AGRESOURCEX • WATER RIGHTS CHECKUP

Is Your Water Right Safe?

One farmer's paperwork problem cost him nearly everything. Here's how to make sure it never happens on your ground.

What Happened to Ron Fode

Ron Fode farms potatoes, alfalfa, hay and cattle near Moses Lake, Washington. At his peak he worked better than **4,000 acres**.

In **January 2017** he went to the state to move water rights he already held. The local office ran a **February 15 cutoff** that isn't in the statute. He missed it while waiting on calls that weren't returned, and irrigated ground his rights didn't cover.

The state fined him **$618,000** for 103 days. A hearings board cut it to about **$260,000**. The bank saw the fine in the newspaper and pulled his operating line. The family sold every acre they owned.

Washington law says the agency must give written technical help before it fines anyone. The case went to the Washington Supreme Court on **October 1, 2026**. As of today, there's no ruling.

4,000+ acres
farmed at his peak

$618,000
original fine, 103 days

~280 acres
leased today. Every owned acre sold.

Missed paperwork window → Water used outside the right → Fine hits the paper → Bank pulls the line → **Land sold**

Could This Happen in Utah? Yes, and the Fines Are Bigger.

Utah's State Engineer can issue a notice of violation or cease-and-desist order for using water with no right, or using it outside your right: wrong place, wrong time, or too much (Utah Code 73-2-25). Each day counts as a separate violation.

Utah penalty (Utah Code 73-2-26)	Amount	Fode's 103 days in Utah
Knowing violation	Up to $5,000 per day	**up to $515,000**
Violation that isn't knowing	Up to $1,000 per day	**up to $103,000**
Replace water taken	Up to 200% of the water used	On top of the fine
State's enforcement costs	Investigation and stopping the violation	On top of the fine

Use it or lose it

Any part of a Utah water right left unused for **7 years** can be forfeited (Utah Code 73-1-4). A nonuse application can protect it, but only from the day it's filed.

Greenbelt is tied to water

Lose Farmland Assessment Act status and the county can bill **up to 5 years** of rollback taxes. Irrigation water is part of how your land is classified.

The lesson: Fode didn't lose his farm because he was a bad farmer. He lost it on dates, deadlines and paperwork. That's exactly what a checkup catches.

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The Checkup: What You Get

1. **Pull every water right** tied to your land and shares from the Utah Division of Water Rights records.
2. **Confirm the state shows you as owner.** Land sales and estates often leave water in an old name.
3. **Match your use to your right:** place of use, season, acreage and amount, so you're never irrigating ground your right doesn't cover.
4. **Flag forfeiture risk** from any 7-year nonuse, and whether a nonuse or change application is needed now.
5. **Check your greenbelt file** so it holds up if the assessor asks.
6. **One-page report**: what's safe, what's at risk, and every date you need to hit.

Key Dates (as of November 2, 2026)

Date	Status	What it means for you
Feb 15, 2017	PASSED	The unwritten office cutoff Fode missed. Office deadlines can matter as much as the statute.
Mar 31, 2026	PASSED	Utah water use reports for 2025 were due, for users the State Engineer asked to report.
May 6, 2026	IN EFFECT	Utah's 2026 water laws took effect. HB 60 changed change applications: temporary change applications no longer need published notice, and a rejected temporary application can be refiled as a permanent or fixed-time change. HB 63 and HB 251 added new livestock watering and stock-pond claims.
Oct 1, 2026	PASSED	Washington Supreme Court heard Fode's case. Ruling still pending.
Dec 1, 2026	UPCOMING	Deadline to apply for a prioritized instream flow water lease (HB 410) that starts on or after April 1, 2027. A paid option for water you aren't using.
Jan 1 – Feb 28, 2027	UPCOMING	Utah Agricultural Water Optimization grant window. A Water Rights pre-filing consultation comes first, so clean records now.
Mar 31, 2027	UPCOMING	2026 water use reports due online, if the State Engineer requested yours.
May 1, 2027	UPCOMING	New greenbelt applications due in most counties (Carbon County uses April 15). After a sale or deed change, file within 120 days.
Every day	ONGOING	The 7-year nonuse clock on any water you aren't using.

Price

One flat fee per farm

$400

Acreage doesn't matter. 40 acres or 4,000, same price.

Book a 20-minute call: **kyle@agresourcex.com** • **agresourcex.com**
Kyle Diehl, AgResourceX, Ogden, Utah

Sources: Utah Code 73-1-4, 73-2-25, 73-2-26; Utah Division of Water Rights; Utah State Tax Commission and county assessors (Farmland Assessment Act); Utah 2026 General Session HB 60, 63, 187, 251, 410; Fode v. Dept. of Ecology, Wash. Sup. Ct. No. 105041-1; Capital Press (Oct 1, 2026).
AgResourceX is not a law firm and this is not legal advice. Where an application or dispute needs an attorney, we work alongside one.