

# Navigating Title to Water Rights in Utah

Jeffry R. Gittins, Esq.

Smith Hartvigsen, PLLC



# Outline

1. Define the problem
2. Define terms
3. Deeds, assignment, and appurtenance
4. Reports of conveyance
5. Water rights addendum
6. Water right title insurance
7. Updating address information

# The Problem: Example A

- In 1970, Farmer buys 100 acres of irrigated land, which includes decreed water right for irrigation of 100 acres (400 acre-feet).
- In 1980, Farmer sells 10 acres of the land to Alex. Deed is silent regarding water. Deed is recorded.
- In 1981, Farmer sells 10 acres of land to Bob. Deed is silent regarding water. Deed is recorded.
- In 1985, Farmer sells 400 acre-feet of water right to Irrigation Company. Deed is recorded.
- In 1995, Farmer sells 40 acre-feet of water right to City.
- From 1996 to 2005, Farmer sells 1 acre-foot portions of the water right to 50 different people using water right deeds. The deeds are recorded, and change applications are filed and approved to move the water for homes and cabins.
- In 2008, Irrigation Company discovers the 1985 deed and files a Report of Conveyance with the Division of Water Rights.
- Who owns the water right?

## The Problem: Example B

- In 2004, Developer acquires 5 acres of irrigated land with a decreed water right for irrigation of 5 acres (20 acre-feet).
- Developer's purchase is financed by Bank, who secures its loan with a Deed of Trust on the land and water right.
- In 2005, Developer sells 1 acre-foot to Albert using a water right deed. Deed is recorded. Albert files change application to use water for home. Albert constructs home, files proof, and is issued a certificate of beneficial use.
- In 2006, Developer sells 1 acre-foot to Ben using a water right deed. Deed is recorded. Ben files change application to use water for home. Ben constructs home, files proof, and is issued a certificate of beneficial use.
- In 2007, Developer sells 1 acre-foot to Carl using a water right deed. Deed is recorded. Carl files change application to use water for home. Carl constructs home, files proof, and is issued a certificate of beneficial use.
- In 2008, Bank forecloses on land and water right.
- Who owns the water right?

# Office of Record

True ownership of a water right can only be determined by researching the deeds at the county recorder's office.

The Utah Division of Water Rights maintains a database of all water rights and associated information, including the name of the owner(s) of each water right.

The Division does not, however, actively monitor any transfers of water rights; rather, the Division relies on each water right owner to notify the Division when ownership transfers.

Thus, there can be—and often is—a discrepancy between the true ownership (based on recorded deeds) and the Division's database of ownership.

# Conveyance by Deed

Water rights can be transferred by deed.

Utah Code section 73-1-10

“A water right . . . shall be transferred by deed in substantially the same manner as is real estate. 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.”

May be a warranty deed, special warranty deed, or quitclaim deed.

Water right may be conveyed in same deed with land, or by itself (water deed).

May convey all or a portion of the water right.

**Beware of Deeds of Trust !!!**

# Conveyance by Deed

When Recorded Return to:

Jane Doe  
126 North 500 West  
Salt Lake City, UT 8411

## WATER RIGHT QUITCLAIM DEED AND ASSIGNMENT

**John Doe, GRANTOR**, hereby quitclaims and assigns to **Jane Doe, GRANTEE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, all of Grantor's right, title, and interest in and to the following water right in Salt Lake County, Utah:

**Water Right No. 57-1184**, as identified of record with the Utah Division of Water Rights, including Change Application a47821 and all other applications pertaining thereto.

DATED this 15th day of March, 2012.

\_\_\_\_\_  
**John Doe**

State of Utah            }  
                                  :ss.  
County of Salt Lake    }

On this 12th day of March, 2012, personally appeared before me John Doe, a Grantor herein, whose identity has been satisfactorily established to me, who did duly acknowledge that he voluntarily executed this Water Right Quitclaim Deed and Assignment for the purpose stated therein.

\_\_\_\_\_  
Notary Public

# Assignment of Water Rights

Unperfected water rights may be conveyed by assignment.

