

# **COMPLETING A REPORT OF WATER RIGHT CONVEYANCE (ROC) (R655-3-4)**

Incompliance with Section 73-1-10 Utah Code Annotated, as amended water right owners must submit to the State Engineer a report of water right conveyance (ROC) to update the ownership records on the State Engineers files.

A separate original ROC will be required for each individual water right for with the State Engineer's records are to be updated.

Following are general instructions for completion of the two types of ROC forms. The first form is for 100% conveyance (when 100% of the grantors interest is conveyed) and the second form is for a partial conveyance (when a portion of the grantors interest is conveyed) of a water right. These instructions are offered as general guidelines only. The party completing the form will find it necessary to attach additional documentation and occasionally narrative in order to assemble a report that is clear in intent and acceptably complete for filing as per R655-3-6.

## **SUPPORTING DOCUMENTATION:**

In addition to completed report forms: as described above, an acceptable complete Report of Conveyance will also include the following:

1. Clear and legible copies of all conveyance documents as described in the "Conveyance Summary" sections of the report.
2. Maps should comply with State Administrative Rule R655-3-5, and all applicable subsections thereof. Maps submitted must bear sufficient information to readily determine their relationship to the water right interest portrayed and to any conveyance documents to which the map pertains.
3. Any narrative or explanatory statements deemed necessary to clarify the statutes, rules, court findings, etc. which have been employed by the preparer of the report in arriving at the conclusions reported

## **LIMITATIONS ON STAFF ASSISTANCE**

Rather than attempt to itemize those areas in which the State Engineer's staff can provide assistance, it will be simpler to identify some specific areas in which assistance typically cannot be provided.

1. Staff will not provide forms for nor assist in the preparation of deeds, assignments, affidavits or other conveyance documents.
2. Each regional office maintains files of the water rights administered within that region. However, the "official files" for all water rights are those maintained in the Division's main office in Salt Lake City. All information contained in the official files are considered to be public information and copies are available (at designated costs) to all interested parties. However, staff in the regional offices cannot give assurances that their local files are complete replicas of the official files, nor do regional staff have access to files or documents related to water rights from other regions.

## **CHECKLIST FOR COMPLETING A ROC**

### **R655-3-4**

If the deed conveys 100% of the water right, please use the 100% report of conveyance form.

If the deed conveys only a portion of the water right, please use the portion report of conveyance form.

If the water right number is not on a deed:

- The report of conveyance must be signed and prepared by (or prepared under the direction of) a licensed professional (attorney, professional engineer, title insurance agent, or professional land surveyor).
- A map must be submitted as per 655-3-5 (see mapping standards).

If only a portion of the water right is being conveyed:

- List the associated beneficial use(s) on the report of conveyance. Also, if there is a pending change application, please list the associated beneficial use(s) based on the hereafter of the change.
- If there is more than one beneficial use currently listed on the water right number or pending change application and if the beneficial use(s) to be conveyed have not been listed on the deed, the report of conveyance must be signed and prepared by a licensed professional (attorney, professional engineer, title insurance agent, or professional land surveyor as per Utah Code 73-1-10(3)(c)), or the grantor(s) must submit an affidavit specifically describing the beneficial use(s) to be conveyed under said deed.

Verify that the water right number on the deed is correct.

All deeds in the chain of title must be submitted.

All documents explaining the chain of title must be submitted: death certificate, proof of executor of estate, affidavit-explaining name spelling differences, etc.

The report of conveyance must match the deeds and give a summary of them in chronological order (begin with the current owner, as listed on the State Engineer's records).

The deed must be recorded in the office of the recorder in the county where the point of diversion of the water is located and in the county where the water is used.

For each report of conveyance, please submit a filing fee payable to Utah State Engineer in the amount of \$85.00, plus \$2.00 for each additional page over 15 pages, not to exceed \$150.00.

THE FILING AND PROCESSING OF A REPORT OF CONVEYANCE 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 STATE ENGINEER'S RECORDS DOES NOT WARRANT OR GUARANTEE TITLE TO THE WATER RIGHT. THIS AGENCY SERVES ONLY AS AN OFFICE OF PUBLIC RECORD AND DOES NOT ASSURE THAT OTHER TITLE DOCUMENTS, COURT ACTIONS, ETC., THAT MAY CONFLICT WITH OR AFFECT THE OWNERSHIP RECORD, DO NOT EXIST.

AS PER 655-3-6.6.5, THE ACCURACY AND COMPLETENESS OF THE REPORT IS THE SOLE RESPONSIBILITY OF THE SUBMITTER.