

AFFIDAVIT PROCEDURE FOR EXPIRED RIGHTS
PERMITS WHERE BENEFICIAL USE WAS MADE MORE THAN 20 YEARS AGO

Where the Beneficial Use Notice was filed for a permit more than 20 years ago (and the permit has not been adjudicated) the owner should write the superintendent of the water division inquiring whether problems are foreseen in adjudication (and request that proof be taken). The superintendent may require a reinstatement before proof is taken.

The permit may be reinstated or re-affirmed by filing the Beneficial Use Notice through an affidavit procedure. A completed, signed and notarized Beneficial Use Notice is submitted by the current landowner. The reinstatement procedure requires that the permittee must obtain affidavits from two or more disinterested persons who can swear from their own knowledge, that the water has been beneficially used (that the lands have been continuously irrigated) prior to and since the date of expiration of beneficial use under the permit. The completed affidavits must describe the land, state the affiant's age and the length of time the affiant has lived in or near the area in question. The completed affidavits will then be forwarded to the State Engineer's Office for review.

The Assistant State Engineer will examine the affidavits and determine if they appear to be valid and merit an on-the-ground field inspection.