Perfected water rights: water rights evidenced by a decree, a certificate of appropriation, a diligence claim (or underground water claim), or a water user's claim filed in a general adjudication

Previously: Assignment with original signatures must have been filed with the Utah Division of Water Rights; could be recorded, but was not required

Now: Assignment must be recorded (2014 Senate Bill 17)

Form available at [www.waterrights.utah.gov/forms](http://www.waterrights.utah.gov/forms)



# Assignment of Water Rights

## WATER RIGHT ASSIGNMENT STATE OF UTAH

For valuable consideration, \_\_\_\_\_,  
\_\_\_\_\_, as assignor(s)  
hereby assign(s) \*Water Right Number \_\_\_\_\_, and all water rights evidenced  
thereby to the following assignee(s) for the following amounts;

New owner(s) assignee(s) name and address (indicate if joint tenants)	Quantity of flow and uses assigned to new owner	Quantity of flow and uses retained by previous owner (if any)
_____	_____	_____
_____	_____	_____
_____	_____	_____

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Present Owner (Assignor)

\_\_\_\_\_  
Present Owner (Assignor)

STATE OF UTAH )  
 ) ss.  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By \_\_\_\_\_  
(Present Owner(s) and title or representative capacity, if any)

(SEAL)

\_\_\_\_\_  
NOTARY PUBLIC

Commission Expires:

Residing at:

\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Note: If several parties are being assigned the water right, it is suggested that one person be appointed power of attorney to handle processing of the water right.

\*If this is an Exchange or Change Application, documentation for the underlying right must be attached.

Assignment

# Recommendation: Convey by “Deed and Assignment”

When Recorded Return to:  
Jane Doe  
126 North 500 West  
Salt Lake City, UT 8411

## WATER RIGHT QUITCLAIM DEED AND ASSIGNMENT

John Doe, GRANTOR, hereby quitclaims and assigns to Jane Doe, GRANTEE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, all of Grantor’s right, title, and interest in and to the following water right in Salt Lake County, Utah:

Water Right No. 57-1184, as identified of record with the Utah Division of Water Rights, including Change Application a47821 and all other applications pertaining thereto.

DATED this 15th day of March, 2012.

\_\_\_\_\_  
John Doe

State of Utah            }  
                                  :ss.  
County of Salt Lake    }

On this 12th day of March, 2012, personally appeared before me John Doe, a Grantor herein, whose identity has been satisfactorily established to me, who did duly acknowledge that he voluntarily executed this Water Right Quitclaim Deed and Assignment for the purpose stated therein.

\_\_\_\_\_  
Notary Public

# Conveyance by Appurtenance

Water rights can pass by appurtenance.

When land is conveyed, any appurtenant (i.e., “attached”) water right automatically passes with the land unless reserved.

Prior to May 4, 1998:

- Only vested (perfected) water rights could pass by appurtenance
- There must be unity of title, i.e., the owner of the land and the water right must be the same
- Considered appurtenant only to the extent that the water is beneficially used on the land at the time of the conveyance

# Conveyance by Appurtenance

## Utah Code section 73-1-11

“A water right appurtenant to land shall pass to the grantee of the land unless the grantor

(a) specifically reserves the water right or any part of the water right in the land conveyance document;

(b) conveys a part of the water right in the land conveyance document; or

(c) conveys the water right in a separate conveyance document prior to or contemporaneously with the execution of the land conveyance document.”

Perfected water rights, along with approved applications to appropriate, change applications, and exchange applications can be appurtenant

To be appurtenant, there must be unity of title; i.e., the owner of the land and the water right must be the same

Water right can be appurtenant only to the land that is the authorized place of use

# Conveyance by Appurtenance

## Deed 1:

Beginning at the southwest corner of Section 12, T3N, R1E, SLBM, thence north 40 rods, thence east 20 rods, thence south 40 rods, thence west 20 rods.

Together with Water Right 25-4299.

## Deed 2:

Beginning at the southwest corner of Section 12, T3N, R1E, SLBM, thence north 40 rods, thence east 20 rods, thence south 40 rods, thence west 20 rods.

# Real Estate Purchase Contract

What does the standard REPC say about water rights?



**1.4 Water Service.** The Purchase Price for the Property shall include all water rights/water shares, if any, that are the legal source for Seller's current culinary water service and irrigation water service, if any, to the Property. The water rights/water shares will be conveyed or otherwise transferred to Buyer at Closing by applicable deed or legal instruments. The following water rights/water shares, if applicable, are specifically excluded from this sale: \_\_\_\_\_

---

Who is going to be responsible/liable if water rights are not conveyed and/or reserved properly at closing?

# Reminder: Water Shares

Utah Code section 73-1-11(4):

“The right to the use of water evidenced by shares of stock in a corporation is not a water right appurtenant to land.”  
(amended in 2013)

Shares must be conveyed pursuant to the mutual water company’s articles and bylaws (generally by endorsing the back of the share certificate) and the Uniform Commercial Code

# Report of Conveyance

Reminder: The Office of Record is the county recorder's office. The Division of Water Rights relies on each water right owner to notify the Division when ownership transfers.

