

Rep. Painter Proposed Language

73-1-1. Waters declared property of public.

- (1) All waters in this state, whether above or under the ground, are hereby declared to be the property of the public, subject to all existing rights to the use thereof.
- (2) The declaration of public ownership of water in Subsection (1) does not create or recognize an easement for public recreational use on private property.
- (3) The Legislature shall govern the use of public water for beneficial purposes, as limited by constitutional protections for private property.
- (4) A vested right to use water, perfected in accordance with Title 73, Water and Irrigation, and related Utah law, constitutes a property right protected under Utah Constitution, Article I.
- ~~(4)~~ (5) The right of the public to use public water for recreational purposes is governed by Chapter 29, Public Waters Access Act.