownership.

Whenever there is a change on a water right, applications and forms must be completed and submitted.

All forms/applications are available at www.waterrights.utah.gov.

WHO HAS RIGHTS

Every beneficial use, change or diversion of water in Utah must be authorized by the Utah State Engineer, an administrative officer in the executive branch of the state government that was established by the Legislature in 1897.

PUBLIC NOTIFICATION

Whenever a water right change is requested, the division is required to provide public notice.

The State Engineer will notify water owners of any administrative actions, according to Utah Code §73-3-6.