Accomplished by filing a Report of Conveyance with the Division of Water Rights

One Report of Conveyance per water right

\$40 fee per Report of Conveyance



# Report of Conveyance

Two forms:

--100% form

--Portion form

(available at [www.waterrights.utah.gov/forms](http://www.waterrights.utah.gov/forms))

Note: Use 100% form if all of grantor's interest in the water right is conveyed, even if it is less than 100% of the total water right

Example:

Water right is for 20 acre-feet

A owns 10 acre-feet and B owns 10 acre-feet

If B conveys 10 acre-feet to C, use 100% form

If B conveys 5 acre-feet to C, use portion form

# Report of Conveyance (100% Form)

**REPORT OF WATER RIGHT CONVEYANCE** \$40 Fee Rec'd BY \_\_\_\_\_  
 Receipt # \_\_\_\_\_

USE THIS CONVEYANCE REPORT FORM WHEN 100% OF THE WATER RIGHT IS CONVEYED.

WATER RIGHT # (One and only one) \_\_\_\_\_  
 Pending Change Applications \_\_\_\_\_  
 Non-use Expiration Date \_\_\_\_\_

**SECTION A. CONVEYANCE SUMMARY**

1. Assignment \_\_\_ Warranty Deed \_\_\_ Quitclaim Deed \_\_\_ Sheriff's Deed \_\_\_ Trustee's Deed \_\_\_ Water Deed \_\_\_  
 Other : \_\_\_\_\_

2. Date Signed \_\_\_/\_\_\_/\_\_\_ Date Recorded \_\_\_/\_\_\_/\_\_\_  
 Book \_\_\_\_\_ Page # \_\_\_\_\_ Recorder's # \_\_\_\_\_

3. Grantor \_\_\_\_\_

4. Grantee(s) \_\_\_\_\_

5. Mailing Address : \_\_\_\_\_

6. Special Conditions of Conveyance \_\_\_\_\_

1. Assignment \_\_\_ Warranty Deed \_\_\_ Quitclaim Deed \_\_\_ Sheriff's Deed \_\_\_ Trustee's Deed \_\_\_ Water Deed \_\_\_  
 Other : \_\_\_\_\_

2. Date Signed \_\_\_/\_\_\_/\_\_\_ Date Recorded \_\_\_/\_\_\_/\_\_\_  
 Book \_\_\_\_\_ Page # \_\_\_\_\_ Recorder's # \_\_\_\_\_

3. Grantor \_\_\_\_\_

4. Grantee(s) \_\_\_\_\_

5. Mailing Address : \_\_\_\_\_

6. Special Conditions of Conveyance \_\_\_\_\_

**REPORT OF WATER RIGHT CONVEYANCE**  
 WATER RIGHT # \_\_\_\_\_

**SECTION B. CERTIFICATION**  
 I, \_\_\_\_\_, certify that I retained \_\_\_\_\_  
 to prepare and submit this Report of Water Right Conveyance on my behalf as the owner (grantee) described in  
 Section A or as the representative of the current owners described in Section A. If this report was prepared  
 as authorized by Administrative Rule R655-3-3, I further certify that the information contained herein  
 or attached hereto is true and accurate to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_ Phone # \_\_\_\_\_

1. Assignment \_\_\_ Warranty Deed \_\_\_ Quitclaim Deed \_\_\_ Sheriff's Deed \_\_\_ Trustee's Deed \_\_\_ Water Deed \_\_\_  
 Other : \_\_\_\_\_

2. Date Signed \_\_\_/\_\_\_/\_\_\_ Date Recorded \_\_\_/\_\_\_/\_\_\_  
 Book \_\_\_\_\_ Page # \_\_\_\_\_ Recorder's # \_\_\_\_\_

3. Grantor \_\_\_\_\_

4. Grantee(s) \_\_\_\_\_

5. Mailing Address : \_\_\_\_\_

6. Special Conditions of Conveyance \_\_\_\_\_

**AMOUNT OF WATER RIGHT RETAINED** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

No agency of the State of Utah warrants or guarantees title to certain water rights. The water right ownership  
 information of record in the Division of Water Rights concerning this water is based on the information which  
 has been submitted by this Report of Water Right Conveyance.

# Report of Conveyance (100% Form)

## REPORT OF WATER RIGHT CONVEYANCE \$40 Fee Rec'd BY \_\_\_\_\_

Receipt# \_\_\_\_\_

USE THIS CONVEYANCE REPORT FORM WHEN 100% OF THE WATER RIGHT IS CONVEYED.

