

## 2nd Sub. H.B. 363 Water Easement Amendments

House Amendments

Amendment 1

February 27, 2026 12:55 PM

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Representative **Nelson T. Abbott** proposes the following amendments:

1. *Line 8 through 13:*

8           →provides that a municipality has first priority to establish control of a prescriptive  
9           easement for water conveyance upon the holder of the easement filing a notice of intent  
10          to abandon;

                  →**provides that a political subdivision in a county of the first or second class may establish control of a prescriptive easement for water conveyance subject to a notice of intent to abandon;**

11           →requires a political subdivision that desires to establish control of a prescriptive easement  
12          for water conveyance to file a notice describing the use and location of the prescriptive  
13          easement in the office of the county recorder in which the easement is located;

2. *Line 100 through 106:*

100       the easement abandoned may reclaim the land area occupied by the former  
101       easement or part of the easement and resume full utilization of the land without  
102       liability to the former holder of the easement.

103       (b) Notwithstanding Subsection (4)(a), a political subdivision **in a county of the first or second class, as described in Section 17-60-104**, may establish control of a  
104       prescriptive easement that is subject to a notice of intent to abandon described in  
105       Subsection (2), if the political subdivision files a notice of intent to establish control  
106       of the prescriptive easement: