

## Public Trust 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) The appropriation of water for beneficial use in accordance with the common law or in accordance with this Section is made with full regard to and in compliance with the State's public trust obligations and therefore an appropriation of water for beneficial use shall not be reduced after approval in quantity of water approved for use solely by reason of the State's public trust obligations.
- (4) The right of the public to use public water for recreational purposes is governed by Chapter 29, Public Waters Access Act.

Amended by Chapter 410, 2010 General Session