Must be signed by new owner

Other : \_\_\_\_\_  
 2. Date Signed \_\_\_\_/\_\_\_\_/\_\_\_\_ Date Recorded \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Book \_\_\_\_\_ Page # \_\_\_\_\_ Recorder's # \_\_\_\_\_

Must be signed by professional  
 (attorney, engineer, land surveyor,  
 or title agent) if conveyance by  
 appurtenance

4. Grantee(s) \_\_\_\_\_  
 5. Mailing Address : \_\_\_\_\_  
 6. Special Conditions of Conveyance \_\_\_\_\_

1. Assignment \_\_\_ Warranty Deed \_\_\_ Quitclaim Deed \_\_\_ Sheriff's Deed \_\_\_ Trustee's Deed \_\_\_ Water Deed \_\_\_  
 Other : \_\_\_\_\_  
 2. Date Signed \_\_\_\_/\_\_\_\_/\_\_\_\_ Date Recorded \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Book \_\_\_\_\_ Page # \_\_\_\_\_ Recorder's # \_\_\_\_\_

3. Grantor \_\_\_\_\_  
 4. Grantee(s) \_\_\_\_\_  
 5. Mailing Address : \_\_\_\_\_  
 6. Special Conditions of Conveyance \_\_\_\_\_

## REPORT OF WATER RIGHT CONVEYANCE

WATER RIGHT # \_\_\_\_\_

### SECTION B. CERTIFICATION

I, \_\_\_\_\_, certify that I retained \_\_\_\_\_ to prepare and submit this Report of Water Right Conveyance on my behalf as the owner (grantee) described in Section A or as the representative of the current owners described in Section A. If this report was prepared as authorized by Administrative Rule R655-3-3, I further certify that the information contained herein or attached hereto is true and accurate to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_ Phone # \_\_\_\_\_

### FOR LICENSED PROFESSIONALS ONLY

I, \_\_\_\_\_, certify that I am licensed as \_\_\_\_\_ in the State of Utah, that my license number is \_\_\_\_\_, that I have reviewed the attached documents and have prepared this Report of Water Right Conveyance or that it was done under my direct supervision, and that the information contained herein or attached hereto is true and accurate to the best of my knowledge. I further certify that the documents attached hereto evidence the ownership interest of the "New Owner(s)", named in Section A, in the water right interest listed in Section A:

Signature \_\_\_\_\_ Date \_\_\_\_\_ Phone # \_\_\_\_\_  
 Address: \_\_\_\_\_

This report was prepared for the purpose of updating the records of the Division of Water Rights. This report is not a title opinion based on a complete title search. It does not warrant or guarantee title to water rights.

### SECTION C. DIVISION OF WATER RIGHTS - FOR OFFICIAL USE ONLY

Received: \_\_\_\_/\_\_\_\_/\_\_\_\_ Filed: \_\_\_\_/\_\_\_\_/\_\_\_\_ Reviewed By: \_\_\_\_\_  
 Database Changed: \_\_\_\_/\_\_\_\_/\_\_\_\_ By: \_\_\_\_\_  
 File Changed: \_\_\_\_/\_\_\_\_/\_\_\_\_ By: \_\_\_\_\_  
 New File Number based on Segregation \_\_\_\_\_  
 Remarks: \_\_\_\_\_

### AMOUNT OF WATER RIGHT RETAINED \_\_\_\_\_

No agency of the State of Utah warrants or guarantees title to certain water rights. The water right ownership information of record in the Division of Water Rights concerning this water is based on the information which has been submitted by this Report of Water Right Conveyance.

# Report of Conveyance (Portion Form)

**REPORT OF WATER RIGHT CONVEYANCE**     \$40 Fee Rec'd By \_\_\_\_\_  
 Receipt # \_\_\_\_\_

USE THIS CONVEYANCE REPORT FORM WHEN ONLY A PORTION OF THE WATER RIGHT IS CONVEYED.

---

WATER RIGHT # (One and only one) \_\_\_\_\_  
 Pending Change Applications \_\_\_\_\_  
 Non-use Expiration Date \_\_\_\_\_

---

**SECTION A. WATER RIGHT INTEREST CONVEYED**

1. New Owner(s) \_\_\_\_\_

---

2. Mailing Address \_\_\_\_\_

---

The above party(s) \_\_\_\_\_

**3. Beneficial Uses**

Irrigation \_\_\_\_\_  
 Stockwatering \_\_\_\_\_  
 Domestic \_\_\_\_\_  
 Municipal \_\_\_\_\_  
 Industrial \_\_\_\_\_  
 Other \_\_\_\_\_

**4. Diversion Limit** \_\_\_\_\_

**5. Special Conditions** \_\_\_\_\_

---

The above party(s) \_\_\_\_\_

**6. Beneficial Uses**

Irrigation \_\_\_\_\_  
 Stockwatering \_\_\_\_\_  
 Domestic \_\_\_\_\_  
 Municipal \_\_\_\_\_ (ac ft) \_\_\_\_\_ (ac ft)  
 Industrial \_\_\_\_\_ (ac ft) \_\_\_\_\_ (ac ft)  
 Other \_\_\_\_\_

**7. Diversion Limit (acre-feet)** \_\_\_\_\_

**8. Special Conditions of Conveyances Related To Change Applications** \_\_\_\_\_

---

This report is only to update ownership interest records. If a change is desired in any other aspect of the water right, a change application must be filed.

**Report of Water Right Conveyance**

**REPORT OF WATER RIGHT CONVEYANCE**

WATER RIGHT # (One and only one) \_\_\_\_\_

---

**SECTION B. CERTIFICATION**

I, \_\_\_\_\_, certify that I retained \_\_\_\_\_ to prepare and submit this Report of Water Right Conveyance on my behalf as the owner (grantee) described in Section A or as the representative of the current owners described in Section A. If this report was prepared as authorized by Administrative Rule R655-3-3, I further certify that the information contained herein or attached hereto is true and accurate to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_ Phone # \_\_\_\_\_

---

**3. Beneficial Uses**

**Sole Supply Limit**

Irrigation \_\_\_\_\_ (ac)  
 Stockwatering \_\_\_\_\_ (ELUs)  
 Domestic \_\_\_\_\_ (families)  
 Municipal \_\_\_\_\_ (ac ft)  
 Industrial \_\_\_\_\_ (ac ft)  
 Other \_\_\_\_\_

---

**4. Diversion Limit (acre feet)** \_\_\_\_\_

---

**AMOUNT OF WATER RIGHT RETAINED** \_\_\_\_\_

---

No agency of the State of Utah warrants or guarantees title to certain water rights. The water right ownership information of record in the Division of Water Rights concerning this water is based on the information which has been submitted by this Report of Water Right Conveyance.

**REPORT OF WATER RIGHT CONVEYANCE**

and the attached under my accurate to the ownership on A:  
 #  
 This report is rights.  
 By: \_\_\_\_\_

# Report of Conveyance

## Tips and Reminders:

- Chain of title on ROC must start with the owner(s) on the Division of Water Rights' records
- Must attach all deeds in the chain of title (and be sure to include a complete copy of each deed—i.e., all signatures, notary blocks, and exhibits)
- If there is a Trustee's Deed (foreclosure), you must also include the Deed of Trust, Notice of Default, and Appointment of Successor Trustee
- If conveyance by appurtenance, the professional must include a map showing the land conveyed in the deed (For mapping standards, see Utah Administrative Code R655-5-4)

# Report of Conveyance Checklist

Criteria	Correct	
	Yes	No
<p><b>Section A:</b>  <b>(1st Conveyance Summary)</b>            * Grantor (Same person shown to be owner of record on the Divisions of Water Rights Database or Decree/ Proposed Determination ownership            * Grantee(s) (New owner / owner in transit)            Usually the last grantee in the chain of title would be the new owner. (Sometimes the professionals complete the chain of title backwards. Hint: Look at the date of the deeds)            * Mailing Address</p>		
<p><b>Section B (100% and Portions).</b>            * New Owner must sign the ROC as the preparer or identify the professional that was retained.            * If a professional was retained to prepare the ROC they too must sign the ROC as the preparer. A professional must be retained if appurtenancy needs to be established. (Authorized Professionals: Attorney, Engineer, Title Insurance Agent, or Land Surveyor)</p>		
<p><b>Supporting Documentation</b>            The deeds / Assignments / Affidavits have been submitted with the ROC.</p>		
<p><b>Maps</b>            If <i>any</i> of the deeds fail to mention the Water Right Number a map must be submitted to establish appurtenancy.</p>		
<p><b>ROC's based on Portions</b>            * New Owner(s) needs to sign under Section B.            * Mailing Address of the new owner.            * Beneficial Uses will need to be listed, shown in acre-foot, Cubic feet per second, or percentages.            * Diversion Limit.            *<i>Only if a Change Application has been filed*</i>            *Beneficial Uses will need to be listed, shown in acre-foot, Cubic feet per second, or percentages.</p>		
<p><b>Filing fee submitted?</b></p>		
<p><b>Water Right Number listed on ROC?</b></p>		

# Report of Conveyance

## A Few Final Notes:

- The Division of Water Rights does not assure that title documents which may conflict with its ownership records do not exist
- The filing and processing of a ROC is neither an adjudication of water right ownership nor an opinion as to title or validity of the water right
- Update of title on the Division of Water Rights' records does not warrant or guarantee title to the water right

# Report of Conveyance

## Additional Information:

- Utah Administrative Code R655-3
- Division of Water Rights title information page  
<http://www.waterrights.utah.gov/titleinfo>
- Training Manual  
[www.waterrights.utah.gov/titleinfo/trainman.pdf](http://www.waterrights.utah.gov/titleinfo/trainman.pdf)
- Sue Glenn or Carissa Davenport at Utah Division of Water Rights (801-538-7240)



# Water Rights Addendum (“Deed Rider”)

Utah Code section 57-3-109

H.B. 314, 2010

Became effective July 1, 2011

Two forms:

Water Rights Addendum to Land Deeds

Water Rights Addendum to Water Deeds

Forms available at [www.waterrights.utah.gov/form](http://www.waterrights.utah.gov/form)

# Water Rights Addendum to Land Deeds

Select whether all, a portion, or no water rights are being conveyed with land

**WATER RIGHTS ADDENDUM TO LAND DEEDS**

Grantor: \_\_\_\_\_  
 Grantee: \_\_\_\_\_  
 Tax ID Number(s): \_\_\_\_\_

In connection with the conveyance of the above referenced parcel(s), Grantor hereby conveys to Grantee without warranty, except for a warranty of title as to all claiming title by or through Grantor, the following interests in water and/or makes the following disclosures:

**Check one box only**

<input checked="" type="checkbox"/> 1 All of Grantor's water rights used on Grantor's Parcel(s) are being conveyed.	Proceed to Section A
<input type="checkbox"/> 2 Only a portion of Grantor's water rights are being conveyed.	B
<input type="checkbox"/> 3 No water rights are being conveyed.	C
<input type="checkbox"/> 4 Water rights are being conveyed by separate deed.	C

*(County Recorder should forward a copy of this form to the Utah Division of Water Rights if box 1 or 2 above is checked)*

**Important Notes**  
(see other side)

Section		
A	The water right(s) being conveyed include Water Right No(s). _____	N1
	along with all applications pertaining to the water right(s) listed in this Section A, and all other appurtenant water rights. <i>(Proceed to Section C)</i>	N2 N3
B	Only the following water rights are being conveyed: (check all boxes that apply)	N1
	<input type="checkbox"/> All of Water Right No(s). _____	N4
	<input type="checkbox"/> _____ acre-feet from Water Right No. _____ for: _____ families; _____ acres of irrigated land; stock water for _____ Equivalent Livestock Units; and/or for the following other uses _____	N5
C	Disclosures by Grantor: (check all boxes that apply)	
	<input type="checkbox"/> Grantor is endorsing and delivering to Grantee stock certificates for _____ share(s) of stock in the following water company: _____	N6
	<input type="checkbox"/> Culinary water service is provided by: _____	N7
	<input type="checkbox"/> Outdoor water service is provided by: _____	N8
	<input type="checkbox"/> There is no water service available to Grantor's Parcel(s).	N9
	<input type="checkbox"/> Other water related disclosures: _____	N10

*Attach and sign additional copies of this form if more space is needed.*

*The undersigned acknowledge sole responsibility for the information contained herein even though they may have been assisted by employees of the Utah Division of Water Rights, real estate professionals, or other professionals, except to the extent that title insurance or a legal opinion concerning such information is obtained.*

Grantor's Signature: \_\_\_\_\_  
 Grantee's Acknowledgment of Receipt: \_\_\_\_\_  
 Grantee's Mailing Address: \_\_\_\_\_

**NOTE: GRANTEE MUST KEEP A CURRENT ADDRESS ON FILE WITH THE UTAH DIVISION OF WATER RIGHTS**

Complete additional information and disclosures

Must be signed by both Grantor and Grantee

# Water Rights Addendum to Water Deeds

Select the type of deed

Must be signed by both Grantor and Grantee

**WATER RIGHTS ADDENDUM TO WATER DEEDS**

Grantor: \_\_\_\_\_  
Grantee: \_\_\_\_\_  
Water Right No(s): \_\_\_\_\_

In connection with the foregoing water rights conveyance, Grantor hereby assigns to Grantee all water rights listed which are not yet capable by law of being conveyed by deed (e.g., pending or unapproved water rights) and all applications pertaining to the water rights listed (e.g., all change applications, extension applications, non-use applications, etc.). Grantor also makes the following declarations and disclosures:

---

**SECTION 1 - TYPE OF DEED** *Check one box only. Must match language in the deed.*

- The foregoing deed is a warranty deed. (Grantor is making all standard warranties.)
- The foregoing deed is a special warranty deed. (Grantor is only warranting that Grantor has not previously conveyed title to others, i.e., a warranty of title as to all claiming by or through Grantor.)
- The foregoing deed is a quit claim deed. (Grantor is making no warranties.)
- The language in the foregoing deed is controlling as to the type of deed and associated warranties, if any.  
(County Recorder should forward a copy of this form to the Utah Division of Water Rights if any box above is checked.)

---

**SECTION 2 - APPURTENANT WATER RIGHTS** *Check one box only*

- All of Grantor's water rights approved for use on the following described parcel(s) are being conveyed.
- In addition to any specifically identified rights, all other water rights owned by Grantor and approved for use on the following described parcel(s) are being conveyed.  
\_\_\_\_\_
- No water rights other than those specifically identified by water right number are being conveyed.

---

**SECTION 3 - WATER RIGHTS CONVEYED IN WHOLE OR IN PART** *Check all applicable boxes*

- 100% of the following water rights described in the deed are being conveyed. Water Right Nos. \_\_\_\_\_
- Only the portion indicated of the following water rights described in the deed are being conveyed.  
\_\_\_\_\_ acre-feet from Water Right No. \_\_\_\_\_ for: \_\_\_\_\_ families; \_\_\_\_\_ acres of irrigated land;  
stock water for \_\_\_\_\_ Equivalent Livestock Units; and/or for the following other uses: \_\_\_\_\_  
\_\_\_\_\_ acre-feet from Water Right No. \_\_\_\_\_ for: \_\_\_\_\_ families; \_\_\_\_\_ acres of irrigated land;  
stock water for \_\_\_\_\_ Equivalent Livestock Units; and/or for the following other uses: \_\_\_\_\_  
\_\_\_\_\_ acre-feet from Water Right No. \_\_\_\_\_ for: \_\_\_\_\_ families; \_\_\_\_\_ acres of irrigated land;  
stock water for \_\_\_\_\_ Equivalent Livestock Units; and/or for the following other uses: \_\_\_\_\_
- The language in the foregoing deed is controlling as to quantity, if any.

---

**SECTION 4 - OTHER DISCLOSURES** *Check all applicable boxes*

- Grantor is endorsing and delivering to Grantee stock certificates for \_\_\_\_\_ shares of stock in the following water company: \_\_\_\_\_
- Other water related disclosures: \_\_\_\_\_

---

*The undersigned acknowledge sole responsibility for the information contained herein even though they may have been assisted by employees of the Utah Division of Water Rights, real estate professionals, or other professionals, except to the extent that title insurance or a legal opinion concerning such information is obtained.*

Grantor's Signature: \_\_\_\_\_  
Grantee's Acknowledgment of Receipt: \_\_\_\_\_  
Grantee's Mailing Address: \_\_\_\_\_

**NOTE: GRANTEE MUST KEEP A CURRENT ADDRESS ON FILE WITH THE UTAH DIVISION OF WATER RIGHTS**

Complete additional information and disclosures

# Water Rights Addendum (“Deed Rider”)

## Advantages:

- Makes buyer and seller think about water rights
- Clarifies if appurtenant water rights are being conveyed
- Don’t have to file a Report of Conveyance (if grantor is the person listed as the owner of the water right on the Division of Water Rights’ database)

# Water Right Addendum (“Deed Rider”)

When Recorded Return to:

Jane Doe  
126 North 500 West  
Salt Lake City, UT 84111

## WATER RIGHT QUITCLAIM DEED AND ASSIGNMENT

**John Doe**, GRANTOR, hereby quitclaims and assigns to **Jane Doe**, GRANTEE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, all of Grantor’s right, title, and interest in and to the following water right in Salt Lake County, Utah:

Water Right No. 57-1184, as identified of record with the Utah Division of Water Rights, including Change Application a47821 and all other applications pertaining thereto.

DATED this 15th day of March, 2012.

WATER RIGHT: 57-1184 APPLICATION/CLAIM NO.: A17971

-----  
OWNERSHIP\*\*\*\*\*  
-----

NAME: **G.M. Thaxton**  
ADDR: 113 West Oakland Avenue  
Salt Lake City UT

-----  
DATES, ETC.\*\*\*\*\*  
-----

# Water Right Title Insurance

Title insurance policies can be purchased for water rights in Utah.

Only protect against title issues, not other issues that may affect water right (e.g., nonuse, access to source, low priority, water in source, etc.)

Only one company in Utah current offers water right title insurance: First American Title Insurance Company

# Updating Address Information

It is important that the correct mailing address is on the Division of Water Rights' records, because that is the address where all notices will be sent

Reasons why address may be incorrect:

- Mailing address has changed
- Mailing address is “care of” former board member or attorney
- Address incorrectly entered on Division's records
- Old water right with no mailing address

# Updating Address Information

WRPRINT (25-8706) - Windows Internet Explorer  
 http://www.waterrights.utah.gov/cblapps/wrprint.exe?wrnum=25-8706

utah.gov Online Services Agency List Business Google™ Custom Search Search

Utah Division of Water Rights

Select Related Information  
 Select Related Information  
 Scanned Documents  
 Mail Log  
**Print Water Right Data**  
**Modify An Owners Address**  
 Print NONUSE Application Form  
 Print EXTENSION Request Form  
 Declaration of Beneficial Use Amounts  
 Segregation Request Form  
 Water Right Data with Old Supplemental Number Structure

NO claims as to the accuracy of this data.) RUN DATE: 01/14/2012  
 : A61251 CERT. NO.: CERTIFICAT  
 996)

NAME: Providence City Corporation (Public Water Supplier)  
 ADDR: 15 South Main  
 Providence UT 84332

DATES, ETC.\*\*\*\*\*

LAND OWNED BY APPLICANT? Yes COUNTY TAX ID#:  
 FILED: 09/05/1985|PRIORITY: 09/05/1985|PUB BEGAN: 10/03/1985|PUB ENDED: |NEWSPAPER: The Herald Journal  
 ProtestEnd:11/16/1985|PROTESTED: [No ]|HEARING HLD: |SE ACTION: [Approved]|ActionDate:02/07/1986|PROOF DUE: 07/31/1992  
 EXTENSION: 07/27/1992|ELEC/PROOF:[Proof ]|ELEC/PROOF:07/31/1992|CERT/WUC: 10/08/1996|LAP, ETC: |LAPS LETTER:  
 RUSH LETTR: |RENOVATE: |RECON REQ: |TYPE: [ ]  
 PD BOOK: [ 25- ]|MAP: [ ]|PUB DATE:

\*TYPE -- DOCUMENT -- STATUS--  
 Type of Right: Application to Appropriate Source of Info: Certificate Status: Certificate

LOCATION OF WATER RIGHT\*\*\* (Points of Diversion: Click on Location to access PLAT Program.)\*\*\*\*\*[MAP VIEWER](#)\*\*\*[GOOGLE VIEW](#)\*

FLOW: 1.33 cfs SOURCE: Underground Water Well  
 COUNTY: Cache COMMON DESCRIPTION: Providence City



# Updating Address Information

**MODIFY ADDRESS - Windows Internet Explorer**

http://www.waterrights.utah.gov/cblapps/modaddresspub.exe?key=Display%20Owner%20Data&wrchexsave=25-8706&ow

MODIFYADDRESS

UTAH.GOV SERVICES | AGENCIES Search all of Utah.gov »

## Utah Division of Water Rights

MODIFYADDRESS Owner Address Modifying Program

**WATER RIGHT:** 25-8706

**This is the address which is now on the records of the Division of Water Rights.**

OWNER NAME:	Providence City Corporation
ADDRESS LINE #1:	15 South Main
ADDRESS LINE #2:	Providence UT 84332
ADDRESS LINE #3:	

**This Submittal changes ONLY the Address, and therefore has NO bearing on Ownership or Title!!!**

Please enter the new MAILING address below and then press the 'Submit New Address' key.  
By submitting this address change request you affirm that you are authorized to change the address of the owner shown. The address MUST BE A MAILING ADDRESS to where the Division can send correspondence.

ADDRESS LINE #1:	<input type="text"/>
ADDRESS LINE #2:	<input type="text"/>
ADDRESS LINE #3:	<input type="text"/>
PHONE NUMBER:	<input type="text"/> -- Required for Electronic Submittal
EMAIL ADDRESS:	<input type="text"/> -- Optional, but recommended
SPECIAL INSTRUCTIONS:	<input type="text"/>

# Questions?

Contact information:

**Jeffry Gittins**

Smith Hartvigsen PLLC

801-413-1600

[jgittins@smithlawonline.com](mailto:jgittins@smithlawonline.com)

Blog: [www.utahwaterrights.blogspot.com](http://www.utahwaterrights.blogspot.com)

